



Global Care Policy Index

Technical Report for South Africa

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for South Africa

South Africa has centralized legislation with the exception of domestic work standby pay (B3.1.2). Overtime payments are specific to two Areas (A and B) within the country.

Area A consists of these municipalities: Bergrivier, Breederivier, Buffalo City, Cape Agulhas, Cederberg, City of Cape Town, City of Johannesburg, City of Tshwane, Drakenstein, Ekurhuleni, Emalahleni, Emfuleni, Ethekwini Unicity, Gamagara, George, Hibiscus Coast, Karoo Hoogland, Kgatelopele, Khara Hais, Knysna, Kungwini, Kouga, Langeberg, Lesedi, Makana, Mangaung, Matzikama, Metsimaholo, Middelburg, Midvaal, Mngeni, Mogale, Mosselbaai, Msunduzi, Mtubatuba, Nama Khoi, Nelson Mandela, Nokeng tsa Taemane, Oudtshoorn, Overstrand, Plettenbergbaai, Potchefstroom, Randfontein, Richtersveld, Saldanha Bay, Sol Plaatjie, Stellenbosch, Swartland, Swellendam, Theewaterskloof, Umdoni, uMhlathuze and Witzenberg.

Area B consists of the rest of South Africa.

The overtime rate for each Area is calculated as follows:

- (Area A – 27+ hours per week - ZAR4.10 + ZAR2.05 = ZAR6.15)
- (Area B – 27+ hours per week – ZAR3.33 + ZAR1.66 = ZAR4.99)

How to Cite this Technical Report

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https://globalcarepolicy.common.yale-nus.edu.sg/country_profile/south-africa.

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
South Africa				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes. Working women are guaranteed maternity leave under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "(1) An employee is entitled to at least four consecutive months' maternity leave. (2) An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child."</p> <p>However, the employee must work for more than 24 hours a month for an employer.</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997
A1.2	Are all categories of working women guaranteed maternity leave?	0.80	<p>Yes. All working women are guaranteed maternity leave under the Basic Conditions of Employment Act 1997. However, there is 1 exclusionary condition: Workers in disguised employment and dependent self-employment are not covered under the act. 4/5 = 0.8</p> <p>Chapter 3, Section 19 of the Basic Conditions of Employment Act 1997 states: "This Chapter does not apply to an employee who works less than 24 hours a month for an employer."</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "(1) An employee is entitled to at least four consecutive months' maternity leave. (2) An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or 5 (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child."</p> <p>Chapter 1, Section 1 of the Basic Conditions of Employment Act 1997 states : "employee" means— (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and (b) any other person who in any manner assists in carrying on or conducting the business of an employer,"</p>	Chapter 3, Section 19, 25 of the Basic Conditions of Employment Act 1997
A1.3	How long a maternity leave are eligible working women guaranteed?	0.75	<p>Yes. All working women are guaranteed at least four consecutive months' maternity leave under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "(1) An employee is entitled to at least four consecutive months' maternity leave. (2) An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or 5 (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child."</p> <p>This is more than C183 recommended 14 weeks but less than R191 recommendation of 18 weeks, hence South Africa is scored 0.75.</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997



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A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.75	<p>Yes. Eligible working women are guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth, without any reduction in the postnatal maternity leave under the Basic Conditions of Employment Act 1997. However, there is one exclusionary condition: extended maternity leave is unpaid. 1-0.25=0.75</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "(1) An employee is entitled to at least four consecutive months' maternity leave. (2) An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child. (3) No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so"</p> <p>Section 7 of Maternity Leave Policy: "Employees may apply to have their maternity leave extended by a period of not more than two (2) months. The approach to approved extended maternity leave is the same as that of unpaid leave. This means that: 7.1 The extended maternity period will be unpaid. 7.2 No leave will accrue to the employee's leave credit. 7.3 The employee may remain a member of the medical aid scheme, if applicable but will be responsible for 100% of the medical aid contributions. The Municipality will not make any contributions for this period."</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	No. There is no mention that eligible working women are guaranteed extended maternity leave in the case of simultaneous multiple births under the Basic Conditions of Employment Act 1997.	Basic Conditions of Employment Act 1997
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	<p>Yes. Eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child."</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	<p>Yes. Eligible working women guaranteed a period of compulsory maternity leave after childbirth.</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: " No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so."</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	<p>Eligible working women are guaranteed 6 weeks of compulsory maternity leave after childbirth.</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: " No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so."</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	No mention of guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth under the Basic Conditions of Employment Act 1997.	Basic Conditions of Employment Act 1997
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	<p>Yes. Adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection. However, there is 1 exclusionary condition: the adopted child needs to be less than 2 years old. 1-0.25=0.75</p> <p>Labor Laws Amendment Act 10 of 2018 added Section 25B to the Basic Conditions of Employment Act 1997 states: "An employee, who is an adoptive parent of a child who is below the age of two, is subject to subsection (6), entitled to (a) adoption leave of at least ten weeks consecutively; or (b) the parental leave referred to in section 25A."</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 states: "An employee may commence maternity leave— (a) at any time from four weeks before the expected date of birth, unless otherwise agreed;</p>	Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997 Labor Laws Amendment Act 10 of 2018
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			



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A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	0.91	<p>Working women are eligible to receive at most, 60% of their salary, while on maternity leave. 60% is less than 2/3 of their salary: 0.60/0.66=0.91</p> <p>The Unemployment Insurance Act 2000, Chapter 3, Section 12.b states: "The scale of benefits contemplated in paragraph (a) may vary between a maximum rate of 60% of remuneration for lower income contributors and a lower rate of remuneration for higher income contributors as will be determined by thresholds as set out in Schedule 3"</p> <p>The Unemployment Insurance Act 2000, Schedule 2: "The Income Replacement Rate (IRR) determines the percentage of a contributor's previous income to which the contributor is entitled in the form of benefits." "The IRR is at its maximum when income equals zero, and it reaches its minimum where income is equal to the benefit transition income level. The maximum IRR is fixed 40 at 60%. The Minimum IRR is currently set at 38%"</p>	The Unemployment Insurance Act 2000, Chapter 3, Section 12.b
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.00	<p>No. Women are not entitled to cash benefits during maternity leave out of social assistance funds if they don't qualify for wage replacement.</p> <p>The UIF is the only legislation used to provide maternity benefits to working women, and it is based on wage replacement. There are appeal processes, but there are no other programs and options for cash benefit for paid maternity leave.</p>	The Unemployment Insurance Act 2000, Chapter 3, Section 12.b
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes. The government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds under the Unemployment Insurance Act 2000.</p> <p>Part D, Section 26 of the Unemployment Insurance Act 2000 states: "The Director-General must pay the maternity benefits to the contributor at the employment office at which the application was made or any other employment office determined by the applicant at the time of application".</p>	The Unemployment Insurance Act 2000, Chapter 3, Section 12.b
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex under the Unemployment Insurance Act 2000 and the Unemployment Insurance Contributions Act.</p> <p>South African Revenue Service Website states: "The amount of the contribution due by an employee, must be 1% of the remuneration paid by the employer to the employee. The employer must pay a total contribution of 2% (1% contributed by the employee and 1% contributed by the employer) within the prescribed period."</p> <p>Unemployment Insurance Act 2000, Definitions, Section 1: "contribution" means the amount payable by the employer or a contributor terms of the Unemployment Insurance Contributions Act; "contributor" means a natural person- (a) who is or was employed; (b) to whom this Act, in terms of section 3, applies; and (c) who can satisfy the Commissioner that he or she has made contributions for purposes of this Act;"</p> <p>Unemployment Insurance Contributions Act, Chapter 2, Section 5 states: "Every employer and every employee to whom this Act applies must, monthly basis, contribute to the Unemployment Insurance Fund".</p> <p>Unemployment Insurance Contributions Act, Definitions, Section 1: "employee" means any natural person who receives any remuneration worth any remuneration accrues in respect of services rendered or to be rendered by that person, but excludes an independent contractor</p>	South African Revenue Service Website Unemployment Insurance Act 2000, Definitions, Section 1 Unemployment Insurance Contributions Act, Definitions, Section 1 and Chapter 2, Section 5
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.00	<p>No. Unemployment benefits are not explicitly protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities under the Unemployment Insurance Act 2000.</p> <p>Section 18, Chapter 3 of the Unemployment Insurance Act 2000 states: "If the contributor receives unemployment benefits and without just reason refuses to accept appropriate, available work, or to undergo appropriate training or vocational counselling, the claims officer may impose a penalty of up to a maximum of thirteen weeks during which no benefits may be paid to the contributor."</p>	Section 18, Chapter 3 of the Unemployment Insurance Act 2000
A2.2	Employment Protections			

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A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	1.00	<p>Yes. Working women protected from dismissal from work while they are on maternity leave under the Labour Relations Act 1995.</p> <p>Section 187 of the Labour Relations Act 1995 states: "A dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 5 49 or, if the reason for the dismissal is [...]the employee's pregnancy, intended pregnancy, or any reason related to her pregnancy"</p> <p>Chapter 3, Section 5 of the Basic Conditions of Employment Act 1997 states: "In terms of section 187(1)(e) of the Labour Relations Act, 1995, the dismissal of an employee on account of her pregnancy, intended pregnancy, or any reason related to her pregnancy, is automatically unfair. The definition of dismissal in section 186 of the Labour Relations Act, 1995, includes the refusal to allow an employee to resume work after she has taken maternity leave in terms of any law, collective agreement or her contract."</p>	<p>Section 187(e) of the Labour Relations Act 1995</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997</p>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes. Working women protected from dismissal from work while they are on maternity leave under the Labour Relations Act 1995.</p> <p>Section 187 of the Labour Relations Act 1995 states: "A dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 5 or, if the reason for the dismissal is [...] the employee's pregnancy, intended pregnancy, or any reason related to her pregnancy"</p> <p>Chapter 3, Section 5 of the Basic Conditions of Employment Act 1997 states: "In terms of section 187(1)(e) of the Labour Relations Act, 1995, the dismissal of an employee on account of her pregnancy, intended pregnancy, or any reason related to her pregnancy, is automatically unfair. The definition of dismissal in section 186 of the Labour Relations Act, 1995, includes the refusal to allow an employee to resume work after she has taken maternity leave in terms of any law, collective agreement or her contract."</p>	<p>Section 187(e) of the Labour Relations Act 1995</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997</p>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>No. Working women are not protected from dismissal from work during a period following their return to work under the Labour Relations Act 1995. They are only protected during their pregnancy and maternity leave but no mention of when they return to work.</p> <p>Section 187 of the Labour Relations Act 1995 states: "A dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 5 49 or, if the reason for the dismissal is [...] the employee's pregnancy, intended pregnancy, or any reason related to her pregnancy"</p> <p>Chapter 3, Section 5 of the Basic Conditions of Employment Act 1997 states: "In terms of section 187(1)(e) of the Labour Relations Act, 1995, the dismissal of an employee on account of her pregnancy, intended pregnancy, or any reason related to her pregnancy, is automatically unfair. The definition of dismissal in section 186 of the Labour Relations Act, 1995, includes the refusal to allow an employee to resume work after she has taken maternity leave in terms of any law, collective agreement or her contract. (f)that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility."</p>	<p>Section 187(e) of the Labour Relations Act 1995</p> <p>Chapter 3, Section 25 of the Basic Conditions of Employment Act 1997</p>
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	1.00	<p>Yes. Employers are prohibited from requiring pregnancy tests of women applying for employment under the Employment Equity Act 1998.</p> <p>Employment Equity Act 1998, Ch. 2, Sections 6-7 states: "Prohibition of unfair discrimination.— (1) No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. ... "Medical testing.— (1) Medical testing of an employee is prohibited, unless— (a) legislation permits or requires the testing; or (b) it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job. This case and judgment are significant, as there has been much case law internationally of late dealing with employment law in relation to employee illness, employee medical conditions, and medical testing."</p>	<p>Employment Equity Act 1998, Ch. 2, Sections 6-7</p>



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A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes. The Employment Equity Act 1988 protects workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities.</p> <p>Section 6, Chapter 2 of the Employment Equity Act 1988 states: "No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, religions, HIV status, conscience, belief, political opinion, culture, language and birth."</p>	Section 6, Chapter 2 of the Employment Equity Act 1988
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	1.00	<p>Yes. Working men are guaranteed parental leave. There is no mention of "paternity leave". The gender neutral "parental leave" is used in the Labour Laws Amendment Bill 2015.</p> <p>Section 25A of the Labour Laws Amendment Bill 2015 states: "An employee, who is a parent of a child, is entitled to at least ten consecutive days parental leave. An employee may commence parental leave on – (a) the day that the employee's child is born; or (b) the day that the adoption order is granted."</p>	Section 25A of the Labour Laws Amendment Bill 2015
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.80	<p>Yes. all categories of working men are guaranteed parental leave under the Labour Laws Amendment Bill 2015 added to the Basic Conditions of Employment Act 1997. However, there is 1 exclusionary condition: Workers in disguised employment and dependent self-employment are not covered under the act. 4/5 = 0.8</p> <p>Chapter 3, Section 19 of the Basic Conditions of Employment Act 1997 states: "This Chapter does not apply to an employee who works less than 24 hours a month for an employer."</p> <p>Chapter 1, Section 1 of the Basic Conditions of Employment Act 1997 states : "employee" means— (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and (b) any other person who in any manner assists in carrying on or conducting the business of an employer,"</p> <p>Section 25A of the Labour Laws Amendment Bill 2015 states: "An employee, who is a parent of a child, is entitled to at least ten consecutive days parental leave. An employee may commence parental leave on – (a) the day that the employee's child is born; or (b) the day that the adoption order is granted."</p>	Section 25A of the Labour Laws Amendment Bill 2015 Chapter 3, Section 19, 25 of the Basic Conditions of Employment Act 1997
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.71	<p>Eligible men are guaranteed 10 consecutive days of parental leave under the Labour Laws Amendment Bill 2015 added to the Basic Conditions of Employment Act 1997. 10/14 = 0.71</p> <p>Section 25A of the Labour Laws Amendment Bill 2015 states: "An employee, who is a parent of a child, is entitled to at least ten consecutive days parental leave. An employee may commence parental leave on – (a) the day that the employee's child is born; or (b) the day that the adoption order is granted."</p>	Section 25A of the Labour Laws Amendment Bill 2015 Chapter 3, Section 19, 25 of the Basic Conditions of Employment Act 1997
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	0.75	<p>Eligible working men entitled to receive up to 66% of their salary while on paternity leave, under the Labour Laws Amendment Act 2018. However, there is 1 exclusionary condition: Section 25A of the Labour Laws Amendment Act 2018 states: "A contributor is not entitled to benefits unless he or she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for parental benefits" 1-0.25 = 0.75</p> <p>Section 26A of the Labour Laws Amendment Act 2018 states: "parental benefits must be paid at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold"</p>	Chapter 3, Section 26 of the Basic Conditions of Employment Act 1997 Labor Laws Amendment Act 10 of 2018



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A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No mention in the Basic Conditions of Employment Act 1997	Basic Conditions of Employment Act 1997
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No mention in the Basic Conditions of Employment Act 1997	Basic Conditions of Employment Act 1997
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	Yes. Adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection. However, there is 1 exclusionary condition: the adopted child needs to be less than 2 years old. 1-0.25=0.75 Labor Laws Amendment Act 10 of 2018 added Section 26A to the Basic Conditions of Employment Act 1997 states: "a contributor who is the parent of a child is entitled to the parental benefits contemplated in this Part if the application is made in accordance with the prescribed requirements and the provisions of this Part and if the contributor— (a) has been registered as the father of the child in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); (b) is the— (i) parent of a child below the age of two in an adoption order"	Chapter 3, Section 26 of the Basic Conditions of Employment Act 1997 Labor Laws Amendment Act 10 of 2018
A4.	Dependent Care Leave Policies			
A4.1	Are eligible workers entitled to leave to take care of their children?	0.50	Yes. Eligible workers entitled to leave to take care of their children under the Basic Conditions of Employment Act 1997. However, there are 2 exclusionary conditions: 1)the parent has to have been employed for more than 4 months 2)the parent has to work at least 4 days a week for that employer 1 - 2(0.25) = 0.5 Section 27, Chapter 3 of the Basic Conditions of Employment Act 1997 states: "This section applies to an employee— (a) who has been in employment with an employer for longer than four months; and (b) who works for at least four days a week for that employer." Section 27, Chapter 3 of the Basic Conditions of Employment Act 1997 states: "An employer must grant an employee, during each annual leave cycle. at the request of the employee. three days' paid leave. which the employee is entitled to take— (a) when the employee's child is born; (b) when the employee's child is sick; "	Section 27, Chapter 3 of the Basic Conditions of Employment Act 1997
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	No. Eligible workers are only entitled to leave to take care of their children and not other immediate family members who may be suffering from an illness under the Basic Condition of Employment Act 1997. Section 27, Chapter 3 of the Basic Condition of Employment Act 1997 states: "This section applies to an employee— (a) who has been in employment with an employer for longer than four months; and (b) who works for at least four days a week for that employer. Section 27, Chapter 3 of the Basic Conditions of Employment Act 1997 states: "An employer must grant an employee, during each annual leave cycle. at the request of the employee. three days' paid leave. which the employee is entitled to take— (a) when the employee's child is born; (b) when the employee's child is sick; "	Section 27, Chapter 3 of the Basic Conditions of Employment Act 1997
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.88	Yes. Most categories of workers guaranteed dependent care leaves under the Basic Conditions of Employment Act 1997. However, there is 1 exclusionary condition: 1) workers in parttime employment are excluded. 7/8 = 0.875 Section 19, Chapter 3 (Leave) of the Basic Conditions of Employment Act 1997 states: "This Chapter [Leave] does not apply to an employee who works less than 24 hours a month for an employer"	Section 19, Chapter 3 of the Basic Conditions of Employment Act 1997
A5.	Flexible Work Arrangements			



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A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	No. Employees with care responsibilities do not explicitly have the right to request reduced working hours under the Basic Conditions of Employment Act 1997. Section 7, Chapter 2 of the Basic Conditions of Employment Act 1997 states: "Every employer must regulate the working time of each employee— (a) in accordance with the provisions of any Act governing occupational health and safety; (b) with due regard to the health and safety of employees; (c) with due regard to the Code of Good Practice on the Regulation of Working Times issued under section 87(1)(a); and (d) with due regard to the family responsibilities of employees."	Section 7, Chapter 2 of the Basic Conditions of Employment Act 1997
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.10	No explicit mention in the Basic Conditions of Employment 1997. Section 7, Chapter 2 of the Basic Conditions of Employment 1997 states: "Every employer must regulate the working time of each employee— (a) in accordance with the provisions of any Act governing occupational health and safety; (b) with due regard to the health and safety of employees; (c) with due regard to the Code of Good Practice on the Regulation of Working Times issued under section 87(1)(a); and (d) with due regard to the family responsibilities of employees."	Section 7, Chapter 2 of the Basic Conditions of Employment Act 1997
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.10	No explicit mention in the Basic Conditions of Employment 1997. Section 7, Chapter 2 of the Basic Conditions of Employment 1997 states: "Every employer must regulate the working time of each employee— (a) in accordance with the provisions of any Act governing occupational health and safety; (b) with due regard to the health and safety of employees; (c) with due regard to the Code of Good Practice on the Regulation of Working Times issued under section 87(1)(a); and (d) with due regard to the family responsibilities of employees."	Section 7, Chapter 2 of the Basic Conditions of Employment Act 1997
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	1.00	Yes. A woman is allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy. Section 5.12 of the Code of good practice on pregnancy and afterbirth states: "Arrangements should be made for pregnant and breast-feeding employees to be able to attend antenatal and postnatal clinics as required during pregnancy and after birth."	Section 5.12 of the Code of good practice on pregnancy and afterbirth Basic Conditions of Employment Act 1997
A6.	Mother-Friendly Workplace Policies			
A6.1	Nursing Support in the Workplace			
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	0.75	Yes. The mother is guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child. However, there is 1 exclusionary condition: only required for the first six months of the child's life 1-0.25=0.75 Section 15.3 of the Code of good practice on pregnancy and afterbirth states: "Arrangements should be made for employees who are breast-feeding to have breaks of 30 minutes twice per day for breast-feeding or expressing milk each working day for the first six months of the child's life."	Section 15.3 of the Code of good practice on pregnancy and afterbirth
A6.1.2	Are these breaks counted and compensated as working time?	1.00	Yes. Breast-feeding breaks are counted and compensated as working time. Section 15.3 of the Code of good practice on pregnancy and afterbirth states: "Arrangements should be made for employees who are breast-feeding to have breaks of 30 minutes twice per day for breast-feeding or expressing milk each working day for the first six months of the child's life." The South African government's Mywage.co.za website states: "A breastfeeding break is a period that a breastfeeding mother takes during her work day for either breastfeeding her child or expressing her milk. Breastfeeding breaks are paid time. "	Section 15.3 of the Code of good practice on pregnancy and afterbirth
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No mention in the Basic Conditions of Employment Act 1997 or the Code of good practice on pregnancy and afterbirth.	Code of good practice on pregnancy and afterbirth Basic Conditions of Employment Act 1997



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A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.10	No explicit mention that employers are required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk. Section 5.2 of the Code of good practice on pregnancy and afterbirth states: "Employers should identify, record and regularly review – 5.2.1 potential risks to pregnant or breast-feeding employees within the workplace; 5.2.2 protective measures and adjustments to working arrangements for pregnant or breast-feeding employees"	Section 5.2 of the Code of good practice on pregnancy and afterbirth
A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	1.00	Yes. Employers are required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children. Section 5.2 of the Code of good practice on pregnancy and afterbirth states: "Employers should identify, record and regularly review – 5.2.1 potential risks to pregnant or breast-feeding employees within the workplace; 5.2.2 protective measures and adjustments to working arrangements for pregnant or breast-feeding employees"	Section 5.2 of the Code of good practice on pregnancy and afterbirth
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	Yes. A pregnant or nursing woman is exempt from performing work that has been determined to be prejudicial to the health of the mother or the child under the Basic Conditions of Employment Act 1997. Section 26(2) of the Basic Conditions of Employment Act 1997 states: "No employer may require or permit a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or the health of her child"	Section 26(2) of the Basic Conditions of Employment Act 1997
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	Yes. The woman is entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health under the Code of good practice on pregnancy and afterbirth and the Basic Conditions of Employment Act 1997. Section 5.3 of the Code of good practice on pregnancy and afterbirth states: "Where appropriate, employers should also maintain a list of employment positions not involving risk to which pregnant or breastfeeding employees could be transferred. In terms of section 26(2) of the BCEA an employer must offer suitable alternative employment to an employee during pregnancy if her work poses a danger to her health or safety or that of her child or if the employee is engaged in night work (between 18:00 and 06:00, unless it is not practicable to do so. Alternative employment must be on terms that are no less favourable than the employee's ordinary terms and conditions of employment."	Section 5.3 of the Code of good practice on pregnancy and afterbirth Basic Conditions of Employment Act 1997
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	Yes. On the production of a medical certificate, the woman is exempt from doing night work if it may be incompatible with her pregnancy or nursing. Section 5.3 of the Code of good practice on pregnancy and afterbirth states: "In terms of section 26(2) of the BCEA an employer must offer suitable alternative employment to an employee during pregnancy if her work poses a danger to her health or safety or that of her child or if the employee is engaged in night work (between 18:00 and 06:00, unless it is not practicable to do so."	Section 5.3 of the Code of good practice on pregnancy and afterbirth Basic Conditions of Employment Act 1997

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws



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B1.1	Are domestic workers covered under national labor laws?	1.00	<p>Yes. Domestic workers are covered under the Basic Conditions of Employment Act (BCEA) 1997.</p> <p>Section 4 of the Sectoral Determination 7 of the BCEA states: "The provisions of the Basic Conditions of Employment Act apply to all domestic workers covered by this determination and their employers in respect of any matter not regulated by this sectoral determination."</p> <p>Chapter 1 of the Basic Conditions of Employment Act 1997 states: "domestic worker" means an employee who performs domestic work in the home of his or her employer and includes— (a) a gardener; (b) a person employed by a household as driver of a motor vehicle; and (c) a person who takes care of children, the aged, the sick[,] the frail or the disabled[,] but does not include a farm worker" ... "employee" means— (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, and remuneration; and (b) any other person who in any manner assists in carrying on or conducting the business of an employer and "employed" and "employment" have a corresponding meaning".</p>	<p>Sectoral Determination 7</p> <p>Basic Conditions of Employment Act 1997</p>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.75	<p>Yes. The legislations for domestic workers cover all categories of domestic work and contractual arrangements under the Basic Conditions of Employment Act 1997. However, there is 1 exclusionary condition: independent contractors are explicitly excluded. 1-0.25=0.75</p> <p>Chapter 1 of the Basic Conditions of Employment Act 1997 states: "employee" means— (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and (b) any other person who in any manner assists in carrying on or conducting the business of an employer."</p>	<p>Basic Conditions of Employment Act 1997</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	<p>Yes. Domestic workers to be informed of their terms of employment under the Sectoral Determination 7: Domestic Worker Sector and the Basic Conditions of Employment Act 1997.</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "An employer must supply a domestic worker, when he/she starts work, with the following particulars in writing: (a) The full name and address of the employer (b) The name and occupation of the domestic worker, or a brief description of the work for which he/she is employed (c) The place of work, and where he/she is required or permitted to work (d) Date of employment (e) The domestic worker's ordinary hours of work and days of work (f) The domestic worker's wage or rate and method of payment (g) The rate of pay for overtime work (h) Any other cash payments he/she is entitled to (i) Any payment in kind he/she is entitled to and the value of payment in kind (j) How frequently wages will be paid (k) Any deductions to be made from wages (l) The leave he/she is entitled to (m) The period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate"</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 30, Chapter 4 of the Basic Conditions of Employment Act 1997</p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.625	<p>Yes. Domestic workers' contracts are required to include standard information about the employment relationship under the Sectoral Determination 7: Domestic Worker Sector and the Basic Conditions of Employment Act 1997. However, there are 3 exceptions: contracts do not need to include information about:</p> <p>1) address of employee, 2) period of probation/trial period, or 3) terms and conditions of employment termination</p> <p>5/8=0.625</p> <p>Section 9, Part C of the Sectoral Determination 7 states: (a) the full name and address of the employer; (b) the name and occupation of the domestic worker, or a brief description of the work for which the domestic worker is employed; (c) the place of work, and where the domestic worker is required or permitted to work at various places, an indication of this; (d) the date on which the employment began; (e) the domestic worker's ordinary hours of work and days of work; (f) the domestic worker's wage or the rate and method of payment; (g) the rate of pay for overtime work; (h) any other cash payments that the domestic worker is entitled to; (i) any payment in kind that the domestic worker is entitled to and the value of the payment in kind; (j) how frequently wages will be paid; (k) any deductions to be made from the domestic worker's wages; (l) the leave to which the domestic worker is entitled to; and (m) the period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate.</p> <p>Section 30, Chapter 4 of the Basic Conditions of Employment Act 1997 states: "An employer must supply an employee, when the employee commences employment, with the following particulars in writing— the full name and address of the employer; the name and occupation of the employee. or a brief description of the work for which the employee is employed; (c) the place of work, and. where the employee is required or permitted to work at various places. an indication of this; (d) the date on which the employment began; (e) the employee's ordinary hours of work and days of work; (f) the employee's wage or the rate and method of calculating wages: (g) the rate of pay for overtime work; (h) any other cash payments that the employee is entitled to; (i) any payment in kind that the employee is entitled to and the value of the payment in kind; (j) how frequently remuneration will be paid; (k) any deductions to be made from the employee's remuneration; (l) the leave to which the employee is entitled; the period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate; (ll) a description of any council or sectoral determination which covers the employer' s business; (o) any period of employment with a previous employer that counts towards the employees period of employment; a list of any other documents that form part of the contract of employment. indicating a place that is reasonably accessible to the employee where a copy of each may be obtained."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 29, Chapter 4 of the Basic Conditions of Employment Act 1997</p>



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B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.67	<p>Yes. Domestic workers' contracts are required to include information about working hours, rest and leave under the Sectoral Determination 7: Domestic Worker Sector and the Basic Conditions of Employment Act 1997. However there are 2 exclusionary conditions: contracts do not need to include information about:</p> <p>1) daily rest or 2) weekly rest 4/6=0.667</p> <p>Section 9, Part C of the Sectoral Determination 7 states: An employer must supply a domestic worker, when the domestic worker starts work with the following particulars in writing--</p> <p>(e) the domestic worker's ordinary hours of work and days of work; (f) the domestic worker's wage or the rate and method of payment; (g) the rate of pay for overtime work; (h) any other cash payments that the domestic worker is entitled to; (i) any payment in kind that the domestic worker is entitled to and the value of the payment in kind; (j) how frequently wages will be paid; (k) any deductions to be made from the domestic worker's wages; (l) the leave to which the domestic worker is entitled to;</p> <p>Section 30, Chapter 4 of the Basic Conditions of Employment Act 1997 states: "An employer must supply an employee, when the employee commences employment, with the following particulars in writing— the full name and address of the employer; the name and occupation of the employee. or a brief description of the work for which the employee is employed;</p> <p>(c) the place of work, and, where the employee is required or permitted to work at various places, an indication of this; (d) the date on which the employment began; (e) the employee's ordinary hours of work and days of work; (f) the employee's wage or the rate and method of calculating wages: (g) the rate of pay for overtime work; (h) any other cash payments that the employee is entitled to; (i) any payment in kind that the employee is entitled to and the value of the payment in kind; (j) how frequently remuneration will be paid; (k) any deductions to be made from the employee's remuneration; (1) the leave to which the employee is entitled; the period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate; (ll) a description of any council or sectoral determination which covers the employer' s business; (o) any period of employment with a previous employer that counts towards the employees period of employment; a list of any other documents that form part of the contract of employment. indicating a place that is reasonably accessible to the employee where a copy of each may be obtained."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 29, Chapter 4 of the Basic Conditions of Employment Act 1997</p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.86	<p>Yes. Domestic workers' contracts are required to include information about their wages under the Basic Conditions of Employment Act 1997. However there is 1 exclusionary condition: rate of pay for standby $6/7=0.857$</p> <p>Section 9, Part C of the Sectoral Determination 7 states: ...(d) the date on which the employment began; (e) the domestic worker's ordinary hours of work and days of work; (f) the domestic worker's wage or the rate and method of payment; (g) the rate of pay for overtime work; (h) any other cash payments that the domestic worker is entitled to; (i) any payment in kind that the domestic worker is entitled to and the value of the payment in kind; (j) how frequently wages will be paid; (k) any deductions to be made from the domestic worker's wages;"</p> <p>Section 30, Chapter 4 of the Basic Conditions of Employment Act 1997 states: "An employer must supply an employee, when the emPloYee commences employment, with the following particulars in writing— the full name and address of the employer; the name and occupation of the employee, or a brief description of the work for which the employee is employed; (c) the place of work, and, where the employee is required or permitted to work at various places, an indication of this; (d) the date on which the employment began; (e) the employee's ordinary hours of work and days of work; (f) the employee's wage or the rate and method of calculating wages; (g) the rate of pay for overtime work; (h) any other cash payments that the employee is entitled to; (i) any payment in kind that the employee is entitled to and the value of the payment in kind; (j) how frequently remuneration will be paid; (k) any deductions to be made from the employee's remuneration; (l) the leave to which the employee is entitled; the period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate; (ll) a description of any council or sectoral determination which covers the employer's business; (o) any period of employment with a previous employer that counts towards the employees period of employment; a list of any other documents that form part of the contract of employment, indicating a place that is reasonably accessible to the employee where a copy of each may be obtained."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 29, Chapter 4 of the Basic Conditions of Employment Act 1997</p>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No. Domestic workers' contracts are not required to include information about living conditions for live-in workers under the Basic Conditions of Employment Act 1997.</p> <p>Section 30, Chapter 4 of the Basic Conditions of Employment Act 1997 states: "An employer must supply an employee, when the employee commences employment, with the following particulars in writing— the full name and address of the employer; the name and occupation of the employee, or a brief description of the work for which the employee is employed; (c) the place of work, and, where the employee is required or permitted to work at various places, an indication of this; (d) the date on which the employment began; (e) the employee's ordinary hours of work and days of work; (f) the employee's wage or the rate and method of calculating wages; (g) the rate of pay for overtime work; (h) any other cash payments that the employee is entitled to; (i) any payment in kind that the employee is entitled to and the value of the payment in kind; (j) how frequently remuneration will be paid; (k) any deductions to be made from the employee's remuneration; (l) the leave to which the employee is entitled; the period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate; (ll) a description of any council or sectoral determination which covers the employer's business; (o) any period of employment with a previous employer that counts towards the employees period of employment; a list of any other documents that form part of the contract of employment, indicating a place that is reasonably accessible to the employee where a copy of each may be obtained."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 29, Chapter 4 of the Basic Conditions of Employment Act 1997</p>
B2.2	Regulations for Recruitment and Employment Process			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.75	<p>Yes. There is regulation around how private employment agencies recruit local and migrant domestic workers under the Employment Equity Act: Code of Good Practice: Integration of Employment Equity into human Resource Policies and Practices: Amendment and the Skills Development Act 1998. However there is 1 exclusionary condition: there is not any regulation around how private employment agencies place local and migrant domestic workers. 1-0.25=0.75</p> <p>Section 7 of the Employment Equity Act: Code of Good Practice: Integration of Employment Equity into Human Resource Policies and Practices: Amendment states: "7.3.1The recruitment process should be informed by the employer's employment equity plan, including the recommended affirmative action provisions. 7.3.2 Employers should have written policies and practices that outline their approach to recruitment and selection. This document should: 7.3.2.1. reflect the values and goals of the employer's employment equity policy or ethos; and 7.3.2.2. include a statement relating to affirmative action and the employer's intention to redress past inequalities. 7.3.3 Where an employer utilises the services of recruitment agencies, it should make the recruitment agency aware of its employment equity policy."</p> <p>SECTOR Working Paper No. 291: Private Employment Agencies in South Africa states: "Recruitment and placement services of private employment agencies are covered by Section 24 of the Skills Development Act (no. 97 of 1998) requires that all individuals and companies wishing to provide employment services "for gain" must apply for registration with the Department of Labour. The Skills Development Levies Act (no. 9 of 1999) requires that all employment agencies register with the Services Sector Education and Training Agency whether or not their payroll is large enough to require that they pay contributions."</p> <p>Section 24 of the Skills Development Act 1998 states: "Registration of persons that provide employment services (1) Any person who wishes to provide employment services for gain must apply for registration to the Director-General in the prescribed manner. (2) The Director-General must register the applicant if satisfied that the prescribed criteria have been met. (3) If the Director-General— (a) registers an applicant, the prescribed certificate must be issued to that person; (b) refuses to register an applicant, the Director-General must give written notice of that decision to the applicant. (4) A registered employment service must comply with the prescribed criteria."</p>	<p>Section 7 of the Employment Equity Act: Code of Good Practice: Integration of Employment Equity into Human Resource Policies and Practices: Amendment</p> <p>Sector Working Paper No. 291: Private Employment Agencies in South Africa</p> <p>Section 24 of the Skills Development Act 1998</p>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>Not mentioned in Sectoral Determination 7: Domestic Worker Sector.</p> <p>Sectoral Determination 7: Domestic Worker Sector: "[permissible remuneration deductions] may be deducted from wages (not more than 10% of total wage) on condition that: - The room is weatherproof and in good condition - The room has at least one window and door that can be locked - The room is fitted with a toilet, a bath/shower or has access to another bathroom"</p> <p>Sector Working Paper No. 291: Private Employment Agencies in South Africa states: "[Confederation of Associations in the Private Employment Sector] CAPES and its members appear to cover virtually all sectors of the economy aside from domestic work [...] [The CAPES website] also notes that employers must make deductions and contributions in line with the Unemployment Insurance, Skills Development Levies and Compensation for Occupational Injuries and Diseases Acts."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Sector Working Paper No. 291: Private Employment Agencies in South Africa</p>
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	1.00	<p>Yes. There are measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results under the Employment Equity Act 1998.</p> <p>Chapter 2, Section 6 of the Employment Equity Act 1988 states: "(1)No person may unfairly discriminate, directly or indirectly, against and employee, in any employment policy or practice, on one of more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, religions, HIV status, conscience, belief, political opinion, culture, language and birth.</p> <p>Chapter 1, Section 7 of the Employment Equity Act 1988 states: "Medical testing of an employee is prohibited, unless— (a)legislation permits or requires the testing; or (b) it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Employment Equity Act 1998</p> <p>Sector Working Paper No. 291: Private Employment Agencies in South Africa</p>
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			



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B3.1.1	Is there a requirement of normal hours of work for domestic workers?	1.00	<p>Yes. There a requirement of normal hours of work for domestic workers under Sectoral Determination 7: Domestic Worker Sector.</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "Domestic workers are allowed to work a maximum of 45 ordinary hours per week - Maximum of 9 hours per day if working for 5 days a week - Maximum of 8 hours per day if working more than 5 days a week"</p>	Sectoral Determination 7: Domestic Worker Sector
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.75	<p>Yes. Periods during which domestic workers remain to respond to possible calls are required to be regarded as hours of work under the Sectoral Determination 7: Domestic Worker Sector. However there is 1 exclusionary condition: only when the domestic worker has to be on standby for longer than 3 hours will the hours be counted and compensated for 1-0.25=0.75</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "When he/she [the domestic worker] is on standby and works for longer than three hours, overtime rates are payable. Overtime payment: one and a half times the hourly wage (Area A - 27+ hours per week - R4.10 + R2.05 = R6.15) (Area B - 27+ hours per week - R3.33 + R1.66 = R4.99)"</p>	Sectoral Determination 7: Domestic Worker Sector
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	1	<p>Yes. There a limit to the number of hours of standby work domestic workers can be given, and they are entitled to compensation for this standby work under the Domestic Worker Act 2001 and the Sectoral Determination 7: Domestic Worker Sector.</p> <p>Section 6 of the Domestic Worker Act 2001 states: "Weekly limitations should be extended to 15 hours per week. Instances were employees will be required to work overtime on a regular basis an agreement may provide for an employer to increase the monthly wage by one sixth for every five hours of overtime worked per week increase the monthly wage by two sixth for every ten hours of overtime worked per week increase the monthly wage by three sixth for every fifteen hours of overtime worked per week"</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "Not more than 15 hours overtime per week (5 days x 3 hours per day) [...] "When he/she is on standby and works for longer than three hours, overtime rates are payable. Overtime payment: one and a half times the hourly wage (Area A - 27+ hours per week - R4.10 + R2.05 = R6.15) (Area B - 27+ hours per week - R3.33 + R1.66 = R4.99)"</p>	Section 6 of the Domestic Worker Act 2001 Sectoral Determination 7: Domestic Worker Sector
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	1.00	<p>Yes. There a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 4, Section 33 of the Basic Conditions of Employment Act 1997 states: "(1) An employer must give an employee the following information in writing on each day the employee is paid: (a) The employer's name and address; (b) the employee's name and occupation; (c) the period for which the payment is made; (d) the employee's remuneration in money; (e) the amount and purpose of any deduction made from the remuneration; (f) the actual amount paid to the employee; and (g) if relevant to the calculation of that employee's remuneration— (i) the employee's rate of remuneration and overtime rate; (ii) the number of ordinary and overtime hours worked by the employee during the period for which the payment is made; (iii) the number of hours worked by the employee on a Sunday or public holiday during that period; and (iv) if an agreement to average working time has been concluded in terms of section the total number of ordinary and overtime hours worked by the employee in the period of averaging."</p> <p>Part C, Section 78 of the Basic Conditions of Employment 1997 states: "(1) Every employee has the right to— [...] (e) inspect any record kept in terms of this Act that relates to the employment of that employee"</p>	Chapter 4, Section 31 of the Basic Conditions of Employment Act 1997 Part C, Section 78 of the Basic Conditions of Employment 1997



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	Yes. There is a requirement to provide domestic workers with a safe and healthy working environment under the Occupational Health and Safety Act 1993. Section 8 of the Occupational Health and Safety Act 1993 states: "Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees."	Section 8 of the Occupational Health and Safety Act 1993
B3.2 Rest and Leave				
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	1.00	Yes. There is a requirement to provide daily rest for domestic workers under the Basic Conditions of Employment Act 1997. Chapter 2, Section 15 of the Basic Conditions of Employment Act 1997 states: "(1) An employer must allow an employee— (a) a daily rest period of at least twelve consecutive hours between ending and recommencing work ; and (b) a weekly rest period of at least 36 consecutive hours which, unless otherwise agreed, must include Sunday. (2) A daily rest period in terms of subsection (1)(a) may, by written agreement, be reduced to 10 hours for an employee— (a) who lives on the premises at which the workplace is situated; and (b) whose meal interval lasts for at least three hours. (3) Despite subsection (1) (b), an agreement in writing may provide for— (a) a rest period of at least 60 consecutive hours every two weeks; or (b) an employee's weekly rest period to be reduced by up to eight hours in any week if the rest period in the following week is extended equivalently."	Chapter 2, Section 15 of the Basic Conditions of Employment Act 1997
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1	Yes. Weekly rest is at least 24 consecutive hours for domestic workers under the Basic Conditions of Employment Act 1997. Chapter 2, Section 15 of the Basic Conditions of Employment Act 1997 states: "(1) An employer must allow an employee— (a) a daily rest period of at least twelve consecutive hours between ending and recommencing work; and (b) a weekly rest period of at least 36 consecutive hours which, unless otherwise agreed, must include Sunday . (2) A daily rest period in terms of subsection (1)(a) may, by written agreement, be reduced to 10 hours for an employee— (a) who lives on the premises at which the workplace is situated; and (b) whose meal interval lasts for at least three hours. (3) Despite subsection (1) (b), an agreement in writing may provide for— (a) a rest period of at least 60 consecutive hours every two weeks; or (b) an employee's weekly rest period to be reduced by up to eight hours in any week if the rest period in the following week is extended equivalently."	Chapter 2, Section 15 of the Basic Conditions of Employment Act 1997
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	1.00	Yes. There are defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory under the Basic Conditions of Employment Act 1997. Chapter 2, Section 15 of the Basic Conditions of Employment Act 1997 states: "(2) A daily rest period in terms of subsection (1)(a) may, by written agreement, be reduced to 10 hours for an employee— (a) who lives on the premises at which the workplace is situated; and (b) whose meal interval lasts for at least three hours. (3) Despite subsection (1)(b), an agreement in writing may provide for— (a) a rest period of at least 60 consecutive hours every two weeks; or (b) an employee's weekly rest period to be reduced by up to eight hours in any week if the rest period in the following week is extended equivalently."	Basic Conditions of Employment Act 1997 Domestic Workers Act 2001
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	1.00	Yes. Paid annual leave at least 3 weeks per year for domestic workers under the Basic Conditions of Employment Act 1997. Chapter 3, Section 20 of the Basic Conditions of Employment Act 1997 states: "An employer must grant an employee at least— (a) 21 consecutive days' annual leave on full remuneration in respect of each annual leave cycle; or (b) by agreement, one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid; (c) by agreement, one hour of annual leave on full remuneration for every 17 hours on which the employee worked or was entitled to be paid."	Chapter 3, Section 20 of the Basic Conditions of Employment Act 1997



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B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	Not mentioned in the Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	Basic Conditions of Employment Act 1997 Domestic Workers Act 2001
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.50	No. From March 1, 2020, the minimum wage for domestic workers is less than the national minimum wage. the South African Government Website states: "The new rate for the National Minimum Wage (NMW) for each ordinary hour worked will now be R20.76 . In terms of a notice as published in the Government Gazette and signed by Employment and Labour Minister, T.W Nxesi the new rate will be applicable on 01 March 2020. The new amendment to the NMW is in line with the Basic Conditions of Employment Act, which allows for an annual review. In terms of the new determination farmworkers are entitled to a minimum wage of R18.68 per hour, Domestic workers are entitled to a minimum wage of R15.57 per hour"	South African Government Website
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	1.00	Yes. The overtime compensation rate for domestic workers is at least 1.25 times their regular rate under Sectoral Determination 7: Domestic Worker Sector. Sectoral Determination 7: Domestic Worker Sector states: "Overtime payment: one and a half times the hourly wage"	Sectoral Determination 7
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	Yes. There are limitations placed on wages paid in the form of payments in kind for domestic workers under Sectoral Determination 7: Domestic Worker Sector. Sectoral Determination 7: Domestic Worker Sector states: "[permissible remuneration deductions] may be deducted from wages (not more than 10% of total wage) on condition that: - The room is weatherproof and in good condition - The room has at least one window and door that can be locked - The room is fitted with a toilet, a bath/shower or has access to another bathroom"	Sectoral Determination 7
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	Yes. Employers are required to provide at least a monthly payment of wages in cash for domestic workers under the Basic Conditions of Employment Act 1997. Section 32 of the Basic Conditions of Employment states: "An employer must pay to an employee any remuneration that is paid in money— (a) in South African currency; (b) daily, weekly, fortnightly or monthly ; and (c) in cash, by cheque or by direct deposit into an account designated by the employee."	Section 32 of Basic Conditions of Employment Act 1997
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	1.00	Yes. There is a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment under Sectoral Determination 7: Domestic Worker Sector. Sectoral Determination 7: Domestic Worker Sector states: "Any payment can be in cash, by cheque or direct deposit into an account designated by an employee. The payment must be given at the workplace, during working hours and in a sealed envelope, which becomes the property of the employee. A payslip must be given at all times. The employer must keep the payslips for three years. Details on pay slip to include: - the employer's name and address; - the domestic worker's name and occupation; - the period in respect of which payment is made; - the domestic worker's wage rate and overtime rate; - the number of ordinary hours worked by the domestic worker during that period; - the number of overtime hours worked by the domestic worker during that period; - the number of hours worked by the domestic worker on a public holiday or on a Sunday;"	Sectoral Determination 7



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B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	<p>Yes. There a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 5, Section 30 of the Basic Conditions of Employment Act 1997 states: "On termination of employment, an employer must pay an employee— (a) for any paid time off that the employee is entitled to in terms of section 10(3) or 16(3) that the employee has not taken; (b) remuneration calculated in accordance with section 21(1) for any period of annual leave due in terms of section 20(2) that the employee has not taken; and (c) if the employee has been in employment longer than four months, in respect of the employee's annual leave entitlement during an incomplete annual leave cycle as defined in section 20(1)— (i) one day's remuneration in respect of every 17 days on which the employee worked or was entitled to be paid; or (ii) remuneration calculated on any basis that is at least as favorable to the employee as that calculated in terms of subparagraph (i)."</p>	Chapter 5, Section 30 of the Basic Conditions of Employment Act 1997
B3.4	Social Security			
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes. Domestic workers eligible for healthcare coverage because South Africa has universal healthcare for all of its residents under the South Africa's Consitution 1996.</p> <p>Section 27 of the South Africa's Consitution 1996 states: "1. Everyone has the right to have access to- a. health care services, including reproductive health care; b. sufficient food and water; and c. social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. 2. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights. 3. No one may be refused emergency medical treatment."</p>	Section 27 of the South Africa's Consitution 1996
B3.4.2	Are domestic workers eligible for paid sick leave?	1.00	<p>Yes. Domestic workers are eligible for paid sick leave under the Basic Conditions of Employment Act 1997.</p> <p>Section 22 of the Basic Conditions of Employment Act 1997 states: "(1) In this Chapter: "sick leave cycle" means the period of 36 months' employment with the same employer immediately following— (a) an employee's commencement of employment; or (b) the completion of that employee's prior sick leave cycle. (2) During every sick leave cycle, an employee is entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks."</p> <p>Example: An employee who works 5 days a week, would receive 30 (5*6) days of sick leave every 3 years, granted they worked for the same employer.</p>	Section 22 of the Basic Conditions of Employment Act 1997
B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes. Domestic workers are eligible for unemployment benefits under the Unemployment Insurance Act 2001.</p> <p>Section 2-3 of the Unemployment Insurance Act 2001 states: "The purpose of this Act is to establish an unemployment insurance fund to which employers and employees contribute and from which employees who become unemployed or their beneficiaries, as the case may be, are entitled to benefits and in so doing to alleviate the harmful economic and social effects of unemployment. [...] "this Act will only apply to domestic and seasonal workers and their employers 12 months after this Act takes effect."</p> <p>Section 13 of the Unemployment Insurance Act 2001 states: "Subject to subsection (2), for purposes of calculating the benefits payable to a contributor, the daily rate of remuneration of a contributor, subject to the prescribed maximum, must be determined- (a) if paid monthly, by multiplying the monthly remuneration by 12 and dividing it by 365; (b) if paid weekly, by multiplying the weekly remuneration by 52 and dividing it by 365. (2) If the contributor's remuneration fluctuates significantly from period to period, the calculation must be based on the average remuneration of that contributor over the previous six months."</p>	Unemployment Insurance Act 2001



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B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes. Domestic workers are eligible for old-age benefits (if they have completed the required number of years of active economic contributions) under the Social Assistance Act 2004.</p> <p>Section 10 of the Social Assistance Act 2004 states: "A person is, subject to section 5, eligible for an older person's grant if- (a) in the case of a woman, she has attained the age of 60 years; and (b) in the case of a man, he has attained the age of 65 years."</p> <p>South African Government Website states: "Old age pension You can get a grant to see you through your old age. An older person's grant is paid to people who are 60 years or older. This grant used to be called the old age pension. How do you know if you qualify? You must: -be a South African citizen, permanent resident or refugee -live in South Africa -not receive any other social grant for yourself -not be cared for in a state institution -not earn more than SAR 86,280 if you are single or SAR 172,560 if married. -not have assets worth more than 1,227,600 if you are single or SAR 2,455,200 if you are married."</p>	<p>Section 10 of the Social Assistance Act 2004</p> <p>South African Government Website</p>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes. Domestic workers eligible for employment injury benefits under the Compensation for Occupational Injuries and Diseases Act 1993.</p> <p>Business Insider South Africa Website states: "Domestic workers are now able to claim compensation for injuries or illnesses contracted while on the job. Specific benefits, terms, and registration rules of the Compensation for Occupational Injuries and Diseases Act have been gazetted, following a landmark Constitutional Court judgement. That includes disability cover and medical benefits for domestic workers, and also extends cover to dependants in the event of death. [...] The rules follow a landmark Constitutional Court ruling in November 2020, which forced recognition of domestic workers under the Compensation for Occupational Injuries and Diseases Act (COIDA)."</p>	<p>Business Insider South Africa Website</p>
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes. Domestic workers eligible for invalidity benefits under the Social Assistance Act 2004.</p> <p>Section 9 of the Social Assistance Act 2004 states: "A person is, subject to section 5, eligible for a disability grant, if he or she- (a) has attained the prescribed age; and (b) is, owing to a physical or mental disability, unfit to obtain by virtue of any service, employment or profession the means needed to enable him or her to provide for his or her maintenance."</p>	<p>Section 9 of the Social Assistance Act 2004</p>
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes. Domestic workers eligible for survivors' benefit under the Unemployment Insurance Act 2001.</p> <p>Part F, Section 30 of the Unemployment Insurance Act 2001 states: "(1) The surviving spouse or a life partner of a deceased contributor is entitled to the dependant's benefits contemplated in this Part, if application is made- (a) in accordance with prescribed requirements and the provisions and (b) within six months of the death of the contributor except that, shown, the Commissioner may accept an application after the six-month period. (2) Any dependent child of a deceased contributor is entitled to the dependant's benefits contemplated in this Part if application is made in accordance with the provisions of this Part and- (a) there is no surviving spouse or life partner; or (b) the surviving spouse or life partner has not made application for the benefits within six months of the contributor's death. (3) The benefit payable to the dependant is the unemployment benefit referred to in Part B of this Chapter that would have been payable to the deceased contributor if the contributor had been alive."</p>	<p>Part F, Section 30 of the Unemployment Insurance Act 2001</p>



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B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	1.00	<p>Yes. There is protection of domestic workers' claims in the event of the employer's insolvency or death under the Labour Relations Act 1995.</p> <p>Lighthouse Trust and Corporate is a group of specialist fiduciary attorneys located in Pietermaritzburg, South Africa.</p> <p>Lighthouse Trust and Corporate Website states: "In most instances, upon the death of the employer, the domestic worker's services are no longer required, which results in a retrenchment. A retrenchment is a form of dismissal due to no fault of the employee. In a deceased estate, it becomes the duty of the executor to proceed with the retrenchment of the domestic worker. The Labour Relations Act 66 of 1995 sets out the procedure for retrenchment."</p> <p>Section 196 of the Labour Relations Act 1995: "An employer must pay an employee who dismissed for reasons based on the employer's operational requirements severance pay equal to at least one week's remuneration for each completed year of continuous service with that employer, unless the employer has been exempted from the provisions of this subsection."</p>	<p>Section 196 of the Labour Relations Act 1995</p> <p>Lighthouse Trust and Corporate</p>
B3.5 Living Conditions for Live-in Workers				
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	Not mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	Not mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p>
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	Not mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p>
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	<p>Not explicitly mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.</p> <p>Section 8 of the Occupational Health and Safety Act 1993 states: "Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees."</p>	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p> <p>Section 8 of the Occupational Health and Safety Act 1993</p>
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	Not mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p>
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	Not mentioned in Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.	<p>Basic Conditions of Employment Act 1997</p> <p>Domestic Workers Act 2001</p>



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B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.50	<p>Yes. There a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer under the Sectoral Determination 7: Domestic Worker Sector. However, time off is not given in the event of termination of employment at the initiative of the employer.</p> <p>South Africa receives a 0.5 for this question.</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "A contract of employment may be terminated only on notice of not less than one week if the domestic worker has been employed for six weeks or less. Notice of four weeks is required if the domestic worker has been employed for six months or more. Live-in domestic workers are allowed to stay on the premises for a month (notice period) or may agree to pay for the accommodation."</p>	Sectoral Determination 7: Domestic Worker Sector
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	<p>Not explicitly mentioned in the South Africa's Constitution. Not mentioned in the Basic Conditions of Employment Act 1997 or the Domestic Workers Act 2001.</p> <p>Section 14 of South Africa's Constitution states: "Everyone has the right to privacy, which includes the right not to have- a. their person or home searched; b. their property searched; c. their possessions seized; or d. the privacy of their communications infringed."</p>	Basic Conditions of Employment Act 1997 Domestic Workers Act 2001 Section 14 of South Africa's Constitution
B4.	Labor Rights and Protections			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes. There are legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing in the Labour Relations Act 1995.</p> <p>Chapter 2, Section 4 of the Labour Relations Act 1995 states: "Every employee has the right- (a) to participate in forming a trade union or federation of trade unions; and (b) to join a trade union, subject to its constitution."</p>	Chapter 2, Section 4 of the Labour Relations Act 1995
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes. There are legislative provisions to recognize domestic workers' rights to collective bargaining under the Labour Relations Act 1995.</p> <p>the Commission for Conciliation, Mediation and Arbitration was established by the Labour Relations Act 1995 to act as a juristic body. Section 115 of the Labour Relations Act 1995 states the purpose of the Commission: "attempt to resolve, through conciliation, any dispute referred to it in terms of this Act;"</p> <p>Section 115 of the Labour Relations Act 1995 states: "If asked, the Commission may provide employees, employers, registered trade unions, registered employers' organisations, federations of trade unions, federations of employers' organisations or councils with advice or training relating to the primary objects of this Act, including but not limited to – (a) establishing collective bargaining structures"</p> <p>Section 4 of the Labour Relations Act 1995 states: "Every employee has the right- (a) to participate in forming a trade union or federation of trade unions; and (b) to join a trade union, subject to its constitution. (2) Every member of a trade union has the right, subject to the constitution of that trade union- [...] (d) to stand for election and be eligible for appointment as a trade union representative and, if elected or appointed, to carry out the functions of a trade union representative in terms of this Act or any collective agreement."</p>	Section 4 of the Labour Relations Act 1995 Section 115 of the Labour Relations Act 1995
B4.2	Access to Complaint Mechanisms			



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B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes. There are complaint mechanisms for domestic workers to report non-compliance with labor protections under the Labour Relations Act 1995.</p> <p>Definitions: the Commission = the Commission for Conciliation, Mediation and Arbitration was established by the Labour Relations Act 1995 to act as a juristic body. Section 115 of the Labour Relations Act 1995 states the purpose of the Commission: "attempt to resolve, through conciliation, any dispute referred to it in terms of this Act;" this Chapter = Chapter 2 of the Labour Relations Act 1995: Freedom of Association and General Provisions a council = bodies established by the Labour Relations Act 1995 are accredited to perform the following functions listed by the Labour Relations Act: List of bargaining councils accredited by CCMA: "Unfair dismissal disputes Unfair labour practice Mutual Interest disputes Interpretation of Collective Agreement disputes Essential Services disputes Disputes about severance pay Pre-dismissal arbitrations Disputes about Interpretation and Application of Chapter 2"</p> <p>Section 9 of the Labour Relations Act 1995 states: "If there is a dispute about the interpretation or application of any provision of this Chapter, any party to the dispute may refer the dispute in writing to- (a) a council, if the parties to the dispute fall within the registered scope of that council; or (b) the Commission, if no council has jurisdiction."</p> <p>Contact info for the Commission: email: complaints@ccma.org.za phone number: (011) 377-6650/ (011) 377-6600</p>	<p>Section 9 of the Labour Relations Act 1995</p> <p>Labour Relations Act: List of bargaining councils accredited by CCMA</p>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes. There are measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms under Sectoral Determination 7: Domestic Worker Sector.</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "The inspectors of the Department of Labour will handle any contraventions of the sectoral determination. They will first attempt to solve the complaint telephonically, thereafter they will try and secure an undertaking and finally issue compliance orders if he/she is of the view that the law has been contravened. If still unresolved the case will go to the labour court. Unsatisfied employers may object to a compliance order."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p>
B4.3 Enforcement and Protection Mechanisms				
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	1.00	<p>Conditions are specified under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers under the Occupational Health and Safety Act 1993.</p> <p>Section 18 of the Occupational Health and Safety Act 1993 states: "A health and safety representative may perform the following functions in respect of the workplace or section of the workplace for which he has been designated, namely- , (a) review the effectiveness of health and safety measures; (b) identify potential hazards and potential major incidents at the workplace; (c) in collaboration with his employer, examine the causes of incidents at the workplace; (d) investigate complaints by any employee relating to that employee's health or safety at work; (e) make representations to the employer or a health and safety committee on matters arising from paragraphs (a), (b), (c) or (f), or where such representations are unsuccessful, to an inspector; (g) make representations to the employer on general matters affecting the health or safety of the employees at the workplace; (h) inspect the workplace, including any article, substance, plant, machinery or health and safety equipment at that workplace with a view to the health and safety of employees, at such intervals as may be agreed upon with the employer: provided that the health and safety representative shall give reasonable notice of his intention to carry out such an inspection to the employer, who may be present during the inspection; (i) participate in consultations with inspectors at the workplace and accompany inspectors on inspections of the workplace; (j) receive information from inspectors as contemplated in section 36; and (k) in his capacity as a health and safety representative attend meetings of the health and safety committee of which he is a member, in connection with any of the above functions."</p>	<p>Section 18 of the Occupational Health and Safety Act 1993</p>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	0.00	<p>There is no explicit mention of penalties for private employment agencies for non-compliance with domestic worker protection laws under Sectoral Determination 7: Domestic Worker Sector.</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p>



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B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes. There are penalties for employers for non-compliance with all domestic worker protections under the Basic Conditions of Employment 1997 and Sectoral Determination 7: Domestic Worker Sector.</p> <p>Section 93 of the Basic Conditions of Employment 1997 states the terms of imprisonment for specific offenses: Section under which convicted- Maximum Term of imprisonment Section 43:Prohibition of employment of children- 3 years Section 44:Employment of children of 15 years or older - 3 years Section 46:Prohibitions- 3 years Section 48:Prohibition of forced labour- 3 years Section 90(1)and (3):Confidentiality- 1 year Swim 92:Obstruction, undue influence and fraud- 1 year</p> <p>Sectoral Determination 7: Domestic Worker Sector states: "The inspectors of the Department of Labour will handle any contraventions of the sectoral determination. They will first attempt to solve the complaint telephonically, thereafter they will try and secure an undertaking and finally issue compliance orders if he/she is of the view that the law has been contravened. If still unresolved the case will go to the labour court. Unsatisfied employers may object to a compliance order."</p>	<p>Sectoral Determination 7: Domestic Worker Sector</p> <p>Section 93 of the Basic Conditions of Employment 1997</p>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.50	<p>Yes. Domestic workers are legally protected against harassment under the Employment Equity Act 1988. There are no legal protections against workplace abuse or violence.</p> <p>Chapter 2, Section 6 of the Employment Equity Act 1988 states: "(1)No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, religions, HIV status, conscience, belief, political opinion, culture, language and birth. [...] (3)Harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of grounds of unfair discrimination listed in subsection (1)."</p>	<p>Chapter 2, Section 6 of the Employment Equity Act 1988</p>
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes. Illegal extraction of forced or compulsory labor of domestic workers is punishable as a penal offence under South Africa's Constitution and the Basic Conditions of Employment Act 1997.</p> <p>Section 48 of the Basic Conditions of Employment Act 1997 states: "Subject to the Constitution, all forced labour is prohibited. (2) No person may for his or her own benefit or for the benefit of someone else. cause. demand or impose forced labour in contravention of subsection (1). (3) A person who contravenes subsection (1) or (2) commits an offence."</p> <p>Section 13 of South Africa's Constitution states: "No one may be subjected to slavery, servitude or forced labour."</p> <p>Section 13 of the Prevention and Combating of Trafficking in Persons Act 2013 states: "A person convicted of an offence referred to in— (a) section 4(1) is, subject to section 51[Discretionary minimum sentences for certain serious offences] of the Criminal Law Amendment Act,1997 (Act No. 105 of 1997), liable to a fine not exceeding R100 million or imprisonment, including imprisonment for life, or such imprisonment without the option of a fine or both; (b) section 4(2) is liable to a fine not exceeding R100 million or imprisonment, including imprisonment for life, or such imprisonment without the option of a fine or both; (c) section 5, 7 or 23 is liable to a fine or imprisonment for a period not exceeding 15 years or both; (d) section 6 or 8(1) is liable to a fine or imprisonment for a period not exceeding 10 years or both; or (e) section 8(3), 9, 18(9) or 19(13) is liable to a fine or imprisonment for a period not exceeding five years or both."</p>	<p>Section 48 of the Basic Conditions of Employment Act 1997</p> <p>Section 13 of South Africa's Constitution</p> <p>Section 13 of the Prevention and Combating of Trafficking in Persons Act 2013</p>



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B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes. Domestic worker victims of forced labor are provided with protection under the Prevention and Combating of Trafficking in Persons Act 2013.</p> <p>Child Protections Sections 18-19 of the Prevention and Combating of Trafficking in Persons Act 2013 state: "A police official to whom a report has been made in terms of subsection (1) or section 8(1)(b) or (2)(b)(i) or 9(2) in respect of a child or a police official who knows or ought reasonably to have known or suspected that a child is a victim of trafficking— (a) may where necessary, and despite the proviso contained in section 26 of the Criminal Procedure Act, without a warrant, enter any premises if he or she, on reasonable grounds, believes that the safety of that child is at risk or that the child may be moved from those premises and may use such force as may be reasonably necessary to overcome any resistance against entry to the premises, including the breaking of any door or window of those premises, on condition that the police official must first audibly demand admission to the premises and notify the purpose for which he or she seeks to enter those premises; (b) must deal with that child in terms of section 110(4) of the Children's Act, pending a police investigation into the matter; and (c) may place that child in temporary safe care in terms of section 152 of the Children's Act, pending the transfer of the child to a designated child protection organisation or provincial department of social development."</p> <p>Adult Protections Sections 18-19 of the Prevention and Combating of Trafficking in Persons Act 2013 state: "(5) A police official to whom a report has been made in terms of subsection (1) or (2), or section 8(1)(b) or (2)(b)(i) or 9(2) in respect of an adult person or a police official who knows or ought reasonably to have known or suspected that an adult person is a victim of trafficking— (a)(i) may where necessary, and despite the proviso contained in section 26 of the Criminal Procedure Act, without a warrant, enter any premises if he or she on reasonable grounds believes that the safety of that person is at risk or that the person may be moved from those premises and may use such force as may be reasonably necessary to overcome any resistance against entry to the premises, including the breaking of any door or window of those premises, on condition that the police official must first audibly demand admission to the premises and notify the purpose for which he or she seeks to enter those premises; (b)(c)(ii) must where necessary, as a measure of last resort and with the written consent of the person concerned, take him or her into protective custody if there is an immediate threat to the safety of that person, for a period until the station commander of the police station in question is satisfied that the threat has ceased to exist, whereafter the police official may place that person in temporary safe care referred to in subsection (6); must, within 24 hours, refer the person to an accredited organisation and notify the provincial department of social development of that person; and must inform the person suspected of being a victim of trafficking that he or she may apply for a visitor's visa to remain in the Republic for a recovery and reflection period in terms of section 15 if he or she is a foreigner."</p>	Sections 18-19 of the Prevention and Combating of Trafficking in Persons Act 2013
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes. Domestic worker victims of forced labor are provided with access to remedies under the Prevention and Combating of Trafficking in Persons Act 2013.</p> <p>Section 26 of the Prevention and Combating of Trafficking in Persons Act 2013 states: "An accredited organisation— (a) must offer a programme aimed at— (i) the provision of accommodation to adult victims of trafficking; (ii) the provision of counselling to adult victims of trafficking; and (iii) the reintegration of adult victims of trafficking into their families and communities; and (b) may offer a programme aimed at— (i) the provision of rehabilitation and therapeutic services to adult victims of trafficking; or (ii) the provision of education and skills development training to adult victims of trafficking."</p> <p>Section 29 of the Prevention and Combating of Trafficking in Persons Act 2013 states: "(1) (a) A court may, on its own accord or at the request of the victim of trafficking or the prosecutor, in addition to any sentence which it may impose in respect of any 5 offence under Chapter 2, order a person convicted of that offence to pay appropriate compensation to any victim of the offence for— (i) damage to or the loss or destruction of property, including money; (ii) physical, psychological or other injury; (iii) being infected with a life-threatening disease; or (iv) loss of income or support, suffered by the victim as a result of the commission of that offence, whereafter the provisions of section 300(1)(a), (2), (3) and (4) of the Criminal Procedure Act apply with the necessary changes required by the context with regard to an order made under this section."</p>	Section 26 and 29 of the Prevention and Combating of Trafficking in Persons Act 2013
B5.2	Protections for Under-age Laborers			



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B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.50	<p>The minimum age for domestic workers is 15 under the Basic Conditions of Employment Act 1997.</p> <p>Chapter 6, Section 43 of the Basic Conditions of Employment Act 1997 states: "No person may employ a child— 30 (a) who is under 15 years of age; or (b) who is under the minimum school-leaving age in terms of any law. if this is 15 or older. " (2) No person may employ a child in employment— (a) that is inappropriate for a person of that age; 35 (b) that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development. (3) A person who employs a child in contravention of subsection (1) or (2) commits an offence. [...] "Subject to section 43(2), the Minister may, on the advice of the Commission, make regulations to prohibit or place conditions on the employment of children who are at least 15 years of age and no longer subject to compulsory schooling in terms of any law."</p>	Chapter 6, Section 43 of the Basic Conditions of Employment Act 1997
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.00	<p>Domestic workers, who are under the age of 18 and above the minimum age of employment, are not explicitly guaranteed access to compulsory education, or opportunities for further education or vocational training under the BCEA and the Regulations on Hazardous Work by Children in South Africa.</p> <p>Regulations on Hazardous Work by Children in South Africa states: "(1) It is an offence for any person to require or permit a child worker who is not enrolled in school to work for more than 40 hours of work in any week. (2) It is an offence for any person to require or permit a child worker who is enrolled in school to work— (a) for more than 20 hours in any week falling in the school term; (b) for more than 40 hours of work in any week that falls entirely within school holidays. (3) It is an offence for any person to require or permit child worker to work— (a) on more than eight hours on any day; or, (b) if the child is enrolled in school, for more than— (i) two hours on any day on which a child is expected to be at school; or (ii) four hours on any day on which a child is expected to be at school but is not expected to be at school the following day."</p> <p>Section 3 of the South African Schools Act 1996 states: "Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first"</p>	Regulations on Hazardous Work by Children in South Africa Section 3 of the South African Schools Act 1996
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	<p>There are no extra and automatic limitations on hours of work for domestic workers who are under the age of 18 and above the minimum age of employment under the BCEA and the Regulations on Hazardous Work by Children in South Africa.</p> <p>Regulations on Hazardous Work by Children in South Africa states: "(1) It is an offence for any person to require or permit a child worker who is not enrolled in school to work for more than 40 hours of work in any week. (2) It is an offence for any person to require or permit a child worker who is enrolled in school to work— (a) for more than 20 hours in any week falling in the school term; (b) for more than 40 hours of work in any week that falls entirely within school holidays. (3) It is an offence for any person to require or permit child worker to work— (a) on more than eight hours on any day; or, (b) if the child is enrolled in school, for more than— (i) two hours on any day on which a child is expected to be at school; or (ii) four hours on any day on which a child is expected to be at school but is not expected to be at school the following day."</p>	Regulations on Hazardous Work by Children in South Africa



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B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.75	<p>Yes. There are measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night under the BCEA and the Regulations on Hazardous Work by Children in South Africa. However there is 1 exclusionary condition: children are allowed to work between 6 pm and 11 pm if they are not expected to go to school the following day. 1-0.25=0.75</p> <p>Regulations on Hazardous Work by Children in South Africa states: "It is an offence for any person to require or permit a child worker to work— (a) before 6 am on any day; (b) after 6 pm on any day; or (c) in breach of subregulations (2) and (3). (2) A child worker, other than a one who is expected to be at school the following day, may work between 6 pm and 11 pm— (a) in a restaurant, cinema, theatre or shop provided that there is adequate adult supervision; or (b) for the purposes of baby-sitting or child minding. (3) Unless the parent or legal guardian agrees otherwise in writing, any person who requires or permits a child worker to work after 6 pm on any day in terms of subregulation (2) must at the end of the child's shift provide that child with safe transport to the child's home at no cost to the child, or the child's parent or caregiver."</p>	Regulations on Hazardous Work by Children in South Africa
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes. There are extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment under the BCEA and the Regulations on Hazardous Work by Children in South Africa.</p> <p>Regulations on Hazardous Work by Children in South Africa states: "(1) It is an offence for any person to require or permit a child worker to work in any of the following— [...] (c) slaughtering of animals; (d) meat, poultry, or seafood processing; [...] (g) the protecting or safeguarding of any person or property, or work involving the handling of firearms; [...] (o) work involving exposure to any of the following— (i) hazardous substance or agent; (ii) lead, asbestos, silica, coal or other hazardous dusts; (iii) pressurised gases; [...] (w) driving of any motor vehicles or mobile plant; [...] (y) work in a confined space."</p>	Regulations on Hazardous Work by Children in South Africa
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	0.00	<p>No, there is no mention of a requirement for an enforceable contract of employment or written job offer for migrant domestic workers prior to crossing national borders in the Immigration Act or Basic Conditions of Employment Act.</p> <p>Section 19 of the Immigration Act sets out the conditions for issuing a work permit and only specifies conditions relating to protecting local employment: "A general work permit may be issued by the Department to a foreigner not falling within a category contemplated in subsection (1) if the prospective employer: - (a) satisfies the Department in the manner prescribed that despite diligent search he or she has been unable to employ a person in the Republic with qualifications equivalent to those of the applicant; - (b) produces certification from a chartered accountant that the terms and conditions under which he or she intends to employ such foreigner, including salary and benefits, are not inferior to those prevailing in the relevant market segment for citizens and residents, taking into account applicable collective bargaining agreements and other applicable standards, as recorded by the Department of Labour, if any, provided that- (i) a copy of such certification shall be conveyed to a prescribed office of the Department of Labour; and (ii) such certification shall lapse if objected to for good cause by such office of the Department of Labour within 15 calendar days of its receipt; - (c) has committed to notify the Department when such foreigner is no longer employed or is employed in a different capacity or role; - and (d) has submitted a certification from a chartered accountant of the job description and that the position exists and is intended to be filled by such foreigner."</p>	Immigration Act



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B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	0.00	No, South Africa has no national hotline dedicated for migrant workers or migrant domestic workers. The Department for Labour and Employment only has a general hotline.	Department of Employment and Labour
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	0.00	No, there is no mention of measures to ensure that loss of employment does not imply withdrawal of migrant domestic workers' authorization of residence in the Immigration Act.	Immigration Act
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	0.00	No, there is no mention of restitution for unjustified termination for migrant domestic workers in the Immigration Act or Sectoral Determination 7: Domestic Work Sector.	Immigration Act
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	1.00	Yes, migrant domestic workers are entitled to the right of appeal before the Immigration Court if they face expulsion order, and have 20 days to make an appeal. Section 8 of the Immigration Act states that "(1) Before making a determination adversely affecting a person, the Department shall notify the contemplated decision and related motivation to such affected person and give such person at least 10 calendar days to make representations , after which the Department shall notify such person that either such decision has been withdrawn or modified, or that it shall become effective, subject to subsection (2). (2) Within 20 calendar days of its notification, the person aggrieved by an effective decision of the Department may appeal against it- (a) to the Director-General, who may reverse or modify it within 10 calendar days, failing which the decision shall be deemed to have been confirmed; or (b) within 20 calendar days of modification or confirmation by the DirectorGeneral, if any, to the Minister, who may reverse or modify it within 20 calendar days, failing which the decision shall be deemed to have been confirmed. and be final, provided that in exceptional circumstances or when such person stands to be deported as a consequence of such decision - (i) the Minister may extend such deadline; and (ii) at the request of the Department, the Minister may request such person to post a bond to defray his or her deportation costs, if applicable; or (c) within 20 calendar days of modification or confirmation by the Minister, if any, to a Court, which may suspend, reverse or modify it in accordance with its rules. (3) If not appealed in terms of subsection (2), a decision of the Department is final. (4) Any person adversely affected by a decision of the Department shall be notified in subject to section 37 of this Act, writing of his or her rights under this section and otherprescribed matters, and may not be deported before the relevant decision is final."	Immigration Act
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	0.00	No, there is no mention of repatriation at no cost for migrant domestic workers in the Immigration Act.	Immigration Act
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.00	No, there is no mention that migrant domestic workers may still access complaint mechanisms after termination and departure from South Africa in the Immigration Act.	Immigration Act