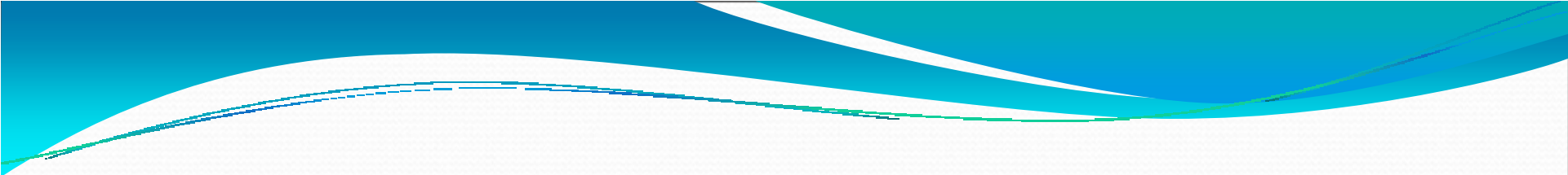




University of the Western Cape



Domestic Workers Research Project
Presentation to:
Domestic Workers Summit
27-28 August 2011



“Organise or Starve”

Universal slogan for the emancipation of workers

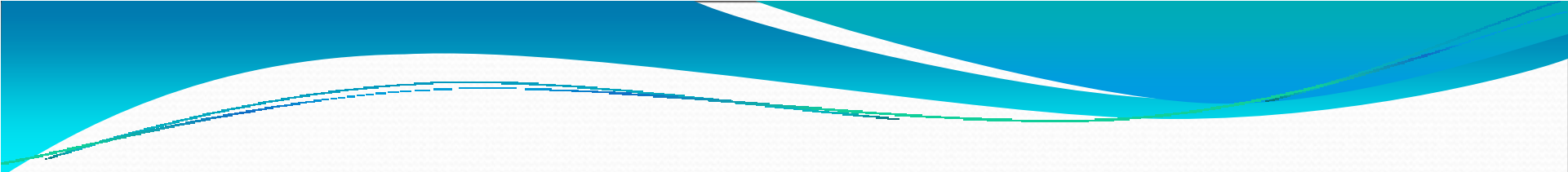


Introduction

DWRP was initiated in January 2009 to gain a better understanding of existing problems – including shortcomings in the legislation – affecting domestic workers, and of potential solutions involving the affected workers, trade unions, DoL and legislators.

Key Findings

- Domestic workers provide an **essential** service and are a significant contributor to the economy
- Given that the workplace of domestic workers is somebody else's private home, it has for a long time remained an **unregulated** island of employment.
- Domestic work is not only **gendered** work, but it is often **undervalued**

- 
- The psychological dimension of class oppression in the intimacy of the home as a work place has contributed to the **disempowered position of domestic workers**
 - **A regulatory framework which is rights-based**
 - The purpose of the LRA, e.g. is to advance economic development, social justice, labour peace and democratisation of the workplace
 - Yet, **poor levels compliance**
 - **Weak organisation of workers** and poorly supported by key stakeholders, including the major trade union federations



- **Inadequate Data**

- Official data**

- 118 000 Domestic Worker as at May 2011 (LFS)

- UIF registration as at November 2010 (DoL UIF database)

- 323 600 Employees

- 95 750 Employers

- Organisational records**

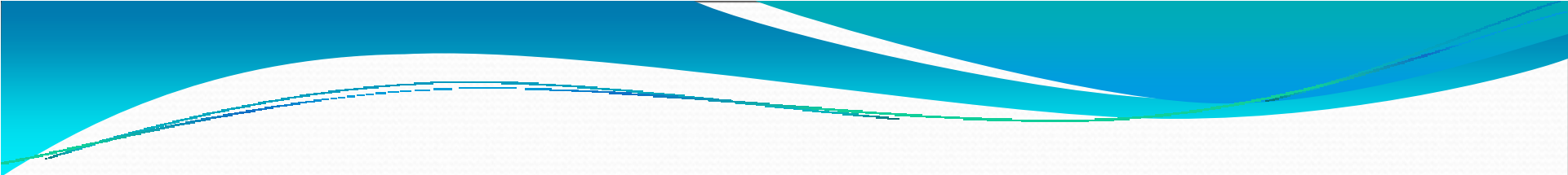
- No reliable data



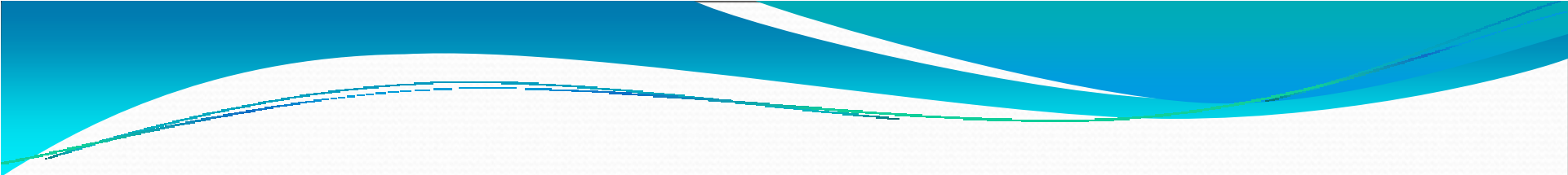
Depending on who is reporting and the sources of data,
the data content varies from one study to another.

Reliable data is essential for effective monitoring and
measuring levels of compliance.

Effective monitoring, in turn, is essential for improving
compliance levels



What can be done to correct the power imbalance and democratise the domestic workplace, as prescribed by the LRA?



**Develop a programme capable
of reaching the majority of
domestic workers and
employers.**

A concerted effort by trade unions, academic institutions, international developmental agencies and NGOs, with the support of the DoL.



What measures could be considered in a collective strategy to promote decent work for domestic workers?

- **EMPOWERMENT** of marginalised workers, is important not only from a trade union perspective; it is part of the bigger picture of transformation envisaged by the Constitution.
- All three institutions (Government, trade unions and civil society) need to **BUILD** and **SPREAD AWARENESS** about the new standards to make government and the broader public aware of the standards that it sets.



The common aim of a collective strategy should be to ensure, through legislative and policy development, that:

- Full effect is given to C189 in the light of R201
- The contribution of domestic workers to the national economy is recognised
- Obstacles to the enjoyment of domestic workers' basic rights are systematically identified and addressed, and
- The lessons of international best practice are incorporated in law and practice.



Measures to be considered by Government to ensure decent work for domestic workers

The **objective of regulation** in the domestic employment sector, as in other sectors, is to develop a culture of compliance - where compliance is the norm for employers and workers.

Understanding domestic work as decent (not necessarily unskilled) work that deserves to be treated with respect is integral to achieving a culture of compliance.

Key areas to be addressed:

- **Awareness:** the Department of Labour itself concedes that more is needed to raise awareness among both employers and employees.
- **Building a culture of compliance:** inspections have been shown to be inappropriate as a primary means of promoting compliance.
- **Data:** for monitoring and measuring compliance



Building Institutional Capacity:

- Need to develop holistic solutions and coordinate activities within DoL and with other stakeholders
- Need to build and increase institutional capacity
- Leadership must have clear vision, commitment and ability to mobilise people and resources
- Need to craft effective and sustainable solutions



Trade unions & civil society organisations should primarily aim to empower/enable domestic workers to:

- Understand their position and identify challenges
- Be knowledgeable about their rights in law as workers and citizens
- Be knowledgeable about recourse to challenge violations of their rights
- Articulate demands for change
- Develop *appropriate* forms of organisation for pursuing those demands -

But this should be part of the broader strategy.



Recommendation on the Way Forward

To use this opportunity to form a structured partnership that will effectively promote decent work for domestic workers by implementing the strategy proposed above.



Thank you!