Labour Law 1A (LAL 111 S)

Changes introduced by the regulations and wage order relating to domestic workers

Definitions:

“domestic work” means any work performed in or for a household;
“domestic worker” means any person engaged in domestic work in an employment relationship, including a child-minder, cook, driver, gardener or housekeeper

- **Prohibition of child domestic work** (see Unit 5, section 3.1 b) Contractual capacity, p. 60-61)

  Domestic work qualifies as work-related activities in terms of section 3(3)(d)(vi), i.e. work that may place the child’s health, safety, or physical, mental, spiritual, moral or social development at risk.

  A child under the age of 18 years may not be employed as a domestic worker.

- **Written contract of employment** (see Unit 5, section 3.1 e) Formalities, p. 61)

  Upon hiring a domestic worker, an employer must provide the worker with a written contract of employment, as prescribed, and must explain the provisions of the contract in a language that the domestic worker understands. The employer must retain copies of this contract for the most recent 5 years, as prescribed in terms of section 130 of the Labour Act.

- **Minimum wage order** (see Unit 7, section 2.1 (b) Minimum wages, p. 80-81)

  With effect from 1 April 2015 minimum wages (monthly, weekly, daily and hourly) are payable to a domestic worker. The wage order also provides for an increase of 5% plus a percentage equal to the increase in the consumer price index for the period 1 April 2015 to 1 April 2016, payable as from 1 April 2016.

  The wage order does not apply to domestic workers covered by any collective agreement in the agricultural sector.

- **Deductions of in-kind contributions** (see Unit 7, section 2.4 (a) Deductions, p. 84-85)

  An employer may not deduct the value of in-kind payments or contributions such as food, clothing or housing from the basic wage of a domestic worker.

- **Provision of food** (see Unit 7, section 4(d) Meal intervals, p. 89)

  An employer must provide suitable food in reasonable quantities to meet the reasonable needs of an employee who is a live-in worker or a live-out worker who qualifies for a meal interval in terms of section 18 of the Labour Act.

- **Accommodation for live-in workers** (see Unit 7, section 6, p. 97)

  When a domestic worker is required to live at the place of employment, the employer must provide living quarters, without charge, to the worker with minimum conditions such as a

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lockable room with a key, good ventilation, electricity (if available to the household) bed and mattress, heat (if available in the household) and access to clean drinking water, toilet and bathing facilities.

The employee is entitled to receive visitors upon reasonable notice and at reasonable intervals or hours, in consultation with the employer.

- **Health and safety requirements** (see Unit 7, section 7, p. 98-99)

  The employer must provide the domestic worker with a uniform and personal protective clothing, without charge. The uniform and protective clothing must be replaced at reasonable intervals.

- **Transport allowance** (see Unit 7, section 8(a), p. 100)

  A live-out domestic worker is entitled to receive a transport allowance for travel to and from work for each day of work, where public transport is available, unless the employer provides transport. The transport allowance must be equal to the cost of a round-trip public transport.