

# COVID-19 casts a shadow over domestic workers

Fairuz Mullagee

*“What is happening to domestic workers at this time during this pandemic is depressing and devastating.” — Pinky Mashiane, President of the Union of Domestic Workers of South Africa (UDWOSA)*

Even though they are recognised as workers and covered by certain labour laws, domestic workers remain one of the most poorly paid and disempowered sections of the workforce. Being a hard-to-organise sector, with weak organisation, exposes them to numerous vulnerabilities. The Covid-19 pandemic and the lockdown effort aimed at containing the spread of the virus have highlighted the situation of domestic workers more than ever.

The struggle for domestic work to be recognised as “real work” has been a long one. South Africa is one of few countries with dedicated laws for domestic workers, that is, Sectoral Determination 7, promulgated in 2002. The adoption of Convention 189 by the International Labour Organisation (ILO) in June 2011 marked a turning point in that domestic work, globally, was formally recognised as employment.

Notwithstanding this, domestic work is described by the ILO as “work like any other yet work like no other”. This is based on the very personal and, at the same time, very unequal relationship between the domestic worker and his or her employer. It is also linked to the intimate nature of the duties they perform in private households.

Another feature of domestic work is that it is female-dominated, often embedded within sociocultural structures dominated by patriarchy that relegate domestic care work to women’s work. This contributes to the difficulty of many employers’ actually seeing themselves as employers, resulting in multifaceted exploitation of domestic workers, who are discriminated against based on their gender, race, class and nationality.

The power imbalance between domestic workers and employers is severe. Employers are commonly of a privileged class, race and citizen status in relation to the (mostly) women they hire to care for their homes and families.

It could be argued that the essential value of domestic work, in a value-chain model, is located in the sphere of “liberating” domestic employers from key domestic duties, thereby enabling them to pursue activities, more especially economic activities, outside the household. The essential value of domestic work goes beyond the economic value-add and the social value-add usually apportioned to domestic work lies in the liberation of the employers’ household from key household production activities such as cleaning, ironing, washing, cooking and care for children, the elderly, the disabled and pets.

Although they provide home maintenance and care services to their employers, domestic workers often neglect these same services in their own households. There is often a reliance on extended family, neighbours or other community networks, but invariably resources at this level are fairly stretched. This may be true for all households of working adults, but what sets domestic workers apart is the low value of their minimum wage, the mostly informal nature of their employment and their limited access to social security benefits, which limits their capacity to obtain the necessary care for their own households.

Given the pervasiveness of low wages, the undervalued nature of domestic employment, the weakness of trade union organisation in the sector and the limited bargaining power of individual domestic workers, provision for minimum wages is crucial in promoting decent work, as Darcy du Toit argues. Wages are an important benchmark for measuring the value of work, but they are by no means the only indicator. The essential value of domestic work and the centrality of domestic workers in the value chain points to the importance of domestic workers being sufficiently empowered to assert their role in the value chain.

Needless to say, domestic workers faced numerous rights challenges before the Covid-19 pandemic and the measures put in place by the state to combat the spread of the virus.



Image: Jonathan Torgovnik, Sitsa Ncube emigrated to South Africa to find employment as a domestic worker., Images of Empowerment

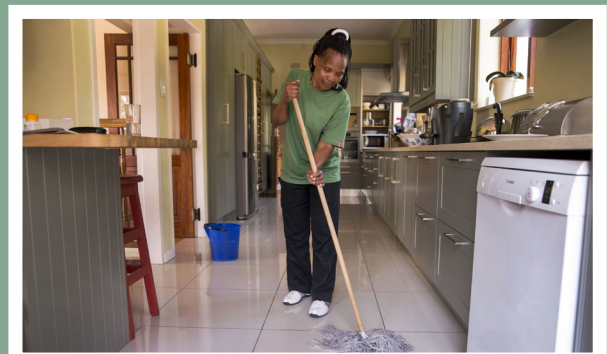


Image: Jonathan Torgovnik, Domestic worker Cynthia Mkvonanes, Images of Empowerment

The lockdown alert levels in the diagram show that domestic workers were unable to work from 26 March to 31 May 2020, from the darkness of Level 5 into emerging light in Level 3. For many, this period has meant no income at all. At the start of the lockdown it had already been predicted that domestic workers would be one of the hardest-hit sectors by the lockdown. The ILO warned that Covid-19 threatens the livelihoods of more than 55 million people engaged in domestic work. According to StatsSA, there are currently more than a million domestic workers in South Africa. Job losses in this sector were among the highest, with the Quarterly Labour Force Survey for Quarter 2 of 2020 showing a drop of approximately 25%.

There are different categories of workers, depending on the type of employment relationship. There are those who work full-time for a single employer; part-time for a single or multiple employers, and those who work informally as and when they find work. Whatever the employment category, the impact of the pandemic has laid bare the extent of vulnerability and disempowerment of domestic workers.

At the start of the lockdown, those in informal employment, including many domestic workers, were not able to benefit from the Unemployment Insurance Fund (UIF) because most had not been registered as contributors. Though some employers continued to pay their domestic workers even though they were not working, others dismissed their workers at the onset of the lockdown, regardless of whether they were registered for UIF or not. There were also those employers who lost their own jobs and income and were not able to continue paying their domestic workers. The result was that many domestic workers were left destitute.

The Minister of Employment and Labour initiated the Temporary Employment Relief Scheme (TERS) to assist employers in providing wages to employees. The fund was essentially aimed at employers who had to cease their operations as required by the Covid-19 lockdown measures. Although separate from the UIF, TERS was to be administered through the same system. Thus domestic workers who had struggled to claim for ordinary UIF prior to Covid-19 were unable to access the TERS benefit.

Organised domestic workers, supported by numerous non-governmental organisations, lobbied government for the inclusion of informal workers in the relief measures. Two months into the lockdown, the TERS benefit was extended to include informal workers. Domestic workers have yet to benefit because their trade unions remain inundated with complaints of not being able to access the benefits they are entitled to.

Economic exclusion has been one key impact of Covid-19 and the lockdown. Equally important has been the reported increase in unfair labour practises and discrimination in the workplace. Pinky Mashiane, the president of



Figure 1: Lockdown alert Levels (Source: SA Government)

United Domestic Workers of South Africa (UDWOSA) told New Frame in an interview in August 2020 that at the time of the announcement of the lockdown some domestic workers were prevented from returning home for reasons of physical distancing. Some were threatened with dismissal if they left their place of work.

Similarly, on their return to work, for those who were able to return, many domestic workers have complained of discrimination in the workplace. Many feel they are being treated as carriers of the virus who will infect the employers' household. Many live-in domestic workers have become virtual slaves, complaining that they are not allowed to leave the premises, not allowed to return home to see their families, not allowed to have visitors, and are working longer hours than usual.

The pandemic has once again laid bare the severe challenges experienced by domestic workers, given the individualised nature of the employment and the unequal power relations and lack of respect for the dignity of the work. As Mashiane says in a Power987 interview: "Treat them the way you like to be treated yourself."

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## References

- International Labour Organisation (ILO), 2008. "Decent work for domestic workers", Report IV to the ILO Conference, 99th session, Geneva, 13
- Darcy du Toit, 2010. "Extending the frontiers of employment regulation: The case of domestic employment in South Africa", *Law, Democracy & Development* Vol 14, 12
- Stats SA, Quarterly Labour Force Survey, Quarter 2: 2020