

"Everyone has the right to fair labour practices."

- **Section 23 of the South African Constitution**

South African
Domestic and Allied
Workers Union
(SADSAWU)

Tel: 021 448 0045

Your Domestic Workers Rights

Your domestic worker plays a vital role in the running of your home and family – she is a housekeeper and caregiver.

She takes on the huge responsibility of ensuring that your children and household are well cared for and protected.

Make her human rights real!!

Contact the Black Sash HELPLINE for FREE paralegal support and advice:



072-66 33 739
help@blacksash.org.za



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B L A C K S A S H
MAKING HUMAN RIGHTS REAL

Your Domestic Workers Rights

Your domestic worker has the right to work without sexual harassment, physical harm, verbal abuse or exploitation.

She is entitled to be paid a minimum wage and an annual increase - the amount is set by the Labour Department and changes every year on the 1st of November.

Medical insurance, loans, pension contributions, loans etc CAN be deducted from her wages but the total amount cannot be more than 10% of her total monthly pay. You must pay over any deductions and employer contributions to these funds within 7 days.

Money CANNOT be deducted from wages for breakages, damages, meals during working hours, uniforms and work equipment.

45 hours is a standard working week – any hours she works over that must be paid at the overtime rate of one-and-a-half times the usual wage.

If your domestic worker works for less than four hours on a particular day, she must be paid for a minimum of four hours.

If she usually works on Sundays, she should be paid at one-and-a-half times her usual hourly rate. But if she doesn't normally work on a Sunday and you ask her too, she must be paid two times the usual hourly wage.

Your domestic worker shouldn't be asked to work more than three hours a day or 15 hours a week overtime. And you must give her a rest period of 12 hours in a row every 24 hours as well as 36 hours together at least once a week.

She is also entitled to a meal break of one hour if she works for more than five hours in a row.

Your domestic worker can't be forced to work on a public holiday but if she agrees too, she must be paid double wages.

She is also entitled to annual leave of 3 weeks a year - paid at her normal rate.

If she works for you for more than 24 hours a month, you are legally obliged to deduct 1% of her pay and hand it over along with another 1%, to the Unemployment Insurance Fund (UIF) each month.

During the first 6 months of the job, your domestic worker has the right to one day of paid sick leave for every 26 days she has worked. Over a period of 3 years she has the right to paid sick leave that is equal to the amount of days she usually works over six weeks.

She is also entitled to 4 months unpaid maternity leave. She should be able to claim UIF maternity benefits for 17 weeks.

She is also entitled to 5 days of paid family responsibility leave a year, to be used for e.g. when her child is sick, or when a family member dies.

Your domestic worker must be given at least 4 week's notice of dismissal if they have been working for you for over 6 months, or 1 week's notice if less.