

Domestic workers urged to report employers not complying with minimum wage

The Department of Employment and Labour has called on domestic workers, who continue to be paid below the national minimum wage (NMW), to report such violations to the department.



Image source: Pavel Biryukov – 123RF.com

The department's Deputy Director: Advocacy and Stakeholder Relations, Caroline Kwetepane, said three years since the introduction of the NMW, some employers are still exploiting and violating the law by underpaying domestic workers.

"In addition to being underpaid, domestic workers are still not given contracts of employment, not handed payslips, not registered for injuries on duty, not registered for Unemployment Insurance Fund benefits and not extended leave benefits, among other violations," she said.

Kwetepane was speaking during the department's domestic worker seminar held at the weekend at Atteridgeville Community Hall in Tshwane.

The workshop is part of the department's Inspection and Enforcement Services (IES) branch advocacy programme to

educate stakeholders on labour laws and promote compliance.

The theme of the seminar was 'Paying the National Minimum Wage is the Right Thing to Do'.



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Rui Lopes 22 Feb 2021



The programme focused on compliance with the Basic Conditions of Employment Act (BCEA) Sectoral Determination, including the National Minimum Wage Act; compliance with the Unemployment Insurance Fund; Compensation for Occupational Injuries and Diseases, and the referral of disputes to the Commission for Conciliation, Mediation and Arbitration (CCMA).

The NMW Act of 2018 came into effect on 1 January 2019. The introduction of the policy intervention was in line with the International Labour Organisation (ILO) conventions to improve the living standards of vulnerable domestic workers.

When it was introduced in 2019, the NMW was fixed at a level of R20 per hour, which has increased since then.

Employment and Labour Minister Thulas Nxesi announced that the NMW has been reviewed and adjusted from R21.69 (2021) to R23.19 for each ordinary hour worked for the year 2022, with effect from 1 March 2022.

In terms of the NMW Act of 2018, the policy framework is a binding law of the country and a floor level below which no employee should be paid.

"It is also illegal and an unfair labour practice for an employer to unilaterally alter hours of work or other conditions of employment in implementing the NMW. The NMW is the amount payable for ordinary hours of work and does not include payment of allowances (such as transport, tools food or accommodation), payments in kind (board or lodging), tips, bonuses and gifts," Kwetepane said.

CCMA Commissioner, Matome Selapisa, said compliance in the sector is crucial.



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Selapisa said the NMW is law and must be paid, noting that exemptions can be applied for if employers qualify.

According to Selapisa, the CCMA has since April 2022 adjudicated over 538 cases related to the implementation of the NMW and Basic Conditions of Employment Act in the domestic worker sector.

He said these related to applications to make a compliance order an arbitration award; dismissal for operational reasons related to the NMW Act; claims for failure to pay any amount owing; disputes relating to compliance orders; claims for failure to pay any amount owing in terms of the NMW Act; requests to make a written undertaking an arbitration award; unilateral changes to terms and conditions of employment, and any other dismissal related to NMW.

Selapisa said in the previous period (from April 2021 to 31 March 2022), the CCMA adjudicated over 1,215 cases in the domestic worker sector.

He also encouraged domestic workers to report their grievances relating to the NMW with the CCMA.

He said in terms of BCEA matters regarding non-payment, these can be referred directly to the CCMA if one earns below the ministerial threshold of R224,080.48 per annum.

The term domestic work means work performed in or for a household or households. It can also include a gardener, a person employed by a household as a driver, and a person who takes care of children, the aged, the sick, the frail or the disabled.

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