



**What domestic workers
and their employers
should know about
minimum wages and
conditions of employment**





The Department of Labour has made a law, which regulates employment in the Domestic Worker Sector

- This law is called the Sectoral Determination for the Domestic Worker Sector that came into effect on 1 September 2002
- Employers will be required to pay the prescribed minimum wages as indicated in the Sectoral Determination
- This document briefly covers some of the most important provisions in the Sectoral Determination
- A copy of the Sectoral Determination is available from the Government Printers or the Department of Labour and also on the Department's website, at www.labour.gov.za

What is the purpose of the Sectoral Determination?

The Sectoral Determination lays down conditions of employment for domestic workers such as hours of work, leave, particulars of employment and termination of employment, it also prescribes the minimum wage employers are required to pay.

Who is covered in this Sectoral Determination?

- All domestic workers in South Africa working in a private household
- People employed by employment services
- Independent contractors who are doing domestic work
- A person doing gardening in a private home
- People who look after children, sick or old people, and people with disabilities
- A person driving for the household.

Who is not covered in the Sectoral Determination?

- Domestic workers employed on farms
- Domestic workers employed in activities covered by another sectoral determination or bargaining council agreement.

What does the law say about wages?

The law says that all domestic workers should be paid at least the minimum wage according to **Tables 1 or 2**.

Will all domestic workers get the same wage?

All domestic workers should at least be paid the minimum wage in **Tables 1 or 2**, however domestic workers earning more than the prescribed minimum will continue to earn the higher wages as conditions of employment cannot be changed unilaterally.





Wage Tables for the Domestic Worker Sector

Table 1: Minimum wages for domestic workers who work more than 27 ordinary hours per week

Area A					
Bergrivier Local Municipality, Breederivier Local Municipality, Buffalo City Local Municipality, Cape Agulhas Local Municipality, Cederberg Local Municipality, City of Cape Town, City of Johannesburg Metropolitan Municipality, City of Tshwane Metropolitan Municipality, Drakenstein Local Municipality, Ekurhuleni Metropolitan Municipality, Emalahleni Local Municipality, Emfuleni Local Municipality, Ethekewini Metropolitan Municipality, Gamagara Local Municipality, George Local Municipality, Hibiscus Coast Local Municipality, Karoo Hoogland Local Municipality, Kgatelopele Local Municipality, Khara Hais Local Municipality, Knysna Local Municipality, Kungwini Local Municipality, Kouga Local Municipality, Langeberg Local Municipality, Lesedi Local Municipality, Makana Local Municipality, Mangaung Local Municipality, Matzikama Local Municipality, Metsimaholo Local Municipality, Middelburg Local Municipality, Midvaal Local Municipality, Mngeni Local Municipality, Mogale Local Municipality, Mosselbaai Local Municipality, Msunduzi Local Municipality, Mtubatu Local Municipality, Nama Khoi Local Municipality, Nelson Mandela, Nokeng tsa Taemane Local Municipality, Oudtshoorn Local Municipality, Overstrand Local Municipality, Plettenbergbaai Local Municipality, Potchefstroom Local Municipality, Randfontein Local Municipality, Richtersveld Local Municipality, Saldanha Bay Local Municipality, Sol Plaatjie Local Municipality, Stellenbosch Local Municipality, Swartland Local Municipality, Swellendam Local Municipality, Theewaterskloof Local Municipality, Umdoni Local Municipality, uMhlathuze Local Municipality and Witzenberg Local Municipality.					
Minimum rates for the period 1 December 2008 to 30 November 2009		Minimum rates for the period 1 December 2009 to 30 November 2010		Minimum rates for the period 1 December 2010 to 30 November 2011	
Hourly Rate (R)	6.88	Hourly Rate (R)	Previous years wage + CPIX + 1%	Hourly Rate (R)	Previous years wage + CPIX + 1%
Weekly Rate (R)	309.60	Weekly Rate (R)		Weekly Rate (R)	
Monthly Rate (R)	1340.95	Monthly Rate (R)		Monthly Rate (R)	
Area B					
Areas not mentioned in Area A					
Minimum rates for the period 1 December 2008 to 30 November 2009		Minimum rates for the period 1 December 2009 to 30 November 2010		Minimum rates for the period 1 December 2010 to 30 November 2011	
Hourly Rate (R)	5.63	Hourly Rate (R)	Previous years wage + CPIX + 2%	Hourly Rate (R)	Previous years wage + CPIX + 2%
Weekly Rate (R)	253.35	Weekly Rate (R)		Weekly Rate (R)	
Monthly Rate (R)	1097.40	Monthly Rate (R)		Monthly Rate (R)	

Table 2: Minimum wages for domestic workers who work 27 ordinary hours per week or less

Area A					
Bergrivier Local Municipality, Breederivier Local Municipality, Buffalo City Local Municipality, Cape Agulhas Local Municipality, Cederberg Local Municipality, City of Cape Town, City of Johannesburg Metropolitan Municipality, City of Tshwane Metropolitan Municipality, Drakenstein Local Municipality, Ekurhuleni Metropolitan Municipality, Emalahleni Local Municipality, Emfuleni Local Municipality, Ethekwini Metropolitan Municipality, Gamagara Local Municipality, George Local Municipality, Hibiscus Coast Local Municipality, Karoo Hoogland Local Municipality, Kgatelopele Local Municipality, Khara Hais Local Municipality, Knysna Local Municipality, Kungwini Local Municipality, Kouga Local Municipality, Langeberg Local Municipality, Lesedi Local Municipality, Makana Local Municipality, Mangaung Local Municipality, Matzikama Local Municipality, Metsimaholo Local Municipality, Middelburg Local Municipality, Midvaal Local Municipality, Mngeni Local Municipality, Mogale Local Municipality, Mosselbaai Local Municipality, Msunduzi Local Municipality, Mtubatutu Local Municipality, Nama Khoi Local Municipality, Nelson Mandela, Nokeng tsa Taemane Local Municipality, Oudtshoorn Local Municipality, Overstrand Local Municipality, Plettenbergbaai Local Municipality, Potchefstroom Local Municipality, Randfontein Local Municipality, Richtersveld Local Municipality, Saldanha Bay Local Municipality, Sol Plaatjie Local Municipality, Stellenbosch Local Municipality, Swartland Local Municipality, Swellendam Local Municipality, Theewaterskloof Local Municipality, Umdoni Local Municipality, uMhlathuze Local Municipality and Witzenberg Local Municipality.					
Minimum rates for the period 1 December 2008 to 30 November 2009		Minimum rates for the period 1 December 2009 to 30 November 2010		Minimum rates for the period 1 December 2010 to 30 November 2011	
Hourly Rate (R)	8.12	Hourly Rate (R)	Previous years wage + CPIX + 1%	Hourly Rate (R)	Previous years wage + CPIX + 1%
Weekly Rate (R)	219.24	Weekly Rate (R)		Weekly Rate (R)	
Monthly Rate (R)	949.97	Monthly Rate (R)		Monthly Rate (R)	
Area B					
Areas not mentioned in Area A					
Minimum rates for the period 1 December 2008 to 30 November 2009		Minimum rates for the period 1 December 2009 to 30 November 2010		Minimum rates for the period 1 December 2010 to 30 November 2011	
Hourly Rate (R)	6.65	Hourly Rate (R)	Previous years wage + CPIX + 2%	Hourly Rate (R)	Previous years wage + CPIX + 2%
Weekly Rate (R)	179.55	Weekly Rate (R)		Weekly Rate (R)	
Monthly Rate (R)	778.00	Monthly Rate (R)		Monthly Rate (R)	





Calculation of wages

Wages are calculated using ordinary hours of work

- Daily wage divided by ordinary hours worked in a day = hourly wage
- Weekly wage divided by ordinary weekly hours = hourly wage
- Daily wage divided by ordinary hours worked in a day = daily wage
- Monthly wage divided by 4.333 = weekly wage

The weekly wage of a domestic worker whose remuneration is not calculated on the basis of time or whose remuneration fluctuates, is calculated using an average over the last 13 weeks.



Payment of wages

Must be paid:

- In South African currency
- In cash or cheque or direct payment into bank account
- Daily, weekly, fortnightly or monthly
- At the workplace during working hours
- On a normal pay day agreed to by the domestic worker
- On termination of employment.

Information concerning wages

Every domestic worker must receive, on payday, a payslip showing:

- Employers name and address
- Domestic worker's name and occupation
- Period of payment
- Domestic worker's wage rate and overtime rate
- Hours worked

- Overtime worked
- Hours worked and pay for Sundays and Public Holidays
- Wage
- Any other pay
- Details of any deductions
- Net payment

The payslip is the property of the domestic worker.

Prohibited acts concerning pay

Permissible deductions

- Medical insurance
- Savings
- Pension or Provident fund
- Trade union subscription
- Order of account payment to a registered financial institution
- Rentals
- Loan or advance (not more than 10% of total wage).

Deductions not allowed

- Amount greater than the actual remuneration received
- Breakages (crochery, electrical appliances)
- Damages (ironing)
- Meals provided during working time
- Clothing
- Work equipment
- Employment or training of that domestic worker.

Deductions for accommodation

This may be deducted from wages (not more than 10% of total wage) on condition that the room:

- Is weatherproof and in a good condition
- Has at least one window and door which can be locked
- Is fitted with a toilet, a bath/shower or has access to another bathroom.

An employer may not make any



An employer will be required to give the domestic worker a payslip and written particulars of employment.





deductions from a domestic worker's remuneration unless:

- Agreed to in writing
- In terms of a law
- To repay an employer for loss of damage only if:
 - It occurred in the course of employment and due to the fault of the domestic worker
 - The employer has followed a fair procedure
 - The deduction is not more than the loss
 - The deduction is not more than 10% of the remuneration
- A deduction for goods purchased must specify nature and quantity
- A deduction for payment to a third party must be paid over as agreed
- The employer may not require the domestic worker to repay remuneration unless it was as a result of an error in calculating the remuneration
- An employer may not require a domestic worker to sign for a greater amount of pay than actually received.

Conditions of employment

Written particulars of employment

An employer must supply a domestic worker with the following:

- Full name and address of the employer
- Name and occupation of the domestic worker or a brief description of work
- Addresses of various places of work
- Date on which employment began
- Ordinary hours of work and days of work
- Wage or the rate and method of payment
- The rate of pay for overtime work
- Any other cash payments
- Any payment in kind and the value thereof
- How frequently wages will be paid
- Any deductions
- Leave entitlement
- The period of notice to terminate employment; or if employment was for a specific period, the date when employment is terminated.

Hours of work

- A maximum of 45 ordinary hours a week
- 9 ordinary hours on any day if the domestic worker works for 5 days or less in a week; or
- 8 ordinary hours per day if the domestic worker works more than 5 days per week.





Overtime

- Can only be worked by agreement concluded by the employer and the domestic worker
- Not more than 15 hours overtime per week may be worked
- Not more than 12 hours, including overtime on any day may be worked.

Payment of overtime

- Overtime should be paid at one and a half times the domestic worker's wage for overtime worked
- An agreement may provide for an employer to pay a domestic worker not less than the ordinary wage for overtime worked and give the domestic worker at least 30 minutes time off on full pay for each hour of overtime worked; or
- Give a domestic worker at least 90 minutes paid time off for each hour of overtime worked
- Paid time off should be given within one month of a domestic worker becoming entitled to it, however an agreement in writing may increase this period to 12 months.



When a domestic worker works regularly on Sunday she/he must be paid one and a half times what she/he is normally paid per hour.

Night work

- Night work means work performed after 18:00 and before 06:00 the next day
- Should be by agreement and the domestic worker should be compensated by the payment of an allowance at a rate as agreed on.
 - Transport should be available between the domestic worker's place of residence and the workplace at the beginning and end of the domestic worker's shift
 - A domestic worker who regularly works for more than 1 hour after 22:00 and before 06:00 at least 5 times per month or 50 times per year must be:
 - Informed about health and safety hazards
 - Informed about his/her rights to undergo medical examinations.



Stand-by

- Starts at 20:00 until 06:00 at R30 per standby
- Any time worked during standby to be paid in terms of the overtime provision or grant paid time-off
- Not allowed to be on standby for more than 5 times per month or 50 times per year.

Meal intervals

- A domestic worker must have a meal interval of 1 hour after 5 hours of continuous work
- A written agreement may reduce the meal interval to 30 minutes and dispense with a meal interval for a domestic worker who work less than 6 hours for the day
- A domestic worker can only perform work that cannot be left unattended and must be paid for such work
- A second meal interval can be shortened to 15 minutes.


Rest period

An employer must give a domestic worker:

- A daily rest period of at least 12 consecutive hours between ending work and starting work the next day
- A written agreement could reduce it to 10 hours if the domestic worker lives on the premises at which the workplace is situated and whose meal interval lasts for at least 3 hours
- A weekly rest period of at least 36 consecutive hours which, unless otherwise agreed, must include a Sunday
- A written agreement may also provide for a rest period of at least 60 consecutive hours every second week.



When a domestic worker works regularly on Sunday she/he must be paid one and a half times what she/he is normally paid per hour.



There are three ways to compensate a worker for overtime, Sunday work and public holidays:

- pay the wage in cash
- pay a part of the wage in cash and give time off
- give paid time off in stead of payment.



Work on Sundays

Pay for work on Sundays:

- When a domestic worker works on a Sunday he/she must be paid double time, but
- If a domestic worker works regularly on a Sunday he/she must be paid at least one and a half times the hourly rate.

Public Holidays

- Only worked if there is an agreement
- If a public holiday falls on a day on which a domestic worker would usually work, an employer must pay – a domestic worker who stays absent on this day, at least the domestic worker's normal wage for work on that day
- A domestic worker who works on a public holiday which falls on a day that the domestic worker would usually work must be paid at least double the domestic worker's daily wage
- If a domestic worker works on a public holiday on which the domestic worker would not normally work, the employer must pay that domestic worker an amount equal to the domestic worker's ordinary daily wage; plus



the domestic worker's hourly rate for each hour worked on the public holiday

- An employer must pay a domestic worker for a public holiday on the domestic worker's normal payday.

Leave

What type of leave is a domestic worker entitled to?

Four types of leave, namely: annual, sick, family responsibility and maternity leave.

Annual leave

How many days are domestic workers entitled to?

Domestic workers are entitled to 3 weeks leave per annual leave cycle.

What happens if a public holiday falls within the annual leave cycle?

An extra day's paid leave should be granted for each day which falls within the leave period.

Sick leave

What is important to note regarding sick leave?

The sick leave cycle is 36 months based on the number of days worked over a 6-week period.

Example:

A domestic worker works **5 days** per week.

Sick leave days per cycle are **5 X 6 (number of weeks) = 30** days per three-year cycle

Note

The employer may request a medical certificate when a domestic worker is absent for more than 2 consecutive workdays, or twice during an 8-week period.

Family responsibility leave

What is family responsibility leave?

It is leave granted for specific family related matters.

Who qualifies for this type of leave?

Domestic workers who have been employed by an employer for longer than 4 months; and who works on at least 4 days a week for that employer are entitled to 5 days family responsibility leave during an annual leave cycle.





When may this leave be taken?

This leave may be taken for the birth of a child, when a child is sick or when a spouse, parent, adoptive parent, grandparent, adoptive child, child, grandchild, brother or sister dies.

Maternity leave

What are the key issues relating to maternity leave?

- Maternity leave is a 4-month period, which starts 4 weeks before the expected date of birth
- A domestic worker may not work 6 weeks after the birth of a child; unless a medical practitioner or midwife certifies that the domestic worker may begin work.
- Where possible, notice of leave and date of return to work must be provided before the leave begins.

Prohibition of child labour and forced labour

- No person may employ a child in the Domestic Worker Sector who is under 15 years of age
- No person may employ a child who is under 18 years in any employment in the Domestic Worker Sector that is inappropriate for a person of that age; or that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development
- An employer must maintain for 3 years, a record of the name, date of birth and address of every domestic worker under the age of 18 years employed by them.

Termination of employment

How should termination of employment be conducted?

- Either party may terminate the contract of service. If a domestic worker worked for 6 months or less, 1 weeks' notice must be given
- If the domestic worker worked for more than 6 months, 4 weeks' notice must be given.

Notice must be given in writing, except when it is given by an illiterate domestic worker.

Note

- The employer may not give notice during a leave period or let it run at the same time with any period of leave, except sick leave
- Payment instead of notice may be paid, provided it is equal to the period of notice.





Payments on termination

- If the employer terminates the service of a domestic worker based on operational requirements, severance of 1 week for every completed year of service amongst other payments is payable
- No severance is payable if the domestic worker resigns.

On termination an employer should pay

- All outstanding monies due
- Accrued annual leave
- Any time off not granted
- 1 weeks' severance pay for every completed year of service if the employer terminates the service based on operational requirements.

Certificate of service

- The employer must give the domestic worker a certificate of service on termination of employment.

The following should be indicated on the certificate:

- The full name of the domestic worker
- The name and address of the employer
- The date the domestic worker started working
- The date the work ended
- A description of the work
- Any training provided
- The wage received
- The reason for leaving (if the domestic worker wants it included).



General provisions

Keeping of the Sectoral Determination

Every employer on whom this Sectoral Determination is binding must keep a copy of the Sectoral Determination or an official summary, available in the workplace in a place that the domestic worker has access to.

Five days leave on full pay are granted during an annual leave cycle for the birth of the child, of a domestic worker, a sick child or when a spouse, parent, grandparent, child, grandchild, brother or sister dies.



**Basic Conditions
of
Employment Act,
1997
Section 33**

Read this first



**What is the purpose
of this form?**

This form is a record of information about remuneration.

Who fills in this form?

The employer.

**Where does this form
go?**

To the employee.

Instructions

This information must be given to each employee:

- At the workplace or at a place agreed to by the employee; and
- during the employee's ordinary working hours or within 15 minutes of the commencement or conclusion of those hours.
- The full value of remuneration including payment in kind must be specified.
- *This is only a model and not a prescribed form.* Completing a document in another format containing the same information is sufficient compliance with the regulation.

BCEA4

Payslip

Name of employer:

.....

Address:

.....
.....
.....

Name of employee:

.....
.....

ID No:

.....

Employee number:

.....

Occupation/grade:

.....

Pay period:

From:..... To:.....

Basic wage:

.....

Manner of payment: Per hour Per day Per week
 Per fortnight Per month

	Rate	No of hours	Rand earned
Ordinary hours worked			
Overtime worked			
Sundays time worked			
Public holidays time worked			
Payment in kind			
Allowances (specify)			
Total			R
Deductions:			
	P.A.Y.E		
	UIF		
	Union		
Other (Full details)			
Total			R
Total amount due			R





This is only a sample and not a prescribed contract

**Written particulars
(Domestic Worker)**

Given by:

(herein after referred to as "the employer")

Address of employer:

.....
.....
.....
.....

to

(herein after referred to as "the employee")

1. Commencement

Employment will begin on and continue until terminated as set out in clause 6 of the guidelines.

2. Place of work

.....

3. Job description

Job Title

.....
(e.g. Domestic worker, child minder, gardener, etc)

Duties: See attached job description



4. Hours of work (See Guideline 5)

4.1 Normal working hours will be hours per week, made up as follows:

Monday / Tuesday / Wednesday / Thursday / Friday:

..... am to pm

Meal intervals will be from: to

Other breaks:

Saturdays: am to pm

Meal intervals will be from: to

Other breaks:

Sundays: am to pm

Meal intervals will be from: to

Other breaks:

4.2 Overtime will only be worked as agreed from time to time and will be paid at the rate of one and a half times of the total wage as set out in clause 5.2.

4.3 Standby will only be done if agreed from time to time whereby an allowance will be paid of at least R30,00 per standby shift.

5. Wage (See Guidelines 4 and 5)

5.1 The employees wage shall be paid in cash on the last working day of every week/month and shall be: R.....

5.2 The employee shall be entitled to the following allowances/other cash payments/payment in kind:

5.2.1 A weekly/monthly transport allowance of R.....

5.2.2 Accommodation per week/month to the value of R.....

5.3 The following deductions are agreed upon:

..... R.....

..... R.....

..... R.....

5.4 The total value of the above remuneration shall be
(The total of clauses 5.1 to 5.2.2)
(Modify or delete clauses 5.2.1 to 5.2.2 as needed)

R.....





- 5.5 The employer shall review the employee's salary/wage on or before 1 December of every year.

6. Termination of employment

Either party can terminate this agreement with one weeks notice during the first six months of employment and with four weeks notice thereafter. Notice must be given in writing except when it is given by an illiterate domestic worker. In the case where the domestic worker is illiterate notice must be explained orally by or on behalf of the employer.

7. Sunday work

Any work on Sundays will be by agreement between parties and will be paid according to clause 7 of the guidelines.

8. Public Holidays

Any work on holidays will be by agreement and will be paid according to clause 8 of the guidelines.

9. Annual leave

The employee is entitled to three weeks paid leave after every 12 months of continuous service. Such leave is to be taken at times convenient to the employer and the employer may require the employee to take his/her leave at such times as coincide with that of the employer.

10. Sick leave

- 10.1 During every sick leave cycle of 36 months the employee will be entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks.
- 10.2 During the first six months of employment the employee will be entitled to one day's paid sick leave for every 26 days worked.
- 10.3 The employee is to notify the employer as soon as possible in case of his/her absence from work through illness.
- 10.4 A medical certificate may be required if absent for more than



2 consecutive days or where the domestic worker has been absent on more than two occasions during an eight-week period.

11. Maternity leave

(Tick the applicable clauses in the space provided).

11.1 The employee will be entitled to months maternity leave without pay;
or

11.2 The employee will be entitled to months maternity leave on pay

13. Family responsibility leave

The employee will be entitled to five days family responsibility leave during each leave cycle if he or she works on at least four days a week.

14. Accommodation

(Tick the applicable boxes).

14.1 The employee will be provided with accommodation for as long as the employee is in the service of the employer, which shall form part of his/her remuneration package.

14.2 The accommodation may only be occupied by the worker, unless prior arrangement with the employer.

14.3 Prior permission should be obtained for visitors who wish to stay the night. However where members of the employees direct family are visiting, such permission will not be necessary.

15. Clothing *(Delete this clause if not applicable)*

..... sets of uniforms will be supplied to the employee free of charge by the employer and will remain the property of the employer.





16. Other conditions of employment or benefits

.....
.....
.....
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.....
.....

18. General

Any changes to the written particulars will only be valid if agreed to by both parties.

.....
Employer

Acknowledgement of receipt by employee:

.....

Date:





Job Description

Indicate functions required by a ✓ in the appropriate block

Child minding / baby sitting	<input type="checkbox"/>	Laundry – machine wash	<input type="checkbox"/>
Minding old/sick employer or relative	<input type="checkbox"/>	Laundry – hand wash	<input type="checkbox"/>
General tidying of house	<input type="checkbox"/>	Hanging out of laundry	<input type="checkbox"/>
Making of beds	<input type="checkbox"/>	Washing of curtains	<input type="checkbox"/>
Vacuuming of carpets	<input type="checkbox"/>	Ironing	<input type="checkbox"/>
Vacuuming of upholstery	<input type="checkbox"/>	Small mending job, e.g. replacing buttons, hems, etc	<input type="checkbox"/>
Dusting	<input type="checkbox"/>	Defrosting and cleaning freezer	<input type="checkbox"/>
Wiping down of all appliances e.g. T.V etc	<input type="checkbox"/>	Cleaning of windows and glassdoors inside and out	<input type="checkbox"/>
Cleaning of walls, light switches, doors etc	<input type="checkbox"/>	Cleaning of all used equipment e.g vacuum cleaner	<input type="checkbox"/>
Cleaning of ornaments	<input type="checkbox"/>	Packing away of groceries	<input type="checkbox"/>
Cleaning of toilets, basins, baths, showers, taps etc.	<input type="checkbox"/>	Removal of refuse for collection	<input type="checkbox"/>
Mopping of tiled/vinyl floors	<input type="checkbox"/>	Sweeping of outside patios, steps, etc	<input type="checkbox"/>
Cleaning of inside of cupboards	<input type="checkbox"/>	Wiping down of outside lights	<input type="checkbox"/>
Cleaning of stove and oven	<input type="checkbox"/>	Cleaning of outside room's and cloakroom	<input type="checkbox"/>
Preparation/cooking of breakfast	<input type="checkbox"/>	General driving duties and errands	<input type="checkbox"/>
Preparation/cooking of lunch	<input type="checkbox"/>	Wash cars	<input type="checkbox"/>
Preparation/cooking of supper	<input type="checkbox"/>	Maintain garden in clean and tidy condition	<input type="checkbox"/>
Setting of table	<input type="checkbox"/>	Caring for pool	<input type="checkbox"/>
Cleaning away after breakfast/lunch/supper	<input type="checkbox"/>	Mow lawns	<input type="checkbox"/>
Polishing of floors and verandas	<input type="checkbox"/>	Weeding	<input type="checkbox"/>
Cleaning brass and silver	<input type="checkbox"/>	Trimming and pruning	<input type="checkbox"/>
Washing of walls	<input type="checkbox"/>	Washing and grooming of dogs	<input type="checkbox"/>
Other	<input type="checkbox"/>	Painting of walls	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>





Guidelines

1. Notice period and termination of employment

In terms of the Sectoral Determination, any party to an employment contract must give written notice, (except when an illiterate domestic worker gives notice), as follows:

- One week, if employed for six months or less
- Four weeks if employed for more than six months.

Notice must be explained orally by or on behalf of the employer to a domestic worker if he/she is not able to understand it.

The employer is required to provide the domestic worker who resides in accommodation that is situated on the premises of the employer or that is supplied by the employer, with accommodation for a period of one month, or if it is a longer period, until the contract of employment could lawfully have been terminated.

All monies due to the domestic worker for any wages, allowance or other payments that have not been paid, paid time-off not taken and pro-rata leave must be paid.

2. Procedure for termination of employment

Whilst the contract of employment makes provision for termination of employment, it must be understood that the services of an employee may not be terminated unless a valid and fair reason exists and fair procedure is followed. If an employee is dismissed without a valid reason or without a fair procedure, the employee may approach the CCMA for assistance.

Pro-rata leave and severance pay may be payable.

In the event of a domestic worker being unable to return to work due to disability, the employer must investigate the nature of the disability and ascertain whether or not it is permanent or temporary. The employer must try to accommodate the employee as far as possible for example, amending or adapting their duties to suit the disability. However, in the event of it not being possible for the employer to adapt the domestic workers duties and/or to find alternatives, then such employer may terminate the services of the domestic worker.

The Labour Relations Act, 66 of 1995 sets out the procedures to be followed at the termination of services in the Code of Good Practice, in Schedule 8.



3. Wage/Remuneration/Payment

There is a prescribed minimum rate of remuneration. Additional payments (such as for overtime or work on Sundays or Public Holidays) are calculated from the total remuneration as indicated in clause 5.3 of the contract. The total remuneration is the total of the money received by the employee and the payment in kind, which may not be more than 10% of the wage for accommodation.

4. Transport allowances

Sectoral Determination 7: Domestic Sector, South Africa does not regulate this and is therefore open to negotiation between the parties.

5. Hours of work

5.1 Normal hours (excluding overtime)

A domestic worker may not be made to:

- work more than 45 hours a week;
- work more than nine hours per day for a five day work week;
- work more than eight hours a day for a six day work week.

5.2 Overtime

A domestic worker may not work more than 15 hours overtime per week but may not work more than 12 hours on any day, including overtime.

Overtime must be paid at 1.5 times the employee's normal wage or an employee may agree to receive paid time off.

5.3 Daily and weekly rest periods

5.3.1 A daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which must include Sunday, unless otherwise agreed, must be allowed.

5.3.2 The daily rest period may by agreement be reduced to 10 hours for an employee who live on the premises whose meal interval lasts for at least three hours.

5.3.3 The weekly rest period may by agreement be extended to 60 consecutive hours every two weeks or be reduced to eight hours in any week if the rest period in the following week is extended equivalently.

5.4 Standby

5.4.1 Standby means any period between 20:00 and 06:00 the next day when a domestic worker is required to be at the workplace and is permitted to rest or sleep but must be available to work if necessary.



5.4.2 May only be done if it is agreed in writing and not more than five times per month.

5.4.3 Must be compensated by the payment of an allowance of at least R30 per shift.

5.5 Night work – after 18:00 and before 06:00

5.5.1 Worked only if agreed to in writing and must be compensated by an allowance and if the domestic resides at the workplace or transport is available.

6. Meal intervals

A domestic worker is entitled to a one-hour break for a meal after not more than five hours work. Such interval may be reduced to 30 minutes, by agreement between the parties. When a second meal interval is required because of overtime worked, it may be reduced to not less than 15 minutes. If required or permitted to work during this period, remuneration must be paid.

7. Sunday work

Work on Sundays is voluntary and a domestic worker can therefore not be forced to work on a Sunday.

If the employee works on a Sunday he/she shall be paid double the daily wage.

If the employee ordinarily works on a Sunday he/she shall be paid one and one-half time the wage for every hour worked. Paid time off in return for working on a Sunday may be agreed upon.

8. Public Holidays

The days mentioned in the Public Holidays Act must be granted but the parties can agree to further public holidays. Work on a public holiday is entirely voluntary and a domestic worker may not be forced to work on such public holiday.

The official public holidays are:

New Years Day	Youth Day
Human Rights Day	National Woman's Day
Good Friday	Heritage Day
Family Day	Day of Reconciliation
Freedom Day	Christmas Day
Workers Day	Day of Goodwill

Any other day declared an official public holiday from time to time should also be granted.



These days can be exchanged for any other day by agreement.

If the employee works on a public holiday he/she shall be paid double the normal days wage.

9. Annual leave

Annual leave may not be less than three weeks per year for full-time workers or by agreement, one day for every 17 days worked or one hour for every 17 hours worked.

The leave must be granted not later than six months after completion of the period of 12 consecutive months of employment. The leave may not be granted concurrent with any period of sick leave, nor with a period of notice of termination of the contract of employment.

10. Sick leave

During every sick leave cycle of 36 months an employee is entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks.

During the first six months of employment, an employee is entitled to one day's paid sick leave for every 26 days worked.

The employer is not required to pay an employee if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

11. Maternity leave

The employee is entitled to at least four consecutive months' maternity leave. The employer is not obliged to pay the domestic worker for the period for which she is off work due to her pregnancy. However the parties may agree that the domestic worker will receive part of or her entire salary/wage for the time that she is off due to pregnancy.

12. Family responsibility leave

Employees employed for longer than four months and for at least four days a week are entitled to take five days' paid family responsibility leave during each leave cycle when the employee's child is born, or when the employee's child is sick or in the event of the death of the employee's spouse or life partner or parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.



13. Deduction from the remuneration

The Sectoral Determination prohibits an employer from deducting any monies from the workers wages without his/her written permission.

A deduction of not more than 10% of the wage may be deducted for a room or other accommodation provided it is kept in a good condition has at least one window and a door, which can be locked, and he/she has access to a bathroom.

14. Other issues

There are other issues which are not regulated by the Sectoral Determination such as probationary periods, right of entry to the employers premises, afternoons off, weekends off and pension schemes, medical aid schemes, training/school fees, funeral benefits and savings account, however the aforementioned may be negotiated between the parties and included in the contract of employment.

15. Prohibition of employment

The Sectoral Determination prohibits employment of any person under the age of 15 and it is therefore important for an employer to verify the age of the domestic worker by requesting a copy of the identity document or birth certificate.

16. Other conditions of employment

There is no provision, which prevents any other conditions of employment being included in a contract of employment but any provision, which sets conditions, which are less favourable than those set by the Determination, would be invalid.

These guidelines are not meant to be a complete summary of the Sectoral Determination and/or legal advice. Should there be any doubt as to rights and/or obligations in terms of the Act or terms of any clause of the suggested Contract of Employment, such queries can be directed to the local office of the Department of Labour, who will gladly assist.



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