

**“Be informed of your rights”**  
What every worker and employer should know about the:

# **Basic Conditions of Employment**

Activist Networking Against  
the Exploitation of Child Domestic Workers



# Introduction

Activist Networking Against the Exploitation of Child Domestic Workers (Anex CDW) has since its inception worked against the recruitment and employment of children in the domestic work sector.

The Basic Conditions of Employment Act states very clearly that no child under the age of 15 is allowed to work. This is supported by the School's Act, which states that a child should attend school until the age of 15 years or grade nine whichever comes first.

We have found that many children are brought from the rural areas by domestic worker recruitment agencies to work as domestic workers in private



households. The working conditions of these children are akin to slavery. When these children escape from being virtually imprisoned in the household or when they are fired, They are evicted from the house and face life on the streets in a city that is not known to them.

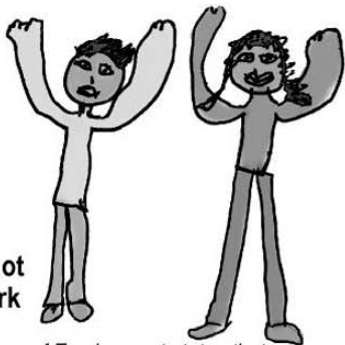
The objective of this book is to educate workers as well as sensitising the employers about the basic conditions of employment. It is our sincere hope that employers will put measures in place to improve the working conditions as well as the living conditions of their domestic workers.

# Child Labour

## What is child labour?

It is work done by children under the age of 18, which is exploitative, hazardous or otherwise inappropriate for their age. It is detrimental to their schooling, physical, mental, spiritual and moral development.

Working children are robbed of their childhood!

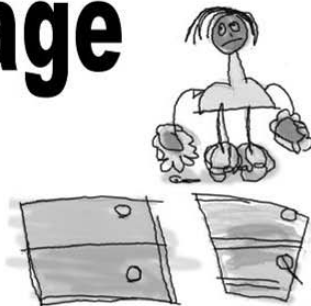


## Children are not allowed to work

The Basic Conditions of Employment states that:

- No child under the age of 15 years is allowed to work.
- It is illegal to employ a child under the age of 15 years. Children under the age of 15 years should be in school. The latter is supported by the School's Act.

# Minimum wage



## How much should I be paid monthly?

Domestic workers in the urban areas should earn R945 a month and the hourly wage is R5.25. In the rural areas the recommended salary is R855 and the hourly rate is R4.75.

The above calculations are for a 45 hour week.

## Working hours

### How many hours should I work?

Domestic workers are allowed to work 45 ordinary hours a week. A maximum of 9 hours per day if you work a 5 day week. If you work more than 5 days then you must work for 8 hours per day.

Workers are entitled to a one hour break after 5 hours of work

### What is overtime?

You must be paid overtime if you work more than 9 hours per day or more than 45 hours per week. Overtime is limited to 3 hours per day.

#### Overtime rate per hour

It is one and a half times the hourly rate

Urban  $R5.25 + R2.63 = R7.88$

Rural  $R4.75 + 2.38 = R7.13$

# Contract

## Why is a contract necessary?

It protects both the worker and employer. It should include the salary, working hours, job description and anything else the employer and employee agrees upon. The conditions in the contract must be in line with the labour law regulations.



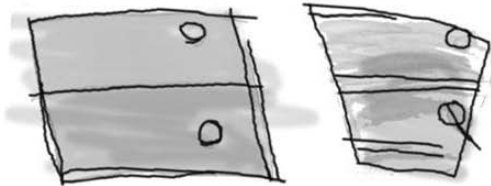
# Payslips

## Why is a payslip necessary?

It serves as proof of payment and what was deducted from the worker's salary.

## Example of a payslip

Employee payslip 31 May 2005  
Employer: Susan Taliep  
103 Red Square,  
Athlone  
Employee: Emma Roos  
Occupation: Domestic Worker  
Appointment Date: 1 January 2003



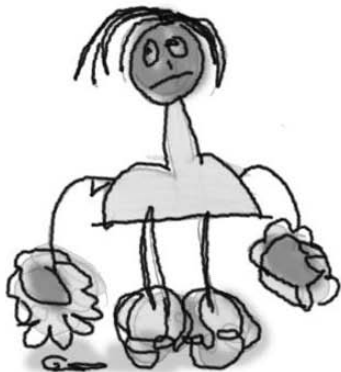
Earnings	Hours	Amount	Deductions	Amount
Normal hours	180	R945	UIF	R20
Overtime	6	R47.28	Loan	R100
Total Salary		R992.28	Total Deductions	R120
			Net Salary	R872.28

# Deductions

## What can my employer deduct from my salary?

Employers must inform workers of deductions.

Permissible	NOT Permissible
Medical insurance	The whole salary
Savings	Breakages
Pension Fund	Damages
Trade union subscription	Meals provided during working hours
Order of account payment	Clothing
Rental	Work Equipment
Loan or advance ( 10% of total salary)	
Rental: Living Quarters that includes a room, bath and toilet. His must be separate from the house.	



# UIF

## Unemployment Insurance Fund

It is the employer's duty to register the worker with the fund. The worker contributes 1% of their salary to the fund and the employer contributes 1% as well. If the employer ends the employment contract then the worker can draw from the fund. Workers who resign can not claim UIF.

Ask your employer to show you the UIF registration form.

# Leave

What leave am I entitled to?

Annual Leave	3 Weeks per year = 21 days or 1 day for every 17 days worked
Sick Leave	3 year cycle = number of days worked during a 6 week period e.g. $5 \times 6 = 30$
Maternity Leave	4 uninterrupted months of unpaid leave
Family Responsibility	Leave 5 Days per year

# Termination of employment

What the employer and employee should know about termination of employment.

When the employer ends the employment contract. Then the worker who has been employed for six weeks or less must be given a one week notice period. Workers that has been employed for six months or more must be given a four week/1 month notice period. The live- in domestic remains on the premises until she completes her notice period.

Where can employers and domestic workers seek advice from?

- UIF
- Over worked and under paid!





## A. Labour Centre

Area	Address	Contact no
Athlone	City Centre Building Old Klipfontien Road	021-6971233
Bellville	Hoboken Building Kruskal Avenue	021-9417000
Elsiesriver	Molteno Road Goodwood	021-5910395/89
Mitchell's Plain	Morgenster Centre Lentegeur	021-3761771
Wynberg	Old Club Building Station Road	021-7614136

## B. The worker can access the CCMA to lodge grievance by visiting their offices.

Address: 78 Darling Street,  
Cape Town

The CCMA will see the employer and worker  
within 30 days

CCMA's Call Centre 0861161616

## C. South African Domestic Service & Allied Workers Union (SADSAWU)

The union investigates: unfair dismissal, working conditions, UIF registration, negotiating contracts etc.

Address: Salt River House  
(Cosatu Building),  
3<sup>rd</sup> Floor

Contact details: Tel: 021- 4480045  
Fax: 021- 4480047

Contact person: Myrtle Witbooi or Sheila May





## **Activist Networking Against the Exploitation of Child Domestic Workers**

**Where to find us:**

**Saartjie Bartman Centre  
9 Klipfontein Road, Manenberg,  
Cape Town, Western Cape, 7760  
South Africa**

**Contact Details:**

**Tel: +27 +21 638 5520  
Fax: +27 +21 638 5520  
email: [admin@anexcdw.org.za](mailto:admin@anexcdw.org.za)**