

LEAVE

Annual leave: Three weeks annual leave on full pay for each year of employment

Sick leave: During a 36 month sick leave cycle, you are entitled to the number of sick days that you would normally work in six weeks.

Family responsibility leave: This only applies if you work for at least four days in the week for the employer. You are entitled to take five days leave when your child is sick or someone in your immediate family dies.

Maternity leave: You are entitled to four consecutive months' unpaid maternity leave.

NO CHILD LABOUR AND FORCED LABOUR

It is illegal to employ children under the age of 15, or to use forced labour.

TERMINATION OF SERVICE

If you have been employed for six months or less, you must get at least 1 week's notice. If you have been employed for more than six months, you must get at least 4 week's notice.

If you think that you have been unfairly dismissed, you can refer your case to the CCMA.

If the employer says that they no longer need you to work for them for operational reasons, then they must pay you severance pay.

Severance pay is an amount equal to at least one week's full pay for every year of completed continuous service with your employer.

UNEMPLOYMENT INSURANCE FUND (UIF)

If you work more than 24 hours in a month for an employer, they must register you with the Unemployment Insurance Fund.

You and the employer must each contribute 1% of your wage to the Fund. The employer must pay this over to the Fund once a month.

DISCRIMINATION IN THE WORKPLACE

You cannot be discriminated against in the workplace on a number of grounds, including race, gender, age, pregnancy, marital status, family responsibility, and HIV status.

If the employer employs more than one domestic worker then both of you must be paid equal wages for work of equal value

DISPUTE WITH YOUR EMPLOYER

If you have a dispute with your employer over your conditions of work or you think that you have been unfairly dismissed, then you can refer the case to the Commission for Conciliation, Mediation and Arbitration (CCMA).

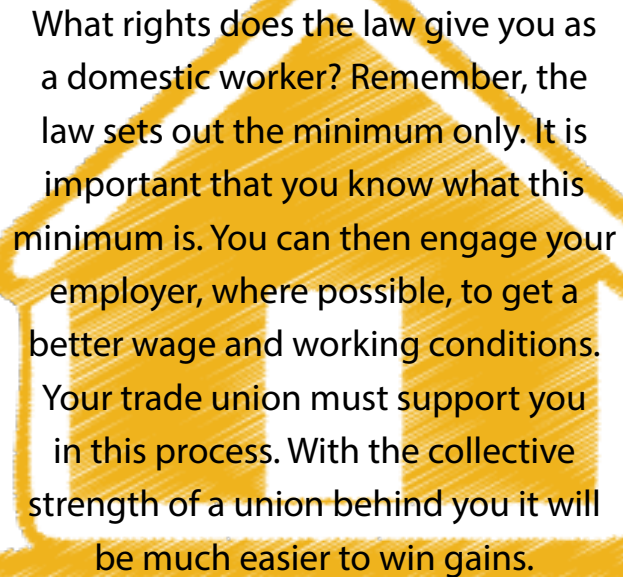
**The CCMA call centre number is 0861161616.
They will help you find the office nearest to you.**

YOUR RIGHTS

as a



DOMESTIC WORKER



What rights does the law give you as a domestic worker? Remember, the law sets out the minimum only. It is important that you know what this minimum is. You can then engage your employer, where possible, to get a better wage and working conditions. Your trade union must support you in this process. With the collective strength of a union behind you it will be much easier to win gains.

WAGES

The employer must pay you at least the minimum wage set out in the Sectoral Determination.

There are different rates depending whether

- you are employed for more than 27 ordinary hours in a week
- or if you are employed for less than 27 hours in a week
- and whether you are employed in Area A (which includes the big towns and the metros)
- or Area B (which includes the smaller towns).

So for example, until the end of November 2014, if you live in Cape Town (Area A), and work more than 27 ordinary hours in the week, then the minimum wage is R 9.63 if hourly paid; R433.35 if weekly paid; and R 1877.70 if monthly paid.

If you live in Lejweleputswa Local Municipality, and work more than 27 hours in the week, then the minimum wage is R 9.80 if hourly paid; R 264.60 if weekly paid; and R 1 146.51 if monthly paid.

ANNUAL WAGE INCREASE

The employer must increase the wages every year, with the increase linked to the inflation rate.

PAY SLIP

On every pay day you must get a payslip which shows information relevant to the wages. This includes information like:

- employer's name and address
- your name and address
- the number of ordinary hours worked
- the number of overtime hours worked
- the wage rate
- details of any deductions made
- the actual amount paid

LAWFUL AND UNLAWFUL DEDUCTIONS

Your employer cannot make you pay for

- any training you receive
- any work equipment or tools that you are supplied with
- any work clothing that you are supplied with
- any food provided for you while at the workplace

The employer can only make these lawful deductions from your wage:

- You have been absent from work on unpaid leave.
- The employer cannot deduct more than 10% of your wage for accommodation that they provide.

The accommodation must be in good condition and weatherproof. It must have at least one window and one door, and a toilet and shower or bath, or you must have access to a bathroom.

- You have agreed that your contribution to a medical aid, savings, pension fund, trade union subscription, loans or rental can be deducted and the employer will pay it over to the relevant institution.

CONTRACT OF EMPLOYMENT

You should have a contract of employment which sets out your conditions of work.

HOURS OF WORK

Ordinary hours : 45 hours

Overtime : Overtime can only be worked if there is an agreement between you and the employer. You cannot work more than 15 hours overtime in a week.

Overtime pay : paid at one and a half times your normal wage. On a Sunday you must be paid double your normal rate. But if you normally work on a Sunday then you must be paid at one and a half times your normal wage.

Nightwork : If you do nightwork you must be paid an allowance, and you must either sleepover at the workplace, or transport home must be provided.

Meal intervals: If you work for more than five hours continuously, you must then be given a meal break of at least 1 hour.

Public holidays: You cannot be forced to work on a public holiday. If you do agree to work, then you must be paid double your normal wage for that day.