

# Organising domestic workers

## Issues and barriers

In South Africa domestic worker unions have always been weak. **Mojalefa Musi** examines why this is the case despite the existence of the South African Domestic Services and Allied Workers Union, and how contradictions in the law perpetuate organising difficulties.

In recent times the plight of domestic workers has been put on the union organising agenda internationally which resulted in the debate on an international labour convention at the recent ILO Conference. But what are the organising challenges of these workers?

Building union organisation is important but how this organisation should operate is important for ensuring domestic workers' voices are heard. The history of these workers' organising in South Africa is closely associated with the Congress of South African Trade Union's (Cosatu) organising traditions. The South African Domestic Workers Union (Sadwu), the forerunner to the South African Domestic Services and Allied Workers Union (Sadsawu), was affiliated to Cosatu until it dissolved due to financial and political difficulties.

### SADSAWU'S SCOPE

In terms of Sadsawu's constitution, its membership reflects a shift from the narrow scope of domestic workers to other productive activities on a care work continuum. Unlike Sadwu, Sadsawu

incorporates services and 'allied' subsectors traditionally not associated with domestic work.

As Shireen Ally in her book *From Servants to Workers* (reviewed on p29) argues, this adjustment to the organising scope both expands the membership base of the union and makes a transition from a narrow understanding of domestic work as *reproductive* labour to understanding it as production of care work in its own right. She argues that the reproductive labour thesis places production of care work on the periphery of economic activity.

The following membership categories appear in the union's constitution:

- chars
- crèche workers
- nannies
- domestic workers
- chauffeurs
- drivers (in households)
- cleaners (in private schools)

The ILO Preparatory Report towards the conference highlights marked cultural and regional differences in the understanding of domestic work.

For example, in terms of Botswana's labour legislation, the

definition of domestic work includes workers who look after properties and houses and livestock in the countryside for non-commercial purposes. In Cosatu and elsewhere such workers would be considered farm workers and covered by a different protection regime. Cosatu emphasises the organisation of rural-urban workers or national migrants rather than organising domestic workers in the countryside or in peri-urban sites.

### ORGANISING IMMIGRANTS

Domestic work is an entry point for mostly women migrant workers from neighbouring countries such as Zimbabwe due to economic distress. Chars are workers who cannot easily obtain work permits, which makes them vulnerable to exploitation. They work for multiple employers on a 'freelance' basis without a formal employment contract.

Chars are often used by employers to evade the legal protections provided for in labour legislation as these workers are classified as independent contractors and not 'employees'. They thus undercut the wages of local domestic workers.



Jennifer Fish

Sadsawu demonstration at the gates of Parliament, Cape Town, in March 2001.

According to the Labour Research Service (LRS) country study, Zimbabwean migrant domestic workers in countries such as Namibia, South Africa and Botswana are more educated than their national counterparts in these countries. Employers in South Africa prefer these migrant workers because they provide additional academic support for their children in the light of the education crisis in South Africa.

According to Sadsawu's regional leadership in Johannesburg and Tshwane, migrant workers from Zimbabwe and Lesotho have attended some of their meetings and joined the union. While there is reasonable success in some instances in integrating them into union structures and activities, the environment within the union has not been favourable for their participation due to the job insecurity of South African domestic workers.

According to Mike Louw, a Cosatu provincial organiser/educator, Cosatu in the Western Cape held meetings with migrant workers at the height of xenophobic attacks in 2008. Findings showed that both the union and the trade union

federation had not developed a focused organising strategy targeting migrant domestic workers. This is partly because migrant domestic workers bring different issues and challenges to unions such as work permits and changing their status from chars to employees in the law which are issues that are more difficult for the union to deal with.

Generally domestic workers, especially migrant domestic workers, are deterred from joining trade unions due to the fear of dismissal. As a result, according to the statistics on its website Sadsawu has only 450 members out of more than a million domestic workers in terms of official statistics.

#### VOLUNTEER ORGANISING

Trade unions in the domestic work sector are probably the only unions to rely on volunteers. These volunteers are usually employed on a full-time basis as domestic workers, many of them in piece jobs, who commit the rest of their time to their union. Most of them have been volunteer organisers for more than ten years.

Their commitment to building their union recalls the Fosatu

(Federation of South African Trade Unions) volunteer culture of organising factory by factory in the 1970s. However its leaders recognise that this kind of organising is not sustainable. The need to renew its leadership with younger more skilled workers in the light of its current ageing leadership is urgent.

However, while the generational change is needed, skilled officials could also neutralise the democratic volunteering spirit and organisational memory in the union.

#### COSATU AS MAGNET

Sadsawu is not formally affiliated to Cosatu but it has an informal relationship with the federations. No other trade union federations organises domestic workers. The union recognises that Cosatu is a magnet for many workers not familiar with the union. The recruitment pamphlet prominently shows the logos of both Sadsawu and Cosatu.

Union leaders recognise the difficulty of developing trust with workers because of the manual collection of dues and joining fees and the general lack of visibility of

the union to its constituency. Cosatu helps organisers to approach employers and unorganised workers with confidence because of the social presence and profile that the federation has built over the years.

### ORGANISING SUPPORT

In view of the unstable financial base of the union, the shortage of young and other skilled organisers, and the lack of infrastructure, Sadsawu has to rely on the assistance of other organisations such as Samwu (South African Municipal Workers Union), Cosatu, progressive non-governmental organisations, labour service organisations and

academics for education and research support.

Cosatu Western Cape and Samwu in Johannesburg have both given Sadsawu free office space and access to office facilities so it can operate. Municipal workers, Samwu's members, are in constant contact with domestic workers and continually help its organising effort. Samwu (other than Cosatu in the Western Cape) is the only union that has materially assisted Sadsawu.

The Social Law Project at the University of the Western Cape and the LRS have organised research and education activities to support the organising work of the union. Earlier

this year the Social Law Project convened a conference to advance the research work it has been doing in the area (see p23).

The Black Sash, under the leadership of the late Sheena Duncan, was cited as one of the organisations that had helped in the building of the union. Ditsela, the labour education college, has also been invited to provide education and capacity-building support to the trade union leadership.

### AFFILIATION AND LEGAL FRAMEWORK

As already discussed the union faces many organising challenges.

## First round victory in ILO fight for domestic workers

Domestic workers fighting for rights and recognition through binding international standards won a crucial first round victory at this year's International Labour Conference of the ILO in Geneva. On 4 June, 61 governments voted in favour of a Convention supplemented by a Recommendation, against 14 voting for a Recommendation only.

This first victory for the hundreds of millions of domestic workers around the world was followed by ten days of tough negotiations around proposed amendments, particularly from the Employers' Group seeking to weaken the scope and content of future standards.

While claiming to recognise the important economic contribution of domestic workers, the employers argued that high standards would reduce employment opportunities for domestic workers. This was challenged by government representatives from countries including Brazil, Uruguay and South Africa where domestic workers are covered under national legislation and collective agreements exist.

The Workers' Group and the African, Australian, Latin American and US governments in particular managed to maintain important clauses in the draft conclusions and also to introduce several amendments strengthening protection in key areas, including minimum working age/child labour and the liabilities and responsibilities of private employment agencies.

Despite substantial progress at this first discussion, a number of challenges remain for the second and final discussion in 2011. The principle of equal treatment with respect to social protection, working time, health and safety and labour inspections between domestic workers and workers in other sectors is far from established. Unequal treatment with other workers exists even in some of the richest countries in the world including members of the European Union.

To prepare for next year's discussion, the International Domestic Workers' Network (IDWN) will have to mobilise strong support from national and regional authorities around these issues. It will also be necessary to intensify the documentation and awareness raising around domestic workers' working and living conditions and ways and means to improve these.

Workers' Group spokesperson Halimah Yacob in her introductory remarks told the ILO tripartite Committee on Domestic Workers that its historic task was to take 'decent work for all' from a slogan to a reality to include all domestic workers. The IDWN and its members will return to next year's negotiations better prepared than ever to fight for equal rights for all.

*From [www.domesticworkerrights.org](http://www.domesticworkerrights.org) See also **SALB 33.2, June 2009** 'Decent work for domestic workers: Towards an ILO Convention'.*