

Report of the study into:

# South African domestic workers' vulnerabilities to (and experience of) GBV in the workplace

*Isolated and Vulnerable: The Story of SA's Domestic Workers & GBV*

# Acknowledgements

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# RATIONALE FOR THE STUDY

The levels of gender-based violence (GBV) in South Africa remain alarming, and significantly impact women's lives. Women at the lower rungs of the socio-economic ladder are most vulnerable, and least likely to report, various forms of GBV. They are thus unlikely to receive justice.

Although research has documented GBV in South Africa well, there remain some groups at the margin, one of which is domestic worker (DW)s. Currently it is estimated that over 90% of DWs are women. A significant number of them are foreign migrants, some undocumented. The probability of being treated unfairly from a labour rights perspective is obvious; the types of violence have not been sufficiently documented and insufficient interventions implemented. The incidences documented in this report are heart-breaking and reveal alarming levels of impunity by both employers and law enforcement agencies.

Although using a small sample size, this research report seeks to amplify the voices of DWs in the GBV discourse – to characterise the nature of GBV and sexual harassment they experience, and to explore how GBV services could become more accessible to them. Lastly this report will be a valuable resource for organisations and movement aiming to shape programmes that address GBV among vulnerable workers such as DWs.

All of the above points towards a need to dedicate resources to address the nuances of GBV in the domestic workplace.

Collaborations, such as this one, are important work for feminist movement building and inclusiveness. It is our hope that as the National Strategic Plan on Gender-Based Violence and Femicide is implemented, such research contributes to no women left behind in the various interventions.

**Hlanganisa and Izwi**



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# 01

# INTRODUCTION

The Research into Domestic Worker (DW) vulnerabilities to (and experiences of) Gender-Based Violence (GBV), sexual violence and sexual harassment in workspaces was conducted between July and August 2020. The research was planned to follow the following path:

- Conduct a literature review
- Engage with individual DWs
- Engage with key informants: DOL, University Researcher, IDWF leader, SADSAWU national leader, Izwi (DW Support NGO), Black Sash (DW Support NGO)
- Draft a comprehensive report with recommendations



# 02

# CONTEXT



South Africa has emerged from tremendous violence. It was colonised in 1652 when the Dutch East India Company established a refreshment station in Cape Town. Since that time, battles of contest raged between the Dutch and the Khoisan people in the South Western areas of South Africa. Later between the Xhosa-speaking groups settled to the east of that region, and later still, these battles continued with other groups further north and east of South Africa when the Dutch/ Afrikaners had their long trek towards then Natal and North. The engagements were later to involve the English, who also came to stake their claim on South Africa as part of their imperial strategy to expand their economic power across the globe, after the discovery of diamonds and later gold.

In the interim, other groups from Europe notably the French Huguenots had arrived in South Africa to “civilise” African people and to teach the Bible.

Several clashes took place between the natives of South Africa and the invading forces from Europe, resulting in some divisions in the nineteenth century, where some of the natives fought on the side of the European forces. In the South African War, initially tagged the Anglo-Boer War, some clans or breakaway groups of natives fought on the side of the Europeans. The violence has always been a feature of South Africa as, for example, the history of Shaka Zulu will indicate.

Even in the twentieth century, these clashes occurred with for example, the Bambatha Rebellion early twentieth century and the Mpondo Rebellion in mid-twentieth century. Throughout the twentieth century, repression and violence was used against the Africans – partly to force them into labour in the mines, and partly to establish their domination. Millions of Africans are estimated to have been killed in the centuries-long struggle for South Africa.

The period between 1985 and 1994 was the most violent era and was characterised by the death of Africans in groups and as individuals, as well as weekly funerals of comrades. At the same time, suspected ‘sell-outs’ were punished by community groups through the “necklace”, where a suspected sell-out would be burnt alive in full view of the community, children included. All of this had the cumulative effect of desensitising the South African population with regard to violence, and making violence the norm.

It is not far-fetched, therefore, to see the levels and inhumane nature of violence meted out to women as a direct result of this history. At the same time, the dehumanisation, dispossession, impoverishment and domination of Africans in South Africa had the most crushing impact on South African men who saw their disempowerment as humiliating and weakening in the sight of women.

The hotchpotch (mixed) culture that developed as a result of Victorian influences was very frustrating. In African culture men and women had important and value-adding roles in the community; but the meteoric rise of violence and instability over time was particularly felt by women and children. Women carried the burden of being dehumanised by colonialism, racism and later apartheid and men. They were reduced to dependence on the men for their livelihood and were demoted from their roles of being producers of food and healers. The loss of land was felt mostly by women who no longer had vast tracts of land to use for agriculture and thus the power dynamic shifted between men and women.

Gender-based violence (GBV) was on the rise. In modern day South Africa, GBV has been normalised. There is a very high insensitivity to GBV; men have become extremely cruel in the manner in which they mete out punishment to women for a wide range of infractions. Part of the problem is that men take no accountability. Only women are expected to account for anything; whether it is looking after children, seeing that they eat, coming home on time, being faithful to their partners, etc. On the other hand, most men have venerated themselves to a level where they cannot be asked anything; the same standards of accountability cannot be applied to them.

In this context, the position of DWs – as a vulnerable group of workers who work largely in isolation in the private homes of employers – becomes even more precarious. They continue to experience the most inhumane treatment because their position is understood to be as weak as that of other women, or even weaker. Generic exploitation and worker abuse often takes the form of unequal power relations between employer and employee. On top of this, they experience racism, class inequality and gender inequality. Abuse even includes various GBV infractions that range from leering sexual looks and sexual comments to unwelcome touches and even rape. In a country that has been dubbed by the UN, as the most violent against women for a country that is not at war, the plight of DWs is truly precarious.

The United Nations has recognized South Africa to be the country with the worst GBV and Violence Against Women (VAW) infractions in the world. The conclusion comes from assessment of reported cases of rape, intimate partner violence and cases of femicide in South Africa. There is a universal acknowledgement that South Africa has the worst of such cases for a country that is not at war.

South African GBV activists and feminists are almost at their wits end on how to deal with GBV as cases keep becoming worse, in terms of the level of atrocity and complete lack of humaneness of perpetrators who are mostly men. The exception was one case in June 2020 where a young pregnant woman was slaughtered, with media reports reporting allegations that the instigator was the wife of the young woman's lover.

During the COVID-19 pandemic of 2020, the levels of GBV and femicide shot through the roof in an already violent and misogynistic country. Verifying timelines is difficult; however several videos of men assaulting women in full view of witnesses made the rounds on social media, in July of 2020.

The context of South Africa painted briefly above indicates that the conditions of DWs, already in a worse-off position and status in society, is even worse than it appears. This is therefore an issue for urgent intervention.

The intersectionality of patriarchy, capitalism, racism and migration has affected DWs worst in South Africa because they end up losers in the monitoring of just and fair legislation, policy and international law/conventions. Their lived experience suggests that this intersectionality exacerbates their situation in terms of fair pay, fair labour practice, GBV, unfair dismissals, human rights, implementation of leave policy and working conditions during a pandemic. Very few DWs suggest any fairness in their employment conditions.



# 03

# METHODOLOGY

The study was conducted during the COVID-19 of 2020 in July-August. The unique conditions during COVID-19 have added complications to a process that would in any event have been challenging. The researcher could not travel to the different spaces and see the respondents face-to-face.

The methods chosen included:

- Individual tele-interviews where the Researcher only had to rely on the spoken word only;
- Focus Group Discussions;
- Key Informant Interviews; and
- Literature Survey.



# 04

## LIMITATIONS OF THE STUDY

The study focussed on getting data from three provinces out of the nine provinces of South Africa namely, Gauteng Province, KwaZulu-Natal Province and Western Cape Province. The study was limited also by the forced use of telephonic and conference technology. The researcher, because of lockdown restrictions that curtailed travelling, had to telephone for individual interviews where she could not observe the respondents during the data gathering phase of the interview. She also used Zoom for Focus Group Discussions. This entailed challenges with connection during the data-gathering exercise and had to be supplemented with WhatsApp and telephone.

Domestic work is dominated by women, but an estimated 10% of DWs are men who work in the garden, as handymen and as chauffeurs. As none of the individual respondents were men, the research did not get a male perspective on GBV in the DW sector.

One NGO that had been earmarked as a source of information did not honour commitment to participate in the research, possibly because of challenges brought on by the lockdown during the COVID-19 pandemic.

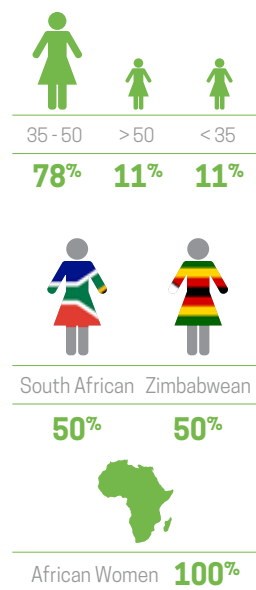
The DOL official approached, was afraid to do the interview without permission and the supervisor did not respond to an e-mailed requests (two) for permission.



# 05

## RESEARCH FINDINGS

## 5.1 Demographics



- The majority of individual respondents were above 35 years old, and only 11% of the sampled respondents were below 35 years of age. Another 11% were above 50 years of age. The majority 78% were between 35 and 50 years of age.
- The individual respondents were 50% South African with another 50% being Zimbabwean.
- All the individual respondents were of African descent and were all women.
- The Focus Group Discussions had only 9% Zimbabwean and 91% South Africans. The Focus Group respondents were a mixture of African and “Coloured” women in Cape Town.

## 5.2 Knowledge of Gender Based Violence and how it manifests in the Domestic Work Sector

Amongst DWs, the understanding of GBV can be seen. However, 80% of the DWs see GBV as something that only occurs in intimate partner relationships. The respondents had to be prompted to think about how GBV manifests itself in the domestic work sector. One domestic worker said, that “some of us do not know that what the employer is asking you to do is GBV, we think it is his house mos, so I must do it”. The key informants and the literature also touched on the insufficient understanding of GBV by DWs and most of the recommendations from different sources touched on the need for DWs to be educated on what GBV is and to get resources to help DWs either to respond to GBV or to report GBV and get help. The International DWs Federation indicates that GBV is violence that is directed against a woman because she is a woman or that affects women disproportionately. This includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

They also indicated that most of the GBV experienced in the domestic work sector is of a sexual nature. It involves the crossing of personal boundaries such as touching DWs on the shoulders, on the breasts, tapping or smacking them on the buttocks. DWs also spoke about the way a man would look at you.

One domestic worker reported a unique case of stalking, although she did not use that term. She indicated that the employer would find something to do outside the house so that he could watch when her boyfriend would come to visit and sometimes would watch when she and her boyfriend had differences (of opinion). He also befriended her on Facebook and commented on Facebook and to her about her relationship. “I then unfriended him on Facebook. One day he abused me physically and I got injured. Then I had to leave the job. During the CCMA hearings, it turned out that he could still access my Facebook and he brought material he should not have had access to, to the hearing”.



Nomonde (name changed), a 41-year old DW, worked for a huge household with an extended family. She was approached repeatedly by the “Coloured” son of her employer who was also married who claimed that he loved her and would take good care of her. He would dress only in boxer shorts. She told him to stop bothering her or she would report him to the police, but he said that the police would not do anything. She threatened to report him to his mother and ended up telling his sister about the sexual harassment, who spoke to him about this behaviour. From that day onwards he did everything in his power to get his mother to fire Nomonde.

One key informant indicated that other DWs did succumb to these approaches as a result of poverty as they were promised extra income, but it always ended up badly for most of them except in one case where the wife ended up having to leave after she had tried to fire the then pregnant domestic worker without success. In the worst of such cases, one domestic worker agreed to have anal sex for extra income with one part of a gay couple and ended up contracting piles.

One domestic worker indicated that the back room that she was allocated in her employer’s yard had a bathroom that did not give her total privacy i.e. someone could see you through the window from outside when doing your ablutions. She said, “One evening when I went into the bathroom I found him, out there, staring at me and I decided that I would take my bath later when I knew that they were already sleeping. This domestic worker’s case of alleged rape is in court and has not yet been concluded after six years, as it occurred in 2014.

On the question of rape or sexual assault, four different cases were mentioned by DWs although one domestic worker related her first-hand experience of rape. The report cannot cover much of this incident as it is still in the court except to say that the domestic work was also physically hurt in the incident, apart from the psycho-social scars that she carries and the additional detrimental impact to her personal and family life that she experienced as a result of this incident.

Other cases that have been reported to the union/other DWs/ NGOs; in one incident the domestic worker won her case in court and the employer-perpetrator is still behind bars.

In another case, the domestic worker was shown pornography by a man who wore women’s clothes. He forced her to touch him and he assaulted her sexually, but she left the job. In another case the DW was forced to conduct a blow-job on the son of her employer. She reported this incident to the mother who accused her of abusing her son and to the union. This matter was not taken to court, but the domestic worker also lost her husband who blamed her for what had happened to her.


The research reiterated what was found in all the literature: that DWs do not report GBV incidents that they experience for many reasons that will be expanded on below.

“Women described employers and other male family members groping them, exposing themselves to them, chasing them around the house, and coming into their rooms late at night. They also said the perpetrators would threaten to dismiss them, or inform their wives that the domestic worker had seduced them to try to force them to sleep with them.

The experience of Tanzanian women in UAE and Oman quoted above was mirrored by the experiences of DWs working in South Africa.

The GBV that is experienced in the Domestic Work Sector can be summarised as follows:

- Male bosses walking around the house without clothes or naked or taking off their clothes in front of DWs.
- Male bosses or relatives exposing their private parts to DWs.
- Male bosses walking into the rooms of DWs during their private time at any time of the day or night.
- Male bosses engineering opportunities for DWs to bring them something in the bathroom whilst they are bathing or taking a shower.
- Male bosses or relatives making appeals to DWs to have sex (in one reported case) anal sex with them for extra pay.
- Male bosses or relatives sexually assaulting DWs by forcing DWs to have sex or oral sex with them.
- Male bosses commenting on the bodies of DWs and touching their breasts and spanking them on their buttocks.
- Male bosses engineering to be in the house when the wife is at work and the children are at school.
- Male bosses engineering for DWs to be fired when they refuse to be subjected to any form of sexual violation.
- Male bosses (in at least one reported case) stalking their DWs on social media.
- Male bosses spying on their DWs and using that information in their GBV infractions.
- Male bosses taking out their political frustrations on DWs, as in the case of a male employer in Ekurhuleni who between 17 and 20 August beat an elderly domestic worker because of his frustrations with the SA government and increased reports on corruption.<sup>1</sup>



*Male bosses taking out their political frustrations on domestic workers*

<sup>1</sup> Newsroom Afrika, Day 147 of COVID lockdown, Video clip

The impact of GBV covers the following aspects as mentioned in the Who Guidelines for Research into Violence Against Women:



*More common are ‘functional disorders’— ailments that frequently have no identifiable cause, such as irritable bowel syndrome; gastrointestinal disorders; and various chronic pain syndromes, including chronic pelvic pain. Studies consistently link such disorders with a history of physical or sexual abuse. Women who have been abused also tend to experience poorer physical functioning, more physical symptoms, and more days in bed than do women who have not been abused....*

*“For many women, the psychological consequences of abuse are even more serious than its physical effects. The experience of abuse often erodes women’s self-esteem and puts them at greater risk of a variety of mental health problems including depression, anxiety, phobias, post-traumatic stress disorder, and alcohol and drug abuse.*

*DWs are much more likely to have had suicidal thoughts, or to have attempted to kill themselves....*

*Impact on pregnancies... ”*



The above impacts have been mentioned in the WHO Guidelines and we were not able to determine from the fieldwork if the DWs experienced all of them. What we were able to glean from the research is that one DW had severe injuries from the rape that have necessitated that she attends physiotherapy on a regular basis, which she can no longer attend as a result of COVID-19. In addition, none of the DWs who experienced GBV were able to access professional psychosocial treatment.

Death/ Femicide as a result of GBV or as part of GBV has been reported in the South African context in the DW sector, the electrical generation sector, the political sector, the education sector and the mining sector.

2020 POWA GBV Advert on SA TV indicates that in South Africa 8 women are killed by men every day in South Africa.

### 5.3 Employers' perception of DWs

Employers of DWs in South Africa can be grouped and characterised by race and class. Employers of DWs are seen as women (who are responsible for reproductive work and therefore need the support of a DW). DWs reflect on a range of treatment by employers from the very worst treatment to the better treatment (more on this in section 5.9). When asked how their employers perceive them and if that perception contributes to GBV DWs responded as follows:

“Our employers see us as vulnerable because we are poor, therefore, (so they think) we can be manipulated to do anything because we need the money”.

“Some of us are really desperate, for example, the worker who agreed to anal sex, had a mother who was very sick in the hospital and was desperate enough to do that and our employers can see that”.

“They see our poverty. We are the poorest of the poor”.

“We have no say. We have no power”.

“They see us as sex toys. We have no value to them”.

They see us as sex slaves, since the days of the slaves and this has not changed”.

“Because we depend on them for our living.” This is echoed by the WIEGO report on GBV in the informal sector where the report indicates that, “working in their employers’ homes and thus have a direct personal dependency relationship as workers”.

“They see us as disposable tools. Less than human”.

“I think because apartheid is very high in this area, but when I started I thought the wife was the one who had apartheid and that the husband was nice, but he violated me the worst”.

“They disrespect and undermine us. They bully us and expect us to do anything they say. Do you know that now during COVID, they spray us with sanitisers. They do not respect us. Government allows employers to exploit us”.

These themes mentioned above are repeated even in the Focus Group Discussions. All DWs were in agreement that the way the employers saw them contributed completely to the experience of GBV.

#### 5.4 Women Employers' Culpability in GBV

Women employers were complicit and contributed to the DW experience of GBV by:

- Failing to appreciate the power and class dynamic between middle class men and poor DWs.
- Failing to be objective on questions of GBV.
- Being abusive themselves in forcing DWs to handle their reproductive messes.
- Forcing DWs to work long hours that are not accounted for or without overtime pay.
- Protecting their male partners from accountability, for example, when DNA evidence needed to be collected in one case of rape, the wife prevaricated and said her husband had travelled to another city which meant that the collection of DNA samples was delayed.
- In one case in KZN, the domestic worker was knocked with a car by her employer who had been told that her husband was having a sexual relationship with the DW.

#### 5.5 DW responses and reporting of GBV

DWs often did not report any GBV experience because of:

- Fear of job loss
- Fear that they will not be believed
- Lack of or minimal alternatives in the South African job market
- Nothing will come out of reporting a GBV incident
- Fear of secondary harassment

Some DWs have reported cases of GBV to their employers, other family members, the union and the police. The results of reporting have been mixed.

In only 22% of the cases where DWs reported to their female employers or family members were their issues taken seriously, believed or addressed. The rest were not taken seriously.

In 100% of the cases reported to Ilizwi and SADSAWU the cases were taken seriously.

In only 33% of the rape cases that were reported to the police, according to this research, were the cases taken seriously, without meddling to their conclusion. The other case is still in progress and it was reported in 2014, reviewed midway because of police meddling and in another, the DW was raped again at the police station.

## 5.6 Domestic Workers' vulnerability to GBV and factors that contribute to GBV

DWs also indicated that the factors that make them more vulnerable to GBV are:

- Working in isolation in the private homes of their employers, no witnesses.
- Poverty and low salaries which are often used to coerce them into abusive sexual relations with their male bosses.
- Lack of assertiveness, docility and the inability to speak up for themselves.
- Unequal power relations between themselves and their bosses that is often accompanied by bullying, negation of DWs humanity and generic employee abuse.

## 5.7 Secondary Harassment by police

The police raped the DW complainant for a second time in another rape case.

In one case of rape of a DW, the police deliberately did not collect the DNA results from the forensic laboratory in Pretoria. The police chose to accuse the DW's boyfriend rather than the employer in that case.

There is also plenty of anecdotal evidence about how the police do not take issues of GBV in the home or workplace seriously. In the 2013 case of a worker who ended up dead (in the employer's premises) after reporting sexual harassment to her family, the case has yet to be concluded. In another incident in the mining sector, the case took more than three years before the suspect was arrested. There are some cases in which the police have been convicted of the rape of citizens.

## 5.8 DW support in cases of GBV

The DWs in the South African setting have set up WhatsApp groups where they communicate with each other and provide support to each other on those difficult/ challenging issues that they encounter in the workplace. These social media groups cover groups of women within different localities where individual and group issues are raised. The groups act as support groups, where other DWs or union representatives can give advice to DWs. An issue raised by one individual respondent is that it happens sometimes that other members in a group are judgemental if someone was bullied into doing something they found unethical. In most cases, these groups assist and empower women.

In some interviews with the key informants, there was extensive information about the different kinds of advice and support given to DWs in cases such as: peer counselling of a domestic worker who has been violated in some way; representation of a DW in the case of the CCMA; legal support in the case of a case that goes to court; standing with you in the court appearances and workshops held weekly on DW rights before COVID-19.

## 5.9 Additional Exploitation of DWs

DWs are not always clear about what GBV is. Many of the respondents could not differentiate between instances of generic worker exploitation and GBV that is experienced mostly by women. Whilst the research was requesting information on GBV, all respondents provided additional information around pay dissatisfaction. Whilst in 2020, other employees' minimum wage is R20, for DWs the minimum wage has been set at R15.57. Many DWs complain about the salary because only some DWs get paid the nationally determined minimum wage.

DWs experience unfair dismissals far more than other workers. Employers can plead inability to pay and thus dismiss workers. In most cases DWs are not able to fight the issue in other forums such as the CCMA.

South Africa became a legal democracy in 1994 and the constitution was finalised in 1996. Whilst the Bill of Rights talks at length about equality and dignity and fair practice, very few South Africans experience equality, dignity and fair practice in their lived experience. So many poor South Africans face discriminatory practices. DWs, because of their race, class and gender, continue to be robbed of human rights that are guaranteed in the constitution.

During the pandemic of 2020, workers share accounts of their worsening conditions under COVID, on their social media groups. In the media, unemployment figures bandied about are that 3 million people have lost their jobs. It would be interesting and informative to know how many of those are DWs.

For those DWs who are still in employment, everything that is hateful in the DW sector has worsened. Workers complain of being treated as if they are the original carriers even creators of the virus by some of their employers. Others are locked in, without being allowed to go out, not even to bury family members lost as a result of the pandemic. They are also threatened that if they go out they can no longer come back to work which is effectively a dismissal.

False and unfair accusations abound for DWs. These can sometimes result in imprisonment. DWs do not have much in the way of effective recourse in such cases and these issues need to be taken up legally which is difficult for DWs because legal fees are beyond the salary of a domestic worker.

One DW, in this research project, reportedly has faced false arrest or abuse of police services by employers. In this case of false arrest, the employer was robbed and instead of doing a proper investigation, the police arrested the domestic worker and kept in jail over several days and they could not find the proof of complicity on the side of the domestic worker. Here the DW has not received support from the union in suing the employer and the Police Service for false arrest. The research exposes another area of weakness on the part of the DW association/ union in handling DW issues that emanate from their employment.

## 5.10 Perceptions of government capacity

About 50% of individual respondents did not believe that the South African government has the capacity to deal with GBV in the Domestic Work sector whilst the other 50% felt that government does have the capacity and should be playing a role in the improvement of DW conditions of service as well as the elimination or reduction of GBV in the DW sector.

## 5.11 Implementation of international and national protections for South African DWs

The ILO Convention 189 was ratified for application from 20 June 2013 by South Africa. The government has submitted a report to the ILO on how the Convention is being implemented, however this research indicates that the majority of DWs have yet to report a lived experience of any of the clauses/articles contained therein. The following articles which speak to general improvements in the working conditions of DWs and to protection from GBV as well have not been experienced by DWs. The SA government would like to see a situation in which the whole convention can be a reality for DWs, however, more still needs to be done before this can be the case. This research, conducted in July-August 2020, indicates that only a few DWs can attest to having an experience of these conditions (about 33% of the sampled DWs).

### Verbatim excerpts from ILO Convention 189

#### ARTICLE 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

#### ARTICLE 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

#### ARTICLE 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

#### ARTICLE 13

Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.



**ARTICLE 16**

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

Workers from all federations and some political parties are still campaigning for the ratification of ILO Convention 190 on Violence and Harassment in the World of Work. The issue has been raised in the National Summit on GBV and Femicide of November 2018 which came about as a result of the #TotalShutDown campaign against GBV and Femicide of 2018. This campaign was organised by young women as a result of ever-increasing and incrementally horrific incidents of GBV and Femicide in South Africa. This campaign was joined by trade union federations and some political parties. The Summit spoke to GBV and Femicide in the workplace, but this Convention has yet to be ratified.

## Verbatim excerpts from ILO Convention 190

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**ARTICLE 2**

2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

**ARTICLE 8**

(a) recognizing the important role of public authorities in the case of informal economy workers;

**ARTICLE 9**

(d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.

**ARTICLE 10**

(e) provide that victims of GBV and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;

## ARTICLE

11

Each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
- (b) employers and workers and their organizations, and relevant authorities, are provided with guidance, resources, training or other tools, in accessible formats as appropriate, on violence and harassment in the world of work, including on GBV and harassment; and
- (c) initiatives, including awareness-raising campaigns, are undertaken.

### 5.12 Research as an intervention

The teaching of the WHO Guidelines on Research as an intervention has assisted in the provision of minimal sharing about GBV amongst the participants in the research process. In addition, the research process assisted the DW who was still in court to get support from other stakeholders as her case continues, with her full co-operation for example the Commission for Gender Equality (CGE). Because of what the DW shared with the Researcher, the CGE Legal Department was asked to investigate that matter and see to it that the DW is not cheated of her constitutionally-guaranteed human rights. The CGE is also going to ensure that justice is done and that she can access counselling.



# 06

# RECOMMENDATIONS

## Recommendations to the Government (through the DOL)

- That government improves on the monitoring of national policies geared at improving the working and living conditions of DWs and the expansion of the DOL Inspectorate for the benefit of DWs and other vulnerable sectors
- That the government improves in the implementation of Convention 189 which was only adopted in 2011 after Beijing 1995 had pointed the world to the issues of DWs that needed to be addressed globally.
- That government see to it that employers are educated and informed about all the human rights of DWS, not least the right to work in an environment that is free of GBV and other workplace hazards.
- That government invests in the education of DWs education on their labour and human rights which would include education and information on GBV in the workplace, prevention thereof and the addressing thereof.
- That the government introduces policies and/or legislation that will protect DWs specifically from GBV in the workplace.
- That the government ratifies ILO Convention 190 for the elimination or reduction of Violence and harassment in the World of Work.
- That the government assists DWs in the establishment of Call Centres that can assist DWs as a vulnerable employment sector in dealing with GBV in the workplace.
- That the government assists DWs in the development of education and information material: booklets, pamphlets, posters public education announcements/ adverts on radio and TV to address and eliminate DW vulnerability to GBV in the workplace.
- That the government must speedily establish mechanisms that DWs can use for quick redress in cases of GBV in the workplace.

## Recommendations to DW unions, federations and supporting NGOs

- That unions, federations and supporting NGOs continue to provide ongoing education to DWs on GBV, the elimination of thereof and the empowerment of DW officials and members on GBV.
- That unions, federations and supporting NGOs continue to organise and campaign on the eradication of GBV and the ratification of Convention 190 and the proper implementation of legislation or policies arising out of Convention 189.
- That unions federations and supporting NGOs develop education and information materials (in all SA languages and relevant SADC Regional languages) and programmes on GBV, its elimination and improving the ability of DWs (empowerment and assertiveness skills) to deal with GBV
- That unions, federations and supporting NGOs build internal counselling services for DWs use.
- That unions, federations and supporting NGOs lobby for comprehensive interventions that will assist DWs, reduce or eliminate GBV and improve working conditions of DWs.
- That unions, federations and supporting NGOs engage in media and information campaigns to reduce and/ or eliminate GBV in the DW sector.
- That unions, federations and supporting NGOs expand the frame and intersectionalities through which DWs understand their socio-economic conditions including GBV.

## Recommendations to DWs

- That DWs educate themselves on GBV and the protection of their human rights.
- That DWs learn to give the right (non-judgemental) sisterhood support to victims and/ or survivors of GBV in the workplace.
- That DWs learn about the struggles of other women's organisation, working women in other parts of the world.
- That DWs be available and committed to fight GBV and other injustices in the DW sector.
- That the DWs continue to discuss the best possible ways to fight and eliminate GBV in their workplaces and their world of work.
- That DWs continue to resist any divisions between themselves on the basis of nationality or place of origin because GBV and exploitation affects all DWs regardless of nationality or place of origin.
- DWs must always report GBV and other exploitation and injustice experienced in the workplace.



# 07

# CONCLUSION

The research into the vulnerabilities (and experiences) of the DW sector in South Africa has produced a report demonstrating clearly that DWs in South Africa continue to suffer because of structural patriarchy, capitalism and racism. It shows that migration is also an issue to watch in addressing issues of DWs and that there are connections between international and diplomatic relations in the SADC Region and conditions of DWs. The research also exposed that the government can no longer continue to pretend that the abuse of DWs is normal or that it is gender neutral, but needs to gear up to address the policy shortfalls and the implementation weaknesses of the human rights framework in the employment of the human rights legal framework in the country especially amongst the vulnerable sectors of the economy. The research exposes that DWs and their organisations need to build pro-worker networks for their empowerment on labour rights, intersectionalities and the elimination of GBV and the worst injustices in the DW sector.

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