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THE GLOBAL NETWORK

With the aim of achieving decent work for all, the Global Network works to empower women and men who are activists in NGOs, trade unions, associations of informal workers and grassroots movements to build capacity, exchange experiences and coordinate joint actions, at both regional and international level.

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1. Introduction

Research has shown that domestic workers, such as house help or child minders, are a particularly vulnerable group in Botswana. This report presents a brief overview of their working conditions and the legislation governing domestic work in Botswana. It also outlines some challenges in this area and proposes key actions that could lay the groundwork for a global network of domestic workers in advancing the need for a convention on domestic work at the International Labour Organization (ILO) General Conference in June 2010.

2. Role of domestic workers in the economy

The Employment Act in Botswana defines domestic workers as “any house, stable or garden servants, motor car driver or domestic animal attendant employed in or in connection with domestic services of any private premises, including land devoted to cultivation or grazing other than for commercial purposes”. Ditshwanelo (1996), a human rights advocacy body, observed that historically, domestic work is often seen by both employee and employer as a private issue, rather than formal employment. Domestic workers are usually seen as “part of the family”, or as property and are often ill-treated or abused and do not have labour rights per se. Earlier research work by human rights advocacy organisations, such as Ditshwanelo, estimate that there are “about 110,000 households in Botswana that are sufficiently well-off to employ a domestic worker in the urban or peri-urban area”. This represents 21% of the total estimated current households. Therefore, the contribution of domestic workers to the socio-economic development of society cannot be undervalued. In many cases, it can be argued that they are “the bedrock of many families as they know the needs of the household and the corners of the house much better than the owners” (Mmegi, 2008).

3. Domestic workers’ rights

The major pieces of law and regulations governing labour relations in the country include: the Employment Act, Trade Disputes Act, Trade Union & Employers Act, Factories Act, Worker's Compensation Act and Public Service Act. These national labour laws regulate formal and organised labour. Domestic workers do not have a union and cannot, therefore, benefit fully from this legal framework. However, the Employment Act, albeit deficient, does mention domestic work. In addition, the government has set a minimum wage for such work in law.

4. Working conditions: personal experiences

The details below represent outcomes of a focused group discussion held with 25 domestic workers and interviews with the trade union leadership in the country and are aimed at seeking consensus on the core issues in domestic work

Origin, educational level & duties

The domestic worker’s place of origin reflects the high rate of rural to urban migration that has so characterised Botswana since independence and is a step often taken to ameliorate rural poverty. In terms of education, most of the domestic workers have gone beyond primary school (standard 7) to community junior level (form 3) and they are mostly women. The majority of domestic workers are employed by citizens of Botswana, the one exception being the more cosmopolitan capital city, Gaborone, where around 45% are employed by expatriates. Most of the domestic workers interviewed had more than 10 years work experience and only a few had worked under five years. Most of them had heard about vacant domestic positions through friends and family or by searching for jobs door to door. Most domestic workers have worked with their current employer for more than one year suggesting there is a degree of job stability.

The duties of most domestic workers were presented as:

- Cleaning and dusting (including cupboards, closets, cookers, floors, refrigerators, toilets, windows and walls)
- Vacuuming and waxing/polishing floors
- Washing and ironing clothes
- Cooking and dishwashing
- Making beds
- General child care (including feeding, bathing and babysitting)
- Washing and feeding pets
- Gardening
- Taking care of employer’s extended families
- Taking care of the sick
- Taking care of grandparents
- Taking care of disabled people

**General experiences at the workplace**

Domestic workers are one of the weakest and most vulnerable sections of the labour force in Botswana. Good experiences cited were:

- Employers trust workers to take care of the home while they are away for long periods
- Employers sometimes help workers if they have financial problems

However, most of the experiences recounted were negative, such as:

- Effectively being prevented from visiting family or friends due to working hours and expectations or outright refusal. Domestic workers who live in are not allowed to stay with their children or have visitors.
- Having very limited time to go to hospital
- Most start their day around 5 am, bathing children and preparing breakfast, their day also ends very late
- Employers make them look after their ill relatives
- Some experienced discrimination due to their illness, especially HIV and tuberculosis
- Being forced to be tested for HIV and/or to disclose test results
- Working in unhygienic environments, employers do not want them to wear protective gloves
- Most of them are called at any time to come back to work after finishing since there were no specific start or finish times. Domestic workers sometimes work for more than 10 hours a day, although by law, not for more than 240 hours in a month
- Cases of sexual harassment
- Most of them were not allowed to affiliate to any association
- Most of them were called derogatory names, such as maid and “Ausi” translated as sister
- Employers do not always pay overtime rates
- There are only four legally required public holidays for domestic workers, rather than the eight paid public holidays enjoyed by most workers
- Not receiving sufficient payment to live on, many are paid ‘in kind’ with only clothing, food and/or accommodation
Payment in kind in the form of accommodation is treated as a reason to take on duties which have not been agreed upon, such as guarding the property or baby-sitting until late.

Not receiving the legally-required severance pay if they leave employment after being employed for more than five years.

Being treated as ‘property’ rather than as an employee.

Not being informed properly about dangers associated with appliances, chemicals, electricity or physical activities, such as lifting (and often not being able to read information due to illiteracy).

Being dismissed if they become pregnant.

Most do not have compassionate leave and only some are given two days to attend funerals.

Not receiving their legal leave entitlements, which should include:

- Annual leave – legally domestic workers should be given at least 15 days' leave a year.
- Sick leave – legally should be 14 days paid sick leave per year.
- Maternity leave – 12 weeks' leave (6 weeks before and 6 after birth), should be paid on at least quarter pay.
- Compassionate leave – should be granted as for any employee.
- Rest and weekends – should include at least one hour off during each day for lunch and rest, and at least 4 days off per month.
- Public holidays – Christmas Day, New Year’s Day, Good Friday and Botswana Independence Day.

Contract of Employment

Most domestic workers indicated they had verbal agreements with their employers but wanted to have a written contract with them. Verbal agreements make it difficult for them to complain to the employers. Most domestic workers believe a written contract will help them when they are unfairly dismissed, when they have disputes with their employers and when it is time to receive their severance package. Domestic workers believe that their employers do not want to sign contracts with them. Most felt that their jobs were not secure and the influx of migrant labour from neighboring countries like Zimbabwe posed a threat. They felt that Zimbabwean domestic workers did not care about their rights and this made it difficult for domestic workers from Botswana to fight for theirs. In the words of one domestic worker “our employers threaten us that if they find out we are in association that advocate for our rights then they say you let us know if you don’t want the job so that I will hire a Zimbabwean.”

The following was suggested as content for such contracts:

- Job description
- Hours of work
- Salary/wages
- Benefits - gratuity
- Leave days - sick, annual, compassionate, maternity
- Public holidays
- Safety and health
- Medical aid

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Working Overtime
Most workers indicated that they worked very long days, on average 10 hours per day. Only around 50% had weekends off and many who did work on weekends were not paid for such work. Most domestic workers said they were not paid for working during public holidays.

Severance pay
The majority of domestic workers stated that they received severance pay but that at first it was very hard to obtain. Most of them said they managed to get it through the help of Ditshwanelo. About 80% of the workers did not receive severance pay and this was due to the fact that they were unaware that they were eligible for such pay after 5 years.

Minimum Wage
There is no doubt that it is important to have a minimum wage to minimise worker exploitation by employers. The minimum wage applies to specified industries under the Employment Act, namely, building, construction, quarrying, garage or motor trade, road transport, hotel, catering or entertainment trade, manufacturing, service or repair, wholesale or retail distributive trade and watchmen industries. Recently, the domestic and agricultural sectors were added to the list. However, the involvement of trade unions in the fixing of minimum wages is limited to participation of representatives of the trade union movement on the Minimum Wages Advisory Board.

The majority of domestic workers relied on their jobs as their sole source of income and financial security. The minimum wage for domestic workers is P500 (US$72), this is a low wage when compared to the cost of living. Domestic workers stated that their minimum wage was very low and that the government did not consult them. The major point of contention is that the minimum wage itself is not in tandem with the cost of living. According to domestic workers, the minimum wage is P500 (about US$72) per month yet the food basket in most urban and peri-urban areas is well over P2,000 (US$305). This is a mockery of the sacrifices that domestic workers put in to produce wealth as it does not provide a decent standard of living for them and their families.

Domestic work, labour migration & discrimination
Workers should enjoy adequate protection against acts of discrimination in respect of their employment, both at the time of entering employment and during the employment relationship. Such protection should apply in particular to prejudices based on creed, race, sex or origin. Most national labour laws, such as the Employment Act, endeavour not to discriminate in Botswana. However, there have been isolated cases of such discrimination against migrant workers. The collapse of the political and economic governance in Zimbabwe has had some devastating impacts on labour migration to Botswana. This has become a common feature and poses challenges - there is now a feeling that migrant workers may add to the already high number of unemployed in Botswana. It is common to find skilled Zimbabweans (former teachers, nurses) taking up domestic work as a way to escape the economic collapse in their home country. Faced with reduced avenues and possibilities for legal migration, a growing number of Zimbabweans resort to illegal migration, which has triggered growing xenophobia among nationals of the host country. The negative public perception of labour migration does not only underline the feeling that migrants are taking jobs away from the local labour force but has ultimately a negative impact on their overall working conditions. Given the absence of enforceable labour standards on wages, occupational safety and health, migrant domestic workers in Botswana are more likely to accept wages and work conditions which can be considered as exploitative.

Personal experience of a domestic worker
I started as a domestic worker in 1969. I worked for a woman at Pietersburg, South Africa. My work was to do laundry twice a week on Monday and Fridays. For this job I was given R2.50 (less than US$1). I thought the pay was sufficient because at the time clothing, groceries and other items were not expensive. A friend of my employer used to tell her that she was wasting her money on me because I was not doing any laborious work. Later my employer’s friend hired a woman on a full time basis who was paid the same amount as me R2.50 (less than US$1).
Around 1970 I found employment in Botswana and worked for a Zimbabwean family. It was a full time employment and for everything I did I was paid P6.00 (less than US$1). One day, my employer’s child plugged the sink and then opened the tap and water flooded the house. My employer dismissed me because she felt I was not looking after the child properly.

I was then able to find another job as a babysitter where another woman worked as a cook. My employers were good to me. They paid me P7.00 (just over US$1) for my services. However, I did not stay long in the job because I resigned after a month. I found another job immediately working for a white family in Selebi Phikwe. And I was paid P15.00 (approx. US$2.20) every month. I worked for this family until they left the country a year and half later.

I then worked for another white family for six months. The wife left her husband and took the children to South Africa. I continued working for him but was fired because I had left one day before he had come home from work. He gave me P20.00 (approx. US$3) notice when I left. I found yet another job and earned P18.00 (approx. US$2.70) and I thought that was alright as I was able to send money home and buy a bed for myself. In 1984 when my child started Form 1 my employers refused to give me a raise. However, I carried on working for them with a heavy heart and consoled myself that it was better than nothing at all. My younger sister helped me out by paying expenses for my child to remain in school. When my child went to secondary school my salary was P60.00 (approx US$9). When they left the country after 10 years of working for them I was earning P80.00 (approx. US$12). Before my employers left they found me another job.

I worked for a man who treated me well and gave me Christmas bonus and when I needed money to attend funerals he loaned it to me. I worked for him from 1988 through to 1992 and my salary was now P350.00 (approx. US$52). I was given maternity leave for two months and my salary was not cut. Most changes happened when the man got married: I no longer get P50.00 (approx. US$7.50) salary increment every year, my work load increased. They later increased my salary to P400.00 (approx. US$60) per month and much has not changed, I am still working for the family.

5. Organisations supporting domestic workers

Domestic workers, while acknowledged in the Employment Act, are not yet organised in a union. For years now the Botswana Federation of Trade Unions (BFTU) has attempted to unionise them and has highlighted their plight. Ditshwanelo, established in 1993 and the only organisation in Botswana dealing with all aspects of human rights has been trying to help to create a Domestic Workers Union. The organisation advocates for changes in laws, policies and practices, and to raise public awareness of rights and responsibilities. It also provides paralegal services to those earning less than the minimum wage. Initially, their efforts were to support a group of domestic workers in understanding their legal rights and the limitations and lack of effective protection in the laws, understanding the role and functions of unions and developing skills in managing an organisation and in bargaining and lobbying government. The aim has been to empower individual domestic workers to take responsibility and action on behalf of the entire group in society. Currently the organisation is trying to have domestic workers registered as an association.

6. Recommendations for the ILO convention

The following are some of the issues that domestic workers felt needed to be included in international and national instruments:

- Legislation containing a clear definition of what domestic work entails, as domestic workers perform many tasks

- Legislative framework that ensure strengthened capacity for labour inspections that enforce labour law protecting domestic workers. Department of Labour should provide inspectors responsible for checking if agreements are adhered to
- Legislation that advocates for clarity on rights of domestic worker to associate and bargain for their conditions of services
- Government should ensure employers have written contracts with their domestic worker employees

7. References