



CONGRESS OF SOUTH AFRICAN TRADE UNION

DOMESTIC WORKERS SUMMIT

# REPORT

27-28 AUGUST 2011

## Background

The International Labour Conference 100th session which was held in June 2011, for the first time in its history adopted an international labour standard for Domestic Workers. The adoption of the Convention 189 for Decent Work for Domestic Workers and its Recommendation 201 is an important step towards the recognition of the role played by domestic workers economically and socially it also serves as a base in ensuring the promotion and protection of equal rights for these most vulnerable workers.

This sector is dominated by women who find themselves not being protected by labour, economical and social laws but who are subjected to violence, abuse and exploitation. The convention aims to give respect and dignity for work that has long been undervalued and underpaid and it also takes in to consideration the human rights aspect and the right to collective bargaining of the domestic workers. It protects the young workers who find themselves being in this sector because of poverty and unemployment on their right to education and protect the vulnerability of migrant workers from being trafficked.

South African legislation (Sectoral Determination no. 7 of domestic workers) played a major role in drafting of this convention, and also the government supported and advocated for the adoption of the convention. Therefore the next step would be as a Country to start engaging on the document and take a lead in the ratification and be the first country to ratify.

Based on the above COSATU and SADSAWU in support of the International Labour Organisation saw a need of reporting back to domestic workers on the adopted convention by the International Labour Organisation Conference and explain in detail on what does it mean for the domestic workers.

## Summary

COSATU and SADSAWU coordinated a two days Domestic Workers Summit with the support of the International Labour Organisation (ILO). The summit took place on the 27-28 August during the month of August when South Africa was commemorating and celebrating the women of 1956 who march against pass laws, the summit was organized under the theme ***“From Global Stage to National: Advance Decent Work Agenda for Domestic Workers”***. The two days summit was attended by SADSAWU, COSATU, FEDUSA, NACTU, UWC Social Law Project; Labour Research Services (LRS), Progressive Women of South Africa (PWMSA), the African National Women’s League (ANCWL) and the Workers World Media Project (WWMP) drafted a plan of action with a purpose to campaign and mobilise for the ratification of the Convention 189 Decent Work for Domestic Workers and also on building and assisting the domestic workers unions.

The most critical and fundamental issue of importance which came very strong and out from the Summit is the capacitating of the domestic workers and their leaders on labour relations and handling of cases.

The Summit agreed that the CCMA and DOL should be engaged, that in their program of training must include trainings that are tailor made for domestic workers.

The 2<sup>nd</sup> deputy president of COSATU opened and welcomed everyone attending the summit. She took the opportunity of congratulating the South African government for taking the lead for all the African countries and for breaking the new ground in supporting and voting positive for the promotion of the decent work for domestic workers. She also extended the gratitude to other countries which participated and voted correctly.

She stressed the fact that domestic workers will now enjoy protection equivalent to any other workers and will enjoy the benefits such as working hours, minimum wages, overtime compensation, weekly rest period, social security and maternity protection.

She therefore called upon South African government to ensure that these rights find expression in the South African Labour Law, and challenged the South African government to ratify the Convention 189 on Decent Work for Domestic Workers and Convention 183 on Maternity Protection as these two documents are close to the heart of women workers. She concluded by saying that when women workers are to judge the work of the government will be judged according to the implementation of these two documents which is ratification and integration to the existing national legislations.

The summit was honored by the presence of the ILO director Mr. Vic Van Vuuren, he pledge the support by the International Labour Organisation on promoting decent work agenda for domestic workers. He also mentioned that the parties have signed the Decent Work Country Program, therefore the domestic workers convention need to find space in that program of action. He mentioned that domestic workers have been in the agenda of ILO since it was formed and was confirmed by the decision of the governing body in 2008 to place decent work for domestic workers on the International Labour Conference agenda.

COSATU Deputy General Secretary Bheki Ntshalintshali speaking as a member of NEDLAC employment condition committee for vulnerable sector and also a member of the ILO governing body. He firstly acknowledge women month and said salute the coordinators for hosting this summit during the August month, he stresses that it gives hope seeing women being passionate on domestic workers decent work agenda.

He continued by saying domestic work is an important sector and domestic workers contribute to the economy of the country in such a way that CEO of big companies, people working in the banks rely on domestic workers to manage their homes. He mentioned that domestic workers are multi-tasked as they work as childminders, care givers, teachers and security personnel. He even gave an example that when criminals enter in the household, the domestic worker becomes the first victim and when the police investigate the he or she becomes the first suspect.

He further challenged the summit to come out with a clear campaign in support of the convention, and strategies to overcome the challenges faced by the vulnerable sector. He also challenged universities, research organization and academics to put resources and commission a research with an accurate data of domestic workers registered with the Department of Labour but also document the plight of domestic workers. He acknowledged the recognition of vulnerable sector by the South African government but point out the difficulties of organizing them and also the challenge of not having bargaining councils for the vulnerable sector. He also urged the summit to discuss the challenge faced by migrant domestic workers which they find themselves being deported whilst their cases are still pending.

The presence, presentation and the willingness to listen to workers by the Minister of Labour Mildred Oliphant fulfilled the delegate's participation to the Summit. The minister expressed the government willingness to strengthen the protection and promotion of decent work for this sector which was neglected for the long time. She cautioned the delegates that ILO's convention is important to ratify but has to be accompanied by other legislations she also mention that the South African legislative framework has set a base for the convention and has provided what the instrument requires except for the few. She also cautioned the summit that ratification alone without monitoring and evaluation system won't assist this sector and government alone won't successes but need the involvement of workers and employers to achieve excellent results.

She committed that Department of Labour is willing to assist on training and capacitated domestic workers and that even employers themselves need to be capacitated on the legislations adopted for them to be able to implement. She further said that one of the department plans is to host a Domestic Workers Parliament where all parliamentarians and portfolio committees will hear the plight of these domestic workers and commit themselves in changing their conditions whether at work or live hood. She also cautioned the trade unions to also comply with laws that regulate the trade unions registration because if not it forces the department of labour to deregister the union and that put the poor workers to be more vulnerable.

She mentioned one of the most challenges government faces when trying to implement or open discussions to legislations or policies that workers themselves don't attend the public hearings called by government, to register their complains in government platforms. She therefore urged the domestic workers to make sure that when there are public hearings called they must make sure that they participate to make sure that decisions are not taken without them being involved.

After the minister has spoken the president and the Gauteng chairperson of the South African and Services Domestic Workers Union (SADSAWU) presented the minister with the Convention 189 on Decent Work for Domestic Workers accompanied by its Recommendation 201, they requested the minister to immediately start the ratification processes. The two domestic workers gave a minister the apron written Decent Work for Domestic Workers as a symbol by domestic workers being proud of being domestic workers and also valued domestic work as work like any other work. Therefore after the COSATU treasurer handed over to the minister the Convention 183 and its recommendation 191 which was adopted by the ILC 2000 as part of the convention that the minister should speed up the process of ratification.

The delegates divided themselves into two commissions which deeply engaged in discussions based on the presentation received from all speakers and work towards finding the possible solutions on building the domestic workers organisations and support needed from the Federations but also on the possibilities on campaigning for the ratification of the convention 189 by the South African government. The commissions recommended that a study to be commissioned on this sector with a clear data on domestic workers that are registered with the Department of Labour for UIF; the convention to be summarised to a simpler version to accommodate domestic workers; establishment of the bargaining council for domestic workers, coordination of domestic workers parliament by government; establishment of a national forum comprising of three federations COSATU, FEDUSA, NACTU, domestic workers organisation and civil society organisation for a strong united voice to carry out the discussion of the summit..

The summit drafted and adopted the declaration which includes the plan of action which was discussed by commissions, to take forward the campaign on awareness raising on domestic workers plight and on the ratification of convention 189. Whilst the summit recognises the massive and significant contribution of

domestic workers to the economy of South Africa and globally and that the South African Sectoral Determination 7 has established a good basis for the drafting of the Convention and Recommendation. But it also calls and emphasis for the South African Government to be the first country to ratify Convention 189 on Decent Work for Domestic Workers.

## **The Summit**

The President of the ruling party women's league Angie Motshekga who is also a minister of education attended the summit as the President of the ANCWL, congratulated the conveners of this historic summit especially when a country is celebrating the struggle and the plight of women of 1956 who marched against pass laws. She acknowledges the role played by workers especially domestic workers in the success of the march and the strategy used of carrying their bosses' children to the march to prevent the shootings by the system.

She also stressed the importance of the adopted convention more especially that it also seek to protect the young domestic workers and ensuring that there is no employer that should deprive or interfere with their education. She assured the summit that ANCWL fully support domestic workers and it is their task to raise awareness and advocate for a better living and working conditions for all women regardless of class, race or gender identity. She added that as the leagues they understand better the mission of SADSAWU of "Women will not be free until domestic workers are free" and their motto of Unity is Strength.

She also encouraged women workers to empower themselves through reading and she further challenged trade unions to urgently work with government to address the question of the low level of basic literacy considering that many workers especially domestic workers do not have formal education. She also stressed the importance of empowering women through skills development, and domestic workers to be skilled in other areas of work for them not to end up in the sector of domestic work.

The two documents were handed over to the President of the ANCWL strategically as the ruling party being the center of policy development, formulation and articulation to parliament, therefore women workers request the ANCWL to start engaging on these two conventions and be the voice for the women workers. The President and Gauteng chairperson SADSAWU both as being domestic workers for many years gave a president the apron written Decent Work for Domestic Workers as a symbol by domestic workers being proud of being domestic workers and also value domestic work as work like any other work. They also presented the president with the Convention 189 and Recommendation 201. Thereafter the COSATU treasurer handed over to the president the Convention 183 and its recommendation 191 which was adopted by the ILC 2000 as part of the convention that the ANCWL should start engaging the ruling party on the ratification of the two conventions.

The General Secretary of the South African Domestic and Services Workers Union(SADSAWU) comrade Myrtle Witbooi addressed the summit she firstly started by acknowledging the support that she received from all the organizations which work tirelessly in making sure that the adoption of this Nobel document is realized by domestic workers. She also emphasized that the move taken by the ILO conference will never be forgotten in the history of domestic workers themselves, and this step will lead to better quality and

decent work of domestic work for millions of domestic workers. She shared the different experienced during the process of adoption and voting, she therefore urges domestic workers to make sure that they don't relax but should campaign very strong for the ratification, implementation and monitoring.

ILO's senior specialist for workers activities Inviolata Chinyangarara gave a brief background and objective of the summit and also gave background and overview of the Convention. That it give a clear definition of the domestic work and worker , that domestic workers are like other workers and are entitled to the respect and protection like any other worker on health and safety, social security, discrimination, collective bargaining , contract and protect migrant domestic workers right to keep their travel documents and provision for repatriation and that is what the convention is trying to address.

The University of the Western Cape Social Law Project Fairuz Mullagee gave presentation on the domestic workers research project. She gave a brief background of the concept , that the project on domestic workers was initiated by UWC Social Law Project in January 2009 to look at the challenges that this sector is facing and shortcomings in the legislations. The project working with the affected workers, trade unions and the Department of Labour to come out with possible solutions to eliminate those challenges. The research was used as a basis for the consultations, lobbying and mobilizing for the adoption of the convention.

The research revealed that domestic work service is essential and workers themselves are contributing to the economy of the country, but they are still undervalued and underpaid. South Africa as a country does have a framework that regulates this sector but there is poor level of compliance and monitoring. The weak organization of domestic workers and poor support by the federations make it impossible to challenge whoever is assigned to account on the improvement of the working conditions of this mostly vulnerable workers. The reliable data is essential for effective monitoring and measuring levels of compliance.

Saliem Patel from the Labour Research Service presented data on wages and employment of domestic workers and showed where domestic workers stand in relation to the economy. He argued that the lack of data available on domestic work and domestic workers reflect the marginalisation of this sector in the economy and in society generally. He noted, however, that the data available and presented in his sides reveals a very bleak picture for this sector and it reflects a society that is still characterized by racial and gender inequality and gross class exploitation. He stressed that what will make this summit significant is not how much we highlight the problems that have been identified year in and year out, but how we identify what is to be done and how it will get done. He urged the three federations present (Cosatu, Fedusa and Nactu) to learn from the Decisions For Life Campaign, in which they have united to organise young women, to do the same and to create the space for and to support the organisation of domestic workers.

The department of labour gave an overview on the gaps between the South African Law on domestic workers and the convention 189 on decent work for domestic workers the presentation by Virgil Seafield as an executive manager for employment standards. He gave stats according to the latest Quartely Labour Force Survey (QLFS) that shows records of domestic workers as 876 000 but those registered with the UIF amount to 647126(July 2011 figures). He also mentioned that as the country legislatively we are well in advance, the domestic workers are covered by the constitution on freedom of association, Labour Research Act provides access to dispute resolution mechanism, and Basic Condition of Employment Act and Sectoral Determination No. 7 for domestic workers establish conditions of employment the challenge is monitoring that needs that all parties to join hands with the Department of Labour.

He mentioned the fact that South African Sectoral Determination No. 7 on domestic workers set a base for the drafting of the convention. The short fall of the domestic workers framework are; extending protection of Occupational Health and Safety and provision for migrant workers. However there should be empowerment of domestic workers by trade unions, government and non - governmental organization. He stresses on the need to ensure that policies drafted recognize the contribution of domestic workers to the economy. He further said that there is a need to identify what is hindering the enjoyment of these rights by domestic workers and work towards combating it. There is also a need to develop a culture of compliance whether through inspectorate or by individuals.

## **Deliberations from the Commissions**

### **Commission I**

Identified issues for discussions as follows:-

- Strategies
- Campaign
- Action Plan

### **SADSAWU OFFICES**

1. Western Cape - COSATU
2. Gauteng - JHB(SAMWU)  
- PRETORIA (SAMWU)
3. Free State - COSATU
4. KZN
5. N.CAPE
6. Limpopo
7. Northern Province
8. Eastern Cape
9. Mpumalanga

### **Strategies**

- Recruitment drive, recruitment strategies should be linked to campaign
- SADSAWU should invite affiliates to all their meetings
- SADSAWU want to have a stable home, COSATU affiliates to open discussions on the future of SADSAWU
- Inspectors should visit employers to inform them
- Different branches of SADSAWU should get together to shape ideas
- Employers don't know about the union
- Find ways of data capturing of membership and subscriptions payment, strategies of informing employers about subscription to be deposited to the union account
- Meetings need to be arranged at appropriate times which would be convenient for domestic workers
- Each affiliate hosting SADSAWU should include them in capacity building program

- Launch campaign to raise awareness e.g. UIF Registration
- Government must also ensure compliance. They should be involved in awareness raising campaign of UIF.
- Campaign should include a march in support of Domestic Workers
- Leadership training is a necessity and this should be put to Department of Labour and COSATU
- Need to make use of COSATU locals and SADSAWU should plug into this infrastructure.
- DOL is not effective (**i.t.o**) monitoring points to a structural problem in DOL workers need to feel protected
- CCMA needs to be approached to assist Domestic Workers
- Media campaign , community and radio
- Domestic Workers are concerned about their job security
- Visible media such as posters in prominent areas – should happen at regular intervals
- Labour inspections are a problem given safety issues and fact that workplace is private home
- Need to provide job security
- Issues of employers needs to be deracialised
- Wages: review should consider differential skills and experience
- Professionalise domestic work by way of training
- Affiliates need to identify Domestic workers organizations to assist with building union leadership through training workshops
- Common 1 day national campaign that involve all stakeholders
- Campaign should embrace all organizations of Domestic workers, Federations of trade unions and NGOs

#### **Inclusive**

- Skills development for professional development through projects
  - Present a plan , for establishing a skill development Academy to the DOL
  - SETA Liaison
  - Shop steward training for Domestic Workers should be considered in each province as part of existing program

#### **Fundraising strategies for organizing Domestic Workers @ events**

- Outcome of this Summit together with testimonies of Domestic Workers of how their organization assisted them should be publicized in the media
- Regular regional meetings
- Literacy campaign as part of capacity building programme of Domestic Workers

#### **Commission II**

- The main objective is to build a strong union movement and to establish a National Forum to have a strong voice for domestic workers and this should be done by federations, NGO's and domestic workers union.
- People should be sensitized around domestic work that it is work for all and domestic workers are workers too.
- Federations and trade unions should give assistance to domestic workers union
- Strategise around building a vibrant and strong organization of domestic workers



- The recruitment campaign should identify areas where they can be found in large numbers, federations and other unions should be involved on the recruitment campaign and assist with resources.
- The conventions to be translated to simple English that can be understood by an ordinary worker and popularizing it.
- CCMA to be approached on of domestic workers training
- Federations and other union leaders to be invited to SADSAWU meeting to motivate workers
- Workshops should be run for domestic workers and employers on the convention by ILO and DOL
- Campaign around ratification of this convention and also around the implementation of the new sectoral determination
- Domestic workers to be trained not only on domestic work but also on other areas that can make them generate income for themselves, on how to form cooperative and on entrepreneurship
- Have a Domestic Workers Summit or Conference hosted by Department of Labour, where they will be able to discuss issues that affect them socially, economically.
- Negotiate with government on housing for domestic workers that nearer to their workplace areas

## **DOMESTIC WORKERS SUMMIT HELD ON THE 27-28 AUGUST 2011 DECLARATION**

On the 27-28 August 2011 the South African Domestic Services and Allied Workers Union (SADSAWU), Congress of South African Trade Unions (COSATU), National Council of Trade Unions (NACTU), Federation of Unions of South Africa (FEDUSA), International Labour Organisation (ILO), Social Law Project (SLP), Labour Research Service (LRS), African National Congress – Women’s League (ANCWL), and Progressive Women’s Movement of South Africa (PWMSA), have jointly come together to celebrate Women’s Month and to highlight the call to the South African Government to start the processes of ratifying Convention 189 (C189) on Decent Work for Domestic Workers.

The 100th session of the International Labour Conference (ILC) on 16 June 2011 adopted the first ever Domestic Workers Convention and Recommendations (R201) on Decent Work for Domestic Workers. The Convention recognises the “significant contribution of domestic workers to the global economy” and that domestic work is “undervalued, invisible, and mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities”.

The Summit recognises that domestic work sector has been growing socially and economically but domestic workers remain one of the most undervalued, underpaid and unprotected by the legislations. South Africa’s Sectoral Determination 7 (SD7) on domestic work provides standards for conditions of employment, minimum wages, and Unemployment Insurance Fund (UIF) benefits, among other. The summit identified a number of areas covered by C189 and R201 not provided for in SD7, such as, Occupational Health and Safety (OHS), maternity leave, protection of migrant workers, right to repatriation, right to privacy, paid overtime and standby, right of a domestic worker to education, abolition of child labour, and right to collective bargaining. The summit further recognises the need to align SD7 with C189 and R201 by including these provisions.

The summit also recognises the massive and significant contribution of domestic workers to the economy of South Africa and globally and that the South African Sectoral Determination 7 has established a good basis for the drafting of the Convention and Recommendation. Hence, the call and emphasis by the Domestic Workers Summit for the South African Government to be the first country to ratify Convention 189 on Decent Work for Domestic Workers.

It is estimated that there are about 1 million domestic workers in the country, most of whom are black and African in particular. The government statistics in terms of the latest Quarterly Labour Force Survey (QLFS) there is 876000 domestic workers. However, the number of domestic workers registered with the UIF amounts to 647126 (July 2011 figures).

The conference was addressed by among others the Honorable Minister of labour Mildred Oliphant, the COSATU Deputy General Secretary Bheki Ntshalintshali, the Director of the South African ILO office, Vic Van Vuuren and the President of the ANC Women’s League Angie Motshekga.

The Summit handed over Convention 189 on Domestic Work and Convention 183 on Maternity Protection to the Minister of Labour for her to start engaging with the relevant structures in order to enable the South African government to be the first country to ratify the Convention. The two conventions were also handed over to the President of ANCWL to engage the ruling party when formulating policies.

The Summit informed workers on what the Convention entails and what it means for South African domestic workers.

The Summit resolved to:

- Embark on a study to assess the contribution of domestic workers to the economy as all women are domestic workers whether paid or unpaid
- Demand that government should penalize employers for non-compliance.
- Demand that employers should provide for housing that is closer to the workplace.
- Unite domestic workers and encourage workers to join trade unions.
- Call on established trade unions to assist domestic workers organizations financially, technically and the provision of infrastructure e.g. facilities for meetings etc.
- Raise awareness of Convention 189 through bodies such as the CCMA
- Translate the Convention in to mother tongue languages.
- Establish an inclusive national forum comprising of different trade union federations such as COSATU, FEDUSA, NACTU and domestic workers' organizations in order to build a strong united voice to carry out this programme.
- Demand the establishment of a bargaining council for domestic workers
- Campaign for the extension of the Occupational Health and Safety Act (OHSA) to domestic workers.
- Support the banning of labour brokers
- Develop organizational capacity of domestic workers' trade unions
- Establish recruitment campaigns that will involve all stakeholders and develop strategies that take into account the specific situation of domestic workers.
- Use all forms of media e.g. community radio stations to inform domestic workers about their rights, in particular, Convention 189 and SD7.
- Sensitize employers about the Convention and other policies and laws on domestic workers.
- Include protection and advancement of domestic workers' rights through, among other, programmes of trade union federation affiliates'.
- Campaign for trade union federation affiliates' members to allow their domestic workers to join trade unions.
- Encourage trade union federation affiliates' to invite domestic workers trade unions to their educational programmes.
- Calls on government to provide skills development systems that would empower workers beyond domestic work.
  - Demand exemption or relaxation of trade union registration requirements for domestic workers' organizations and other vulnerable sectors.
  - Campaign for stronger compliance and enforcement measures through, among other, inspectorate systems.
  - Organize a 'domestic workers parliament' so that domestic workers views could be heard by politicians.
  - Convene an annual domestic workers' summit to evaluate progress and develop new strategies

- Establish domestic workers' watch programs in the areas where they are working
- Ensure that domestic workers earn a living and decent wage.
- Use the national days to blitz and raise awareness on domestic workers legislations
- Migration laws and procedures should be amended such that immigration officials should not be involved in labour disputes
- Ensure that domestic workers not be deported whilst their labour case is still in dispute and unresolved.
- Housing allocation to domestic workers should be closer to their workplace areas.

### List of Participants

Name & Surname	Organisation	Email	Contact
Sophie Ledwaba	Sadsawu		0739376534
Busisiwe Jiyane	Sadsawu		0761376777
Kate Masemola	Sadsawu		0721835370
Nkele Chauke	Sadsawu		076 916 6919
Pinky Mashiane	Sadsawu		073 291 2244
Maria Mgidi	Sadsawu		071 962 5839
Busi Shabangu	Sadsawu		083 624 3639
Daisy Dlomo	Sadsawu		076 069 8653
Lizzy Mnguni	Sadsawu		073 441 9844
Sarah Mudau	Sadsawu		076 986 4087
Annah Chilli	Sadsawu		072 963 7045
Christinah Mnisi	Sadsawu		076 517 9810
Angie Okeke	Sadsawu	<a href="mailto:angielapane@gmail.com">angielapane@gmail.com</a>	083 226 6613
Simon Maredi	Sadsawu		
Jeffrey Mmako	Sadsawu		072 894 3949
Gertrude Skhosana	Sadsawu		072 192 3630
Lydia Sethlare	Sadsawu		079 392 2688
Louisa Mqisa	Sadsawu		072 273 2772
Monica Phumzile Ntuli	Sadsawu		083 925 8156

Elizabeth Molokone	Sadsawu		076 923 8101
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### List of Participants

Name & Surname	Organisation	Email	Contact
Cathrine Molefi	Sadsawu		078 640 4479
Shiela Thlapane	Sadsawu		073 297 2209
Emily Manganye	Sadsawu		071 535 2056
Esther Nene Thomo	Sadsawu		078 369 4366
Nonhlanhla Mdebele	Sadsawu		073 486 2500
Antonia Makhaya	Sadsawu		083 490 2512
Zodwa Doyisa	Sadsawu		073 470 6163
Lindiwe Ngubane	Sadsawu		072 340 8873
Stephinah Monekwa	Sadsawu		072 221 5515
Queeneth Simelane	Sadsawu		078 610 3009
Constance Mqoma	Sadsawu		082 636 6774
Ntombifuthi Ntuli	Sadsawu		03 723 5706
Angie Maluleke	Sadsawu		072 774 8152
Alinah Likobo	Sadsawu		078 681 6060
Rebecca Bopape	Sadsawu	<a href="mailto:rebeccabopape@gmail.com">rebeccabopape@gmail.com</a>	083 579 9532
Maxim Ndlovu	Sadsawu		072 603 8498
Mathapelo Lephoro	Sadsawu		073 427 6754
Roselina Mabasa	Sadsawu		083 994 8395
Lydia Ramopane	Sadsawu		073 861 6984

Elizabeth Ely	Sadsawu	<a href="mailto:Elizabeth.elyville@gmail.com">Elizabeth.elyville@gmail.com</a>	076 797 0611
Sharon Mackinson	WWMP	<a href="mailto:Sharon@wwmp.org.za">Sharon@wwmp.org.za</a>	083 233 8556
Susan Jacobs	Sadsawu		082 224 5620
Gladys Mneyengeza	Sadsawu		
Fairuz Mullagee	Social Law Project	tjaila@afica.com	021 959 3562

### List of participants

Name & Surname	Organisation	Email	Contacts
Salim Patel	Labour Research Services	<a href="mailto:saliem@lrs.org.za">saliem@lrs.org.za</a>	021 447-1677
Hester Stephens	Sadsawu	hester.stephens@gmail.com	072 669 1309
Wilhemina Trout	Sadsawu	Wilhelmina@marchemondi.de.org	076 566 2915
Myrtle Witbooi	Sadsawu		078 841 4382
Eunice Dladla	Sadsawu		082 344 0300
Elma Geswindt	COSATU Western Cape	<a href="mailto:elma@cosatu.org.za">elma@cosatu.org.za</a>	082 846 2880
Mpheane Lepaku	COSATU H.Q		011 339-4911
Caroline Scheepers	COSATU Western Cape		073 531 0673
Nokhwezi Buthelezi	COSATU KZN	<a href="mailto:Nokhwezi@cosatu.org.za">Nokhwezi@cosatu.org.za</a>	082 554 0507
Sibongile Nhlapo	COSATU KZN	Sbon70webmail.co.za	072 188 5778
Toekie Kgabo	COSATU Limpopo	<a href="mailto:Toeki@cosatu.org.za">Toeki@cosatu.org.za</a>	072 138 3042
Makhadzi Mphelo	COSATU Limpopo	<a href="mailto:jmphelo@mobileemail.vodafone.co.za">jmphelo@mobileemail.vodafone.co.za</a>	083 380 1765 072 709 7216
Ntsiki Mdebuka-Mgudlwa	COSATU Free State	<a href="mailto:Ntsiki@cosatu.org.za">Ntsiki@cosatu.org.za</a>	051 447 5499
Phindile Sindane	COSATU Mpumalanga	Phindile@cosatu.org.za	013 656 0289
Abigail Mathebula	COSATU Mpumalanga		018 790 0112

	Mpumalanga		
Sipho Khala	COSATU Gauteng	<a href="mailto:gmkhala@mweb.co.za">gmkhala@mweb.co.za</a>	073 232 5051
Amanda Mkizwana	COSATU Gauteng		078 573 2937
Patricia Letsike	COSATU member	NGCC <a href="mailto:Patricia.letsike@implats.co.za">Patricia.letsike@implats.co.za</a>	071 686 9412
Mathapelo Mphuthi	COSATU member	NGCC <a href="mailto:Mathapelo@cwu.org.za">Mathapelo@cwu.org.za</a>	083 463 8143

### List of Participants

Name & Surname	Organisation	Email	Contact
Pulane Madie	CWU	<a href="mailto:Pulane.madie@gmail.com">Pulane.madie@gmail.com</a>	082 811 3730
Zweli Zungu	COSATU member	NGCC <a href="mailto:zweli@kwadukuza.gov.za">zweli@kwadukuza.gov.za</a>	072 238 6718
Patricia Nyman	Saccawu	<a href="mailto:gender@saccawu.org.za">gender@saccawu.org.za</a>	082 336 5377
Beauty Zibula	Sactwu	<a href="mailto:beauty@z@sactwu.org.za">beauty@z@sactwu.org.za</a>	082 902 4296
Busisiwe Msimanga	Sactwu	msimangobusisiwe@gmail	072 995 4691
Joy Ndoonina	Sasawu		072 620 0308
Lungile Nkosi	Sasawu	<a href="mailto:Lungile.nkosi@gauteng.gov.za">Lungile.nkosi@gauteng.gov.za</a>	082 574 1663
Thandeka Msibi	Denosa	Ritta.msibi@kznhealth.gov.za	083 959 4872
Seira Ngcobo	Denosa	<a href="mailto:seirahngcobo@denosa.org.za">seirahngcobo@denosa.org.za</a>	072 580 8202
Annah Ramaifo	Denosa	<a href="mailto:annar@denosa.org.za">annar@denosa.org.za</a>	082 410 5567
Dimakatso Monama	Popcru	<a href="mailto:Dimakatsom@popcru.org.za">Dimakatsom@popcru.org.za</a>	073 872 8824
Angie Pheetle	Saccawu	<a href="mailto:aphetle@saccawu.org.za">aphetle@saccawu.org.za</a>	082 336 5290
Pamela Salusalu	Department Labour	of <a href="mailto:Pamella.salusalu@labour.gov.za">Pamella.salusalu@labour.gov.za</a>	082 887 4545
Elizabeth Manoto	Fawu		
Tebogo Masilo	Fawu	<a href="mailto:tmasilo@emperorspalace.com">tmasilo@emperorspalace.com</a>	011 928-1979
Pulane Mkokosi	Fawu		082 077 6682

Mosidi Maboye	Sadnu	<a href="mailto:mmaboye@yahoo.com">mmaboye@yahoo.com</a>	083 236 9706
Virgi Peete	Sadnu	<a href="mailto:virgypeete@gmail.com">virgypeete@gmail.com</a>	076 249 0723
Louisa Plaatjies	Sasbo	<a href="mailto:training@sasbo.org.za">training@sasbo.org.za</a>	083 441 8261
Tabitha Makama	FEDUSA	<a href="mailto:Thabitha@imatu-pta.co.za">Thabitha@imatu-pta.co.za</a>	082 787 0326
Maria Chonco	FEDUSA	<a href="mailto:maria@utatu.com">maria@utatu.com</a>	082 920 5305
Edna Bokaba	FEDUSA	<a href="mailto:Edna.bokaba@gmail.com">Edna.bokaba@gmail.com</a>	082 429 2629
Phumzile Mashishi	FEDUSA	<a href="mailto:admphumzile@horspesa.co.za">admphumzile@horspesa.co.za</a>	083 321 4425

### List of Participants

Name & Surname	Organisation	Email	contacts
Sam Ndou	NACTU	<a href="mailto:tsndou@webmail.co.za">tsndou@webmail.co.za</a>	083 969 5683
Mapule Tshabalala	NACTU		073 204 7825
Nondumiso Mlangeni	NACTU	nondumisowinnielove@hotmail	073 210 6612
Mike Gwamanda	ACILS	<a href="mailto:mgwamanda@acils.org.za">mgwamanda@acils.org.za</a>	072 291 2936
Salome Molefe	Sadsawu		084 231 5649
Semakaleng Annacletta Matlala	Nehawu	<a href="mailto:annaclettan@gpg.gov.za">annaclettan@gpg.gov.za</a>	073 804 4332
Elijah Chiwota	S.A.Labour Bulletin	<a href="mailto:salbeditor@icon.co.za">salbeditor@icon.co.za</a>	
Ntombizifikile Saziwa	NACTU		083 684 5568
Fredda Oosthuizen	COSATU treasurer	<a href="mailto:Freda@cosatu.org.za">Freda@cosatu.org.za</a>	082 088 1212
Hunadi Mateme	ANCWL	<a href="mailto:matemeli@limpopolego.gov.za">matemeli@limpopolego.gov.za</a>	072 348 6740
Duduzile Ngcobo	Numsa	<a href="mailto:duduzilen@numsa.org.za">duduzilen@numsa.org.za</a>	074 372 5685
Ruth Ntlokose	Numsa	<a href="mailto:ruth.ntlokotse@gmail.com">ruth.ntlokotse@gmail.com</a>	083 258 0390
Ruth Mhlongo	Numsa		082 977 6979
Nthabiseng Moleleki	Numsa		071 924 9034
Gladys Tibane	PWMSA	<a href="mailto:gladystibane@yahoo.com">gladystibane@yahoo.com</a>	072 532 0815
Klaas Marotela	COSATU		083 590 3769



Mary Nxumalo	Ceppwawu	<a href="mailto:mary@ceppwawu.org.za">mary@ceppwawu.org.za</a>	082 496 8987
Nomsa Ndlovu-Moro	Saccawu	<a href="mailto:moronomsa@yahoo.com">moronomsa@yahoo.com</a>	078 017 6186
Idah Makofane	Samwu	<a href="mailto:imakofane@ledc.co.za">imakofane@ledc.co.za</a>	073 314 8272
Amelia Khasipe	Samwu	<a href="mailto:akhasipe@randwater.co.za">akhasipe@randwater.co.za</a>	083 750 4279
Doroty Ngobeni	Samwu		083 685 1490
Mapaseka Sephiri	Nehawu	<a href="mailto:mapaseka@nehawu.org.za">mapaseka@nehawu.org.za</a>	082 971 6445
Lirandai Themba	Enews	<a href="mailto:Lirandzu.themba@etv.co.za">Lirandzu.themba@etv.co.za</a>	082 854 7106

### List of Participants

Name & Surname	Organisation	Email	contact
Thembelihle Ngwenya	Sadtu	<a href="mailto:thenya7@gmail.com">thenya7@gmail.com</a>	082 562 1966
Elijah Chiwota	SA Labour Bulletin	<a href="mailto:salbeditor@icon.co.za">salbeditor@icon.co.za</a>	
Musa Zondi	Department of Labour	Musa.zondi@labour.gov.za	
Erick Seshoka	Samwu	<a href="mailto:seshokal@webmail.co.za">seshokal@webmail.co.za</a>	073 560 1147
Christine Masemene			079 925 1147

