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We want a living wage”: the impact of the national minimum wage on struggles of domestic workers in South Africa

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“We want a living wage”: the impact of the national minimum wage on struggles of domestic workers in South Africa.

A Research Report submitted in partial fulfilment of the Degree of
Masters of Commerce (Inequality Studies)

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by

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SENATE PLAGIARISM POLICY

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Abstract

In 2018, the South African government introduced the National Minimum Wage (NMW) Act as a structured policy intervention to address the high levels of working poverty and income inequality. Economic models projected that a NMW set at R3 500 a month would raise the incomes of almost half of South Africa's workforce (Finn, 2015; Isaacs, 2016). However, a study commissioned by the National Minimum Wage Commission post-implementation, observed only a moderate increase in wages and a limited effect on the wage distribution. The "muted" impact of the NMW was attributed primarily to high levels of non-compliance, a lack of knowledge by employers and weak enforcement. Drawing on semi-structured interviews with domestic workers, employers and domestic workers organisations in Gauteng Province, this research report explores: How familiar are workers and employers with the NMW? How does the intimate nature of domestic work influence the possibilities of its enforcement? How have domestic workers leveraged the NMW, individually and collectively, to secure better working conditions? How can the South African case inform global campaigns to improve the conditions of work among domestic workers?

The findings suggest that although the uptake was gradual because of the initial phase-in period, the NMW had a positive impact on the wages of domestic workers who participated in the research. There is a general awareness from employers and domestic workers of the NMW and, with the exception of one respondent, all domestic workers earned at least the NMW. However, domestic workers also noted that the NMW was too low and that given the high cost of living, they were not able to meet their basic needs. Therefore, domestic workers cultivate affective relationships with employers to secure benefits beyond the wage. However, affect is a double-edged sword which can be used by employers to extract additional work from domestic workers. Despite its limitations, the NMW has served as an anchor of recruitment and mobilisation for domestic workers unions and organisations, with some positive results as we saw with One-Wage-Campaign. However, as the South African case shows, the NMW alone cannot address the problem of poverty and inequality. The introduction of a NMW must be complemented by other social policy measures such as a Universal Basic Income Guarantee (UBIG), free public services, subsidised transport, and housing.

Key words: national minimum wage; paid domestic work; enforcement; agency; unions.

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From the River to the Sea, Palestine will be free!

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Acronyms

ILO	International Labour Organisation
Izwi	Izwi Domestic Workers Alliance
IDWF	International Domestic Workers Federation
NMW	NMW - National Minimum Wage
NMWRI	National Minimum Wage Research Initiative
Stats SA	Statistics South Africa
UBIG	Universal Basic Income Guarantee
UDWOSA	United Domestic Workers of South Africa

Chapter 1: Introduction

Zandile,[1] 53, is a domestic worker in the city of Johannesburg. Her family home is in KwaZulu-Natal. Circumstances at her home were difficult and her mother, who sold straw mat to make ends meet, could not afford to pay for her to further her education. Like most unemployed young people from rural South Africa, she moved to Johannesburg in 1998, for work opportunities. Between that time and 2009 - she moved from one piece-job to the other, until she found work as a domestic worker. She has been with her current employer since 2015. She takes care of a toddler and does housework, which involves house cleaning, ironing and window cleaning. Her official work hours a day should be eight, but reports that it does not happen, often working more hours without overtime pay. Long hours of work is an experience shared by most domestic workers (Ally, 2010: Constable, 1997).

The issue of time complicates Zandile's travel times - as she has to commute daily, by taking two minibus taxis to where she works in the north of Johannesburg, and another two going back where she rents a back-room in Vosloorus, a township in the south-east of Johannesburg. In relation to her work, she explains that "I cannot even say I'm a worker, because the work I have to do, *ngisebenza njenge sigqila* (I am working like a slave)". With ambitions of becoming a writer, one day she hopes to be able to write a book about her experience as a domestic worker.

"Why do you do this research? What inspires you to speak to domestic workers?" Zandile cross examines me. "My own working-class history", I reply. Generations of men and women on both my maternal and paternal sides worked as farmworkers, mine workers, and domestic workers. For my late paternal grandmother, uMambhanjwa, paid domestic work gave her financial independence and offered her a way out of an abusive marriage. Of course, the fact that she only saw her children – and later grandchildren – once a year, while she cared for a family which was not her own, was a source of pain. But the "hidden abode of reproduction – the household" (Cock, 1980: 5), was one of the few sources of employment open to Black women in the colonial days and under apartheid rule.

[1] To protect the anonymity of respondents, both the domestic workers and employers interviewed, have been given pseudonyms.

Domestic work continues to be a major source of employment for Black poor women in South Africa under conditions of democracy (Ally, 2010; Baderoon, 2014). It is estimated that 12% of working women in South Africa are domestic workers (Pereira-Kotze, 2020). Despite the end of apartheid's racist regime and living within a constitutional democracy, domestic work continues to produce and reproduce structures of inequality in terms of race, class, and gender (Ally, 2010). The work is characterised by poor working conditions, like long hours of work and typically low minimum wages. The continuities of power asymmetries at the intersections of class, race and gender have led some to describe paid domestic work as a "last bastion of apartheid" (Fish, 2006: 81).

In an effort to address the high levels of income inequality and widespread working poverty, the South African government introduced the National Minimum Wage Act of 2018, which came into effect in 2019. At the time, 54% of workers or 5.5 million people earned wages below the line of working poverty (Isaacs, 2016: 3). The two worst affected sectors were domestic work - where 95% of workers earned below the poverty line - and agricultural work (Finn, 2015). The wage structure reproduced racialised and gendered inequalities, rooted in historical colonial processes (Stats SA, 2020; Belser *et al,* 2020:203). Also at the time, 71% of Africans fell below the poverty line of R1 319 in 2015 (Valodia *et al*, 2016). This placed waged workers within these households under severe strain.

The National Minimum Wage Act established a minimum hourly wage for all workers, with a phase in period for domestic and agricultural workers given their ultra-low wages. Initially the National Minimum Wage was set at R20 an hour – but R15 for domestic workers, R18 for farm workers, and R11 for workers on the Expanded Public Works Programme (EPWP). At the end of 2021, the National Minimum Wage Commission recommended that all workers, with the exception of those enrolled in EPWP and apprenticeships, earn the full national minimum wage. As from the first of March 2023, the National Minimum Wage for all workers, including domestic workers, was adjusted to R25.42 an hour.

The introduction of the National Minimum is widely considered one of the most important labour market interventions in the post-apartheid era (Bhorat et al, 2020; Belser *et al*, 2020). However, there has been remarkably little research on the impact of the National Minimum Wage. One of the few studies conducted by the Development of Policy Research Unit (DPRU) found that its impact on wage inequality has been limited (Bhorat *et al* 2020: 27). Bhorat *et al*

(2020:27) concluded that over 40% of workers earned below the national minimum wage in 2019. A history of non-compliance, institutional incapacity from the Department of Employment and Labour and a lack of knowledge of the law are factors that Bhorat *et al* (2020: 27) points out to explain the limited impact of the National Minimum Wage. However, Bhorat et al (2020) do not analyse these factors in great detail. Drawing on the case of paid domestic work, this study analyses why the National Minimum Wage has had such a limited impact on the conditions of low-wage workers.

Paid domestic work is an interesting case for several reasons. First, it is an important source of employment for black women in South Africa, as noted above. In 2024, QLFS-4, there were approximately 1 134 000 domestic workers and 850 000 were women employed as domestic workers, which accounts for almost 12 percent of employed women (Stats SA, 2023). Men account for only 5.5% of the sector. Second, domestic workers were initially excluded from full coverage under the National Minimum Wage Act, due to their ultra-low sectoral wages, though have been subsequently phased in. Finally, labour regulations are notoriously difficult to enforce because domestic work takes place in private homes, away from the eyes of inspectors, and domestic workers must negotiate conditions one-on-one with their employers (Castel-Branco, 2021: 159). Consequently, domestic workers rely on affective labour to secure concessions from employers (Ally, 2009: 95). An analysis of the domestic work sector could help us better understand the possibilities and limitations of regulating wages in an intimate sector like paid domestic work.

Research Questions

This research report seeks to analyse why the National Minimum Wage has had a limited impact on wages of domestic workers. Specifically, the research report explores:

1. What is the perception among workers and employers of the impact of the National Minimum Wage on the conditions of work?
2. How does the intimate nature of domestic work influence the possibilities and limitations of the National Minimum Wage Act?
3. How have domestic workers leveraged the National Minimum Wage Act, individually and collectively, to secure better working conditions from employers?
4. How can the South African case inform global campaigns to improve the conditions of work among domestic workers?

Structure of the Report

The research paper has five sections. The first section is the introduction which places the study in context and outlines the research problem together with the questions. The second section reviews the literature on domestic work, with a focus on the global and South African evidence of the impact of national minimum wages on domestic work. The third section is concerned with the research methodology, including the research design, research instruments and the limitations of the study. The fourth section presents the findings of the research report. It is divided into four subsections, each dealing with the foundational questions that form the basis of this research study. The last section concludes, with a reflection on the hypothesis that the impact of the national minimum wage was limited (Bhorat *et al*, 2020), through arguments drawn from theory and empirical evidence. And it also offers what could be future research emanating from the undertaken study.

Chapter 2: Literature Review

Introduction

As noted in the introduction, studies suggest that the impact of the NMW was more moderate than expected by labour experts, particularly with regards to the wage distribution (Bhorat *et al* (2020). The impact of labour regulations on the conditions of domestic work in particular, has been the subject of significant debate. The early literature on domestic work in South Africa of the 1970/1980s aimed at exposing the ultra-exploitative work conditions of women – in particular, Black women from working class backgrounds (Cock, 1989). The second wave of the 1990/2000s emphasised domestic worker's power and agency – focusing on everyday forms of resistance and the cultivation of affect to advance individual and collective demands (Constable, 1997). The third wave of literature of the 2010/2020s explored how the state went about transforming the conditions of domestic work in the post-apartheid period and the impact on the power of domestic workers to negotiate the conditions of work (Ally, 2010). This section explores the debates on the regulation of domestic work, before looking at the global evidence on the role of National Minimum Wages in particular.

Domestic Work: Understanding Ultra-Exploitation

Paid domestic work is like any other form of wage-work, yet it is often seen as something other than 'real work' (Cock, 1989). The intimate space of the home and emotional labour involved, complicates the distinction between public and private, work and family, duty and affection (Boris & Parrenãs, 2010; Cock,1989; Ally, 2010; King, 2007; Hondagneu-Sotelo, 2001). Inherent in the nature of intimate work is a paradox: while domestic workers are subjected to high levels of labour discipline, they are often referred to by employers as one of the family (Cock, 1989; Constable, 1997; Jansen, 2019). The 'family metaphor' enables employers to abstract from their responsibilities as employers and to undervalue the contribution of paid domestic work (Ally, 2010). However, domestic workers also leverage the family metaphor to extract concessions from employers (Ally, 2010). It is important to understand this dynamic and how labour regulation will impact and shape the work conditions.

Among feminist scholars, there is significant debate about whether paid domestic work is undervalued because it is associated with women's unpaid care work or because it largely is undertaken by racialized women (Ally, 2010). In her seminal work, *Wages Against Work*,

Federici (1975:3) argues that capitalism "had been successful in hiding women's work". Marxist-feminist movement of the 70s demonstrated how housework, which was left to women, was integral to producing labour power for capital accumulation. However, capitalism rendered this labour invisible and this reinforced "the common assumption that *housework is not real work*" (Federici, 1975: 2). Paid domestic work is undervalued because it is seen as an extension of women's unpaid labour.

In South Africa domestic work always had a racialized character, rooted in slavery and colonialism (Cock, 1989; Ally, 2010; Jansen, 2019). Initially, domestic work was undertaken by European indentured servants and enslaved people from across Africa and Asia (Cock, 1989). However, with the abolition of slavery, domestic work became one of the primary pathways for the proletarianization of African men (Cock, 1989). This was after the violent land dispossessions, imposition of arbitrary poll taxes that coerced man to abandon villages and sell their labour in urban spaces. With industrialization however, African men were funnelled into the mines and African women replaced men in the domestic work sector, asserts Cock (1989). The process which led to domestic work to be dominated by African women is complex. There is a view that mass urbanisation in the 1930s of African women was evidence of voluntarism - of African women who were escaping the harsh conditions of the countryside and patriarchy (Walker, 1990, as cited in Ally, 2010). Ally complicates this view by arguing that the colonial state was central in making domestic work - an institution for African women. She cites two processes: one, the demands of capitalism and the need to shift labour male labour from the home to the mines - which will then make way for African women. And the second issue was racism that constructed African men as a threat to the safety of White women (Ally, 2010). To take place of 'houseboys', the government commission investigating prevalence of sexual assault on White women by 'houseboys', identified African women (Ally, 2010).

Today, women make up the vast majority of domestic workers in South Africa, and a growing proportion are cross border migrants. In a report on Southern Africa migrant domestic workers, ILO (2021) stated that 1 in 25 women workers was a domestic worker and 1 in 5 worked in a foreign country. Various studies have shown that migrant women are more prone to exploitation. According to Gutierrez-Rodriguez (2014: 50), the "position as an undocumented migrant place her in a human rights void and makes her more vulnerable to exploitation and denigration. This migrant status adds a layer of what Hondagneu-Sotelo (2001:24) calls "international regimes of inequality".

Domestic work is defined by Convention 189, Article 1, as a work that is performed in a household. As argued above, this sets domestic work apart from other forms of labour. Because domestic workers work in private homes, they enable their employers to work outside the confines of the home. Despite domestic work playing this essential role in the functioning of economies, domestic workers are often without social protections and are outside the realm of labour market regulation (Chen, 2011). The work is often undervalued and subject to ultra-low wages, largely because it is work done by mostly women. Across the world domestic is a major source of employment for women. A home being a private place, place of rest and leisure and safe space, for domestic workers, it is often a cite of exploitation, emotional and physical abuse, which often extends sexual abuse. Domestic workers, particularly migrant women, argues Anderson (2001: 28) "often perform degrading tasks … that are unlikely that any woman with a choice would be prepared to undertake." Tasks like "Scrubbing floors" repeatedly with a toothbrush, "flushing employers' toilet" or washing employers' underwear (Anderson, 2001; Castel-Branco, 2019). This underscores how domestic work suffers from "decent work deficits" (Chen, 2011: 168), where legal rights, contracts and organisational and right of representation, are not available to domestic workers.

In labour studies, challenges of organising domestic workers have long been recognised. For instance, the fact that the nature of the work takes place in a private home adds to this difficulty (Cock, 1989). The asymmetrical power relations of the employment relation (Cock, 1989; Ally, 2010). The fact that most domestic workers work for individuals, and the lack of employer organisations that can engage with worker organisations. All these elements add to the difficulty of organising domestic workers. This in turn, has added to the exclusion of domestic workers from the benefits of the law.

In the post-apartheid period, the South Africa state aimed to formalise domestic work through the introduction of the Sectoral determination in the 2000s. The comprehensive law that regulates conditions of employment in the domestic service sector, is the Sectoral Determination Seven for Domestic Workers, and came into law in 2002. According to Ally (2010: 68), "Sectoral Determination Seven would solidify post-apartheid state's efforts to transform servants into workers and to establish one of the world's comprehensive regulatory frameworks." The Sectoral Determination regulates conditions of employment in relation to wages, mandatory contracts and pay slips, working hours, and leave days for domestic workers.

However, for other scholars it was important to understand intimacy and strategies of personalism in how domestic workers negotiated power (Hondagneu-Sotelo, 2001).

Domestic Workers Agency: Power, Intimacy and the Cultivation of Affect

Paid domestic work takes place in the intimate place of the home, which poses a challenge to enforcement (Chen, 2011). Budlender (2012) argues that in formal businesses and entities inspectors can pitch up unannounced, but with agricultural and domestic worker sectors, prior permission is required. Consequently, domestic workers have little choice but to negotiate working conditions one-on-one with employers, in a context of asymmetrical relationships in terms of class, race and gender (Castel-Branco, 2014). Power asymmetries are exacerbated by the intimate space of the home and the emotional labour required. As Gutiérrez-Rodríguez (2014: 51) argues, domestic work must be conceptualised as involving affective labour.

However, affective labour is also an instrument of power. Constable (1997) argues that domestic workers are conscious of the historical and cultural contexts that they work and live in. And they are also aware of the structural conditions which make them easily disposable in instances where they overtly resist exploitation (Constable, 1997). To negotiate this, using Filipina domestic workers as an example, Constable (1997), argues that domestic workers will submit themselves to higher forms of discipline, while at it, find satisfaction in doing their work well, which will bring them closer to their employers. To illustrate the point, Constable cites an example of a Filipina domestic worker - who considered herself - a mother-in-law of her employer and called the patriarch of the family by his first name. This domestic worker used the family attachment - 'one of family' to her advantage, because when the children she cared for had grown and there was no work for her, "no one dared to get rid of her because she was like family (Constable, 1997: 58). Ally (2010: 118) demonstrates how affect is utilised by domestic workers in South Africa to negotiate very difficult work conditions. Domestic workers will show affect and care towards their employers for them to be able to get concessions. For example, showing that they can cope with the demands of work and subsequently building trust. This has major implications for the design and implementation of policy regulations.

As a premise, it is important to note that the place of work for domestic workers "is a space structured by emotional relationships and affective bonds" (Gutiérrez Rodríguez, 2007: 20).

Ally (2010) argues that for years domestic workers have deployed "affective power" to "informally control their work" conditions. The earlier South African literature on domestic work saw these small acts - of "sulking" or "emotional work" as passive acts of showing dissatisfaction with the work and was understood as a representation of power imbalance that Black women used - given their subordinate position, which made it difficult to speak-out (Cock, 1989). Ally (2010) argues that domestic workers effective power should not be understood as isolated individual acts of resistance but collective acts that stem from shared experiences and struggles of domestic workers.

However, the literature has moved to recognise that these acts of affect are deployed by domestic workers to offset or alter the class dynamics inherent in domestic work (Ally, 2010). This view of the power of everyday forms of resistance has not been wholly accepted, however. Given the fact that affect is not only available to domestic workers but their employers too - using familial relations to extract more work that often is unpaid and also extend control (Ally, 2010). Intimacy presents ambiguities. Constable (1997:11) offers an interesting analysis of affective power, using a Foucauldian formulation, one that takes seriously the "less dramatic everyday modes of resistance." Constable (1997: 12) is alive to the fact that "domestic workers resist oppression in certain ways but also simultaneously participate in their own subordination." What is important for Constable (1997: 10) is to situate domestic workers within the paradigm of power "not as equal players but as participants."

Regulating Domestic Work: The Ambiguity of Formalisation

At the core of the insistence on formalisation and treating domestic work as work by activists, unions, international organisations and feminist scholars, is a challenge and refusal to accept the exclusion of domestic workers from labour law and other social protections open to workers. The call goes beyond just status of worker and to a much more nuanced desire for meaningful inclusion, that places domestic workers within a "decent work paradigm, which would emphasise rights-based, rather than status-based, relationships" (Blackett, 2011: 18). An important step is inclusion in labour and social security policy that is linked to employment. Regulation or formalisation helps towards the disruption of the master/servant relation (Blackett, 2011; Chen, 2011). Formalisation is, for some scholars, also an alteration of the problematic 'part of a family' identity - that leads to the exploitation of domestic workers. As "employers can switch from considering the relationship as contractual or familial, depending

on what is convenient for them" (Anderson, 2001: 31). Chen (2011) argues that formalisation of domestic work in relation to working conditions and wages - needs to also recognise the home as a place of work. This is important in terms of enforcement and compliance - which rests on the buy-in of employers, domestic workers and everyone that is involved in the employment relationship (Chen, 2011; Blackett, 2011). The home cannot be "off-limits" when it comes to labour regulation and enforcement (Chen, 2011). And most importantly, Chen, (2011: 79) argues that "formalisation is not a one-time process" but is gradual and needs an enabling environment and the State to tailor laws to the domestic work sector.

However, as Anderson (2001) argues, formalisation is not a magic bullet. As formalisation could have adverse effects on migrant domestic workers (Anderson, 2001). Walsum (2011) argues that migrant domestic workers - particularly undocumented migrants are at the centre of struggles that demand formalisation. This then means formalisation needs to respond to the needs of domestic workers beyond the confines of nation state or narrow ethno-nationalism and consider migrant workers and how they can benefit from formalisation (Walsum, 2011). Weak enforcement is a major pitfall of regulation in domestic work where - the state fails to follow up law with strengthening institutions of enforcement and creating enabling conditions for implementation. Ally (2010) argues that the depersonalisation of domestic work, through regulation from above, can undermine wokers affective power to negotiate work. She then asserts that the "the collusion … of state power and the intimacy of the work challenged the possibilities of modernising paid domestic work so that it is nothing more, or less, than an employment relationship like any other" (Ally, 2010: 116). And perhaps this is the reason that the slogan "domestic work is work like any other yet work like no other" has gained traction with International Labour Organisation and domestic workers organisations, because it recognises the structural difference of domestic work - being intimate labour.

While labour market regulations can strengthen workers bargaining positions and conditions of work, they can also undermine workers historically cultivated practices of power. According to Ally (2010), the labour reforms in the late 90s and 2000s in South Africa, were based on a paternalistic construction of domestic workers as 'vulnerable workers (2010: 86). It is this construction of domestic workers as 'vulnerable', Ally (2010:88) argues "the state became the proxy for workers, their articulator, representative, and protector." In other words, "the state took it upon itself the onus of identifying what domestic workers collective interests were" (2010: 88).

Ally (2010) challenges the idea that domestic workers are un-organisable, because of the structural features of their work - taking place in a home. For example, in 1925, domestic workers as a class, joined the Industrial and Commercial Workers Union (ICU) (Ally, 2010). This trend continued up to a point where domestic workers formed their own union at the peak of apartheid violence in the late 1970s. The union was called, South African Domestic Workers Union (SADWU) and at its peak in the 80s, it had over 85 000 registered members (Ally, 2010). The union fought many battles for members, including the long and undefined work hours (Ally, 2010). As Davis (1981) observed household work is "unending and undefined." SADWU's struggle was to advocate for a delineation of work domestic workers were expected to perform (Ally, 2010).

However, with democracy, there was a sharp decline of the union. According to Ally (2010), the labour scholars' observations that democratisation in 1994 which came with strengthening of institutions and empowerment of individual workers has an impact on organised labour. But Ally (2010) takes the point further, that with domestic work, what displaced the union was their construction by the State as "vulnerable." And this positioned the state as the "articulator, representative and protector of domestic workers collective interests" (Ally, 2010: 154). The state could have created conditions for domestic workers to collectively determine their future through collective bargaining councils, however the construction of domestic workers as vulnerable was ultimately an exercise in statecraft that undermined their power (Ally, 2010: 89). There is a growing embrace of statutory national minimum wage laws globally. It is important to consider global evidence on how some states include domestic workers.

A National Minimum Wage for Domestic Workers: The Global evidence

The objective of a minimum wage is to set a floor below which no worker can be legally paid (Belser and Sobeck, 2012:107). According to the International Labour Organisation (ILO), minimum wage is the minimum amount of remuneration that an employer is required to pay wage earners. Several social factors go into setting the level of minimum wages including the basic needs of the workers and their families, the cost of living, social security and the living standards of others (ILO Convention 131). These factors must be weighed against economic considerations including developmental goals, productivity levels, and competitiveness (Belser and Sobeck, 2012). According to ILO Convention 131, minimum wages "shall have the force

of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions".

The origins of the minimum wage can be traced back to living wage demands by workers in the 19th century (Belser *at al*. 2020). Over time, definitions and approaches to minimum wages changed, in response to political contestation and shifting economic models. In some periods, governments have opted for a single national minimum wage that is inclusive of all workers, while in others they have preferred sector specific minimum wages. Often, governments have embraced a combination of the sectoral and national minimum wage (ILO; Konopelko, 2016). The period of the Great Depression and the aftermath of the Second World War saw many countries in the global North adopt minimum wages laws (Eyraud and Saget, 2005). This continued into the 60s and 70s (Belser *at al*. 2020). With the neoliberal attack on unions and roll back of labour protections in the 1980s, there was a decline in minimum wage coverage and their value (Harvey, 2020: 1). By the late 1990s and early 2000s, there was growing interest in a national minimum wage as a strategy to extend coverage to workers in the context of a declining labour share and growing wage gap (Belser, 2013).

According to the ILO (2013), the NMW is one of the best ways of extending minimum wage coverage to precarious workers, including domestic workers (ILO, 2013). This is because it covers all workers regardless of their employment relationship, compliance levels are higher because both workers and employers are more likely to be aware of the level, and it takes into consideration economic dynamics across sectors (Eyraud and Saget, 2005: Isaacs, 2015). While the NMW is preferred by ILO for its simplicity and enforceability, Konopelko (2016: 3) cautions that "universality should not be used as an excuse to create an ultra-low national minimum wage in order to fully include current low-wage sectors." This is why some countries, while committed to a single NMW, have opted to set a minimum wage that is significantly higher than the lowest wage sectors, and then allow for the gradual phasing in of ultra-low-waged workers like domestic workers. Countries like Portugal and Chile are closely associated with this model (Konopelko, 2016).

Importantly, not all countries include domestic workers in National Minimum Wage systems. Indeed, over 21 million domestic workers are not covered by minimum wages across the globe (ILO 2013). Countries like Japan, Republic of Korea, Nepal, and Lebanon, completely exclude domestic workers from their NMW systems (ILO, 2013). Meanwhile, in the United Kingdom,

live-in domestic workers were initially excluded from the NMW system (Sedacca, 2022). This exclusion was criticised by the ILO, feminist scholars and domestic workers organisations for being exploitative and contributing to the devaluation of domestic work (ILO, 2013; Sedacca, 2022). In 2023, after court challenges by domestic workers, the Low Paid Commission in the UK repealed the exemption and starting on the 1st of April 2024, live-in domestic workers will be covered by the exemption. In Chile domestic workers were incorporated through a phase-in approach yet over 50% of domestic workers still earn below the NMW due to non-compliance, argues Geronimo (2017).

It is important to note that minimum wage is distinct from a living wage. The purpose of a living wage, Schulten and Müller (2019, 270) argue, is to maintain "a decent living regarding both the provision of basic needs, such as food, housing and clothes, as well as the possibility to participate in cultural and social life" (Schulten and Müller, 2019: 270). This is in sharp contrast to the neo-classical economics view of wages – which maintains that wages should be paid in terms of individual productivity of a worker (Schulten and Müller, 2012). Nonetheless, minimum wages are seen as a step forward towards a living wage, which can shield workers from poverty wages and create the basis for broader distributive demands (Schulten and Müller, 2012).

A National Minimum Wage for Domestic Workers: The South African Evidence

Before the introduction of the National Minimum Wage (NMW), South Africa had a set of sectoral determinations and collective bargaining agreements. A NMW marked a new dawn. In instances where the NMW is higher than a minimum wage set through a bargaining council or sectoral determination, NMW will apply, vice-versa, in terms of NMW Act. At the time of its introduction, South Africa had 124 sectoral minimum wages, making it difficult to enforce compliance in low waged sectors that lacked bargaining councils (Castel-Branco 2016). Proponents argued that a NMW would establish a wage floor for all workers regardless of their employment contract. This would fill the cracks of a wage setting process structured around bargaining councils and sectoral determinations, which was particularly important given growing casualization of labour and a widening gap in the sectoral determinations. Some sectoral determinations - for instance, domestic work - were set way below the poverty line (Finn, 2015). Furthermore, a NMW would be easier to enforce because all workers would know what wage they were entitled to and therefore could claim it from employers or the state (Belser

et al, 2020). Finally, a NMW had the lighthouse effect, in that it served as an indicator of what a fair wage should be, including for workers in the informal economy (Isaacs, 2016: 31-2).

Modelling by the National Minimum Wage Research Initiative predicted that the introduction of a NMW would have a meaningful impact on poverty and income inequality (Isaacs, 2016). Finn (2015) in his analysis of the labour market in South Africa noted that the mean monthly wage was R 9 690, and the median was R3 784 in South Africa. The number of workers that earned below the median wage was staggering. With workers earning below R 3 000 a month at 5.5 million, which is 41.6% of the national labour force (Finn, 2015). Domestic workers and farm workers were overly represented in this segment of low paid workers. A level of R3 500 a month would impact wages of 47% of the workforce, which is 6.2 million workers (Finn, 2015; Isaacs, 2016; Valodia *et al*, 2016). While acknowledging that this policy alone could not solve the problems facing the country, the Expert Panel, appointed by the then Deputy President, Cyril Ramaphosa, noted that "ideally the NMW level should be close to the poverty line in order to reduce the incidence of working poverty, which will improve the welfare of working people and their families (Valodia *et al*, 2016: 79). An average wage of R4 125 according to Finn (2015) would bring workers and their dependents at par with the working poverty line. Over 50% of the workforce earned below this line. Having considered evidence on poverty lines, effect on employment, wage distribution, affordability, the Expert Panel was of the view that R3 500 was meaningful in a context of a stagnant economy (Valodia et al, 2016). They reasoned that the level of R20 an hour balanced the "trade-off between addressing low wages in South Africa and ensuring that any disemployment impact do not exceed the positive gains for low-paid workers" (Valodia et al, 2016: 79).

They further argued that the policy of NMW was to have "measurable and concrete benefits on the poor" and can be "seen as one of the tools to close the wage gap, including between genders, and thereby to overcome poverty" (Valodia *et al*, 2016: 8). The experience of the introduction of Sectoral Determinations substantiated this view. Despite high levels of non-compliance, particularly for domestic workers (Hertz 2004: 8), research suggests that the incorporation of previously excluded groups into the minimum wage system did have a positive impact on wages (Bhorat *et al*, 2020).

However, contrary to the projections of the Expert Panel, Bhorat *et al* (2020) observed no significant impact on the wage distribution as a result of the introduction of the NMW. To be

sure, in their analysis, they observed that there was evidence that the NMW had a positive impact on wages, albeit "smaller than expected" (Bhorat *et al*, 2020). They also observed a marginal decline in the hours of work, though no effect on employment. The reasons for the limited impact of the NMW on the wages of workers is not clear. The study was undertaken just a year after the implementation of the Act, which Bhorat *et al* (2020) argued based on earlier research, was more than enough time to see an impact on the labour market. They conclude that the limited impact must be due to a lack of compliance with the Act, because of limited information and weak enforcement.

Section 7 of the NMW Act makes it explicitly clear that its purpose is to promote the alleviation of poverty and to reduce wage inequality. The explicit mention of inequality is a departure from the international norm that tends to focus on fair wages and poverty (Isaacs and Choga, 2019). This is understandable given the high levels of inequality that are driven by income inequality. To date, there is surprisingly little research on why the impact on the labour market has been so limited, and even less on the impact of the NMW on ultra-low wage sectors like domestic work. The Centre for Social Development in Africa (2020: 18), in its report on the impact of the national minimum wage, made an observation that there was less "attention paid to the domestic work sector" in understanding the impact of the national minimum wage (2020: 18). It is this gap in the literature that this research report aims to fill. Drawing on semi-structured interviews with domestic workers, employers and domestic workers organisations in Gauteng Province, this research report explores: How familiar are workers and employers with the NMW? How does the intimate nature of domestic work influence the possibilities of its enforcement? How have domestic workers leveraged the NMW, individually and collectively, to secure better working conditions? How can the South African case inform global campaigns to improve the conditions of work among domestic workers?

Chapter 3: Methodology

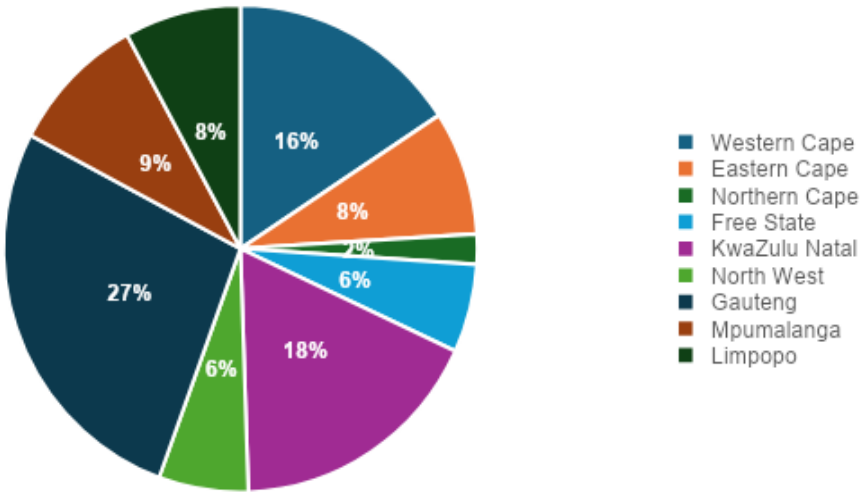
Introduction

This research report is interested in understanding the limited impact of the National Minimum Wage (NMW) on domestic workers conditions. Drawing on semi-structured interviews with domestic workers, employers and domestic workers organisations in Gauteng Province, this research report explores how familiar are workers and employers with the NMW. A qualitative research approach is most suitable to answer the main questions of this research report because it allows for "understanding, explaining, exploring, discovering and clarifying situations, feelings, perceptions, attitudes, values, beliefs and experiences of a particular group of people" (Denzin & Lincoln, 2011: 8). By interviewing both workers and employers, the research aims to glean valuable insights into the social relations which govern domestic work and shape the implementation of the NMW.

Choice of Location

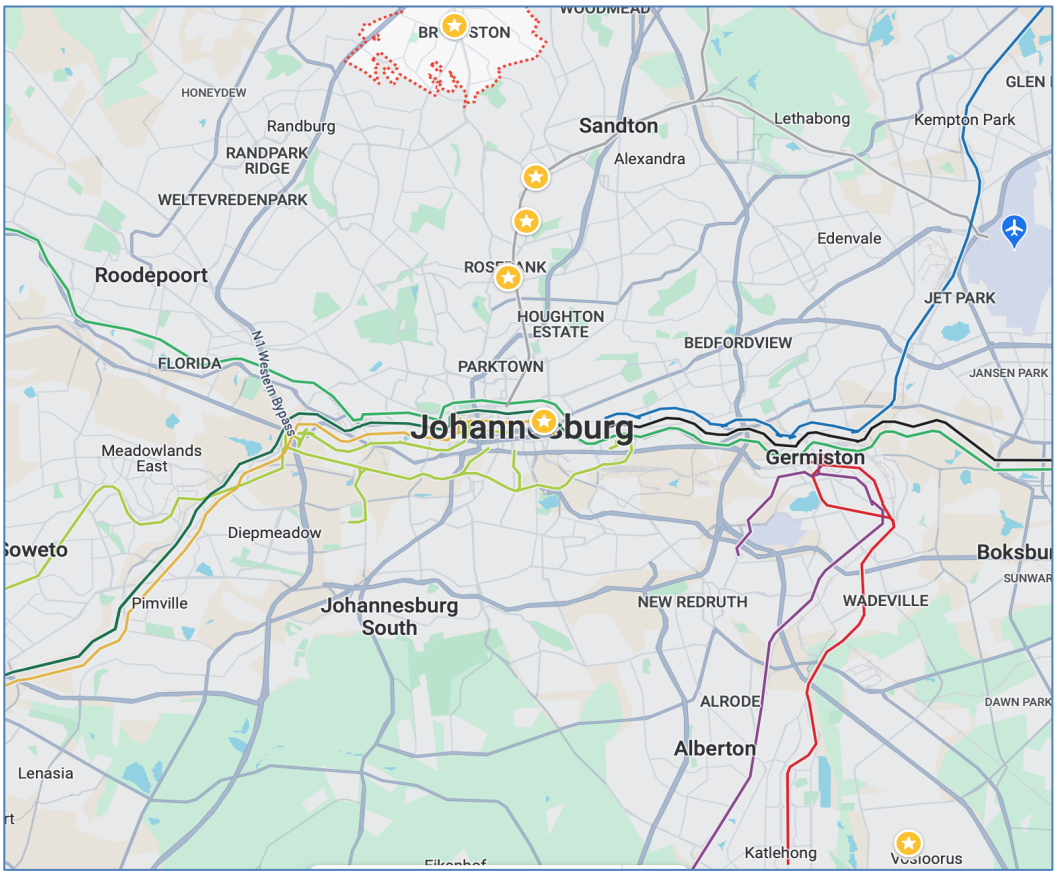
Data collection took place in Gauteng province - South Africa's economic hub. As Figure 1 illustrates, Gauteng is home to 27% of South Africa's 876 000 domestic workers, 95% of whom are women (StatsSA, 2024). Within Gauteng province, the research focused on the city of Johannesburg, colloquially known as *eGoli* or *Maboneng*. With a population of 5.6 million, it is the largest city in South Africa and contributes almost 15% to the national Gross Domestic Product (GDP) (Stats SA, 2024). Given the concentration of domestic workers in this economic hub, the research focused on this area. As Figure 2 illustrates, the research was conducted in six middle to upper class suburbs of Johannesburg where domestic workers work - Bryanston, Sandton, Illovo, Killarney, Rosebank, and Sunninghill- and suburbs of Hillbrow and Vosloorus where domestic workers reside.

Figure 1: Proportion of domestic workers by province (2024)



Source: StatsSA (2024)

Figure 2: Map of research sites within Johannesburg



Source: Google Maps (2024)

Sampling Approach

Table 1 Profile of domestic workers that were interviewed.

Pseudonym and date of interview	Age	Gender	Race	Wages earned monthly	**Union**	Nationality
MamNtungwa-09/12/2023	53	Female	Black	R6 120	Yes	South Africa (Free State)
Mam Madijto-09/12/2023	63	Female	Black	R5 000	Yes	South Africa (Free State)
Nyasha - 09/12/2023	48	Female	Coloured	R4 400	Yes	Malawi & South Africa (Eastern Cape)
Mam Roseline - 09/12/2023	60	Female	Black	R4 000	Yes	South Africa Mpumalanga
Zandile - 09/12/2023	53	Female	Black	R6 000	Yes	South Africa (KZN)
Martha - 01/02/2024	35	Female	Black	R7 000	No	Zimbabwe
Tatenda - 06/02/2024	45	Female	Black	R2 900	No	Malawi

In total, I interviewed 17 key informants. Key informants were purposively selected and included:

1. Representative of the International Domestic Workers Federation (IDWF).
2. Representative of South Africa Domestic Service Allied Workers Union (SADSAWU), affiliated to the Congress of South African Trade Union (COSATU).
3. Two representatives of Izwi Domestic Workers Alliance
4. Seven domestic workers across the city of Johannesburg
5. Five employers across the city of Johannesburg.

Attempts were also made to interview the CCMA and Inspectorate. However, these proved unsuccessful.

Table 3 Profile of employers of Womestic Workers

Pseudonym and date of interview	**Age**	**Gender**	**Race**	**Wages of their DW per month**	**Class of Neighbourhood**
Stacey - 20/01/2024	30s	Female	White	R3 500 (works two times a week)	Wealthy
Nonjabulo - 19/01/2024	30s	Female	Black	R6 500	Middle to upper-class
Tamara - 20/01/2024	30s	Female	Coloured	R3 500	Middle to upper-class

Teboho - 02/02/2024	30s	Female	Black	R5 000	Middle to upper class
Magdalene - 26/01/2024	60s	Female	Coloured	R5 200	Middle to upper-class

Unions and domestic workers organisations played an important role in facilitating access to domestic workers in the study. Five out of the seven workers interviewed belonged to a union or worker organisation. This meant that union members are disproportionately represented in the sample. Given that unions support workers in negotiating for better working conditions, one would therefore expect that compliance would be higher among this group. Employers were recruited using social media, Instagram. In the absence of an organisation that organises employers – Instagram was a useful tool to connect me with employers. Who in turn will suggest people they know. Given that employers had to self-select to participate in the study, one would once again expect compliance to be higher among this group. Ultimately, this study is not nationally representative, and it is impossible to generalise conclusions to the rest of the population. Nevertheless, it offers important insights into the social relations which structure the implementation of the NMW and does so from the vantage point of where compliance is likely to be highest.

Research Instrument: The Semi-Structured Interview

Semi-structured interviews with paid domestic workers, employers of domestic workers, and domestic workers organisations were central to the research study. The researcher first explained the objective of the research, then shared the information sheet (see appendix 7.3), and participants affirmed their voluntary participation. Having assured participants that our interviews were confidential, they gave consent to me to use a cell phone device to record the interviews, for accuracy. This also allowed me to engage in the conversation without worrying about writing every word but making notes of important information. Interviews with seven domestic workers, two informants, and one employer were done in person and the researcher obtained ten signed consent forms from participants. In instances where in person interviews were impossible because of geographical constraints and time, online tools were utilised as a medium. Interviews with four employers plus two informants were done via zoom, prior to the commencement of the interviews, the researcher explained the study and obtained consent to record the interviews. In keeping with the University's ethical standards, I explained the right

of anonymity and the steps to be taken to keep the data confidential. All participants elected to be anonymous.

Research questions were different for employers, domestic workers, and representatives of workers organisations. The interviews with domestic workers were in Isizulu and the researcher translated the questions and the transcription to English. Each interview was unique, but the structure was the same. The structure of the questions first dealt with their personal histories, the nature of domestic work and working conditions, the impact of the national minimum wage, and implications for worker power and agency. The interviews with employers were in English. The questions revolved around the reasons for hiring a domestic worker, the working conditions, the impact of the national minimum wage and the implications for their relationship to workers. The interviews with domestic workers organisations were in English and they explored the structure of domestic workers organisations, the challenges of organising domestic workers, and the relationship with other organisations in the trade union movement.

There were moments where participants asked the researcher questions – making the interviews conversational and deepening engagement with the subject of study. This disrupted the power dynamics between me and participants. The last question – that was asked in all interviews, was for participants to add or ask anything in relation to the interview and beyond. When the offer was taken up, it solicited some of the most illuminating responses. For instance, one informant chose to add that "Domestic workers are not sex slaves, they are human beings, they are there because they want to feed their children, they must be treated as workers with dignity" (Informant-2).

Data Collection

The catalyst to data collection was the granting of ethics certificates at the end of August 2023. I prepared the ground for interviews by reigniting old contacts built over the years from working in journalism. I wrote to various institutions and organisations to secure interviews for the study. It was the third anniversary of the *Mahlangu v Minister of Labour* by the Constitutional Court judgment commemoration by domestic workers at the Nelson Mandela Foundation, organised by Socio-Economic Rights Institute, that provided a breakthrough in gaining access to domestic workers. It was here that contacts of SADSAWU were obtained, and a meeting agreed. After a meeting with union organisers of SADSAWU, a date was agreed

for me to interview workers. The union insisted it had to be a weekend to accommodate workers who hardly have time during the week.

Semi-structured interviews with five domestic workers took place on a Saturday of December 2023 at the offices of SADSAWU, situated in Marshalltown, not far from the famous Gandhi Square. Interviews were conducted separately. The other three interviews, with two domestic workers and an organiser, took place in Hillbrow on different days towards the end of January and early February 2024. Semi-structured interviews with informants from Izwi and the International Domestic Workers Federation, took place via Zoom. The one interview that was in person with an employer of a domestic worker, took place in Rosebank, in January 2024. The rest of the semi-structured interviews with employers were done online via zoom, throughout January. The interviews were transcribed, with the exception of one interview that was recorded, and I had taken comprehensive notes. The interviews in isiZulu were translated into English. The transcripts were done as part of the crucial first step in data analysis to draw out themes, as will be demonstrated below.

Data Analysis

As a starting point to thematic analysis, data was analysed through what Strauss and Corbin (2004: 303) call "open coding." This is a "process of breaking down, examining, comparing, conceptualising and categorising data." This tool allows the researcher to organise data into themes that can be comparable for similarities and differences. But most significantly, open coding leads the research to new discoveries in the data. Thematic analysis was crucial in building themes and subthemes that are analysed in the next chapter of the research. This process provided a useful framework to build an argument from data and supported by theory. This tool of analysis was important for this research as it was "used to identify patterns within and *across* data in relation to participants' lived experience, views and perspectives, and behaviour and practices; 'experiential' research which seeks to understand what participants' think, feel, and do (Clarke & Braun, 2016: 297). To ensure integrity, reliability and validity, the study uses the technique of triangulation. Through speaking to different people and reading their data against secondary sources. According to Carter *et al* (2014: 545), triangulation is "the use of multiple methods and data sources in qualitative research to develop a comprehensive understanding of phenomenon."

Limitations of the Study

This research report is part of a handful of studies on the impact of the NMW Act on the South African labour market (Bhorat *et al*, 2020: Patel *et a*l, 2020). Its focus on the domestic worker sector is ground-breaking. Despite this, there are two key limitations. First, by focusing only on qualitative methodologies, the study does not explore the quantitative impact of the NMW of domestic workers wages and the wage structure. The assumption, based on the Bhorat *et al* (2020) report, was that the impact had been muted. However, the qualitative interviews suggest that the impact may have been greater than Bhorat *et al* (2020) conclude. Therefore, future research would benefit from a mixed methods approach which triangulates national data with qualitative interviews. Second, the sample for this qualitative research was limited to workers in middle- and upper-class households in the city of Johannesburg. It did not explore the social relations underlying the implementation of the NMW in working class neighbourhoods, rural areas or other parts of the country that are more distant from the institutions of enforcement. Had more resources been available, I would have liked to expand the sample of domestic workers and employers to gain more comparative insights across the country.

Chapter 4: Findings

In this section, I discuss the findings. The section is divided into four sections, which are tailored around the questions that this study is premised on. The first section explores how familiar workers and employers are with the NMW. The second section unpacks how the intimate nature of domestic work influences the possibilities of enforcement. The third analyses how domestic workers have leveraged the NMW, individually and collectively, to secure better working conditions. The fourth explores how the South African case can inform global campaigns to improve the conditions of work among domestic workers.

Perceptions of NMW and its Impact

The introduction of a NMW in South Africa was seen as one of the most significant innovations to deal with working poverty and inequality, with the potential of raising the incomes of almost half of working people (Isaacs, 2016; Castel-Branco, 2016; Belser *et al*, 2020). A study commissioned by the National Minimum Wage Commission post-implementation observed a moderate increase in wages with no adverse impact on employment, and a slight decrease in house of work. However, surprising for Bhorat *et al* (2020) in the econometric results was the limited effect the national minimum wage had on the wage distribution. Bhorat *et al* (2020) attributed this limited impact to two reasons: the weak labour enforcement in a labour market characterised by high levels of non-compliance, and a lack of knowledge by employers. Drawing on interviews with domestic workers, employers and domestic workers organisations, this section engages with these limitations of the National Minimum Wage Act. It analyses the conditions of work, the extent to which the mandated amount meets households' basic needs, the architecture and challenges of enforcement.

Weak Enforcement

Organisers of domestic workers affirm the assertion by Bhorat *et al* (2020) of weak institutions of enforcement as an explainer of non-compliance not just with the national minimum wage but with labour laws in general. A strong inspectorate becomes even more pertinent for the sector of domestic workers, more especially on enforcement of labour laws, like the national

minimum wage. The findings show that there is a general concern of the lack of visibility of the labour inspectors and the incapacity of the department in general to assist domestic workers with cases of enforcement of labour law. Informant argues that "the department of labour is very slow on the question of compliance – following up with employers. The department does the work – but when it comes to domestic workers, we still feel it is not enough" (Informant-2, 2024).

Generally, there is also a view that part of the difficulty of accessing domestic workers is that the place of their work is a private home. This means, "labour inspectors, for example, do not even have the right to enter without permission. So, even if they know that there's something problematic happening, the employer can deny them entry and that's the law" (Informant-2, 2023). However, for one employer, Tamara, the issue is not access but a lack of proactive inspectors in general in the country. She asserts that, "I don't think that the fact that it is a private home impacts inspection – because I have never seen them in 'normal' workplaces." Tamara further adds, "I think there is an apathy from labour inspectors to monitor labour regulation in general in workplaces" (Tamara, 2024). Both these views reinforce each other. For example, Budlender (2016: 5) argues that there is a small number of inspectors, and this has an effect on "adequate inspection and enforcement even of regular formal businesses." She goes on to argue that "there is thus little chance of adequate inspection and enforcement in respect of approximately one million private households" (Budlender, 2016: 5).

With diminished confidence in the inspectorate and absence of an efficient enforcement institution, unions and domestic worker activists look to the Commission for Conciliation, Arbitration, and Mediation (CCMA) for assistance. The CCMA is overseen by organised labour as an efficient institution to help with cases affecting domestic workers (Informant, 2023). However, unions and organisations of domestic workers expressed the view that CCMA is a dispute resolution institution and in cases of clear violations of labour an enforcement institution must step-in. Despite this, they engaged with the CCMA. Considering power dynamics and job security, workers were reluctant to approach an institution like the CCMA. Nyasha (2023) argues that:

> We are scared to approach institutions like the CCMA and labour department because we are scared, we might lose our jobs… But the union helps us with tools to engage with employers. For example, my employer – I have engaged her on things like COIDA – if I get injured in the place of work – what are her responsibilities as an employer. Bit by bit you can have difficult conversations with employers.

Mam Roseline (2023), a domestic worker in her 60s argued that she is "not scared of losing employment for standing up for her rights, mainly because of her old age. She went on to argue that "for younger people – it is not an easy decision – because they have to think about their employment security."

Indeed, employment security was the reason for one domestic worker that earned below the national minimum wage, not to complain to her employer. But more than this, her status as an undocumented migrant, added to the reluctance. Martha, the mother of two, in her early 40s, came to South Africa in 2008 from Malawi. Initially she worked as a farmworker, in a horticulture farm in Northern Cape, where she earned R2400. The conditions of work in the farms were not ideal - given a disability in her foot. She took up work as a domestic worker, where she earned R2 900. Martha has no illusions that the reason she's underpaid is because of her legal status in the country, because "I'm a foreigner people take advantage, I hope there will be change, because we are all Africans and doing the same job a South African is doing, which is domestic work, I am a domestic worker we must be treated the same." This position as an "undocumented migrant places her [domestic worker] in a human rights void and makes her more vulnerable to exploitation and denigration" (Gutierrez-Rodriguez (2014: 50).

This migrant status adds a layer of what Hondagneu-Sotelo (2001:24) calls 'international regimes of inequality'. There is a big gap between a wage of R2 900 a month compared to workers covered or earning the national minimum wage of R4 400 a month. Even employers who hired domestic workers on a part time basis paid higher wages than R2 900 what Martha is paid, as the table in appendix 4 demonstrates. There was little chance of seeing a movement in the wage distribution if some employers paid as little as R2 900. This affirms Bhorat's *et al* (2020: 25) hypothesis, "those earning sub-minimum wage, the gap between their wages and the minimum wage increased." The difference is indicative of the exploitation and why the institutions of enforcement need strengthening – for every worker to benefit, as Bhorat *et al* (2020) suggests.

Pockets of Success

There are high incidents of compliance amongst the participants in this study. The majority of the domestic workers and employers that were interviewed showed a general understanding of the national minimum wage. This corroborates Bhorat *et al* (2020) study that knowledge of the

law improves compliance. “Every year now in all of the newspapers, it's published what is the new national minimum wage as of March 1st. Employers see that and they know, usually there's a reference that it applies to domestic workers and people know. Whereas nobody reads the sectoral determination for domestic work and certainly not employers” (Informant 1, 2023). The experience of a domestic worker, whom I call Mam’ Roseline, not her real name, and has been a domestic worker for 28 years – working for the same family, affirms this. Her home is in Mpumalanga and here in Johannesburg lives with her employers, which means less costs for accommodation. The work experience of Mam’ Roseline (2023) , who in 1996 earned R600 a month, shows how over the years, her wages have changed. The most notable change being in 2022-2023. Her wage increased from R2 500 to R4 000 a month. She attributes this change to the national minimum wage. “My employer listens to the radio and news a lot and is the one who will take an initiative and bring me to discuss if he hears anything about … domestic worker issues, I think the R4 000 they pay me is the national minimum wage.” The National Minimum Wage Act came into force in 2019, and her wages increased by almost 50% in 2022. What is notable with the increase to Mam Roseline’s wage, it happened around the same period the department of employment and labour announced domestic workers were to be phased in to the full national minimum wage. The media commentary on this might have had an impact in educating employers of the national minimum wage.

The Level of the Minimum Wage is Too Low

While appreciative of the increase in her wages, Mam’ Roseline (2023) asserts that, “I think R4000 is too little, very little.” She further asserts that “I cannot do anything at home … My son is unemployed, he worked before as a security guard but got retrenched, he depends on me. I have grandchildren that depend on me as well. The one is in school, and the other is at university.” This difficulty is experienced by most domestic workers that earn the national minimum wage or slightly above it. Nyasha, not her real name, also struggles with her wages. “… I am renting a flat, I earn R4 400. My rent is R2 500 a month. You see, it is difficult.” Nyasha further adds, “though [employers] are saying we will address the wage increase in 2024, still things are not easy.” She too, is a single mother of a daughter, who is in her twenties, unemployed and relies on her wages to survive. She also must send remittances to her family in Malawi. Transport is another major cost for Nyasha, “I must take a third taxi to the place of my employment … Which adds to the burden. I used to spend R400 now it's up to R500 … a month on transport.” Mam’ Maditjo, 63, shares the same sentiment with Nyasha and

Mam'Roseline, "we want a living wage, the minimum wage is killing our souls – *siyalimala ngaphakathi* – (we are dying inside). When you get paid – you cry inside – asserts Mam' Madibecause you cannot tell your employers to increase the wage– because they also will complain that they also don't have money that can sustain your life."

The conditions that workers define here fit the description of 'working poor' These are "workers who live in households in which monthly household income per capita falls below the poverty line" (Finn, 2015: 43). Over 95% of domestic workers before the national minimum wage earned below the upper-bound poverty line (Isaacs, 2016: 10) On average, households in South Africa have 3-4 people in terms of the general household survey. In the context where wages are falling short in meeting the basic needs of workers, the objectives of the National Minimum Wage Act - to contribute to the alleviation of poverty and narrowing wage inequality might not be realised sooner. The former chairperson of the National Minimum Wage Commission, Professor van der Walt, in different reports and more recently, acknowledged this challenge and noted that "a gradual real increase is needed to lift employees earning the national minimum wage out of poverty" (NMWC, 2023). The question becomes, whether the national minimum wage can on its own effect wage redistribution and alleviate poverty? This question is further explored in the reflection section, it is important here to engage the impact of the national minimum wage beyond the wage and assess if the incidents of compliance from the participants translates to better working conditions.

Beyond the Wage

The findings on working conditions of domestic workers reveals that there are inconsistencies in terms of compliance with the Sectoral Determination. The Sectoral Determination Seven regulates conditions of employment in relation to wages, mandatory contracts and pay slips, working hours, and leave days for domestic workers. Mam' Maditjo, 63, asserts that her wages are still paid in cash, and she's registered for UIF and pension by her employer. However, she's troubled by the absence of a contract and a pay slip, that is mandatory for employers in terms of section 2(6) of the Sectoral Determination. She asserts that, "even to this day they don't want to give me a contract, I don't know what they are hiding from our employers. – I have not signed a work contract." She goes on to assert that, "there are times where you want to buy furniture through credit, and you need a payslip and there are instances where the school needs a payslip to confirm that indeed you can't afford school fees to qualify for funding of your

grandchild and you have to plead with employers to provide you with the payslip. But I must say it is a struggle."

Teboho, not her real name, an employer of a domestic worker, who is married, and self describes as a "working mom", explains the contract issue from an employer's perspective:

> With my first helper we had one, an employment contract … one of the reasons why I had a contract for my previous helper was like you know if **** was about to hit the fan. I knew that she could obviously take me to the CCMA, if there was obviously a dispute and I didn't want to deal with any of that and obviously having a contract in place helps somewhat.

Zandile, not her real name, the only one who had a contract out of the seven interviewed, expressed unhappiness with her contract on the basis that it was outdated. The scope of her employment was expanded, and terms of her contract not reviewed to reflect this. The existence of a contract defines the scope of work and avenue to her to negotiate. Having a contract is particularly important, explains Informant 2, former domestic worker: "A contract is very important. It is evidence that the person was working for you as an employer, same for employees. A contract helps because it has particulars of both parties in the employment relationship" (Informant-2, 2024).

The contract is of particular importance, not just for the formalising of employment relationship, but also as part of compliance with the National Minimum Wage Act, section 4(7), that stipulate that a "national minimum wage must constitute a term of the worker's contract except to the extent that the contract, collective agreement or law provides a wage that is more favourable to the worker." Magdalene had a work contract but did not register her domestic worker for UIF. Magdalene (2024) for instance registered their worker for UIF but did not have a contract nor the pay slips. Another violation in terms of conditions of work that workers complained about were the long hours of work. The data on inconsistent work conditions shows that domestic work continues to be in the margins of informal and formal employment.

The national minimum wage is operating in a labour market that is characterised by the working poverty owing to the history of cheap labour and exploitations of Africans. Undoing this – will take time. Yes, over the past five years the national minimum wage has increased through annual adjustments, but this increase has not been able to effect redistribution of income, which

is one of the drivers of inequality. Evidence and theoretical work on the national minimum wage pointed to an increase in wages of 47% of workers in South Africa (Belser et al, 2020). However, the national minimum wage alone might not be able to do this. Perhaps looking at adding other social policy instruments to the national minimum wage like the Basic Income Grant, not as a substitute to the important role the national minimum wage plays in the labour market (Belser et al, 2020), but as an addition, might help towards poverty alleviation. The possibility of transport subsidies and decent housing closer to places of work for domestic workers, might be a welcome development, as indicated by workers that these are primary concerns that affect them.

The national minimum wage has had an impact in terms of uplifting ultra-low wages of some domestic workers who participated in the research. There is a general awareness from employers, domestic workers of the national minimum wage. The uptake seems to be gradual, and this could explain why the Bhorat *et al* (2020) observed that the impact of the national minimum wage on wages was moderate in 2019. It is also true that not all domestic workers have been able to enjoy the benefit of the law owing to weak enforcement from the department of labour, particularly migrant women. CCMA potential backlog - given budgetary cuts over the last few years and expanded scope, might prove ineffective. Given this challenge of enforcement, which Bhorat *et al* (2020) highlight as a problem, it means workers must individually compel their employers to comply. This might prove a challenge for a sector that is intimate - where workers are isolated and having to negotiate conditions and wages one-on-one. The weak state of unions and associations does not help, especially for a sector that has many workers not belonging to unions.

Power and intimacy

As part of the bigger inquiry of understanding the limited impact of the national minimum wage one must engage with how the intimate nature of work impacts compliance. The intimate space of the home and emotional labour involved, complicates the distinction between public and private, work and family, duty and affection (Boris & Parrenãs, 2010; Cock,1984; Ally, 2009; King, 2007; Hondagneu-Sotelo, 2001). As indicated in the literature, inherent in the nature of intimate work is a paradox: while domestic workers are subjected to high levels of labour discipline, they are often referred to by employers as one of the family. This is complicated by the power asymmetry between employers and domestic workers.

One domestic worker, Zandile (2023), reflecting on her employment of eight years, shared that she was not equal to her employer. "*Asilingani* (we are not equal). Equality is not there!" After a deep sigh, she added, "to tell you the truth, my employer is the kind of person that believes that a black person is a black person, they must do whatever you instruct them to do, because I am paying them." The assault on her dignity and racial domination by her employer towards her is captured by what might appear as mandane, the denial of the use of a washing machine. Here Zandile explains:

> The assumption is that as domestic workers we do not know how to operate the washing machine. She never told me, I just assumed because they undermine us domestic workers as illiterate, they don't show us how the machine works, because they think we might break it, and that will cost them money.

A close look, a washing machine functions as a symbol of class and racial discrimination. The denial of access to technology that is meant to make 'housework' easy, reinforces the subordinate position of a domestic worker as uneducated. Zandile (2023) feels aggrieved by this treatment by her White employer. Working in an intimate space makes it complex to be confrontational with an employer. And perhaps her response captures this difficulty, "I also look after kids and the love I have for kids. When you play with kids you cannot avenge what the mother has done to you, you must laugh, sing, and dance." This reinforces the notion that interaction between a domestic worker and their employers is "shaped by the structures which control the distribution power and resources …" (Cock, 1980: 4).

All the employers who participated in the study, as shown in the last section, were women of diverse backgrounds in terms of race. What they shared was the class position based on where they lived and the work they did. All married. The data shows that domestic service allowed them to take part in the economy and raise their young families. This is indicative of patriarchal capitalist society where social reproductive labour is still shouldered by women. In order to share or outsource the burden the capitalist society places on them and rendering their social reproductive labour as women invisible (Federici, 1975), they employ working-class Black-women.

The domestic workers that participated in the study come from rural parts of South Africa, Zimbabwe, and Malawi. And historically these places were labour reserves for cheap labour

for Johannesburg (Ally, 2010; Cock, 1980; Mamdani, 1996). The findings of the research shows that domestic workers support two households. These workers must split their wages into two. This living arrangement shows that the remnants of colonialism are still alive through the migrant labour system. A system that broke families and left African women with the sole responsibility of concurrently maintaining households in villages and in the urban space (Ally, 2010; Cock, 1980). The women that participated in the research from South Africa are in their early 50s and early 60s and were directly impacted by apartheid, particularly Bantu education that predetermined their social position in terms of work prospects. As Ally (2010: 38) points out, the apartheid architecture of citizenship forced African women to domestic work by limiting their chances to alternative employment.

The women that live-out, take residence through renting flats in the harsh and crime ridden parts of the Johannesburg inner city, like Hillbrow. And those that cannot afford the rent, they take refuge in the informal settlements and back rooms in townships like Vooslorus. But they have homes elsewhere in the countryside. Findings show that domestic workers can only afford to go home once or twice a year. Job security and a place in the city – become real consideration when faced with transgression of the law by employers.

Site of Work: Home as Private Space

The work takes place in the privacy of the home. This increases the vulnerability and exploitation of domestic workers (Constable, 1997: 85). For Mam' Roseline (2023) who was assaulted by a member of the family that she works for told me that "employers need to respect us." This is a common theme from the interviews and is connected to how domestic work is viewed. Interviews demonstrate a deep sense of hurt for the lack of respect for domestic workers and the work that they do. The now organiser but former child minder captures this feeling of being disrespected:

> Domestic work is work, but employers, community and families do not see it as work. They see it as 'helper'. A helper is someone without a wage. Whatever work they can do - you thank them for it. I remember the time I was a domestic worker. My teenage daughter – at school had to write about the work her mother did. She came back and told me that she was ashamed to write that I was a domestic worker, because others were going to laugh at her. I still think about this – thousands of domestic workers children – what is it that they write? Do they have this sense of shame in school?" (Informant-2, 2024).

The name ‘helper’ is common in the lexicon of both employers and domestic workers. Employers of all races will use the expression “my helper” and domestic workers don’t appreciate this. “As domestic workers we are not treated as *abantu* (human beings). Some employers treat their pets better than they treat us. They see you as a helper.” At the heart of this feeling of not being seen as a human being, in part, because the nature of work has been traditionally done by women and is not seen as work even when a wage is attached.

Findings further show that the freedom of movement for stay-in domestic workers is curtailed. This is captured by Mam Roseline, who informs the researcher that:

> Opposite where I work there's a lady, who only goes out once a month… the family locks her in like she's in a prison. I'm lucky, I can leave at any time, but they don't want any visitors ever since I started work. I have never had a boyfriend.

This sentiment is shared by, MaMntungwa, a live-in domestic worker:

> We need housing for Domestic workers. We live in our employers’ homes behind garages. We live in other people's homes – we are not entirely free. It is a weekend, and you cannot host friends or have a party.

The dignity that goes with having a place of your own is again highlighted here. And at the same time workers critique the dynamics of ownership of the place and the body of the worker by employers. The fact that labour law does not set any standards for accommodation and right of privacy is being challenged. The most important marker of exploitation for workers is the level of the wage. One then assumes that the improvement of this aspect should have knock-on effects on the conditions of employment. However, the findings and data show that this is not a complete picture, respect and dignity are important considerations for domestic workers who have to navigate intimate spaces of work. And the literature affirms this view. Ally (2010) notes that workers reception or reaction to the legal reforms in the early 2000s was the fact that it recognized their dignity. “The democratic state’s recognition of domestics and overturning of at least, their political invisibility, was important for workers” argues Ally (2010, 73). And equally important is the recognition of the domestic workers work.

Type of Work: Fluid Job Descriptions and Ultra-Exploitation

“Long working hours are the single biggest complaint amongst domestic workers' (Constable, 1997). This is true for domestic workers in South Africa. Domestic workers play a critical role in maintaining households and enabling reproduction of labour (Cock, 1989). They clean, cook,

and take care of children and the elderly. There is recognition from employers that domestic work is important work and that is unending. Teboho (2024) asserted that "raising a child and domestic work is quite a lot and so sometimes it's really impossible to do everything." Workers complained about the long and undefined work hours. This could be attributed to the fact that domestic workers are seen as 'helpers' - which makes their job descriptions fluid, which consequently opens them to ultra-exploitation. The Sectoral Determination that deals with basic conditions of employment for domestic workers, guarantees domestic workers work hours but because the work takes place in isolation – without solidarity of other workers, if housework is incomplete, workers work beyond their work hours in obeying employer's power. Findings on the issue of long working hours is consistent with existing literature (Constable, 1997; Ally, 2010). At the heart if this is the fluidity of work and being seen as one of the family as this worker demonstrates:

> My previous employers will pay me for work done after my 8 hours lapsed. It was immediate and cash, I did not wait for month end. When I raised the issue of overtime – I was told that 'You are like family' for instance they will go out and come back around 9 in the evening and while I am behind looking after the child. When they return, they will just say thank you. And will go in my room. (Nyasha, 2023)

Like Family

On the question of the nature of the employment relationship, employers offered almost the same answer, that it was a normal and professional one, and the majority added a qualification, that "the relationship is like a family" added Teboho (2024). Because of these familial relations, employers will mention that they contribute non-wage benefits or in-kind benefits. These ranged from contributions to school fees, daycare fees for children of domestic workers, to transport and chronic medication. Affect is also cultivated by workers as well. One mentioned that when she lost a loved one and did not have enough money – she could turn to her employer. The R10 000 that was meant to be a loan and paid back through monthly instalments was turned to a gift.

At face value the idea of being part of a family looks like a good thing but in some instances, it leads to exploitation and abusive practices by employers. When one worker inquired for overtime pay, she was told that she was told "*You are like family"* (Nyasha, 2023). Even with the in-kind benefits, workers preferred decent wages and it is worth quoting at length the worker to demonstrate the point:

> Maybe they consider the fact that I had asked for assistance with a deposit for a place to rent. My daughter needed a laptop and they assisted. Home affairs wanted us to do a DNA test in verifying that indeed my daughter is mine when we were fixing her documentation. Maybe they add that, 'when she asks for something we give her'. But wages are wages – you cannot substitute. If I was being paid decently, I would not ask for these things – I would budget properly. (DW3, 2023)

This suspicion is true for most employers. In thinking whether to initiate a wage increment they considered the *ad hoc* or beyond the wage contributions. This led to a stagnation of wages – given the skewed power dynamics, workers will seldomly raise the issue of wages conscious of the contributions that their employers make – which could keep the value of their wages low.

Magdalene expressed discomfort with the notion that domestic workers are 'part of the family'. She reasoned that domestic workers are "not real family", and employers will use that "warmth to abuse someone else." She went on to assert that "I'm not a Christian anymore, I'm not religious at all, but you don't drop things that were indoctrinated into you. Once upon a time your parents took you to church three times a week and one of the basic tenets was treat others as you would be treated." More than anything it was her conscience that guided her in paying for the college fees of her domestic worker. Magdalene (2024) went on to say, "before, I go to a prosperity church and give tithes to a church, I'd rather invest in someone that I've met and whose life I can help improve." In the face of rife exploitation and discrimination against domestic workers, in the 1970s, a study quoted by Mcwatts (2021), suggested that improving the conditions of domestic workers must be left to the "Christian Consciousness" of employers. And for a long time – even with legal reform, compliance with the law has been left to the conscience of the employer. While altruism and moral values like *ubuntu* must be encouraged – with domestic work it could easily become paternalism that opens domestic workers to unfair labour practice.

Most employers that participated in the study are young professional women in their thirties, some who qualify as 'born frees', who see the value of domestic work as a profession. Because it allows them time to do their work and help them raise their young families. There are no major differences in terms of employer's race and their attitude towards intimacy. The political awareness of domesticity and its origins in servitude informs some of the altruistic attitudes of employers towards domestic workers. For example, some employers make reference to the fact that their grandparents worked as domestic workers under-apartheid, hence they feel strongly

about doing right by their workers. However, this recognition of domestic work as work, is contradicted by the lack of work contracts, undefined work hours, non-registration for social protection - COIDA and UIF. Intimacy does complicate compliance (Ally, 2010). Employment relationship between the employer and domestic worker is a personal one. Affect is cultivated by both employers and domestic workers (Ally, 2010). Part of the family is another way of showing empathy and kindness that underpins in-kind benefits, but this leads to the stagnation of workers wages and some instances of exploitation of the domestic worker – as free time and work time is conflated. Considering this, it is apt to inquire in what ways has the introduction of a NMW Act informed individual agency and collective organising.

Individual Agency and Collective Organising

Advocates of the National Minimum Wage argued that it had the potential to strengthen workers bargaining power by providing a wage floor that brought workers above poverty wages, creating a point around which workers could mobilise and allowing workers organisations to focus on other demands (Castel-Branco, 2016; Isaacs, 2016; Francis & Valodia, 2018). However, unions were also concerned that if a national minimum wage would be passed, it would undermine collective bargaining through statecraft (Castel-Banco, 2016). This section explores the extent to which the national minimum wage strengthened domestic workers individual and collective agency. It considers individual agency as critical to the building blocks of collective action precisely because domestic workers work in individual spaces and are said to be difficult to organise (Ally, 2010; Cock, 1980; Constable). The section specifically asks how domestic workers individually and collectively have leveraged the national minimum wage to secure better working conditions.

Leveraging intimacy: a Double-Edged Sword

The evidence from the research indicates that workers have ideas on what constitutes a decent wage or a 'living' wage. However, they are reluctant to initiate conversations that pertain to wages or increases – even in the context where their wages have been stagnant and low. "It is not easy to speak with an employer pertaining to the national minimum wage", asserted one domestic worker (mam' Roseline, 2023). Employers, even those that maintained that the relationship with their workers was good, confirmed that wage negotiations were initiated by them. Tamara puts it this way":

> I asked, "how much do you charge for an hour for domestic work and how much do you charge a day?" None of them said 'this is my rate, or this is a minimum wage'. They all said, 'how much are you willing to pay? (Tamara, 2024).

This is indicative of skewed power relations and the class position of domestic workers. It is indicative of how employers dominate the wage negotiation. But the key question from the domestic worker in the above conversation, is *"how much are you willing to pay"* is a key negotiating tool. That demonstrates that the worker might appear not aware of the national minimum wage or have a rate, but they are not passive in the negotiation. In setting the wage, the above quoted employer, from Rosebank, claims to consider the national minimum wage, the financial circumstances of her household and settles for R55 an hour (TAMARA, 2024).

Another employer, Stacey, – indicated the same – adding that she did not use the minimum wage but had an "open" conversation with her domestic worker and considered her "needs"' Most domestic workers that participated in the study reported that employers take a leading role in setting a wage and there is very little perceived room for manoeuvre. In instances where workers have asked for an increase, their employer will plead financial constraint and others will outright dismiss their demands. The national minimum wage has not directly influenced worker negotiations but their level of consciousness of decent wages has been impacted. The unions and organisations have played a massive role in this regard. The strategy here is that employers are kept in the dark of the workers involvement with the union. A domestic worker, Maditjo explains this:

> Employers don't want to see any of those [unions]. They are talking badly about the union. They always say bad things about the union. As we speak right now, it is only me who knows that I am a unionist. I have never even told them.

Although domestic workers are reluctant to negotiate their salaries, they may opt to leave if they find a better position. Migrants, and in particular undocumented migrants, however, may feel that they struggle to find better alternatives and opt to stay. A migrant domestic worker, for instance, has been working in the same place for the past eight years, despite being paid below the national minimum wage. This is not to argue that domestic workers have no strategies to influence negotiations in their favour. Some use the intimate nature of the relationship to introduce the issue of wage increases and gain other benefits. Domestic workers are embedded in the everyday functioning of a household. For example, when in conversation with her employer about the affordability of food retails, Mam' Maditjo uses that opportunity to bring-in her financial situation, appealing to the conscience of her employer, "what about

me with the money that you pay me." Others use what most literature refers to as 'sulking' as a way to demonstrate unhappiness (Gordon, 1973; Ally, 2010). The limitation to these strategies is that they are reactive and dependent on what an employer does. For example, Zandile, was unhappy with the increase to her wages and was hoping that her employer will ask whether she saw the increase, which will then be an opportunity for her to raise her unhappiness with the increase. She had decided to "keep quiet", she reports that "I was hoping she will read me on the face, that I'm not good – I am not happy." However, her employer never asked. Leaving her with a feeling of dissatisfaction because of a small wage increase.

Collective organisation

Literature on domestic workers carry the line, domestic workers are difficult to organise, partly because private homes are not seen as places of work. However, South African history challenges the assertion that domestic workers are 'unorganisable' (Ally, 2010). Domestic workers, particularly in the late 70s to the early 80s, refused to be "passive victims of the structural features of their work" (Ally, 2010: 148). South African Domestic Workers Union (SADWU) had over 85 000 members (Ally, 2010). In the year that South Africa adopted its celebrated Constitution and also passed key labour laws, 1996, SADWU was disbanded. Scholars point to democratic demobilisation through statecraft that conceptualised domestic workers as victims for the decline in numbers - which contributed to the collapse of the union (Ally, 2010). At present, there are three active unions and an advocacy organisation that represent domestic workers, namely Izwi Domestic Workers Alliance, South African Domestic Service and Allied Workers Union (SADSAWU), and United Domestic Workers of South Africa (UDWOSA).

SADSAWU was formed by former members of SADWU in the early 2000s and their first political act and subsequent victory was the fight for inclusion of domestic workers in the Unemployment Insurance Fund (UIF). It seems to me that there are two significant moments that have contributed to the visibility of collective organising of domestic worker organisations like UDWOSA and Izwi. The exclusion of domestic workers in COIDA and partial exclusion from the initial full national minimum wage level. These campaigns have been used to shine a light into the plight of domestic workers. However, their collective membership does not cover a quarter of the number of domestic workers in South Africa. For example, SADSAWU claims to have 25 000 members in different parts of the country. Formed in 2018, Izwi has 1000

members and organises around Johannesburg. UDWOSA organisers in Pretoria and Ekurhuleni and it is not clear how many domestic workers they organise. While the numbers are low, it is the emergence and visibility of organisations that provides individual domestic workers to be part of a collective.

Although domestic worker organising has expanded, workers organisations face many challenges. The major challenge for the unions and organisations is the absence of the right to bargain collectively. Organisations and unions in the sector are not strong "... which effectively puts the burden on the individual workers themselves to ensure that their wages comply with legislation." Belser *et al* (2024: 216)" This might prove difficult in the context of domestic labour which is characterised by power imbalances., and the difficulty of individual workers initiating wage negotiations. Only one union, SADSAWU, had an operating certificate as per the law, even though they have had the issues of their certificate being withdrawn because of non-compliance. These are also structural challenges that need to be reviewed to allow domestic worker organisations to thrive, reports an organiser.

> The traditional labour movement in South Africa is biased towards sectors such as factory work and mining. I don't mean biased in preference; I mean in structure…It's also very difficult to say, let's take those structures and then place them on a very different sector that's predominantly women. (Informant 1, 2023)

Some believe that independent worker organisations can overcome these challenges in ways that unions cannot. "I think that there's a real need for the labour movement to be more progressive and more open to various ways and structures of organising. The position for organisations and unions of domestic workers was that "when domestic workers first got a minimum wage through the sectoral determination there was no sizable job loss, going from no minimum wage to a minimum wage" (Informant-1, 2023). Organisers further adds that the argument from their end as domestic worker organisers "was that if employers can't afford, they should request fewer hours and allow workers to spend time doing other things, as opposed to them working for poverty wages" (informant-1, 2023). This is in line with findings by Bhorat *et al* (2020), where hours of work had been reduced and wages not impacted negatively.

Unions have had a positive impact in cultivating strategies of exercising agency for domestic workers. One domestic worker elaborates:

> Being a union member really helps. Before one had accepted that we are the worst paid workers and whatever the government decides we will follow. But the union helps us with tools to engage with employers. For example, my employer – I have engaged her

> on things like COIDA – if I get injured in the place of work – what are her responsibilities as an employer. Bit by bit you can have difficult conversations with employers. Nyasha, 2023.

Associations and unions collaborated through massive What's App groups to agitate for an inclusive national minimum wage (Informant-1, 2023). The National Minimum Wage Act had an immediate impact on the visibility of the unions and organisations that organise domestic workers, as they acted collectively to challenge what they deemed was an unfair exclusion. All three organisations joined forces together with other organisations and unions that represent farmworkers and low paid workers under the banner, One-Wage-Campaign. The campaign challenged the tiered national minimum wage system – that excluded domestic workers, farmworkers and EPWP workers from the initial R20 an hour. The reasoning from the Expert Panel report, that informed the law, came from organised labour at NEDLAC and research by NMW-RI. The rational for a differentiated minimum wage for organised labour was that business and the State will prefer a lower level of a national minimum wage to accommodate workers that earned ultra-low wages entrenching a poverty wage. The research had shown that high minimum wages had a chilling effect on jobs in the agricultural sector.

The organisations argue that the exclusion was unfair and unconstitutional. The exclusion "… said to society and to employers that the government also does not consider domestic work real work, or it also does not see it as valuable as other work" (Informant-1, 2023). The ambiguity of the law also did not help, argues organiser of the association:

> I think if they had said domestic and farm workers 'will' be phased in two years it might have been a different story. But instead said 'may' be phased in in two years. That was concerning because the language did not guarantee it… So, that's why we organised, because we didn't want to take the risk that workers were not going to be phased in and also we didn't think that they should have to wait for two years to get minimum wage. (Informant-1, 2023).

After three years domestic workers were phased in into the national minimum wage. While the Act made a commitment to phase-in domestic workers and farmworkers in two years, the language used was not clear, it said 'may' and this was the catalyst for the One-Wage Campaigns. There has not been much agitation or public campaigns around the national minimum wage ever since, but minimum wage is a key demand for organisations. Inclusion in the law might have potentially demobilised campaigns similar to One-Wage. While the organisations maintain that the minimum wage is not a living wage, they continue to demand

for employers to comply with the national minimum wage because they claim that there are still some domestic workers that earn below the national minimum wage, particularly migrants. "We wanted to be under one wage, we pushed for this campaign but still employers are not complying**.** Because there is no push, we feel like *umthetho lo uyize* (the law is useless). Nothing happens to employers who do not follow the law" (Informant 2, 2024).

The Department of Labour and Employment, through the National Minimum Wage Commission has adjusted the national minimum wage annually since its inception in 2019 as per the Act. The public participation is a cornerstone of the work of the commission and provides an opportune moment to get views of workers and employers. This is particularly important for domestic work that does not have a bargaining council. The criticism of the commission is that it does not have strong public visibility to allow for more meaningful engagement. Domestic workers voices in the past have been represented through the Socio-Economic Rights Institute, who in their submissions state that they represent domestic workers and farmworkers. To have their interests taken seriously in the process that ensures the integrity and value of the national minimum wage is maintained, it will be good to see organisations and unions use this platform.

Many argue that domestic workers have little power to negotiate working conditions. This view is shared by many employers. However, the research finds that domestic workers cultivate small everyday modes of resistance. The workers that are generally vulnerable and assumed to be docile are undocumented migrants, however they do engage institutions of enforcement to claim their rights of fair labour practices guaranteed by the constitution and relevant legislation. However, there is a difference between those that are unionised, and those that are not. Workers in unions are aware of their rights, though they keep membership a secret from employers, the union gives them knowledge of their rights and how to approach conflict in workplaces.

Education for a younger domestic worker, who was not a member of a union, was a tool she used to negotiate better working conditions. Domestic workers constitute themselves into a collective to claim rights. The national minimum wage initial exclusion was bad according to workers, but it provided one of the most significant moments of the struggles of domestic workers in post-apartheid South Africa. The state was acting in the interest and for the 'vulnerable worker' – earning ultra-low wages, by implementing a differentiated system, but workers asserted their agency and demanded to have access to the same national minimum

wage as other workers. This demonstrates that the state is not a 'proxy' for 'vulnerable' workers but is largely guided by domestic worker struggles, as we saw with One-Wage-Campaign. While the 'othering' of domestic workers has not stopped, their continued inclusion in the national minimum wage cements the position of domestic work as work. This is through the efforts not just of local organisations but the International Domestic Workers Forum. An organisation that pioneered struggles of domestic workers across the globe that led to Convention 189.

The Implications for Global Struggles

Some observers argue that the employment relationship in domestic work, internationally, is asymmetry and exploitative and that this is not particular to South Africa (du Preeze *et al*, 2010). The experiences of domestic workers in Johannesburg, of employers holding most of the bargaining power, resembles the international experience of domestic workers in Maputo, London, Rio de Janeiro, Bogota, New York and many other places in the world (Castel-Branco, 2021; Hondagneu-Sotelo, 2001) On the 10th anniversary since the adoption of the 189 Convention, International Labour Organisation (ILO) noted in a report (ILO: 2021) that of the 75.6 million domestic workers around the world, 80 percent still worked under less favourable conditions, in terms of hours of work and wages earned compared to other workers. Domestic workers globally work in hidden private homes and have to use different strategies to negotiate work conditions (Chen, 2011). The place of their work presents a structural challenge for organising and claiming the labour rights that flow from legislation.

Universal Coverage for Domestic Workers

The universal coverage of a minimum wage is what South Africa opted for in adopting the national minimum wage, with a gradual phasing in period. This approach was not out of step with other jurisdictions such as Chile, Portugal and Ecuador (ILO). Who extended the single national minimum wage to domestic workers gradually – by first setting the minimum wage of domestic workers at a lower level than that of other workers and phasing them in within the national minimum wage. The objective of Convention 189 is to ensure that there is a universal coverage that is inclusive of domestic workers. This makes sense from the equity point of view and the principle of "equal pay for work of equal value" (ILO, 2023). In the 13 years that the convention has been operative, only 36 countries have ratified it. In our continent, six countries

have done so, Sierra Leone, Madagascar, Guinea, Mauritius, Namibia, and South Africa. A long-time servant of domestic workers and organiser explained how struggles of domestic workers from different corners of the world, were the catalyst for the adoption of the Convention in 2011. It was at the back of these campaigns, international networks and domestic struggles that the International Domestic Workers Federation (IDWF) was formed in 2013. As an international treaty that was won through efforts of domestic workers and their different allies, C189 has been used by IDWF "as a movement building tool to use international institutions, global standards, and transnational networks to improve local conditions" (Boris & Fish, 2014). One of these international standards is to have minimum wages that have universal coverage. The union stalwart, reflecting on the developments in the continent and the national minimum wage in South Africa, choose to place these developments within the international standards and demands of domestic workers, not to be discriminated against in labour legislation that seeks to improve conditions of work. She emphasised that it is important that domestic workers are included in legislation that benefits workers.

Furthermore, the limited studies (Bhorat *et al*, 2017) on minimum wages in Africa including the ILO's reports (2013), assert that Africa has the most compartmentalised minimum wage system in the world. The countries that have minimum wage laws are mostly occupationally based minimum wages (Bhorat *et al*, 2017). For years, South Africa had a sectorial or occupational system that it has replaced with a national minimum wage. This was a radical shift from a segmented system to a single and more defined national minimum wage regime. While the statistical reports on compliance in the domestic sector remain weak, there is a general shift in terms of awareness of the national minimum wage. Employers and workers that participated in the study demonstrate a great level of understanding of the national minimum wage.

Enforcement is Important

The minimum wage must "meet domestic worker's needs … and [change] even the domestic workers life, being able to pay rent, being able to pay children's fees and buy their uniforms and other stationery, being able to eat three meals, being able to have shelter and clothes." These sentiments by the organiser collaborate the experiences of domestic workers that were interviewed in the study. While they earned a national minimum wage, it was important to them that they lived decent lives and had shelter of their own. The organiser noted that the

national minimum wage increases in South Africa and Tanzania even though they had not disrupted poverty levels, but "something was better than nothing." Domestic workers could build on small victories like these - which in the long run will contribute to their bargaining position when negotiating for decent wages, she argued.

However, for the organiser of IDWF, what remained a challenge, particularly in Africa, was enforcement of progressive minimum wage laws that were domesticated as part of adhering to the international standards. There were different factors but the most common was the weak enforcement institutions. Something that was highlighted by Bhorat *et al* (2020) to have had an impact on the national minimum wage having moderate impact on wages and no impact in the wage redistribution. Another challenge for enforcement was the issue of political and economic instability for the organiser. In demonstrating the point, she argues that "political situations also hinder some of the changes in relation to ratification … for example, Guinea has ratified convention 189 but the enforcement is weak. We did the study to see if there was any enforcement, it found that it had been very, very low" (Informant-4, 2024). Part of the reason for this, is that Guinea is "one of the poorest countries, unstable politically. The minimum wage for domestic workers has not increased because even the minimum wage for other workers is very low" (Informant-4, 2024). These gaps in enforcement exposed domestic workers to exploitative conditions. The answer lies in the strength of the trade unions and organisations of domestic workers.

Strengthening and Building Worker Power

The work of the IDWF in the main is to strengthen domestic worker organisations and to create transnational links to improve the working conditions of domestic workers particularly, migrant workers. The African continent is third in the world with the most domestic workers. The International Labour Organisation defines the conditions of African domestic workers working conditions as exploitative and characterised by low wages and little to no legal protections. One of the things that inspires the regional organiser is to see the growth of unions in the continent that are affiliated with IDWF, 28 affiliates from the continent of the 88 overall affiliates. The organiser and leader of the IDWF in the continent, emphasised the need of visibility of the unions in individual countries – to stand a better chance in improving working conditions. The campaigns towards the adoption of the 189 Convention serve as examples of the significance of visible and strong worker organisations.

Unionist and international organiser with years of experience fighting for domestic workers and dealing with the prevalence of child labour in the continent, recalls that before 2009 organisations that represent domestic workers were not visible:

> I can tell you when I started working in 2009 it was very difficult to find a domestic workers organisation. I found … domestic worker unions in South Africa [but] it was not even visible, even their membership was low and those domestic workers even in my union we didn't have data of domestic workers, but today, I'm very, very happy that there are domestic worker unions, 28 domestic workers in Africa. (Informant-2, 2024).

One of the objectives of organisations is to impart knowledge about rights but also confidence of the workers to be able to negotiate with their employers. The work of the IDWF has been immense in working with local domestic workers organisations in rebuilding workers power. IDWF has also been critical in building the confidence of domestic workers. Organiser explains:

> Another thing which inspires me is that now domestic workers are taking the lead in their own organisations, in their own countries, they can speak up for themselves they can say I am a domestic worker. Unlike those days, somebody was feeling shy even in my own country to say how I am a domestic worker, but today I can see domestic workers, they speak, and they say, "I am a domestic worker." They can speak and negotiate before the government. (Informant 4, 2024).

The organiser added that "domestic workers contribute a lot to the economy" and needed to be respected (Informant-4, 2024). In relation to organisations and unions, she emphasised that there was:

> …A need to strengthen our trade union movement in terms of governance … we need to have strong leaders in trade unions who are for workers not for themselves, we needed to educate them to have good [negotiation skills] … we need to have good negotiators, to negotiate with the government and for good working conditions. (Informant-2, 2024).

Strategies for Organising an Intimate Sector

All this depends on the ability of organisations to organise in intimate spaces. To overcome this structural challenge, the organiser retorts, "my message is Organise! Organise! Organise domestic workers' (informant -4, 2024). There is no one strategy to organise domestic workers because the place of work for domestic workers is a home, "unlike teachers, unlike the steel workers, unlike the mining, unlike the nurses, unlike the government employees, you go to a

place in the hotel you find all workers you can organise and recruit, not with domestic workers" (Informant-4, 2024). Because domestic workers are scattered, argues IDWF, some work as live-in and other live-out, organisers must go to churches, marketplaces, parks, bus stands, identify popular taxi ranks and strategically build relations with security guards in residential estates to help them recruit (Informant-4, 2024). This is certainly not a closed list from the IDWF organiser but a refusal in a way of the assertion that domestic workers are unorganisable.

Reflections

South Africa has joined countries like Algeria, Cameroon, Senegal, Burkina Faso – in the African continent, who have a single national minimum wage that include domestic workers. While the levels of poverty and inequality and high and often thwart objectives of a national minimum wage, it is an important tool. As indicated by the international organiser of domestic workers – unions need to be strengthened and institutions of enforcement capacitated for minimum wages to be effective instruments that transform the working conditions of domestic workers. Studies have shown that 189 is a major victory for domestic worker struggles at the international level (Boris & Fish). If more countries seek to adhere to international standards of decent working conditions for domestic workers – there is a chance that minimum wage will not be an exception but a norm for domestic workers. IDWF sees the inclusion of domestic workers in the national minimum wage as an improvement. That will have a gradual positive impact on the lives of domestic workers. The economic challenges in other countries make it difficult for countries to take-up minimum wage laws or carry out enforcement of existing laws. The South African case does serve as an important case study for other jurisdictions but for the international struggle towards implementing decent working conditions for domestic workers. The labour movement of domestic workers in South Africa has strong connections to the international network of domestic workers, and this presents an opportunity to exchange ideas and lessons on the question of minimum wage and other issues that impact worker conditions. Stronger transnational organising centred around improved working conditions, will improve the position of domestic workers, particularly undocumented, who will not readily accept low wages and exploitative terms of work, when empowered to negotiate.

While there is no tangible evidence of countries being influenced by the recent inclusion of domestic workers in a single national minimum wage in South Africa, informants from IDWF, insist that we must understand the lifting of domestic workers minimum wages within the

broader context of struggles of domestic workers globally. The visibility and organisational strength built in the lead up to C189 and launching of the international union of domestic workers, needs to be cultivated. particularly in winning over employers as key social partners to the improvement of working conditions of domestic workers.

Chapter 5: Conclusion

For the sake of consistency, having opened with a personal note, it is apt that I conclude this research report with one. I learned the bits and pieces of my grandmother's story from my father during the December holidays. I knew she worked as a domestic worker for almost 40 years and supported two generations with her wages in that period. What I did not know is that she worked for the same family. Her employment started in a farmhouse in KwaZulu Natal, moved to Eastern Cape and came to Johannesburg and finally returned home for retirement in 2005 and spent only five years with her family before her untimely passing in 2010 in a car accident. I tell this story for two reasons, had I not embarked on this research I would not have known the details of my grandmother's life history and secondly the story of long service was a common feature in the stories of women I interviewed. For example, one had worked for the same employer 30 years, and the other 27 years and what worried them was that they have nothing to show - because their wages have been ultra-low. While they shared the sentiment that the NMW level was low, they acknowledged that they saw a real increase in their wages in 2023 when domestic workers were phased in. This speaks to the positive impact of the NMW.

The semi-structured interviews with domestic workers, their employers and unionists that organise domestic workers in South Africa and internationally, gave me a Birdseye-view on some of the dynamics of working conditions and limitations. This section reflects on the hypothesis of Bhorat *et al* (2020). It further engages with the question of intimacy and power and engages with domestic workers collective organising and individual agency. It also looks at how the South Africa experience forms part of the global struggle to get decent working conditions for domestic workers. And finally, it looks to the future studies based on research findings.

What limited impact?

The most used statistical measure of inequality, Gini Coefficient of income inequality, places South Africa as the most consistently unequal country in the world, at 0.67. Drawing from the first introductory and literature review chapters of this research report, South Africa is amongst countries with the highest levels of unemployment in the world and concentrated levels of low

waged work characterised by working poverty (Isaacs, 2016). The worst affected by this are women, with Feder *et al* (2020: 373) asserting that poverty wages have always been chronic amongst African women. Working poverty in 2015 amongst domestic workers was the highest, at 95% compared to other low waged other low waged sectors. In an attempt to alleviate poverty and reduce inequality, the South African government introduced the National Minimum Wage Act in 2018, which came into effect in 2019.

Economic modelling of the national minimum wage prior to its implementation pointed to a substantial impact it will have on low waged workers (Isaacs, 2015). When the Act came into force, there was still optimism that the national minimum wage was going to "alter the structure of the economy by transforming the wage distribution" (Belser et al, 2020: 217; Francis and Valodia, 2018). However, in a commissioned study by the National Minimum Wage Commission, Bhorat *et al* (2020) concluded three things on the national minimum wage impact. They observed a) a statistically significant increase on wages, b) marginal decline in hours of work, and c) limited labour market response on wage distribution. The reason for this, they argued, was weak enforcement and the lack of knowledge of the national minimum wage. Section one of findings deals with Bhorat *et al* (2020) hypothesis at length and on issues of knowledge of the national minimum wage improving, however conditions of work for domestic workers not changing, here I want to place an emphasis on one aspect, time.

The factor of time, it was only a year of the National Minimum Wage Act coming into force and the labour market might not have acclimatised to the new regulation and this – might also have contributed to the impact not being visible in terms of wage distribution. Bhorat *et al* (2020) however argued against time being a limitation, on the strength of past studies on minimum wages, set through Sectoral Determinations, done within a year, and observing market reactions. Drawing from the evidence presented in section one of findings, time might have been a big factor especially for low waged workers like farm workers and domestic workers who at the time earned 65% and 75% of the national minimum wage respectively. Time is important, there is a dramatic increase from Mam Roseline's wage she earned between a period 2018-2023. Initially she earned R2500 from 2018 but this changed to R4000 a month in 2023. This is the same period that domestic workers were phased in the national minimum wage. While this affirms the findings of Bhorat *et al* in relation to an increase in wages, it shows a positive impact not just in wages but also in the knowledge. It would be interesting to

see using the same matrix if the impact on wage distribution will remain muted - when assessing the five years of national minimum wage experience.

Intimacy and Power

It is seldom acknowledged that the neoliberal capitalist economy is held together by social reproductive labour, of women. The place of work has contributed greatly to the work not being seen as real work (Cock, 1980; Ally, 2010; du Preeze *et al*, 2010). The closeness often blurs the employment relationship to that of familial relations (Jansen, 2019). The intimacy is a double-edged sword for domestic workers. For instance, Ally (2010) as quoted in the chapter on literature, argues that domestic workers cultivate these relations not just to negotiate their way through very precarious work conditions but to receive certain benefits from employers. The evidence, as engaged in section 2 of the findings, demonstrate that employers too, can and often use the intimate and 'kinship' to avoid compliance with the Basic Conditions of Employment Act, which stipulates that employers must pay regular increases and expect domestic workers to work more hours without overtime pay. In thinking of enforcement and compliance – one has to constantly appreciate the complexity of intimacy. There are norms within domestic work that are steeped in racial, class and gendered prejudices that confront household workers on a daily basis. Their negotiating power is exercised with calculated caution, mindful of these dynamics. State law to be effective has to conceptualise the private home as a workplace but taking into account the intimacy that characterise the employment relationship.

Domestic workers are isolated and have to negotiate one-on-one with their employers (Castel-Branco, 2021). But the shifting consciousness on the national minimum wage and awareness of other developments through unions is having an impact in the ability of workers to speak with their employers. Employers, too particularly the so-called 'born frees' who are forging new lives as young adults, demonstrated an awareness of the national minimum wage and role domestic work plays in society and in the economy. What has become of this growing consciousness in terms of individual agency and collective organising.

Collective and Individual Agency

It is often argued that domestic workers are difficult to organise (Gordon, 1973; Cock, 1980). The history of organising, by domestic workers across the globe, stands against this assertion. Domestic workers have shown time and time again that they are not "passive victims of the structural features of their work" (Ally, 2010: 148). It starts differently for different domestic workers, many joined voluntary and for empowerment and others they needed assistance with a labour issue. And then join a union. They do so without informing their employers, but use the knowledge gained in various workshops by the union, to raise issues that might concern them at their place of work.

At present, there are three active unions and an advocacy organisation that represent domestic workers, namely, the South African Domestic Service and Allied Workers Union (SADSAWU), United Domestic Workers of South Africa (UDWOSA) and Izwi Domestic Workers Alliance. There are two major moments that have contributed to the visibility of domestic worker organisations, particularly, UDWOSA and Izwi. The Compensation for Occupational Injuries and Diseases Act, and the tiered structure of the National Minimum Wage Act. The exclusion of domestic workers from the definition of employer was challenged by SADSAWU all the way to the constitutional court. The start of the case was initiated by the founder of UDWUSA. Phase-in period was understood by domestic workers to mean - their work was not being seen as other work. These moments were used to galvanise workers - and there was visibility of domestic workers organisations in ways that had not been seen since the days of the Unemployment Insurance Fund campaigns, to include workers in the social protection policy. What this demonstrates is that despite structural constraints of organising domestic workers, they still find ways to constitute themselves as a class for itself, to make claim to worker rights (Ally, 2010). Beyond campaigns and everyday function of representing workers in cases of unfair labour practices - the unions and organisations organise regular workshops to empower their members to have courage to speak with employers. However, as Ally (2010) observed of the progressive policies and laws that aimed at transforming domestic workers from 'servants' to 'workers what happened in post-apartheid was a democratic demobilisation of organised workers, this potentially could happen with the victories of inclusion in COIDA and being phased in in full national minimum wage. It is important that campaigns for coverage are kept alive - more especially - where organised labour feels strongly that many domestic workers are not covered by the National Minimum Wage Act. An

important avenue, in absence of a bargaining council for domestic workers, could be the use of the National Minimum Wage Commission that accepts public submissions in relation to annual adjustments to the national minimum wage.

Building transnational links

South Africa joins countries like Brazil, Chile, Portugal, Senegal, Turkey, Columbia, to mention a few, who according to the international labour organisation have a universal national minimum wage that includes domestic workers. This is considered by the ILO one of the best ways of including domestic workers (ILO, 2023). Brazil, with a highest workforce of domestic workers, has a national minimum wage and allows individual states to set higher minimum wages, is often cited as an example of effective national minimum wage for raising wages of domestic workers (ILO, 2013). This trend of an inclusive national minimum wage - must be understood with the context of convection 189. Which encourages member states to include domestic workers in their systems of minimum wages and move away from segmented systems that are difficult to enforce. The international experience shows that the issue of legislation not being enforced in relation to domestic workers is not particular to South Africa but is a universal phenomenon (du Preeze, 2010). Strong domestic workers organisations that empower become even more pertinent for national minimum wages to reach domestic workers in meaningful ways and ways that improve bargaining power of individual domestic workers. The structural elements of domestic work - that it is difficult to organise because it takes place in a household (Hobden, 2015), need to be overcome, through what IDWF activist calls different strategies of organising in an intimate sector. Targeting domestic workers, in churches, parks, market places, bus stations and taxi ranks. Numbers matter for the power of workers in making a claim. The domestic worker movement must build on small victories like the inclusion in the national minimum wage by creating alliances inside South Africa and beyond, argues International Domestic Workers Forum.

Further research

This research report joins a few studies that study the impact of the National Minimum Wage Act in the South African labour market (Bhorat *et al*, 2020: Patel *et a*l, 2020). The research report was \interested in answering the question of compliance and enforcement with the national minimum wage, employers of domestic workers show relatively high incidents of compliance. However, going beyond the wage - the study found that conditions of employment had not improved in this intimate sector. Which was a contradiction. The area of study was the

biggest metropolitan area in South Africa, it will be interesting to explore how other cities fare on both wages and conditions of employment. Especially coming from a segmented minimum wage regime in terms Sectoral Determination, that had a differentiated system in terms of regions. With more resources available, the study will break new grounds with an expanded sample of employers of domestic workers from different class and gender stratifications from different parts of South Africa.

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Interviews

Domestic Workers

Interview with (MaMntungwa) Domestic Worker 1 (DW-1) (09/12/2023). M.Cabe. Johannesburg, South Africa.
Interview with (Mam Madijto) DW-2 (09/12/2023) M. Cabe. Johannesburg, South Africa.
Interview with (Nyasha) DW-3 (09/12/2023) M. Cabe. Johannesburg, South Africa.
Interview with (Mam Roseline) DW-4 (09/12/2023) M. Cabe. Johannesburg, South Africa.
Interview with (Zandile) DW-5 (09/12/2023) M. Cabe. Johannesburg, South Africa.
Interview with (Martha) DW-6 (01/02/2024) M. Cabe. Johannesburg, South Africa.
Interview with DW-7 (Tatenda) (06/02/2024) M. Cabe. Johannesburg, South Africa.

Interview with Employers

Interview with (Stacey) Employer of Domestic Worker 1 (20/01/2024) M. Cabe. Johannesburg, South Africa.
interview with (Nonjabulo) EDW-2 (19/01/2024) M. Cabe. Johannesburg, South Africa
Interview with (Tamara) EDW-3 (20/01/2024) M. Cabe. Johannesburg, South Africa.
Interview with (Teboho) EDW-4 (02/02/2024) M. Cabe. Johannesburg, South Africa.
Interview with (Magdalene) EDW-5 (26/01/2024) M. Cabe. Johannesburg, South Africa.

Interview with informants.

Interview with Informant 1 (14/12/2023) M. Cabe. Johannesburg, South Africa.
Interview with Informant 2 (01/02/2024) M. Cabe. Johannesburg, South Africa.
Interview with Informant 3 (16/01/2024) M. Cabe. Johannesburg, South Africa.
Interview with Informant 4 (28/02/2024) M. Cabe. Johannesburg, South Africa.

Appendices

Appendix 1: Research Instruments

Questions with domestic workers

(Background)

- So, tell me about yourself? (name, age, where you were born, where you live, when did you move here, schooling, children)?
- Why did you become a domestic worker? And what did you do before?
- How long have you been a domestic worker?
- Are you the main breadwinner? And what other sources of income do you receive?
- In terms of employment contract (written or oral), what does your work entail and how many hours do you work a week?

- Do you work for a family or an individual? Who communicates and supervises the functions or duties that you must perform? And how do they communicate this with you?
- Do you live in or live out?
- And how many employers do you have?
- Do you see yourself as an equal with your employer? How would you define your relationship with your employer?
- How does this relationship impact your work conditions and wage negotiation?

National Minimum Wage Questions

- Are you aware of the National Minimum Wage? How did you come to know about it?
- Have you brought up the question of the National Minimum Wage with your employer and were they receptive?
- What kind of difference did the national minimum wage make? And more specifically, what difference did it have on your ability to negotiate your wages?
- Given the intimate nature of your work, in instances where your employer is paying below the national minimum wage, have or will you approach the Commission for Conciliation, Mediation and Arbitration (CCMA) to assist you with enforcement? And why?
- What do you think of the current national minimum wage? Is it reasonable and what will be an ideal national minimum wage for you?

- **Agency of domestic workers**
- Are you a member of a union? And in what ways has your involvement with the union empowered your knowledge of your rights - particularly on the national minimum wage?
- How has the national minimum wage introduction - influenced your ability to negotiate for better working conditions?
- What would you like to see change in terms of the work that you do and wages that you receive?
- If there is anything that you would like to add, feel free to do so. Thank you for taking time to answer my questions!

Questions for employers?

Background)

- Can you briefly tell me about yourself?
- How will you describe your upbringing?
- Where do you live here in SA? And how will you describe the neighbourhood?

(work related questions)

- Are you in employment relationship with a domestic worker?
- How many domestic workers do you currently employ (this includes the gardener)?
- How did you recruit your employee(s)? And how long have you employed domestic workers?
- What is the nature of their employment – in other words, what work do they do for you?
- Do you have a work contract for your employees and how many hours a week do they work and what is the hourly rate that you pay your workers?

Employment & work conditions

- Are you in employment relationship with a domestic worker? How many domestic workers do you currently employ (this includes the gardener)?
- How did you recruit your employee(s)? And how long have you employed domestic workers?
- What is the nature of their employment – in other words, what work do they do for you?
- Do you have a work contract for your employees and how many hours a week do they work and what is the hourly rate that you pay your workers?
- Are they full time employees and do they stay with you?
- How would you describe the relationship you have with your domestic worker?
- Is your employee registered for UIF? If not, why?
- How much do you pay your domestic a month?
- What contribution do you make beyond the wage and why do you contribute?

Questions on (NMW**)**

- How did you determine the threshold of wages and what is it that you consider in wage negotiation with your employee?
- What were your impressions – in terms of this?
- How do you negotiate power?
- What do you think of national minimum wage?
- In 2019, the South African government introduced a national minimum wage act. Are you familiar with it?
- In what ways has the minimum wage impacted the wage negotiations between you and your employee?
- What do they think of domestic work?
- In context of the work the employee does and the economy, what will be a decent wage for a domestic worker?
- What are the things that could encourage compliance with regulation of the domestic work sector given the challenge of this work taking place in a private household?
- What do you think employer organisations and collective bargaining for the domestic worker sector?
- If there is anything you wish to add – please feel free to do so. Thank you for taking your time to respond to the questions!

Izwi and SADSAWU

- Where are you from?
- How did you come into organising – particularly domestic workers?
- When and why was the union formed?
- What has been the challenges of organising in the sector?
- What role has the organisation played in the domestic work sector?
- How will you describe the working conditions of domestic workers from your perspective as an organiser?
- How will you describe the wages paid to domestic workers today?
- What was the role of the union in the national minimum wage policy?
- With the national minimum wage coming into law – were the interests of domestic workers represented?
- Has the national minimum wage impacted the union? (in terms of numbers).
- What was the response of the union to the initial exclusion of domestic workers from the full national minimum wage of R20 an hour?
- In your view – how has the national minimum wage had an impact on wages of domestic workers?
- Has the national minimum wage had any impact on the working conditions of domestic workers?
- What are some of the challenges that the union has encountered with the national minimum wage?
- How has the union delt with the issue of non-compliance?
- What will it take for all workers to get the benefit of the national minimum wage?
- In what ways do you think the national minimum wage contributes or can contribute to inequality?

International Domestic Workers Federation (IDWF)

- Can you please tell me about yourself?
- What was the inspiration for organising domestic work?
- How do you recruit members?
- What would you say is the difference between domestic worker unions and mainstream unions?
- What kind work a union of domestic workers does? What does it provide for workers?
- In your experience – how have things changed over the years – is there any improvement?
- How will you describe the work of your organisation?
- What will you say are the struggles facing workers in the domestic sector globally?
- What are the challenges in organising in this sector?
- How significant is it to connect the local struggles to the international, for reform and meaningful change within the sector?
- To what extent did the struggles of domestic workers across the globe and the work of the organisation influence the ILO convention 189?
- How significant is it to implement national minimum wages that are aligned with ILO standards?
- What makes a national minimum wage law or policy effective for domestic workers?
- In what ways does the minimum wage improve conditions?
- How significant is international solidarity in agitating for compliance and empowering individual domestic workers?
- What are the lessons from countries in the global South – like South Africa that have adopted national minimum wages?

Appendix 2: Information sheet

Dear Madam/Sir

My name is Musawenkosi Cabe. I am a Masters student in the School of Economics and Finance and Southern Centre for Inequality Studies at the University of Witwatersrand, Johannesburg. My supervisor is Dr Ruth Castel-Branco. I am conducting a research study about the impact of the national minimum wage on domestic workers.

This letter is an invitation for you to take part in the study, through an interview. Should you agree to do the interview all this will happen around August 2023 on a convenient date and place for both the researcher and yourself.

With your informed consent, I would like to record the interview and in some instances take images. The data will be stored in my personal laptop and in a password protected file. I will be the only one with access to the data. After the research has been concluded, the data will be kept for a period of three years and thereafter will be destroyed.

The interview will be done anonymously and will be confidential. In sharing the findings of the study nothing that identifies you will be featured

I need to emphasise that if you elect to participate in the study, it should be because you want to volunteer. You do not have to take part. You do not have to answer any questions if you do not want to. You will not get any direct benefits if you choose to join the research study. You will not lose any services, benefits or rights you would normally have if you decide not to join. Taking part in the research study will not cost you anything. There is no financial benefit that you will receive for taking part in this study.

If at any point you are uncomfortable with a question or need to take some time to respond, please do indicate. The questions are not designed to cause any form of harm. However, if you feel distressed or triggered in any way by the interview I will stop and continue some other time. Should you need counselling support here are the details of an organisation that provides counselling for free, the South African Depression and Anxiety Group, 0800 567 567.

The research will be completed by 2024 and a summary of the research will always be made available for you.

Should you have any questions in relation to the study, please email me at 885650@students.wits.ac.za or my supervisor at ruth.castel-branco@wits.ac.za.

Yours sincerely

Musawenkosi Cabe

Appendix 3

CONSENT FORM

The role of labour regulation in addressing income inequality: understanding the impact of the national minimum wage on domestic work in South Africa. Musawenkosi Cabe, student of Master of Commerce in Inequality Studies at the University of the Witwatersrand.

I, _____, voluntarily agree to participate in this research study.

I agree to the following:

I voluntarily give consent to participate in this study and understand that I can withdraw my consent and refuse to answer any question without any consequence to me.	Yes	No
The study was explained to me in writing and orally and I was afforded the opportunity to ask questions. I understand what the study is about.	Yes	No
I agree to my interview being audio recorded.	Yes	No
I agree that my participation will remain anonymous, and that the researcher will not use any identifying information in their research report.	Yes	No
I agree that anonymized extracts of my interview may be quoted in a research report.	Yes	No
I understand that the information given to this study will be treated with confidentiality.	Yes	No
I understand that a summary of the research report will be made available to me as a participant, upon request.		

Full names of the participant: _____

Signature: _____

Date: _____

Full names of the researcher: _____

Signature: _____

Date: _____