SERVICES SECTOR - DOMESTIC WORKERS

1988 - 1989

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Domestics paid R156,15 a month

THE AVERAGE WAGE paid to domestic workers in South Africa is R156,15 a month, which includes food and accommodation, according to statistics released by the Central Statistical Service.

The average wage includes R96,50 cash, R37,76 for food, R15,29 for use of living quarters and R6,60 for other goods and services, the CSS said.

SOWETAN Reporter

It added that the best pay was in the Durban/Pinetown area with Pietermaritzburg not far behind. Vaal Triangle householders paid domestics more than their counterparts in other Transvaal urban areas.

The worst off were those in Kimberley homes.

The CSS data showed that at least half of South African homes relied on full-time domestic help.

If all workers, full-time and part-time, are considered 35,7 percent of all houses in every major urban area do not have domestics.

More than 80 percent of householders in the Cape Peninsula do not have full-time domestics, while on the Rand 50,1 percent of houses are looked after by owners.

According to the CSS the urban area in which most people have a domestic servant is Durban/Pinetown, where 54 percent of homes have at least one helper, 5,8 percent have two and just under one percent, three.

A total of 55 percent of Bloemfontein's households have at least one domestic helper while in the Cape Peninsula 18,3 percent have a servant.

The census has found that on average a total of 81,6 percent of all domestic workers in South Africa are black women, 10,4 percent are coloured women and 7,6 percent are black men.

294 STAR 13/4/88.

No to sex led to murder bid

By Anna Louw
East Rand Bureau

Pieter Charles Christie (52) of Kempton Park was convicted yesterday by a Kempton Park regional magistrate of attempting to murder a domestic servant by ambushing and shooting her because she refused to have sexual intercourse with him.

Mr J J van der Watt fined Christie R5 000 (or 500 days). He was also declared unfit to keep a firearm for a period of four years.

At a previous hearing, Christie pleaded not guilty to a charge of attempted murder. The charge was related to an incident at his home on May 27 last year when he shot and wounded Miss Veronica Moedi (28) in the neck.

The court heard that Christie had been to a party that afternoon. At about 7 pm he went to Miss Moedi's room and knocked on the door. When she opened the door Christie, who was wearing pyjamas, asked if there was someone with her.

Miss Moedi said there was not and Christie asked if he could come in and see for himself. When Christie asked if she would have sexual intercourse with him she refused and he left.

The court heard that, later, when Christie heard the back gate open, he went outside where he waited for Miss Moedi who was shot at close range.

She grabbed the barrel of the gun and held on to it until one of Christie's sons arrived and took it away from him.

The court rejected Christie's evidence that he heard a noise, grabbed his gun and went outside after remembering that a neighbour had told him strangers were coming into his yard.

Evidence that Christie saw someone coming towards him and thought that he was going to be attacked was also rejected.

Christie said there was no time to issue a warning and he fired two shots. He said it was too dark to see who it was.

Disputes/work stoppages/strikes

37. Mr P G SOAL asked the Minister of Manpower:

(a) How many (i) disputes, (ii) work stoppages and (iii) strikes were reported in 1987 in terms of the Labour Relations Act, No 28 of 1956, to (aa) his Department and (bb) the Wage Board and (b) in what industries, trades or occupations did (i) work stoppages and (ii) strikes occur?

The MINISTER OF MANPOWER:

(a) (i) (aa) and (bb) The Labour Relations Act, 1956, does not contain provisions in terms of which disputes must be reported to the Department of Manpower or the Wage Board.
(ii) (aa) 123.
(iii) (aa) 1025.
(ii) (bb) and (iii) (bb) Work stoppages and strikes are not reportable to the Wage Board.

(b) (i) and (ii)

Construction	84
Electricity	6
Finance and insurance	16
Government and services	54
Manufacturing	580
Mining	141
Trade and accommodation	220
Transport and communication	47
TOTAL	1148

NOTE: The figures under (b) include strikes and work stoppages. Separate figures for the different industries, trades or occupations are not available.

Farm/domestic workers: report on working conditions

88. Mr P G SOAL asked the Minister of Manpower:

(1) Whether, with reference to his reply to Question No 7 on 2 June 1987, consultations concerning the report of the National Manpower Commission on the working conditions of farm and domestic workers have now been completed; if not, (a) why not and (b) what remains to be done to complete this investigation; if so, when;

(2) whether the report has been released; if so, when; if not, (a) why not and (b) who took the decision in this regard;

(3) whether any action affecting the working conditions of farm and domestic workers is to be taken as a result of the findings of this commission; if not, why not; if so, (a) what action and (b) when;

(4) (a) when was this commission established and (b) what was the total cost of the commission as at the latest specified date, for which figures are available?

The MINISTER OF MANPOWER:

(1) No.

(a) Consultations with organized agriculture are still in progress as the agricultural sector is diverse, comprising a great many interest groups at national, regional and district level.

(b) The nature of the sectors involved and the geographical diversity prevailing in agriculture necessitate drawn-out discussions and further investigation. It is consequently not possible to give a precise indication as to when finality will be reached.

(2) No.

(a) The Labour Relations Act, 1956, provides for the National Manpower Commission to submit its reports and recommendations to the Minister of Manpower, who decides on any actions to be taken thereanent. It is, however, not incumbent upon the Minister to release any report, with the exception of the annual report.

(b) The Minister of Manpower.

(3) Whether any action is to be taken, will be considered once consultations with organized agriculture have been concluded.

(a) Falls away.

(b) Falls away.

(4) (a) 1 October 1979.

(b) The total cost of the Commission up to 31 March 1987 amounted to R5.03 million.

Blacks in independent states: South African citizenship

95. Mr P G SOAL asked the Minister of Home Affairs:

(1) How many Blacks in each independent Black state regained their South African citizenship in 1987 in terms of the National States Citizenship Amendment Act, No 13 of 1978;

(2) whether any applications were refused; if so, (a) how many from each state and (b) why in each case?

The MINISTER OF HOME AFFAIRS:

(1) Owing to the provisions of the Restoration of South African Citizenship Act, 1986 (Act 73 of 1986), which came into effect on 1 July 1986, no Black of any of the independent states applied in terms of section 3 of the National States Citizenship Act, 1970 (Act 26 of 1970), as amended by the National States Citizenship Amendment Act, 1978 (Act 13 of 1978) for South African citizenship during 1987.

(2) (a) and (b) Fall away.

Johannesburg: rapid rail transit system

106. Mr P G SOAL asked the Minister of Transport Affairs:

Whether, with reference to his reply to Question No 253 on 5 August 1987, a decision has been taken on the introduction of a rapid rail transit system for Johannesburg; if not, why not; if so, what decision?

The MINISTER OF TRANSPORT AFFAIRS:

No. The matter is still under consideration.

Drivers' licences/identity documents

107. Mr P G SOAL asked the Minister of Transport Affairs:

(1) Whether, with reference to his reply to Question No 1 on 25 August 1987, the Commission for Administration has carried out a further investigation into the matter of whether drivers' licences should be separate from identity documents; if so,

(2) whether the Commission has reported to the Cabinet Committee for Economic Affairs; if so,

(3) whether this committee has reached a decision on the matter; if so, (a) what is the decision of this committee and (b) what decision has the Cabinet made in this regard?

The MINISTER OF TRANSPORT AFFAIRS:

(1) Yes.

(2) Yes.

(3) Yes.

(a) and (b) The Cabinet has decided not to separate the two documents.

Members charged/convicted: bounds of duty exceeded

192. Mr K M ANDREW asked the Minister of Defence:

(1) Whether, in 1987, any members of the South African Defence Force were (a) charged with and (b) convicted of exceeding the bounds of duty while serving in any Black townships; if so, (i) how many and (ii) in respect of what offences in each case;

(2) whether, in that year, any civil actions were instituted against (a) him and/or (b) any members of the Defence Force for acts committed by members of the Defence Force while on duty in Black townships; if so, (i) how many, (ii) what were the circumstances surrounding each claim and (iii) what was the nature of the claim in each case;

(3) whether any of these actions have been finalized; if so, (a) how many as at the latest specified date for which information is available and (b) what was the outcome in each case?

The MINISTER OF DEFENCE:

		(i)	(ii)
(1)	(a)	4	3 assault. 1 assault and theft
	(b)	1	1 assault
(2)	(a)	Yes	
		(i)	As on 31 December 1987-97
		(ii)	To explain the circumstances surrounding all the actions would run to volumes and

ST Times 8/5/88 (294)

Domestic workers in the cold

By Robyn Chalmers

MOST of South Africa's estimated 800 000 domestic servants have no retirement savings and will become a heavy burden on State funds if employers do not provide for them.

Central Stastistical Services (CSS) 1986 figures show that two out of three white households have either a full- or part-time domestic worker.

The average monthly wage earned by black full-time domestic workers in Johannesburg is R139,65, according to CSS. This includes transport costs.

In the Vaal Triangle, Kimberley, Bloemfontein, East London, Klerksdorp and the Free State Goldfields the average wage is under R105. In the Cape Peninsula it is R156,54.

Benefits

Planning for retirement is virtually impossible for domestics, taking into account that they have to pay for education, rent, clothing, food and other neccessities.

Federated Life domestic pension fund manager Lulu Lipworth says many employers allow their domestics to wait for a State pension at the age of 60.

"Employers do not realise that while they allow domestic workers to wait for a State pension they are losing out on valuable benefits offered by private pension funds.

"It is not guaranteed that the Government will pay for every black pensioner in an ageing community — it will probably go broke if it does."

Margaret Nhlapo, national publicity secretary of the SA Domestic Workers Union (Sadwu), urges employers to make some provision for their workers.

"Low wages mean domestics cannot save for old age, and the responsibility should fall on the employer.

"We advocate a R200 minimum wage for full-time workers, which is low. Another R30 a month would go a long way to a good pension, and would not make a huge dent in an employers pocket," she says.

Domestic workers have no statutory protection other than under common law.

They are excluded from:

- The benefits of a stipulated minimum wage.
- Sick leave, maternity leave, or holidays.
- The Labour Relations Act, the Unemployment Insurance Act and the Workmen's Compensation Act.
- The Basic Conditions of Employment Act and the Machinery and Occupational Safety Act.

Farm and domestic workers are waiting for the recommendations of the National Manpower Commission which Manpower Minister Piet du Plessis has been sitting on for three years.

Delegation to face Minister of Manpower

DOMESTICS STEP UP CAMPAIGN FOR LIVING WAGE

AN intensive campaign for legislation for domestic workers, "the most oppressed and exploited of all workers", will kick off on June 1 with a delegation from the South African Domestic Workers' Union meeting the Minister of Manpower to present their wide-ranging demands.

SOWETAN CORRESPONDENT

Spokeswoman of Sadwu, Ms Merciful Ngidi, said that the campaign was in keeping with the congress of South African Trade Unions' campaign for a living wage.

"Sadwu feels very strongly that the reason domestic workers are working under such bad conditions is due to the fact that they are not covered by legislation," she said.

She said that in South Africa, domestic workers were among the most oppressed and exploited of all workers, earning about R80 a month in most areas.

Sadwu, a 50 000-strong Cosatu-affiliate, has called on all domestic workers and other progressive organisations to support the domestic workers' and farm workers' campaign.

Ms Ngidi said since their first attempt in 1982 to get legislation for domestic workers, conditions of farm and domestic workers were worse.

"Rentals and bus fares have gone up, food prices are increasing daily, education fees as well as medical fees are remarkable, yet the wages of domestic workers still remain below the breadline," she said.

Sadwu is calling for and will present the following demands to the acting Minister of Manpower, Mr Eli Louw:

- A minimum wage of R450 a month, an eight-hour day for five days and full meals for a full-time skilled worker and R350 a month for a full-time semi-skilled worker;
- A R175 wage for fortnightly paid workers and R80 for weekly paid workers;
- Part-time workers to be paid R3,50 an hour;
- The abolition of child labour;
- Maternity leave to be given to all domestic workers eight weeks before giving birth and six weeks after giving birth, as well as time off to attend ante-natal clinics;
- Twenty-one working days' paid annual leave after completing 12 months of service, with leave to be taken within four months of the due date.

Sadwu is also calling for legislation that covers the Wage Determination Act, Workman's Compensation Act, the Unemployment Insurance Fund Act, medical aid, benefits, one month's notice on either side, pensions, a written agreement of employment and the rights of all workers to be protected by the Labour Relations Act.

Sowetan 9/5/88

Focus on domestic workers

ABOUT 400 people, mostly women, at the weekend attended a one-day seminar in Wattville, Benoni, which focused on the role of black women in society.

The seminar, organised by the Imbeleko Women's Organisation, also looked into the problems faced by black domestic workers, as well as the raising of children.

Project's Co-ordinator of Imbeleko, Miss Nomonde Jafta, who delivered a paper on women's role in society, highlighted the importance of women taking an active role in the community because of the male-female ratio imbalance.

Miss Jafta said: "The attitudes prevailing in our society, that women are inferior, are of our own making. We have to correct this situation."

A speaker from the Black Domestic Workers' Association (Bladwa), said: "There was no legislation covering domestic workers but we cannot leave our mothers and sisters to be exploited by the cruel white world".

Bladwa also condemned the black middle class "who pretended to be against exploitation and yet exploited its own domestics by paying low wages".

Imbeleko youth staged a drama production while members of the Azanian Students Movement chanted slogans in praise of exiled chairman of the Black Consciousness Movement, Mr Mosibudi Mangena.

First victory for Cape domestics

CP Correspondent

THE South African Domestic Workers' Union won its first East London victory last week with the reinstatement of 13 domestic workers.

The group, all employed at the Lancaster House Old Age Home, were out of work for two and a half months after going on strike in solidarity with a worker who was fired.

The local organiser of the union, Mbulelo Madyo, said the worker, Rosebud Morris, was dismissed after an argument with the home's manager, a Mrs Lane.

Morris, who was the shopsteward at the time, was pregnant and Lane allegedly accused her of being slow. The union said Morris had been told by Lane not to supply the toilets with rolls of paper as Lane would attend to it. When the residents discovered the toilets did not have paper they confronted Lane.

Morris was later dismissed. The other workers were fired when they demanded her reinstatement.

Madyo described the action as "open victimisation by the employer".

After failing to reach an agreement with the home's management, the union approached its lawyers. The matter was solved in an out-of-court settlement.

Madyo appealed to domestic workers at old age homes and schools to join the union.

He said: "It is only when united, that they can fight exploitation."

Lane was not available for comment. – Elnews

Cape Times 16/6/88

Council to consider hostel for servants

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Staff Reporter

CITY councillor Mr Chris Joubert, who represents part of Sea Point, has suggested to the city planner that the council should investigate building a hostel on Green Point common for single domestic workers employed in the area.

Mr Joubert said that the previous lack of recreational facilities for "our domestic workers" had been partly addressed by establishing a Domestic Workers' Association (DWA) clubhouse on the grounds of the Green Point track near the stadium.

The clubhouse now served as a crèche, recreation hall, education centre and employment advice office.

However, there was also a "tremendous" shortage of accommodation for single domestic employees, and more and more blocks of flats were closing their servants' quarters.

Employees were now expected to come to work from their homes, he said.

He asked city planner Mr David Jack to investigate the possibility of erecting a building beside the DWA centre to house "single employees of our area".

Funding ought to come from the private sector, he said, and employers could pay for the upkeep.

tures ... The secret of their success ... and trust each other," says Mrs Scott. ● Picture by Karen Fletcher.

Flat resident speaks out against 'abusive treatment' of domestics

Star 20/6/85

By Sue Valentine (294)

The abusive treatment by security guards of domestic workers residing in the Astonvilla Flats in Birdhaven has sparked sharp criticism from a resident in the block.

The man, who did not wish to be named, said people visiting the domestics were frequently greeted with abuse by the guards when they arrived at reception. Even domestics who had keys to the security gates were harassed and insulted, he said.

In a letter brought to The Star, the man said: "As a British citizen who has been living in the country for four years, I was shocked at the victimisation of the servants who are valuable members of the community."

Miss Beth Acutt, a spokesman for I Kuper, the agents for Astonvilla, said the security system was introduced in January this year and "there have been a few teething problems".

She said the security guards had been criticised for letting in too many unwanted people, but that possibly they were now being too harsh.

"Any matter of this nature will be dealt with by the board of trustees or us, the managing agents," said Miss Acutt. "As soon as we receive any complaints in writing we will raise the matter with the trustees who have control over the security guards."

bia."

As a result, the ability to talk with Cuba over Angola has become part of a more general but discreet dialogue. — Financial Times News Service.

makers have hinted that the ANC should consider a settlement formula granting minority guarantees to whites — something the ANC has not been prepared to concede," Dr Davis said.

"Evidence suggests that as the state of emergency crackdown drags on and moderates remain in detention, radical factions within the ANC camp are gaining in influence."

Domestic-employer clash settled

Star 25/6/88

By Inga Molzen (294)

Domestic workers, labourers and others who cannot afford legal representation now turn to one of the 40 small claims courts set up by the Department of Justice since 1985 to settle their grievances. This week, a Zulu-speaking domestic worker saw justice being done in the Hillbrow Small Claims Court which sits every weekday night except Friday. Parties appearing before "the little people's court" appear at a cost of R8,25, the cost of serving a summons. "Small claims" are limited to R1 500. Cases are heard before qualified legal men, who volunteer their service free of charge and act as "referees".

"Do you want more? Well, go and work!" said a Westdene man to his former domestic worker after he was told to pay her R100 in the Hillbrow Small Claims Court this week.

Miss Anna Masusku, who took her former employer, Mr Nelson Snyman, to court over a labour dispute which arose in March this year, smiled when judgment was passed.

It did not seem to irk Miss Masuku that she had received less than half of what she had claimed.

But Mr Snyman, a family man living in Third Avenue, Westdene, made it clear he was unhappy with the outcome of the case.

"Wena funa futhi? Hamba sebenza" (Do you want more? Go and work!) he told Miss Masuku as he passed over a bundle of cash to her.

"Can I have a receipt?" Mr Snyman asked the commissioner of the court, Mr L van Staden, after judgment was passed.

The hearing began with Miss Masuku taking her place in the witness box and Mr Snyman standing in the dock as would happen in a formally constituted court.

It was explained to them that this was not a trial but civil litigation in which the court procedures were informal and simple. Employer and domestic were then told to sit at a round table before the commissioner of the court and were asked to state their case.

Mr Snyman stressed that Miss Masuku had decided of her own accord to leave his employ.

He denied Miss Masuku's allegations that he had dismissed her and laughed when she alleged that he had assaulted her after they had argued.

The South African Domestic Workers' Union helped Miss Masuku draw up her claim for R274.

Employed at R100 a month on a month-to-month-basis, Miss Masuku claimed R27 for days worked by her during March this year, R100 for one month's notice, R100 for food and accommodation and R47 leave pay.

But Mr van Staden explained to Miss Masuku that she had already received R25 when she left the premises. He ruled that Miss Masuku was entitled to only two weeks' notice — R50 — and R50 for food and accommodation.

Noting down the final settlement on a simple green file, Mr Snyman said: "It's clear the differences which arose between these two parties are due to a clash of personalities rather than because of their employer-employee relationship."

The proceedings were conducted in English, Afrikaans, Fanagalo and Zulu with Mr Snyman interjecting in three of these languages.

Mr Norman Makhubela interpreted.

Rise in terror 'part of

New deal won for working parents

By KERRY CULLINAN

THE Commercial, Catering and Allied Workers Union this week took a historic step when it signed the first-ever parental rights agreement with Pick 'n Pay.

According to Ccawusa organiser Jeremy Daphne, the agreement, which directly affects about 24 000 people, is geared towards eliminating discrimination against women by making childcare more of a joint parental responsibility.

In terms of the agreement, if both parents work for Pick 'n Pay, they can share 11 months' parental leave, nine of which is paid.

A father may take eight days' leave when his baby is born, as well as one day off a month to take his child to the clinic.

Women are given nine months' paid maternity leave, and are guaranteed their jobs back on their return. Pregnant and nursing women are exempted from working overtime, at night or in dangerous areas.

"One of the principles underlying the agreement is the acknowledgement that men and women have the right to hold a job, lead a normal family life, work under healthy and safe conditions and give their children the necessary care and attention," the union said, adding that it hoped the agreement would make an important political contribution.

"The political questions of equality between women and men and gender roles have not received sufficient attention, and this agreement makes concrete contributions in this area," added Daphne.

Cape Times 3/7/85

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DWEP organising in the townships

Sowetan 13/7/88

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DOMESTIC workers were becoming organised in the townships to fight exploitation, the Domestic Workers and Employers Project publicity secretary, Mrs Margaret Nhlapho, said yesterday.

She said this exploitation was prevalent not only by whites, but by other races as well.

DWEP membership was increasing significantly which would enable her union to fight the low wages paid to domestic servants, which in many cases was simply "modernised slavery."

"A full-time servant should receive at least R200 a month for a 5½-day week of eight hours a day," she said.

"This was for a live-in position and if the worker lived out, additional transport expenses should be paid. In addition workers should get 10 percent more for each year of service."

Commenting on the R120 a month that a Durban honorary consulate was paying a servant who had worked for him for 16 years, she said: "This is not much when you consider how much work a servant does and the number of hours worked.

"It must also be taken into consideration that the benefits like time off and sick leave are paid by hardly a single employer." — *Sowetan Correspondent.*

Actstop to champion cause of domestics

By Shirley Woodgate,
Municipal Reporter

Actstop has instructed the Legal Resources Centre to act on behalf of the domestic workers who have been banned from having visitors in their living quarters in two Parktown blocks of flats.

A statement by Actstop spokesman Mr Cas Coovadia condemns the ban by the body corporate of Majestic Towers and Majestic Gate as "reprehensible and contrary to all Christian norms".

"No person can deny families the right to reside together and we are confident our case will succeed," he said.

OPPRESSION

"We appeal to the controlling body to reconsider its decision and to act in a humane manner. Domestic servants are subject to immense oppression and exploitation in our communities and this type of action adds to their suffering.

"Although the controlling body denies it is being racist, it is a fact that only black people are domestic servants. The decision of the controlling body can therefore only be interpreted as racist and it will add to racial tension already aroused by legislation such as the Group Areas Act.

"Actstop intensifies its call for humanitarian behaviour on the part of landlords, controlling bodies and other lessors."

Sadwu 'yes' to living wage

294 South 88
25/8/91

By CHIARA CARTER

SARAH was a domestic worker in the Boland. Her employers regarded her as "one of the family". So much so that in the 43 years she worked for them she never received a wage.

When her employer died no provision was made for her in the will. The South African Domestic Workers' Union (Sadwu) took up the case and eventually won Sarah a R100 a month pension from the estate.

Sarah's case is by no means unique. Every day Sadwu officials follow up numerous complaints from domestic workers about unfair dismissals, inadequate wages, lack of sick pay and the like.

Many domestic workers live at employers' homes so that living conditions, which are often inadequate, are also an issue the union has to address.

Working with household cleaners raises health questions — now there's a vigorous campaign to protect workers from hazards at work as well as to provide guidance in matters like the controversial contraceptive injection.

"Domestic workers are extremely vulnerable," said Mrs Florrie de Villiers, Sadwu general secretary.

"No provison is made to regulate their working conditions or pay. They are excluded from the provisions of the Labour Act and the only protection they have is in common law which states that an employee must be given 30 days' notice before being dismissed.

Since 1984 representations have been made to the Minister of Manpower about the plight of domestic workers, but no official response has been forthcoming.

This week SADWU is launching a national campaign for a living wage.

"We are demanding recognition as a workforce and legislation to protect us as workers," said De Villiers.

"Our living wage campaign is aimed at forcing employers to [illegible]

to maintain someone's house and tend their children, then surely we deserve the basic rights of any other worker who does a responsible and demanding job."

Sadwu was formed in November 1986. It united a number of domestic worker unions and associations throughout the country. Its formation was the culmination of attempts since the 1960s to form a union to protect perhaps the most powerless group of workers in the country.

The demands made when SADWU was formed are yet to be met.

They are: A minimum wage of R200 a month, a 40-hour working week, overtime of R2.50 an hour, maternity benefits including the right to attend ante-natal clinics without having pay deducted, 14 days' paid sick leave a year, 21 days annual holiday, UIF benefits and workers' compensation rights.

These demands were adopted at the Cosatu women's conference in April this year.

There are an estimated four million domestic workers in South Africa. For the most part they work on their own for a single employer, which causes unionising difficulties.

Nevertheless, Sadwu has 66 000 signed up members and hopes that the current membership drive will reach a million by the end of the year.

Not all its members are women. Several caretakers, gardeners, cleaners and handymen have joined.

The union won its first recognition agreement in January this year after Sadwu members went on strike at Highlands Home in Cape Town.

In addition to literacy training, sewing and knitting classes and hosting cultural events, SADWU also runs a training programme to educate its members about unionisation.

"Many of our members see us more as an advice office than a union," De Villiers said.

"We have to deal with problems ranging from employers assaulting their employee to employers refusing to accept a doctor's certificate as proof that the worker was ill.

"More often than not, once the employer realises that he/she has a union to deal with and not just a single individual, they reach agreement with us."

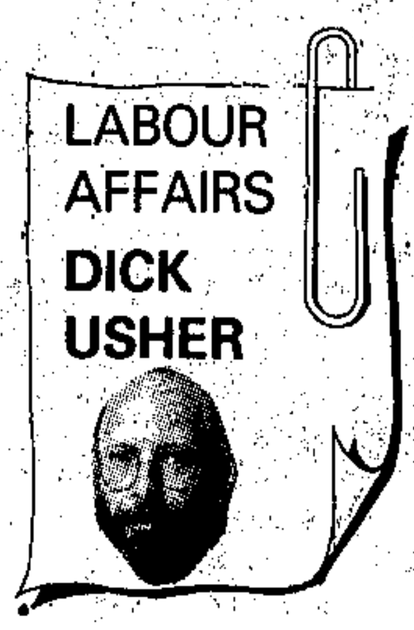
At present Sadwu is undertaking surveying members on work conditions and pay.



Too few rights for domestics

AN American mother recently went on a 42-day strike to bring four disrespectful children into line and force legal contracts on them.

Mrs Gretchen Schulte finally ended up with 11 signed contracts covering nearly all domestic tasks and children's privileges.



This forceful woman went on strike on July 18 and stopped cleaning, cooking, driving the children, doing the laundry and all the rest of it.

Her actions are presently unlikely to be duplicated by the low-paid mass of women in South Africa who, generally, have to put up with far worse working conditions than (one imagines) the average American housewife.

There are an estimated four million domestic servants in South Africa and, according to a Central Statistical Services report earlier this year, two out of three white households employ a domestic.

Average wages range from R156,64 a month in Cape Town to below R105 a month in the Vaal Triangle, Kimberley, Bloemfontein, East London and the Free State Goldfields.

Apart from their low wages they have very little legal protection.

Despite vigorous attempts by several organisations, and promises from government, they are still excluded from the provisions of the Labour Relations Act and their only protection is under common law which states that an employee must be given 30 days' notice before being dismissed.

But it's very questionable how often this is adhered to and even how many employers are aware that their domestics have this right.

But the South African Domestic Workers' Union (Sadwu), formed in 1986 from several unions and associations around South Africa, is slowly gaining ground.

It is affiliated to the Congress of South African Trade Unions (Cosatu) and won its first recognition agreement in January this year after a strike by members at Highland House in Cape Town.

Demands, which were adopted at a Cosatu women's congress in April, are for a R200 a month minimum wage, a 40-hour working week, overtime at R2,50 an hour, maternity benefits, 14 days' paid sick leave a year, 21 days' annual leave, UIF benefits and workers' compensation rights.

It doesn't seem a lot, but you've got to wonder how many employers have even thought about these basic conditions of service.

Domestics' union sets R350 minimum

ARGUS 24/11/88 294

By DICK USHER
Labour Reporter

A MINIMUM wage of R350 a month for domestic workers has been set by their union.

The South African Domestic Workers Union (Sadwu) has set the wage in view of the 16 percent increase in the cost-of-living over the first nine months of the year.

Sadwu has arranged a meeting for Saturday which it would like employers to attend to hear the motivation for the wage and to discuss it and other demands for basic conditions of employment.

A Sadwu spokesman said R350 a month was barely a living wage, but the presence of a domestic servant was a major contribution to enabling white women to work.

Black domestic workers therefore played an important role in the domestic economy of white households, but their services were generally undervalued, she said.

Domestics should have an employment contract, overtime at R3,50 an hour, an eight-hour day and a five-day week, be paid maternity leave and have time off to attend antenatal clinics, have 14 days' paid sick leave a year, 21 working days' annual leave, one month's notice, payslips, and public holidays off or pay at overtime rates for working.

She said these demands were part of a national campaign for South Africa's two-million domestic workers who were not covered by the laws regulating working conditions and who were often exploited by employers.

"Domestic workers are getting tired of their working conditions."

Saturday's meeting for employers will be at the Methodist Church, Berg Street, from 2pm.

Second cheating scandal

...linked papers.

Monthly salary for domestics set at R350

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Star 25/11/84

CAPE TOWN — A minimum wage of R350 a month for domestic workers has been set by their union.

The South African Domestic Workers' Union (Sadwu) has set the wage in view of the 16 percent increase in the cost of living over the first nine months of the year.

A Sadwu spokesman said R350 a month was barely a living wage, but the presence of a domestic servant often enabled white women to work.

Black domestic workers therefore played an important role in the domestic economy of white households, but their services were generally undervalued.

Domestics should have an employment contract, overtime at R3,50 an hour, an eight-hour day and a five-day week, be paid maternity leave, have 14 days' paid sick leave a year, 21 working days' annual leave, one month's notice, payslips and public holidays off or pay at overtime rates if they worked.

"Domestic workers are getting tired of their working conditions," she said. — Sapa.

Still no visitors for all the 'prisoners in the sky'

By STAN MHLONGO

FORTY Johannesburg domestic workers – some of whom have not had visitors in their rooms for 15 years – are in store for a lonely Christmas. A decision to allow them visitors will only be taken on February 8 next year.

The 40 frustrated domestic workers, who occupy the top floor in Majestic Towers flats in Parktown, have become known as "the prisoners in the sky".

The workers are not allowed visits by even their husbands and wives.

The workers have threatened their bosses with court action unless they accede to their demand to be allowed visitors.

Legal Resources Centre lawyer Trevor Bailey said he held a meeting with the flat owners and presented them with "a security system which incorporates the right of domestic workers to receive visitors".

The plight of the domestic workers first attracted public attention eight months ago when PFP councillor for Yeoville, Martin Sweet, tried in vain to negotiate with the flat owners to "start treating the domestics workers as human beings".

One of the domestics said that in all the 11 years that she has worked at Majestic Towers "neither my 12 children or husband has seen the room I live in".

"Even when my child was sick, I had to find a place outside the building to comfort her," she said.

Domestic, farm workers seeking a better deal

S/Times 11/12/87

294

NEW Manpower Director-General Joel Fourie says that domestic and farm workers should fall under the Labour Relations Act.

Considered to belong to the category of enlightened officials, Mr Fourie should make a contribution to workers' interests, furthering that made by Piet van der Merwe.

Mr Fourie's attitude to farm and domestic workers should be applauded. As two of the most exploited sections of South Africa's workers, they need attention.

There are more than a million black farm workers, most of whom are poorly paid and uneducated. They earn between R35 and R200 a month.

Losing their job means they lose all. They have no route to follow, having been excluded from the Labour Relations act. They cannot go to the Industrial Courts for redress, and are effectively excluded from the collective bargaining machinery.

Farm workers are also excluded from protection under the Basic Conditions of Employment Act, the Unemployment Insurance Fund, minimum safety regulations governing working conditions and legal protection from victimisation for trade union activities and the right to form registered unions.

Domestic workers are as badly off as farm employees. Central Statistical Services figures show that SA's estimated 1,5-million domestic workers are paid between R105 and R160 a month.

Reports of assault, sexual abuse and starvation wages are rife. The SA Domestic Workers Union (Sadwu) takes thousands of employers to the Small Claims Court each year for these offences.

In an attempt to alleviate the problems of domestic workers, Sadwu has set a minimum wage of R350 a month.

The problems facing farm and domestic workers are huge, and the exploitation obvious, but answers are hard to find.

Although urging that they should fall under the LRA, Mr Fourie acknowledges that it cannot happen overnight — might not even occur.

Mr Fourie says: "We are negotiating for the agricultural sector to fall under the LRA, but there is much opposition. There are other problems and it will take time to solve them.

"Because there is no real need for domestic workers, it has been proven time and again that the moment you bring them under the LRA, there are fewer employed."

Farmers are generally opposed to unions. They see that unions have made farming the next target.

Unions are stepping up the pace, especially in the Orange-Vaal region, Northern Free State, Western Transvaal and Vaal Triangle.

Creche workers get boot

By JOSHUA RABOROKO

ABOUT 15 employees at a nursery school in Duduza township, near Nigel, have been dismissed because they have joined a trade union to protect their rights.

Workers at Mabel Zozo pre-school said they joined the South African Domestic Workers Union because they were victimised by the chairman of the creche, Mr S K Tlatse.

The workers, whose ages range between 50 and 60 years, claimed they have been left stranded without their benefits and with no money to support their families.

Mr Tlatse, who is also head of a school in Duduza, yesterday declined to comment on the allegations. He said he had no reason why he did not want to comment.

Sadwu's official, Mr Pat Radebe, said the workers joined the union after they complained about what they regarded as unfair labour practices at the pre-school.

He wrote several letters to the officials of the creche, but did not get a response. The workers were then made to sign letters wherein they undertook that they will have nothing to do with the union.

"They refused to do so and during December they did not get their salaries and bonuses," Mr Radebe said, adding: "I then took the matter up, but all my pleas fell on deaf ears."

The workers were dismissed when the school reopened this year.

SADF members exceeding bounds of duty in townships

13. Mr R R HULLEY asked the Minister of Defence:

(1) Whether, with reference to his reply to Question No 192 on 2 March 1988, he will reconsider his decision not to furnish statistics in future on members of the South African Defence Force who exceeded the bounds of duty while serving in Black townships; if not, why not; if so,

(2) whether, in 1988, any members of the Defence Force were (a) charged with and (b) convicted of exceeding the bounds of duty while serving in any Black townships; if so, (i) how many and (ii) in respect of what offences in each case;

(3) whether in that year, any civil actions were instituted against (a) him and/or (b) any members of the Defence Force for acts committed by members of the Defence Force while on duty in Black townships; if so, (i) how many, (ii) what were the circumstances surrounding each claim and (ii) what was the nature of the claim in each case;

(4) whether any of these actions have been finalized; if so, (a) how many as at 31 December 1988 and (b) what was the outcome in each case?

B66E

The MINISTER OF DEFENCE:

(1) No. The circumstances are still unchanged.

(2), (3) and (4) Fall away.

National servicemen requesting not to do duty in townships

14. Mr R R HULLEY asked the Minister of Defence:

(1) Whether any national servicemen requested the South African Defence Force in 1988 not to require them to do duty in any townships in the Republic; if so, how many;

(2) whether any of these requests were acceded to; if not, why not; if so, (a) how many were acceded to and (b) what were the circumstances surrounding each of these cases?

B67E

The MINISTER OF DEFENCE:

(1) No.

(2) Falls away.

Pietermaritzburg area: SADF members deployed

42. Mr M J ELLIS asked the Minister of Defence:

(1) (a) How many members of the South African Defence Force are currently deployed in the greater Pietermaritzburg area, (b) where are they stationed, (c) in which areas are they deployed and (d) in respect of which date is this information furnished;

(2) whether any members stationed in such areas have been involved in illegal practices or other forms of misconduct; if so, (a) how many, (b) in which of these areas and (c) when;

(3) whether any steps have been taken against such members; if so, (a) what steps and (b) when?

B101E

The MINISTER OF DEFENCE:

(1) (a), (b) and (c) There is a number of SA Defence Force members deployed in the greater Pietermaritzburg area. It is, however, policy not to divulge personnel strengths or details of operations.

(d) 15 February 1989.

(2) No (a), (b) and (c) fall away.

(3) Falls away.

Strikes/work stoppages: workers involved

45. Mr P G SOAL asked the Minister of Manpower:

(a) How many workers in each race group were involved in (i) strikes and (ii) work stoppages in 1988 and (b) what was the total number of man-hours lost in respect of workers in each race group as a result of such (i) strikes and (ii) work stoppages?

B111E

The MINISTER OF MANPOWER:

(a)	(i)	Whites	138
		Coloured	15 693
		Asians	5 503
		Blacks	127 635
	(ii)	Whites	7
		Coloureds	880
		Asians	805
		Blacks	11 018
(b)	(i)	Whites	2 403
		Coloureds	630 437
		Asians	163 317
		Blacks	6 356 212
	(ii)	Whites	21
		Coloureds	5 566
		Asians	4 813
		Blacks	152 338

NOTE: These figures are in respect of the notification of the discontinuance of work received in terms of section 65A of the Labour Relations Act, 1956.

Farm/domestic workers: report on working conditions

49. Mr P G SOAL asked the Minister of Manpower:

(1) Whether, with reference to his reply to Question No 88 on 2 March 1988, consultations concerning the report of the National Manpower Commission on the working conditions of farm and domestic workers have now been completed; if not, (a) why not and (b) what remains to be done to complete this investigation; if so, when;

(2) whether the report has been released; if so, when; if not, (a) why not and (b) who took the decision in this regard;

(3) whether any action affecting the working conditions of farm and domestic workers is to be taken as a result of the findings of this commission; if not, why not; if so, (a) what action and (b) when;

(4) (a) when was this commission established and (b) what was the total cost of the commission as at the latest specified date for which figures are available?

B129E

The MINISTER OF MANPOWER:

(1) No.

(a) As the consultations progress matters are identified which require further investigation and consultation.

(b) The consultation still have to be concluded, after which proposals which may arise therefrom will be cleared with interested parties at regional and agricultural sector level.

(2) No.

(a) The Labour Relations Act, 1956, provides for the National Manpower Commission to submit its reports and recommendations to the Minister of Manpower. The report concerned served as advice to the Minister and was not meant for publication.

(b) The Minister of Manpower.

(3) As indicated in the Minister's previous reply the question whether or not any action is to be taken will be considered once the consultations have been concluded.

(a) Falls away.

(b) Falls away.

(4) (a) 1 October 1979.

(b) The total cost of the Commission up to 31 March 1988 amounted to R6 164 000. Apart from the recommendations of the National Manpower Commission to the Minister of Manpower on labour relations in the agricultural sector, 53 others reports and investigations have also been completed during this period.

Jan Smuts Airport: checks on security fences

52. Mr C J DERBY-LEWIS asked the Minister of Transport Affairs:

(1) Whether regular checks are carried out on the security fences at Jan Smuts Airport; if not, why not; if so, at what intervals;

(2) whether an unauthorized person gained access to a runway at this airport on or about 14 January 1989; if so, (a) how long before the above date was the last check carried out on the section of the security fence where this incident occurred, (b) what were the circumstances surrounding this incident and (c) what was the (i) nature and (ii) cost of the damage to the aircraft involved?

B142E

Employee found bound, gagged

EAST LONDON — A 46-year-old domestic servant was attacked, bound and gagged while thieves made off with goods worth R2 000.

Mrs Nellie Tjalie let two men into her employer's house at 11 am on Wednesday whereupon they threatened her with a knife and tied her up.

The thieves stole a video recorder, a radio and clothing to the total value of R2 000.

Mrs L. Bisson returned home to find her badly shaken but uninjured maid bound, gagged and blindfolded.

The police liaison officer, Major Trevor Hayes, said no arrests have been made. — DDR

Disabled gardeners for hire

Argus 25/2/88

TODAY'S WOMAN

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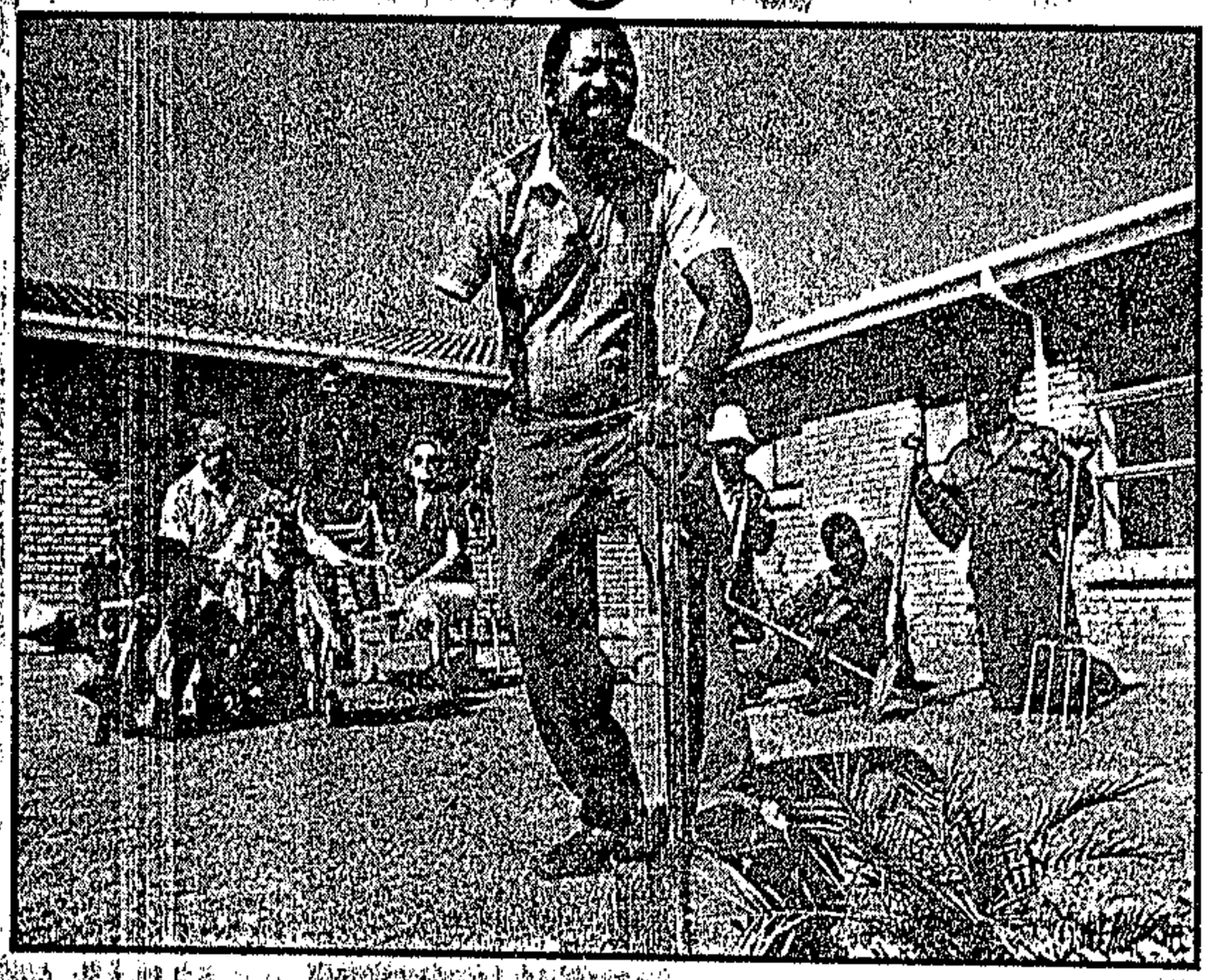


Jeffrey Xhalabke, who lost an arm in a train accident, wields a spade while Annette van Rensburg, Alison Allen, Daan van der Westhuizen and other participants on the course watch his progress.

Picture: DOUG PITHEY, The Argus.

MAUREEN PITHEY

TWENTY-FIVE-YEAR-OLD Kevin was run over by a hit-and-run driver in Guguletu last year who sped off into the night, leaving Kevin unconscious and badly injured in the dusty street.

After recovering in Conradie Hospital, Kevin — a bright young man with a Standard 8 education who worked as a packer in a factory, found he'd lost his job — and his leg had been amputated above the knee.

The accident and its aftermath was devastating. Job prospects were bad enough before — now, as a disabled black man, they were non-existent.

"In need of work"

"There are hundreds of men like Kevin," says Alison Allen, a social worker with the Association for the Physically Disabled (Western Cape), "with disabilities resulting from diseases such as TB spin and polio, congenital deformities and amputations caused by accidents.

"Some get disability grants — others do not. But they are all in need of work, to help provide for their families and to give them some purpose in life."

Part of her job as a social worker, says Alison, is to recognise a need — and then fill it. So three years ago, recognising the needs of the many disabled men in the black community, Alison devised the gardeners' training course for the association.

The scheme is currently very small, since it relies on voluntary workers to run and administer it, but so far over 30 disabled men have been trained and placed in part- or full time employment, some earning up to R400 a month for their services.

Training

The course is run twice a year for men referred to them by hospitals or welfare organisations in the Western Cape. Trainees spend two weeks at the Western Cape Training Centre, and then have a week "in the field" with Alison and Vicky Gillman, a landscape gardener who gives her fulltime services free for the two training sessions per year.

"We teach them basic gardening," says Mrs Gillman, "weeding, lawnmowing, hedge and shrub-trimming and basic garden cleaning. We also show them how to plant shrubs, fertilize and compost the soil and, depending on the time of year and the location, how to deal with bedding plants and seeds."

The "field week" for the latest course has been held in the Milnerton Canoe Club, where the trainees have been undertaking an ambitious project — the landscaping and establishment of the gardens for the club's new grounds.

"It's ideal experience for the men," says Alison, "and perfect for us — to work in one place for a week instead of transporting the men from one garden to another!"

Next week, the men will be ready to start working independently as gardeners. In spite of their disabilities, they can handle general gardening and most of them find their own method for dealing with tricky bits.

Jeffrey, for instance, who lost an arm when he fell from a moving train, can wield a spade or handle a lawnmower with a deft and confident touch.

With guidance from employers, the trainees soon develop real "green fingers" — the independence and sense of purpose their jobs give them makes them even more eager to gain experience.

Employers

Now all they need are the employers. One of Alison's volunteers — Annette van Rensburg of Milnerton — runs an "informal" agency for the scheme, placing men in casual employment with householders who need regular help with garden maintenance.

"There are lots of people who need gardeners, but don't want to take someone on without references," she says.

"Elderly people especially tend to be cautious — quite rightly — and our service is a great help to them, offering them men trained in the basics, with references and a certificate to show they have qualified.

Learn quickly

"After that, it's up to the employer to show him exactly what is required in his garden. Everyone gardens differently, of course, but after some initial supervision, the men quickly learn what is required by individual employers."

If you'd like to hire a gardener through this imaginative scheme and help someone regain his independence, you can phone Alison Allen (685-4153), Annette van Rensburg (52-4680) or Marion Krige (58-5011) for more information.

If you can help in any other way, they'd also be glad to hear from you.

Unions to impact on farmers

By DICK USHER
Business Staff

TRADE unions had become a powerful political instrument and the vulnerability of agriculture would increase considerably, says Dr D C Cronje, group MD of Volkskas.

Dr Cronje's warning follows the recent announcement by the Acting Minister of Manpower, Mr Eli Louw, that after nine years' work the inquiry about working conditions of farm labourers and domestic workers by the National Manpower Commission was not yet complete.

It also comes in the wake of serious moves by unions from both major federations, the Congress of South African Trade Unions (Cosatu) and the National Council of Trade Unions (Nactu) to organise farm workers.

At present farm and domestic workers are excluded from the provisions of the Labour Relations Act which covers all other employees in the private sector.

Dr Cronje said that pro-active and collective bargaining power must in future be applied in the agricultural sector which would have to prepare for it.

The industry remained one of the largest employers in South Africa.

"Unreasonable trade union interference and spiralling wage levels in its wake will place greater pressure on agriculture's contribution as an employer," he said.

"From the viewpoint of survival it remains important for all agricultural industries to maintain international competitiveness.

"No industry can survive if it prices itself out of the domestic and international markets in the long term," he said.

Farmers could no longer escape the fact that the prerequisite for a successful farming enterprise was the ability to manage risks efficiently and to adapt dynamically to a changing situation.

It was eventually the competitiveness of the farmer that would determine the extent to which they would be able to overcome the challenges of the national and international markets.

No pension for retired domestic workers

BONGANI Mdlalose's mother worked as a domestic worker for the same employer in Pretoria for 24 years.

When she retired due to old age and high blood pressure at a salary of R150 a month, she received nothing – no long service pay, no bonus, no pension.

Bongani wrote to *City Press* to ask how his mother could get a UIF blue card, and which pension fund she could apply to now she had retired.

Sadly, domestic workers cannot get unemployment money or a pension when they retire. The only pensions for domestic workers are either an old-age pension, if the woman is over 60, or a private pension arranged by her employer.

There are no labour laws to protect domestic workers – to specify minimum wages or conditions of service, to provide for membership of the UIF or a pension fund, or for bonus or long service payments.

There is nothing Mrs Mdlalose can claim from her employer. She worked a period of notice, for which she was paid her normal monthly salary of R150.

No decision yet on unions

THE Department of Manpower had not reached any decision on whether farm workers and domestic workers would be allowed to organize themselves into trade unions, the Acting Minister of Manpower, Mr Eli Louw, said yesterday. Introduction of legislation in this regard would be considered once consultations had been concluded, Mr Louw added.

Maids want the madams to unite on the home front

Ignored by the government, exploited by employers, the maids are now trying to persuade their madams to join them and negotiate work conditions. CARMEL RICKARD talks to Mary Mkhwanazi of the SA Domestic Workers' Union

DOMESTIC workers want to "unionise" their employers, for a better deal on both sides of the home front.

This is the dream brought back from West Germany by Mary Mkhwanazi, of the South African Domestic Workers' Union (Sadwu).

She said that since the government was proving so reluctant to do anything about the plight of domestic workers — like introducing new laws so that they are covered by labour legislation — the workers will have to be creative about looking for help elsewhere.

During a European tour last year, Mkhwanazi discovered that the West German Housewives' League acts as a kind of employers' association, which liaises closely with domestic workers.

"The employers sit down annually with them: wage determination is carried out every year and conditions of employment are reviewed after five years," Mkhwanazi said.

"So I thought that if it can work in West Germany I would try to introduce it here in South Africa.

"But of course I had my doubts. I know it's not going to be easy because here the workers are black and employers are white, whereas in West Germany it is white domestic workers and white members of the German Housewives' League."

She was given the brush-off by the Housewives' League in Durban but was later asked by the Institute for a Democratic Alternative in South Africa to speak to a group of employers in Port Elizabeth.

"So I introduced this to them — about my experiences in West Germany — but it was not easy even with them. The employers are scared. They were asking whether it is not political. So I actually went to Port Elizabeth three times before this association was formed."

would feel more of an individual human being, rather than always depending on the employer.

"For instance, if the employer dismisses the domestic worker in the middle of the month and the domestic worker has paid for accommodation until the end of the month, she could say: 'Look here, I've paid for this for the whole of the month. Either you reimburse me or I'm staying until the end of the month.'"

Why does she think it is taking so long for the minister of manpower to give his answer on the question of labour legislation protection for domestic workers?

"I think everybody, including the minister himself, has a domestic worker and everyone just wants to exploit the situation and I think it is also because they say domestic workers do not contribute to the economy of this country and they are not workers as such.

"But my argument is that domestic workers contribute to the economy of this country by letting people go out and produce."



SADWU president Violet Motlhasedi at the union's launch
Picture: DAVE HARTMAN, Afrapix

What is in it for employers — how will Sadwu persuade them that it is to their advantage to form an organisation like this?

"Everybody wants to live peacefully. There will be more satisfaction and trust between the two people and by the formation of this employers' association they will learn more about their domestic workers.

"It will definitely improve race relations, but we believe there is another advantage to employers.

"Our recommended minimum wage is R2,75 an hour and some employers are really complaining.

"Now we say, look here, that is why we are asking you to form an association. If you had an association, then we would sit down and talk about this R2,75 and come to an agreement on both sides. But because you are refusing you will always be complaining individually; it won't have any impact."

The new Albany Domestic Employers' Association aims to act as a pressure group, to lobby for recognition of Sadwu requirements for domestic workers, to act as a co-ordinating body for the employers of domestic workers, to liaise with the press, to hear grievances, to ensure that Sadwu takes cognisance of the requirements of the employers, to uphold the aims of Sadwu and to improve employer-employee relationships.

It was formed shortly before the year-end holidays: Mkhwanazi says so far there are only about 30 members, but that it could take off now that the holiday period is over.

"If it gets going there and elsewhere it could be a giant step as far as we are concerned. We will then have a management body so that we could bargain for conditions of employment and salaries."

She acknowledges that it will be voluntary as far as employers are concerned, but hopes that "once employers hear about such an association, they will be interested to join". Mkhwanazi also hopes that employers who join will put pressure on their friends to become members and that the idea will spread so that eventually there will be a national body.

How does it operate in Germany where membership is voluntary — what makes employers adhere to the conditions of employment worked out by the association?

"There is no problem there. I think the reason is because the domestic workers are white and the employers are white. And of course there are not as many domestic workers as there are in South Africa."

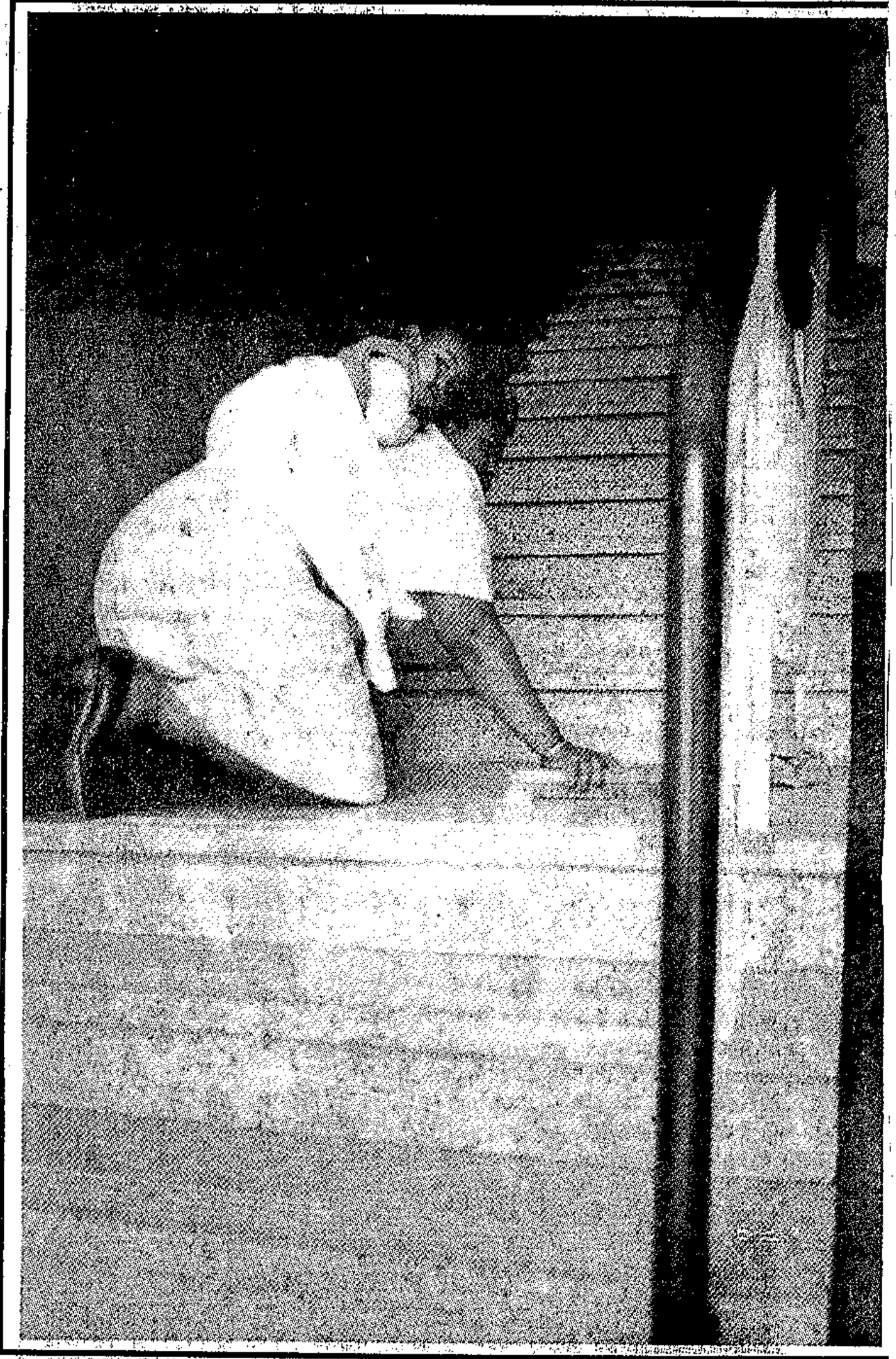
Although domestic workers do not fall under labour legislation, Mkhwanazi says there is a law which she would like to see practised immediately by South African employers: "There, employers have to deduct accommodation and food from the worker's salary. That minimises dependency on the employee's side, because what the employers here in South Africa are saying when we press for a living wage is 'We feed them, they use our amenities, soap and electricity and so on. That is why we are paying them these rates.'

"But if people would increase the salaries and then deduct money from the domestic worker's salary for food and so on, then the domestic worker

Book reminds that 'maids' are also mothers

The private lives of shadow workers

By Paula Fray



HARD WORKER: domestic workers with small children are lucky to find employment that will allow them to keep their children with them for even a short time. Picture by Eric Miller (Afrapix) to illustrate "Thula Baba".

They are seen but seldom heard; they are an indispensable feature in the homes of most white South Africans.

Domestic workers — until recently unorganised and our least protected workforce — are the protagonists in this simple but moving account of the lives of black city dwellers in South Africa.

"Thula Baba" (Ravan Press, R5,60) is based on the experiences of a group of domestic workers in an adult literacy class. Written in 1984 — after many discussions between the adult learners and teachers — it describes their everyday lives.

As domestic workers, they have jobs which mean "insecurity and uncertainty, and are often subject to the whims of their employers with very limited bargaining powers".

Lives shaped

But their work is not the only force which shapes their lives. They are mothers ... and, even more importantly, they are blacks in South Africa.

Being black means pass raids, children in the "homelands", starvation, children taking part in boycotts and ... madams.

Ntombi and Lerato are two domestic workers whose lives we are allowed to examine — from a distance — and whose emotions are laid bare. Their husbands, children and friends form part of this sociological study.

There are many instances which make this book memorable: Ntombi who hides her baby daughter in the bath while police search the house for "illegal aliens"; the story of Pule, who is arrested and fired when he is discovered with his wife in a hostel; and little Lindiwe, who falls ill because her mother has no time to feed her.

The non-fiction aspect is emphasised by the photographs of Eric Miller, from Afrapix, and they portray a series of emotions, from pathos to unexpected joy.

But the best aspect of "Thula Baba" is the simple account of people's daily lives.

Says Ntombi: "For me the saddest thing in my life was to take my children on the train and come back without them."

For Matshepo it was even worse.

She took Tebeho home.

A month later her baby was dead.

19/2/80



EARLY RISERS: At 5 am the women walk to the station, carrying their belongings on their heads and babies on their backs. For them, this is the start of another long day's work. Photograph by Eric Miller (Afrapix) to illustrate the text of "Thula Baba".

What about domestics? — PFP

HUNDREDS of thousands of blacks living legally in domestic workers' quarters throughout South Africa are voteless despite the Government's R5-million registration campaign, said Mr Clive Gilbert, Progressive Federal Party candidate in Orange Grove (Ward 29).

This was confirmed by a spokesman for the Provincial Council who said blacks could not register to vote from a white address. To qualify they had to live in a black area for three months or own property in a black township.

Mr Gilbert labelled the situation "ludicrous and a glaring omission which should be immediately remedied".

Appealing to the authorities to give urgent attention to the disenfranchised domestic workers, gardeners, caretakers, flat cleaners and security guards whose only address was private premises in white towns and cities, he said these people should immediately be included in the voting process as South African citizens.

"Many domestic servants who have a lifetime's loyal service to white families are being penalised. They have been disenfranchised merely because they have no address in a black township or homeland".

"It is impossible to determine how many people are affected, but the figure in Johannesburg alone could run into hundreds of thousands," Mr Gilbert said.

He urged the authorities to set machinery in motion to have these people registered so that they could participate in the October municipal elections.

A pension can be domestic bliss

Having no pension scheme and no disability or life assurance are major problems for domestics or workers employed by small businesses.

However, Federated Life Assurance runs a Domestic Pension Fund designed to meet the future needs of these workers.

Monthly, quarterly or annual contributions are invested by Federated's investment team.

Employers who set aside money for workers in ordinary savings accounts might consider transferring sums to the Domestic Pension Fund.

Underwritten by Federated Life, it has a consistent record of inflation-combatting growth.

Contributions can be as little as R15 a month, which may be increased at any time, and lump sum contributions can also be paid in.

The pension fund can be transferred into the name of a new employer, but pension benefits are not lost should there be gaps in contributions.

If a disability renders a member unfit for work, a disability pension is paid for life, and Federated pays R3 000 into the account. Contributions must be kept up to date, and members must be aware of the long-term nature of the exercise.

For R3 extra a month, family funeral expenses can be covered.

ober 22 1988

We were kept as sex slaves, say domestics

w/c ARGUS 22/10/88 Z94

Weekend Argus Correspondent

JOHANNESBURG. — At least three domestic workers, including two 14-year-old girls, have told horrifying tales of being kept as sex-slaves by employers here.

On Tuesday the plight of a 24-year-old Soweto woman was reported to the police.

The woman, a newly employed domestic worker, claimed she was held as a sex slave for five days at a house in Forest Hill and raped five times by her employer, police reported.

A police spokesman said that a Forest Hill man visited the woman's brother and told him he needed a domestic worker.

The man arranged to collect her the following day and drove her to his home.

After she had cleaned his bedroom he demanded that she remove her underwear. When she refused he assaulted her until she complied.

Raped five times

She was then raped and held until Sunday, during which period she was raped four more times.

The man then took her back to her brother.

The police spokesman said an arrest would follow soon.

According to Miss Rozaline Naapo, a case worker with the Domestic Workers' Union, two teenage girls reported this month that they had been kept as sex-slaves for more than four months.

One of the girls said she had been recruited in Kwazulu with promises of employment in a retail store in Johannesburg. But her first employers dismissed her without pay after a few weeks.

She was passed on to a businessman who kept her and another young girl in captivity for the next four months. When the youngsters protested they were beaten.

Forced to work

The girls said they were forced to work until the early hours of the morning and were sexually abused.

They escaped over a 3m wall and another domestic worker took them to the Domestic Workers' Union offices.

Miss Naapo said: "It will not be easy to find and prosecute the culprit because the two young girls had difficulty locating the place of their imprisonment and don't know their way around Johannesburg."

She said sexual abuse of domestic workers happened frequently but that many would report only that they had been assaulted by their employers.

Last year the union took more than 2 000 "madams" and "masters" to the Small Claims Court for contravening their workers' common-law rights.

Domestics kept as

Star 22/10/88

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Horrifying accounts of rape and humiliation

PAT DEVEREAUX

AT LEAST three domestic workers, including two 14-year-old girls, have this month reported horrifying tales of being kept as sex-slaves by Johannesburg employers.

On Tuesday, this week, the plight of a 24-year-old Soweto woman was reported to the police.

The woman, a newly-employed domestic worker, was held as a sex slave for five days at a Forest Hill, Johannesburg, home and raped five times by her employer, police reported.

According to a police spokesman, a Forest Hill man visited the woman's brother and told him that he wanted a domestic worker.

The Forest Hill man then arranged to collect her the next day and drove her to his home.

There she was ordered to clean up his bedroom. After she had done so, her employer entered the room and demanded she remove her underwear.

When she refused, she was assaulted until she removed her clothing. She was then raped and held until Sunday. During this period, she was raped a further four times.

The rapist then took her back to her brother's home.

An arrest would follow soon, said the police spokesman.

According to a South African Domestic Workers Union (Sadwu) case worker, Miss Rozaline Naapo, two teenage girls arrived at their offices earlier this month and reported they had been kept as sex-slaves for over four months.

One child said she had been recruited in kwaZulu with promises of employment at a retail store in Johannesburg. But her first employers dismissed her after a couple of weeks without pay.

She was then passed on to a businessman who kept her and another child in captivity for the next four months. When the two youngsters protested they were beaten up.

The young girls said they were forced to work until the early hours of the morning and were sexually abused.

The children finally escaped over a 3 m high wall and another domestic worker took them into the Sadwu offices.

"But it is not easy to find and prosecute the culprit as the two young girls had difficulty locating the place of their imprisonment and do not know their way around Johannesburg," said Miss Naapo.

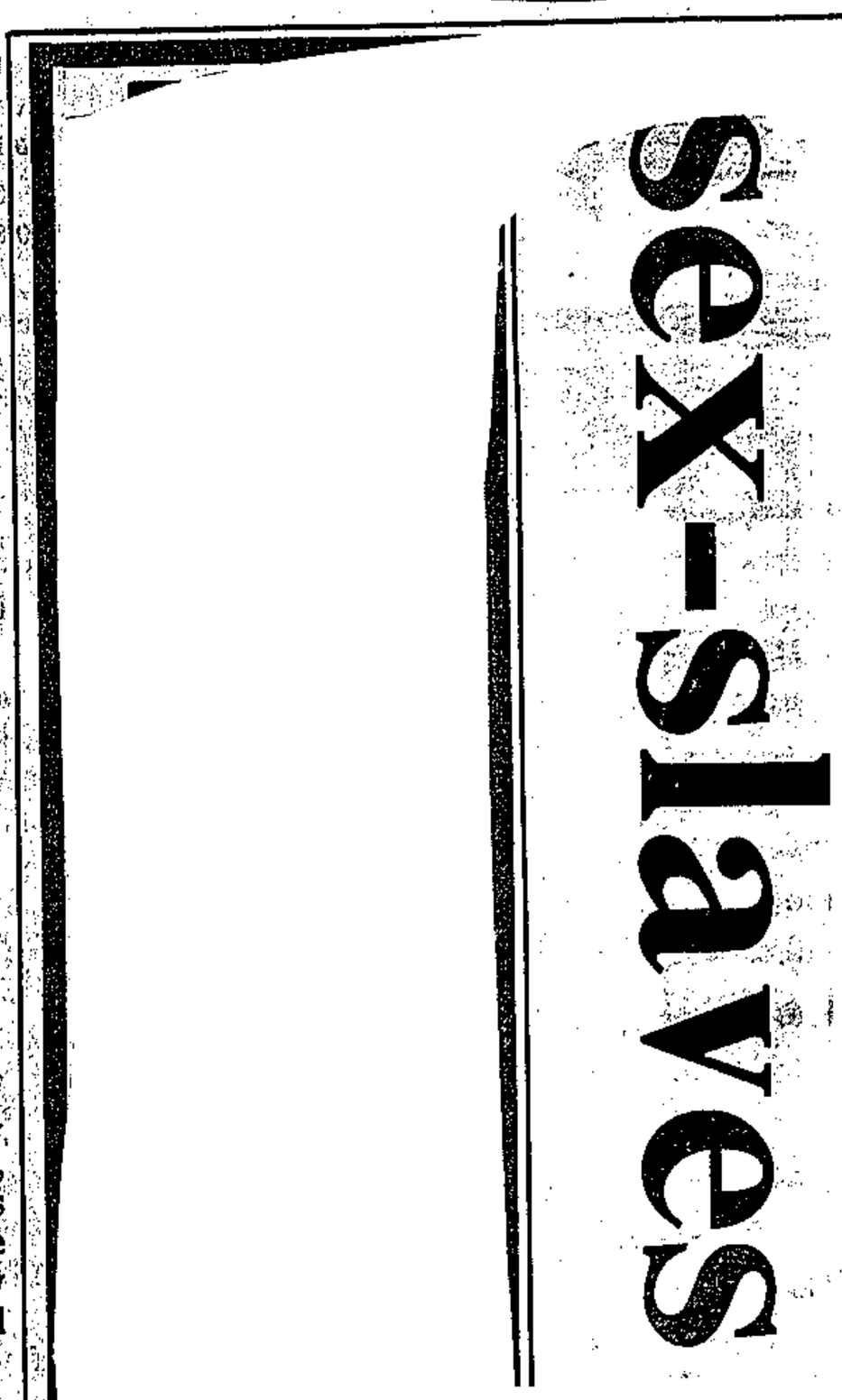
She added that sexual abuse of domestic workers was a common occurrence, but many domestic workers would only report that they had been assaulted by their employers.

Black Sash co-chairman, Mrs Ethel Walt, said: "Domestic workers are the most vulnerable of all employees. They have no protection and are open to abuse."

She added that laws, such as the now discarded Immorality Act, had not protected domestic workers in any way.

"These sorts of abuses have throughout history been part of this country's master, servant relationship," she said.

Last year Sadwu took more than 2 000 "madams" and "masters" to the Small Claims Court for contravention of their domestic workers' common-law rights. These were primarily summary dismissals but many cases involved assault and sexual abuse. This year, in Jauary alone, 23 cases of domestic worker grievances were heard.



Private pensions for domestics

Growing demand for provident funds forecast

MORE provident fund retirement schemes are likely to be offered to weekly-paid workers by employers in 1988 in response to the objections to pension funds expressed in recent years by black employees and their trade unions.

Foreseeing an increasing demand for this type of retirement funding, Ginsburg Life & Pension Advisors have developed an administration system called SimpliFund to help employers run provident funds for their employees.

Ginsburgs, an independent brokerage operating throughout South Africa and SWA/Namibia, are consultants to numerous pension and provident funds with assets exceeding R800-million, among them the National Industrial Council for the Textile Manufacturing Industry which has over 6 000 members.

Provident Funds that Ginsburgs have recently installed have been designed to satisfy the demands made by weekly-paid employees and their unions.

According to Stanley Ginsburg, one of the strong points of their new system is its capacity to produce required data instantly. The system is able to produce a benefit statement or "share certificate" for the members, setting out their benefits, shares and entitlements in a clear format which is easy to understand.

"We see these statements as particularly valuable communication tools. They can be produced, either on demand or at regular intervals, in respect of individuals, branches or groups," said Mr Ginsburg.

SimpliFund can be operated as a totally free-standing administration system, but it can also be directly linked to a payroll system to obtain membership and contribution details on a regular basis.

"It is also important that investment balances in provident funds of this type do not fluctuate to any great extent and that they reflect relatively high rates of interest or bonuses which can be easily communicated on a regular basis to the members. In order to cope with these needs, we have devised special investment arrangements with certain large insurers to suit this group of employees," he said.

DOMESTIC workers lose needful benefits if employers shy away from private pension funds in favour of a waiting period to attain the State pension, says Lulu Lipworth, senior consultant for Fedlife Assurance's Domestic Pension Fund.

An annual bonus of 16% was declared for 1987 by the Domestic Pension Fund.

Ms Lipworth said that, a further plus was that on enrolment members of the fund qualify for a death and disability benefit of R3 000 for a minimum monthly premium of R15 00.

Family benefits

The immediate family of members can now benefit by a facility of R3 a month for funeral costs which offers R1 000 for a spouse and each child from age 14 to 21 years. Funeral costs of R500 are paid for each child between age 6 and 14 years, and R250 for each child up to six-years-old.

Retirement on the Domestic Pension Fund is from age 55 years for both men and women.

Not so to attain the State pension. State time is not on the side of the domestic.

Women may get a pension from age 60 years but men have to wait until 65 years.

However, to add to the Domestic Pension Retirement benefits the pension is guaranteed for 10 years.

Should the pensioner die during that prescribed time, nominated beneficiaries inherit the monthly pension for the balance of the 10-year period.

Otherwise the pension is paid regularly each month until the natural death of the pensioner, be it 100 years.

The State pension dies with the pensioner. There are no benefits for the family, even if penury is the follow up.

Ms Lipworth says: "Employers don't know how hazardous is the route for domestics to attain the State pension.

"Nor can they imagine, or perhaps are unaware of the indignities suffered by ageing applicants.

"And in spite of the agony of waiting there is also the possibility that a State pension will not be granted. There is also a Means Test which is applied."

To ensure that inflation does not erode future pensions, the Domestic Pension Fund offers a facility of a 12 percent annual increase. This, however, is a voluntary but rather essential tool.

For instance a woman enrolling at age 30 for a premium of R30 per month with 12 percent annual escalation, at retirement age of 55 years should receive a monthly full pension of R1 434,49.

Should she prefer a one-third lump sum, she could draw R44 975 and a reduced two-thirds monthly pension of R956,33 per month.

Without the 12 percent escalation, the same member at age 30 years for a monthly premium of R30 per month will be entitled to a full monthly pension of R471,48, or a lump sum of R14 782 and a reduced monthly pension of R314,32.

The difference is telling. Inflation is formidable and cannot be ignored.

In 1986, the central Statistic Services quoted a work force of 800 000 domestics. Undoubtedly the second largest force in the Republic. The figure is probably nearer a million pairs of hands.

Supposedly, two out of three households employ full or part-time help. Every man and woman domestically employed should be entitled to a pension. Relatively few qualify.

WOMAN

Most domestic workers are exploited, unfairly dismissed

Bladwa fights for domestics



Mrs MARTHA Ledikoe holding on to a promise.

By SIZA KOOMA

Seventy-five percent of domestic workers are exploited, assaulted and unfairly dismissed by employers who take advantage of their lack of protection by the country's labour laws.

People who are guilty of some of these practices include priests who preach justice and fair treatment, lawyers who ironically earn a living defending people's rights, millionaires to whom a domestic's salary is a drop in the ocean, doctors, politicians and celebrities of all races.

This is according to the Black Domestic Workers Association (Bladwa), which was formed in 1984 in response to the needs of the domestics.

Their tiny offices in Johannesburg bare evidence to the seriousness of the plight of this unrecognised workforce.

The sparsely furnished reception area is always packed with women whose emotional and physical pain is quickly detectable at a mere glance.

Some of them carry physical scars of abuse while others sit grief-stricken holding on tightly to the forms that are their last hope of bringing their employers to justice.

Mrs Martha Ledikoe (48), a widow with six children, has been dismissed by her employer of 15 years who is moving to Witbank where her husband has been transferred to by his employers.

She did not get her severance pay as is deserving of a loyal employee. What she got was a promise by her employer that she will send her money every month.

Mrs Rose Moema (76) worked for her employer for 33 years with the impression that money was being put away for her retirement.

Although she was not asked to sign any bank papers she had taken her employer's word for it and trusted that she would get the money posted to her home in Bophuthatswana every month as pension fund.

To her utter shock and dismay she was sent R20 infrequently, after three months the one time and four the other, and was chased out of the house by her employer when she went to enquire about it.

Miss Thoko Mkhwanazi was beaten blue and black by her employers' son for allegedly duplicating the keys to his flat with the intention of stealing.

Miss Mkhwanazi, who cannot believe that it is her "small baas", who was 13 years old when she started working for his parents 16 years ago, who is to blame for her swollen blue eye, says: "The whole thing started when I asked him to pay me for the laundry I had done for him.

"He refused and later accused me of stealing his keys. I asked him to search me but instead he beat me up."

Mrs Mavis Kubheka, a pensioner whose four children and sickly husband are unemployed, was dismissed by her employer when she went to her place of employment to ask for permission to take her husband to the clinic.

"My husband's feet were swollen and there was no-one at home to take him to the doctor. I went to my employer to explain why I wouldn't be in that day. I thought she would understand but instead she demanded I give her her house keys.



Mrs MAVIS Kubheka whose husband and four children are unemployed.

"She told me she would look for another domestic to replace me. She has not paid me up to this day. My family is starving. I cannot look for another job while I am still fighting this case."

Miss Monica Leseka, acting general-secretary of Bladwa, says the readily available labour of domestics and their destitute condition are also some of the reasons why their employers victimise them.

"They take advantage of them, exploit them and ill-treat them, because they know that they need the money or the accommodation. They even know that if they decide to leave they will get a quick replacement," Miss Leseka says.

She says that their Johannesburg offices handle about 4 000 cases of domestic workers, aged 17 to 77, who are assaulted, unfairly dismissed, exploited or deserted by their employers.

"There are some of our members who get as little as R18 a month. When you ask the employer how they expect the person to live on that money they will tell you that they eat and live on the premises and therefore part of their salaries go to their maintenance. They forget that domestics have families to feed back home.

"We even have cases of domestics who get nothing at all. They do the housework and are in turn paid in kind — offered "free" accommodation.

The bulk of the percentage of our cases are unfair dismissals. Domestics are summarily dismissed for theft, not feeding the baby properly or being cheeky. They are not supposed to be assertive. They are not supposed to express disapproval. They must just do as they are told."

Miss Leseka says the role of Bladwa, which has branches in Pietersburg and Witbank, includes conscientising and educating the domestics, finding ways of addressing their problems and help those who have skills to seek other job alternatives and those who still have a chance of improving their education with academic work.

She says that most domestics do not know their rights as employees. They do not regard themselves as workers who have the right to decent treatment because of the slavery they are subjected to.

"They do not know that everything that their employers say is not law, that they are entitled to get their monies should their employers dismiss them and that they do not have to sign anything or enter into unwitnessed contracts that may put them at a disadvantage in future," Miss Leseka says.

She agrees that there is very little they can do to fight the unjust treatment of domestics as in the industrial sense they are not part of the labour force.



Miss MONICA Leseka acting general secretary of the Black Domestic Workers' Association.

"Our cases can only go as far as the small claims court, except for assault. This is not where we want them to end. Although in the past six months we have won 834 out of court settlements, we lost about 45 percent of the cases we had taken to court.

"The percentage wouldn't be as high if, like unions, we were allowed to represent our members. It is usually them against their employers and they are often powerless."

Miss Leseka says that they have not yet reached the stage where they can send their recommendations to the Department of Manpower to urge for recognition of domestics in labour legislation.

Proposal to upgrade servants' quarters

13/9/88 AKG 1 2 of 4

By ANTHONY DOMAN
Municipal Reporter

SERVANTS' quarters have come under city council scrutiny, with mixed tidings for the legions of domestic workers who call dingy, cramped rooms home.

A town planning report proposes upgrading servants' quarters, particularly those in the Atlantic seaboard's flatland, "by any means";— but admits that only new buildings could be affected.

The best the council can do about existing quarters, it seems, is to appeal to the owners.

"KEY LAW"

While servants' quarters are found throughout the city, the Atlantic seaboard stands apart by its abundance of flats and one particular legal restriction: the "key law", section 183 of the Municipal Ordinance.

This empowers police to hold duplicate keys to the quarters, which may be entered and searched. It has been enforced on the Atlantic seaboard only.

However, after the easing of certain other restrictions the key law provisions appear to be outdated, according to the city legal adviser.

Group Areas Act controls on servants' quarters were repealed in 1986, except for restrictions on visiting hours for "disqualified persons".

The time had come to erase the concept of "servants' quarters" from municipal regulations, he said in a report. No good reason could be found to "brand" a room or rooms as servants' quarters. Changes in legislation indicated a shift in thinking, he added.

REPEALED

It was pointed out that the town planning committee had adopted a recommendation of the city engineer that the building by-laws dealing with servants' quarters be repealed.

However, senior deputy city administrator Dr Donald Craythorne said it was impossible to enact retrospective by-laws to control existing hotels and blocks of flats.

He said the city planner favoured investigating controls on any new blocks of flats on the Atlantic seaboard.

One possibility was banning servants' quarters on the roofs of blocks "to avoid conflict with the neighbouring blocks where exclusive penthouses are located at the same level".

RESTAURANT WORKERS

Ms Maggie Oewies of the Domestic Workers' Association of Sea and Green Point said domestic workers were not the only people with accommodation problems.

"Sea Point is famous for its restaurants and nightlife," she said.

"You don't know how many people it takes just to put one plate of food on a table. And when patrons leave restaurants in the early hours, the staff still have to clean up. Many of the workers even have extra jobs. There's no time for them to go home to Khayelitsha."

Accommodation for workers in or near Sea Point was essential, especially during the tourist season, she said. The association was conducting a survey to find out how many people worked and lived in the area.

"In a block of flats you could have 250 domestic workers altogether," she said. Conditions were usually cramped and uncomfortable.

Domestics dance the work-day blues away

294

Argus 6/2/89

MARCELLE KATZ

THE sounds of Juluka float out of the sun-filled church. Stamp . . . stamp . . . stamp . . .

"And flick those legs!" Someone nearly falls over and the class collapses with laughter.

It's late afternoon in Camps Bay and the Domestic Workers' Dance Class is in full swing.

The ladies may not all have leotards and legwarmers but they dance and whoop with enormous gusto.

It all began when contemporary dancer Jenny van Papendorp of Dance Atlantic started free classes in response to a request by a community craft class who said they wanted exercise.

They warm up, stretch and strengthen muscles, improvise to explore their own natural movement and finally work on a dance routine.

"When you dance, you uplift the quality of your life," says Jenny.

"These working women previously had no opportunity for recreation or exercise and it's become a social event as well."

She says the aim is not only to make the women more comfortable with their bodies, but also to stretch their imagination and skills. With no prior experience of dance technique and an average age of 30, participants were initially inhibited.

"But the joy of rhythm soon loosened them up," says Jenny. "I believe in dance — and money should never stand in the way of *anyone* who wants to dance."

The oldest member is 73 and suffers from angina. But when that music plays, nothing can stop her and she gyrates with the best of them.

The class runs for 45 minutes and no previous experience is necessary.

"It's not a technical class. It's just meant for people to have fun and widen their vocabulary of movement," says Jenny.

There is no age-limit and workers are welcome to bring their own children or charges. Jenny stresses the fact that anyone who can't afford lessons but would enjoy dancing is welcome to attend.

The classes are held at St Peter's Anglican Church Hall in Camps Bay on Thursdays at 4.15pm. For further information contact Jenny ☎ 438 9769 or Rosemary ☎ 438 8436.



Picture: DOUG PITHEY, The Argus

FULL SWING: Jenny van Papendorp and the Domestic Workers Dance Class in full swing — stretching, kicking and generally having a ball.

Sowetan 05/2/89 (294)

Domestic workers victimised over festive season — Bladwa



SIXTY - two - year-old Selinah Mazangazanga returned to work after a four-week holiday in her rural hometown, Mount Frere, in the Transkei, to find her belongings bungled in a corner and a new person already in full charge of the domestic duties she had previously been employed to do.

Mrs Mazangazanga, who supports three of her unemployed children and four grandchildren, is one of the casualties of the festive season in domestic work who get dismissed at the whim of their employers during the holiday season.

'Too old'

"I was stunned when I returned to find this woman in my job," Mrs Mazangazanga said.

"I also could not believe that my employer, whom I had served so efficiently, could tell me that she had hired another person because I was too old.

"I reared her child, who was eight days old when I started working for her two years ago, like any young mother would. I never complained about other duties being beyond my age.

"She did not wait to give me official notice. She thought leaving me jobless without my knowledge was the best way she could pay me for my services. I had never gone on leave or had any offs before. I had dedicated all my time to her and her children," she said.

Sleeping

Mrs Hilda Fisha (63) had been back on her job for a week after spending the Christmas holidays with her family in Potgietersrust when her employer fired her.

Widowed, with four children, Mrs Fisha found herself instantly out of employment and with nowhere to live following a "misunderstanding" with her employer.

"My employer had told me never to start work while she was still in bed. On the day of my dismissal I had gone to the house three times and found her still sleeping.

"When I went back the last time, she screamed at me and told me to leave and never come back again. She did not give me a chance to explain to her that I had been to work on time, but gone back because I could not, on her order, disturb her while she was sleeping."

According to Miss Dikeledi Seoposengoe an organiser of the Black Domestic Workers Association (BLADWA), this trend of dismissals is common during the holiday seasons.

"We have had 28 cases of domestics who were dismissed unknowingly

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MRS Selinah Mazangazanga.

P.T.O.

Domestics can get benefits

By Sue Valentine

A domestic worker, Mrs Hlongwani (52), earned R60 a month.

One day she fell while cleaning windows, breaking a rib and injuring her head.

She was dismissed because she could no longer do her job properly.

Like many other domestic workers, she received no pension, disability grant or unemployment fund.

A gardener who had worked for the same employer since 1962 earned R150 amonth. When he became too old to work, he lost his job, but because of the informal nature of domestic employment, he had no old age pension to draw on.

These and many other such cases abound in the files of the Black Domestic Workers' Association.

But the plight of the many domestic workers who have no contract with employers and who therefore have no claim to a pension scheme, unemployment fund or disability grant, can be alleviated.

Director of the Moletsane Advice Centre in Soweto, Mr Tsepo Tsotetsi, said the centre was organising a seminar on Thursday July 14 at noon to discuss pension funds for domestic workers.

A representative from the FedLife domestic workers' pension fund scheme will speak about benefits domestic workers could claim.

Mr Tsotetsi appealed to domestic workers and community organisations concerned with similar issues to contact him at the Advice Centre, St Philip's Catholic church, 848 Moletsane. Telephone: 932-4838.

Employment book just the job — police

Crime Reporter

An employment book for domestic and other workers has been launched by a Johannesburg company and has been welcomed by the SAP, which has repeatedly called on employers to collect relevant information before hiring.

The booklet is to contain information to protect both workers and employers. It was produced by J S Holborn and Associates with the help of 16 organisations including the Black Sash and Citizen's Advice.

Called "Staff Book", it is to contain all relevant information pertaining to workers carrying it, including photographs.

Entries are to be made for overtime, sick leave, bonuses, loans and other detail.

A police spokesman said that although police could not endorse any particular product, they welcomed any attempt to help in the fight against crime.

Many murders and other crimes had been committed by domestic or other workers, most of them virtual enigmas to their employers.

Those interested in the booklet should contact 726-8755.

Racists beat black women in Carletonville

Domestics under seige

By SIZAKELE KOOMA

WOMAN

LIFE has been hell for Carletonville domestics since petty apartheid raised its ugly head in the mining town.

Racial hatred is running high in the Conservative Party-stronghold.

Domestics have become defenceless objects for *verkrampte* whites' frustrations since township blacks have refused to bring business to white-owned shops in town.

The humiliating life of verbal abuse by both their *groot and klein baasies* has been nightmarish.

They wish the intense hatred and brutal attitudes of the conservatives — which only compare with those of the Ku Klux Klan in America — is a passing bad dream.

"None of us dare venture into the streets at dusk," Mrs S'mangele Zulu said.

"There is always a stranger lurking behind a hedge or in a passage, waiting to pounce on a black person.

Last Thursday, Miss Sylvia Mahlatsi and two other domestics were attacked by two white men in a car on their way home from town.

"The men bungled us into the car and took us to a veld in West Driefontein. They beat us up and raped my friends. They left us stranded and took R34 of our money," said Miss Mahlatsi, sporting a swollen black eye.

This was the second time she was exposed to the ugly side of racial conflict. A few weeks ago she was attacked by a man who jumped out of a car and grabbed her. She managed to escape before he could do her any harm.

Miss Rhoda Radebe and her friend, Miss Dikeledi Merafi, will not forget an incident a few weeks ago when a white boy swung his motorcycle from the road and came straight at them.

Metres

"I was standing on the other side of the fence at my employer's, chatting to Dikeledi when I saw this boy swing his motorbike and shoot in our direction. I thought he was joking until he was a few metres away.

"Dikeledi jumped onto my side of the fence just before the bike could hit her. She was saved from what could have been a very nasty accident. The boy went back to the road as if nothing had happened," Miss Radebe said.

Abuse

A similar thing happened to Miss Tlaleng Phangwa and her friends. They were sitting on a lawn at a street corner when a white man swung his car at them, shouting verbal abuse. They ran into one of the yards and he drove off.

"I have worked here for six years but I have never seen anything like what has been going on over the few months since petty apartheid was re-introduced," Miss Phangwa said.

"I have been harassed by white children in the neighbourhood, throwing stones at me in the streets and stopped by men who had nothing more to tell me than that I was a kaffir and did not belong in the area.

"I have to travel long distances to do my shopping in Randfontein because blacks are not allowed in white shops anymore. I spend close to R10 on return fare."

Outskirts

Groups of other domestics sitting on lawns along the roads spoke of their anxieties about the random physical and verbal attacks.

"Anything can happen as we sit here. Men masquerading as a police patrol can stop their car, order us in and take us to the outskirts of town and leave us there," said Miss Angeline Tsotetsi.

Parks

Another domestic said that her employer, a cleric, came back from church on Sunday to tell her that a domestic had been attacked by two young white men outside the church after they had refused her entry into the church premises.

"We are ordered by our employers to walk the children in the parks for fresh air. But we cannot obey the orders because white people are always there to chase us away. You have to stand outside and let the children into the parks on their own," said Miss Lindiwe Mafika.

Mrs Rosinah Tumukoane said that her employer had decided to take her two children, aged seven and five, for walks on her own.

Leave

"I don't think we should allow this to continue. I believe we should all come together and do something that will put an end to this.

"These whites should decide whether or not they want us to work for them. My personal feeling is that just as blacks walked out of town we should also go and leave them to do their own domestic work."



MRS ROSINAH TUMUKOANE and Miss Margaret Blaatjie.

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Domestic workers to march to Pretoria

DOMESTIC workers are to present a petition to the Minister of Manpower demanding that they be included in labour legislation.

A delegation from the South African Domestic Workers' Union (Sadwu) will march to the department's offices in Pretoria with petitions and a memorandum outlining their demands.

Sadwu chairperson Margret Mthathi said domestic workers were "among the most oppressed and exploited of all workers".

"They work long hours under terrible conditions, yet they earn extremely low wages," she said.

In 1982 the Minister of Manpower, Mr SP Botha, established a commission to investigate the working conditions of farm workers and domestic workers, both of whom are not covered by the Labour Relations Amendment Act.

Although several organisations which organised workers in these sectors presented memoranda to the commission, the findings were never made public.

A delegation from these organisations, which went to Pretoria two years later, returned empty-handed.

According to Sadwu, domestic workers' conditions have worsened since then, with wages not beginning to match the rise in the cost of living.

The worker summit earlier this year called for workers to draw up a new labour act, which would include domestic, farm and state workers who are presently not covered by the law.

294 South 18-24/5/89.

Fun fest from Fedsaw

AFTER four months of hard work, members of the Federation of South African Women (Fedsaw) are gearing up for their second women's festival.

The two-day celebration, to be held at St Francis Centre in Langa this weekend, follows a successful festival last year.

Fun for everyone will be the hallmark of the festival with a wide range of events, stalls and exhibitions planned.

More than 6 000 people attended the festival last year and even more are anticipated this year with women travelling to Langa from all corners of the Cape.

A festival organiser said the broad appeal of the festival gave a wide range of women a chance to work together and build links with each other.

Participants will include Fedsaw affiliates Rape Crisis, Women for Peace, United Womens' Congress, Bellville Gemeenskap Organisasie and womens' organisations from the West Coast and South Cape, and Fedsaw observer organisations Black Sash and Mowbray Youth Congress (Moyco).

A vast array of talents, from culinary to the artistic, will be on display.

And this is part of the motivation for the festival — to help women build confidence in their own abilities and to discover latent talents.

Last year's festival persuaded protest folk singer Jean Benjamin to present her songs to a wider audience.

This year, a newly formed Fedsaw choir of more than 100 women will open proceedings on Friday night.

There will be an exhibition of women's art including photographs, needlework and paintings.

A large number of women's organisations will present poetry, plays and music as part of the cultural programme of the festival on Friday night and Saturday afternoon.

Fedsaw executive member Cheryl Carolus says the festival is a chance for women to place their issues on the agenda of people's culture.

Among the groups, organisations and individuals who will be performing at the festival are the South African Domestic Workers' Union, the Congress of South African Writers, Rape Crisis, Moyco, Mapp and several branches of the United Women's Congress.

Individual artists include Jean Benjamin and Edi Niedlander.

On Saturday night there will be a gumba featuring marimba outfit Heshoo Beshoo and Tarzan, Jane and the Bonzai.

Dance floor

If the gumba follows last year's pattern, be sure to get there early to book your corner of the dance floor.

On the Satuday morning there will be a fete in the best tradition of community fairs.

There will be information stalls and organisations will be selling goods ranging from handicrafts to clothes, books and posters.

Several half-hour workshops will be run at which women can learn self-defence, how to fix a plug, how to make samoosas and about womens' rights under Islamic law, to name but a few.

Buskers will entertain browsers and throughout the day there will be a mountain of tempting food, including traditional dishes like breedie.

Tambo Square 'not indefinite'

RESIDENTS of Tambo Square, officially known as Guguletu Square, would not be allowed to live there indefinitely, the Cape Provincial Administration has announced.

Responding to a recent SOUTH report, CPA public relations officer Dr A Rabie said Mr Faan Naude, the Ikapa administrator, and other officials have already liaised with the area's Committee of Fifteen about the plight of people in the area.

She said Tambo Square had been zoned for an old age home, Phumulani, and could not be upgraded.

The area has also been designated to house businesses and a post office.

Domestic workers seek legal backing

Labour Reporter

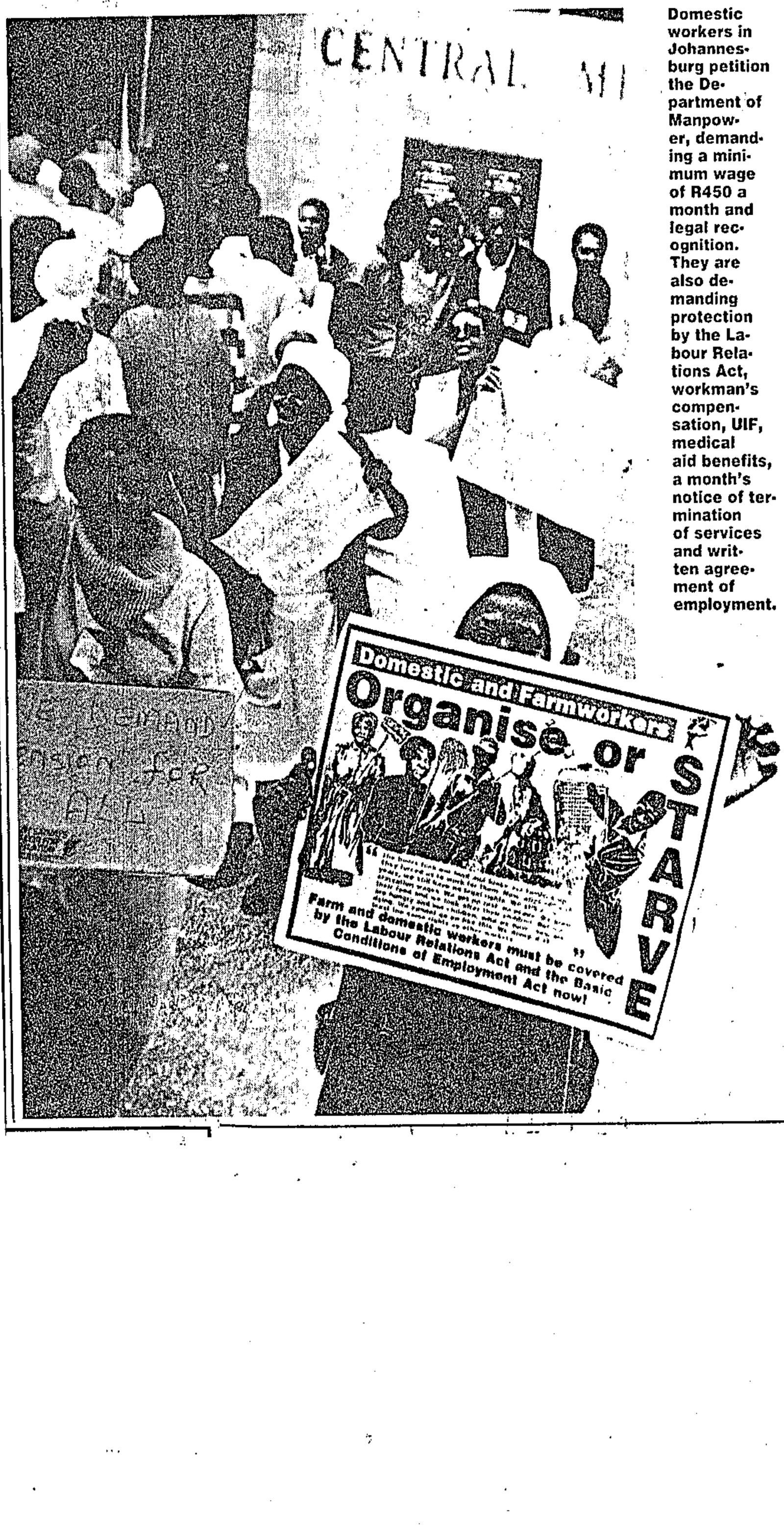
A NATIONAL campaign for legislation to cover domestic workers opens today when petitions in support of their demands will be presented to the Department of Manpower.

Delegations from the South African Domestic Workers' Union, a Congress of South African Trade Unions affiliate which is leading the campaign, will deliver petitions to the department's regional offices in major centres.

The union is seeking:

- A minimum wage of R450 a month for a full-time skilled worker;
- An eight-hour day and a five-day week, with full meals;
- R350 a month for a full-time semi-skilled worker;
- A R3,50 hourly rate for part-time workers;
- Maternity leave eight weeks before and six weeks after confinement;
- Time off to attend ante-natal clinics; and
- 21 working days' paid leave after 12 months' service

Domestics take to the streets



Domestic workers in Johannesburg petition the Department of Manpower, demanding a minimum wage of R450 a month and legal recognition. They are also demanding protection by the Labour Relations Act, workman's compensation, UIF, medical aid benefits, a month's notice of termination of services and written agreement of employment.

Many only earn R80 a month

By LULAMA LUTI

MORE than 150 members of the SA Domestic Workers' Union (Sadwu) braved Johannesburg's cold weather this week and took to the streets to submit a petition to the Department of Manpower.

The petition and a memorandum was handed to manpower representative Len van Vuuren at the department's President Street offices.

Their top priorities are a demand for a minimum wage of R450 per month and legal recognition as workers.

According to a survey conducted by Sadwu – which has a membership of about 50 000 – thousands of domestic workers' earnings are below the bread line and they are among the most oppressed and exploited of workers.

Union spokeswoman Margaret Nhlapho said the campaign was aimed at intensifying efforts to obtain legal recognition for domestic workers.

She said the petition was the result of several fruitless attempts by domestic workers to get the government to respond to their demands.

Education officer Shasha Mereyothle added: "Many of our members are still subjected to working long hours under the most terrible conditions, while they earn as little as R80 per month.

"More often than not, their employers tell us 'she is free to leave if she feels I am not paying her enough'."

Domestic workers are also demanding the following:

- Protection by the Labour Relations Act;
- Workman's compensation;
- Membership of the Unemployment Insurance Fund;
- Medical aid benefits;
- A month's notice of termination of services to both parties; and
- Written agreement of employment and pension.

Domestic workers in fight for rights



DELEGATION . . . A group from the SA Domestic Workers' Union, led by national general-secretary Ms Florence de Villiers (front left), arrives at the offices of the Department of Manpower to hand a letter to the regional director, Mr W F Marais.

Picture: RICHARD BELL

THE SA Domestic Workers' Union (Sadwu) held a "national day of action" yesterday in a drive to have the union included in the provisions of labour legislation.

The union is excluded from labour laws, which provide for minimum wages, leave, overtime, workmen's compensation, unemployment benefits and basic conditions of employment.

A six-person Sadwu delegation met the regional director of the Department of Manpower in the Cape, Mr W F Marais, at his city offices and presented him with a letter outlining their concerns.

Mr Marais agreed to pass the letter on to the Acting Minister of Manpower and Public Works, Mr Eli Louw.

The letter was a precursor to a memorandum of demands and a petition of signatures from around South Africa and abroad which was to be sent to the minister, said Sadwu members. Delegations are presenting letters around the country.

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PENSION FUND FOR DOMESTICS TO COST R11

A LIVING wage campaign by the South African Domestic Workers' Union has received an indirect boost from a Wandsbeck Insurance Consultancy, which says that for as little as R11 a month every domestic worker in the country can belong to a pension fund.

The claim by the consultancy is likely to increase the 50 000-strong union's artillery for a living wage and their ammunition to mount more pressure against domestic employers.

The consultancy says the amount of R11 makes provision for accidental death, a disability pension and funeral costs for employees and their families.

"It can be inflation-linked so as to grow over the years and upon retirement the pensioner has an income probably better than her working monthly wage.

"We feel very strongly that domestic workers are sadly lacking when it comes to the fringe benefits which are attached to most jobs today.

"A black domestic worker, when it comes to retirement, is usually left destitute. He/she has not accumulated any savings and even if their employers give them a golden handshake, it will not cover them for the remainder of their lives," said the consultancy.

The consultancy has put the employer on the spot by saying that they believe the employer-assisted pension could be an important contribution towards the economy of the country and the well-being of countless families.

"The employer can contribute the full amount of the premium every month or, as in commerce and industry, can pay an equal contribution together with the employee".

The consultancy says the pension is paid on a debit order and could easily be transferred from employer to employer. Should the employee not work for some time, the pension would freeze and could be continued once he or she was employed again.

Living

Sadwu chairwoman Merciful Ngidi said the pension, which formed part of their wide-ranging demands for a living wage, was a good idea for domestic workers, most of whom had worked for long years without it.

She said the bulk of domestic workers were without pensions, except for a few whose employers contributed on their own for them every month.

Flat owners win domestics right to receive visitors in their rooms

Star 16/6/89

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By Cathy Stagg

Two flat owners who took on their body corporate's decision that their domestic workers were not allowed visitors won their case in the Rand Supreme Court yesterday.

Mr Justice Rex van Schalkwyk said the "rule" issued by the body corporate in August last year was unenforcable because it was unreasonable. He said the body corporate could not interfere with the owners' exclusive right to the section they had bought, including the right to have visitors calling on the lawful occupant.

Mrs R Kahn and Mr J Stone both bought flats in Majestic Towers, Empire Road, Parktown.

Included in the purchase was a room at the top of the next-door building, Majestic Gate, in which their workers lived. The caretaker refused to allow them visitors.

On August 10 last year, residents received a circular telling them the board of trustees had decided that under no circumstances would visitors be allowed.

Thefts and assaults, drunkenness, shebeens and prostitution were mentioned as possible consequences of granting visiting rights.

Mrs Kahn and Mr Stone both objected to this. On September 9 they launched the court action.

The judge said the decision did not comply with the procedure required by the Section Title Act for a management rule or a conduct rule so was invalid on that ground.

Mr D Fine, on behalf of the body corporate, said it was a house rule and had been approved by the majority of residents.

The board of trustees obtained a quote from a security firm of R15 558 to install a new security system and R1 749 monthly running costs if domestic workers were allowed visitors between 6 pm and 8 am.

The judge said he was not as sanguine as Mr Fine about the infallable wisdom of the majority.

He said the majority would have the benefit of an improved security system, for which they would not have to pay. Their votes were motivated by self-interest.

He said he could not help but think the security system was a side issue, a palliative.

COSTS

As the case was conducted by the Legal Resources Centre, the judge did not make a costs order. He ordered the body corporate to reimburse the centre for disbursments made.

Mr Arthur Chaskalson, SC, assisted by Mr M S Navasa, appeared for the applicants.

SOWETAN Wednesday July 19 1989

THE WAN ROBO-MAID

By SIZA KOOMA

ONLY THREE out of 5424 domestic workers registered with the Black Domestic Workers Association are employed in black households.

This gaping difference, said general secretary of Bladwa Mrs Dineo Monna-Moroa, was significant of the little time off that most domestics employed by blacks were given.

"Most of them do not know what time off is. The only time they are not working is when they are sleeping," Monna-Moroa said.

She said even if domestics in black households are interested in joining the association there was no way they can get time to go to the offices for advice or registration.

"They do everything from looking after the kids to washing, cleaning and cooking for the family. Most of them can be said to be mothers of the house and not just helpers.

"They are not expected to have anything to do other than working continuously. They cannot have friends or relatives they would want to visit when they are off-duty. They are even refused permission to attend funerals and other family emergencies."

Monna-Moroa said most employers did not appreciate the services of these women turned "robomaids". Most of them earned below R100 a month and were illtreated by their bosses. She said some of the bosses underpaid their maids.

A maid, she said, had become a status symbol for blacks. It went with the image of living in a prestigious neighbourhood, educating your children in a private school and owning a car. She said the oppression of other blacks was common in this class of people.

Desperate

"The tendency in black townships is to employ women from rural areas. These women are often desperate for money. They usually accept any amount they are offered. Unlike local girls they are also often submissive. There is less likely to be any conflict between them and their 'madams' because they do anything without questioning it. They can not be accused of being cheeky and be fired for asserting themselves like urban girls."

But rural girls can be driven too far. Mantwa Thabisi has been working for her employers in Diepkloof Extension for four years. In that time she has brought five other women from her hometown in Lesotho to work in the elite Soweto suburb. Three left their jobs not long after they were employed.

"One left because her employer refused to give her her pay and said she would keep it until the domestic went on leave.

"She told her it was not safe to keep money in the house as it could be stolen.

"She could not send any money home because she was never given hard cash. When it was time to go home for the Christmas holidays she did not have money for groceries and the return trip," Thabisi said.

Another one left because her employer treated her like a slave.

"She just did not want to see her sitting down. The last straw was when she asked her to cut her nails."

Mrs Bantse Edom, of Vosloorus, Boksburg, said she employed a maid two years ago to help her with her two children, aged three and two.

"I give her weekend-offs and pay her a fair salary. My children treat her as their mother and they respect her."

She agrees though that not all employers treat their maids fairly. She said she had seen some of them being instructed by their "madams" to clean their cars, being addressed with disrespect by their employers' children, being overworked and underpaid.

She said she would would not stop her maid from joining a domestic's union.

'Domestics get average R96 cash per month'

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SPARK
23/8/89

Pretoria Bureau

The average wage paid in South Africa to domestic workers is R156,15 a month, including food and accommodation, according to statistics released by the Central Statistical Service.

The average wage includes R96,50 cash, R37,76 food, R15,29 for use of servants' quarters, and R6,60 for other goods and services, the CSS said.

It added that the best paid in cash were those in the Durban/Pinetown area with Maritzburg not far behind. Vaal Triangle householders paid domestics more than their counterparts in other Transvaal urban areas.

WORST OFF

The worst off were those working in Kimberley homes.

The CSS data showed that at least half South African homes relied on full-time domestic help.

If all workers, full-time and part-time, are considered, 35,7 percent of all houses in every major urban area do not have domestics.

More than 80 percent of householders in the Cape Peninsula do not have full-time domestics, while on the Rand, 50,1 percent of houses are looked after by the owners.

According to the CSS, the urban area in which most people have a domestic servant is Durban/Pinetown, where 54 percent of homes have at least one helper, 5,8 percent have two and just under one percent three.

A total of 55 percent of Bloemfontein's households have at least one domestic helper while in the Cape Peninsula 18,3 percent have a servant.

The census has found that on average a total of 81,6 percent of all domestic workers in South Africa are black women; 10,4 percent are coloured women, and 7,6 percent are black men.

bread is buttered !

Hunger on the rise

Argus 30/8/89 (294)

Low farm, domestic wages seen as cause

By DAVID YUTAR
Staff Reporter

UNTIL there is a minimum wage for farm and domestic workers in South Africa the problem of malnutrition will not be solved, according to Operation Hunger executive director Mrs Ina Perlman.

Countrywide, Operation Hunger is feeding up to 1,3-million malnourished children daily, but the problem is growing at an alarming rate.

Thousands of young children are suffering from severe malnutrition and many have died and will continue to die unless help is offered.

"Until there is a minimum wage for farm and domestic workers, we are not going to solve the problem of malnutrition in South Africa ... nor will we be able to get at the root cause of poverty", says Mrs Perlman.

"We're extremely concerned about what is happening to children, because a child that is malnourished can be severely handicapped, both physically and mentally".

"We're seeing, in increasing numbers, children who are chronically underfed. There are areas where stunting among children is as high as 50 to 55 percent."

In certain parts of the Northern Cape an alarmingly high percentage of the schoolchildren show signs of mental retardation.

In 1982, 55 percent of all deaths in the black community were children below the age of five years. By 1986 the figure had dropped to 26 percent, "nothing to be proud of but at least an improvement" comments Mrs Perlman.



Mrs Ina Perlman

Operation Hunger in the Cape covers a predominantly rural area which includes the western and southern Cape as well as the Karoo, George, Oudtshoorn and Namaqualand.

In the urban regions of the Cape, the organisation provides an average of 739 000 meals a month while the figure for the rural areas is a staggering 3 030 000 meals a month.

When Operation Hunger started in August 1980 it had a budget of R220 000 for its first year of operation. The budget for the present financial year is R19,5-million.

Children of farm workers are one of the main concerns and one of the worst areas is the Karoo. Until now the organisation has concentrated on child feeding but it is investing much of its energies in self-help projects.

In the Karoo alone an average of 13 000 children a day are fed. In Namaqualand over 10 000 children are fed daily.

The problem has been aggravated by sanctions and unemployment.

"The policy of sanctions has the most impact on the most defenceless. Every job lost means an additional nine dependants." says Mrs Perlman.

On the Kalahari fringe of Namaqualand, where there were once 44 mines, there are now only 24, all of which operate on a vastly reduced scale.

According to Operation Hunger, the average farm worker in the Oudtshoorn area earns R25 a week. A well paid worker might earn up to R35,40 while some earn as little as R12 a week.

'Cotton pickers are typically paid a wage of R35 a month.

In most areas bread is a luxury.

Operation Hunger recently launched its seventh R1-million Goldrush Competition. Since its inception the competition has enabled the organisation to raise more than R3-million for the hungry and malnourished.

If we were to stop our programme now we would be facing a national tragedy", says Mrs Perlman.



SHORT MEMORIES OF LONG SERVICE: Mrs Elizabeth Motaung got no pension or retrenchment pay. Picture: KEN OOSTERBROEK.

Star 9/9/89.

R30 a month after 40 years' service

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SUE VALENTINE

FORTY years' service to a family in Brakpan has resulted in virtually nothing for Mrs Elizabeth Motaung.

Although she served the family from 7 am to 3pm from Monday to Saturday for more than three decades, her monthly wage has been R30 — in addition to food and a room to live in.

The only holidays she ever enjoyed were when the family took their annual leave, and then she was expected to continue living in the house to keep an eye on things.

Last year in December, she was asked to leave because she was too old to continue working. There was no pension, no retrenchment pay and Mrs Motaung was not paid the R30 entitled to her for the month.

In July this year she arrived at the Black Sash offices in Braamfontein. Through an interpreter — she used to communicate in Afrikaans to her employers — she told the organisation she had been earning her daily bread by taking on daily sweeping and cleaning jobs for families in Brakpan's Tsakane township.

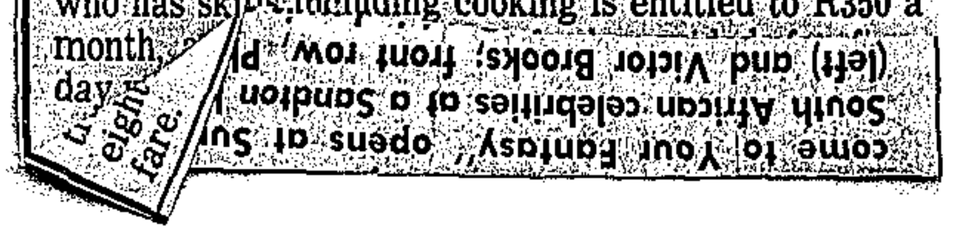
Although Mrs Motaung's identity book put her age at 58, a doctor's examination concluded she must be between 65 and 67.

This means she has been entitled to a State pension for at least the past five years. Small though it is, the R150 monthly pension is almost five times the amount Mrs Motaung has been earning.

Mrs Motaung's husband died around the time she started working and only one of her eight children is still alive.

"But the children today do not look after the old people anymore," she says. Until her new identity book arrives and she can claim the pension due to her, Mrs Motaung will have to wait.

● According to rates determined by the South African Domestic Workers' Union, a live-in domestic worker who has skills including cooking is entitled to R350 a month.



'Nannies help make white children racist'

By HELENA PATTEN
Staff Reporter

EMPLOYING black "nannies" contributed to turning white children into racists, a psychology expert has said.

Ms Gill Straker, professor of the department of applied psychology at the University of the Witwatersrand, said research had shown that the employment of nannies was in many cases a structural training into racism for children.

She was speaking at the South African Society for the Prevention of Child Abuse and Neglect (Saspcan) conference being held in Cape Town.

Abusive of black adults

Professor Straker said many white children as young as seven were already abusive of black adults.

She said the abuse of black domestic workers had even been found to prevail in liberal homes.

Teaching children to develop empathy, which they lacked in these situations, required encouraging emotional reciprocity, a sense of mutual obligation, role-taking and practice in prosocial behaviour.

Ms Straker said the techniques of humiliation, ridicule and intimidation found in the homes of white children often ensured that white children were well into the cycle of violence by the end of their adolescence.

● It was "highly dangerous and highly unethical" to involve children in the "struggle," said Pinetown Child and Family Welfare Society director Priscilla McKay.

Addressing the Saspcan conference yesterday, she said: "Our child welfare is totally opposed to children being used in this way."

She said she had been approached for permission to take preschool children out of a nursery school to participate in a defiance campaign at a white school.

"We won't do it," she said.

"Politicised children have no childhood in the sense that we know childhood. They are not children — they are mini-adults."

Domestic worker's plight

She said apartheid was probably the greatest abuser of children in South African society.

"How can society expect parents to be parents in the current situation?"

There was a critical need for decent housing; mothers often worked far away from their homes; and the plight of the domestic worker who lived away from her children was such that she was unable to be a parent in any real sense.

"We cannot afford to sit back and allow societal violence to continue to damage our children and we must develop restoration programmes to restore our children to health."

She said social workers could not afford to not get involved in socio-political issues when these impinged on their daily work.



Picture: HANNES THIART, The Argus.

HORSEPLAY: Maureen Dalglish removes a leg protector from Siglavy Mars, one of nine Lipizzaners brought from Kyalami for the Cape Town Harbour Festival this week. The horses have a busy schedule, performing nightly at 8pm and for half-price at matinees. And in between — from 3pm till 4pm — they are exercised.

SADF used against South Africans, claims Van Eck

By EDWARD MOLOINYANE
Staff Reporter

EVERY country needed a defence force to protect it against foreign aggressors, but the South African Defence Force was different in that it was used against fellow-South Africans, Democratic Party MP Mr Jan van Eck said in Claremont last night.

Speaking at a Stop the Call-up meeting at the Civic Centre in support of the 771 white South Africans who recently announced their refusal to serve in the SADF, he said it was not surprising that young South Africans were refusing is so courageous in killing people — especially your own," said Mr Van Eck.

The 771 had set an example that violence and war were no solutions to the country's problems.

"South Africa is an increasingly violent society. In fact, we have become a country of funerals."

He emphasised that the solution to the country's problems was political, like in Namibia.

"As long as force and repression remain as an acceptable alternative to negotiation, the easy road seems to be towards violence.

"It takes

Nannies linked to budding racism

Own Correspondent

CAPE TOWN — Many white children, some as young as seven, are already abusive of black adults.

Professor Gill Straker, Professor of Applied Psychology at the University of the Witwatersrand, said research had shown that the employment of nannies was in many cases a structural training into racism for children.

She was speaking at the South African Society for the Prevention of Child Abuse and Neglect (SASPCAN) conference being held in Cape Town.

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294 MUTUAL OBLIGATION

It also needed a sense of mutual obligation, role-taking and practice in prosocial behaviour.

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Elizabeth says thanks to readers

Star 30/9/87

SUE VALENTINE

THE generous response from Saturday Star readers who have rallied to the assistance of Mrs Elizabeth Motaung — a domestic worker who was paid R40 a month — has enabled her to open a bank account (294)

She opened the account at the Standard Bank in Braamfontein on September 18 and was able to make an initial deposit of R600.

A cheque for R600 was sent to The Star recently and will be added to her savings.

The Black Sash is still working on the case to ensure Mrs Motaung gets a new Book of Life which will allow her to draw a state pension.

The organisation said Mrs Motaung was extremely grateful for all the assistance she had received and she had asked them to convey her thanks to everyone who had sent her a contribution.

Mrs Motaung was dismissed by her employers after 40 years' service because she was apparently too old. She did not receive full pay for the month in which she was retrenched, nor did receive a pension.

~~HOME~~

SERVICES SECTOR – DOMESTIC WORKERS

1990

New Labour Act 'should include all workers'

Argus 23/2/90 (294)

By DAVID YUTAR
Labour Reporter

FARM and domestic workers and State employees will have to be included in a future Labour Relations Act, according to a South African labour law expert.

Such workers are excluded from the present Act.

Mr Clive Thompson, director of the Labour Law Unit at the University of Cape Town, and a member of the legislative committee of the National Manpower Commission (NMC), was speaking on the future of labour relations.

He was one of four panelists at a seminar at the Mount Nelson Hotel this week forming part of a nationwide seminar on labour law, organised by Juta publishers.

Armscor

"In a changing society we must look towards an encompassing statute ... one which includes state employees, domestic servants, farm workers ... the lot," he said.

Employees dealt with by specialised statutes, such as Armscor employees and railway workers, needed to be brought together under one Labour Relations Act, Mr Thompson said.

"There may still be differential treatment ... some people will be regarded as essential and treated as such in terms of the Act's provisions."

He said that although trade unionism of domestic servants was difficult because of problems organising them, at least such workers would receive the "fundamental protection" of such legislation.

Mr Thompson also predicted a move "away from concentration on the unfair labour practice legislation with all its negative implications" towards what he termed a "more rights-based system".

"A new Labour Relations Act would emphasise a charter of rights for employers and a charter of rights for unions and individual employees, that may not be abrogated."

Change of style

In terms of such legislation, the concept of "unfair labour practice" would become a residual one in that it would be invoked where the charter of rights was lacking.

"It's more a change of style but I think it's an important one," he said. "Instead of having to go and claim some violation, and prove a negative, you would be asserting a positive right as one would do in respect of many constitutions."

He said he felt the change would lend legitimacy to the new system of rights in a new Labour Relations Act.

Other changes Mr Thompson felt were needed were to bring "private processes" whereby parties contracted out of the Act, under its provisions as well as the decriminalisation of strikes and the greater use of collective bargaining.

Other speakers at the seminar were Professor Halton Cheadle, Assistant Director of the Centre for Applied Legal Studies at the University of the Witwatersrand and Professors Adolph Landman and P A K le Roux, both Professors of Mercantile Law at the University of South Africa.

Professsor Landman is chairman of the legislative committee of the National Manpower Commission (NMC), which has been given the task of evaluating and making recommendations on the redrafting of the LRA.

Church story 'biased'

TWO weeks ago *City Press* published a story alleging that churches were exploiting their workers.

The source of the story was the South African Domestic Workers' Union (Sadwu). Quoting Sadwu organiser Mandla Nkomo, the story cited two union members who were "unfairly and unprocedurally" dismissed by the management of St Mary's Anglican Cathedral, Johannesburg.

This week the office of the Anglican Dean of Johannesburg, the Very Reverend GJ Henwood, pointed out that the *City Press* story was one-sided and biased, saying: "This smacks of bad faith on your part, effected with the aim of making the Cathedral appear in a bad light."

City Press subsequently discovered that through an editing error the Cathedral's response to the union allegations did not appear in the published story although it was recorded by the reporter.

City Press apologises to Dean Henwood and the Cathedral and regrets the error.

Domestic and farm workers need protection in future

Own Correspondent

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Such workers are excluded from the present Act.

Mr Clive Thompson, director of the Labour Law Unit at the University of Cape Town and member of the Legislative Committee of the National Manpower Commission (NMC), was speaking on the future of Labour Relations in South Africa.

He was one of four panelists at a Current Labour Law seminar held at the Mount Nelson Hotel in Cape Town on Wednesday. The event was part of a nation-wide seminar on Labour Law, being organised by a major publishing house in the coming week.

"In a changing society we must be looking towards an encompassing statute ... one which includes state employees, domestic servants, farm workers ... the lot," he said.

Employees presently dealt with by specialised statutes such as Armscor employees and railway workers needed to be brought together under one Labour Relations Act, he said.

Essential services

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Prof Adolph Landman of the University of South Africa also addressed the seminar. He is chairman of the Legislative Committee of the National Manpower Commission (NMC), which has been given the task of evaluating and making recommendations on the redrafting of the LRA.

* See more on page 18.

Govt outlines continuing chaos in black high schools

TANIA LEVY

ABOUT 72 000 pupils — 15% of the black high school population — have stayed away from school every day since schools reopened this year, Education and Training and Development Aid Deputy Minister Piet Marais said yesterday.

Sapa reports 17 DET schools in the OFS are to be closed for 10 days following a week-long boycott by about 20 000 students.

In a statement, Marais said there was a complete lack of discipline at many schools, with principals and teachers being molested, assaulted and humiliated. "Such contempt for authority is hardly conducive to education," he said.

He blamed the situation largely on the insistence that all young people — including last year's failures, the unemployed, adults over 20 and even vagrants — be accomodated in schools.

Waiting lists containing 30 644 names had resulted from a National Education Co-ordinating Committee (NECC) request that registration dates be extended to January 26. All but 3 000 people on the lists have been accomodated.

As it was, the number of high school pupils had increased by 60 000 since last year. More than R230m would have to be spent to accomodate them, he said.

Marais said while one could not question the sincerity of the back-to-school movement it did not seem to have achieved the desired educational ends.

NECC general secretary Ihron Rensburg said while the DET had supported the back to school campaign it had done nothing to provide resources for the increased numbers.

He said the NECC would meet at the weekend to assess the success of the back-to-school call but it was already clear there was gross overcrowding and an acute shortage of learning materials. The conditions for qualitative learning simply did not exist, he said.

Rensburg said it was the state's responsibility to provide education for all. The state would have to be held responsible for failing to do so.

In his statement Marais said in a period of extreme financial stringency the government had done its best to increase available funding for education for black people. Some 21 000 classrooms had been completed since April 1979. However a backlog of 6 000 classrooms remained.

Rensburg said there were at least 206 empty white schools which should be opened immediately to accomodate 300 000 black children.

In Johannesburg alone there are 13 150 empty places at white schools.

"For the Education Department to seek an escape route out of reality regarding underused white schools is ludicrous and naive," Rensburg said.

He said 4 910 empty places at white teacher training colleges should be opened for black candidates.

No new UK investment expected

KIN BENTLEY

LONDON — There is unlikely to be an immediate wave of new investment by British companies in SA following the government's decision on Tuesday to lift the ban on new investment.

With a total investment of some £6,4bn, the 216 British companies in SA constitute about half of all foreign investment in SA.

SA Foundation head David Willers believes the real wave of new investment depends on the nature of a political settlement reached in the next two years.

He said yesterday that British companies would "find it easier in this climate, now that another obstacle to investment has been removed.

"But they will still judge SA according to conventional investment criteria. And if it's a good place to invest, with a good return, then they'll go in and do it, but if it's not, they wont."

Sapa reports stockbroking firm Frankel, Kruger, Vinderine's Mike Brown says Thatcher's moves will not have a major impact on the JSE.

Brown points out that as British companies and investors had not been barred from investing in SA, easing the voluntary ban should not make much difference to trading on the JSE.

"This is just the first step to a possible gradual lifting of general sanctions against SA."

Sapa-Reuter reports that influential businessman Harry Oppenheimer was quoted yesterday as saying he did not think economic sanctions played the crucial role in moves to end apartheid.

"In a general sense, external pressures played a role. But I doubt sincerely if the economic aspect of this pressure was the determining factor."

"The only thing that had an impact was the interruption of normal banking relations with the outside world," he said.



● OPPENHEIMER



● THATCHER

Mandela flies to Lusaka Monday to brief ANC on meetings

CHARLENE SMITH

NELSON Mandela will travel to Lusaka on Monday to meet the national executive council of the ANC, after which he will travel to Zimbabwe to see President Robert Mugabe, said ANC spokesman Tom Sebina.

Mandela is expected to brief the ANC had with diplomats, church, tribal and political leaders since his release.

He may meet other Frontline leaders in Harare.

Thereafter he and his wife will travel

Today Mandela meets Victor Sefora, leader of the Bophuthatswana opposition party, Seopasengwe, and he will also meet Azapo representatives.

Tomorrow he will meet a DP delegation led by co-leader Wynand Malan,

Black bosses exploit their workers



Dineo Monna-Moroa

BY LULAMA LUTI

AS BLACK workers march into the '90s with renewed expectations, domestic workers are battling exploitation by black bosses, a trade union charged this week.

The Black Domestic Workers' Association (Bladwa) says in the Northern Cape and Bophuthatswana the level of exploitation is cause for grave concern.

Bladwa points an accusing finger at nurses and teachers in these areas as the main culprits.

The union claims things are so bad for domestics in these areas that some unfortunate ones end up in their masters' bedrooms.

Bladwa general secretatary Dineo 'Monna-Moroa cites the recent case of 25-year-old mother of four, Esther Mashego (not her real name).

She worked as a domestic worker at Taung, Bophuthatswana, and was the sole breadwinner in her family.

She alleged her employer had sex with her while his wife was at work. At first she refused but was threatened with dismissal. Because of the mouths she had to feed she stayed on.

"The solution to this problem lies in domestics being granted full worker status by the authorities," says Monna-Moroa.

She says for a long time many people have been silent on the ill-treatment of domestics by fellow blacks.

The difficulty, she says, is that domestic workers are not protected under the law.

"Employers often tell employees they would never succeed in any court action because they do not have any worker rights.

"Most domestics in Bophuthatswana and the Northern Cape earn as little as R20 a month –despite working 12-hour shifts, often in squalid conditions.

"Basically they are legalised slaves and this makes it even more difficult to solve their problems."

Horses scratched after grooms' strike

B1 Dam 9/3/90

DURBAN — A three-day strike by grooms at Clairwood Park racing stables affected the meeting at Scottsville yesterday when all the Clairwood-trained horses had to be scratched from the race card.

In a bid to resolve the dispute, talks were due to take place between owners, trainers and grooms at both Clairwood and Summerveld yesterday and today.

If a wage demand by the grooms for an increase of R100 a week cannot be resolved, the race meeting due to take place at Scottsville tomorrow could be even more seriously affected, and racing in Natal could be brought to a standstill.

About 150 grooms at Clairwood Park were fired on Wednesday as a result of the strike, which began on Monday and left unworked horses with swollen legs.

Outside help was brought in to exercise the horses.

However, all the horses stabled at Clairwood had to be scratched from yesterday's race meeting.

More than half the 1 000 grooms in Natal are based at Summerveld, where a meeting aimed at resolving the situation takes place today. — Sapa.

294

250 grooms fired after pay strike

Sowetan 15/3/90

294

ALL 250 grooms at the Ashburton Training Centre, Maritzburg, were escorted off the centre's premises by riot police yesterday morning when they were fired after going on strike, apparently over a pay dispute.

Police were present while trainers and grooms held discussions and grooms were eventually escorted off the premises by the police.

Race horse trainer David Goss said that despite the fact that there were no grooms to take the horses to Scottsville for today's meeting, the horses would still be racing.

Dispute

"We will show them we can get the horses there without them," he said.

Asked how he intended getting the horses to the race without the grooms, he said that was "our problem" and it would be sorted out.

It is not clear from officials at the Centre what the dispute with grooms is about.

Mr Goss did not elaborate on the terms of the dispute saying the grooms "would not listen to us."

He said he also believed the strike was politically motivated but added that this was only his personal opinion.

B/Day 4/4/90 294

Labour law set for significant changes

ADELE BALETA

SIGNIFICANT changes to the Labour Relations Act (LRA) were proposed by the National Manpower Commission (NMC) technical committee in a 16-page document released yesterday.

A significant proposal is to widen the ambit of the Act to include domestic and farm-workers, state employees, academics and oil rig employees within the limits of SA territorial waters. These workers have never enjoyed protection in terms of the Act.

The proposals encompass major aspects of the Act including its scope of application, registration of trade unions, industrial councils and courts, strikes and unfair labour practices, but does not reflect suggestions on technical aspects of the Act.

Although not part of its mandate, the committee proposed that labour legislation in SA, the self-governing territories and the TBVC countries be "harmonised".

Among others, the goals of the proposed labour legislation should promote industrial peace, foster collective bargaining, protect freedom of association, simplify procedures and address the duty to bargain, the NMC said.

The NMC, commissioned by Manpower Minister Eli Louw to invesitgate a revision of the Act, has invited comment and public debate on the proposals and has suggested that May 21 to 23 be set aside for oral representations.

The proposals are independent of the draft agreement reached between employers' body Saccola, and two major black trade union federations, Cosatu and Nactu.

It was suggested certain sectors such as farm workers and domestic workers be included in principle but provision could be made in the Act to include them by proclamation.

Different parties should be allowed to agree on their own dispute resolution procedures. They should be able to choose independent mediation or private dispute resolution procedures.

Strikes should be decriminalised but regulated in terms of the unfair labour practice (ULP) definitions. Strikes on rights disputes including ULP disputes should be outlawed and strikers who complied with procedures should be protected.

Secondary industrial action should not be declared illegal. Instead of a cooling off period of 30 days before the start of a strike, the NMC has proposed this be changed to 24 days. Employers' right to interdict strikes should be restricted.

The Act should impose a duty on the employer, if requested to do so, to bargain on appropriate matters with a union which is sufficiently representative.

The NMC committee was divided on the question of trade union registration.

One proposal was to retain the existing system but to make it compulsory and the other suggested "representivity" was relevant when a union sought to bargain, but not at the level of registration.

Agreement

A simplified certification process should replace complicated registration requirements — representation, gazetting and the noting of objections. Any union denied certification would have the right of appeal to the Industrial Court.

On the issue of Industrial Council agreements the NMC suggests provision be made in law for the Manpower Minister to consider the position of smaller businesses before signing an agreement.

The exisiting Conciliation Boards (CB) time limits should be abolished, but a dispute should still be referred within 180 days, a period which could be extended. The CB would have 30 days in which to attempt to settle the dispute.

There should be a single labour appeal court with no further appeal to the Appellate Division and trade unions should be allowed to affiliate to poltical movements.

It was recommended the NMC be reconstituted as the National Labour Council — a bipartisan body with state representatives enjoying observer status.

● Comment: Page 10

'Homes fund': ANC welcomes probe

AKCU 19/4/90 294

The Argus Correspondent

JOHANNESBURG. — The African National Congress (ANC) has denied any knowledge of the existence of a fund which "guaranteed" domestic workers their employers' homes in the future South Africa.

And it has welcomed a national investigation launched by police into allegations of the existence of such a fund.

The ANC's reaction follows panic among some white homeowners in Durban and the Reef after incidents in which they were told by their domestic workers that the homes belonged not to the owners but to the domestic workers who had been contributing to an alleged ANC fund which guaranteed them their employers' houses when the ANC came to power.

A spokesman for the ANC in Lusaka, Mr Tom Sebina, said: "Taking over white homes is not on the ANC's agenda. We would welcome a police investigation to find the criminal element defaming ANC."

Workers' union

The internal leader of the ANC, Mr Walter Sisulu, said there was no way the ANC could be involved in something of this nature.

The South African Domestic Workers' Union (Sadwa) has urged domestic workers to supply the police or Sadwa with information about the alleged "ANC men" who were taking their money.

A police spokesman in Pretoria has asked domestic workers and their employers to come forward with information which could help the investigation.

Cops probe takeover bid of white houses 'by the ANC'

POLICE have launched an urgent national investigation into allegations that domestic workers have been paying money into an ANC fund which ensures that their employers' homes will belong to them in the "new" South Africa.

This follows panic among homeowners after numerous incidents in Durban and in the Transvaal whereby the homeowners were informed by their domestic workers that the homes belonged not to the owner but to the domestic worker who has been contributing to an ANC fund.

Spoksman for the ANC in Lusaka, Tom Sebina, responded indignantly to the allegations and said that the "policy" of taking over white homes was not on the ANC agenda.

He said that he would welcome a police investigation to find the "criminal element who was defaming the ANC."

"It is absolutely untrue that we have been collecting money from domestic workers for this purpose. The take-over of private homes has never been on the ANC's agenda and it is not our policy."

Durban residents, who have all experienced alleged "ANC coups" of their homes, during the last few weeks, are meanwhile outraged at the situation.

Mr Gordon Nixon of Hillhead Road on the Bluff is just one of the surprised Durban residents to be told recently that his home "no longer belongs to him, but to his domestic worker and to the ANC."

"My wife and I went away for the weekend. When we returned we found two well-dressed African gentlemen happily surveying my property and taking photographs. When I asked them what they thought they were doing, they told me they had been paid R30 by my maid, Priscilla, to take photographs.

"They told me that one picture of our home goes to her and another to the Mandela Fund. When I offered to introduce them to my shotgun or to call the police they just laughed and said that soon all white homes would belong to the people and to the ANC," said Mr Nixon.

According to Mr Nixon, the men then nonchalantly sauntered off.

His maid was dismissed on the spot and was not accessible for an interview.



The Soweto Student Ladies Society held a fundraising dance party in Senaoane where they collected money to help their organisation with community projects. Pic: MBUZENI ZULU

Yeoville domestics live in appalling conditions

Sowetan 24/4/90 (294)

By SONTI MASEKO

WOMEN domestic workers, who faced a sewerage problem at a block of flats in Yeoville, Johannesburg, during the Easter weekend, also live in appalling conditions, an investigation by *Sowetan* revealed.

On Saturday night, women living in the servants quarters at Trinity Hall, a block of whites-only flats owned by the Standard Bank, had to carry sewage in buckets to prevent it from flooding their rooms which are situated at the bottom of the flats.

The caretaker of the building, Mr Ron Cooper, after examining the blockage told the women that the plumber would arrive at the end of the long weekend.

'Not serious'

He said the blockage did not seem serious enough for him at that time and the women could not wait until Tuesday for the plumber.

The 14 women in the women's section of the servants quarters also shared between them two bathrooms, one which had not been working for the past five years.

While the women were busy carrying out the sewage to prevent it from flooding their rooms, their children ran and played in the dirty water along the passage and small space used for hanging laundry.

Apparently the children of the domestic workers were not allowed in the front of the building or on the lawns and were compelled to play in the little space at the quarters, one of the womem said.

The women, who are employed as domestic servants by the tenants in the flats, pay R100 each for a room which is fitted with only an electrical bulb.

There are no wall plugs fitted for the women who want to use heaters or do cooking.

Ms Pat Sidley, one of the tenants at Trinity Hall, said the Standard Bank was aware of the living conditions of the domestic servants at that block as she had on several occasions told bank officials about them.

"The only change they made was putting a coat of paint along the corridors of the rooms," she said.

A spokesman from the bank's public affairs division told the *Sowetan* that the bank was going to renovate the whole block within a year to 18 months.

Maids at the mercy of their madams

South 3/5/1 — 9/5/90 (294)

Domestic workers are not protected by legislation and are often at the mercy of their employers. A new document which offers guidelines on creating a fair deal for them has just been published. NOEL BRUYNS reports:

DOMESTIC workers suffer discrimination on many levels. Most of them are black women whose work is undervalued and underpaid.

The importance of the work — which often includes bringing up children in their formative years — is also undervalued.

A document which fights for a fair deal for domestic workers has just been published by the Justice and Peace Committee of St Patrick's Catholic Church, Mowbray. It was written by Debbie Budlender, a researcher for the Community Agency for Social Enquiry.

Alone

Although the position of black workers has improved through the efforts of trade unions, domestic workers still suffer under bad labour conditions.

They normally are alone in their workplaces, and do not have the bargaining power of a large number of employees.

"The task of any union of domestic workers in organising and keeping contact with its members is much more difficult than in the factory situation," says Budlender.

"Unions for domestic workers are further hampered by the lack of protective legislation.

"While there is no law which prohibits their forming and joining unions, their unions are not covered by laws such as the Labour Relations Act and Wage Act, which means that there are no provisions for, among many other things, collective bargaining or setting of minimum wages and conditions of work.

"Individually, workers are not covered by Unemployment Insurance, Workmen's Compensation or the Machinery and Occupational Safety Acts.

"Domestic workers are therefore dependent to a large extent on the goodwill of their employers," says Budlender.

According to government figures, more than half of white households in the Cape Peninsula employed one or more domestic workers.

The South African Domestic Workers' Union (Sadwu) has drawn up a draft contract of employment, but Budlender describes it as "the bare bones of a decent and fair contract" which is negotiable and minimum.

Modesty

"The minimum wages in the contract are far from a 'living' or decent wage. The modesty of the suggested wages reflects the even worse conditions under which many domestic workers are present are employed," she says.

Cosatu, at its national conference last year, called for a minimum wage of R350 a month for unskilled and R450 for skilled domestic workers.

"These levels are not seen as ideal, but are rather pragmatic demands on the way to a living wage," Budlender says.

The Minimum Living Wage (MLL) of the Universities of South Africa and Port Elizabeth, the one most often quoted, was R503,93 for Africans and R487,69 for coloureds.

The argument that employers employ only one person in a household and thus need only pay a pro-rata share of the respective Poverty Datum Line (PDL) is fallacious, according to Budlender.

A household has only two adults — thus two potential earners. Also, research ascertained that four out of five domestic workers had dependent families.

"Some employers of live-in domestic workers also argue that they do not need to include rent in the wage as they are providing accommodation.

"However, most domestic workers support dependents who need other living accommodation.

"Many domestic workers may also want to retain some other living space of their own, and not be solely (and dangerously) dependent on the employer for both job and accommodation."

Budlender's document lists clauses which should be included in contracts such as minimum wages, overtime, leave, training, pension and union membership.

There is a moral and political argument for employers to work out a fair deal for their domestic workers — which is all the more pertinent as South Africa gears itself to enter a new era.

Third-class

"If we employ a black woman to help care for our children and treat her like a second- or third-class person, we cannot in all honesty claim to be against apartheid and discrimination.

"What sort of Christian example do we present to our children?

"And if we allow young white children to give orders to an adult black woman, what are we teaching them about the value of race?" Budlender asks.

The invisible dirtman's story

It is he white South Africans fear most

PERSPECTIVE



Joe Thloloe

That man running after the truck is my father, my uncle and my brother. He knows what is good for him and his country, just as I, with my education, know. Sit down with him sometimes. Listen to him. Listen to his dreams and fears. Listen to him tell you how he loves, how he laughs, and how he bleeds. Listen and you will realise that he is a fellow man, a fellow Mangope, to define his life. South African.

He might be using Zulu, Sotho, Tswana or Venda, not English or Afrikaans, but he has the same right as a Van der Merwe, a Patel or a behind the truck.

That is what democracy is about. It does not have to be re-defined when it has to be extended to the man running

YOU have probably blotted this man out of your mind, but regularly he is at your gate to collect the rubbish.

He wears overalls and jogs almost all the time as he tries to catch up with the slow-moving truck. He tosses your rubbish into the back of the truck and trots to the next gate.

Sometimes he and his colleagues force themselves into your attention when they make a noise with the bins and their truck in the early (to you) hours of the morning.

At lunch time you will see him lounging in the shade of the truck, breaking big chunks from half a loaf of bread and eating.

You don't know anything more about him.

He lives in a hostel, either in the city or in the black township, in a room he shares with other men.

Money

He might have a girlfriend that he sometimes sneaks into the hostel and his bed. He might not have.

He has a wife and children in the rural areas of this beautiful and rich country. Every month he sends them money for food, clothing, school and the clinic, that is usually kilometres from his home.

He has ambitions for his sons and daughters. He is determined that they will not be as uneducated as he is. He is hoping that one day they will be pushing pens like his *induna* and his boss back at the depot.

When he goes home for his annual leave, he laughs as he hugs his children and kisses his wife. He tells them the wonders of life in Johannesburg.

Vote

That man might not be educated, might only know one or two words of English that he picked up on his rounds collecting rubbish or in the hostel.

That is the man who is giving the National Party and the majority of white South Africans nightmares.

They do not see this man wielding the same vote as themselves. If he did, the nation would be

"dumped into a one-party state or dictatorship through being misled by an unsophisticated majority vote", to quote Minister of Constitutional Development Dr Gerrit Viljoen.

On the surface that is the problem of white South Africans. But scratch a little deeper and you will find the fear that blacks will be out to avenge the centuries of oppression and exploitation.

There is the fear that their privileges will disappear. They will no longer have blacks waiting on them, doing all the menial jobs in this country for peanuts.

Veto

They are afraid of a more equitable distribution of the wealth of this country.

Their fears manifest themselves in the form of AWB armed commandos on one side and the demand for constitutional guarantees for minorities on the other.

No, not the normal guarantees like the right to use their language and pray to whichever God they believe in and in the manner in which they want to, but guarantees that they will have the power to veto any law that comes to Parliament.

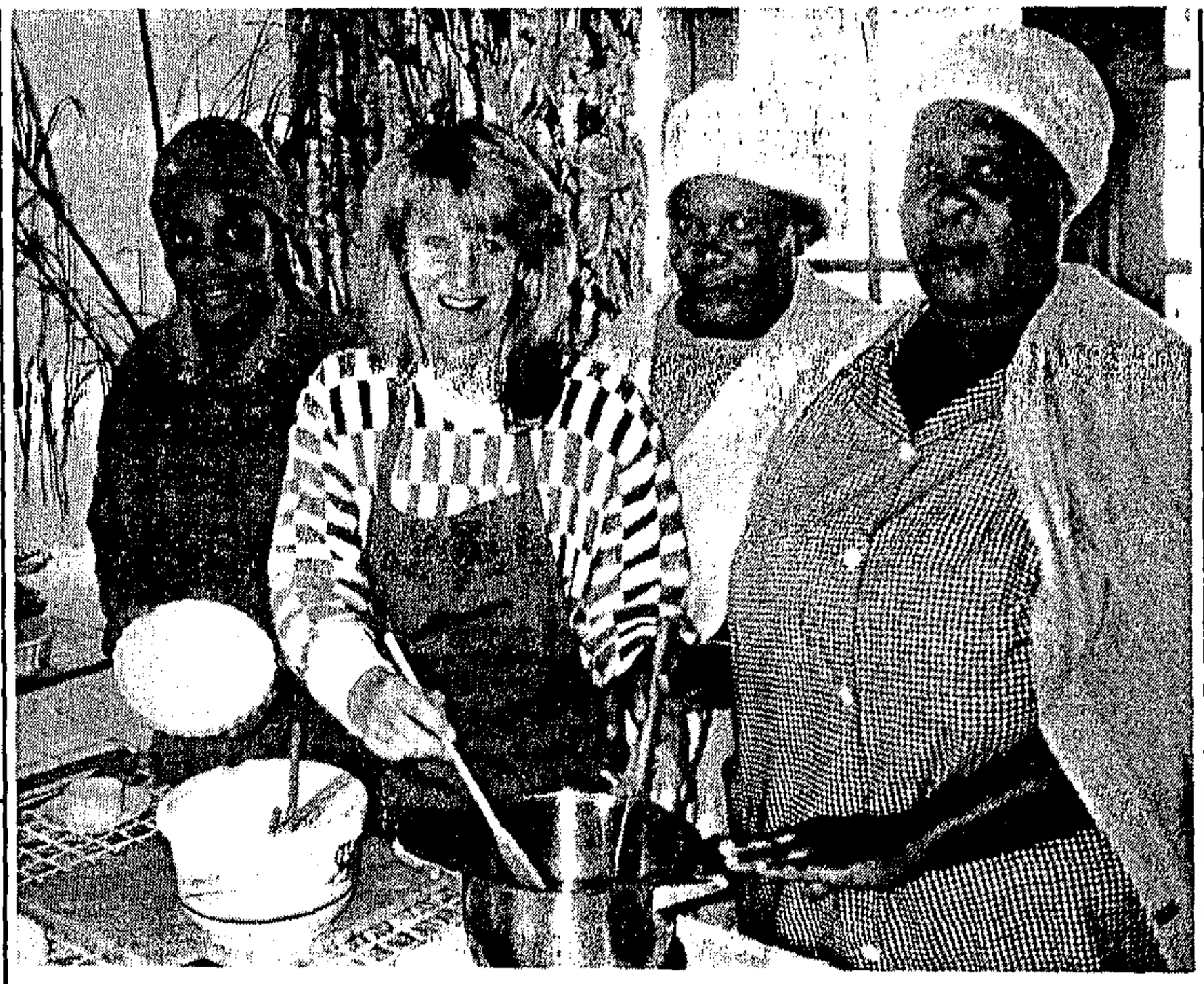
In simple terms, if the majority in Parliament wants to increase the pay of a category of workers and the minority refuses, that Bill would not become law.

Dreams

In this way power would still be in the hands of the minority. We have already seen how the big powers who have the veto in the Security Council of the United Nations have misused their powers to block resolutions supported by the majority in the world.

The National Party dance is an attempt to find such a formula and get it supported by the black majority.

Government protestations about a new definition of groups will not convince anyone.



STIRRING THE POT . . . These domestic workers are learning to become experts in the kitchen. They are (from left) Loura Siyoko, teacher Shirley Engers, Evelyn Nkask and Evalene Solani.

Cape Times 29/5/90 294

Cookery class for domestics

A COOKERY school has opened in Camps Bay which will cater only for domestic employees.

It is being run by cookery expert Shirley Engers who said: "I have been approached by people to give lessons to housewives but I feel there is a greater need for domestics to learn, as they do not usually have the opportunity, despite their eagerness, to improve their cookery skills.

"So far the results have been encouraging and I have received positive feedback from the first few courses."

Her school is called *The Bayleaf* and she hopes that it will give employers a chance to praise their domestic workers and receive the benefit of a vastly improved level of service.

Shirley, an accomplished cook with experience in catering for a variety of functions, is also a qualified primary and remedial school teacher.

The school offers different courses, ranging from regular cooking to advanced and specialised dishes. Students are also taught about food hygiene, basic nutrition and table setting.

There are morning, afternoon and evening courses and the school is conveniently situated on a bus route, behind The Bay Hotel. Discounts are offered for groups of students from guest houses and hospitals.

Each class is limited to 10 students and some are already booked, so if you would like to secure a place in any class, make an early appointment.

She also plans to run a cookery course for children during the school holidays.

The advanced cookery course is suitable for those who already have a knowledge of cookery skills and can easily follow a recipe. It teaches slightly more complicated techniques such as roasting, reducing sauces, deboning, roulades, soufflés and flambé dishes.

Some examples in the advanced course are . . .

□ Cream of carrot and broccoli soup.

□ Mushroom strudel Roger Verge — a phyllo pastry strudel of mushrooms and sour cream with almonds and herbs.

□ Fresh baked fish stuffed with a savoury mixture

□ Whole fillet of beef marinated in red wine and herbs, roasted with chopped peppers and tomatoes.

□ Marinated chicken pieces cooked with prunes and redcurrant jelly.

□ Apple strudel with phyllo pastry.

□ Rolled pavlova with fresh fruit and cream filling.

□ For further information call Shirley on (021) 438-9776.

New design of trolley for summer ice-cream

A NEW design of ice-cream trolley will be seen along the Atlantic seaboard pavements and parks in the spring.

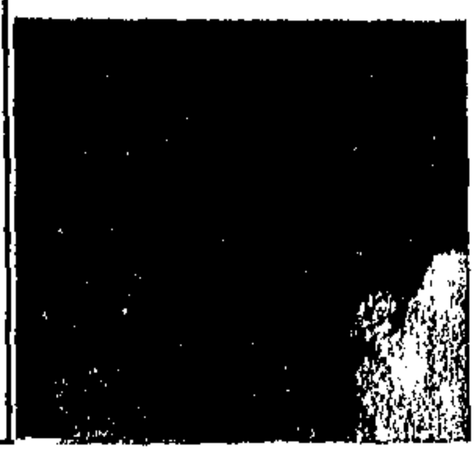
The trolley is a three-wheel mobile cycle unit which has a storage cooling capacity of 170 ℓ for the many different flavours of ice-cream.

Geared for fun, it will have an ice-cream cornet patterned cone and overhead umbrellas shaped like ice-cream scoops.

Sea Point businessman Mr Uri Loffler has imported the eye-catching vending machines from Majorca.

They were designed by

'DIY' comedy



Labour Party advert confusing domestic workers — union

By BARRY STREEK

A LABOUR PARTY advertisement which claimed domestic workers had been brought under the Unemployment Insurance Act and would be paid minimum wages was misleading and confusing, the South African Defence Workers Union (Sadwu) said yesterday.

Labour Party PRO Mr Peter Hendrickse admitted yesterday that the advertisement should have said that domestic workers would receive these benefits and not imply that they already received them.

Mr Hendrickse said the Minister of Manpower, Mr Eli Louw, had said that domestic workers and agricultural workers would be brought under the ambit of the Unemployment Insurance Act and the Basic Conditions of Employment Act, but legislation would only be before Parliament next year.

"The advertisement should have said they 'will' be brought under these acts," Mr Hendrickse said.

Sadwu said it rejected the Labour Party's statement on legislation for domestic workers.

"They are totally confusing our workers, as it will still take one or two years before domestic workers will be recognised by the present government.

"Therefore we condemn the way the Labour Party is using this advertisement to get votes from innocent workers."

The advertisement, which was published on the weekend with a photograph of Mrs Terry Hendrickse, the wife of LP leader Mr Allan Hendrickse, was headlined: "Look at what the Labour Party of SA has achieved."

This included the right of domestic workers in the same street to form unions and the right for them to negotiate individually or through unions for maternity leave, working hours, leave rights, sick leave, salaries and pensions.

Mr Peter Hendrickse said the LP had negotiated a settlement with Mr Louw that domestic and farm workers would be brought under the Unemployment Insurance Act and the Basic Conditions of Employment Act next year.

Cape Times 13/6/90

Domestic workers union, LP agree to meet

By BARRY STREEK
Political Staff

THE Labour Party and the South African Domestic Workers Union (Sadwu) yesterday agreed to hold joint meetings about the position of domestic workers.

The LP and Sadwu held a surprise meeting yesterday after the union had strongly criticised a Labour Party advertisement for stating that domestic workers were already entitled to unemployment insurance benefits.

In a joint statement, issued by Ms Maggie Witbooi of Sadwu and Mr Petrus Meyer, the MP for Vredendal, they said they met yesterday "to discuss the rights of domestic workers in particular".

They said the meeting arose from the LP advertisement and "possible confusion that could arise from it.

"Both sides accepted each others bona fides.

"The LP's only interest is to acquire the rights of domestic workers and not to form its own or opposition unions.

"We agree that we should get together in future to discuss progress with each other and to see how how we can complement one another's struggles.

"The LP salutes the role that domestic workers have played in contributing to the building of the country's human, social welfare and economic wealth," the joint statement said.

PE workers march for labour rights

From PATRICK GOODENOUGH (294)

PORT ELIZABETH. — Thousands of domestic workers took to the streets in driving rain on Monday to demand they be covered by the Labour Relations Act (LRA). South 14/6 - 20/6/90

Headed by the South African Domestic Workers' Union (Sadwu) national president, Ms Violet Mothlasedi, the women delivered a petition of their demands to Department of Manpower officials, who promised to refer them to the Minister of Manpower.

In their petition, the workers pointed out they had been trying for 12 years through delegations and petitions.to get the government to listen to their pleas.

Sadwu had instead faced the brunt of state repression, it said.- *PEN*

NEWS

Domestics take claims to court

294

D/E ARGUS 16/6/90

By PAT CANDIDO
Weekend Argus Bureau

PORT ELIZABETH. — A growing number of domestic workers are turning to the small claims court to address grievances they have with their employers.

Between eight and 15 domestic workers' cases come to court each month here and the number is growing. Most of the complaints are about notice pay.

According to the clerk of the court, Mrs Sandra Alston, many cases were resolved before getting to court.

Worker protest

Miss Cynthia Mkoto, the organiser of the Port Elizabeth branch of the South African Domestic Workers' Union, said resorting to the court would not be necessary if workers' rights were protected under the Labour Relations Act.

The common-law service contract which governed the working relationship between domestic workers and employers did not provide enough protection. A contract was usually one-sided and favoured the employer.

This week thousands of domestic workers took to the streets to demand protection provided by the Labour Relations Act and be covered by wages determination, worker's compensation and the Unemployment Insurance Act.

They also demanded that skilled full-time workers be paid R450 a month for an eight-hour day and five-day week.

Semi-skilled workers demanded R350 a month with chars getting R3,50 an hour and a travelling allowance. Other demands included the abolition of child labour, annual leave to be granted within 21 working days after completion of 12 months' service and that they be entitled to all public holidays.

They also demanded 14 days' sick leave a year, with a medical certificate after four days.

Employers were also expected to provide maternity benefits and no deductions for days off to attend ante-natal clinics.

Annual bonus

The petition also asked employers to provide accommodation, meals, transport allowances, pension, medical aid, an annual bonus of one month's salary and housing and education aid.

Miss Mkoto said the average monthly wage for domestic workers in Port Elizabeth was R120 to R150. But some were known to receive as little as R60 or R70 a month.

Mrs Pat Maqina, secretary of the Domestic Workers' Association, said she knew of some workers who received R30 a month.

WORKERS
P84/16 SERVICES - DOMESTIC SECTOR

Domestic workers DO have some rights

There are some laws that look after domestic workers. The government did not make these laws. These laws come from long ago. We call this law the 'Common Law'. People must obey the common law like any other law.

The Domestic Workers Employers Project (DWEP) helps domestic workers with the law. DWEP gets domestic workers lawyers for free. If you have a problem, go see DWEP. There are DWEP offices in Johannesburg, Cape Town and Durban. DWEP's address is:

101 Kenlaw House
27 De Beer Street
Braamfontein
Johannesburg
Tel: 39 - 6757/8

5 Long Street
Mowbray
Cape Town
Tel: 66 - 6645

St Andrews Centre
21 St Andrews Street
Durban
Tel: 31 - 8322

Now read what the law says about domestic workers.

S A L D R U
SCHOOL OF ECONOMICS
U. C. T.

NOTICE: (1)



If a domestic worker is fired, the domestic worker must get notice. Or the domestic worker must get notice pay.

If you are fired, your employer must give you notice. That means you work for another month and get paid. Or your employer must pay you for the time you have worked and give you notice pay. Notice pay is an extra month's pay.

Example: Zinzi Qunta earned R70 a month. At the end of the month she was fired. Her employer said she must go immediately.

Zinzi must get her R70 wages	R70
Zinzi must get R70 notice pay	+R70
	R140

Zinzi must get R140 altogether.

Domestic workers who stay with their employers must get more notice pay. They must get notice pay and food and accommodation pay. Lawyers say domestic workers must get about R80 for food and accommodation.

Example: Maria Motsepe earned R85 a month. She stayed with her employer. At the end of the month she was fired. Her employer said she must go immediately.

Maria must get R85 wages	R85
Maria must get R85 notice pay	R85
Maria must get R80 food and accommodation pay	+R80
	R250

Maria must get R250 altogether.

Example: Susan Jele earned R70 a month. She stayed with her employer. In the middle of the month she was fired. Her employer said she must go immediately.

Susan must get R35 wages for half a month	R35
Susan must get R70 notice pay	R70
Susan must get R80 food and accommodation pay	+R80
	R185

Susan must get R185 altogether.

Domestic workers who get paid every week and domestic workers who do 'piece work' must also get notice or notice pay.
Sometimes domestic workers can resign or leave their jobs and still get notice pay:

*If the work is dangerous, you can leave and still get notice pay.
*If your employer does not pay your wages, you can leave and still get notice pay. You must ask for your wages and your notice pay.
*If your employer treats you very badly, you can leave and still get notice pay.

Warning: *If you are often drunk at work, you can get fired without notice or notice pay.
*If you often miss work or come late for work, you can get fired without notice or notice pay.

SICK LEAVE:(2)



Lawyers say that domestic workers can get sick for a week and still get paid. But an employer does not have to pay a domestic worker when the domestic worker is sick for longer than a week.

Example: Thandi Zondo was sick for 5 days. She did not work for these days. Thandi must get paid her full wage at the end of the month.

Example: Elizabeth Lesu was very sick. She went to hospital for an operation. She did not work for 6 weeks. Elizabeth must get paid for 1 week only. Domestic workers only get 1 week's sick leave at a time.

If a sick domestic worker is fired, the domestic worker must still get notice or notice pay.

Example: John Molema is a domestic worker. He was sick for 3 weeks. He did not work. Then his employer fired him. The employer said he must go immediately. John must get paid wages for 1 week. And John must also get notice pay. Notice pay is an extra month's pay.

ACCIDENTS AND SICKNESS AT WORK

The employer must pay when a domestic worker gets sick or hurt at work. The employer must pay wages. And the employer must pay all the medical fees.

Example: Gladys Nkuta cut her finger with a sharp knife in the kitchen. She was making lunch for her employer. Gladys needed to go to hospital. She also needed medicine. The employer must pay for the hospital and medicine.

Example: Lydia Mojapelo was cleaning the floor in her employer's house. She used a strong soap. The soap burnt Lydia. She needed to go to hospital. The employer must pay for the hospital and medicine.

Example: Sipho Zungu was cleaning the windows outside his employer's house. His employer gave him a ladder to use. Sipho fell off the ladder. He broke his leg and his arm. Sipho stayed in hospital for 7 weeks. His employer must pay the hospital fees. And the employer must pay Sipho's wages for the time he is in hospital.

DEDUCTIONS: (3)



Many employers deduct or take off money from their domestic workers wages. They take off money when the domestic worker breaks or damages something. If an employer takes off money, it's against the law. **An employer can't take off money when a domestic worker breaks or damages something.**

Example: Dora Masipa was making tea for her employer. She dropped 2 cups on the floor. The cups broke. Her employer was angry. He said he will take R2 off her wages. The employer can't do this. He must give Dora her full wage.

Example: Teboho Katse was ironing her employer's dress. She burnt a big hole in the dress by mistake. The employer was angry. She said she will take R10 off Teboho's wages. The employer can't do that. She must give Teboho her full wage.

CONTRACT WORKERS: (4)



Many domestic workers are contract or migrant workers. Most contract workers can work for 1 year at a time. Then they must go home and get another contract.
If a contract worker is fired, the employer must pay the worker until the worker finds another job. If the worker can't find another job, the employer must pay the worker until the contract is finished.

Example: Fikile Ndlela comes from Ladysmith. She worked for Mrs Smith in Johannesburg. She had a contract for a year. After 4 months Mrs Smith fired her. Fikile couldn't find another job. Mrs Smith must pay her until the contract is finished. Mrs Smith must pay Fikile an extra 8 months wages.

Example: Julia Masilela comes from Nelspruit. She worked for Mrs Jones in Johannesburg. Julia had a contract for a year. After 6 months Mrs Jones fired her. Julia found another job after 2 months. Mrs Jones must pay Julia for the 2 months she did not work.

A contract worker must not lose money if she is fired and gets a new job. If the new employer pays the worker less money, the worker must get the rest of the money from the first employer. The worker only gets this money until the contract with the first employer is finished.

Example: Mfazi Lubelwana comes from the Transkei. She worked for Mrs Fourie in Pretoria. Mfazi had a contract for a year. Mrs Fourie payed Mfazi R80 a month. After 6 months Mrs Fourie fired Mfazi. Mfazi did not find another job for 2 months. So Mrs Fourie must pay Mfazi an extra 2 months wages.

Then Mfazi got another job with Mrs Nel. Mrs Nel pays Mfazi R60 a month. But Mrs Fourie paid Mfazi R80 a month. That is R20 a month more. Mrs Fourie must now pay Mfazi an extra R20 a month. Mrs Fourie must pay Mfazi R20 a month until the contract is finished.

Warning: *If a contract worker is often drunk at work, the worker can get fired and get nothing for the rest of the contract.
*If a contract worker often misses work or comes late for work, the worker can get fired and get nothing for the rest of the contract.

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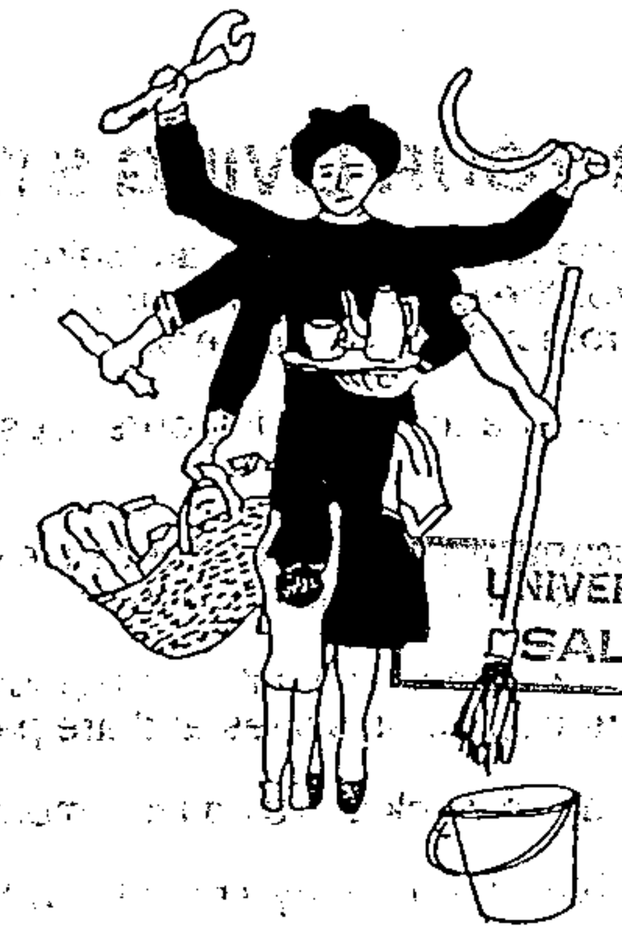
SADWU

NATIONAL WAGE CAMPAIGN LAUNCH

28 August 1988



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AN INJURY TO ONE IS AN INJURY TO ALL

KHUSELA UMGANGATHO WAKHO WOKUPHILA

Usuku Lukazwe Lonke Lokuqwalasela Umgangatho. Wokuphila uyakuba kwimpela veki 28 ku AUGUST.

Abasebenzi basezindlini (Domestics) Kufuneka baqalise ukulwela. Ukulwela noku khusela umgangatho wabo wokuphila. Sifuna umvuzo wokuphila omhle no-ngemkhulu. Sifuna umthetho okusela bonke abasebenzi Lo ngumhla. Wokudibana sizimanye ekulweni imi-vuzo ecinezelayo. Kunye nongcikwo. Abaqashi baya libala ukuba siphangelele ukufumano imali yokufundisa abantwana bethu, sibanxibise sibondle nje ngoko besenza kwababo abantwana.

Singomama, Namakhosikazi. Sifuna ukupha-kamisa. Unganggatho wokuphila ngok-wamkela umvuzo ofanelekileyo. Ngaphaya koko siphatheke ngathi asizonto.

Samkeliswa amadongomane. Sisebenza iyure ezi-16 ngemini, intsuku ezisixhenxe nge weki nyanga. Nentsuku ezing 31 Nge nyanga. Sisebenzela umvuzo esingena kuwu khalazela.

Abasebenzi Makhishini kwilizwe lonke kufuneka bazimanye kwa-SADWU. Khona ukuze ba kwazi ukulwela umvuzo. Wokuphila osemganga-thweni. Bafumane im-ithetho ebakhuselayo kunye nabanye absebenzi e.g. ezifletini, OLD AGE nabanye.

Abasebenzi abamanyeneyo. Abanakuze boyiswe.

AMANDLA!
VIVA SADWU!

FIGHT FOR YOUR LIVING STANDARDS

Domestic Workers all over the country in their Launching Congress on 29th November 1986, resolved to fight for their Living Standards and demanded a Fair and Minimum Wage and a Law to protect them as workers.

This is a day of coming together and organising ourselves to fight oppressive wages and exploitation.

The employers are forgetting that we are working because we need the money to educate, clothe and feed our children just as they do theirs.

We are mothers and wives, we need to uplift our Standard of Living by earning a decent wage. Instead we are treated as slaves and are paid peanuts.

We work 16 hours a day, 7 days a week and 31 days a month for unnegotiated wages.

Domestic workers from all over the country should join SADWU and fight for their Living Standard also.

Organised workers will never lose!

FORWARD TO THE 28th AUGUST! VIVA SADWU!

BEVEG JOU LEWENS STANDAARD

'n Nasionale Dag op die Lewens Standaard word gehou op die naweek van 27-28 Augustus 1988. Alle Huiswerkers moet begin om ons lewensstandaarde te verbeter. Ons eis 'n minimum salaris. Ons wil 'n wet hê vir alle werkers.

Dit is 'n dag om saam te kom en onsself te organiseer om die lae salarisse en die verwoesting van ons werkers te beveg.

Die wergewers is besig om te vergeet dat ons werk omdat ons die geld nodig het om ons kinders op te voed, te kleed en te voed, net soos die werkgewers doen vir hulle kinders.

Ons, as moeders en vroue, benodig die verbetering van ons lewensstandaard by die verhoging van ons salarisse. In plaas daarvan, behandel hulle ons soos iets wat nie bestaan nie. Ons word van kleingeld betaal.

Ons werksure is, 16 tot 17 ure per dag, 7 werksdae per week, 31 werksdae per maand, vir 'n salaris wat nie onderhandelbaar is nie.

Alle Huiswerkers reg oor die hele land moet by SADWU aansluit en veg vir ons lewenstoestande om 'n Wet vir ons en die tuinier te wen.

Georganiseerde werkers sal nooit verloor nie.

VOORWAARTS VIR DIE 28ste AUGUSTUS! VIVA SADWU!

SADWU DEMANDS

At the National Launch of the above Union on the 29th November 1986, the following Resolutions were taken.

THE PATH TOWARDS JUSTICE IS TO STOP EXPLOITATION OF DOMESTIC WORKERS IN SOUTH AFRICA!

RESOLUTIONS TAKEN:

1. A minimum wage of R200,00 per month should be paid to all domestic workers
2. Chars to be on an hourly rate of R2,50, plus travelling allowance.
3. Eight hours a day for full-time workers, for five days a week.
4. Overtime should be paid at R2,50 per hour.
5. Child labour should be abolished, no child under the age of 16 years should work.
6. Maternity benefits should be given to all women.
Domestic workers should be paid eight weeks prior to giving birth and six weeks after giving birth.
7. Days off to attend Ante-Natal Clinics. No money to be deducted.
8. Workers should be granted fourteen days sick leave per year.
9. Twenty-one working days annual leave.
10. One month's notice from either side.
11. Payslips stating hours of work and deductions.
12. Workers should be off on all Public Holidays or be paid overtime.

Bogus ANC fund for domestics to 'buy' employers' homes

Own Correspondent

DURBAN — Police have launched an investigation into allegations that domestic workers have been paying money into a bogus ANC fund to ensure that their employers' homes will belong to them in a "new" South Africa.

Several domestic workers have informed their employers in Durban and the Transvaal that their homes belong to the domestic workers who have contributed to an ANC fund.

Mr Tom Sebina, spokesman for the ANC in Lusaka, said he would welcome a police investigation to find the "criminal element who is defaming the ANC's name".

"It is absolutely untrue that we have been collecting money from domestic workers for this purpose. The take-over of private homes has never been on the ANC's agenda."

Mr Gordon Nixon of the Bluff is one of the surprised Durban residents to be told that his home no longer belongs to him.

"My wife and I went away for the weekend. When we returned yesterday, we found two well-dressed African gentlemen happily surveying my property and taking photographs. When I asked them what they thought they were doing, they told me they had been paid R30 by my maid to take photographs. They told me one picture goes to her and another to the 'Mandela Fund'.

"When I offered to introduce them to my shotgun or to call the police, they just laughed and said soon all white homes would belong to the people and to the ANC."

Mr Nixon's domestic was dismissed on the spot and was not available for an interview today.

A similar scene took place when Mrs Shirley Aiston of Fynnland tried to sell her home. Her domestic, who had worked for her for 20 years, approached her and said she had been contributing to an ANC fund and the home belonged to her.

The same thing happened to a Cowies Hill resident and to a Westville couple.

A representative of the South African Domestic Workers' Union (Sadwa), Mrs Nyami Nbhele, today urged domestic workers to supply the police or Sadwa with information about the "alleged ANC men" who were taking their money.

Captain R Bloomberg, media liaison spokesman for police headquarters in Pretoria said today: "We urge all domestic workers and employers to come forward with any information they may have so that we can investigate."

He said this type of incident had also been reported on the Reef.



Leah Mogapi... claims she earned R55 a month. ■ PIC: EVANS MBOWENI.

No joy for sacked domestic worker

C/Press 18/3/90 294

... as she falls foul of poor labour laws

By SOPHIE TEMA

A DOMESTIC worker fired after toiling for 12 years for a pittance cannot obtain compensation as there are no laws that bind an employer to certain wage scales.

Leah Mogapi, 65, was paid R55 a month to work in the Nuweling household in Johannesburg.

With that she was expected to keep the home fires burning at her Potchefstroom home, support herself and her mother.

Mogapi claimed that from the R55, she sent R45 to her aged mother, leaving her with only R10 to look after herself.

Unlike some domestic workers who are earning up to R400 a month and enjoying fringe benefits, Mogapi could not even open a saving's account.

Her employer, Mrs Nuweling, refuted these claims, saying Mogapi had worked for the family for seven years. The employer also said she was earning R60 a month, not R55.

Nuweling thought there was nothing wrong in paying Mogapi "R60 a month" because "she stayed in my yard, ate my meals and I also clothed her", she said.

Nuweling said: "And when she got a holiday break she would go to her family in Potchefstroom and would only return after two to three months.

"I paid her off because she complained that she was losing her eyesight and was going blind.

"I then gave her R400 for two months' salary, pension fund and for long service."

But Mogapi tells a different story. She claims to have worked for the Nuweling family for 12 years, managing their 10-roomed house without ever getting a day off, except on the day when she was scalded by boiling water.

She told *City Press* of an incident in December last year when she was admitted to hospital after boiling water spilled over her.

She was kept in hospital until the end of January when she was discharged.

"After I was discharged from hospital I returned to work but only worked for the month of February because my employer told me that I was old and could not continue working for her.

"She gave me R200 which she said was my salary for the months of January and February, and the rest was for long service and pension fund."

Mogapi, has since been to the Black Sash for help.

Beulah Rolnick, of the Black Sash said: "It is disgusting to find that there are employers who exploit their employees so brutally.

"But it disturbs me because there is nothing we can do to help Mogapi, as there are no laws that bind employers to certain salary scales for domestic workers."

Cops save girl, 15, in 'slavery' probe

By CHIARA CARTER 294

POLICE rescued a teenager from her Steenberg employers last Friday in a follow-up to a row over allegations of child slave labour. South 23/5 – 29/5/90

Last week, 15-year-old Katrina Karlmeyer fled from what she described as a "life of hell" as a domestic worker for a Rylands family.

Acting on information provided by Karlmeyer, police and an official from the South African Domestic Workers' Union (Sadwu) on Friday went to a shop owned by a relative of Karlmeyer's employer.

There they found Lien Bantam, also 15, hidden under a table.

Bantam told her rescuers she had not been paid since she was brought to the shop from her family's home on a Worcester farm in October last year.

Her employers have subsequently given R600 to Sadwu.

Like Karlmeyer, Bantam alleged her employer ill-treated and physically assaulted her.

Mystery surrounds the whereabouts of another child who was employed by the family.

Bantam said the boy, Andries Maritz, 13, was sent away from the shop after a report in SOUTH last week.

Bantam's employer told the police the boy had been taken back to his home in Ceres.

A spokesperson for the Child Protection Unit said it was investigating the matter.

He said no decision had yet been taken on whether the children's employers would be prosecuted.

Pensions for domestics

LIFE offices are turning their attention to pensions for domestic workers.

Fedlife requires a minimum contribution of R15 a month, premiums rising by 12% a year. No medical examination is required. ST Times 4/2/90 · (294)

If a worker is disabled, a pension is paid for life, based on the amount then invested in the fund. Another R3 000 is paid into the account, securing a higher pension.

On death, the accumulated investment in the fund is paid to nominated dependants, as well as R3 000 cash.

On normal retirement from the age of 55, a monthly pension is paid A third of its value may be taken in cash.

Many people set money aside for domestics in savings accounts, but they lose value against inflation. Such sums can be transferred to pension funds for domestic workers. Adding other lump sums to the employee's pension fund increases the eventual payment.

Acute need seen for pension schemes for domestic workers

By Michelle Maliepaard

DURBAN — Pension schemes for workers in the domestic and informal sector have been poorly subscribed to — despite an urgent need for them.

The largest domestic scheme — marketed by Federated Life — has only 5 000 policyholders, despite low premiums and a potential market estimated to be at least one million.

Maggie Oewies, head of the Domestic Workers' Union in Cape Town, says it is high time domestic workers and their employers start making provision for their future.

Traditionally, she says, women have relied on producing numerous children to look after them in their old age.

Most domestic workers have to live on the hopelessly inadequate government pension when they retire because they have not been able to save money during their working lives — and often their children cannnot afford to assist them.

The Small Business Development Corporation (SBDC) recommends that all small businesses should attempt to provide some scheme for their employees.

Although capital is tight when a business starts out, the value of their unskilled labour should not be underestimated.

Most companies provide schemes for their key people, but adopt a short-term approach to their labourers.

In the recent Budget there was an urgent call for increased savings.

It is therefore in the interest of all to encourage domestic and unskilled labourers to find alternative funding for their retirement.

Safe investment

The Domestic Workers' Pension Fund offered by FedLife is described as offering a safe investment for retirement of domestics and semi-skilled workers employed in the informal sector.

A spokesman says the company has tried to make the scheme as affordable as possible.

The policies are not sold through brokers and no commission is payable.

The minimum premium is R15 per month which entitles the holder to a death and disability benefit of R3 000 as well as retirement benefits.

Paul Clipsham, deputy general manager for Fedlife, estimates that 90 percent of the company's domestic policies are paid for by employers.

Because it is a pension scheme, the policy does not lapse if premiums are not paid.

The owner can reinstate it at any time, but the funds cannot be touched until the retirement age is reached.

Old Mutual spokesperson Julie van der Walt, says no similar scheme is availible through her organisation.

Unit trusts which perform well are recommended as an alternative.

In reply to a request for comment from Southern Life, Graham Lillie says Southern does not offer such schemes because domestic workers are not in its target market.

However, this does not exclude the possibility of developing such a plan in the future, should demand dictate.

Southern suggests that the employer take out an individual retirement annuity.

B Day 27/7/90

Domestics 'insist' on R450 a month

294

OWEN MAUBANE

COSATU-affiliated SA Domestic Workers Union (Sadwu) Witwatersrand organiser Eunice Dhladhla yesterday called the warning by a Johannesburg employer organisation — that massive lay-offs would result if a R450 minimum wage demand was met — "the last kick of a dying horse."

Norwood/Orchards Employment Link (NOEL) co-ordinator Kathie Scott said earlier this week that 90% of domestic workers employed in Johannesburg's northern suburbs would be out of a job if domestic servants demand R450 a month salary.

"The employers are greedy, they can see that the domestic workers are getting educated and are fighting for their rights, so they are trying to cling to their privilege," Dhladhla said.

Letter

Sadwu general secretary Florrie de Villiers said the union would meet PWV area employer organisations to follow up on its minimum wage demand.

De Villiers added that the call for a meeting followed a Sadwu-led march of 8 000 domestics to Johannesburg's CBD last week. A letter, stating the wage demand, was handed to Manpower regional director J J Knoesen.

"We surveyed skilled domestic workers nationally to formulate a figure for a living wage, and because of that survey we have called for a minimum wage of R450 for the PWV area," she said.

She added that in the Cape and Natal the minimum wage demanded for skilled domestics was R400.

Scott said that research by NOEL indicated that most northern suburbs employers could not afford to pay the R450 in addition to food, accomodation, uniforms, annual bonus, maternity leave, and unemployment and pension benefits.

However, Dhladhla said that to most of the domestics, including those in the northern suburbs, many of these extra benefits were "unheard of".

"Our demands to the Manpower Department included notice pay and leave, and maternity, pension and unemployment benefits, which most employers are not providing domestics," she said.

Sadwu had also called for domestics to take industrial action in many Johannesburg suburbs by taking employers to the Small Claims Court as the union could not afford Industrial Court costs, Dhladhla said.

She added that at least four domestics were fired for taking part in the march last Thursday.

De Villiers said that the union was prepared to negotiate "region by region" with employer organisations, but it was adamant that the minimum wage dispute was a "just" cause.

"While the employer looks only at her own income, we look at the human and political point of view. Our members are no longer prepared to give labour and not sell it, they demand a total transformation of the domestic-employer relationship," she said.

The union demanded that domestics be treated the same as other workers and that the Labour Relations Act, Wage Act and Basic Conditions of Employment Act should be applied to them, she said.

PEANUTS By Charles Schulz



Frustrated domestics take a stand

Sowetan 25/7/90 294

WOMAN

By SIZA KOOMA

THE frustration at the Government's delay in producing legislation for domestics and farmworkers has led to a march by about 2 000 domestic workers to the Department of Manpower to present wide-ranging demands.

The domestics, all members of the South African Domestic Workers Union, last week handed a list of their grievances to the Manpower's Mr J J Knoesen.

They demanded:

* R450 a month;
* A 40-hour working week;
* Visiting rights;
* Decent accommodation;
* Pension, maternity and other benefits enjoyed by all workers; and
* Coverage by the Employment and Labour Relations Acts.

Attempt

This was not the first attempt to force the Governement to consider the position of the four million domestic workers.

Trade unions and political organisations have for several years been pressing to get legal provision covering employment of domestics.

There have also been questions about it in Parliament.

The National Manpower Commission was instructed in 1982 to begin an inquiry into employment conditions for farmers and domestics.

In December 1984, a delegation from three domestics' groups travelled to Pretoria to protest to the then Minister of Manpower, Mr Pietie du Plessis, about the delay.

Two years later the report by NMC was completed but prospects of possible legislation were still bleak.

Domestic workers make a significant contribution to a stable society, but 75 percent of them are exploited, assaulted and unfairly dismissed by their employers who take advantage of their lack of protection by the country's labour laws.

Half of South African homes rely on fulltime domestic help, according to the Central Statistics Service.

Reliance

Interviews by the *Sowetan* last year with some members of the Black Domestic Workers Association in Johannesburg's northern suburbs, Soweto's elite townships and Lenasia and Eldorado Park revealed that even top people in the community ill-treat their domestics.

They include priests, who preach justice and fair treatment, lawyers who ironically earn a living from defending people's rights, millionaires to whom a domestic's salary is a drop in the ocean, doctors, politicians and celebrities of all races.

Most of these enduring servants are migrant workers who often stick to their exploitative employers because they have dependants to support.

The CSS reports said the average wage of domestics in South Africa was R156,15 a month, which includes food and accommodation.

The wage includes R96,50 cash, R37,76 for food, R15,29 for use of living quarters and R6,60 for other goods and services, it said.

The general contemptuous treatment of domestics includes dismissal without salary, severance pay and other benefits.

Sacked

Some employees have even been unknowingly dismissed while on holiday, a worker's right most of them do not enjoy.

Some have returned to work to find they have been replaced.

Last January 62-year-old Selina Mazangazanga of Mount Frere returned to work after a four-weeks holiday to find her belongings bundled in a corner. A younger woman had taken over the duties.

Mazangazanga was bitter with her employer whom she had joined when her child was eight days old.

She had never complained about her duties being beyond her age.

Her services and loyalty were rewarded with no official notice, no severance pay and obviously no pension fund.

Humility and good employer-employee relations do not exist in most of the households.

Employees are not allowed visitors. They only get to see their families when they go home for holidays.

Employers

The refusal by employers to allow visitors into the quarters led to 40 frustrated domestics in 1988 taking their employers at the Majestic Towers Hotel, a block of flats in Parktown, to court.

Some had worked in the building for more than 15 years and their families had never seen where they lived.

Physical and emotional abuse is not unusual.

Insults are often hurled at domestics for errors.

Thoko Mkhwanazi was beaten black and blue by her employer's son for allegedly duplicating the keys to his flat with the intention to steal.



Mrs Florence de Villiers of Sadwu presents a petition to Mr JJ Knoesen of the Department of Manpower.

It is very difficult for unions to fight domestics' cases because of their legal position, which is often exploited by their employers.

Through the Small Claims courts they have been able to settle financial battles and managed to take abusive employers to court for assault.

In 1988, the Black Domestic Workers Association won about 55 percent of the cases they took to court.

Some employers often agree to settle out of court and 834 of them did so that year.

Bladwa maintained that the percentage of losses, four percent, would not be as high if the union was allowed to represent its members in court.

It is usually domestics against their employers in court and they are often powerless.

Smakaleng gives totally of herself to the community

Sowetan 23/7/90

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Woman of the week

SMAKALENG MOKHINE

SMAKALENG Mokhine's charitable heart and considerable contribution to the development of others and the community as a whole dispels all myths about caring behaviour.

By SIZAKELE KOOMA

This 22-year-old Dobsonville lass coordinates the women's desk of the National Union of Public Service Workers where she also doubles up as an administrator.

She is in charge of women in all of the union's regions and feels strongly about their participation in union affairs and community work in general.

"The presence of women in decision-making positions is important. They have to be made aware of this and encouraged to participate more actively and meaningfully in issues that affect them.

"Men often make decisions that suit them because there are always no women to object. These decisions bind everybody and should therefore not be one-sided," Mokhine said.

Involved

She single-handedly does the job of organising seminars and workshops to educate NUPSW's women on their rights both as workers and as human beings.

"The aim is to develop their assertiveness, leadership and self-sufficiency that would contribute to building a strong nation.

"We also organise these meetings and others to celebrate national events to enlighten them on what happens around them.

"Most women know very little because they do not get involved. For them to be informed they have to participate not only in burial societies but also in important issues."

The NUPSW, she said, also examined problems encountered by women at their workplaces and addressed the political problems created by racial discrimination.

Mokhine, one of five children, said it was her early involvement in politics that saw her realise the importance for her and other black people of standing up and doing things for themselves.

At 15 she joined the local branch of the Azanian Students Movement and was the only woman in a group that was later detained.

She has worked for the Black Domestic Workers Association as organiser and administrator. She is a member of Azayo and two community-based organisations, Imbeleko and Ubuntu, of which she is chairman.

Ubuntu

She and 13 other women in Dobsonville started Ubuntu following a death in a pensioner's family.

"The old woman did not have money to bury her child. We rallied round and asked for help from the community, local business people and a funeral parlour.

"After the funeral we decided to start an organisation that would help people at times of need and assist destitute families."

Her community involvement leaves her very little time to herself but she does not mind. She allocates only 30 percent of her time to her personal life.

She does not mind because that is what the times we are living in requires, she said.





ARIES: March 21 - April 21
Look forward to a good run in relation to business and career issues. Your finances should be well maintained. People in the commercial sphere will invariably co-operate with you. Put your ideas across smartly.

TAURUS: April 21 - May 21
If you want prominence and success, you will have to make major changes, starting as soon as possible. Other people will be helpful and circumstances should usually conspire in your difficult to concentrate on one course for long. Distractions will be many and you are liable to

Workers march for basic rights

c/Press 22/7/90

By LULAMA LUTI

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FOR the second time in just over a year, domestic workers in the Witwatersrand took to the streets of Johannesburg this week, demanding recognition for their union.

Hoisting brooms, brushes, buckets and other cleaning equipment, about 5 000 domestic workers marched from Saratoga Avenue near Berea to the Johannesburg regional offices of the Department of Manpower in President Street.

c/Press 22/7/90

They handed a letter to director of local affairs JJ Knoesen, demanding coverage in terms of the Employment Act and protection as workers under the Labour Relations Act.

Spokesperson for the South African Domestic Workers' Union (Sadwu), Sellinah Vilakazi, said by defying a directive which gave permission for only 500 people to march, domestic workers were displaying impatience at the authorities' reluctance to respond to demands.

"We are sick and tired of being told our demands are still being looked at. We demand the prompt response of those in authority. They can rest assured campaigns against exploitation will intensify until we are recognised."

Domestic workers are also demanding a minimum monthly wage of R450, a 40 hour week, the right to receive visitors, decent accommodation, maternity leave, and unemployment and pension benefits.

Vilakazi dismissed reports that Sadwu members had threatened non-union members with death if they did not take part in the march.

"Nobody was forced to take part in the march and we have received no reports of intimidation. We have been inundated with calls from employers who have threatened some members with dismissal should they take part in marches in future."

Jarius Sebetlele started noticing the counterfeit notes in his bottle store in Mohlakeng in May and has found a lot more of them since.

Klerksdorp death fears as woman-killer strikes

By DAN DHLAMINI (294)

DOMESTIC workers in Klerksdorp, which is notorious for rape and murder crimes, are again living in fear of their lives following the discovery of another murdered woman.

Last year the bodies of two unidentified black women with head injuries were discovered in a Klerksdorp suburb. The murderer is still at large because police have made no arrests.

The corpses of 15 black women were discovered on the infamous Oudorp koppie between 1987 and 1988.

David Motshekgwa was sent to the gallows last year for the murder of 14 of the women. It is speculated that the 15th woman, whose skeleton was found under tree branches on the same koppie, was another of Motshekga's victims.

Mavis Nobomvu Mzangwa, 34, the latest victim of another woman-killer on the loose, was discovered on July 9 with car tyre marks on her body on a deserted road between Klerksdorp and Stilfontein.

She was discovered lying face down, dressed only in her bra and petticoat. Her bloodstained dress and a pair of leather "velskoens" were found next to her.

Police suspect she had been raped and a car driven over her body. They could not say whether she was alive when the car was driven over her.

Assistant chief of the Criminal Investigation Department in Klerksdorp, Major Dirk Stear, said two white men reported the grisly find to police.

He said the dead woman was last seen with a black man in a green station-wagon.

Major Stear said no arrests had been made and police investigations were continuing.

Mzangwa was identified by her grandmother Martha Mosiatlhaga a week after she was found after a tip-off from a mortuary employee.

Mosiatlhaga said she suspected Mzangwa was killed by the Wit Wolwe. She said she would not rest until her granddaughter's killers were brought to book.

Western Transvaal organiser for Lawyers for Human Rights, Sam Present, told *City Press* that Mosiatlhaga had contacted him regarding Mzangwa's death and he would attend to the matter.

Teacher 'molested pupils'

By DAN DHLAMINI C/Press 22/7/90

A WHITE religious instructor in the western Transvaal is facing charges of indecently assaulting eleven black children – a girl and ten boys – aged between 14 and 17, at Bethal High School in Coligny.

Johannes Cornelius Lombaard, 48, a biblical study teacher at the school, appeared in court this week after being arrested at the school by Stilfontein child protection unit of the police.

No charges were read to him and he was released on R2 000 bail. The case was postponed to August 30 for a date to be fixed for the case to come before the Regional Court.

Prosecutor M Theunissen declined to give any further details of the case.

Domestics 'were forced' to march

Star 20/7/90 By Musa Mapisa

The organisers of a domestic workers' march in Doornfontein have been accused of intimidation.

Employers in Rivonia and Morningside said workers had been forced to join yesterday's march. The union said the march was held, but The Star could find no marchers.

Employers said workers were picked up in minibuses. The union denied this.

The union wants a R450 starting salary, 40-hour week, sick and maternity leave, a pension scheme, medical aid, an unemployment fund and housing aid.

'March or die' threat to domestic workers

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W|Mail 2017 - 2247190

By DREW FORREST

DEATH threats were used by men in a minibus to force domestic workers from northern suburbs homes to attend a protest march in central Johannesburg yesterday, a resident told *The Weekly Mail*.

SA Domestic Workers' Union general secretary Florrie de Villiers confirmed that, at a general meeting after the march, some workers complained that they were forced to participate.

De Villiers said: "We have no idea who was involved — it certainly wasn't the union."

She said the matter would be investigated by the union.

Yesterday, Rivonia resident Judy van Dam contacted *The Weekly Mail* to say that men in a minibus had summoned her domestic worker and threatened to kill her if she refused to take part in the march.

She had also heard of "widespread intimidation" in the nearby suburb of Morningside.

Permission was obtained for the march, which passed without negative incidents.

As part of a nationwide push by the Cosatu-affiliated Sadwu, the march culminated in the presentation of a list of demands to regional Manpower Director JJ Knoesen. Among the demands are a R450 minimum wage for domestic workers.

The union also insisted on a 40-hour working week, decent accommodation, maternity benefits, UIF and pension benefits.

Sadwu also wants the Labour Relations Act, Wage Act, and Basic Conditions of Employment Act applied to the domestic sector.

The letter to Knoesen says: "President de Klerk is preaching a transformation of democracy.

"If this is true, (he must) show it by recognising our union."

Domestic workers march

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JOHANNESBURG. — Hundreds of domestic workers staged a peaceful protest march here yesterday, demanding a minimum wage of R450 a month.

CT Times 20/7/90

Grooms curbed by interdict

By LANCE NAWA (294)

STRIKING grooms are sticking to their demands for a wage increase and Cape racing could again be disrupted this weekend.

Wednesday's racing at Milnerton was abandoned because of the rainy weather, preventing a repeat of last Saturday when the "grooms' revolt" led to more than 20 horses being scratched on the card. South 9/8 - 15/8/90

Grooms, earning between R35 and R90 a week, are demanding wages of R250.

About 800 grooms from stables in Milnerton and Philippi have been served with an interdict for allegedly intimidating "scab" labourers, interferring with the training of horses and damaging private property.

Ceremony

Edward Hurling, spokesperson for South African Commercial, Catering and Allied Workers Union's (SACCAWU), criticised trainers for taking legal action against the workers.

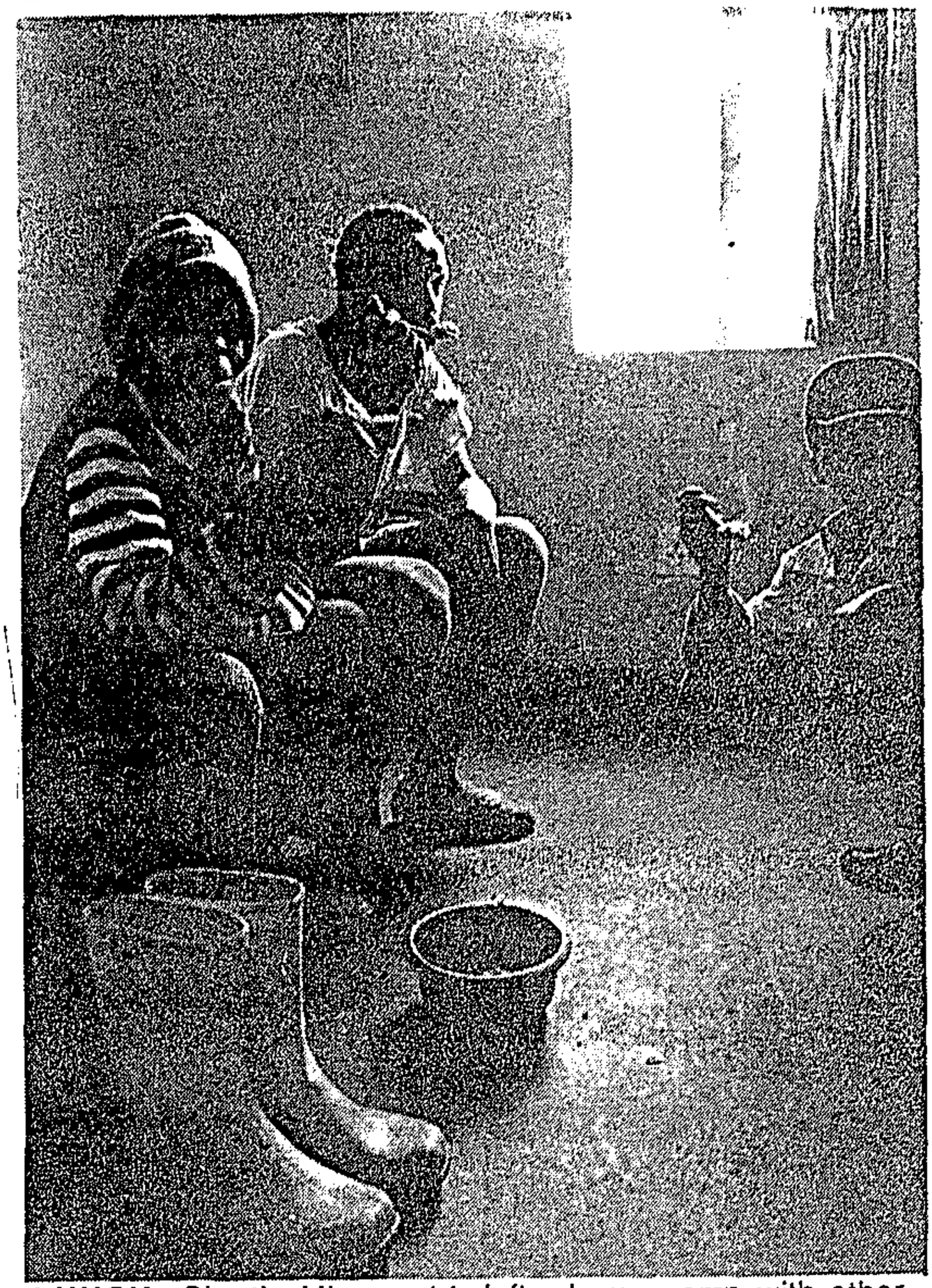
"We will have to respond to the matter very urgently because the grooms are the people feeling the pinch", he said.

Low salaries and poor working conditions of many grooms have long been a hidden feature of this glamour "sport of kings".

The Koeberg Road and Barns single men's hostels at Milnerton race course present a different picture to the pomp and ceremony of race day.

A few weeks ago racing stakes topped the million mark. Yet, about 600 Milnerton grooms share a handful of dilapidated blocks were privacy is a luxury.

The issue of child labour is also a thorny issue on the agenda of trainers and the union, said Hurling.



LUNCH: Shortie Mbana, 14, left, shares samp with other grooms PIC: YUNUS MOHAMED

"I came to this place two years ago when I was 12 as my parents did not earn enough money to sustain our family back home," said Shortie Mbana, who comes from the Transkei.

One of the trainers, Mr Greg Ennion, denied ever hiring workers under the age of 18.

He said the grooms are to blame for the condition of the hostels.

Said Ennion: "If the grooms are complaining about the condition of the hostels, then they should look for accommodation somewhere else.

"I give them reasonable accommodation with two beds.

"They are responsible for cleaning as I supply them with cleaning items to keep their rooms clean.

"If they cannot do that they must not expect me to inspect the place because I have 40 horses to look after."

Mr Mike Louw, the Cape Turf Club's asistant general manager, said the club did not want to be involved in the dispute.

"The strike action will not affect us in anyway because there's no racing at Milnerton at the moment."

Plight of the domestics

By JOCELYN MAKER, Weekend Argus Reporter

GROSS exploitation of domestic workers in the Western Cape is rife and thousands are being paid less than 25 cents an hour.

One of the biggest difficulties these workers face — besides the battle to survive — is that there is no law to protect them from those who pay them a pittance.

Now with the latest petrol price increase they will be among the worst affected. Transport costs are certain to rise and this will take a huge chunk out of their already meagre earnings.

Most live on the outskirts of the city and have to take a train, a taxi and often a bus as well to get to work.

Chairman and co-founder of the Domestic Workers Association Mrs Maggie Oewies said a better understanding between the domestic worker and the employer was vital.

No future

"The Manpower Commission has launched an investigation into the working conditions of domestic staff in terms of the labour law and we have given them information on the problems we find.

"But this investigation takes so long. In the meantime there are so many people who are suffering."

Recently Mrs Oewies did a survey on what domestic workers experienced.

"These women are insecure. They have no future. We are fighting to get their salaries increased but this does not seem to help. The reality is that the masses of women who trek into the city and surrounding suburbs to work long hours each day, are still being paid less than 25 cents per hour.

"This is total exploitation. How can thousands be expected to live and bring up their children?"

Many Western Cape workers forced to survive on less than 25c an hour . . .

Mrs Oewies found in her survey that most domestic workers get up at 4.30am to get to their places of employment by 7.30am.

Then at 5pm they make their long journey back, often reaching their homes only by 7.30pm. Many have to walk great distances to get home from stations or taxi drop-off points.

"They also have to attend to their families' needs and finally they get to sleep at about 11pm. This is an extremely stressful way of life. They have to organise their children's school uniforms, if they can afford to send them to school. They have to cook, do the washing and ironing during this time."

Many, said Mrs Oewies, did this in shacks where there was no running water and electricity.

"Then they leave their homes which are in the Third World and walk back into the First World with all its modern appliances, running hot water and electricity. Homes with luxuries they will never own.

"It is the domestic worker who sees to it that the First World man and woman gets dressed in clean, neatly ironed clothing every day. They come back to a home she has cleaned and in many cases they sit down to a meal she has prepared. She is left in charge of their homes and their children. All this to earn less than 25 cents an hour."

Mrs Oewies on a daily basis has to deal with domestic workers who complain of being exploited, not receiving their salaries or for unfair dismissal.

At present she is working on a case which involved a woman who had been employed by a Sea Point family for more than 35 years.

"This is exploitation at its worst. The woman earns R25 a month and has done so for many, many years. She dare not complain. If she does she fears she will be told to leave.

"This means she will be without a roof over her head and will have to join the ranks of thousands of unemployed women in the Cape. So she says nothing."

Salary scale

For inexperienced domestic workers the association has worked out a salary scale which it feels meets the requirements of a decent wage:

A general cook who works an eight-hour day should be paid between R350 and R380, and should receive R2,50 an hour overtime.

For the domestic worker who does not live on the property and who does general housework should receive between R250 and R280 a month.

Chars who work for four hours should be paid R15 and for six-and-a-half hours, R25. Transport costs must also be paid by the employer.

Gardeners' wages should be between R25 and R30 a day. In all instances three weeks paid leave a year must be met and workers should be given 12 days sick leave, but a doctor's certificate must be produced.

Servants: Luckier after liberation?

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M&G Supp. 31/8 – 2/9/90.

From PAGE 1

ntials would, in 1983, require K119 to feed a household of two adults and two children. Few servants come close to earning that, and most have more than two children. "The wages most servants received barely cover the purchase of a minimum of basic necessities such as mielie meal, charcoal, cooking oil, salt, sugar, soap and detergent."

The situation of domestic servants has changed for the worse despite new legislation which makes provisions relating to the protection of wages, annual leave and paid public holidays. For example a 1973 Bill requires employers of domestic servants in urban areas to make a contribution toward their pensions, but Hansen reports that "many employers who were part of my sample survey were ignorant of, or chose to disregard these regulations".

Servants complain about mistreatment, especially from Zambian employers, lack of consideration and low wages. Yet they continue working as servants because of a lack of choice in the employment market: "They need their employers in order to survive."

The relationship between servants and employers is essentially about survival and security. Employers need servants to guard their material possessions. Hansen paints a vivid picture of Lusaka as a "city of fortresses where petty theft, break-ins, and armed robberies serve as a regular means of material distribution". In this situation many suburban households employ night-watchmen, and regard spiked walls, burglar bars, guard dogs and resident servants as security essentials.

Hansen surveyed a mixture of 187 of these households (Zambian as well as white and Asian ones) in four prosperous areas of Lusaka during 1983-4. She found that the whites paid best; Africans worked servants hardest. "..in Zambian households .. servants are called on constantly without regard for them as people or consideration of their needs. Payment of wages is not always certain..."

While in South Africa the majority of domestic servants are black women, and the institution provides a social space within which white and black women most frequently encounter each other, in Zambia three-quarters of all servants are men.

Hansen's treatment of gender is located in a wider concern with "the making of difference". Within the colonial household in Zambia difference stood for the complex interaction of race and culture which then connoted civilisation. The African was cast as "strange", "raw" and "primitive" — "Persons of African background had to be made into servants in a manner that had much in common with the domestication of wild animals."

In the view of an observer early this century, "in all their actions they are so like animals that I question they have any brains. I say that a dog and a native are on a par. One should give them a good hiding when they have earned it, but one should never thrash either until one's temper has cooled." In this period race to a great extent masked class relations.

However in the post-colonial household difference is recast in class terms. "Their Zambian bosses see men servants as members of another class whose needs and problems are quite unlike their own and whom they therefore can treat differently." In both colonial and post-colonial households men servants are preferred to women, whose sexuality is seen as threatening and described in terms of promiscuity and immorality.

Hansen emphasizes that the Zambian case is but a single variation on the story of domestic labour. "Domestic service is not an archaic remnant of feudal practices persisting only in remote corners of the late 20th-century world. It represents a labour process that takes many different forms and it employs growing, not decreasing numbers of workers in an advanced capitalist economy such as that of the United States today."

It has been estimated that professional house cleaning/maid service was the fastest growing business in the US in 1986, outpacing even fast-food franchises, which used to hold the lead.

This same process of the commercialisation of domestic labour is beginning in South Africa and is likely to continue. This together with a growing number of domestic servants employed in black middle class households are far more probable trends than the scenario depicted in Nadine Gordimer's novel *July's People*. Gordimer describes a post-revolutionary stage in South Africa in which a white family flees with their servant to his rural village. Roles are reversed as he assumes control over their lives.

But none of these scenarios will necessarily satisfy servants' expectations of a new and better life in a post-apartheid South Africa.

The core characteristic of the institution of domestic service is inequality. This takes a paradoxical form — the content of servant-employer relationships is highly personalised. Hansen attempts to capture something of this paradox in her title phrase — "distant companions". It conveys the social distance between servant and employer within the shared physical space of the household.

In Zambia a changed relationship of distance has emerged in domestic service in which the colonial era's racial distinctions have been replaced by class-based ones.

Domestic service as an institution both reflects and reinforces class relations of inequality. The changes in the institution in the new South Africa towards which we are moving may be a reliable indicator of the extent to which we manage to achieve a more equal society.

● *Distant Companions: Servants and Employers in Zambia 1900-1985*, by Karen Tranberg Hansen, is published by Cornell University Press at about R60.

Jacklyn Cock lectures in sociology at the University of the Witwatersrand and is the author of *Maids and Madams* and co-editor of *The Militarisation of South African Society*.

NGK urges responsible wages

BLOEMFONTEIN. — The Nederduitse Gereformeerde Kerk (NGK) has called on its members to apply their "Christian responsibility" in determining the wages and housing conditions of their domestic and farm workers.

And in another decision at the NGK General Synod here yesterday, all farmers and other employers were called on to encourage their employees to send their children to school.

The Synod also instructed its General Missionary Commission to investigate the feasibility of founding Christian private schools.

However, it shied away from taking a definitive stance on condemning the Population Registration and Group Areas Acts.

The Synod also decided that if other church bodies subscribing to the Gereformeerde Confession should choose to link up with the NGK, this could be done after consultation. — Sapa

LABOUR

Landmark agreement in cleaning industry

w/Mail 26/10/ - 1/11/90

By DREW FORREST

EMPLOYERS and two trade unions have clinched a ground-breaking agreement to set up a national industrial council in the contract cleaning business.

The deal, involving the National Contract Cleaners' Association, Cosatu's Transport and General Workers' Union (TGWU) and Nactu's Brushes and Cleaners Workers' Union (BCWU), comes against the backdrop of mounting employer resistance to industry bargaining, and the demise or partial collapse of several industrial councils.

Earlier this year, about 8 000 Natal cleaners downed tools demanding a national council in the industry. It was also an issue in countrywide marches by cleaning and security workers in March.

Contract cleaners are covered by a wage determination, which sets minimum pay at R101 a week, and the TGWU alleges some employers pay below this. As there were few recognition agreements in the sector, the council would give the mass of workers negotiated increases for the first time.

TGWU media officer Kally Forrest said the council would cover about 25 000 workers in all areas except the Eastern Cape, where companies did not belong to the national employer body but were expected to join soon.

Representation on the council still had to be resolved, she said. The TGWU, with 10 000 members in the industry, wants proportional representation — a demand Forrest said employers appeared to back — while the 2 000-strong Nactu union wants equal voting powers.

Despite this, the employer body had agreed to negotiate on wages and conditions next month, she said.

Meanwhile, a dispute is looming between the TGWU and the SA National Security Employers' Association (Sansea) over union demands for a national industrial council in the contract security industry.

Forrest said the parties had met in May but that Sansea had repeatedly postponed a follow-up meeting. "We've written to them saying we want a meeting soon.

"If there's no response in seven days, we'll declare a dispute."

Trainers in talks on plight of groom

South 8/11-14/11/90

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By CHIARA CARTER

A WILDCAT strike by about 700 grooms in the Western Cape earlier this year drew attention to the plight of those on the lowest stratum of the horse-racing industry.

Most of the striking grooms were earning between R90 and R130 a week, in addition to food and accommodation.

Some claimed they were earning as little as R35 a week. Several were teenagers.

The strikers, members of the South African Commercial, Catering and Allied Workers' Union (Saccawu), originally demanded a minimum weekly wage of R250, but eventually accepted the trainers' offer of an increase of between R20 and R30 a week with additional benefits.

The two-month dispute highlighted some of the problems unions face in organising this vulnerable workforce.

The trainers, although members of a trainers' association, insisted Saccawu negotiate with individual employers — a time-consuming and frustrating process.

With a vast pool of unemployed people, the grooms are easily replaceable and, during the strike, the trainers threatened to hire Lesotho nationals.

Grooms in the Western Cape were originally organised by the now-defunct South African Allied Workers' Union (Saawu). With the emergence of industrial unions, Saawu handed over its groom membership to Saccawu.

A Saccawu spokesperson in the Western Cape said the union had a membership of 685 out of a total workforce of 800 in Cape Town.

The union had attempted to negotiate a recognition agreement with the Western Cape Trainers' Association, but trainers had subsequently backed out, saying Saccawu must deal with them as separate employers.

Saccawu nevertheless maintains a working relationship with the association.

Mr Mike Louw, assistant general manager of the Cape Turf Club, said there were moves afoot to get all trainers to sign an agreement which would mean Saccawu negotiated with the Trainers' association rather than individual trainers.

He said most trainers had agreed to this. The Turf Club would not be involved as the grooms were employed by individual trainers.

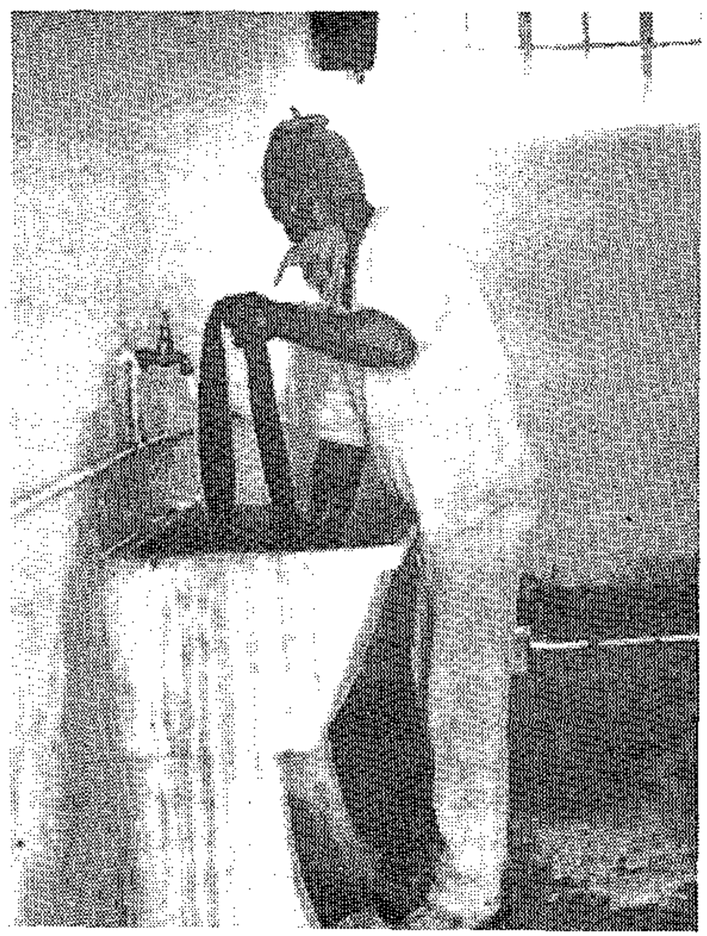
Elsewhere in the country, Saccawu is making tentative moves to organise in the industry.

Resistant

According to a Saccawu spokesperson in the Transvaal, grooms have shown considerable interest in joining the union but employers are resistant.

"Management is claiming that the industry falls outside the scope of our constitution," the spokesperson said. The union is currently discussing the matter with employers.

A similar move is underway in Durban.



Odds against the grooms

South 8/11-14/11/90

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From SHADLEY NASH

PORT ELIZABETH. — "Welcome to Arlington Race Course", the sign greets visitors to the track

What visitors do not see, however, is the "compound" — the single men's quarters housing the grooms,.situated out of sight behind a high, prefabricated wall

No electricity

The compound is arranged in three blocks of 17 single rooms designed for two people each. But each room sometimes houses up to six.

There are more than 100 grooms working at the track.

There is no electricity or running water in the rooms, although grooms have to cook their own food and do their own washing.

The toilet and shower facilities have no running or hot water. Toilets are blocked and the stench from the faeces on the floor and in the bowls is unbearable.

Hand basins are blocked and overflowing and moss has formed on the floor and walls.

Mr Michael Maquhase said he began working at the course as a groom in 1957, but now cuts grass for R25 a week.

His son, Sipho, was recently fired for causing a horse to fall. At the time, Sipho was earning R55 a week.

Sipho said he took a horse for its early morning gallop when he and the animal fell. The trainer accused him of wanting to kill the horse and fired him immediately.

Another groom, Mr John Jonas, said he earned R55 a week after six years'. This was the same as other grooms earned.

He said women were not allowed at the compound,when wives or relatives arrived, they often had to sleep over in the bush

Hiring

The chief executive of East Cape Racing, Mr M Tarpei, said individual trainers were responsible for the hiring of grooms and not the race club.

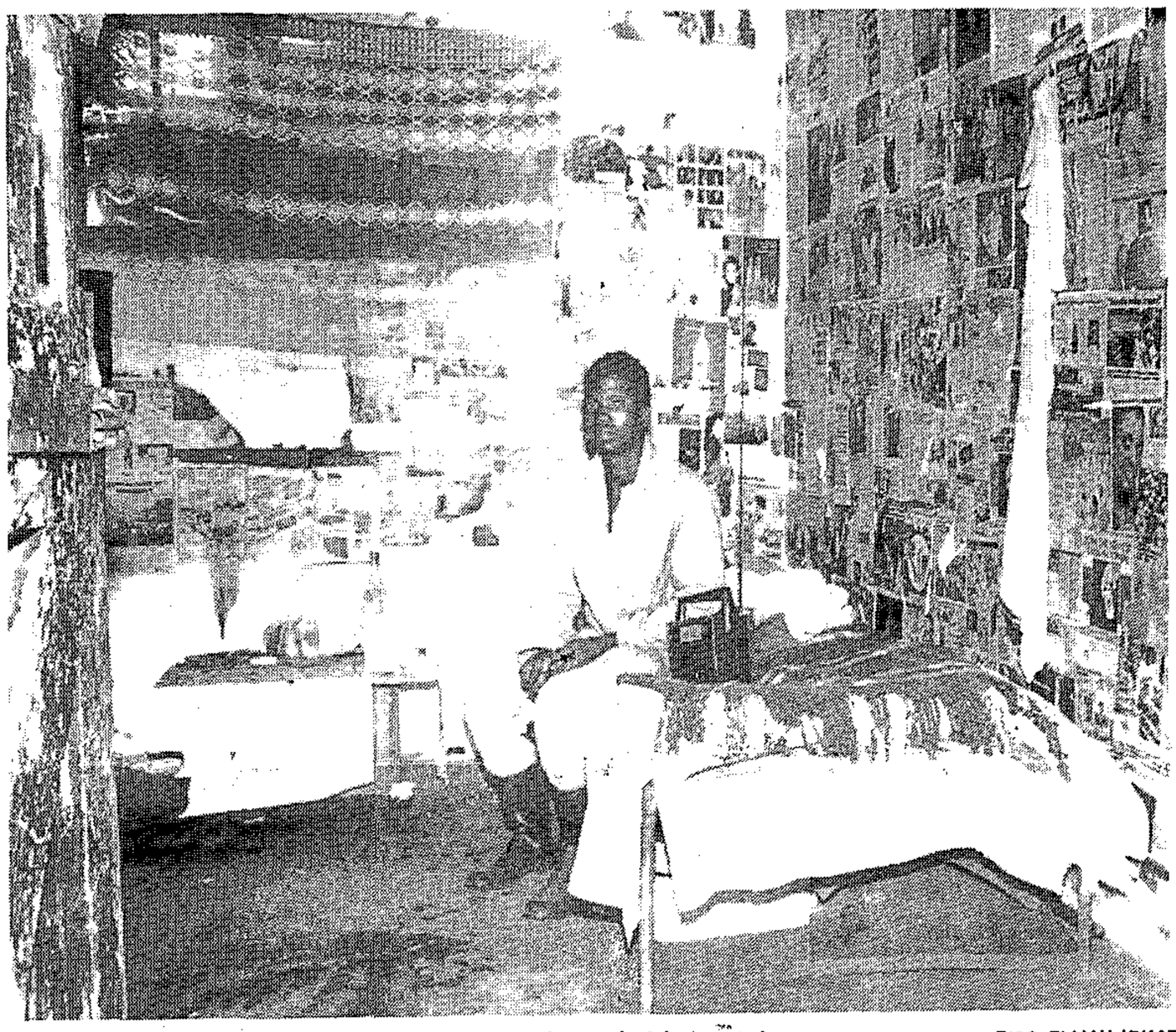
The problem relating to the grooms' quarters were worsened by squatters who were not necessarily employed of the race course.

Demolish

Tarpei said that 25 houses were built at Fairview Race Course to accommodate workers; these would be handed over to workers this week.

This project would be extended to include the Arlington race course by February next year.

Tarpei added that plans were afoot to demolish the present compound at Arlington and to build other facilities for grooms there. — *PEN*



A groom relaxes in his 'room' PICS: ELIJAH JOKAZI

Cook battles WPCC for job

South 22/11 - 28/11/90 (294)

A WESTERN Province Council of Churches (WPCC) employee is fighting to secure her job after what she claims was an "unfair dismissal".

Mrs Gladys Thengani, 47, says she was fired by the organisation's administration board in May this year on grounds that she was "incompetent".

Matter

The matter was heard by the Conciliation Board this week.

Thengani was employed as a domestic worker based at Cowley House, the "halfway station" for families of political prisoners visiting Robben Island and other prisons in the Western Cape.

Thengani said she had a broad job description for a "very low wage". "I was hired as a cook, but I was also doing all the cleaning, washing linen for 44 beds, looking at the security of the premises and making office tea", she said.

"I worked for almost 24 hours receiving guests who came mostly by midnight flights.

"In the morning I was expected to be on duty as normal. But I did it as a humble contribution to the struggle."

She said she was earning R247 per month from 1985 to 1987.

"It is only after numerous complaints that I got an increase in 1987," she said. Her salary was increased to R417 per month.

Hired

Thengani also locked and opened gates on the premises until a security guard was hired in 1988.

"What angered me was that the person hired for the security job was earning R600 despite the fact that I had been doing the job of three people for three years", she said.

In 1988 she developed a backache from lifting heavy boxes.

Warned

"Doctors warned that I could be wheelchair-bound if I continued to work with heavy objects, but I continued", she said.

"I still want my job because I am the sole breadwinner at home", she said.

Thengani said that since she was fired she had not received any pension.

"When I was fired, I had just opened a new account to buy a stove and I must still pay for my house that I bought in December last year."

Comment

WPCC chairperson, the Reverend Courtney Sampson, said that he could not comment until the conclusion of the Conciliation Board matter.

He confirmed that the Thengani was fired but added that WPCC was still investigating the circumstances of her dismissal.

Thengani's attorney, Mr Wayne Field, said that the hearing was an "attempt to settle the dispute".

SERVICES SECTOR – DOMESTIC WORKERS

1991

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WS

'Include domestics in Act'

Star 8/10/91

By Zingisa Mkhuma (294)

Most domestic workers still earned far below the "living wage" of R450 and employers would continue to exploit them unless they were brought under the protection of the Wage Act, the the South African Domestic Workers' Union (Sadwu) has claimed.

Sadwu general secretary Florence de Villiers said she welcomed recent National Manpower Commission proposals that domestic workers should fall under the Basic Conditions of Employment Act.

But she criticised the commission for not recommending that the Wage Act should be applied to domestic workers.

The Star spoke to two domestic workers, one who earned a wage at the bottom of the salary scale and the other at the top of the scale.

● Sophie, from Koster in the western Transvaal, earned R150 a month and worked 14 hours a day.

Sophie's day started at six, and she cleaned, did the washing and ironing, and took care of a Roodepoort family's two children. She was expected to cook dinner for the family.

We conducted the interview with Sophie through a fellow domestic worker, who seemed to know when it was the right time to call on Sophie.

She was threatening to resign because the family was expecting another child, which meant more work for her.

Her husband and children were not allowed to visit her because her employers did not want visitors in the yard. She saw them once a year, when she took leave in December.

Her single shack had no electricity and she used candles for lighting.

She washed from a small dish because she did not have access to a bathroom.

Sophie's friend said of her: "She struggles so much financially and at times she wears worn-out clothes. I don't know why people can be so cruel to each other. If these people are poor, why don't they stop hiring domestic workers and do their own cleaning and cooking?"

● One of the highest paid domestic workers in the city, Selinah Makhafola (35), earned R700 a month and had been been with the same Melville family for 11 years.

She worked a five-day week from 8 am to 6 pm, and half a day on Thursdays. She was off at the weekends.

Her duties were cleaning, cooking, washing and looking after her employers' two-year-old daughter, whose mother worked from home most of the time and sometimes looked after her.

"These people have been good to me," she said. "They paid me all my salary when I was on maternity leave for two months. They look after my four-year-old daughter, who is staying with me, and take her out with them quite frequently.

"I am also entitled to compassionate leave and this has been the arrangement since 1980 when I started working here."

Work conditions for domestics outlined

DOMESTIC workers should be entitled to fixed working hours, overtime pay, special rates for work on public holidays, maternity and sick leave benefits, and compensation for injuries.

These are some of the proposals contained in a working document compiled by a committee representing women's organisations, trade unions and legal experts.

Extracts from the working document were published in the Government Gazette at the weekend for comment.

Apart from basic working conditions, such as working hours and vacation leave, the document also covers proposals for the protection of domestic servants from summary dismissal.

Document

The working document was based on proposals suggested by the International Labour Organisation, South African Domestic Workers Union, Cosatu, and the Basic Conditions of Employment Act.

According to the document working hours of domestic servants should be limited to 46 hours a week, in line with the Basic Conditions of Service Act, from which domestic workers are presently excluded, the committee said.

Domestic servants who work a five-day week should be required to work no more than nine hours and 15 minutes a day, while those who work six days a week should not work for more than eight hours a day.

However, a five-day week should be implemented "as far as possible", the committee said.

Lunch

Domestic workers should also be entitled to regular lunch and tea breaks, and no employer should require a worker to work overtime without the employee's agreement.

Overtime should not exceed three hours a day, or 10 hours a week.

Work on Sundays was an existing practice in the domestic sector, and should not be prohibited, the committee said.

However, Sunday work should be on a "voluntary basis" only, and workers should be receive double pay for working on a Sunday.

Regarding vacation leave, the committee suggested domestic workers receive three weeks paid leave, as did the majority of South Africa's workers.

Domestic workers should also be allowed to choose when to take leave, and looking after an employer's house in his absence, or accompanying an employer on holiday, should not be regarded as holiday leave.

Provision should also be made for domestic workers to receive a 13th cheque for their leave period.

Leave

The committee suggested that domestic workers receive the same sick leave benefits as other employees, and possibly access to the family doctor.

No employer should be allowed to dismiss a worker on account of pregnancy and she should be able to return to work at the same wage and with the same benefits.

Provision should also be made for unemployment insurance benefits for domestic workers, and for compensation for injury while on duty.

On wages, the committee said these were generally low. While "remuneration in kind" - by way of groceries, toiletries and overalls - should be taken into account, it was not a valid excuse for low wages.

While a countrywide minimum wage could result in reduced job opportunities for domestic workers, some form of structure was necessary for remuneration in the domestic sector, it said.

Investigate

One possible option was to include domestic workers in the Wage Act, without stipulating a minimum wage.

This would empower the Wage Board to investigate wages and make recommendations on wages.

Another alternative was to include domestic workers in the Act, and to stipulate minimum wages, and a third was to prescribe minimum wages in a code.

Such a code would not be binding, but serve as a guideline.

Different wages would be applicable according to the competence and training of workers.

Wages

Further, if an employer could not afford to pay a minimum wage, an employee's hours could be reduced so that the employee could use other opportunities to earn an extra income.

The committee said no person under the age of 15 should be employed as a domestic servant. This age restriction would mainly protect domestic workers on farms, where "very young people" were often employed.

Employers should also be made aware that it was illegal, in terms of common law, to make deductions from workers' wages (such as to pay for damaged goods) without employee's consent.

Sowetan Correspondent

Proposals for a new deal for domestics

294
Sowetan 28/3/91

PROPOSALS for a better deal for domestic workers have sown confusion among housewives as to the legal status of workers.

"There is a lot of uncertainty about what employers can and cannot do, and I want to point out that we are still investigating legislation at this stage," said Dr Frans Barker, director of the National Manpower Commission.

He predicted that legislation for domestic workers would not be introduced until next year "at the earliest".

However, he warned that employers had certain legal obligations towards workers, even though domestic workers were not yet protected by labour laws.

When dismissing a worker, an employer was obliged to give notice of dismissal, or wages in lieu of notice. Workers paid monthly were entitled to a month's notice or one month's wages.

Illegal

It was also illegal in terms of common law to make any deductions from a domestic worker's wages, such as for breakages and other losses.

Outlining the NMC's investigation so far, Dr Barker said the first step had been the appointment last year of a committee representing trade unions, women's organisations and legal experts.

The committee had drawn up a working document setting out its proposals, which cover working conditions, wages, compensation for injury, unemployment isurance, and dispute procedures. These were published for comment in the Government Gazette of January 25 this year.

Members of the public and "interested parties" were given until March 8 to submit their written comment, and the NMC had received 53 written submissions from legal and employer groups, as well as housewives.

SOWETAN Correspondent

The NMC also heard oral evidence from six organisations, including the Transvaal Vroue Landbou Unie and the Confederation of Employers of South Africa.

In general, reaction was "positive", although many organisations had expressed concern about minimum wages. "Most were worried about the unemployment effect of minimum wages, and the committee is aware of their concern," Dr Barker said.

The committee's next step would be to consider all evidence and make recommendations about legislation. The NMC would then report to the Minister of Manpower in June or July.

The NMC's recommendations would be published for comment, and only then could the Department of Manpower start drafting legislation.

The following are some of the proposals contained in the working document published in the Government Gazette on January 25 this year.

Domestic workers, like other employees, should work no more than 46 hours a week: nine hours and 15 minutes a day for those who work a five-day week, eight hours a day for those working a six-day week.

However, a five-day week should be implemented "as far as possible". In the case of "resident" workers, work should be spread over a maximum of 12 to 14 hours a day.

Overtime

Overtime should not exceed 10 hours a week, or three hours a day. Workers who look after children and the elderly may work more overtime, but this should not be compulsory, and there should be protection for those who do not wish to work extra overtime.

Overtime pay should be calculated at an hourly rate of one and a third of normal wages.

Sunday work should be on a voluntary basis only, and domestic workers should receive double pay.

Domestic workers should be paid special rates for working on public holidays, and should have at least six paid public holidays a year. Cosatu, however, insists that they have 10 paid public holidays a year, plus Soweto Day on June 16 and Workers Day on May 1.

Domestic workers should receive three weeks' paid vacation leave a year, as well as a 13th cheque for their leave period.

Workers should be able to choose when to take their leave.

Looking after an employer's house in his absence, or accompanying employers on holiday, should not be regarded as vacation leave.

The committee suggests that special provision be made for day workers.

Domestic workers should have the same sick leave benefits as other employees, namely 30 days' sick leave on full pay in a three year cycle for those who work a five-day week.

This would mean that workers would not be entitled to pay if they are absent for longer than two days without producing a medical certificate.

However, it has been suggested this be extended to four days, to allow time for the message to be conveyed to an employer "through the grapevine".

Possible provision could also be made for workers to submit a medical certificate issued by a registered nurse, as well as by a doctor. The committee recommends that a distinction be made between full-time and part-time workers.

Pregnancy

No domestic worker should be dismissed on account of pregnancy. She should not be required to work for four weeks before the birth of her child or for eight weeks afterwards. On her return to work, she should receive the same pay and benefits as before.

As paid maternity leave would place a "great burden" on employers, ways of including domestic workers under the Unemployment Insurance Fund should be investigated.

Alternatively, the employer could pay 45 percent of the worker's wages for three months, but for no more than two pregnancies.

Another option is for the employer to pay one month's wages for every year worked. Again, different measures would apply to different categories of workers.

Resident workers should be given at least one month's notice, to allow them to find alternative accommodation.

Other workers should receive at least two weeks' notice (or pay in lieu of notice), in line with the Basic Conditions of Employment Act. Under common law, domestic workers are currently entitled to a full month's notice.

No deductions should be made from pay, such as for breakages, without the consent of employees - though such deductions are already illegal under common law.

The committee says domestic workers' wages are "generally low". While "payment in kind" (accommodation, food and toiletries) must be taken into account, this is not a valid excuse for low wages. It proposes three options for wage regulation.

Wages

These are:

* Inclusion under the Wage Act and the introduction of a minimum wage (although the committee adds that a minimum wage could result in fewer job opportunities);
* Inclusion under the Act, but without setting a minimum wage. This would allow the Wage Board to investigate wages and other conditions of service;

Provision should be made for domestic workers to receive unemployment insurance benefits.

While most domestic accidents are minor, this does not justify domestic workers' exclusion from the Workman's Compensation Act, the committee says.

NMC split on wages issue

(294) ~~(345)~~ ~~(247)~~

THE National Manpower Commission has split on the hot issue of minimum wages for the domestic sector.

In its recommendations on the legal position of domestic workers, published today, it presents two opposing views on the inclusion of domestics under the Wage Act.

Some members call for the Wage Board, or a similar body, to set only non-binding wage guidelines for the sector. WMark 13/9 - 19/9/91:

Others, including the Congress of South African Trade Unions' Geoff Schreiner, urge the immediate extension of the Wage Act to domestics. They argue that after hearing evidence and argument, the Wage Board will be placed to recommend appropriate minimum conditions.

Among the arguments against inclusion listed by the NMC is the possibility that a countrywide minimum wage could hit domestic employment and spur urban drift from the rural areas. The heavy job losses which followed Zimbabwe's move to a minimum domestic wage are mentioned.

The NMC was split on similar lines on the extension of the Wage Act to farmworkers.

Deductions for domestic help

Star 2/1991 (294)

I read with interest the recommendation of the National Manpower Commission that domestic workers should be given union rights.

Am I correct in thinking the domestic employment sector is the only sector which is not permitted to deduct salaries, cost of housing, food, etc, from taxable income? I also wonder how many domestic employers have calculated just how much it costs to employ a full-time domestic servant.

In terms of the requirements of the South African Domestic Workers Union (Living Wage Campaign of 1989), a domestic worker costs in the region of R1 500 a month. This figure is based on the minimum wage of R450 a month, plus accommodation, meals, overalls, some overtime, maternity leave, sick leave, vacations, transport allowance, assistance with housing and education and an annual bonus equal to one month's salary.

Whilst I am totally in favour of some form of protection for domestic workers, I am sufficiently pragmatic to realise that if the Sadwu requirements became legislation, there would be many more housewives doing their own work and unemployment would soar even further.

Will Minister Eli Louw recommend to the Minister of Finance that if legislation covering domestic workers is promulgatd, the cost of their employment should become an "allowable deduction"?

M Lander

Parkview

Commission split over Wage Act for domestics

CT 13/9/91

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Own Correspondent

JOHANNESBURG. — The National Manpower Commission is divided on whether to recommend inclusion of domestic workers under the Wage Act.

Recommendations to extend labour legislation to domestic workers are contained in a 19-page report to be published in the Government Gazette today. The report has been handed to Manpower Minister Mr Eli Louw for consideration.

The main recommendations are that domestic workers be covered immediately by the Basic Conditions of Employment Act and the Labour Relations Act.

The Workmen's Compensation Act and the Unemployment Insurance Act should also be extended to domestic workers.

Members who felt that domestic workers should not be included under the Wage Act — which determines minimum wages for employees not covered by negotiated wage agreements — recommended instead that there should be wage guidelines.

These should be non-binding and drafted by the Wage Board or similar institution. Wages could be recommended according to area, worker competence and training and employers' financial status.

Members who recommended that domestics should be included under the Wage Act said inclusion would allow the Wage Board to investigate wages and other conditions of employment in the domestic sector.

The board would take account of relevant factors and could recommend minimum wages for different areas. Mr Louw would, however, retain a discretion as to whether the recommendations should be implemented.

The commission was also split on a contract of employment for domestic workers. One group supported the view that provision should be made in the Basic Conditions of Employment Act that no domestic workers may be employed for longer than three months without a written contract. The contract should be signed by both parties, be available for inspection and both employer and domestic worker should have a copy.

Other commission members felt that no statutory compulsion should exist.

It was recommended that domestic workers be entitled to 12 weeks' maternity leave, as provided by the Basic Conditions of Employment Act.

Commission divided over Wage Act for domestics

B/Day 13/9/91

VERA VON LIERES

THE National Manpower Commission is divided on whether to recommend inclusion of domestic workers under the Wage Act.

Recommendations to extend labour legislation to domestic workers are contained in a 19-page report to be published in the Government Gazette today. The report has been handed to Manpower Minister Eli Louw for consideration.

Main recommendations are that domestic workers be covered immediately by the Basic Conditions of Employment Act and the Labour Relations Act. The Workmen's Compensation Act and the Unemployment Insurance Act should also be extended to domestic workers.

Although it was recommended that domestic workers be included under the main labour laws, specific amendments had to be made to provide for the special circumstances.

Members who felt that domestic workers should not be included under the Wage Act — which determines minimum wages for employees not covered by negotiated wage agreements — recommended instead that there should be wage guidelines.

These should be non-binding and drafted by the Wage Board or similar institution. Wages could be recommended according to area, worker competence and training and employers' financial ability.

Members who recommended that domestics should be included under the Wage Act, said that the Wage Board was a forum for debate, argument and the presentation of evidence on whether there should be minimum conditions of employment, including a minimum wage.

Inclusion under the Wage Act would allow the Wage Board to investigate wages and other conditions of employment in the domestic sector.

The board would take account of relevant factors and could recommend minimum wages for different areas. Manpower Minister Eli Louw would, however, retain a discretion as to whether to give effect to the recommendations by making a determination.

The commission was also split on a contract of employment for domestic workers. One group supported the view that provision should be made in the Basic Conditions of Employment Act that no domestic workers may be employed for longer than three months without a written contract. The contract should be signed by both parties, be available for inspection, and both employer and domestic worker should have a copy.

Other commission members felt that no statutory compulsion should exits.

It was recommended that domestic workers be entitled to 12 weeks maternity leave, as provided by the Basic Conditions of Employment Act.

The commission decided to investigate whether female employees in all sectors should be guaranteed their jobs back after pregnancy.

AIDS drive to get R5m

B/Day 13/9/91

DAVE LOURENS

NATIONAL Health and Welfare Minister Rina Venter announced yesterday the allocation of R5m to a six- month AIDS communication campaign and a further R1,5m to a children's lifestyle training programme.

The allocation of more resources was "essential" because over 300 people a day were becoming HIV-infected.

AIDS Unit head Dr Manda Holmshaw said the campaign would feature an African approach.

'Explosive' township crisis warning

B/Day 13/9/91

GERALD REILLY

PRETORIA — An explosive financial crisis was developing in black townships despite spending by regional services councils, Central Witwatersrand RSC chairman John Griffiths said yesterday.

Griffiths told a public administration conference at the Human Sciences Research Council the growing crisis could lead to a total breakdown of services and could contribute to problems with health services.

He warned that SA could enter an era of potentially uncontrollable inflation, a "suspect" balance of payments and an even more bloated public sector if the authorities went for quick-fix solutions to buy political goodwill.

Griffiths said accelerated urbanisation had placed extreme pressure on infrastructure and services. Part of the interim solutions required the involvement of white local authorities in providing administration and technical assistance for the joint provision of services.

Joint administrations would be even better, he said.

In the PWV area, 40 000 to 50 000 hectares would be needed for housing by the year 2000. About half of this would be needed to meet the current backlog.

It was accepted SA had to provide housing for more than 200 000 families a year between now and the end of the century.

Griffiths said identification of land was being hampered by statutory and inflexible policy and planning documents.

He said the plethora of bodies involved in urbanisation should be rationalised into one department.

Domestic workers can now get life policies

By IKE MOTSAPI

A LEADING insurance company has introduced a new policy designed to cover the pension and general late-life needs of domestic workers.

The policy, called the Domestic Provider, is aimed at promoting a better working relationship between a domestic worker and her employers, according to IGI Life director, Mr P Cushway.

For R25 a month, the policy offers a host of benefits, including a lump sum payout or guaranteed income, life insurance in the event of death or disability.

The policy also offers funeral benefits for the domestics and their families.

"Many features of the Domestic Provider have never been seen before in South Africa.

"We have made use of some advanced concepts to accomplish a fairly basic product which can cope with future changes we expect to see in the employer/employee situation," Cushway said.

He said the policy was unique in that it involved both the owner (the employer) and the second life assured (the domestic).

"This means that the employer has a savings scheme and a small amount of life cover while the employee enjoys a range of other insurance benefits."

Overtime for domestics ...but go easy on the wage issue

(294) Sowetan 26/3/91

DOMESTIC workers should be entitled to overtime pay, double pay on Sundays, paid vacation leave, pensions...but the Government should go carefully on the sticky wages issue.

Sowetan Correspondent

While organisations campaigning for a better deal for South Africa's 862 000 domestic workers have welcomed proposals for improved working conditions, others have urged the Government not to rush into imposing a minimum wage.

"It's the age-old debate over whether someone who desperately needs a job, and is prepared to work for less than is laid down, should be deprived of work because the salary doesn't comply with the law," said Mr Peter Gastrow, Democratic Party spokesman on Manpower.

The introduction of a minimum wage for domestic workers could lead to reduced job opportunities, and should be thoroughly investigated before a decision was made, he said.

"However, up to now the whole question of labour legislation for domestic workers has been swept under the carpet, and I welcome moves to bring the debate into the open.

Abuses

"There have been major abuses in the past, particularly on working hours and overtime, and these matters need to be addressed urgently."

Mr Mel McDaniel, managing director of Bedcor, a Johannesburg company specialising in training domestic workers, said he would "dearly love" to see skilled workers being paid "at least" R600 a month.

"The problem is, can the market afford it?

If there are 10 householders who can afford to pay R600, but there are 10 000 workers looking for jobs... it's a Catch-22."

McDaniel said he believed protection for domestic workers against "exploitation" was long overdue.

"Many work extremely long hours, do not get enough time off, are not paid any overtime, do not have pension funds and live in appalling conditions.

"Some householders still have a slave/master attitude to their workers and this despicable attitude has got to change."

An example was employers' failure to raise wages after employing the same domestic worker for years.

"Many domestic workers do not get any increases for two or three years," McDaniel said.

A spokesman for the Black Sash, which handles hundreds of complaints from domestic workers a year, echoed this view.

"Employers seem to feel they are doing workers a favour and this leads to malpractices," she said.

"Domestic workers seldom have a formal contract and are expected to do everything from gardening to child and pet care, and cleaning up after dogs.

"They are extremely vulnerable to summary dismissal after the slightest dispute, and are regarded with suspicion by employers. If something goes missing, the maid is blamed and her wages are illegally docked.

Holidays

"They don't get public holidays off, employers often insist on screening their friends, and they live with a lot of insecurity. A common complaint is that they go off on leave, and find they have been replaced when they come back to work.

"Some work a seven-day week, 6am to 8pm, with no day off, no lunch break, for R200 a month," she said, adding that the average wage for full-time workers in the PWV area in July last year was R220 a month.

Low wages and no provision for pensions or unemployment insurance meant that many domestic workers were unable to provide for their old age, or faced poverty if dismissed.

Homeless

"In the Midrand area, for instance, there are a lot of old homeless people, many of them former domestics who never had the chance to save.

"We are in favour of a minimum wage, but even this is pitifully low," she said, adding that the South African Domestic Workers Union (Sadwu) had called for a minimum wage of R450 for skilled workers, R350 for unskilled workers.

"If housewives can't afford to pay a full-time maid, they should use the char system and pay by the hour. That way, domestic workers can get the chance to look for other work to supplement their income."

Commenting on the proposals, Cosatu and its affiliate Sadwu said workers' "struggle" for a Labour Relations Act to cover all workers was "at last having an effect in Government circles".

In a statement, they said the extension of the Labour Relations Act and other Acts to domestic workers would protect them against unfair dismissal, and give them access to the Industrial Court in cases involving disputes with employers.

Laws

It would also set down basic conditions regarding working hours, overtime and leave, and provide some social security in the event of unemployment, maternity and injury at work.

However, while Cosatu and Sadwu participated in the committee's investigation, they did not agree with all of the views expressed in the working document.

Arguments against including domestic workers under labour laws because of administrative problems, or the "special" relationship between workers and employers, were not valid.

"Cosatu and Sadwu will strongly oppose any attempts to block or water down the extension of labour legislation to domestic workers by either the employers of domestic labour or the Government." - *Sowetan Reporter*

The protection of workers at heart of new labour law

Star 23/11/99 (166)

By FEMIDA CASSIM

Since the Basic Conditions of Employment Act of 1997 came into effect on December 1 last year, 729 domestic workers have complained to the Commission for Conciliation, Mediation and Arbitration (CCMA).

At least 670 workers have lodged unfair dismissal disputes, 42 claim they have received no severance pay, 11 allege unfair labour practices, two allege constructive dismissal, a further two allege matters of employment disagreement, and another two are alleging a unilateral change to terms and conditions of employment.

For years, domestic workers were not covered by any law and were restricted to taking their employer to the Small Claims Court if payment was withheld.

The Basic Conditions of Employment Act is meant to protect workers from harsh and unfair treatment. It covers permanent as well as part-time workers. It excludes those working for less than 24 hours a month. The act recognises a maximum working week of 45 hours with a maximum of 10 hours overtime.

Employers can no longer insist on overtime without a worker's consent, and any overtime work must be remunerated.

According to the act, when an employee starts working, certain details of employment must be written down in a document. This is known as the written particulars of employment. The employer must also keep a copy. If an employee does not understand the contract, it must be explained to her or him.

The termination of employment requires a notice period, depending on the length of employment. During the first four weeks, one week's notice must be given, and between four weeks and one year, two weeks' notice. After the first four weeks, domestic and farmworkers need to give four weeks' notice. Notice must be given in writing, but illiterates may give verbal notice.

Sithembele Tshwete, communications co-ordinator for the CCMA, believes that many more domestic workers are experiencing problems than the number of cases brought to the CCMA's notice.

Certificate

"There are a lot of domestic workers out there who are not conversant with the act and the law. Employers as well as employees should be conversant with the act. The idea is to be able to prevent a dispute," he says.

After an employee complains to the CCMA, a conciliation process takes place whereby a commissioner from the CCMA will try to reconcile the two parties. A certificate is given after the conciliation process to say whether the matter was resolved.

If the matter is not sorted out, the next step is arbitration. In this process, the commission determines whether the employer was unfair in dismissing the person or whether the employer acted within the law.

NEWS

LABOUR *It will act for domestic and farm workers*

CT(BR) 30/3/99

Government firm about new minimum wage act

(166)

FRANK NXUMALO
LABOUR EDITOR

Johannesburg — The government could and would set down minimum wages for domestic and farm workers, Membathisi Mdladlana, the labour minister, said yesterday.

"I will continue to pursue the issue of a sectoral determination, including the setting of a minimum wage, for domestic and farm workers," he said.

"We cannot tolerate slave labour in our homes and on our farms."

Mdladlana said farm and domestic workers had been denied basic rights under apartheid but baasskap and paternalistic attitudes still prevailed.

He said the struggles of the workers had brought about changes, and amendments to labour laws since the early 1990s had put these workers on a par with others.

"The department has enacted a new Basic Conditions of Employment Act," he said. "The new act provides basic protection for the most vulnerable workers on the one hand while setting a framework for collective bargaining to vary and improve basic conditions on the other.



NO QUICK FIX *Membathisi Mdladlana, the labour minister, says the issue of minimum wages will be looked at carefully to ensure workers do not lose their jobs* PHOTO: SELWYN TAIT

"It increases the floor of rights for all workers.

"Annual leave is 21 consecutive days, the overtime rate is time and a half, you are entitled to protection when working at night and also to family responsibility leave."

He said he was mindful of concerns about the effect of a minimum wage on job creation.

"There are no quick-fix solutions for this.

"A sectoral determination for the agricultural and domestic sector needs to be based on significant and extensive research,consultation and debate. This will lay a sound basis for achieving an appropriate balance between protecting workers from gross exploitation and starvation wages ... yet ensuring that they do not lose their jobs."

He said the debate around minimum wages needed to begin as soon as possible. He had asked the Employment Conditions Commission to begin the investigation.

Within the next month, a notice will be published in the Government Gazette and in all of the country's larger newspapers, calling on the public to give their views on the topic.

Review needed before minimum wage can be set

BD 19/2/99 (166)

Act stipulates a lengthy process which will involve all interested parties, writes **Reneé Grawitzky**

LABOUR Minister Membathisi Mdladlana had yet to ask the Employment Conditions Commission to investigate the possibility of setting minimum wages in the agricultural and domestic sectors, the commission said.

Commission chairman Edwin Mohlalehi said yesterday that in terms of the Basic Conditions of Employment Act, an investigation of this nature would be undertaken only if requested by the minister.

To give effect to this, the act provided for the promulgation of sectoral determinations, especially where there was no formalised collective bargaining.

Mohlalehi said he had not received an official request from the minister.

This followed reports earlier this week that government planned to legislate sectoral determinations in the domestic and agricultural sectors within the next year. The newly formed SA Domestic Workers' Union then came out demanding a minimum wage of R1 200. The union will be launched in July.

The union said many domestic workers were being dismissed because employers claimed they did not have money to pay them.

These developments have created the impression that government would within weeks or months announce a minimum wage in these sectors.

Observers said that investigating the possibility of legislating sectoral determinations in these sectors was a complex task and would require time. They said these sectors could not be viewed in isolation of other sectors in the economy.

Any move to set minimum wages would have a ripple effect throughout the labour market.

The labour department, realising that expectations were being unnecessarily raised, issued a statement explaining that Mdladlana's comments, made earlier this week, did not reflect a change in government policy.

The act, which came into effect in December, provides for sectoral determinations to be set in sectors like domestic work and agriculture.

The department said throughout the negotiations on the act that it was committed to improving the conditions of workers in these sectors. Recent statements "were no election ploy".

But this process would not occur overnight and would require the involvement of all affected parties.

The public would have an opportunity to make submissions to the department and the commission.

Mohlalehi said the commission could upon a request from the minister conduct its own research or this could be done by the department.

This research would involve calls for submissions from key stakeholders. Mohlalehi said in sectors such as domestic work and agriculture, it might be appropriate to consider public hearings.

After gathering information and hearing submissions, the commission would draft its advice to the minister.

Mohlalehi said the minister could either accept the advice or send the matter back to the commission with specific questions.

The commission is now determining whether sectoral determinations should be legislated for small business, security and the hospitality industries. Last year organisations representing small employers expressed concern that government had not legislated a special dispensation — granting small business some concessions — before the act came into effect.

A report by the Ntsika Enterprise Promotion Agency released in September found that some sectors, including security services, transport, service stations, catering and accommodation, general dealers, cleaning and personal services would have difficulty complying with provisions relating to the regulation of working hours, overtime rates, payment for Sunday work, night work and maternity and family responsibility leave.

A tripartite task team criticised the report, recommending that government legislate a special determination for companies employing less than 10 people before the act came into operation. This did not happen.

The commission has yet to finalise its position and has called on labour and business to make final input later this month.

Get organised, minister tells domestic workers

ARG 17/3/99

Labour Minister Membathisi Mdladlana has met representatives of domestic workers and their employers to encourage them to organise themselves to negotiate a minimum wage.

(166) (234)

Mr Mdladlana said the Basic Conditions of Employment Act promulgated last year would make it possible to set a minimum wage for domestic workers and agricultural employees. He said minimum wage negotiations should be completed in a year.

Mr Mdladlana said it was difficult to say what these wage levels should be. A quarter of South Africans earned less than R500 a month, which was less than the government pension.

He said domestic workers were in a sector which was not well organised and Cosatu (Congress of South African Trade Unions) had been trying to organise them.

–Parliamentary Bureau

'What domestics sh

(166) (~~44~~) Should be Star 17/3/99 paid

Union says a skilled worker who cooks and looks after children should be entitled to about R1 200 a month

By Vivian Warby

The Government's proposal to set a minimum wage for domestic workers was generally hailed yesterday, but fears were expressed that the move may lead to job losses.

Labour Minister Membathisi Mdladlana told Parliament on Monday that the Basic Conditions of Employment Act would set the minimum wage, and his department would determine the figure. However, he could not give an indication of what the wage would be or when it would be effective.

Supporting Mdladlana, SA Domestic Workers' Union president Selina Vilakazi said her organisation would be asking for a minimum wage of R800 for a domestic worker who is employed

Some get as little as R200 a month

full-time and who does basic household chores such as cleaning and laundry.

After that, said Vilakazi, wages should be set according to the skills level. For a skilled worker who does cooking and looks after children, the minimum wage should be R1 200. Daily rates should start at R75.

Thousands of domestic workers continued to be "grossly exploited", with some earning as little as R200 a month, she added.

Three placement agencies in the Gauteng area said they would not even consider sending any of their domestic workers to an employer who was offering less than R650 a month.

"Depending on the skill level, salaries start, at the lowest, at R650," said Linda Will, owner of Abby's Domestics in Randburg. "We won't even talk to anyone offering less, as we believe that would be slave labour."

Will said that at present there were thousands of domestic workers looking for employment but far fewer people looking to employ them. Setting a minimum wage, she feared, might be detrimental to some of these workers because it would take them out of the price range most people could afford.

Rosemary Mthembu of Household Services in Parkhurst, Johannesburg, said their rates ranged between R600 and R1 000 for a 45-hour week.

Another agency based in Randpark Ridge, Randburg, said extras such as accommodation and food were over and above their minimum wage guidelines of R650.

Sally Motlana, president of the Black Housewives' League, said that while she welcomed plans for a minimum wage, she feared that if the figure was out of reach for some employers, it could lead to many dismissals in a sector that already had a high unemployment rate.

Motlana said that before the Government set a minimum wage it should carry out a study and consult with employers and domestic workers. In this way, a wage could be set that would not lead to job losses, but would still be a living wage.

The Black Sash welcomed the news. "It's great," said case worker Wellington Ntamo. "This is one of the sectors that has on all fronts been neglected, although since 1994 there has been improvement and recognition of them as a workforce. There have been so many abuses of domestic workers in the past, not only in the wage area but also in the conditions of employment."

▶ Report and graphic ... Page 3



Star couple ... winners of The Star Couple of the Year, Lucia and Itume at the glittering awards ceremony last night. Their prizes include a Hy

Host of prizes for winners of T

The accent is always on romance in The Star Couple of the Year competition, and our loving young winners for 1998 turned the key on a new stage of their romantic lives at the Cresta Hyundai showrooms yesterday.

Social workers Lucia and Itumeleng Molefe took the title, receiving the first prize, a Hyundai Accent XS, as well as a trousseau of other fabulous gifts.

Valued at R48 390, with modifications worth R12 000, the Hyundai Accent XS is just the kind of luxury The Star Couple of the Year deserve.

A second honeymoon at Namibia's Protea Hotel Walvis Bay Lodge – with return flights to Windhoek courtesy of British Airways Comair, and car hire from Budget Rent-a-Car – also await the winners. Other prizes include: a Kelvinator fridge, automatic washing machine and freezer valued at

Focus on workers' conditions

By Ryan Cresswell

An investigation into the wages and working conditions of the agricultural and domestic worker sectors would take nearly a year to complete and would involve widespread consultation and research, the Labour Department said yesterday.

Under the Basic Conditions of Employment Act, promulgated in December, the government can now set conditions of employment, which include minimum wages, for these workers. But farmers and other employers believe this could stifle job creation and the government is taking a careful look before making any further decisions.

Notices on the beginning of the investigation into the two generally poorly paid sectors were published in the *Government Gazette* two weeks ago.

In a four-month first phase, the Labour Department will assess the market and find out what kind of wages are being paid and what social security or medical benefits are being supplied. The second phase will involve specialised research into various issues, and there will be consultation with all role-players, including unions and non-governmental organisations.

Early next year the department will write up its report.



FIGHTING UNEMPLOYMENT: Christina de Jager has taken to doing the work of a domestic servant because she does not want to be forced to beg.

Why whites are working as maids

Star
18/5/91 DALE KNEEN (294)

CAPE TOWN — Unemployed white women who are unable to make ends meet are taking jobs as domestic workers.

They are prepared to cook and look after the children of wealthy people, as their black counterparts have done for years.

Agencies which find jobs for maids and the domestic workers union say many white women are only too pleased to get jobs in other people's homes.

Johan Fourie, who owns a Parow-based charring service, said he placed adverts in an Afrikaans newspaper and more than 20 white women applied for jobs.

"I was amazed by the response. I really did not think that many white women needed jobs."

Mr Fourie said some wealthy people were willing to pay up to R1 000 a month for a good domestic worker or housekeeper.

Domestic Christina de Jager (60) of Parow said: "Times are tough and now I have to be certain that I have enough money to feed myself and keep my flat. I don't want to be forced to beg."

Mrs de Jager said she had done jobs like caring for people in hospitals and old age homes before becoming a domestic worker.

Paid

She said she was paid R18 a day to work as a char. She purchased her own uniform and paid R4 for her daily transport.

Mrs de Jager said she would like to get a job where she could live at her employer's home.

Antoinette van Wyk (22), who has a secretarial course behind her, worked as a clerk before being retrenched a year ago.

She began working as a char recently and found her employers were very sympathetic.

"I think they realise that many people are experiencing difficulties. I didn't think I would do this type of work but I don't find it unpleasant."

Divorced mother Veronica Germishuys (31) has only worked for one Tyger Valley family for R120 a month.

She worked for the Department of Home Affairs as a clerk for seven years before being retrenched.

Unionist Maggie Oewies said the Government had given white women opportunities in the past but "times are changing".

The job market was "tight" and women had to explore other avenues to find employment.



GETTING DOWN TO IT: Mrs Janet Williams, a British immigrant, is one of nine women working for an all white domestic workers agency.

ARGUS 5/6/91

White women to work as chars

294

From PAT CANDIDO
The Argus Bureau

PORT ELIZABETH.— Unemployment and rising prices are forcing white women here to sign up as chars.

They are offering to scrub floors and wash dishes for R32 a day to make ends meet.

Nine have already signed up with an agency offering an all white charring service to homes in the city, including those in black areas if workers are willing.

The agency is the first all-white domestic service in the city.

It was started last week and women have not been slow to sign up. There has even been an application from a man, according to the brains behind the scheme, estate agent Mr Johan Hattingh.

He said it all started when a young woman with two children begged him for a job, saying her husband could no longer support them adequately. She was prepared to do any kind of work.

In his team is a 48-year-old English woman who is no stranger to cleaning.

Immigrant Mrs Janet Williams said she had been in the country for more than a year and could not find a job. She was delighted when she saw Mr Hattingh's advertisement as she did not see anything menial in the work.

"I love housework and the money isn't bad either."

She said she had often done char work in England when her children were young.



Out of a job . . . Mariah, penniless after her employers terminated her services.

When boss and madam go . . .

Star 22/7/91 (294)



Stoep Talk

MICHAEL SHAFTO

Mariah was old. She had worked for the same family for 13 years. The people lived in Houghton, in a beautiful home close to the tumbling koppie that flanks Munro Drive.

The people had three children, two boys and a girl. They were lovely children. Mariah always said they were the best looking children in the neighbourhood — well mannered, too. She taught them a lot of it, for the madam was often out, away playing tennis and bridge.

"You would like some bread? Say 'please'," Mariah would say. "Now say 'thank you'." Mariah enjoyed it. They were like her own children.

Sparkling

Sometimes she heard the madam describe her to her friends as a "treasure".

To think that to these people with their fine house, their silver Mercedes, their sparkling pool, their sculptured garden with its rockeries, its fountains and flowers — to think that they regarded her as a sort of jewel!

The boss was away all day. Leaving early in his shining car, he worked very hard. But in the evening he would feel better after a drink or two and then he and the madam would go out to dinner or the cinema or just to visit friends.

They left Mariah in charge of the children. She didn't mind. She loved the children, it was part of her job. It was also her job to get up early next morning to bring the couple their first cup of tea in bed.

Mariah loved her life, she loved her job. She had a free room, food, her husband was even allowed to stay with her when he could manage it. Thursdays were free; so were Sunday afternoons.

She was so proud when the children matriculated. Then they went to university and later moved away. But they came back sometimes on weekends and she was so pleased to see them.

Then everything went wrong.

The boss retired, the couple sold their lovely home to retire to the Cape. They gave Mariah many presents, old and new. They even gave her a cheque for R500 with her final month's salary. But when that was finished what would she do?

It's a common story. Headlines like "Ageing couple homeless after 17 years' service" leap out at you all the time during just a cursory look at The Star library's files on unemployment.

"People," said a major insurance company executive this week, "are becoming increasingly aware of this responsibility — to provide for servants who, day in, day-out, are expected to put their employers' interests above their own."

He said a survey had shown an overwhelmingly positive response to a new scheme recently introduced by the company. It had many positive advantages, he believed, and offered more than other similar schemes.

The policy is called "Domestic Provider". For just R25 monthly, the policy offers insurance cover to both employer and domestic.

The employer has a savings scheme and a small amount of life cover, while the employee can look forward to a meaningful payout on retirement as well as a range of other benefits.

Termination

In the event of the employer's death, the employee will receive a cash payout of whichever is the greater — the accumulated savings or the life cover.

It is also transferable. If a domestic leaves the employer before retirement, a termination of service bonus is paid and the policy is then transfered to a new employee.

The policy includes funeral benefits up to R1 500, which applies to the domestic, her spouse and children under 21.

A toll free number 0800-120400 has been set up to handle queries from all parts of the country.

Black 'madams' are tyrants, say maids

BLACK "madams" treat their domestic servants no better than white ones, according to a researcher at the University of Transkei.

Ms Pumla Gobodo-Madikizela, a lecturer in Unitra's psychology department, said some domestics she interviewed had argued black madams were even worse than white ones.

Gobodo-Madikizela's study – based on questionnaires sent to about 500 madams and interviews with some 20 maids – found average monthly wages were R160 in urban areas and R80 in rural areas. Sowetan 22/11/91

Other forms of payment included groceries, providing old clothes, or assisting with school fees for domestic's children.

Domestics faced a lack of recognition and respect in black households. Some expressed feelings of deprivation and loss of their womanhood and dignity.

"Two pointed out sexual harassment by their madams' husbands and one told of a friend who was sexually abused by her madam's brother-in-law," said Gobodo-Madikizela.

Domestics had experienced long inconsistent working hours.

"They have to stay to wash the last dish or wait for madam to return."

Inappropriate (296)

Domestics also talked about inappropriate time-off, working the whole day on Saturdays and Sundays with heavy hand-washing and ironing and no holidays.

Madams exercised their control and power over their employees, with some claiming the right to hire and fire them as they like.

Gobodo-Madikizela said a number of maids interviewed in [illegible] city area – including Umtata's Ngangelizwe township – were staying in their employers' garages.

Employees said they felt humiliated by gifts and old clothes.

"Some of these clothes are so old but you take them. And sometimes these people ask you why you don't look pleased," said one domestic in an interview.

"The reason domestics are exploited is because they are afforded no protection by legislation, as their role is based on apartheid laws," said Gobodo-Madikizela.

"Maids are one of apartheid's biggest perks. But how do you explain it when black madams are doing the same thing?" she asked.

"These statements, and many others, clearly demonstrate the degree to which the madams are prepared to go to control their workers' lives," she said.

"It is clear also that the position of the workers themselves is that of weakness, where they seem to have no say in their own lives for as long as they are under the employ of these women.

Gobodo-Madikizela said lack of worker skills was not the real problem, but the behaviour of employers would have to change.

Poor pay

"The issues are long working hours, poor pay, unclear job descriptions and lack of protection by law," she said.

"There is some value in the training of domestic workers," said Gobodo-Madikizela, "but if it is only to make them better servants without focusing on how employers should change their behaviour it is a question of one step forward and two backward". - *Ecna.*

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r Cohn says, it is more
tant for parents to see
the child is happy and

cancer without providing psy-
cho-social support for the
child and family."

ADAM GORDON

Employers should look at their servants' point of view

Star 10/10/91 (294)

The recent call by the State President and a committee of the SA Welfare Council for the strengthening of family life in South Africa is basic to the strength of our nation. As a part of this programme we must also look at the strengthening of our relationship with our servants.

An example of family solidarity cannot be set for our children in a home where the servants are treated like slaves. Every employer of servants should ask himself "would I be happy in my servant's situation working the hours she does for the pay she is given?" Do I give her:

- Time for herself — to clean her room, wash her clothes, say hello to her neighbours?
- Do I give her sufficient time to attend her place of worship?
- Do I give her time on weekends to be with her family?
- Do I provide her with clean and bright accommodation — with a small TV to give her relaxation?
- Do I treat her as a person with the same needs that I myself have — consideration, understanding and love?

OR

- Do I expect her to work for 12 hours a day?
- Do I expect her to do all the household duties without any help from me?
- I expect her to have genuine concern for my difficulties, but, do I show any concern for her financial plight and her desire to help her own family?
- Do I encourage her to take sewing courses on her day off so that she can earn a little more money?

Our attitude towards our servants is basic to strengthening our relationship with other communities in South Africa. The future of our country depends on this.

Mary E Whillier

Parktown

Strikers will return today

Sowetan 14/10/91

SA PRESS ASSOCIATION

294

ABOUT 8 000 Natal cleaners are expected to return to work today after an agreement was reached between their union and the National Contract Cleaners Association on Friday.

This ends a five week-old strike concentrated predominantly in Durban and Pietermaritzburg.

Cleaners began downing tools from September 5, demanding the NCCA's current minimum wage of R509 a month be increased to R1 000.

Offices, businesses and about 200 Indian schools were affected by what the Transport and General Workers Union described as the longest strike in the cleaning sector's history in Natal.

The agreement reached on Friday states that strikers will return to work on the same terms and conditions as prior to the strike from today, but not later than Wednesday. All employees who were dismissed or who faced dismissal would be re-instated, the agreement said.

Private arbitration would be resorted to in cases where employers believed that strikers had "behaved in a manner that may constitute a criminal offence" and where the TGWU and the NCCA failed to resolve the matter.

Union officials said yesterday that the most significant gain for workers was the NCCA's undertaking to negotiate wages at an interim negotiating forum and to set up an Industrial Council before the end of the year.

Substantive negotiations would begin soon after the parties meet on Thursday, the agreement added.

Pension fund industry

Domestic workers under the spotlight

PENSIONS for domestic workers are coming under the spotlight.

Government is considering incorporating the domestic worker sector under the Labour Relations Act and the Basic Conditions of Employment Act.

The financial services sector has presented several schemes to cater for retirement benefits for domestic workers, says First Bowring Consulting & Actuarial Services alternate director Deneys Mann.

Avoid

"But they all seem to avoid comment on the impact the benefits — pensions or lump sums from provident funds — will have on the state's old age pensions," he says.

Most domestic workers — coloureds and blacks — receive state pensions of R265 and R225 a month.

The state-run old age scheme is funded from taxes, some having been paid by the domestic worker's employer.

Any other pension, or lump sum, is taken into account in the means test and may reduce the amount of the state pension.

"If the employer makes provision for a domestic worker's retirement he may feel he has doubly funded his employee's pension through taxes and contributions."

The first-glance response might be not to bother, because the privately funded benefits would be cancelled out, partly or completely, by the means test.

Alternatively, eventual benefits should be so much better that the state offer is disregarded as an option.

However, Mann says the problem lies in the anomalies of the means test.

Penalised

"At the lower end of the personal finances hierarchy, prudent savings for old age is penalised — as are many other acts of prudence, such as taxation of interest on savings.

"Government should be encouraged to relax the means test to the point where employers will want to give just reward to what is often a lifetime of loyal commitment by a domestic worker," he says.

Contract cleaners to have national industrial council

By FERIAL HAFFAJEE

EMPLOYERS and unionists have pledged themselves to the creation of a national Contract Cleaning Industrial Council by the end of the year, as a consequence of the four-week strike by cleaners in Natal schools.

The strike, which involved up to 8 000 cleaners at 100 Indian schools, The University of Durban-Westville and the University of Natal, ended on Monday.

Jane Barrett, Transport and General Workers' Union (TGWU) co-ordinator for the security and cleaning sectors, said negotiations between the union and the National Contract Cleaners Association (NCCA) started on Thursday.

The union would resubmit its industrial council proposals next week and registration of the council was expected to follow soon afterwards.

The strike disrupted third-quarter exams in Durban last month. Mountains of rubbish, blocked toilets and filthy classrooms prevented pupils from attending school.

It was sparked when employers pulled out of negotiations with the union after the submission of wage demands, blaming the fact that an agreement to launch an industrial council had not been implemented.

Barrett claimed employers had reneged on an agreement with the union, in terms of which substantive demands on wages and working conditions would be negotiated prior to the council's establishment.

But she acknowledged that the union bore some responsibility for the delay in registering the council. "There was a problem with verification of membership," she said.

In Natal, the union won an undertaking from the NCCA that an interim negotiating forum would be set up to negotiate wages before the council was registered. The council will ratify any agreement clinched in this.

The settlement also makes provision for the reinstatement of all dismissed workers.

Employer charges that some strikers committed criminal offences will go to mediation if it cannot be settled in talks with the TGWU.

Barrett said the drive for an industrial council to regulate the industry arose in part from the tough working conditions of cleaners.

Cleaners demonstrate

MORE than 2 000 contract cleaners converged on the offices of the National Contract Cleaners' Association (NCCA) in Johannesburg at the weekend to express anger at the level of their salaries.

The Transport and General Workers' Union has demanded that the NCCA immediately start wage negotiations with the union and resubmit its application for the registration of an industrial council for the industry.

Its demands include a R1 00 monthly minimum wage for cleaners, a 25% night shift allowance and full trade union and shop steward rights.

An NCCA spokesman said the demands were being reviewed.

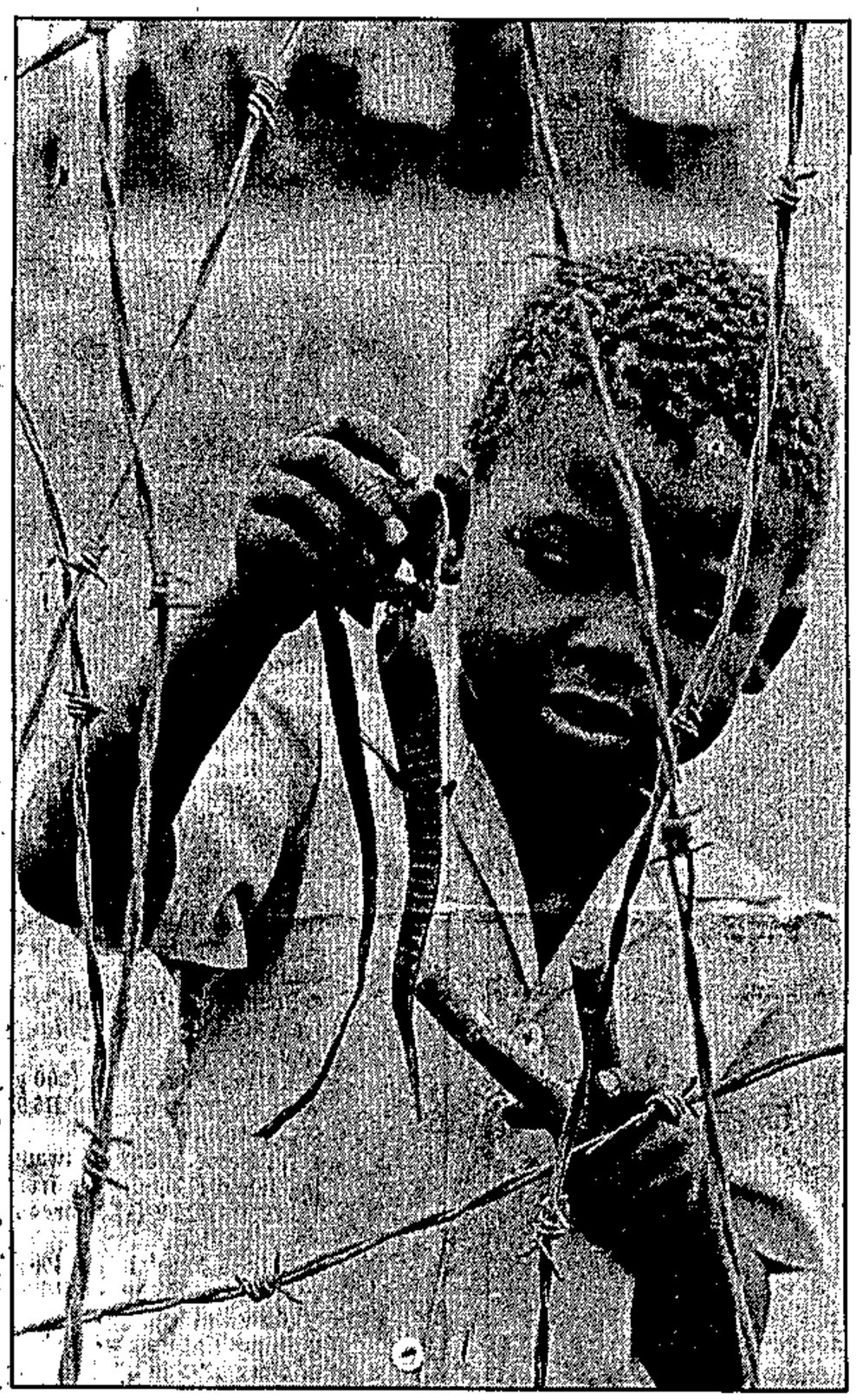
REPORTS: Business Day Reporters, Sapa.

Cleaners back at work

ALMOST all of the estimated 800 striking cleaners at Natal schools controlled by the House of Delegates had returned to work by yesterday, following a wage deal reached last week. (294)

Strikers returned to work a day before Indian matric exams — after an out of court settlement between the House of Delegates and cleaning contractors Sneller Services.

Witness - 29/10/91



Little hunter ... Obakeng Seoka used to kill birds with a catapult, but since it broke he has been luring them into a trap to provide food for his family.

Picture: Alf Kumalo

Where feeding schemes are the only salvation

Star

By Jacqueline Myburgh 1/10/91

Obakeng Seoka is a real provider: he catches dinner for his mother and siblings every day.

The sad thing is, dinner for 10 is usually a tiny bird that he lures into an old rusted bird cage with a sprinkling of mealie meal; and Obakeng is five years old.

"Actually, he's probably seven years old, but he looks so small because he has been undernourished all his life," says Judith Mokhetle, national co-ordinator: relief and development at Operation Hunger.

Destitute

Obakeng is the second-youngest in a family of 10 that relies on Operation Hunger and the local Catholic mission for their monthly ration of mielie meal, protein soup, soya mince and milk powder.

He is also one of thousands of destitute Winterveldt residents who have no work, no income, and probably no chance of a change in fortune.

These are the hungry of South Africa and, according to Miss Mokhetle, the Ethiopia scenario is upon us.

"You just don't see it because of our intervention," she says.

Winterveldt residents live in a semi-desert. Almost every tree has been burnt for fuel, and Mother Nature hasn't helped either: there is no surface water; and residents have to buy water from their landlords at 45c for 20 litres.

The ground is barren because no rain has fallen in the Winterveldt for months and residents have not been able to cultivate their small patches of land this year.

Apart from the unemployment, there is another element in the Winterveldt that adds to the poverty and hunger, but community workers discourage people from talking about it: fleeing from poverty and war, more than 80 000 Mozambican refugees have settled here and they live in permanent fear of arrest and intimidation by Bophuthatswana authorities, says Miss Mokhetle.

"They board up their windows because they don't want to be seen, but as a result one can spot a Mozambican house a mile away," she says.

Lena Khoza is one of these refugees. An elderly woman, she looks after her Mozambican grandchildren.

One of her chores is to collect the round nuts that lie in the bush around her house and grind them into a powder. This is cooked up and served with mealie meal provided by Operation Hunger and is an excellent source of protein, says Miss Mokhetle.

The other angels of mercy in the Winterveldt are the community workers from the local Catholic mission. Under the leadership of Sister Joan Pearton, they care for the hungry and the sick.

"Three-quarters of the babies born in the Winterveldt are underweight. Often the mothers are malnourished, so they do not have the milk or the energy to feed their children," Sister Joan says.

Her workers are faced with cases of cerebral palsy, epilepsy, brain damage and physical deformity, and not only among children.

"Basically they are all apathetic and are just waiting to die," Sister Joan says.

Starving

Like all relief operations, Sister Joan's mission is finding it more and more difficult to raise funds.

Miss Mokhetle says overseas donors want their money to go only towards development of the community, and not food.

"But there's no point in developing people who are starving," pleads Sister Joan.

"They don't have the energy or the will to do anything."

Union welcomes proposal

294 Star 16/9/91

By Zingisa Mkhuma

The South African Domestic Workers Union (Sadwu) has welcomed recent National Manpower Commission proposals that domestic workers should fall under the protection of the Basic Conditions of Employment Act.

But the union has slated the commission for ignoring their demands for the workers to be included in the Wage Act.

Sadwu said although the commission had accepted the majority of their proposals, they would not be satisfied until the Government included domestic workers in the Wage Act,

Sadwu's general secretary, Florence de Villiers, said: "Demands for a living wage were the sore part of the proposals we have made to the Government since 1980.

"Recommending guidelines on wages and not on the Wage Act is not enough. We won't be satisfied until the Wage Act is implemented."

Miss de Villiers pointed out that the union is demanding R450 a month for all its workers but may increase the amount after their national congress in October.

She strongly criticised employers who still paid their workers amounts below the recommended minimum wage.

Domestics may get union rights

B10cy 6/9/91. (294)

BILLY PADDOCK

DURBAN — The National Manpower Commission had recommended that domestic workers be allowed full unionisation rights and government was seriously considering this, Manpower Minister Eli Louw said yesterday.

Responding to questions from housewives at the NP Natal congress, he said the commission, which he had asked to investigate the matter, had recommended that domestic workers be incorporated under the Labour Relations Act and the Basic Conditions of Employment Act with certain amendments.

This would allow domestic workers access to legal recourse in cases of unfair dismissals, and to other rights organised labour had won for workers in other sectors.

Contracts between domestics and their employers fell under common law and were enforceable only in the ordinary law courts. There was no recourse to the industrial court.

The commission had also recommended that the principles of the Unemployment Insurance Act and the Workmen's Compensation Act be applied to domestic workers. A committee should be established to investigate the practical implications.

He said the commission found that no consensus could be reached on the possible inclusion of domestic workers under the ambit of the Wage Act, or alternatively, whether minimum wages should be dealt with only according to guidelines drafted by the Wage Board.

Louw said he wanted to allay the fears of the housewives, who expressed concern about their workers embarking on collective action. Should domestics be included under the Acts in any form his department would initiate extensive programmes to inform them and the domestics.

"In the labour field you do not deal with ordinary commercial articles but with people, an employee in your service with a home and a family and, in many cases, also miserably poor," he said. A way around the fears was to deal fairly with domestics "on the shopfloor".

Government could provide only the guidelines within which labour relations were conducted but it was up to employers and their workers to ensure fairness, equity, productivity and labour peace, he said.



Cosatu members and farmworkers protested outside the Union Buildings in Pretoria yesterday. They were demanding greater protection for farmworkers. Picture: ROBERT BOTHA

'Time to focus on communism'

Own Correspondent (294)

TRUE African nationalists within the ANC would have to decide whether they would continue to allow themselves to be pawns of hardline communists in the ANC/SACP alliance, Natal leader of the NP George Bartlett said when he officially opened the province's congress in Durban yesterday.

Bartlett said the time had come for the spotlight of the media and of public opinion to be focused on the ANC/SACP alliance's covert actions in SA. B10cy 6/9/91.

He said people were reading daily of one former communist-dominated country after another throwing off the yoke of oppression and "political thuggery" by ousting the Communist Party from their countries.

"Yet here in SA we have people who should know better, including some highly placed in the media, reacting to the ANC/SACP alliance as if communism had suddenly undergone a metamorphosis and transformed itself into a lily white and saintly community service organisation," he said.

There were likely to be former communists in the ranks of the ANC/SACP alliance who, like their former comrades in the Soviet Union, had changed their minds and now rejected communism, he said.

If this was so, they should stand up and say so publicly for all to hear.

Clase moots compulsory fees plan for pupils

DURBAN — Compulsory tuition fees for pupils could soon be introduced, own affairs Education and Culture Minister Piet Clase said yesterday.

He was making his last appearance at a congress before retiring from politics.

He told delegates at the Natal NP congress the law provided for the institution of compulsory tuition fees as opposed to school fees which were largely voluntary.

This, he said, could happen "sooner than you think". It would mean that anyone not paying the tuition fees could be sued in a court of law.

B10cy 6/9/91.

A senior NP source said afterwards that it was a complex situation which had financial as well as political implications.

If compulsory tuition fees had to be introduced, a way of softening the blow could be to have personal tax adjustments. Something would have to be done, he said. — Sapa.

Sowetan (294)

Move on domestics welcome 16/9/91

THE South African Domestic Workers' Union (Sadwu) has cautiously welcomed the Government's decision to improve the lot of its members.

The Women's Bureau of South Africa (SBSA) said the proposals were the results of considerable discussions between all parties concerned.

"We have campaigned for a fair deal for domestic workers for a long time but we have warned of the dangers of pricing them out of the market."

Domestic workers surveyed

(294) ET 19/9/91

A PRELIMINARY survey of the numbers and needs of domestic workers in the Constantia/Tokai and Kirstenhof areas clearly indicates that better transport is their major issue of concern.

The chairman of the welfare committee on the Constantia Property Owners' Association, Mr Etienne Sloman, said the survey was a first — but essential — step towards planning to meet important needs in the valley.

He said: "Ultimately, our findings should be pooled with results of surveys in areas such as Fish Hoek, Simon's Town and Cape Town to devise a total strategy for the whole community."

From the report, it emerged that about 2 000 workers enter and leave the entire bowl from Kirstenhof to upper Constantia every day and most of them find the transport difficult and inadequate.

The statistical survey was devised and co-ordinated by Mr Rob van der Honert, of the Department of Statistical Sciences at UCT.

He stressed that the report was merely preliminary, that a random sample of 150 households had been canvassed and that it was not yet clear what conclusions should be drawn.

It appeared as though eight out of 10 households employed domestic workers, 60% of which were chars.

Eighty percent did not live in and one third of these lived 30 km-40 km away in Khayelitsha.

Councillor Jeanette Shapiro of the Constantia Valley Local Council, who did much of the canvassing, said one dificulty encountered was that they asked questions — through the employers — and could not speak to maids and gardeners.

She said: "This might have distorted results on such questions as to whether workers wanted a place where they could meet socially, whether they wanted to live near where they worked and whether they wanted creche facilities in the area."

FM 20/9/91 (294)

DOMESTIC WORKERS

Still a special case (294)

FM 20/9/91

The National Manpower Commission (NMC)'s report on domestic workers, issued last Friday, is sensible and balanced. It has even met the qualified approval of Cosatu, which says it contains a number of proposals that will be a "substantial advance" if and when they are made law.

However, the union federation has two major concerns — that the NMC did not recommend extending the Wage Act to domestic workers and the "inordinate delays" in making the new deal law.

But even if the recommendations do not propose a minimum wage, it must be asked how many employers might take fright and discharge their maids and gardeners once the long-overdue new dispensation comes into effect.

Cosatu particularly welcomes the recommendation that the Labour Relations Act, Basic Conditions of Employment Act and the Unemployment Insurance and Workmen's Compensation Act be extended to domestic servants. "For the first time it is being recognised that domestic workers are not chattels who can be exploited at will, but that they should have the protection and rights applying to other workers," it says.

It is noted that in the NMC report the majority rejects the view that domestics be excluded from these laws because of "special circumstances." The Cosatu view that, where necessary, "modifications" could be made to accommodate these circumstances, has won the day — for example, regarding simplified conciliation procedures.

Concerning the failure to extend the Wage Act, the union says that domestics' isolated and vulnerable position means that the right to organise is inadequate to protect them from exploitation by unscrupulous employers. The Wage Act, it contends, was designed precisely to protect workers in such sectors and goes side by side with the Basic Conditions law.

Therefore, this "failure" would undermine the other rights. The SA Domestic Workers Union and Cosatu will continue to press for the Wage Act to be extended to domestic workers.

The union complains that it took four months for the report to surface, even though the NMC subcommittee on domestic workers had completed its work in May. It evidently took an objection by Cosatu, at its meeting with Manpower Minister Eli Louw on August 27, for the report to be released. There is concern that the process will continue to be drawn out. Cosatu has demanded that draft Bills on domestics' new rights be submitted to the joint Parliamentary Committee this year and tabled in the first week of February next year.

"It is only when these rights are actually extended that the government will have met its commitment to domestic workers in terms of the Laboria Minute of September 1990, under which the government undertook to extend full rights to all workers."

That, of course, includes farm workers — even more of a political hot potato. ■

Cleaners' strike disrupts classes

VERA VON LIERES

THE number of Natal schools affected by the more than week-long wage strike by about 7 000 cleaning staff rose to 300 yesterday, the Transport and General Workers Union (TGWU) said.

TGWU assistant general secretary Randall Howard said it was not yet clear how many schools had closed as a result of deteriorating health conditions.

The Phoenix area in Durban was the worst hit with about 64 schools severely affected. Other badly affected areas included Verulam and Chatsworth.

The strike, which started on September 5, has affected mainly Indian schools.

Howard said parent, teacher, and student bodies were pressing the House of Delegates to ensure workers were given decent wages.

The union said earlier this week some pupils were sent home because of the unhealthy conditions, some had not attended classes for the past week and others attended morning classes only.

Workers — who are employed by subcontracting companies — are demanding a monthly minimum wage of R1 000. Companies affected by the strike include Sneller Cleaning Services and Supercare Cleaning.

Howard said the union was also campaigning for the establishment of an industrial council in the contract cleaning industry to ensure wage agreements were extended to the whole industry.

Monthly wages, currently set by the Wage Board, ranged between R400 and R500, he said.

A meeting with employers was expected next week.

Big business asked for aid

PATRICK BULGER

BIG business is to be approached to provide immediate relief for returning exiles, says National Co-Ordinating Committee for the Return of SA Exiles (NCCR) executive member Moss Chikane.

Although he would not put a figure on the amount needed by the NCCR, ANC welfare department official Dali Mpofu has estimated that about R2m would cover the immediate needs of exiles who have already returned.

Chikane was speaking after a day-long meeting yesterday between the ANC, Azapo, a UN High Commissioner for Refugees (UNHCR) representative, and businessmen. The meeting was hosted by the Development Bank of SA.

Chikane said the meeting had helped develop an understanding of the constraints business faced in providing new jobs. He said it would be followed by more meetings.

PEANUTS By Charles Schulz



Pupils join school cleaners in protest

B/Day 24/9/91

VERA VON LIERES

THOUSANDS of Indian pupils and school cleaners marched in Durban yesterday in a bid to end the two-week-old cleaners' strike which by yesterday had forced 120 schools to close.

House of Delegates' Education and Culture Department spokesman Shri Maharaj said the schools had been forced to close because of a health hazard.

Yesterday's march was in support of the strike by about 7 000 cleaners, who are demanding a minimum monthly wage of R1 000.

Maharaj said a 15-member delegation representing teachers, parents and workers met House of Delegates officials yesterday afternoon.

Sapa reports that 16 representatives later started a sit-in at the House of Delegates's office after negotiations failed.

Cleaning staff strike spreads across Durban

VERA VON LIERES

THE more than two-week-old wage strike by about 3 200 Natal cleaning staff had spread to a large number of offices in and around Durban by yesterday, the Transport and General Workers' Union (TGWU) said.

TGWU southern Natal branch secretary Aron Ngema said a number of Natal companies employing contract cleaners had been affected by the strike.

Ngema said an urgent meeting between representatives of the National Contract Cleaners' Association (NCCA) and union officials ended inconclusively yesterday.

He said employers had failed to make any substantive moves on the question of wages, although they had agreed to address other union grievances.

Cleaning staff first downed tools at Natal schools on September 5, demanding a monthly minimum wage of R1 000. Monthly wages, set by the Wage Board, range between R400 and R500.

The strike, which was initially confined to Indian schools, has led to the closure of 120 schools because of health hazards.

A meeting today, betweeen the Education Crisis Committee and the House of Delegates Ministers' Council J N Reddy has been postponed, dashing hopes for an early end to the strike.

BSB/Bates 19634

Domestics to get muscle in marketplace

Star 13/9/91

(294)

MICHAEL CHESTER reports.

FOLLOWING long battles to find a legal status for their jobs, domestic workers may soon be able to sort out their grievances with employers in the law courts.

The Government Gazette yesterday released recommendations by the National Manpower Commission (NMC) that both domestics and their employers should be entitled to protection from "unfair labour practices".

However, the announcement reveals a total lack of agreement among members of the commission on the fixing of wage levels.

The issue has been left unresolved — one section arguing in favour of judgment by the Wage Board or a similar institution, with opposition from a section supporting guidelines that depend on factors such as area, competence, training and the ability of the employer to foot wage bills.

The proposals aim to bring domestics under the umbrella of the Basic Conditions of Employment Act — widely regarded as a major breakthrough in a sustained campaign to give them new status.

The NMC has recommended that both the Workmen's Compensation Act and the Unemployment Insurance Act should be extended to cover domestics: housekeepers, cooks, chauffeurs and gardeners.

But the announcement points out that no consensus has been reached on the inclusion of domestics in the ambit of the Wage Act or on guidelines to minimum wages.

Also, while they would be included under most labour laws, there would be "specific amendments to make provision for the special circumstances in the domestic sector".

A reconstituted NMC is to prepare a work code for domestics.

"This will not be binding, but may be used as evidence of acceptable practice in court."

A brochure with guidelines on basic conditions of employment should be drafted by the Wages Board and made available to domestics and their employers.

The commission agreed that some form of mediation or conciliation would be desirable before disputes could be referred to the courts.

Referring to working hours, the commission recommended that a five-day week should be implemented as far as possible.

Overtime should not exceed 10 hours a week — at one-and-a-third of hourly wage rates. Extra overtime — looking after children or the elderly or sick — should be entirely voluntary.

Sunday work should also be only voluntary — or else on double pay or leave arrangement.

Vacation time should be planned on the basis of 14 consecutive days of leave a year on full pay. Another view was that leave should be three weeks.

Also, domestics should be entitled to 12 weeks' maternity leave, with benefits from an unemployment insurance scheme.

New guidelines should also deal with time off to attend clinics.

The value of accommodation, food and other consumer items used by domestics should be regarded as part of wages — the values to be indicated on a schedule revised on a regular basis by a body such as the Wages Board. □

'Cinderella' domestics in from the cold

W/Mail 13/9 - 19/9/91

294

Domestic workers — long excluded from labour legislation — may soon have official regulation if extensive recommendations by the National Manpower Commission come into effect, reports
DREW FORREST

SOUTH AFRICA's cinderella domestic sector moved decisively towards official regulation this week with the publication of far-reaching recommendations by the National Manpower Commission.

The recommendations, published in the *Government Gazette* for comment today, are the fruits of an NMC probe ordered last year by Manpower Minister Eli Louw and are likely to lead to legislation in 1993.

They call for the inclusion of the country's 800 000 domestics under the Labour Relations Act (LRA) and Basic Conditions of Employment Act (BCEA), with adjustments to take account of the sector's peculiar circumstances. These include provision for a small labour court and a simplified conciliation procedure.

The historical exclusion of domestics from both Acts means they cannot join registered unions, use the industrial court or the official dispute-settling machinery; have no redress against unfair dismissal or victimisation; and no right to paid leave, restrictions on working hours or regulation of overtime.

Union organisation in the sector is embryonic: the NMC report puts the paid-up membership of the Congress of South African Trade Unions' South African Domestic Workers' Union and the National Council of Trade Unions' Black Domestic Workers' Union at 14 525 and 8 434 respectively.

The NMC also recommends in principle that domestic workers be covered by the Unemployment Insurance Act and Workmen's Compensation Act, but proposes the creation of a working group — consisting of members of the NMC's domestic workers' committee, Manpower Department representatives and workmen's compensation and unemployment insurance officials — to investigate the administrative implications of their inclusion.

As the key modification of the LRA, the commission recommends that domestic workers and employers should have the option of using an industrial court or the small-labour court for legal redress. Although part of the industrial court system, the latter would have simplified procedures, no right of appeal and no professional representation.

Some conciliation or mediation would be required before court action. As formal conciliation boards were not suitable for the domestic sector, this could take the form of a simple meeting between the parties.

A mediator could be any person not directly involved in the dispute, the commission suggests.

The NMC also suggests that the proposed unfair labour practice code, which would serve as a non-statutory guideline admissible as evidence in court, might be modified for the domestic workforce.

Some commission members held that incompatibility might be grounds for dismissal, that dismissal procedures need not be followed during an agreed probationary period and that a cash award could replace reinstatement where the employment relationship had broken down.

The NMC recommends that domestic workers should be covered by most provisions of the BCEA including those on working hours (a maximum of 46 hours a week), overtime (a maximum of 10 hours a week), paid leave (14 days a year), maternity leave, and child labour (no employee should be under 15 years).

Adjustments include an additional four hours' voluntary overtime for workers tending children, the sick or the aged, and a maximum "spread-over" of 14 hours for live-in domestics.

The commission also recommends the inclusion of two new provisions in the BCEA — one enabling domestics to take civil action for the recovery of money due to them, and the other preventing employers from victimising workers who refuse to breach the Act, or who discuss their employment conditions with others.



Special circumstances ... Certain Acts will be modified to allow the extension of worker rights to domestics Photo: GUY ADAMS

ARG 28/6/91

Employers should help domestic workers prepare for their old age'

BLOEMFONTEIN. — A domestic worker cares for the employer's most valuable assets and often has complete control over the employer's home and assets — but did the employer care for the worker?

She deserved more than she got in the marketplace, Mr Toby Deenik, a Johannesburg financial consultant, told the National Council of Women in Bloemfontein.

Mr Deenik said that when many domestic workers were past their productive years, they became reliant on their families.

It was important that these women should be taken out of a Third-World state into a First-World position where they could care for themselves and contribute to their keep, if they had to be cared for by family members.

Mr Deenik said employers should encourage their domestic workers to acquire protection and pension plans that went further than common burial benefit schemes, which were often inadequate.

The employee should be the owner of the plan, but there should be a shared responsibility between employer and employee. — Sapa.

New deal for domestic servants on the cards

294
ARG 13/11/91

The Argus Correspondent

PRETORIA. — Vast improvements in the deal for domestic servants are contained in wide-ranging proposals gazetted today.

The recommendations, drawn up by the National Manpower Commission (NMC), cover issues such as working hours, overtime and Sunday work, public holidays, maternity, vacation and sick leave, and dismissals.

The deadline for comment on the proposals, which appear in the Government Gazette today, is November 13.

Some of the report's recommendations could result in limits being imposed on employers' rights when it comes to sacking workers.

An example is the dismissal of a worker because of pregnancy. Once domestic workers are included under the country's labour laws, this could be an unfair labour practice, the report points out.

Among the most far-reaching proposals are that domestic workers should:

- Have limited working hours and overtime, which is voluntary, be paid;
- Not work for more than five hours without a meal break;
- Be over the age of 15;
- Be entitled to 12 weeks' unpaid maternity leave and to unemployment benefits;
- Have between seven and 12 paid public holidays a year;
- Receive between 10 and 12 days' sick leave a year;
- Be paid special rates for Sunday work and;
- Be included under the Labour Relations Act, with certain amendments.

Inclusion under this Act will extend the protection of the unfair labour practice definition and the victimisation provisions to domestic workers. It will also provide for mechanisms to deal with disputes.

The NMC could not reach consensus on whether domestic workers should be included under the Wage Act, or on whether minimum wages should be dealt with in non-binding guidelines.

It unanimously supports the inclusion of the domestic sector under the Workmen's Compensation Act and the Unemployment Insurance Act.

On working hours, the NMC recommends that regular day workers (who work for an employer for one or more days a week) work for a maximum of nine hours and 15 minutes a day.

In the case of resident or live-in workers, a maximum "spread-over" of 14 hours a day is proposed.

Overtime should be limited to 10 hours a week, but there should be a daily limit of three hours' overtime for regular day workers.

However, where workers care for children, or for elderly, frail or sick people, they can agree to do an extra four hours of overtime a week.

Such overtime is "entirely" voluntary, and there should be protection for workers who do not wish to work extra overtime.

Overtime pay should be at the rate of one and one third of the hourly wage rate, as is the case with other employees (under the Basic Conditions of Employment Act).

Domestic workers should receive double pay for work on Sundays, or one-and-a-third of the wage rate and a day's paid leave within seven days of a Sunday worked.

The report offers two views on workers who work on Sundays only for a specific employer. One is that they should receive double pay, the other that this should not apply.

There are also two views on the number of paid public holidays to which domestic workers should be entitled.

One is that they have seven public holidays, including Workers' Day.

The other is that domestic workers should have 11 public holidays, the same number as workers in shops and offices. Soweto Day should also be added, bringing the number of holidays to 12.

Domestic workers who work on public holidays should be paid at special rates.

The report also offers two views on vacation leave.

One is that domestic workers should be entitled to three weeks' paid leave. The other is that they should, initially, have at least 14 consecutive days' vacation leave a year on full pay, as is the case with other employees.

Comment can be sent to Mr P Viljoen, Department of Manpower, Private Bag X117, Pretoria, 0001.

● Danger lurks down on the farm, page 13.



Domestics' union urged

(294) ARG 7/9/91

Political Reporter

DURBAN. — Domestic workers should be given trade-union rights under the Labour Relations Act, the National Manpower Commission has recommended. ARG 7/9/91

Manpower Minister Mr Eli Louw announced this at the National Party's Natal congress here this week.

He said the commission had just handed him its report on an investigation, which he ordered in April, into domestic workers' rights.

Some of its recommendations were that:

● Domestic workers should be brought under the provisions of the Labour Relations Act and the Basic Conditions of Service Act — but with amendments to both laws; and,

● The principles of the Workmen's Compensation Act and the Unemployment Insurance Act should be applied to domestic workers, but that a committee should investigate their practicality.

The commission could not reach consensus on whether domestic workers should be brought under the provisions of the Wages Act or whether minimum wages rather should be dealt with through guidelines like those drawn up by the Wages Board.

Mr Louw said the report was being published for comment, but did not give the government's response.

"In the labour field, one does not work with products, but with people — a worker in your service with a house and a family and, in most cases, very poor."

Mr Louw said service contracts between employers and domestic workers were now concluded in terms of common law and were enforceable in ordinary courts.

If the Basic Conditions of Service Act were to be amended to apply to domestic workers, his department would introduce intensive programmes to inform housewives and domestic workers.

Union rights for domestics urged

Star - 6/9/91

By Peter Fabricius
Political Correspondent

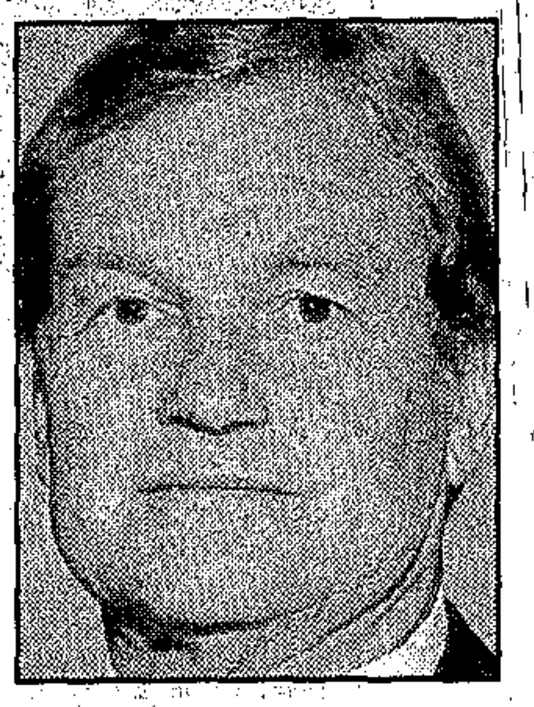
DURBAN — Domestic workers should be given union rights under the Labour Relations Act, the Government-appointed National Manpower Commission has recommended. (294)

Manpower Minister Eli Louw announced this at the National Party's Natal congress in Durban yesterday.

He said the commission had just handed him its report on an investigation into domestic workers' rights, which he had ordered in April.

Some of its recommendations were that:

- Domestic workers should be brought under the provisions of the Labour Relations Act and the Basic Conditions of Service Act — but with certain amendments of both.
- That the principles of the Workmen's Compensation Act and Unemployment Insurance Act should apply to domestic workers, but that a committee should investigate their practical application.



Legislation has fallen behind . . . Eli Louw.

The commission could not reach consensus on whether domestics should be brought under the provisions of the Wages Act or whether the question of minimum wages should be dealt with through guidelines, for example those drawn up by the Wages Board.

Mr Louw said the report was being published for comment, but did not say what the Government's response was. However, he did give some indication by remarking that with the general scrapping of discriminatory legislation, labour legislation had fallen behind.

"Worldwide, there is a strong awareness of basic human and worker rights which no country can afford to ignore — least of all South Africa."

If the Basic Conditions of Service Act were to apply to domestic workers, his department would launch intensive programmes to inform housewives and domestic workers.

Mr Louw confirmed in an interview after his speech that the Manpower Commission's report amounted to a recommendation that domestics be given proper union rights.

● NP's Natal congress — Page 6

'Too poor', so mother abandoned new baby

Star 3/9/91

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By Philip Zoio

A young mother pleaded guilty in the Johannesburg Magistrate's Court yesterday to attempting to murder her three-day-old baby by abandoning him on an empty plot because she could not afford to keep him and three others she was supporting on R150 a month.

Johanna Jonkers (21), who worked as a domestic servant in Westdene, Johannesburg, gave birth in the J G Strijdom Hospital to her second son on July 10.

She left the hospital two days later, and on the way home left the baby in the neatly cropped grass of an empty plot between two Westdene houses.

The child, wearing a nappy and a shirt, and wrapped in cloth provided by the hospital, was later found on the plot.

After leaving the baby, Jonkers returned to her room at her employer's home.

On Monday July 15 a sister from a nearby clinic visited her and asked her where her baby was. Jonkers said he was with his grandmother at Upington in the northern Cape.

She admitted her crime after the sister refused to believe her.

Jonkers told the court she had abandoned her child because she earned only R150 a month and already had an older son and two younger brothers to look after.

She left her baby in a place where someone who could afford to bring him up would hear him cry, pick him up and take him home.

Jonkers said she was too scared to tell the hospital staff that she could not afford to support her new-born child.

The case has been postponed to October 29 for a probation officer's report and sentencing.

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Maids may get rights to bargain

CT 6/9/91
294

Own Correspondent

DURBAN. — The National Manpower Commission had recommended that domestic workers be allowed full unionisation rights and the government was seriously considering this, Manpower Minister Mr Eli Louw said yesterday.

Responding to questions from housewives at the NP Natal Congress, he said the NMC, which he had asked to investigate the matter, had recommended that domestic workers be incorporated under the LRA and the Basic Conditions of Employment Act with certain amendments.

This would allow domestic workers access to legal recourse in cases of unfair dismissals and other rights organised labour had won for workers in other sectors.

The situation was that contracts between domestics and their employers fell under common law and were enforceable only in the ordinary law courts. There was no recourse to the industrial court process.

The NMC had also recommended that the principles of the Unemployment Insurance Act and the Workmen's Compensation Act be applied to domestic workers. A technical committee should be established to investigate the practical implications.

He said the NMC found that no consensus could be reached to include this sector under the ambit of the Wage Act, or alternatively, whether the matter of minimum wages should be dealt with only in guidelines drafted by the Wage Board.

He said he wanted to allay the fears of the housewives, who expressed concern about their workers embarking on collective action, that should domestics be included under the acts in any form his department would initiate extensive programmes to inform them and the domestics accordingly.

The labour movement united and knew the law relating to labour relations but employers were disunited and were largely ignorant of the law, he said.

Domestic workers protected

B10cm 11/9/91 294

DOMESTIC workers will be protected from unfair dismissals and will have to receive overtime pay for any work done in excess of 46 hours a week, if recommendations of the National Manpower Commission are accepted by government.

A source close to the commission says these are among the recommendations in a report which the Manpower Department has said will be published for comment in the Government Gazette on Friday.

It is recommended that domestic workers be covered immediately by the Basic Conditions of Employment Act (BCEA) and the Labour Relations Act (LRA). The commission suggests they should also fall under the Unemployment Insurance and Workmen's Compensation Acts.

ALAN FINE

However, certain practical problems would first have to be ironed out before this could be implemented.

One major issue on which the commission was split was whether domestic employees should be covered by the Wage Act, the source said. The Act's mechanisms are used to determine minimum wages for employees not covered by negotiated wage agreements.

If covered by the LRA, domestic workers' unions could be registered, and employees would be protected from victimisation and would be entitled to the protection of the Industrial Court in the

☐ To Page 2

Domestic workers

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case of unfair labour practices.

The NMC report proposes the establishment of a second tier to the Industrial Court to deal with individual dismissals of both domestic and other employees.

It also proposes a simplified conciliation procedure for domestic service in view of its special nature. B10cm 11/9/91

The BCEA provides for a maximum 46-hour "ordinary" working week plus a maximum 10 hours' overtime work a week. It contains daily maximums too — eight hours for a six-day week and nine-and-a-quarter hours for a five-day week. The working day may be spread out over a maximum 12 hours.

Overtime pay is at time and a third, with a higher premium for work on Sundays and public holidays.

The BCEA also provides for a minimum of two weeks' leave on full pay, six weeks' paid sick leave in each 36-month cycle and a compulsory one-hour lunch break which may be halved by consent of the employee and provided a Manpower Department inspector has been notified.

Contraventions are punishable by criminal sanction.

The commission has proposed an amendment to the BCEA to take account of day work arrangements common to domestic service.

It would be necessary for employers to supply employees with pay slips and to retain records of payments.

Suggested domestics' rights to be published this week

(294)

SHARON SOROUR
Labour Reporter AMG 10/9/91

FAR-reaching recommendations to extend labour legislation to domestic workers will be published for comment this week.

According to the Department of Manpower, the ational Manpower Commission (NMC) had completed its investigation and a summary of its proposals "which might have far-reaching consequences for employers" would be gazetted on September 13.

The report contained recommendations on:

● Maximum working hours for domestic workers;

● Compulsory lunchtimes, paid overtime, vocational leave, sick or maternity leave, contributions to unemployment insurance and the workmen's compensation; and,

● Working hours on Sundays and public holidays, and minimum wage determinations.

Recommendations were also being made on the Labour Relations Act on unfair dismissal of domestic workers.

"This may substantially limit the employer's right to dismiss a domestic worker," public relations head Mr F J de Villiers said.

Several other determinations on basic working conditions and employer/employee relations were covered in general, he said.

At the National Party Natal Congress last week Minister of Manpower Mr Eli Louw said the National Manpower Commission had recommended that domestic workers be allowed full union rights and the government was seriously considering this.

Mr Louw said the NMC had recommended that domestic workers be incorporated under the Labour Relations Act and the Basic Conditions of Employment Act, with certain amendments.

This would provide them with legal rights in cases of unfair dismissals and other rights organised labour had won for workers in other sectors.

The NMC had also recommended the principles of the Unemployment Insurance Act and the Workmen's Compensation Act be applied to domestic workers, with a technical committee established to investigate the practical implications, he said.

The NMC could not reach consensus over whether to include domestic workers in the Wage Act or, alternatively, whether minimum wages should be dealt with only in guidelines drafted by the Wage Board.

Mr Louw warned employers they were largely ignorant of the law, while the labour movement was united and knew the law.

● Queries should be directed to Mr De Villiers after Friday at ☎ (012) 310 6250 or Private Bag X117, Pretoria 0001.

New deal soon for domestic workers

B Days
10/9/91 VERA VON LIERES (294)

RECOMMENDATIONS on maximum working hours for domestic workers, overtime pay and leave have been made by the National Manpower Commission and will be gazetted on Friday.

The commission announced yesterday it had completed its investigations into the possible extension of the Labour Relations Act and other labour laws to domestic workers.

The report covers maximum working hours for domestic workers, compulsory lunch times, overtime pay, vocational leave, sick and maternity leave, unemployment insurance, workmen's compensation and work on Sundays and public holidays.

It deals with unfair dismissal and could substantially limit employers' rights to dismiss a domestic worker.

The initial statement does not make clear whether the commission supports the idea of a minimum wage. Other general areas of basic working conditions and employer/employee relations are covered.

'Torture' woman accepts pay-off by cops

A DOMESTIC worker allegedly tortured by Potchefstroom police more than two years ago, this week accepted R2 500 plus costs in an out-of-court settlement.

Norah Ntsele, 28, originally sued Law and Order Minister Adriaan Vlok for R10 000, following her alleged torture by Detective Constable Harnes Peter Jordt.

She had earlier told the civil court magistrate, E Schutte, that she was a suspect in a housebreaking and theft charge committed ar her employer's house on September 12, 1988.

Ntsele had told the court that Jordt had put a canvas hood over her head, forced her to lie face-down on the floor and bound her hands to her legs.

She said he then subjected her to electrical shocks. In the process she injured her tongue and sustained bruises and contusions on her body. Her wrists were also swollen.

She was treated by a doctor who reported that her injuries were consistent with her allegations of torture.

She was released without being charged in the housebreaking and theft case.

Throughout the hearing Jordt denied the allegations against him and insisted that he interrogated Ntsele on August 25, 1988, and not on September 12, as alleged.

The settlement was recorded and endorsed by the magistrate as a court order after legal representatives of both parties had agreed on the settlement.

Commenting after the case, lawyer Iqbal Motala said Ntsele had sued for R7 000 in respect of assault and R3 000 for the lowering of her dignity and false accusations.

Motala said his client accepted the settlement because it was not the money she was after.

She wanted to prove that she took exception to what was done to her by a man who was supposed to protect and not to hurt people, he said.

Basic rights proposed for domestic workers

(294) 11/9/91 CT

Own Correspondent

JOHANNESBURG. — Domestic workers will be protected from unfair dismissal and will have to receive overtime pay for any work done in excess of 46 hours a week if recommendations of the National Manpower Commission (NMC) are accepted by the government.

A source close to the NMC says these are among the recommendations in a report which the Manpower Department has announced is to be published for comment in the Government Gazette on Friday.

It is recommended that domestic workers be covered immediately by the Basic Conditions of Employment Act (BCEA) and the Labour Relations Act (LRA). The NMC suggests they should also fall under the Unemployment Insurance and Workmen's Compensation Acts.

However, certain practical problems would first have to be ironed out before this could be implemented.

One major issue on which the NMC was split was whether domestic employees should be covered by the Wage Act, the source said.

If covered by the LRA, domestic workers' unions could be registered and employees would be protected from victimisation and would be entitled to the protection of the Industrial Court in the case of unfair labour practices.

The NMC report proposes the establishment of a second tier to the Industrial Court to deal with individual dismissals of both domestic and other employees.

It also proposes a more simplified conciliation procedure for domestic service in view of its special nature.

The BCEA provides for a maximum 46-hour "ordinary" working week plus a maximum 10 hours' overtime work a week. It contains daily maximums too — eight hours for a six-day week and 9¼ hours for a five-day week. The working day may be spread out over a maximum of 12 hours.

Overtime pay is at time and a third, with a higher premium for work on Sundays and public holidays.

The BCEA also provides for a minimum of two weeks' leave on full pay, six weeks' paid sick leave in each 36-month cycle and a compulsory one-hour lunch break which may be halved by consent of the employee and provided a Manpower Department inspector has been notified.

Contraventions are punishable.

It would be necessary for employers to supply employees with pay slips and to retain records of payments.

New deal for domestics?

Sowetan 11/9/91 294

SOWETAN CORRESPONDENT

FAR-REACHING recommendations to extend labour legislation to domestic workers will be published for comment in this week's Government Gazette.

According to the Department of Manpower, the National Manpower Commission has completed its investigation on the matter.

A summary of its proposals is to be gazetted on September 13.

The report contained recommendations on:

Maximum working hours for domestic workers;

Compulsory lunch-times, overtime pay, vocational leave, sick and maternity leave, contributions to unemployment insurance and workmen's compensation;

Work hours on Sundays and public holidays; and

A minimum wage.

Unfair dismissal

The commission also made recommendations on the unfair dismissal of domestic workers.

At the National Party congress in Natal last week, Minister of Manpower Mr Eli Louw said the NMC had recommended that domestic workers be allowed full unionisation rights.

The Government was seriously considering the recommendation, Louw said.

Louw said the NMC also recommended that domestic workers be incorporated under the Labour Relations Act and the Basic Conditions of Employment Act.

In addition, the NMC recommended that the principles of the Unemployment Insurance Act and the Workmen's Compensation Act be applied to domestic workers and a technical committee be set up to investigate the practical implications.

33% of Sowetans have home help

WILLIAMS 27/4/91 (294)

Weekend Argus Correspondent

JOHANNESBURG. — That symbol of the good life — a domestic worker — is now part of life in Soweto.

An estimated 33 percent of families there employ a domestic worker, according to the South African Domestic Workers Union (Sadwu).

And, like the criticism often levelled at employers in the plush northern suburbs of Johannesburg, allegations of exploitation in Soweto are rife.

'Matchboxes'

The domestic workers, generally called "helpers", are being employed in ever-increasing numbers. Sadwu estimates that at least three out of 10 Soweto families have a full-time or part-time domestic employee.

And many employers are occupants of the "typical" four-room Sowetan houses, known as "matchboxes".

Many Sowetans refuse to acknowledge they employ helpers. Others do, but refuse to allow them to be interviewed.

Helpers are often afraid to speak about their working conditions. And Sadwu said the fact that helpers were called "aunts or sisters" by the families they served made it difficult for strangers to identify them as servants.

According to the union, only five out of every 100 helpers were brave enough to report poor working conditions and salary to Sadwu.

Mrs Selina Vilakazi, union co-ordinator, said: "Many helpers were mainly distant relatives of their employers who were mainly recruited from the homelands. They were not familiar with urban life."

She said often they never went out, and lived under severe restrictions imposed by employers. "They were not unionised, and only approached the union when they were severely disgruntled."

Many helpers were not familiar with their surroundings and this also created a problem.

Mrs Vena Ntlailana, 63, a taxi-owner, said that anyone who had a helper had a moral responsibility to treat that person according to human standards.

If she had a helper, Mrs Ntlailana said, she would guarantee that the maid "ate what I eat and sat where I sit. She would do everything that my child could do. I would also pay her at least R300 monthly."

However, a reliable source later told us that a woman serving Mrs Ntlailana breakfast, was actually her helper. When approached about this Mrs Ntlailana refused to let us talk to the woman.

Detailing exploitation, Sadwu said helpers:

- Were not provided with protective clothing.
- Had no fixed hours, which resulted in them going to bed when it suited their employers.
- Seldom had a day off.
- Were made to baby-sit until late, without being paid overtime.
- Had no formal meal hours. (The union had information about one helper who ate lunch standing).
- Worked on most public holidays.
- Were made to attend churches of their employer's denominations, even if they were not affiliated.
- Did not have privacy in most of the smaller homes.
- Were often not allowed visits from their spouse.

Cushy perks make life as domestic hardly a chore

By DALE KNEEN, Weekend Argus Reporter

A SPACIOUS room set in one of the most beautiful parts of the Peninsula with a television set, well-appointed bathroom and good food.

It's not an advertisement for a holiday resort in Bishopscourt, but part of the perks a maid like Mrs Anne Prins can expect.

After leaving her job at an old-age home in Riversdal three months ago, Mrs Prins, a widow, was offered employment at a well-heeled suburbanite's home.

Mrs Prins vacuums, scrubs and polishes her employer's home for R400 a month — R200 more than the amount recommended by the Housewives League.

Annual leave and a long weekend

She takes three weeks leave every year and her employer gives her a long weekend once a month so that she can visit her daughter in Robertson.

"I've made some friends in Bishopscourt, but if I want to go somewhere far my employer gives me a lift to the station.

"I don't work most weekends and I'm not expected to cook food or do the grocery shopping," she said.

"There's a bed, table and two chairs in the room, which is carpeted. I've also got a television set and a radio," she said.

Mrs Prins said she was treated well by her employer and believed Bishopscourt was one of the best suburbs to work in.



Mrs Anne Prins in the garden of the Bishopscourt house where she works.

LABOUR

294

Slogging it out in the plush suburbs

Star 26/4/91

CAPE TOWN — At least 90 percent of Cape Town servants do not receive pension or medical aid, according to a Cape Technikon survey.

While servants in plush Bishops Court are the highest paid with an average of R339 a month, only six percent of them receive a R17 a month pension while 17 percent get medical aid.

The highest monthly pensions of R20 are being paid to only 15 percent of Fish Hoek servants, while 20 percent receive a monthly R16 medical aid.

Bishops Court servants seem to enjoy the best renumeration and benefits, with those in Vasco tipping the opposite side of the wage scale, earning a monthly average of R144,41.

While casual workers in Bishops Court are averaging R27,50 a day, Vasco casuals are being paid a daily R13,86.

Weekly wages in Bishops Court average R110,16, slightly less than Eversdal with R123,48.

However, servants in the leafy Bishops Court — one of its most prominent residents is Anglican Archbishop Desmond Tutu — work longer hours than their colleagues in most other parts of the town.

While most maids work a five-day week, those in Bishops Court slog it out 5,3 days a week, the survey, conducted in 16 suburbs, found.

Bishops Court servants receive the highest daily food rate of R3,93, as well as the highest monthly clothing allowance of R35,05.

In Vasco only 47 percent of the domestic workers receive annual leave, compared to 65 percent in Bishops Court.

SAPA

Flood of jobs for white 'servants'

CT 16/5/91

BLOEMFONTEIN. — Unemployed white women and girls have been appointed in office jobs "that became available from nowhere", Mrs Babsie van Huyssteen, co-owner of Madeliefie — a domestic servant employment centre mainly for black women, has told a newspaper here.

Last week a community newspaper reported that white women and girls in the city were so desperate for jobs that they were prepared to work as domestic servants for as little as R200 a month and sleep in servants' rooms.

Mrs Van Huyssteen said that not one of the women had been appointed to domestic service. Many of the people who had offered office jobs had said they were doing it to help, not because they really needed someone.

Mrs Van Huyssteen said there were now more jobs offered than there were applicants. People had reacted from as far afield as George, Badplaas, Jeffrey's Bay and Vryheid.

She said that many people were prepared to assist with jobs to get the women on their feet, because the women were prepared to do something like domestic work to "keep the pot boiling". — Sapa

I do not understand the hon member for Soutpansberg very well because, when the State President, other colleagues and I discussed the draft article and the hon the State President consulted us on his piece and about the timetable, we initially considered saying that those laws would be scrapped by the time that *Time* was published. The hon the State President then said that we should play it safe because all kinds of procedures which could cause delays could emerge here. He said that we should allow enough time and say "by June", but the important operative words were "before Parliament adjourns". This is what the hon the State President said in Europe, this is what he said in America and in every TV interview throughout South Africa. Only the hon member for Soutpansberg knows how statements by the hon the State President which are known throughout the world suddenly amount to contempt of Parliament. [Time expired.]

*Mr C H PIENAAR: Mr Chairman, in the advertisement complained of the hon the State President refers to democracy three times. He says:

> My Government and I have committed ourselves to work for a political order, based on just democratic and universally accepted principles.

[Interjections.] He continues:

> This, I believe, offers the best guarantee for a just and democratic South Africa.

[Interjections.] He also says:

> The basic principles my party stands for are already stated in our February 1 manifesto—universally acceptable principles on which the future democratic South Africa can be built.

Mr Chairman, this is simply not true! [Interjections.] This is nonsense! [Interjections.]

*The CHAIRMAN OF THE HOUSE: Order!

*Mr C H PIENAAR: My point is that the hon the State President despises the democracy about which he has such a lot to say because, whereas he says these laws will be scrapped, a committee is sitting which is hearing evidence. We do not know what the findings of that committee are but the hon the State President says to hell with the committee; it does not matter what that committee's findings are, he is going to scrap those things. [Interjections.] This is what the hon the Minister of Foreign Affairs does not understand. The hon the State President says to hell with that committee, its findings and its evidence; he says those laws are going to be scrapped. [Interjections.]

One often wonders what the greatest common denominator is between the hon the State President and Mandela, and what is the greatest common denominator is between the NP and the ANC. Now we know, not one of them is a democrat. That is the greatest common denominator. [Interjections.] Whereas Mandela is an autocrat through and through, the hon the State President is a crypto-autocrat, he is a sly autocrat. That is the difference between those two people. [Interjections.]

*Mr T LANGLEY: Mr Chairman, what amazes me about the DP is that they, their predecessors and some of them sat in this Place as members of the United Party for I do not know how many years. When the Government did something, they shouted for the Rule of Law. If the Government did something else, they shouted about the mandate it did not have. They focused on rules and regulations and certain principles. With angelic faces they appealed for this and fought for this. Now that the Government is doing what they want it to do, they say away with mandates; now they are rejecting and violating the principle of a mandate and rejecting the idea of democracy. Now it does not matter that the Government is in contempt of Parliament by pushing through laws before they have served before the committee, because now it suits the DP. [Interjections.]

†That is the way they practise fair play when it goes their way.

*This exposes the democrats for what they are, exposes enemies of the Afrikaner and the White. [Interjections.]

*The MINISTER OF FOREIGN AFFAIRS: Mr Chairman, I am surprised because am I to deduce from the CP's attitude that they now intend co-operating fully in giving evidence before the committee, lodging their objections and stating them to us? [Interjections.] Am I to draw this inference? If one could draw that inference, there would be some sense to it. I want to tell the hon member that there is actually no sense to it.

We all know that the three majority parties in the three Houses support the repeal of these laws. Secondly, we know a government frequently announces its intention of introducing or repealing legislation a year in advance. It forms part of the political life of a country for a Minister to rise and say that in the agricultural sphere he intends introducing certain legislation; in another sphere he intends repealing certain legislation. I cannot understand at all that there can be any sense in trying to make this kind of capital out of this advertisement—fortunately the hon member admitted that it was a good advertisement. It does not make sense to anybody under the sun, any more than the CP's policy makes sense for peace and a stable South Africa.

Debate concluded.

QUESTIONS

†Indicates translated version.

For oral reply:

General Affairs:

Springfield Park Industria: post office

*1. Mr M J ELLIS asked the Minister for Economic Co-ordination and Public Enterprises:

(1) Whether he has received any representations for the establishment of a post office in the Springfield Park industrial area in Durban; if so, from whom;

(2) whether consideration is being given to the establishment of such a post office; if not, why not; if so,

(3) whether premises are available for such a post office at present; if not, what steps are being envisaged in this regard;

(4) when is it anticipated that this post office will become operational?

B911E

The MINISTER FOR ECONOMIC CO-ORDINATION AND PUBLIC ENTERPRISES:

(1) Yes. Mr J Harte of the J H Isaacs Group (Natal) Pty Ltd;

(2) Yes;

(3) Yes;

(4) An investigation regarding the provision of post office facilities at Springfield Park is nearly completed and I will furnish the hon member with further information in writing within a fortnight.

Domestic servants: legislation

*2. Mr P H P GASTROW asked the Minister of Manpower:

Whether he intends introducing legislation with a view to improving the (a) working hours, (b) salaries, (c) service conditions and (d) living conditions of domestic servants; if not, why not; if so, when?

B919E

†The MINISTER OF MANPOWER:

(a), (b), (c) and (d) The matter is still under investigation by the National Manpower Commission and it is not at this stage clear whether or when legislation in this regard will be submitted.

*3. Mr A E de Wet—National Health. [Withdrawn.]

Heidelberg district: dumping site

*4. Mr C B SCHOEMAN asked the Minister of Planning, Provincial Affairs and National Housing:†

(1) Whether the farms Platkop and Uitkyk in the district of Heidelberg have been acquired by the East Rand Regional Services Council as a dumping site; if so, (a) when and (b) why;

(2) whether he will furnish particulars of the purchasing transaction; if not, why not; if so, (a) (i) from whom and (ii) at what prices were these farms purchased and (b) who were the registered owners of the farms?

B931E

†The MINISTER OF PLANNING, PROVINCIAL AFFAIRS AND NATIONAL HOUSING:

(1) Yes.

(a) 30 August 1989.

(b) After a thorough investigation the two farms were purchased to meet the need for a regional refuse dumping site.

Exploitation

Sowetan 30/4/91 294

Soweto 'helpers' are afraid to talk to domestic's union

THAT symbol of the South African good life - the maid - is now very much part of everyday living in Soweto.

An estimated third of the families in the township employ a domestic servant, according to the South African Domestic Workers Union.

And, like the criticism often levelled at employers in the northern suburbs, allegations of exploitation in Soweto are rife.

The domestic workers, generally called 'helpers', are being employed in ever-increasing numbers.

Sadwu estimates that at least three out of 10 Soweto families have a full-time or part-time domestic employee.

And many employers, according to investigations, are occupants of the "typical" four-room Soweto houses, otherwise known as "matchboxes".

Many Sowetans refuse to acknowledge they employ helpers.

Others do, but refuse to allow their maids to be interviewed.

Maids were often too frightened to speak about their working conditions.

And Sadwu said the fact that helpers were called "aunts or sisters" by the families they served made it difficult for strangers to identify them as maids.

According to the union, only five out of every 100 helpers were brave enough to report poor working conditions and salary to the Sadwu.

Mrs Selina Vilakazi, union co-ordinator, said: "Many helpers were mainly distant relatives of their employers who were recruited from the homelands.

"They are not familiar with urban life."

She said often they never went out, and lived under severe restrictions imposed by employers.

"They're not unionised, and approached the union when they were severely disgruntled."

Many maids were not familiar with their surroundings and this also created a problem.

Mrs Vena Ntlailana (63), who owns taxis, said that anybody who had a helper had a moral responsibility to treat that person according to human standards.

If she had a helper, Ntlailana said, she would guarantee that the maid "ate what I eat and sat where I sit. She would do everything that my child could do. I would also pay her at least R300 monthly."

However, a reliable source later informed us that a woman, who was serving Ntlailana her breakfast, was actually her helper.

Barred

When approached about this Ntlailana barred the newspaper from talking to her.

Detailing exploitation, the Sadwu said maids:

* Were not provided with protective clothing.

* Had no fixed hours of working, which resulted in them going to bed when it suited their employers.

* Were seldom given a day off.

* Were made to baby-sit until late, without being paid overtime.

* Enjoyed no formal meal hours. (The union had information about one helper who ate lunch whilst standing).

* Worked on most public holidays.

* Were made to attend churches of their employer's denominations, even if they were not affiliated.

* Did not have any privacy in most of the smaller homes.

* Were often not allowed visits from their spouse - "That would familiarise them with the environment".

The union said some maids earned as little as R90 a month.

The highest paid maids were earning about R250 a month.

A campaign to organise helpers was under way, said Vilakazi. Its message would be conveyed through church congregations.

Said Vilakazi: "The plight of these people should be exposed." - *Sowetan Correspondent*

DOING IT FOR OUR KIDS

Domestic workers take to the streets

Star 17/5/91

294

By Shareen Singh

Domestic workers in several towns and cities held demonstrations outside Department of Manpower offices yesterday to highlight their demand for inclusion in the Labour Acts.

The demonstration was part of Cosatu's campaign for extension of the Labour Relations Act to all workers.

Spokesman Florrie de Villiers said the SA Domestic Workers Union (Sadwu) wanted domestics included in the Labour Relations Act, the Basic Conditions of Employment Act, the Wage Act, the UIF Act and the Workmen's Compensation Act.

Johannesburg demos said protection under the law was their only hope of getting decent wages and working conditions.

Mrs de Villiers said Manpower Minister Eli Louw had ignored the National Manpower Commission's recommendations on farm workers, and Sadwu was concerned that he might adopt the same attitude regarding domestic workers.

Offers pour in for OFS jobless

294

Star 161591

3560

BLOEMFONTEIN — Unemployed white women and girls in the city are reported to be so desperate for jobs that they are prepared to work as domestic servants for as little as R200 a month.

However, Babsie van Huyssteen, co-owner of a domestic servant employment centre mainly for black women, said office jobs "became available from nowhere" when the plight of the women became known.

No white had been appointed to the post of domestic worker, she said.

Last week a Bloemfontein community newspaper reported that white women and girls were so desperate that they were also prepared to do domestic work.

She said many of the people who had offered office jobs had said they were doing it to help, not because they really needed anyone.

Mrs van Huyssteen said the women's cry for help had so gripped people that there were now more jobs offered than there were applicants.

People had reacted from as far afield as George, Badplaas, Jeffreys Bay and Vryheid. The jobs were not only for domestic workers or child minders.

She said many people were prepared to assist with jobs to get the women on their feet.

Accommodation had been offered for older women who did not have shelter. — Sapa.

Blacks get all the jobs, complain new breed of white domestic workers

294

18/5/91



Pictures: BRENTON GEACH, Weekend Argus

□ **WHITE COLLAR ...** Though she is 60, domestic worker Mrs Christina de Jager is willing to do household chores like washing.



□ **ONLY WAY ...** Working as a domestic was the only employment Antoinette van Wyk could find after she was retrenched from a clerical job.



□ **PALTRY PAY ...** After working for the government for seven years Veronica Germishuys lost her job. She resorted to cleaning a Parrow Valley home for a paltry R120 a month.

DALE KNEEN

Weekend Argus Reporter

UNEMPLOYED white women who are unable to make ends meet are jostling with their black sisters in the queue for jobs as domestic workers.

Working in the homes of wealthy people is the only way they can keep roofs over their heads and food in their stomachs, it is being said.

They are prepared to cook, scrub and look after the children of wealthy people just like their black counterparts have been doing for years.

Agencies which find jobs for maids and the domestic workers union say many white women are "only too pleased" to get jobs in other homes.

"One woman told me she would sweep the streets as long as she could keep her kids in school.

"She's a brave person and should be seen as an example of the quality of women we have in this country," said unionist Mrs Maggie Oewies.

Mr Johan Fourie, who owns a Parow-based charring service, said he placed adverts in an Afrikaans newspaper and more than 20 white women applied for jobs.

'Times are tough'

"I was amazed by the response. I really did not think that many white women needed jobs. Clients were positive about white women working in their homes," he said.

Some wealthy people were willing to pay up to R1 000 a month for a good domestic, he said.

Domestic Mrs Christina de Jager, 60, of Parow, said: "I was used to having everything but times are tough. Now I have to be certain that I have enough money to feed myself and keep my flat. I don't want to be forced to beg."

"I clean the home, cook food and look after the children. I'm happy doing this and don't want to do anything else," she said.

She said she was paid R18 a day to work as a char. She purchased her own uniform and paid R4 for her daily transport. "I don't think I'm asking too much," she said.

Mrs De Jager, who described herself as a "boer", said she would like to get a job where she could live at her employer's home.

"Many black women have live-in jobs and they have their own pretty rooms and television sets," she said.

Miss Antoinette van Wyk, 22, who has 10 years of schooling and a secretarial course behind her, worked as a junior clerk before being retrenched almost a year ago.

"With the scarcity of employment, I simply could not find another permanent job," she said.

R120 a month

She began working as a char recently and found her employers were very sympathetic.

"I think they realise that many people are experiencing difficulties. I didn't think I would do this type of work but I don't find it unpleasant. "At least I'm making a living," she said.

Divorced mother Mrs Veronica Germishuys, 31, works for one Tyger Valley family and earns R120 a month. She was retrenched from the Department of Home Affairs after working as a clerk for seven years.

"Blacks get all the work and we get nothing," she said.

Mrs Oewies said the government had given white women opportunities in the past but "times are changing".

The job market was "tight" and women had to explore other avenues to find employment. "I'm sure many women will also start farming soon," she said.

White women worked as domestics all over the world and she could find no reason why they should not do it in South Africa.

Motor industry pays most

ARGUS 4/6/91

By SHARON SOROUR
Labour Reporter

CLEANERS in the motor industry are the only workers in the sector to earn a "living wage", according to a Labour Research Service survey.

Light cleaners in this industry earned an average wage of R278 a week or R1 200 a month.

This was well above the average cleaners' wage of R169 a week.

"It is also the only industry that pays more than the Labour Research Service's (LRS) housing-based living wage estimate of R260 a week or R1 140 a month," said LRS spokesman Ms Vivienne Geard.

Cleaners in the local authorities and mining sectors were among the lowest paid, earning wages of R120 and R115 a week respectively.

"The lowest-paid cleaners are in the building and construction industry where they earn R112 a week, on average," she said.

Paper, print and pack industry workers earned the second highest wages at R218 a week followed by those in the iron, steel and engineering industries at R202 a week.

The Cleaning Trade Wage Order — which was a wage instrument written by employers but approved and gazetted by Minister of Manpower Mr Eli Louw — covered only workers who were employed by the cleaning companies.

Domestic worker probe given guarded welcome

By SHARON SOROUR
Labour Reporter

THE government's investigation into extending legal protection to domestic workers has been welcomed by the Congress of South African Trade Unions.

Cosatu and its affiliate, the South African Domestic Workers' Union (Sadwu), said in a joint statement that the investigation was the first step towards full worker rights for domestic workers.

"The struggle for a Labour Relations Act (LRA) to cover all workers is at last having an effect in government circles," the statement said.

Warning

This follows a National Manpower Commission report published in last week's Government Gazette on investigations into the possible extension of legal protection to domestic workers.

But Cosatu and Sadwu warned that they would "strongly oppose" any attempts to block or "water down" extension of labour legislation to domestic workers by either employers or the government.

The two groups took part in the commission's technical sub-committee on domestic workers but stressed that not all views expressed in the report represented those of domestic workers or Cosatu.

"Many of the suggestions tabled would leave domestic workers again at the bottom of the labour pile," the statement said.

"Domestic workers are a severely disadvantaged grouping with virtually no legal protection. Thousands of domestic workers remain unorganised and provide cheap labour for their employers."

Domestic workers, with farm workers, were "the most exploited and unprotected sector of the South African labour force, the statement said.

Cosatu and Sadwu said the extension of the LRA and other acts to domestic workers would offer them:

- A mechanism to resolve disputes in a fair way.
- Protection from arbitrary and unfair dismissal through the industrial court.
- Basic minimum conditions of service regarding working hours, overtime and leave, as well as providing some social security in the event of unemployment, pregnancy or injury at work.

Cosatu demands full labour rights for domestic workers

WMail 1/2-7/2/91 (294)

Extending full labour rights to domestic workers is under discussion by the National Manpower Commission. But Cosatu is unhappy with views expressed in a new NMC document on the subject, reports

DREW FORREST

THE Congress of SA Trade Unions has warned it will fight any move "to block or water down the extension of labour laws to domestic labour", either by the government or employers.

The warning, in a statement this week, follows the publication of a working document flowing from the National Manpower Commission's sub-committee on domestic labour, on which both Cosatu and its SA Domestic Workers' Union are represented.

Although it described the document, published for comment in the *Government Gazette*, as "a first step towards full rights for domestic workers", Cosatu said it rejected many of the views expressed in it, which would "leave domestic workers again at the bottom of the labour pile".

In particular, it dismissed as invalid arguments that labour Acts should not be extended to domestics because of adminstrative snags or the special employment relationship within households.

This was a pretext to single out domestics for inferior treatment. Similarly, the proposal of separate legislation would make domestics "second-class workers".

The domestic sector is South Africa's largest employer of black women — 89 percent of the 862 000-strong workforce are women, 88 percent of them black. Few are organised: the NMC document estimates that 20 000 are union members.

At present, the sector is excluded from the Labour Relations Act, Wage Act, Basic Conditions of Employment Act (BCEA), Workmen's Compensation Act (WCA) and Unemployment Insurance Act.

Cosatu's general view is that domestic workers must be covered by all the Acts, while making special provision for the peculiarities of the sector.

The working document shows that some members of the committee, which also includes women's organisations and lawyers, have argued against the extension of the LRA and BCEA to domestics, on the grounds that the added adminstrative burdens on employers could spur mechanisation and large-scale dismissals.

Much of the LRA, notably the clauses on industrial councils, would not apply to the domestic sector, where an employer body is unlikely to emerge.

But Cosatu holds that inclusion would give workers access to the industrial court and its unfair labour practice jurisdiction, provide for the registration of unions and protect against victimisation of union members. It is also arguing for "appropriate" concilation procedures.

In regard to the BCEA, Cosatu argues that domestics must be covered because their lack of collective bargaining muscle leaves them less able to defend themselves than other workers.

However, it accepts that the peculiarities of the sector — for example the demands of child care and care of the aged — may mean adjustments in some of the Act's minimum conditions.

Although the working document suggests as one alternative a voluntary minimum wage "code" for domestic workers, it is understood that the committee is likely to plump for their inclusion under the Wage Act.

As it is the Wage Board, not the Act, which sets minimum rates, this would not automatically lead to a minimum wage for domestics. One suggestion in the report is an amendment to the Act empowering the Wage Board to set recommended wages.

The toughest nuts for the NMC to crack are undoubtedly the Workmen's Compensation Act and UIF. Some sub-committee members stress that the inclusion of nearly a million workers will significantly add to the administrative workload of both funds and may threaten their financial stability.

The often transient nature of domestic work is seen as creating both collection and enforcement problems. The extension of the WCA would require the registration of all householders who employ domestic labour.

Observers point out that when influx control was in force, administrative problems did not prevent administration boards from insisting on the registration of domestics.



Waiting for full rights ... Cosatu wants labour laws extended to fully cover domestic workers Photo: KEVIN CARTER

Union fighting hard on home front

Star 4/2/91 (294)

The National Manpower Commission has published, for comment, a report in the Government Gazette outlining domestic workers' rights. BRENDAN TEMPLETON looks at conditions in this sector.

REBECCA Mokaila was fired from her job as a domestic worker in November last year. Her employer paid her R1 080 in severance pay.

But the payment came only after she turned to the South African Domestic Workers Union (Sadwu), which took her former employer to court.

Ms Mokaila's case was depressingly similar to circumstances shared at one time or another by many of the 4 million domestic workers across South Africa.

She came to Johannesburg from her Mafikeng home in 1986 with little but the clothes on her back — just one of thousands of men and women who have to leave rural areas for the city, hoping to find some form of employment.

But the lights of Johannesburg did not shine brightly for her.

She had only a Std 7 education and her English was poor.

Employment prospects were limited and she soon found herself working in a Randburg home as a domestic.

Five months later, she switched jobs and began working in a Mayfair home for R90 a month.

Despite the poor wage, she plugged away at the job, sending home what she could afford to support her two children and ageing parents.

In November, she was suddenly fired. Her "madam" decided she was "slow".

Her services were no longer needed.

Like thousands of other domestics, her rights as an employee were not protected by any labour legislation.

She was excluded from the Labour Relations Act, the Basic Conditions of Employment Act, the Wage Act, the Unemployment Insurance Act, and the Workmen's Compensation Act.

Channels to challenge unfair dismissal, to settle disputes or to raise grievances did not exist.

Her only recourse lay in common law.

But she would not have know that if she had not turned in desperation to Sadwu for help.



Rebecca Mokaila . . . her story is typical of domestic workers' plight.

Thousands of women find themselves in similar circumstances every year, and, in helpless bewilderment, simply accept their circumstances and try to find other work.

No written contract existed between Ms Mokaila and her former employer so Sadwu turned to the small claims court and her former employer was ordered to pay R1 080 as a form of severance pay.

Star 4/2/91 (294)

"When my madam said I was slow, I asked her how could she say I was slow. 'Rather ask me where I slept last night, you don't even know where I live,'" Ms Mokaila said.

Her story could have been told by many domestic workers.

Mrs Selina Vilakazi, a Sadwu organiser, said one of the biggest problems facing the relationship between domestics and their employers was the lack of communication.

Most employers did not understand the lives their domestics led.

This was part of a tradition which made it hard to organise the domestic sector and to fight for basic worker rights.

Attitudes needed to change.

Employers needed to understand that domestics were entitled to a living wage, that their work could be improved if they received additional training, that husbands or boyfriends should be allowed to visit, that the union should be allowed access to their members.

For R3 per month, employers could send their workers to the Centres for Concern — which exist in many suburbs — for basic household training.

Domestics were also taught to read and write at these centres, said Mrs Vilakazi.

Sadwu has been fighting for a minimum wage since 1986 — they demand at least R450 per month — and other worker benefits such as pensions and medical aid schemes.

Now that the National Manpower Commission has called, in the Government Gazette, for comments on a working document, the prospects of legislation being implemented to protect domestics are looking brighter.

The document was based on proposals suggested by the International Labour Organisation, Cosatu, Sadwu and the Basic Conditions of Employment Act.

It covers issues ranging from hours of work to employee benefits.

For women like Ms Mokaila, any form of protection will be welcomed — she does not like her work but, when asked if she thinks she will be a domestic for the rest of her life, she shrugs her shoulders helplessly.

"Maybe one day I can do a dressmaking course. Maybe. I don't know, I don't know." □

'Don't waste time pointing fingers at nurses'

Star 12/2/91. (294)

Last year's hospital strikes challenged accepted definitions of professional nursing conduct. Labour Reporter BRENDAN TEMPLETON spoke to the only white nurse who took part in the strikes.

WHEN a human life is lost, it is natural for the rest of society to point fingers and apportion blame. When the victim is a helpless patient who dies when nurses down tools, that tendency to look for someone to blame is even greater.

Sheila Brokenshaw is a quiet, unassuming, expectant mother caught in the current row between workers and health authorities at several Reef hospitals.

She was one of thousands of nurses in the Transvaal who participated in strikes last year to support general worker demands and recognition of her trade union — the National Education, Health and Allied Workers Union (Nehawu).

Patients did die during the strikes — some say because of the effect the tooldown had on services — and Ms Brokenshaw has been singled out for disciplinary action.

It would be easy for her to argue that the deaths were the result of the authorities' failure to deal adequately with the crisis at the time, but she believes the issue is too complicated and important to waste time pointing fingers.

"Of course I'm upset that people died during the strike.

"This is very difficult to put into words. The deaths which occured during last year's strike were simply more visible and sensational than the deaths which occur every day in South Africa due to inadequate and badly managed health resources.

"They (the deaths) were part of a bigger problem which needs to be addressed. It doesn't do any good to try find who was to blame," she says.

Being the only white nurse in the union does not strike her as unusual — she points out that several white doctors and technicians have joined and she hopes more will follow suit.

The shock of last year's strike had just started to die down when the South African Nursing Council (SANC) suddenly announced it would investigate charges against her and nurses in Natal and the Eastern Cape.

That spurred Nehawu into action as provincial authorities had agreed at the end of the strikes that no disciplinary action would be taken against nurses.

Several hospitals on the Reef have become targets for general worker protests demanding the charges be withdrawn. At some, nurses have joined in.

But the SANC claims it was not party to the post-strike agreement and was not bound by it. It would investigate charges against any nurse about whom it received complaints, a spokesman said.

If the implications of the charges against her are to be believed, Ms Brokenshaw is someone who is callously prepared to sacrifice helpless patients in pursuance of political and economic goals.

Yet the contrast between the projected ogre-image and reality could not be greater. She talks in a soft, friendly voice and strikes one as a person who cares deeply about her fellow-human beings.

She believes the interests of the patient must come first — but argues that official health policies are endangering patients' lives, not workers and nurses who down tools.



Flashback . . . domestic hospital staff on strike.

She clearly values human life, yet quietly holds firm to nurses' rights to strike.

Opposed to her is the whole established nursing profession — as was made clear by Health Minister Dr Rina Venter last week when she approved the Nursing Council's decision to prosecute.

The SANC had a proud record and its standard of service had to be maintained, she said.

It is this sort of attitude which Ms Brokenshaw believes must be turned on its head — it is misleading and dangerous, she says.

Modern medicine is already too mysterious and foreign to the man on the street. It cannot afford further alienation from broader society by presenting nurses and doctors as deities who magically dispense cures, pills and bills.

She believes all members of the public need to take a hands-on attitude towards medicine to ensure it becomes easily accessible to all.

And nurses and doctors are part of a team which includes general hospital workers. If one part of that team is hampered in its work, then the whole team suffers.

That, and Health Department policies, spurred her on to participate in the strike.

A large proportion of general workers were employed on a temporary basis — entitling them to none of the usual employee benefits. Some had been "temporary" for over 20 years.

No bargaining forums existed to address worker grievances and Nehawu was not recognised by authorities. Also, legislation made it illegal for public sector workers to strike — which meant workers were legally forced to accept conditions of service and wages.

"Management was always pushing the view that we were professionals and we should not go on strike. But what do you do if you get a situation where you have an incredibly corrupt health system? Do you just blindly follow their preachings?

"If they aren't going to look at it (health) in a broader view, it is actually them who are endangering the lives of patients," she says.

Health authorities claim they are restricted by their budgets, yet they never challenge their budget allocation.

The result is that many people — mainly black people who have no say in State health policies — are cut off from the adequate health services.

Aspects of health like primary health care need to be addressed urgently. She believes the State presently treats primary health as a palliative, addressing only the symptoms yet never taking a step further to address the causes of some easily avoidable illnesses.

That last year's strike went a long way to acheiving many worker aims is clear. Nehawu now enjoys *de facto* recognition as a trade union and is involved in regular talks with provincial authorities on health and worker matters.

And talks are underway between Nehawu, other staff associations and the Commission for Administration to hammer out a new labour dispensation for public sector workers.

But many general workers are still regarded as "temporary" and it is still illegal for nurses to strike.

Public sector workers have no centralised bargaining forum, making it easy for Government departments to fob them off on to others.

Ms Brokenshaw believes her pending prosecution is an example of this: the fragmentation of the Government bureaucracy serves to disguise shared interests, she says.

"The Transvaal Provincial Administration (TPA) and the SANC are both Government, statutory bodies. The Nursing Council would not be investigating charges against me if the matron at Johannesburg Hospital had not lodged a formal complaint against me. And she is an employee of the TPA which agreed no disciplinary steps would be taken."

She believes authorities are trying to intimidate other nurses, particularly white ones, from joining Nehawu by making an example of her.

Yet this small, quiet woman still holds to her belief that nurses have, as a last resort, the right to strike if management refuses to recognise legitimate grievances. □

(1) Whether there has been any meeting between the Government and representatives of the United Nations High Commission for Refugees; if so, (a) when did the meeting take place, (b) by whom was it attended and (c) what was the (i) purpose and (ii) outcome of the meeting;

(2) whether any further meetings are due to take place; if so, what are the relevant details?

B242E

The MINISTER OF FOREIGN AFFAIRS:

(1) Yes

(a) The meeting took place in Cape Town on 12 February 1991.

(b) It was attended by a delegation of four UNHCR officials under the leadership of Mr N Bwakira, Director of the UNHCR Regional Bureau for Africa and the Ministers of Foreign Affairs, National Health and Population Development and Home Affairs, the Deputy Minister of Justice and senior South African officials.

(c) (i) The purpose of the meeting was to explore with the delegation of the UNHCR the basis on which that organisation might assist in facilitating the return of exiles to South Africa should it be decided to extend an invitation to it to play a role.

(ii) The meeting was purely exploratory.

(2) None are scheduled as of now.

Pretoria Minute: work completed

*21. Mr C W EGLIN asked the Minister of Correctional Services:

(1) Whether it is anticipated that the work in connection with the release of prisoners and the granting of amnesty referred to in the Pretoria Minute will be completed by 30 April 1991;

(2) whether he will make a statement on the matter?

B243E

The MINISTER OF CORRECTIONAL SERVICES:

(1) and (2) The target date as set is attainable provided that the applicants for release and indemnity give their full co-operation.

Fuel price: criteria

*22. Adv C H PIENAAR asked the Minister of Mineral and Energy Affairs and Public Enterprises:†

(a) What criteria are applied in fixing the price of fuel on a differentiated basis in the various fuel zones and (b) how many fuel zones are there in the Republic at present?

B252E

The MINISTER OF MINERAL AND ENERGY AFFAIRS AND PUBLIC ENTERPRISES:

(a) Fuel prices differ only in respect of transport costs. The different price zones reflect the costs of transport to a particular area and for this purpose magisterial districts are used. All magisterial districts with the same transport cost element are combined in a price zone. The transport cost also represents the most economic mode of transport which can be used in an area, for example pipeline, rail or road, or a combination of these modes as applicable. The Pretoria-Vereeniging-Witwatersrand is price zone 14C and is based on pipeline tariffs. The increased transport cost that became effective on 1 January 1991 has thus far not been passed on to consumers and is still separately financed by the Equalisation Fund.

(b) 60

*23. Dr F Hartzenberg—Justice.† [Withdrawn.]

White schools: pupil/teacher ratio

*24. Mr A GERBER asked the Minister of National Education:†

(1) Whether his Department is considering adjusting the pupil/teacher ratio in White schools; if so, what ratio is envisaged by his Department in this regard;

(2) whether it is foreseen that some White teachers are going to lose their posts in White schools as a result of this adjustment; if so, what steps are contemplated in respect of such teachers?

B258E

The MINISTER OF NATIONAL EDUCATION:

(1) Strictly speaking, the issue of the pupil/teacher ratio in schools is not a line function of the Department of National Education and it does not fall within the Department's jurisdiction to determine the day-to-day ratio.

The Department is, however, closely concerned with the determination of overall general policy and planning and will probably, as a result of reports related to the Education Renewal Strategy, attend to this matter, and to the implications, if any, that it may have for teaching staff, in consultation with relevant interested parties in the near future.

It would not be appropriate to anticipate those representations and consultations at this stage.

(2) Lapses.

Acacia Park: domestic servants

*25. Mr A GERBER asked the Minister of Public Works and Land Affairs:†

Whether his Department places any restriction on domestic servants of colour living in flats and/or houses in Acacia Park; if so, why; if not, why not?

B261E

The MINISTER OF PUBLIC WORKS AND LAND AFFAIRS:

Yes, but in the rules and conditions of occupation, drawn up in consultation with the Acacia Park Control Board, no reference is made to race or colour. The applicable rule only states that *servants* may not be allowed to stay overnight in houses, flats or store-rooms.

In Acacia Park there are various types of dwellings ranging from three-bedroom houses to single flats. To ensure that dwellings are allocated in a fair and just manner, a points system is used. The number of people in the particular household who have to be accommodated is an important element of the points system. Tenants with larger families who have to be in Cape Town for the duration of the Session of Parliament receive preference in the allocation of the larger homes. There are not enough two- or three-bedroom dwellings available to provide accommodation for servants of tenants as well. Store-rooms at dwellings are also not considered to be suitable accommodation for continuous human occupation. For these reasons specific provision were made for servants' quarters in Acacia Park.

P160-1 road (N4)

*26. Dr W J BOTHA asked the Minister of Transport:†

(1) Whether the detail planning of the two uncompleted sections of the P160-1 road (the N4) has been completed;

(2) when is it expected that the construction work on these two sections will be (a) commenced and (b) completed?

B272E

The MINISTER OF TRANSPORT:

(1) Yes.

(2) (a) and (b) Due to the fact that restricted funds have to be used for other priorities the requested information is not determinable at this stage.

P160-2 road

*27. Dr W J BOTHA asked the Minister of Transport:†

Whether the construction work on the P160-2 road has been discontinued; if so, (a) when, (b) why, (c) when is it expected that the construction work will be (i) resumed and (ii) completed and (d) what amount had been spent on compacting the shoulders of and other construction work on this road when the construction work on it was discontinued?

B273E

The MINISTER OF TRANSPORT:

Yes.

(a) During May 1986;

(b) Due to a lack of funds;

(c) (i) and (ii) The requested information is not determinable at this stage; and

(d) R15,65 million.

BUSINESS DAY, Thursday, January 24 1991

Steps to protect domestic workers under consideration

VERA VON LIERES

THE National Manpower Commission is inviting submissions on possible measures to protect domestic workers in private employ.

Acting commission chairman Frans Barker said in a statement yesterday domestic workers had few channels to challenge unfair dismissal, settle disputes or raise grievances.

Barker's announcement follows an instruction last June by Manpower Minister Eli Louw to the commission that it should investigate and make recommendations on the matter.

Barker said domestic workers were currently excluded from the Labour Relations Act, the Basic Conditions of Employment Act, the Wage Act, the Unemployment Insurance Act and the Workmen's Compensation Act.

There were practically no statutory minimum conditions of employment for domestic workers and they were further excluded from the social security benefits provided for by the Unemployment Insurance and Workmen's Compensation Acts, Barker said.

He warned, however, that including domestic workers under existing labour legislation should be approached with circumspection.

Inappropriate legislative provision could lead to increased unemployment, while summary inclusion would in some instances not provide appropriate protection and meet the specific needs of domestic workers and their employers.

Barker said a domestic worker committee consisting of representatives from women's organisations, trade unions and legal experts had been formed.

The committee had compiled a working document containing background information and alternative approaches regarding the inclusion of domestic workers within the scope of labour legislation. This reflected the views of the individuals on the committee and did not represent a government or commission position, he said.

Excerpts of the document would be published in the Government Gazette tomorrow.

The commission is inviting submissions on the alternative approaches mentioned in the document, Barker said.

Submissions should be submitted by February 28.

LABOUR BRIEFS

Cosatu debates rights of domestic workers

294

■ Cosatu is participating in a second National Manpower Commission sub-committee — on the rights of domestic workers — it emerged this week.

The committee, which also includes women's organisations and legal experts, has produced a working document, excerpts of which are published for comment in the *Government Gazette* today. 25/11 - 31/11/91

Of all South Africa's labour laws, domestics are covered only by the Machinery and Occupational Safety Act. The committee is weighing their inclusion in the Labour Relations Act, Wage Act, Unemployment Insurance Act and Workmen's Compensation Act.

The NMC's Dr Frans Barker said the NMC's deadline for reporting to the minister was June this year.

In a statement, Barker said the exclusion of domestic workers from labour law meant they had little scope to challenge unfair dismissals, settle disputes, or raise grievances. They were also excluded from the benefits of UIF and accident compensation.

He warned, however, that "inappropriate" law could fuel unemployment.

Comments on the working document must reach the NMC by February 28.

Proposals for domestics in Gazette

Star 25/11/91

294

Pretoria Correspondent

Domestic workers should be entitled to fixed working hours, overtime pay, special pay for work on public holidays, maternity and sick leave benefits, and compensation for injuries.

These are some of the proposals contained in a working document compiled by a committee representing women's organisations, trade unions and legal experts.

Extracts from the working document were published in the Government Gazette today for comment.

Apart from basic working conditions, such as working hours and leave, the document also covers proposals for the protection of domestic servants from summary dismissal.

The working document was based on proposals suggested by the International Labour Organisation, South African Domestic Workers Union, Cosatu, and the Basic Conditions of Employment Act.

According to the document, the working hours of domestic servants should be limited to 46 hours a week, in line with the Basic Conditions of Employment Act from which domestic workers are presently excluded, the committee said.

Domestic workers who work a five-day week should be required to work no more than nine hours and 15 minutes a day, while those who work six days a week should not work for more than eight hours a day.

However, a five-day week should be implemented "as far as possible", the committee said.

Domestic workers should also be entitled to regular lunch and tea breaks and no employer should require a worker to work overtime without the employee's agreement.

Overtime should not exceed three hours a day, or 10 hours a week.

Work on Sundays was an existing practise in the domestic sector and should not be prohibited, the committee said.

However, Sunday work should be on a "voluntary" basis only and workers should receive double pay for working on a Sunday.

Regarding leave, the committee suggested domestic workers receive three weeks' paid leave.

Looking after an employer's house in his absence, or accompanying an employer on holiday, should not be regarded as holiday leave.

Provision should also be made for domestic workers to receive a 13th cheque.

The committee suggested that domestic workers receive the same sick leave benefits as other employees, and possibly access to the family doctor.

No employer should be allowed to dismiss a worker on account of pregnancy and she should be able to return to work at the same wage and with the same benefits.

Provision should also be made for unemployment insurance benefits for domestic workers and for compensation for injury while on duty, it was suggested.

Cosatu rejects argument to bar domestic workers from LRA

B|Day 30/1/91 - (294)

VERA VON LIERES

COSATU yesterday rejected arguments contained in a National Manpower Commission memorandum that domestic workers be excluded from the Labour Relations Act (LRA), saying this would "again leave domestic workers at the bottom of the labour pile".

However, the federation described the commission's investigation into extending legal protection to domestic workers as the first step towards giving them full worker rights.

Cosatu was responding to a working document produced by a commission subcommittee on the possibility of extending the LRA and other legislation to include domestic workers.

Excerpts from the committee's working document were published for comment in the Government Gazette last week. The committee did not make any findings, but contained arguments for and against the extension of labour laws to domestic workers.

Cosatu, together with women's organisations, legal experts and the SA Domestic Workers' Union, contributed to the subcommittee.

Cosatu warned that not all the views expressed in the document represented those of domestic workers or its own. Arguments against extending the LRA and other Acts to domestic workers which were based on administrative problems or the special relationship between domestic workers and employers were invalid, Cosatu said.

It was argued in the document that the LRA and other Acts should not be extended to domestic workers because the Small Claims Court provided for courts to hear civil claims and related matters by them.

It was also stated that employers' opposition to the additional administrative burden created by the LRA could result in mechanisation and large-scale dismissals.

In its statement, Cosatu criticised the proposal that domestic workers should be covered by separate legislation. It would ensure they remained "second-class workers".

The document further suggested domestic workers be covered by a separate domestic workers Act which would include those parts of the LRA and Basic Conditions of Employment Act relevant to domestic workers. Another option would be to include domestic workers under the LRA but with additional provisions for the "domestic sector's" special circumstances.

Domestics swop dusters for books

w/Mail 1/11-7/11/91.

294

By FERIAL HAFFAJEE

EVERY Monday and Thursday evening, Plantinah Lethlake, a domestic worker, finishes her housework earlier than usual, dons a clean *doek* and overall and gets ready for school.

With her Checkers packet filled with books and stationery, she is one of the first learners to arrive at the EP Baumann Primary School where the Mayfair Literacy Group holds its classes.

Soon she is joined by other learners. Most are domestic workers but others are receptionists, waiters, railway clerks, builders and mechanics.

The school is not geared for adult learners. They sit uncomfortably in chairs designed for children, there are no overhead projectors, the lights are not meant for night use and the toilets are locked after the pupils leave.

But the learners barely seem to notice these insufficiencies. They brave the winter chill and summer rain to learn English and how to read and write, seeing it as a way of earning more money and getting better jobs.

The Mayfair Literacy Group is a joint initiative of the local branch of the South African Domestic Workers Union and the community. It was started when a woman who taught domestic workers to sew was asked to provide English lessons as well.

She got together a group of people and classes began last year. Soon word spread and the school is inundated with new applicants almost every week. The learners are mostly middle-aged and never had the opportunity to go to school. Some are grandparents and others are young girls who are forced into domestic employment to support families in rural areas.

When learners join the school, they are asked what they wish to gain from classes. Many cite the obvious advantages of being able to fill in forms, to count change, to read a newspaper and to write letters home.

But some perceive a wider and more empowering role for literacy classes. Many have written in halting English that "If I can write, then I can get an office job and earn more money", "If I can write, I will be able to ask for an increase because I will be able to take phone messages and read grocery lists" and "If I understand English, I won't be frightened to speak out".

Unlike a conventional teacher, literacy teachers are required to provide learners with simple skills to enable them to negotiate society more effectively. This explains why the classes often take place as discussion groups and friendships are formed between learners and their teachers.

Money is a perennial problem for the group. Most of the learners are low income earners: a domestic worker in Mayfair, for instance, earns about R300 a month. Many do not have enough money for text books and dictionaries.

But the learners are proud of coming to school. They manage to invest in writing books and cut out pictures from magazines to put on the covers. And they eagerly offer a pen, pencil, eraser and ruler to anybody who needs it.

Recently, however, an American organisation gave them a small donation which enabled the group to invest in some books and subscribe to a few newspapers and magazines.

While the classes provide learners with the essential tools of literacy, the group also provides them with the opportunity of "going to school". They, like pupils just starting school, savour the brown paper and plastic, the homework, the tests and the gold stars.

Unfortunately, the drop-out rate is high. Taking time off from work to attend classes, finding time to do their homework, changing jobs and having to go home to look after sick children all take their toll on adult learners.

Next week The Weekly Mail focuses on 'Investing in the Future'

Row cripples Inanda stables

Mink-and-manure set thrown by union demand

Star 2/11/91

STAFF REPORTERS

AN EXCLUSIVE Sandton club long associated with the "horsey" elite has been forced to close its stables and retrench its grooms because of a row over pay.

Members of the mink-and-manure set who were paying R700 a month for the luxury of stabling their mounts at the Inanda Club will now be forced to take their horses elsewhere and the grooms will have to look for new jobs and housing.

The chairman of Inanda Club stables committee, David Lowry, says the stabling facilities became unprofitable because of the wage demands by the grooms' union.

"We have been forced out of business because of the union's attitude. I think it's disgraceful — some of these stable boys have been here for years. The pressure put on them is such that they cannot stand up for themselves."

But the grooms were adamant that they would rather leave their jobs than their union. One worker who would not be identified, said: "Our situation has improved tremendously since we joined the union."

Mr Lowry said that since the club became unionised last year, waiters and grooms had all received the same minimum wage. "We asked for a separate deal for our grooms and warned the union that, if they insisted on a pay increase across the board, we would be out of business."

The final nail was put in the coffin last month, said Mr Lowry, when the union insisted on an across-the-board 27-percent increase.

"We have tried to talk sense to the union and we made it clear we could not afford to give our stable hands the same pay as our waiters.

"A waiter needs more education and knowledge than a stable hand. Common sense dictates that you cannot give them the same pay."

Workers insisted that they could not live on the "meagre" salary of R575 and said they had decided on their own to demand an increase.

However club manager Christian Girard said the 12 workers were being intimidated by "two or three grooms who did not care for their jobs".

"The stables lost R75 000 last year. We can't keep the stable and give the grooms the same salaries as waiters as the union demands," he said.

The forced closure of the Inanda stables has also meant the retrenchment of stable manager Des Jenkins and his assistant Sharon Rogers. They have been given notice to quit and are looking for alternative employment.

While neither the polo horses nor shows would be affected, the only hope for the 54 stables was to put them out to private tender, said Mr Lowry.

him.

Later that night, when she told the court that the first incident had happened in June.

Domestic sues for R56 000

294
Sowetan
13/11/91

By ALINAH DUBE

A PRETORIA domestic servant who was dismissed from work without pay is claiming more than R56 000 from her former employer.

Miss Johanna Sibiya (25) claims she was made to sleep inside a toilet while she was employed by Mr Phillip Chryser of Pretoria.

Sibiya said she was dismissed on October 25 after her employer accused her of stealing.

She said: "I was surprised by this sudden accusation, as my employer had been making excuses each time he was supposed to pay. I had worked for the family for three months, and each time I inquired about my pay the Chrysers said they were still waiting for a cheque."

She said on the day of her dismissal, Chryser allegedly threatened her with a knife, saying she should leave his house. She left.

Some black madams worse than white ones, study finds

Star 21/11/91 (294)

EAST LONDON — Black "madams" treat their domestic workers no better than white "madams", says a University of Transkei (Unitra) researcher.

Pumla Gobodo-Madikizela, a lecturer in Unitra's psychology department, said some domestics she interviewed had said black madams were worse than white ones.

Ms Gobodo-Madikizela's study — based on questionnaires sent to about 500 madams and interviews with 20 maids — found average monthly wages were R160 in urban areas and R80 in rural areas.

Other forms of payment included groceries, old clothes or assisting with school fees.

Domestic workers faced a lack of respect in black households. Some expressed feelings of deprivation and loss of womanhood and dignity.

"Two pointed out sexual harassment by their madams' husbands, and one told of a friend who was sexually abused by her madam's brother-in-law," said Ms Gobodo-Madikizela.

Domestics often experienced long, inconsistent working hours.

"They have to stay to wash the last dish or wait for madam to return."

Ms Gobodo-Madikizela said a number of maids in urban areas — including Umtata's Ngangelizwe township — lived in their employers' garages.

"The reason domestics are exploited is because they are afforded no protection by legislation, as their role is based on apartheid laws.

"Maids are one of apartheid's biggest perks. But how do you explain it when black madams are doing the same thing?"

Ms Gobodo-Madikizela said lack of worker skills was not the real problem — it was the behaviour of employers.

"The issues are long working hours, poor pay, unclear job descriptions and lack of protection by law.

"There is some value in the training of domestic workers," said Ms Gobodo-Madikizela, "but if it is only to make them better servants without focusing on how employers should change their behaviour, it is a question of one step forward and two backwards." — Elnews.

SERVICES SECTOR — DOMESTIC WORKERS

1992

2 out of 3 white households have domestic servants — report shows

Two out of three white households have either a full-time or part-time domestic servant according to a report issued by the Central Statistical Services.

Durban and Pinetown homes showed the highest employment ratio with 63,8 percent of households employing a full-time domestic servant. Over 55 percent of households in Bloemfontein, Maritzburg, Pretoria and Orange Free State Goldfields employ full-time domestic servants.

Under 40 percent of households in the Vaal Triangle, Port Elizabeth and the Cape Peninsula employ full-time workers yet only 22,2 percent of homes in Cape Town have full-time workers. This is probably partly due to the high cost of employing a servant in Cape Town where the average wage of a full-time domestic servant was R156,54.

Johannesburg's average monthly wage for the same period was R139,65. The Vaal Triangle, Kimberley, Bloemfontein, East London and the OFS Goldfields had an average monthly wage of less than R105,00.

The total cost of employing a full-time domestic servant was arrived at by estimating the average cost of food, housing and other goods and services supplied by the employer.

SA's most exploited workers seek protective legislation

Own Correspondent

DURBAN — A campaign for legislation to cover domestic workers, "the most oppressed and exploited of all workers", will kick off on June 1 when a delegation from the South African Domestic Workers' Union meets the acting Minister of Manpower to present wide-ranging demands.

Ms Merciful Ngidi, chairperson of the 50 000-strong Cosatu affiliate, said: "Sadwu feels very strongly that the reason domestic workers are working under such bad conditions is due to the fact that they are not covered by legislation."

She said domestic workers in South Africa were among the most oppressed and exploited of all workers, earning about R80 in most areas.

Ms Ngidi said conditions for domestic and farm workers had worsened since the first attempt in 1982 to get legislation.

"Rentals and bus fares have gone up, food prices are increasing daily, education fees as well as medical fees are remarkable, yet the wages of domestic workers still remain below the breadline," she said.

Sadwu will present the following demands to the acting Minister, Mr Eli Louw:

- A minimum wage of R450 a month, an eight-hour day for five days and full meals for a full-time skilled worker and R350 a month for a full-time semi-skilled worker.
- A R175 wage for fornightly-paid workers and R80 for weekly-paid workers.
- Part-time workers to be paid R3,50 an hour.
- The abolition of child labour.
- Maternity leave eight weeks before giving birth and six weeks after giving birth, as well as time off to attend ante-natal clinics.
- Paid leave of 21 days for every year of service.

Domestic sentenced for child's death

Own Correspondent

DURBAN — A domestic worker whose negligence caused the death of her employee's six-year-old daughter has been sentenced to 12-months' imprisonment, suspended for five years.

Durban Magistrate R Mossop found Mavis Cele, 26, guilty of culpable homicide.

Michelle Chaney was knocked down and killed by an ambulance, while crossing a road Cele had been instructed not to take her on. The magistrate found Cele had allowed Michelle to walk on the opposite side of the road to her.

Sentencing Cele, Mossop said he had a great deal of sympathy for her as she would have to bear this heavy burden for the rest of her life.

It would have cost Cele no effort to walk on the same side of the road as the girl and this was the least society expected of a person walking a child home from school.

The experience had obviously caused Cele pain and suffering and Mossop hoped his finding would not prejudice her employment with the Chaney's.

Chars' future now looks rosy

Sowetan 19/9/97 (294)

FOCUS

By IKE MOTSAPI

FOR the first time it is being recognised that domestic workers are not chattels who can be exploited at will.

Proposals by the National Manpower Commission last week will ensure that domestic workers have protection and rights which apply to other workers.

One of the most interesting recommendations is that no person under the age of 15 may be employed as a domestic worker.

Last week the NMC announced a large number of recommendations in a report on domestic workers.

Some are that the Labour Relations Act be extended to domestic workers. Basic Conditions of Employment Act, Unemployment Insurance and Workmen's Compensation Acts are also included in the recommendations.

No consensus has been reached on the inclusion of domestic workers in the ambit of the Wage Act No 5 of 1957 or alternatively whether the matter of minimum wages should only be dealt with in guidelines drafted by, for example, the Wage Board.

In general, domestic workers will be included under almost all labour laws, although there will be specific amendments to make provision for the special circumstances in the domestic sector.

It is recommended that the value of accommodation, food and other consumer goods which form part of the renumeration of the domestic worker should be regarded as part of the wages.

The value of such goods should be indicated on a schedule to be prepared and revised on a regular basis by a body such as the Wage Board.

The Congress of South African Trade Unions welcomed the recommendations, although it said it was concerned by the failure of the NMC to recommend the extension of the Wage Act and the delay in legislating the extension of rights to domestic workers.

A statement released by Cosatu said: "Once this legislation is passed, it will be a major victory for domestic workers who have struggled under difficult conditions to be recognised.

"Cosatu calls on all domestic workers to take advantage of this development by joining the South African Domestic Workers Union, and assert their rights.

"Even once there is legislation, these rights will not be automatically realised, but will have to be struggled for, given the baaskap mentality which still exists in many white homes."

SADWU also hailed the recommendations as "the right step in the right direction".

But who are domestic workers and what do they do?

According to the Government's impression, domestic workers who are now going to be included under Section 1 of BCEA are housekeepers, cooks, chauffeurs and gardeners.

Domestic work may be done on a fulltime or regularly on a casual basis.

They can be residents or live-in domestic workers. According to Mr Johan Muller, public relations officer of the Department of Manpower, residents and live-in domestic workers should be defined.

He said: "Fulltime domestic workers and regular day workers may be residents, but need not be.

"Regular day workers, that is workers who work on a regular basis for one or more employers on one or more days a week, should be defined and excluded from the definition of a casual worker in Section 1 of the BCEA.

"A casual worker in the true sense of the word is a day worker who is not employed on a regular basis and does not work for the same employer for more than three days in a week," Muller added.

All domestic workers are included in the scope of the Basic Conditions of Employment Act No 3 of 1983 (BCEA).

It is recommended that, under the BCEA, domestic workers should not work more than nine hours a day for a five-day week period or eight hours a day for a six-day week period.

A domestic worker may not work more than 46 hours a week.

"A maximum spread-over of 14 hours should be allowed in respect of resident or live-in domestic workers if agreed to in writing between domestic workers and the employer," Muller said.

It is also recommended that an employee may not work for more than five hours without a meal interval of at least one hour.

The meal interval may be shortened by agreement to 30 minutes.

A meal interval of longer than one hour and 15 minutes is regarded as time worked. An employer may not require an employee to perform any work during a meal interval.

"It should be possible to extend the lunch hour by written agreement to exceed one hour and 15 minutes, in which event it should not be regarded as time worked," Muller added.

Overtime can only take place by agreement and should not exceed three hours a day or 10 hours a week.

Overtime is remunerated at one-and-one-third the hourly wage rate.

Work on Sunday is voluntary. "Domestic workers should receive double pay for work on Sundays or one-and-one-third the wage rate in respect of the actual time worked with one day's leave with payment within seven days of that Sunday," Muller added.

"Six public holidays with full renumeration for days not worked but which would otherwise be an ordinary working day must be paid for.

"As far as vacation leave is concerned at least 14 consecutive days' leave on full pay in respect of each period of 12 consecutive months for which the employee works for a single employer.

"An employee should not require or permit an employee to perform any work during the period of leave," Muller said.

Ten or 12 days sick leave a year, depending on the length of the working week, with full pay should be granted.

A female employee may not be employed from four weeks before the expected date of confinement and for eight weeks thereafter.

An end to milking the maid?

S/Times 15/9/91. 294

IT SEEMS the time has come for a new deal for domestic servants. While the details are still under discussion, LINDA SHAW ponders the effects on an old SA tradition

GUILT is always a fabulous foundation for reform. Especially racial guilt. And with all the changes going on we can no longer duck behind those old clichés that have nurtured us for decades.

You know the ones: "My domestic is like part of the family . . . I'd trust her with my life . . . You can even leave money lying around and she won't touch it . . . She comes everywhere with us — we even took her overseas."

Doesn't wash anymore. Because what's going on behind the scenes is a tacit acceptance of breadline wages, squatter living conditions and questionable working hours. Issues of paid leave, pensions and medical aid have not even been discussed.

Changes are on the way. At government level. And once the law gets involved, acceptance of a new tradition cannot be far behind.

Thus far, recommended changes to the domestic servant situation are minimal — much less legally formalised.

The National Manpower Commission is still arguing the merits of a minimum wage. It's negotiating leave pay, double pay for Sundays, maternity leave and inclusion in the Basic Conditions of Employment Act and Labour Relations Act.

The general conclusion is that our faithful servants, ever willing to leave home and husband to be at our sides, are in need of protection and relief. The implication being that their liberal-minded, caring employers are guilty of abuse.

There is, of course, another side to the story: So you don't *really* want your wonderful maid to shack up in the garden hovel — and you feel wracked with self-disgust every time she enters its domain.

But what can you do? She has nowhere else to go, you don't have the money to fix it up (and even if you did, wouldn't it be better spent on a trip to New York?) and besides, you kind of like the idea of her being around to watch the place when you're out.

She's a great babysitter, too, and you don't mind at all if she watches television till you get back.

And anyway, let's face it, no one offered *you* accommodation as part of your package. Look how many years you've patiently endured the hoards of rowdy friends you secretly suspect have been sleeping on her floor.

Not that you don't trust her — implicitly — but these other people you haven't even met! It's a risk.

And what about the wage issue? All very well for the SA Domestic Workers' Union to calmly announce that R450 is the current acceptable minimum. But have they taken note of all the hidden costs everyone conveniently forgets?

The electricity and water bill is not small. Then there's food. The occasional clothes, not to mention uniforms. And how about that time you had to rush her off to hospital in the middle of the night? Or the gynae bills when her baby was born?

So fine. They come up with a minimum wage and you are left to decide whether or not you can actually afford a maid at all. Sure the conditions aren't ideal, but the alternative must be that all those domestics are going to be out of a job.

IT'S a hard one. General secretary of the SA Domestic Workers' Union Florence de Villiers feels it's a choice that has to be made. "There are a million domestics employed in South Africa right now. If the numbers drop to 500 000, at least those girls will have a better deal. There's too much abuse of individuals to use that as an excuse not to make changes."

Margaret Lessing of the Womens' Bureau, herself closely involved in better-deal negotiations, is bemused by this attitude.

"The unions don't seem to care about potential unemployment. Obviously we need better working conditions, but if that's going to mean massive job losses, have we really done them a favour?"

Should the new recommendations become law, domestics will be able to take their employers to court for unfair dismissal or complain legitimately about unfair conditions. All very well. But who's going to police these changes? Who's going to keep a check on employers?

And who's going to ask a domestic to complain about her boss at the risk of losing her job?

Florence de Villiers says: "The union will take care of its members as best it can. But essentially we're operating on humanitarian principles. We're hoping that if changes are made, employers will have the goodwill to abide by them. Legal policing is up to the government."

Wishful thinking? Margaret Lessing feels the issue is one of education. "Most employers of domestic servants are themselves employees and have no experience as bosses. They're just thrown into it. So, before anything else, we need to run courses for 'madams', so they're no longer operating by the seat of their pants.

"In terms of policing the changes, that will be up to the Department of Manpower. But more than that, we'll need the co-operation of the people concerned."

The people concerned are in a difficult position. Long-term effects of implementation would presumably be that if domestics are being registered as regular employees all the rules of employment would apply.

TAX would have to be paid, pensions and leave pay considered — the list is endless. And the old feudal relationship between maid and madam would be a thing of the past.

Maybe it's a good thing. Maybe it's time the relationship was formalised so that only the wealthy — as in other countries — can afford servants; and those servants are forced to take responsibility for themselves in all areas.

Either way, the change will be a long time coming — and as with all change will cause major unhappiness along the way. No one wants to risk what they've got for something they might get.

Besides, then we'd have found something else to feel guilty about.

New pension policy for domestics

ST Times (CM) 2/2/92 (294) (332)

A NEW policy called the Domestic Retirement Plan has been introduced by Seeff Trust of Cape Town and the Domestic Workers Association of Green Point and Sea Point.

Its aim is to provide a meaningful reward for a domestic servant's loyalty.

For a monthly premium of between R35 and R65 the servant will receive a lump sum on retirement depending on the length of time she has contributed.

For a minimum premium of R35 a month, R2 791 will be paid out immediately on natural death, while in the case of accidental death twice this amount is paid.

In the case of accidental injury, R2 791 (the same as natural death) is paid for those contributing the minimum premiun.

The benefits are increased with higher monthly premiums.

The chairperson of the 18 000 strong Domestic Workers Association of Green Point and Sea Point, Maggie Oewies, was the moving force behind the plan.

She said the policy allowed for a suspension of premiums should the worker be unemployed or take leave of absence due to illness or pregnancy. It would also be unaffected if the employee changed jobs.

She said the scheme was not confined to members of the Domestic Workers Association and could be extended to farmworkers (at present there is no retirement provision for farm labourers).

Retirement plan for domestics

By LULAMA LUTI

AN insurance company has launched a retirement plan for domestic workers. Cl Pres 23/6/91

The company hopes to persuade employers to contribute a minimum of R25 a month.

The new policy's provisions include a lump-sum payout or guaranteed income, assurance against death or disability and a funeral benefit for the domestic worker and her family.

Marketing director Peter Atkinson said the scheme was unique in that two separate lives were assured under one policy.

This meant the employer could use the policy as a savings scheme while the employee could be assured of pension benefits.

If the domestic worker changed employees, her former employer could arrange with the new employer to have the policy transferred.

(A) Kwena Air SA (Pty) Ltd, P.O. Box 4565, Rivonia, 2128. (B) Kwena Air. (C) Non-scheduled Air Transport Service Licence N423. Under "Aircraft to be used" and "Tariff of charges" delete: "Piper PA-34-200T ZS-MKU and Cessna T210M ZS-LUG" and add:

"Aircraft	*Tariff (R/km)*
Beech B200 ZS-LRE	5,50
Piper PA-34-200T ZS/LVZ	1,95.".

(A) Link Airways Ltd, P.O. Jan Smuts Airport, 1627. (B) Link Airways Ltd. (C) Scheduled Air Transport Service Licence S750. Under "Aircraft to be used" add: "Beach 58 ZS-LYC.".

(A) Link Airways Ltd, P.O. Jan Smuts Airport, 1627. (B) Link Airways Ltd. (C) Non-scheduled Air Transport Service Licence N877. Under "Aircraft to be used" add: "Beech 58 ZS-LYC.".

(A) Link Airways Ltd, P.O. Jan Smuts Airport, 1627. (B) Link Airways Ltd. (C) Scheduled Air Transport Service Licence S750. Under "Routes to be flown", "Tariff of charges" and "Frequency to which air service will be operated" add:

Route	*Frequency*	*Tariff (R)* *Single*	*Return*
Johannesburg/ Maseru	1 return flight per day	203	406

(A) National Airways Corp. (Pty) Ltd, P.O. Box 18016, Rand Airport, 1419. (B) National Airways Corp. (Pty) Ltd. (C) Non-scheduled Air Transport Service Licence N402. Under "Area to be served" add: "All countries in the world". Under "Aircraft to be used" and "Tariff of charges" add:

"Aircraft	*Tariff c/km* *Min.*	*Max.*
Grumman Gulfstream II, III series	800	1 100
IAI Astra Jet series	700	1 000
Antonov AN32 series	As per contract.	

Provided such aircraft is ZS-registered and categorised A.".

(13 September 1991)

NOTICE 850 OF 1991

DEPARTMENT OF MANPOWER

RECOMMENDATIONS OF THE NATIONAL MANPOWER COMMISSION REGARDING THE EXTENSION OF LABOUR LEGISLATION TO DOMESTIC WORKERS

By direction of Mr Eli Louw, Minister of Manpower, the above-mentioned Recommendations are published in the Schedule hereto for general information and comment.

The Recommendations constitute a part of the National Manpower Commission's Report on the subject and are published verbatim. The full Report can be obtained from:

The Secretary
(For attention Miss M. du Plessis)
National Manpower Commission
Private Bag X316
PRETORIA
0001.

Telephone: (012) 310-6272/310-6337.
Telefax: (012) 320-2059.

(A) Kwena Air SA (Edms.) Bpk., Posbus 4565, Rivonia, 2128. (B) Kwena Air. (C) Nie-vasgestelde-lugvervoerdienslisensie N423. Onder "Lugvaartuie wat gebruik gaan word" en "Tariefskaal" skrap: "Piper PA-34-200T ZS-MKU en Cessna T210M ZS-LUG" en voeg by:

"Lugvaartuie	*Tarief (R/km)*
Beech B200 ZS-LRE	5,50
Piper PA-34-200T ZS-LVZ	1,95.".

(A) Link Airways Bpk., Pk. Jan Smutslughawe, 1627. (B) Link Airways Bpk. (C) Vasgestelde-lugvervoerdienslisensie S750. Onder "Lugvaartuie wat gebruik gaan word" voeg by: "Beech 58 ZS-LYC.".

(A) Link Airways Bpk., Pk. Jan Smutslughawe, 1627. (B) Link Airways Bpk. (C) Nie-vasgestelde-lugvervoerdienslisensie N877. Onder "Lugvaartuie wat gebruik gaan word" voeg by: "Beech 58 ZS-LYC.".

(A) Link Airways Bpk., Pk. Jan Smutslughawe, 1627. (B) Link Airways Bpk. (C) Vasgestelde-lugvervoerdienslisensie S750. Onder "Roetes wat bedien gaan word", "Tariefskaal" en "Frekwensie waarvolgens die diens bedryf gaan word" voeg by:

Roete	*Frekwensie*	*Tarief (R)* *Enkel*	*Retoer*
Johannesburg/ Maseru	1 retoervlug per dag.....	203	406

(A) National Airways Corp. (Edms.) Bpk., Posbus 18016, Randlughawe, 1419. (B) National Airways Corp. (Edms.) Bpk. (C) Nie-vasgestelde-lugvervoerdienslisensie N402. Onder "Gebied wat bedien gaan word" voeg by: "Alle lande in die wêreld." Onder "Lugvaartuie wat gebruik gaan word" en "Tariefskaal" voeg by:

"Lugvaartuie	*Tarief c/km* *Min.*	*Maks.*
Grumman Gulfstream II-, III-reeks	800	1 100
IAI Astra Jet-reeks	700	1 000
Antonov AN32-reeks	Afhangende van kontrak.	

Op voorwaarde dag lugvaartuig ZS-geregistreer en A, gekategoriseer is.".

(13 September 1991)

KENNISGEWING 850 VAN 1991

DEPARTEMENT VAN MANNEKRAG

AANBEVELINGS VAN DIE NASIONALE MANNEKRAGKOMMISSIE MET BETREKKING TOT DIE UITBREIDING VAN ARBEIDSWETGEWING NA HUISWERKERS

In opdrag van mnr. Eli Louw, Minister van Mannekrag word die bogemelde Aanbevelings in die Bylae hierby vir algemene inligting en kommentaar gepubliseer.

Die Aanbevelings maak 'n deel van die Nasionale Mannekragkommissie se verslag uit en word verbatim gepubliseer. Die volle Verslag is op aanvraag verkrygbaar van:

Die Sekretaris
(Vir aandag mej. M. du Plessis)
Nasionale Mannekragkommissie
Privaat Sak X316
PRETORIA
0001.

Telefoon: (012) 310-6272/310-6337.
Telefaks: (012) 320-2059.

Comments should be in writing and should be sent to the Director-General: Manpower, Private Bag X117, Pretoria [for attention Mr P. Viljoen: Telepone (012) 310-6427] by not later than 13 November 1991.

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SCHEDULE

RECOMMENDATIONS OF THE NATIONAL MANPOWER COMMISSION REGARDING THE EXTENSION OF LABOUR LEGISLATION TO DOMESTIC WORKERS

INTRODUCTION

(a) The NMC supports the incorporation of the domestic sector under the Labour Relations Act, No. 28 of 1956, and the Basic Conditions of Employment Act, No. 3 of 1983, although with certain amendments to both Acts.

(b) The NMC is also unanimously of the opinion that the Workmen's Compensation Act, No. 30 of 1942, and the Unemployment Insurance Act, No. 30 of 1966, should be extended to cover domestic workers. A separate proposal that a special committee be established to investigate the extension of these Acts was made to the Minister of Manpower at an earlier stage and his decision is now awaited.

(c) No consensus has been reached on the inclusion of domestic workers within the ambit of the Wage Act, No. 5 of 1957, or alternatively on whether the matter of minimum wages should be dealt with only in guide-lines drafted by, for example, the Wage Board.

(d) The incorporation of domestic workers under the Acts mentioned above will require the enactment of special provisions to cater for the special circumstances of the domestic sector. The NMC's recommendations in this regard are set out in this document. Under the heading of "Special Provisions", items are included in which, in the NMC's view, the particular circumstances of the domestic sector require special provisions to be enacted. Other instances where the special circumstances of the sector can be dealt with, if necessary, by non-binding **guide-lines** are also included under the above-mentioned heading. Where consensus was not reached on an issue, the different views of members of the NMC are recorded. The different views of the members of the Domestic Workers Committee have also been recorded.

(e) In general, domestic workers will thus be included under almost all labour laws, although there will be specific amendments to make provision for the special circumstances in the domestic sector.

- In addition, domestic workers will fall under a code which is to be prepared by the reconstituted NMC. This will not be binding, but may be used as evidence of acceptable practice in court. The code could contain specific provisions for domestic workers (see par. 5.1).
- A complete brochure which will contain particulars of the various legal requirements, the guide-lines pertaining to the BCEA, the guidelines as drafted by the Wage Board and other relevant information (see par. 5.2) should be available as a guide for domestic workers and their employers.

Kommentaar moet skriftelik ingedien word en gestuur word aan die Direkteur-generaal, Mannekrag, Privaatsak X117, Pretoria [vir aandag mnr. P. Viljoen: Telefoon (012) 310-6427], teen nie later nie as 13 November 1991.

BYLAE

AANBEVELINGS VAN DIE NASIONALE MANNEKRAGKOMMISSIE MET BETREKKING TOT DIE UITBREIDING VAN ARBEIDSWETGEWING NA HUISWERKERS

INLEIDING

(a) Die NMK steun die insluiting van die huishoudelike sektor onder die Wet op Arbeidsverhoudinge, No. 28 van 1956 en die Wet op Basiese Diensvoorwaardes, No. 3 van 1983, ofskoon met sekere wysigings aan albei Wette.

(b) Die NMK is ook eenparig van mening dat die Ongevallewet, No. 30 van 1942, en die Werkloosheidsversekeringswet No. 30 van 1966, uitgebrei moet word sodat ook huiswerkers ingesluit word. 'n Afsonderlike voorstel dat 'n spesiale komitee in die lewe geroep word om die uitbreiding van hierdie Wette te ondersoek, is vroeër aan die Minister van Mannekrag gemaak, en sy besluit word tans afgewag.

(c) Geen konsensus is bereik oor die insluiting van huiswerkers onder die Loonwet No. 5 van 1957, nie of, as alternatief, dat daar bloot by wyse van riglyne, wat byvoorbeeld deur die Loonraad opgestel kan word, met die kwessie van minimum lone gehandel word.

(d) Die insluiting van huiswerkers onder bogenoemde Wette sal die verordening van spesiale bepalings wat vir die spesiale omstandighede van die huishoudelike sektor voorsiening maak, vereis. Die NMK se aanbevelings in hierdie verband word in hierdie dokument uiteengesit. Onder die opskrif "Spesiale bepalings" word items ingesluit waar, volgens die NMK, die besondere omstandighede van die huishoudelike sektor vereis dat spesiale bepalings verorden word. Ander gevalle waar daar, indien nodig, deur niebindende **riglyne** aan die spesiale omstandighede van die sektor aandag geskenk kan word, word ook onder die bogenoemde opskrif ingesluit. Waar konsensus nie oor 'n kwessie bereik is nie, is die onderskeie sienswyses van lede van die NMK aangeteken. Die verskillende standpunte van die lede van die Huiswerkerskomitee is ook aangeteken.

(e) Oor die algemeen sal huiswerkers dus onder bykans alle arbeidswette ingesluit word, alhoewel daar spesifieke wysigings sal wees ten einde voorsieing te maak vir die spesiale omstandighede in die huishoudelike sektor.

- Verder sal daar ook 'n algemene gedragskode wees wat deur die herstruktureerde NMK opgestel sal word. Hierdie kode sal nie bindend wees nie, maar sal as getuienis van aanvaarbare praktyk in die hof aangebied kan word. Dit kan spesifieke bepalings vir huiswerkers bevat (sien par. 5.1).
- 'n Volledige brosjure wat besonderhede bevat van die verskillende wetlike vereistes, die riglyne wat op die WBDV betrekking het, die riglyne soos deur die Loonraad opgestel, en ander toepaslike inligting (sien par. 5.2) moet beskikbaar wees as gids/riglyn vir huiswerkers en hulle werkgewers.

1. THE LABOUR RELATIONS ACT, No. 28 OF 1956 (LRA)

1.1 Recommendation

Domestic workers should be included under the provisions of the LRA. Certain additional provisions should, however, be enacted to meet special circumstances in the domestic sector. The effect of inclusion will, most importantly, allow organisations of employers and employees in this sector to register in terms of the Act, extend the protection of the unfair labour practice definition and the victimisation provisions to domestic workers and provide for mechanisms to deal with disputes.

It should be noted that, although NMC member L. Smith is in principle not opposed to inclusion, he is of the view that more clarity is required on the practicalities of the recommendations.

With regard to a definition of a domestic worker, it is recommended that no detailed definition be inserted in the LRA, but that a brief reference to "domestic service in private households" be included because of a separate conciliation procedure for such workers (see section 1.2.2 below).

1.2 Special provisions

1.2.1 *Unfair labour practices*

The NMC is unanimously of the view that domestic workers and their employers should enjoy the protection of the unfair labour practice definition.

However, certain members of the NMC felt that account should be taken of certain features of the sector which would be of relevance in the application of the unfair labour practice definition. These are:

(a) Incompatibility:

Incompatibility and the breakdown of the relationship of trust should be a fair and valid reason for dismissal in certain circumstances.

(b) Probationary period:

A domestic worker and her/his employer should be able to agree on a probationary period (not to exceed three months) during which time no procedures need be followed or reasons given prior to termination of employment.

(c) Reinstatement:

The court should be cautious in ordering reinstatement where the relationship of trust between employer and employee has broken down and provision should be made for a monetary award instead of reinstatement.

[Note should also be taken of the NMC's recommendation for farm workers in this regard. The majority of members of the NMC recommended that, with regard to section 46 (9) orders (which deals with final awards), the court should have total discretion in deciding whether reinstatement should be ordered or whether a monetary award should be made. A minority viewpoint held that, in the case of an unfair dismissal, the employer should always have the option or choice of

1. DIE WET OP ARBEIDSVERHOUDINGE, No. 28 VAN 1956 (WAV)

1.1 Aanbeveling

Huiswerkers moet ingesluit word onder die bepalings van die WAV. Sekere aanvullende bepalings moet egter verorden word om aan spesiale omstandighede in die huishoudelike sektor te voldoen. Die uitwerking van sodanige insluiting sal veral wees dat werkgewers- en werknemersorganisasies in hierdie sektor in staat gestel sal word om ingevolge die Wet te registreer, die beskerming van die onbillike arbeidspraktykdefinisie en bepalings rakende viktimisasie sal na huiswerkers uitgebrei word, en voorsiening sal gemaak word vir meganismes om geskille te hanteer.

Daar moet op gelet word dat, alhoewel NMK-lid L. Smith in beginsel nie teen die insluiting gekant is nie, hy van mening is dat groter duidelikheid nodig is met betrekking tot die praktiese besonderhede van die aanbevelings.

Met betrekking tot die omskrywing van 'n huiswerker word daar aanbeveel dat geen gedetailleerde omskrywing in die WAV ingevoeg word nie, maar dat 'n bondige verwysing na "huishoudelike diens in private huishoudings" ingesluit word aangesien voorsiening gemaak word vir 'n afsonderlike versoeningsprosedure vir hierdie werkers (sien par. 1.2.2 hieronder).

1.2 Spesiale bepalings

1.2.1 *Onbillike arbeidspraktyke*

Die NMK is eenparig van mening dat huiswerkers en hulle werkgewers die beskerming van die omskrywing van 'n onbillike arbeidspraktyk moet geniet.

Sekere lede van die NMK is egter van mening dat rekening gehou moet word met sekere kenmerke van die sektor wat van belang sal wees by die toepassing van die omskrywing van 'n onbillike arbeidspraktyk. Hierdie kenmerke is:

(a) Onaanpasbaarheid:

Onaanpasbaarheid en die verbrokkeling van die vertrouensverhouding moet 'n billike en geldige rede wees vir ontslag in sekere omstandighede.

(b) Proeftydperk:

'n Huiswerker en sy/haar werkgewer moet op 'n proeftydperk kan ooreenkom (nie langer as drie maande nie) waartydens geen prosedures gevolg hoef te word of geen redes voor beëindiging van diens verstrek hoef te word nie.

(c) Herindiensneming:

Die hof moet versigtig wees om herindiensname te beveel in die geval waar die vertrouensverhouding tussen werkgewer en werknemer verbrokkel het, en voorsiening moet gemaak word vir 'n geldelike toekenning in die plek van herindiensneming.

[In hierdie verband moet daar ook gelet word op die NMK se aanbeveling vir plaaswerkers. Die meerderheid van die lede van die NMK het aanbeveel dat, met betrekking tot artikel 46 (9)-bevele (wat handel met finale toekennings), die hof totale diskresie moet hê by die besluit of herindiensneming beveel moet word en of 'n geldelike toekenning gemaak moet word. 'n Minderheidstandpunt het gelui dat, in die geval van 'n onbillike ontslag, die werkgewer altyd oor die opsie of

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whether he wants to physically reinstate the dismissed worker or whether he wants to pay a fixed amount of compensation. This should apply to all workers in regard to both sections 43 and 46 (9) applications. Note should be taken that, with regard to section 43-orders *(status quo),* an employer at present has an option as to whether he wants to physically reinstate an employee and pay his remuneration or merely pay the remuneration without having to allow the employee on his premises.]

It was agreed that the above-mentioned issues should not be dealt with in the Act and that the court should have its normal discretion in this regard. However, the NMC and Committee members were unanimously of the view that these issues were appropriate for inclusion in the **code** to be drafted by the NMC. Such **code** would be available to employers and employees and to the presiding officers of the small labour courts for consideration (see par. 5.1 for further details).

1.2.2 *Procedures for the resolution of disputes*

It was agreed that some form of mediation or conciliation would be desirable before a matter could be referred to court. It was also agreed that a simplified conciliation procedure should be devised as the formal structure of the conciliation board would not be appropriate for the domestic sector. Such procedure should not, however, place an additional burden on the Department of Manpower. There should be an obligation on the party initiating the dispute to endeavour to set up a meeting with the other party with a view to settlement. If the other party is not willing to attend or if no settlement is reached, the aggrieved party may then refer the dispute to court (see par. 1.2.3). Parties should as far as possible be encouraged in the information brochure and **guide-lines** to make use of mediation (see par. 5.1 and 5.2). The mediator could be any person not involved in the dispute.

It should be left to the court to decide whether a *bona fide* attempt was made to set up such a meeting for conciliation or mediation before hearing the case.

Additional aspects of the simplified procedures for the resolution of disputes could be included in the **code** if the NMC finds that further provisions are required (see par. 5.1).

1.2.3 *The Labour Court System*

The NMC recommended that there should be two avenues available to an employer or an employee in the domestic sector initiating legal proceedings. They should have the right to elect to proceed in either the small labour court or the industrial court.

1.2.3.1 *Small labour court*

Provision should be made for access to a simplified small labour court for hearing disputes between domestic workers and their employers. In this regard, it was stated that the NMC investigation regarding the Consolidation of the LRA should be borne in mind. The court would have simplified procedures and there

keuse moet beskik of hy die ontslane werknemer fisies her in diens wil neem en of hy 'n vasgestelde bedrag vergoeding/kompensasie wil betaal. Dit moet op alle werknemers van toepassing wees ten opsigte van sowel artikel 43- as artikel 46 (9)-aansoeke. Daar moet op gelet word dat, met betrekking tot artikel 43-bevele *(status quo),* 'n werkgewer tans 'n keuse het of hy 'n werknemer fisies her in diens wil neem en sy vergoeding betaal, en of hy bloot die vergoeding wil betaal sonder om die werknemer op sy perseel toe te laat.]

Daar is ooreengekom dat daar nie met bogenoemde aangeleenthede in die Wet gehandel moet word nie maar dat die hof sy normale diskresie moet uitoefen in hierdie verband. Die NMK en die Komiteelede was egter eenparig van mening dat dit gepas sou wees om hierdie kwessies in te sluit in die **kode** (wat deur die NMK opgestel moet word). Sodanige kode sal vir werkgewers en werknemers asook die voorsittende beamptes van die klein arbeidshowe beskikbaar wees vir oorweging (sien par. 5.1 vir verdere besonderhede).

1.2.2 *Prosedures vir geskilbeslegting*

Daar is ooreengekom dat die een of ander vorm van bemiddeling of versoening gewens is voordat 'n aangeleentheid na die hof verwys kan word. Daar is ook ooreengekom dat 'n vereenvoudigde versoeningsprosedure ontwerp moet word, aangesien die formele struktuur van die versoeningsraad nie gepas sal wees vir die huishoudelike sektor nie. So 'n prosedure moet egter nie 'n bykomende las op die Departement van Mannekrag plaas nie. Daar moet 'n verpligting rus op die party wat die geskil inisieer, om 'n poging aan te wend om 'n vergadering met die ander party te belê met die oog op 'n skikking. Indien die ander party nie bereid is om dit by te woon nie of indien geen skikking bereik word nie, kan die beswaarde party die geskil dan na die hof verwys (sien par. 1.2.3). Partye moet sover moontlik in die inligtingsbrosjure en **riglyne** aangemoedig word om van bemiddeling gebruik te maak (sien par. 5.1 en 5.2). Die bemiddelaar kan enige persoon wees wat nie by die geskil betrokke is nie.

Dit moet aan die hof oorgelaat word om te beslis of 'n *bona fide*-poging aangewend is om so 'n vergadering vir versoening of bemiddeling te belê voordat die saak verhoor word.

Verdere aangeleenthede rakende bogenoemde vereenvoudigde prosedures vir geskilbeslegting kan in die **kode** vervat word indien die NMK vind dat verdere bepalings nodig is (sien par. 5.1).

1.2.3 *Die Arbeidshofstelsel*

Die NMK het aanbeveel dat daar twee keuses moet wees vir 'n werkgewer of 'n werknemer in die huishoudelike sektor wat 'n regsgeding aanhangig wil maak. Hulle moet die reg hê om van die klein arbeidshof of van die Nywerheidshof gebruik te maak.

1.2.3.1 *Klein arbeidshof*

Voorsiening moet gemaak word vir toegang tot 'n vereenvoudigde klein arbeidshof vir die aanhoor van geskille tussen huiswerkers en hulle werkgewers. In hierdie verband is daar gesê dat die NMK-ondersoek betreffende die konsolidasie van die WAV in gedagte gehou moet word. Die hof sal vereenvoudigde prosedures hê en daar sal geen regsverteenwoordiging of

would be no legal representation or other professional (i.e. any other person who charges for appearing in court) representation. The NMC was of the opinion that trade union or any other representation free of charge should not be excluded since this would have the effect that domestic workers would, in all probability, approach the Industrial Court and not the small labour court. The Act should also place an obligation on the Registrar of the small labour court to endeavour to mediate disputes coming to court. There would also be no right of appeal from this court. This small labour court should form part of the Industrial Court system. (Note should again be taken of a similar recommendation by the NMC in this regard for farm workers and for small businesses).

1.2.3.2 *Industrial Court*

Any domestic worker or his/her employer initiating a dispute would be entitled to elect to proceed to either the small labour court or alternatively the Industrial Court, where they would be entitled to legal representation and the right to appeal. The person initiating the dispute would therefore have the choice of electing the appropriate court. The respondent should, however, be able to petition the court for the case to be heard in a higher or lower court. The Court would then have to decide which court will have jurisdiction.

2. THE BASIC CONDITIONS OF EMPLOYMENT ACT, No. 3 OF 1983 (BCEA)

2.1 Recommendation

Domestic workers should be included in the scope of the BCEA. Special provisions should be enacted where appropriate.

2.2 Special provisions

2.2.1 *Definitions*

(a) *Domestic worker:*

A definition of a domestic worker (and domestic work) should be included under section 1 of the BCEA and should be defined to include housekeepers, cooks, chauffeurs, gardeners, etc. Domestic work may be done on a full-time or regular daily or casual basis.

(b) *Resident or live-in domestic workers:*

Resident or live-in domestic workers should be defined. Full-time domestic workers and regular day workers may be resident, but need not be.

(c) *Regular day workers:*

Regular day workers, i.e. workers who work on a regular basis for one or more employers on one or more days per week, including those who work for only a few hours per day, should also be defined and be excluded from the definition of a casual worker in section 1 of the BCEA. A person will be a regular day worker if he or she works for the same employer at least once a week and is employed to work on a regular basis or has worked for the same employer for at least four weeks, regardless of the hours worked per day.

ander professionele (dit wil sê iemand wat gelde hef om in die hof te verskyn) verteenwoordiging wees nie. Die NMK was van mening dat vakbond- of enige ander gratis verteenwoordiging nie uitgesluit moet word nie aangesien huiswerkers, by ontstentenis hiervan, na alle waarskynlikheid van die Nywerheidshof, en nie die klein arbeidshof nie, sal nader. Die Wet moet verder bepaal dat 'n verpligting op die griffier van die klein arbeidshof rus om te poog om geskille wat die hof bereik, te bemiddel. Daar sal ook geen reg van appèl teen 'n beslissing van hierdie hof wees nie. Hierdie klein arbeidshof moet deel vorm van die Nywerheidshofstelsel. (Daar moet weer eens gelet word op 'n soortgelyke aanbeveling deur die NMK in hierdie verband vir plaaswerkers en vir klein sakeondernemings.)

1.2.3.2 *Nywerheidshof*

Enige huiswerker of sy/haar werkgewer wat 'n geskil inisieer, sal kan kies of hy/sy die saak wil laat besleg deur die klein arbeidshof of deur die Nywerheidshof, waar hulle geregtig sal wees op regsverteenwoordiging en die reg op appèl. Die persoon wat die geskil inisieer, sal derhalwe die keuse gebied word om die toepaslike hof te kies. Die respondent moet egter in staat wees om by wyse van petisie die hof te versoek dat die saak in 'n hoër of laer hof verhoor word. Die hof sal dan besluit watter hof jurisdiksie het.

2. DIE WET OP BASIESE DIENSVOORWAARDES, No. 3 VAN 1983 (WBDV)

2.1 Aanbeveling

Huiswerkers behoort onder die WBDV ingesluit te word. Spesiale bepalings behoort te geld waar dit doelmatig is.

2.2 Spesiale bepalings

2.2.1 *Woordomskrywing*

(a) *Huiswerker:*

'n Omskrywing van 'n huiswerker (en huiswerk) moet ingesluit word in artikel 1 van die WBDV. Huiswerker moet so omskryf word dat dit huishoudsters, kokke, chauffeurs, tuiniers, ens. insluit. Huiswerk kan op 'n voltydse of gereelde daaglikse of geleentheidsbasis gedoen word.

(b) *Inwonende huiswerkers:*

Inwonende huiswerkers moet omskryf word. Voltydse huiswerkers en gereelde dagwerkers kan inwoon, maar hoef nie noodwendig nie.

(c) *Gereelde dagwerkers:*

Gereelde dagwerkers, dit wil sê werkers wat op 'n gereelde grondslag vir een of meer werkgewers op een of meer dae per week werk, met insluiting van diegene wat slegs 'n paar uur per dag werk, moet ook omskryf word en moet uitgesluit word van die omskrywing van 'n los werker in artikel 1 van die WBDV. 'n Persoon is 'n gereelde dagwerker indien hy of sy ten minste een maal per week vir dieselfde werkgewer werk en in diens geneem is om 'n gereelde grondslag te werk of ten minste vier weke vir dieselfde werkgewer gewerk het, ongeag die aantal ure wat per dag gewerk is.

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The regular day worker will be dealt with in exactly the same way as other domestic workers, except in the cases of vacation leave, sick leave and termination of service. These special provisions will be dealt with under subparagraphs (c) "Special Provisions" below in the text where appropriate.

(d) *Casual workers:*

A casual employee in the true sense of the word is a day worker who is not employed on a regular basis and does not work for the same employer for more than three days in a week. Such an employee is not employed with the expectation of a continuous relationship. The employee, however, ceases to be casual once he/she has worked for the employer for four consecutive weeks. These workers should be dealt with in the same way as other casual workers in terms of the BCEA, except where otherwise indicated in paragraph (c) below.

2.3 Special conditions of employment

2.3.1 *Working hours*

(a) *BCEA*[1]: Not more than 9 hours and 15 minutes per day (5-day week) or 8 hours per day (6-day week) and not more than 46 hours per week. Maximum spread-over of 12 hours.

(1) This refers to the existing provisions of the BCEA and is given simply as background. For the exact provisions, the Act should be referred to.

(b) *Recommendation:* Inclusion.

(c) *Special provisions:*

— A maximum spread-over of 14 hours should be allowed in respect of **resident or live-in domestic workers** if agreed to in writing between the domestic worker and the employer.

— **Regular day workers** and **casual workers,** where applicable, may not work more than 9 hours and 15 minutes and not more than 3 hours overtime, per day [see par. 2.3.3 (b) below].

Guide-lines:

— Specific arrangements concerning travelling time, weekends and afternoons off, etc., should be left to be agreed upon between the domestic worker and the employer.

— It is suggested that a 5-day week be implemented by agreement as far as possible.

2.3.2 Meal intervals

(a) *BCEA:* An employee may not work for more than five hours without a meal interval of at least one hour. The meal interval may be shortened by agreement to 30 minutes. A meal interval of longer than one hour and 15 minutes is regarded as time worked. An employer may not require an employee to perform any work during a meal interval.

(b) *Recommendation:* Inclusion.

Die gereelde dagwerker sal op presies dieselfde wyse behandel word as ander huiswerkers, behalwe ten opsigte van vakansieverlof, siekteverlof en beëindiging van diens. Hierdie spesiale bepalings sal, waar van toepassing, onder paragrawe (c) "Spesiale bepalings" in die teks hieronder behandel word.

(d) *Los werkers:*

'n Los werker in die ware sin van die woord is 'n dagwerker wat nie op 'n gereelde grondslag in diens is nie en wat nie meer as drie dae in 'n week vir dieselfde werkgewer werk nie. So 'n werknemer word nie in diens geneem in die verwagting dat die diensverhouding sal voortduur nie. So 'n werknemer word egter nie meer as 'n los werker beskou indien hy/sy vir vier agtereenvolgende weke vir dieselfde werkgewer gewerk het nie. Hierdie werkers moet op dieselfde wyse as ander los werkers ingevolge die WBDV behandel word, behalwe waar ander aangedui word in paragraaf (c) hieronder.

2.3 Spesiale diensvoorwaardes

2.3.1 *Werkure*

(a) *WBDV*[1]: Nie meer as 9 uur en 15 minute per dag nie (5-dagweek) of 8 uur per dag (6-dagweek) en nie meer as 46 uur per week nie. Maksimum werkspreiding van 12 uur.

(1) Die slaan op die bestaande bepalings van die WBDV en word bloot as agtergrond gegee. Vir die presiese bepalings moet die Wet geraadpleeg word.

(b) *Aanbeveling:* Insluiting.

(c) *Spesiale bepalings:*

— 'n Maksimum werkspreiding van 14 uur moet toegelaat word ten opsigte van **inwonende huiswerkers** indien daar skriftelik hiertoe deur die huiswerker en die werkgewer ooreengekom is.

— **Gereelde dagwerkers** en **los werkers** mag, waar van toepassing, nie langer as 9 uur en 15 minute en nie meer as 3 uur oortyd per dag werk nie [sien par. 2.3.3 (b) hieronder].

Riglyne:

— Dit moet aan die huiswerker en die werkgewer oorgelaat word om op spesifieke reëlings rakende reistyd, vry naweke en middae, ens. ooreen te kom.

— Daar word voorgestel dat 'n 5-dagweek sover moontlik by wyse van ooreenkoms geïmplementeer word.

2.3.2 Etenspouses

(a) *WBDV:* 'n Werknemer mag nie langer as vyf uur werk sonder 'n etenspouse van minstens een uur nie. Die etenspouse kan deur ooreenkoms tot 30 minute verkort word. 'n Etenspouse van langer as een uur en 15 minute word beskou as tyd gewerk. 'n Werkgewer mag nie van 'n werknemer vereis om enige werk gedurende 'n etenspouse te verrig nie.

(b) *Aanbeveling:* Insluiting.

(c) *Special provisions:*

— When looking after children or the frail, elderly or sick, it should not be compulsory to relieve the domestic worker of her duties/responsibilities during mealtimes. Mealtimes in these instances will be deemed to be time worked.

— It should be possible to extend the lunch hour by written agreement to exceed one hour and 15 minutes, in which event it should not be regarded as time worked.

— These provisions should apply to all categories of domestic workers.

Guide-lines:

— Teatimes should be negotiated.

2.3.3 *Overtime*

(a) *BCEA:* Overtime can take place only by agreement and should not exceed three hours per day or 10 hours per week. Overtime is remunerated at one and one third the hourly wage rate.

(b) *Recommendation:* Overtime should not exceed 10 hours per week, but no daily limit should be specified for resident or live-in domestic workers. The 3-hour limit per day should, however, apply to the **regular day worker** and the **casual worker.**

(c) *Special provisions:*

— Domestic workers should be able to consent to work an additional four hours per week overtime when looking after children or the elderly, sick or frail. Such overtime is entirely voluntary.

— There should be protection for the domestic worker who does not wish to work additional overtime.

2.3.4 *Work on Sundays*

(a) *BCEA:* Work on a Sunday is voluntary. Double pay for work on Sundays or one and one third the wage rate in respect of the actual time worked with one day's leave with payment within seven days of that Sunday.

(b) *Recommendation:* The NMC recommends inclusion in principle for all domestic workers. However, two views were held with regard to the wage rate applicable to workers who work only on a Sunday as domestic workers:

(i) One suggestion, supported by NMC members Schreiner and Khumalu and Committee members Oewies, Benjamin, Bonner and De Villiers, was that these domestic workers should receive double pay for work on Sundays.

(ii) Another view was that where a domestic worker, e.g. a gardener, works only on a Sunday for a specific employer the provisions of the BCEA pertaining to Sunday work should not apply. This viewpoint was supported by NMC members Russell, Liebenberg, Angus and A. A. Landman and Committee members Delport, Lessing and Meintjies-Van der Walt.

(c) *Spesiale bepalings:*

— Wanneer na kinders, verswaktes, bejaardes of siekes omgesien word, moet dit nie verpligtend wees om die huiswerker van haar pligte/verantwoordelikhede gedurende etenspouses vry te stel nie. Etenspouses sal in hierdie gevalle beskou word as tyd gewerk.

— Dit moet moontlik wees om die etensuur deur skriftelike ooreenkoms te verleng sodat dit langer is as een uur en 15 minute, in welke geval dit nie beskou moet word as tyd gewerk nie.

— Hierdie bepalings moet op alle kategorieë huiswerkers van toepassing wees.

Riglyne:

— Oor teetye moet onderhandel word.

2.3.3 *Oortyd*

(a) *WBDV:* Oortyd kan slegs ingevolge ooreenkoms plaasvind en moet nie meer wees as drie uur per dag of 10 uur per week nie. Oortyd word vergoed teen een en een derde maal die uurlikse loonskaal.

(b) *Aanbeveling:* Oortyd moet nie meer as 10 uur per week wees nie, maar geen daaglikse beperking moet gestel word vir inwonende huiswerkers nie. Die 3-uurlimiet per dag moet egter op die **gereelde dagwerker** en op die **los werker** van toepassing wees.

(c) *Spesiale bepalings:*

— Huiswerkers moet kan instem tot oortydwerk van 'n bykomende vier uur per week wanneer hulle na kinders, bejaardes, siekes of verswaktes omsien. Sodanige oortyd moet heeltemal vrywillig wees.

— Daar moet beskerming bestaan vir die huiswerker wat nie bykomende oortyd wil werk nie.

2.3.4 *Werk op Sondae*

(a) *WBDV:* Werk op Sondae is vrywillig. Dubbelbetaling vir werk op Sondae of een en een derde maal die loonskaal ten opsigte van die werklike tyd wat gewerk is, met een dag verlof met betaling binne sewe dae na daardie Sondag.

(b) *Aanbeveling:* Die NMK beveel aan insluiting in beginsel vir alle huiswerkers. Twee standpunte is egter gehuldig met betrekking tot die toepaslike loonskaal van werkers wat slegs op Sondae as 'n huiswerker werk:

(i) Een voorstel soos ondersteun deur NMK-lede Schreiner en Khumalu en Komiteelede Oewies, Benjamin, Bonner en De Villiers was dat hierdie huiswerkers dubbele betaling vir werk op Sondae moet ontvang.

(ii) 'n Ander standpunt was dat waar 'n huiswerker, byvoorbeeld 'n tuinier, slegs op 'n Sondag vir 'n spesifieke werkgewer werk, die bepalings van die WBDW rakende werk op Sondae nie van toepassing behoort te wees nie. Hierdie standpunt is ondersteun deur NMK-lede Russel, Liebenberg, Angus en A. A. Landman asook Komiteelede Delport, Lessing en Meintjies-Van der Walt.

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2.3.5 *Public holidays*

(a) *BCEA:* Six public holidays with full remuneration for days not worked, but which would otherwise be an ordinary working day. The position relating to employees in shops and offices, however, differs. They enjoy 11 public holidays as provided for in the Public Holidays Act, No. 5 of 1952. Overtime pay at special rates is provided for if the employee does, in fact, work on a public holiday.

(b) *Recommendation:* Inclusion, but two views were held on the number of public holidays to be applicable to domestic workers:

(i) The BCEA should apply in the same way as it applies to all workers (except in shops and offices), i.e. six days, but Workers' Day should be added (i.e. seven days). NMC members Liebenberg, L. Smith, Kleynhans, Brand, Russell, Angus, Nieuwoudt and Jacobs and Committee members Malan, Delport, Meintjies-Van der Walt, Marais and Lessing supported this view.

(ii) Domestic workers should enjoy the 11 public holidays provided for in the Public Holidays Act, No. 5 of 1952 (including Workers' Day), i.e. the same as for employees in shops and offices. Soweto Day should, however, also be added (i.e. 12 days). NMC members Schreiner, Khumalu and Graham and Committee members Benjamin, Lessing, Bonner and De Villiers were in favour of this second view.

NMC members Pienaar, R. H. Botha and Rossouw and Committee member Oewies abstained from voting.

(c) *Special provisions:* Two views were held with regard to **regular day workers:**

(i) The majority of the NMC and the Committee stated that the provisions of the Act should apply if a **regular day worker** ordinarily would have worked on such a public holiday.

(ii) NMC members Liebenberg, Kleynhans, L. Smith and Graham stated that **regular day workers** should be excluded from the provisions of the BCEA in this regard.

2.3.6 *Vacation leave*

(a) *BCEA:* At least 14 consecutive days' leave on full pay in respect of each period of 12 consecutive months for which the employee works for a single employer. An employer should not require or permit an employee to perform any work during the period of leave.

(b) *Recommendation:* Inclusion, but subject to two views:

(i) Inclusion with no special provision as a first step. The whole question of vacation leave should, however, be investigated with a view to possibly providing for three weeks' paid leave for all workers.

This viewpoint was supported by NMC members Liebenberg, Pienaar, Russell, Angus, Rossouw, Graham, Nieuwoudt, Brandt, A. A. Landman, L. Smith, Kleynhans and Jacobs and Committee members Delport, Lessing, Marais and Malan.

2.3.5 *Openbare feesdae*

(a) *WBDV:* Ses openbare feesdae met volle betaling vir dae waarop nie gewerk word nie maar wat andersins gewone werkdae sou gewees het. Die posisie met betrekking tot werknemers in winkels en kantore verskil egter. Hulle geniet 11 openbare feesdae soos waarvoor in die Wet op Openbare Feesdae, No. 5 van 1952, voorsiening gemaak word. Daar word voorsiening gemaak vir oortydbetaling teen spesiale koerse indien die werknemer wel op 'n openbare feesdag werk.

(b) *Aanbeveling:* Insluiting, maar twee standpunte is gehuldig oor die aantal openbare feesdae wat op huiswerkers van toepassing moet wees:

(i) Die WBDV moet op dieselfde wyse van toepassing wees as wat dit op alle werkers van toepassing is (behalwe in winkels en kantore), dit wil sê ses dae, maar Werkersdag moet bygevoeg word (dit wil sê sewe dae). NMK-lede Liebenberg, L. Smith, Kleynhans, Brand, Russel, Angus, Nieuwoudt en Jacobs en Komiteelede Malan, Delport, Meintjies-Van der Walt, Lessing en Marais het hierdie standpunt gesteun.

(ii) Huiswerkers moet die 11 feesdae waarvoor in die Wet op Openbare Feesdae, No. 5 van 1952, voorsiening gemaak word (waarvolgens Werkersdag ingesluit word) geniet, dit wil sê dieselfde as vir werknemers in winkels en kantore. Soweto-dag moet egter ook bygevoeg word (dit wil sê 12 dae). NMK-lede Schreiner, Khumalu en Graham en Komiteelede Benjamin, Lessing, Bonner en De Villiers was ten gunste van hierdie tweede standpunt.

NMK-lede Pienaar, R. H. Botha en Rossouw en Komiteelid Oewies het nie gestem nie.

(c) *Spesiale bepalings:* Twee standpunte is gehuldig in verband met **gereelde dagwerkers:**

(i) Die meerderheid van die NMK en die Komitee het verklaar dat die bepalings van die Wet van toepassing moet wees indien 'n ***gereelde dagwerker*** normaalweg op so 'n openbare feesdag sou gewerk het.

(ii) NMK-lede Liebenberg, Kleynhans, L. Smith en Graham verklaar dat **gereelde dagwerkers** in hierdie opsig uitgesuit moet word van die bepalings van die WBDV.

2.3.6 *Vakansieverlof*

(a) *WBDV:* Ten minste 14 opeenvolgende dae verlof met volle betaling ten opsigte van elke tydperk van 12 agtereenvolgende maande wat die werknemer in diens van een werkgewer is. 'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om enige werk tydens die verloftydperk te verrig nie.

(b) *Aanbeveling:* Insluiting, maar behoudens twee standpunte:

(i) Insluiting met geen spesiale bepaling as 'n eerste stap. Die hele kwessie van vakansieverlof moet egter ondersoek word met die oog daarop om moontlik voorsiening te maak vir drie weke betaalde verlof vir alle werkers.

Hierdie standpunt is gesteun deur NMK-lede Liebenberg, Pienaar, Russell, Angus, Rossouw, Graham, Nieuwoudt, Brandt, A. A. Landman, L. Smith, Kleynhans en Jacobs en Komiteelede Delport, Lessing, Marais en Malan.

(ii) Domestic workers should be entitled to three weeks paid leave. The rationale for the latter proposal is that domestic workers cannot bargain collectively for a longer period of leave as is collectively for a longer period of leave as is done in other sectors of the economy and most employees in the country receive at least three weeks' leave per year. A large number of domestic workers also live away from their families. Employees should be entitled to take leave in the year in which it is earned. Such leave should, however, be taken in the year in which it is earned.

This second viewpoint was supported by the NMC members Khumalu and Schreiner and Committee members Benjamin, Oewies, Bonner, De Villiers and Meintjies-Van der Walt.

NMC member R. H. Botha abstained.

(c) *Special provisions:*

— A **regular day worker** will be entitled to *pro rata* leave depending on the number of days worked. A **regular day worker** should be in a position to take leave from various employers concurrently.

Guide-lines:

— The employee should have a choice of when he/she would like to take leave. This ideally should be negotiated.

— The issue of bonuses and double leave pay should be dealt with separately by the parties themselves and would be referred to in the information brochure.

2.3.7 *Sick leave*

(a) *BCEA:* Ten or 12 days sick leave per year (depending on the length of the working week) with full pay. If a worker is absent for more than two days without a medical certificate, he/she is not entitled to payment. Under common law the domestic worker is, however, entitled to payment for a short period of illness.

(b) *Recommendation:* The NMC agreed that domestic workers in general should be in the same position as other workers, but on the question of medical certificates two views were held:

(i) NMC members Liebenberg, Russell, Angus, Kleynhans, L. Smith, Jacobs, Rossouw, A. A. Landman and Brand and Committee members Malan and Lessing were of the opinion that the provisions of the BCEA regarding medical certificates are adequate and inclusion is appropriate.

(ii) NMC members Schreiner, Khumalu and Graham and Committee members Benjamin, Oewies, Delport, Marais, Bonner, Meintjies-Van der Walt and De Villiers indicated that the period of two days absence without a medical certificate is too short in the circumstances of the domestic sector and should be extended to three days.

(c) *Special provisions:*

— The **regular day worker** will be entitled to *pro rata* sick leave depending on the number of days worked. Consecutive days of absence for the **regular day worker** will for instance be Monday, Tuesday, Wednesday and not three consecutive Mondays. This recommendation was supported by the NMC, except that NMC members Liebenberg, Russell, Angus, Graham, L. Smith, Kleynhans and R. H. Botha abstained from voting. All Committe members supported this view.

(ii) Huiswerkers moet geregtig wees op drie weke betaalde verlof. Die rasionaal vir laasgenoemde voorstel is dat huiswerkers nie kollektief kan beding vir 'n langer verloftydperk, soos wat in ander sektore van die ekonomie die geval is nie, en die meeste werknemers in die land kry ten minste drie weke verlof per jaar. 'n Groot aantal huiswerkers woon ook weg van hulle gesinne. Huiswerkers behoort geregtig te wees daarop om hulle verlof te neem binne die jaar waarin dit verdien word. Sodanige verlof móét egter geneem word binne die jaar waarin dit verdien word.

Hierdie tweede standpunt is gesteun deur NMK-lede Khumalu en Schreiner en Komiteelede Benjamin, Oewies, Bonner, De Villiers en Meintjies-Van der Walt.

NMK-lid R. H. Botha het nie gestem nie.

(c) *Spesiale bepalings:*

— 'n **Gereelde dagwerker** sal geregtig wees op *pro rata*-verlof afhangende van die aantal dae wat gewerk is. **'n Gereelde dagwerker** moet in 'n posisie wees om die verlof wat deur die verskillende werkgewers toegestaan word, aaneenlopend te neem.

Riglyne:

— Die werknemer moet 'n keuse hê oor wanneer hy/sy verlof wil neem. Ideaal gesien, moet hieroor onderhandel word.

— Die kwessie van bonusse en dubbele verlofbetaling moet afsonderlik deur die partye self hanteer word en kan in die **inligtingsbrosjure** behandel word.

2.3.7 *Siekteverlof*

(a) *WBDV:* Tien of 12 dae siekteverlof per jaar (afhangende van die lengte van die werkweek) met volle betaling. Indien 'n werker meer as twee dae sonder 'n mediese sertifikaat afwesig is, is hy/sy nie geregtig op betaling nie. Ingevolge die gemenereg is die huiswerker egter geregtig op betaling vir 'n kort tydperk van siekte.

(b) *Aanbeveling:* Die NMK stem saam dat huiswerkers oor die algemeen in dieselfde posisie as ander werkers moet wees, maar oor die kwessie van mediese sertifikate is twee standpunte gehuldig:

(i) NMK-lede Liebenberg, Russell, Angus, Kleynhans, L. Smith, Jacobs, Rossouw, A. A. Landman en Brand asook Komiteelede Malan en Lessing was van mening dat die bepalings van die WBDV met betrekking tot mediese sertifikate voldoende is, en insluiting gepas is.

(ii) NMK-lede Schreiner, Khumalu en Graham en Komiteelede Benjamin, Oewies, Delport, Marais, Bonner, Meintjies-Van der Walt en De Villiers het aan die hand gedoen dat die tydperk van twee dae afwesigheid sonder 'n mediese sertifikaat in die omstandighede van die huishoudelike sektor te kort is en dat dit tot drie dae verleng moet word.

(c) *Spesiale bepalings:*

— Die **gereelde dagwerker** moet geregtig wees op *pro rata*-siekteverlof afhangende van die aantal dae gewerk. Aaneenlopende dae van afwesigheid vir die **gereelde dagwerker** sal byvoorbeeld Maandag, Dinsdag en Woensdag wees en nie drie agtereenvolgende Maandae nie. Hierdie aanbeveling is deur die NMK gesteun, behalwe dat NMK-lede Liebenberg, Russell, Angus, Graham, L. Smith, Kleynhans en R. H. Botha nie gestem het nie. Alle Komiteelede het hierdie standpunt gesteun.

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— Discussions with the S.A. Medical and Dental Council and the Nursing Council should be held on the question of registered nurses issuing medical certificates. This could, however, lead to abuse and consultation should take place with the Councils as to how this could be avoided. The further question as to the ethical consequences of withholding or supplying reasons (by the doctor or nurse) for the employees's absence from work should be explored with the Councils.

Guide-lines:

— Provision should to be made in the **guide-lines** for domestic workers to be reasonably assisted by their employers regarding transport and access to a medical doctor or registered nurse.

2.3.8 Maternity leave

(a) *BCEA:* A female employee may not be employed for four weeks before the anticipated date of confinement and for eight weeks thereafter. Such leave is without payment and job security is not provided for.

(b) *Recommendation:* Inclusion is appropriate as a first step.

The NMC noted, however, that the provisions of the BCEA are inadequate for female employees in all sectors of the economy since they are not guaranteed their jobs back after the period of pregnancy and confinement. These provisions are especially inadequate for domestic workers since they are at present not entitled to unemployment benefits in terms of the Unemployment Insurance Act, No. 30 of 1966.

Domestic workers should be entitled to—

(i) 12 weeks maternity leave, as provided for all other employess i.r.o. the BCEA,

(ii) unemployment benefits through an Unemployment Insurance scheme (see par. 4 below).

In investigation should, however, be launched in order to investigate the question whether female employees in all sectors should not be guaranteed their jobs back after a period of pregnancy and confinement. The question as to whether any limitation should be placed on the number of pregnancies to which this guarantee would apply should also form part of this investigation. As regards domestic workers, certain members of the NMC adopted the view that this provision should be limited to two pregnancies only. COSATU and SADWU took the view that there should be no limitation on the number of pregnancies.

NMC members Graham, Russell, Khumalu and Schreiner and Committee members De Villiers, Meintjies-Van der Walt, Bonner, Oewies and Benjamin were of the opinion that domestic workers should be guaranteed their job back after a period of pregnancy and confinement regardless of the broader investigation mentioned above.

— Samesprekings moet met die S.A. Geneeskundige en Tandheelkundige Raad en met die Raad op Verpleging gevoer word oor die kwessie van die uitreiking van mediese sertifikate deur geregistreerde verpleegsters. Dit kan egter tot misbruik lei, en daar sal met die Rade oorleg gepleeg moet word oor hoe dit voorkom kan word. Die verdere vraag met betrekking tot die etiese gevolge van die terughouding of verskaffing van redes (deur die dokter of verpleegster) vir die werknemer se afwesigheid van werk, moet saam met die Rade ondersoek word.

Riglyne:

— Voorsiening moet in **riglyne** gemaak word dat huiswerkers redelikerwys deur hulle werkgewers bygestaan moet word wat betref vervoer na en toegang tot 'n mediese dokter of geregistreerde verpleegster.

2.3.8 Kraamverlof

(a) *WBDV:* 'n Vroulike werknemer mag nie werk nie gedurende die tydperk wat vier weke voor die verwagte datum van haar bevalling begin en agt weke na haar bevalling eindig. Sodanige verlof is sonder betaling en daar word nie vir werksekerheid voorsiening gemaak nie.

(b) *Aanbeveling:* Insluiting is gepas as eerste stap.

Die NMK het egter opgemerk dat die bepalings van die WBDV onvoldoende is vir vroulike werknemers in alle sektore van die ekonomie, aangesien hulle nie van hulle werk verseker is na die tydperk van swangerskap en bevalling nie. Hierdie bepalings is veral ontoereikend vir huiswerkers aangesien hulle tans nie geregtig is op werkloosheidvoordele ingevolge die Werkloosheidsversekeringswet No. an 1966 nie.

Huiswerkers moet geregtig wees op—

(i) 12 weke kraamverlof, soos wat vir alle ander vroulike werknemers ingevolge die WBDV voorsiening gemaak word, en

(ii) werkloosheidvoordele deur middel van 'n werkloosheidsversekeringsskema (sien paragraaf 4 hieronder).

Daar moet egter ondersoek ingestel word na die vraag of vroulike werknemers in alle sektore nie die waarborg moet hê dat hulle, hulle werk sal terugkry na 'n tydperk van swangerskap en bevalling nie. Die vraag of enige beperking geplaas moet word op die aantal swangerskappe waarop hierdie waarborg van toepassing sal wees, moet ook deel uitmaak van die ondersoek. Wat huiswerkers betref, was sommige lede van die NMK van mening dat hierdie bepaling tot slegs twee swangerskappe beperk moet word. COSATU en SADWU het die standpunt ingeneem dat daar geen beperking moet wees op die aantal swangerskappe nie.

NMK-lede Graham, Russell, Khumalu en Schreiner en Komiteelede De Villiers, Meintjies-Van der Walt, Bonner, Oewies en Benjamin was van mening dat huiswerkers die waarborg moet hê dat hulle, hulle werk sal terugkry na 'n tydperk van swangerskap en bevalling, ongeag die breër ondersoek wat hierbo genoem word.

The Committee noted that, in the event of domestic workers being included under the LRA and dismissed because of pregnancy, this might constitute an ULP.

(c) *Special provisions:*

— The NMC agreed that the **regular day worker** should also be entitled to materinity leave.

Guide-lines:

— Time-off for visits to clinics etc., should be dealt with in the **guide-lines.**

— Where the employer guarantees the domestic worker her job back after pregnancy the domestic worker should be required to give notice in writing of her intention to return to work before she goes on maternity leave and also 1 month before actually returning to her job. This aspect could be dealt with in the **guide-lines.**

2.3.9 *Termination of service*

(a) *BCEA:* A weekly employee should receive at least 1 week's notice and a monthly employee 2 weeks' notice. Payment in lieu of notice is legal.

(b) *Recommendation:* Two views were held:

(i) NMC members Liebenberg, Russel, Angus, Kleinhans, L. Smith and Nieuwoudt and Committee members Delport and Malan were in favour of inclusion, but stated that there should be a general investigation into whether the notice period for all workers should not be extended to be the same as in the common law, i.e. a reasonable period, which would be one month in the event of the employee being paid monthly.

(ii) NMC members Graham, Khumalu and Schreiner and Committee members Bonner, De Villiers, Oewies, Meintjies-Van der Walt and Benjamin were of the view that domestic workers should be entitled to one month's notice, i.e. the same as they enjoy at present under the common law.

NMC member Pienaar abstained from voting in this regard.

(c) *Special provisions:*

— Where accomodation is provided as part of the remuneration package, a calender month's notice must be given because accomodation usually becomes available at the end of the month.

— The **regular day worker** will, subject to the above, where applicable, be entitled to a *pro rata* notice period or notice pay.

2.3.10 *Minimum age*

(a) *BCEA:* No one under the age of 15 years may be employed.

(b) *Recommendation:* Inclusion

Die Komitee het opgemerk dat indien huiswerkers onder die WAV ingesuit word en weens swangerskap ontslaan word, dit 'n OAP kan uitmaak.

(c) *Spesiale bepalings:*

— Die NMK het ooreengekom dat die **gereelde dagwerker** ook op kraamverlof geregtig moet wees.

Riglyne:

— Vrye tyd vir besoeke aan klinieke, ens. moet in **riglyne** behandel word.

— Indien die werkgewer die huiswerker haar werk na 'n swangerskap waarborg, moet daar van die huiswerker vereis word om skriftelik kennis te gee van haar voorneme om na haar werk terug te keer voordat sy kraamverlof neem en ook een maand voordat sy werklik na haar werk terugkeer. Hierdie aspek kan in die **riglyne** behandel word.

2.3.9 *Beëindiging van diens*

(a) *WBDV:* 'n Weeklikse werknemer moet ten minste een week en 'n maandelikse werker minstens twee weke kennis gegee word. Betaling in die plek van kennisgewing is wettig.

(b) *Aanbeveling:* Twee standpunte is gehuldig:

(i) NMK-lede Liebenberg, Russel, Angus, Kleynhans, L. Smith en Nieuwoudt en Komiteelede Delport en Malan was ten gunste van insluiting, maar het gesê dat daar 'n algemene ondersoek moet wees na die vraag of die kennistydperk vir alle werkers nie verleng moet word sodat dit dieselfde is as in die gemenereg nie, dit wil sê 'n redelike tydperk, wat een maand sal wees in die geval waar die werknemer maandeliks betaal word.

(ii) NMK-lede Graham, Khumalu en Schreiner en Komiteelede Bonner, De Villiers, Oewies, Meintjies-Van der Walt en Benjamin was van mening dat huiswerkers geregtig moet wees op een maand kennis, dit wil sê dieselfde as wat hulle tans ingevolge die gemenereg geniet.

NMK-lid Pienaar het nie in hierdie verband gestem nie.

(c) *Spesiale bepalings:*

— Waar huisvesting voorsien word as deel van die vergoedingspakket, moet 'n kalendermaand kennis gegee word, aangesien huisvesting gewoonlik aan die einde van die maand beskikbaar word.

— Die **gereelde dagwerker** sal, behoudens bostaande, waar van toepassing, geregtig wees op 'n *pro-rata*-kennisgewingtydperk of betaling in plaas van kennisgewing.

2.3.10 *Minimum ouderdom*

(a) *WBDV:* Niemand onder die ouderdom van 15 jaar mag in diens geneem word nie.

(b) *Aanbeveling:* Insluiting

(c) *Special provisions:*

Guide-lines:

— Committee members Bonner, De Villiers, Lessing, Malan, Meintjies-Van der Walt, Oewies and Delport are of the opinion that, where the care of the elderly or children is involved, a domestic worker should be at least 19 years old. This should be specified in the **guide-lines.** This should also apply to **regular day workers.**

2.3.11 *Certificate of service*

(a) *BCEA:* A certificate of service must be supplied by an employer to an employee on the termination of service under certain circumstances.

(b) *Recommendation:* Inclusion

2.3.12 *Deductions*

(a) *BCEA:* No amount may be deducted from an employee's wage except in accordance with written consent, authorisation in terms of a court order or a provision of any law.

(b) *Recommendation:* Inclusion.

(c) *Special provisions:*

— Employers should be made aware of the legal position by means of the **guide-lines** as deductions occur frequently in practice.

2.3.13 *Other conditions of employment*

(a) *BCEA:* There are many conditions of employment that are specific to the domestic sector, but are not currently contained in the BCEA.

(b) *Recommendation;* Specific conditions of employment such as accommodation, meals, transport allowance, protective clothing and a job description should be included in the **guide-lines**. The Committee does not consider that it would be appropriate for these items to be included under the Act. The question arises as to which body should develop these **guide-lines.** Although, in theory, these **guide-lines** could be developed by the NMC, the NMC will not possess the specialised and detailed knowledge of the domestic sector required to develop appropriate guide-lines on these issues. If, however, domestic workers are included under the Wage Act, these specific conditions of employment could be made the subject of investigation by the Wage Board, which would then be in a position to recommend to the Minister whether or not they should be included in a wage determination.

2.3.14 *Calculation of wages*

Recommendation:

— The value of accommodation, food and other consumer goods which form part of the remuneration of the domestic worker should be regarded as part of the wages.

— The value of such goods should be indicated on a schedule to be prepared and revised on a regular basis by a body such as the Wage Board.

NMC members Kleynhans and L. Smith did not agree with this recommendation and Committee member Malan abstained from voting.

(c) *Spesiale bepalings:*

Riglyne:

— Komiteelede Bonner, De Villiers, Lessing, Malan, Meintjies-Van der Walt, Oewies en Delport is van mening dat, waar die versorging van bejaardes of kinders betrokke is, 'n huiswerker ten minste 18 jaar oud moet wees. Dit moet gespesifiseer word in **riglyne** en moet ook op **gereelde dagwerkers** van toepassing wees.

2.3.11 *Dienssertifikaat*

(a) *WBDV:* 'n Dienssertifikaat moet deur 'n werkgewer aan 'n werknemer uitgereik word by die beëindiging van diens onder sekere omstandighede.

(b) *Aanbeveling:* Insluiting.

2.3.12 *Aftrekkings*

(a) *WBDV:* Geen bedrag mag van 'n werknemer se loon afgetrek word nie behalwe ooreenkomstig skriftelike toestemming, magtiging ingevolge 'n hofbevel of 'n bepaling van enige wet.

(b) *Aanbeveling:* Insluiting.

(c) *Spesiale bepalings:*

— Werknemers moet van die regsposisie bewus gemaak word deur middel van **riglyne,** aangesien aftrekkings dikwels in die praktyk voorkom.

2.3.13 *Ander diensvoorwaardes*

(a) *WBDV:* Daar is baie diensvoorwaardes wat eie aan die huishoudelike sektor is en wat nie tans in die WBDV vervat is nie.

(b) *Aanbeveling:* Bepaalde diensvoorwaardes soos huisvesting, etes, vervoertoelae, beskermende kleredrag en 'n posbeskrywing moet by **riglyne** ingesluit word. Die Komitee is van mening dat hierdie diensvoorwaardes nie by die WBDV ingesluit moet word nie. Die vraag ontstaan egter wie hierdie **riglyne** moet opstel. Alhoewel hierdie **riglyne** in teorie deur die NMK opgestel kan word, beskik die NMK nie oor die nodige gespesialiseerde kennis van die huishoudelike sektor wat hiervoor benodig word nie. Indien huiswerkers egter onder die Loonwet ingesluit word, kan daar vir hierdie bepaalde diensvoorwaardes in 'n loonvasstelling voorsiening gemaak word deur middel van 'n ondersoek deur die Loonraad. Die Loonraad kan dan 'n aanbeveling aan die Minister maak ten opsigte van die insluiting in 'n loonvasstelling al dan nie.

2.3.14 *Berekening van lone*

Aanbeveling:

— Die waarde van huisvesting, voedsel en ander verbruikersgoedere wat deel vorm van die vergoeding van die huiswerker, moet as deel van die loon beskou word.

— Die waarde van sodanige goedere moet aangedui word op 'n skedule wat opgestel en op 'n gereelde grondslag hersien moet word deur 'n liggaam soos die Loonraad.

NMK-lede Kleynhans en L. Smith het nie met hierdie aanbeveling saamgestem nie, en Komiteelid Malan het buite stemming gebly.

2.3.15 *A new section 30A of the BCEA*

Recommendation: Domestic workers should have the right to proceed to a civil court to recover any monies due, provided that notice is given to the Department of Manpower.

2.3.16 *Additional provisions regarding victimisation in the BCEA*

Recommendation: The following or a similar clause should be inserted in the BCEA: No employer should be allowed to dismiss a domestic worker or alter the conditions of employment to a position less favourable than it was previously because a domestic worker:

- has refused to perform an act contrary to the provisions of the Act; or
- has discussed his/her conditions of employment with other employees, employers or anybody else.

NMC members Schreiner and Khumalu and Committee members Bonner, De Villiers and Benjamin suggested that there should be adequate protection against victimisation of an employee for refusal to work overtime or on Sundays. Such work is voluntary and refusal should not constitute a valid reason for dismissal. The Act should make this quite clear. The other members of the NMC and the Committee stated that no reference should be made to overtime or work on Sundays as it was made clear that such work is in fact voluntary. Domestic workers will in any event also be included in the LRA and as such be protected against unfair labour practices.

2.3.17 *Wage slips/receipts*

BCEA: In terms of the regulations of the BCEA, an employer is obliged to provide the employee with a wage slip which has to comply with certain minimum requirements.

Recommendation: Inclusion under the existing provisions of the BCEA. The regulations promulgated under the BCEA pertaining to the prescribed manner in which employees' wages must be paid (regulation 2A) could be simplified and included in the ***guidelines.***

2.3.18 *Contract of employment*

Recommendation: Two views were held:

(i) NMC member Schreiner, Russel and Khumalu and Committee members Bonner, De Villiers, Lessing, Oewies, Meintjies-Van der Walt and Benjamin supported the view that provision should be made in the Act that no domestic worker may be employed for longer than 3 months without a written contract. This contract should be signed by both parties and be available for inspection and both employer and domestic worker should be in possession of a copy of the contract. The BCEA or the Regulations to the BCEA should state which issues should be addressed in a contract of employment for the domestic sector.

(ii) NMC members Liebenberg, A. A. Landman, Angus, Kleynhans, Graham and L. Smith and Committee members Delport, Malan and Marais were of the opinion that the contract of employment should be dealt with in the **guide-lines,** i.e. no statutory compulsion would exist.

NMC members Pienaar, R. H. Botha and Nieuwoudt did not vote on this issue.

2.3.15 *'n Nuwe artikel 30A van die WBDV*

Aanbeveling: Huiswerkers moet die reg hê om 'n aksie by 'n siviele hof in te stel vir die verhaling van enige verskuldigde gelde, op voorwaarde dat kennis aan die Departement van Mannekrag gegee word.

2.3.16 *Aanvullende bepalings rakende viktimisasie in die WBDV*

Aanbeveling: Die volgende of 'n soortgelyke klousule moet in die WBDV ingevoeg word:

Geen werknemer moet toegelaat word om 'n huiswerker te ontslaan of die diensvoorwaardes te wysig sodat dit minder gunstig is as wat dit voorheen was nie, omdat 'n huiswerker—

- geweier het om 'n handeling te verrig wat in stryd is met die bepalings van die Wet, of
- sy haar diensvoorwaardes met ander werknemers of werkgewers of enigiemand anders bespreek het.

NMK-lede Schreiner en Khumalu en Komiteelede Bonner, De Villiers en Benjamin het voorgestel dat daar voldoende beskerming moet wees teen viktimisasie van 'n werknemer ten opsigte van weiering om oortyd of op Sondae te werk. Sulke werk is vrywillig en weiering moet nie 'n geldige rede vir ontslag wees nie. Die Wet moet dit heeltemal duidelik stel. Die ander lede van die NMK en die Komitee het verklaar dat daar glad nie melding gemaak moet word van oortyd of werk op Sondae nie, aangesien dit duidelik gestel is dat sodanige werk in werklikheid vrywillig is. Huiswerkers sal in elk geval ook by die WAV ingesluit word en as sodanig teen onbillike arbeidspraktyke beskerm word.

2.3.17 *Loonstrokies/kwitansies*

WBDV: Ingevolge die regulasies van die WBDV moet werkgewers werknemers voorsien van loonstrokies wat aan sekere minimum vereistes moet voldoen.

Aanbeveling: Insluiting onder die bestaande bepalings van die WBDV. Die regulasies kragtens die WBDV met betrekking tot die voorgeskrewe wyse waarop werknemers se lone betaal moet word (regulasie 2A) kan vereenvoudig word en by die **riglyne** ingesluit word.

2.3.18 *Dienskontrak*

Aanbeveling: Twee standpunte is gehuldig:

(i) NMK-lede Schreiner, Russel en Khumalu en Komiteelede Bonner, De Villiers, Lessing, Oewies, Meintjies-Van der Walt en Benjamin het die standpunt gesteun dat daar in die Wet bepaal moet word dat geen huiswerker langer as drie maande sonder 'n skriftelike dienskontrak in diens mag wees nie. Hierdie kontrak moet deur albei partye onderteken word en moet beskikbaar wees vir inspeksie, en sowel werkgewer as huiswerker moet in besit wees van 'n afskrif van die kontrak. Die WBDV of die regulasies van die WBDV moet meld watter kwessies in 'n dienskontrak vir die huishoudelike sektor aangespreek moet word.

(ii) NMK-lede Liebenberg, A. A. Landman, Angus, Kleynhans, Graham en L. Smith en Komiteelede Delport, Malan en Marais was van mening dat die dienskontrak in **riglyne** behandel moet word, dit wil sê daar sal geen statutêre verpligting wees nie.

NMK-lede Pienaar, R. H. Botha en Nieuwoudt het nie oor hierdie aangeleentheid gestem nie.

2.3.19 *Special summary of provisions relating to domestic workers in the BCEA and the guide-lines*

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A special summary of the actual provisions in the BCEA relating to domestic workers should be made available in order to make the Act more accessible to both employers and employees. This summary would not form part of the Act, but would be contained in a brochure to be distributed widely. This brochure should also contain the **guide-lines** referred to above.

3. THE WAGE ACT, No. 5 OF 1957

Recommendation: Two views were held:

(i) NMC members Kleynhans, Nieuwoudt, Rossouw and L. Smith and Committee members, Delport, Malan and Marais recommended that domestic workers should not be included as such under the Wage Act, but that there should be **wage guide-lines.** Such **guide-lines** should be non-binding and could be drafted by the Wage Board or a similar institution. It would seem that the Wage Board could, in terms of the existing Act, be instrumental in drafting such **guide-lines.** Different wages could be recommended according to geographical areas, differences in competence and training of the worker, financial ability of the employer, etc. The **guide-lines** could, for example, provide that, if an employer cannot afford the recommended wage, an employee's hours be reduced to such an extent as to allow him/her the possibility of utilising other opportunities for earning an extra income.

(ii) NMC members R. H. Botha, Brand, Graham, Landman, Russell, Angus, Liebenberg, Pienaar, Khumalu and Schreiner and Committee members Benjamin, Oewies, Lessing, De Villiers, Meintjies-Van der Walt and Bonner were in favour of summary inclusion of domestic workers under the Wage Act. They believe that the Wage Board is the forum for debate, argument and the presentation of evidence on whether or not there should be specific minimum conditions of employment, including a minimum wage. Inclusion under the Wage Act would allow the Wage Board to investigate wages and other conditions of employment in the domestic sector and, on the basis of representations, make recommendations that it considers appropriate to the Minister. In its deliberations the Wage Board would take account of relevant factors and could, for instance recommend different minimum wages for different georgraphical regions. The Minister, however, retains a discretion as to whether or not to give effect to the recommendations by making a determination. Giving the Wage Board jurisdiction over domestic workers would allow for a specialised process of setting minimum conditions of employment over a period of time.

2.3.19 *Spesiale opsomming van bepalings ten opsigte van huiswerkers in die WBDV en Riglyne*

'n Spesiale opsomming van die werklike bepalings in die WBDV ten opsigte van huiswerkers moet beskikbaar gestel word ten einde die Wet meer toeganklik te maak vir sowel werkgewers as werknemers. Hierdie opsomming sal nie deel vorm van die Wet nie, maar sal vervat wees in 'n brosjure wat wyd versprei moet word. Hierdie brosjure moet ook die bogenoemde **riglyne** bevat.

3. DIE LOONWET, No. 5 VAN 1957

Aanbeveling: Twee standpunte is gehuldig:

(i) NMK-lede Kleynhans, Nieuwoudt, Rossouw en L. Smith en Komiteelede Delport, Malan en Marais het aanbeveel dat huiswerkers nie as sodanig onder die Loonwet ingesluit moet word nie, maar dat daar **loonriglyne** moet wees. Sodanige **riglyne** moet niebindend wees en kan deur die Loonraad of 'n soortgelyke instelling opgestel word. Dit lyk asof die Loonraad ingevolge die bestaande Wet behulpsaam kan wees met die opstel van sulke **riglyne.** Verskillende lone kan aanbeveel word volgens geografiese gebiede, verskille in vaardighede en opleiding van die werker, finansiële vermoë van die werkgewer, ens. Die **riglyne** kan byvoorbeeld bepaal dat, indien 'n werkgewer, ens. Die **riglyne** kan byvoorbeeld bepaal dat, indien 'n werkgewer nie die aanbevole loon kan bekostig nie, 'n werknemer se ure dermate verminder moet word dat daar vir hom/haar geleentheid is om hy/haar inkomste op 'n ander manier aan te vul.

(ii) NMK-lede R. H. Botha, Brand, Graham, A. A. Landman, Russell, Angus, Liebenberg, Pienaar, Khumalu en Schreiner en Komiteelede Benjamin, Oewies, Lessing, De Villiers, Meintjies-Van der Walt en Bonner was ten gunste van summiere insluiting van huiswerkers onder die Loonwet. Hulle meen dat die Loonraad die forum is waar gedebatteer en argumenteer en waar getuienis aangebied moet word oor die vraag of daar spesifieke minimum diensvoorwaardes moet wees, met insluiting van 'n minimum loon. Insluiting onder die Loonwet sal die Loonraad in staat stel om lone en ander diensvoorwaardes in die huishoudelike sektor te ondersoek en op grond van vertoë aanbevelings, wat die Raad gepas ag, aan die Minister te maak. In sy beraadslaging sal die Loonraad relevante faktore in ag neem en kan daar byvoorbeeld aanbeveel word dat verskillende minimum lone vir verskillende geografiese gebiede behoort te geld. Die Minister behou egter die diskresie om uitvoering te gee aan die aanbevelings of nie, deur 'n vasstelling te maak. Indien die Loonraad jurisdiksie oor huiswerkers gegee word, sal voorsiening gemaak word vir 'n gespesialiseerde proses vir die vasstelling van minimum diensvoorwaardes oor 'n tydperk.

4. THE UNEMPLOYMENT INSURANCE ACT, No. 30 OF 1966, THE WORKMEN'S COMPENSATION ACT, No. 30 OF 1941, AND OTHER SOCIAL SECURITY ISSUES

Recommendation:

(i) The NMC supports the inclusion of domestic workers within the ambit of these Acts which provide basic social security. However, there appear to be certain difficulties, particularly with regard to the collection of contributions and administration. These problems can best be addressed by a working group which would include members with technical expertise, including the Commissioners of the Unemployment Insurance and Workmens' Compensation Funds or their representatives.

(ii) As members of the Domestic Workers' Committee are not fully conversant with what the administration of these Acts implies and the specific strains that summary inclusion would put on the existing funds, the need arose to engage in discussions with the said Commissioners. This was of the utmost importance in order to make realistic and feasible recommendations. Permission was requested in this regard, but the Department preferred to discuss the matter with the NMC only after the Domestic Workers' Committee had submitted its recommendations to the NMC.

(iii) It has therefore been proposed that a working group be established consisting of some of the members of the Domestic Workers' Committee, representatives of the Department of Manpower and especially the Unemployment Insurance and Workmens' Compensation Commissioners' offices to investigate the extension of these Acts to cover domestic workers and, in particular, to examine cost-effective methods of collecting contributions. Consideration might also be given to co-opting further/additional experts on to the working group and the NMC's recommendations in this regard will be forwarded in due course. The NMC formally requested the Minister to establish such a working group on 17 May 1991. Social security benefits such as pension, medical and provident funds are virtually totally lacking in the domestic sector and it was suggested that social security benefits in general should also be investigated.

(iv) It has nevertheless been decided by the NMC to recommend to the Minister at this stage that domestic workers should in principle enjoy the benefits of these two Acts. The view was expressed that inclusion should preferably be under the existing Acts.

(v) Regarding pensions, the NMC noted that this aspect falls outside the scope of the NMC's investigation. The NMC was nevertheless of the opinion that it should be recommended in the **guidelines** that the employer ought to make use of existing pension schemes of established insurance companies provided it would not be to the domestic worker's detriment *vis-à-vis* the benefits under the State pension scheme.

4. DIE WERKLOOSHEIDSVERSEKERINGSWET, No. 30 VAN 1966, DIE ONGEVALLEWET, No. 30 VAN 1941, EN ANDER BESTAANSEKERHEIDS-AANGELEENTHEDE

Aanbeveling:

(i) Die NMK steun die insluiting van huiswerkers binne die bestek van hierdie Wette wat basiese bestaansekerheid bied. Dit kom egter voor asof daar sekere probleme bestaan, in die besonder met betrekking tot die invordering van bydraes en administrasie. Hierdie probleme kan die beste aangespreek word deur 'n werkgroep wat lede met tegniese kundigheid sal insluit, met inbegrip van die Kommissarisse van die Werkloosheidsversekeringsfonds en die Ongevallefonds of hulle verteenwoordigers.

(ii) Aangesien lede van die Huiswerkerskomitee nie ten volle op hoogte is van wat die toepassing van hierdie wette behels nie en van die besondere druk wat summiere insluiting op die bestaande fondse sal plaas nie, het die behoefte ontstaan om samesprekings te voer met die genoemde Komissarisse. Dit was van die uiterste belang ten einde realistiese en uitvoerbare aanbevelings te doen. Toestemming is in hierdie verband gevra, maar die Departement het verkies om die saak met die NMK te bespreek eers nadat die Huiswerkerskomitee sy aanbevelings aan die NMK voorgelê het.

(iii) Daar is dus voorgestel dat 'n werkgroep in die lewe geroep moet word wat bestaan uit sommige van die lede van die Huiswerkerskomitee, verteenwoordigers van die Departement van Mannekrag, en veral van die kantore van die Werkloosheidsversekeringskommissaris en die Ongevallekommissaris om die uitbreiding van hierdie Wette na huiswerkers te ondersoek, en in die besonder om koste-effektiewe metodes vir die invordering van bydraes te ondersoek. Daar kan moontlik ook oorweeg word om verdere/bykomende kundiges as lede van die werkgroep te koöpteer, en die NMK se aanbevelings in hierdie verband sal mettertyd gemaak word. Die NMK het die Minister op 17 Mei 1991 formeel versoek om so 'n werkgroep in die lewe te roep. Bestaansekerheidsvoordele soos pensioen-, mediese en voorsorgfondse ontbrek feitlik heeltemal in die huishoudelike sektor, en daar is voorgestel dat bestaansekerheidsvoordele in die algemeen ook ondersoek moet word.

(iv) Die NMK het nietemin besluit om in hierdie stadium by die Minister aan te beveel dat huiswerkers in beginsel die voordele van hierdie twee Wette moet geniet. Die mening is uitgespreek dat insluiting verkieslik onder die bestaande Wette moet wees.

(v) Met betrekking tot pensioene het die NMK opgemerk dat hierdie aspek buite die bestek van die NMK se ondersoek val. Die NMK was nietemin van mening dat daar in **riglyne** aanbeveel moet word dat die werkgewer gebruik kan maak van bestaande pensioenskemas van gevestigde versekeringsmaatskappye op voorwaarde dat dit nie tot die huiswerker se nadeel *vis-à-vis* die voordele kragtens die Staatspensioenskema sal wees nie.

5. CODE OF CONDUCT AND INFORMATION BROCHURE

Recommendation:

5.1 General code of conduct

The NMC is in favour of a general **code** on fair labour practices, applicable to employers and employees in all sectors. The **code** would not be legally enforceable, but could be used as evidence of acceptable practices in court. The **code** should be drafted by the reconstituted NMC. The code would cover domestic workers, but it might also be necessary to include some provisions dealing specifically with domestic workers, e.g. incompatibility, probationary period, reinstatement and dispute settlement procedures (as mentioned in par. 1.2.1 and 1.2.2 above).

In so far as it may be necessary to lay down additional guide-lines for desirable employment practices or simplified methods of resolution of disputes in the domestic sector, this should also be considered by the reconstituted NMC when drafting such a **code**.

The NMC further recommended that the present investigation process and the possible implementation of the NMC's recommendations for domestic workers should not be delayed pending the drafting of such a **code**.

5.2 Information brochure

An information brochure should be drafted and be made available to employers and employees in order to elucidate and in an understandable format simplify the various Acts (also the Machinery and Occupation Safety Act, No. 6 of 1983) and to make them more accessible. This brochure should contain a summary of the BCEA as referred to above and also contain the **guide-lines** on matters as indicated in the recommendations mentioned above. A *pro forma* contract of employment, whether it be legally required or not, should also be contained in the brochure. In addition, particulars regarding the **code** mentioned above should be set out. This brochure would thus be a complete guide for domestic workers and their employers and should be drafted in a format appropriate for dissemination as such or in different sections.

(13 September 1991)

5. GEDRAGSKODE EN INLIGTINGSBROSJURE

Aanbeveling:

5.1 Algemene gedragskode

Die NMK is ten gunste van 'n algemene **kode** oor billike arbeidspraktyke wat op werkgewers en werknemers in alle sektore van toepassing sal wees. Die **kode** sal nie regtens afdwingbaar wees nie, maar sal as getuienis van aanvaarbare praktyk in 'n hof aangebied kan word. Die **kode** moet deur die herstruktureerde NMK opgestel word. Die kode sal van toepassing wees op huiswerkers, maar dit kan ook nodig wees om sekere bepalings, spesifiek ten opsigte van huiswerkers, in te sluit, byvoorbeeld onaanpasbaarheid, proeftydperk, herindiensneming en geskilbeslegtingsprosedures (soos genoem in par. 1.2.1 en 1.2.2 hierbo).

In soverre dit nodig mag wees om aanvullende riglyne neer te lê vir gewenste dienspraktyke of vereenvoudigde metodes van geskilbeslegting in die huishoudelike sektor, moet dit ook deur die herstruktureerde NMK oorweeg word wanneer so 'n **kode** opgestel word.

Die NMK het verder aanbeveel dat die huidige ondersoekproses en die moontlike implementering van die NMK se aanbevelings vir huiswerkers nie uitgestel moet word hangende die opstel van so 'n **kode** nie.

5.2 Inligtingsbrosjure

'n Inligtingsbrosjure moet opgestel word en aan werkgewers en werknemers beskikbaar gestel word ten eiende die onderskeie Wette (ook die Wet op Masjinerie en Beroepsveiligheid, No. 6 van 1983) toe te lig, in verstaanbare formaat te vereenvoudig en meer toeganklik te maak. Hierdie brosjure moet 'n opsomming van die WBDV soos hierbo genoem, bevat, asook **riglyne** oor aangeleenthede soos in die aanbevelings hierbo aangedui. 'n *Pro forma*-dienskontrak, ongeag of dit regtens vereis word of nie, moet ook in die brosjure vervat wees. Verder moet besonderhede rakende die **kode** wat hierbo genoem is, ook uiteengesit word. Hierdie brosjure sal dus 'n volledige gids/riglyn wees vir huiswerkers en hulle werkgewers en moet opgestel word in 'n formaat wat geskik is vir verspreiding as sodanig of in verskillende dele.

(13 September 1991)

NOTICE 851 OF 1991

CUSTOMS AND EXCISE TARIFF APPLICATIONS: List 35/91

The following applications concerning the Customs and Excise Tariff have been received by the Board of Trade and Industry. Any objections to or comments on these representations must be submitted to the Chief Executive, Board of Trade and Industry, Private Bag X753, Pretoria, 0001, within six weeks of the date of this notice. Attention is drawn to the fact that the rates of duty mentioned in the applications are those requested by the applicants and that the Board may depending on its findings, recommend lower or higher rates of duty.

KENNISGEWING 851 VAN 1991

DOEANE- EN AKSYNSTARIEFAANSOEKE: LYS 35/91

Onderstaande aansoeke betreffende die Doeane-en Aksynstarief is deur die Raad van Handel en Nywerheid ontvang. Enige beswaar teen of kommentaar op hierdie vertoë moet binne ses weke na die datum van hierdie kennisgewing aan die hoof Uitvoerende Beampte, Raad van Handel en Nywerheid, Privaat Sak X753, Pretoria, 0001, gerig word. Die aandag word daarop gevestig dat die skale van reg wat in die aansoeke genoem word, dié is wat deur die applikante aangevra is en dat die Raad, afhangende van sy bevindinge, hoër of laer skale van reg mag aanbeveel.

Wage Act 'should cover domestics'

JOHANNESBURG. — The Congress of South African Trade Unions, while welcoming the National Manpower Commission's recommendations on legislation for domestic workers, yesterday expressed concern at the NMC's failure to advise the extension of the Wage Act to cover them.

The federation also criticised the "inordinate delays in legislating the extension of rights to domestic workers".

But a number of the recommendations contained in the NMC report would represent a substantial advance, if and when they became law, Cosatu said.

"The report's proposals to extend the Labour Relations Act and the Basic Conditions of Employment Act to domestic workers, as well as the Unemployment Insurance and Workmen's Compensation Acts, are particularly welcome.

"For the first time it is being recognised that domestic workers are not chattels who can be exploited at will."

Criticising the delays, Cosatu said the NMC subcommittee on domestic workers had finished its work in May, but its report had not materialised for four months. — Sapa

Charter for domestics released

ARG 24/12/92

Political Staff

A CHARTER for domestic servants that includes provisions for maximum weekly working hours and the termination of employment was published in the Government Gazette today.

Manpower minister Mr Leon Wessels said the document was the result of a National Manpower Commission investigation, which included recommendations from a project committee.

Proposed amendments to the Basic Conditions of Employment Act include:

- Maximum weekly ordinary working hours;
- A daily working period;
- Terms and conditions for terminating employment by either party; and,
- Written agreements on ordinary working hours, wages, and record keeping.

Overtime and working Sundays and public holidays, and paid annual leave and sick leave, are not included in the document.

But Mr Wessels said the Act would also be applicable to private household and to the domestic worker.

Employers of domestic workers might in future have to have written contracts with their employees.

The department has proposed a maximum working week of 46 hours.

At present minimum wages are not legislated.

Mr Wessels has invited comment, to be made not later than February 26.

Correspondence should be marked for the attention of Mr Watermeyer, Private Bag X117, Pretoria 0001.

Fired: The maid with HIV

wlmail 12/6 - 18/6/92.

A domestic worker first heard she was HIV positive when her employer fired her on the way back from the doctor.

By **GAYE DAVIS** *in Cape Town*

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THE Legal Resources Centre is to take up the case of a Cape Town domestic worker dismissed when she was found to be HIV positive — after she was tested, allegedly without her consent, by a doctor who disclosed her diagnosis to her employer and not to her.

Joyce Ngcobo (not her real name) said she first learned she was HIV positive when her employer told her as they were driving home from a follow-up consultation to what she had been told was a routine check-up.

Her employer told her she could not continue working for the family as a nursemaid to two young children.

Ngcobo told her story on condition her identity was kept secret, for fear she would lose the job she now has: she is the sole support of her mother and two young children, who live in the Transkei.

Now 31, she said she left school at 16 after completing Standard 4. During the Caesarian birth of her first child in 1978, she was given a blood transfusion. Doctors at the Aids clinic she is now attending have told her this may be how she contracted the HIV virus, she said.

She was employed by a family in an up-market Cape Town suburb early last year to care for their two young children as a live-in domestic on a wage of R400, later increased to R450.

A persistent cough prompted her employer to take her to a doctor for her first check-up. In halting English, she said her employer was afraid she had



Bleak future ... Dismissed after testing HIV positive **Photo: ERIC MILLER**

TB: "She wanted to know because she was scared about the children." She said the doctor later telephoned her employer to say she was fine.

In February, after she returned from a four-week stay with her family in Transkei, she was again taken for a check-up. Her employer was concerned she might have contracted a disease while away which could be passed on to the children, she said.

The doctor took a blood sample, but did not explain why he was doing so, Ngcobo said. He later telephoned her employer, saying they should come in to see him.

She said the doctor told her that her blood sample did not "make him happy". He asked her if she wanted a "contraceptive injection" and she assented. Afterwards, she sat in the waiting room while her employer and the doctor had a discussion in his surgery.

In the car on the way home, she said, her employer told her the doctor said she was HIV positive — "like Aids".

"I was shocked, I screamed," she said. Her employer told her she mustn't cry but she could not continue to employ her because she was worried about the children. Ngcobo was unclear about the reason: she understood only that if she cut her hand, the blood could infect the bottles she prepared for the children.

She said she shouted that she was losing her job because she was sick, so her employer took her to her cousin's workplace "because she knows English and could explain ..."

Her cousin said when she saw Ngcobo's face, "I thought somone was dead at home". She says she asked Ngcobo's employer why the doctor had given her the information: "She said Joyce had given the doctor permission but Joyce denied this. What I hated was that (the employer) acted as if this only happened to African people, as if this was a black people's sickness."

Ngcobo cleared her belongings out of her room, but was kept on to iron and clean at R30 a day. She said she ate meals "in an empty room". Her employer did not want her to see the children, nor the children to see her, she said.

Ngcobo is now terrified her current employer will discover she is HIV positive. If her new employer finds out she will fire her as well, she said. She sends money home every month; she is the only one in the family who is working.

She knew little about Aids before she tested HIV positive. She had heard about Aids but had taken no notice of it.

She said she doesn't feel ill, but will attend the Aids clinic for treatment. She also understands that her boyfriend can become infected unless he wears a condom. "But you know the men, they don't like to wear condoms," she said; she has told him he can become ill, but he has refused to wear a condom. The doctor, approached for comment, said it was "a problem here with communication. The one person who could communicate clearly was the person who brought her." He said he asked Ngcobo if he "could speak to her madam and she said yes.

"In my own mind, I am happy that I did nothing that went against her interests. We went to enormous lengths to put her in contact with the correct counselling services."

Legal Resources Centre spokesman Lee Bozalek confirmed that they had received instructions to lodge a complaint with the South African Medical and Dental Council and said further action was also being considered.

Maids seek minimum wage

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Union fighting for justice via 5 Acts

ARG 26/11/92

SHARON SOROUR
Labour Reporter

DOMESTIC workers want a guaranteed minimum pay packet under the Wage Act before any other labour reforms are extended to their sector.

At the moment the country's one million domestic workers enjoy no basic labour rights.

But Manpower Minister Leon Wessels announced early this month that domestic workers would be protected by an appropriately amended Basic Conditions of Employment Act not later than the second half of next year.

The Cosatu-affiliated SA Domestic Workers' Union is pushing for five Acts concerning the rights of workers to be applied to domestic workers, namely, the Wage Act, the Labour Relations Act, the Unemployment Insurance Act, the Workmen's Compensation Act and the Basic Conditions of Employment Act.

They felt strongly that these Acts should be implemented in 1993 and not 1994 or later as had been implied.

However, Mrs Maggie Oewies of the independent Domestic Workers' Association said the Wage Act was the key to the upliftment of domestic workers.

"A basic salary structure has to be in place through the Wage Act before any of the other laws can be effective to improve the conditions of domestic workers," she said.

Mrs Oewies said the association had been involved in National Manpower Commission discussions on extending laws to domestic workers and it was pushing for a basic salary structure to be implemented as soon as possible.

This included a minimum monthly wage of between R350 and R380 for inexperienced workers who only did housework, and between R450 and R490 a month for experienced workers in the category "cook general", Mrs Oewies said.

Chars who worked a four-hour shift should get R25 a day plus transport fares while those who worked six-hour shifts should get R35 a day plus transport fares.

Gardeners should get between R45 and R55 a day for eight-hour shifts, she said.

"Domestic workers must be recognised as a workforce. We are part of the development of this country," she said.

Mrs Oewies said the association was also hoping to get "child labour off the market".

No one under the age of 16 should be allowed to work, she said.

Draft bill on domestics out soon

CT1 12/92

By BARRY STREEK
Political Staff

DRAFT legislation on domestic workers covering working hours, meal intervals, overtime, leave, termination and contracts is to be published this month.

Certain incorrect impressions existed regarding the extention of labour laws to domestic workers, the director-general of Manpower, Mr Joel Fourie, said yesterday.

However, his department intended publishing a draft bill during December on how the Basic Conditions of Employment Act could possibly be drafted for domestic workers.

Interested parties were invited to comment before February 28.

The draft bill would cover:

- The determination of maximum daily and weekly hours of work.
- Meal intervals.
- Payment of overtime and work on Sundays and public holidays.
- Sick leave and ordinary leave.
- Notice of termination of service.
- Contracts of service between the employer and the domestic worker.

The draft bill would not deal with minimum wages.

As far as the regulation of wages, such as a minimum wage and settlement of disputes, was concerned, his department would appoint a committee which would make proposals to the Minister of Manpower before September 30 next year.

Regarding unemployment insurance and workmen's compensation, an independent investigation was under way and a report would probably be submitted during May 1993.

Mr Fourie emphasised that all interested parties would be given the opportunity to comment before the final legislation was drafted.

New laws could bring job havoc

S/Times (Bass) 22/11/92 (294) (4)

TENS of thousands of jobs are at risk if labour legislation affecting domestic and farm workers is implemented next year.

About 3,5-million people — about 40% of the workforce — are not formally employed. Another 300 000 enter the job market each year. Trade unions are trying to extend minimum wages and other labour regulations to 1,9-million domestic and farm workers.

Economists, the Small Business Development Corporation (SBDC) and the World Bank have warned that labour regulations which set minimum wages hamper economic growth.

SBDC economist Edwin Basson says: "If present trends continue, we will be able to create only a fraction of the jobs we need to employ entrants to the market each year. Over-regulation raises barriers to entry for small businesses."

Dr Basson says rising labour costs force industrialists into capital-intensive industries.

The Reserve Bank has identified the rapid rise in the cost of labour as a key cause of inflation.

Labour practices in the formal sector of the economy are regulated by 12 industrial councils and 27 wage determination agreements.

The industrial councils represent about 800 000 workers countrywide, down from 1,27-million 10 years ago.

By CIARAN RYAN

The decline follows the closure of several councils, recession and the high cost of complying with regulation.

Another 500 000 to 700 000 workers are covered by 27 determinations by the government-controlled Wage Board.

The SBDC has called for reform of the industrial councils because they cause a class of worker elites at the expense of the unemployed.

Sick

There was virtually no growth in formal-sector employment in the past decade because of rising labour costs, falling productivity and the cost of restrictive labour and business regulations.

A World Bank report by economist Peter Fallon is critical of minimum wages, saying they "significantly reduce employment in labour-intensive sectors".

Employers of domestic and farm workers will have to comply with the Basic Conditions of Employment Act, the Wages Act, Unemployment Insurance Act and the Labour Relations Act.

They will have to pay minimum wages, unemployment insurance, leave and sick pay and other benefits if the unions have their way.

Dr Basson says: "Depending on the level of minimum wages agreed on, there could be a disastrous impact on employment, particularly among domestic workers.

"With 40% out of work the last thing we need is more unemployment. We need to create jobs, not make those who have them richer."

Cosatu spokesman Neil Coleman says: "Domestic and farm workers are the last remnants of feudal, apartheid employment practices.

"There may be some reduction in employment when these laws come into effect, but it has been happening for some time on farms.

"Why should these workers be barred from the same rights as other workers? You

● To Page 3

Job threat

● From Page 1

can deregulate all you like, but by not having these laws you are not creating jobs.

"We need to raise workers' living standards while creating jobs elsewhere in the economy by investigating new growth paths."

The SA Agricultural Union says minimum wages will hurt employment on farms. Although figures cannot be accurately predicted, up to 10% — or 100 000 — farm jobs could at risk.

National Manpower Commission chairman Frans Barker says nearly 34% of economically active people are subject to some form of minimum wage or statutory compensation. The percentage rises to 51% if the non-farming sector is excluded.

A major problem in applying minimum pay to domestics is the inability of employers to pass on wage costs and increases in the same way a business can.

Dr Basson says: "Another problem will be to enforce and police these regulations. It could result in a huge grey market for labour.

S/Times (Bass) 22/11/92 (294)

Victory on the home front

South 21/11-25/11/92

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By Diane Coetzer

DOMESTIC worker organisations have reacted with cautious optimism to announcements that this sector's one million workers may soon be protected by legislation.

South African Domestic Workers Union (Sadwu) executive members, Mrs Dianne de Vries and Mrs Myrtle Witbooi, said this week Manpower Minister Mr Leon Wessels' commitment to amend the Basic Conditions of Employment Act (BCEA) to include domestic workers was a "real step forward, but only the beginning".

The chairperson of the Domestic Workers Association, Ms Maggie Oewies, stressed the amendment would be a "wonderful base to work from".

But she added it was now vital that domestic workers became more professional and equipped themselves with appropriate skills.

Wessels' commitment to extend legislative protection to domestic workers was given during a November 6 meeting between the minister and the general secretary of Cosatu, Mr Jay Naidoo.

In a resolution, Wessels agreed that the Department of Manpower would submit to him draft legislation to extend the BCEA to domestic workers so he could introduce the Bill in parliament.

Wessels also agreed to facilitate the parliamentary process to have the Bill passed by not later than the second half of 1993.

The BCEA covers issues like hours of employment, meal intervals, overtime, weekend work, holidays, sick leave, maternity benefits, termination of service, minimum age, and certificates and contracts of employment.

The minister also agreed to the establishment of a committee — comprising representatives of the Department of Manpower, the Department of Justice, Cosatu, Nactu and Saccola — to investigate and make proposals about the extension of the Labour Relations Act to domestic workers.

Agreement was also reached on the extension of unemployment and worker's compensation benefits to domestic workers.

Although the DWA has expressed concern at its exclusion from the meeting between the minister and Cosatu, it is clear all domestic workers organisations can claim some victory from the outcome.

Oewies said her organisation felt it was important that workers be trained in house organising skills.

The Third World technikon initiated by the DWA offered courses in first aid, home nursing, cooking, driving, child care and swimming.

"The more skilled our workers are, the more leeway they have to bargain with their employers.

"The whole area of domestic work must become more professional," said Oewies.

She said domestic workers were traditionally difficult to organise, particularly because of their dispersed places of employment, but it would be possible to educate them about new laws.

"People are very quick to pick up on their rights," she said.



DOING DUTY OR DOMESTIC BLISS: Will protective legislation benefit domestic workers from or will it just be empty words?

Care-ful, march in progress

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South 21/11-25/11/92

By Diane Coetzer

EDUCARE workers are preparing to take to the streets in defence of the education and care of small children.

The United Pre-School Association (UPSA) is inviting all educare workers to take part in a march on parliament on Saturday to demand that the state take responsibility for pre-school education and care.

UPSA spokesperson Ms Gloria Britain said a list of demands will be presented to an official from the Department of Education.

"In townships like Guguletu, Khayelitsha and Langa there is an absence of formal childcare and pre-primary facilities.

"What little facilities there are, are under threat as the Department of Education and Training is trying to get these to conform to certain standards.

"Facilities should be of a high standard, but this is not feasible in poor communities where a church hall is the only place available."

Britain said the increasing number of working mothers meant a greater need for for educare.

"The state must be pressured into realising it needs to take responsibility for all the children in the country," Britain said.

● The march starts at 10.00am on the Parade.

Reward for lost slides on District 6

DID YOU find a rotary cassette tray, containing 80 colour slides, outside the Methodist Church in Albertus Street, Cape Town, or do you know of someone who did?

Mr Joe Wolpe, the owner of the slides, is offering a reward for the return of the rare and valuable slides which depict images of District Six during the late sixties and early seventies.

The slides, of people and buildings in District Six, are of great historical value, Wolpe said.

Any one who has information about the slides is asked to contact him at tel: 434-6405.

Crimefighters may join forces

South 21/11 - 25/11/92

By Juanita Williams

TWO rival forums which aim to combat crime in Mitchells Plain may merge if proposals on unity are accepted at a meeting this week.

One forum was started by police while the other was started by community organisations and the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro).

Mr Norman Jantjes, branch director of Nicro in Mitchells Plain, said the community groups would send a delegation to the police forum meeting this week.

"We want to unite the two forums. We do not want one group to be more dominant," Jantjes said.

The Mitchells Plain police station commander, Lieutenant-Colonel Gysbert Engelbrecht, said members of the police crime forum were reluctant to join the community forum.

"The community forum has suggested changes with which we don't agree. For instance, they want to change the name of the police forum," Engelbrecht said.

Although the police forum includes some community representatives, Engelbrecht admitted that police chaired all meetings.

This has been the main objection of Nicro, the Advice Centre and the South African National Civic Organisation (Sanco).

Youths head for course in United States

South 21/11 - 25/11/92

By Mluleki Gantsho

FIFTEEN South African youths have been invited to the United States to attend a two-month course on conflict resolution, community organising and non-violent change.

The youths are participants in Leadership South, a multi-disciplined life skills programme.

They have been invited by Dr Dudley Weeks, the international director of FutureLinks in the US, to take part in a training programme from December 15 to February 15.

"We need to raise R120 000 to send the youth," said Leadership South founder, Mr Graham Phippen.

"We will try to raise money in the US and in South Africa."

Team leader Mr Eldred de Klerk is already in America and assisting with fundraising, said Phippen.

One of the youths, Mr Mzamo Masito of Khayelitsha, said he had attended FutureLinks conflict resolution workshops in Cape Town.

"I have already facilitated programmes using skills that I learnt," he said.

Credible monitors

Sowetan 18/11/92

EXTENSIVE education and monitoring are necessary if labour laws for farm and domestic workers are to be effective, Black Sash national president Jenny de Tolly said yesterday.

She said minimum conditions of employment would place a check on exploitative labour practices in the

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... in brief

Sowetan 18/11/92

agricultural and domestic sectors.

The Black Sash welcomed the reforms and was encouraged that the proposed legislative amendments resulted from negotiations between the Government and credible labour representatives.

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New Act to ease the burden on domestics

Citizen 15/11/92

By THEMBA KHUMALO

FOR the past 10 years Jennifer Nyoni has neither earned a decent salary nor enjoyed working as a domestic servant in Johannesburg.

She was forced to quit school in Std 6 by her present employer who threatened to kick her and her parents off the premises if she did not oblige.

Today she is not sure if she is still a domestic servant. She cleans the house of her employer's son in the morning and later she joins her sister and other women to work in her employer's shed refurbishing worn oriental carpets.

Her father, Alfred, has worked for the same employer for 27 years since he emigrated from Malawi in the '60s. Although he is also unhappy with his working conditions and salary he is too scared to talk, his daughter alleged.

She earns R50 a month for cleaning the house of her employer's son and R120 a week for refurbishing the carpets. She is confused, frustrated and feels helpless about her circumstances.

"If you were to ask me what my job description was, I couldn't tell you. I'm a slave here. Talking about an increase here is taboo. It means instant dismissal," she said.

But the Cosatu/government agreement which was signed this week, after tough negotiations, has raised a glimmer of hope for Nyoni.

The agreement extends workers' rights to domestic servants and farm workers.

In terms of the agreement, this category of worker will benefit substantially from the Labour Amendment Act which grants workers the right to fight for better working conditions and payment through legal strikes.

The pact has also opened the floodgates for trade unions, especially the SA Domestic Workers Association, to canvass support in these sectors.

Most farm workers and domestic servants interviewed by City Press this week were not yet aware of the agreement.

Not even Nyoni and her younger sister Winnie were aware of it.

After City Press staff explained the implications of the pact the two sisters said: "All we want is a decent salary and houses. I have two children to support and I pay R60 rent for a shack. We hope the government doesn't renege on its decision." (294)

Winnie said she left school two years ago to join her sister in refurbishing the carpets. She earned R70 a month and her employer was taking advantage of her age (she is 21) and the fact that she had nowhere to go if she lost her job as she lives with her father.

Her elder sister told how her employer had ill-treated her by kicking her off the premises after she accused Nyoni of selling liquor.

Asked if she was jeopardising her job by revealing all this in the newspaper, Nyoni said she did not care what happened.

LABOUR

New labour deal with old problems

W/Mail 13/11 - 19/11/92

The new deal for public servants and domestic and farm workers has been greeted as a major breakthrough. But opposition from the agricultural and domestic workers lobby could put a spanner in the works.

By **FERIAL HAFFAJEE**

THE accord signed this week between the Congress of South African Trade Unions and the government is being hailed as a victory for negotiated labour policy, but those left out in the cold can derail the hardwon agreement.

The labour movement has always led the field with negotiated and co-determined agreements that outstrip national political negotiations in sophistication as well as content. This week's agreement is no exception.

Concrete dates have been set for legislation to regulate the stepsister sectors of domestic and farm workers and public servants. The more powerful National Manpower Commission (NMC) will begin work early next year and the new National Training Board will start negotiations this month.

Cosatu lawyers have, through concerted campaigning, won a promise for the revision of the controversial industrial court. In addition, the labour appeal court will now be a court of final appeal for all labour matters, ending problems both employers and unions have with supreme court judges with a scant knowledge of labour law. Judges to the appeal court will be appointed with the consensus of government, employers and trade unions.

Cosatu general secretary Jay Naidoo called the agreement a "major breakthrough for labour relations" while Leon Wessels said the agreement set the foundation for South Africa to get its labour law in line with international standards.

But their elation is tempered by the voices of discontent which have quickly made themselves heard.

The farmers' lobby, in the shape of the South African Agricultural Union (SAAU), reacted angrily to the announcement that the minister will promulgate the Basic Conditions of Employment Act for farmworkers by March next year. The SAAU said it was "shocked and indignant" at Wessels promise.

Only a fortnight ago, Wessels agreed to withhold farmworkers legislation after receiving the SAAU's new proposals for labour legislation.

This week, the minister set himself on a collision course with the farmers when he said the new proposals "did not even approximate the needs for reform and the need for timeous and swift performance".

A determined Wessels said the country could not wait for the farmers to produce concrete legislation.

Despite the headstrong position of the SAAU, Cosatu indicated its willingness to continue negotiations with the organisation on the other labour statutes for farmworkers.

Wessels has agreed to publish the NMC proposals on the extension of the Labour Relations Act and the Wage Act to farmworkers by the end of the year and to introduce draft legislation into parliament early next year.

Basic conditions of employment for domestic workers will be promulgated by the middle of next year and a committee will soon be set up to deal with the difficult areas of dispute settling mechanisms and wages for domestic workers, with a view to extending this legislation to the sector by 1994.

The Domestic Employers Association opposes a minimum wage for domestic workers and wants to be extensively consulted about any legislation for this sector.

In addition to the housewives and farmers lobby, the public servants employer body — the Commission for Administration — could also put a spanner in the works.

Lucy Nyembe, of the Centre for Applied Legal Studies, has been centrally involved in drafting legislation for the public sector.

She says there is a subtle power play between the Commission for Administration and the government because the former wants to administer the Act and Cosatu would prefer that the Department of Manpower do the administration.

"Wessels may be a liberal and a pragmatist, but the CFA is not," she says.

Draft legislation for the public sector was finalised in September, but there are many problems with the legislation and Cosatu wants the legislation referred to the NMC for further negotiation.

The problems include:

- An unreasonably wide definition of essential services which effectively erodes the right to strike.
- The criminalisation of the right to strike.
- The requirement that trade unions give 20 days notice before a strike while employers can get a strike interdict in 48 hours.

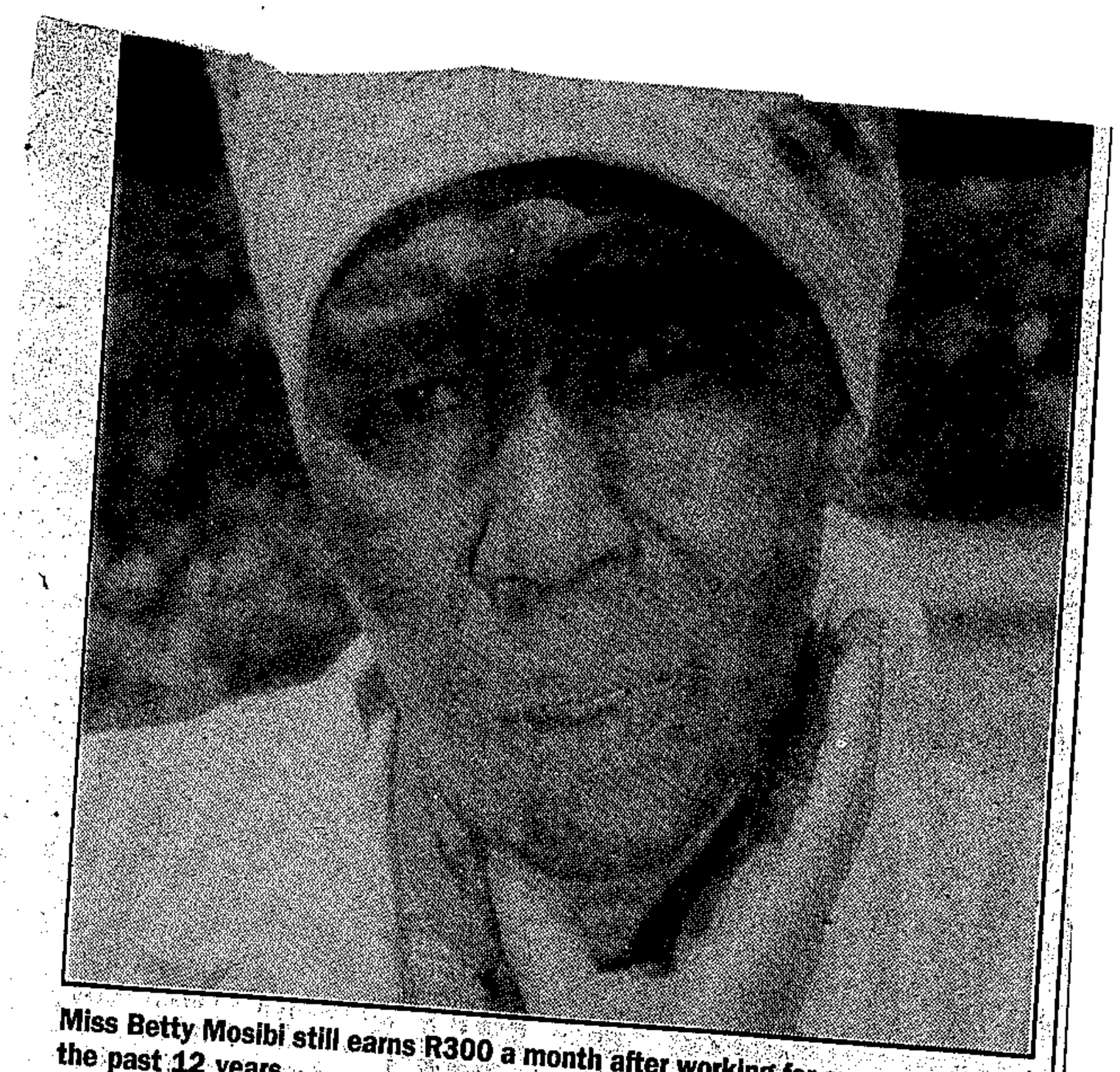
Cosatu assistant general secretary Sam Shilowa agrees that dates have been negotiated in the past with various manpower ministers and that they have gone by with no action.

"Minister Wessels is convinced that the acts should go through and we don't want to prejudge him," says Shilowa. "We want him to prove his bona fides."

Other features of the agreement include a resolution to form a high-powered committee which will work at implementing all the recommendations made by the recent International Labour Organisation Commission to South Africa.

In line with Cosatu's strategy to fashion a key role for itself in the labour market, two task forces have been set up to determine policy on training and the industrial court. The task forces are appointed by consensus and will include key union policy-makers whose appointment will only be rubber-stamped by the minister.

While the Laboria Minute, the foundation stone of this week's agreement, was negotiated by employer bodies, unions and the state, the latest accord is bipartite. Employers and politicians welcomed the accord but said it was essential that employers and other union federations be included in negotiations.



Miss Betty Mosibi still earns R300 a month after working for one employer for the past 12 years.
Pic: VELI NHLAPO

Wage of R300 after 12 years

SOwetan 12/11/92.

■ **Provisions of Labour Relations Act to include domestic, farm workers:**

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By Ike Motsapi

MISS BETTY Mosibi of Daggakraal in the Eastern Transvaal has been working for one employer for the past 12 years as a domestic worker with little pay.

When she started work her salary was R150 a month and her salary is now a mere R300.

Mosibi, a mother of two married daughters, works as a domestic servant for two women in Parktown North.

"They are nice because they provide me with accommodation and food," said Mosibi.

"The only problem is that they have been under-paying me," she added.

When *Sowetan* broke the news to her that the Government and trade unions have agreed to extend the provisions of the Labour Relations Act to domestic and farm workers she seemed lost.

"I don't understand what you say," was her reply.

After getting a full explanation that as from next year she will be entitled to be covered under the Basic Conditions Of the Employment Act, Wage Act, Unemployment Insurance Act and the Workmen's Compensation Act, her face brightened.

She said: "We have been robbed for all the hard work we have been doing.

"At least I will now be able to afford to save money and stop pleasing my bosses in order to make them happy not to fire me.

"This is great news and I think this will uplift the standard of living for most domestic and farm workers.

"I am looking for the day this whole process is implemented," she added.

the nation in brief

Sadtu decries harassment

THE Sekhukhune branch of the SA Democratic Teachers Union has accused the Lebowa department of education of not honouring their record of agreement by harassing teachers.

The union claimed that its Sekhukhune branch members were being victimised by conservative principals. Sowetan 30/11/92

Branch chairman Sello Modiga said they were shocked to find that Sekhukhune circuit office did not even have a copy of the agreement.

Education spokesman Mr Seroka was yesterday reported to be attending a course in Port Elizabeth and unavailable for a response.

Taxi shooting victims buried

THE funerals of victims of the Pietersburg taxi shooting proceeded without any incidents on Saturday, but the planned joint burials failed. Sowetan 30/11/92

Speakers at Mr John Pholo's funeral condemned the shooting and appealed to people not to solve their problems by killing one another. Other burials of victims of the taxi shootings that claimed eight lives were held at Seshego and Zebediela on the same day.

Inquest into Malele's death

THE inquest hearing into the death of a victim of alleged Gazankulu police brutality resumes at Hlanganani Magistrate Court tomorrow.

The family of Mr Edward Booi Malele, who was arrested on December 26 last year and allegedly severely assaulted by police until he died, had on November 10 successfully applied for an exhumation order so that another post-mortem examination could be done. Results of the further post-mortem are expected during this hearing. Malele, exhumed two weeks ago, had been buried on January 8 this year. Sowetan 30/11/92

Domestics pressured

THE CONGRESS of SA Trade Unions and the SA Domestic Workers Union plan to take action against employers who force their workers to join political parties. This follows claims that the National Party is conducting a membership drive among domestic workers for the pending national elections.

Sowetan 9/11/92 (294)

PEOPLE'S LIVES *A career change for a domestic led to a successful nursery school in Pietersburg*

The optimist who realised her dream

Woman of the **Week**

By Don Seokane

THE SMALL COMMUNITY of Mmadietane at GaMatlala should say thanks to sanctions for their having been blessed with Lesedi Children's Garden.

For it was the punitive measures that led to the downfall of a business belonging to Mrs Emily Moabelo's employer and a gain to the Mmadietane community, nestling north-west of Pietersburg around Lokwe Mountains.

Moabelo (54), a domestic servant since 1959, was encouraged by her employer to attend a course in pre-school training to avoid the ordeal of being unemployed. That was in 1986 and since she has never looked back.

As sanctions began to bite, she found work at Ikanyisi Children's Garden in 1987 after completing a year-long training course at the Baobab Centre in Florida.

With luck and determination, she won a scholarship to Gloucestershire, England, where she underwent an intensive three-month pre-school training programme. Her experience and observations overseas kindled an already burning ambition: to give her community the best of pre-school education.

SANCTIONS BITE *Moabelo gained when her employer's business folded:*

Sowetan 21/9/92

She says she was naive about the reaction to her ambition at her homeplace.

Returning from England at the end of 1988, she first had to impart her skills to her colleagues and to the little ones at Ikanyisi where she was employed. But the ambition of going home to start such a project was being fuelled daily.

Eventually in April 1989 she went home, did some groundwork for her project and was surprised to meet subtle resistance from her own community.

"The problem appeared to be that I was a domestic servant most of my adult life and people could not entrust me with the education of their children. But I managed to overcome that perception," Moabelo explained.

Lesedi Children's Garden was born with a little help from the Lutheran Church, which allowed Moabelo to use the church buildings for the project.

When she opened the church doors, she had only 10 children whose future she had to map out, but by the end of that week the enrolment had risen to 30.

Since May 1989, Lesedi Children's Garden has expanded to new premises, two precast rooms - thanks to a substantial donation from the British Embassy. Furniture and educational toys were donated by the American Embassy and the South African Breweries also donates yearly to the project.

As the school expanded, Moabelo said she was faced with a difficult choice: to impose a quota on admissions so the number of children could be manageable. Lesedi now admits only 120 children, paying R25 a quarter.



Moabelo ... her project has become a model in her community

With the rising enrolment, she has had to hire four assistants, a cook and a gardener to help her.

Moabelo's project has become a model in her community. She also runs workshops and trains her own assistants and other pre-school teachers around the GaMatlala area.

Her long term plans, far-fetched people might think, is to establish a community clinic. But first she intends to turn Lesedi into a day and night care facility.

Moabelo, an energetic and vibrant mother of three, attributed her success to determination and being an optimist.

"When I have an idea, failure is definitely not part of me," she concluded.

PEOPLE'S LIVES *After 22 years as a domestic, Matatiele woman soon to open her own business*

Hard work pays off at last

Sowetan 11/9/92. (294)

By Pearl Majola

■ DOGGED DETERMINATION *Domestic worker empowers herself with skills:*

THE GRADUATE BOWED and proudly walked away to join the small crowd of well-wishers, among them her employer.

For the first time in her life, 53-year-old Maria Mamle received a certificate.

After 22 years of working as a domestic and three years of patiently attending classes, she finally graduated from the Italian Designing School as a dressmaker.

Thanks to the Lowensteins of Sydenham, Johannesburg, for whom she has worked for 14 years, and who allowed her time off to pursue the skill.

She will soon be returning home to Matatiele in the Transkei to start a sewing school and a dressmaking business.

"I feel good that I am now empowered in this way and I am grateful to my employers who made it possible," said Mamle humbly.

She has come a long way from the young widow who left her two-year-old son and two other children to look for work in Johannesburg.

"My husband died in 1965, leaving me to raise three children," she said.

"I had no skill. The only way out was to leave my children with my mother and come to work here," she said.

Mamle and the Lowensteins have to face the reality that she will soon have to leave the family which she had grown to love over the years.

"After so many years it won't be easy to leave my employers," she admitted.



Maria Mamle ...employers made her realise her dreams

The cutting edge of a domestic's success

STAR 4/9/92 (294)



Shafto's People

MARIA Mamle, of Sydenham and Transkei, and four friends will be meeting tomorrow at the Italian Dressmaking School in De Villiers Street, Johannesburg, for a celebration or — as Maria puts it simply — "the big party".

In April this year Maria, who comes from the Magadla township in Matatiele, was awarded her diploma by the school, and judging by the excellence of her work, she deserves every last comma and fullstop appearing on her certificate.

Maria is a domestic who has worked for the Lowenstein family for the past 14 years. Her employees, Shilamith and Toby Lowenstein, are retired pensioners who encouraged Maria in her determination to become a dressmaker.

Now Mrs Mamle wants to open her own dressmaking school at Magadla, and pass on her skills to others in the township. She will open the school, she says, when she goes home for the Christmas holidays.

She is already very much in demand round and about her Sydenham headquarters. Customers order outfits of various kinds — ladies' and children's wear. Perhaps next year, she says with a shy laugh, she'll try her hand at a pair of men's trousers.

Her thriving backyard business has enabled her to save and buy an electric sewing machine. At our meeting in Mrs Lowenstein's lounge, everything Maria wore, except her shoes, were of her own making — a good warm coat, blouse and skirt. The outfit took her two weeks to make, working only after hours.

But none of this would have been possible without Irene Makhaza, of Soweto, who started the Italian Dressmaking School. Such was Maria's aptitude for dressmaking that when she graduated, it was Mrs Makhaza — it means "cold" in Zulu, though she is a specially warm person — who suggested that Mrs Mamle should open her own school in the Transkei.

Toby Lowenstein is the retired principal of Fairmount Primary School, and a keep fit fanatic. He can be found jogging all over Sydenham or catching an early morning swim even in the dead of winter. His wife, many years ago, was an actress, and today does Tai Chi, which she describes as a slow, graceful deflective form of martial art.

I have a surprise for the lady of the house which Maria said it would be in order to reveal: though the Lowensteins are Jewish, she should nevertheless check her stocking on Christmas Day ... for something from Maria Mamle's machine.

□ □ □

In that vein of generosity and bonhomie, it seems appropriate to end with this tailpiece from Moffat View. Mrs J Claase, a widow, writes: "I am an old age pensioner living in a Council flat ..." She is desperately in need of crockery, pots, linen.

Mrs Claase knows what it's like to have it tough. She says she borrowed a pair of "long curtains" from a neighbour but now the woman wants them back. What would really make her day is if someone had an old radio they no longer wanted or a portable TV.

You can phone Mrs Claase on (011) 613-2675. Her address is 95 Simmer Crescent, Moffat View 2197.

MICHAEL SHAFTO

Calling all domestic workers (294)

THE South African Domestic Workers' Union (Sadwu) invites all domestic workers in the Pinetown region to attend a meeting at the Pinetown Cosatu offices, 9 Imperial Lane, today at 1 pm.

The meeting concerns the report-back from the National Manpower Commission on formalising the status of domestic workers. C1Pren 30/8/94

Domestic worker fired 'for cooking the wrong cabbage'

SHARON SOROUR
Labour Reporter

A RONDEBOSCH domestic worker with more than 22 years' service has allegedly been fired for "cooking the wrong cabbage".

Mrs Lily-Jane Ndambani, 64, said her employer was upset because she cooked fresh cabbage instead of other cabbage which she believed was "green (mouldy) and rotten".

The employer allegedly told Mrs Ndambani to pack her bags, leave his house and "go to Mandela".

She waited for his wife to get home from work to confirm her dismissal. The wife apparently told Mrs Ndambani not to leave.

But Mrs Ndambani, who has no pension or unemployment insurance and worked five days a week for R200 a month, left the house and refused to return.

"I don't want to work there any more. My employer fights with me all the time," she said.

According to Mrs Maggie Oewies, chairman of the Domestic Workers' Association, Mrs Ndambani arrived at the Green Point offices of the association "in tears".

Mrs Oewies said: "She said she had never been treated so badly. She reared their three children and now they treat her like that? They are also refusing to pay her one month's notice plus the extra days she has worked."

Mrs Oewies said Mrs Ndambani had been exploited and the situation had to be highlighted because domestic workers were entitled to basic labour rights.

● The employer refused to comment.

SUPER SMART WINTER SALE

women

Lefties must come clean on domestic politics

Debates on whether to employ domestic workers are common in progressive homes. Writing in the latest issue of the magazine Work in Progress/New Era, **Mikki van Zyl** discusses issues swept under the table.

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SOUTH 118-5/8/92

SOME people argue that employing a domestic worker links a household to a chain of exploitation. Others say it provides some income to those with few employment options.

The decision not to employ a domestic may soothe a conscience here or there, but the real benefits are illusory. If women are excluded from paid work, they are kept materially and ideologically dependent on men.

Even if one does not employ a domestic worker, somebody must take responsibility for the day-to-day running of the household. Usually it's a woman who, even if she is not doing all the chores herself, must initiate and control them.

Thus the sexual division of labour in families remains unchanged.

As one Cape Town architect lamented: "After dinner, my husband willingly does the dishes if I ask him, but he will not volunteer. Afterwards he looks very pleased with himself, forgetting that I've already done more than twice as many during the day. But housework is only visible if it isn't done."

The irony is that this especially affects middle-class women who entered the job market to gain economic independence from men.

They are pressured to be superwomen. Magazines urge them to be professional business partners, sexier wives, loving mothers and more efficient homemakers — all at once.

But working-class women are denied any choice of economic independence.

Ms Maggie Oewies, of the Domestic Workers' Association (DWA), argues that dual-income households should "redistribute" their income by offering domestic work to women who need to earn a living.

Protection for domestics

Thanks to the efforts of organisations like the DWA and South African Domestic Workers' Union (Sadwu), domestic workers may soon be protected under the Labour Relations Act.

But the National Manpower Commission (NMC) is concerned that the inclusion of domestic workers in the Wage Act may trigger "large-scale unemployment if employers cannot afford to pay the minimum wages".

Organisations like Sadwu insist that minimum wages should be laid down. Some women can barely survive on the money they earn, yet are too tired and dispirited to look for another job, knowing that the chances for improving their lot are slight.

It is not uncommon for women to work for R300 to R350 a month, five days a week, and spend 11 hours a day travelling and working.

Given the high cost of living, the minimum wage demands for domestic workers seem low. Depending on the work, wages range from R350 a month for full-time, daily housework to R680 a month for full-time housework and childcare.

Worker organisations want three weeks' paid leave and 12 days' sick leave a year. Other provisions in the Basic Conditions of Employment Act would cover maternity leave, overtime and public holidays.

But the NMC recommendations leave many of these details open-ended, presumably to be negotiated between the worker and the boss.

Says Oewies: "Over the last two years we have seen many things change. More men are doing domestic work.

"But a country cannot develop if the women aren't developed. Work has no limits, but the conditions must be reasonable and just; that is what we want.

"I was a domestic worker for 22 years and I'm proud of it."

a family to feed

'If you compare it with the R5 I was earning a day when I first joined the council in 1988, you can see the difference is remarkable'

Mr Isaac Dube

Sowetan 30/7/92

council in 1988, you can see the difference is remarkable,'' he said.

His wife is in Newcastle with the their children. After paying R55 every month for the backyard shack he hires he sends his wife R100 and buys a little food for himself.

"In this place I am living from pillar to post,'' he said.



JOINT effort: These are some of the men who help "keep Jo'burg clean". In turn they get far less than they give.

NEWS FEATURE For R360 a month — a hard demanding job with no leave, no security and

The city of gold sparkles – but its cleaners don't

Sowetan 30/7/92 294

Clean sweep

STREET CLEANERS: Keep Johannesburg clean
WAGE: A meagre R360 a month
FUTURE: Bleak because they are not on permanent staff
ATTITUDE: Mostly positive despite adverse circumstances
PROTECTION: None – they do not belong to any union

■ SWEPT OUT Street sweepers work long, dangerous hours in Johannesburg doing an essential job of work for a mere pittance. **Abbey Makoe** spent an evening with some of them:

FOR R360 A MONTH, no leave, no safety guarantee nor job security, street sweepers in the city are upholding one of the most common advertisements around: "Keep Johannesburg clean."

But by the time you read this, some might have lost the job they have been doing daily for the past four years. They are hired on the spot and are fired on the spot.

They do not have anyone to speak for them, not even a union. They cannot enter into wage negotiations with their employer, the city council, nor can they strike, let alone go-slow.

Regardless of the service, they are kept as temporary workers and treated that way, without any benefits usually enjoyed by normal workers.

As one worker puts it: "Working here is tantamount to being jobless."

Yet above all that, their boss at the Johannesburg City Council, Mr Gys du Plessis, said: "The fact of the matter is we find they are happy."

But going out with female street sweepers and their male colleagues running faster after refuse removal trucks is enough to reveal the difficulties under which they work.

On a cold and windy night men and women, many of them breadwinners in their homes, walk nonchalantly in the streets of the metropolitan Johannesburg, picking up papers and sweeping away the dirt.

Many are dressed in orange overalls, the official uniform of the Johannesburg City Council, their employer.



"Except for this blatant exploitation, I love the job"

Selinah Tshabalala hopes that after years of daily work the council might one day employ her permanently.

Mrs Selinah Tshabalala (37), is a mother of six living in Kensington.

Be not misled by the affluence that goes with this Jo'burg suburb: She is renting a backyard room.

You may as well not ask how she affords it: Instead of paying the normal way, that is in rands and cents, she provides a two-hour labour to her landlord in payment for her stay there.

Tshabalala said she starts working for her domestic boss at 7am until 9am daily, washing and cleaning the house.

She said she normally sends half her income to her children, all living in Qwa-Qwa where they attend school.

Tshabalala said "except for this blatant exploitation, I love the job". At times she drags her feet and feels demoralised by the small income she generates from her job. "But what will my children eat," she says.

We left Tshabalala in her pair of white takkies and thick socks pulled up to her knees, a heavy towel wrapped around the waist and a long green scarf hanging on her neck. She wore black gloves to protect her hands.

Mr Isaac Dube no longer runs after the trucks. He walks from corner to corner and door to door collecting dirt in big black plastic bags.

Although he too complained about the circumstances under which he worked, he was relatively happy about his earnings.

"If you compare it with the R5 I was earning a day when I first joined the

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Fair do's all round for maid and madam

STAR 12/6/92 (294)

HOME HELP
Many employers of domestic workers are uncertain about what new legislation will mean in their homes, especially in their relationships with employees. A seminar on the subject could dispel fears. MPINE QAKISA reports.



Coming in from the cold . . . first the washing, then never-ending chores for the "cinderella" workers.

JEAN Rusch of Bryanston knows what she wants from her three domestic workers — a well-kept house, clean clothes, meals on time and a groomed garden in exchange for a "reasonable" wage each month.

She was comfortable with the arrangement she had with her employees until the National Manpower Commission (NMC) proposed new legislation covering domestic workers in September last year. The NMC released a report in the Government Gazette that says domestic workers should have protection and rights that apply to other workers.

Mrs Rusch was among many employers of domestic workers who were uncertain about what the new legislation will bring to their homes, especially in their relationships with employees.

With a little help from seminars organised by the Sandton Town Council, to help employers understand the ramifications of the proposed legislation, she is more aware of wha it entails.

The NMC proposal, if legalised, will protect domestic workers from unfair employers, safeguard them from victimisation in the workplace and provide mechanisms for dispute resolutions.

The NMC has recommended that domestic workers enjoy protection they have never had under two key labour laws: The Labour Relations Act and the Basic Conditions of Employment Act, which will be extended to include the domestic workers' sector.

"Most employers are afraid that unions will ask for too much money that most people won't be able to afford," says Mrs Rusch.

But in the past, the South African Domestic Workers' Union (SADWU) has suggested that employers who cannot afford to pay a reasonable wage for a full day's work pay only for the hours they can afford.

The worker is thus free to supplement his or her wages by working for another employer

Conciliation

The new legislation will have few amendments because working conditions of a domestic worker are different from those of a factory worker, she says. But the legislation is based on fairness because it will consider the rights of both an employer and a domestic worker.

One of the problem areas has been that domestic workers tend to live in the grounds of their employer's house. Employers can take advantage of this situation, she says, because "they are not only dealing with people who hungry, but people who want a roof o their heads".

Under the new legislation, opti open to a domestic worker if unfa dismissed would be simplified conci tion procedures or laying a charge small labour court or going to the inc trial court, she says.

The advocate says it's time now build a relationship between dome worker and employer that is based trust, not on potential for abuse.

But if employers are worried ab effects flowing from the proposed le lation, they'll have more to be c cerned about if SADWU has its way.

SADWU general secretary Flore de Villiers says the proposed legislat touches employers who have been tu ing a "blind eye" to the plight of do estic workers. But it doesn't go enough.

The commission rejected the W Act proposed by the union, says Mrs Villiers. In so doing, it "has rejected teeth of the new legislation that wo protect domestic workers from exp tation".

Mrs de Villiers says SADWU has b fighting for the last 15 years to sec rights of the domestic workers and about time that these people are trea like human beings, not objects".

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STAR 13/6/92

Domestic policy has wide appeal

IGI LIFE'S Domestic Provider retirement package has not only found favour in the sector for which it was designed — among domestic servants and their employers — but is also being successfully marketed to the benefit of employees of small businesses and farmers.

IGI Life's managing director, Paul Cushway, attributes the success of the package to its flexibility. The policy is unique in that it comprises essentially an owner (the employer) and second life assured (the worker). This means the employer has a savings scheme and a small amount of life cover, while the employee enjoys a range of other insurance benefits.

For R25 a month, the policy is sold with comprehensive guidelines on how to administer it. IGI Life has set up an information service on the toll-free number 0800-120400.

Govt to publish Bill for domestic workers

PRETORIA — A draft Bill to adapt the Basic Conditions of Employment Act to cover domestic workers will be published this month for comment.

The Bill makes no provision for minimum wages. Manpower director-general Joel Fourie said incorrect impressions on the extension of labour laws to domestic workers had been created in the media.

Comment on the Bill can be submitted to the department before February 28.

Provisions in the draft include determination of maximum daily and weekly ordinary working hours, meal intervals, payment of overtime, work on Sundays and public holidays and sick and ordinary leave.

Fourie said a committee would be appointed on the issue of a minimum wage and settlement of disputes. Proposals would be submitted to Manpower Minister Leon Wessels before September 30.

An independent investigation into unemployment insurance and workmen's compensation for domestic workers would report during May.

GERALD REILLY

1/12/92

B1044

294

My problem won't just smooth out ...

Sowetan 22/5/92 (294)

PEARL MAJOLA relates a tale of typical South African injustice and intolerance

Women

DOMESTIC worker Miss Busi Dlamini may be without a job because of a dress belonging to her "madam" she accidentally burnt while ironing.

Before the incident, Dlamini had been working happily at Witfield, Boksburg, for different families for over a year since she came to Egoli from Vryheid, Natal.

One fateful Saturday, as she was ironing Mrs Sula Vonditsianos' beautiful dress, sparks suddenly flew from the iron and burnt the lovely dress.

The frightened country lass dropped whatever she was doing and ran through the house looking for the madam.

She found Vonditsianos and told her of the accident. But to her shock, the lady of No 70 Main Street would not accept her explanation.

She demanded R150, the original price of the dress.

Dlamini had been working for the madam for over three months and earned R25 a Saturday ironing and cleaning the house.

> 'I will have to look for another job - I cannot afford to pay her back'

Chores

The price of the dress is exactly R50 more than what poor Busi earns a month for doing chores at the Vonditsianos home.

Almost in tears, the modest and well mannered Dlamini explained:

"I plugged and switched the iron on not realising that it was already hot. Just one touch and the dress had been burnt.

"I went to the madam to report and apologise but she would not hear a thing. She told me to pay for the dress.

"When she said I should pay R150 I went home to fetch R80 and promised to pay the rest at the end of the month. But she refused.

"Instead she gave me the burnt dress back and said she would deduct the balance at the end of the month."

When *Sowetan* approached Vonditsianos she flatly denied Dlamini's allegation.

Speaking from behind the security gate of her front door, a hostile Vonditsianos said Dlamini had offered to pay for the dress because she felt "guilty".

Asked if it was not enough that Dlamini had apologised, Vonditsianos said she herself had paid for the dress and "all is forgiven now. Busi can come back and work".

Before slamming the door in our faces, she added: "I have been very good to her but she is unreliable."

Dlamini's plight goes beyond last Saturday's incident. Looking at her, she is an ordinary woman. Her hair is permed and she has a clean appearance.

Hers is a story of survival, the only way she knows how - holding down three jobs at a time to provide for her family.

Sole breadwinner

At 35, Dlamini is single and has six children, without a father. Their ages range between two and 18 years.

Her eldest son is 18 and in Standard 3. The children are looked after by her pensioner mother in Natal. She is the sole breadwinner.

Dlamini is illiterate and can hardly communicate with her madams. In fact, she does not even know their names. All she knows is how to get to her different places of work. Not the addresses.

"I just know when to go to which house for work. The madams show me where I must clean or whatever else they want me to do because I cannot speak English or Afrikaans," she said.

Three jobs

From her three jobs, Dlamini gets R420 a month.

"I will have to look for another job because I cannot afford to go back there. Though I do not normally make mistakes, I cannot afford to pay her back each time I make one," she said.

Dlamini had to literally pay for her mistake, but it seems it may all have been worth it. By the time we left, she had resolved to:

- Do everything she can to ensure her children get an education and never have to go through what she did.
- Have a tubal ligation (an operation to tie the fallopian tubes to permanently prevent pregnancy). Mrs Fern Hamilton, one of her madams who alerted *Sowetan* to Dlamini's plight, agreed to pay for part of the operation.

'The iron was hot - just one touch and the dress was burnt'



Domestic worker Busi Dlamini and the hole in THAT dress.

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Labour laws move

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AMPLE opportunity will be given to interested groups or individuals to comment before final legislation is drafted to extend labour laws to domestic workers, Manpower director general Mr Joel Fourie said yesterday.

His department intended to publish a draft Bill in the *Government Gazette* in December containing proposals on how the Basic Conditions of Employment Act could possibly be drafted for domestic workers. This proposed draft Bill would not provide for the payment of a minimum wage.

The department would appoint a committee to make proposals to the Minister of Manpower before September 30 next year. - *Sapa.*

Sowetan 1/12/92

Draft laws soon for domestics

STAR 10/12/94

By Charlotte James

Following a meeting with the SA Domestic Workers' Association and other groups yesterday, Minister of Manpower Leon Wessels will publish draft legislation on conditions of employment for domestic workers this month.

All interested parties will be welcome to comment on the legislation, which will not include suggestions on minimum wages.

Two working groups were also set up, one to investigate extending the Labour Relations Act to cover domestic workers and the other to look at minimum-wage regulations.

The labour relations working group plans to submit a report to Wessels in March, when legislation will be drafted and published for general comment.

The wage regulation group will submit a report in September, and any resulting legislation will also be published.

Other groups present at yesterday's meeting were the SA Women's Agricultural Union, the Federale Vroue Raad, the Women's Bureau, the National Council for Women and the Women's Legal Status Committee.

It was noted at the meeting that little comment had been received from workers.

Comments invited on bill regulating domestic work

SHARON SOROUR
Labour Reporter ARG 2/12/92

EMPLOYERS and domestic workers will be given "ample" opportunity to comment and submit proposals on the draft bill of the Basic Conditions of Employment Act before final legislation is extended to the sector.

Manpower director general Mr Joël Fourie said in a statement that incorrect impressions existed about the extension of labour laws to domestic workers.

"The Department of Manpower intends publishing a draft bill in the Government Gazette during December containing proposals on how the Basic Conditions of Employment Act could possibly be drafted for domestic workers," he said.

Mr Fourie invited interested parties to comment and to submit proposals as soon as the draft bill was published.

"There will be time allowed until February 28 for the submission of comment," he said.

Mr Fourie said the draft bill would, among other things, provide for:

- The determination of maximum daily and weekly ordinary hours of work.
- Payment of overtime and work on Sundays and public holidays.
- Meal intervals, sick leave and ordinary leave.
- Notice of termination of service and contracts of service.

The bill would not provide for a minimum wage.

As far as the minimum wage and the settlement of disputes were concerned, the Department of Manpower would appoint a committee to make proposals to Manpower Minister Mr Leon Wessels before September 30 next year.

Mr Fourie said an independent investigation was discussing unemployment insurance and workmen's compensation and a report would be submitted to Mr Wessels next May.

"I would like to repeat that all interested parties will be given ample opportunity to comment before final legislation is drafted," he added.

Mr Fourie invited employers and employees to contanct any office of the department if they had inquiries about the extension of labour laws to the domestic sector.

Little respite for the domestic employees

Sowetan 22/12/92 (294)

■ **IRONICAL SYSTEM** *They cook, clean and help to raise families:*

WHEN domestic worker Nelly Maano became pregnant, her white boss told her to have an abortion or leave.

"He shouted at me and said if I did not kill the child, I should go." Maano (35) recalled in a choked voice.

Maano left the small room provided by her employer, returned to the shack 48 kilometres north of Johannesburg where she had left her two daughters with friends.

Maano now does part-time work for several people.

As South Africa moves toward equal rights, an estimated million domestic workers like Maano are lingering reminders of the white boss-black servant mentality caused by apartheid.

Work as domestics offers uneducated black women the best chance of earning a living and providing some stability for their families in a nation in which unemployment among blacks exceeds 50 percent in some areas. Some work just for food and housing.

In one of apartheid's many ironies, black domestics cooked the food, cleaned the houses, washed the clothes and helped raise the children of whites who would not eat in the same restaurant as blacks or share a beach with them.

Although reforms have eliminated apartheid laws, maids still travel from their townships to jobs in white neighbourhoods or live in backyard hovels on the employer's property, sometimes separated from their families.

Some maids prefer living in safe white areas, even in minimal housing, to the often violent black townships.

The accommodation may include a toilet and shower, often in the same cubicle, and electricity. Pay ranges from about R100 to R900 a month, usually with some meals, for long days of cooking, cleaning and baby-sitting.

Some employers keep the same maids for years and consider them part of the family, paying medical bills and the school fees of their children.

Others hire and fire at will, providing no benefits beyond a meagre wage. Beatings, even sexual assaults, were common in the past and still occur, according to a union of domestic workers.

Florence de Villiers, who is of mixed race, helped establish the South African Domestic Workers Union in 1986 and now leads it.

The union, which claims 100 000 members, says domestics should receive at least R500 a month, holiday pay, one month's paid notice of termination, four weeks of maternity leave and other health benefits. No laws guarantee the rights of domestic workers, however, and employers usually offer less.

Leon Wessels, the Manpower Minister, recently agreed to consider including domestics under national labour laws. Any changes would occur next year at the earliest and would need time to be accepted, particularly in areas still permeated by the psychology of apartheid.

White employers also have problems with their maids, ranging from theft and false accusations of assault or poor treatment to ruining clothes by washing them improperly.

Most domestics endure poor working conditions because they know thousands of other blacks are waiting for such jobs. They also prefer white employers, particularly foreigners, who generally offer better pay and treatment than non-white bosses. - Sapa-AP.

Khuma domestics irate over 'dirty' letter

(294)

City Press 16/2/92

By DAN DHLAMINI

DOMESTIC workers who live in Khuma were enraged this week when the white Stilfontein council sent around a circular questioning their hygiene.

The council circular, issued by town clerk Nokkie van Vuuren, warns white employers not to allow their workers to handle utensils or prepare food because they could spread diarrhoea, dysentery, cholera and other diseases because there is no water in Khuma.

Khuma residents, on a month-long consumer and rent boycott to demand the dismissal of township administrator Dennis Atcher, see the cutting off of water as a retaliatory act by the town council.

An extract from the circular reads:

"You are hereby requested to ensure that your domestic servant does not prepare any foodstuffs or handle any utensils unless she has washed herself properly."

Angry domestic workers told City Press that the council was sowing seeds of hatred.

Nomawethu Nkabinde said her employers had entrusted her with the well-being of their children for 13 years.

"They have never doubted my cleanliness," Nkabinde added.

"They have cut water now they want our employers to get rid of us," she said.

Endowment policies for domestic workers

RETIREMENT planning for domestic workers is gaining popularity.

Independent broker Colette Keyter says she sells between 50 and 70 policies a month, mainly to employers who take out policies on behalf of their employees.

"People are becoming receptive to the idea, but there is still resistance from many domestic workers who are illiterate and find it difficult to grasp the concepts of insurance," Keyter says.

One of the few life offices which cater for the domestics market, Anchor Life's MD Boundry Kramer says transferability is an important option in such policies.

It gives the employer the opportunity to allow, for example, a domestic worker to take her policy with her when she changes employment. Alternatively, the employer can convert the policy to cover a new domestic worker in the event of the original servant not returning to work.

These specialised endowment policies have only been marketed over the last two years, Kramer says, although the need for such policies has been around for many years.

"Our experience has been that employers are good at keeping policies going and awareness among domestic servants, who appear to have a greater understanding of insurance than, say, factory or mine workers, is increasing," Kramer says.

Keyter says although various options exist, such as savings accounts and unit trusts, the best seller is an endowment policy with immediate death cover and disability benefits.

The disability benefits can either include payouts on disability or an offer to waive premiums on disability.

In other words, the insurance company will carry on paying the policy and the life assured will receive a lump sum which is not taxable.

The minimum premium which insurance companies accept for endowment policies is R20 a month.

Companies which concentrate on low-cost insurance for domestics include New Era Life, Anchor Life and IGL.

Mixed record of service conditions

(294)

South 16/11 - 22/11/92

PAY, WORKING HOURS and conditions of domestic service employment vary among women hired by prominent personalities in the Western Cape.

Among some of these employers prepared to be interviewed on the topic, wages paid range between R440 and R300 a month, although different figures are sometimes cited by the workers themselves.

The domestic worker employed by the rector of the Peninsula Technikon, Mr Franklin Sonn, is paid R360 a month.

According to Mrs Joan Sonn, the worker, Ms Lucy Ntwanambi, from Crossroads, "charged us R25 a day when she was employed and we felt the amount was insufficient.

"Instead, my husband and I decided to give her R35 for a six-hour working day and we also pay for her travelling expenses," Sonn said.

Ntwanambi said: "When I was employed at the beginning of the year, I earned R220 from January to September.

"From October Mrs Sonn said I should work on a part-time basis for three days a week and she paid me R360 at a rate of R30 a day.

"This month I am working four days a week and she said she would pay me R35 a day. I work from Monday to Friday from 8.30am to 3pm."

A Khayelitsha businessman and prominent tavern owner, Mr Sam Tuntubele, employs a domestic worker on a different basis.

Mrs Tembi Tuntubele claimed she paid her domestic worker, Ms Sindiwe Masambathe, R300 a month. Masambathe works from Monday to Saturday.

However, Masambathe claimed she earned only R200 a month.

"My employer used to give me R250 a month, with an extra R50 to cover travelling expenses," she said.

"The R50 was withdrawn last month and my employers told me to sleep in and not to travel home every day.

"I enjoy the working conditions because there is no one chasing after me. I do everything in my own time, but what I need is money."

Masambathe works from 7.30am to 5pm from Monday to Friday and from 7.30am to 2 pm on Saturdays.

Democratic Party MP for Claremont, Mr Jan van Eck, pays a somewhat higher rate.

He said he pays his domestic worker R440 a month, including travelling expenses. "She also receives a double cheque in December," Van Eck said.

His employee, Ms Winifred Banzi, said she worked from Monday to Friday from 8.30am to 3pm.

"I work as if I'm working at home, I do not feel I am a domestic worker," Banzi said.

"As I am older, when I stay with Mr Van Eck and his family, I always feel I'm staying with my own children."

Kitchen sink labourers cook up some heat

Despite efforts by the South African Domestic Workers Union (Sadwu) to improve domestic workers' rights, life in the kitchen often remains far from domestic bliss. **SABATA NGCAI** reports:

South 16/1-22/1/92. (294)

DOMESTIC WORKERS say it is high time for them to become part of the Labour Relations Act (LRA) "to restore their long-lost dignity". The exploitation of domestic workers continues despite the recent recommendations by the National Manpower Commission that they be included under the terms of the LRA.

A 67-year-old Guguletu woman, who works for a Bellville family, said she earned R180 a month for cooking, washing and ironing.

"I have a big family to support and school-going children, how can I survive with a lousy R180?" she asked.

An asthmatic woman domestic from Nyanga recently visited the SA Domestic Workers Union (Sadwu) offices with tears running down her cheeks.

She carried an empty bottle of ammonia-based detergent, which she was forced to use at work despite the fact that it affected not only her lungs but also her skin.

The only thing the heavily-sobbing woman could say was: "I might possibly get cancer."

Domestic workers are also frequently dismissed unfairly and have little recourse to labour courts.

Ms Elizabeth Masombuka was employed at R120 a month and was dismissed because her employers saw her sister on the premises.

Masombuka tried to explain that her sister had come to visit her, but her employer told her to pack and leave without being paid.

She took the matter to Sadwu, which forced her former employer to pay her R346.

A Sadwu member said: "Our employers are selfish blood-suckers who treat us like worthless animals.

"We cook nice food for our employers, give them clean shirts, dresses, care for their children and check if there are no criminals in their yards.

"That helps them relax and work efficiently as they leave a housekeeper at home who would look after everything.

"They forced us to work for them, and now after hundreds of years, we still have no rights.

"We still earn starvation wages, we get no rest, no peace. We cannot go on like this. We demand at least the same rights as other workers."

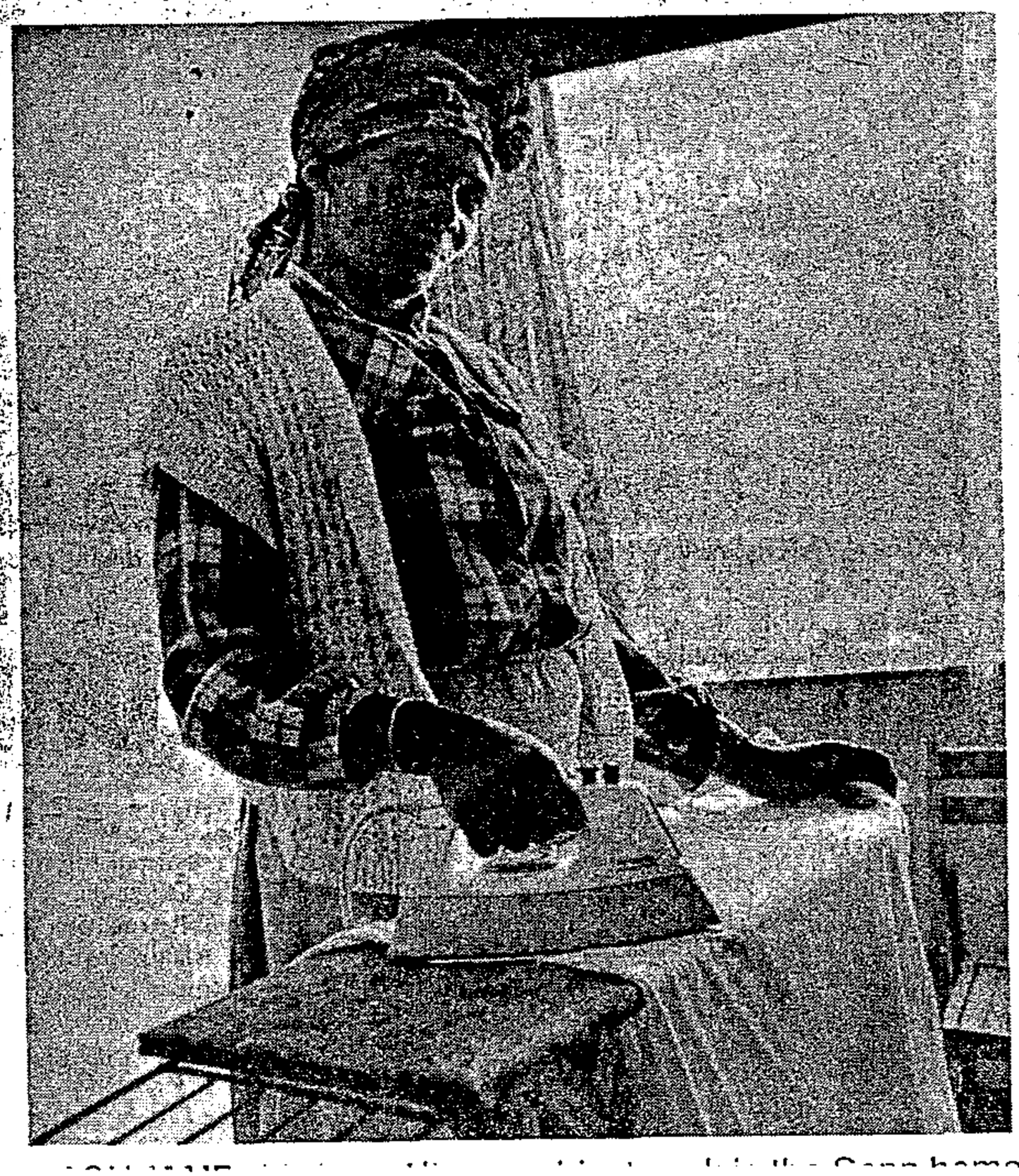
Sadwu demands R450 a month for a skilled full-time worker for an eight-hour day week plus meals and clothing. Semi-skilled workers should be paid R350 a month, R175 a fortnight, R80 a week and R4,50 an hour for part-time workers.

The union also demands 14 weeks' maternity leave and 21 working days' annual leave after completing 12 months of service.

Other demands are medical aid, accommodation, transport allowance, pension and assistance with housing and education.

"We demand legislation that covers the Wage Determination Act, Workmen's Compensation Act and the Unemployment Insurance Fund Act," said Sadwu's regional coordinator Ms Dianne de Vries.

"As domestic workers we have no rights and it is therefore our duty to come out of the shadows and fight for our rights or else we would fall prey to our employers," De Vries said.





ACCUSED: Farmer Chris Badenhorst and his wife. INSET: Evelyn Mthethwa says she survived assault ordeal by farmer and the police.
Pic: LEN KUMALO

Maid claims farmer and 2 policemen assaulted her

Soweton 22/1/92

A DOMESTIC worker has laid a charge of assault against two policemen and a farmer after she was allegedly beaten when she requested her wages.

By SONTI MASEKO

Miss Evelyn Mthethwa (26) of Wheeler's Farm in Grasmere, south of Johannesburg, has sjambok weals all over her body, bruises, a 12-stitch scar on the forehead and a black eye.

Mthethwa claims that she was assaulted by her former employer, Mr Chris Badenhorst, on January 4 and by two white policemen the following day.

Vaal police spokesman Captain Piet van Deventer asked Mthethwa to contact the police to make a statement.

"It is not policy, we will act against individual members who break the law," he said.

Badenhorst claimed Mthethwa assaulted his wife and had broken her rib. He and his wife called Mthethwa a "dagga rooker", saying she was lucky they did not call the police.

'We will act against individual members who break the law.'

Badenhorst claimed there was nothing wrong with Mthethwa when "I threw her out of my gate" and his wife said she was lucky they did not set their dogs on her to kill her.

Mthethwa told *Soweton* her ordeal began two weeks ago when she asked for her pay.

Badenhorst refused to pay her and instead told her to leave the premises.

Mthethwa says when she returned to demand her pay, she was attacked by Badenhorst. His wife allegedly used a kitchen utensil to beat her.

She sustained a nasty cut on the forehead which needed 12 stitches to close up.

Mthethwa said when she returned from hospital she was met by two white De Deur policemen who, without uttering a word, allegedly hit her with a sjambok, the back of a firearm, and kicked and punched her.

"The assault lasted for a long time. They would order me to get up and run to the police van parked some distance away. When I tried to, they would trip me and assault me as well. They kicked me all over the body."

She said she was taken to the farmer's house, bleeding badly, and forced to clean the whole house. Later the farmer rewarded the two policemen with a sheep.

The two policemen then allegedly bundled her, together with the sheep, into the back of the van and drove to De Deur police station where she was locked up and released the following day.

Unfair . . . that's the lot of our domestics

Sowetan 6/2/92

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A 78-year-old domestic worker gets a R400 pension send-off from a "master" she has loyally served for 20 years.

Another domestic who demands her wages is beaten black and blue, sustaining a cut that needs 12 stitches.

These two incidents highlighted in the media are the tip of an iceberg of the heap of problems faced by the 4 million domestic worker workforce still at the bottom of the labour pile.

In September last year, the National Manpower Commission released a report recommending that

By SIZAKELE KOOMA

domestic workers have protection and rights which apply to other workers.

These include the Basic Conditions of Employment Act and Unemployment Insurance Workmen Compensation Acts linked to the Wage Act.

The proposals are still to be legalised.

In the meantime domestics are still being taken advantage of by their employers because of the lack of protection by the country's labour laws.

They are still being exploited, physically assaulted, unfairly dismissed and deprived of worker rights, like a pension fund, leave and maternity benefits, among others.

In 1990, the Central Statistics Service revealed the average monthly wage of a South African domestic to be R96,50.

A series of articles *Sowetan* did on the treatment of domestic workers in white, black, Indian and coloured areas revealed that some employers pay their domestics in kind.

The domestic will do the washing, or may chores on certain days and get free accommodation in turn.

Trade unions and political organisations have for

● To page 15

● From page 14

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several years been pressing to get legal provision covering employment of domestics.

If domestics do eventually get covered by the LRA, it will be through the efforts of both the unions and the domestics themselves.

Their campaigns which include marches, demonstrations, petitions and statements, have stirred questions in Parliament.

They led to the National Manpower Commission being instructed in 1982 to begin an inquiry into employment conditions for farmers and domestics.

Sowetan 6/2/92

In 1984, a delegation from three domestics' groups travelled to Pretoria to protest to the then Minister of Manpower, Mr Pietie du Plessis, the delay of the inquiry.

Two years later the report by the NMC was completed but prospects for possible legislation were still bleak.

In January last year, the NMC released another document. This time they argued that the LRA and other Acts should not be extended to domestic workers because the Small Claims Court provided for courts to hear civil claims and related matters.

It also suggested that domestics be covered by a separate Act which would include those parts of the LRA and the Basic Conditions of Employment Act relevant to domestic workers.

The domestics' struggle to redress the injustices in their workplaces, like their campaign for legal recognition, has come a long way.

Ms Eunice Dhladhla, a former domestic worker and administrator at the South African Domestic Workers Union traced the path from 1974 when domestics were organised through centres of concern.

The then Domestic Workers Education Project had problems mobilising domestics who were ignorant of their rights as workers and afraid to stir trouble with their employers.

"The intimidation factor was also high among union officials," Dhladhla said.

"When we summoned an employer to our offices and he came in his police uniform, or if we discovered he was a person of some standing, we would feel very intimidated.

"But gradually we gathered ourselves and had a braver approach to our job. We were dealing with human beings who had wronged their fellows.

"We scarcely got justice. Courts were difficult and we seldom won a case," she said.

In a business where success depends on the employer's co-operation, domestic workers unions have done a fairly good job.

Dhladhla said of the average 10 cases they get every day, most of whom are assault and financial disputes, they win half of them.

Sadwu and other domestic workers union will only rest when their members demands are met.

These are:

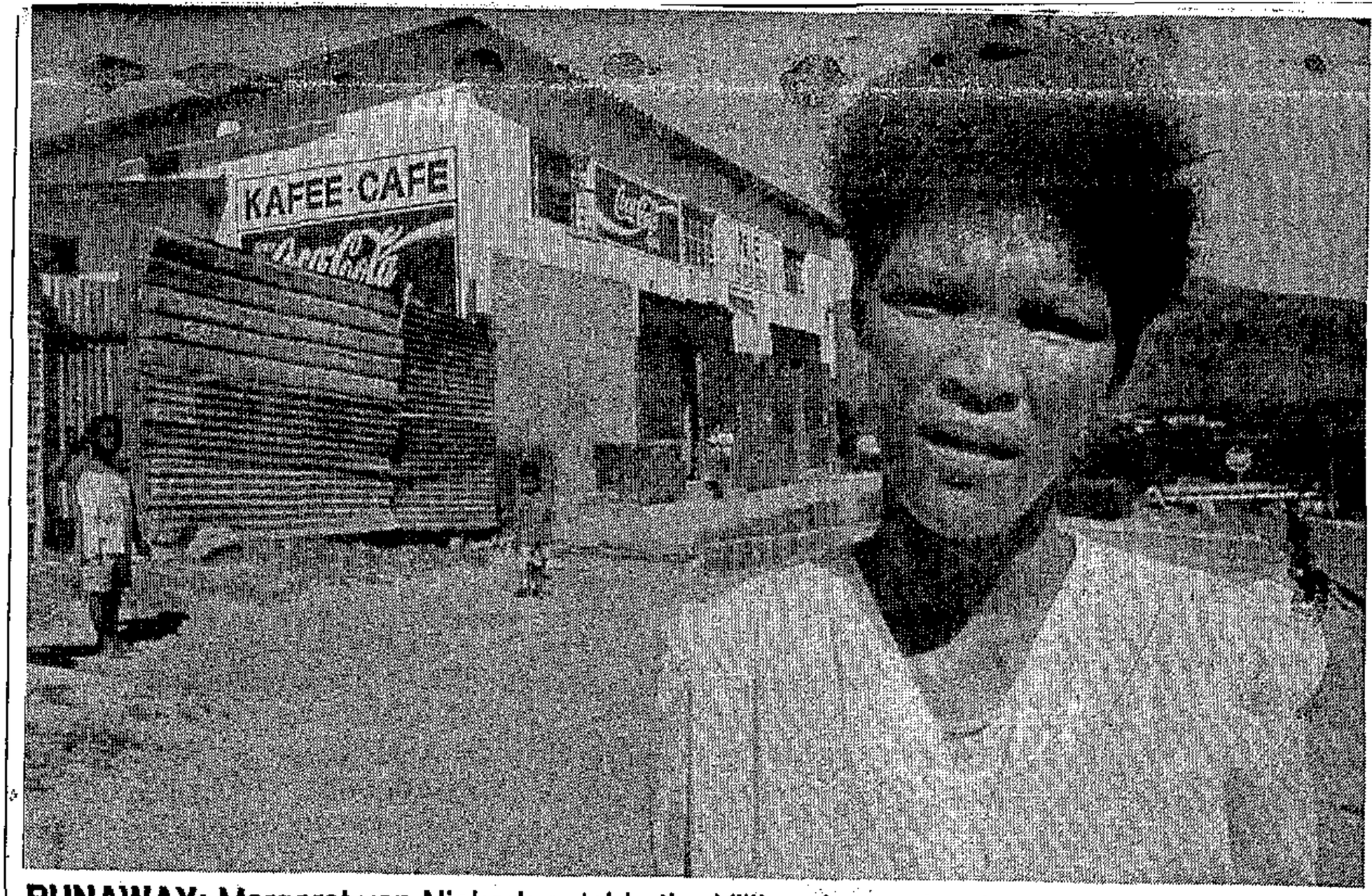
* R450 a month;
* Visiting rights;
* Decent accommodation; and,
* Pension, maternity benefits.



Exploited by working long hours every day



Beaten by employer and robbed...



RUNAWAY: Margaret van Niekerk outside the Villiersdorp cafe where she worked as a "captive" domestic. She escaped by climbing over the corrugated iron fence behind her

Domestic worker flees after 'mistreatment'

South 13/2 – 19/2/92

By Quentin Wilson (294)

A YOUNG domestic worker fled from her employers on Sunday and spent the night outdoors after they allegedly mistreated her.

"I was not allowed to speak to anybody, I was not allowed to leave the property at any time — I just had to work from 6am to 11pm every day," claimed Ms Margeret van Niekerk, 19, from De Aar.

Van Niekerk climbed over a corrugated iron fence and ran away from her employers in Villiersdorp after working four days as a domestic worker for a cafe owner.

She was found sleeping on a grass verge of the road leading to Grabouw early on Monday morning.

Completely disorientated, Van Niekerk thought she had been working in Bellville.

She claimed she was not told she had been sent to Villiersdorp from De Aar.

Her train had arrived at night, making it difficult for her to be sure where she was.

Van Niekerk alleged she had been poorly treated by the cafe owners who often shouted at her. She also complained about the quality of the meals she received.

"I had to stay in a tiny room that had a bed and a small cupboard.

"I used my own bedding as the blanket they gave me was filthy," she said.

Cafe owner Mr Anver Ebrahim denied he had mistreated Van Niekerk and said "she lived a better life than we did while she was with us".

Asked why he did not let Van Niekerk leave the property or speak to anyone, he replied: "To communicate with the boys in the area is very dangerous, you know what I mean. There is a very large danger of rape."

Ebrahim said he was "very worried" about her and had been trying to find her since she had gone missing.

"My wife phoned De Aar and explained to her before she arrived what we could offer," Ebrahim said.

"I do not know why she ran away. She was a very quiet girl," he said.

Van Niekerk is staying with the people who found her.

Warned of black 'contamination'

THE STILFONTEIN City Council has sent 40 000 letters to white residents, warning that they could be "contaminated" by their domestic workers.

Following a disconnection of water and electricity to the Western Transvaal township of Khuma, white Stilfontein residents have been told they are in danger of catching "cholera, dysentery, diarrhoea etc." from domestic workers living in Khuma.

In response to the letters, the South African Council of Churches (SACC) said: "What can bring people to this place of such inhumanity when one group is warned of health hazards while at the same time another group is placed in a position where the chance of such health hazards are increased?

"Are black lives still of less value than white? It seems as if the Stilfontein council thinks so," the SACC said in a press release.

The letters say white residents should "ensure" a domestic worker did "not prepare any foodstuffs or handle any utensils unless she has washed herself properly".

Retirement plan for domestics

South 13/2 - 19/2/92

(294)

AFTER YEARS of long service and loyalty to their employers, many domestic workers find themselves destitute, without having made provision for retirement. However, domestic workers themselves have now worked out a solution to this dire need by establishing a Domestic Retirement Plan (DRP) to supplement the meagre state pension many have to survive on.

Initiated by the Domestic Workers' Association (DWA), the DRP was established with the assistance of the Seeff Trust.

According to Seeff Organisation financial consultant, Mr David Mickleburgh, the DRP is set to expand and achieve its objectives.

"We were approached by Domestic Workers' Association president, Ms Maggie Oewies, who asked what help we could offer to the exploited kitchen and farm workers so that they have hope when they reach retirement age," Mickleburgh explained.

"We devised the plan and approached the Charter Life Insurance company to plan for domestic workers so that they get financial assistance at the end of the day to supplement their state pensions.

"It has been a long and hard process as we had to consult with lawyers to make the plan successful.

"Despite such difficulties, we were able to achieve our objective." Premiums for the scheme, which has become known as the Seeff-Charter DRP Scheme, start at R35 a month and increase voluntarily in R10 modules up to R65.



MAKING PROVISION: Domestic workers have established a Domestic Retirement Plan which supplements state pensions

Included in the plan is cover for death and injury of members and their families.

For a monthly premium of R35 the sum payable on a member's death by natural causes or a disabling injury is R2 791, while the sum payable on accidental death is R5 582.

When the premium increases, the cover also increases. A sum of R1 000 is paid on the death of an employee's spouse and also on the death of a child aged between 14 and 20. On the death of children aged between six and 14 R500 is paid, and on the death of children aged between three months and six years, R250.

Employees aged between 20 and 35 who contribute a monthly premium of R35 will receive a maturity value in 20 years of R7 669.

The illustrative maturity value for the same premium and age group at the rate of 12 percent is R42 658 while at 15 percent it is R55 666.

The guaranteed maturity value increases as the premium is increased. Older people joining the DRP will receive a lower guaranteed maturity value than that of younger people as they would pay for only a few years before retirement.

Oewies said: "I felt very strongly that domestic workers must have a pension scheme. I have seen many sad and terrible things happening to domestic workers who are thrown out after long years of service."

She said it had been very difficult to introduce this type of plan because of the fluid nature and conditions of employment of unskilled and domestic workers. According to Oewies, all DWA workers are eligible to join.

"This is a worker pension scheme, anyone from any worker organisation or union is eligible to join," Oewies said.

Seeff Financial Services director, Mr Riaan Heyns, said: "Gone are the days when at the end of a long career of domestic drudgery, we send our domestic workers back to the homelands to be looked after by their families.

"We don't have homelands anymore and the rural family structure is now largely a thing of the past.

"Although everyone is entitled to an old-age pension, this in no way meets the full requirements of 20th century inflation."

Heyns pointed out that because of unrest in the townships and the tradition whereby women often have to hand over their hard-earned wages to their families or husbands, the DRP plays an invaluable role in creating future security for the domestic worker in a manner which protects her savings from outside interference. □

SABATA NGCAI

BOOKS

Phokeng women tell of their history

w/mail 8/5-14/5/92.

294

WOMEN OF PHOKENG *by Belinda Bozzoli with Mmantho Nkotsoe* (Ravan, R49,99)

NOT far from Rustenburg in the western Transvaal lies one of apartheid's dumping grounds, the sleepy rural town of Phokeng.

Women of Phokeng, by University of the Witwatersrand professor of sociology Belinda Bozzoli, is as an oral-history study, following the lives and struggles of 22 Bofakeng women from their births round the turn of the century to their old age in Phokeng, a once prosperous agricultural town which once "never knew hunger".

By conducting in-depth, personal interviews, Bozzoli, assisted by Mmantho Nkotsoe, looks at the course each woman's life took and how they were all brought back, eventually, to Phokeng. Interspersed with the anecdotes about their day-to-day existence are vivid first-hand accounts of historically significant events from the early years of the century right to the present day, depicting urban life during the 1930s and 1940s in Reef townships like Sophiatown, Alexandra and Vrededorp along the way.

The life to which they have returned in Phokeng revolves around burial societies, grandchildren and church-related activities; they are accorded the traditional dignity of elderly women. But it is their earlier selves that arouse the most interest.

Bozzoli follows the unfolding course of their defiance, from their diminished tribal position to oppressively customary practices such as female initiation and compulsory house work, to the brashness of the city and the fight for survival there. Here "homegirl networks" of Phokeng women were employed as domestic workers. Members of these networks would look out for each other.

One of the interviewees is Naomi Setshedi, once a member of such a group. She says: "We had boyfriends but didn't want them to sleep in our rooms. Whenever one of us knew that her boyfriend would be likely to pay her a visit, she would organise her friends to come and spend the evening so the boyfriend could be inconvenienced." By doing this, the women felt they were also preventing one of them becoming pregnant.

All the women interviewed say that in the cities it was better to do domestic work than farm or factory work. Here, they describe how they often met and then married husbands and bore several children instead of being "promised" to someone in the traditional way.

Their later existence in the city was no longer based soley on earning money, as they move into townships, have families and adopt urban life. One of the ways in which the women supplemented their income was by illegally home-brewing beer to sell. This, however, often led to arrests, along with police harassment. But Mmadiate Makgale, described by Bazzoli as particularly militant, says they always found ways of evading the white policemen and so kept on brewing and therefoe earning money.

These women were not afraid of policemen either hunting for pass books or illegal home-brew. Nthana Mohale says that "policemen could never even think of standing in front of a 'Mayibuye' woman. We were militant. Even in town, the bus drivers used to clear way for us so that we could go in without having to stand in a long queue."

In the townships they participated in historically significant movements like the defiance campaigns against passes and the first bus boycotts which swept the Reef during this time.

One has to read through a lot of often disparate information in the interviews, but Bozzoli's division of the material in chapters does make them more manageable. Throughout the interviews, Bozzoli attempts to draw in the historical significance of events which occured during these womens' lives. She structures questions so that they include the women's perceptions of the world around them embedded in first-person accounts of what life was like "in those days" in places such as Fietas and Sophiatown. Descriptions of concepts, words and places referred to in the interviews — some of which the reader may be unfamiliar with — are placed in context in the detailed notes at the back.

There are few illustrations in *Women of Phokeng*, but the maps and the portraits of most of the women interviewed are useful references in understanding the backround and content of the book. It also carries a detailed bibliography of other works on subjects like domestic work and migration to the cities.

Women of Phokeng may come across as just another well-researched portrayal of the evil effects of apartheid, but Bozzoli does not leave it at that. She takes up issues of interest to gender studies as well as sociologigal and historical fields, and the interviews are written in a way that makes apparent both the aspects of life the women have in common and their individuality.

Beathur Baker

Protect domestics, farm workers call

Sowetan 30/4/92

THE Department of Manpower has recommended that the Basic Conditions of Employment and Unemployment Insurance Acts be extended to the agricultural sector.

National Manpower Commission members, except the SA Agricultural Union, recommended that the Wage Act be extended to farms.

The NMC also recommended that domestic workers be protected by the Basic Conditions of Employment, Labour Relations, Unemployment Insurance and Workmen's Compensation Acts.

Its annual report covering its activities ranging from labour relations to religious objection to military service - was tabled in Parliament this week.

The 154-page document reported a rise in trade union membership, advances in extending labour laws to unprotected sectors, fewer workplace accidents and increased unemployment.

An amended Labour Relations Act - agreed between Saccola, Cosatu and Nactu - was passed by Parliament in 1991, but no progress had been made on its consolidation because the National Manpower Commission had not been restructured.

The productivity-based wage agreements in the mining and automotive assembly industries could be regarded as important developments.

Altogether 613 strikes in sectors covered by the LRA claimed 1,24 million mandays lost in 1991, but the numbers involved decreased by almost 50 percent on 1990 figures.

Stayaway

Wages were the main cause and the manufacturing industry suffered most in terms of mandays lost.

In 28 strikes more than 1 000 workers were involved, and each strike lasted seven days on average.

Strike figures did not include public sector disputes and the November 4 and 5 stayaway, when the majority of the country's workforce did not go to work.

Violence in the workplace continued - 22 people were killed and about 90 injured at the President Steyn gold mine in Welkom during November 1991.

The multiracial Federation of Independent Trade Unions, representing some 210 000 workers in 23 unions, was launched in October 1991. Its stated objectives included playing a constructive and moderate role in a free market economy.

A meeting was held between Saccola and three major union federations to discuss setting up an economic forum to give employers and employees a say in restructuring the economy.

The Minister and the Department of Manpower met twice with Cosatu to discuss a wide variety of subjects concerning trade unionism.

"It is . . . the Department's policy, as far as possible, to consult employers and employees whenever changes are envisaged to the legislation administered by the department," wrote the Director-General of Manpower, Mr Joel Fourie.

For the first time in many years, a fulltime deputy, Mr Glen Carelse, was appointed to help the Minister of Manpower, Mr Piet Marais.

The number of employers' organisations dropped from 271 in 1987 to 214 last year.

Trade union membership of registered unions rose from 1 879 million in 1987 to 2 750 million in 1991 and about three million employees belonged to registered and unregistered trade unions in terms of the Labour Relations Act.

Agreements

Eighty-nine industrial councils administering 141 agreements were registered at the end of 1991. They regulated wage agreements covering 36 000 employees, and the conditions of service of 488 000 workers.

The building and construction industries proved the most dangerous, with 123 fatalities in 1991, followed by agriculture and forestry with 86 deaths.

In all, there were 474 work-related fatalities in 1991, compared to 435 the previous year.

Only 53 percent of people who reported for trade tests actually passed. It was hoped that modular training would alleviate this problem.

Apprenticeship contracts increased from one in 1990 to 566 in 1991, proof that training boards could make a significant contribution to training.

During 1991, 173 religious objectors were referred to the department for placement in community service. Owing to a Supreme Court judgment, 389 religious objectors were sentenced anew during 1991.

More than R27 million was spent on training unemployed people for the formal sector by October 31 1991, and more than R31 million on skills' training for the informal sector.

Altogether 550 185 people were paid unemployment insurance benefits in 1991, against 438 292 in 1990. More than R891 million was paid out in 1991, and about R587 million in 1990.

Workmen's Compensation payments for medical costs increased by about 23 percent, amounting to over R111 million, compared with R61 million in 1986.

The 1991 amendments to the Labour Relations Act resulted in a decrease in the number of cases referred to the Industrial Court, but the number of matters which could not be finalised increased by 39 percent.

The Labour Appeal Court heard 65 cases in 1991.

Altogether 7 280 conciliation boards were established following 11 114 applications between November 1 1990, and October 31 1991.

Altogether 5 209 disputes were referred to Industrial Councils, of which 2 101 were settled. The rest, if not settled, were referred to the Industrial Court, arbitration, mediation or eventually ended in deadlock. - *Sapa.*



There were 613 strikes in 1991.

Heat put on black madams

Cl Prev 19/4/92 (294)

By S'BU MNGADI

LITTLE attention has been paid to the plight of maids who suffer at the hands of black madams.

But a survey conducted by a psychology lecturer at Transkei University has changed all this and made some damning revelations.

In her study, Pumla Gobodo-Madikizela, 36, found there was a certain gain in status associated with "owning" a maid.

For some black women, employing a maid was the ultimate expression of power which previously had been the "privilege" of white women.

The irony, the researcher claimed, was that black women employed maids not because they could afford to do so, but to exploit them.

She found the avoidance of the use of the word "maid" striking. Eighty three percent of the respondents preferred "my helper", "my auntie", "sisi", "Gladys" and others.

"It's clear from this that there is some discomfort associated with the hiring of maids – probably because the practice was previously viewed as a symbol of oppression of blacks by whites.

"This discomfort can also be attributed to the general communal feeling in African traditional communities, where real success is measured by the degree to which a person is able to share it materially with others.

"In this sense 'successful' women who were 'fortunate' enough to have achieved positions which made it possible for them to 'hire help', would be expected to experience some guilt about their succeses," Gobodo-Madikizela said.

The survey, conducted among maids and madams in Umtata, found that wages ranged from "kind" – groceries and financial "support" and school fees – to R180 a month.

One madam said: "We inherited the domestic labour from whites who oppressed our people and ripped off any dignity they had as respectable wives and mothers. The role of madam was alien to us and even the wages we paid were never thought out. We simply checked what the madams before us paid and followed suit."

Many madams seemed to derive a lot of pleasure from the fact they "observe the respect that is prescribed by our culture", and that "my children can't call her (maid) by name because she is an adult.

Some explained that they called their maids by their clan names "to make them feel part of the family".

But younger domestic workers rejected the use of their clan names as given name, and felt this reinforced their subservient positions.

But in return maids addressed their bosses flatteringly.

A proud madam remarked: "She wears a special uniform, calls my husband 'master', and myself 'madam'. In that way, she knows her place."

Many maids complained of working long and inconsistent hours – staying up until all the dishes were washed or the madam returned home – no appropriate time-off, Saturdays and Sunday work, no holidays, heavy hand-washing and ironing, insulting treatment, being bored and experiencing no real fulfilment.

Gobodo-Madikizela said, given the powerlessness of many madams both in the workplace and in the home, it was likely they saw their roles in terms of power and authority.

Evidence of this were comments from the respondents such as: "I hire and fire them as I like."

The researcher said this and other statements demonstrated the degree to which madams were prepared to go to control their workers' lives.

The madams often discusssed the maids' problem. "The focus is always how the maid makes the madam's life impossible. It's very rare for discussions to circle around how maids can be protected from oppressive treatment by madams.

"Similarly, discussions on how to secure the future of the maid as a homeworker are non-existent," she said.



PUMLA GOBODO-MADIKIZELA ... New-look oppression.

Whites in black jobs study

MORE and more whites are taking menial jobs once reserved for blacks, while an increasing number of blacks are employing domestic servants, the latest Race Relations Survey says.

"Whites are working as window washers, petrol-pump attendants and aircraft cleaners. Whites employed as cleaners are paid the same as blacks."

The survey, published this week by the SA Institute of Race Relations, quotes the SA Domestic Workers' Union as saying a third of Soweto families employ domestic servants. Many such servants, called "helpers", are recruited from the homelands and paid as little as R90 a month.

"A survey by the Human Sciences Research Council found that 64% of domestic servants were employed by whites and 16% by blacks," says the instiute.

THEO RAWANA

"A researcher at the University of Transkei said that a survey ... found that black 'madams' treated their servants no better than white ones."

Referring to the change in the racial composition of the labour market, the survey quotes a Unisa finding that the labour corps ammounted to almost 10 blacks to one white between 1985 and 1990. By 2000 to 2005 the ratio was expected to be about 50 to one. B/Day 25/3/92

"As whites and Asians were responsible for 97% of job creation in the formal sector, the sharp rise in the ratio of black workers would make it increasingly difficult to provide work for new entrants to the formal sector," it added.

Cosatu spurns Budget invite

CAPE TOWN — Cosatu has rejected an invitation to give its views on the Budget to the parliamentary joint committee on finance.

It said the invitation indicated that government refused to commit itself to genuine negotiations in the socio-economic arena.

It asked what it was expected to say to the committee when its submissions on VAT, food prices and other issues appeared to have had no place in Finance Minister Barend du Plessis' calculations. — Sapa. B/Day 25/3/92



NANNIES FOR AFRICA . . . Johannesburg students watch as trainer Stephan

Now it's white nannies who are in big demand

294

S|Times 8/3/92

By CLAIRE ROBERTSON

A NANNY training centre is turning out white nannies faster than you can say "Mary Poppins" to satisfy a growing demand among South Africa's wealthier parents.

Young girls are flocking to Primecare Training in Melville, Johannesburg, and its counterpart in Cape Town for an intensive three-month course which teaches them child discipline and skills like basic first aid, toymaking, painting, storytelling and creative child play.

Each centre trains about 20 nannies at a cost of R2 000 each. Applicants must be matriculants or pass an entrance test at the centre.

And, says Johannesburg head Bev Wilson, 29, the nannies' skills are increasingly in demand.

A Primecare nanny can earn between R1 500 and R1 800 a month including all meals, a room with a private bathroom and often the use of a car.

The nannies sign a contract with their employers which stipulates that they will do no housework. Their employers ban smoking, loud music and overnight boyfriends.

The girls are taught to avoid sexual harassment and "to live in someone else's home".

Said Mrs Wilson: "For instance, the girls are told not to walk from the bathroom to their bedroom in a towel."

They are also told never to spank their charges.

Domestic employment agencies report an increase in demand for white nannies.

Mr Mel McDaniel of the Ready-maid domestic employment agency confirms that requests for white nannies have increased in the past year.

Mr Andy Crousof Maids Galore said he had recently placed a white nanny at a salary of R2 500 "with a high-powered executive".

Said Mrs Wilson: "A trained nanny who goes overseas will earn well. At the moment, we have three girls working in the States."

Primecare's Cape Town head Mrs Melinda Trainor said: "Our centre has taken off fantastically. To date, we've trained about 300 nannies."

Workers for the rich complain: They don't pay our transport co

By CHRIS BATEMAN
and GUY OLIVER

BISHOPCOURT employers are "very nice people" but they don't look after their domestic workers' transport costs, a snap survey in the plush suburb showed yesterday.

Interviews with domestic workers in Bishopscourt and Sun Valley — found by a comprehensive recent Cape Technikon survey to be the highest-paying and among the lowest-paying areas respectively — revealed transport costs as a major problem.

The Technikon survey found that Bishopscourt employers paid an average salary of R339 a month while in Sun Valley this dropped to R152 a month.

Only one of eight people interviewed at random yesterday said they were paid transport costs, while none received medical aid or pension assistance.

All were provided with food and drink at work.

Mrs Constance Zuba, a mother of two from Langa who chars in Bishopscourt, said her pay varied from R23 to R25 a day for working from 8am to 3pm.

Only one employer paid her R2,60 extra for the bus fare, she said.

She averaged a salary of R315 a month, working a five-day week.

"My people are very nice but they don't pay very well," she said.

Mrs Gladys Kopele, a widow of New Crossroads with two school-going children (R25 a day), said she hardly ever saw her Bishopscourt "whites" and was paid by their coloured chef.

Sun Valley live-in domestic and single mother Mrs Eunice Nkompela of Langa (R250 a month) said she slept in a semi-converted garage.

Mrs Miriam Mlangeni, a "plastic-shelter dweller" in Noordhoek, said her Sun Valley employers had just given her a raise from R150 to R200 a month.



Mrs Miriam Mlangeni, of Noordhoek: "I wash the car as well."



Mrs Evelyn Mbambi, of Noordhoek: "My husband is disabled."



Mrs Joyce Jacklands, of Noordhoek: "It's a question of money."



Mrs Eunice Nkompela, of Langa: "I stay in the garage."



Mrs Beauty Klaas, of Khayelitsha: "Some pay me R20 a day."



Mrs Gladys Kopele, of New Crossroads: "Hardly ever see my employers."



Mrs Constance Zuba, of Langa: "People are nice but don't pay well."



Mrs Lizzie Ca Guguletu: "I don' pension."

Pictures: STEWAR

"I clean and tidy, iron, make beds and wash the car as well," she said.

Charwoman and mother of five Mrs Evelyn Mbambi, of the Noordhoek squatter settlement, said she was paid between R20 and R25 a day. Her husband is disabled and unable to earn a salary, she added.

Mrs Sheila Baillie, vice-president of the Housewives League, said payment depended on tasks domestics were required to perform.

She usually recommended that employers pay R200 a month for live-in domestics or R5 an hour for chars, plus travel allowance and food.

The 80 000-strong South African Domestic Workers' Union, a Cosatu affiliate, recommends the following pay package for domestic workers:

● R350 a month basic wage for semi-skilled domestic workers, plus full board and accommodation, for an eight-hour day, five-day week. (Duties: General housework and basic cooking).

● R450 a month basic wage for skilled domestic workers, plus full board and accommodation. (Duties: General housework, cooking, child minding, sewing etc).

● Casual rate: R3,50 an hour, two meals and travel expenses paid in full.

The Domestic Workers' Association, founded in 1974, recommends the following pay structure:

● R350-R380 a month for live-in semi-skilled domestic workers, eight-hour day, 5½-day week, plus full board and accommodation.

● R450-R490 a month for a live-in "cook-general" domestic worker, eight-hour day, 5½-day week, plus full board and accommodation. (Duties: General housework, child minding, cooking). Live-out domestic worker has a six-hour day and t penses paid in full.

● R600-R700 a month for live-in "catering tic worker, eight-hour day, 5½-day week, board and accommodation. (Duties: housework, child minding, sewing and e ment catering). Live-out domestic worker h hour day and is paid travel expenses.

All categories: Overtime of R2,50 an ho hour lunch break, 21 working days paid l public holidays and May 1.

2 SYSTEMS DEVELOPMENT

Aim

To acquire an understanding of the processes involved in the development of computerised commercial data-processing systems and of the relative significance of the various processes. Furthermore to acquire an appreciation of the various techniques used in systems and program development and to be able to write simple programs in a suitable language.

Objectives

Candidates should be able to:

(a) Determine and apply the steps necessary to perform each of the following stages in systems development:
   * Feasibility studies
   * Requirements analyses
   * Systems proposals
   * Systems design - output, input and processing rules
   * Program and systems testing.

(b) Develop a study and prepare a feasibility report for a simple business application.

(c) Develop the contents of a systems proposal.

(d) Specify the elements of input and output design



costs

ur transport

Cape Times, Thursday, April 25 1991 7

Mrs Lizzie Calana, of ...guletu: "I don't get any pension."

Mrs Constance Zuba, of ... Langa: "People are nice but don't pay well."

Mrs Kopele, of ...oads: "Hardly ...y employers."

Pictures: STEWART COLMAN

...mestic worker has a six-hour ...penses paid in full.

...n, founded in ...structure: ...mi-skilled do- ...ay week, plus ...cook-general" ...lay week, plus ...ties: General ... Live-out do-

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● R2,50 an hour, two-week, plus ... days paid leave, all ... hour lunch break, 21 working days paid leave, all ... public holidays and May 1.

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Domestic hit for disliking boss's wife - claim

294
Sowetan
24/5/91.

A 38-year-old Johannesburg domestic worker was allegedly assaulted by his employer because he felt she did not like his wife.

Juliet Buthelezi was allegedly hit with fists and sticks by his employer Mr Rudolf Opperman at his Randburg house last Monday where she was employed.

She said: "My boss accused me of not liking his wife but I flatly denied this.

By IKE MOTSAPI

"I asked him why he thought so and he replied that he had noticed that when his wife speaks to me I ignored her.

Scared

"I explained to him that I am normally a quiet person who speaks less.

"He then said it seemed that I was stubborn and he started to assault me.

"I pleaded with him to stop the assaults but he said he did not care.

"After he had finished assaulting me he left and said I could leave my job if I so wished.

"I was scared and I went to stay with friends until in the evening when I went to him to demand my pay.

"He said he had not fired me and indicated that I had absconded.

"I then contacted a lawyer who then referred me to see a medical doctor," she added.

Police

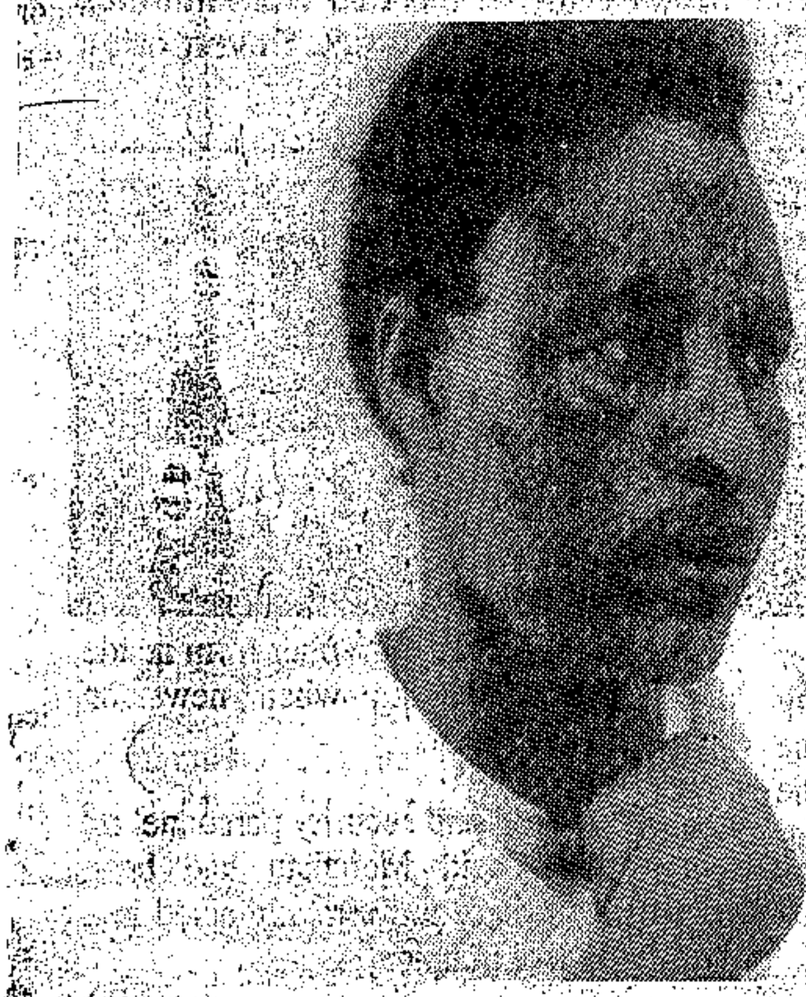
Opperman denied that he had assaulted Buthelezi.

He said: "That's absolutely nonsense that I have assaulted Juliet. I am prepared to contest any medical evidence regarding the alleged assault by myself in court.

"I must confess that harsh words were exchanged between myself and Juliet on Monday.

"I also want to add that I have not fired her but indicated to her that she could leave if she wanted to," he added.

Buthelezi's lawyers have reported the assault allegations to the Randburg police.



JULIET BUTHELEZI

Maids and their (black) madams

Star 27/4/91 (294)

THAT symbol of the South African good life — the maid — is now very much part of everyday living in Soweto.

An estimated third of the families in the township employ a domestic servant, according to the South African Domestic Workers Union.

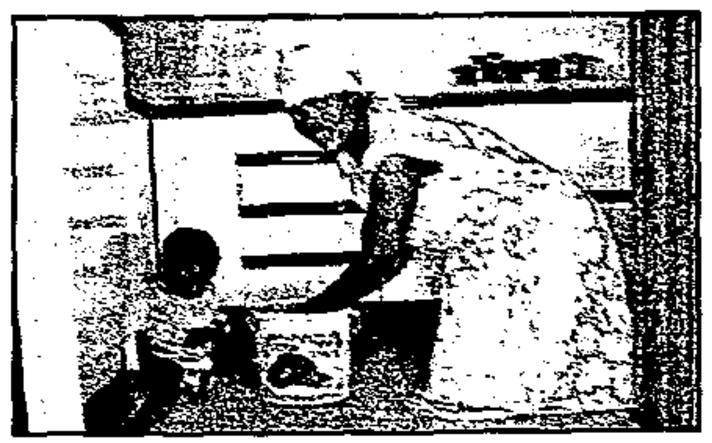
And, echoing the criticism often levelled at employers in the northern suburbs, allegations of exploitation in Soweto are rife, says Sadwu.

The domestics — generally called "helpers" — are being employed in ever-increasing numbers.



HANGING THE WASHING: Then there's ironing to follow and the day's hard work never seems to end for Soweto 'helpers'.

30 pc of Soweto families employ servants



SCRUBBING THE FLOOR: That's one task, but baby must be looked after as well.

ABBEY MAKOE

Typical

Sadwu estimates that at least three out of 10 Soweto families have a full-time or part-time domestic employee.

And many employers, according to investigations by the Saturday Star, are occupants of the "typical" four-room Sowetan houses — otherwise known as "matchboxes".

Many Sowetans refuse to acknowledge that they employ helpers. Others do, but refuse to allow their maids to be interviewed.

Maids were often too frightened to speak about their working conditions. And Sadwu said the fact that helpers were called "aunts or sisters" by the families they served made it difficult for strangers to identify them as maids.

According to the union, only five out of every 100 helpers were brave enough to report poor working conditions and low pay to Sadwu.

Selina Vilakazi, union co-ordinator, said: "Many helpers were mainly distant relatives of their employers who were mainly recruited from the homelands. They were not familiar with urban life."

She said often they never went out, and lived under severe restrictions imposed by employers. "They were not unionised, and approached the union when they were severely disgruntled."

Vena Ntlailana (63), who owns taxis, said anybody who had a helper had a moral responsibility to treat that person according to decent human standards.

If she had a helper, Mrs Ntlailana said, she would guarantee that the maid "eats what I eat and sits where I sit. She would do everything that my child could do. I would also pay her at least R300 monthly".

However, a reliable source later informed us that a woman, who was serving Mrs Ntlailana her breakfast, was actually her helper. Mrs Ntlailana barred us from talking to the woman.

Detailing exploitation, Sadwu said maids:

- Were not provided with protective clothing.
- Had no fixed hours of working and usually went to bed when it suited their employers.
- Were seldom given a day off.
- Were made to baby-sit until late, without being paid overtime.
- Enjoyed no formal meal hours. (The union had information about one helper who ate lunch whilst standing).
- Worked on most public holidays.
- Did not have any privacy in the smaller homes.
- Were often not allowed visits from their spouse — "because that would familiarise them with the environment".

The union said some maids earned as little as R90 a month. The highest-paid maids were earning about R250.

A campaign to organise helpers was under way, said Mrs Vilakazi. Its message would be conveyed through church congregations.



WASHING THE DISHES: chores are endless, and there's evidence that maids, often from rural areas, are sometimes exploited. Picture: Herbert Mabuza

'Curb on private hospitals needed'

OWN CORRESPONDENT



OVERSUPPLY: Dr Venter wants hospital beds curb

Although less than a quarter of the South African population had some form of private health cover, an oversupply of private hospital beds was developing, the Minister of National Helath, Dr Rina Venter, said in Pretoria yesterday.

The private sector could therefore not be allowed to expand its hospital facilities unchecked, she said at the opening of a symposium on private hospitals here.

Even the 25 percent of the population who were members of medical aid funds and their employers could not necessarily afford to pay for increasingly escalating medical costs, she said.

While about 70 percent of available hospital beds were in State hospitals, more than 80 percent of patients were dependent on the State for health care. Star 27/4/91

"These statistics are clear proof that an oversupply of beds for private patients is developing in South Africa and that the State will have to look very carefully at the building of further hospital facilities, both by the State and by the private sector," Dr Venter said.

For this reason, the Cabinet had, in November 1989, imposed a moratorium on the erection of State hospitals.

If the private sector was allowed to expand hospital facilities unchecked, it would result in a further lowering of bed occupancy in State hospitals and lower cost-effectiveness at these institutions.

It would also place strain on the available health care workers and lead to higher medical costs, Dr Venter said.

The Department of National Health was considering 80 applications for the erection of private hospitals, but would be able to approve very few of these.

Different side to the fortress mentality of folks in Bishopscourt

294

By DALE KNEEN
Weekend Argus Reporter

5/KAR&W 7/4/91

IT may have all the trappings of a crime-paranoid suburb, but mega-rich Bishopscourt is not as impenetrable as it appears to be.

A Weekend Argus investigation revealed that people living in the leafy suburb trust strangers who get inside their gilded gates.

Seven out of 10 people showed no signs of fearing their (or their employer's) plethora of possessions were at risk when two men arrived unannounced this week.

But displays of old-fashioned hospitality do not abound in the suburb. The owner of one mansion slammed down her intercom without finding out exactly what her visitors were looking for and two domestic workers refused to open the gates without an okay from the "madam".

At the other end of the spectrum was a domestic worker who opened large electronic gates to allow in the Weekend Argus team after being told via an intercom that the group wanted to speak to her employer.

After parking the car at the end of the long driveway, we were met at the front door by the smiling domestic.

We were welcomed into the entrance hall while the domestic worker went to the kitchen to make a telephone call to a Xhosa-speaking friend.

About 10 minutes later we called the domestic worker and asked her why her employer had not made an appearance. "The madam is not here. She left about 15 minutes ago," was her answer.

Had she realised that domestic workers were often attacked, stabbed and raped or was she merely keen to see some of her employer's wealth painlessly redistributed?

Another domestic worker happily locked two barking dogs away so that she could chat to us without being disturbed.

Gardener waved

A gardener at a third house waved as we drove down the driveway to the open front door.

A woman welcomed us into her home as soon as we rang the bell.

Only two domestic workers appeared to be wary of unexpected visitors. "Come back in about half an hour when the madam will be available," one said over the intercom system.

SERVICES SECTOR — DOMESTIC WORKERS

1998

tough resistance before they are implemented - if ever

edged sword

Bowdler 25/1/93

■ Bill to improve conditions is to be debated:

(29C)

SHE IS over 60.

Her exaggerated slump, rheumatic shuffle and wrinkled hands bear witness to the strains of years spent crouched over cement baths, laundering endless bundles of washing.

Like most people of her age, Madingane Mamphelane should be sitting at home, in blissful retirement. But going on pension is not on her mind. Not when six dependents wait at her Diepkloof, Soweto, matchbox house for her to bring them a meal.

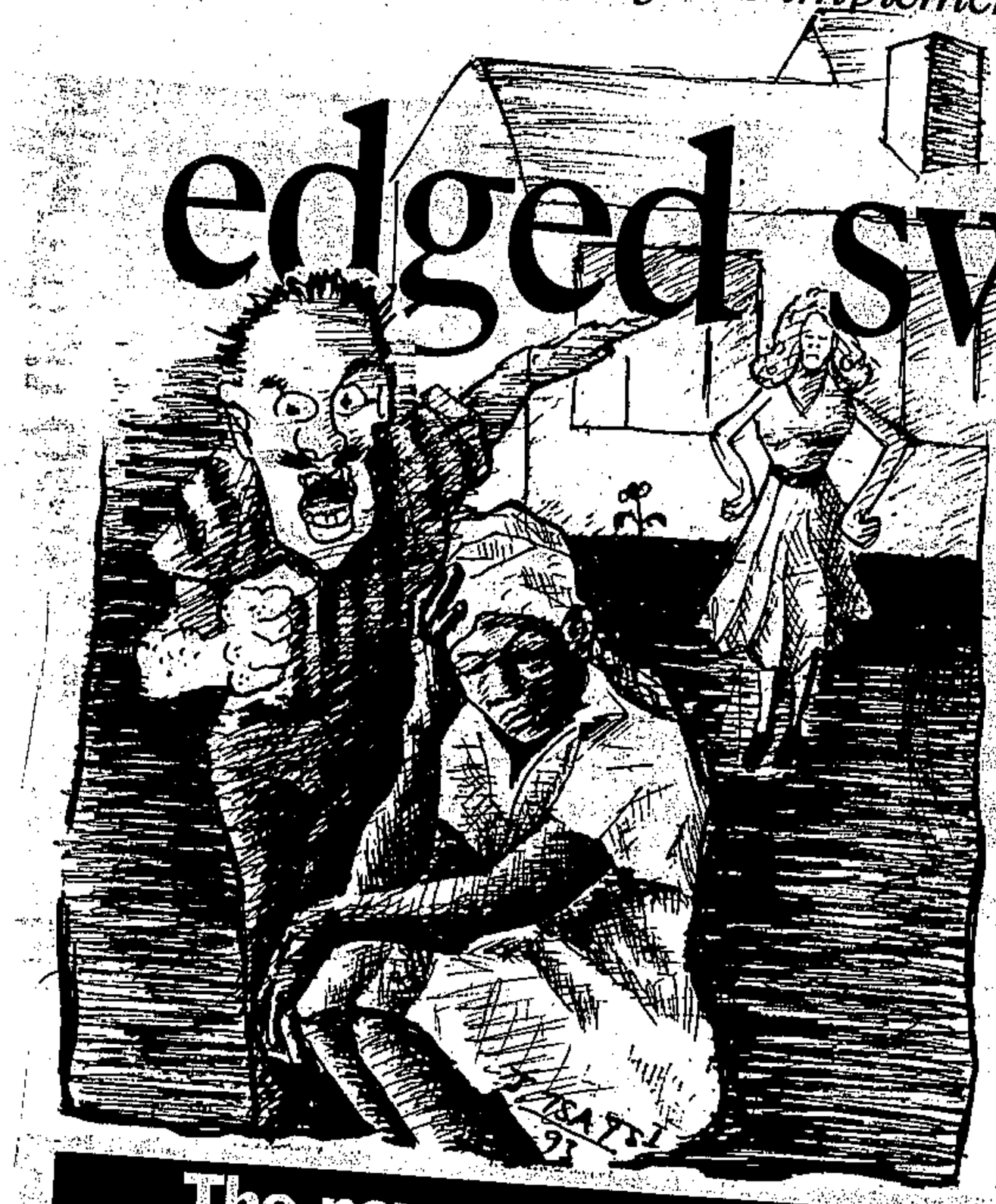
Besides, in Mamphelane's field of work words like "pension fund" do not exist. She has worked as a domestic for three decades and will probably go on for some time.

At the moment all three of her older children are out of work. The youngest, who is disabled, goes to a school for the handicapped. She also supports two grandchildren.

She earns a meagre R200 a month. She says she is satisfied.

"I'm better off than some domestics in this area. No one has money nowadays. We settle for anything we can get," Mamphelane said.

This sad compromise of one's labour is what the National Manpower Commission's proposed amendment to the Basic Conditions of Employment Act seeks to stop.



The new pay package

If the proposed amendment becomes law, hopefully by the end of this year or the beginning of next year, domestics and farm workers will get:

- A basic salary of R500;
- Leave pay;
- Maternity leave;
- Pension fund;
- Protection from victimisation in the workplace;
- Mechanisms for dispute resolutions; and
- Have an option to lay charges at a small labour court or go to the Industrial Court if unfairly dismissed.

Lawyers berate Broeders

STEPHANE BOTHMA

A SERVING Supreme Court judge's membership of a secret organisation such as the Afrikaner Broederbond was improper and incompatible with the proper administration of justice, the Johannesburg Bar Council said yesterday. B/Day 21/11/93.

The council, in a statement, expressed concern about recent media reports that a Natal judge was on the executive council of the Broederbond.

"The Broederbond is a secret society which pursues objectives essentially political in nature. Accordingly, membership thereof by a serving judge is improper and incompatible with the proper administration of justice," council chairman Wim Trengove SC said.

He said it was fundamental to the administration of justice that judicial officers not only be impartial, but that they be perceived by the public to be impartial.

"Any derogation from an unqualified public perception of impartiality will undermine confidence in the judiciary and will ultimately undermine the administration of justice itself," Trengove said.

It had long been recognised that the holding of judicial office was incompatible with membership of a political party or any other organisation with essentially political objectives.

The public would inevitably, rightly or wrongly, preceive a judicial officer who was a member of such an organisation, as committed to the furtherance of the objectives of the organisation to the detriment of his judicial duty of impartiality, Trengove said.

ANC's election campaign shifts into first gear

LLOYD COUTTS

THE ANC's election campaign moved into first gear yesterday when its Witwatersrand regional executive committee announced plans to adopt a three-phase programme of action for a "mass-driven" election campaign. B/Day 21/11/93.

ANC PWV region secretary-general Paul Mashatile said the campaign would be discussed and adopted at a general council in Mayfair, Johannesburg, on Saturday and Sunday.

The first phase would include the motivation of campaigners and consolidation of the ANC/SACP/Cosatu alliance, the mass democratic movement and the patriotic front, said Mashatile.

Phase two would include door-to-door campaigning, marches and house meetings aimed at recruitment and at disseminating information on ANC policy.

The third phase would mark the transition from the preparatory stage to a "Votes for All" campaign, encompassing subregional and regional conferences, rallies and public meetings focusing on unemployment, education, housing and health.

Throughout the phases the ANC PWV would redouble its efforts to create and consolidate peace initiatives in the region.

"Central to these meetings will be the issue of the climate of free political activity, political tolerance and peaceful coexistence of different organisations," said Mashatile.

"The successful adoption and implementation of this programme should ensure the broadest possible support for democratic forces led by the ANC and its allies to bring an end to more than 300 years of minority rule and usher in an everlasting peace and democracy for all South Africans," he said.

Thirty-three outstanding resolutions from an annual regional conference last year, including resolutions on the Peace Accord, socio-economic issues, self-defence units, VAT and food prices, the restructuring of the SABC, affirmative action relating to women and education would also be discussed, Mashatile said.

DP to focus on domestic workers

LLOYD COUTTS

THE DP has set out to inform domestic workers in Johannesburg's north-eastern suburbs of their civil, political and employment rights.

DP MP Tony Leon said yesterday the Houghton branch was holding a meeting for domestic workers on Saturday. He said organisers also sought to prepare domestics for the coming elections. (294) B/Day 21/11/93

"We have arranged for a voter education play to be staged, which is a highly professional and entertaining drama staged by the Matla Trust explaining how to vote and the importance of tolerance and peace.

"We will also provide a summary of the new legislation which is intended to bring domestic workers under the protection of the Basic Conditions of Employment Act. It is necessary to reconcile employer and employee needs and demands without causing job losses," Leon said.

The meeting will be held at the Norwood Primary School at 3pm.

Council settles hostel dispute

WILSON ZWANE

CONFRONTATION between hostel residents from Thokoza, on the East Rand, and the local town council was averted this week when agreement on the occupation of the newly renovated Thokoza 1 hostel was reached.

The hostel recently underwent a R4m upgrade, Sapa reports.

The agreement was reached on Tuesday by the TPA, the council and the hostel residents' committee.

In terms of the agreement, those who had vacated the hostel during its upgrading should reoccupy it and undertake to bear its running costs.

In a joint statement the parties said a joint management committee — comprising representatives of the hostel residents, the council and the TPA — had been formed to manage the hostel's finances. (~~225~~) (~~266~~)

The committee would manage the hostel independently of the council and the TPA. It will decide on the date for reoccupation of the hostels and on new rentals. (~~127~~)

Tensions between the hostel residents and the municipality arose recently when the council barred residents from occupying the hostel until they had undertaken — in writing — to pay a 300% increase in rent.

Residents, who had paid R15 a month before they vacated the hostel, refused and threatened to gain entry to the hostel by force.

B/Day 21/11/93

Shock wages paid to some domestics

294 ~~237~~ CT 21/1/93

Staff Reporter

DOMESTIC workers in Vasco are earning an average of R197 a month — while similar workers in Clifton get paid R458, a survey on domestics by the Cape Technikon has found.

Investigations showed that most domestics did not have written contracts with their employees, and did not get paid maternity leave or transport money. Only some were given paid sick leave and Christmas bonuses.

And on average, English speakers appeared to pay their domestics more than Afrikaans speakers.

Technikon labour relations expert Mr Braam Rust said salaries did not differ much from figures researched two years ago.

"Obviously people are paying according to their income — those in lower income areas pay less. But what is alarming is the big difference between what employers expect to pay and the demands being made by the unions," he said.

Mrs Maggie Shongwe, chairwoman of the Domestic Workers' Association (DWA), said the wages employees were paying experienced domestics were well below the minimum laid down by the DWA for inexperienced workers.

Live-in domestics who looked after children should be paid a minimum of R450 to R490 a month, she said.

But employees may soon be legally bound to offer their domestics a 46-hour week, paid compensation for overtime, vacations, Sundays and public holidays, a contract and a month's notice.

These suggestions were forwarded by the Manpower Commission as amendments to the basic conditions of the Employment Act.

Oupa to squatters: Get out or else

W|Mail 22/1-28/1/93

By ERIC NAKI: **East London**

CISKEI military leader Brigadier Oupa Gqozo has given squatters throughout the homeland a week to move — just three years after declaring that people should build houses wherever there was open space.

The statement, made shortly after seizing power in early 1990, brought him great popularity: the first squatter camp sprang up rapidly in Mdantsane, and was named Gqozo village.

But this Monday, he warned over Radio Ciskei that squatters who had erected shacks without permission would be in trouble. He gave them seven days to move. "I want people to obey my headmen, my councillors, my chiefs and my tribal authorities. We are going to take action against squatters. We will throw their stuff away. Squatting is causing bad administration," he said.

Squatters should go back to where they came from, and if they wanted land to build houses, they should seek permission from their headmen and councillors.

Community leaders and organisations in the region believe that Gqozo's threat springs from the fact that Ciskei's burgeoning squatter camps are strongly supportive of the African National Congress.

"He knows that the squatter settlements have been in the forefront of resistance against his government," said ANC Border media officer, Mcebisi Bata. Gqozo was desperate to boost the membership of his unpopular African Democratic Movement (ADM) in time for the coming multiparty election in South Africa, he added.

Bata warned that the ANC and its allies in the region would act to protect communities against action by Gqozo. A spokesman for the Mdantsane branch of the South African Civic Association (Sanco), Mzwandile Buzani, said Sanco would mobilise its members to resist any removal.

Militantly anti-Gqozo squatter settlements are springing up throughout Ciskei. In Mdantsane, for instance, there was not a single shack before Gqozo assumed power in Ciskei, but besides Gqozo village, there are now also Manyano, Linge, Velwano, Hani Park, Slovo, Masibambane and many others.

According to figures released by Ciskei authorities, about 10 000 families lived in squatter camps in the homeland in 1991.

Squatters want nothing to do with the Ciskei government except as a source of affordable housing. Gqozo's headmen and councillors are seen as having been unable to provide houses, using their positions to extract money from residents for the government instead. - Elnews.

Leon woos Houghton domestics

W|Mail 22/1-28/1/93.

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By FERIAL HAFFAJEE

THE question is: who will serve the drinks at Democratic Party MP Tony Leon's shindig for domestic workers in Houghton tomorrow?

The aproned domestics, gardeners, their spouses and madams (if they feel up to it) from the northern suburbs have been invited to a festival in Norwood. They will be shown how to vote, told what their new labour rights are likely to be and learn "what peace, freedom and democracy will mean".

They are the latest targets of the enterprising DP's drive to recruit members. "It is an effort to extend our base," says Leon, adding, "domestic workers are a very neglected constituency."

Leon is confident they will succeed. The South African Domestic Workers Union has gained little ground in the northern suburbs where working conditions are better and workers less ripe for trade unionism.

Houghton is a pilot project; if it succeeds, the DP will attempt to woo domestic workers around the country.

And the party has pulled out all the stops for tomorrow's party: free drinks and snacks, a Matla Trust play about voting *(How to Use Your Vote in the New Election)* and transport have all been laid on free of charge.

Leon will spread his gospel through an interpreter and he is hoping to preach to a sizeable congregation: lengthy and detailed advertisements have been placed in community newspapers and DP workers have been busy phoning every single member of the constituency asking them to send their domestic worker to the party.

PEOPLE'S LIVES *Proposed amendment to laws governing domestics and farm labourers will face*

Domestics face double-

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RS199

Two views on proposed Bill



"She pays me R150 a month, which cannot cover my financial needs"

Bontle Serame



"I need the services of my maid but do not have that much money. Very few people will"

Frederick Heyley

MEAGRE WAGES *Issue of salary for house help could become dynamite:* (294)

Sowetan 25/1/93

By Sizakele Kooma

THE ANNOUNCEMENT late last year of possible amendments to the Basic Conditions of Employment Act to include domestic and farm workers, sparked wide-ranging reactions from the parties involved.

The unions see it as victory for their members, domestic workers doubt if it will be effective and some employers have vowed not to abide by it.

While considering the fairness of elevating domestics and farm labourers to the status of other workers in the labour force, one employer questioned the timing of the amendment.

Eldorado Park bank employee Frederick Heyley said although she thought her domestic deserved the stipulated R500, she could not afford to give it to her.

"I need the services of my maid but do not have that much money. Very few people will," Heyley said.

Compensation for my maid

She said she did not think the new legislation would be fully effective.

"I see most of us coming into some loose arrangement with our employees. There are several 'privileges' that I consider compensation for my maid. She stays at my place and shares meals with us. I would have to count that as compensation."

A Lenasia businesswoman, who only identified herself as Mrs Pillay, said: "I see a lot of people being left without jobs. People like myself, who would not be able to pay the legal wages, would choose to do their own work. As far as the new legislation is concerned, I'm sorted out. I'll do my own housework.

Legs in the air

"The woman who is in trouble is the one who likes to sit with her legs in the air and say 'do this, do that'."

Pillay said implementation of the new laws would vary from individual to individual. She believes that only 20 percent of the employer community could afford to pay the legal wage.

"People are already debating this issue. Some object to paying experienced wages to inexperienced people. Most of these women come to us without skills. You leave them with appliances and they do not know how to use them," she said.

Told her nothing

Some employers already see themselves cheating their way out of the new legislation. When domestic Bontle Serame asked her boss what the new laws would mean for her, her employer told her nothing.

"She said the legislation would apply only to domestic workers who were registered with the Department of Manpower. She pays me R150 a month, which cannot cover my financial needs. I would want to register just to get a better wage but I cannot do it if she does not want me to," Serame said.

Victimisation of domestics

The South African Domestic Workers Union is aware of the possible victimisation of domestics by some employers and the union's president, Victoria Motlhasedi, plans to ensure enforcement of the laws.

"We hope to set up street committees and hold general meetings every month to get reports from workers in the different branches.

"The union will contact employers throughout the country and also distribute pamphlets from area to area," Motlhasedi said.

Sadwu will hold a national workshop early next month to discuss the proposals.

Domestics give Leon the nod, but save the 'vivas' for Naidoo

W|Mail 29|1-4|2|93.

Tony Leon proved a hit at the DP's jamboree for domestic workers, but Cosatu's Jay Naidoo needn't lose any sleep over it.

By **FERIAL HAFFAJEE**

ON the face of it, the Democratic Party cleaned up at its jamboree for domestic workers in the smart Johannesburg suburb of Norwood last Saturday.

About 200 workers were expected; 2 000 turned up and left the meeting with application forms. Ebullient young black men sported DP T-shirts and a young domestic worker somewhere now has a poster of Tony Leon, which she removed from the walls, hanging in her back room.

Leon was the man of the moment: after his stirring speech, which rivalled a Jay Naidoo special minus the "vivas", hands reached up to grab at him and the business cards he eagerly handed out.

The articulate parliamentarian is an accomplished orator, and in a few minutes he whipped through the intricacies of the domestic worker legislation set for enactment this year.

"Some of you get no leave at all," he said, kicking up the dust.

"Yeeees," the crowd yelled back.

"Have any of your employers ever taken off money from your wages?"

"Yeeees," they screamed again.

Less well received was his statement that "this law will not give you minimum wages, because if we do that too many of you will be out of work".

And his whistle-stop tour through labour law was a little too much to digest without the help of a public address system or an interpreter.

Should the same 2 000 domestic workers decide to use his business cards and call him up or even join his party, Leon could face a conflict of interest with their employers. They are the party faithful he cannot afford to estrange.

Many of the workers who streamed to Saturday's soiree were attracted not to the party's promised lessons in "peace, freedom and democracy", but to rumoured promises of help.

"We will vote for the party that stands for us," said a woman who has worked in the area for 44 years.

"We want good pay and we want time off and we don't want apartheid and we want peace."



Hand-outs ... Tony Leon business cards were eagerly snapped up
Photo: SYLVIA MORESCHE

294 BORN

Pressed for details, she consulted with friends and elaborated: "We want R900 to R1 000 a month, because there are no white shops and black shops, and we want a weekend off, off-days and leave pay."

Rebecca Makhafolo came to the meeting hoping to find somebody to listen to her litany of complaints. The couple she has worked for for more than a decade recently divorced, she explained. Now she does the "cooking, washing, cleaning the dog s-t, and looking after the children".

And she's not on speaking terms with her employer any longer: "If he talks to me, I just keep quiet."

"I just wish the inspectors could see how whites treat their people," said Rebecca Molefe.

But, claimed Johannesburg city councillor and Leon look-alike Cecil Bass, "conditions in the area are among the best in the country" — indicating the many rivers that need to be crossed for effective communication.

As police hovered nearby — presumably in case the jamboree degenerated into another Gugulethu-type disaster — DP volunteers poured cooldrinks and handed out stickers and application forms for identity documents and DP membership.

A little taken aback at the unexpected thousands who arrived, the volunteers soon regained their composure at the prospect of swelling membership figures.

"It's a fantastic turnout," enthused Barbara Burnet. "It's a cause of great optimism for the DP and the democratic process."

Councillor Bass said he believes the "vast majority of DP supporters will accept the changes. Employers must realise that the era of privilege and exploitation is over." Domestic workers will be attracted to the DP because it has no armed wing, he added.

Before the DP starts celebrating, however, it should take note of two telling questions:

The first was asked by a worker called Alice: "We have been struggling for a long time. Why do they only do this now?"

The second came from her companion: "We know Naidoo, but who is the DP?"

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ARG 6/2/93

Domestic workers' union leader learnt the hard way

SHARON SOROUR, Labour Reporter

CHILD labourer at the age of nine, domestic worker for the next 22 years, co-founder of the Domestic Workers' Association, fervent fighter for children's rights ... Mrs Maggie Oewies has come full circle.

After 20 years of fighting for domestic workers' rights, she will oversee the application of the Basic Conditions of Employment Act with great satisfaction this year.

She says: "We are very confident that things are going to work out for us. The most important thing now is between employer and worker: The domestic worker must become a professional worker to have bargaining power."

She believes employers should be positive about the new developments.

The Otjiwarongo-born unionist left home in 1950 to come to Cape Town to find work.

"I was a child labourer. I felt I had to make some contribution to help my mother raise my brother and sister, because, in those days, there was no quality of life for the people. There was no work, no schools."

Her clutter-free office at the association's training centre in Woodstock suggests a no-nonsense attitude to life and its challenges.

Snatches of her private life filter through in the form of birthday cards and a picture of her only child, eight-year-old Helen, whose two comfortably weary Teddies have pride of place in one corner.

But, her presence dominates. Trying to interview her is like trying to hold back a runaway train.

She says she literally "grew up in the job".

"At 16, I was already running a home. I travelled with the family to African states. It was most enriching and it gave me the opportunity to observe a lot of things: When you are very young you absorb a lot."

She left the job after 22 years to do an 18-month course in domestic science, becoming very interested in child care. "I felt I had to go further".

"I already had become involved in the community and I saw, in the early 1970s, that there was a need to organise domestic workers.

"I was in a better position than most because I had a strategy of work and I knew how to communicate with my employer," she says.

In 1974, she got some legal students together to look at the labour laws for domestic workers: The Masters and Servants Act.

Other unionists warned her of the enormous wall of problems she would come up against if she tried to organise domestic workers. But, she pressed on.

"I am a good analyser. I can dwell on a situation for months. I do not give up until I have a solution."

With the help of liberal former politician Mrs Helen Suzman, Mrs Oewies started organising workers.

Mrs Suzman worked to change laws that placed domestic workers under "police guidance".

The Domestic Workers' Association was formed and Mrs Oewies started working on an analysis of communication problems between employers and workers, which, she said, were enormous.

"If you die, you get a bouquet of flowers on your grave from your employer, or if you leave them, they give you a gift, which, most of the time, does not fit into your home anyway," says Mrs Oewies.

She then went to study in New Mexico on a State Deparment bursary and on to Oxford Univiersity where she researched the evolution of the coal miners' unions.

"When I came back, I set about trying to adapt. We had to prepare workers to become a strong force, a force to be reckoned with, but, at the same time, not jeopardise their jobs. Employers often had all the power."

Between 1950 and 1970 workers were highly skilled because employers — South African white women — did not work and were at home to teach them.

This changed in the 1980s, however, when the economy forced most women to dust off their diplomas and go out and work. The standard of training dropped dramatically.

Domestic workers, Mrs Oewies says, must not be skilled only in housework and child care, but also in looking after the aged and in specialised care for people with Aids.

"My idea was never to become the enemy of employers: Just for people to see when they were wrong. I often have had to walk a tightrope to get workers' jobs back and to bring the two parties together."

Married to a labourer, Mrs Oewies describes herself as "a very homely person".

"I like to be with my husband and child, but I also make it my business to be by myself. I am a nature-lover, I love dancing and drama and I feel very strongly about protecting the rights of children."

But, it is difficult to steer her away from her vocation: "A better understanding and respect in the domestic worker environment must come, but now that most South African women are working, the relationship will become more professional."



Picture: OBED ZILWA, Weekend Argus.

☐ **FIGHTING FOR RIGHTS:** Domestic Workers' Association co-founder Mrs Maggie Oewies, who has spent the last 20 years fighting for the rights of millions of household helpers.

Star 10/2/93

No minimum wages for domestics

CAPE TOWN — Draft labour rights for domestic workers did not prescribe minimum wages, while proposed changes to the Wage Act set minimum earnings guidelines only for farmworkers, Manpower Minister Leon Wessels said yesterday.

Addressing the Institute of Personnel Management in Stellenbosch, he said recent developments in the labour field had covered the extension of basic labour rights to domestics and farmworkers.

Cosatu and the SA Agricultural Union (SAAU) disagreed on key aspects regarding the application of the Labour Relations Act to agriculture.

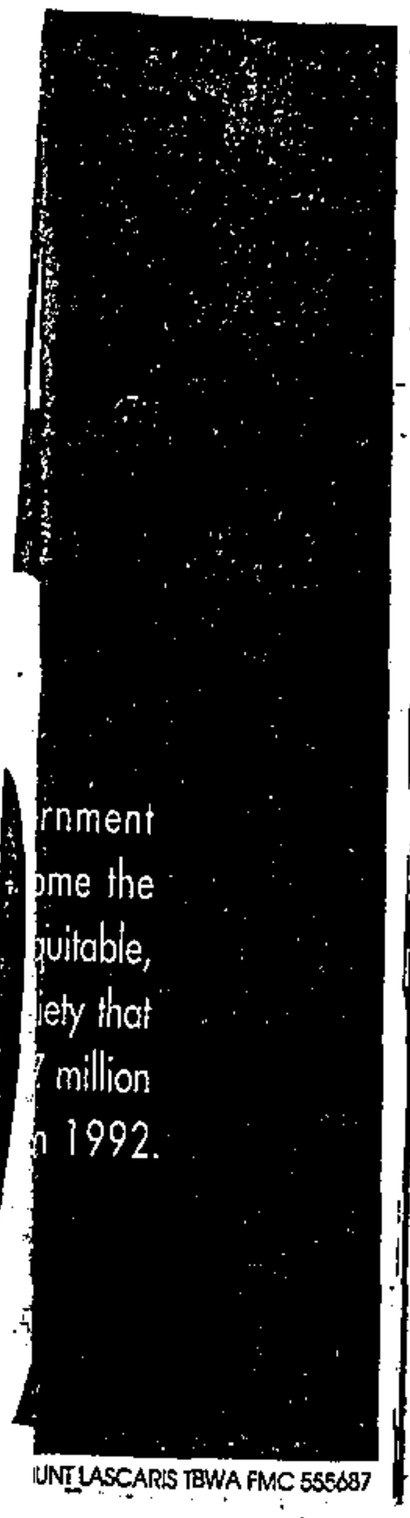
Because of the sensitivity of the matter, the Government had taken the unusual step of publishing the Basic Conditions of Employment Act regulations for farmworkers for further comment.

The amended Act had been approved by Parliament last year. Cosatu and the SAAU had, however, still not reached consensus on a separate labour law for agriculture, and it needed further attention. — Sapa

Meeting for domestics

THE DP is to follow up its successful meeting for domestic workers last month with a second rally this Saturday at the Northview High School in Northfield Avenue, Highlands North, at 3pm.

S/DA-M 25/2/93 (296)



The mixture as before

294

THE Democratic Party will hold a domestic workers' rally on Saturday as a follow-up to "the phenomenally successful" rally at the end of January, Houghton MP Mr Tony Leon said in Johannesburg yesterday.

More than 2 000 people attended last month's meeting in Norwood. "DP organisers were overwhelmed by the unprecedented public interest. This time elaborate measures have been taken to ensure that seating, refreshment and public address facilities can cope with the expected numbers," Leon said. — *Sowetan Reporters and Sapa.*

Sowetan 25/2/93

DP to hold rally for 'domestics'

(294)
STAR 26/2/93

Northern suburbs domestic workers will be targeted for the second time this year by the Democratic Party when MPs Tony Leon and Douglas Gibson address an open-air rally at 3 pm tomorrow at Northview High School, Highlands North.

The focus will be on "peace and voting". — Staff Reporter.

Suzman is the draw card

294

So weten 1/3/93.

By Sizakele Kooma

■ Helen's legend lives on among domestic workers:

THE legend of Helen Suzman is drawing domestic workers to the Democratic Party, says DP councillor Jack Bloom.

Bloom says domestics have been voluntarily joining the party because they feel Suzman fought for them.

"Domestic workers want a party of peace and the DP stands for that," Bloom said. They are weary of the National Party because of its history of apartheid. They are also scared to join black political organisations because they are involved in violence."

Bloom said the party recognised its popularity at a meeting in Highlands North early this year. They had envisaged a crowd of 300 people but ended up with 2 000 people. "Domestic workers would obviously be a tremendous boost to the party. But we do not force membership on anyone.

"We had a fair number of domestics as members before the meeting. We didn't hold it to get more members though. Tony Leon wanted to inform them of their rights in the new South Africa. Matla Trust also staged a play on how to vote."

The DP plans to follow up the Northview meeting with a series of others. Bloom said the DP is "the most multiracial party". He would not disclose membership drawn from blacks and said statistics were confidential.

A rich DP appeal

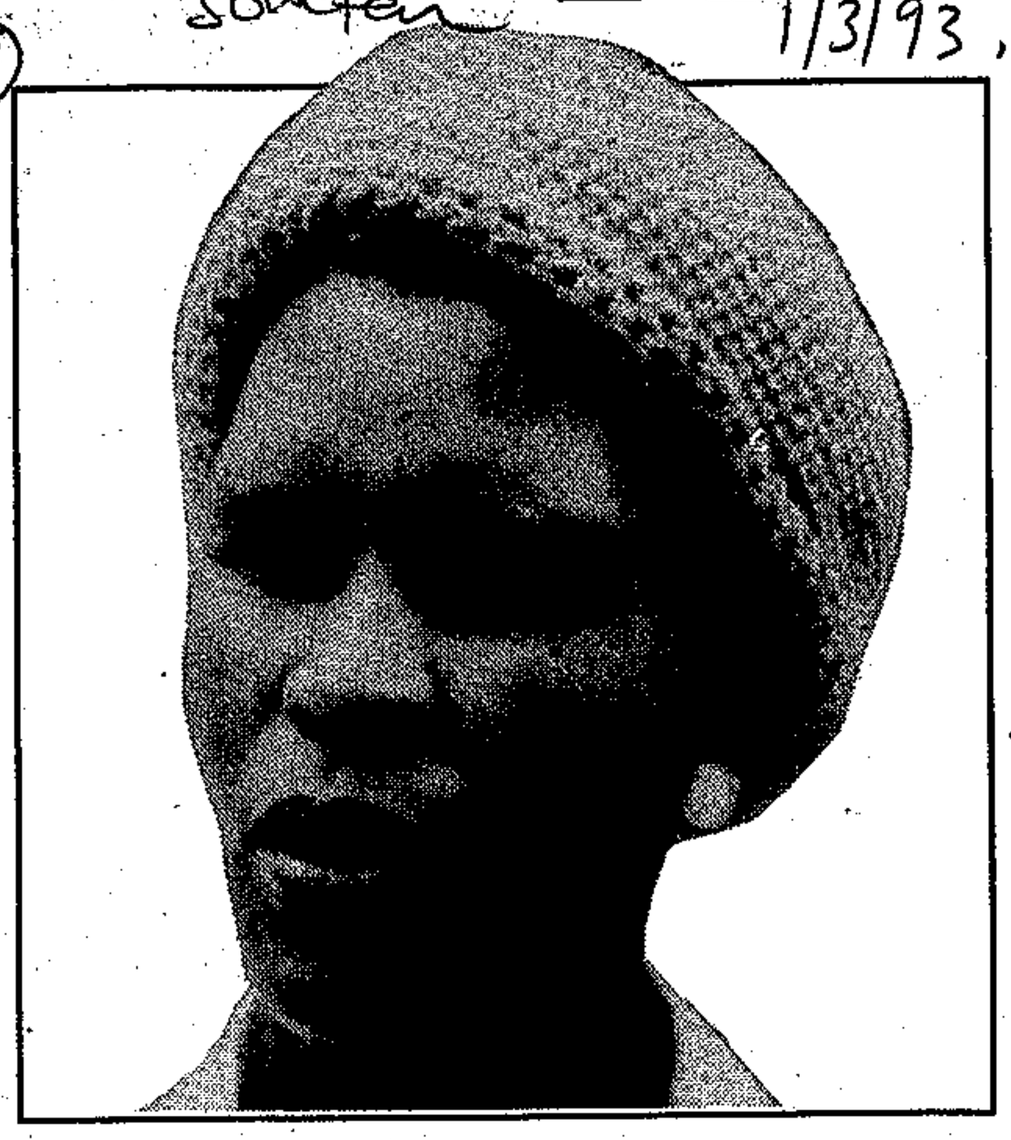
294 Soweten 1/3/93

■ ZEALOUS *The domestic worker who believes in a party that helps black people:*

By Sizakele Kooma

DIPUO MONYELA JOINED the Democratic Party because of the many "rich whites" in the party. She believes they will create employment for blacks should they get into power.

Monyela says she knows the DP from the days when it was called PFP. She also knows Helen Suzman, whom she says fought for blacks when she was in Parliament.



Dipuo Monyela

"The DP is a party of peace. Whites who are members of the party have helped in the education of their domestic's children"

Scant information

She cannot count the battles that the veteran parliamentarian won for her and has scant information about the party, of which she has been a member for almost two years.

Her wardrobe, in the neat backyard room, is stashed with application forms and information brochures of the Democratic Party. Anyone, domestics and gardeners, who want to join the party in her neighbourhood of Highlands North, contacts her.

She says her family, back home in Pietersburg, is ANC-aligned. She could have joined it too if she wanted but she was not happy with the way they treated the issue of unemployment.

"We always hear of money being given to the ANC but they have not used it to create jobs for us," Monyela says.

Most of her relatives are out of work, she says. She herself was without a job for a year before she decided on domestic work, three years ago. She had previously worked as a receptionist.

Party of unity

"I joined the DP because I saw hope for job creation. There is also unity in the party. A lot of domestics who were ANC members have told me that they wanted to leave the organisation because each time they went to meetings there was fighting and shooting. The DP is a party of peace. It is also a party of the future. Whites who are members of the party have helped in the education of their domestics' children."

The divorced mother of two, one a university student and the other in matric, says she does not keep her DP membership a secret. Her family does not object to her alliance. Except for one meeting in Norwood, when a male ANC member asked her why she was wearing a DP T-shirt and serving tea, Monyela has not had any bad experiences.

"There is a fair mixture of alliances among people who work in the suburbs. Some of my neighbours are IFP members and others ANC. We do not force our views on one another," she said.

News in brief

Talks on exam fees

Sowetan 11/3/93

TALKS aimed at finding ways to force the DET to scrap exam fees are expected to take place today. The meeting, to be attended by, among others, political and education organisations, will be held at the Johannesburg offices of the Congress of SA Students.

DP woos domestics

2-94

DEMOCRATIC Party MP Tony Leon told about 1 000 people, mainly domestic workers, at a rally in Highlands North, Johannesburg, on Saturday that his party wanted the Basic Conditions of Employment Act to also apply to domestic workers. Sowetan 11/3/93

Sanco's Mofokeng and DP's Leon in war of words

Political Staff

CAPE TOWN — A war of words has broken out between the DP and the SA National Civics' Organisation (Sanco), since a DP rally attended by domestic workers in Houghton on Saturday.

Sanco's Southern Transvaal regional secretary Dan Mofokeng described the domestic workers as "political hostages", adding that the DP had bribed the workers to vote for it by providing food, shelter and employment. Sanco, he said, would "not let opportunistic tendencies in the DP go unchallenged".

Sanco's statement was described by MP Tony Leon, in whose constituency the meeting was held, as "typical of the extremist, undemocratic posturings of Sanco".

The statement, he said, was "riddled with errors and reeks of bile".

Further, said Leon, it was evidence of the "authoritarian fascism" in the southern Transvaal and elsewhere.

Leon said the DP would continue to hold meetings and organise as it pleased, and "Mr Mofokeng and his unrepresentative clique will certainly not prevent us from doing so".

He said Sanco was "hell-bent on introducing a reign of fear and terror into our politics. It must be resisted at all costs and at every level".

Sapa reports that DP leader Zach de Beer said that for the DP to quit the tricameral parliament now would be an empty gesture and would simply impair the party's ability to prevent the NP from making further mistakes.

He said he had noted that Sanco had called on the DP to quit Parliament before it would allow the DP to campaign freely.

"We, of course, opposed the advent of the tricameral parliament 10 years ago and have constantly campaigned for its abolition. This is now due to take place and would not have taken place so soon had it not been for our opposition," De Beer said.

For written reply:

General Affairs:

Moneys to certain overseas organization

73. Mr L FUCHS asked the Minister of Foreign Affairs:

(1) Whether he or his Department has made any moneys available to a certain overseas organization, the name of which has been furnished to the Minister's Department for the purpose of his reply, over the latest specified five-year period for which information is available; if so, (a) what amounts were so made available in each of these five years, (b) for what reasons were they made available and (c) what is the name of the organization in question;

(2) whether he will make a statement on the matter? B174E

The MINISTER OF FOREIGN AFFAIRS:

Please refer to oral Question 11, as asked by Adv T Langley on 16 February 1993, to which I replied on 24 February 1993 (Col 210).

Tests on control of quelea

75. Mr E K MOORCROFT asked the Minister of Agriculture:

(1) Whether tests on the control of quelea (red-billed finches) were carried out by his Department in the Dwaalboom area of the Transvaal on or about 4 February 1993; if so, what was the (a) nature and (b) extent of these tests;

(2) whether any toxic chemicals were employed in these tests; if so, (a) what chemicals and (b) with what results;

(3) whether any birds or animals other than quelea were killed as a result of these tests; if so, how many of each bird or animal species;

(4) whether, when these tests were carried out, any steps were taken to limit the risk of poisoning non-target species; if not, why not; if so, what steps;

(5) whether he will make a statement on the matter? B183E

The MINISTER OF AGRICULTURE:

(1) Yes

(a) Aerial spraying with the objective of controlling two flocks of queleas was undertaken near Dwaalboom on the evening of 2 February 1993;

(b) Two areas of 35 ha and 10 ha were sprayed with an aircraft which was calibrated to deliver 3 litres per hectare at a flying speed of 168 km/h.

(2) Yes.

(a) Queletox (Reg. no L 3689—Act 36/1947) with a concentration of 640 grams fenthion per litre was used.

(b) A large number of queleas were killed by the poison.

(3) Yes. Other birds were killed. According to information furnished by the Poison Working Group, the following numbers were found:

More than 100 steppe buzzards
4 wahlberg eagles
4 yellowbilled kites
1 larner falcon, as well as an unknown number of other smaller birds such as prinias and redbacked shrikes.

(4) Yes, but unsatisfactorily.

(5) Yes. A statement was released on 8 February 1993 in which it was announced that a moratorium has been placed on the further chemical spraying of queleas.

Mortality figure in 1992

76. Mr M J ELLIS asked the Minister of Home Affairs:

(a) What was the mortality figure in each province in the 1992 calendar year and (b) what percentage of the total population in each province does each such figure represent? B200E

The MINISTER OF HOME AFFAIRS:

(a) and (b)
Statistics in respect of death registrations for 1992 are not yet available. The Central Statistical Service is at present still gathering information in this regard and the data should become available during the course of the year.

Domestic servants: legislation

83. Mr R V CARLISLE asked the Minister of Manpower:

Whether he intends introducing legislation with a view to improving the (a) working hours, (b) salaries, (c) service conditions and (d) living conditions of domestic servants; if not, why not; if so, when? B216E

The MINISTER OF MANPOWER:

(a) Yes, during the 1993 Parliamentary session.

(b) A committee will report back by September 1993 on possible methods of wage regulation and the impact thereof on employment opportunities in the domestic sector. The tabling of legislation will be dependent upon this investigation and further consultation.

(c) Yes, during the 1993 Parliamentary session.

(d) No, since regulations concerning living conditions do not fall within the jurisdiction of the Department of Manpower.

Star 5/3/93

Better deal for 294 domestics mooted

CAPE TOWN — The Government is considering the possibility of legislation to impose minimum wages for domestic workers, Manpower Minister Leon Wessels has indicated.

He said a committee was investigating the regulation of domestics' wages and the impact this would have on jobs.

Tabling of legislation would depend upon the committee's recommendations, due by September. However, other legislation would be introduced during the present sitting of Parliament to improve the working hours and service conditions of domestics. — Political Staff.

Sketan 5/3/93

Minimum wage for domestics

THE Government is considering legislation to impose minimum wages for domestic workers. Manpower Minister Mr Leon Wessels said tabling of legislation would depend on the recommendations of a committee probing the matter. Their report is expected in September. (294) (Mc

Drum

New maid's law could mean tax benefits for employers

ST Times 14/3/93

Domestics and madams can expect legislation this year that will regulate working conditions in the home. JANET WILHELM looks at current developments

294

IT'S a topic that should focus the mind of the nation: legislation regulating the working conditions of domestic workers is due to come into force this year . . . and every household that employs a char or gardener is affected.

However, these moves to put domestics on a par with workers in commerce and industry should be accompanied by similar tax relief for employers. This is the view of the recently formed Domestic Employers' Association of South Africa.

The proposal that wages paid to domestics should be tax deductible forms part of the association's recommendations to the Department of Manpower.

Most domestic arrangements tend to be ad hoc, without written contracts — and wages are paid out of after-tax money.

"Quite simply," says Clare Read, the association's chairman, "the other side of regulating the employment of domestics is that employers should enjoy the same tax benefits as all other employers.

"The Income Tax Act should be amended to allow domestic employers to deduct the wages, benefits and expenses pertaining to their workers in the calculation of taxable income.

"It would be grossly unfair to the domestic industry that it remains excluded from the provisions of the Income Tax Act while having to fulfill all the obligations flowing from the Basic Conditions of Employment Act."

The draft bill to extend the Basic Conditions of Employment Act to include domestics was gazetted for comment in December.

"The deadline for public submissions on the legislation has now expired. The Department of Manpower is processing these for a final decision by the Minister of Manpower.

But, in terms of agreements made with Cosatu on the regulation of domestic and farm workers, we can expect legislation shortly.

Another concern of the Domestic Employers' Association is that the legislation will be pushed through before people fully understand the implications.

"We are worried that employers will over-react owing to a lack of knowledge," says Mrs Read. "What we don't need in this country right now is more unemployment."

"Already there is confusion. Many employers believe the new legislation will enforce a minimum wage."

The fact is that the legislation does not concern itself with minimum wages.

What is on the table are working conditions. Specifically: working hours, meal intervals, overtime, work on Sundays and public holidays, holiday pay, maternity and sick leave, the introduction of pay slips and rights in respect of termination of service.

To help both employers and employees to adjust to the new order, the association has recommended that the law not be brought into force until January next year.

This will allow for an interim adjustment period.

The Domestic Employers' Association has recommended that the Department of Manpower use this time to embark on a nationwide educational programme to prepare both employees and employers.

A number of submissions have been made on behalf of employees, including one by the Black Sash.

The organisation has asked for clarity on who is included in the definition of a domestic worker and on the rights of part-time but regular employees.

The Black Sash also asks that the minister addresses the question of unfair dismissal and the paying of UIF to cover benefits like maternity leave.

The legislation will touch virtually every family in the country. What's needed as soon as possible is clarity so that people can plan for the anticipated changes.

Star 1/4/93

Justice Centre helps unhappy domestics

(294)

Domestic workers have been quick to make use of the mediation skills of the recently opened West Rand Justice Centre in Roodepoort to resolve disputes.

Star Line

JOHN MILLER



The centre has two full-time workers but also draws on the services of a wide range of political, church and other interest groups. These come from the city, Dobsonville, Kagiso and Davidsonville.

It has handled numerous complaints not only from domestic workers who have been unfairly dismissed, but from township residents. These include sub-tenants as well as witchcraft complaints.

Spokesman Rea Simigiannis said the centre has three components. These include mediation, counselling and legal advice.

"Our object is to help people resolve problems in a non-violent way. People are not used to resolving their disputes through mediation.

"Disputes are invariably resolved through violence and in certain cases through the courts if people have the money."

Simigiannis said since the centre opened its stores in the middle of January, employer disputes have featured prominently as many workers in the area are not aware of their legal rights.

"Most of the problems come from people not having a contract of employement to protect them.

"The madam and the domestic worker disputes arrise mainly from unfair dismissals. This is generally a reflection of the poor relations between the two parties and the lack of communication."

Simigiannis said many other dismissals were as a result of employer retrenchment.

The centre is presently funded through the Dispute Resolution Trust, a project under the Centre for Applied Legal Studies at Wits University. There are also similar centres in Hillbrow and Alexandra township.

Anybody wishing to contact the centre can phone them on (011) 760-4110 or (011) 760-4109.

More power to the (domestic) workers!

(294) 7/6/93

☐ Empowerment is ethos of training centre

(294)

SHARON SOROUR
Labour Reporter

EMPOWERMENT is a word Maggie Oewies uses repeatedly to explain the ethos of the Domestic Workers' Association training centre in Salt River.

Mrs Oewies, association stalwart, founder and chairman, believes domestic workers have to become highly skilled if they hope to have any bargaining power when labour laws are applied to the sector soon.

"Domestic workers must be empowered. They do not only perform domestic chores and housework, they run the household and look after children."

She sees their role as complementing that of the professional working woman.

"People who work for career women must be professional, they must know how to run a house, how to look after children or care for the elderly, how to drive, how to cook and prepare dinner for guests if need be," she said.

Working women want, and need, domestic workers who are reliable and skilled and the Domestic Workers' Association's training centre is equipping them for the task.

Thanks to gifts from companies, the self-sufficient training centre has a well-equipped kitchen, bathroom, laundry room, first aid room and sewing room.

The course instructors are experienced cooks, first aid workers or machinists.

The centre, the brainchild of Mrs Oewies, opened in 1991. Courses include first aid and general health care, various cooking courses, general housekeeping courses and a clothing design and pattern-making course.

They are very popular and there are always waiting lists.

The three-month general health care course which includes child care and care of the elderly costs R75 a month and also comprises a section on health cooking.

The three-month general cooking (teaching the basics) and advanced cooking (concentrates on how to prepare a dinner for guests, devising a menu, different cooking methods) courses cost R160 a month.

The centre also offers six-week specialised cooking courses, like Italian cooking. Workers are also introduced to the cultures of other countries through videos to enable workers who work for foreigners to understand their employers.

"We look in-depth at various cooking, like kosher cooking. It's no good teaching people about kosher cooking if they do not understand the culture and history behind it.

"We provide all the foods used. We also take workers shopping as a practical assignment and also do practicals in homes," Mrs Oewies said.

The three-month clothing design and patternmaking course, costing R75 a month, is designed to be a self-help course which workers can use to supplement their income or work from home. The centre provides material and machines have been given by industry.

A uniform for members is also on the cards "because it is important to look professional".

The centre insists that workers learn to swim and know about electricity and the dangers involved.

"One of my workers went for a job interview and she took the employer around her home, told her it was surprising that her husband had not been killed by the shaving plug he was using, pointed out dangerous sockets and things and then refused to work in the house because she would be putting her life at risk and even though the money was good, she was not prepared to do it."

Pictures
ROY WIGLEY
The Argus

ARG 7/6/93



FIRST AID: First Aid instructor Elizabeth Phillips, right, demonstrates on "patient" Bulelwa Peter, while students Nomsa Mlompi, left, and Felicia Petersen look on.



WHAT'S COOKING: Domestic Workers' Association training centre cooking teacher Cynthia Kalimashe from Kayelitsha, left, advises student Alida James from Langa on the finer points of cooking.



SEW MUCH FUN: Linda Dlungana from Langa, left, and Susan Simelane from Vredehoek, both doing a pattern-making course at the training centre show off their handiwork.

News in brief

Sowetan 19/6/93

DP is going domestic

DEMOCRATIC Party MPs will address domestic workers at five venues in Johannesburg on Saturday to explain their rights and duties under new labour legislation and how to vote in the coming election.

The party said yesterday the meetings would be held in Mondeor, Cyrildene, Saxonwold, Roosevelt Park and Bryanston. They follow similar meetings to target "this neglected sector of the new black electorate" in Norwood, Highlands North, Rosebank, Parkview and Sandown.

New labour rights for domestics

ARG 11/6/93
294

MICHAEL MORRIS
Political Correspondent
and SHARON SOROUR
Labour Reporter

BASIC rights for South Africa's more than one million domestic workers — including leave and limits on overtime — are being entrenched in law for the first time in terms of legislation tabled in parliament today.

This follows steadily increasing demands from Cosatu and domestic worker associations to provide protection for a sector widely regarded as one of the most exploited.

The Basic Conditions of Employment Amendment Bill — a further major step in post-1990 labour reforms — covers working hours and overtime, leave, meal times and written agreements on the terms of service between employees and employers.

It will affect domestic workers, chars, gardeners, chauffeurs and people looking after children, the sick, the aged or the frail in private homes.

The Bill provides for:

- Limiting working hours to a maximum daily "spread-over" of 12 hours for regular workers, and 14 hours for live-in domestic workers.
- Limiting overtime to 10 hours a week, or 14 hours in the case of domestic workers who take care of children, the aged and the sick.
- Giving one working day's leave and one working day's sick leave on full pay for every 26 days at work for regular domestic workers.
- Giving at least one month's notice by either party for termination of service in the case of workers paid other than weekly.
- Regulating meal times, including shortening the period by agreement between employee and employer.
- Extending ordinary working hours by written agreement between full-time domestic workers and employers.

The Bill also provides that if there is a written service agreement on hours of service and pay between employers and employees.

The drafting of the Bill — which is based on recommendations by the National Manpower Commission — follows consultations with employers' federations, trade unions and trade union federations, business women's organisations and house wives.

Maids' rights defined

Star 12/6/93

CHRIS WHITFIELD
Political Correspondent

CAPE TOWN — Domestic workers' working hours and leave rights have been defined in a Bill. (294)

The Basic Conditions of Employment Act was tabled in Parliament yesterday after three years of negotiation and controversy.

It provides for live-in domestic workers to work a maximum daily "spread-over" of 14 hours.

The ordinary working hours of a full-time domestic worker may, by means of a written agreement by the employer, conditionally be extended by not more than four hours a week.

Meal breaks may be shortened by means of an agreement with the employer. In terms of a memorandum attached to the Bill, a domestic worker who takes care of children, the aged or the sick may not work more than 14 hours' overtime a week.

A "regular day worker" — as opposed to a casual employee — would be entitled to one working day's leave and one working day's sick leave on full pay for every 26 days worked.

Termination of service would require a month's notice from employers, who would be exempted from keeping records on time worked and pay if written agreement were drawn up with workers.

Major reforms for domestics

CT 12/6/93 (294)

CT 12/6/93

Minimum wage will not be included

By ANTHONY JOHNSON
Political Correspondent

ALMOST a million domestic workers — the last category of employees without protection under labour law — may be granted basic rights for the first time.

The Basic Conditions of Employment Amendment Bill tabled in Parliament yesterday makes sweeping provision for minimum conditions of employment for domestics — but not for a minumum wage.

The draft legislation follows hot on the heels of the granting of basic employment rights to South Africa's 1,5 million farmworkers.

No date has been set, however, for the legislation on domestic workers to come into effect.

The national treasurer of the SA Domestic Workers Union (Sadwu), Ms M Witbooi, welcomed the reform as a "breakthrough" and a major step away from the slavery mentality which prevails in the country.

Once the bill becomes law, domestic workers will have the right to a two-week holiday each year and will be expected to work 46 hours a week, before moving into overtime rates.

Meanwhile, Ms Witbooi, whose union represents 85 000 workers, said the maximum working hours were too long. She said Sadwu is seeking a minimum monthly wage of R650 a month for an eight-hour working day. It also wants a R6-an-hour overtime rate.

Ms Witbooi said the bill failed to give domestic servants rights of restitution for injury at work and the right to belong to the unemployment insurance fund.

DP justice spokesman Mr Tony Leon said the DP agreed with the recommendation of the National Manpower Commission that a minumum wage should not be mandated as this would "simply lead to mass unemployment and retrenchments among domestic workers".

The bill tabled yesterday also provides for:

- Extension of working hours by written agreement between domestics and employers.
- One month's notice of termination by employers and domestics, other than those paid weekly.
- Limiting overtime to 10 hours a week or 14 hours in the case of servants who take care of the sick, children and the elderly.
- An hour-long meal time after five hours of work which can be shortened by 30 minutes by agreement between employer and worker.
- Sick leave of up to 36 days every three years. A daily-paid worker is also allowed one paid day of sick leave for every 26 working days.

Domestics bill skirts wage issue

SI Times 13/6/93

PROPOSED legislation for domestic workers in South Africa has introduced a range of minimum job rights, but has skirted the issue of minimum wages, saying that they should be negotiated between employer and employee.

The Basic Conditions of Employment Amendment Bill, tabled in Parliament this week has not yet been passed and no date has been set for its implementation.

The rights will include a basic 46-hour working week and maximum overtime of three hours a day, or 10 hours a week. In the case of childminders or people caring for the sick, handicapped or frail, this can be increased to 14 hours.

Overtime rates will be "time-and-a-third" in the case of hours worked over the daily or weekly minimum.

Workers will be entitled to paid public holidays on New Year's Day, Good Friday, Ascension Day, Workers' Day, Republic Day, Day of the Vow and Christmas Day.

The proposed legislation says an employer has to give the domestic worker at least 14 consecutive days' leave on full pay for every 12 consecutive months of employment.

Provision is also made for sick leave, and pregnant domestic workers may not work in the four weeks before the expected date of confinement, and for eight weeks afterwards. *Sapa*

Minimum pay 'threat to jobs'

Star 14/6/93

294

Staff Reporter

Many domestic workers would have been out of a job if a new Bill covering their employment conditions had stipulated a minimum wage, Democratic Party MP Tony Leon said yesterday.

The DP held five meetings in Johannesburg and Sandton at the weekend to inform domestic workers about their rights under proposed new labour legislation tabled in Parliament on Friday.

Leon said yesterday that he agreed with the decision not to bring a minimum wage into the Bill.

Recommended

"If that happened, two-thirds of the people I spoke to could be out of a job," he said.

The Black Sash last year recommended a monthly minimum wage of R760 for skilled domestic workers and R580 for semi-skilled workers.

Black Sash national researcher Marj Brown said there was still much work to be done before domestic workers were properly protected by labour legislation.

Besides the absence of a minimum wage, the Bill makes no provision for unemployment insurance or compensation as a result of injury.

Domestic workers still have no access to recourse through the Labour Relations Act in the event of a dispute with their employers.

Brown said unemployment insurance and compensation for injury could not be introduced at this stage because of difficulties in enforcing payment of contributions by employers.

Some elements of the Bill are:

- A maximum of 46 working hours a week.
- A maximum of 10 hours overtime a week, or 14 hours if the worker is looking after children or the aged.
- Overtime may be worked only by mutual agreement between the worker and employer.
- Fourteen days of annual paid leave, as well as 36 days' sick leave (for six-day-week workers) in every three-year cycle.
- A minimum of one month's notice, or one month's wages.
- Employers must keep written records of hours worked and wages paid, unless the worker has a written contract.

Brown said the Bill allowed more flexibility in the relationship between the domestic worker and her employer than other labour laws.

This was "not such a good idea" since it weakened the worker's protection against abuse by the employer.

'Victory' for domestic workers

Day 15/6/93

ERICA JANKOWITZ

COSATU has described the proposed amendment of the Basic Conditions of Employment Act to include domestic workers, as tabled in Parliament last week, as "a victory for all those who have been struggling for basic rights for domestic workers over the past years".

Cosatu said some wording problems and "inappropriate provisions" on working hours existed in the present proposal, but it believed that these could be sorted out.

It said the amendments are largely in line with what Cosatu proposed.

It also called for the extension of the Labour Relations and Wage Acts to domestic workers as present legislation "was very limited" in securing their rights.

Sapa reports that Cosatu said this was the first step in implementing the agreement made between general secretary Jay Naidoo and Manpower Minister Leon Wessels to extend full labour rights to domestic workers by the end of 1993.

Cosatu said it was important that the Bill be steered through Parliament and implemented urgently.

"Although a significant advance, it must be borne in mind, however, that the provisions contained in the Basic Conditions of Employment Act are very limited and way below the standard achieved where workers have organisational rights.

"This underlines the importance of extending the Labour Relations Act and Wage Act to domestic workers and others, including farm workers who have been excluded from protection by these Acts," the Cosatu statement said.

Book focuses on domestic workers

S/Times [C/metro] 20/6/93. (294)

By CHIARA CARTER

EMPLOYERS grappling with changes in legislation affecting domestic workers have been thrown a lifeline by a new book, "Employing a Domestic Worker".

Written by Cape Town-based industrial relation consultants Philip Sack and Michelle Huber, the book seeks to guide employers.

The book not only outlines the present legal situation and new legislation currently before parliament but looks ahead to areas such as pensions, workmen's compensation and minimum wages not presently covered by law.

It also covers human resources, explaining how employers should introduce a new employee to their family and deal with any problems that could arise.

There are ready-to-use examples of a contract of employment, job descriptions, a disciplinary code and a time and wage record.

Ms Huber says the book sets out to "dispel fears and myths" and show employers their duties and their rights.

"The book is a contribution towards building the relationship. We want to help employers adjust their attitudes in a positive way and see the benefits of legislation."

Ms Huber says many employers and their employees are ignorant of the contents of the draft legislation, which affords domestic workers minimum rights in terms of the Basic Conditions of Employment Act.

These include working hours, meal breaks, overtime, annual and sick leave, notice periods for termination of service and certificates of service.

Ms Huber points out that ignorance of the law is no excuse.

"It is important for employers to realise that once the bill becomes law, non-compliance is a crimminal offence and inspectors for the Department of Manpower will investigate working conditions.

That employers are desperate for information is clear from the flood of inquiries which the Domestic Workers' Association (DWA) and the South African Domestic Workers' Union (Sadwu) have fielded in the past few weeks.

Both organisations are planning an education drive for employers and employees.



ON DUTY . . . Domestic worker Mrs Rebecca Gibe with her charges Sachiko, five, and Fujuko, two, in Sea Point **Picture: AMBROSE PETERS**

DWA president Maggie Oewies says that book should go a long way to help employers adjust to what she described as a "rapidly changing situation".

Both the DWA and Sadwu emphasise the need for employers to draw up a clear job contract with employees.

According to Ms Oewies, the DWA assisted with more than 2 000 contracts last year.

She says upgrading workers' skills is also crucial.

Sadwu treasurer Mrs Myrtle Witbooi says the new legislation was a far cry from the union's bottom-line demands which include a minimum wage and an eight-hour working day.

The union also wants domestic workers to be covered by the Workmens' Compensation Act and UIF.

Ms Witbooi says a recent survey conducted by the union has found that most domestic workers worked far longer hours than those prescribed by the draft legislation.

In Cape Town, only four out of a sample of 200 domestic workers were earning R450 a month or more, while in Johannesburg the average wage was R250 for a sleep-in worker working six days a week.

In some areas, children under the age of 15 are employed as domestic labour.

However many employers, who might be fearful of the new legislation are likely to discover their employees' working conditions already exceed the minimum prescribed.

New organisation aims to unite the 'homeworkers'

(294)
SHARON SOROUR
Labour Reporter ARLT 5/10/93

AN organisation has been formed for "homeworkers" — housewives and domestic workers alike — to bring employer and employee closer together.

Initiated by Women for South Africa, the newly-founded SA Homeworkers' Organisation (SAHO), hopes to attract thousands of domestic workers — and their bosses — as members.

Spokesperson Pule Matjile said that because "homeworkers" would soon fall within the ambit of the Basic Conditions of Employment Act, it was important they and their employers had access to information on labour legislation.

The homeworkers' organisation was formed to fill this need. It had the structure and ability to serve workers throughout the country.

Membership was open to "any person working in a house, including housewives who do their own chores" and all domestic workers, chauffeurs and farm domestic workers.

"The organisation will serve as a mouthpiece for homeworkers and will supply free legal advice to members," said Ms Matjile. Other plans include negotiating "cost-effective" funerals and provident and sick fund benefits.

"It will look after their interests. Important aspects are the just treatment of employees, the acquisition of literacy and other skills and resultant job security and personal satisfaction," she said.

Services and benefits the organisation offered were:

- A specimen service contract and pay guidelines;
- A code of conduct;
- Regular newsletters and information about matters concerning "homeworkers"; and
- Access to training and self-enrichment programmes.

The organisation also hoped to help employers improve the standard of living of employees so that they could be "more motivated and content".

Training courses, run by the Women's Agricultural Union, would be offered, and members would have free access to programmes, with manuals would be supplied at cost price.

- Anyone interested can contact the organisation on ☎011 672 9676.

Environmental discipline 'vital for all businessmen'

Environment Reporter BDR 5/10/93

SOUTH African businesses must take environmental issues seriously or they will jeopardise their "licence to operate", a senior oil company manager has warned.

Derrick Burns, Engen's health, safety and environmental manager, told last week's *Green Management For The '90s* symposium that business and industry had traditionally set their own agenda for economic growth and development.

They now had to appreciate a "fundamental concept": That the public granted them a *de facto* "licence to operate."

"It is this 'licence' that is being challenged by new entrants in the socio-political arena," said Dr Burns.

"Unless companies can show that they are committed to the principles of responsible environmental management and can show that they support and practise the sustainable development of renewable resources, they will find themselves increasingly pressurised by the environmental lobby."

Group cautions on regional borders

B Day 19/10/93

BILLY PADDOCK

A TASK group set up by the commission for demarcation reported yesterday that sensitive matters on the delimitation of regions were beyond the scope of a commission and would need much more political leadership and discussion.

The group told negotiators at the World Trade Centre one of the most sensitive issues was whether the northern Cape region should be split and incorporated into the northwest region and the western Cape region.

Another was whether the Free State and the northwest region should be incorporated as one region.

But the most heated debate revolved around the eastern Cape/Kei region. Government and the DP argued that the eastern Cape should be separated from the Kei region because of historic animosity and economic growth point differences.

However, the dominant view was that it should be a single region.

Eastern Cape traditional leader Stella Sigcau said she disagreed strongly with the DP and government because they "just want the eastern Cape node to remain undeveloped and poverty stricken".

ANC negotiator Thozamile Botha argued for the retention of the 1910 boundaries, which would keep it as one region. He said even the ANC's original proposal tended to consolidate boundaries.

He said after the ANC had revisited the issue, it believed that it should be a single region. However, there might be a need for subregional development structures and strategies and these could co-operate, he said.

The DP's Eddie Trent said Port Elizabeth and East London had developed separate metropolitan areas serving their respective hinterlands and combining the two regions could result in political instability.

However, he said that if there was a strong reason for it being one region he would recommend that these have soft boundaries so that the matter could be reconsidered later.

Another area of dispute was over retaining Pretoria in the PWV. The Afrikaner Volksunie raised strong objections to what it called "extreme racism in reverse".

Negotiator Schalk Burger pointed out that in the report the commission said "fears exist that the white right wing want Pretoria incorporated in the eastern Transvaal in order to create a volkstaat there".

He also said the addition of Pretoria to the eastern Transvaal would increase the linguistic heterogeneity of the region although it would be less heterogeneous than the PWV.

He said he was concerned that the Afrikaner claim for self-determination had been ignored, and indicated the Volksunie might walk out.

It is understood that the planning committee which has looked at ways of resolving what seemed intractable problems, will recommend that all the boundaries be regarded as soft boundaries for purposes of the election and that final demarcation be left to future negotiations.

Sisulu to head up policy institute

TIM COHEN

FORMER ANC economic planning department head Max Sisulu plans to establish an independent institute to develop policy for the "broad democratic movement".

Sisulu said yesterday the proposed institute, to be called the National Institute for Economic Policy, would have no official link with the ANC or Cosatu, but would aim to make up for past apartheid-induced deficiencies. B Day

Organisers were still drafting the institute's constitution and defining its objectives, but its board would include South Africans of high calibre. 19/10/93

It was "absolutely vital", he said, for the broad democratic movement to develop policy urgently on a wide variety of issues.

The institute would be a successor to the Macro Economic Research Group (Merg), set up more than a year ago to investigate policy for the ANC and Cosatu. But it would differ from Merg in that it would not be formally linked to the ANC and Cosatu, though ANC and Cosatu members could sit on the board in their personal capacities.

Sisulu said the institute would be funded by donors and, in due course, an appeal for assistance would be made to the business community. It would draw on the resources of several universities.

The institute would be established shortly after the demise of Merg, which, according to news reports, had been affected by its staunch left-wing bias. It was possible the institute would take over some of the research commissioned by Merg, he said.

Law governs domestic employment

B Day 19/10/93

ERICA JANKOWITZ

THE extension of the Basic Conditions of Employment Act to cover the approximately 830 000 domestic workers employed in SA homes means employers will have to comply with legislative controls governing the employment relationship, commentators say. B Day

However, no minimum wage has been stipulated. The SA Domestic Workers' Union suggests a R500-a-month salary for unskilled workers, or R6 an hour for part-time workers.

The new Act sets down minimum working conditions for domestic workers, gardeners, drivers for private households, and people who look after the sick, aged, frail and disabled. These are: 19/10/93

- A maximum spread-over (ie time measured from when the worker reports for duty until she knocks off, including meal and rest times) of 12 hours a day for those who do not live in or 14 hours for those who do;
- A maximum of five hours' work before a break of at least one hour (or 30 minutes by mutual agreement) must be taken;
- A maximum of 10 hours' overtime a week — and this must be by mutual agreement and not enforced;
- A minimum of 14 consecutive days' paid leave a year; (294)
- Thirty-six days' paid sick leave per three-year cycle;
- A minimum of one month's notice of termination of the contract or a month's pay in lieu of notice;
- Minimum overtime pay of one-and-one-third times normal rate except for public holidays and Sundays when double time must be paid; and
- Seven paid holidays, including New Year's Day, Good Friday, Ascension Day, Workers' Day, Republic Day, Day of the Vow and Christmas Day.

Part-time workers — those who work a minimum of three days a week for the same employer — must have one day's paid leave for every 26 days of employment.

Law governs domestic employment

B1Day 19110193

ERICA JANKOWITZ

19110193

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NEWS New Act a breakthough for workers ●Policemen still in

Labour rights for over two million workers

294

By Joshua Raboroko

■ LONG STRUGGLE Farm and domestic employees covered under new Act:

MORE than two million farm and domestic workers countrywide will now enjoy labour rights such as paid sick and annual leave, overtime and notice of dismissal.

In terms of a *Government Gazette* published last week, farm and domestic workers have been included in the provisions of the Basic Conditions of Employment Amendment Act of 1993.

This is the culmination of a long struggle by trade unions and the Government to include these workers in the Labour Relations Act.

Trade unions, labour experts and employers have hailed the legislation as an important step in labour relations in South Africa. It covers 1,1 million domestic workers and 1,4 million farm labourers.

Cosatu information officer Mr Neil Coleman said the Act was an important step.

The Act, however, had certain limitations in that it precluded employees from taking industrial action although there was compulsory arbitration to resolve problems.

According to the Act, farm and domestic workers can now enjoy the following rights:

●Domestic workers: 46 hours a week or nine hours and 15 minutes a day in the case of a five-day week and eight hours 15 minutes where a six-day week is worked.

●Farm workers: 48 hours a week or nine hours 36 minutes a day in the case of a five-day week and eight hours 36 minutes where a six-day week is worked.

● Workers will be entitled to a meal interval, paid overtime and holidays including New Year's Day, Good Friday, Worker's Day, Ascension Day, Republic Day, the Day of the Vow and Christmas Day.

● No employer is allowed to refuse to employ or dismiss an employee, reduce his-her wage,

Breakthrough for domestics

CT 11/12/93 (294)

Minimum conditions gazetted

Staff Reporter

THE SA Domestic Workers' Union has greeted the publication of the Basic Conditions of Employment Act in yesterday's Government Gazette as a major breakthrough after a 20-year struggle for domestic workers' rights.

Union national treasurer Ms Myrtle Witbooi said yesterday it was an achievement for domestic workers to be recognised as a formal workforce.

"Previously we had to appeal to employers on humitarian grounds. Now domestic workers will be legally entitled to certain basic working conditions.

"This is a breakthrough after fighting for so long," she said.

After the act becomes applicable on January 1 employers will have to adhere to minimum working conditions for domestic workers, gardeners, drivers for private households, and people who look after the sick, aged, frail and disabled. These conditions are:

- A maximum spread-over (ie time measured from when the worker reports for duty until she knocks off, including meal and rest times) of 12 hours a day for those who do not live in, or 14 hours for those who do.
- A maximum of five hours' work before a break of one hour (or 30 minutes by mutual agreement) must be taken.
- A maximum of 10 hours' overtime a week.
- A minimum of 14 consecutive days' paid leave a year.
- Thirty-six days' paid sick leave in a three-year cycle.
- A minimum of one month's notice of termination of the contract or pay in lieu of notice.
- Minimum overtime pay of 1⅓ times normal rate (double time on public holidays and Sundays).
- Seven paid holidays: New Year, Good Friday, Ascension Day, Republic Day, Workers' Day, Day of the Vow and Christmas.

with a plan to overcome the worst aspects done to promote investment.

Law on domestic workers gazetted

B/Day 13/12/93

GAVIN DU VENAGE

BASIC work conditions for domestic workers were gazetted on Friday and come into force on January 1.

The Basic Conditions of Employment Act was extended to cover domestic workers earlier this year (294)

The Act sets down minimum working conditions for domestic workers as well as gardeners, drivers for private households and people who look after the sick and elderly.

It provides for a maximum 12-hour day, including meal and rest times, for workers who do not live in, 14 hours for those who do, and a maximum of five hours' work before a one-hour break or, if both parties agree, a 30-minute break.

Ten hours of overtime a week are allowed if both parties agree.

Overtime pay is one and one-third times normal wages except for Sundays and public holidays, when double wages must be paid. Workers are entitled to 14 consecutive days' paid leave a year, and 36 days' sick leave over three years. A minimum of one month's notice is required to end employment or a month's pay in lieu of notice.

The SA Domestic Workers' Union suggests a R500 a month salary or R6 an hour for part-time workers.

Gambling loopholes to be closed soon

B/Day 13/12/93

ADRIAN HADLAND

CAPE TOWN — New legislation on gambling, including a clampdown on illegal casinos, would be tabled in Parliament soon, Justice Minister Kobie Coetsee said at the weekend.

The new legislation would follow the introduction of the Lotteries and Gambling Bill last week, and would seek to close the loopholes that had allowed more than 100 backyard gambling dens to thrive across the country.

The tabling of the Lotteries Bill followed the Howard commission on gambling, and was aimed at regulating the industry. It provides for the establishment of a gambling board.

The board's duties will include advising government on how to implement the Howard commission's recommendations, the control of fundraising activities such as scratch card games, the management of future legislation and the regulation of all existing lotteries and gambling in the TBVC states. (292)

The board will also advise government on the creation of a state-regulated lottery and the establishment of a body to control casinos and bingo halls, and will formulate a national policy on betting at sports events.

Tourism pl

THE Natal Parks Board is waiting for a Cabinet decision on the St Lucia mining before launching its plans to extend to facilities.

Conservationists greeted with joy the s review panel's unanimous decision a Richards Bay Minerals' plan for titanium ing in the area.

Review panel chairman Judge R Lea at a Cape Town news conference that the net, perhaps in co-operation with the T tional Executive Council, would have to the final decision.

Natal Parks Board CE Dick Parris sai week the board welcomed the panel's de and was ready to develop ecotourism area.

Plans to expand tourism facilities had delayed because of the uncertainty surr ing the mining dispute. Finance was al available, as were initiatives to include communities in the running of St Lucia, he

RBM communications GM Barry Cle said the panel's decision was disappoint

The review panel seemed to have p more emphasis on "intangible factors" th

Employers resist minimum wage

MARIANNE MERTEN

A UNIFORM national minimum wage for domestic workers would lead to severe economic disruption, Wits business economists Sinclair Davidson and Matthew Grossett found in a recent survey. B/Bus

Instead, they proposed that a minimum wage be stipulated in terms of employers' average gross income. 20/12/93

Research into the consequences of the Basic Conditions of Employment Amendment Bill, which would come into effect on January 1, found that households would spend more than 5% to 6% of its gross income on a domestic worker's salary.

The survey found that domestic workers' wages were not determined by length of service and varied from city to city.

Domestic workers in Johannesburg earned an average of R460 a month, paid by households with monthly incomes between R7 000 and R9 000.

About 18% of respondents said they would retrench their domestic help if a minimum wage of R500 a month, as recommended by the SA Domestic Workers' Union, was adopted. (365)

Davidson and Grossett predicted employment levels would decrease by about 16-18%, if the Black Sash recommendation of a R760 minimum wage was enforced.

Employers' attitudes to the new legislation were divided. There was little negative reaction to regulations such as maximum working hours, leave entitlement and overtime pay, but greater resistance to a legally enforcable minimum wage. (294)

Domestic workers were hired to do certain tasks, rather than being at their place of employment for a specified period. The exceptions were those looking after children, the sick and the old.

The new legislation stipulates a maximum 46-hour working week, limited overtime and overtime pay by mutual agreement, 30 days' sick leave and 14 days' paid leave, 30 days' notice before termination of service and regulated meal breaks.

Domestic workers' last Christmas

B/Day

ERICA JANKOWITZ

FROM 1994, domestic employees may work on Christmas Day only by mutual agreement and if they are compensated in terms of the provisions of the Basic Conditions of Employment Act, which will be extended to cover them on January 1.

And, as New Year's Day is another of the seven paid public holidays in terms of the Act, some employers may fall foul of the law the first day it comes into effect.

Labour consultant Jan Smit, in his book A Home-wife ... the Fair Labour Practice, says there are three rules covering Sunday and public holiday pay for domestic workers. They are: 24/12/93

□ Hours worked must be compensated for at one-and-a-third times the ordinary hourly rate plus the equivalent time off the following week; (294)

□ If the employee works four hours or less, a day's compensation must be paid; and

□ If more than four hours are worked, double the hourly rate may be paid without the additional time off being given.

As compensation will include payment in kind, all overtime pay, leave pay and pay in lieu of notice must be calculated to include the value of such items, usually food and accommodation.

He warns that the Act stipulates a maximum 46-hour working week for domestic workers, after which overtime, up to a maximum of 10 hours a week, must be paid. Overtime is calculated at one-and-a-third times normal pay, plus the cash equivalent of payments made in kind.

No minimum wage is stipulated in the Act, but "the wage paid must be fair in relation to the work performed and what the employer can afford", Smit said.

What the new Act means

Sowetan 31/12/93

By Ike Motsapi

THE Basic Conditions of Employment Act of 1983 on domestic workers come into operation tomorrow, the Department of Manpower announced yesterday.

Mr Francois de Villiers, head of public relations for the department, said as from January 1 the basic conditions of employment for domestic workers will be regulated by prescribed legislation.

He said this meant that domestic workers would be paid minimum wages, allowed to take lunch periods and also be entitled to be off on certain days.

De Villiers said:"The definition of wage in the case of domestic workers includes payment in kind and includes the provision of food, quarters and any other payment in kind.

"Payment in kind in the case of a domestic worker means any payment other than cash.

"The value of the payment is determined as R100 a month or an amount agreed to in writing by the employers and employee, whichever is the larger amount."

He said an employee who had worked on a Sunday for four hours or less must be paid not less than a day's wage.

If a domestic worker has worked for longer than four hours he or she is entitled the following benefits:

- Be paid wages for two days or at double his/her wage rate for the whole time worked or whichever is greater; or
- Be paid at one-third time his-her wage rate for the time worked and also be granted one day's leave on full pay with seven days of such Sunday.

NP 'stokes fires'

Sowetan 31/12/93

CLAIMS by the National Party that Umkhonto we Sizwe members were joining its ranks should be treated with "contempt and disgust", African National Congress national spokesman Mr Ronnie Mamoepa said yesterday.

Mamoepa was reacting to earlier claims by the NP's federal council that an unspecified number of MK members were joining the NP because of "deep dissatisfaction with the ANC leadership".

Mamoepa said the NP's claims were "malicious propaganda against the ANC".

"The ANC and the public in general are aware that people joining the NP do so not out of convictions, but for pecuniary gain.

"For the NP to make allegations of corruption against the ANC is an absurdity considering its own track records of maladministration and mismanagement over the past decades and its direct responsibility for fraud and corruption in the homelands," Mamoepa said.

He said the NP statement was yet another attempt by it to "stoke fires within the ranks of MK".

"Instead of making unfounded allegations, the NP should clean the ranks of the South African Defence Force, which are riddled with CCB (Civil Co-operation Bureau) and hit squad elements, and lend its weight behind efforts to create a new and non-racial defence force.

"The ANC rejects with contempt the allegations contained in the statement," Mamoepa said. – *Sapa.*

Venda crippled

GOVERNMENT services in Venda have ground to a halt because of a work-stoppage by about 22 000 civil servants, commission for administration deputy director-general Mr Willy Nemakonde said yesterday. Sowetan

The work stoppage, which took the form of sit-ins by civil servants who are members of the National Education, Health and Allied Workers Union, started on Wednesday. 31/12/93

They demand the implementation of agreements entered into during the general strike which ended four weeks ago.

All the departments are almost at a standstill with the Internal Affairs Department being the hardest hit.

The government garage and computer centre have also been affected as official vehicles cannot be refuelled and cheques to companies contracted by the government cannot be issued.

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SERVICE SECTOR - DOMESTIC WORKERS

1994 - 1995

Mboweni doesn't pay, say workers

WM(BM) 5-11/05/95

Steven Ntuli

LABOUR Minister Tito Mboweni is struggling to find workers for his department. The problem, he says, is that he pays too little.

The former trade union leader made this candid admission at an impromptu speech at Rhodes University this week.

"I am struggling to get black workers to work at the department because they say we do not pay," he told about 100 mainly black students at a Workers' Day meeting organised by the Student Representative Council.

Mboweni appeared unannounced at the meeting after delivering a speech at a rally in Port Elizabeth. South African Communist Party leader and senator Thenjiwe Mtinso was billed as the main speaker.

Students cheered, sang, ululated, shouted ANC slogans and danced when Mboweni entered the Rhodes General Lecture Theatre.

He told them that May 1 was a "significant international day which should be commemorated by all workers."

He said the day had emerged as a result of intense worker struggles and was recognised as early as 1886.



Tito Mboweni: Struggling to get black workers

294

He then criticised black people who employed other black people to be their domestic servants for paying "unreasonable salaries" and then justified the low pay on grounds that "this is my aunt".

He said this kind of unfair labour practice was "an abuse of social justice". A new labour relations bill was in the making and this would protect the rights of domestic workers, farm workers, and public sector workers.

Mtinso hit out at what she termed "new-born" trade unions — unions which were emerging only now when apartheid had ended and labour repression had eased. She warned workers against "abusing" the strike weapon.

Ecna

Govt promises 'can't be kept'

294 CT 31/5/95

SOUTH Africa has not budgeted for the unemployment insurance and conciliation rights promised to farm and domestic workers, the Afrikaanse Handelsinstituut (AHI) told members of Parliament yesterday.

AHI delegation leader Mr Theo Pegel told the parliamentary committee on labour that the Commission on Conciliation, Mediation and Arbitration proposed in the Labour Relations Bill would cost five times the budgeted amount if it covered farm and domestic workers.

He said the AHI was also concerned that the Unemployment Insurance Fund (UIF), which is already under extreme pressure, would not be able to carry the proposed extension of its cover to include farm and domestic workers.

"These rights have to be extended. But if you promise something, the cash has to be there. I think it is irresponsible to take on a commitment that you cannot serve," he said.

Sanlam delegate Mr Gerrie Botha said the AHI had calculated that the inclusion of farm and domestic workers under the provisions of the proposed commission would push the cost from the budgeted amount of R30 million to about R150m a year.

ANC committee members said in response that, while accepting the criticisms of the fund itself, they would like to see a crackdown on businesses that failed to pay their UIF contributions. — Reuter

People's Technikon graduates are spreading the message abroad

JACQUELYN SWARTZ
Staff Reporter

THE Domestic Workers' Association (DWA) Training Centre in Salt River, which has produced 900 graduates since revolutionising domestic work through a specialised training course several years ago, has been re-named the People's Technikon.

The change has been made because of the institution's high standards and the increasing range of training offered there.

The upgrading has been made possible through a partnership with Caltex, in which the corporate giant assists both financially and with human resources.

Such has been the success of the People's Technikon that several of the institution's graduates are working abroad in countries like Israel, Spain, Italy, the United States and England.

Courses of instruction include training in first aid, car driving, caring for elderly and disabled people, child and infant care, basic cooking and cleaning skills, leatherwork, shoe repair, domestic and industrial sewing, and basic cleaning skills.



OPENING CEREMONY: Maggie Oewies-Shongwe and the Cape Melody Entertainers at the opening of the new People's Technikon in Salt River.

Students — who are mostly from poor third world conditions — are also taught how to operate electrical appliances such as microwave ovens and washing machines.

The Domestic Workers' Association also has an employment agency for its graduates and members, which operates nationally and internationally.

And the organisation runs a creche in Green Point which cares for members' children while they go out to work.

"It is a professional job," said DWA chairperson Maggie Oewies-Shongwe.

"We are dealing with professional people — like women executives — and have to go up to their levels."

Most of the students are unemployed and pay only the enrolment fee of R35.

For information, contact the technikon at ☎ 47 8327, which is also its fax number.

Plight of R182-a-month workers

CT(BE) 25/8/95 (294)

BY THABO LESHILO

STAFF WRITER

About 33 percent of South Africa's farmworkers and 18 percent of the country's domestic employees earn below R182 a month, an analysis of key collective-bargaining agreements by the National Labour and Economic Development Institute shows.

The figures, released by the Cosatu-founded but independent institute yesterday, indicate that domestic workers and farmworkers were paid 11,2 times less than the lowest-paid workers in the car industry, with a minimum average monthly salary of R1 867.

The statistics, given by researcher Rob Rees at at a National Economic Development and Labour Council workshop in Johannesburg, show that the second lowest paying jobs were in the forestry sector where workers in the lowest grades were paid between R570 and R600 a month.

This was followed by the mining sector where workers were paid between R520 and R1 650.

Rees said although the settlements broadly matched the inflations rate, the institute believed the official inflation figures supplied by the Central Statistical Service underrated inflation for people earning below R2 000.

He said the wages of many workers, especially in the services, construction, mines and farming sectors were still below the subsistence level.

Rees said collective-bargaining agreements showed a trend towards higher percentage increases at the bottom of the salary scales and lower increases for employees at the top, especially in the public sector. The lowest paid auto worker received an increase of 12,64 percent compared with 10 percent in the top grades while the lowest paid public servants received a pay hike of 22 percent compared with only 4 percent at the top.

However, this trend was unlikely to be sustained because of the negative effect on skilled workers, some of whom were even threatening to leave.

Adrian du Plessis, an industrial relations consultant at the Chamber of Mines, said some members of the chamber had banded their lowest job grades together, resulting in higher increases for the lowest paid employees.

However, the chamber thought that the issue of remuneration was best left to the annual collective-bargaining process.

Rural girls 'sold into city slavery'

(294)

CT 8/9/95

MELANIE GOSLING
STAFF REPORTER

"SLAVE" syndicates are operating in the Western Cape, recruiting young girls from rural areas with the promise of lucrative employment and then "selling" them to employers who force them to work as servants without pay — sometimes for years.

This was revealed by Mr Mike Sedgwick, regional organiser of the Domestic Workers' Union, who said the practice was particularly rife in Rylands, Athlone and Grassy Park.

"It's slavery. People pay these recruiters between R100 and R200 and the girls are taken off into homes. Some of them live in appalling conditions — in garages or on the floor — and many are locked up when the people go to work. It is very difficult for us to crack this practice because the girls go willingly, and once sold they just disappear.

One slave syndicate victim is 16-year-old Anna Samson of Oudtshoorn, who worked for a family in Crawford for two years without pay. Penniless and with nowhere to go, she finally found the courage to walk out this week.

Could 'take no more'

"I left a letter on the kitchen table on Monday. I said I couldn't take it anymore. I didn't know where to go so I walked the streets in Athlone asking for work. One lady said I could sleep at her house," Anna said. The woman took her to Athlone police station where staff informed the Domestic Workers' Union.

Another victim, Anne, was only 14 when a "young white woman", came to the squatter area near Oudtshoorn and offered her a domestic job in Cape Town, at R120 a month. Her grandparents were also to be sent money.

"Me and a friend said yes and were brought here in a taxi. We had to stay in a house in Grassy Park with about 20 other girls. I was the youngest. Others were 16 or 17. After a while they took me to a house in Crawford and the lady there told me I would get R120 a month.

"She bought me some new clothes and that was the first and last thing I ever got from her. I never got any money. The second day she did not like my work and hit me with a broom stick. Sometimes she hit me with her shoe. About every second day she hit me," Anne said.

Anne was forced to clean from 7am to 5.30pm and then bath and feed the children. She stuck it out for two years because she did not know who to turn to.



SLAVE: Anna Samson, ~~16,~~ of Oudtshoorn, worked for a city family for two years without pay. Anna was recruited from the platteland with about 20 other young girls. PICTURE: NIC BOTHMA

The domestic workers' union claims members, in this day and age, are still being paid between R150 and R300 a month for a 7-day week by the majority of employers. ***Tamsen de Beer*** *reports.*

Madam, be aware that Eve is restless

(294)

Star 21/9/95

Violet Senna wrinkles her nose talking about China – tinned dog and snake meat for sale in supermarkets "up on the shelves where the food should be". She recently returned from the International Women's Conference in Beijing, where she represented her 25 000 union members and made up part of Cosatu's delegation to Beijing.

"I had to eat at Kentucky Fried Chicken every night, but I think the chicken was also funny," she said from her Troyeville, Johannesburg, flat that is littered with patchwork fabric, the work of women at her weekly sewing group.

She has been the president of the South African Domestic Workers' Union (Sadwu) for nearly 10 years, and was elected full-time president in 1993, which took her out of her employers' "backyard", and made her incontrovertibly part of the pressured world of bargaining and negotiation.

The domestic worker, with no minimum wage, no provision for unemployment benefit, pension schemes or workers' compensation, no inclusion in the Wage Act or specific reference in the new Labour Relations Bill, has been left out in the cold by South African society.

The domestic worker is covered only by the basic conditions of employment laid down by the previous Government. These stipulate 46 hours of work in a five-day week.

"But employers are not prepared to implement this. Workers are still told if they are not prepared to work at night and on weekends they must take a walk, because there's lots of unemployment," said Senna.

Momentum

The majority of South African employers are still only paying between R150 and R300 a month for what is almost always a 7-day week, including cooking the supper at night, she claims.

A domestic worker herself from the age of 19, Senna's fight for recognition as a worker has paralleled the growth of the union, gaining momentum in the '80s with the aid of Leah Tutu, wife of the archbishop, and the Black Sash.

Sadwu was formed as a Cosatu affiliate in 1986 and Senna elected its president.

"I experienced tough times then, being in the backyard of my employer and president of the union with everybody expecting me to speak out as their representative.

"There was also a state of emergency so we were scared of being arrested or even being killed," she says, rubbing her forehead as she remembers.

"Our Cape Town office was bombed just after the launch, and we couldn't organise properly because we were on the run from police intimidation. Membership declined because of the fear of losing your job."

Senna lost hers in 1988. "My employer couldn't handle the telephone ringing all the time for me in connection with my union work. It was very sad for me, after working there for 11 years, bringing up the children, looking after Grandpa.

"The following year my husband also left me. Those were three tough years for me," she adds, shaking her head.

But Senna smiles and clenches her fist.

"I decided I was not going to quit. We had to get it right. I was not just going to leave to please the system," she finishes.

There are an estimated 1-million domestic workers in South Africa, isolated from their families, still supporting children in the rural areas, earning in an entire month what food and drink for one modest upper-class dinner party would cost.

Exploitation

"We are part of the women's struggle. Women's problems affect domestic workers more than others because they are so isolated from the community. Violence against domestic workers and even rape by employers is growing.

"Exploitation by our own people is growing, too – by black, coloured and Indian employers. And they need to know we are aware of that," she warns.

Senna points out the union's role in mediating between employers and their domestic workers. "We need employers' co-operation," she says.

Senna is a determined fighter, her forthright honesty and sweet nature belying the committed revolutionary that claims "the battle has just begun".

And Beijing has shown her the South African domestic is not alone.

"There's no difference between South African domestic workers and international workers," she says, pointing to the thick itinerary of workshops she attended at Beijing.

An international document demanding the recognition of the domestic worker as part of the economic workforce is in the pipeline.

"We are not saying we don't want to be domestic workers, but that we want to be recognised.

"We are productive as well – looking after the house, the children, cooking food – all that is productive."

"I wouldn't say I'm blaming the new Minister of Labour for not doing enough for us, because restructuring the Government is a huge task. But I would be sad if the new Bill does not also cover the domestic worker – and that is where I will not fold," is her final determined word.



Expanding horizons ... former domestic worker and now union leader, Viol (foreground) is determined to improve the lot of 'nannies' and maids in the n

Jobs crunch for domestics

(294)

ARG 25/11/95

New law pricing many workers out of the market

DAVID BREIER
Political Staff

■ Fulltime domestic workers could be pricing themselves out of the market — but some Cape Town domestics are improving their skills to qualify for higher pay.

MANY Cape Town domestic workers have lost their fulltime jobs since the government last year forced employers to improve their conditions, according to employment agencies.

And even more could lose their jobs as the SA Domestic Workers' Union presses for a minimum wage of R600 a month, which could place a further burden on households struggling to make ends meet.

The Basic Conditions of Employment Act passed last year turned domestic work into a confusion of red tape and form-filling in a bid to overcome the exploitation of many domestic workers working long hours for a pittance.

Among the worst cases of exploitation were in the Western Cape where "slave syndicates" are reported to recruit young girls in rural areas with the promise of lucrative domestic jobs.

They are then "sold" to employers who force them to work as servants without pay.

Last year's Act set out a host of basic conditions to improve the lot of domestic workers — but at the cost of pricing them out of the market, according to agencies.

Many employers had been put off by last year's legislation and now believed they could no longer afford a domestic as they had to pay more for less than they used to, agencies reported.

As a result, employers were becoming more demanding and the regulations had backfired, resulting in workers' losing their jobs.

Some employers had converted from having fulltime maids to employing chars for one or two days a week.

Over the past year things had become worse for both employers and their domestic workers as a result of the regulations, agencies believe.

Employers were getting less work, and domestic workers had fewer jobs.

But not everyone is losing out. Cape Town's Domestic Workers' Association has taken the initiative in training domestics to improve their qualifications so they are more in demand and qualify for higher pay.

Marieta Hierse, a lecturer at the association's People's Technikon in Salt River, said "concerned employers" had not been put off by the provisions of the Act. "Rather, they are eager to comply," she said.

"The contract is for the benefit of both employer and employee. It safeguards both sides, including cases where workers abandon their jobs. Previously employers did not have a leg to stand on," she said.

Mrs Hierse confirmed some employers now found they could not afford fulltime domestic workers and preferred to employ chars.

The association recommends minimum pay scales — depending on the workers' skills, and its "technikon" is devoted to improving the skills of domestic workers.

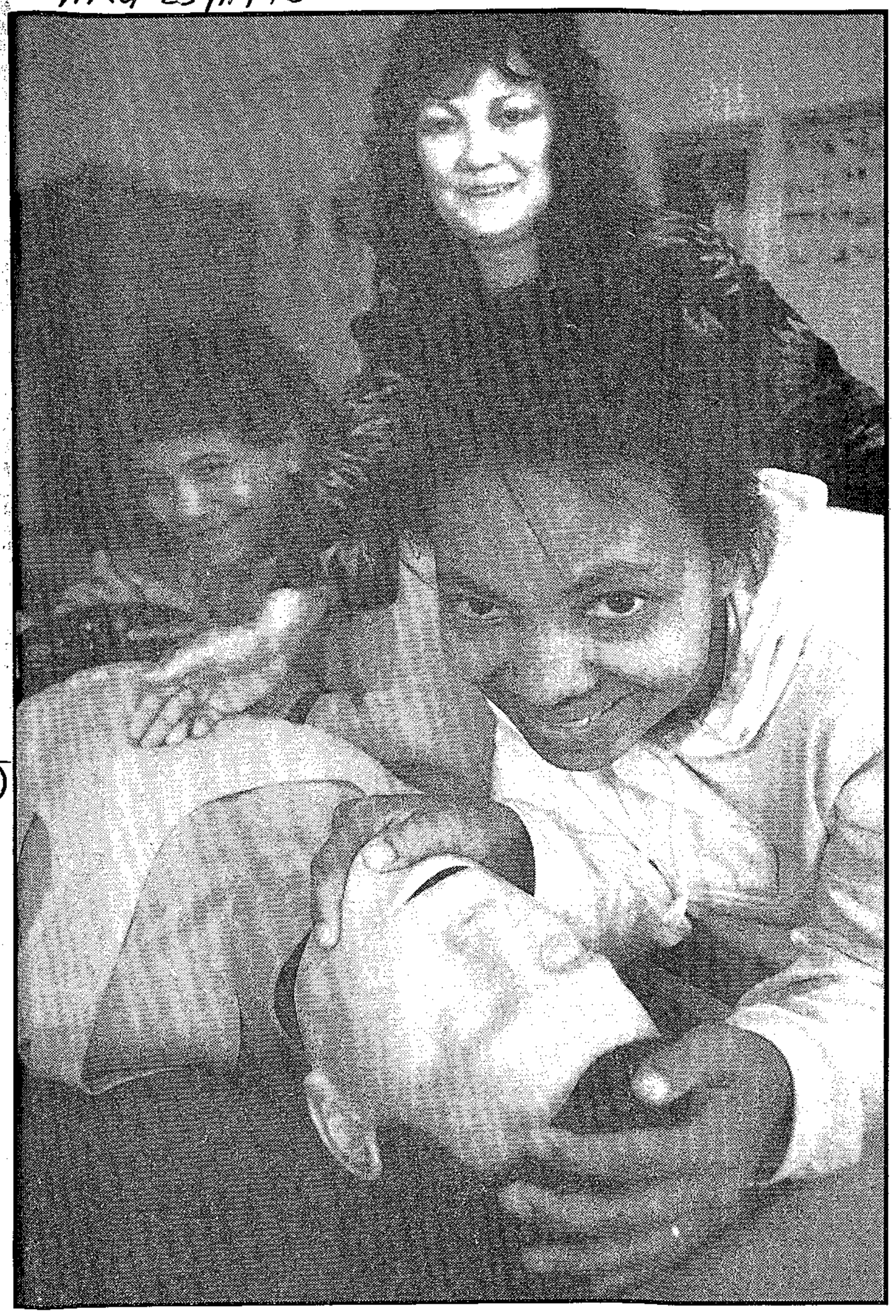
This includes courses in house management as well as communication skills, such as how to answer the telephone correctly.

Domestic workers are taught how to use electrical appliances correctly, including cleaning and caring for them.

They are taught consumer skills such as shopping as well as basic cooking and baking.

Other courses are in childcare, first-aid and care for the elderly and disabled.

Mrs Hierse said employers requiring childminders were increasing, demanding first-aid skills.



Picture: ROY WIGLEY, Staff Photographer.

☐ **FIRST AID:** Domestic workers Elsa Fortuin and Nazeema Shamodien with lecturer Marieta Hierse learning first aid at the People's Technikon in Salt River.

Act a minefield of conditions

(294)

ARG 25/11/95

Political Staff

THE year-old Basic Conditions of Employment Act sets out a minefield of conditions for people who employ domestic workers.

■ It specifies a maximum 46-hour working week. Domestic workers on a five-day week may not work more than 9 hours a day, and those on a six-day week may not work for more than eight hours a day.

■ It provides for a written agreement between an employer and a domestic worker to increase the working week by four hours for not more than 26 days in a year.

■ Domestic workers may not work for more than five hours continuously without a meal interval of at least an hour, but there can be agreements that the meal period be as short as 30 minutes.

■ The time by which a domestic worker's meal exceeds 75 minutes shall not be regarded as time worked. But if a domestic worker keeps an eye on the kids, the aged, the sick or the frail during her lunch break, she shall be deemed to have worked during her break.

■ Overtime may not exceed three hours a day and must be paid at not less than one and a third times the hourly wage including the value of payment in kind such as meals and accommodation.

■ The maximum overtime may be increased by application to an inspector of the Department of Labour.

■ A domestic worker who works for up to four hours on a Sunday or public holiday must be paid at least a full day's wage. If she works for more than four hours, she must be paid for double time. Or she can be paid at one and a third time and get one day's leave on full pay within seven days.

■ Annual leave must be at least 14 consecutive days on full pay, extended by a day for every public holiday during this period. If the job is terminated, the value of outstanding leave must be paid out.

■ Domestic workers are entitled to at least 30 days of sick leave in three years — provided she has a medical certificate if away for more than two days in a row.

■ Every employer must provide a domestic worker with a certificate of service on terminating employment, except where the worker deserts.

■ It is illegal to employ anyone aged less than 15 years.

■ Pregnant domestic workers cannot be required to work four weeks before the expected birth date or eight weeks after.

■ It is an offence to victimise or dismiss a domestic worker who gives evidence against an employer in court or to an inspector, or because she belongs to a trade union, or discusses job conditions with fellow workers.

■ It is also illegal to fire a domestic worker for refusing to carry out an order in conflict with the provisions of the act.

■ Proper notice must be given before terminating a job — one month's notice in the case of a monthly-paid worker.

■ Every employer must keep a time and wages register and an attendance register except where they have concluded a written agreement.

■ Employers must provide facilities for inspection by inspectors of the Department of Labour. Any employer who hinders an inspection, will be guilty of an offence.

Madams face action over maids with AIDS

ST 3/12/95 (294)

By CAS St LEGER

YOUNG lawyers working for Witwatersrand University's AIDS Law Project are preparing cases against at least four employers who dismissed domestic workers who had tested positive for HIV, the virus which causes AIDS.

The employers — and the doctors and hospitals concerned — will be charged with breach of confidentiality for revealing the infected person's AIDS status. They will also be charged with assault where the AIDS testing was conducted without properly informed consent.

Employers will not, however, be charged with dismissing their workers because they were HIV-positive, as this is not yet illegal — a situation likely to change when the Labour Relations Act becomes law in June.

The Act will make it illegal to dismiss those with disabilities.

Up to 20 cases of AIDS-related dismissal of maids or gardeners had been brought to the AIDS Law Project in the past year, said project consultant Mark Heywood.

It was decided to proceed with only the most clear-cut cases of breach of confidentiality or assault.

"Grounds of unfair dismissal where basic conditions of employment were not complied with — the only other protection a domestic worker has apart from the requirement of a month's notice under the Employment Amendment Act — were regarded as too weak legally," said Mr Heywood.

He said that being HIV-positive was regarded as a "disability" internationally and "we would like to establish HIV as a disability in South Africa under the new Labour Relations Act".

For now, "enforceable rights" concerned confidentiality and the circumstances in which the test took place, he said.

"It is illegal for the doctor or hospital to inform another person about a patient's HIV status," he said. Hospitals often failed to get informed consent.

"Where the employer forces an employee to have the test, it can be argued that the doctor concerned carried out an assault on that person," Mr Heywood said.

One of the Law Project's clients is a former gardener, married to a woman working as a maid for another employer. The man fell ill, was hospitalised and, after his discharge, was taken by his employer to a private clinic where he was given blood tests. Neither the employer nor the doctor told the gardener what the tests were for.

A few days later, the gardener was told he was HIV-positive.

"When the gardener returned to the household he was told he had no job," said Mr Heywood. "Then his employer telephoned the employer of his wife to inform her that if the gardener had AIDS, the maid must have it, too. The maid also lost her job.

"Discrimination against domestic workers has taken a serious route," said Mr Heywood. "Domestic workers are being tested pre-employment without consent.

"Those who turn out to be positive are not employed. When the employee refuses to be tested, the result tends to be instant dismissal," he said.

"We have been told that foreign embassies in Pretoria are requiring AIDS tests. We have to look at strategies to try to stop that."

Mr Heywood said that while people's fear about AIDS should not be dismissed, the chance of transmission of the virus in the home was "very small".

Victoria Mokoe, a counsellor at Hillbrow's Community AIDS centre, has encountered more than a dozen cases of maids or gardeners being fired after they were found to be HIV-positive.

In one case, a 25-year-old Sandton maid, who had been tested by her employer's GP, learnt — all on the same day — that she had AIDS, was pregnant and had been fired.

"What could I do? She's my madam," the woman had told Mrs Mokoe.

"Princess", diagnosed as HIV positive in 1991 when she was seven months pregnant, lost her job and then watched her husband die of AIDS.

Instead of looking in vain for another job as a maid, she has become an AIDS counsellor, helping those suffering the same anguish.

Employers 'may fire domestics'

Staff Reporter

SOME employers of domestic servants have threatened to fire their full-time domestic workers and replace them with temporary staff in a bid to avoid adhering to the Basic Conditions of Employment Act, according to the South African Domestic Workers' Union.

The act, which came into force on January 1, sets out basic rights for the country's nearly one million domestic workers, covering hours of work, leave, sick leave and limits on overtime. It does not lay down a minimum wage.

National treasurer of the union, Mrs Myrtle Witbooi, said yesterday the act covered domestic workers employed by one person for three or more days a week only.

"Domestic workers have reported to us that that their employers have threatened to fire them, and take on someone who will work only two days a week. In that way they don't have to abide by the rules in the Act," Mrs Witbooi said.

She said other domestic workers had reported that their employers had said they would no longer employ them full-time from this year, but only for two days a week.

CT 13/1/94 (294) (485)

"When we wanted to phone their employers they asked us not to in case they lost their jobs altogether," Mrs Witbooi said.

She said the union office had been inundated with queries regarding the act from employers and domestic workers.

"There is a lot of confusion. We have sent out over 100 faxes explaining the act and providing a contract of employment."

So far about 500 employers had signed the contracts of employment, "which is a good sign", Mrs Witbooi said.

Oudtshoorn mother sells young daughter for R20

'Slavegirl' kept in Rylands

Sowetan 4/2 - 8/2/94



By Shannon Neill

A TRAGIC story of abuse and exploitation ended this week when a girl escaped from virtual imprisonment at a house in Rylands Estate and, with the aid of the South African Domestic Workers Union (Sadwu), arranged to be sent home to Oudtshoorn.

After two months of alleged physical and mental abuse Katy (she does not want her full name used) scaled a wall of the Murton Road house and escaped to a friend's home.

Katy's age is believed to be between 11 and 13. Her ordeal began when she was "bought" from her family in September last year and brought to Cape Town to be a domestic worker.

"The people came to my farm looking for workers. They said they wanted me to work in their house. My mother said no. Then they gave her and my granny R10 each. And so my mother said I must go with the people.

"My mother asked the people for their address and phone number before we left and they told her they had no phone and they wouldn't tell her their address," said the still distraught child.

On arriving in Cape Town she was reduced to a position of near slavery. During the day she had to clean the house, do the washing and ironing and wash the cars.

In the evening she waited for the family to eat and cleaned up after them before she was allowed her meal of "rice or a little slice of bread and tea". (2 of 4)

When the family went out she was locked in the house. In the two months she worked for them she was not once allowed out on her own.

She claims the family abused her physically. "At night if the baby cried I had to get up and push the pram. If I didn't get up they hit me.

"Sometimes they hit me with a belt or a rolling-pin. Sometimes the children would slap me in my face and kick me."

She wrote to her mother to tell her what was happening.

"She phoned me on the public phone. She didn't speak to me though — all she did was cry," the distressed girl said.

She ran away shortly before Christmas. "I was up with the baby all night. When I wanted to go to sleep the man said I must wash the car because he was going to his cafe.

"When I was finished he took the hose and sprayed me in my face. I changed my clothing and then I climbed over the wall and ran away," she said.

Her friend took her to Sadwu. Union officials approached Katy's employers and managed to negotiate a salary of R400 for her for the two months she was employed.

Sadwu Rural Regional Organiser, Michael Sedgwick, said: "Unfortunately we cannot prosecute these people for contravening the child labour laws because they claim the mother said she thought Katy was 17.

"Anyone who looks at Katy can see she is not 17, but legally we can do nothing."

He said there were hundreds of cases similar to this one in Cape Town but it was difficult to get in touch with victims. "If anyone knows of child labour they should not hesitate to contact us.

"And I'm putting a warning out to all those who employ children under 15 — if we find you we will prosecute you," was Sedgwick's stern message.

EDITED BY
JANET WILHELM

ERGO

TELLING YOU

An easy guide to the new law protecting domestic workers

ST Times 13/2/94

(294)

NOW that domestic workers are protected by a new law, are you one of those employers pulling your hair out as you battle to understand what is going on? Or are you a domestic worker unsure of your rights? ERGO has compiled a quick guide to rights and obligations.

Guidelines have been laid down in the Basic Conditions of Employment Amendment Act 1993. They cover working hours, overtime, work on Sundays and public holidays, holiday pay, maternity and sick benefits and the hiring and firing of a domestic worker.

Domestic workers now have the right to take disputes to the Department of Manpower. Department inspectors must follow up complaints. Employers will have to produce copies of an employee's record if requested. Failure could result in a fine of up to R1 000 or six months' imprisonment.

An easy-to-read book by Jan Smit, which explains the new rules, is now on sale. A Housewives' Guide To Fair Labour Practice (including illustrations from the cartoon strip Madam & Eve) also provides examples of contracts.

Further information supplied on this page came from The Black Sash and the Department of Manpower.

Domestics overlooked

ERICA JANKOWITZ

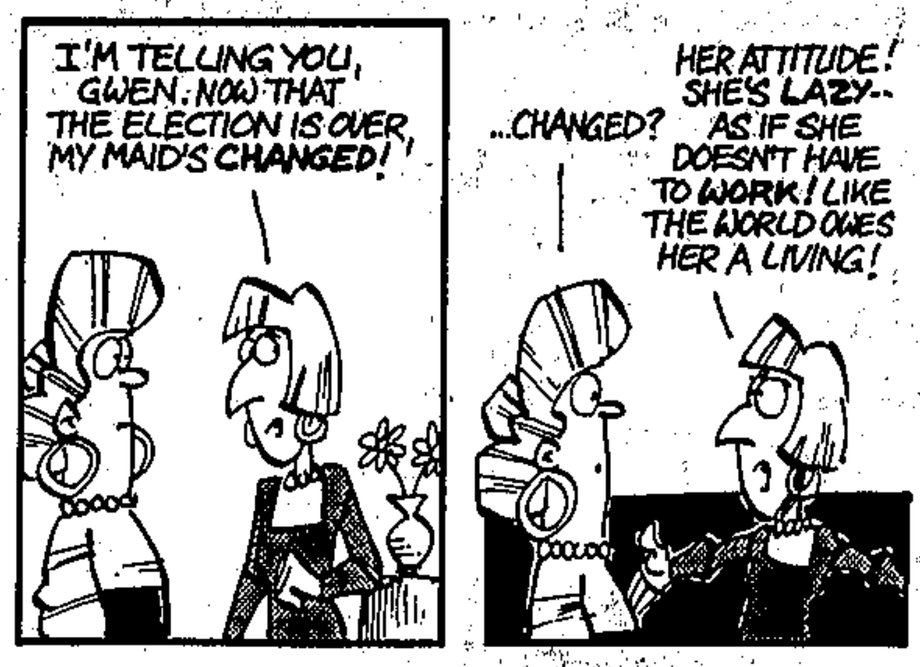
NEITHER the Agricultural Labour Act nor the Basic Conditions of Employment Act covered domestic workers on farms, probably because of an oversight on the part of those who drafted the legislation, Industrial Court president Adolph Landman has said.

Landman said the Basic Conditions of Employment Act specifically excluded domestic workers on farms. BIDay

Although the Agricultural Labour Act extended the Labour Relations Act to cover farm workers, it also excluded domestic workers. 4/5/94

"It seems that, unintentionally perhaps, domestic workers on farms have been left out in the cold. Common law and its inadequate provisions continues to govern their conditions of employment." (4/5/2)

Landman also noted that workers would be prohibited from striking and farmers from locking out workers even if they opted out of the compulsory arbitration clause. 29/4 (2)



MAID TO MEASURE . . . The madam-and-maid relatio stresses and comedy, is a rich source of material for th every day in the Cape Times.

294

Custom-maid to endure any changes in the land

CT 17/5/94

Madam will still have her maid in the new South Africa, white women still give orders to black servants. But much of the bitterness has gone and for many the relationship offers security and a chance of self-improvement. TREVOR FISHLOCK reports.

SO FAR so good. Nelson Mandela has been elected South Africa's first black president and none of the jokes cracked by nervous whites has come true. No black hordes pillaging leafy suburbs or squatting in madam's chintzy rooms. The gardener hasn't commandeered the Merc.

Relief and hope top the agenda. But not far down the list there is anxiety. Old prejudices do not evaporate overnight. Mainstream Afrikaners are not thrilled by what has happened. They fear high taxes, blacks taking white jobs.

Retribution, though, does not appear to be in black minds, at the moment. Those who had the money to live in white suburbs have already moved there in the years since apartheid ended.

Blacks do not believe their lot will change immediately. There will be a honeymoon but they know euphoria will vanish and the problems are enormous. They look for real improvement: a black-run police force, decent health care and ambulances that come when they are called, proper bus services and schools.

They don't expect more houses and jobs by the end of next week. But they want evidence of progress and stability.

Indispensable

Afrikaners certainly want stability. For all the griping, and the occasional spouting about black inferiority, their tradition is of making things work. They have been making a life alongside Africans for 340 years. They have nowhere else to go.

One thing, however, won't change for a long time. That real institution of white social life — the white woman and her indispensable black housemaid — looks solid enough to survive any revolution.

Many white households have a live-in black female servant or, at least, a part-timer, entrusted with running the home, caring for children and keeping secrets.

Madam-and-maid is the most common interracial encounter; and its misunderstandings, stresses and comedy are a rich source of material for South Africa's favourite strip cartoon, Madam and Eve.

Madam is a twinset-and-pearls Johannesburg dame, desperate to be liberal in the new South Africa. Eve is the personable maid who addresses her prejudices and preconceptions about blacks.

Some madams drive maids like slaves and lodge them in cramped, grubby quarters, unconverted garages or sheds. Maids complain that martinet madams won't allow visitors and exploit them so harshly that they see little of their own families. They risk being dismissed without pay or references. Then there are the employers who act as if servants were almost invisible.

Domestic workers' organisations recommend a minimum wage of £140 (R750) a month for skilled workers, £100 (R535) for unskilled (a shop assistant gets around £240 (R1 284) a month, wages and living costs being lower in South Africa than, for example, Britain), but many employers pay less.

Many maids, however, are well treated. They have comfortable accommodation, perhaps a converted garage or outhouse behind the main house, food, medical care, a pension and paid holidays. Many are auxiliary members of the household, chums to the children, companions to their mistresses.

They have privacy and some have their children living with them, although the children of a live-in maid are usually looked after by their grandmother. Many employers educate both maid and the maid's children. A good domestic job can be a step up the ladder.

Some social workers believe that domestic service emphasises inferiority and say it will take years to iron out apartheid attitudes.

This may be the romantic time of the black-white handshake but some Afrikaners fear they might be scapegoats when the going gets rough.

But there will be no mass desertion by maids. Domestic service provides work for a million and is the largest employer of black women. Unemployment among blacks is 50%. Each working person has up to 10 dependants. Madam needs Eve as much as Eve needs Madam; and Eve will be employed as long as she is affordable.

Cally Heal, an Englishwoman who migrated to South Africa 18 years ago with her husband Nick, a shipping broker, has daughters aged 14 and 12 and lives in a thatched house in Rivonia, a suburb of Johannesburg. The Heals love the country and are relieved that elections have at last been held.

Their former maid worked for them for eight years, studied in her spare time and is now in communications education. Their present maid, 26-year-old Onica Kobe, has been with them for two years. She lives in rooms attached to the house — bedroom, bathroom and kitchen, which are being renovated.

She starts at 7.30am, finishes about 6.30pm. She cleans, prepares food, lays the table, answers the phone and looks after the girls when they come home from school. This leaves Mrs Heal free to work.

Onica has English and sewing classes every Thursday. She has two children, aged 10 and six, who live with her mother in the northern Transvaal. She supports her mother and children and visits them at least once a month. Sometimes the children visit her. Weekends are free, except when the family goes away.

Mrs Heal says: "I like Onica and we get on well. She has great humour and personality. She is so bright I would expect her to move on from domestic work. I rely on her to run the house. It is not a stiff employer-employee relationship. She calls me Mrs Heal. We have a row occasionally, but it quickly blows over. We talk a lot and we certainly discuss politics.

"My children think Onica is wonderful. She spoils them a bit, tidies up after them too much. They are fond of her, respectful, and through her they are more aware of the struggle that life is for many Africans."

Onica sat in the kitchen overlooking the swimming-pool. "I like it here. Some madams shout a lot and don't like their maids to have visitors. They work them like slaves. But this is a happy home. Mrs Heal helps me a lot. She is like one of my own family. Friends call on me here and boyfriends collect me in their cars. I go to church. I am improving my English. I want to work with computers."

In one of the Madam and Eve cartoons, with all the maids on strike, Madam teaches her fellow matrons how to use an electric iron. Real-life madams and maids enjoy the joke and recognise the truth. — © **The Telegraph plc, London.**

Madams face fines for Eves

Star 4/6/94 (294)

LEIGH ROBERTS

THE householder who has not complied with new legislation governing domestic workers could be in for a fine of R1 000 and be guilty of a criminal offence.

With effect from January this year, domestic workers — after many years of exclusion — are now covered by the Basic Conditions of Employment Act.

For some employers, this means that the previously informal agreement with the domestic worker has to be formalised either by a written contract signed (and understood) by both parties, or compliance with other labour procedures.

For domestic workers, it means a regulation of employment conditions — such as a maximum of 46 working hours a week, a set overtime rate with maximum overtime hours, formalised sick and leave provisions, and a notice period of one month.

In the May issue of the Werksmans publication Employment Werks, attorney Brian Bleazard gives two standard examples of employment contracts — for a live-in domestic worker, and for a domestic worker who does not live in and works more than three days a week.

Bleazard stresses, however, that his standard contracts do not cover every specific domestic-employer relationship.

For example, there are instances where hours can be extended for certain periods in the year provided they are reduced later in the year. Also, hours can be extended for employees who care for the sick and the aged.

Furthermore, he adds, more beneficial conditions of employment than those set out in the contracts can be negotiated.

The two main advantages of having a contract, says Bleazard, are that it makes both parties fully aware of their rights and obligations and that it obviates the need for the employer to keep a record of the daily hours worked and other prescribed particulars.

The sick leave provisions in the Act are complex, but effectively a new employee can accumulate one day of sick leave a month.

Doctor's certificate

Bleazard says the employee who has worked for three years, six days or more a week, will have accumulated 36 working days' sick leave.

The Act requires that an employee who is sick for more than two consecutive days must obtain a doctor's certificate.

Regarding regular day workers who work three days or less a week, Bleazard says a separate contract applies as there are separate provisions in the Act. In instances where employment conditions are more complex than the standard, he advises that help be sought from the Department of Manpower or a labour consultant or attorney.

Example of a Contract for a Live-in Domestic Worker

between .....
(Insert name of employer)
"the employer"; and

.....
(Insert name of employee)
"the employee"

1 SALARY

1.1 The employer shall pay the employee a cash amount of R..... per month payable in arrears on the last working day of the month.

1.2 In addition to this amount the employee's salary shall include the value of payment in kind in terms of which the employer provides food and living quarters for the employee which is determined in the sum of R100,00 per month (or a greater amount determined by agreement between the employer and the employee.)

2 HOURS OF WORK

(Ordinary working hours at maximum of 46 per week)
The hours of work of the employee shall be:

Monday ..... to .....
Tuesday ..... to .....
Wednesday ..... to .....
Thursday ..... to .....
Friday ..... to .....
Saturday ..... to .....
Sunday ..... to .....

In the event of a change in the hours of work such change shall be recorded in writing and signed by the parties.

3 OVERTIME

The employee undertakes to work no more than 3 hours overtime per day when required by the employer upon reasonable notice to do so, provided that the maximum overtime worked by the employee in any week shall not exceed 10 hours. The rate for overtime shall be calculated at 1⅓ times the employee's hourly rate of pay (which rate shall be calculated to include the value of the payment referred to in 1.2.)

4 WORK ON SUNDAYS

If the employee works on a Sunday for 4 hours or less he/she must be paid not less than a day's pay.
If the employee has worked longer he/she must be paid either:

4.1 his/her salary for two days or at double his/her rate of pay for the whole time worked whichever is the greater; or

4.2 be paid 1⅓ normal pay rate for the whole time worked and be granted one day's leave on full pay within 7 days of such Sunday.

The rates of pay shall be calculated to include the value of the payment referred to in 1.2.

5 PUBLIC HOLIDAYS

The employee shall be entitled to paid leave on:
New Years Day
Good Friday
Workers' Day
Soweto Day
Ascension Day
Republic Day
The Day of the Vow
Christmas Day
If the employee works on any of the public holidays referred to above he/she shall be paid either:

5.1 double his/her normal rate of pay; or

5.2 1⅓ his/her normal pay and the employee shall be entitled to a day's leave within 7 days of working on that particular public holiday; which rates of pay shall be calculated to include the value of the payment referred to in 1.2.

6 MEAL INTERVALS

The employer shall be granted a hour lunch break after not more than 5 hours' work on any day.

7 LEAVE

The employer shall grant the employee 14 consecutive days' leave per annum.

8 SICK LEAVE

The employee shall be entitled to sick leave as prescribed by the Basic Conditions of Employment Act.

9 NOTICE

The employer or the employee shall give the other one month's written notice to terminate this agreement which notice must be given on or before the 1st day of such month.

Signed at.....
on 1994
.....(Name of Employer)

Signed at .....
on.....1994
.....(Name of Employee)
(The employee acknowledges that this agreement has been interpreted into his/her vernacular language namely
.....
by .....on .....
and that he/she understands the contents hereof.) (Delete if not applicable).

Source: Werksmans

Act spells out employment conditions

Contract the best bet

Star 11/6/94



THIS is the second in a three-part series on contracts for domestic workers. LEIGH ROBERTS here looks at a contract for a domestic worker who doesn't live in.

FROM the beginning of this year the employment conditions of domestic workers are governed by the Basic Conditions of Employment Act. Inclusion under the Act has brought this previously excluded class of workers under the protection of the main labour statutes.

Attorney Brian Bleazard of Werksmans says it is desirable that the employment relationship between domestic worker and employer be rooted in a clear written contract. A contract obviates the need for the employer to comply with certain procedural requirements of the Act, such as keeping a daily record of time worked.

The Act sets out the minimum employment conditions for a domestic worker. Different conditions apply to the different classes of workers — generally speaking, live-in workers, workers who don't live in, and day workers. A worker who doesn't live in is one who does not live on the employer's premises but who works more than three days a week on a regular basis.

For a worker who does not live in but works five days or less a week, any period worked over 9¼ hours a day is classified as overtime. There is a spread-over clause which limits the maximum daily hours (including overtime) to 12 hours for a worker who doesn't live in. This must fit in with the maximum weekly period of 46 hours.

Overtime hours are limited to no more than three hours a day with a maximum of 10 hours a week — reasonable notice is required to be given to the employee. The overtime pay rate is determined at 1⅓ times the hourly rate.

Rules for work on Sunday are stringent. If the employee works for four hours or less, a full day's pay is the minimum required. If more than four hours are worked, double pay applies or 1⅓ times the normal pay plus one day's leave on full pay. (294)

The Act specifies which public holidays are treated as paid leave and the payment if the worker must work on those days. Annual leave is determined at 14 consecutive days at full pay, even if the employee works fewer than five days but more than three days a week.

Bleazard has drawn up a standard contract for a domestic worker who doesn't live in.

Bleazard has included Soweto Day (16 June) as a public holiday in the contract though it has not yet been gazetted as such.

STANDARD CONTRACT FOR A NON LIVE-IN DOMESTIC WORK MORE THAN THREE DAYS A WEEK

between.....
(Insert name of employer)
"the employer" and

.....
(Insert name of employee)
"the employee"

1. SALARY
The employer shall pay the employee a salary of R..... per month payable in arrears on the last working day of the month.

2. HOURS OF WORK
(Ordinary working hours are a maximum of 46 per week)
The hours of work of the employee shall be:
Monday.....to.....
Tuesday.....to.....
Wednesday.....to.....
Thursday.....to.....
Friday.....to.....
Saturday.....to.....
Sunday.....to.....
In the event of a change in the hours of work such change shall be recorded in writing and signed by the parties.

3. OVERTIME
The employee undertakes to work no more than 3 hours overtime per day when required by the employer upon reasonable notice to do so, provided that the maximum overtime worked by the employee in any week shall not exceed 10 hours. The rate for overtime shall be calculated at 1⅓ times the employee's hourly rate of pay.

4. WORK ON SUNDAYS
If the employee works on a Sunday for 4 hours or less he/she will be paid not less than a day's pay. If the employee has worked longer he/she will be paid either:
4.1 his/her normal salary for two days or at double his/her rate of pay for the whole time worked whichever is the greater; or
4.2 be paid 1⅓ normal pay rate for the whole time worked and be granted one day's leave on full pay within 7 days of such Sunday.

5. PUBLIC HOLIDAYS
The employee shall be entitled to paid leave on:

New Years Day	Good Friday
Workers' Day	Soweto Day
Ascension Day	Republic Day
The Day of the Vow	Christmas Day

If the employee works on any of the public holidays referred to above he/she shall be paid double his/her normal rate of pay or 1⅓ his/her normal pay and entitled to a day's leave within 7 days of working on that particular public holiday.

6. MEAL INTERVALS
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STANDARD CONTRACT FOR A NON LIVE-IN DOMESTIC WORKER WHO WORKS MORE THAN THREE DAYS A WEEK

between.....
(Insert name of employer)
"the employer" and

.....
(Insert name of employee)
"the employee"

1. **SALARY**
The employer shall pay the employee a salary of R..... per month payable in arrears on the last working day of the month.

2. **HOURS OF WORK**
(Ordinary working hours are a maximum of 46 per week)
The hours of work of the employee shall be:
Monday.....to.....
Tuesday.....to.....
Wednesday.....to.....
Thursday.....to.....
Friday.....to.....
Saturday.....to.....
Sunday.....to.....
In the event of a change in the hours of work such change shall be recorded in writing and signed bythe parties.

3. **OVERTIME**
The employee undertakes to work no more than 3 hours overtime per day when required by the employer upon reasonable notice to do so, provided that the maximum overtime worked by the employee in any week shall not exceed 10 hours. The rate for overtime shall be calculated at 1½ times theemployee's hourly rate of pay.

4. **WORK ON SUNDAYS**
If the employee works on a Sunday for 4 hours or less he/she will be paid not less than a day's pay. If the employee has worked longer he/she will be paid either:
4.1 his/her normal salary for two days or at double his/her rate of pay for the whole time worked whichever is the greater; or,
4.2 be paid 1½ normal pay rate for the whole time worked and be granted one day's leave on full pay within 7 days of such Sunday.

5. **PUBLIC HOLIDAYS**
The employee shall be entitled to paid leave on:

New Years Day	Good Friday
Workers' Day	Soweto Day
Ascension Day	Republic Day
The Day of the Vow	Christmas Day

If the employee works on any of the public holidays referred to above he/she shall be paid double his/her normal rate of pay or 1½ his/her normal pay and entitled to a day's leave within 7 days of working on that particular public holiday.

6. **MEAL INTERVALS**
The employee shall be granted an hour lunch break after not more than 5 hours' work on any day.

7. **LEAVE**
The employer shall grant the employee 14 consecutive day's leave per annum.

8. **SICK LEAVE**
The employee shall be entitled to sick leave as prescribed by The Basic Conditions of Employment Act.

9. **NOTICE**
The employer or the employee shall give the other one month's written notice to terminate this agreement which notice must be given on or before the 1st day of such month.

Signed at.....on.....1994
.....
(Name of Employer)

Signed at.....on.....1994
.....
(Name of Employee)

(The employee acknowledges that this agreement has been interpreted into his/her vernacular language namely.....
by.....on.....
and that he/she understands the contents hereof.) (Delete if not applicable).

Source: WERKSMANS

BFA-Net will be made available on Infosys at the current (stand alone) monthly subscription rate of R 500.00. The delay in installation is due

Even casual worker is protected

Star 18/6/94

294

LEIGH ROBERTS concludes her series on standard contracts for domestic workers. Examined this week is a suggested contract for regular day workers, that is, those who work for an employer for three days, or less, each week.

THE relationship between employer and domestic worker has been formalised with the latter's recent inclusion in one of the main labour statutes — The Basic Conditions of Employment Act.

The term domestic worker includes a gardener, a person employed by a household as a driver, as well as one doing household chores.

While the new labour requirements do not make an employment contract compulsory, attorney Brian Bleazard of Werksmans advises that one be concluded as not only does it formalise the terms of the work relationship, but it also obviates the need for the employer to comply with certain procedural aspects of the Act, such as a daily record of time worked.

Bleazard has drawn up a suggested standard contract for regular day workers.

Minimum wage

He stresses that more favourable working conditions than those stated in the suggested contract can be negotiated by the parties, provided they comply with the Act.

The Act does not specify a minimum wage for any category of domestic worker, nor does it specify their day-to-day functions. These functions, he says, could be itemised in a separate job description, if felt necessary.

Different working requirements are stipulated in the Act for regular day workers, as opposed to live-in workers and non-live-in domestic workers who work more than three days a week (dealt with in the previous two issues.)

The regular day worker is permitted to work a maximum of 9¼ hours a day — any extra hours are overtime and to be paid at the stipulated rate of 1½ times the hourly rate. Overtime is restricted to a maximum of three hours a day with no more than 10 hours a week.

Regular day workers are entitled to be paid annual leave of one day for every 26 days worked for that employer. (This provsion differs markedly from the rules for other domestic workers.)

If any of the worker's specified working days falls on a public holiday (see list in contract) the employee is entitled to paid leave for that particular day.

Bleazard says he has included Soweto Day in the list of public holidays, even though it has not been proclaimed as such (for this year at least).

As regards sick leave, the maximum period permitted is calculated on the same basis as annual leave — one day for every 26 working days employed.

Although there is no notice period provided in the Act, for regular day workers (as opposed to the one month stipulated for other domestic workers), Bleazard says that in terms of common law, if the worker is paid weekly, then a week's notice is required.

Certificate

Similarly a month's notice is required if the worker is paid on a monthly basis.

Furthermore, all domestic workers are entitled to a certificate of service on termination of employment, stating the full names of both parties, the period worked and the salary earned at the time of termination.

Bleazard notes that domestic workers are not yet included in the Labour Relations Act, which would permit them access to the Industrial Court in the event of a dispute.

18/6/94

SUGGESTED CONTRACT FOR A REGULAR DAY WORKER (ie an employee who works for 3 days or less a week)

between.....
(Insert name of employer)
"the employer" and

.....
(Insert name of employee)
"the employee"

1. DAYS AND HOURS OF WORK

(Maximum number of ordinary working hours to be worked on each day – 9¼)

The employee undertakes to work for the employer for the following hours on the following days of each week: .....

.....
(Stipulate days and hours – not more than 3 days per week)

e.g. Monday .....to.....

Wednesday.....to.....

Friday.....to.....

(meal intervals shall not be included in the computation of hours worked.)

2. SALARY

The employer shall pay to the employee a cash amount of R..... per week/month payable in arrears on the last working day of the week/month. (Delete which is inapplicable.)

3. OVERTIME

The employee undertakes to work no more than 3 hours overtime per day when required by the employer upon reasonable notice to do so, provided that the maximum overtime worked by the employee in any week shall not exceed 10 hours. The rate for overtime shall be calculated at 1⅓ times the hourly rate of pay.

4. WORK ON SUNDAYS

If the employee works on a Sunday for 4 hours or less he/she wll be paid not less than a day's pay. If the employee has worked longer he/she will be paid either:

4.1 his/her salary for two days or at double his/her rate of pay for the whole time worked whichever is the greater; or

4.2 be paid 1⅓ normal pay rate for the whole time worked and be granted one day's leave on full pay within 7 days of such Sunday.

5. PUBLIC HOLIDAYS

If any of the public holidays referred to below falls on a day which is an ordinary working day for the employee, the employee shall be entitled to paid leave for that particular holiday.

The public holidays are:

New Years Day	Good Friday
Workers' Day	Soweto Day
Ascension Day	Republic Day
The Day of the Vow	Christmas Day

If the employee works on any of the public holidays referred to above he/she shall be paid either:

5.1 double his/her normal rate of pay; or

5.2 1⅓ his/her normal pay and the employee shall be entitled to a day's leave within 7 days of working on that particular holiday.

6. MEAL INTERVALS

The employee shall be granted a ½ hour lunch break after not more than 5 hours' work on any day that he/she works.

7. LEAVE

The employer shall be granted 1 working day's leave of absence on full pay in respect of every 26 working days for which he/she has been employed by the employer.

8. SICK LEAVE

The employee shall grant the employee who is absent from work through incapacity, one working day's sick leave on full pay in respect of every 26 working days for which he/she has been employed by such employer.

9. NOTICE

The employer or the employee shall give the other one week's/month's written notice to terminate this agreement which notice must be given on or before the 1st day of such week/month. (Delete which is unapplicable – one week's notice if employee is paid every week alternatively one month's notice if paid monthly.)

Signed at .....on.....1994

.....
(Name of Employer)

Signed at .....on.....1994

.....
(Name of Employee)

(The employee acknowledges that this agreement has been interpreted into his/her vernacular language

namely.....

by .....on .....

and that he/she understands the contents hereof.) (Delete if not applicable).

Source: WERKSMANS

MILKING THE MAIDS?

Bravo, Nomsa Manaka!

By SANDILE MEMELA

CHOREOGRAPHER-dancer Nomsa Manaka, who has played a lively role during the past decade in bringing township dance into the mainstream, will be honoured today at an invitation-only function in Braamfontein.

Manaka will be presented with the Johnnie Walker Black Label Achievement Award during the ceremony which will also feature dance performances choreographed by Moeketsi Koena, Collin Hlatshwayo and Adele Blank, among others.

Manaka has absorbed various dance forms into her movements and physical expression including "pantsula", jazz, modern, pan-African and ballet to emerge with a new style.

Local scene

In fact, since the launch of her Soyikwa Pan African Dance in 1986 Manaka has held definite ideas about how to integrate African dance into the local scene.

Thus Manaka is one of the few choreographers who has managed to come up with a



By KHANGALE MAKHADO

SOUTH Africans used to renting cars, videos and television sets are getting used to a new concept: Rent-a-Maid.

Operating from right-wing Rustenburg, an agency has introduced a scheme which specialises in recruiting black domestic workers (maids and gardeners) for the mainly white community in the town.

The company gets half the total amount paid by the employer. Workers employed through the agency also complain that the deductions are in addition to the R3 a month they paid while waiting to be placed in jobs.

Although Rent-a-Maid has been heavily criticised by blacks in the area for placing emphasis on the race of their recruits and of exploiting them, co-owners Petro Geissler and Mariana McDougall have vowed to continue.

John Ditsi of Mogwase believes Rent-a-Maid takes advantage of black people's poverty. He says the renting system is unprofessional and open to exploitation and he accuses the agency's owners of depriving the workers of a decent wage.

Its directors disagree. "Firstly, I would like to point out that our company is not racist and we are helping black people because all personnel agencies in our area are for whites and we believe it is only fair for black people to be assisted," said Geissler.

She said the money Rent-a-Maid deducted was to cover administration costs, including transportation costs for part-time recruits, maintenance of the waiting rooms and telephone bills. "While we are making money this is a very tough job as we have to monitor on a daily basis over 700 recruits and employers to ensure that they comply with the Labour Relations Act. People should realise that once this is done their jobs will be protected."

She denied that the company deducted R110 from a monthly wage of R250 for permanent domestic workers, insisting that deductions were negotiated separately from wages. Geissler said Rent-a-Maid did not touch a cent from the wages of permanent recruits, and that the workers were protected because, through negotiations with employers, she managed to secure the best deals for "everyone of them".

Rent-a-Maid draws its labour from mining areas such as Phokeng, Marikana, Mankwe, Mogwase, Kanana, Bleskop and Boshoek and, according to Geissler, had become a sanctuary for hundreds of blacks who have been battling to earn a living.

However, a part-time worker who asked not to be named had a different perspective on the agency. "The bosses pay about R30 a day for the work that we do, and Geissler only gives us half that amount. While we are grateful that she has helped us find employment we do not think it is fair to go halves at the end of the day."

The maids-for-hire concept started four years ago. While Geissler was working for another, whites-only, agency, she was approached by a domestic worker who pleaded for help. Geissler started phoning her contacts and the woman was employed. "The word soon spread and the agency had unemployed maids flocking. That was when we realised there was a market and never looked back. During peak periods were have about 400 job-seekers a week."



FOR HIRE ... Petro Geissler (left), domestics Elisabeth Petlele, Dinah Mohlaga, Emily Ntsundwane, Ruth Sennelo (far right) and employer Sue Evans.

■ Pic: TLADI KHUELE

Agency says it's not taking domestic workers to the cleaners

The worker whose salary outraged the president . . .

Sunday Times 21/8/94

WORKERS' lives at the president's home have taken a turn for the better since his inauguration.

Cleaners at the Presidensie in Pretoria paint a more friendly and caring picture of Mr Nelson Mandela than of his predecessor, Mr FW de Klerk.

Mr Mandela, or "tata" (father) as he is known, regularly chats to workers during his daily strolls on the estate. They say he is more concerned about their plight than Mr de Klerk ever was.

This week, Mr Mandela said he was outraged to learn that a mother of five

By LINDA RULASHE

working in his offical residence earned a "slave wage" of only R850 a month. The woman had worked for the Department of Public Works for 23 years.

Mr Mandela vowed to improve their circumstances. This week he had already taken steps. Workers are now being given meals at the Presidensie.

Mr Mandela's remarks were made in a speech at the Johannesburg opening of the "Anne Frank in the World" exhibition on Monday. They caused a flood of media inquiries about the woman, later identified as Mrs Nana Shongwe, 46.

Mrs Shongwe told the Sunday Times she started working as a cleaner at the Receiver of Revenue in 1969. (294)

In 1991, after working for the Public Works Department for 20 years, she was given a special certificate and R140.

"I don't even know what to do with the thing," she said.

Two years ago she started working at the Presidensie, cleaning the houses on the property of ministers Tertius Delport and Andre Fourie, before being transferred to the Presidensie.

"At least Mr Delport and Mr Fourie chatted to us. Mr Delport would read a few passages from the Bible before we began work in the morning. Both gave us Christmas presents at the end of the year.

"But the money was still too little."

Mrs Shongwe's basic salary at the time (1992) was R783,50.

She and her first husband struggled to make ends meet. Then he died in a car crash.

"I had to ask my mother, father or brothers for food. I also had to beg the furniture shops not to repossess my furniture."

With the help of her current husband's wage of R300 a week, they managed to get a bond for a three-bedroom house in Ikageng in Mamelodi.

"But with five children to support, we still struggle. The workers complained for a long time to De Klerk about their salaries and he said he'd fix it.

"But he didn't."

They hope their salaries will increase now that Mr Mandela is aware of their predicament.

The SA Domestic Workers' Union said it appreciated Mr Mandela's concern, but there were many domestic workers across the country earning not nearly as much as Mrs Shongwe.

Some existed on as little as R80 a month.

Sadwu general secretary Elsie Komako said while Mr Mandela's comments were valid, there were cases where domestic workers were being paid a "starvation wage".

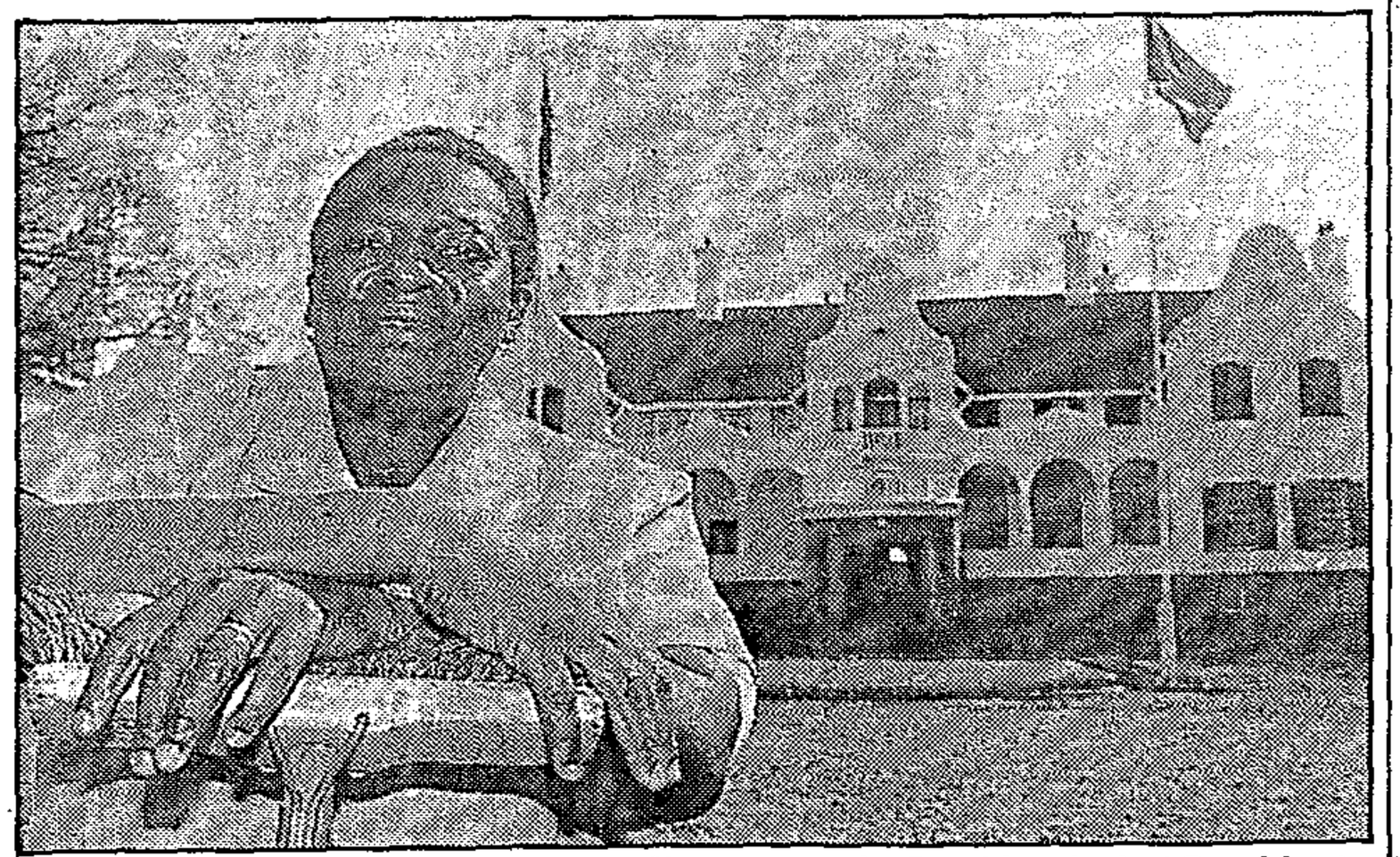
Employers tried to excuse low wages by putting an inflated value on accommodation and food, which they provided. They also deducted money from wages to pay for breakages.

Mrs Komako estimated the average salary of domestic workers in white suburbs at R700. She said wages were increased when the Basic Conditions of Employment Act was passed this year.

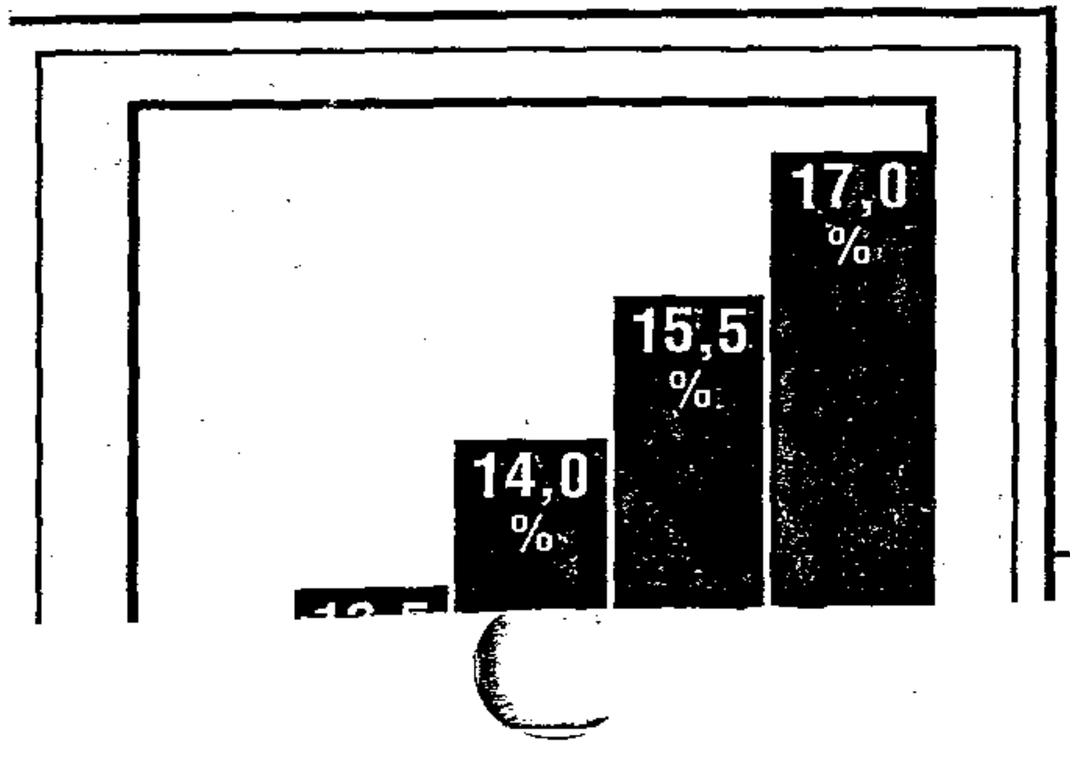
In some parts of the country salaries fell to R100, and even as low as R50.

She said there was no minimum wage. Sadwu recommended a minimum wage of R600 a month.

A 1991 survey by the Central Statistical Service found the average salary R364,20 in the Cape Peninsula, R310,91 on the Witwatersrand, R283,96 in Pretoria and R272,71 in Durban — but considerably lower outside the big cities.



LITTLE GLORY . . . for cleaner Nana Shongwe at the Presidensie, but President Mandela has promised to improve the lot of workers Picture: JOHN HRUSA



De Klerk censors book

□ From Page 1

lence.

At one meeting in March 1986, Mr Botha admitted he was a deeply worried and sad man who needed to find clarity over where the National Party and the country was going.

He asked whether the observing that negotiations with people who counted were on the rocks, he was nearly powerless because qualifications which accompanied change were suddenly allowed to lapse and there were fundamental differences between ministers about where the

Mr le Grange warned that the opening up of Parliament to blacks would mean "then we've had it, that's all" (*dan vaar ons in ons moer in, dis al*).

All of these points were censored or paraphrased into blandness.

Because the biography

Office cleaners protest

Sowetan 15/9/94

By Lulama Luti
Political Staff

OFFICE cleaner Phyllis Thusi knows what hardship is all about.

Thusi, a mother of three, is a sole breadwinner in a family of six. In addition to her children, she supports her mother and her sister who live with her in a three-roomed municipal house in Soweto.

She has been employed for 13 years by a Johannesburg office-cleaning company and earns a meagre R650 a month.

Thusi (46) pays the rent, electricity, food and clothing bills and she commutes to and from Johannesburg city by taxi.

"I can't even afford to buy a shack with this amount. Our house is small but there's nothing I can do — you can't buy a shack and still clothe and feed your children on R650," she said.

Thusi is also a senior official in the Johannesburg branch of the Transport and General Workers Union.

On Monday she joined about 1 000 other TGWU members in a march through Johannesburg to highlight the plight of office cleaners.

The marchers, who all live and work in similar conditions, handed a memorandum to the regional director of the Department of Labour.

Wage determination

The memorandum, addressed to Labour Minister Tito Mboweni, called on the Government to amend wage determination procedures in accordance with union recommendations.

The workers demands are:

- A minimum wage of R1 500 a month; (294) ~~R650~~
- A 40-hour week for all cleaners;
- Maternity leave of six months and paternity leave of two weeks;
- A review of the offered increase of between R50 and R56 a month;
- The banning of dangerous chemicals in the cleaning industry;
- The issuing of protective clothing;
- A national provident fund to which employers would be committed; and
- The start of meaningful talks between employers in the cleaning industry and the TGWU with a view to establishing an industrial council for the cleaning industry.

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Cleaners suspend strike for further negotiations

Star 20/9/94

■ BY JOVIAL RANTAO
LABOUR CORRESPONDENT

More than 4 000 general workers suspended their four-day-old strike and returned to work yesterday, following an agreement between the Transport and General Workers Union (TGWU) and employers to resume negotiations on September 28.

Boy Nethavhani, TGWU co-ordinator in the cleaning industry, said an agreement was reached with the National Contract Cleaners Association that workers would return to work until negotiations were completed.

The union's list of demands include:

+52
294

■ Cancellation of wage determination in the industry.
■ An annual bonus and 1½ times pay for overtime.
■ A 40 hour week for cleaners.
■ Restrictions on part-time and casual work.
■ Six months paid maternity leave and two weeks paid paternity leave with jobs guaranteed.
■ An end to deductions for uniforms, underpayment for overtime and Sunday work.
■ Banning of dangerous chemicals in the cleaning industry and proper protective clothing.

Threat to slick functioning of cleaning sector

□ Company refuses to sign accord

(294) AEG 12/10/94

ROGER FRIEDMAN
Labour Reporter

THE smooth functioning of the cleaning industry in the Western Cape could be jeopardised if one of the companies in the cleaning sector refuses to recognise the new industrial council, the Transport and General Workers' Union has warned.

The union represents the workers in the service of Cape Contract Cleaners who went on strike over wages last week — and a total of about 2 000 out of the estimated 3 500 workers in the industry.

Union organiser Thami Makeleni said yesterday that after a series of meetings with employers a constitution for an industrial council was signed last week.

Until now, minimum wages in the industry have been determined by proclamation in the Government Gazette and employers have stuck rigidly to the letter of the law. They said paying higher wages would price them out of the market.

But in terms of the agreement struck to set up the industrial council, minimum wages over and above government proclamation can be negotiated at industry-wide level.

Already employers have offered an 11 percent increase, compared to the 8,8 percent increase published in the gazette.

The union, in turn, has dropped its minimum wage demand from R1 500 to R1 200.

Mr Makeleni said at the final meeting last week between the union and employers that the union demanded "interim relief" of a 15 percent across-the-board wage increase. Employers will respond at a report-back later this month.

It had been agreed that all workers would return to work.

But, he said, there was one cleaning company which had refused to sign the agreement establishing the industrial council.

The same company insisted on disciplining seven workers for striking last week, whereas all other companies had agreed not to. The seven workers had been suspended pending their hearings.

Mr Makeleni said the other workers at this company refused to work yesterday and vowed to continue their stoppage until their colleagues were reinstated.

This company's reluctance to join the process was threatening to disrupt the entire industry, he said.

No minimum pay laid down for domestics

Star 15/10/94

IN JUNE, Your Money carried a series of articles on employment contracts for domestic workers.

We have since received many queries from readers wanting to know whether there is a statutory minimum wage for this category of worker. (293)

We put the question to attorney Brian Bleazard of Werksmans. He says: "Despite the fact that domestic workers have now been brought into formal labour legislation (that is, included in the Basic Conditions of Employment Act), no minimum wage legislation has been introduced for them.

"Various bodies, including the unions, issue press releases from time to time stipulating what they consider to be a 'living wage' for a particular area.

"These figures are guidelines only and are not prescribed by law."

However, this does not rule out the possibility that a minimum wage might be prescribed in future. In South Africa, wage regulation is supported by substantial legislation. The Wage Act, for example, provides for the establishment of a board to determine wages in a particular industry, in a particular area. (294)

"Similarly, there are a number of industrial councils, established in terms of the Labour Relations Act, which govern the wages and other conditions of employment in a particular industry," says Bleazard.

An industrial council is made up of employer and employee representatives. If agreement is not reached at the industrial council, all the employees in the industry which fall under the umbrella of that council may seek to go on strike to force the employer body to increase its wage offer, says Bleazard. An example of this was the recent strike by motor vehicle manufacturers' employees.

"However, the whole question of wage-regulating measures has become problematic. In order to com pete globally, wage rates in a particular industry must be competitive and related to productivity.

"The rigid and many classifications of job categories in terms of the wage-regulating measures in South Africa are not only cumbersome and difficult to administer, but also tend to inhibit employment rather than create it."

John Spira is away for three weeks. He will resume his column, In Style on the JSE, on his return.

Angry domestics let down by government

ANC promised to help us — but where is their assistance now?

(294)

Arg 18/10/94

ROGER FRIEDMAN
Labour Reporter

DOMESTIC workers have been sold out by the new government and conditions of employment are worsening daily, officials of the Domestic Workers' Union said today.

It said that in Cape Town the trend was to import young girls from the rural areas and pay them as little as possible. In Johannesburg, live-in workers were paid as little as R80 a month.

And in spite of many domestic workers having voted for the African National Congress, the government had done nothing to address their "terrible" working conditions and exploitation, union general secretary Florence de Villiers said.

She said the worst-paid domestic servants in the Cape were those employed in Sea Point, some of whom earned less than R120 a month for full-time work.

She attends regional meetings in Johannesburg each Saturday, usually attended by about 150 unhappy workers.

"It's pathetic. One worker said she asked for an increase ... only to be told by the employer that she would not be ruled by servants."

Workers with many years' experience were being dismissed at the drop of a hat and because they worked in isolation there was nobody to support them.

"Employers treat their workers like animals," said Mrs De Villiers.

Employers were insecure under a black government and constantly told workers to "go and tell President Mandela" of their problems, Mrs De Villiers said.

Union organiser in the PWV Selina Vilikazi said today domestic workers on the Rand had been "beaten up and dismissed left, right and centre", since the elections.

Mrs Vilikazi said domestic workers were "very angry" with the ANC.

"When it was voting time they were voted in by the domestic workers and they promised us assistance. Where is that assistance?"

She said that when domestic workers asked for an increase they were told to "go and ask Mandela for money or find another job".

"It's getting worse and worse, more and more workers are coming to us after being dismissed."

Mrs Vilikazi said part of the problem was the one-sided employment contracts drafted by employers in terms of the Basic Conditions of Employment Act.

"The employers don't sit down and explain things to their mostly illiterate workers. Instead of sending the workers to us for advice they pressure them to sign."

She called for a standard national contract of employment for all domestic workers.

The Argus Foreign Service reports from Washington the plight of domestic workers was highlighted in a front page article in the New York Times today.

The Times reported: "In the months since South Africa's humblest workers went to the polls, many defying their employers to vote for Nelson Mandela, life has changed little for the people who form the human scaffolding of South Africa's white elite."

Humblest workers forgotten

294 24/10/94

'South African Government sells out domestic workers ...' declares a recent headline.

Only months after going to the polls for the first time in their lives, South Africa's vulnerable domestic labour force has not had its plight addressed by the new democratic government, according to the South African Domestic Workers Union (Sadwu).

The Government's ability to secure worker and human rights for the more than one million strong domestic work force has been under scrutiny internationally.

In the United States, newspapers recently carried headlines such as "Government sells out domestic workers", highlighting the appalling work and living conditions of South Africa's domestic workers.

Ignored

The New York Times reported on its front page that labour laws passed by the old government to protect domestics were largely being ignored because the new Government was not enforcing them, and because domestics lived in isolation and fear of losing their jobs.

According to the article: "In the months since South Africa's humblest workers went to the polls for the first time, many defying their employers to vote for Nelson Mandela, life has changed little for the people who form the human scaffolding of South Africa's white elite."

Sadwu official Selina Vilakazi says conditions may even be worse now for domestic workers than before the elections.

Vilakazi says a number of domestics, when asking for a raise for example, have been told to "go and ask Mandela", by angry employers.

She believes "it's revenge, (the employers) are trying to show us they do not recognise (Mandela)".

The union says before and during the election period, many domestics were also subjected to pressure by their employers, who tried to force them to vote for the National Party in the election. In some instances, workers were fired for refusing to do so.

According to human rights lawyers, cases have been reported where domestic workers were "not permitted to leave the premises without the permission of the boss or else they are sometimes beaten, raped or killed".

Vilakazi says domestic workers are "very angry" with the ANC: "When it was voting time, they were voted in by the domestic workers and promised us assistance."

These promises had not been kept, she added.

Vilakazi also detailed the harsh working conditions of some domestics that had been brought to Sadwu's attention. In one case, a woman had worked "10 straight years without a day off and was being dismissed after asking for a day to herself".

Many work Sunday to Sunday with indefinite hours. Some only get a few hours off every Thursday.

Vilikazi adds that part of the problem is the one-sided employment contracts drafted by employers in terms of the Basic Conditions of Employment Act.

"The employers do not sit down and explain things to their mostly illiterate workers. Instead of sending the workers to us for advice they pressure them to sign," she said.

Often, she says, this resulted in employers "writing whatever suits them, like that their domestic worker must now clean the pool and mow the lawn".

The union is calling for a standard national contract of employment for all domestic workers.

Leftovers

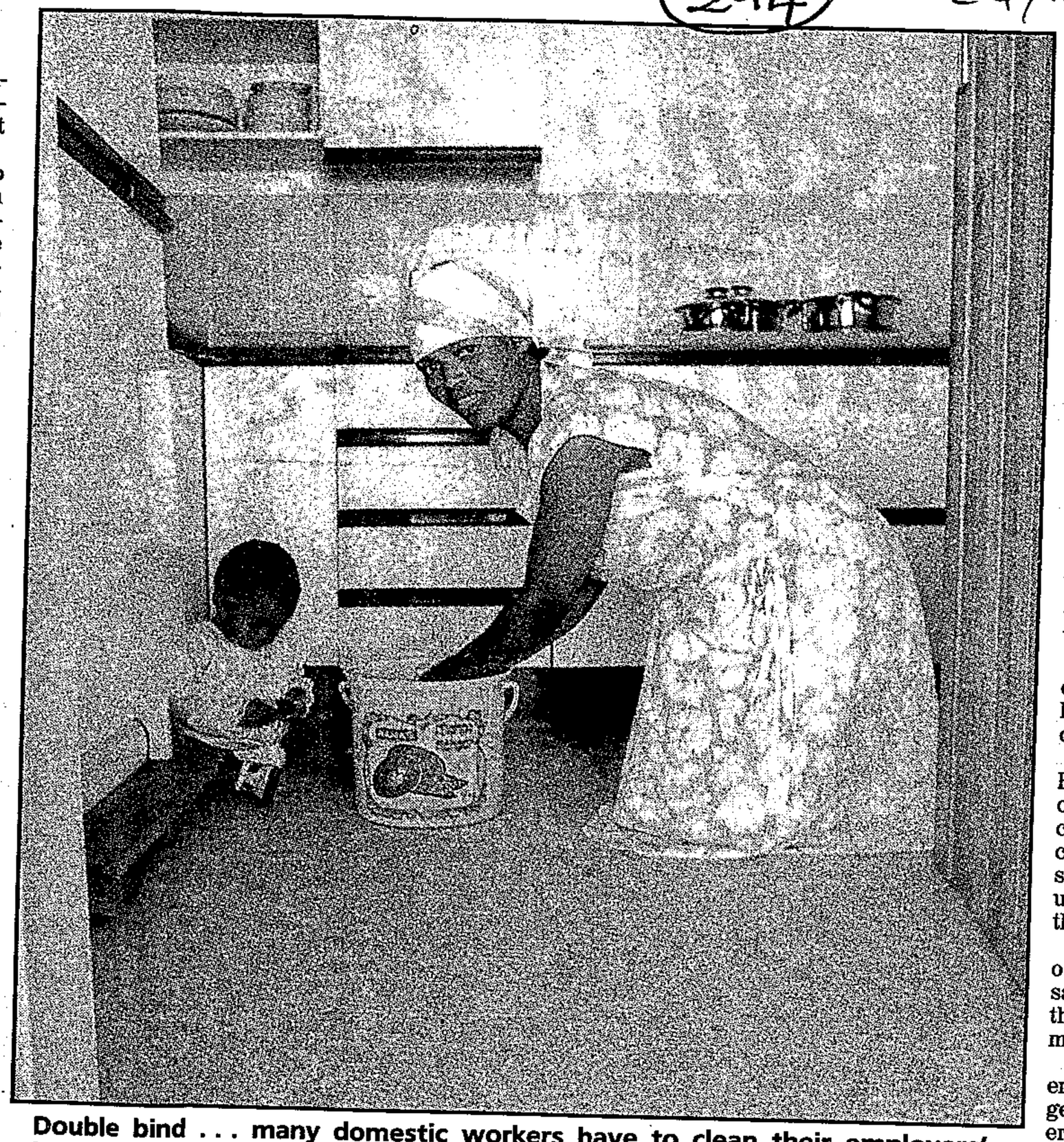
It says in many cases domestics "usually eat the family's leftovers and live free of charge in a tiny back room".

Some are paid as little as R80 a month. They use most of their wages for feeding and clothing children and grandchildren they have had to send to relatives as they are usually not allowed to keep their children with them.

Most domestics go home once a year at Christmas, says Vilakazi, "and hope that the youngest children will remember them".

Sadwu says the new Government has responded only generally to domestic workers' plight, by offering the Reconstruction and Development Programme as the solution to the country's problems.

BEATHUR BAKER



Double bind ... many domestic workers have to clean their employers' homes and mother their children at the same time.

TOMORROW

Complaints abound about high-handed Johannesburg sheriffs of the court

Booklet offers help

Many employers are still unaware of domestic workers' rights, as contained in the new law.

Matthew Grosset, a lecturer in Business Economics at the University of the Witwatersrand, has compiled a compact booklet for domestics and their employers, called *Your Domestic And The Law* (Southern Books).

It includes recent legislation and gives an outline of what an employment contract should include.

Taking into consideration the rights and needs of both employer and the domestic, Grosset examines issues such as prescribed hours of work, leave, overtime, payment, conditions of work and duties.

He also says conflict between worker and employee is inevitable in any work situation, and deals with this in a chapter on discipline and conduct.

He also outlines, in accordance with the Basic Conditions of Employment Act (BCEA), the legal procedures for dealing with a breach of contract or termination of service, and deals with the controversial issue of "payment in kind".

He also guides employers on how to draft a certificate of service for their employee, something without which many domestics are unable to find employment.

This is also a requirement stipulated in the BCEA.

Grosset has also set up a helpline. Anyone with questions or inquiries can telephone (011) 716-5206.

24/10/94

TRENDS

E

Basic Conditions of Employment Act

The Basic Conditions of Employment Act (BCEA) governs the employment of domestic workers.

Employers are required, through a contract drawn up with their domestic workers' agreement, to:

- Observe prescribed hours of work, overtime regulations, meal intervals, agreed renumeration, safe working conditions, annual and sick leave, provide a certificate of service and observe public holidays.

Domestics, after signing a contract, are required to:

- Enter and remain in service, maintain a reasonable efficiency, further their employers' interests, display reasonable respectfulness and obedience, and refrain from misconduct.

A new provision introduced by the Minister of Manpower is for inspectors to visit domestic workers' places of employment. These inspectors may check the premises at reasonable times and inspect documents relating to the employment of a domestic worker, such as pay slips or overtime records.

Provision is also made for both employers and domestics to lodge a formal complaint with the authorities.

Suzman hits at US claims on domestics

ARG 26/10/94 (294)

□ Paper's article 'offends honest journalism'

PETER FABRICIUS
Washington Bureau

WASHINGTON. — Former MP and civil rights advocate Helen Suzman has complained to the New York Times about a recent, front-page article which said that the life of domestic servants was, if anything, getting harder in the new South Africa.

The article "offends honest journalism", Mrs Suzman said in a letter to the newpaper's editor. "Most employers in South Africa treat their live-in domestics with consideration."

The original article cited examples such as a domestic who worked seven days a week without leave and was fired for requesting a day off and another who was dismissed because she voted for the ANC.

The article said that domestics had been given some legal protection at the end of the old government's tenure but that these laws were not being effectively enforced by the new government because it was preoccupied with creating new jobs through its reconstruction and development programme.



Helen Suzman

Mrs Suzman, who has been in America on a lecture tour, wrote that the New York Times article "cannot be allowed to go unchallenged".

She added: "Certainly there are many employers in South Africa who underpay and overwork their domestics, as in every country where supply of such employees exceeds demand.

"But to depict this as the norm and supply absurd examples offends honest journalism. South African domestics are not slaves. No doubt, some employers did put pressure on their employees not to vote for Nelson Mandela in last April's election, but his landslide victory gives the lie to the extent and effectiveness of such pressure.

"Most employers in South Africa treat their live-in domestics with consideration. Weekly half-days and alternate Sundays are accepted minimum 'off-times', and so are paid, annual holidays.

"Many employers assist their domestics to educate their children, especially as there are a great number of one-parent families. Many domestics are regarded as members of the families for whom they have worked for years."

Trained to be maid for success

294

CT 29/10/94

Staff Reporter

THE first domestic workers training course, enabling successful participants to earn between R650 and R950 a month, was completed in Woodstock yesterday.

Students of the Domestic Workers' Association Training Centre (DWATC) in Woodstock will receive diplomas today after successfully completing the three-month course.

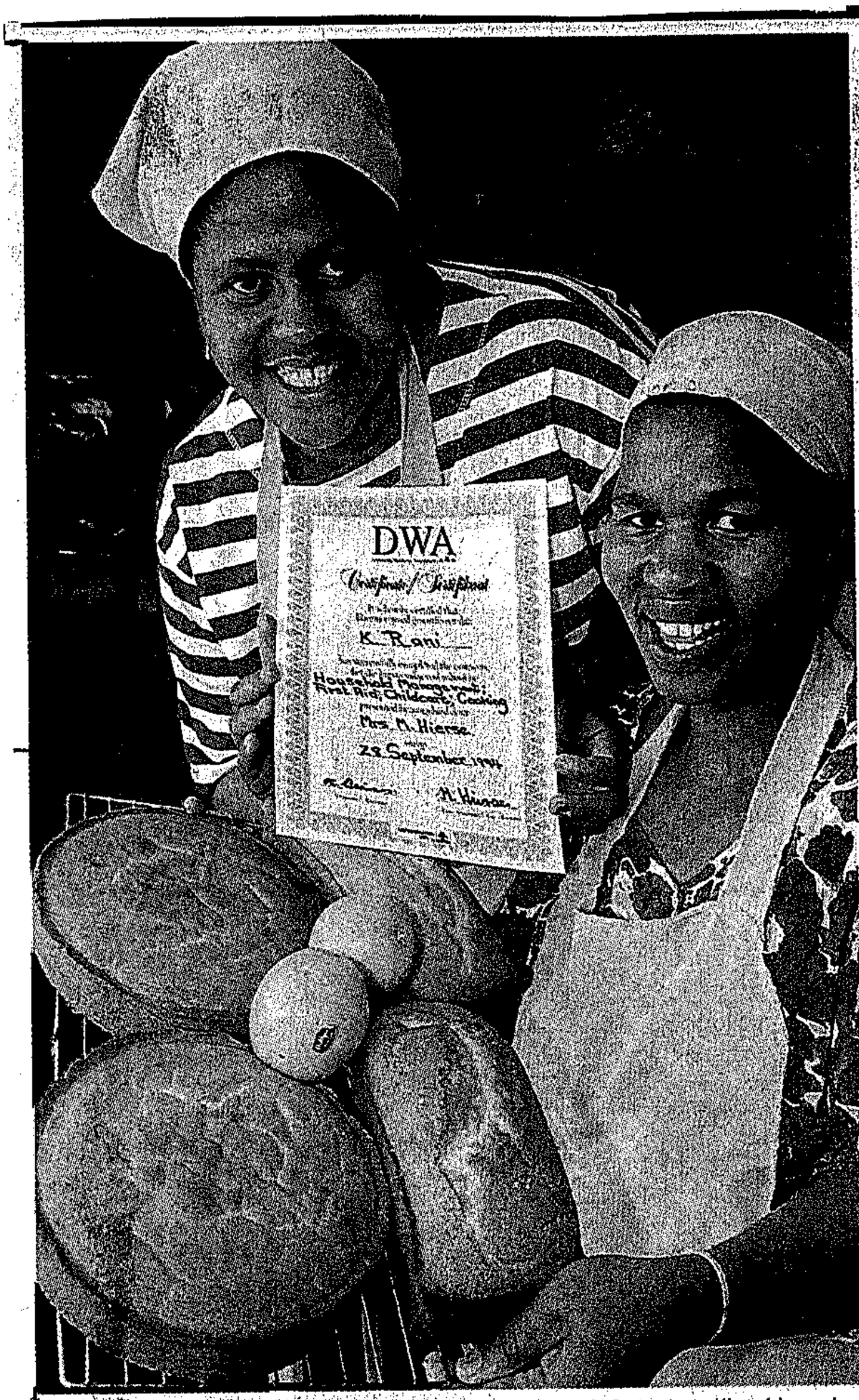
"Some domestic workers earn less than R300 a month, but after doing this course they should be able to earn more," said DWATC chairwoman Mrs Maggie Oewies.

The 49 unemployed women were taught basic housekeeping skills as well as first aid, childcare, basic cooking, sewing and pattern-making during the three months at the centre.

Mrs Oewies said students completing the course successfully should be able to earn between R650 and R950 a month because of the skills they had acquired on the course.

She says they will automatically belong to the Domestic Workers' Association once they are employed.

The course — sponsored by a number of major companies — is a first for the Cape, and will open its doors to new students early next year.



SUPERMAID ... Miss Lorraine Mlambo, 23, of Guguletu (back) and Miss Gloria Mpampa, 30, of Philippi proudly display the cakes they helped bake and the diploma they will get today, after completing a three-month domestic worker's course at the Domestic Workers' Association Training School in Woodstock. Picture: BENNY GOOL