

Domestic Helpers show notes and transcript

Transcript:

You're listening to New in Town Johannesburg. The podcast that aims to help you find your way as a newcomer in this amazing, vibrant, diverse South African city. I'm Hannah Pirnie. And I'm Sarah Passmore, both of us British expats who live here. This time, we're talking about the domestic help you're almost certainly going to have when living in South Africa. The employment you are kind of expected to give as a person of privilege here, how you should approach it and the pitfalls to avoid. I caught up with the women from the Izwi Domestic Workers Alliance.

So we are here, sat in Starbucks in the middle of Rosebank on a beautiful Wednesday morning. And today we are talking all things domestic workers. Would you like to introduce yourself? My name is Maggie Mthombeni. I'm a former domestic worker. I'm from IZWI Domestic Workers Alliance. I'm from Zimbabwe. Yes, I'm a migrant worker in South Africa.

How long have you been in Joburg? I can't remember exactly, but I can say more than 15 years. Oh, a long time. Hi, I'm Amy Tekié. I'm American, and I've been in Joburg for about 13 years. And I'm one of the co-founders with Maggie and others of IZWI Domestic Workers Alliance. It wasn't really an intention to set something up, but it came out of battling with myself as an employer and having someone work in the house and the cultural dynamics of it and the power dynamics and the inequality and wrapping my head around it and then talking to domestic workers who were very frustrated with how they were treated and Maggie was working part-time for us as a nanny and everyone was coming to her for help because she's amazing and so we ended up just kind of getting lots of people in our house all the time and it kind of organically evolved into an organization.

And what does it stand for? What are the main things that you're trying to achieve? I'm going to say the meaning of the word IZWI. It says the voice of domestic workers. It was amazing because it even came from Amy which surprised all of us. It's a Zulu word. It means a voice, domestic workers, like together we can change the world. So our achievement was like to educate domestic workers to know their rights and then to know how to approach their employers if there is a question they want to raise or if there is a comment they want to because most of the time some domestic workers they know exactly what's supposed to be done but they can't tell their employers how to do it. I think for me it's, from my experience, the confidence, the confidence to actually say what you want to say. Would you say that?

No, it's not only the confidence because if the employer can't open that communication to be open, which I can be free to say something, it's up from the employer as the employer because the power is on the employer. With them. Yeah, it's with them. So if they can't open the communication and like maybe after six months to have a meeting so that you can open up and say some of the things, you can't just approach them and say, can you sit down?

So people listening to this are new in South Africa and I remember when I first moved here I actually didn't want a domestic worker in my house. It freaked me out. I didn't know even the name domestic worker. I thought it was a maid or a nanny or a childminder or a babysitter. And so there's lots of different terms as well that I think is very uniquely South African. And then I actually realized it's an opportunity.... to support the economy, to support this family. And so I was just laughing, now we actually employ five. Five members of staff, whether that's the gardener, a driver, a nanny, and a cleaner, and two gardeners. So what would your advice be for somebody looking to employ a domestic worker? What are the tips? What things would you like them to know?

Okay, I can advise the employers now if you hire a domestic worker, make sure that you start with a probation thing. Interviewing more than three of them and then you choose. You can't just pick one and then after you choose, make sure that it's a probation thing and make sure that the employee knows that she's, or he's on probation for three months and then after three months is when you decide that you're going to build a relationship. It's when you sign the contract with them and then make sure that you sign the contract. You treat a domestic worker as some other workers as well in South Africa and then make sure that the domestic worker is given the pay slip, the contract and then all the benefits like a worker as well. And where can you find all of that information? You can find that information on the employer's guide online. And we will put a link to that in the show notes.

What are the mistakes? Where does it go wrong? What are some of the things you have seen where it hasn't worked? It's because most of the employers, they don't think domestic workers are workers as well. So even if they're on probation, the employer will know that she or he is on probation, but they will never let the domestic worker (know) that she's on probation. And then after the probation, if they've seen that the relationship is not going to work, they're going to stop the worker while the worker is thinking that she's dismissed. And then the other thing, employers, all domestic workers, employers, they think domestic workers are uneducated while they are. So they don't care about the paperwork. They only care about the paper thing. So they really need to do the paperwork. Paperwork to lay out what to do on a Monday, what to do on a Tuesday, what to do on a Wednesday, what are your holiday entitlements, that type of thing? Yes, that's work a lot.

And what about pay and is there guidelines on, so in South Africa there's different options. You can have somebody come to your house one day a week, you can have somebody live in your property, you can have somebody live out. How does somebody understand how that all works?

We address this in the employer's guide and so you can read through what minimum wage is. It's illegal to pay less than minimum wage.

Can I just stop you there, Amy? But as a foreigner, isn't there a difference between a minimum wage and a living wage? That's what I'm about to talk about. The minimum wage is the minimum, but it's not a living wage. And so there's a website, livingwage.co.za, that's mentioned in the guide, where you can actually go through and put in the number of children your domestic worker has, where is she living, make some estimates and it tells you this is probably what her monthly costs are. And it's a help to kind of think about, oh okay, am I actually providing a wage that's decent that somebody can live on, which is decent work. The International Labour Office has a strong strategy around domestic work and their platform is making it decent work that's professionalized. So that's what I would suggest and make sure to negotiate it upfront. The law does require an 8 % increase annually for domestic workers. And when Maggie was talking about paperwork, in addition to the contract, make sure that they're registered for UIF and for COIDA, which is new, that's workers' compensation. There are some companies that can do it for you. It's a few hundred rand or whatever, and they can deal with it every month for you. All that paperwork. And what about 13th month?

That's optional so it's just a bonus I think it is common here culturally and some people expect it. I think it's a good thing to be clear about upfront, whether it's part of the salary, whether you might want to say a bonus based on performance is probably what I would recommend. And then if you're very happy, then you give the full month. And if you're not, then you have a, well, either way you have a performance review, but then that's a nice way to be able to kind of respond to somebody who's doing a great job or who's not meeting up to your expectations.

And Amy, you're American. What are the lessons you've learned over the last few years? I would say communication is probably the most important thing. It's so tricky having someone in your home and you've got your own values and they've got their own values and you probably have very different

ways of approaching conflict and approaching power. So it can be uncomfortable but I think it's important to professionalize it because another thing that happens often is people are trying to be as decent as they can be and then it becomes this wonderful friendship and you know she's part of the family and blah blah blah and what would you do without her, and that's all great but it also can then make it hard to address it when there's a problem, on either side, maybe she's got a problem and doesn't know how to tell you, and you think everything's wonderful, which is often happens, or maybe you've got a problem but now she's been late every day for three you know three hours late regularly, and it's a big issue, but you feel too bad to say anything because it's now become this friendship... but it's actually not a friendship it's an employment relationship, you know, they're not coming to your house because they don't have any friends and family... it's not a social thing right?! it's that they need it, it's work, and it's not that you shouldn't have a close relationship - that's a wonderful thing - but make sure that the paperwork is in place the professionalization is in place. And Maggie used to always say oh it's about contract and pay slips, and I thought it is but domestic workers are facing much bigger issues you know abuse and working 24 hours a day and not getting leave and not having a written contract seems small, but actually it finally clicked. That that's really the foundation because when you have a written contract and it's signed, an employer knows that they're an employer. And that's the problem in South Africa. People don't think of themselves as an employer and they know, oh, it actually says in the contract that if they work an extra hour, this is the rate for that extra hour. And so if I'm running late again and asking her to stay late again, there's a rate that I have to pay her because it's in writing and once you have all those things in writing when there's an issue it makes it much easier to address it without it being awkward and personal. And what about all the expectations around holiday and leave because again I found that quite hard because we were staying here for Christmas and I didn't understand the cultural significance of going home for Christmas?

That's again, it just goes back to contracts and that's what makes it important to have those things in place. So and if this is all stipulated in Sectoral Determination 7, which is the labour law that that regulates domestic work as well as the general labour laws. But the so domestic workers have the right to public holidays. You can't force them to work if they agree to work, then you have to pay them double. And you can't say, oh, Monday's a public holiday. Can you come in Wednesday instead, unless you're still paying them for Monday, which people do, you know, so don't try to get around it. It's a public holiday. And then in terms of leave and your question, the employer does have the right to agree on when leave is taken has to be negotiated. And the employer can say, I need it to be not this time. You know what I mean? And so you can say, actually, it's not going to work for you to take leave over December. Can we negotiate a different time? But just make sure it's a conversation.

But I would say, where possible. Yes. Like it is a big cultural history where everybody returns home so the chance for maybe your domestic worker to connect with sisters, with brothers, with their children because everybody is at home so yeah like unless you're...in real dire need. I would say give them three weeks off over Christmas. And that three weeks actually turns into more like a month because of the public holidays and everything else.

What about healthcare? That's another thing that comes up a lot. When your domestic worker gets sick, or I've often been asked, can I as the employer pay for healthcare provision for my domestic worker? The insurance companies I've looked at for that just seem like a scam. There's not many, like there's, I think it's called Simply or Simple. They do insurance for domestic work and that level of employee, but it includes a lot of funeral cover, which most domestic workers already have through their own burial societies and they'd rather put the money into that. But one employer I met, who I thought was wonderful, actually pays into their domestic workers' burial society. And that's a wonderful, because those things are, they've built their own social protections through burial societies, through stockfills, which are saving schemes. And so that's a really nice way to build and benefit your domestic workers, to say, what do you pay every week, or every month into your burial society and then we'll cover that cost instead of doing it through old mutual or whatever those do. There is options

and you can Google and there's starting to be more options. Healthcare is tricky, very tricky because often when we looked at it, it covers like... There are options out there now, but they cover doctor's appointments. They don't really cover the serious stuff until, unless you start to get really high premiums that are unviable. So, and there is free public health care. It's trickier if they're migrant, if they're undocumented migrants. You can definitely take your, you know, pay for a doctor's visit for your domestic worker. Our GP, for example, has a reduced rate for domestic workers. So you'll find that some do, but you do not have the right to know what the outcome or what her medical situation is. So make sure that you know that and I often find our GP will say, oh, Sia was here and blah, blah, blah, blah, blah. And I'm like, no, no, no, you're not allowed to tell me that, you know, unless she chooses to tell me. So just make sure you don't, that's a lot of frustration of domestic workers is the employer pays for the doctor, but then all of a sudden their entire medical history is no longer private.

And I mean, we're living in South Africa. The reality is HIV and TB are here is that I know that again as an employer, I had no education around that what is what is my what are my expectations do I need to worry for my children if the nanny has HIV I don't know if either of you are qualified to, or is that unfair? No it's not unfair. I've had so many conversations about this issue because we kind of side with... Both of us have kids and we're like, I would also want to test a nanny but you're not allowed under the law to test someone, to require testing. You can voluntarily ask them to test and they can voluntarily give you the results, but you may not force it and you may not force them to give you the results even if they do agree to take it. And if the results are positive, you don't have the right to fire them. So there's a lot of protections in place for very good reasons. What you would want to do is have a conversation with your nanny. You can have an open conversation and see if she's willing to, if you're concerned about it. You can ask her if she's willing to test, but you're not allowed to base your hiring decision on that, so it's very tricky. But then just have the conversations about what happens if someone gets a cut, what happens if there's blood, how does she handle it, how do you make sure that everybody's protected, and there shouldn't be any issues. So I think that's the main thing, isn't it? The chances of contamination or transfer are so small now. It's not a deal breaker, and you just need to put certain things in place. So having gloves in your first aid kit so that if ever there is a cut everybody, you, do you know? And I actually have a spare pair of gloves in my car because if there's a car accident and I want to help or whatever, then I've got the gloves there. So you're always having a barrier. Whenever there's blood, there's gloves to be worn.

And so then what's the guidance in terms of leave for your domestic worker going to the clinic once a month or? So a lot of domestic workers have to go to the clinic once a month to collect medicine and that doesn't mean they have HIV just so that you don't jump to assumptions. It's often diabetes, the biggest one is high blood pressure everyone's going to collect. Family planning. Family yep. Contraceptions and they don't want to tell you about it so they don't have to tell you what they're going to collect. There's a couple ways you can handle it. If you're flexible, you know, and you're comfortable to say, okay, once a month it's fine, you can go and we don't have to deal. I don't mind if you just take that day off as paid leave, then that's fine. That's obviously ideal. And if you can do that, that's great. If not, it could count towards their sick leave, potentially. So a worker gets 30 days of sick leave over 36 months. So over three years, it's a three year period, but it will add up. So it'll start to take up a lot of their sick leave. Then finally, it could be unpaid leave or you could kind of negotiate with them how it's handled or they can make it up another day because there's nothing really in the law to cover that.

I wanted to add something on the contract employment agreement. If the employers are married like a female and a male, both of them they have to put their signatures on the employment agreement because when the relationship is ending, sometimes when you call the wife she said I never signed the contract with her. And then when you call the guy, if he's not the one who signed, then he's going to say, no, he was not hired by me. You can talk to my wife. But it was a family thing. Back to the writing.

I mean, it sounds like we're talking a lot about paperwork. And that wasn't really, it's because the paperwork sets the foundation for reducing the power dynamics, increasing communication. So all of those big issues are assisted by paperwork, even though it sounds really dull. But another thing I would highly recommend is just to have a notebook. Just put everything in writing. So if she asks, Oh, can I have Thursday off? Just, you know what I mean? Or if she's sick, like start tracking, write down sick days because otherwise when there's a big thing and you're like, geez, how many sick days has it been this year? And not because you want to be a stickler, but eventually it becomes too many and then you haven't traced it right down, family leave days, because it's just easier for everybody. And I actually include them on the pay slip. This is how many leave days have been accrued, this is how many leave days you have outstanding in the year, this is how many sick days you have outstanding. And then it's just apparent for everybody. But even though it feels like you're being really nice to just be loose with it, which is what people do, and you're like, it's fine. What happens is slowly, especially over years, there becomes resentment, because you feel like, actually, maybe she's taking advantage of me. And maybe she is, not all domestic workers are perfect, but maybe she's not. But now what's happened is you haven't written it down. So now you can't say, well, actually it was already 18 days. You know what I mean? That she's taken a leave and she only has 15 or whatever it is. So write everything down. Even if you think, no, it's fine. I want to be super nice. And it's going to cause frustration down the road.

One more thing, food. What's the expectations with food? Because again, complete minefield for a foreigner coming in to know....I gave our nanny the meals that we were eating but they include pork for a whole year before she told me that she doesn't eat pork. So what's your advice on how should we provide food, shouldn't we provide food, do we provide money for food? Yeah.

I think as long as we are paying a domestic worker the living wage, she or he is supposed to make sure...she buys her or his food. But if you are paying her the minimum wage, it's when you can provide food because if you cut it and say this is the minimum, which means she can't or he can't be able to buy her own food. But if you are paying her living wage, it's different because the same shop which is going to buy bread is the same shop which you as an employer are going to buy bread as well.

But if you do that, and I also was like, but doesn't don't people just bring their own lunch to work? Like, is it on me? And do I have to prepare separate meals? Like, I'm still trying to get lunch boxes ready. Like, there's no way I have time to put a separate lunch out. So then it's like, oh, just eat whatever you want. But for some people expensive cheese,

But be clear about whatever you decide, there's nothing in the law about food, which means it's up to you and your domestic worker. If you're not comfortable with it, just be upfront from the beginning. Because if you just don't say anything, then she's going to eat stuff and you're going to be frustrated or she's not going to eat stuff and she's going to be frustrated because I mean, sometimes people put on our WhatsApp groups, look at when my employer left for me for lunch and it's moldy or it's like half a cookie or you know what I mean? And there's all this talk about it and there is a cultural expectation and struggle of food. So if you feel like, no, I don't want that to be part of the agreement, it's okay, but put it upfront so that they know that it's not part of the agreement at the time that you hire them or if there's certain things that just yeah and then how much would you could you add that onto that set like how much like 300 rand 500 rand what's 800 rand what's what would be yeah the food food allowance

I would say, I mean my feeling about allowances is just pay a living wage, pay them a good wage and then you don't have to worry about here's a transport allowance, here's a food allowance, because you're not responsible for their food and you're not responsible for their transport. But you are responsible for being a fair and a decent employer. So pay them a wage that they're very happy with.

Be clear upfront that I'm not covering food, I'm not covering, you know, these other things, but this is the wage and or, you know, you're welcome to eat whatever you want in the house, you know, whatever your comfort is, as long as it's as long as it's clear. Also, if you have a live-in domestic worker, it's even more important to talk about food. And there's a lot of abuse, and it's probably of more people who have a whole long history of domestic work. But make sure that they have a place that they can cook independently at any time, and not, oh, you can't use the kitchen because we're sleeping, et cetera. And make sure that their hours are clearly defined. Often, domestic workers, it starts to get very blurry. Can you come in after dinner just for an hour and watch the kids or clean the kitchen so the dishes aren't dirty overnight, and all of a sudden they're working all hours. So even if they're live-in it doesn't mean they're constantly on demand. When they're off they could be anywhere they want and if you want them to be there just in case then you need to pay them a standby wage and that's all in the guide. So just make sure with live-in workers that you keep those same boundaries and that they're still very clear. Some people deduct rent because they're providing the accommodation and by law you're not allowed to deduct more than 10% of their salary for the accommodation.

Harsh. It is harsh. It is harsh. I gosh, they're on site which is your benefit. So, you know, I think this is how it is. There's a spectrum of employers, right? Probably the people listening on to this project are going to be far on the one side of like trying to be the best... kind of going over the top. But we also see the other spectrum of people who are extreme, you know, on the other end. And that's why we're kind of bringing these minimums in place. But yeah, it is exactly as you said, it is a benefit. You shouldn't be charging, I think, but that's what the law is if you do want to.

When an expat leaves, how can they support, obviously finding a job for whoever's worked for you to help them find new work, but is there anything else they can do? Can they help pay towards their pension? Can they give them three months' pay? What would you say is expected again, or not even expected, what's kind to do? I think we need to stop saying the expected and start saying what's the kind thing to do. I think they really supposed to register their domestic workers under Department of Labour for UIF and employed insurance funds because after the relationship ends most of domestic workers they find it very difficult because they can't claim the UIF because they've been not registered. Even after 20 years a domestic worker working without any benefits and then the other thing the employers must name the money if they're giving their workers like you can't just give me the money and then after some few months you say I gave you this amount of the money what was it for it was even maybe it was from your kindness you just gave it to me they have to name it this was the compensation for this this was the severance pay this was your pay this was your overtime and then this was your Christmas present they have to name and write it down why you are giving me this 500 rand because you can't just give me 200 rand for free.

So that is very important to name that amount. This is what it's for. This is for what? Because after some years and then when the relationship is done, and then the employer starts to say, I gave you this amount in 2019, and then I gave you some nice clothes, I gave you my old fridge. So they don't want to pay severance pay now. So if you don't want to give me that fridge, you'd rather sell it to me and say deduct my salary, and then I'm going to have the fridge, than to give me the fridge. And then after that, when... the worker supposed to have, what's supposed to be like a severance package. And then you say, I gave you my fridge 2020. I gave you 1,000 on this month. What was that 1,000 supposed to be named that this 1,000 Maggie I'm giving you just for present. I'm giving you for this. So it's very important for everything supposed to be written down.

So there is a severance package that you can read about what's required by law. There are different ways and you can do some research on pension options. There isn't really a fixed system right now in South Africa for that. So you'd have to pay into a private pension fund. And especially if you think if it's a long term relationship, that's a great idea to do because it does become tricky when somebody

retires or leaves. We have people who have been working for 25 years and then they retire. And they can get, if they're South African, they can get an old age pension, but you don't get that if you're not South African and it's not very much in any case. So it's a good thing to think about upfront and maybe decide, do you want to just put a little bit aside or do you want to just give her a lump sum of what you feel is appropriate to say thank you? There's this thing of employers paying school fees for domestic workers kids.

And then after that when the relationship ends, like if it's a retrenchment executive, count all this amount of how much they've been paying school fees for their kids and say you don't appreciate because your child was schooling on this expensive school and then I've been paying that which means I'm not supposed to pay the severance pay. So I think if they don't want to pay school fees for their domestic workers' kids they must stop, and pay the domestic workers they live in ways so that they can afford to pay their kids school fees. Or just pay the school fees and then the severance pay!

That was New in Town Johannesburg with me Hannah Pirnie and me Sarah Passmore. Follow us on Instagram at [newintown.podcasts](https://www.instagram.com/newintown.podcasts). And for more information on what we've been talking about, go to [movingtosouthafrica.com](https://www.movingtosouthafrica.com).

Next time, what you need to know about shopping in Johannesburg, or as I like to call it, where to buy your bin.

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Find the Izwi employment guide here:

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Find the South African living wage guide here:

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