

UJ Sociology, Anthropology & Development Studies

W E D N E S D A Y

S E M I N A R

Hosted by the Department of Sociology and the
Department of Anthropology & Development Studies



Meeting no 12/2016

To be held at 15h30 on Wednesday, 11 May 2016,
in C-Ring 315, UJ Kingsway campus

**DOMESTIC WORKERS AND SOCIAL SECURITY POLICY:
IMPLICATIONS FOR PRACTICE**

- Draft in progress. Do not copy or cite without authors' permission -

Ms Boitumelo Seepamore

Department of Social Work, University of KwaZulu Natal

- Programme and other information online at www.uj.ac.za/sociology -

DOMESTIC WORKERS AND SOCIAL SECURITY POLICY: IMPLICATIONS FOR PRACTICE

Abstract

South Africa ratified the ILO convention 189 concerning decent work for domestic workers in 2013, two years after its adoption in Geneva in June 2011. The inclusion of domestic workers into the formal economy took place in 1997 in South Africa, and since then domestic workers had access to benefits that other formally employed persons enjoyed. However, the domestic work sector has its own challenges ranging from exploitation to lack of regulation. The working conditions of domestic workers at household level seems not to have changed much since apartheid South Africa despite legal interventions, however there have been some improvements particularly in the payment of minimum wage, working hours and employment contracts. Social security has a preventive, palliative and preservative function which can be seen in the form of UIF, minimum wage, social grants and mutual aid societies.

Introduction

International trends in care work are mirrored in local communities. Just as the international migration of care workers from the Global South to the Global North have shifted (Parrenas, 2001), so has care work moved from rural to urban areas, from disadvantaged to affluent communities. Changed living and working conditions, aging populations, traditional gender roles and an overall decline in the provision of social welfare services contribute to an increasing demand for domestic workers worldwide (Visel, 2013). Since colonial rule in South Africa, women have historically been employed in domestic service as servants, wet nurses, seamstresses or child rearers, while men were butlers and cooks (Gaitskell, 1984). However, a neoliberal South Africa experiences what other countries in the developing world are facing, casual labour and a divided and weakened workforce (Sewpaul, 2014; Triegaardt, 2009). Coupled with this are high levels of poverty and increased consumption needs which facilitate the need for migrant labour. For many black women domestic work is a normal point of entry into the labour market (Dinkelman & Ranchhod, 2012).

Because domestic work involves the performance of menial jobs such as cleaning after other people, laundering dirty clothes, preparing meals for others, caring for employers, their children or pets (Du Toit, 2010; Ally, 2009), it generally has low status in society. Lack of skills, low levels of education, high unemployment rates and power dynamics, further add to the vulnerability of domestic workers, who are often oppressed and exploited (Dinat & Pederby, 2007). This exploitation is along the lines of gender, race and social class (Donald & Mahlatji, 2012; Cock, 1989). As a result of this sector being dominated by women, who are usually black and poor, common stereotypes about gender and race are entrenched. The nature of domestic work, being regarded as women's work in private households perpetuates their invisibility and value in society (Donald & Mahlatji, 2006; Fish, 2006; Bosch & McLeod, 2015). Cock (2011). In order to contextualize this paper, it begins with an analysis of formal social security and social insurance in relation to domestic workers. The impact of minimum wage, and state social security are discussed. This is followed by a discussion around informal social security measures such as family and mutual aid association, and finally, recommendations for practice are made.

Despite being a middle-income country which is "widely praised for the coverage, generosity and efficiency of its social protection system" (Devereux, 2011), structural poverty is endemic in South Africa with a human development index of 0.683 in 2013. By 2015 over 23 million

people or 45.5% of the population lived in poverty in South Africa. Although about 16 million South Africans have access to social assistance, some 7 million of poor people do not have access to any form of formal social security. Even though South Africa has a well-developed social security system, the application process for state social security is cumbersome. Some of the documentation required such as birth certificates and Identity documents, clinic cards or proof of disability or income, are not always available, hence communities, including domestic workers rely on systems that they know best, which are informal in nature.

The low status of domestic workers makes them vulnerable, this sector is still regarded as informal in many parts of the world. The adoption of the International Labour Organisation (ILO) Convention Concerning Decent Work for Domestic Workers, gave attention to the working conditions of domestic workers at an international level (Visel, 2013). The aim of which was to improve their working conditions, wages, hours of work, access to social security and the freedom of association (ILO, 2013). This legally binding convention paved the way for domestic employment to be regulated and to protect people employed in unregulated or informal employment relationships worldwide. Informal employment is defined by the ILO as "...all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered – by formal arrangements" (ILO, 2002:48) such as domestic work. The adoption of this convention came into effect in September 2013 and focuses specifically on domestic workers. It is estimated that there are 53 million domestic workers globally (ILO convention 189, 2011), and in South Africa, there are about 1 million domestic workers (Cosatu, 2011), the largest employment sector for black women. It is worth noting that the formalization of this sector in South Africa took place in 2002, nine years before the ILO convention. The Labour Relations Act 75 of 1997, amended in 2002 to accommodate Sectoral Determination 7: Domestic Workers (SD7), by clearly indicating minimum wage, the employment and dismissal of employees, hours of work and conditions of employment (Mbatha, 2003). The recognition of domestic workers as employees meant that they could access employee-related benefits and have some level of social security. Under SD7 domestic workers are persons employed in private homes as gardeners, nannies, domestic drivers and those who look after children, or the elderly and sick. In terms of SD7 domestic workers therefore they have access to some employee related social security, just like other formally employed persons.

By adopting a neoliberal economic strategy, South Africa has also experienced what other countries in the developing world are witnessing - casual labour, and a divided and weakened workforce (Sewpaul, 2014; Triegaardt, 2009). The Growth, Employment and Redistribution (GEAR) policy was expected to have massive economic spin-offs, with over 1.3 million jobs created per annum and exponential economic growth foreseen, these have not materialized. Instead foreign debt seems to be serviced at the expense of citizens' welfare (Padayachee, 2005; Ferguson, 2007). The trickle-down effect that was envisaged to spread to all communities as a result of a positive economy seems to have failed as over 5.2 million people are unemployed (Statsa, 2014) and this figure keeps rising. Women generally dominant both the informal sector and low paying jobs such as domestic work, street trading and farm work. Despite unionisation and changes in labour law, there is still a need for regulation of this sector (Bothma & Campher, 2003; Hertz, 2004, Matjeke et al., 2012, Mbatha, 2003, Cosatu, 2001). The workplace of a domestic worker is someone else's private residence, therefore access to this workplace may be limited. Whether in response to a complaint or in the execution of their work, labour inspectors may be prevented entry from

entering private properties (Du Toit, 2010). This imposition or intrusion has the potential to severely affect the employer-employee relationship (Magwaza, 2008), and possibly lead to dismissal.

As in apartheid South Africa (Cock, 1989), the oppression and exploitation of domestic workers continues (Donald & Mahlatji, 2006; Ally 2008, 2011; Fish, 2006; Ginsburg, 2000; Bothma & Campher, 2003). In terms of the conditions faced by domestic workers in the workplace, it seems that not much has changed since the 1980 seminal work of Cock. Domestic workers still face exploitation in the workplace, their remuneration is not monitored and many dread challenging their employers for fear of losing their jobs. Power is no longer only race-based, but also class-based with the rise of the black middle class (Patel, 2012; Dilata, 2010). The provision in SD7 for the negotiation of overtime, night work and standby duty between domestic workers and their employers is difficult to implement if the working relationship is asymmetrical from the beginning (Magwaza, 2008). Low levels of education and self-confidence on the part of workers may render these provisions meaningless especially in an oppressive or paternalistic working relationship. Ginsburg (2000) and Ally (2009) point out that for live-in domestic workers, the lines between normal working hours and overtime are often blurred therefore making them more vulnerable to exploitation, out of the public eye. For live-out domestic workers, it is easier to determine overtime as they have clear clock-in and clock-out times. Starting with the nomenclature around social security, state social security and social insurance are discussed.

Nomenclature

The lack of consensus on the nomenclature around different forms of social security abounds, with a distinction made between formal and informal forms of social security. Patel, Kaseke & Midgley (2012:14) point out that while on the one hand formal social security is referred to as "social assistance, social insurance, and social welfare", researchers, development workers, and policy makers also refer to it as "economic security, income security, income protection, income transfers, cash transfers, transfer payment, welfare". On the other hand, indigenous social security is referred to as "traditional, informal or non-formal" (Midgley, 2013). Just by the lack of clarity regarding the basic definitions and terminology in this field, each interprets their work differently and increases the possibilities of responding to the same issue in a rather fragmented and duplicated fashion. Further, social security is usually associated with income protection and cash transfers and this is narrowly focused on income, however non-traditional forms such as commodity subsidies, food for work, minimum wages, and other provisions are normally disregarded (Midgley, 2012; Devereux, 2002). Standing (2007) cautions against summing up any form of social assistance as social security as these terms are not mutually exclusive, rather a distinction is made on the different dimensions of social security and social insurance.

Social insurance

Social insurance is inaccessible many people who are unemployed, and to those earning a poor wage due to its contributory nature. Employees end up depending on state-funded and administered non-contributory social security which, in many instances, is inadequate to meet their needs. Although some people are able to make private arrangements for social insurance, it is costly leading to a prioritisation of daily survival over saving for future risk (Malherbe, 2013). Standing (2007:513) refers to social insurance as 'a model of privilege'

mainly applicable to employed people who make monthly contributions to a state or private insurance fund. It is not accessible to the majority of people in sub-Saharan Africa in general, and South Africans in particular as a result of pervasive unemployment and high numbers of unregistered workers and casual employees. Social insurance seems more realistic in a vibrant economy with high levels of permanent, stable and well-paying jobs found in the developed countries. The high rate of unemployment, casual jobs and unregistered workers in South Africa (Sewpaul, 2014) make it inaccessible. Domestic workers who are registered may have access to the unemployment insurance fund (UIF) through the unemployment contribution Act of 2002 as a result of this sector being formalised.

Unemployment Insurance

Where non-contributory social security schemes exist such as in South Africa and other neighbouring countries such as Botswana, Swaziland, Namibia and Lesotho (Chitonge, 2012), there are means-tested and targeted social assistance programmes. In South Africa various social grants exist which cover children, people with disabilities, older persons, war veterans, and those undergoing crises such as fire or floods. Income protection in the form of social insurance is usually accessible to those who are formally employed through their contributions to the UIF (Malherbe, 2013). The UIF cannot sufficiently meet the numerous needs of beneficiaries as it is payable for a limited time only, and therefore a temporary measure. Private insurance schemes usually have very high premiums, therefore loss of income from injury, death or short term events such as maternity may lead families to destitution (Midgley, 2012). As formally recognised employees, domestic workers have some access to social insurance. Recognition as employees cannot be taken for granted. This process is perhaps a watershed moment in the history of the unions particularly when, together with other NGOs, they pushed for the inclusion of domestic workers in the UIF through the gender monitoring and advocacy coalition (Ally, 2008; Fish, 2006).

The end of apartheid was a turning point for South Africans and domestic workers also benefited somewhat from the new dispensation. The new democratic government emerged as a caring and responsive partner which took decisive action regarding the demands of domestic workers. Three years into the new administration, the Basic Conditions of Employment Act 75 of 1997 (BCEA) were amended to cover domestic workers (Mbatha, 2003), and in 2002 Sectoral Determination 7: Domestic Work (SD7) was promulgated. This change in legislation meant that domestic work was formalised and workers in this sector could access the benefits that other employees enjoyed. Following formalisation, other gains were made such as inclusion into the Unemployment Insurance Act 63 of 2001, the Unemployment Contribution Act 4 (2002) which also makes it mandatory for both employers and employees to contribute to the Unemployment Insurance Fund (UIF) and also most importantly, regulation of the working conditions of domestic workers, their remuneration, leave entitlements, and the termination of employment process (Mbatha, 2003).

Although SD7 covers all domestic workers, it distinguishes between full-time and part-time domestic workers, the former being those who work for 27 hours or more per week, and the latter being those who work less than 27 hours per week for the same employer (Matjeke, Viljoen & Blaauw, 2012). Those who do hourly or daily work for several different employers, such as chars and dailies, are still regarded as casual employees. Although they are covered by the Labour Relations Act (Fish, 2006), their part time status makes them unable to claim UIF and other related benefits.

Full time domestic workers can also claim UIF payments in cases of long term or temporary inability to work such as illness (s20), maternity (s 24), adoption (s27), and unemployment (s16). It is disappointing to note that of the estimated 1 million domestic workers in South Africa, only 323 600 (20%) were registered for UIF by 2011 (Malherbe, 2013). The possible reasons for this low number could be a lack of compliance with the provisions of SD7 or the high number of part time domestic workers, however the reasons are subject to debate. Compliance with the provisions of SD7 implies that those who are not registered employees cannot access the related benefits should social risks occur. Casual employment does not have benefits at retirement or incapacitation, this implies that these workers will have an income as long as they are able to work. For those reaching retirement age in the absence of private savings, the only available alternative is application for the state old age pension under section 27(1)(c) of the South African Constitution, or they may fall back into informal social security measures, such as family or mutual aid associations. These will be discussed later.

Occupational Injuries and Diseases Act (COIDA)

In line with the provisions of the ILO convention on decent work for domestic workers, one of the four strategies of the decent work agenda includes the promotion and inclusion of a safe working environment (Visel, 2013). Domestic workers in private households are "expressly excluded from the scope of COIDA" (Malherbe, 2013:124) as their work is not seen as hazardous, however they are covered by the Occupational Health and Safety Act to the extent that they can prove employer negligence. This is problematic as domestic workers are "exactly the type of vulnerable employees who cannot afford litigation against their employers" (Malherbe, 2014). Although litigation has the potential to sever the employment relationship, it is also expensive and time consuming.

Minimum wage

A usually overlooked non-traditional form of social security is minimum wage, which is one way of investing in people and transforming the lives of the poor without much government spending (Midgley, 2012). Its transformative function (Devereux, 2011; Chitonge, 2012) can, in the long-term respond effectively to chronic poverty. One of the functions of SD7 is to regulate minimum wage, this is reviewed annually with effect from 1 December. Minimum wage is determined by geographic location, domestic workers who work for over 27 hours per week for one employer, living in the area A category (mostly urban areas) should earn an hourly rate of R11.44, or R514.82 per 45 hour week or a monthly rate of R2 230.70 (Department of Labour, 2015). The rate is slightly lower in Area B (mostly rural areas) where the hourly rate is R 10.23, R 460.15 per week or R1 993.82 per month. This is not a living wage, considering that in order to qualify for a social grant, each person has to earn less than R3 000 per month. In their study of the impact of minimum wages for domestic workers, Blaauw & Bothma (2010) found an increase in wage earnings, as a result of SD7 implementation. In addition, there were other benefits such as the formal registration of employees with the Department Of Labour and having written contracts for domestic workers. Overall real wages, average monthly earnings, and total earnings of all employed domestic workers have risen since as a result of the implementation of SD 7 (Hertz, 2005). Although full time domestic workers receive higher wages and enjoy better working conditions, the number of domestic workers in full time employment has decreased (Hertz, 2005). There is also a marked increase in the number of part time domestic workers, which

may be attributed to the higher wages earned by those working for one employer per week (Blaauw & Bothma, 2010) instead of working for only one employer all month. The problem with determining a blanket minimum wage, based on geographic location, is that it may exacerbate the exploitation of workers. By expecting workers to do more work in less time (Blaauw & Bothma, 2010) and not allowing for adequate time to rest. The skills and experience of the domestic worker are also not taken into consideration, this continues to place domestic workers at a disadvantage. It is important to delve into a discussion on the colonial practice of 'payment in kind' as it is pervasive in the domestic worker sector.

Giving domestic workers food and accommodation, and paying for dependent children's school fees or fostering domestic workers' children as part of remuneration is exploitative, demeaning and paternalistic (Cock, 1980). However, having been in long-term, intimate and paternalistic relations, this exploitation and oppression is normalised. Bosch & McLeod (2015) distinguish between paternalism and maternalism. Maternalism is associated with warmth, nurturing and mentorship. However, there are asymmetrical power dynamics where the employer is like a mother and the domestic worker her child who needs guidance and assistance, which further affirms the employer's superiority over her employee (King, 2007; Jacobs et al., 2013). In the apartheid era, the relationship between domestic workers and their employers was often paternalistic, a term which is associated with colonialism, power and control (Bosch & McLeod, 2015) and can disguise oppression as concern and/or protection of the domestic worker by her employer. This perceived situation of care, protection and affection may also discourage enforcement of legal rights (Jacobs *et al.*, 2013; Cock, 1989). The lack of clarity on the part of domestic workers regarding gifts and 'payments in kind' (Blaauw & Bothma, 2010) exacerbates their exploitation. Jacobs, Macinon & Durrheim (2013) highlight that 'payment in kind' is provided for in SD7, by being clearly stipulated in the employment contract, together with the value of the 'payment in kind'. The payment of food, clothing, pensions, transport costs, unwanted household items, leftovers, medical care in addition to minimum wage (Jacobs, et al., 2013) is often construed as gifts and fosters a feeling of loyalty and gratitude. This keeps the employer-employee relationship tipped in the direction of the employer, thereby enforcing unequal power relations. Although these 'benefits' should be stipulated in the employment contract, absence of a contract, this laborious administrative task may be a hindrance. Therefore the employment contract has to be clear and all gifts be declared as such, not as part of payment. Employees also need to earn a living wage and not have to depend on social security.

Social security

Political will, a vibrant civic culture and the historical provision of social assistance in South Africa (Devereux, 2011), ensures the continued provision of social security and a prioritisation of budget toward social assistance. In 2014 R 118 billion or 10% of the national budget was allocated for social assistance, and this figure has increased from R 129 billion in 2015/16 to R165 billion in 2018/19 (Mail and Guardian, 2016). Although the well-developed social security in South Africa is seen as a luxury and unique, this should not be the case (Midgley, 2012). It is not a luxury that only rich countries can afford or a drain on a country's resources (Holzmann, Sherburne-Bez & Tesliuc, 2003), but should rather be a government-led investment in its people, with the aim of social transformation and inclusion (Midgley, 2012; Standing, 2007). Arguments for a basic income grant (Taylor, 2002) and a social protection floor (Mpedi, 2008) have merit in developing countries particularly where a majority of workers are informally employed. The 2002 Taylor Commission of Inquiry, refers to a

comprehensive social protection encompassing more than just the traditional concept of social security (in the form of social grants) but also development strategies and programmes designed to ensure, collectively - a minimum acceptable living standard for all citizens (Devereux, 2011). In addition to formally recognised social security systems, there are also non-formal social security systems which have been operational since pre-colonial times and these include family/kin, community support networks from neighbours and chiefs, mutual aid associations commonly referred to as ROSCAs (Mupedziswa & Ntseane, 2013; Patel *et al.*, 2012; Biggart, 2001).

There are multiple goals to social security, Chitonge (2012) explains these in turn based on principles of prevention (pre-emptive), mitigation (palliative), coping (preservative) and promotion (transformative). Prevention aims to safeguard people from becoming vulnerable, that is, to reduce the occurrence of shocks and therefore putting proactive measures in place so that risks and shocks are reduced or not be severely felt. This social insurance measure may be contributory in nature and in South Africa there are both private and a public funds meant to ensure that workers continue to have an income such as the UIF discussed above.

Social relief of distress, payable over 3 months, and other social assistance measures which are put in place when disasters or crises occur, have a mitigate function. In South Africa this is often used in cases of floods, fires, (Triegaardt, 2009) and recently when there were xenophobic attacks on foreign nationals. The UIF and COIDA are also short-term. The UIF covers the employee for loss of income for as long as the employee has funds. COIDA may also be paid out as a lump sum or in tranches and may run out. Because of their short-term nature, social relief and income protection measures may act as a safety net for a limited period only. In the case of retirement, domestic workers may not be able to earn an income unless a comprehensive public retirement funding scheme is established. As with most people without any form of social assistance, they may turn to informal or indigenous social security measures. These include various family and community support as well as more structured forms such as mutual aid associations, burial societies and stokvels.

Indigenous Social security

locally arranged measures based on people's cultural beliefs and norms and are self-organised, self-regulating systems of both obligation and entitlement offering not only financial aid but also psychological and emotional support (Olivier, Kaseke & Mpedi, 2008; Mupedziswa & Ntseane, 2013, Mpedi, 2008). Unlike Olivier & Dekker (2003) who argues that non-formal social protection is the counterpart of formal initiatives, I concur with Patel *et al.* (2012 citing von Breda-Beckman and von Breda-Beckman, 1994) that simply placing formal and non-formal or traditional and modern categorisation of social networks in binary opposites is a gross oversimplification of the complex culturally institutionalised practices that characterise social welfare in many African countries. These systems have been put in place to support and care for the vulnerable and may vary according to situations of chronic or transient vulnerability. There are four general forms of non-formal social protection which may not always be available to those who need them for various reasons. These are family/kin, community support networks, mutual aid association and religiously mandated groups. This paper focuses mainly on mutual aid associations.

Family and kin

Family and kin support is based on a system of obligation and reciprocity between family and kin to help one another in times of need (Patel *et al.*, 2012). This is based on the assumption that those closely related by blood or marriage will assist each other socially, financially, economically and psychologically in times of crisis or vulnerability (Mupedziswa & Ntseane, 2013). The extended family has an obligation to assist and similarly members are entitled to offer support regardless of age or gender, everyone has a role to play. Although family and kin support is the first port of call in emergencies, urbanization, migration, and HIV/AIDS have weakened this form of social protection. Spatial distance has also led to families living far from one another or only seeing each other at certain intervals, affecting the speed and willingness to offer support in times of need, therefore community support becomes relevant and important. As employees in the labour market, domestic workers are often the only means of financial support for their families (Dinkelman & Ranchhod, 2012; Phillips, 2011), therefore they form their own circles of support in order to support themselves and their families who are left behind. Not only do families benefit from remittances, but entire communities. For instance in 2005 the United Nations (UN) estimated that remittances sent by migrants, employed legally and in the formal sector to developing countries were about US\$167 billion (Nwonu, 2010), and if remittances from those employed informally were to be included, this figure would rise exponentially. Nwonu (2010) explains that the estimated value of remittances in South Africa has risen from US\$2 billion in 1990 to US\$8 billion in 2005, the popular channels of sending money being formally through banks, the post office and money transfer agencies, and informally through friends and relatives (32%), taxi and public transport drivers (21,3%). Ngwenya (2003) explains that at the same time South Africa also receives regional migrants particularly from neighbouring Zimbabwe (5.1 million), Mozambique (over 269 918), and as far as West Africa (e.g. Ghana 208 226). This highlights the importance of remittances for families who are left behind. For domestic workers who are "alone, and women" (Phillips, 2011:29) community support measures are impotent and these are discussed next.

Community support

Community support networks having been in existence from pre-colonial times, have changed form but continue to play a vital role in meeting community needs. Mupedziswa & Ntseane (2013). Mutual aid groups and associations are a form of community support and many still exist in both urban and rural areas. Various names are used to refer to ROSCAs or SACCOs (savings, and credit cooperative societies), depending on where one comes from, they are called *stokvels*, *gooi gooi* or *diswaeti umgalelo*, *umjikelezo* in South African communities (Ngwenya, 2003; Smets & Wels, 1999). Membership is based on periodic contribution which may be weekly or monthly and these *stokvels* may be burial societies, funeral association or benefit association that have evolved mainly from burial societies (Mupedziswa & Ntseane, 2013; Patel *et al.*, 2012;). *Stokvels* are "an existing type of indigenous peer lending arrangement" (Biggart, 2001) which is different from microcredit however they operate along similar lines, to make interest-free and collateral-free credit available to people who do not usually qualify for credit in formal financial institutions. Because they are contributory in nature, but not so prohibitive that they exclude the very poor who are meant to benefit from them, these systems provide a safety net for those in informal employment. Members save and have periodic access to "relatively substantial amounts of capital useful for business purposes, consumption or income smoothing" (Biggart, 2001). Although *stokvels* operate mainly in the informal sector, however this sector

has also been commercialised in Southern Africa and they are still dominated by women (Mupedziswa, Ntseane, 2013; Ngwenya, 2003; Smets & Wels, 1999). Ngwenya (2003) shows that *diswaeti* (mutual aid societies or associations) may be based on work, ethnicity or cut across social and physical lines. Membership may also vary from a few people in the informal associations to thousands of members. Biggart (2001) explains that generally, the organiser of a *mjikelezo* may be a trusted person with good social standing and credentials in the community. This person may also invite membership to trusted people so that others may be comfortable and assured of payment when it is their turn. Stokvels mainly exist in communities with strong communal ties, similar social status where obligations are collective, and it is a requirement that individuals have socio-economic and geographic stability (Smets & Wels, 1999; Biggart, 2001). They are often in a predicament because on the one hand, they depend on their jobs and cannot leave, and on the other hand, they do not get they need social grants to survive. These women have had to bank on each other (Biggart, 2001) in order to survive poverty through the use of informal social security measures.

RECOMMENDATIONS

The poor wage earned by domestic workers means that any form of income protection or social security is a lifeline. The low status of domestic workers in society makes them vulnerable to exploitation and oppression. However they have also made strides in bringing their employment-related issues to the fore. In South Africa, the unions played a crucial role and led to domestic work being recognised as formal employment. Despite a wage floor and requirements for clear conditions of employment, the exploitation of domestic workers continues.

Minimum wage, unemployment insurance and leave benefits are some of the examples of social security available to domestic workers, but these are not adequate. even though domestic workers are covered by the labour relations act, those who work part time or less than 27 hours per month are still regarded as part time workers and they are unable to benefit from UIF, therefore there is a need to revisit the institutional framework of this sector. Reviewing the provisions of SD7 together with other sectors such as NGOs and employer representatives may be beneficial.

The role of government in professionalising the domestic work sector is critical. the proposal for a "strategic skills development plan for domestic workers" (Du Toit, 2010) which was implemented from 1002-2005 may be revived and rolled out to the entire sector. This may go a long way towards improving the perception regarding this sector and domestic work as a job.

SADSAWU is currently the only national union for domestic workers (Ally, 2009). It followed the South African Domestic Workers Union (SADWU) which in 1989, had over 50 000 members (Ally, 2008) when the "Legislation Campaign" was launched. SADWU dissolved itself in 1996, however SADSAWU followed it, but since inception it has not had over 11 000 members and this number is declining (Ally, 2008). Unions were not only representatives of workers, but also a form of social support for workers. Since the current government substituted itself as a union for these 'vulnerable' workers by trying to act on their behalf, and in their interest, this has weakened the unions (Ally, 2008). SADSAWU has been 'emasculated' by the state and its function has, as Ally (2008) explains been relegated to a

referral agent to the Commission for Conciliation Mediation and Arbitration (CCMA), Commission for Gender Equality or the Department of Labour for advice and intervention regarding labour related disputes. SADSAWU needs to redefine its function and role in the support of domestic workers.

Finally, domestic workers should not have to depend on informal social security for survival, it should be a choice, and not a means to meet basic needs. Stokvels and other indigenous forms of social support may cushion against social risk, however domestic workers do not have access to support and care when they need it themselves and so end up depending on friends and family to care for them in old age or when incapacitated.

CONCLUSION

As Magwaza (2008) explains, domestic workers have walked a steep road to recognition and it is up to the state to regulate this sector, for domestic worker organisations to continue regulating the implementation of the ILO conventions to ensure decent work for domestic workers. It is also important for domestic workers themselves to use all existing instruments to ensure that their work remains decent, at a micro level.

REFERENCES

- Ally, S. 2008. Domestic Worker Unionisation in Post-Apartheid South Africa: Demobilization and Depoliticisation by the Democratic State. **Politikon**, 35(1):1-21.
- Biggart, N. W. (2001). Relying on Each Other: The Situational Logic of Rotating Savings and Credit Associations. **Advances in Qualitative Organisation Research**, 3: 129-153.
- Bothma, L. & Campher, C. 2003. Minimum wages for domestic workers: a comprehensive analysis. **Acta Academica**, 5(1): 190-205.
- Blaauw, P. F. & Bothma, L. J. (2010). The impact of minimum wages for domestic workers in Bloemfontein, South Africa. **SA Journal of Human Resource Management/ SA Tydskrif vir Menslikehulpbronbestuur**, 8(1): 1-8.
- Bosch, T. & McLeod, C. 2015. Dress, Address and Redress: The Relationship between Female Domestic Workers and Their Employers in Cape Town, South Africa. **Global Media Journal' African Edition**, 9(2): 134-155.
- Chitonge, H. (2012). Social Protection Challenges in Sub-Saharan Africa: Rethinking Regimes and Commitments. **African Studies**, 71(30): 323-345. DOI 10.1080/00020184.740878.
- Cock, J. (2011). Challenging the invisibility of domestic workers. **South African Review of Sociology**, 42(2): 132-133.
- Cock, J. (1989). **Maids and Madams: Domestic Workers under Apartheid**. The Women's Press: London.
- Cock, J. 1980. **Maids and Madams: A Study in the Politics of Exploitation**. Johannesburg: Ravan Press
- Devereux, S. (2011). Social Protection in South Africa: Exceptional or Exceptionalism? **Canadian Journal of Development Studies**, 32(4):414-425, DOI: 10.1080/02255189.2011.647444.

- Devereux, S. (2002). Can Social Safety Nets Reduce Chronic Poverty? **Development Policy Review**, 20(5): 657 -675.
- Dinat, N. & Peberdy, S. 2007. Restless Worlds of Work, Health and Migration: Domestic Workers in Johannesburg. **Development Southern Africa**, 24(1):187-203.
- Dinkelman, T. & Ranchhod, V.2012. Evidence on the Impact of Minimum Wage Laws in an Informal Sector: Domestic Workers in South Africa. **Journal of Development Economics**, Vol 99: 27-45.
- Du Toit, D. 2010. Extending the Frontiers of Employment Regulation: The Case of Domestic Employment in South Africa. **Law, Democracy & Development**, Vol 14: 1-27.
- Ferguson, J. (2007). Formalities of Poverty: Thinking About Social Assistance in Neoliberal South Africa. **African Studies Review**, 50(2):71-86.
- Fish, J. N. 2006. Engendering Democracy: Domestic Labour and Coalition-Building In South Africa. **Journal of Southern African Studies**, 32(1):107-127.
- Ginsburg, R. 2000. "Come Into The Dark": Domestic Workers And Their Rooms In Apartheid Era Johannesburg, South Africa. **Perspectives in Vernacular Architecture**, 8:83-100.
- Hertz, T. 2005. The Effect of Minimum Wages on the Employment and Earnings of South Africa's Domestic Service Workers. **Department of Economics Working Paper Series**. AAmerican University, DC.
- Hölscher, D.; Kasiram, M. & Sathiparsad, R. (2009). "Deserving" Children, "Undeserving" Mothers? Multiple Perspectives on the Child Support Grant. **Social Work/Maatskaplike Werk**, 45(1): 11-26.
- Holzmann, R., Sherburne-Bez, L. & Tesliuc, E. (2003). Social Risk Management; The World Bank's Approach to Social Protection in a Globalizing World. www.worldbank.org.
- International Labour Organisation. 2002. 'Decent work and the informal economy. Report VI. available at www.ilo.org, accessed 2 April 2016.
- Magwaza, T. 2008. Effects of Domestic Workers Act in South Africa: A Steep Road to Recognition. *Agenda: Empowering Women for Gender Equity*, 22(78):79-92.
- Midgley, J. (2013). Social Development and Social Protection: New Opportunities and Challenges. **Development Southern Africa**, 30(1):2-12.
- Malherbe, K. 2013. Implementing Domestic Workers' Social Security Rights in a Framework of Transformative Constitutionalism. In D. Du Toit, 2013. **Exploited, Undervalued - And Essential: Domestic Workers And The Realisation Of Their Rights**. Pretoria: Pretoria University Law Press.
- Midgley, J. (2012). Social Protection and Social Policy Key Issues and Debates. **Journal of Policy Practice**, 11(1-2):8-24.
- Mpedi, L. G. (2008). **Pertinent Social Security Issues in South Africa**. Community Law Centre: University of the Western Cape.
- Mupedziswa, R. & Ntseane, D. (2013). The Contribution of Non-Formal Social Protection to Social Development in Botswana. **Development Southern Africa**, 30(1): 84-97.

- Ngwenya, B. N. (2003). Redefining Kin and Family Social Relations. Burial Societies and Emergency Relief in Botswana. **Journal of Social Development in Africa**, 18(1):85-111.
- Olivier, M, Kaseke, E & Mpedi, L. G. (2008). Informal Social Security in Africa: Developing a Framework for Policy Interventions. **Paper Presented at the International Conference on Social Security**, 10-14 March, Cape Town.
- Olivier, M. & Dekker, A. H. 2003. **Informal social security**. In Olivier, M (Ed.), *Social Security: A Legal Analysis*. LexisNexis Butterworths, Durban.
- Padayachee, V. (2005). The South African Economy. **Social Research**, 72(3):549-580.
- Patel, L. (2012). Poverty, Gender, and Social Protection: Child Support Grants in Soweto, South Africa. **Journal of Policy Practice**, 11(1-2):106-120.
- Patel, L.; Kaseke, E. & Midgley, J. (2012). Indigenous Welfare and Community-Based Social Development: Lessons from African Innovations. **Journal of Community Practice**, 20(1): 12-31.
- Pawar, M. (2014). Social Work Practice with Local Communities in Developing Countries: Imperatives For Political Engagement.
- Phillips, L. H. 2011. 'I Am Alone. I Am A Woman. What Are My Children Going To Eat?' Domestic Workers and Family Networks. **South African Review of Sociology**, 42(2):29-44.
- Sewpaul, V. (2014) Larsen, A. K., Sewpaul, V. & Hole, G. O. (eds) *Participation in Community Work: International Perspectives*. London: Routledge Taylor and Francis Group.
- Smets, P. & Wels, H. (1999). **Trust & Co-Operation: Symbolic Exchange and Moral Economies in an Age of Cultural Differentiation**. Het Spinhuis: Amsterdam.
- Standing, G. (2007). Social Protection. **Development in Practice**, 17(4-5):511-522.
- Statistics South Africa. 2014. Poverty Trends in South Africa: An examination of absolute poverty between 2006 and 2011. **Statistics South Africa Report No. 03-10-06**.
- Pravin Gordhan's full 2016 budget speech. **The Mail and Guardian**, 24 February 2016.
- Taylor Committee (2002). *Transforming the Present- Protecting the Future: Report of the Committee of Inquiry into a Comprehensive System of Social Security for South Africa*. Department Of Social Development: Pretoria.
- Triegaardt, J. (2009). Pursuing a Social Development Agenda in the Context of Globalisation: A South African Perspective. **Social Work/ Maatskaplike Werk**, 45(1):1-10.
- Visel, S. 2013). Who Cares? – The ILO Convention 'Decent Work for Domestic Workers', **Transnational Social Review**, 3(2):229-243.