



**International Labour Organization
International Programme on the Elimination of Child Labour (IPEC)**

**South Africa
Child Domestic Workers:
A National Report**

by
**Debbie Budlender
Dawie Bosch**

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PREFACE

Unacceptable forms of exploitation of children at work exist and persist, but they are particularly difficult to research due to their hidden, sometimes illegal or even criminal nature. Slavery, debt bondage, trafficking, sexual exploitation, the use of children in the drug trade and in armed conflict, as well as hazardous work are all defined as Worst Forms of Child Labour. Promoting the Convention (No. 182) concerning the Prohibition and immediate action for the Elimination of the Worst Forms of Child Labour, 1999, is a high priority for the International Labour Organization (ILO). Recommendation (No. 190, Paragraph 5) accompanying the Convention states that “detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms, as a matter of urgency.” Although there is a body of knowledge, data, and documentation on child labour, there are also still considerable gaps in understanding the variety of forms and conditions in which children work. This is especially true of the worst forms of child labour, which by their very nature are often hidden from public view and scrutiny.

Against this background the ILO, through IPEC/SIMPOC (International Programme on the Elimination of Child Labour/Statistical Information and Monitoring Programme on Child Labour) has carried out 38 rapid assessments of the worst forms of child labour in 19 countries and one border area, and produced two reports on child domestic workers based on national statistics. The programme was funded by the United States Department of Labor.

The purpose of the national reports is to provide an in-depth analysis of child domestic workers - a widespread worst form of child labour - at the country level. The report of South Africa made use of the comprehensive statistics on working children collected through the national survey on child labour undertaken by Statistics South Africa (Stats SA) with the technical and financial assistance of IPEC/SIMPOC. The report of Brazil made use of data gathered by the National Institute of Geography and Statistics (IBGE) in selected years of the last decade. These countries were selected, taking into consideration the available national secondary data, and the need to shed more light on this worst form of child labour.

To the partners and IPEC colleagues who contributed, through their individual and collective efforts, to the realisation of this report I should like to express our gratitude. The responsibility for opinions expressed in this publication rests solely with the authors and does not imply endorsement by the ILO.

I am sure that the wealth of information contained in this series of reports on the situation of children engaged in the worst forms of child labour around the world will contribute to a deeper understanding and allow us to more clearly focus on the challenges that lie ahead. Most importantly, we hope that the studies will guide policy makers, community leaders, and practitioners to tackle the problem on the ground.



Frans Röselaers
Director
International Programme on the Elimination of Child Labour (IPEC)
International Labour Office
Geneva, 2001

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Executive summary

Introduction

Children do domestic work both for other households for payment in cash and kind and within their own households, unpaid, by participating in chores.

(a) Paid domestic work

A small number of South African children are engaged in paid domestic work that may be classified as a worst form of child labour. Paid domestic work includes domestic work for cash, for accommodation or rations or any combination of these.

This information and most of the other statistical information that follows comes from the Survey of Activities of Young People (SAYP), conducted in 1999 and which surveyed nearly 31 000 households (Statistics South Africa 2000.1&2).

Less than 10 000 children doing paid domestic work face conditions that are likely to be detrimental to their health or development. Such conditions include:

- Working for very long hours, relative to their age. Such work is likely to be detrimental to the schooling of school age children, and to their physical growth and development.
- Working at night, when children should be resting, sleeping or preparing for school. Where they work away from home, they also face dangers when returning from work.
- Working in conditions where the children fear that a person may hurt them. Paid child domestic workers are nearly twice as likely to face such conditions than other child workers.
- Sustaining injuries at work. Paid child domestic workers are, again, twice as likely to face such conditions than other child workers.

It is likely that the number of children found to have been engaged in such harmful forms of domestic child labour represents an undercount. Reasons for this include that households where child domestic workers work in the homes in which they live may not have disclosed the presence of such children. Also, children doing unpaid household chores have seriously under-estimated the time that they were engaged in such activities, when one compares the findings of the SAYP with that of a Time Use Survey conducted a year later (Statistics South Africa, 2001.2). Children doing paid domestic work may also have underestimated the time spent on such work.

The numbers of children doing detrimental types of paid domestic work are too low to allow for further analysis. When analysing the 50 000 children between the ages of 5 and 17 years who were doing *at least some* paid domestic work, the following emerges:

- Coloured children account for a disproportionate share of the paid domestic workers. A relatively large proportion of domestic child workers are coloured, at 29% of the total compared to 4% of all working children and 10% of the population. African children are under-represented among domestic workers.
- Boys were more likely to be working as paid domestic workers than girls. Overall, nearly two thirds are boys, whereas women account for close to nine in every ten adult domestic workers.
- Paid domestic workers are more likely to be found in wealthier urban formal areas and under-represented in ex-homeland areas.
- Paid domestic workers were concentrated in particular provinces. The province with the highest proportion of child domestic workers by far is the Western Cape. Paid domestic workers are also over-represented in the Eastern Cape. Paid child domestic workers are noticeably under-represented in Gauteng and KwaZulu-Natal.
- Most paid domestic workers received very small wages, often only in the form of payment in kind. Over 60% of the paid child domestic workers receive R100 or less per month.
- Reasons for working as paid domestic workers differed depending on the area where the children worked. The main reason for children in urban formal areas doing paid domestic work is to obtain money for their own use. In ex-homeland areas the main reason is the need to assist their families.
- Most young child domestic workers were attending school. All child domestic workers between the ages of six and twelve years said they were attending school, but about a third of 13- and 14-year olds said they were not in school.
- Children's working hours differed by age. Two-thirds of children work seven hours or less a week, with 9% reporting that they usually work no hours. Three percent of the child domestic workers work 43 hours or more a week. All of these children are 10 years or older.
- None of the child domestic workers said that they had suffered sexual harassment at work.

(b) Unpaid domestic chores

Compared to children doing paid domestic work, many more children in South Africa are engaged in unpaid household chores in circumstances that are likely to be detrimental to their schooling, health, or development due to very long hours worked. The following hours are considered to be very long hours for this activity: 14 hours per

week or more for 5-9 year olds, 21 hours or more for 10-14 year olds and 45 hours¹ or more for 15-17 year olds.

Some important findings on children performing household chores included the following:

- According to the SAYP, about 85 000 children (less than 1% of all children 5-17 years of age) did household chores for excessive hours, relative to their age, in the household where they lived. These chores excluded collecting fuel and water.
- Almost two thirds of these were in the youngest age group of 5-9 years.
- The number of children working excessive hours on household chores is likely to be grossly under-estimated. The number of children 10 to 17 years of age doing chores for such long hours was found to be nearly *18 times* greater in a time-use survey conducted a year later. The Time Use Survey found that 587 000 children² (7% of all children in this age group) were doing household chores for such long hours. These chores also excluded collecting fuel and water.
- According to the SAYP, almost all of the children doing long hours of unpaid work were African and six in ten children were girls.
- Children doing long hours of unpaid household chores were heavily concentrated in ex-homeland areas – close to three-quarters of the children are in these areas.
- At least 90% of those doing long hours of unpaid household chores were still at school.
- Nearly one in eight children doing long hours of unpaid household chores in the household where they lived, lived in households where their parents and grandparents were absent. This situation was more common for the boys (one in five) than girls (one in ten).
- If we expand the notion of unpaid domestic work to include collecting fuel and water, the number of children engaged in long hours of unpaid work in terms of the SAYP increased from 85 000 to 605 000.

Setting the context

A third of South Africa's population of 44 million is under 15 years of age, the age at which, legally, a child in South Africa may begin work (Statistics South Africa, 2000.1). African people account for 78% of the total population, and an even higher

¹ This is the maximum ordinary hours per week permitted for domestic work. These provisions apply to such work if done by children over 15 years old.

² The Time Use Survey was conducted in 2000 (Statistics South Africa, 2001:2). About 8 500 households were surveyed.

percentage among younger age groups. African people³ are also generally poorer than those from other population groups. Unemployment is highest among African people, at 31.1%, and the rate is higher for women than men (Statistics South Africa, 2001.1). Many of those who are employed – especially among rural African people – are working in subsistence agriculture or for very small incomes. An increasing number are also employed in the non-agricultural informal sector, where the incomes are, on average, much lower than in the formal sector. All these factors are likely to increase the risk of child labour.

Nearly one third of South African children live apart from both parents, and about the same proportion only with their mother. The HIV/AIDS pandemic has and will continue to result in an increased number of children who have lost one or both parents. Mother-only households are usually poorer, and may thus need extra income from children's work more urgently.

South Africa has one of the highest levels of income inequality in the world. Inequality provides fertile ground for the expansion of domestic work (Budlender, 2000). It provides a smallish pool of wealthy households who have the means to buy the services of people to perform housework rather than performing the work themselves. It provides a large pool of poor households whose members are prepared to do work that is menial and relatively poorly paid. Domestic workers thus account for about 8% of the total employed population in South Africa (Statistics South Africa, 2001.1), a higher proportion than in many other countries.

Internationally, one of the sources of concern around child work is the fear that this may interfere with the child's schooling. In respect to domestic work, there may be special concern around girls' education since girls are more likely to be working as domestic workers compared to boys. South Africa's education system provides for free and compulsory education for every child up to the age of fifteen years, and completion of nine years of study. In practice, the 'free' does not imply the absence of school fees. Instead, policy prescribes that where a household is unable to pay school fees, the school must grant exemption. This policy, however, is often not implemented. Nevertheless, all sources suggest that enrolment and attendance rates are very similar for boys and girls. If anything, more girls than boys attend and persevere at school.

More generally, a wide range of formal policy steps have been taken by the government to improve the position of women. However, the results have not had as great an impact for ordinary women as might have been expected. There is increasing concern, in particular, about the incidence of sexual violence against young children, particularly girls.

Literature review

Domestic work is a difficult sector to research when one is investigating the situation of adults, let alone children. This is largely due to its informal nature and the fact that it

³ Under apartheid, each individual was classified into one of four population groups, namely African, coloured, Indian and white. African people experienced the worst discrimination, with coloured, Indian and white people progressively better off.

occurs in the home, where it is less visible and open to public inspection than many other forms of work. Further, the boundary between ‘workers’ and non-workers is frequently murky. It is often those who are most disadvantaged who are likely to be undercounted. In particular, children who work as domestic workers will often be undercounted.

A comprehensive South African literature review uncovered a relatively large number of articles on child labour, but very few of these dealt with – or even mentioned – child domestic work.

Legal framework

Child work in domestic service has only been prohibited since 1991. However, the Department of Welfare, responsible for enforcement of this rule, did not have the infrastructure for effective enforcement.

The 1996 Constitution, adopted after Apartheid was dismantled, introduced a constitutional obligation to protect children from exploitative labour practices and work that is inappropriate for the child’s age or that places the child’s well-being or development at risk.

This has been enacted in the Basic Conditions of Employment Act of 1997, which prohibits employment of a child who is under 15 years old or who is under the minimum school leaving age (where this age is 15 years or older). It also prohibits employment of children who are over 15 but below 18 years old, if the employment is inappropriate for the child’s age or places the child’s well-being or development at risk. The Minister of Labour may further issue regulations prohibiting specific types of work by such older children.

The hours spent on household chores in the child’s own household are not regulated. However, excessive chores may be considered a form of abuse in terms of the Child Care Act, a statute addressing important areas of child welfare, and administered by the national and provincial departments responsible for welfare.

Chapter 1

Background

1.1 Introduction

The International Labour Organization (ILO) considers children doing domestic labour as being potentially exposed to serious hazards. Such hazards include working very long hours, sexual exploitation, physical and emotional abuse and being confined to the employer's workplace. As such, child domestic labour has been identified as potentially falling within the worst forms of child labour, as described in the ILO Convention 182 on the Worst Forms of Child Labour, 1999.

The current report was commissioned by the ILO's International Programme on the Elimination of Child Labour (IPEC). It forms part of IPEC's attempt to obtain more information regarding the practice of domestic child labour in the world, through IPEC's Statistical Information and Monitoring Programme on Child Labour (SIMPOC). The two countries that have been identified for focussed analysis on national secondary data regarding domestic child labour are South Africa and Brazil. This research is considered an essential part of the programme aimed at investigating the worst forms of child labour, and will serve to provide further information to assist in the formulation of policies and action plans towards its elimination.

The promotion of the ratification and application of the ILO Convention on the Worst Forms of Child Labour (No. 182) is a high priority for the International Labour Organization (ILO). Paragraph 5 of the Recommendation (No. 190) accompanying the Convention states that "detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms, as a matter of urgency."

Although there is an increasing volume of information on child labour, there are vast gaps in knowledge and understanding of the variety of forms and conditions in which children work, especially in relation to the worst forms of child labour, which by their very nature are often hidden from public view and scrutiny.

ILO Convention 182 stipulates that no person under the age of eighteen is to be engaged in the worst forms of child labour. As per Article 3, the worst forms of child labour include:⁴

- Slavery or practices similar to slavery including debt bondage, sale of children, serfdom, and forced or compulsory recruitment of children for use in armed conflicts, and

⁴ Others that are mentioned are the use, procuring, or offering of a child for prostitution or for pornography; and the use of children for illicit activities – particularly within the drug trade.

- Work that is likely to endanger the health, safety, or morals of children.

The accompanying Recommendation 190 draws attention to such cases where children are exposed to:⁵

- physical, psychological or sexual abuse,
- work under difficult circumstances, including long hours, during the night, and
- unreasonable confinement to the employer's premises.

1.2 The assignment

Our assignment was to produce a report on child domestic workers in South Africa, based on existing data from the findings of the 1999 SIMPOC Survey in South Africa, entitled the *Survey of Activities of Young People*, also referred to as SAYP (Statistics South Africa 2000.1).

The focus of this analysis was defined to be economically active children below 18 years of age engaged in domestic work, particularly children employed as domestic workers either for payment in cash or in kind. The terms of reference also stated that the report should include analysis on housekeeping activities performed in the children's own household without pay. The data on these activities is tabulated and analysed separately from the data on economic activity.

The assignment was further to address the following:

- (a) A limited literature review of available secondary data sources and reports on child domestic workers in South Africa.
- (b) A background on South Africa with an emphasis on issues affecting child domestic workers, to be undertaken through contextual analysis, drawing information about other macro level contextual indicators and how they relate to child domestic work as a worst form of child labour. These could include demographic structure, human capital, migration, economic and political background, traditions and culture, legal framework, human rights, government policies, education system, family structure and position of women, NGOs and government ministries working on child domestic labour issues.
- (c) Primary analysis of the data from the findings of the 1999 SIMPOC Survey to identify variables that may lead children into child domestic work. Furthermore, analysis of the situation of child domestic workers in South Africa disaggregated to the survey's specifications at the national level and by province, including:

⁵ Others include work underground, under water, at dangerous heights and confined spaces; work with dangerous machinery, equipment and tools; manual handling or transport of heavy loads; and an unhealthy environment exposing workers to hazardous substances, agents or processes, temperatures, noise levels or vibration damaging to health.

- patterns, causes, consequences, characteristics and distribution, in as far as this could be deduced from the statistical data;
- an attempt to isolate variables (age, sex, family context, migration status, ethnicity/class, physical and sexual abuse, injuries, education levels, attitudes towards work/school, leisure activities if any, etc.) that contribute to participation in child domestic labour as distinct from other forms of child labour, or non-participation in child labour.;
- the nature of the work done by child domestic workers in terms of type of work, tasks, hours, payment, problems, benefits, school attendance, starting age, social isolation, etc.

(d) A plan on how to use the data, results and research to design programmes and formulate policies to improve the lives of child domestic workers in South Africa, and to prevent children from entering into this worst form of child labour. The policy discussion must identify any other factors that should be considered in policy formulation, such as changes in attitudes and social perception and improved employment opportunities for adults.

It was anticipated that the statistical data might be insufficient to provide a useful analysis regarding some of the above factors. For that reason it was recognised that the report would only be able to address the issues listed above to the extent that statistical sources in South Africa can provide sufficient and reliable information.

Chapter 2

Setting the context

In 2001, the National Population Unit of South Africa's Department of Social Development produced *The State of South Africa's Population Report 2000: Population, poverty and vulnerability*. This publication was intended as the first of an annual series reviewing the state of population and development.

The information contained in the report provides a useful background for a study of child domestic workers in the country. South Africa's official population policy, embodied in the White Paper on Population Policy, adopts a broad approach in line with that of the International Conference on Population and Development held in Cairo in 1994. Unlike during apartheid, when population policy focused on birth control, and – more specifically – controlling the growth of the black population, the broader approach is encapsulated in the sub-title of the first population report – ‘population, poverty and vulnerability’.

This section of the paper draws, unless noted elsewhere, from the first population report. Where necessary, the discussion is supplemented from other sources.

2.1 South Africa compared to the world

Table 1: Human development and education indices and demographics – South Africa compared with all developing countries, and industrialised countries

Details	South Africa	All developing countries	Industrialised countries
Indices			
Human Development Index (HDI) rank among all countries	103	-	-
Human Poverty Index (HPI*) rank	33	-	-
Demographics			
Country size (sq km)	1 219 090		
Population size	44.4 million	-	-
Population growth 1975-1997	2.0%	2.0%	0.6%
Urban population (as % of total)	50%	38%	78%
Socio-economic status			
Real GDP per capita (PPP\$**)	7380	3240	23741
GNP annual growth rate 1975-1997 (%)	1.7%	4.4%	2.6%
Infant mortality rate per 1 000 live births	49	64	6
Life expectancy at birth (years)	52	64	78
Fertility rate	3.3	3	1.6
Education			
Public expenditure on education (as % of GNP)	7.6%	3.6%	5.1%
Adult literacy rate: Male	85.4	-	-
Female	83.9	63	-
Education index†	0.87	0.67	0.96
Net enrolment in primary schools: Females enrolled as % of relevant age group	100%	83%	100%
Females enrolment as % of males	100%	94%	100%
Net enrolment in secondary schools: Females enrolled as % of relevant age group	97%	55%	96%
Females enrolment as % of males	104%	83%	100%

* HPI concentrates on deprivations in three essential dimensions of human life already reflected in the HDI: longevity, knowledge and a decent standard of living.

** Purchasing power parity (PPP\$) basically measures the number of units of a country's currency required to buy the same amount of goods and services (in the domestic market) that one dollar would buy in the USA.

† The education index measures a country's relative achievement in both adult literacy and combined primary, secondary and tertiary enrolment, where 1 is the best and 0 the worst.

Population figures as of 2001; country size as of 1999; human development index rank in 1998; adult literacy rates in 1998; public expenditure on education in 1996; all other figures as of 1997.

Sources: UNDP *Human Development Report, 1999*; *Human Development Report, 2000*. *Human Development Report, 2001*

2.2 Demographics

2.2.1 Population size and shape

In 2001, South Africa's total population was estimated to stand at 44.4 million (Statistics South Africa, 2000.1). The country has a relatively low population growth – of around 2.2% per annum – for a developing country. This is due, firstly, to a decline in fertility rates that began in the 1960s. Population growth will be further curbed by the effects of the HIV/AIDS pandemic.

The pandemic has an effect not only on the size of the population, but also on its shape. In particular, it is those in the age group who are most likely to be economically affected who are most affected by the pandemic in terms of morbidity and mortality. Already in 2000, it seems that about 40% of deaths of those aged between 15 and 49 years were due to HIV/AIDS (Dorrington *et al*, 2001: 6). This affects dependency rates, in that there are fewer earners to support more people. In turn, it can increase the likelihood that children will work. Firstly, some children will need to work because those who would normally provide for them economically are either ill or dead. Secondly, some children will need to do 'reproductive', or caring work, looking after their sick parents or relatives.

As with other developing countries, the population profile is skewed towards the younger age groups. A third of the population is under 15 years of age, the age at which, legally, a child in South Africa may begin work. Forty-four percent of the population is younger than 20 years. Such figures increase the dependency ratio in terms of the number of people dependent on each earning person.

2.2.2 Population group

Despite the formal ending of the apartheid era in 1994, it is still not possible to discuss any socio-economic or political issue in the country without discussing the issue of race, or population group.

During the apartheid era, all South Africans were classified into one of four population groups, namely African (indigenous black), coloured (mixed race), Indian (of Asian origin) and white (of European origin). The formal and informal laws and practices of the country discriminated between the individuals of the four groups, favouring whites and discriminating against the other groups. African people suffered the most discrimination. The legacy of that discrimination remains today and can be clearly seen in education, employment, income and other indicators.

In 2001, African people were estimated to account for 78% of the total population, coloured for 9%, Indian for 3% and white for 10%. Among the younger age groups, Africans accounted for an even higher percentage of the population.

2.2.3 Urban and rural

As in most countries, people living in rural areas are generally poorer than those living in urban areas. In South Africa, the urban-rural distinction is somewhat more complicated than in other countries. In other countries, the rural-urban divide is usually determined by relative population densities. In South Africa, the former homeland

areas are, for the most part, defined as 'rural' as they were not part of the official defined municipal areas. However, a map of population density shows that many of these areas have relative high population densities. This is a result of past apartheid policies such as influx control and forced removals, which forced African people to congregate, and remain, in these areas. One result of the population density and the relative infertility of the country's soils when compared to many other developing countries is that subsistence agriculture will rarely provide enough to support a family. Another result is a skewed population profile in the ex-homeland areas in that many younger adults – particularly males – migrate to urban areas in search of work.

Poverty levels provide an indication of the extent of the problem. While 70% of people living in rural areas can be classified as poor, in that they are members of the 40% of poorest households in the country, this is true for 30% of people living in urban areas.

This situation again has implications for child labour. Where there is poverty and overcrowding, children are more likely to be forced to work. Where there are fewer adults of working age, children might be forced to step in.

Additionally, there are consequences in terms of family structure. High levels of migration mean that there are a large number of *de facto* or *de jure* female-headed households. Because of lower employment rates, lower earnings when working, and reproductive work and roles of women, female-headed households in rural areas often tend to be poorer than male-headed households. Furthermore, where partners are often separated, infidelity is more likely and, with it, the spread of diseases such as HIV/AIDS.

The lifting of influx control means that the formal forces keeping people in unproductive and relative crowded rural areas have fallen away. Between 1991 and 1996, the urban growth rate was estimated to be 3.4% per year. By 1996, 54% of the population lived in urban areas. Living in an urban area does not, however, automatically result in a job. It also does not automatically result in a house. Within the urban areas there are now significant numbers of households living in informal settlements, struggling to earn a living.

2.2.4 Children and parents

Analysis of the SAYP data suggests that, in 1999, 28% were living only with their mother, 4% only with their father, and as many as 29% may have been living apart from both parents (Statistics South Africa, 2000.1). Among Indian and white children, 7% or fewer were living with neither parents. Among African children, the percentage could be as high as 34%. The data suggest, however, that living apart from parents is not necessarily a factor encouraging work among children. Up to 36% of children in households in which there was at least one child engaged in paid or unpaid work could have been living apart from both parents, compared to as many as 46% of children in households reporting no work among the children.

The large number of children living with only one parent, and particularly with their mothers, could be a factor encouraging children to work. Women have more difficulty finding jobs and generally earn less than men. These facts could result in the mother-only households being poorer, and thus needing extra income from children's work more urgently.

The HIV/AIDS pandemic will result in an increased number of single and double orphans. (Single orphans are those who have lost one parent. Double orphans are those who have lost both.) This, in turn, will result in an increase in the number of children living with only one parent or with neither parent. Some children will end up living without any adults present. At this stage, an increase in the prevalence of child-headed households is not clearly evident from household survey data. However, there is plenty of anecdotal evidence, particularly from KwaZulu-Natal, of the existence of such households, and the difficulties they face in catering for their material and other needs. Simulations using the ASSA2000 model suggest that there will be over 2 million maternal orphans under the age of 15 by the year 2015, and over 3 million under the age of 18. The number of paternal orphans under the age of 18 years will peak at 4.7 million in 2015, while the number of double orphans will number over 2 million (Johnson & Dorrington, 2001). The ASSA2000 model is a population model for the HIV/AIDS epidemic developed by the Actuarial Society of South Africa.

2.3 Socio-economic status

2.3.1 Economic growth and human development

South Africa ranks as a middle-income country. This positioning masks a situation where a large percentage of the population lives under conditions similar to those in many poor developing countries, while a small percentage enjoy a life-style similar to that in the most developed countries.

In 1999, South Africa stood 94th out of 162 countries, with a human development index (HDI) of 0.702. The difference between ranking in terms of real gross domestic product (GDP) per capita in purchasing parity dollars and the HDI ranking was -49, indicating that the country performed significantly worse on the HDI ranking than could be expected given the GDP (United Nations Development Programme, 2001: 142). South Africa's negative gap between the two rankings was greater than for all other countries except Botswana.

The economy has grown weakly, if at all, over the last few years. In 2000, the GDP stood at R887 797 million (personal communication, Joe de Beer, Statistics South Africa). The rate of growth of GDP in 2000 was 3.0%, only marginally above the growth in population (National Treasury, 2001: 5).

2.3.2 Inequality

As with most indicators, the burden of poverty does not fall equally on all groups. South Africa has one of the highest levels of income inequality in the world. In 1995, the gini coefficient was estimated at 0.59. The gini coefficient is a measure of income dispersion across an entire population group and ranges from zero – indicating perfect income equality – to 1 indicating absolute income inequality.

A more up-to-date calculation will only be possible once the data from the 2000 income and expenditure survey are available. However, preliminary calculations on the basis of earned income data from the October household surveys between 1995 and 1998 suggest that inequality has probably grown in the subsequent period (Budlender, 2000).

African people are generally poorer than those from other population groups. Levels of inequality are also higher within the African group than within any other group. Increasingly, the simplistic assumption that African equals poor is not true. However, it is still true that the majority of the poor are African. As will be seen below, this fact influences the patterns of child domestic work.

Inequality provides fertile ground for the expansion of domestic work. It provides a smallish pool of wealthy households who have the means to buy the services of people to perform housework rather than doing it themselves. It provides a large pool of poor households whose members are prepared to carry out work that is menial and relatively poorly paid.

2.3.3 Fertility

The *Population Report* notes that, while fertility has declined, there is not the usual relationship between fertility and poverty levels. The *Report* ‘exposes the myth’ that South Africa’s fertility trends ‘resulted from an improved status of women, and illustrates that the systematic repression of women under apartheid was probably a trigger for fertility decline’ (National Population Unit, 2001: 5).

In the period 1980 to 1985, total fertility – the number of children a woman can expect to bear in her lifetime – stood at 4 to 5 children. In the late 1990s, the rate was 2.9 children. African fertility remains above that of the other population groups, and fertility is higher (3.9) in non-urban than in urban (2.3) areas.

One reason for relatively low fertility rates was the apartheid government’s interest in controlling the growth of the African population. Because of this interest, ‘family planning’ was one of the few services that were relatively easily accessible throughout the country. In 1998, virtually all women knew of at least one contraceptive method, and three-quarters of women had used contraception at some stage of their lives. The migrant labour system acted as a further limit on fertility, as partners often spent only two or so weeks together each year.

Despite the widespread knowledge and use of contraception, the majority of women report that they have more children than they consider ideal. One reason for this is that partners sometimes prevent the woman’s use of contraception. Additionally, women with lower education are more likely than others to report an unmet need for contraception. To the extent that those with lower education are more likely to be poor, poorer women are more likely to have unplanned children.

Migrant labour and other factors have resulted in South Africa’s having a much looser relationship between marriage and childbearing than most other countries. In 1996, the total fertility rate for women who had never married was 3.9, not all that much lower than the 4.3 rate for married women. There is also a high rate of teenage pregnancy. In 1998, the South African demographic and health survey found that over a third of all female teenagers had been pregnant by the age of 19 years.

Again, these factors have implications in respect to child work to the extent that children are more likely, in this situation, to end up living in single-earner households. Further, often the single earner is a woman.

2.4 Labour statistics

2.4.1 Labour force

The age group 15-65 is considered as the relevant age group for most labour force analysis in South Africa. The labour force survey of February 2001 (Statistics South Africa, 2001.1) estimated the total population in this age group to be 27.1 million – just over two-thirds of the total population of 44.4 million. Of the working age population, 11.8 million were employed and 4.2 million unemployed according to the official definition of employment (see below). Of the employed, 5.5 million, or 47%, were female.

A total of 6.7 million people were employed in the non-agricultural formal sector, 0.7 million in commercial agriculture, 0.65 million in subsistence or small-scale agriculture, 0.91 million in domestic work, and 2.7 million in the rest of the informal sector. Domestic workers thus account for about 8% of the employed population. About a quarter (24.6%) of all employed people were employed in trade, 17% in personal, community and social services (excluding private households), 14% in manufacturing, 12% in agriculture, and 9% in private households.

2.4.2 Unemployment

The official unemployment rate in South Africa is based on a definition of unemployment that requires that the unemployed person wants work, is available for work within a period of a week, and has taken active steps in the past four weeks to look for work. On the basis of this definition, unemployment stood at 16.9% in 1995, and rose to 26.4% in February 2001 (Information on 2001 obtained from Statistics South Africa, 2001). The burden of unemployment is not evenly spread. Unemployment is highest among African people, at 31.1% in 2001, followed by coloured (21.9%), Indian (17.6%) and white (6.6%). Among all population groups, the rate is higher for women than men. In February 2001, the overall male unemployment rate was 24.8%, while the female rate was 28.0%. African female unemployment was 32.3%.

The official unemployment rate does not tell the full story, as a significant number of people are ‘discouraged’ work seekers. While they would like to work, and are available to work, they do not take active steps to find work because (a) they know that few, if any, jobs are available, and (b) they cannot spare the time and monetary cost involved in seeking. The expanded unemployment rate includes these people in the calculation. Using this approach, the overall level of unemployment for February 2001 rises to 37.0% - 33.1% for males and 41.0% for females. African female unemployment is again the highest, at 46.3%.

Many of those who are employed – especially among rural African people – are working in subsistence agriculture or for very small incomes. An increasing number are also employed in the non-agricultural informal sector, where the incomes are, on average, much lower than in the formal sector. Although the statistics state that these people are employed, this does not mean that they are not a valid topic of policy concern. It certainly does not mean that these people have a satisfactory standard of living.

In 1996, the government introduced a macro-economic policy, the Growth, Employment and Redistribution Strategy (GEAR). To date, the country has been successful in achieving goals of the policy such as deficit reduction, and reduced inflation. It has not been successful in achieving the anticipated growth, either in terms of gross domestic product or number of jobs. Many workers have been retrenched, while others have seen their jobs converted from full-time, permanent employment, to casual, temporary or part-time jobs. The number of jobs in the formal sector has declined over the period, to be replaced by informal sector jobs as people find ways to provide for themselves and their families. Jobs at the lower end of the skills spectrum have been particularly hard hit by retrenchments in the formal sector. These are the jobs which are most likely to have been held by members of poorer households.

These statistics have implications for child labour. The survey of activities of young people (SAYP), discussed further below, revealed that close to six in ten (58%) children who worked for three or more hours a week did so out of duty to help the family, while a further 15% did so to assist the family with money. Children will feel greatest pressure to engage in work where adult family members are either without work or are earning insufficient to support the family.

2.4.3 Source of income

In 1995, wages accounted for an estimated 72% of the income of non-poor households, with a further 13% coming from dividends, interest and rent. Among poor households, wages accounted for 40% of income, with a further 26% from state transfers, and 17% from remittances, often from a family member working in a city job. This pattern is understandable given the scarcity of available jobs. The largest portion of state transfers is accounted for by the old age pension. This will only help those children who are living in a household that contains a woman over the age of 60 years, or a man over the age of 65 years. A smaller portion of state transfers consists of the child support grant. This grant is only available for children under the age of seven years, and is thus unlikely to be of direct benefit to most working children.

2.5 Fuel and water

In South Africa and other developing countries, many households – particularly in rural areas and informal settlements – must collect fuel and water for domestic use. Below we suggest that collection of fuel and water can be considered part of domestic work. Here we provide some statistics about the extent to which households must undertake this task.

Between 1995 and 1999, there was a slow increase in the proportion of households that had access to clean water either through piped water inside the dwelling or on site, a communal tap, or a public tanker (Hirschowitz *et al*, 2001:75). However, by 1999, 45% of African households, and 34% of all households, were still reliant on off-site or non-piped water sources. One in eight (12%) of these households had to collect water from a kilometre or more away.

In terms of fuel, the percentage of households reliant on wood declined from 24% in 1995 to 20% in 1999 (Hirschowitz *et al*, 2001: 79). In 1999, close to half (46%) of these households were collecting the fuel from a kilometre or more away.

Where households must collect fuel and water, the task is generally assigned to women and children. Where the water and fuel is distant, the collectors spend many hours on this task. The time use survey suggested that collectors of water who live in households whose water source is a kilometre or more distant from the dwelling spend an average of 71 minutes per day on this task. Collectors of fuel who live in households whose source is a kilometre or more distant spend an average of 128 minutes per day on the task (Budlender *et al*, 2001: 64-5).

2.6 Education

South Africa's education system provides for free and compulsory education for every child up to the age of fifteen years, and completion of nine years of study. In practice, the 'free' does not imply the absence of school fees. Instead, policy prescribes that where a household is unable to pay school fees, the school must grant exemption. Ensuring that this policy is implemented equitably is, as with other decentralised policies, a challenge.

Children are currently expected to enrol in grade 1 in the year that they turn seven, although, in exceptional cases, children may be allowed to enrol earlier. The entry age was changed from six to seven at around the time of the SAYP survey. In the past, children much younger than this were reportedly enrolled in schools in the absence of alternative childcare facilities. One result has been high rates of repetition, particularly in the first years of schooling. That, in turn, has resulted in very large classes in the early years, high pupil:teacher ratios, and resultant poor quality of teaching and learning.

The country does not have a single set of exact figures on school enrolment and attendance. In particular, data from the census, household surveys and administrative data conflict. The census generally suggests lower enrolment or attendance than administrative data. One explanation for this is that administrative data is based on a compilation of returns from school principals. The returns from school principals, and the provinces which are responsible for them, will be inclined to err on the upper side in their estimates, as the resources that they receive are dependent on pupil numbers. Further, principals report on enrolment, and children who enrol do not necessarily attend on a regular basis subsequent to enrolment.

Census '96 data suggested that school attendance increased from 73.1% attendance at age 7, to over 90% for ages 10 through 15. For the age group 7-15 as a whole, the attendance rate was 89.3% (Budlender & Hirschowitz, 1999). Household surveys suggest slightly higher rates of attendance, particularly for African children. Administrative data suggest even higher rates.

All sources suggest that enrolment and attendance rates are very similar for boys and girls. If anything, more girls than boys attend and persevere at school.

2.7 Health

South Africa performs relatively well in respect to some of the health indicators when compared with other developing countries, but worse than the developed. In 1995, average life expectancy was 62.5 years, up from 52.8 years in 1970. As in most

countries, life expectancy was higher for women, at 67 years in 1995, than for men, at 58 years.

By 1997 life expectancy had fallen again to 52 years, probably because of the HIV/AIDS pandemic. A further significant decline is expected. Between 5 and 7 million South Africans are expected to have died from AIDS by 2010 unless there are additional forms of treatment to prevent this from happening (Dorrington *et al*, 2001:6).

In 1999, the infant mortality was 41 per 1 000 babies, while an estimated 150 of 100 000 mothers died in childbirth. Infant mortality in the first year of life will increase slightly as a result of paediatric AIDS, and under-5 mortality will more than double over this same period (Dorrington *et al* 2001: 21), although the extent that this will happen will depend, in part, on government's policy in respect to anti-retrovirals to prevent mother to child transmission. The government does not at present provide, as a matter of course, such medication before and after childbirth.

2.8 Gender and women

As noted above, in 1999 South Africa stood 94th out of 162 countries in terms of the HDI. Its ranking was 85th in respect to the gender-related development index (GDI) (United Nations Development Fund, 2001: 211). However, because this index was calculated for fewer countries than the HDI, its relative ranking was more or less exactly the same as for the HDI – worse than could be expected given the size of the GDP per capita.

The post-apartheid period has seen much greater awareness of and action around gender and women. The 1996 constitution places equality – on the basis of race, gender, sex and a range of other characteristics – at the forefront of the bill of rights. The approach is one of substantive rather than formal equality. The objective is equality of outcome, rather than an equality of opportunity that ignores the different roles, responsibilities and starting points of women and men.

A range of structures has been created as part of the national machinery for gender. These include an Office on the Status of Women in the President's Office, a constitutionally created Commission on Gender Equality appointed by the President, and tasked with monitoring and promoting gender equality throughout the society, and a Joint Monitoring Committee on Improving the Quality of Life and Status of Women in the national parliament. Within government, there are further gender units, officers and desks within different line ministries and across the three spheres. In the legislature, there are further structures in the provinces and in a few of the municipalities. The official machinery is complemented by a wide range of non-governmental agencies that tackle different aspects of gender issues.

In terms of political representation and power, South Africa is one of the few developing – and even developed – countries to have reached the threshold of 30% in terms of female representation in the national legislature. Within the provincial legislatures and municipal councils, female representation is not that much lower than this threshold. Women also account for 38% of all ministers and deputy ministers, with women holding some unusual positions, such as those of Minister of Foreign Affairs and Minister of Trade and Industry.

At the legal level, there have been important changes and additions to law. These include the liberalisation of abortion, the formalisation of customary marriage, and improvements to the private maintenance and domestic violence laws. Laws such as the Employment Equity Act, and affirmative action more generally, have seen women advance in the workplace. Other labour laws, such as the Basic Conditions of Employment and Labour Relations Acts, provide a range of protections for women and men workers.

Despite the range of activity, the results have not had as great an impact for ordinary women as might have been expected (see, for example, Goldman, 2001; Meer, 1999). For example, the country continues to have one of the highest (reported) rates of violence against women in the world. There is increases concern, in particular, about the incidence of sexual violence against young children.

Chapter 3

Literature review

Domestic work is a difficult sector to research when one is investigating the situation of adults, let alone children. This is largely due to its informal nature, and the fact that it occurs in the home - a 'private' space, which is less visible and open to public inspection than other forms of work. Further, the boundary between 'workers' and non-workers is often murky. The 'private' nature of the services often raises questions of 'cultural' and other differences in conception, definition and understanding. For example, how does one distinguish between a distant relative from the rural areas who resides in a household and performs domestic work in return for board and lodging and a 'domestic worker' when those involved – both the employer and the domestic worker – often do not recognise the relationship as a domestic-employee one?

In respect to most difficulties, it is often those who are in the most severe of circumstances who are likely to be undercounted. In particular, children who work as domestic workers will often be undercounted. With children, in addition to the difficulties described above, informants will often know that the work is illegal, and therefore wish to hide its existence.

A comprehensive literature review undertaken in preparing a draft green paper on child labour for the Department of Labour uncovered a relatively large number of articles. However, very few of these dealt with – or even mentioned – child domestic work. The largest single focus of attention was street children. This could indicate both the relative prevalence of children on the street and/or its greater visibility than a phenomenon such as child domestic work.

The authors conducted a further comprehensive literature search of all publications registered on SABINET, an inter-library service which records all publications in South African libraries. The search included the database of the National Research Foundation, where record is kept of all academic research that has either been completed or is currently being undertaken.

The literature review that follows summarises all sources that were identified in the above searches.

A relatively comprehensive report prepared in 1996 for the Department of Labour (Budlender, 1996) focused on domestic workers in general. Within the lengthy report, there are few references to child workers. The report notes the difficulty of finding information on domestic work, and possible unreliability of available sources. One of the weaknesses it notes could affect reporting of child work in particular if child work is more common in African/township households. The report notes that the Central Statistics Services (CSS, now Statistics South Africa) data collected from employers suggests that very few African households employ domestic workers. However, a small exploratory mini-survey of African households in Cape Town suggested that this might not be the case. In the mini-survey, 14 of the 80 respondents - a higher

proportion than would be expected from CSS data - said they paid a non-household/family person to do domestic work. Unfortunately, the survey did not include a question as to the age of the person employed.

The paper reports on an investigation into the mode of operation of the emerging domestic labour agencies operating in Cape Town. It notes that their method of operation differed between what a union informant termed the 'modernised' agencies of the Southern Suburbs and others. The report notes that agencies dealing with young, rural, coloured women reported far less difficulty in finding workers prepared to accept 'sleep-in' jobs than those sourcing workers elsewhere. One agency representative noted: 'The majority prefer sleep in. They have no place to stay in town.' This observation is interesting given the profile of child domestic workers revealed by the survey of activities of young people (see below).

A union informant and agencies reported dubious practices of several of the agencies. The most disturbing stories concerned agencies in the predominantly white Northern Suburbs of Cape Town and 'coloured' or Indian areas. One informant noted that some agencies would advertise 'jong vars plaasdames beskikbaar' (young, fresh farm ladies available). An agency's newspaper advertisement explicitly advertised 'A-grade selected sleep-in country domestics'.

The union representative described the activities of the more dubious operations as follows:

Knowing that the average income is R200 to R300⁶ on the farm, they advertise Cape Town as THE place for employment. They offer a fair salary of R400 to R500. And an excellent job. Then they take full kombi's of 15 to 16 on a daily basis. The girls sit in the waiting area waiting for prospective employers. They are paraded in front of them in some cases. Then the employers decide who is the cleanest, the best looking. That is the beginning of the end. If they go to an area like Rylands, that is infamous for harbouring, locking them up 24 hours a day. They lose contact with their relatives, their area of origin, they get little salary, and live and work in conditions which are appalling, 7 days a week, from 7 to 11 o'clock... There are enough workers in Cape Town to fulfil the demand. But the employers prefer rural because it is cheaper, they are more obedient because of the fear and their families are not around, and their demands are not great - just a bed and food.

The paper quotes a newspaper article reporting allegations by the union representative that in 'most cases' the young women were 'sexually abused or become prostitutes.' Agency representatives also suggested that one employment agency, in particular, required sexual favours from prospective employees before they were given a job. The manager of the agency concerned put a different slant on the story. He said that the owner provided free overnight accommodation in his own home for young rural women for whom they could not find work immediately.

While the term 'girls' is used loosely in South Africa, often to refer to middle-aged women, the quote from the union refers explicitly to 'children'. One of the agencies reported that another agency 'gave [presumably placed] a girl who was 15 years old.' The informant said that 'we must get permission from the parents', suggesting that he, too, would be prepared to facilitate child labour where the parents were willing.

⁶ USD \$1.00 = 10.84 R

The union reported their attempt to take a case of employment and assault of a minor to court. The attempt was not successful: because the worker was a minor, the case was sent to another court. This court threw out the case on the basis that the young woman was not a 'worker', but rather 'one of our own' i.e. a relative.

The Department of Labour's report in preparation for the setting of a minimum wage and conditions for domestic workers represents a more recent review of the situation of domestic workers (*Gazette* 7108, Vol 433 No 22453, 10 July 2001). The report does not explicitly raise the issue of child domestic workers. Research commissioned to inform the preparation of the report again suggests that child domestic work is either rare in South Africa, or well hidden.

The first piece of commissioned research consisted of a telephone survey conducted by Fafo Institute for Applied Social Science in Gauteng (Eldring, 2001). A sample of 300 households based on telephone directories, was chosen to obtain statistically representative results. The Fafo report notes that the telephonic approach could mean that the results over-represent 'good' employees as 'bad' employers might have been more likely to refuse access to their employees. The survey found no workers younger than 19 years of age.

The second piece of commissioned research was an in-house taxi rank campaign conducted by Directorate of Employment Standards of the Department of Labour and analysed by Markdata (Markdata, 2001). The campaign covered nine ranks, one in each province. Nearly 3 000 domestic workers completed and returned questionnaires. None of the employees were under 18 years of age.

The third piece of new research referred to in the Department's report is a survey commissioned by the Department of Labour's Chief Directorate of Skills Development. The survey collected information on a total of 982 domestic workers (CASE, 2001). Just under a quarter (24%) of the workers were in the age group 16-30 years, but only one of these was under 18 years (namely, 16 years).

The literature survey conducted for the green paper also revealed very few sources in respect to unpaid domestic work. A detailed anthropological case study of children in *Canaansland* (Swart-Kruger, 2000) includes a short discussion on the performance of household chores by boys and girls. It questions the belief that boys are mostly free from household chores.

A study of 100 out-of-school children and 80 children in grades inappropriate for their age in the poor area of Kathorus (Porteus et al, 1998) uncovered some cases where work was responsible for children not being in school or not performing adequately. Most of the examples in the report relate to domestic type work or looking after younger children. For example, one child says how the situation at home, where he is sent to fetch water and sweep the yard, 'makes me fail again because there is no time to study' (1998:23). When the researcher tried to organise group discussions, there were ongoing postponements as girls were kept at home doing 'backed up' laundry after the water services had failed. The report categorises the children who have family responsibilities or work that undermines school going as 'extreme cases' (1998:68). However, in doing so, the authors note that they exclude daily household responsibilities such as cleaning, cooking, non-primary childcare and other chores. They feel that the latter group rarely undermine or block school attendance.

A short piece by Gordon (1994) points out that the situation of children differs across areas as well as across other factors. The article focuses on peri-urban smallholdings in Gauteng province. It suggests that girl children on these smallholdings are disadvantaged relative to boys in ways that are not the rule in other areas. For example, they are withdrawn from school more often than boys. She suggests that this could be either because they have other duties to perform at home, or because education is seen to be of more economic value to boys/men.

Chapter 4

Legal framework

Provisions prohibiting work by children in South Africa were initially applicable only to white children. In 1981 the Basic Conditions of Employment Act extended the prohibition on employing children under 15 to all population groups. However this Act excluded farm and domestic workers until the early 1990s.

In 1991 a prohibition on employment of children under 15 was inserted into the Child Care Act, administered by the then Department of Welfare (now Department of Social Development). Because this Act applied to all children, those in the agricultural and domestic sectors were included in the prohibition from that year. However, the Department of Welfare did not have the infrastructure to enforce provisions and thus little enforcement and follow-up occurred.

The Interim Constitution of 1993 contained clauses related to child labour, which was expanded upon by the final Constitution of 1996. Section 28 of the final Constitution states that every child, defined as a person below 18 years of age, has the right:

- to be protected from maltreatment, neglect, abuse or degradation;
- to be protected from exploitative labour practices;
- not to be required or permitted to perform work or provide services that —;
 - (i) are inappropriate for a person of that child's age; or
 - (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

Section 28 also states that a child's best interests are of paramount importance in every matter concerning the child.

Some other provisions of the Constitution that do not appear, at first glance, to relate to children's work-related activities, may nevertheless impact on one or more of the categories of child work discussed below. An example is the right to basic nutrition, shelter, and social services. The constitutional rights in respect to children are not subject to the state's available resources (as are various other Constitutional provisions) and must therefore be realised immediately.

In March 1998 the child labour provisions of the new *Basic Conditions of Employment Act* of 1997 (BCEA) took effect.

The BCEA is the most important act dealing explicitly with child work. It prohibits employment of a child

- who is under 15 years old;
- who is under the minimum school leaving age (where this age is 15 years or older);
- who is over 15 years but under 18 years old, if the employment
 - (i) is inappropriate for the age of the child or if the work places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development;
 - (ii) has been prohibited by the Minister of Labour through regulations.

A person is considered an *employee* if that person

- works for another person and receives any remuneration; or
- in any manner assists in carrying on or conducting the business of an employer;
- AND is not an independent contractor.

The Act is enforced primarily through the Department of Labour inspectors.

Section 52A of the Child Care Act (CCA) contains a similar prohibition, namely that 'no person may employ or provide work to any child under the age of 15 years'. The clause has wider application than the BCEA. It does not outlaw only employment of such children, but also provision of work. It is, for example, therefore likely that this section prohibits giving work to a child who works as an independent contractor. It is likely that Section 52A will be deleted, to remove the duplication.

Section 46 of the BCEA provides that it is a criminal offence to assist an employer to employ a child in contravention of the Act, and to discriminate against a person who refuses to permit a child to be employed.

Regulations issued in terms of section 44 are intended to clarify what kinds of work are considered inappropriate. Section 45 allows the Minister, after consultation with the ECC, to make regulations in respect to medical examination of working children. No regulations in terms of either of these sections have been published as yet.

The Minister of Labour may vary the child work provisions for any categories of employers, but only for those employing children in advertising, sports, artistic or cultural activities.

The Minister of Labour has the power to deem any category of persons to be employees for purposes of the Act. This power can be used to widen the scope of work considered unlawful.

Draft amendments to the Basic Conditions of Employment Act that are likely to be finalised by Parliament in March 2002 provide that a person will be presumed in certain cases to be an employee unless the contrary is proved. This should extend protection to children where their status as employees is disputed.

The laws on *health and safety at work* apply to child workers in the same way as they apply to adults. In terms of the Occupational Health and Safety Act, employers must ensure that working conditions are safe and healthy and must do everything reasonable to reduce and avoid dangers. Department of Labour inspectors also inspect workplaces to ensure compliance. One difficulty with regulations regarding safety and health at

work is that many of them assume that the workforce is male and adult. They may therefore not adequately address the vulnerabilities of children.

A child who gets injured at work can apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act. However, this Act does not cover domestic workers.

The hours spent on household chores in the child's own household are not regulated. However, excessive chores may be considered a form of abuse in terms of the Child Care Act. The departments responsible for social welfare at national and provincial level are responsible for administering this statute.

Chapter 5

Quantitative analysis

5.1 Data sources

The South African Survey of Activities of Young People (SAYP) of 1999 is the main source of quantitative data for this paper (Statistics South Africa 2000.2). The survey was conducted by Statistics South Africa (Stats SA) and commissioned by the Department of Labour. The International Labour Organization (ILO) raised the money for the project, and provided technical assistance. The Department of Labor of the United States of America provided the funding.

Fieldwork for the survey was carried out in June and July of 1999. The survey was conducted in two phases. In phase one, fieldworkers conducted interviews with a responsible person in 30 550 households from across all nine provinces and all types of settlement areas. Fieldworkers obtained basic information about the activities of the 33 000 children aged between 5 and 17 years in these households and were thus able to classify them as containing at least one child doing ‘economic’ work (see discussion below), at least one child doing unpaid domestic work, or no children doing any type of work. In the second phase, fieldworkers conducted interviews in which they asked detailed questions about the activities of all children in a probability sub-sample of 6 110 of the households which contained at least one child doing work of some kind. The second phase collected information about a total of approximately 10 000 children. The results for both phases of the survey were weighted so as to make them representative of the population of the country between the ages of 5 and 17 years.

The second source of quantitative data is the Time Use Survey (Statistics South Africa, 2001.2). This was conducted by Stats SA in three rounds, in February, June and October 2000, to capture possible seasonal variations in activity. The Norwegian Agency for Development Cooperation (Norad) provided financial assistance, and Statistics Norway provided technical assistance.

The survey was based on the same sample frame as the SAYP and thus covered all nine provinces and all types of settlement area. Over 8 500 households were contacted. In each household, the fieldworker interviewed two respondents aged 10 years and above in households with two or more members in this age group, and one respondent in households with only one member in this age group. Overall, over 15 000 individuals were interviewed, of whom close to 3 000 were under the age of 18 years. As with the SAYP, the results were weighted to make them representative of the total South African population of the relevant age.

This paper is based on custom runs on the flat file data from the two surveys prepared by Stats SA.

For most definitions of domestic work, the analysis uncovered relatively few cases within the SAYP data. This is fortunate in terms of what it suggests about the prevalence of child domestic work in the country. It is unfortunate in terms of what it means for analysis. Stats SA, when reporting on the SAYP as a whole, noted that any values of less than 10 000 must be interpreted with caution. Disaggregation of these small figures will be very unreliable. For the sake of comprehensiveness, we report some of the small figures below. The patterns revealed will, however, need to be confirmed from other sources before they are taken as definitive.

5.2 Background findings of the SAYP

Child domestic work must be assessed against the background of all types of child work in the country. This subsection provides a brief summary of the findings of the SAYP to provide that background. The more detailed analysis of child domestic work provides further comparisons of children involved in domestic work and those doing other types of work.

The main report on the SAYP distinguished between different types of labour, as follows:

- *Economic work* involves all activities which would ordinarily be regarded as work and which would be included in calculations of gross domestic product (GDP). It includes work that would usually be paid when done by an adult as well as unpaid, for example, subsistence work. It also includes begging, which would not normally be considered an economic activity. On the other hand, the category excludes collecting fuel and water, although these should, according to the rules of the System of National Accounts (SNA), be included in calculations of GDP. The questionnaire specified the following activities as economic work:
 - Running any kind of business for the child him/herself;
 - Helping unpaid in a family business;
 - Helping in farming activities on the family plot;
 - Catching or gathering any fish, wild animals or other food for sale or for family consumption;
 - Doing any work for a wage, salary or payment in kind;
 - Begging for money or food in public.
- *Collection of fuel and water* constitutes a second category;
- *Unpaid housekeeping and family care* activities in the child's own household is a third category;
- *Unpaid maintenance, cleaning and school improvement* tasks at the child's school constitutes a fourth category;

- In order to capture possible hidden domestic employment, where a child was, in essence, akin to a domestic worker in his or her own home, *unpaid domestic work* where the child was living apart from mother, father, spouse and grandparents constitutes a fifth category.

Much of the analysis in the main report on the SAYP uses a cut-off of a minimum of three hours per week for the economic activities. Using this definition, 41% of African children, 22% of coloured, 10% of Indian and 9% of white were engaged in work. Children aged 15 and above were more likely (49%) to be doing work than children aged 10-14 years (42%) and those aged 5-9 years (23%). This is expected as the Basic Conditions of Employment Act prohibits employment of children under 15 years of age. Girls (39%) were more likely to be working than boys (33%). Children in ex-homeland areas (51%) were mostly likely to be doing work, when compared with those in commercial farming areas (35%), urban informal areas (30%) and urban formal areas (19%).

About one in every eight children was doing seven or more hours per week of household chores in their own homes. About one in ten children were doing five or more hours per week of school maintenance. Girls were more likely than boys to do household chores. Children in ex-homeland areas were the most likely to be doing school maintenance work.

Of all children who engaged in economic work for at least three hours a week, 59% were working in agriculture, 32% in the wholesale and retail trade. There were thus relatively few working in other industries, including domestic work. Over three-quarters of the children were in elementary (unskilled) occupations, with a further 9% classified as service and sales workers.

5.3 Comparing paid domestic workers with other working children

The following set of tables compares the characteristics of children engaged in paid domestic work with those engaged in other paid economic work. (The word 'paid' is used loosely in this report to refer to children who were reported to have done some form of economic activity, excluding collecting fuel and water, in the past seven days. Later discussion reveals that 'paid' is a misnomer for many of the children if it is understood as implying monetary remuneration.) The non-domestic workers are divided into two groups. The 'other' group are those who are reported to have a definite other occupation. The 'unknown' group are said to be working but do not have enough information to allocate an occupation.

The tables reflect all working children, irrespective of the hours worked per week. This analysis should be viewed with caution since most of these children are probably not engaged in the worst forms of child labour. Their working hours are likely to be lower, and other indicators of worst forms of child labour appear to be absent in many cases. The analysis below is done because the total number of children involved allows for some disaggregation. This would not have been possible had analysed only where children's work show characteristics of the worst forms of child labour.

Table 2 suggests that there were somewhat over 50 000 children (83 unweighted) between the ages of 5 and 17 years doing paid domestic work in 1999. These children accounted for about 2% of all working children, and less than half a percent of all

children this age, who number 13.4 million. Somewhat unexpectedly, boys accounted for 62% of paid child domestic workers, compared to 53% of all children working economically.

Table 2: Children doing economic work by occupation and sex

<i>Occupation</i>	<i>Male</i>		<i>Female</i>		<i>Unknown Number</i>	<i>Total</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>		<i>Number</i>	<i>%</i>
Domestic	33472	2	20470	1	0	53942	2
Other	1706266	92	1520071	94	17605	3243942	93
Unknown	108869	6	68648	4	957	178474	5
Total	1848607	100	1609189	100	18562	3476358	100

Source: SAYP 1999

Table 3 shows that just under a quarter (22%) of the paid domestic workers were aged 5-9 years, 37% 10-14 years and 40% 15-17 years. Comparison with other children working economically suggests that children start doing paid domestic work at an older age.

Table 3: Percentage distribution of paid domestic and other economic child workers by age group

<i>Age</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>	<i>Total</i>
5-9 years	22	28	25	28
10-14 years	37	44	42	44
15-17 years	40	28	33	28
Total	100	100	100	100

Source: SAYP 1999

Table 4 suggests a different profile in terms of population group for children doing paid domestic work when compared with the child population as a whole, and with other working children. African children are under-represented among domestic workers, at 58% of the total, compared to 91% for all working children and 79% for the child population as a whole. Coloured children are over-represented among domestic workers, at 29% of the total compared to 4% of all working children and 10% of the population. White children are also slightly over-represented at 13%, compared to 4% of all working children and 9% of the population.

Table 4: Percentage distribution of paid domestic, other economic child workers and all children by population group

<i>Population group</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>	<i>Total working</i>	<i>All children</i>
African	58	91	93	91	79
Coloured	29	4	3	4	10
Indian	1	1	0	1	2
White	13	4	3	4	9
Other	0	0	0	0	-
Unknown	0	0	1	0	-
Total	100	100	100	100	100

Source: SAYP 1999

The survey used a four-way stratification of settlement types that comprised urban formal and informal, commercial farming areas, and other rural areas. The latter largely comprise ex-homeland areas and are referred to as such in this report. Table 5 shows that paid child domestic workers are over-represented in urban formal areas and under-represented in ex-homeland areas when compared with either other working children or all children. Non-domestic children are, in contrast, over-represented in ex-homeland areas and under-represented in urban formal areas. The pattern suggests that paid domestic workers are more likely to be found in wealthier areas.

Table 5: Percentage distribution of paid domestic, other economic child workers and all children by type of area

<i>Type of area</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>	<i>Total working</i>	<i>All children</i>
Urban formal	61	19	16	19	40
Urban informal	5	3	5	4	7
Ex-homeland	27	72	77	71	47
Commercial farm	7	6	3	6	7
Total	100	100	100	100	100

Source: SAYP 1999

Table 6 shows significant over-representation of paid child domestic workers in the Western Cape. This is in line with the over-representation among coloured children of paid domestic workers, since a high proportion of people in the Western Cape are coloured. Paid domestic workers are also over-represented in the Eastern Cape, but not to the same extent as other child workers. Paid domestic workers are noticeably under-represented in Gauteng and KwaZulu-Natal.

Table 6: Percentage distribution of paid domestic, other economic child workers and all children by province

<i>Province</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>	<i>Total working</i>	<i>All children</i>
Western Cape	27	3	0	3	8
Eastern Cape	24	32	55	33	18
Northern Cape	2	1	0	1	2
Free State	9	6	0	6	6
KwaZulu-Natal	17	30	8	28	22
North West	1	2	0	2	8
Gauteng	4	3	3	3	13
Mpumalanga	3	9	0	8	7
Northern	13	15	34	16	15
Total	100	100	100	100	100

Source: SAYP 1999

Table 7 compares the reported spare time activities of paid child domestic workers, other children doing economic work, and non-working children living in households with working children. Each child could name up to three spare time activities. The table shows watching television to be the most popular activity for domestic workers, followed by playing and listening to music. One in twenty-five domestic worker children said they had no spare time. This response was very rare among any of the other categories of children. Watching television was common, but not as common as

among domestic workers, for other children, while playing was more common. These patterns could reflect both the age structure of the different groups (younger children more likely to report playing) and their location (electricity is less commonly available in non-urban areas).

Table 7: Percentage of paid domestic, other economic child workers and non-working children in households where children do some work, doing various spare time activities

Activities	Domestic	Other	Unknown work	Non-working
Watching television	80	40	42	53
Listening music	40	36	30	28
Playing computer	10	3	6	3
Playing sport	28	31	37	27
Playing	47	56	56	64
Going to movies	2	2	2	1
Shopping	1	1	3	2
Sleeping/resting	23	25	17	30
Studying/reading	19	47	31	39
Religious activity	2	22	21	19
Other	3	1	0	1
No free time	4	1	0	1

Source: SAYP 1999

The first phase questionnaire of the SAYP included a few questions asking about movements of all children aged 15-17 years over the previous two years. The information as to which children did domestic work was only available from the second phase. It is possible to link the information about children from the first and second phases, but there are some complications. The phased design of the SAYP meant that the weights for the same individuals are different in the two phases. After linking, the number of domestic child workers decreased to 35 734 compared to the 53 942 when using the second phase weights. Given this difficulty, the tables below present proportions within the domestic worker, other worker and non-working categories rather than exact figures.

Analysis of the data reveals that 93% of all children were reported to have lived in the same dwelling two years previously. Domestic workers were slightly less likely than others to have moved, as 95% were in the same dwelling two years previously.

Of the relatively small number who moved, 19% of child domestic workers, compared to 60% of other working children and 36% of non-working children, were said to have come from an ex-homeland area. A further 18% of domestic worker children, compared to 15-16% of other children, were said to have come from a commercial farming area.

Table 8 shows that child domestic workers were more likely than others to have moved for purposes of schooling or work, and less likely to have moved for personal reasons.

Table 8: Percentage distribution of paid domestic child worker and other children who moved in previous two years by reason for moving

<i>Reason</i>	<i>Domestic</i>	<i>Other work</i>	<i>Unknown</i>	<i>Not working</i>	<i>Grand Total</i>
School	35	23	26	21	23
Work	18	9	6	4	5
Household	42	41	46	44	44
Personal	0	6	8	10	9
Other	5	2	0	3	2
Unknown	0	19	14	18	17
Total	100	100	100	100	100

Source: SAYP 1999

5.4 Characteristics of paid domestic workers

This section of the report focuses on the 53 942 children reported to be engaged in paid domestic work, irrespective of hours worked. Because of the relatively small number of unweighted observations, the disaggregations must be treated with caution but are provided to give some idea of the probable distribution of these children in terms of various characteristics.

Table 9 shows that 58% of the children are African, 29% coloured and 13% white. As noted previously, this suggests under-representation of African children, and over-representation of coloured children. The skew in terms of population group is particularly marked among girls, in that coloured girls account for 37% of all the girl domestic workers. Among African child domestic workers, the male to female ratio is 69:31, while among coloured children the ratio is 52:48. Overall, 62% of the paid child domestic workers are boys. This is in sharp contrast to the situation among adult domestic workers, where close to nine in every ten (87%) are female (Budlender, 1996: 21).

Table 9: Paid child domestic workers by population group and sex

<i>Population group</i>	<i>Male</i>		<i>Female</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
African	21632	65	9588	47	31220	58
Coloured	7995	24	7506	37	15501	29
Indian	0	0	371	2	371	1
White	3845	11	3005	15	6850	13
Total	33472	100	20470	100	53942	100

Source: SAYP 1999

Table 10 confirms the predominance of paid child domestic workers in urban formal and ex-homeland areas. There are more or less equal numbers of boy and girl domestic workers in urban formal and commercial farming areas. In urban informal areas, 94% of paid child domestic workers are boys, and this is the case for 83% of paid child domestic workers in the ex-homelands.

Table 10: Paid child domestic workers by type of area and sex

<i>Type of area</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>	<i>Total</i>	<i>%</i>
Urban formal	17131	52	15851	48	32982	100
Urban informal	2333	94	143	6	2476	100
Ex-homeland	12251	83	2511	17	14762	100
Commercial farm	1757	47	1965	53	3722	100
Total	33472	62	20470	38	53942	100

Source: SAYP

Table 11 suggests the extent to which ‘paid’ domestic worker is a misnomer, in that over a third of these children are reported to receive no monetary remuneration. Girls are somewhat more likely to receive no monetary pay, but boys are markedly more likely than girls to receive between R1 and R100 per month. Over 60% of the children receive R100 or less per month.

Table 11: Paid child domestic workers by monthly pay and sex

<i>Monthly pay</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
None	33	40	36
R1-100	38	9	27
R101-500	8	37	19
R500+	21	12	18
Unknown	0	3	1
Total	100	102	101

Source: SAYP 1999

Table 12 reveals the regularity with which child domestic workers were said to engage in this work through the year. In this and further tables, the breakdown is only provided for urban formal and ex-homeland areas as the numbers in the other two types of area are too small to be reliable. The total does, however, represent the situation for all child domestic workers. Overall, 63% of all child domestic workers were said to do the work regularly. The percentage doing regular domestic work was higher in urban formal areas than in ex-homeland areas.

Table 12: Percentage distribution of paid child domestic workers in different types of area by regularity of engaging in activity

<i>Type of area</i>	<i>Regularly</i>	<i>Sometimes</i>	<i>Total</i>
Urban formal	70	30	100
Ex-homeland	53	47	100
Total	63	37	100

Table 13 suggests that the main reason for children in urban formal areas doing paid domestic work is to obtain money for their own use, while in ex-homeland areas the main reasons are the need to assist their families. None of the child domestic workers saw their work as a way of gaining experience.

Table 13: Percentage distribution of paid child domestic workers in different types of area by reason for engaging in the activity

<i>Reason</i>	<i>Urban formal</i>	<i>Ex-homeland</i>	<i>Total</i>
Assist family with money	20	54	30
Obtain money own use	69	8	53
Duty help family	6	38	15
Finished school	4	0	3
Gain experience	0	0	0
Total	100	100	100

Source: SAYP 1999

Schooling is compulsory in South Africa for children from age six or seven, until they reach the age of fifteen or complete the ninth grade. Table 14 suggests that all child domestic workers between the ages of six and twelve years are attending school, but that about a third of 13- and 14-year olds are not in school.

Table 14: Percentage of paid child domestic workers not attending school by age

<i>Age</i>	<i>Not at school</i>
5	47%
6-12	0%
13-14	32%
15-17	32%

Source: SAYP 1999

Table 15 suggests that 40% of the child domestic workers started work when they were under ten years of age. The table must be interpreted with caution, as non-working children in the younger age groups who will start work at a later stage, but while still working, are not reflected in the table. The distribution is thus slanted towards the younger ages.

Table 15: Percentage distribution of paid child domestic workers in different types of area by age of first engaging in work

<i>Age of starting</i>	<i>Urban formal</i>	<i>Ex-homeland</i>	<i>Total</i>
Less than 10 years	40	45	40
10-14 years	44	31	39
15 years or older	17	24	21
Total	100	100	99

Source: SAYP 1999

Table 16 looks at the usual weekly hours of work of child domestic workers. The hours relate to all forms of economic work where a child also engages in non-domestic economic work. The time categories are in multiples of seven, to approximate a certain number of hours per day should the children work every day of the week. The table suggests that two-thirds of children work seven hours or less a week, with 9% reporting that they usually work no hours. About nine in ten of the youngest age group work seven hours or less a week. At the other end of the scale, 3% percent of the child domestic workers work 43 hours or more a week. All of these children are 10 years or older.

Table 16: Distribution of paid child domestic workers in different age groups by usual weekly hours of work

<i>Usual weekly hours</i>	<i>5-9 years</i>	<i>10-14 years</i>	<i>15-17 years</i>	<i>Total</i>
0	15	14	2	9
1-7	76	45	60	58
8-14	7	3	9	6
15-21	2	11	18	12
22-28	0	9	3	5
29-35	0	3	0	1
36-42	0	14	3	6
43+	0	2	5	3
Total	100	100	100	100

Source: SAYP 1999

Somewhat surprisingly, 17% of children who work 1-7 hours and are at school report difficulties in catching up with schoolwork, compared to 13% of children who work longer hours.

None of the child domestic workers said that they had suffered sexual harassment at work. This must, of course, be viewed with caution since there may be many reasons why children do not disclose such abuse.

5.5 Health and safety

The SAYP second phase questionnaire contained a range of questions enquiring whether the child experienced particular conditions while undertaking economic work. These questions were asked of the parent or guardian in respect to children under 10 years of age, and of the child concerned for older children. The table below notes the percentage of children who were reported to experience the conditions. The table distinguishes between those whose main job involved doing domestic work, doing other economic work in a named occupation, or doing unspecified economic work. The question enquired whether conditions were experienced in any economic activities, but the answers will in most cases relate to the main activity. The table includes all children reported to be engaged in economic work, regardless of hours worked as some of these conditions could constitute a danger even over short periods.

Table 17: Percentage of children doing paid domestic and other economic work experiencing different conditions

<i>Condition</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>
Work is very tiring	29	26	17
Work for long hours	17	17	15
Work when dark outside	16	12	3
Work environment too hot	29	30	31
Work environment too cold	24	25	21
Very dusty work	8	18	14
Very noisy work	3	7	6
Bad lighting	1	3	4
Dangerous substances	0	3	0
Dangerous machinery	2	3	5
Dangerous animals	3	3	0
Fear person may hurt child	13	7	2

Source: SAYP 1999

The most common complaints among all children doing economic work are that work is tiring, and that the work environment is too hot or too cold. The first complaint is slightly more common among domestic workers than others. The temperature complaints are difficult to interpret as they could simply refer to weather that is hot or cold at particular times of the year.

The next most common complaints for domestic workers are long hours, working between sunset and sunrise (when it is dark outside) and fear that a person might hurt them. The issue of long hours is examined elsewhere in this report. Work between sunset and sunrise is of concern if it occurs at times when a child should be resting, sleeping or preparing for school. It is also of concern if the child is working in a dwelling at a distance from his or her own and must travel to and fro alone in the dark. It is of particular concern for girl children. Fear that a person might hurt them appears to be markedly more common among domestic workers than among others. It is of particular concern given that domestic work occurs in the privacy of a home and violence is thus less easily observed.

This section of the questionnaire also contained questions referring directly to health and safety. The responses to these from children doing domestic, other named and unnamed economic work are recorded in Table 18. The table shows that domestic workers were more likely than others to report having been injured while working. However, few, if any, reported illness related to their work.

Table 18: Percentage of children doing paid domestic and other economic work experiencing injury and illness

<i>Injury and illness</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>
Ever injured while doing activity	8	4	5
Illness caused by activity	0	2	0
Illness made worse by activity	0	2	0

Source: SAYP 1999

Table 19 records responses to a question enquiring how often the children have to do heavy physical work. Domestic workers appear less likely than other working children to be required to do heavy physical work.

Table 19: Percentage distribution of children doing paid domestic work and other economic work by frequency of heavy physical work

<i>Heavy physical work</i>	<i>Domestic</i>	<i>Other</i>	<i>Unknown</i>
Often	3	4	6
Sometimes	6	15	5
Seldom	6	7	3
Never	86	75	86

Source: SAYP 1999

5.6 Long hours paid domestic work

While paid domestic work is illegal for children under 15 years of age, it cannot necessarily be classified as a worst form of child labour. One way of determining which forms of work could be harmful, is to look at the hours worked. For the purposes of this paper, we regarded more than seven hours a week for children aged 5-9 years, more than 14 hours a week for children aged 10-14 years, and more than 45 hours a week for children aged 15 years and above, as potentially harmful in line with the definitions provided in the ILO Worst Forms of Child Labour Convention and the accompanying Recommendation. The 45 hours correspond to the maximum ordinary hours of work permitted in terms of the Basic Conditions of Employment Act (BCEA) for workers aged 15 years and above.

Applying these hour filters to child domestic workers, we arrived at a total figure of 8 715 children performing domestic work for long hours. Unweighted, this represents only 12 observations, which makes any analysis of these children unreliable.

For the record, we note that none of the children were aged 15 years or more, and almost all were in the age group 10-14 years. There were slightly more male than female children. All the children were either African (the majority) or coloured. Each type of area recorded at least one child (unweighted) working long hours, but the children were concentrated in urban formal and ex-homeland areas.

5.7 Unpaid household chores

The SAYP contained questions regarding unpaid work in the child's own household. In particular, children were asked whether they helped in housekeeping activities, and whether they collected water or firewood for the household. In the first step of the analysis we exclude collecting water or firewood, as this is not always regarded by economists, policy-makers, or ordinary citizens as part of housework or domestic work.

Unfortunately, we are not able to take the analysis of those involved in unpaid domestic work very far beyond a demographic profile as questions relating to health and safety and other potentially harmful effects were not asked in respect of these activities. This section thus provides an indication of which groups of children might be affected, but there would need to be further investigation to determine what the actual effects are.

We impose higher cutoffs for potentially harmful work for the younger age groups when considering unpaid domestic work as (a) most families expect children to contribute in some way to this work, and (b) it is not regarded as illegal even for the youngest children unless it amounts to abuse in terms of the Child Care Act. The chosen cutoffs are 14 hours per week for 5-9 year olds, 21 hours for 10-14 year olds and 45 hours for 15-17 year olds.

The filter yields a total of 85 097 children. This time there is a female bias, in that 62% of the children doing long unpaid hours are girls.

Table 20 shows the number of girls and boys in the different age groups doing long hours. The gender balance is more or less equal in the 10-14 year age group. However, boys are significantly less likely than girls to spend long hours on unpaid domestic work at ages younger and older than this. The table also reveals that almost two-thirds (63%) of those working long hours are in the youngest age group, while only 4% are in the age group 15-17 years.

Table 20: Children doing long hours household chores (unpaid) by age group and sex

<i>Age group</i>	<i>Male</i>	<i>Female</i>	<i>Unknown</i>	<i>Total</i>	<i>% of total</i>
5-9 years	17627	35924	243	53794	66
10-14 years	14046	14099	0	28145	33
15-17 years	341	2817	0	3158	4
Total	32014	52840	243	85097	100

Source: SAYP

Table 21 shows that almost all (97%) of the children performing long hours of unpaid work are African. There are no Indian children reported to be working these long hours. Coloured and white girls seem particularly disadvantaged compared to their male counterparts in that almost all the children in these groups working long unpaid hours are girls.

Table 21: Children doing long hours household chores (unpaid) by population group and sex

<i>Population group</i>	<i>Male</i>	<i>Female</i>	<i>Unknown</i>	<i>Total</i>	<i>% of total</i>
African	31935	50154	243	82332	97
Coloured	79	2254	0	2333	3
White	0	432	0	432	1
Total	32014	52840	243	85097	100

Source: SAYP

Children doing long hours of unpaid work are heavily concentrated in ex-homeland areas – close to three-quarters (74%) of the children are in these areas. Urban formal areas account for only 17% of children doing long unpaid hours, despite the fact that urban formal areas house 40% of the country's children. These patterns are in contrast with paid domestic work, which is under-represented in ex-homeland areas and over-represented in urban formal areas. Presumably the presence of child and adult paid domestic workers relieves the housework burden on household members. The bias against girl children is slightly stronger in urban than non-urban areas.

Table 22: Children doing long hours of household chores (unpaid) by type of area and sex

<i>Type of area</i>	<i>Male</i>	<i>Female</i>	<i>Unknown</i>	<i>Total</i>	<i>% of total</i>
Urban formal	4470	10070	0	14540	17
Urban informal	1767	3357	0	5124	6
Ex-homeland	24869	37686	0	62555	74
Commercial farming	908	1727	243	2878	3
Total	32014	52840	243	85097	100

Source: SAYP

Table 23 shows a heavy concentration of children doing long hours in Eastern Cape and KwaZulu-Natal, both of which contain many ex-homeland areas.

Table 23: Children doing long hours of household chores (unpaid) by province and sex

<i>Province</i>	<i>Male</i>	<i>Female</i>	<i>Unknown</i>	<i>Total</i>
Western Cape	0	2565	0	2565
Eastern Cape	10864	23732	243	34839
Northern Cape	79	0	0	79
Free State	1241	2345	0	3586
KwaZulu-Natal	10262	13028	0	23290
North West	1593	597	0	2190
Gauteng	537	3642	0	4179
Mpumalanga	6029	2840	0	8869
Northern	1409	4091	0	5500
Total	32014	52840	243	85097

Source: SAYP 1999

Overall, at least 90% of the children doing long hours of unpaid work are still at school – 84% of boys and 94% of girls. It does not appear as though participation in such activities has a marked effect on school attendance. There is a decline in attendance with age, with 93% of the 5-9 year olds, 88% of the 10-14 year olds, and 64% of the 15-17 year olds attending school.

In the main SAYP report, children were classified as unpaid domestic workers if they did work in their own homes, and were living in a household from which their mother, father, grandparents and spouse were all absent. The absence of these close relatives was seen as posing a potential threat to the children's well-being. This approach to determining possible vulnerability is clearly very crude, especially in a situation where there are significant cultural and other differences in how relationships are understood and experienced. The impact of the HIV/AIDS epidemic, and resultant increase in the prevalence of orphaned children, also affects how we understand the situation of children living without close relatives. In the absence of a better measure, we are, however, forced to adopt the crude approach.

If we apply this same condition to children working long hours of unpaid work, we find that 13% of the total are in households without close relatives. This situation is more common for the boys (19%) than the girls (9%), such that there are slightly more boys in absolute terms in this position than girls. Overall, however, there are only just

over 11 000 children working long hours of unpaid work who are living apart from close relatives.

If we expand the notion of unpaid domestic work to include collecting fuel and water, and apply the same time filters, the number of children engaged in long hours of unpaid work increases to 605 thousand. Again, girls account for the majority, at around 60%. The children are again concentrated in the younger age groups, in that only 5% are aged 15-17 years, while 47-8% are in each of the other age groups. This time the middle age group is most female-dominated, at 63%. This suggests that it is girls of this age, in particular, who are responsible for collecting fuel and water.

We do not take the analysis of this group further in this paper, as it involves an expansion of the concept of domestic worker quite far beyond the one contained in the original terms of reference. Further, the policy approach to dealing with children spending long hours collecting fuel and water will in many respects need to be very different from the approach to dealing with children spending long hours doing other forms of unpaid housework.

5.8 Unpaid housework in the Time Use Survey

In the SAYP, the questions about time spent on different types of work asked simply how much time the child spent on economic work, unpaid housework, collecting fuel and collecting water in the past seven days. For economic work, there were also questions about the usual amount of hours per week spent by a child on these activities.

Because economic work is generally done over concentrated periods of a day, and often according to a daily or weekly schedule, the responses about time spent on economic work are probably relatively reliable. With unpaid work, on the other hand, the activities are usually interspersed during the day. With this pattern, there is far more room for inaccuracy in estimating total time spent.

The Time Use Survey conducted by Stats SA in 2000 (Statistics South Africa, 2001.2) provides an alternative source of information on unpaid work. In the time use survey, each respondent was asked to report what he or she did in each hour of the previous day, between 4am the previous morning, and 4am on the morning of the interview. Because of the half-hourly prompt, and because of the shorter recall period, the data from the time use survey is probably more accurate than the weekly estimates from the SAYP.

Unfortunately, in the time use survey diaries were administered only to household members aged 10 years and above, so the survey only provides information about the two older age groups of children examined in this paper. Diaries were collected from 2 912 children aged 10-14 years, 1 817 in the younger age group and 1 095 in the older age group. As with other Stats SA surveys, the results can be weighted to reflect the situation for the population of this age as a whole.

As a proxy for unpaid housework, we use all activities in the household maintenance category. These include the following activities:

- 410 Cooking, making drinks, setting and serving tables, washing up
- 420 Cleaning and upkeep of dwelling and surroundings
- 430 Care of textiles: sorting, mending, washing, ironing and ordering clothes and linen
- 440 Shopping for personal and household goods
- 441 Accessing government services, such as collecting pension, going to post office
- 448 Waiting to access government service
- 450 Household management: planning, supervising, paying bills, etc.
- 460 Do-it-yourself home improvements and maintenance, installation, servicing and repair of personal and household goods
- 470 Pet care
- 480 Travel related to household maintenance, management and shopping
- 490 Household maintenance, management and shopping not elsewhere classified
- 491 Chopping wood, lighting fire and heating water not for immediate cooking purposes.

Collecting fuel and water are not included.

In analysis of the Time Use Survey, there are two approaches to calculating mean time spent on a particular activity. In the first case, the total time spent by a particular population group is divided by the number of people in that population group, whether or not all individuals in the group did that activity. In the second case, the total time spent by a particular population group is divided by the number of people in that group who actually did the activity at some time. This gives a mean for the ‘actors’ in respect to that activity.

Table 24 reveals that girls spend significantly longer than boys on household maintenance whether we look at the overall mean or the mean for actors. Further, the majority of all age-sex groupings do at least some household maintenance each day, but girls are more likely than boys to do this work.

Table 24: Mean minutes per day spent on household maintenance by age group and sex, and percentage of group engaging in activity

<i>Sex</i>	<i>Age group</i>	<i>Mean for actors (minutes)</i>	<i>Overall mean (minutes)</i>	<i>% engaging</i>
Boys	10-14 years	74	48	64
	15-17 years	91	71	77
Girls	10-14 years	113	95	84
	15-17 years	148	134	90

Source: TUS 2000

If we restrict analysis to those activities which can more narrowly be defined as domestic work, i.e. 410 (cooking, making drinks, etc), 420 (cleaning and upkeep of dwelling), 430 (care of textiles) and 491 (chopping wood, etc), we obtain the following results.

Table 25: Mean minutes per day spent on household maintenance narrowly defined by age group and sex, and percentage of group engaging in activity

<i>Sex</i>	<i>Age group</i>	<i>Mean for actors (minutes)</i>	<i>Overall mean (minutes)</i>	<i>% engaging</i>
Boys	10-14 years	65	38	59
	15-17 years	78	57	73
Girls	10-14 years	108	88	82
	15-17 years	144	128	89

Source: TUS 2000

We can, as before, apply the cut offs for long hours of unpaid work described above i.e. 21 hours per week for 10-14 year olds and 45 hours per week for 15-17 year olds.

Table 26, based on the wider definition, suggests that 587 000 children are working long hours - of whom the overwhelming majority (90%) are in the 10-14 year age group, and about the same percentage (90%) are girls. The time use survey thus suggests that far more children are doing long hours than the SAYP. This could be a result of the detailed prompting about each half-hour's activity, as well as the elaboration as to what constitutes household maintenance. The time use survey also suggests a much stronger bias against girls and against the middle age group.

Table 26: Number of children doing long hours of unpaid household maintenance by age group and sex (1 000s)

<i>Age group</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
10-14 years	127	397	527
15-17 years	19	45	63
Total	144	443	587

Source: TUS 2000

If we again restrict analysis to the narrower range of activities, the same bias against girls remains.

Table 27: Number of children doing long hours of unpaid household maintenance narrowly defined by age group and sex (1 000s)

<i>Age group</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
10-14 years	98	383	484
15-17 years	14	43	57
Total	111	427	538

Source: TUS 2000

Chapter 6

Appropriate policy to address domestic child labour

6.1 Introduction

The executive summary shows that paid child domestic work is not very common in South Africa, although the figures are probably higher than was found in the Survey of Activities of Young People. Where paid child domestic work occurs, fewer than 10,000 children (about one in five children doing paid domestic work) were found to be working in circumstances approximating 'worst forms' of child labour.

When talking about hazardous or worst forms of child labour, however, this number is significant. Appropriate action should be taken to protect these children and prevent further occurrences. However, these steps should extend to all worst forms of child labour and few specific actions can be identified that would be specific to child domestic work in South Africa.

6.2 Coordinated programme of action

The most important issue in addressing the worst forms of child labour, including the worst forms of child domestic work, is the formulation and implementation of a coordinated programme of action. Effective action against these forms of child labour requires political commitment and the creation of a broad coalition that includes national, provincial and local government and all other sectors of society, and adequate resources. The primary obligation to develop and implement policies, legislation, strategies and measures for the elimination of the worst forms of child labour rests with the government.

In 1999 the Department of Labour started a process for formulating a South African Child Labour Programme of Action, setting specific targets and responsibilities for a range of government actions in consultation with the relevant government institutions.

The Programme of Action was planned as a three-phase project: first a green paper on the programme would have been drafted; then the green paper would have been published and a workshop taken place with stakeholders; and lastly a programme of action would have been formulated and published in the form of a government white paper. The draft green paper, constituting the first phase, was completed in June 2001 (Department of Labour, 2001.2). The remaining two phases had yet to start at the time of preparation of this report.

It is believed that once the second and third phases are undertaken with full support of all stakeholders, it will be possible to address the worst forms of child labour in South Africa in a coordinated and effective manner.

6.3 The law and its enforcement

The law already provides a total prohibition on the *employment of children* under 15 and those over 15 who are still subject to compulsory education outside of a few activities such as sporting and cultural ones. The law does not allow the Minister of Labour to grant permission for the employment of any such child in domestic service.

Is this the appropriate response? The provisional South African Child Labour Action Programme of 1998 (South African Child Labour Action Programme, 1998) noted that some stakeholders supported an abolitionist approach, while others felt that the Minister of Labour should have the power to allow work by children under 15 in special cases, through individual exemptions. The reason given for the second approach was that this will allow child labour to come into the open, allowing targeted inspection in workplaces where child labour is used. It also proposed that, before any exemptions are granted, appropriate organisations of civil society must be informed of any application, and due regard should be given to their comments.

This debate is not of that much importance regarding domestic child labour, because it is very unlikely that employers of child domestic workers will apply for such exemptions. Also relevant is the isolated nature of domestic service, and the relatively high incidence of injuries and of child domestic workers being fearful that a person may hurt them at work.

It is therefore recommended that child domestic work should continue to be prohibited by law, and that exemptions should not be granted for such work.

Regarding children engaged in unpaid household chores, the legal provisions prohibiting abuse in terms of the Child Care Act are probably sufficient to regulate excessive use of children for such chores. It is unlikely that there will be public support for explicit legislation on the topic, for example prescribing certain maximums of time spent on such activities.

Enforcement of the legal provisions will be best achieved through the public information campaign outlined below. This will then, at least partially, be self-enforced by children and members of the public.

However, labour inspectors, social workers, teachers and other people responsible in an official capacity for children should be sensitised to identify and take action regarding suspected cases of excessive or dangerous work required of children. Such sensitisation should be focussed especially on areas where such work is outside the public eye, such as excessive or dangerous domestic work and household chores in their own homes.

Where children are found doing paid domestic work in circumstances indicating a 'worst form'-type child labour (as discussed above), the Department of Labour should prioritise action, seek substantial penalties against the employer, ensure proper publicity of the prosecution, and ensure that the child is not penalised or punished in the process.

The planned implementation of the first minimum wage in domestic service in South Africa, planned for 2002, should serve as disincentive to use children for such work,

because adults can presumably do more work for the same wage. This does rely, however, on effective enforcement.

6.4 Addressing poverty

Poverty alleviation is important in discouraging child labour, including domestic work. Three areas need specific attention in this regard.

First, there has been a debate in South Africa regarding the implementation of a basic income grant, to assist in poverty alleviation. If such a grant is agreed to by the government, it will assist the position of child domestic workers.

Such an income grant should be available to people of all ages, not only adults. If this is not the case, the grant will be biased against the poorest families, as the poorest usually have more children. The grant should also not displace existing grants, but rather be introduced alongside them. A concerted programme should also be put in place to resolve the problems experienced delivering effective grant take-up and payment, especially regarding the child support grant, but also regarding the other grants which all contribute to poverty alleviation.

Secondly, employment opportunities should be created through distributive economic development policies. This is necessary especially in the ex-homeland areas. If some adults in the household are able to earn more, it should release other adults from activities such as unproductive subsistence agriculture, which again may reduce the reliance of the household on excessive household chores by children. However, creation of employment taking time and more attention should be given to paid public works programme in the interim, both to provide income, and to create useful infrastructure in underdeveloped areas. The current prohibition of employment of individuals below 18 years on public works programmes must remain in force.

6.5 Social mobilisation and educational programmes

Social mobilisation and educational programmes for the public, employers, parents, teachers and children must be launched. Such a programme must define and emphasise circumstances that lead to the worst forms of child labour. There have been limited attempts by government to inform the public of the prohibitions on child labour, but this should be expanded and focussed on the worst forms.

Linked to this is the need to expand the public's view on what kinds of activities performed by children are bad for them. As indicated in the statistical analysis in this paper, long hours are spent by many children in South Africa in household chores (including collecting fuel or water). The publicity campaign could show that very long hours spent on chores is detrimental to children and, in particular, may affect their schooling. Care would have to be taken, however, not to discourage legitimate and appropriate participation by children in household chores, to avoid a message that would have no resonance with the public.

6.6 Removal of children

In very serious cases of child labour, such as where children have been separated from their family or are restricted to the employer's premises, removal of the child will be required. This should only be done in exceptional cases after due consideration to the best interests of the child.

The emphasis regarding care for children who have been removed has moved away from institutional models of care towards community care, i.e. care by private individuals in the community. Community care is often a better option. However, there is a problem both for the carer concerned and because the carer does not always have sufficient finances available to care for the child. Better financial provision should be made in such cases.

6.7 Infrastructure: water and electricity

Government should focus the delivery of water and electricity services on areas where excessive child labour and household chores are found. This is primarily in the ex-homeland areas of the country. This will free many children (and women) from the burden of collecting water, firewood or other sources of energy, thereby shortening the time spent on domestic chores.

Electricity should be supplied at a level sufficient to support at least cooking appliances, otherwise children will still be required to collect fuel.

The policy proposal to provide a basic amount of free water to all households to whom water is provided, raised by the Minister of Water Affairs and publicised during the last elections, should alleviate the problem of poor households close to existing or new water points. It seems, however, that this proposal has not been implemented as speedily as it could be.

Privatisation of service delivery introduces the profit motive in the provision of services such as water and may negatively affect provision of such services where they are most needed. All contracts for such provision must ensure that the poorest are adequately catered for.

Chapter 7

Indicators of domestic child labour

7.1 Release of SAYP 1999 survey results

Although some of the 1999 SAYP survey results have been available on the IPEC website for some time (Statistics South Africa, 2000), the Department of Labour has not yet released the results formally and fully in South Africa. This limits the possibilities for debate and action. Monitoring indicators, as is necessary if the effect of action on child labour is to be gauged, will be of no use unless the SAYP information is publicised.

It is recommended that the reports, that have been available since June 2001, be published as a matter of priority.

7.2 Regular surveys

There is a need for regular ongoing surveys on child work, as a module to the six-monthly labour force survey currently being carried out in South Africa. It has been suggested that such an on-going survey should be conducted every two years. Since the previous survey was conducted in June 1999 and nearly three years have passed to date, it is important that the planning of such a follow-up survey should start immediately.

7.3 Proposed indicators

The following are suggested indicators of the extent of child domestic work that are easy to calculate, understand and interpret. These measures draw attention to the forms of child domestic work most hazardous to children and have been drawn up analogous to those in the Jensen (2000) report.

The variable of *population group* was included regarding some of these indicators, although it does not really inform policy, unless one gets into looking for 'cultural' factors. However, it is an ongoing source of interest to policy makers.

The variable *province* was included in items related to schooling because education is largely a provincial competence.

Table 28: Proposed indicators of the worst forms of child domestic labour

<i>Category</i>	<i>Indicators</i>	<i>Definition</i>	<i>Data requirement</i>
Indicator Set 1: Economic child domestic work			
(a) Economic child domestic work	Total economic child domestic labour <i>By age group, gender, province, type of area, population group</i>	Work in a private household (other than the household of which the child forms part) for payment (a) in kind; (b) in cash, or both in kind and in cash; or (c) due to some form of compulsion, ('Do you have to do any other work or duties, including domestic chores, outside your household, without pay or payment in kind?') at any time during the last 7 days.	Present SAYP questionnaire includes (a) and (b) but not (c).
(b) Intensity of work	Very long hours <i>By age group, gender, type of area, population group</i>	Economic child domestic work for 7 hours or more a week for children aged 5-9 years, 14 hours or more for 10-14 year olds, and 45 hours or more for 15-17 year olds.	Available from SAYP.
(c) Work at night	Work at night <i>By age group, gender, type of area</i>	Economic child domestic work after sunset or before sunrise	Available from SAYP.
(d) Injuries and illness	Injuries at work, illness caused by work <i>By age group, gender, type of area</i>	Injuries sustained in last 12 months while engaged in economic child domestic work; illness caused by such work in last 12 months	Available from SAYP, but asked regarding 'any time in the past'.
(e) Fear that a person may hurt you	Fear that a person may hurt the child <i>By age group, gender, type of area</i>	Child engaged in economic domestic work in circumstances where the child fears that a person may hurt him or her.	Available from SAYP.
(f) Restricted to employer's premises	Child restricted to employer's premises <i>By age group, gender, type of area</i>	Child engaged in economic child domestic work, who is restricted to the employer's premises during times when not on duty, or who is on duty for more than 9 hours on any day.	NOT available from SAYP.
(g) Work under some form of compulsion	Work under some form of compulsion <i>By age group, gender, type of area, reason for compulsion</i>	Child engaged in economic child domestic work, working under some form of compulsion, eg as a condition of the child's parent's employment or accommodation, to pay off a debt, etc. Here: do not limit the form of compulsion to <i>main reason for working</i> ; could be a supplementary reason.	Available from SAYP, only as a main reason for working.
(h) Detrimental to schooling	Economic child domestic work detrimental to schooling <i>By age group, gender, province, type of area</i>	Child engaged in economic child domestic work, where this work (a) cause child not to attend school; (b)to miss school regularly; (b) allow much too little time to do school work.	Available from SAYP.
(i) Overall index of economic child domestic work	Overall index of economic child domestic work <i>By age group, gender, province, type of area, population group</i>	Child engaged in economic child domestic work, where any one or more of the factors in (b) to (h) are present.	Partially available from SAYP.
Indicator Set 2: Unpaid domestic chores			
(a) Unpaid household chores	Total Unpaid household chores <i>By age group, gender, province, type of area, population group</i>	Unpaid household chores in the household of which the child forms part at any time during the last 7 days.	Available from SAYP.
(b) Intensity of work	Very long hours <i>By age group, gender, type of area, population group</i>	Unpaid household chores for 14 hours or more a week for children aged 5-9 years, 21 hours or more for 10-14 year olds, and 45 hours or more for 15-17 year olds.	Available from SAYP.

(c) Injuries and illness	Injuries while doing household chores, illness caused by it <i>By age group, gender, type of area</i>	Injuries sustained in last 12 months while engaged in unpaid household chores; illness in that period caused by chores	Not available from SAYP.
(d) Fear that a person may hurt you	Fear that a person may hurt the child <i>By age group, gender, type of area</i>	Child engaged in unpaid household chores in circumstances where the child fears that a person may hurt him or her.	Available from SAYP.
(e) Absence of parents of grandparents	Absence of child parent's or grandparents <i>By age group, gender, type of area</i>	Child engaged in unpaid household chores, in a household where the child's parents, grandparents or spouse (if any) are absent.	Available from SAYP.
(f) Detrimental to schooling	Unpaid household chores detrimental to schooling <i>By age group, gender, province, type of area</i>	Child engaged in unpaid household chores, where this work (a) cause child not to attend school; (b) to miss school regularly; (c) allow much too little time to do school work.	Available from SAYP.
(g) Overall index of unpaid household chores	Overall index of unpaid household chores <i>By age group, gender, province, type of area, population group</i>	Child engaged in unpaid household chores, where any one or more of the factors in (b) to (f) are present.	Partially available from SAYP.
Indicator Set 3: Collecting fuel or water			
(a) Collecting fuel or water	Total collecting fuel or water <i>By age group, gender, province, type of area, population group</i>	Collecting fuel or water at any time during the last 7 days. Expand to cover other work related to such collection, such as <i>chopping</i> wood.	First part available from SAYP. Latter not.
(b) Intensity of work	Very long hours <i>By age group, gender, type of area, population group</i>	Collecting fuel or water for 14 hours or more a week for children aged 5-9 years, 21 hours or more for 10-14 year olds, and 45 hours or more for 15-17 year olds. <i>Note:</i> Higher cut-offs used than for paid domestic work since, in case of paid work, child is <i>also</i> likely to be doing chores at home	Available from SAYP.
(c) Injuries, illness	Injuries while doing such activities, illness caused by it <i>By age group, gender, type of area</i>	Injuries sustained in last 12 months while engaged in collecting fuel or water; illness in reference period caused by such activities	Not available from SAYP.
(d) Fear that a person may hurt you	Fear that a person may hurt the child <i>By age group, gender, type of area</i>	Child engaged in collecting fuel or water in circumstances where the child fears that a person may hurt him or her.	Available from SAYP.
(e) Absence of parents of grandparents	Absence of child parent's or grandparents <i>By age group, gender, type of area</i>	Child engaged in collecting fuel or water, in a household where the child's parents, grandparents or spouse (if any) are absent.	Available from SAYP.
(f) Detrimental to schooling	Collecting fule or water detrimental to schooling <i>By age group, gender, province, type of area</i>	Child engaged in collecting fuel or water, where this work (a) cause child not to attend school; (b) to miss school regularly; (c) allow much too little time to do school work.	Not available from SAYP.
(g) Overall index of collecting fuel or water	Overall index of collecting fuel or water <i>By age group, gender, province, type of area, population group</i>	Child engaged in collecting fuel or water, where any one or more of the factors in (b) to (f) are present.	Partially available from SAYP.
Indicator Set 4: Overall index of worst forms of child domestic work			
(a) All forms of household chores	All forms of household chores <i>By age group, gender, province, type of area, population group</i>	Combining 2(g) with 3(g)	Partially available from SAYP.

(b) Overall index of worst forms of child domestic work, whether paid or unpaid	Worst forms of child domestic work <i>By age group, gender, province, type of area, population group</i>	Combining the worst forms of child domestic work: Economic child domestic work in 1(i) and / or unpaid domestic work in 2(g) and / or collecting fuel and water in 3(g) (all as defined below)	Partially available from SAYP.
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