

QUICKLAW

ANSWERS YOUR QUESTIONS

DOMESTIC WORKERS

Am I a domestic worker?

- Do you perform domestic work in a private household for money?
Examples of domestic work include: cleaning, washing, ironing, driving a car for a family, gardening and looking after children, the elderly, frail or disabled people.
- Work for an employment service that employs or supplies domestic workers?
Examples include gardening services and cleaning services.

If you answered YES to any of these questions, then you fall under a category of employees called domestic workers.

Am I entitled to receive an employment contract?

Yes, your employer must give you an employment contract. The contract must include the following information:-

- The full name and address of the employer.
- Your name and occupation.
- The place of work.
- Date of employment.
- Your ordinary hours of work and days of work.
- Your wage or rate and method of payment.
- The rate of pay for overtime work.
- Any other cash payments you are entitled to.
- How often wages will be paid.
- The leave you are entitled to.
- A job description.
- The notice period that must be given.

You and the employer must agree on the terms and conditions of the employment contract and you must both sign it.

Am I entitled to an annual increase?

- Yes, your wages must go up by at least 8% on 1 November each year.
- The wage increase is calculated on the actual wage and the wage increase must be equivalent to the increase in the Consumer Price Index, if higher than 8%.
- If your employer cannot afford to pay the new minimum wage they can reduce the hours that you work instead of

retrenching you.

- It is illegal to pay lower than the minimum wage.

Am I entitled to overtime pay?

Yes, if you work longer than 45 hours a week you must be paid overtime.

What information should be on my payslip?

The following details should be on the pay slip:-

- Your name and occupation.
- The employer's name and address.
- The period for which the payment is paid (for example, January 2007).
- Your wage rate and overtime rate.
- The number of ordinary hours you have worked during that period.
- The number of overtime hours worked.
- The number of hours you have worked on a public holiday or on a Sunday.
- Your full wage.
- Details of any deductions.
- The actual amount paid to you.
- You must keep your last three pay slips in order to claim UIF.

What can be deducted from my wages?

Your employer can deduct the following from your wages without your written consent:-

- Accommodation (not more than 10% of the total wage) and only if:-
 - The room is weatherproof and in good condition.
 - The room has at least one window and the door can be locked.
 - The room is fitted with a toilet, a bath / shower or you have access to another bathroom.
- If you are absent from work without being on leave or without consent of your employer, your employer may deduct the amount of wages proportionately according to the length of your absence. For example, if you are absent for 2 days without leave, your employer may deduct 2 full days pay from your wages.

How many hours per week must I work?

You are not allowed to work more than:

- 45 hours in any week.
- 9 hours a day if you work 5 days or less a week, or
- 8 hours a day if you work more than 5 days a week.

How much leave can I take?

Annual Leave

- At least 3 weeks per year on full pay or
- You can come to an agreement with your employer that you get at least 1 day on full pay for every 17 days worked.

Sick leave

- In a period of 36 months (3 years) you are allowed the number of days you worked during a 6 week period. For example, if you work 5 days a week, this means that you work 30 days in a 6 week cycle because $5 \times 6 = 30$. You are therefore entitled to 30 days sick leave in a 36 month cycle (3 years).

Maternity Leave

- At least 4 months unpaid maternity leave.
- You may go on maternity leave from 4 weeks before the expected date of birth.
- You may not work for 6 weeks after the birth of your child.

Family Responsibility Leave

- You are allowed 5 days per year.
- You must have worked for your employer for longer than 4 months.
- You must work at least 4 days a week for that employer.
- You can go on this type of leave when your child is born, your child is sick or if someone close to you dies e.g: husband, wife, life partner, parent, grandparent, child, grandchild or sibling.

What must I do if my employer does not agree to do any of the above?

- Contact the Department of Labour.
- If they cannot solve the complaint over the telephone, they will issue a Compliance Order if the law has been broken.
- If they cannot sort out the matter, the case will go to the Labour Court.

What must I do if I want to stop working for my employer?

- You must give your employer notice to end your employment.
- 1 week if employed for 6 months or less.
- 4 weeks if employed for more than 6 months.
- If you live on the property you are allowed to stay on the premises for one month or until the employment contract is lawfully terminated.
- On termination of employment you are entitled to a certificate of service.

Can I get unemployment benefits?

- Yes, but only if you did not resign voluntarily.
- Your employer must register you as an Unemployment Insurance Fund (UIF) contributor.
- You must pay 1% of your monthly wage to the UIF (Department of Labour).
- Your employer must also pay 1% of your monthly wage to the UIF.
- If you become unemployed you must go to your nearest UIF office and apply for your benefits. Take your last three payslips with you.