

Cosatu's affiliate subscription rate is out of reach of a union that still has a small membership base.

Membership dues are low in accordance with domestic worker salaries and the union does not have well developed systems to reliably collect dues from members which are collected manually.

Subscription to the union federation is the main reason to date for the non-affiliation of Sadsawu to Cosatu. This issue needs attention from the union federation in the spirit of its solidarity slogan 'an injury to one is an injury to all'.

Domestic workers are covered by a legal framework which is more suitable to established 'typical' workplaces. Domestic work takes place in hidden, isolated, intimate settings where a worker is part of a

web of familial relationships in the household. This means their workplaces cannot be accessed in the same way as conventional workplaces because they are labour in private homes. The employer can refuse the union access on the basis that it violates the right to privacy. (See SALB 34.3 'Constitution and advancing domestic workers' rights'.)

The labour relations system contains contradictory rights and in some cases some rights take precedent over others.

For example, the Labour Relations Act (LRA) provides for the right of workers to join trade unions and organise on the one hand, while the Basic Conditions of Employment Act provides for labour inspectors to perform their duties in terms of

the objectives of the legislation on the other. But the Constitution overrides these rights with the right to private property where owners of households can deny domestic workers their right to organise and inspectors their right to inspect. This is despite the view advanced by Halton Cheadle, one of the authors of the LRA, that organisational rights, especially the right to access the workplace, places a considerable limit on the right to private property. LB

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*From Servants to Workers*  
SOUTH AFRICAN DOMESTIC WORKERS  
AND THE DEMOCRATIC STATE  
Shireen Ally

## Review

*From Servants to Workers: South African Domestic Workers and the Democratic State (University of KwaZulu-Natal Press, 2009)*  
Shireen Ally

*Reviewed by Mojalefa Musi*

peculiarity of domestic work. At the heart of the book is a sociological account of domestic workers' transition from 'servants to workers' mainly underscored, not so much by union organising, but by 'a democratic statecraft'.

According to Ally, three important features define democratic statecraft:

- the advent of Sectoral Determination (SD 7) and a gamut of pieces of labour legislation to protect the rights of domestic workers amongst other workers;
- through the SD 7, the ability of the state to hold proxy (stand in for) domestic workers as their bonafide representative and advocate for their rights and interests in public policy debates;
- the state and its functionaries acting as organisers and educators of domestic workers, almost replacing union organisation through household inspection visits and labour rights' workshops among other things.

Shireen Ally's book is seminal in two respects. It is the first study after Jackie Cock's *Maids and Madams* (1980) into the conditions of mainly black domestic workers in South Africa.

Secondly, it offers a scholarly analysis and critique of the post-apartheid labour relations regime and its implications for the

The book is multi-thematic. Ally compresses many topics that straddle gender, race and class, which characterise the South African social makeup. My focus in this review will be on the theme of organising domestic workers as space does not permit the exploration of other topics.

The book presents, in one of the chapters, a compelling case for relying more on workers' organising power than on state power through regulations in the SD7. The determination has tended to reproduce employers' rigid controls and patronage reminiscent of apartheid domestic work relationships.

In this regard, Ally ably engages on the emasculating effects of government's regulated flexibility policy on domestic workers. She talks of how post-independence Zimbabwe has created enabling conditions for domestic workers to 'self-organise' into unions. However, her critique lacks credibility as it does not focus attention on the inability of organised workers, especially in Cosatu, to help organise these workers.

Arguably democratic statecraft in the domestic work sector is a response to the failure of post-1973 democratic trade unionism to manage the organising challenges posed by domestic work. Mike Louw, a Cosatu provincial organiser/educator, in an interview argued that the support to Sadsawu (South African Domestic Services and Allied Workers Union) has been uneven across federation structures and its affiliates.

The design of democratic statecraft in South Africa was constructed with the active participation of the labour movement. This form of top-down organising represents how the trade union federation has approached the organising challenges of domestic workers.

This despite the material support given to Sadsawu by Cosatu in the Western Cape and Samwu in Gauteng.

Ally makes a useful comparison between the political unionism of the 1980s for domestic workers typified by Sadwu (South African Domestic Workers Union – the forerunner to Sadsawu), and Sadsawu's organising approach of the 1990s.

In this regard, Ally takes the view that any analysis of union organisation should not be separated from its material conditions. The strength of this part of the book lies in the rebuttal of the view that domestic workers are un-organisable.

Ally periodises the evolution of domestic worker unionism from the advent of industrialisation in the early 1900s. Crucial is the relationship between the ebbs and flows of trade unionism and the militancy of working-class organisations in general, and domestic workers' organisations in particular.

She grapples with different forms of the state-labour relationship. The conditions of a totalitarian state produced strong, independent and militant political unionism whereas those of democracy tended to demobilise, co-opt and render unions more docile leading to a shrinkage in their membership. Her key proposition seems to be that a post-apartheid institutional edifice works against building workers' power as the locus of power resides with the state and its labour institutions.

The post-apartheid labour relations framework is premised on centralised bargaining as a matter of public policy. Both the LRA (Labour Relations Act) and the BCEA (Basic Conditions of Employment Act) feature 'orderly collective bargaining' prominently among their objectives.

Post-apartheid democratic

statecraft, including the notions of a developmental state and now the National Planning Commission, are predicated on the centralisation of public policy development. Ally forgets however to mention the fact that domestic sector employers are not centrally organised which means that labour relations for domestic workers are incompatible with public policy.

Louw believes that the organising models of trade unions assisting domestic workers requires deeper reflection and debate among unionists. My submission is that centralisation of bargaining and policy development under a democratic statecraft has stymied organising creativity and the innovation of workers *generally*, and in this case domestic workers.

Ally presents a case for a general decline of trade union militancy and the rise of legalistic means of resolving workplace disputes. The impact of legal service providers, such as Legal Wise and Clientele Legal, is an important discussion about shifting perspectives on the role of unions in industrial relations. The people Ally interviews use such services for individual dismissals and other labour law issues and see the importance of the union only for substantive bargaining issues, mainly wages.

There is also evidence of such a tendency in other sectors of union organisation. Members' shifting expectations of trade unions are an important issue that requires a farsighted attitude of unionists in a period where the role of unionism in society is declining.

*From Servants to Workers'* compelling and razor-sharp analysis provides a political economy framework for domestic work that invites unionists to rethink their craft of building democratic worker organisation as an atypical sector, but also to reflect on organisation in more traditional sectors. It's a must read!

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