

UNIVERSITY OF KWA-ZULU NATAL

**TAKING HEAT OUT OF THE KITCHEN: A CASE STUDY OF
DOMESTIC WORKERS IN ROOIHUISKRAAL**

M.A. SOCIAL POLICY PROGRAMME

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**TAKING HEAT OUT OF THE KITCHEN: A CASE STUDY OF
DOMESTIC WORKERS IN ROOIHUISKRAAL**

BY

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Dedications

First and foremost to the Almighty for being the pillar of my strength during my studies. To my grandparents Mr. Phandi & Mrs. Nolwandle Mdekazi, I am who and what I am today because of you, I owe you my life Thank you. My mother to whom I'm so grateful for her love, support, encouragement and financial support throughout my life and to the wealth of education that she provided, Ndiyabulela Zotshokazi! To my brother Khulile for his love, support and for believing in me. A special dedication to my cousins Lindiwe and Unathi, this should be a stepping stone for you girls. My aunts, uncles and cousins thank you guys for the support. Last but not least to Sihle Mbanjwa for the support, encouragement, enthusiasm that he gave me Thank you and May God bless you.

DECLARATION

I Bulelwa Ngombane, a candidate for the degree of the Master of Social Policy Programme hereby declare that except for the quotations indicated in this text, and such help I have acknowledged, this is my own work and has been submitted for the purpose of the above-mentioned degree at the University of Kwa-Zulu Natal.

Signature

Date

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ABSTRACT

This study draws on insights from both sociology and history in order to locate domestic workers. It draws insight from historical processes, in the wider social structure and in home, in both the political and domestic economy. This constitutes the landscape in which domestic workers are placed. But it would be a bleak painting if we confirm the study on only these aspects. The most important aspect of this picture lies in the human figures it depicts. Whatever colour and richness the study has comes largely from the thoughts and experiences of individual domestic workers. Their definitions of the situation, their perception of themselves and their employers, their relationship with their employers and the way in which these are negotiated, their hopes and fears, constitute a moving record of human suffering, endurance and denial.

TABLE OF CONTENTS

	Page No.
Declaration	i
Acknowledgement	ii
Abstract	iii
CHAPTER ONE	
1.1. Introduction	1
1.2. Motivation for the Study	3
1.3. Hypothesis	8
1.4. Aims of the Study	9
1.4.1 Objectives of the study	9
1.5. Study Area	10
1.6. Limitations of the study	10
1.7. Conclusion	11
1.8. Chapter Outline	11
CHAPTER TWO: Literature Review Pre-1994	
2.1. Historical Background of Domestic Workers pre-1994	12
2.2. Deprivation of Domestic Workers (Prior 1994)	14
2.3. The Struggles	18
2.4. Domestic Workers- light at the end of the tunnel	20
2.5. National Manpower Commission Recommendations	21
2.5. Conclusion	23

CHAPTER THREE: Literature Review Post-1994

3.1. Introduction	24
3.2. Changes (After 1994)	24
3.3. The Sectoral Determination Seven	25
3.4. Wages	26
<i>3.4.1. Other Important provisions Affecting Wages:</i>	26
<i>3.4.1.1. Guaranteed minimum wage</i>	26
<i>3.4.1.2. Annual Increase</i>	26
<i>3.4.1.3. Permissible deductions</i>	27
3.5. Conditions of Employment	28
3.6. Leave	29
3.7. Termination of Employment	31
3.8. Records	31
3.9. The UIF (Unemployment Insurance Fund)	33
3.10. Conclusion	33

CHAPTER FOUR: Research Methodology, Procedures and Techniques Used In the Gathering of Data

4.1. Introduction	34
4.2 Relevance of the Literature to the Methodology	34
4.2.1 Reiterating the Objectives of the study	35
4.3. Research Methodology	36
4.4. Sampling Design	36
4.4.1 The Population and Sample	36
4.4.2. Sampling Technique	38
4.4.3 Sample Characteristics	40

Table 1: Age distribution of respondents	41
Table 2: Gender distribution of respondents	42
Table 3: Educational distribution of respondents	43
Table 4: Wage redistribution of respondents	44
4.5. Data Collection Methods	45
4.5.1 Administration of a questionnaire	46
4.5.1.1 Advantages of using a Questionnaire	47
4.5.1.2 Disadvantages of Using a Questionnaire	47
4.5.2 Research Instrument	48
4.5.3 Piloting the questionnaire	49
4.6 Data Analyses Technique	50
4.6.1 Descriptive statistics	50
4.6.1.1. Frequency and Percentages	50
4.6.1.2. Conclusion	51
 CHAPTER FIVE: Presentation and Discussion of Results	
5.1. Introduction	52
5.2. Presentation of Data Gathered from a Questionnaire	53
5.3. Addressing the Working Hypothesis	70
5.4. Hypothesis	72
5.4.1. A simple change of laws is not enough to improve the lot of domestic workers if the enforcement of the new legislation is not ensured. Too much regulation may prove ineffective in practice.	73
5.5. Conclusion	77

CHAPTER SIX: Recommendations and Conclusion

6.1. Introduction	78
6.2. Recommendations	81
6.2.1. Providing Adequate Information	82
6.2.2. Conducting Workshops	82
6.2.3. Educating Domestic Workers	83
6.2.4 Education, Monitoring and Enforcement	83
6.2.5 Advice Bureau	83
6.2.6. Government Must Offer Employers Some Incentive in Return for their Commitment to the Idea of Minimum Wage	83
6.2.7. Adjust the Legislation	84
6.2.8. Department of Labour is guaranteed to bring about an Irrevocable Breakdown in the Relations between the Domestic Worker and her Employee	84
6.2.9. Motivating Employers	84
6.2.10. Removing tension and/ or resentment of employers	84
6.2.11. A specialized Employment Agency	85
6.2.12. Prospects for change seem bleak	85
6.2.13. Skills and Training	85
6.2.14. Recreational facilities	85
6.2.15. Solidarity of Domestic Workers and their Union	86
6.3. Conclusion	86
Appendix: Questionnaires	87
Bibliography	99

CHAPTER ONE

1.1. INTRODUCTION

Domestic service is the oldest and most common form of wage labour for black women in South Africa. It is unfortunate that their conditions of employment have been neglected by the law for so long. This neglect becomes particularly disconcerting in view of the fact that domestic service provides the second largest source of employment. Initially, domestic workers were employed in rural communities where the main concern was the provision of food, shelter and clothing. Domestic workers and their families often lived with the employer. They were considered part of the employer's family and were looked after in a paternalistic manner. Today employment pattern has changed considerably. The vast majority of domestic workers are employed in urban areas. Driven by poverty from the rural areas and homelands, the domestic worker now has to earn sufficient wages to support her family, even if entails being separated from them. This separation, no doubt, leads to great emotional hardships and sociological problems.

This research is an attempt to provide an overview of the working conditions of domestic workers in the past and present, and how does the new labour laws impact on them. Due to many factors, not least of all the huge supply of domestic labour, domestic workers find it very difficult to demand a better deal. They earn the lowest wages, work the longest hours, suffer bad working and living conditions and have little job security. Furthermore, they have low status occupations and are in extremely vulnerable positions in relation to their employers. *"Domestic workers are among the most exploited groups in a society marked by extreme inequality. They are situated at a convergence of three lines*

along which social inequality is generated- class, race and sex. These inequalities are related to capitalist system in South Africa, which is not unique, but is perhaps uniquely vicious in its degree of exploitation and repression” (Cock, 1980: 7). Domestic work in South Africa has a very particular nature, linked closely with the racialised and paternalistic nature of the apartheid era. Because of this, as deemed necessary in Guiding principles of the Equality Act, the current governance has the distinct responsibility of redressing past imbalances, particularly from a racial perspective.

Who is a domestic worker ? A person is a domestic worker if she or he performs the following duties in the home of an employer:

- ❖ Cleaning the house
- ❖ Looking after children, disabled, sick or old people
- ❖ Gardening
- ❖ Driving for the house hold (Department of Labour, 2001).

The term domestic worker does not include a person employed as sitter in a private residence who is paid by a family member to cook and clean for the child (ren) only. It also does not include a person who serves as a companion to an aged, infirm, or ill family member ([www.gov. mb.labour](http://www.gov.mb.la)).

Domestic work must be seen within the context of the submissive role of women in society. Aspects of importance are the sexual division of labour, reproduction, changes and variations in the value of male and female labour and the process of maintaining women in dependent positions within household. Within the household domestic work needs to be performed to enable all members of the household to engage in day-to-day living. Due to the sexual division of labour, these functions

are classed as "women's work" and left aside for female members of the household to do. The duty of men is to go out and earn wages to support their families. Women have to stay at home, bear children and do domestic duties. Even though many women engage in wage employment today, their real place is still regarded as being in the home (Berhardien, Lehulere & Shaw, 1984: 2-3).

In South Africa, the wages paid to domestic workers are so low that it is possible for every middle class family, white and black, to employ at least one domestic worker. The institution of domestic work is thus more than a microcosm of race relations, it is also a microcosm of class relations. Many working class women, from rural and urban areas alike, work as domestic workers. This is one of the very few options available to 'unskilled' women. Racial discrimination and their socio-economic positions make it difficult for many of them to escape this lot.

1.2. MOTIVATION FOR THE STUDY

According to Cock (1984: 73) the domestic workers were deprived of critical rights as a worker, especially the 'right' (defined as such in advanced capitalist societies) to collective bargaining and legal protection. Domestic workers were in a legal vacuum. There were no laws stipulating the minimum wages, hours of work or other conditions of service. They were not covered by the provisions of the Industrial Conciliation Act 28 of 1956 nor by the Wages Act 5 of 1957. The latter authorizes statutory boards to fix minimum wages, but did not apply to farm and domestic workers, the two largest categories of African women wage earners. In South Africa's industrial laws the domestic servant was excluded as a worker. Wage, conditions of service such as hours of work, rest periods, paid

holidays and other benefits were fixed for other workers in South Africa in terms of the Shops and Offices Act 75 of 1964. For domestic workers the employer draws these up arbitrarily. Domestic workers were excluded from the benefits of the Unemployment Insurance Fund and the Workmen's Compensation Act. Concomitantly domestic workers do not qualify for maternity benefits. As domestic workers are often the sole supporters of their families, the loss of earnings during pregnancy is an extreme deprivation.

The lack of disability and underemployment insurance, pensions, maternity benefits and paid sick leave meant that domestic workers were an extremely insecure group. This insecurity is illustrated by the fact that instant dismissal was frequently resorted to by some employers who often fail to observe the common law provisions relating to the issuing of notice and payment in the lieu of notice.

"The insecurity of domestic workers and their vulnerability to instant dismissal on unreasonable grounds is illustrated by the following case from a Grahamstown Advise office Report:

Mrs. D. was employed by a family living in Grahamstown. She had worked for Mrs. H. for a period of three years and her salary was R50 per month. She was dismissed because she was "hopeless". Dismissal was with immediate effect. Mrs. H. was asked whether if she would consider paying Mrs. D. notice money. She said she was not prepared to. She felt she was well within her rights because Mrs. D. had broken her "contract". According to Mrs. H., Mrs. D. was an unsatisfactory 'girl' and she told us the following to substantiate her claim:

Mrs. H. had gone out one wet afternoon leaving the children in Mrs. D's care. When she came home she found that Mrs. D had allowed the children to play outside and they had got wet. The children developed colds, a doctor was sent for, and he prescribed medication. Mrs. H deducted the doctor's bill from Mrs. D's salary because she claimed Mrs. D has been negligent and irresponsible in allowing the children to play outside.

In such cases of instant dismissal the Advice Office directors report was that:

"Unfortunately we are unable to push very hard since the employers often assert that the employee was drunk, dishonest, 'cheeky', or in some other way abused the agreement between employer and employee. It is then the white madam's word against the domestic worker's, and we often do not succeed in obtaining the normal considerations surrounding termination of employment. The common law is just not enough" (Cock, 1984: 73-74).

This threat of instant dismissal illustrates a further dimension of the domestic worker's vulnerability. Domestic workers lack critical rights as workers. According to (Gordon, 1984:16) domestic workers lacked the right to negotiated wage and favourable working conditions, membership of an effective worker's organization, to have their families to live with them, to respectful treatment, to an acknowledgement of their contribution to society and the dignity of their labour.

(Gordon, 1985:22) states that some efforts to improve the situation of domestic workers were being made under the direction of DWEP (Domestic Workers and Employers Project) established in 1970. The aim of DWEP was to support the domestic workers and help them to change the conditions of their lives. Their chief focus lied in organizing Centres of Concern where domestic workers may come to socialize and acquire skills. There were over 200 Centres of Concern in South Africa. More importantly DWEP aimed to organize the domestic workers into unions. The difficulties in organizing such atomized workers into organizations for collective bargaining are as formidable as the importance of the task. Organizing domestic workers into unions, even in less coercive and exploitative societies than South Africa presented difficulties.

Burnett points out that in Britain, unlike most major occupations in the nineteenth century, domestic service was almost untouched by the growth of trade unions, which might have ameliorated the conditions of employment, improved wages and ultimately raised the status of the occupation. Effective unions would, in any case, have been difficult to organize among workers who were so scattered and widespread, and in this respect domestic servants suffered from the same disadvantages as agricultural labourers. Working normally only with one or two other employees, under the employer's own roof and constant supervision, with no regular free time, and with a work-force predominantly female, the conditions of effective association were all lacking for the domestic servant. Moreover in an occupation so rigidly authoritarian and hierarchical there was little sense of common purpose or even common injustice (Burnett, 1977: 58). All the plans that were made by DWEP were to culminate in

early 1981 with the formation of South African Domestic Workers Association (Gordon, 1985: 37).

"Domestic workers are in isolated, individualized employment relationship, subjected to highly unequal power relations. They are the workers most in need of strong state intervention which protect their rights. The market for domestic labour has always been the model of "flexible labour market" wage rates at the discretion of individual employers, great flexibility (both upwards and downwards) in the number of days and hours worked, task flexibility, and no barriers to discretionary firing of the workers. The apartheid-style power relations in domestic workplaces have made it difficult for them to comprehensively improve their wages and conditions" (COSATU submission on the rights of the domestic workers, 2000).

Domestic workers were excluded in the LRA of 1995. They didn't have access to trade unions unless an employer of a domestic worker agrees, no trade union official or office-barrister can demand the right of access to the home of such employer, Unions of domestic workers have no right to disclosure of information from the employer (such as employer's pay slips), unlike other workplaces where the union has majority membership, of course, this did not prevent an employer of domestic workers from agreeing to disclose relevant to the union (Labour Relations Act, 1995: 75).

Domestic workers were facing obstacles in relation to explicit exclusion laws that were specifically designed to protect the vulnerable sectors of the population. They were excluded from protective labour legislation and the delay

of inclusion regarding domestic workers were both unconstitutional and directly discriminatory towards women. In a memorandum that was handed to the Minister of Labour (Mr. Mdladlana) by the SADSAWU (South African Domestic Service & Allied Workers Union) in 2001 they state that "*We continue to strive for the full protection of this vulnerable sector of the population and we appeal for their full inclusion in all labour legislation*".

The Department of Labour has made a new law, which regulates employment in the domestic worker sector. This law is called the Sectoral Determination of the Domestic Worker Sector (Sectoral Determination Seven) and it came into effect on 1 September 2001. This law also covers independent contractors who are doing domestic work as well as employment services that provide domestic workers. What does Sectoral Determination do? The sectoral determination lays down conditions of employment for domestic workers such as hours of work, leave, particulars of employment and termination of employment. It also prescribes the minimum wage employers are required to pay. Who is included? The law applies to all employers and employees in the domestic worker sector in South Africa (Department of Labour, 2001). Domestic workers are important for the maximization of household welfare and should be appreciated as such. They should also be respected and treated as human beings and not "part of the furniture".

1.3. HYPOTHESIS

A simple change of laws is not enough to improve the lot of domestic workers if the enforcement of the new legislation is not ensured. Too much regulation may prove ineffective in practice. Many employers regard the employment of a

domestic worker as a luxury. If the cost of compliance with statutory protective measures become prohibitive, the demand of domestic workers may decline- to the obvious disadvantage of the workers concerned. The worst scenario, however, would be that domestic service could be driven underground and then carry on as if the protective legislation does not exist.

1.4. AIMS OF THE STUDY

- To investigate the impact and implications of the new labour laws on domestic workers.
- To investigate the impact of the new labour laws on the employers of the domestic workers.

1.4.1. OBJECTIVES OF THE STUDY

- To elicit the views of the domestic workers about their future in the domestic sector and the future of the domestic sector as a whole.
- To assess the overall advantages and disadvantages brought by the new legislation on domestic workers.
- To investigate the impact and implications of the new labour laws on domestic workers.
- To investigate the impact of the new legislation on the employers of domestic workers
- Make recommendations of how the challenges facing domestic workers may be addressed.

1.5. STUDY AREA

The study was conducted at Rooihuiskraal in Centurion which is in Pretoria in the Gauteng Province. Centurion is strategically situated between Johannesburg and Pretoria and its main routes link it to every important center of Gauteng. It has a population of approximately 90% Afrikaans-speaking people, along with 10% 'black people'. The choice of this area ensured that representatives of both urban and rural areas are included. This is a unique area where you find that domestic sector is dominating and black population from different ethnic groups are employed as domestic workers. A total of 50-60 domestic workers completed the questionnaire. The employers also completed their questionnaire which was specifically designed for them.

1.6. LIMITATIONS OF THE STUDY

- ❖ The fear of domestic workers to be interviewed at work without their employer's permission, and the reluctance to be interviewed at all for the fear of repercussions from their employers.
- ❖ Difficulty in arranging interviews with the workers without their employers' knowledge.
- ❖ Difficulty in arranging interviews with the employers that are not prepared to co-operate because questionnaires are in English and 90% of them are Afrikaans speaking.
- ❖ Although 50-60 domestic workers participated in the study the results of the study can be generalized because of the sampling technique.

1.7. Conclusion

The domestic worker's silence, and mockery of employers, might thus be viewed as muted rituals of rebellion. They are a crucial mode of adaptation, a line of resistance that enables the employee to maintain her personality and integrity intact. The evidence given in the following chapter suggests that the domestic worker's mode of adaptation is the adoption of a mask of deference as a protective disguise. This is generated by the powerlessness of her situation which blocks any overt expression of dissatisfaction.

1.8. CHAPTER OUTLINE

Chapter One: Introductory chapter which contains motivation of the study with relevant background information as well as clear aims and objectives of the study, hypotheses, limitations of the study and the study area. **Chapter Two: Literature Review** undertaken with the specific reference to historical background of domestic workers pre-1994. **Chapter Three: Literature Review** with specific reference to the changes of labour laws on domestic workers post-1994. **Chapter Four: Research Methodology** This chapter focuses on research techniques and data collection instruments and the procedures and methods used for the collection of data, design and sampling in this study. **Chapter Five: Data analysis** This chapter focuses on the analysis of data and interpretation. Lastly, **Chapter Six** deals with Conclusion and Recommendations.

CHAPTER TWO

2.1. Historical Background of Domestic Workers pre-1994

Domestic workers are widely viewed as "deferential workers", yet this "deference" is more apparent than real. Many domestic workers adopt a "mask of deference" as a protective disguise, enabling them to conform the employers' expectations and shield their real feelings. The poor ill-educated women who form the vast majority of domestic workers do not accept the legitimacy of their own subordination in the social order. On the contrary, they have the high consciousness of exploitation, a sense of community of interests, and considerable insight into the structures which maintain their subordination. Domestic servants are not deferential workers but trapped workers. This is generally true of South Africa's black workers, who are among the most regimented labour forces in the world. The ultra exploitability of "black women" in South Africa derives from two sets of forces: a system of racial domination and one of sexual domination.

Their powerlessness and vulnerability derive from the oppression to which both blacks and women are subject in South Africa. Various measures of racial domination serve to maintain blacks in a subordinate position. The conquest of blacks and appropriation of their land was the basis of this subordination. In terms of the Native Land Acts of 1913 and 1936, 87 per cent of the territory of South Africa is defined as 'white areas' in which Africans were not allowed to purchase or otherwise acquire land. This separation of blacks from the means of production constituted a form of economic compulsion forcing them into providing cheap labour for the white owners. This labour was controlled through a migrant labour system which operated through a complex body of legal and

administrative measures. The fulcrum of this system used to be the 'pass laws' or system of influx control. The abolition of this system in July 1986 was presented as a major reform by the Botha government (Walker & Platzky, 1985: 46).

Apartheid's grand plan- the creation of ten 'homelands' out of a patchwork of small areas of land dotted throughout the four provinces of South Africa- had cast its shadow over the lives of the black population since the 1950s. These 'homelands', the former 'native reserves' of post 1910 South Africa, comprised about 14 percent of South Africa's land area. All black South Africans, even those whose forbears lived for generations in the environs of the white cities assigned citizenship of 'homeland'- often on a very arbitrary basis. The 'homelands' policy was linked with influx control and so affected the movement of people in the country of their birth. Over three and a half million South Africans were relocated in order to conform with the government's ideal of grand apartheid in which black and white areas would be tidily separated while another two million were threatened with removal. The authorities were constantly at work, hatching ways of eliminating the remaining 'offending' areas (Gordon, 1985: xvi).

Dr. Mamphela Ramphele who ran a clinic and established community projects at Lebowa in 1977 when she was banished there, observed that 'things happened to the poor: they did not decide'. Law from entering an urban area in search of work prohibited unemployed people in rural areas where most blacks lived; they had to wait to be recruited. Consequently many domestic workers had come to the city clandestinely, to jobs, which were found for them by friends or relatives working there. All jobs were subject to influx control, which operated through an

extensive network of labour bureaux to restrict and channel movement of people from the 'homelands' into 'white' urban areas. The Bantu Urban Areas Consolidation Act of 1945, whilst excluding the majority of black population from the right to work in the urban areas, set out the complex requirements, which enabled some to gain such rights.

2.2. Deprivation of Domestic Workers (Prior 1994)

Domestic workers were situated in a legal vacuum within a coercive structure. They were not protected by any legislation; there were no laws stipulating the minimum wages, hours of work or other conditions of service. The lack of disability and unemployment insurance, maternity benefits and sick leave meant that they were an extremely insecure group of workers. They were vulnerable to instant dismissal by their employers who often fail to observe the common law provisions (Cock, 1984:48).

Domestic workers in South Africa were in a uniquely deprived position, despite their very large numbers; they had almost no legal protection. The industrial Conciliation Act No 28 of 1936 specifically excluded domestic workers. This Act dealt with negotiations, the prevention and settlement of disputes between employee and employer, strikes and lockouts. If domestic servants had the 'right of association', protection and able to organized themselves incorporated in the Act they could take part in collective bargaining for better wages and working conditions (Gordon, 1985:xii-xiii).

The problem one encounters in looking at the actual situation was the uncertainty of the applicability of these common law provisions to the so-called illegal workers. For reasons connected with the development of capitalism in South Africa- especially the fact class-categories tend to coincide with 'racial' categories- the lives and employment opportunities of African domestic workers were governed by a minefield of legislation, the most important of which were Black Urban Areas Consolidation Act of 1945 and the Abolition of Passes Act in 1952. Briefly the laws control influx of African workers into the industrial centers of South Africa. These workers had to carry a 'pass' which contained their personal particulars and in which an area in which the workers could be employed was indicated. The law and employers regarded a worker whose pass did not contain the authoritative stamp as illegal. It was precisely these workers' 'illegality', which made them more popular with some employers of domestic labour, because they could be grossly exploited without recourse to the law (Cock, 1989:5-6).

Until about 1974 domestic workers' terms and conditions of employment were regulated by the Masters and Servants Laws, which dated back to 1856 when the Cape enacted its Masters and Servants Laws. With slight variations the Transvaal in 1880, Natal in 1850, Free State 1904 enacted the Masters and Servants Laws. These laws could be viewed as some of the early attempts to control the South African working class and the most striking feature of these laws was that breaching of contracts of employment was punishable as criminal offences. Nevertheless, the Masters and the Servants Laws, while rightfully regarded by many as vicious vestiges of feudal legislation, did have some advantages for domestic workers- the simplest being that the position in law was at least defined in more or less exact terms. The Masters and Servants laws were repealed in 1974 and domestic workers were covered by the common law, which was a body of unwritten law and can be enforced in the courts as such. As

noted above domestic workers were covered by common law contracts of employment. *According to common law a worker can be summarily dismissed for insubordination, non-performance of duties and lack of 'good faith' on the part of the worker* (Wille & Millin, 1973: 56). It was left to the court to decide which such cases are sufficiently serious to warrant instant dismissal. A factor-which, aggravates, an already insecure position is that in most cases the terms and conditions of services are not clearly spelt out with the result that frequent disputes occur between domestic workers and their employers over what duties were originally agreed upon. "Example: Mrs. A had asked her domestic servant to baby-sit one Saturday night. It happened that on this particular Saturday the worker, as it was supposed to be her off day, had made arrangements to go home to see her children. Although the worker had actually done some baby-sitting before she nevertheless had regarded this as nothing more than a favour. So when she refused to baby-sit that night her employer instantly dismissed her. Otherwise the general dismissal procedure is that the employer is obliged to give a worker a month's, fortnight's or week's notice of termination of employment depending on whether the worker is paid monthly, fortnightly or weekly (Berhardien, Lehulere & Shaw, 1984: 70-71).

The establishment of the Industrial Council in 1979 (by the Labour Relations Act) brought in its wake the introduction of the "concept" of unfair labour practice. In the said Act unfair labour practice is defined sufficiently vaguely (with amendments in 1980) to give the Industrial court some leeway in developing a body of case law for dealing with this new legal category. As the said Acts indicate, the newly established procedures excluded domestic workers. The Republic of South Africa counts as part of its labour force some 953 360

domestic workers. *The majority of domestic workers are women (759 880) who are forced to domestic labour as the only possibility of survival. As the domestic workers, Association representations to the National Manpower Commission put it, 'the triad of sexual, racial and economic exploitation in this category of employment serves to make their lot as working women a punishment bettered only by the wilderness of employment'. This exploitation and oppression was reinforced, infact sanctioned, by the fact that all legislation, which 'protects' workers from excessive malpractices by management specifically, excluded domestic workers e.g. Labour Relations Act 28 of 1956, Workmen's Compensation Act 30 of 1941, Unemployment Insurance Act 30 of 1966, etc (Berhardien, Lehulere & Shaw, 1984: 69).*

Another important problem with the dismissal of domestic workers is that cases of breach of common law contracts are civil cases. This means that the worker has to find his/her lawyers and be able to bear the cost of the entire court proceedings if his/her action is unsuccessful. The domestic workers, being amongst the lowest paid workers in South Africa, are obviously confronted with almost unsurmountable barriers. It is also important to note that even where such cases are taken up by workers' organizations the cost of such cases is sometimes beyond the scope of these organizations. On the other hand, the almost complete lack of legal protection naturally makes the workers' organizations selective in taking cases to court. For instance, of the hundreds of cases handled by Domestic Workers' Association only three went to court, and of those three one resulted in judgment.

Domestic servants are a major component of South Africa's workforce. The Minister of Manpower gave a figure of 604 032 registered in June 1983, but the 1978 census accounted for 953 360 domestic workers. The discrepancy between the two figures may indicate the number of those who were unregistered; or- less likely- it could point to a decrease in the numbers employed in this field. The Aliens and Immigration laws Amendment Act of June 1984 was intended, amongst, other things, to reduce the number of unregistered workers. The Act imposed penalties of up to two years' imprisonment or a fine of R5000 on anyone who gave employment to an illegal alien. 'Illegal aliens' included all Xhosa, Venda or Tswana speaking people who are outside their 'homelands' without permit to be in the white areas, in other words, South Africa (Gordon, 1985: xiii). These controls operated very coercively upon African women and bind domestic workers especially tightly. All domestic workers had to be registered. Those who were migrants on one-year contracts may have had their contracts renewed annually as long as they remain in the same job. The effect of this legislation was to impose an embargo on the entry of unskilled African women into 'white' urban areas, and bind domestic workers to their present employers. Losing their jobs could well mean forced removal to the teeming rural slums of the 'homelands'.

2.3. The Struggles

Cock (1989: 149) argues that, "Domestic workers are largely 'trapped' workers. As black women they are trapped in a vulnerable and powerless situation within which they are subject to oppression and exploitation. Their exploitation is evidence by deprivation of their family life, of reasonable working hours, of time to pursue social and leisure interests of their own choosing, of a negotiated wage, of favourable working conditions, to sell their labour in the place of their

choice, of respectful treatment, of the acknowledgement of the dignity and importance of their labour, of legal protection, of membership in an effective worker organization and of effective bargaining power. Domestic servants are deferential workers but trapped workers. This is true of black workers in South Africa generally, who are among the most regimented labour forces in the world". Ultimately, then, the problems of domestic servants were generated by a system, which did not operate in their interests. However, African women in South Africa had an impressive history of organized resistance of the best-known anti-pass demonstration by 20,000 women on 9 August 1956. On that day women traveled to Pretoria from all over the country to present thousand of petitions to the Prime Minister, Mr. J G Strydom, protesting against the extension of passes to African women. During this period of mass political mobilization in the 1950s women were involved in various protests in addition to the anti-pass campaign: the Defiance campaign against racial laws; boycotts of beer halls; and protests against Bantu Education. In rural areas women resisted compulsory cattle dipping, tax increases and land expropriation. Trade unions are another important vehicle through which African women challenged apartheid. Clearly organization in trade unions is essential not only for women workers to win maternity rights, better pay and working conditions, but to avoid the unorganized and low paid woman worker being used to undercut the male worker (Cock, 1989:149).

There was a growing movement to organize domestic workers into trade unions and part of this process was by challenging apartheid capitalism. Before the 1980s the best-known initiatives were those of employers. The Domestic Workers' and Employers' Project (DWEPP) was started in 1970 and aimed to

support domestic workers and help them to change the conditions of their lives. DWEF founded hundreds of 'Centers of Concern' where domestic workers came together to socialize and to acquire skills. Domestic workers also took initiatives to organize themselves. The most important development in recent years was the launch, in November 1986, of a new national union, the South African Domestic Workers Union (SADWU). The union of 52,000 members strong and affiliated to COSATU. As Florence de Villers, one of the key movers behind the formation of SADWU acknowledged, *"domestic workers are notoriously difficult to organize. Unprotected by law, and totally depended on their employers for shelter and food, they often, in her words, simply 'have no alternative. They are controlled by their employers.'* But she had not come across any workers *'who are unwilling to be organized, although there is a lot of fear involved'*", she said (Weekly Mail, 28.11.1986). The atomized and scattered nature of the work force creates considerable difficulties.

2.3. Domestic Workers- light at the end of the tunnel

Domestic workers are at present excluded from the most important labour legislation, namely The Workmen's Compensation Act 30 of 1941; the labour Relations Act 28 of 1956; the Wage Act 5 of 1957; the Unemployment Insurance Act 30 of 1966; and the Basic Conditions of Employment Act 3 of 1983. Exclusion from these acts has far reaching effects: domestic workers are, for instance, denied access to the industrial court. No minimum wage or maximum hours of work are laid down and they are not protected from unfair labour practices. There is, however, legislation that applies to domestic workers, namely the Manpower Training Act 56 of 1981; the Guidance and Placement Act 62 of

1981; the Machinery and Occupational Safety Act 6 of 1983, and the Small Claims Court 61 of 1984 (Lessing, 1994: 175).

The most important benefits that inclusion under these Acts provides are the prohibition of employers from victimizing employees as a result of trade union affiliation, provisions regarding occupational health and safety and access to the small claims court to hear small civil claims up to R2000. Where legislation does not apply, the position of a domestic worker was regulated by the common law. The common law protection of the domestic worker, or rather thereof, was well documented. The common law ideally envisages a situation in which the employer and the domestic worker will agree on conditions of service that were mutually acceptable. Social reality dictates that the domestic worker was free only to accept or refuse an offer of employment, as employers usually had sole and exclusive control over conditions of employment (Lessing, 1994:176).

Industrial peace was the main, if somewhat idealistic, aim of labour legislation. Stable employment relationship is essential if this aim was to be achieved. Since domestic workers comprise such a large section of the work force, it was conceivable that they could affect industrial peace. In the light of the fact that there was no satisfactory legislative or common law regulation of the position of domestic workers, law reform in this area was highly desirable and also very necessary (Lessing, 1994:176-177).

2.5. National Manpower Commission Recommendations

Persistent calls for legislative reform have come from women's organizations, trade unions, church organizations and other concerned parties. Their combined efforts appear to have persuaded the government to investigate the conditions

of employment of domestic workers. On 21 June 1990, the Minister of Manpower requested the acting chairman of the National Manpower Commission to investigate the possibility of extending legislative protection to domestic workers. A project committee consisting of representatives of women's organizations, employee's organizations, and lawyers was established. An information document compiled by the project committee was published in the Government Gazette of 28 January, 1991. The public was invited to comment on this document. After considering the comment received, and after lengthy negotiations, the committee published its recommendations in the Government Gazette of 13 September, 1991. Public reaction to these recommendations varied. Some people threatened to dismiss their domestic workers while others felt that the recommendations did not go far enough to relieve the plight of domestic workers. If these recommendations were to be implemented, the working conditions of domestic workers will greatly improved without infringing upon the rights of reasonable employers. The recommendations may be summarized as follows:

The Labour Relations Act

It was recommended that domestic workers should be included under the provision of this act. This would mean that employer's organizations and trade unions in this sector would be able to register in terms of this Act. Inclusion under this Act was to provide domestic workers and their employers with protection in terms of the 'unfair labour practice' definition.

Basic Conditions of Employment Act

Inclusion under this Act would regulate the conditions of service in this sector. The Act places an upper limit on the hours to be worked. The Act does not place an obligation on the employer to provide the employee with maternity leave (paid

or unpaid). (The proposed amendments to the Basic Conditions of Employment Act were published in the Government Gazette of 24 December, 1992).

The Wage Act

The National Manpower Commission could not reach agreement on the inclusion of domestic workers under the provision of this Act. One view held that domestic workers should remain excluded from the provisions of this Act, but non-binding guidelines should be established in order to give the employer an indication of what a fair wage and other conditions of employment would be.

Workmen's Compensation Act and Unemployment Insurance Act

In principle the inclusion of domestic workers under the provisions of these Acts was recommended. This would provide domestic workers with basic social security (Lessing, 1994: 179). Despite its disadvantages, domestic work does not appear to be declining occupation. It would seem that while the level of education of Black South Africans is kept so low and their opportunities for jobs remain so limited, many women will continue to find themselves with no alternative but domestic work as a means of supporting themselves and their children.

2.6. Conclusion

In any developing country with substantial reserves of labour, those in a position of economic superiority can, either wittingly or unwittingly, take advantage of the labour situation. The law of supply and demand operates to the benefit of those with economic and financial resources. Here, however, the issue is not the matter of how much a domestic worker will work for according to the law of supply and demand. The matter of greatest importance is how much she needs to support herself and her family in human decency. As a human being, the domestic worker has a right to be able to live in this way as the fruit of her labour.

CHAPTER THREE

3.1. Introduction

In 1994 people danced in the streets after the results of the elections were announced. The elections were a great victory because they ended legalized racism in South Africa- the oppressive law created by the bosses 'whites' to ensure an endless supply of super-cheap Black labour. But while the law has changed, conditions on the ground have not really changed. This chapter deals with the changes on domestic workers after the democratic elections in 1994.

3.2. Changes (After 1994)

"Domestic workers are in isolation, individualized employment relationship, are subjected to highly unequal relations. They are the workers most in need of strong state intervention, which protects their rights. The market for domestic labour has always been the model of "flexible labour market" wage rates are at the discretion of individual employers, great flexibility (both upwards and downwards) in the number of days and hours worked, task flexibility, and no barriers to discretionary firing of the workers. The apartheid-style power relations in domestic workplaces have made it difficult for them to comprehensively improve their wages and conditions" (COSATU submission on the rights of domestic workers, 2000).

In 1995 Labour Minister Mr. Mboweni implemented a new Labour Relations Act on which domestic workers were excluded. They didn't have access to trade unions "unless an employer of a domestic worker agrees, no trade union official or office-barrister can demand the right of access to the home of such employer, Unions of domestic workers have no right to disclosure of information from the

employer (such as employer's pay slips), unlike other work places where the union has majority membership, of course, this does not prevent an employer of domestic workers from agreeing to disclose relevant information to the union. Domestic workers were facing obstacles in relation to explicit exclusion laws that they were specifically designed to protect the vulnerable sectors of the population. They were excluded from the labour legislation and the delays of inclusion regarding domestic workers were both unconstitutional and directly discriminatory towards women.

3.3. The Sectoral Determination Seven

Before the advent of democracy, the Basic Conditions of Employment Act and the Labour Relations Act did not cover domestic workers. Even with the extension of the legislation to them, domestic workers remain patently vulnerable. It is against this background that Labour Minister Mr. Mdladlana directed the department to investigate their conditions of service, with the intention of formalizing their employment. This resulted in the promulgation of the Domestic Worker Sectoral Determination. The investigation included 64 public hearings across the country, two surveys and many written submissions from the public. The report that the sectoral determination is based on, was informed by the economic realities those domestic workers and their employers face (Own analysis).

The Sectoral Determination of the Domestic Worker Sector (Sectoral Determination Seven) came into effect on 1 September 2001 it regulates employment in the domestic worker sector. This law also covers independent contractors who are doing domestic work as well as employment services that

provide domestic workers. The sectoral determination lays down conditions of employment for domestic workers such as hours of work, leave, particulars of employment and termination of employment. It also prescribes the minimum wage employers are required to pay. Who is included? The law applies to all employers and employees in the domestic worker sector in South Africa (Department of Labour, 2001).

3.4. Wages

The law says domestic workers must be paid for every hour or part of the hour they have worked. Different wages are prescribed depending on: where the domestic worker works, the number of hours worked per week. Wages are prescribed for two areas, namely Area A and Area B. Municipal boundaries have been used to distinguish between the two areas. Area A, (if a worker works less than 27 hours per week his/her hourly wage is R4.51 per hour, if a worker works more than 27 hours per week his/her hourly wage is R4.10 per hour). Area B, (if a worker works less than 27 hours per week his/her hourly wage is R3.66 per hour, if a worker works more than 27 hours per week his/her hourly wage is R3.33 per hour).

3.4.1. Other Important provisions Affecting Wages:

3.4.1.1. Guaranteed minimum wage: Depending on circumstances some domestic workers might work for less than four hours per day. Should this be the case, he/she should then be paid for the full four hours.

3.4.1.2. Annual Increase: Wage will go up by 8% on 1 November 2003 and 1 November 2004 respectively. If the inflation rate is higher than 10% the wage increase will be adjusted by the Department of Labour.

3.4.1.3. Permissible deductions: The employer may only deduct money, if the domestic worker agrees. Agreeable deductions are, savings, pension fund, repayment of a loan to a financial institution, trade union subscription. In cases where the employer provides accommodation, a maximum of 10% of domestic worker's total wage may be deducted. Deductions that are not allowed are: Uniforms or work clothing, meals taken during working hours, accidental burning of clothes during ironing, any accidental breakages.

Wage levels for domestic workers are set in a most confusing manner. Without any consideration of human standards of living, the employer generally states the wage he/she is prepared to pay. The prospective employee in turn accepts it without attempting to negotiate. If the employee does not like the terms, she simply leaves. This seems to be the most obvious option for the dissatisfied worker. Many feel intimidated to negotiate. Furthermore, asking for an increase and actually getting it are two totally different things. It is unusual for a worker to get dismissed because of a wage issue. Employers usually come up with many reasons why they cannot increase wages.

According to Advocate Ramashia (Sunday Times, 18 August 2002:10) what the determination tries to do is to provide a flexible tool for domestic workers and employers to regulate hours of work and wage increase in a creative way. That is why the hourly rate has been introduced rather than the blanket monthly wage. The wage levels that are set are not ceiling but a floor and it is expected that employers who can pay more will do so. Those who already pay their domestic workers more than the minimum proposed cannot unilaterally reduce wages to the minimum stated in the determination. People who argue that they would

never be able to employ a domestic worker if they have to comply with all these conditions, should rather employ a domestic worker on part-time basis. 'Chars' earn more than full-time workers, precisely because they work at more than one house. Yet, some people insist on employing a domestic worker six days a week, while paying a two days per week wage.

3.5. Conditions of Employment

The rights and responsibilities of employers and workers within the sector are set out in such a way that both parties will realize they need each other to make the sectoral determination work in a mutually flexible and beneficial manner. The determination says that domestic workers must not work more than 45 ordinary hours per week. Overtime is payable when an employee works more than prescribed hours per week (i.e. over 45 hours). Domestic workers may work 15 hours overtime per week, but no longer than 12 hours per day including the overtime (nine hours ordinary time + three hours over time= 12 hours). The payment for overtime worked is one and a half times the hourly wage prescribed by the law. When a domestic worker works regularly on a Sunday he/she must be paid one and half times what she/he is normally paid per hour. When a domestic worker occasionally works on Sunday, she/he must get double the wage of that day, workers must also get double pay for work on public holidays (Government Gazett, 15 August 2002:15).

If the domestic worker is attending to members of the family for longer than three hours, he/she must be paid at time and a half for each subsequent hour worked. Those working continuously for five hours are entitled to a meal interval of one hour. Meal intervals are not included in the normal hours worked per day.

The domestic worker must be paid at the normal hourly wage if he/she needs to be available for work during a meal break. This should be the norm, not the exception. If people want to be waited on, they have to pay a fair price for the privilege. Changed attitudes of employers towards domestic workers are important. The existing legislation will almost certainly compel many existing employers to ask themselves whether they are getting value for money. In many cases the answer will be no. The maid and madam relationship is an unfortunate and expensive legacy of the apartheid era when labour was cheap and plentiful and, more importantly, disorganized. To be blunt, there are many households where hopelessly ineffectual domestic workers are tolerated by employers who are either too compassionate to send middle-aged and unskilled people onto the streets. Perhaps it's time for a wake-up call. It is absolutely right that Mr. Mdladlana should call for an end to exploitation by outlawing the pittance paid to some domestic workers. Provided that he also understands that nobody is legally obliged to employ a domestic servant and only that the best will survive as a result of this legislation then there should be few problems (Government Gazette, 15 August 2002:20).

3.6. Leave

There are four types of leave, namely: ordinary annual, sick, family responsibility and maternity leave. Workers are entitled to three weeks leave per annual cycle. Should a public holiday fall within the leave cycle an additional day of paid leave, must be granted. The sick leave cycle is 36 months based on the number of days worked over a six-week period. The employer may request a medical certificate when an employee is absent for consecutive or more days, or twice during an eight-week period (Government Gazette, 15 August 2002:22).

Family responsibility leave is a leave granted for specific family related matters. Five days leave on full pay are granted during an annual leave cycle for the birth of a child in the family, a sick child or when a spouse, parent, grandparent, child, grandchild, brother or sister dies. Maternity leave is four months and starts four weeks before the expected date of birth. Only six weeks after birth of a child may a worker be allowed to start work. Notice of leave and date to return to work must be provided before the leave commences. Not only do domestic workers work for longer hours than other workers, but they also receive less paid leave. As in the case of working hours and wages, there is considerable variation in the amount of paid leave given to domestic workers; however, within this variation certain features emerge clearly. The great majority of domestic workers have to work on public holidays (Government Gazett, 15 August 2002:20).

"In the Eastern Cape it seems fairly common to take a domestic servant to a holiday house on the coast. Here her duties are often even more onerous, owing to primitive cooking facilities, and more time-consuming with extra visitors and guests in the house. This is often counted as the domestic worker's holiday. Such 'holidays' are not always popular with domestic workers. When asked to identify a single aspect of their job they would choose to change, one domestic worker replied: They take me to the sea and when we get back they say they gave me a good holiday. But it's no holiday to me" (Cock, 1984:48). This practice is especially irksome to those domestic workers who have friends and relatives who are migrant workers and come home for a brief period at Christmas. Studies of domestic workers in most areas of South Africa report similar variation in the amount of annual leave granted by employers.

3.7. Termination of Employment

Either party may terminate the contract of service. If a domestic worker worked less than six months, one weeks' notice must be given. In all other instances four weeks' notice must be given. The employer must not give notice during a leave period or let it run concurrently with any period of leave. Payment instead of notice may be paid, provided it is equal to the period of notice. The employer must pay all monies due to the employee including leave granted. Severance pay is paid where there are operational reasons for terminating the employment of a domestic worker. In instances where employers move to a new destination, a smaller home or the employee's becomes redundant. The conditions applicable are: week's remuneration for every year's continuous service. No severance pay is required where a domestic worker refuses reasonable alternative employment. The employer must give the domestic worker a certificate of service on termination of employment. The following should be indicated on the certificate: full name of the employee, name and address of the employer, date the employer started working, date when the work ended, description of the work, any training provided, wage received and reason for leaving (Government Gazette, 15 August 2002:26).

3.8. Records

An employer will be required to give the domestic worker a pay slip and written particulars of employment. Every domestic worker must get a pay slip. Copies of the slips must be kept for three years, as it will serve as a proof that the employer has complied with all the monetary provisions of the law. The following information has to be on a pay slip: name and address of the employer, name of the domestic worker, type of work the domestic worker is employed to do,

period of payment, hourly wage payable, ordinary hours of work, overtime worked- weekdays, public holidays and Sundays and total actual pay for the period. Providing a domestic worker with written particulars of employment will help him/her when any dispute arises out of the relationship. The employer must give his/her domestic worker a signed written particulars of employment. The domestic worker must acknowledge that she/he understands the contents and knows what is required. These particulars must be revised regularly and any revisions signed by both parties (Government Gazette, 15 August 2002:14).

Minimum wages and employment conditions, once set, should not be subjected to downward variation. One of the biggest challenges in implementing minimum wage and working conditions is to deal with the situation where domestic workers are aware that they are being exploited but are afraid to take up a grievance for fear of reprisal and particularly dismissal. This challenge should be taken into account in policy formulation and implementation to ensure that workers protected against possible employer backlashes. Minimum wages and conditions of employment need to be complemented by other strategies targeted at the working poor and the unemployed, such as the basic income grant and social wage. A basic income grant would be an important supplement to minimum wages set as well as relieving some of the burden on domestic workers to support family members. The flexibility of the South African labour market has been well documented, and nowhere is this combination of flexibility and exploitation more evident than in domestic work. We need to make a choice between allowing employers to retain the status quo and transforming the labour market to ensure a better life for all workers (Own analysis).

3.9. The UIF (Unemployment Insurance Fund)

This legislation came into effect on 1 April 2003, all employers who employ a domestic worker for at least 24 hours in a month will have to register as employer and also register their domestic worker and pay contributions. If a domestic worker also works for other employers for at least 24 hours the employers must also register and thus contribute towards UIF. The UIF is a fund, which provides short-term relief to workers when they become unemployed or are unable to work due to illness, pregnancy, adoption or death. The domestic employee should contribute 1% and the employer should add an equal 1%. The employer may not deduct the full 2% from the employee's salary but may pay the full 2% if they wish so. If the employee earns R800.00 per month an amount of R8.00 is to be deducted from his/her earnings. The employer will add R8.00 and thus pay R16.00 over to the fund. Benefits days are calculated at the rate of one day's benefits for every six days worked as a contributor. Should a domestic worker have contributed for 4 years he/she would accumulate 238 days and would thus receive benefits for 8 months should they become unemployed (Department of Labour, 2002).

3.10. Conclusion

The successful implementation of this new legislation will depend to a large extent on the women in this country. Domestic workers have to communicate their needs and complaints to their employers. Employers, in turn, have to respect the identities of employees and have to take note of their needs with compassion and understanding, while avoiding the expression of a paternalistic attitude.

CHAPTER FOUR

Research Methodology, Procedures and Techniques Used in the Gathering of Data

4.1. Introduction

An introduction to domestic workers against a background review of the broader domestic work sector was presented in the earlier chapters. This chapter focuses on the fieldwork that was conducted for the purpose of this study. It also focuses on the basis on which the research was conducted i.e. the use of quantitative and qualitative format and why the researcher choose these methods in the survey. It also deals with the limitations associated with the survey using quantitative and qualitative and method in measuring that a simple change of laws is not enough to improve the lot of domestic workers if the enforcement of the new legislation is not ensured, too much regulation may prove to be ineffective in practice. Lastly it focuses on how the method allowed the researcher to test the hypotheses and come out with conclusions.

This chapter also focuses on the questionnaire as the measuring instrument of this study. Explanation is also given as to why and how did the researcher administer the questionnaires.

4.2 Relevance of the Literature to the Methodology

Before a questionnaire was constructed, a literature survey was undertaken as indicated in Chapters 2 and 3 thus enabling the researcher to gain a better understanding of the subject under investigation. After indulging in the literature survey the researcher arrived at a theoretical and intellectual foundation upon which the empirical study was built. This foundation comes from

the argument that domestic workers are the most vulnerable and exploited workers, this whole view led to government to implement a new legislation that protects domestic workers (Sectoral Determination 7: Domestic Worker Sector).

The theoretical and intellectual foundation enabled the researcher to formulate a reliable and valid means of undertaking the survey. The researcher was able to build a solid foundation of the argument surrounding the exploitation of domestic workers and the impact of the new legislation on domestic workers.

The purpose of conducting a literature review was to ensure that no critical variables relating to the exploitation of domestic workers are ignored. It may be possible that some of the critical variables are never brought forward in the interviews simply because the domestic workers and their employers were unaware of their impact or because the variables seem obvious to the interviewees that they are not stated. If, there were variables that were not identified during the interviews but that influence the problem critically, then doing research without considering them would be an exercise in futility (Sekeran, 1992:37). Those errors were avoided in this investigation of the impact of the legislation or labour laws on domestic workers.

4.2.1 Reiterating the Objectives of the study

The objectives of the study are reiterated to ensure that the researcher stay in focus with the topic under investigation.

- ❖ To elicit the views of the domestic workers about their future in the domestic sector and the future of the domestic sector as whole.

- ❖ To assess the overall advantages and disadvantages brought by the new legislation on domestic workers.
- ❖ To investigate the impact and implications of the new labour laws on domestic workers.
- ❖ To investigate the impact of the new labour laws on the employers of the domestic workers.
- ❖ Make recommendations of how the challenges facing domestic workers may be addressed.

4.3. Research Methodology

The purpose for undertaking this study is to understand the challenges faced by the domestic workers after the introduction of the new legislation. Research Methodology is defined as different approaches to systematic inquiry developed within a particular paradigm with associated epistemological assumptions (Punch, 2000: 50).

4.4. Sampling Design

Sampling design encompasses a description of a population, sample and the sampling technique used in conducting the study.

4.4.1 The Population and Sample

Population is defined as the total collection of individual who has attributes in common to which the research hypotheses refer (Huysamen, 1997:2). According to (Sekeran, 1992:369) *"a population is the entire group of people, events or things that the researcher desires to investigate"*. (Grinnel and Williams, 1990:124) also define a population as the totality of persons or objects that a

study is concerned with. (Saxena, 1995:200) defines population or universe as the collection or the aggregate (usually large) of individuals or the stability of the observations.

Population also refers to the entire group of people, events or things of interest the researcher wishes to investigate. The researcher selected a sample of 24 domestic workers and 26 employers from Rooihuiskraal which is a home of multicultural population of +/-10 000 and it produces jobs for 9000 people, 20% of residents fill managerial posts whilst 43% pursue careers in the professions, 62% of residents are economically active. Domestic work is a fast growing employment in this area.

Stratified random sampling was used in this study. According to (Haralambos and Holborn, 1991: 723) Stratified random sampling involves the division of the sampling frame into groups in order to ensure that the sample is representative. The population elements are separated into non-overlapping groups called strata. For the purpose of this study the population selected was separated into the following strata: Domestic workers looking after babies only, Domestic workers doing cleaning, cooking and baby sitting and those who do cleaning and cooking only, domestic workers working 'Chars' and those who live in, and those who live at their homes. Employers were divided according to their professions e.g. Doctors, teachers, housewives, business people, government employees and private sector employees.

Duties	Domestic workers
Cleaning, cooking and baby sitting	5
Cleaning and cooking only	10
Part-time workers	7
Living in and Living out workers	2
Total	24

Profession	Employers of domestic workers
Doctors and Teachers	5
Business people	3
Government employees	15
Other	3
Total	26

A sample is a collection of observation for which you have a data with you from which you are going to work. Almost any set of observation, which you have data, constitutes a sample (Simon and Bristein, 1985:110). (Sekeran, 1992:226) defines a sample as subject or subgroup of the population. The sample of this study comprises of 24 domestic workers and 26 employers from the Rooihuiskraal in Gauteng.

4.4.2. Sampling Technique

Sampling is used as a process of selecting sufficient number of elements from the population so that by studying the properties or the characteristics of the sample of subjects, the researcher will be able to generalize the properties or characteristics to the population elements (Sekeran, 1992:369). Although the sample is a subset of the population, a desired sample must have properties that

make it representative of the whole. In an attempt to ensure representatives various types of sampling are used.

For the purpose of this study, the stratified random sampling was used. According to (Haralambos and Holborn, 1991: 723) Stratified random sampling involves the division of the sampling frame into groups in order to ensure that the sample is representative. The population elements are separated into non-overlapping groups called strata. The samples are then selected from within each stratum. The function of stratification is to organize the population into homogeneous subsets so as to be able to select the appropriate number of elements from each subset. *On the basis of the relative proportion of the population represented by a given group, you select randomly or systematically a number of elements from that group constituting the same proportion of your desired sample size* (Babbie, 1983: 189).

The researcher in this study purposely chose the sample of domestic workers and employers that he or she saw as ideal for the study. According to (O'Sullivan and Rassel, 1999:206) purposive sampling is whereby the investigator uses his judgement that the unit, somehow represent the population and because of this it is also known as judgement sampling. (Grinnel and Williams, 1990:125) define judgement sampling as a sampling technique used whereby one wants to judgmentally choose particular sample.

The researcher wanted to find out about the impact of the new legislation (Sectoral Determination Seven) on domestic workers the only people who were in a position to give relevant information were the domestic workers and their

employers. Domestic workers and their employers were selected because they are the ones who are affected by the new legislation whether it is positive or negative. According to (Grinnell and Williams, 1990: 125) in judgement sampling, not all the people in the population have the same probability of being included in the sample and, for each one of them, the probability of inclusion is unknown.

4.4.3 Sample Characteristics

The researcher piloted the questionnaire to 10 domestic workers. The results of the pilot study were not included in the analysis because it was for the researcher to find out whether the questionnaire was properly done or not. By piloting the questionnaire the researcher was able to find out which questions were to be omitted and what changes were to be made in the final questionnaire draft.

For the researcher to be able to get a sample of 24 domestic workers and 26 employers of domestic workers, she went to the place where the study was going to take place in Rooihuiskraal and arranged with the people who were going to be involved in the study. Domestic workers and the employers were required to fill out a general biographical questionnaire that included the following items: age, gender, educational level, and conditions of employment, hours of work, and wages etc. Characteristics of the sample of the study are shown.

Variable

Age	Frequency (Domestic workers)	Percentage
1. 18-29	7	29.2
2. 30-41	10	41.7
3. 42-53	5	20.8

4. 54-65 +	2	8.3
Total	24	100
Age	Frequency (Employers)	Percentage
1. 18-29	4	15.4
2. 30-41	10	38.5
3. 42-53	11	42.3
4. 54-65 +	1	3.8
Total	26	100

Table 1: Age distribution of respondents

The first question posed by the researcher regard the age of both domestic workers and their employees. The objective was to determine what age group is more involved in the domestic sector and what age group of the employers is employing domestic workers.

Age is an important characteristic in this study because the perception views of domestic workers vary with different age groups. From the analysis of the percentage of respondents it is evident that the majority of domestic workers are between the ages 30-41 with 58.3%. Older domestic workers usually tend to view things differently as compared to younger domestic workers. Respondents between the ages 42-53 are 25%, 18-29 are 15.4% and the least number are 54-65+, with 12.5%. From the analysis of the percentage of respondents there is a high percentage of domestic workers between the ages 30-41 with 58.3%. This raises the concern of high unemployment and lack of education because this is a middle age group which is may supposed to have better jobs but instead they have settled for domestic work. This also indicates that domestic work is a fast growing sector among Africans who are vulnerable. This shows the maturity level of domestic workers who may not have had the privilege of getting an education.

The majority of sample age of the employers of domestic workers is between 43-53 with 42.3% and those who are between the ages of 30-41 accounts for 38.5%. The least numbers of employers of employers are those who are under the age of 30 they are between 18-29 with 15.4% and those who are above 50 they are between the ages 54-65 with 3.8%. The ages of the employers vary depending on the needs and the workload that the employers that the employers have, though some employ domestic workers just for the sake of luxury.

Variable: (Domestic Workers and Employers)

Gender	Frequency (Domestic Workers)	Percentage
1. Females	24	100
Total	24	100
Gender	Frequency (Employers)	Percentage
1. Female	18	69.2
2. Male	8	30.8
Total	26	100

Table 2: Gender distribution of respondents

All the domestic workers interviewed are women. The reason having women as domestic workers is because of gender stereotypes, some males still believe that a woman's place is in the kitchen so whatever involves domestic work is for women, in some instances it is influenced by culture more especially in black societies. The other reason is that given the cultural background of black societies men are suppose to look after their families by working hard and women stay at home looking after children. Even though many women engage in wage employment today, their real place is still seen as being in the home.

The majority of employers are females, which are 69.2%, and males are 30.8%. The reason may be that majority of women are working and they are involved in community services and some are providers of their families so they do not get enough time to take care of the households and children, so by having domestic workers help them a lot, though some of them just need them for the sake of having domestic workers. Male employers are 30.8% that shows that there are not much male employers who have domestic workers, its either they are married they do not need domestic workers or the respondents are not married so they need somebody to do their domestic work.

Variable: (Domestic Workers and Employers)

Educational Level	Frequency (Domestic Workers)	Percentage
1. Std2-Std4	2	8.3
2. Std5-Std7	12	50
3. Std8-Std10	10	41.7
Total	24	100
Educational Level	Frequency (Employers)	Percentage
1. Std10	5	19.2
2. Other Specify	21	80.8
Total	26	100

Table 3: Educational distribution of respondents

In terms of education, the majority of domestic workers with 50% have at least Std5-7. This is an indication of the lack of education among domestic workers, which, means that there are no better jobs for them except for domestic work. Those who have at least Std 10 are 41.7%, which, indicate that, they do have the potential to improve their education if it was not for financial constraints. The least number of domestic workers with 8.3% have Std2-Std4, which is an

indication that domestic work is one of the very few options available to "unskilled" and "uneducated" women.

The total of 19.2% employers have at least Std10 and 80.8% have other qualifications. Based on the level of education of the employers, they really need domestic workers in their homes though some have no important reasons to employ domestic workers, its just luxury to have a domestic workers.

Variable: (Domestic Workers and Employers)

Wage per month	Frequency (Domestic Workers)	Percentage
1. R500-R700	9	37.5
2. R800-R1000	5	20.8
3. R1200+	4	16.7
4. Other	6	25
Total	24	100
Wage per month	Frequency (Employers)	Percentage
1. R500-R700	4	15.4
2. R800-R1000	9	34.6
3. R1200+	4	15.4
4. Other	9	34.6
Total	26	100

Table 4: Wage distribution of respondents

The majority of domestic workers with 37.5% are those who earn between R500-R700, and this is an indication that employers have not yet complied with the new laws on minimum wage. Those who earn between R800-R1000 have 20.8% and those who did not specify have 25%. The least number of domestic workers are those who earn R1200+ with 16.7%. The wage groupings indicated in table 4

are slightly inflated. This is due to the fact that 20% of the persons interviewed did part-time domestic work "Chars". "Chars" normally earn more than the average full-time domestic workers. They normally work at two to five different place per week.

There is a contradiction between the employers and the domestic workers wages. The majority of domestic workers with 37.5% indicated that they are paid between R500-R700, and 20.8% said they are paid between R800-R1000. The majority employer's (34.6%) pay their employees between R800-R1000, and those who did not specify are 34.6%. Those employers who pay their employees between R500-R700 are 15.4% and the least are those (15.4) who pay R1200+. This may indicate that the employers are not telling the truth because they know that they are suppose to pay their employees the minimum wage as stipulated in the legislation. Wage levels of domestic workers are set in a most haphazard manner. Without any consideration of human standards of living, the employer generally states the wage she or he is prepared to pay. The prospective employee in turn accepts it without attempting to negotiate. If the employee does not like the terms, she simply leaves. This seems to be the most obvious option for the dissatisfied worker. Many tend to feel too intimidated to negotiate. Yet, some of the workers interviewed were prepared to take a stand and demand better wages.

4.5. Data Collection Methods

In collecting data the researcher, used two methods to have some understanding of the domestic sector. Observation was used, but in using observation one observes what she or he can see, but due to the aims and objectives of the study

the observation method was not adequate because it was going to be time consuming. The researcher had to use other forms or techniques to collect the data. The research process consist of two methods:

1. Informal interviews with domestic workers; Informal interviews with regional secretary of SADWA (South African Domestic Workers Association).
2. Administration of questionnaires.

Research into the impact and implications of the new legislation or labour laws on domestic workers has been neglected, an exploration of the views of SADWA (South African Domestic Workers Association) and domestic workers has played a crucial role in providing the researcher a better understanding of the study under investigation.

4.5.1 Administration of a questionnaire

There are a variety of research methods available that could be used in conducting research. The research method that was used for this study was the interview and a questionnaire. An interview can be described as a conversation between the interviewer and a respondent with the aim of obtaining information needed for the research topic. Separate questionnaires were designed for the domestic workers and the employers of the domestic workers. A questionnaire was selected as being the most suitable method of data of data collecting from both from the domestic workers and their employers. The questionnaires were administered personally to the subjects of the research. The subjects of the research in this study are the domestic workers and the employers from Gauteng Province (Rooihuiskraal). A questionnaire is defined as *"a pre-formulated*

written set of questions to which respondents record their answers usually within rather closely defined alternatives" (Sekeran, 1992:200). Sekeran regard it as an efficient data collection mechanism when the researcher knows what is required and how to measure the variable of interest. According to (O'Sullivan and Rassel, 1999:207) questionnaire writing involves deciding what variables to measure and how to accurately and adequately measure the variables?

The researcher decided to use open-ended and closed questions, with open-ended questions referring to those questions that give the respondents an opportunity to answer in a structured form and closed-ended questions referring to those that force the participants to choose among alternatives given by the researcher. According to (Haralombos, 1985:511) closed or fixed choice questions are those questions that requires a choice between a number of given answers. (O' Sullivan and Rassel, 1999:210) also define closed-ended questions that ask the respondents to choose from a list of responses. This was the suitable way to get more information for the findings of the study.

4.5.1.1 Advantages of using a Questionnaire

- ❖ The responses were gathered in a standardized way, so questionnaires were more objective, certainly more so than interviews.
- ❖ Relatively it was quick to collect information using a questionnaire.

4.5.1.2 Disadvantages of Using a Questionnaire

- ❖ The language barriers and illiteracy forced the researcher to fill in responses in the questionnaires of the domestic workers.

- ❖ Respondents (domestic workers) gave inaccurate answers by accident simply because they misunderstood or misinterpret the question.

4.5.2 Research Instrument

The research instrument of this study consists of six sections in the domestic worker questionnaire, which are, the biographical data, work history, conditions of employment, wages, hours of work and general information. In the employer's questionnaire research instrument of this study consist of five sections that are, biographical data, household organization, hours of work, payment of employee and general information.

Domestic worker's questionnaire consisted of 37 questions or items and the employer's questionnaire consisted of 35 questions or items and a comment section. The questions were grouped according to the investigation of the study. The investigation of the study is to find out the impact and implications of the new legislation or labour laws on domestic workers and their employers. The domestic workers questionnaire was structured in a way that Work History tap items are 13, 14, 15, 16, Conditions of Employment tap items 17, 18, 19, 20, 21, Wage tap items 22, 23, 24, 25, 26, 27, 28, Hours of Work tap items 29, 30, 31, 32, 33 and the General Information tap items 34, 35, 36, 37 and 38. The employers of domestic workers questionnaire was structured in a way that Household Organization tap items 8, 9, 10, 11, 12, 13, 14, Hours of work tap items 15, 16, 17, 18, 19, 20, 21, 22, Payment of Employee tap items 23, 24, 25, 26, 27, 28, and the General Information tap items 29, 30, 31, 32, 33, 34 and 35. This is called content validity. Content validity refers to the representativeness of the sample of questions included in the instrument (Herneson, 1987:141). All the

questions are related to the study in order for the researcher to be able to test the hypotheses under investigation.

4.5.3 Piloting the questionnaire

A pilot study was conducted in Pietermaritzburg to make sure that everything was done accordingly. Pilot study is defined as a mini experiment in which the investigator tested the procedures with a small number of subjects (Cozby, 1989:113). By conducting pilot study the researcher seeks to find out if the respondents would understand the instructions and if there were any changes that needed to be done in the questionnaire before the real research was fully conducted. One of the limitations of the overall study was the language barrier. 40% of the respondents (domestic workers) could not communicate properly in English. The services of a "Translator" had to be engaged in order to communicate them in their languages. Although this overcame the barrier the primary researcher still missed some of the details. A number of the domestic workers were hesitant to be interviewed. They were afraid that their employers might fire them. There was definitely an element of fear amongst the domestic workers because of the presence of the researcher. The problem with the employers of the domestic workers was that there were disturbances while completing the questionnaire. In addition the person who was said to be able to supply responses to the questionnaire was often not readily available or not available at all, some of them who were available wanted to peruse the questionnaire before deciding to complete it or not. It is worth noting that both the domestic workers and their employers did not apparently understand the value of research, and of this in particular.

The researcher piloted the questionnaire among 5 domestic workers and 5 employers. The aim was to determine its reliability and validity. It was found that some of the questions were ambiguous and provoking to the employers. Ultimately the questionnaire led to additional confidence in the validity of dimensions under investigation.

4.6 Data Analyses Technique

In this research descriptive statistics are used to analyse data.

4.6.1 Descriptive statistics

According to (Gay and Diehl, 1992:462) descriptive statistics analyze data and permits the researcher to describe meaningfully a set of figures with a small number of indices. If such indices are calculated for sample drawn from a population, they are referred as parameters. The following descriptive statistics have been used.

4.6.1.1. Frequency and Percentages

Frequency refers to the number of times various subcategories of a certain phenomenon occur, from which the percentage of the occurrence of the subcategories can be easily calculated (Sekeran, 1992:259). According to (Cozby, 1981:64) a frequency indicates the number of subjects who receive each possible score on a variable. A percent reports the number of units as a proportion of 100 (O'Sullivan and Rassel, 1999:330). (Allen, 1990:883) defines percentage as a rate or proportion percent. In this study (quantitative techniques) frequency and percentage are used to explain the characteristics of biographical data, conditions of employment, hours of work, and wage etc. The researcher also used



qualitative data analysis technique in this study. Qualitative technique involve extensive fieldwork, the researcher obtains information on the natural setting. The researchers use their experiences and insights to design a study and to interpret the findings (Sekeran, 1992:37). In a qualitative technique the interviewer may have suggested questions, additional possibilities for data in qualitative studies include documents, dairies and journals.

In the analysis of qualitative data the researcher looks for themes and concepts. Qualitative studies are descriptive in its nature and it is difficult to make sense out of it. The researchers records information accurately, writes clearly, divide from important details, and draw appropriate conclusions from information.

4.6.1.2. Conclusion

In spite of the small size of the sample the results were probably representative of the area under investigation. Thus while the results were pertained strictly to that sample, evidence from other studies and sources were used to argue that domestic workers were an ultra-exploited group of workers, and that their ultra-exploitability derives from the constraints operating on blacks and women generally in South Africa.

CHAPTER FIVE

Presentation and Discussion of Results

5.1. Introduction

The results of the data gathered through the questionnaire which was self administered by the researcher among the respondents from 16/11/2003 to 29/11/2003 are presented in this chapter and also have been explained in the methodology chapter.

The relationship between the researcher and the respondents played a vital role in ensuring that the questionnaires were completed. As a daughter of domestic worker a sound relationship existed between the researcher and the respondents, which made the study possible. As a result, most respondents were prepared to participate in this study, as they felt the survey might unpack the dynamics surrounding the notion of exploitation of the domestic workers.

A key question in relation to domestic worker's exploitation is the discussion around the implementation of the new labour law as to what impact it has on the domestic workers. As has been mentioned in the previous chapters, this has been previously represented by the harsh realities of the past, which has been subsequently supplanted by the realities of the new South Africa. The government claims that by implementing the new legislation on domestic workers 'minimum wage' is addressing the notion of exploitation. The question is whether the new labour law can be seen to allow for better working conditions or whether it represents and accelerates the ultra exploitation of domestic workers.

After collecting the questionnaires from the respondents, the researcher analyzed the data gathered. The questionnaire is presented in the appendix to this dissertation. The researcher presented data qualitatively by utilizing themes and concepts that are of importance to the research. The data is presented quantitatively by the use of frequencies and percentages. The researcher on the results section also makes some comments and various themes are grouped together in their presentation if they are related e.g. age of respondents, educational level of domestic workers and their employers.

5.2. Presentation of Data Gathered from a Questionnaire

The data relating to the demographic characteristics of the sample have already been presented in Chapter 4 (page 40-45).

The majority ethnic group among domestic workers is Tswana with 37.5%, followed by Ndebele with 29.2%, Zulu with 12.5%, Xhosa with 12.5%, and others who did not specify with 8.3%. "Black" women from the rural areas, make up a significant proportion of domestic workers. Due to extreme poverty and lack of employment many young women are prepared to come to urban areas to work as domestic workers. The main attractions of domestic work for young rural women may be that of the opportunity to break away from the poverty and the monotony of rural life and having a place to live.

The majority ethnic groups (42.3%) among employers are Afrikaners, followed by English with 34.6% and others who did not specify with 23.1%. The high percentages among, Afrikaner and English speaking indicate that it is possible for every middle class family to employ at least one domestic worker. It also

indicated that the institution of domestic work is thus more microcosm of race relations, it also a microcosm of class relations.

The domestic workers were asked if ever their mothers went to school or not. The majority of the respondents 41.7% said no, 37.5% did not know, and the least number 20.8% said yes. The purpose of asking them this question was to ascertain if their involvement in the domestic sector might be linked to their backgrounds. Domestic workers were asked if they were married or not. 50% of the respondents are married and other 50% of them are not married. Those domestic workers that are married are subjected to 'family disorganization'. These women are clearly victims of the disruption of family life that the migrant labour system entails. Many women are forced to leave their families to go as domestic workers due to high unemployment rate. Of the (50%) domestic workers in the depth sample that were married (30%) of them saw their husbands and children once or twice a month, (20%) of them saw them once or twice a week. Many of these women expressed considerable anxiety over the disruption of their marital relationship.

The majority 45.8% of domestic workers children are still at school, followed by 20.8% and the least number are 8.3% and 4.2% respectively. In their responses they said that they would like to educate their children so that when they are finished they can give them money. A total of (72.2%) domestic workers have number of people living in their houses and 20.8% live alone. The purpose for administering this question was to find out how many people live in each of the domestic worker's households, in order to get an insight on how much

responsibility each of them carries (i.e. how many people they support with their low wages).

The respondents were asked about the number of people dependent on their earning and if there was anyone else in their families or households employed. The vast of the majority 33.3% said there are four people dependent on their earning, and another 33.3% said six+ people and the least majority is 16.7% who said three people, 12.5% said five people and 4.2% said one person. The majority 79.2% are breadwinners and the least majority 20.8% are not the only ones working. All the domestic workers that were interviewed had people dependent on their earnings besides, themselves. A total 79.2% said domestic work was the sole support of her family. In view of their low wages it is surprising how many domestic workers manage to send money to other members of their family.

These stark figures represent self-denial - a denial of self that is subsumed under the workers' definition of family obligations. When they were asked if they would like any of their children to become domestic workers and if the answer is yes they should say why and if no why not. A total of 100% of the respondents said no. An explanation given by 70% is that domestic work is a hard job, it makes you tired and you have to do the same thing everyday and 30% said there is no money, you work very hard and earn little. Despite these reasons domestic workers invest a considerable portion of their incomes in the education of their children. Given their own extremely deprived educational backgrounds, their educational aspirations for their children were pitched very high. Many stressed the importance of education for their daughters so they could avoid

having to be domestic workers. None wanted their own children to become domestic servants.

The domestic workers were also asked about their length of service as domestic workers, the question posed was how long have they been domestic workers. The majority of the workers with 41.7% had been domestic workers for between 4-6 years, followed by (29.2%) which is 2-3 years, 12.5% is between 7-10 years and another 12.5% is 11-15 years and the lowest were 16-25 years with 4.2%. Given the high levels of unemployment, despite the low wages and long hours, those women in domestic service are in a lucky sense. Poverty and lack of employment alternatives, which propel black women into domestic service, mean that legislation coercing them into domestic service is not necessary.

When asked about their first jobs, the majority of employees (66.7%) started as domestic workers, 16.7% were unemployed, 12.5% were cleaners and 4.2% were doing general employment. The majority of domestic workers started working as domestic workers, and the least who were unemployed, the only option that they had were also domestic work, which again indicates the issue of high unemployment rate and the lack of education. The majority (66.7%) started working as domestic workers when they were 18-25 years old, and the least majority (33.3%) were between the ages 26-32. This indicates that domestic workers had been pushed into the occupation because of their poverty-stricken backgrounds and they were trapped in it because of their low educational qualifications. Another reason may be that of majority of black women are poor and ill educated, with heavy family responsibilities. The majority of the domestic workers (78.3%) said its because there are no jobs, 13% said they didn't have

enough education to do better jobs, and 8.7% said they did not have money to continue with their studies. Most of the domestic workers said they chose this particular job because there were no other jobs available. This again indicates the high unemployment rate which made domestic workers settle for less of their expectations.

The majority 83.3% of domestic workers has 4-6 people living in their household and the least number 16.7% with 1-3 people living in the household. The employer's majority 30.8% said four persons, 26.9% said five persons, 23.1% said three persons, 7.7% said one person and 6+ persons and the least number 3.8% said two persons. Employers do not seem to have large families but they still employ domestic workers for the sake of having them though they claim that they need them to help with the workload.

The employers of the domestic workers were asked how many children do they have under the age of 16. The majority of respondents (40.3%) said one child, 30.8% said two children, 23.1% said none and 3.8% said four children. One of the reasons that given by the employer as to why he employs domestic workers is, "*it enables me to devote more time to my children's intellectual and emotional development*". Obviously this is done at the expense of domestic worker's children. Most of the domestic workers are mothers, some with very young and with school going children. All mothers hate to leave their children alone, but they are forced to do so because domestic workers have no other source of income.

The majority of domestic workers (52.2%) said the number of rooms in their employer's households (excluding bathroom and kitchen) is 9-12+ rooms; 26.1% with 5-8 rooms, and 21.7% with 1-4 rooms. The duties of domestic workers depend primarily on the size and wealth of the households in which they work. The houses varied from extremely luxurious to small suburban. In one of the three largest houses one domestic worker is employed, but in the other only one domestic worker earning more than the minimum wage. The majority of respondents (75%) do general domestic work, and the least majority (25%) do cooking and cleaning. The employers were then asked about the capacities in which their domestic workers are employed.

The majority respondents (73.1%) said their employees are general domestic workers, 15.4% said they were cleaning and cooking, and 11.5% said they were housemaids. A number of the employer's, said they did no domestic work themselves and those who said they did the amount was sometimes extremely limited. The one domestic worker household seem to be the norm, most domestic workers are 'maids of all work' often overburdened with a combination of drudgery and isolation. Modern household appliances sometimes alleviate the drudgery. Most of the domestic workers had access in appliances such as vacuum cleaners, and washing machines so as to make their jobs easier.

According to the new legislation domestic workers must have a written contract with the employer. The majority of domestic workers (66.7%) do not have a contract, and the least number of respondents (33.3%) do have it. This indicates that its either the employers haven't yet complied with the legislation or they are not aware that they must have written contracts with their employees. They

were also asked if they were living in or out of their employer's household. The majority of domestic workers (83.3%) live in and the least majority (16.7%) live out. The employer's majority (92.3%) lives in houses and (7.7%) lives in flat and town houses. The majority of the employers (50%) number of rooms in their houses (excluding bathroom and kitchen) is 1-4 rooms, (38.5%) is 5-7rooms and the least number of respondents (11.5%) have 8-11+ rooms. Their houses vary from extremely luxurious to small suburban. The duties of domestic workers depend primarily on the size and wealth of the households in which they work. The vast majority of live in domestic workers indicates the high rate of migrant labour, where people move from rural areas to urban areas for job opportunities and they end up staying with their employers because they do not their own places to stay.

With regard to the wage increase every year, the majority of respondents (58.3%) said their wages were increased every year, and the least number of respondents (41.7%) said their wages were not increased. The majority of respondents (85.7%) said their wages were increased by R20-R50 every year. The majority of (85.7%) said that they received irregular increases in their wage, and not one worker knew how much the increase would be next year. The least majority (14.3%) said their wage was increased by R100-R140+ every year. Those domestic workers who received irregular increases mentioned that they were afraid of losing their jobs by asking for a regular increase.

Domestic workers were asked whether they do work on public holidays and if they were getting paid overtime for work outside of their normal hours e.g. Sunday and Public holidays. The majority of respondents (70.8%) said no they

don't work on public holidays and the least number of domestic workers (29.2%) said yes. With regard to payment, the majority of respondents (62.5%) do not get paid and the least number of domestic workers (37.5%) do get paid.

Employers were asked if they do pay their employees overtime for work outside their normal hours. The majority of employers (65.2%) pay their workers, and the least majority of employers (34.8%) don't pay their workers. This is contrary to the findings gathered from the majority of domestic workers with (62.5%) who said they are not paid overtime work. The contradiction between the responses of the employers and the employees may be that one of them is not telling the truth. Most of the employers still find it difficult to disclose some of the information regarding the working conditions of their domestic workers.

When asked if their domestic workers do work on public holidays or not. The majority of respondents (92.3%) said no, and the least majority with (7.7%) said yes. Although some employers are still ignorant on other issues regarding rights of the domestic workers, some are getting there by at least acknowledging that people are not suppose to work on public holidays if they do they must be paid. This may be the indication that employers do not want to pay or they are getting used to the situation. Some employers still take an advantage of their employees by not paying them while they are suppose to do so, even the Basic Condition of Employment states that people must be paid for overtime and working on public holidays and so on.

When asked if their employers would provide a pension fund for them when they are too old to work, or if something happens to them. The majority response (50.0%) did not know, 29.2% they said no and the least majority (20.8%) said

yes. Most of domestic workers are still in the dark about their future in the domestic sector, they do not know whether they are covered or not. The employers were then asked if they had any kind of pension scheme for their employees and if yes they must please specify. The minority of employers (33.3%) said yes they do have pension schemes, and the majority with (66.5%) said they do not have. The majority of the employers with (83.3%) said it is UIF, and the least majority with (16.7%) said it is Capital Alliance. Many employers have not registered their employees for the UIF as there are suppose to do in order to secure their employees future. Some employers especially those who have businesses and those who are just working (as receptionists etc.) argued that how are they suppose to do it for other people whereas they themselves do not have such security.

The majority of employees (87.5%) said the off sick period is not deducted from their pay, and the least number of employees (12.5%) said yes. This indicates that the majority of employers are getting used to the idea of the new legislation because legally they are not suppose to deduct the pay of their employees if they are ill and unable to work. Employers were then asked if their employees are ill, is the period they unable to work deducted from their pay. The majority of respondents (88.5%) said no, and the least majority respondents with (11.5%) said yes. The relationship between the employers and their domestic workers usually implies the tacit acceptance by the employers of an obligation to care for the health of their employees. Many employers accept that obligation, though the degree to which it is fulfilled varies extremely widely. The large majority of workers indicated that they were given medicines when they were ill and sometimes given money to see a doctor.

When asked what wage do they think they should be getting and why. 50% of the respondents said they think they should be getting R1200 because it is a minimum wage and the other 50.0% said R1500+ because cost the of living is too high. This indicates that most of the domestic workers are aware of what they should be getting and that most employers have not complied with the new legislation whereby they should be paying their domestic workers R1200 minimum wage as stipulated by the new legislation.

With regard to the wage that they pay their domestic workers. The majority of respondents (52.9%) said they pay them between R800-R1000, 23.5% said between R1100-1300, 17.6% said between R500-700, and 5.9% said between R1400+. The response of employers towards the minimum wage is not so promising due to several factors affecting employers. According to (Cock, 1984:31) there are two arguments that are frequently heard to justify the payment of low cash wages on domestic workers: one to do with the unskilled nature of the work involved; and the other with payment 'in kind'. In the first case it must that domestic labour is not a simple commodity. While it is traditionally regarded as an unskilled occupation, in fact there is an enormous range in the demands made upon the worker the skill expected, knowledge assumed and the trust and responsibility involved.

Employers were then asked who decided to pay the amount that they are paying their employees. The majority of respondents (60.9%) said its them and their employees which; is a mutual agreement, and the least majority (39.1%) said they decided it themselves. Fixing of wages by the employer without consultation with the worker is the 'traditional relationship'. The employer states the terms and

the employee accepts them without attempting to negotiate. The domestic worker can hardly do so, as she is trapped within a structure of constraints, which leave her little choice alternative employment.

Domestic workers were asked if they were aware of their rights as domestic workers. The majority (54.2%) said yes, and the least number of respondents (45.8%) said no. This indicates that there is a lot of work that needs to be done in educating domestic workers about their rights. Even though the majority of respondents knew their rights there's nothing much that they knew, they only knew that they have to get a minimum wage of R1200, and they also knew that they are suppose to be registered for the UIF but they do not know whether they were registered or not. Those who answered no they did not know what was happening they just take what's given to them.

Domestic workers hours of work are a bone of contention between the workers and the employers. The first question posed was what time do they start working in the morning. The majority of domestic workers (40.9%) start working between 6-7am, 31.8% start working between 7-8am, 27.3% start working between 4-5am. The second question was what time do they stop work for the day. The majority of domestic workers (58.3%) stop working between 5-8pm, and the least majority (41.7%) stop working between 1-4pm. The third question was how much time off do they have during the day. The majority domestic workers (66.7%) have $\frac{1}{2}$ -1hour, and the least majority (33.3%) have 1-2hours each day.

Employers were asked what time do their domestic workers start work in the morning. The majority of employers (84.0%) said they start work between 7-8am

and the least majority respondents (16.0%) said they start between 6-7am. Contrary to the domestic workers responses of which the majority (40.9%) said they start work early in the morning between 6-7am, and the least numbers of the domestic workers (27.3%) start work between 4-5am in the morning and (31.8%) start between 7-8am. This indicates the contradiction of between the employers and the domestic workers. The employers were then asked what time does their employees stop work for the day. The majority of employers (73.1%) said they stop between 4-5pm and the least majority (26.9%) said they stop between 1-3pm. There are so much contradictions between the responses of the employers and the employees. The majority of the domestic workers with (73.1%) said they stop work for the day between 5-8pm and the least majority with (41.7%) said they stop work for the day between 1-4pm. Which raises the question as to who is telling the truth and who is not. When the subject matter was investigated, the researcher met most of the employees at the employers place at 5pm, which may be an indication that they stop work at 4:30-5pm.

When asked if their, domestic workers have the time off during the day and if yes how much time off do they have. The majority of the respondents (84.6%) said they do get time off, (15.4%) said no they don't have. The majority of respondents (70%) said their domestic workers have $\frac{1}{2}$ -1hour time off during the day, (20%) said they have 1-2hours, (10%) said they have $\frac{1}{2}$ and less. The majority of employers do give their domestic workers sometime off during the day, this is also emphasized by the majority of domestic workers (66.7%) that they get $\frac{1}{2}$ -1hour off during each and every day. From the above percentages it is clear that most domestic workers work more than 45 hours per week. The longest hours are usually worked by live in domestic workers. Live in domestic

workers often suffer from infringement of their off-duty hours. They stated that because they live on their employer's premises, they are subjected to being called for 24 hours a day. Living in domestic workers are frequently considered generally available in the evenings to serve snacks when her employers return from an evening out or, as in one case, serve coffee at 10:30pm to their bridge guests. The majority of workers have some time off during the day, and this has been subtracted from the calculation of the average working week.

The majority of domestic workers (59.1%) have 1-2 weeks leave each year, (31.8%) do not have any leave, and (9.1%) get 2-3+ weeks. This indicates that majority of respondents have an annual leave each year, they can spend some time with their families, and migrant workers do come home for a brief period at Christmas. The majority of respondents spent Christmas day with their own families; a small percentage spent part of it with their families, while others did not know what arrangements their employers would make over Christmas. When asked if their employees have holiday each year. The majority of employers (100%) said yes they do. This is contrary to the domestic workers respondents 29.2% who said they do not have holidays each year. This indicates that though some employers comply with the legislation, they choose parts of the legislation that suits their needs and parts that they are comfortable with.

Domestic workers were asked if their employers ever discussed the new legislation with them, and if yes how was the relationship between them and their employers. The respondents (50%) said yes, and (50%) said no. This indicates that some employers do communicate with their employees and vice versa, though others seem to be ignorant or not to be clear enough with the new

legislation so they do not know whether to discuss the legislation with their employees or not. The majority of respondents (71.4%) said the relationship with their employers was fine, 21.4% said there was no communication, 7.1% said the relationship was bad and (7.1%) indicated that there are some employers who have not changed their attitudes towards domestic workers, the employer-employee relationship just does not exist.

Domestic workers were also asked about their employer's response on the new legislation. The majority of domestic workers (68.2%) said they did not comment, the least number of respondents (31.8%) said they did talk about it. This indicates the lack of communication between employers and the employees. The employer-employee relationship is not sound either because employers still see their domestic workers as purely servants or they felt that there is no need to comply with the government laws. The last question that was posed by the researcher to the domestic workers was the impact of the new legislation on them as domestic workers. The majority of respondents (71.4%) did not comment and the least number of respondents (28.6%) said things have changed for the better, while a portion of them said things have changed for the worst. Compliance on the side of the employers have positive and effects on the employees. Some employers are rewarding their employees correctly and some have started treating them differently to what they used to do. Some of the respondents indicated that they have lost their jobs from being full-time to being part-time workers.

Employers were asked about the length of service of their employees. The majority of employers (76.9%) said 1-5 years, 15.4% said 6-10 years, 3.8% said

11-15 years and the other 3.8% said 15 years+. This may indicate that domestic service is not a very mobile occupation for two reasons, firstly because of illiteracy and education and secondly because of the high levels of unemployment. Employers were asked why did their previous employees leave their employment. The majority of employers (42.9%) said they did not have domestic workers before, 23.8% said they relocated, 19% retired and 14.3% said they got other jobs.

Employers were asked how did they employ their current domestic workers. The majority respondents (64%) said they were recommended, 24% through somebody that they knew, and the least respondents (12.0%) said they are relatives of their former workers. The mode of recruitment is a reflection of how informal the employment structure is. Much is done by word of mouth and very little is put down on paper. For this reason it is important for job seekers to have someone in town who could recommend them to the prospective employers. Most employers prefer employing people recommended to them. As employers have to entrust their property and children to domestic workers, they prefer the workers to be known to them or their friends. To them it is far better than having to employ a total stranger.

When asked if their employees live in or out, the half of the employers (50%) said they live in, and the other half of employers (50%) said they live out. Due to migrant labour and unemployment, accommodation is a serious problem for many domestic workers. Many domestic workers are clinging to unpleasant jobs merely for the sake of having a place to live; many of them do not have a choice but to live with their employers. Those who are living out its either they travel long

distances to work or they are renting for their accommodation. Some employers like to have living domestic workers though because they know when ever they need their domestic workers they are always there.

The majority of employers (100%) have heard of the new legislation on domestic workers. Out of the 100% majority, half of the employers (50%) said the legislation is good and fair to the domestic workers, (22.2%) said the legislation is very much unfair to the employers, giving the reason that they were not properly consulted and yet they are expected to pay their employees the minimum wage whereas their wage at their jobs is not increased, (16.7%) said new legislation does not affect them in either way, they still treat their employees same as before and 11.1% said they discussed it with their employees. The latter response of the employers is contrary to the majority of the domestic workers with 66.2% who said their employers kept quiet about the new legislation.

Employers were asked what impact do the new legislation have on them as the employers. The majority of respondents (40%) said they are fine with it, (33.3%) said nothing, (20.0%) said it has a negative impact and in the future they will have to do without domestic workers and (6.7%) said the legislation was not thoroughly discussed with the employers. Most of the employers seem to be positive about the legislation and they are willing to improve the working conditions of their employees. Few employers are still conservative and have that attitude of treating domestic workers as servants. Although some of the employers raised an issue of consultation, many employers felt that they were not properly consulted regarding the new legislation, so hiring a domestic worker

has become expensive in that case they have to do without them, those who were affected had to fire their domestic workers, some had to take them on a part-time basis, but the workload is still the same with less money.

Employers were then asked if they have complied with the new legislation. The majority of respondents (70.8%) said yes they have, and the least majority (29.2%) said no they haven't. On what the employers have done to improve their employee's working conditions, the majority (50%) said they have always treated their employees as part of the family so they have not to improve anything for their employees. Some of them even mentioned that they are responsible for paying school fees for their employees children. A total of (33.3%) said they do not understand the new legislation so they do not know what should they comply with because they don't know exactly what is expected of them as employers, (16.7%) said they have done nothing because they can always do without domestic workers if they are forced to comply with the legislation.

Employers were asked if they have discussed the new legislation with their employees. The majority of respondents (66.4%) said yes, and (13.6%) said no. From the employees' response, 50% said no, the new legislation was not discussed with them. As a result there is a contradiction from the views of the employers and workers. At first the employers said they do not understand the legislation but the majority of them later said they discussed it with their employees, so the question is how could someone discuss something that they do not understand themselves with his employee's.

The question of fair treatment was then posed to the employers. The majority of employers (42.3%) said not all, 30,8% said they do not know, 26.9% said it depends. Some employers tend to see their workers as their personal responsibilities that must be protected against the hardships of the world. It is them who are most likely to call their workers 'one of the family'. The relationship between employers and employees is a crucial aspect of the domestic worker's situation. As perceived by the workers, these relationships are not generally as warm, close and supportive.

5.4. Addressing the Working Hypothesis

This section explains the relevance of the subject material driving together empirical evidence and compares the findings drawn by the researcher on the impact of the new labour laws (legislation) on domestic workers. Also, the hypothesis is addressed and examined against the evidence provided and the researcher then establishes the basis for conformation or rejection.

To be able to test the hypothesis, the researcher started by presenting the results gathered from the survey and the reiterating the objectives of the study as to always to stay in focus with the research objectives. As has been explained previously, the objectives are:

- ❖ To elicit the views of the domestic workers about their future in the domestic sector and the future of the domestic sector as a whole.
- ❖ To assess the overall advantages and disadvantages brought by the new legislation on domestic workers.
- ❖ To investigate the impact and implications of the new labour laws on domestic workers.

- ❖ To investigate the impact if the new legislation on employers of domestic workers.
- ❖ Make recommendations of how the challenges facing domestic workers may be addressed.

On the responses given by the domestic workers in this study (with regard to the first objective which was to elicit the views of the domestic workers about their future in the domestic sector and the future of the domestic sector as whole) the researcher was able to determine that: paid domestic work in other people's homes involves an exposure to a particular set of frustrations and resentments, generated by the extreme asymmetry of power and wealth involved.

The second objective of assessing the overall advantages and disadvantages brought by the new legislation on domestic workers, the responses given by the interviewees were that things have changed for the better, and others responded by saying things have change for the worst regarding their working conditions, wages and relationships with their employers.

The third objective was to investigate the impact and implications of the new legislation on domestic workers. The findings of this study revealed that things have not changed for domestic workers even though there is a legislation protecting them. Many employers have not complied with the legislation and there seem to be no hope for them to comply. This is a negative aspect to domestic workers involved because their working conditions and wage won't change.

The fourth objective was to investigate the impact of the new legislation on the employers of domestic workers. The findings of this study revealed that most of the employers seem not to be affected by the new legislation; they still do things the same as before the legislation was implemented. Most of them indicated though that they do not understand the legislation, others complained that the legislation was not effectively discussed with them as employers so they will have to do without domestic workers or not comply with the legislation because domestic workers have become expensive to maintain.

Based on the findings gathered from the responses of domestic workers and their employers, the researcher was able to determine that though there is a legislation protecting domestic workers, change seem bleak, government should make it its responsibility to see to it that employers do comply with the new legislation.

After the researcher was certain that the objectives were achieved, the researcher tested the hypothesis. This was done in order to be sure whether the hypothesis have been supported or not by the findings of the study. The hypothesis of this study is stated and discussed and the results in comparative conducted by other researchers. This has been undertaken to assess whether the findings of this study are congruent with the findings of other researchers.

5.4. Hypothesis

The researcher then discussed the following hypothesis advanced earlier in the study.

5.4.1. A simple change of laws is not enough to improve the lot of domestic workers if the enforcement of the new legislation is not ensured. Too much regulation may prove ineffective in practice. Many employers regard the employment of a domestic worker as a luxury. If the cost of compliance with statutory protective measures become prohibitive, the demand of domestic workers may decline to the obvious disadvantage of the workers concerned. The worst scenario, however, would be that domestic service could be driven underground and then carry on as if the protective legislation does not exist.

According to the findings in this study, what is at stake is fundamentally a class relationship, which in South African society assumes a racial form. According to (Cock, 1984:69) the class nature of this relationship was illustrated by the similarities between employer's perceptions of domestic servants in the eighteenth and nineteenth century England, and contemporary race attitudes in South Africa. The disparate class experiences are used to reinforce the negative stereotypic attitudes of the dominant class. While these negative experiences and typifications of domestic work apply in all advanced capitalist societies, and assume a racial form in the South African class structure.

Relationships between domestic workers and their employers showed considerable variation. In a few situations 'the mistress and servant are practically strangers meeting on the footing of employer and employed, with nothing between them but work and wages'. In many cases the relationship is characterized by formality and rigidity. Domestic workers are treated with extreme reserve, and personal interaction is strictly limited to the work situation. In other cases, the relationship showed a genuine human feeling on

both sides, a mutual trust and caring structured on daily intimacy. The great majority of the employers investigated were Afrikaans speaking. In this study an important difference in the general treatment of domestic workers in English and Afrikaans speaking homes, on the whole Afrikaans speaking employers tended to be less formal and rigid and more warmly personal in their relationships with employees than were English speaking employers. Most relationships between employers and their domestic workers showed a degree of social distance and some level of depersonalization.

Overall, the relationship between domestic workers and their employers is intensely paternalistic. In a study conducted by Cock, 1984:100 this has two implications: it consigns the worker to a dependent and powerless position and it generates a sense of power and superiority in the employer. Clearly, in many white South African families, household maintenance depends largely on the skill and hard work of domestic workers. Yet domestic workers are in no real sense members of the household they serve. In a study conducted by Berhardien & Lehulere, 1984:15 most domestic workers prefer seeing as little as possible of their employers. They keep their problems to themselves and solve them in their own ways. They avoid working for meddling employers as much as possible. As one said "Sy moenie dink dat net omdat ek vir haar werk het sy die reg om haar neus in my besigheid to steek". They are dependents for which employers assume differing degrees of responsibility, in various combinations of authority and affection. They are given privileges, but not rights, and have no sense of job security.

In social reality dictates that domestic workers are free only to accept or refuse an offer of employment, as employers usually have the sole and exclusive control over conditions employment. At this point it should be clear that the legislation protecting domestic workers was not effectively discussed with the employers concerned. Due to the increased cost factor of domestic workers, the proposed legislation will almost certainly compel many existing employers to ask themselves whether they are getting value for the money.

Secondly the findings of this study revealed that many employers have not complied with the new legislation, given different reasons though. Many employers feel that there was no proper consultation between them and the Labour Department they feel that they are supposed to be consulted more especially in issues involving finance. Some of them felt that the new legislation is just a waste of time because they haven't changed a thing in their households regarding the working conditions, wage etc this is where the effectiveness of the legislation should be ensured. Employers have raised valuable concerns about the new legislation some of them have dismissed their employees because they claim not to afford domestic workers anymore. Those who still have domestic workers they do comply, only with parts of the legislation that they are 'comfortable' with, those who do not comply they stated it clearly that it's either their way or no domestic worker. Some employers responded positively and they are eager and impressed with the legislation protecting domestic workers, they even indicated that it's been long over due. The employer's perception is that the Employment equity Act will negatively change management structures in their households and government should address that urgently. Steps have to be taken to listen to employer's complaints and to educate all parties about the intentions

of the laws. An eight-page employment contract hand out for the housewives is not the answer.

The findings based on the responses of the domestic workers, revealed that there is a total lack of communication between domestic workers and their employers and most of domestic workers do not know their rights, they also expressed fear of repercussions from their employers. Another important finding is that there are lots of contradictions between the responses of the employers and those of the domestic workers. The domestic workers indicated that they do not communicate with their employers. Regarding the new legislation many of them indicated that their employers never responded on the new legislation, some mentioned that things have changed for the worst, and others did indicate that things have changed for the better.

In many issues including hours of work, wage and conditions of employment, there are tremendous contradictions in responses of both parties. This may be the indication that the employers are afraid to come out of the closet, or they are guilty with the fact that they know that they are expected to comply with the legislation and yet they are not, so they are afraid of what may be the consequences because they know that what they are doing is illegal. The Department of Labour has done its part of the job by introducing new legislation. The big question now is how are they going to make sure that everybody who has domestic worker comply with the legislation because most of the employers already indicated that its either they do things their way or if the legislation is enforced their domestic workers will have to leave. Many domestic workers feel that they are taken advantage by their employers, given the low wage they are

still getting instead of the stipulated minimum wage, but the problem is that they do not know what to do to report such issues. Domestic service have just started to be driven underground, given the reason that employers won't tell the truth about the conditions of employment of their domestic workers and pretend as if every thing is fine whereas the domestic workers made it clear that their relationships with the employers are not good, things have changed since the minimum wage law was introduced. Therefore, the hypothesis is supported based on the findings gathered from this study.

5.5. Conclusion

The reason for the researcher to use both qualitative and quantitative approach is to explain and quantify the responses given by the respondents. The quantitative method was purposely included, as most social science research tends to be qualitative in nature. The explanation given to the problem statement by the qualitative format is supported by the quantitative analysis and it answers the research question. The result of this study and the studies conducted by other researcher proved that domestic workers are exposed in exploitation even though there is a legislation protecting them, the exploitation is still continuing. From the presentation of data in this chapter, it is evident that much effort is desired to address the compliance of employers on the new legislation. Department of Labour can play a leading role in educating both domestic workers and their employers about the new legislation.

CHAPTER SIX

Recommendations and Conclusion

6.1. Introduction

The problem concerning domestic workers is a multifaceted one. Historians have been content to take the phenomenon of domestic service for granted and hardly worthy of intensive study. There are various reasons for this:

- ❖ According to historians, domestic workers do not form a distinct social class, and therefore cannot establish a group identity. This makes them a group that is not suitable for study.
- ❖ Social and economic historians have ignored domestic workers because they traditionally perform 'women's work' which, at least formally, falls outside the most obvious urban economic activities.
- ❖ Literature regarding domestic workers is normally not suitable as a source for historical research as it invariably comprises the employer's one-sided account of domestic service. The problems inherent in the domestic worker's conditions are, therefore, not elucidated in these writings.

Historical developments and social struggles, including colonial conquest, racial discrimination and apartheid have made it possible for 'whites' to become dominant in South Africa. Africans have been marginalized- hence they have been partially developed until recently. As a result of this Africans developed a negative attitude towards 'whites' and believed and many still believe that 'whites' are superior. This points to one of the most intense sources of strain experienced by domestic workers. Many of the women interviewed reported that they had had to look after two families and neglect their own in the process. On the whole they are markedly powerless to alter their situation. Lack of educational opportunities and employment alternatives, coupled with legislation

restricting the movement of black workers, all combine to 'trap' black women in domestic service (Lessing, 1994:173).

Domestic workers and their employers are not free and equal participants in interaction. Their interaction is shaped and coloured by the structures, which, control the distribution of power and resources in South African society. These structures define the relationship between whites and blacks as a master servant relationship in all spheres, enforced through a variety of effective controls and sanctions. It is a system in which the Africans are forced to work for the whites at bare subsistence wages, deprived of all basic rights to assert their interests freely and legally, and subject to some of the most draconian and tyrannical labour controls ever developed in modern industry. The enormous power and prosperity of the whites in South Africa is based on the systematic exploitation of African labour (Own analysis).

After the advent of democracy, the labour Minister Mr. Mdladlana directed the department to investigate the conditions of service of domestic workers with the intention of formalizing the domestic sector. This resulted in the promulgation of Domestic Worker Sectoral Determination. The sectoral determination lays down conditions of employment for domestic workers such as hours of work, leave etc. The implementation of the sectoral determination introduced much needed realism into the whole messy and unstructured master-servant relationship in South Africa. Those who still employed maids because of some post-colonial guilt trip were finally forced to consider whether they still needed or can even afford domestic servant. Should they decided, that they don't, the savings will not only be financial, they will be emotional (Own analysis).

The pool of available domestic labour is clearly much greater than the number of vacancies and the situation is unlikely to improve as a result of the minister's proposals. Understandably, many people decided that their money could be better spent elsewhere. In addition to the increased cost factor, the new legislation almost certainly compel many existing employers to ask themselves whether they are getting value for money. In cases the answer will be no. The maid and madam relationship is an unfortunate and expensive legacy of apartheid era when labour was cheap and plentiful and more importantly, disorganized. To be blunt, there are many households where employers who are either too scared or too compassionate to send middle-aged, unskilled people onto the streets tolerate hopelessly ineffectual domestic workers (Own analysis).

The dependence of domestic workers on their employers is often taken to imply that they are deferential workers. Evidence from this study (even though this was not the primary intention of this study) suggests that the deference attributed to domestic workers is more apparent than real. Many domestic workers adopt a mask of deference as a disguise. This enables them to conform to employer's expectations and shield their real feelings. Ultimately, then, the problems of domestic workers were generated by a system, which did not operate in their interests. Things have changed the new legislation is in favour of domestic workers (Cock, 1984:79).

(Bullard, 1999: Sunday Times), argues that the engagement of government in improving the working conditions of domestic workers is accompanied by the historical background of the apartheid era. The new legislation is aimed at bringing back the dignity and end the exploitation of domestic workers and

treated as humans. The problematic issues about the new legislation identified by both domestic workers and the employers is that, domestic workers are loosing their permanent jobs to 'Chars' and the relationships between them and their employers are not the same. Some employers are fine with the legislation and others do not see a need for it because it does not affect them in anyway they won't change what they've been doing because they know most of their employees are illiterate so they won't comply with the legislation anyway.

In conclusion, this research will benefit employers department of labour (government) and domestic workers in understanding the dynamics surrounding the domestic sector. When employers, domestic workers and government start to understand the constraints and possibilities of the new legislation, a harmonious working environment and understanding is possible from all the parties involved. The problems identified should serve as a wake up call to the government to be cautious when adopting policies more especially those involving employers who are employees themselves.

6.2. Recommendations

Despite its disadvantages, domestic work does not appear to be a declining occupation. It would seem that while the level of education of black South Africans is kept so low and their opportunities for jobs remains so limited many women will continue to find themselves with no alternative but domestic work as means of supporting themselves and their children. The attitude of most employers towards their employees needs to be modified and the employees themselves should recognize what working conditions they may reasonably demand in return for efficient service.

It is obvious that the implementation of the new legislation is not properly implemented, because most employers have not complied yet and this situation should not be allowed to continue. Much can be done to improve this situation. The following recommendations are but may be guidelines for better implementation.

6.2.1. Providing Adequate Information

There was evidence from both domestic workers and their employers that essential information concerning the new labour laws on domestic workers was lacking or inadequate. This has implications for the dignity and respect of domestic workers. Important information and material should be provided to the domestic workers and their employers. Domestic workers and their employers should be encouraged to read about the new legislation and attend workshops.

6.2.2. Conducting Workshops

The results indicate that domestic workers are not adequately informed about the new legislation and about their rights. They also indicate that some employers are not complying with the legislation due to the fact that they may be lacking information or there is no proper consultation with them by the Labour Department. It is also evident that the Department of Labour provided inadequate information for both domestic workers and their employers. It is recommended that the Department of Labour conduct workshops for both domestic workers and employers on the new legislation on domestic workers. A collaborative programme between the Department of Labour and local governments to carry out education and publicity on the rights of domestic workers is recommended.

6.2.3. Educating Domestic Workers

One of the problems of domestic workers is education they are illiterate and vulnerable, training and education is the ultimate aim of their involvement in Trade Union which will enable them to break the silence of being ultra exploited by their employers. It will also improve the relationships between domestic workers, their employers, and an ultimate change of attitude from the employers especially.

6.2.4 Education, Monitoring and Enforcement

With respect to these workers labour rights should be drastically enforced. More resources from the Department of Labour should be allocated to the Legislative or other changes may be required to facilitate the access of labour inspectors and union organizes to workplaces.

6.2.5 Advice Bureau

In the areas where domestic workers are employed, are important. While doing the research, I was asked for advice on many issues. I often did not have the accurate information. People daily need advice on pay-rates, hours of work, holiday pay, pension etc. I was also asked to advice regarding their children concerning school.

6.2.6. Government Must Offer Employers Some Incentive in Return for Their Commitment to the Idea of Minimum Wage

Householders who employ domestic workers are being asked by the government to behave commercially so it is only fair that they should enjoy the same advantages that the commerce does. The full cost of a maid should be tax-

allowable to individuals as an expense for running the household. Tax-efficient incentive schemes would reward the hardest working and most efficient.

6.2.7. Adjust the Legislation

The Minister should understand that nobody is legally obliged to employ a domestic worker and that only the best will survive as result of the legislation so may be there should be few adjustments in the legislation.

6.2.8. Department of Labour is guaranteed to Bring About an Irrevocable Breakdown in the Relations Between the Domestic Worker and her Employee

Making an immediate increase in the inspectorate of the Department of Labour to supervise the enforcement of the legislation is not practical. It is extremely difficult, for obvious reasons. It is our hope that the non-legal labour consultants who have played such a valuable role during the development of labour relations in the past can fulfill this need.

6.2.9. Motivating Employers

Motivate employers possibly via tax concessions that voluntarily arrange for benefits such as unemployment insurance and pensions for their domestic workers.

6.2.10. Removing tension and or resentment of employers

It is desirable to remove, except in flagrant cases, peremptory prosecution of employers for minor contraventions of the legislation. This could do much to remove tension and/ or resentment of employers who view the legislation as an intrusion.

6.2.11. A specialized Employment Agency

This could play an important role by helping the unemployed domestic workers to find employment. It could also play a watchdog role by ensuring that the workers, finds employment for, earn decent wages and have favourable working conditions.

6.2.12. Prospects for change seem bleak

It would take more than few reforms to solve the crisis situation in which domestic workers find themselves. Structural changes, like the destruction of sexual discrimination, better educational and employment alternatives would enable the domestic workforce to command better wages.

6.2.13. Skills and Training

There should be a comprehensive education and training strategy for domestic workers. The South African qualifications Authority Should develop a system towards recognizing and accrediting skills acquired by domestic workers. The payment of a skills levy by employers, paid time off for education and training, and the provision of adult basic education and training for domestics would also be crucial aspects of an education and skills development strategy for domestic workers.

6.2.14. Recreational facilities

For live-in domestic workers in the areas where they work are needed. Many of the domestic workers have no form of recreation. They socialize in their often-uncomfortable rooms. In Rooihuiskraal, domestic workers sit at a shopping centre or under the trees when they are off duty.

6.2.15. Solidarity of Domestic Workers and their Union

Domestic workers must solidify with one another and with their union, which is (SADSAWU) South African domestic Service & Allied Workers Union to ensure that their employers fully comply with the new legislation and battle against exploitation, racism etc. Therefore, it is essential for the union and domestic workers to be united in engaging to resolve the problems faced by the domestic workers.

6.3. Conclusion

The researcher was able to access the attitudes of domestic workers and their employers towards the new legislation protecting domestic workers. The study shows that some of the employers they still do not comply with the new legislation. On the other hand the some of the domestic workers do not even have a clue that there is a legislation protecting them, those who know they do not know exactly what does the legislation entails. This study shows that though there is a legislation stipulating the minimum wage and other conditions of services domestic workers still exist in a legal vacuum, the employers set wages and conditions of work according to their own preference. This is obviously disadvantageous to the workers. It is also suggested that the key to understanding the domestic worker's situation lies in their powerlessness and dependence on their employers.

PRIVATE AND CONFIDENTIAL

UNIVERSITY OF DURBAN-WESTVILLE

SOCIAL POLICY PROGRAMME

Questionnaire for the Domestic Worker

Please mark (X) the appropriate answer

A. BIOGRAPHICAL DATA

1. What is your age?

(a). 18- 29		(b). 30- 41		(c). 42- 53		(d). 54- 65 +	
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2. What ethnic group do you belong? (For statistical purpose)

(a). Xhosa		(b). Zulu		(c). Tswana		(d). Ndebele		(e). Other (Specify)	
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3. Education, Have you ever been to school

(a). Yes		(b). No	
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4. If yes, what standard did you pass?

(a). Std 5- Std 7	
(b). Std 8- Std 10	

5. Did your mother ever go to school?

(a). Yes		(b). No		(c). Don't know	
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6. Are you married?

(a). Yes		(b). No	
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7. How many of your children are still at school?

(a). 0	(b). 1	(c). 2	(d). 3	(e). 4	(f). 5+
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8. What is the total number of persons living in your house?

(a). 1		(b). 2		(c). 3		(d). 4		(e). 5		(f). 6+	
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9. How many people are dependent on your earning?

(a). 1		(b). 2		(c). 3		(d). 4		(e). 5		(f). 6+	
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10. Is there anyone else in your family/household employed?

(a). Yes		(b). No	
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11. Would you like any of your children to become a domestic worker?

(a). Yes		(b). No	
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12. If yes please say why; if no, please say why not.

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B. WORK HISTORY

13. How long have you been a domestic worker?

(a). Less than 6 months		(b). 6 months- 1 year		(c). 2- 3 years		(d). 4-6 years	
(e). 7- 10 years		(f). 11- 15 years		(g). 16-25 years +			

14. What was your first job you ever had?

15. At what age did you start your first job?

16. Why did you choose domestic work?

C. CONDITIONS OF EMPLOYMENT

17. Number of people in employer's household:

(a). 1- 3		(b). 4- 6		(c). 7- 10 +	
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18. Number of rooms (excluding kitchen and bathroom).

(a). 1- 4		(b). 5- 8		(c). 6- 10		(d). 11- 15 +	
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19. What work do you do?

(a). Cooking and Cleaning		(b). Cleaning		(c). Washing and Ironing		(d).Baby Sitting		(e).Other (Specify)	
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20. Do you have a written contract?

(a). Yes		(b). No	
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21. Do you (a) Live in (b) (Live out)?

(a). Live in		(b). Live out	
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D. WAGES

22. What is your cash wage paid weekly, monthly or daily?

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23. Is your wage increased every year?

(a). Yes		(b). No	
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24. If yes, by how much?

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25. Do you work on public holidays?

(a). Yes		(b). No	
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26. Do you get paid overtime for work outside of your normal hours e.g. Sundays and Public holidays?

(a). Yes		(b). No	
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27. Will your employers provide a pension for you when you are too old to work, or if something happens to you?

(a). Yes		(b). No		(c). Don't Know	
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28. If you are too ill to work, is the period you are unable to work deducted from your pay?

(a). Yes		(b). No	
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29. What wage do think you should be getting and Why?

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E. HOURS OF WORK

30. What time do you start work in the morning?

(a). 4- 5am		(b). 6- 7am		(c). 7- 8am	
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31. What time do you stop work for the day?

(a). 1- 4pm		(b). 5- 8pm		(c). 9pm (Upwards	
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32. How much time do you have off during the day?

(a). $\frac{1}{2}$ - 1 hour		(b). 1- 2 hours		(c). 2- 3 hours		(d). 3- 4 hours	
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33. How much leave do you get each year?

(a). None		(b). Less than 1 week		(c). 1- 2 weeks		(d). 2- 3 weeks +	
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F. GENERAL INFORMATION

34. Do you know your rights as a domestic worker?

(a). Yes		(b). No	
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35. Does your employer ever discuss the new labour laws on domestic workers with you?

(a). Yes		(b). No	
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36. If yes, how is the relationship between you and your employer?

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37. What was your employer's response on the new labour laws?

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38. What impact do the new labor laws have on you as domestic worker?

UNIVERSITY OF DURBAN-WESTVILLE

SOCIAL POLICY PROGRAMME

Questionnaire for the Employers of Domestic Workers

Please mark (X) the appropriate answer

A. BIOGRAPHICAL DATA

1. What is your sex?

(a). Male		(b). Female	
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2. What is your age?

(a). 18- 29		(b). 30- 41		(c). 42- 53		(d). 54- 65 +	
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3. What group do you belong? (For statistical purpose)

(a). English		(b). Afrikaans		(c). Other (Specify)	
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4. What is the highest standard you passed at school?

(a). Std 8		(b). Std 9		(c). Std 10	
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5. Do you have any other training/education or are you attending classes of any kind?

(a). Yes		(b). No	
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6. If yes, please specify.

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7. How many children do you have under the age of 16 years?

(a). None		(b). 1		(c). 2		(d). 3		(e). 4		(f). 5 +	
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B. HOUSEHOLD ORGANISATION

8. How many persons presently living in your household?

(a). 1		(b). 2		(c). 3		(d). 4		(e). 5		(f). 6 +	
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9. Type of house: (a) House (b) Flat

(a). House		(b). Flat	
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10. Number of rooms: (excluding bathroom and kitchen)

(a). 1- 4		(b). 5- 7		(c). 8- 11		(d). 12- 15 +	
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11. In what capacities are they employed?

(a). Cook		(b). Cleaner		(c). House Maid		(d). Baby Sitter		(e). General Domestic Worker etc.	
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12. How long has your employee in your employment?

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13. Why did your previous domestic worker leave your employment?

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14. How did you come to get your current domestic worker?

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C. HOURS OF WORK

15. Does your domestic worker live in or out?

(a). Live in		(b). Live out	
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16. What time does your domestic worker start work in the morning?

(a). 4- 5am		(b). 6- 7am		(c). 7- 8am	
-------------	--	-------------	--	-------------	--

17. What time does she stop for the day?

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18. Does she have any time off during the day?

(a). Yes		(b). No	
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19. If yes, how much time does she have off during the day?

(a). $\frac{1}{2}$ hour/ less		(b). $\frac{1}{2}$ - 1 hour		(c). 1- 2 hours		(d). 2- 3 hours		(e). 3- 4 hours	
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20. Does she work on public holidays?

(a). Yes		(b). No	
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21. Does she get a holiday each year?

(a). Yes		(b). No	
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22. Is she paid during this time?

(a). Yes		(b). No	
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D. PAYMENT OF YOUR EMPLOYEE

23. What wage do you pay your domestic worker?

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24. Who decided to pay this amount?

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25. Do you pay overtime for work your worker does outside of her normal hours?

(a). Yes		(b). No	
----------	--	---------	--

26. Do you have any kind of pension scheme, or made any provision for your worker's future?

(a). Yes		(b). No	
----------	--	---------	--

27. If yes, please specify:

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28. If your worker is ill, is the period she is unable to work deducted from her pay?

(a). Yes		(b). No	
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E. GENERAL INFORMATION

29. Have you heard of the new legislation on domestic workers?

(a). Yes		(b). No	
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30. If yes, what was your response?

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31. What impact do they have on you as an employer?

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32. Have you complied with the new legislation?

(a). Yes		(b). No	
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33. If no, what have you done to improve the working conditions of your employee?

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34. Have you ever discussed the new legislation with your employee?

(a). Yes		(b). No	
----------	--	---------	--

35. Do you think domestic workers are treated fairly by their employees?

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