

# The Living and Working Conditions of Domestic Workers in Namibia



LAC

Gender Research Project  
Legal Assistance Centre  
Windhoek

 SSD

Social Sciences Division  
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University of Namibia

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# SUMMARY OF FINDINGS AND RECOMMENDATIONS

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This report examines the living and working conditions of domestic workers in Namibia. It is divided into three sections:

- a historical section which considers the origins and development of the domestic work sector;
- a section highlighting key legal and social developments in the sector since independence;
- a section conveying the findings of recent research into the living and working conditions of domestic workers today.

## Part 1: A HISTORY OF DOMESTIC WORK IN NAMIBIA

Historical information about domestic workers in Namibia was compiled to give context to the findings of the recent research, and to provide a basis for understanding how some work patterns and perceptions have their roots in past laws and practices.

Domestic work has been consistently undervalued over the years. From the earliest colonial times, it was grounded in the inequalities of racially-based labour practices. Historically, domestic work relationships have involved a certain degree of intimacy which is in tension with the distance between different classes, races and lifestyles -- a tension that gave rise to patronising attitudes on the part of employers.

Attitudes about domestic work became intertwined with stereotypes about women and about "female native labour". However, there were also male domestic workers who obtained employment as domestic workers through the infamous contract labour system -- with domestic work being one of the lowest paid and least desirable posts, reserved for men who were not strong or healthy enough for employment in other sectors.

The combination of the migrant labour system and the pass laws which regulated the movement of "natives" for many years produced ethnic patterns in the domestic work sector which persist today.

### UERIETA KAZAHENDIKE

One extremely skilled domestic worker in Namibia's past was Uerieta Kazahendike, who worked in the household of the German missionary Carl Hugo Hahn and his wife Emma Sarah Hahn for about 12 years from 1848. One account suggests that Uerieta received only clothing and food in exchange for her labours, despite the fact that she was an accomplished woman who provided invaluable services to the Hahns.

She spoke Dutch, German, English and Nama as well as her mother tongue,

Opportunities for domestic work in towns were accessible to women from "labour reserves" in the central and southern parts of the country, while the migrant labour system which allowed "Extraterritorial and Northern Natives" access to urban employment opportunities was restricted to men.

The 1971 general strike which originated in protest against the migrant labour system had a limited impact on the domestic work sector, although some domestic workers participated. The subsequent move towards trade unionism did not at first reach into the domestic work sector. A new regulatory scheme for employment relations was introduced by the 1986 Conditions of Employment Act, but domestic workers and farm workers were excluded from most of its provisions.

Throughout the various historical periods, domestic workers have expressed feelings of exploitation. But only a few glimpses into the sector survive; for the most part domestic work was taken for granted.

Despite the fact that it was a prevalent form of employment involving many workers, it was frequently excluded from official statistics or ignored in analytical commentary. Domestic work was essential, but largely invisible.

## Part 2: DOMESTIC WORK SINCE INDEPENDENCE

After Namibia gained its independence in 1990, several important developments took place which would affect the future of domestic work in Namibia. The first was the advent of the Namibian Constitution, which outlaws race and sex discrimination and protects fundamental worker rights, including the right to form trade unions and the right to strike.

The protections for workers contained in the new Constitution were made more concrete by a new Labour Act which was enacted in 1992. This new legislation, which was the product of tripartite consultations between government, employers and employees, placed domestic workers and farm workers on an equal footing with other workers for the first time. This Act legislates certain basic minimum standards of employment, introduces the concept of "unfair dismissal" into the law and provides a framework for industrial relations. Unfortunately, the Act does not yet fully recognise the unique nature of domestic work and the need to provide specific protection for this vulnerable sector.

Herero. In addition to her domestic duties, she taught school and assisted with the translation of religious material from German into Herero. She provided detailed assistance to Hahn with his acclaimed publication of a combined Herero grammar guide and dictionary, although her contributions were never publicly acknowledged. Although the Hahns occasionally referred to her warmly in their letters, Mrs Hahn also criticised her for her lack of "efficiency". Most tellingly, they seldom referred to her at all.

Uerieta eventually left the Hahns to marry, although she continued to provide assistance to them and their community by tending their cattle and gardens. She raised her husband's eight children in addition to nine more children born of the marriage and then became a midwife. Despite her many accomplishments, she seems to have been chiefly remembered for her simplicity and her modesty.

Although this Act has the potential to improve the lot of domestic workers, enforcement in this sector is still weak. For example, inspections in this sector are undertaken only in response to employee complaints. A few domestic workers have brought cases to the district labour courts, but the isolated nature of the working environment means that there are usually no witnesses to support domestic workers in their complaints, thus making it more difficult for them to press their cases successfully.

Another key development after independence was the launch of Namibia's first trade union for domestic workers, the Namibian Domestic and Allied Workers Union (NDAWU), in 1990. The isolated, individual nature of employment relationships in the sector makes the mobilisation of workers and the collection of fees very difficult.

NDAWU's activities have also been hampered by resistance and hostility from employers and by occasional strains in its relationship with the National Union of Namibian Workers (NUNW), its umbrella federation. But despite these obstacles, NDAWU provides an important mouthpiece for domestic workers and has the potential to be a force for improving the living and working conditions of domestic workers through lobbying for needed law reforms, educational work, the popularisation of written employment contracts and negotiation with employers on behalf of its members.

#### **LABOUR INSPECTORS**

- There were 24 labour inspectors in 1996.
- Domestic workers accounted for about 13% of all the complaints brought to the Ministry of Labour during the period 1990-1995.
- Inspections carried out in respect of domestic workers constituted only 5% of the overall total of inspections during 1991-1995.
- Almost all inspections undertaken in respect of domestic workers are in response to complaints brought by individual workers, rather than routine inspections.

#### **DISTRICT LABOUR COURTS**

- Domestic workers were the complainants in about 9% of all the cases heard by district labour courts in 1994.
- Domestic workers and their employers tended to represent themselves.
- The cases involving domestic workers usually concerned complaints about the payment of wages and unfair dismissals.
- Domestic workers won about twice as many labour court cases as their employers.

There have been a few training initiatives for domestic workers in recent years, but these have been limited to ad hoc efforts spearheaded by dedicated individuals. Donor funding for such training programmes in this sector has been difficult to obtain, and government support has not been forthcoming. Nevertheless, the response to the few training courses which have been offered shows that the demand for such courses is high and that domestic workers with specialised training are more employable and can often command higher wages than unskilled workers.

## **NDAWU**

- NDAWU estimates that it has some 5 000 members, and membership forms could be retrieved for over 2 600.
- The average age of members is about 37.
- About 75% of NDAWU's membership is female, which is somewhat lower than the proportion of female domestic workers (about 85%).
- Over half of NDAWU's membership earns a wage of N\$200/month or less.
- NDAWU has three full-time employees based in Windhoek while branches throughout the country are usually administered by volunteers.
- NDAWU advocates a minimum wage of N\$3/hour.

## **Part 3: RECENT RESEARCH**

The primary basis for the third section of the report is data from a survey conducted by the Legal Assistance Centre (LAC) and the Social Sciences Division (SSD) of the Multi-Disciplinary Research Centre at the University of Namibia. This survey collected quantitative information from three urban centres (Windhoek, Keetmanshoop and Oshakati), supplemented by qualitative information from locations throughout the country. This data is compared against findings from the 1991 Population and Housing Census, the 1993/94 Namibian Household Income and Expenditure Survey (NHIES) and data collected from NDAWU membership forms.

While the position of domestic workers in Keetmanshoop and Windhoek was comparable in many respects, Oshakati was characterised by younger domestic workers with a higher educational background. This seems to be due to the absence of adequate employment opportunities in the north, which leads young female school leavers to take up domestic work for lack of other options. Many of these domestic workers live and work with extended family members and are often perceived as family members rather than employees -- a factor which sometimes leaves them open to exploitation.

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## **KEY FINDINGS**

### **National statistical overview**

- There are 22 000 - 24 000 domestic workers in Namibia.
- About 43% of domestic workers live in rural areas, 57% in urban areas.
- Domestic workers in rural areas are concentrated in regions with high numbers of commercial farms. A small but significant number are also present in towns and villages in rural communal areas where civil servants are the principal employers.
- Following historical patterns, there are many more domestic workers in the central and southern regions than in the north.

## Gender and domestic work

- About 85% of all domestic workers are women.
- About 10% of all employed women work as domestic workers.
- One out of every 20 Namibian women over the age of 15 is a domestic worker.
- There are more female domestic workers than male domestic workers in rural areas.

## Age

- The average age of domestic workers is 32,7 years.
- For men, domestic work often serves as an entry point into the labour market in their youth, or as an income source to fall back on in later years. Women are more likely to spend their prime earning years as domestic workers.

## *Under-age domestic workers*

- The 1991 census found a total of 180 domestic workers under the age of 14, including 22 workers aged 10.
- Child workers are almost always young girls, who comprise 81% of all workers under age 14.
- Child workers are more prevalent in rural areas.
- Caprivi has the largest percentage of under-age domestic workers, followed by Okavango and Omaheke.

## Language

- Half of all female domestic workers are Nama/Damara speakers. In contrast, over half of all male domestic workers are Oshiwambo-speakers. These patterns have their roots in pass laws and labour practices from the apartheid era.

## Marital status

- Domestic workers are far less likely to be married than the rest of the population.
  - For males, this is probably attributable to the large proportion of young men in domestic work.
  - For females, this may be due to the prevalence of informal relationships (particularly in urban areas), or to a desire for the greater freedom afforded by an informal union, or to the necessity of taking on employment in the absence of any income from a spouse, or to the constraints of live-in arrangements.
- As a result, many domestic workers are single mothers.
- Nearly one-quarter of female domestic workers are household heads.

## Education and literacy

- Nationally, 29% of domestic workers have no schooling. This applies to 35% of male domestic workers and 27% of female domestic workers.

- Male domestic workers have a lower level of secondary school attendance than the population at large, while the rate for female domestic workers is *higher* than the national level.
- The gender differences highlight the more limited employment opportunities available to women.
- The survey found particularly high education levels among domestic workers in the north, underscoring the fact that many young school-leavers enter domestic work in this area because of a lack of other opportunities.
- Nationally, domestic workers have lower rates of literacy than the general population -- particularly in rural areas. This is because domestic work is one of the few employment options for those who are illiterate or have little education.
- Few domestic workers attend literacy classes.

### **Employment history**

- Domestic work is characterised by mobility and job instability.
- The survey found an average length of service with the current employer of less than 3 years. Only 14% had been with their current employer for more than 5 years.
- The high turnover rate is indicative of the job insecurity in this sector. While some employees leave jobs of their own accord, employees repeatedly pointed out that they were at the mercy of impulsive and unpredictable decisions on the part of their employers.
- People generally choose domestic work because it is the only job available.

### **Recruitment and selection**

- Most domestic workers find their jobs through networks of friends and relatives.
- Because supply is greater than demand, domestic workers enter the labour market at a disadvantage. They are usually not in a position to choose between various work situations or to engage in meaningful negotiation with prospective employers.

### **Days and hours of employment**

- About half of the survey respondents work a five-day week.
- A significant number (21%) work seven days a week. Most of these were live-in workers who are perceived as being accessible for work at all times.
- 90% of survey respondents work in only one household, with the remainder having two to five employers per week.
- 98% of survey respondents in Oshana work in a single household, reflecting the common occurrence of live-in domestic workers who are extended family members.
- 52% of survey respondents work between five and eight hours a day, while 45% work more than eight hours a day. The remainder work from one to four hours a day.

### **Meal breaks**

- Most domestic workers in the survey receive less than the one-hour break specified in the Labour Act, but the majority stated that they decide on their mealtimes themselves.

Many prefer to work through mealtimes so that they can finish their tasks and return home sooner.

### **Overtime**

- 35% of the domestic workers in the survey reported that they work overtime, but only 7% said that they receive overtime pay.
- Live-in workers are particularly vulnerable to unpaid overtime.
- The problem is probably more serious than the data suggests. Many domestic workers do not realise when they are working overtime and are unaware that they have a right to extra payment for such work.
- Some workers are employed on the basis of tasks rather than hours. This kind of flexibility is an advantage for some workers, but others find that it leads to long working days.
- Overtime is seldom explicitly discussed by employer and employee. For example, over 65% of respondents did not know if they would receive extra pay for overtime work.

### **Work responsibilities**

- The most common duties for female domestic workers are cleaning, ironing and laundry. For male domestic workers, the most common duties are cleaning and gardening. Cooking and child-minding -- more skilled tasks which might command higher wages -- were much less frequently cited.
- Miscommunication about work responsibilities can lead to misunderstandings between employer and employee.

### **Wages**

- Domestic workers generally perceive themselves as being low-paid.
- The average monthly wage of survey respondents varied by region:
  - Karas: N\$162
  - Khomas: N\$270
  - Oshana: N\$158The minimum monthly wage was N\$30 and the maximum N\$700.
- Domestic workers who are members of NDAWU reported similar wage levels, with an average monthly wage of N\$222. The minimum monthly wage for this group was N\$12 and the maximum N\$1 150.
- Domestic workers employed in the homes of their extended family members are often not considered to be entitled to "wages" at all as their employers do not see them as "employees" in the ordinary sense of the word.
- A number of employers and employees expressed a desire for more guidance on appropriate wage levels.

### **Payment in kind**

- Few domestic workers receive food or other goods on a regular basis as a supplement to their low wages. Irregular gifts, such as second-hand clothes and household goods are more common.

- One-third to one-quarter of the domestic workers in the survey receive cash transfers for the payment of fixed expenses such as electricity, water and rent. These are potentially more important income supplements than payment in kind.

#### **Annual bonuses and salary increases**

- Just over one-third of the domestic workers surveyed receive a small annual bonus which was usually much less than their monthly wage. This is not a legal requirement, but a discretionary decision on the part of the employer.
- Similarly, just over one-third of the domestic workers surveyed receive annual salary increases which are often lower than the annual rise in the cost of living. There is no legal requirement to give an annual increase, but failure to do so effectively reduces the worker's wages in terms of actual spending value.

#### **Medical aid and pension benefits**

- Very few domestic workers receive medical aid or pension benefits. This leaves them in a vulnerable position as their low wages are insufficient to allow them to amass savings to use for sudden illnesses or upon retirement. This problem should be alleviated by the forthcoming introduction of state medical aid and pension schemes under the Social Security Act

#### **Leave**

- Most domestic workers surveyed receive an amount of annual leave which is in line with the requirements of the Labour Act but for many this is *unpaid* leave instead of fully-paid leave as the Act requires. Of all the respondents, 44% receive paid leave and 19% only unpaid leave, while 38% did not know if they received paid or unpaid leave.
- Half of the workers surveyed are given paid sick leave, while 11% receive only unpaid sick leave in violation of the Act's requirements. The remaining 35% did not know if they would receive paid or unpaid leave.
- Most survey respondents did not know what sort of maternity leave they would be entitled to if the need arises.
- 61% of the workers surveyed are granted compassionate leave for sickness or deaths in the family, although it was not clear if this was paid or unpaid leave. There is no legal entitlement to such leave.
- Many employers are reluctant to comply with the Labour Act's requirements on leave because of the difficulty of locating reliable substitutes.

#### **Bringing children to work**

- Just over half of the domestic workers with children in the survey reported that they are allowed to bring their children to work, but most choose not to take advantage of this option.

### **Health and safety**

- This topic was not a particular focus of the survey, but the researchers came across several situations in which domestic workers were locked inside the employer's premises, posing a serious threat to their safety. Many domestic workers were also prevented from using the employer's telephone, even for emergency calls.

### **Contracts**

- Only 3% of survey respondents had a written employment contract, with the effect that many working conditions are dependent on the whim of the employer. Greater use of contracts would ameliorate this problem, as well as giving domestic workers greater clarity about their rights and benefits.

### **Employer-provided housing**

- Regional variations make it difficult to assess compliance with the accommodation standards in the Labour Act, as the test of what is "reasonable" depends in part on comparison with prevailing local standards. While some live-in workers enjoyed greater amenities than commuting workers in the same area, there were a few complaints about substandard accommodation or inadequate space.

### **Regional comparisons**

- Of the three study areas of Windhoek, Keetmanshoop and Oshakati, domestic workers in Oshakati were generally in the worst position with respect to wages as well as rights and benefits. This probably stems from the prevalence of extended family relationships in the sector and from the shorter history of domestic work in the region.

### **Knowledge and awareness of rights**

- Knowledge of the Labour Act is very limited in the domestic work sector. Only 23% of survey respondents had heard of the Act, and only 12% had an awareness of its contents.
- About half of the respondents were aware of the existence of NDAWU, and about 11% were members. There appears to be much scope for greater dissemination of information about trade unions and their functions.
- The limited knowledge of worker rights and the low level of trade union membership contribute to the extreme vulnerability of domestic workers and point to a need for more proactive enforcement of the labour laws in the sector.

### **Employers**

- Households which employ domestic workers tend to have three or more members, with a significant proportion consisting of five or more members.
- Afrikaans was used most often as the language of communication between employer and employee in the survey areas. Instructions are usually given to the domestic worker by a woman, usually a wife.

- Most employers in the survey had received some form of tertiary education. Very few employers are housewives, while many are professional women such as civil servants. Having a domestic worker to assume household responsibilities enables many women to enter the labour market.
- Employers usually recruit through word-of-mouth. Most had no preference for domestic workers of any specific ethnic group. Interviews with employers provided supporting evidence of the high turnover in the sector, with theft and alcohol abuse being cited as common reasons for dismissal.
- Historical patterns of paternalism survive, with many employers claiming that their domestic workers are "part of the family". Employers felt that this informal attitude humanised the working environment, in contrast to workers' perceptions that it could prejudice their rights.
- Most employers did not object to their domestic workers bringing children to work. Employers of live-in workers had no objections to children residing with their mothers, or to visits from family and friends during free time.
- Some employers had no objection to a minimum wage as long as it is reasonable. A number of employers claimed that they are unable to pay their domestic workers higher salaries because their own income is so low.
- Few employers were familiar with their duties under the Labour Act or the Social Security Act. *None* of the employees surveyed reported work conditions that are fully compliant with the Labour Act.
- While a few employers were strongly anti-union, most had no objection to their domestic workers becoming members.

#### **Socio-economic conditions of domestic workers**

- There are about 20 000 households in which at least one person is a domestic worker, and these households support an estimated 125 000 individuals, or 9% of the Namibian population.
- The average size of a domestic worker household is 6,3 persons, as compared to the national average of 5,7 persons.
- Nationally, 37% of domestic workers come from female-headed households, which is close to the national figure of 38%. Female domestic workers who are household heads are more likely than their male counterparts to be single, and more likely to live with a higher number of children and extended family members.
- The average living standard of domestic workers is slightly above the national average, but significantly below the average living standard for urban areas -- even though a majority of domestic workers are urban-based.
- The 1993/94 NHIES found that on average domestic worker households have an annual per capita income of N\$3 073, which is slightly higher than the national average of N\$3 031, but substantially below the urban average of N\$6 676 (and well above the rural average of N\$1 550).
- The distribution of consumption of domestic worker households closely resembles that of urban female-headed households, which form a significant component of the domestic work sector.
- The average income and consumption figures mask considerable disparity among domestic worker households and obscure the relative poverty of many.

- Many domestic worker households maintain strong links to family members in rural areas, with a small but significant proportion having access to agricultural assets. These rural ties enable domestic workers to supplement their income with food which they produce themselves or acquire through in-kind exchange.
  - Most survey respondents regularly provide financial support to extended family members.
  - Households headed by female domestic workers are particularly vulnerable and often face shortfalls in cash needed for basic expenses.
  - Male domestic workers must sometimes maintain themselves as well as families left behind in rural areas, placing a serious strain on their resources.
  - Female domestic workers employed on farms are among the most vulnerable categories of workers. They typically have very low levels of literacy and education and often experience harsh working conditions with little or no pay aside from rations.
  - Domestic workers must often turn to loans as a crisis management strategy. They most commonly turn to their employers for advances on wages, meaning that the sector is an appropriate target for group savings and credit union schemes.
  - Many domestic workers face a “double shift” of labour, as they bear primary responsibility for the household duties in their own homes as well as in the homes of their employers.
  - Domestic workers with young children often leave them in the care of an extended family member living elsewhere, often in a rural area. Others keep their children with them, but enlist the help of female relatives to care for the children during their absences at work. Few domestic workers can afford crèches.
  - Domestic workers experience very low levels of job satisfaction. Most would prefer jobs with a more formal structure and potentially higher wages and better benefits. Almost no domestic workers would like to see their children become domestic workers.
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## RECOMMENDATIONS

Because the recommendations are very detailed, they have not been summarised. Readers should refer to the section on recommendations on page 173.



# Part 1

## A HISTORY OF DOMESTIC WORK IN NAMIBIA

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### 1. INTRODUCTION

Historical information about domestic workers in Namibia has been compiled here as a background to the survey results, to provide a basis for understanding how some work patterns and perceptions have their roots in past laws and practices. This part of the report does not attempt to present a general history of labour in Namibia, but focuses only on issues of particular relevance to domestic workers.

Even though domestic work has been a prevalent source of employment in Namibia for the last hundred years or more, looking for historical information about this sector is a bit like looking for the proverbial needle in the haystack. Nevertheless, a few portraits of domestic work at different periods in Namibian history have been located. These voices are set against the background of the changing laws and policies which have affected the sector most directly over the years.

### 2. THE NINETEENTH CENTURY

#### 2.1 An overview of domestic work during the early colonial period

Little is known about domestic workers in Namibia's distant past. Neither the accounts of male European missionaries and travellers nor indigenous records contain much information about Namibian women and their work. Historian Brigitte Lau cites this silence as evidence of women's oppressed status:

*Their work was not valued according to its scope, importance or degree of skill. Whether it is Witbooi in his most inspired and inspiring diary, or the average German missionary detailing matters of domestic life, women do not appear to exist, or exist only - again - as exploited objects. (Lau, 1987: 72)*

Information about male domestic workers is, however, equally scanty -- perhaps because in this role men often came under the primary supervision of female employers, or perhaps because domestic work even when performed by men was considered to be part of the female domain of the home.

It is known that Namibian women did domestic work for wages for traders, copper miners, explorers and missionaries during the nineteenth century. (Lau, 1987: 68-72) Historical evidence also indicates that domestic work was not purely a colonial institution. For example, missionary accounts of encounters with Oorlam groups in the mid-nineteenth century indicate

that women in these groups employed female domestic servants. (Lau, 1987: 71)<sup>1</sup> White settlers “imported” white domestic servants from their homelands,<sup>2</sup> or employed local black males or females.<sup>3</sup>

## 2.2 Uerieta Kazahendike

A fascinating “case study” from the nineteenth century is that of Uerieta Kazahendike, a remarkable woman of diverse and impressive talents who worked for years in the household of German missionary Carl Hugo Hahn and his wife Emma Sarah Hahn, who came to Namibia in 1844.

Emma Hahn, who had herself been employed as a governess before leaving England for Africa, employed both German women and local black women as servants at various times during her stay in Namibia. Her letters provide some interesting insights into the general relations between employers and domestic workers at the time. For example, she gives the following description of the distribution of domestic work in her household at Otjimbingwe in 1864:

*I have now assistance enough and shall be able now to lead a lady's life, for besides Amalie, who came as the bride of the blacksmith Halbich but is now his wife, I have three young Herero girls who were in the colony during our stay in Europe and have learnt much that is useful there. One, for instance, is my cook and really does very well, under my superintendence of course. This is a particular comfort to me, for the cookery in this hot country is one of the most disagreeable and for us Europeans unhealthy occupations. The two others take the housework alternately every week, and the one who had the housemaid's place last week has this week to sew. (Letters of Emma Sarah Hahn: 275)*

While she writes of her domestic workers at times with interest and concern (e.g. *Letters of Emma Sarah Hahn*: 110, 215), she also exhibits distrust:

*Upon me devolves the butchering work of cutting up every bit of meat we consume, for I cannot trust my kitchen maid to do that, or here a little bit and there a little would be pilfered, which makes a difference in the household in the end, and then by doing it myself I remove temptation from her. (Letters of Emma Sarah Hahn: 185)*

Her accounts also show that Namibian women at times performed domestic services for pitifully poor returns:

<sup>1</sup> For example, *The Journal of Joseph Tindall, Missionary in South West Africa (1839-1855)* records observations made during a visit to Ameral's people at Naosanabis of a captive Damara woman and a “Hottentot” woman who were fellow servants. (1842, at 34) During a subsequent trip to this area Tindall noted: “One morning during our stay a young woman came running towards our wagon. Blood was streaming from a wound on her head received at the hands of her mistress.” (1846, at 86)

<sup>2</sup> For example, it has been recorded that the Deutsche Colonial Gesellschaft für Südwest Afrika sent a number of white women to “South West Africa” between 1896 and 1902: 18 brides, 21 domestics and 18 female dependants. (Goldblatt: 188)

<sup>3</sup> For example, one of Emma Sarah Hahn's letters states that there was “no one to wait upon us but a black man who assisted in the kitchen.” (*Letters of Emma Sarah Hahn*: 100)

*We burn wood only, which is picked up for us in the neighbourhood by poor women who are glad to receive the offal of the cattle we consume as payment for their trouble. (Letters of Emma Sarah Hahn: 126)*



born c. 1836, died 1936  
(Vedder, 1949: 3; Vedder, 1936, I: 8)

We know something about the experience of Uerieta Kazahendike as a domestic worker with the Hahns from several angles. Uerieta (known as Johanna Maria after her baptism) is mentioned in Emma's letters and in the letters and diaries of Carl Hugo Hahn. Ethnologist and historian Heinrich Vedder published two books on Uerieta's life in the early 1900s.<sup>4</sup> Vedder's account purports to be based in part on interviews with Uerieta in her old age, although allowance must be made for the fact that Uerieta's views have been filtered through the writing of a white male with his own specific point of view.<sup>5</sup> Uerieta Kazahendike also features in missionary accounts as the first Christian convert in Hereroland.

However, although Uerieta/Johanna worked for the Hahns for about 12 years, her relative invisibility is telling. Emma writes at one stage: "Johanna is a girl who came into our service nearly ten years ago, but I have written frequently about her ..." However, in fact, Johanna is barely mentioned in Emma's letters, and she appears infrequently in the diaries and letters of Hahn, despite her indispensable assistance in his work.<sup>6</sup>

According to Vedder, Uerieta first came into contact with the Hahns when she was about eight years old. Uerieta and her family had never seen whites before, and Emma reportedly gave some food to Uerieta and won her over.<sup>7</sup> Then, in 1848, when Uerieta was about 12 years old, she reportedly passed the Hahn's mission house in Barmen on her way to the school established by Hahn for Herero children. According to Vedder, Uerieta saw Emma sweeping

<sup>4</sup> The documents referred to are H. Vedder, *Die Schwarze Johanna*, 1936 and H. Vedder, *Uerieta: Eine Schwarze Frau*, 1949.

<sup>5</sup> See B. Lau (1981), "'Thank God the Germans came': Vedder and Namibian Historiography", in *History and Historiography: 4 essays in reprint* (discourse/msorp, Windhoek 1995).

<sup>6</sup> According to Lau, Johanna is completely absent from Emma's letters for eight years of the period of her employment, while Hahn makes a single reference to her during this period. (Lau, 1986: 57-59)

<sup>7</sup> "The white woman saw the little black girl, took her hand, took her to the fire and gave her a handful of "grieven" (animal fat which has been reduced and fried; considered a special treat). That was such a titbit for the small one, and when her mouth was full of this delicious food so was her heart full of good emotions and thoughts about the white woman." (Vedder, 1936, I: 10)

and thought that it was wrong to see a white woman performing such a task herself instead of having a maid do it. Emma reportedly showed Uerieta how to use the broom, thus inaugurating Uerieta's position as a domestic servant. (Vedder, 1936, I: 10, 17)

In addition to working as a maid, Uerieta was responsible for looking after the Hahns' children: two young sons at the beginning of her employment, and eventually another son and a daughter. After making the fire and attending the morning devotion, Uerieta would attend school, where she soon took over teaching tasks as well. In the afternoons, she learned to sew and to lay the table. In Vedder's words, this was very difficult, as "How can one expect a black girl who only used her fingers and hands for eating, to remember when the white man uses a plate, a cup, a fork or spoon!" (Vedder, 1936: 18) Thus, Vedder's account illustrates the early perception of blacks as uncivilised "natives" who were lucky to be allowed to come into contact with the more educated and sophisticated Europeans. In a similar vein, Vedder writes:

*There was only one thing the black girl didn't really like at the beginning. When she was with her parents she dressed herself according to the fashion of the Hereros, and the fashion rules for a 12-year-old girl were fairly simple and didn't change until the fifteenth year. [Custom] prescribed that a child had to wear a piece of leather the size of a hand, attached to a small leather belt and worn like an apron. Attached to this leather apron had to be finger-long leather fringe ... But now Mrs Hahn sewed a little dress for Uerieta which covered her whole black body and buttoned high under the neck. That was frightening because it was so confining. And whose fault was it when the dress became dirty? Now Uerieta had to take more care about herself than about the work. But with time one learns quite a lot. Also Uerieta learned to wear dresses and to be clean. (Vedder, 1936, I: 19)*

Later on, Uerieta acquired additional domestic duties, as she was responsible for caring for a Herero woman who came to the Hahns after she lost her legs in the war between the Hereros and the people of Jonker Afrikaner. (Vedder, 1936, I: 22-23)

One account suggests that Uerieta may have received only food and clothes rather than wages in exchange for her labour,<sup>8</sup> in a striking example of how informal arrangements for domestic work devalued this form of labour.

Uerieta first appears in Emma Hahn's letters as a "little girl" who "is, or rather can be, very handy" and who "sews and hems very neatly and likes needlework much". (*Letters of Emma Sarah Hahn*: 110) The references to Johanna Kazahendike in her letters exhibit a mixture of affection with a patronising attitude; for example, she speaks of her as "our Johanna" and "the poor girl" (*Letters of Emma Sarah Hahn*: 215, 231, 238), but she also writes with genuine concern of a time when "our Johanna" was sick:

*The very evening that those letters arrived our Johanna (formerly Uerieta) had gone to bed unwell, with a cold or it could be with the commencement of the fever.*

<sup>8</sup> "Uerieta Kazahendike het reeds in die huis van Eerw. en Mev. Hahn gekom, voor dat hulle na Duitsland vertrek het. Destyds was Uerieta sowat twaalf jaar oud, sy het Mev. Hahn in die huis gehelp en het daarvoor kos en kleren ontvang." (Baumann: 39)

*It proved to be the latter, and she became so bad that we were obliged to watch her by day and night. (Letters of Emma Sarah Hahn: 215)*

There was also genuine affection between Uerieta and the Hahns' children. Uerieta taught them to speak Herero so well that they could correct their father's mistakes. According to Uerieta (as quoted in Vedder):

*Traugott [the youngest son] was always my favourite ... The brothers rode donkeys once in a while when they became older. Traugott was too small for that, but he also wanted to ride. Then he said to me, "Bow down, Ojata, and stand on your hands, I want to ride on your back." Then I was his donkey and he rode on me. He always said Ojata to me because he couldn't say Uerieta. (Vedder, 1936, I: 19)*

Over the years, Uerieta learnt to speak Dutch, German, English and Nama in addition to her mother tongue, Herero. In addition to carrying out domestic work for the Hahns for about 12 years, she taught school and assisted with the translation of religious material from German into Herero. She also worked with Carl Hugo Hahn on a Herero-German grammar and dictionary, for which he later received an honorary doctorate.

The Hahns travelled to Germany in 1853. Uerieta accompanied them to Cape Town, where she remained with them for several months before they proceeded to Germany. Lau points out that the Hahns' silence about Uerieta during this period is particularly striking for two reasons. Firstly, Uerieta, with her impressive knowledge of English, German and Herero, almost certainly assisted Hahn with the draft Herero grammar and dictionary which he worked on during this period. Secondly, her assistance with domestic duties must have been equally invaluable at this stage:

*Having arrived in Cape Town in mid-November 1852 after a journey of five months, the Hahns left for Germany only in mid-June 1853. Thus Emma had to live with four small children (later seven, as three Kleinschmidt children were sent to Germany with the Hahns), extreme uncertainty about the future, and in primitive, dependent conditions for almost a year. Johanna must have been simply indispensable to her. Yet although Johanna's situation was even more uncertain and dependent; although she had been separated from family and home, with no financial means whatever; was not older than 15 years and yet extremely competent, fulfilling all tasks, Johanna is overlooked in Emma's letters -- she does not exist. (Lau: 57-8)*

After the Hahns' departure for Germany, Uerieta was left stranded in Stellenbosch for a few months before she returned to Namibia to work as a domestic servant for another missionary family.<sup>9</sup> She returned to employment with the Hahns when they came back to Namibia in 1857. At this stage, she swept the floor, did the washing and cooked. She also continued to assist Hahn with more translations and to teach classes at the mission school. (Vedder, 1936, II: 3) In 1858 she was baptised by Hahn as the first Christian convert among the Herero, becoming known as Johanna from that point.<sup>10</sup>

<sup>9</sup> She was employed by the Krefts, who lived in Bethanie.

<sup>10</sup> In keeping with the historical accounts, this paper refers to Uerieta as "Johanna" from this point.

When the Hahns made another trip to Germany in 1860, it was arranged that Johanna would accompany them this time. Here Johanna renewed contact with the Hahns' three sons who had been resident in Germany for some time. They greeted her affectionately, according to Vedder: "There you are, Uerieta. You became big in this time and you are still so black. Yes, you are our Uerieta". (Vedder, 1936, II: 5)

In Germany, Johanna continued to assist Hahn with his Herero grammar and dictionary: "Every word, every form, was discussed with Johanna," who ensured that the translations were idiomatically correct. (Vedder, 1936: 6) She also assisted Carl Hugo Hahn in the preparation of nine Herero books for publication, although her contribution was not publicly acknowledged. During her stay, Johanna was exhibited at religious meetings in Germany as living proof that the missionary work in Africa had borne fruit. (Vedder, 1936, II: 6) In addition to all this, she continued her domestic work and was engaged to do the washing at a children's home. (Vedder, 1936, II: 8)

Emma Hahn is deprecating about Johanna's work performance during this period, referring to her as being "very deficient in energy, although she did what she could." (*Letters of Emma Sarah Hahn*: 240) Although she is silent on Johanna's tremendous contribution to the household and to her husband's work, Emma writes warmly of an anecdote involving Johanna's encounter with snow:

[from Germany] *Our Johanna bears the cold very well, which, however, has not been very severe, although it has snowed several times, indeed the snow lies now on the ground. This morning she went to the pump to get a bottle of water, and as she came back Hugo noticed that she carried an open umbrella along the passage. Upon asking her afterwards if she had taken an umbrella when she went to the pump, she answered "Yes." I laughed and remarked that, had it rained, she would not have done so. She said: "O no, this thing (the snow) is much worse than rain!"* (*Letters of Emma Sarah Hahn*: 231)

We know little about Johanna's perception of her role in the Hahn's household or her perceptions of her stay in Germany. According to Vedder (who claims to be quoting Johanna), she rather cryptically stated that "Germany is a beautiful country but only for those who are born there. If you are born in Africa, you should rather remain in Africa." (Vedder, 1936, II: 6)

Johanna returned to Namibia with another missionary party in 1861, ostensibly for health reasons. Lau speculates that "Since her work for Hahn [on the Herero books] was completed, she had become a burden and was got rid of without further ado." (Lau, 1986: 62)

A mixture of her employers' criticism, concern and patronisation is particularly evident in a passage from Emma's letters which describes Johanna's departure from Germany:

[from Germany] *Since then I have been much occupied in house affairs, having only Johanna with me who, although she did what she could, was not efficient in a household like ours where all must be managed with strict economy and where the work is not more than one good servant can do, whereas I was obliged occasionally to hire help to assist her. But why do I write thus? Johanna is now*

*on her way back to her native land, that is, she left us on Wednesday and will proceed with a missionary who is going out from Barmen and three brides to Amsterdam, where they will embark in the beginning of next month. Hugo took her to Barmen and I have had a letter from him this evening in which he tells me that it is Dr Fabri's wish that he should accompany the party to Amsterdam and see the ship, which is just what I had wished as I could not bear the thought of the poor girl leaving us without one or the other of us accompanying her to the vessel. She sent me also a few lines with Hugo's, in which the expressions of affection for me are quite affecting. She will, however, be happier in Africa, and I hope her visit to this country will not have been without a blessing to her, although she did not find everything and everybody so good as she had at first expected. (Letters of Emma Sarah Hahn: 238)*

After landing in Cape Town, Johanna took care of a blind women for some time, returning to Namibia with the Hahns in 1863. At their suggestion, she went to Barmen to work for a young missionary who had no one to help him in his household. (Vedder, 1936, II: 10-11)

In 1864 she married Samuel Gertze, who had worked for the Hahns for many years. (Vedder, 1936, II: 10-11) Lau suggests that this is another event in Johanna's life which was "engineered by Hahn for his benefit, or rather for the benefit of his career":

*According to Vedder, Johanna's match with the widower Gertze and his eight motherless children was arranged by Hahn. It is useful to remember that at the time Hahn had just begun to realise his dream of the Herero mission colony which was to serve as the nucleus of a wholly converted Herero nation. A central part of his plan was grain cultivation in the bed of the Swakop river to support the colony. Samuel Gertze, a coloured man in Hahn's service since 1842, was therefore called from Otjikango to Otjimbingwe in 1864 to fulfil this task, since the expected German agricultural expert had not yet arrived. Samuel did this work with energy and success, and proved a pillar of Hahn's mission colony. Being a widower with eight children, he could not have fulfilled this role without female help. What was required was not just a wife or some help but a competent and experienced Christian woman who would lead an exemplary life in Hahn's young mission colony; who but 24-year-old Johanna? (Lau, 1986: 63)*

In addition to caring for Samuel's eight children, Johanna bore nine children of her own during her marriage to Samuel. While caring for this large family, Johanna and Samuel also tended the cattle and the garden of the white residents of Otjimbingwe. (Vedder, 1936, II: 15) Johanna left her own family at one stage to do domestic work for a white farmer, Redecker, who was unmarried and had no one to take care of him. Then Johanna returned to Samuel and the two of them built a stone house along the Swakop river where they lived until Samuel died in 1889. (Vedder, 1936, II: 16-17) Johanna then returned to Otjimbingwe where she worked for many years as a volunteer midwife and pharmacist, receiving much praise for her skills.<sup>11</sup>

Although Johanna's many talents were largely unacknowledged by the Hahns, she did receive some praise. Hahn complimented her in his diary, commenting that her knowledge of

<sup>11</sup> For example, one German woman, who stated, "If I am right my second son was the hundredth child Johanna helped as midwife," commended Johanna's use of traditional medicines to heal the baby's sores. (Vedder, 1936, II: 23)

European languages made her “very superior” to her people and a “strong example”. (Vedder, 1936, I: 28)

She was undoubtedly loved by the children whom she helped to raise. Traugott Hahn sent her a warm and loving letter when they were both very old:

*You, my dear old Johanna, carried me with your arms. You are my dear and true foster mother [“pflegemutter”] and I prayed for you every day. I am now an old man of 85 years. Your picture that you sent to me seven or eight years ago I always carry in my breastpocket. I have showed it to all my children and to many other people. May God take care of you, my dear Johanna. Your foster son, Traugott Hahn. (Vedder, 19436, II: 27)*

Shortly after Johanna’s death, a missionary inspector wrote a tribute to her, praising her Christianity and emphasising her self-effacing nature.

*How superior she was. She still remained simple. She never made anything of herself [i.e. asserted her own importance]. She always lived quietly in the country ... If we had more of this kind of woman, the question in regard to women would be solved. (Missionary/Inspector Olpp, quoted in Vedder, 1936, II: 32)*

In other words, despite Johanna’s many contributions, she seems to have been most admired for her modesty.<sup>12</sup>

Thus, this early domestic work relationship illustrates a pattern that became the norm in years to come. Domestic work in Namibia has tended to be invisible and undervalued. The family-like work setting has tended to create a certain degree of intimacy which is in tension with the distance between different classes, races and lifestyles. The result has often been a mixture of affection and patronisation, and a disregard for the skills and the difficult labour which are involved in domestic work.

<sup>12</sup> Uerieta Kazahendike was not the only domestic worker of the period who possessed multiple skills. In the early 1800s, the missionary Schmelen married a Nama woman who initially accompanied him on a trip from South Africa to what is present-day Namibia as a domestic servant. Four children were born to them (in 1815, 1817, 1819 and 1821). In the same way that Carl Hugo Hahn relied on the skills of his domestic worker, Schmelen relied on the skills of his wife for translation. Together they translated the Bible into Nama and they travelled to Cape Town to have it printed in 1830. Mrs Schmelen accompanied her husband on this long and difficult journey even though she was apparently ill at the time, because he needed her to assist with the final proofreading. She died in 1831 on their way back to their home in Komaggas.

Schmelen wrote the following to the London Missionary Society about his wife: “She always laboured, in particular, to render herself useful to her own sex, by conversing with them about Divine Things. Some of them were afraid to converse with me; but to her, they opened their minds freely. She occasionally prayed in the social prayer-meetings; and, though not in possession of what are called great gifts, poured out her petitions with great fervency. Indeed, her prayers sometimes seemed to have more effect upon my hearers than my own preaching.” (*Missionary Register*, August 1832, pp. 321-22)

(Information from Ursula Trüper, a researcher who is in the process of writing a paper on Mrs Schmelen.)

### 3. EARLY LEGAL REGULATION OF THE EMPLOYMENT RELATIONSHIP

#### 3.1 Laws enacted under German colonial rule

Legal regulation of employment relationships began in the early 1900s. At this stage, white settlers in Namibia's "Police Zone"<sup>13</sup> faced a labour shortage. Rebellion against German rule during the period 1902-1907 decimated the Herero and Nama populations inside the Police Zone, and German expropriation of land forced most of the remaining members into wage labour. Still faced with a shortage of workers, the German colonial administration instituted a system of labour recruitment in Ovamboland. The colonial labour policies also segmented the labour force, by reserving Herero and Nama labour for farms and urban areas in the Police Zone, meaning that other enterprises were more dependent on migrant labour from Ovamboland. (Adams *et al.*: 12-15)

The first significant legal regulation of working conditions in Namibia was the 1907 Masters and Servants Proclamation, which was enacted under German rule. In terms of this law, all "natives" over the age of 14 inside the Police Zone who entered into employment for periods exceeding one month were required to provide the "master" with a service book ("*Dienstbuch*") issued by the responsible police authority. Before the *Dienstbuch* was handed over, the police were required to make sure that the "native" was no longer obligated to any other "master", and that he or she understood and accepted the contents of the employment contract. A "native" was not allowed to leave his or her old place of employment or to enter into a new job without the written permission of the "master" and an endorsement by the police in the *Dienstbuch* certifying that the previous employment had come to an end.<sup>14</sup> Although the rules regarding the *Dienstbuch* applied to both males and females, they were apparently enforced more strictly in respect of men. (Becker: 83)

The employment "contracts" were not really designed to express free agreement between employer and employee on fundamental issues and were therefore a misnomer. They could not cover a period longer than one year, but could be renewed. Despite the existence of the "contract", "masters" could summarily dismiss their "servants" before the end of the contract period for repeated disobedience, incitement to disobedience, theft, abscondment, inability to work caused by the servant's own fault, or in the case of an illness which lasted for more than four weeks. Although the master was allowed to pay reduced wages to a sick or incapacitated servant who could not perform all of the usual duties, the master had a legal responsibility to provide medicine and medical care for such a servant until the end of the contract period. (See *Native Affairs Memorandum*, 1916: 9.)

Servants were entitled to leave their jobs before the end of the contract period if there was gross ill treatment or breach of contract. A "master" who dismissed a "servant" without valid

<sup>13</sup> The Police Zone included the central and southern areas of Namibia which were under the direct control of the German Administration. It did not include the Kaokoveld, Ovamboland, Kavango or Caprivi. The Caprivi experienced limited German administrative control after 1910, but the other areas outside the Police Zone were left almost untouched. (Du Pisani: 23)

<sup>14</sup> Verordnung des Gouverneurs von Deutsch-Südwestafrika, betreffend Dienst- und Arbeitsverträge mit Eingeborenen des südwestafrikanischen Schutzgebiets. Vom 18 August 1907. Die deutsche Kolonial-Gesetzgebung 1907.

cause could be required to pay compensation, while a "servant" who deserted a job without good reason could be forcibly returned to the "master".<sup>15</sup>

A special set of rules dealt with the situation of workers in private service, such as domestic workers and farm workers.<sup>16</sup> As with other types of employment, work contracts for longer than one month in this sector had to be certified by the appropriate police official, for which the employee had to pay a fee. The police were responsible for ensuring that the payment promised to the employee was clearly mentioned in the *Dienstbuch*. Payment could be made in the form of either cash or food, but food or other goods could not be substituted where cash had been promised. A domestic servant was in theory entitled to leave the job immediately if such a substitution was made, or if the employer forced the servant to buy from the employer's shop. The employer was not allowed to provide bad or insufficient food, and was obliged to provide suitable accommodation or building materials so that the "native" could build his or her own house. According to these regulations, it was necessary "to protect the native who is in a disadvantaged position because of his low intelligence and his lack of knowledge of the German language."<sup>17</sup>

On paper this arrangement might have appeared to provide employees with some rudimentary rights, but in practice it left them at the mercy of their employers since a black servant stood little chance of prevailing against the word of a white employer in the colonial context. (Wiehahn Commission I: 28)<sup>18</sup> This early law also formalised employers' view of workers as being incapable of entering into freely-negotiated agreements.

In addition to the employment regulations, there were further measures of control: all "natives" over the age of seven were required to carry a pass, and "natives" without a proven income or source of maintenance could be punished as vagrants.<sup>19</sup>

The historian Helmut Bley, writing of the period 1907-1914, states: "Domestic employment was the most regular, and this accounts for its greater popularity with the Africans, about which the farmers often complained. Domestic servants were often children of between ten and fourteen. There are no statistics for the extent of the employment of women, but the authorities ascribed the decline in the African birth-rate and increased infant mortality to the living and working conditions on the farms." (Bley: 250)

<sup>15</sup> Verordnung des Gouverneurs von Deutsch-Südwestafrika, betreffend Dienst- und Arbeitsverträge mit Eingeborenen des südwestafrikanischen Schutzgebiets. Vom 18 August 1907. *Die deutsche Kolonial-Gesetzgebung 1907*.

<sup>16</sup> "Gesinde-Verordnung", Runderlafs des Gouverneurs von Deutsch-Südwestafrika zu den Verordnungen, betreffend die Kontrolle und Pafspflicht der Eingeborenen sowie die Dienst- und Arbeitsverträge mit diesen. Vom 18 August 1907. *Die deutsche Kolonial-Gesetzgebung 1907*.

<sup>17</sup> "Noch mehr als daheim zum Schutze des weissen Arbeiters wird hier zum Schutze des durch seine geringe Intelligenz und mangelhafte Keentnis der deutschen Sprache in ungünstigerer Lage befindlichen Eingeborenen ..." Runderlafs des Gouverneurs von Deutsch-Südwestafrika zu den Verordnungen, betreffend die Kontrolle und Pafspflicht der Eingeborenen sowie die Dienst- und Arbeitsverträge mit diesen. Vom 18. August 1907. *Die deutsche Kolonial-Gesetzgebung 1907*.

<sup>18</sup> For example, a lawyer asserted in a trial which took place in 1912 that no fewer than twelve native statements were needed to balance one white testimony, arguing that anything less would offend the court's "racial awareness". (Bley: 263, discussing Ohlsen's case.)

<sup>19</sup> Section 4, Verordnung des Gouverneurs von Deutsch-Südwestafrika, betreffend Mafsregeln zur Kontrolle der Eingeborenen. Vom 18. August 1907; Verordnung des Gouverneurs von Deutsch-Südwestafrika, betreffend die Pafspflicht der Eingeborenen. Vom 18. August 1907. *Die deutsche Kolonial-Gesetzgebung 1907*.

### 3.2 Early South African law and policy

During the period of South African military occupation in the course of World War I,<sup>20</sup> the practices of the German Administration with respect to enforcement of the labour laws were summarised (although probably not without prejudice) in a 1916 “Native Affairs Memorandum” which became the basis for the policy of the new administration.

The South West African administrators assessed past practices as follows:

*There is no doubt that certain of the German Native Laws are satisfactory, on paper at least, but it is generally conceded that in very few instances was effect given to the provisions thereof, except, perhaps, those allowing the indiscriminate flogging of natives or where the master could be benefited. The instances where the servant obtained the very fair and just rights to which he was entitled under those laws are found to have been few in number.*

*The right or authority delegated to certain officials to flog or chain natives for certain offences was indulged in to the extreme by practically every member of the Police Force in the most trivial cases of complaint by masters, whilst assaults upon women by these very guardians of the peace and by members of the European population were numerous, and, as a rule, went unpunished. (Protectorate of SWA, Native Affairs Memorandum, 1916: 5)*

The SWA Administration espoused (at least on paper) a more benevolent, paternalistic attitude, recommending “judicious and firm, but just treatment,” whereby the natives must be taught that “the liberties they now enjoy also carry certain obligations, the non-fulfilment whereof entails punishment”:

*At the same time magistrates and police officers are warned that the indiscriminate prosecution of natives for offences against the Masters and Servants Laws are calculated to defeat the object of securing a better state of feeling between master and servant and putting an end to the deplorable attitude assumed by one toward the other. The master regards the servant as a slave, without rights, amenable only to the lash and various other cruelties practised in this protectorate. The servant regards his master as his inveterate enemy from whom there is no escape. To remedy this, counsel, time, and patience are needed. The master should be made to realise that a native, as much as a European, is entitled to the protection of the laws of the country from assaults upon his person and attempts to defraud him of his just dues under his contract, and that no individual whatsoever, except a magistrate, is allowed to mete out punishment. It should be impressed on the native that while our officers give protection to all and will assist every native to secure for him fair treatment and fair wages, it is incumbent upon him to carry out his service in proper manner to the best of his*

<sup>20</sup> German rule in Namibia effectively ended with the surrender of the German armed forces on 9 July 1915. During the ensuing period of military occupation by South African forces, German laws remained in force, with the exception of those repealed under martial law. Administration was in the hands of a military governor, who was replaced by a South African administrator on 28 October 1915. “South West Africa” became a Protectorate of South Africa in terms of the Peace Treaty of Versailles which was signed on 28 June 1919. (Du Pisani: 46-48)

*ability and to be obedient and respectful.* (Protectorate of SWA, *Native Affairs Memorandum*, 1916: 5)

Under South African administration, the requirement that all “natives” must be in employment unless they had visible means of support was no longer applied to females living outside of towns.<sup>21</sup> The pre-existing German labour legislation initially remained in force, with a few amendments.<sup>22</sup>

These amendments required that all future employment contracts be entered into in writing before an officer in charge of native affairs. Magistrates were directed to draw up a schedule of minimum wages for their districts which would be made available for the guidance of these officers. Employment contracts could be entered into by any native above the age of 14, male or female, but married women required the assistance of their husbands. The *Dienstbuch* was replaced by an “Employed Natives Pass” which essentially served the same function.

According to the South African Administration, the withholding of wages had in the past been “the main cause of desertions and breaches of contract by natives.” Thus, the amended law placed a legal responsibility on masters to pay wages owing on the date they were due, and to allow servants to remove their own property from the master’s premises; a master who violated these rules could be found guilty of a criminal offence, and the servant in question was entitled to request the court to declare the contract of employment to be at an end. Conversely, misconduct or the violation of any condition of employment by a servant was a criminal offence as well as being grounds for ending the contract.

According to the South African Administration, “the custom during the German regime was for the master to take the servant to the nearest police station and there, on lodging a complaint, to have the servant flogged or chained.” The legal authority for such punishment was repealed by the 1916 Proclamation, which made punishment the province of the courts alone.

The South African Administration summed up the duties of master and servant under its new policies as follows:

*The contract of service implies on behalf of the master:*

- (a) *prompt payment of wages and the due observance of all obligations imposed on him by law;*
- (b) *proper treatment, both in the matter of food and clothing, if provided for in the contract; and*
- (c) *no ill-treatment of the person or assets of the servant.*

<sup>21</sup> “The two main principles of the German law -- (a) that every native must carry a pass and (b) that every native must be in employment unless he has visible means of support -- remain in force, but the law will only be applied to males above the age of 14 years, and to females over 14 in urban areas. Thus females living outside towns will not be required to carry passes.” (Protectorate of South West Africa, *Native Affairs Memorandum*, 1916: 6)

<sup>22</sup> The 1907 Masters and Servants Proclamation enacted under German rule was amended by the Masters and Servants Proclamation 2/1916.

*and, on behalf of the servant:*

*diligence, faithfulness, honesty, and care of the master's property and assets.*<sup>23</sup>

However, it must be kept in mind that, against the background of colonialism, the symmetrical obligations set forth on paper cannot be taken as a true reflection of the reality of the time.

### 3.3 The 1920 Masters and Servants Proclamation

In 1920, the old German law on employment was replaced altogether with a new Masters and Servants Proclamation.<sup>24</sup> This legislation, which was much more detailed than the previous legal frameworks, remained in place for the next 55 years.<sup>25</sup> (Wiehahn Commission I, 1989: 28-29)

In spite of the South West African Administration's initial criticisms of the Germans' harshness, the new legislation did not differ in any fundamental respects from its German precedent.

The 1920 Proclamation defined "servant" as "any person employed for hire, wages or other remuneration to perform any handicraft or other bodily labour in agriculture, manufactures, industries or in domestic service ..."<sup>26</sup> A "master" was anyone who employed a "servant". The Proclamation applied to both men and women, with a few sex-based distinctions.

In terms of the 1920 Proclamation, oral and written contracts of employment were binding for a maximum of one year. Contracts did not have to be certified by a magistrate or government officer, but they could be valid for up to five years if they were.

Male servants who were required to reside on the master's premises could not be accompanied by their wives and children without the master's permission, but there was a prohibition -- at least on paper -- against masters claiming a right to the services of a servant's wife or child in such circumstances.

Where a contract of service specified cash wages, the law prohibited the substitution of payment in kind (or vice versa), unless the substitution was made with the express consent of the servant.

The 1920 proclamation provided one month of sick leave at full pay -- unless the contract specifically provided otherwise -- but the contract could be dissolved by the master if the servant was unable to work for more than two months.

<sup>23</sup> Proclamation 2/1916, dated 6 January 1916; Protectorate of South West Africa, *Native Affairs Memorandum*, 1916: 7-10.

The amending proclamation, 2/1916, was replaced by Proclamation 1/1918, which was virtually a repetition of the 1916 proclamation. The only change seems to be the removal of race from the definition of servant for the first time. The 1907 proclamation applied to all "natives". The 1916 amending proclamation defined "servant" as any native or coloured person, male or female, employed for wages or other remuneration in any domestic, agricultural or manual labour". The 1918 amending proclamation omitted the words "native or coloured" from this definition.

<sup>24</sup> Proclamation 34/1920.

<sup>25</sup> Repealed by Proclamation 105/1975. (SALB: 95)

<sup>26</sup> This definition was amended by Proclamation 19/1923, but still included any person in domestic service.

Children between the ages of 10 and 16 could be apprenticed by their parents into a variety of occupations, but apprenticeships into agricultural or domestic service could not extend beyond age 16 for females or age 18 for males. This rule appears to have reinforced the pattern observed during earlier years of domestic work as a common employment of young children.

Females aged 16 or older could apprentice themselves into domestic service for periods of up to five years; this was presented as an exception to the rule that apprenticeships for males and females should ordinarily be limited to trades requiring a "peculiar art or skill" -- thus reflecting and reinforcing a view of domestic work as unskilled employment.<sup>27</sup>

The 1920 Masters and Servants Proclamation contained a number of provisions which applied only to domestic workers. For example, domestic servants had no right to refuse to accompany their masters or any members of their masters' families on any journey within the Protectorate of South West Africa, and no right to refuse to undertake any journey ordered by the master.

Female domestic servants who were required to reside on the master's premises could be dismissed by their masters if they married. The husband of a female domestic servant also had the right to dissolve her contract of service and to claim any wages owing to her, if he saw fit to do so, although the husband could also be held liable by the master for any damages resulting from the dissolution of the contract of service.

A female domestic servant could be dismissed if she was unable to perform her duties because of pregnancy or childbirth.

Domestic workers, as well as other servants, were subject to a long list of rules regarding misconduct. It was an offence to fail to begin service at the time agreed upon in the contract or to leave the master's premises or the workplace without permission, meaning that a servant was essentially bound to the master for the duration of the contract. Drunkenness and carelessness were criminal offences, and it was also an offence to refuse to obey a command of the master or to use abusive or insulting language to the master or the master's wife. However, masters were under no reciprocal duty to behave civilly to their employees.

Offences could be punished by fines or imprisonment, and could result in the cancellation of the contract or in an order to compensate the master for wrongful loss or damage of property. The penalties for violating any of these rules were slightly different for male and female domestic workers. Also, male domestic workers (but not female domestic workers) were subject to prohibitions on brawls and on absconding from service.<sup>28</sup>

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<sup>27</sup> The exact wording of the provision is as follows: "Any minor of the full age of sixteen years or upwards may, by his own consent, be apprenticed for any term not exceeding five years at any trade in the practice of which any peculiar art or skill is required, but not otherwise: Provided always, that in the case of such minor or minors being females, they may, with such consent, be apprenticed to domestic service for any such period as last aforesaid."

<sup>28</sup> There were two separate sets of rules. One was for agricultural servants, male domestic servants, and males employed in manufacturing or industry, or as porters, boatmen or similar occupations. The other was for all other "servants" -- and therefore must have applied to female domestic workers. The differences between the two sets of rules are relatively minor. However, there were variations between the two sets of rules in the amounts of fines which could be imposed for various offences; the first set of rules contained slightly lighter penalties for first offences, but authorised heavier penalties where an offence was repeated within six months. Also, while both sets of rules authorised imprisonment upon conviction, only the first set of rules provided for hard labour, solitary confinement and spare diet.

All servants, both male and female, had a far lesser degree of protection against misconduct on the part of their masters, even in theory. A court could cancel a contract of service at the servant's request where the master was found guilty of assault, or where the master brought charges against the servant that were not proved. It was a criminal offence for a master to withhold the wages of a servant "without reasonable and probable cause", or to fail to pay appropriate damages after dismissing a servant without "lawful cause". A court that convicted a master on these charges could also give judgement in favour of the servant for the amount owing.

Failure on the part of the master to "fully and fairly" carry out the terms of the contract was grounds for cancellation of the contract at the request of the servant, and failure to supply food, clothing, bedding, lodging or other articles specified in the contract of service could result in a fine or imprisonment of up to one month. It was also an offence for a master to prevent a servant from taking away his or her own livestock at the expiration of the contract, or at any other time.

The Proclamation also stated that a servant who left the place of service without permission for the purpose of laying a complaint against the master would not be treated as having deserted the job -- a thin form of protection against victimisation.

Despite the theoretical protections against gross abuses by masters, it is clear that the "contract" of service was not a product of free negotiation in any sense, but a form of indentured servitude enforced by criminal sanctions. (Gottschalk: 83)

This fact is emphasised by the framework in which the Masters and Servants Proclamation was situated. "Natives" were crowded into reserves designed to serve as labour pools for the white settlers. Overcrowding in the reserves, combined with taxation and the stimulation of consumer desires that required cash to satisfy, forced many black Namibians to enter wage labour outside the reserves. A 1920 Vagrancy Proclamation provided a basis for forcing unemployed "natives" into jobs by making it a crime for persons "without visible lawful means of support" to be "wandering abroad". It was also an offence to be found "wandering over any farm" or "loitering near any dwelling-house, shop, store, stable, outhouse, garden, vineyard, kraal or other enclosed space," or to be in any public place "without sufficient clothing for the purpose of decency". Conviction on any of these offences could result in the allotment of the offender to a job. (Proclamation 25/1920; Cronje & Cronje: 31)<sup>29</sup> Chiefs and headmen were instructed to ensure that their reserves did not become "havens for loafers", and magistrates and reserve superintendents were directed to "tighten up control". (Gottschalk: 78-80; Goldblatt: 226-7)

#### 4. THE DYNAMICS OF DOMESTIC WORK DURING THE 1920s AND 1930s

A vivid glimpse of the dynamics which complicated domestic work arrangements during this period is provided by the 1921 report of the government's Native Reserves Commission. This was a body which was charged with investigating, among other things, the potential labour force which could be drawn from the reserves for white farms. (Adams, *et al*: 27) The

<sup>29</sup> This proclamation is still technically in force. It is not clear whether it was as strictly enforced with respect to women as to men in practice.

Commission's discussion of "female native labour" is indicative of the race and gender stereotypes which entered into the domestic work relationship during the colonial era:

*Female native labour is extensively used throughout this territory in domestic and light farm work. If the complaints made to us are to be regarded as any criterion it is safe to say that this type of labour is by far the most unsatisfactory. Native women do not seem to be possessed of any sense of responsibility in respect of their contractual obligations. They work when so disposed, and refrain when disinclined. Coupled with this disposition is that of independence and insolence, and the opinion has been expressed on all sides that this attitude is greatly accountable for the demeanour their men at times exhibit towards their European employers. Complaints have also been made to us that they serve as active agents in the removal and concealment of stray or stolen stock, and that their movements from place to place are largely for the purpose of prostitution. Whether this is correct or not we cannot say, but it is worthy of note that the Herero Chief Frederick Maherero who recently visited this country found it necessary to address the women on this subject and to exhort them to desert from the practice. It is unfortunate and unsavoury to have to mention also that at several of the meetings of Europeans our attention was drawn to the question of the cohabitation of European males with native women and at one meeting it was suggested that a fine of £50 should be inflicted upon Europeans living under such conditions. To what extent this state of affairs towards the European it is difficult to say [sic], but it is certainly not one calculated to stimulate respect. The practice of polygamy by natives is to some extent responsible for female labour not being utilised to its full extent. (Report of the Native Reserves Commission, 11-12)*

In general, this Commission recommended a return to tighter "native control". It asserted that the absence of a pass law, combined with the fact that the 1920 Masters and Servants Proclamation did not require government monitoring of employment contracts covering periods of less than one year, had made it "practically impossible to exercise any satisfactory control."

The Commission recommended that all contracts of service "between Europeans and natives" be made in writing before a magistrate or other government official, and that they should take the form of the old *Dienstbuch* required during the days of German administration. As a further measure of control, the Native Reserves Commission recommended the reintroduction of a pass law under which travelling passes, visiting passes and residential passes must be carried by all natives, male and female, from the age of 16.

The 1921 Commission also recommended that minimum wages be implemented: 15/- per month with food for "native male adults", 10/- with food for women in domestic service on farms, and 5/- per month with food for "milkmaids, boys and girls under the age of 16 years". (Report of the Native Reserves Commission, 14-18)

The Commission also made a specific recommendation based on its understanding of the connection between polygamy and domestic work:

*The subject of native polygamy was frequently discussed at our meetings and its incidence upon domestic labour severely criticised. It was pointed out that although there was no shortage of native women upon farms, the men in many cases had two or more wives and that the attitude of the latter was so independent that it was often with the greatest difficulty that they could be induced to render any service to the farmer's household even though good wages were offered. As a check to this it was proposed that only one wife should be exempt from the operation of the control regulations, and that a tax should be levied upon the husband in respect of the others, the failure of payment of which should render them amendable to the regulations ... (Report of the Native Reserves Commission, 18)*

Thus, the Commission was proposing a system whereby women could in effect retain their right to reside with their husbands on farms only if they could be pressed into domestic work in the farmer's household.

Many of the Commission's recommendations for "tighter control" were subsequently implemented, although the suggestion for setting minimum wages seems to have been ignored.

Curfew Regulations enacted in 1922 empowered any local authority to prohibit any "native", male or female, from being in a public place between 9pm and 4am without a pass from an employer, a magistrate or another government official -- thereby increasing the power that employers could wield over their employees. (Curfew Regulations Proclamation 33/1922)

In addition, the Native Administration Proclamation 11 of 1922 essentially made it a criminal offence for any "native" outside a reserve to travel, work or seek employment inside the Police Zone without the proper pass or permission issued by the state or by a "European employer". (Gottschalk: 81-82) However, the requirement to carry passes initially applied only to males over the age of 14.<sup>30</sup>

Additional controls were implemented in 1924 by the Natives (Urban Areas) Proclamation, which distinguished between men and women for some purposes. This Proclamation empowered local authorities to set aside "native locations" and to require all natives in urban areas to reside there, with the exception of domestic workers living on their employer's premises. The Administrator was empowered to require that all male natives working in urban areas must register their contracts of service and produce them on demand, and to require that male work-seekers register with the appropriate authorities. Male and female natives who remained in urban areas after the termination of contracts of employment could be ordered to reside in a particular place and ordered to depart from the area within a specified period if they failed to find work. Any "native", male or female, who was "habitually unemployed" or "leading an idle, dissolute, disorderly or immoral life" could be brought before a magistrate and ordered to return to "the place which he belongs". (Proclamation 34/1924, sections 6, 11, 16-17; Goldblatt: 227)<sup>31</sup>

<sup>30</sup> Both the initial provisions on passes in Proclamation 11/1922 and these provisions as amended by Proclamation 24/1935 applied only to "natives", who were defined as males over the age of 14 years, one of whose parents is a member of some aboriginal race or tribe of Africa. (Sections 1, 5-ff)

<sup>31</sup> A special set of regulations was issued for the Windhoek municipal area in December 1924. In terms of these regulations, all "natives" (male and female) had to report to the registering officer within 24 hours of their arrival

A special set of regulations was issued for the Windhoek municipal area in December 1924. In terms of these regulations, all "natives" (male and female) had to report to the registering officer within 24 hours of their arrival, whether they were employed or seeking work. Both male and female work-seekers who did not find work within six days could be ordered to depart from Windhoek. (Wives and dependants of employed "natives" were exempted from this provision) The service contracts of all male employees had to be registered, but not those of female employees. Male "natives" entering Windhoek were required to undergo a medical examination. (GN 173 of 20 December 1924)

Although women were covered by many of the provisions for "control of the natives", in practice they were not required to register or to carry travelling passes. (Poewe: 197-ff) However, because of concern about sexually-transmitted diseases, a regulation enacted in 1938 required that every "native female" in Windhoek between the ages of 18 and 60 -- with the exception of "any legally married woman actually living with her husband" -- must undergo a compulsory medical examination every six months. (GN 152 of 1 October 1938) About 100 Herero women staged a protest against this new regulation in March 1939, with the result that mass examinations were discontinued although the requirement that individual women be examined was not rescinded. (Poewe: 200-211)

The essence of government policy on the presence of "natives" in urban areas was articulated in the recommendations of a South African Commission which sat in 1921:

*It should be a recognised principle of government that Natives -- men, women, and children -- should only be permitted within municipal areas insofar as and for so long as their presence is demanded by the wants of the white population and should depart therefrom when they cease to minister to the needs of the white man.<sup>32</sup>*

The prevailing official attitudes were also articulated in a statement from the 1922 report of the Administrator of South West Africa, who noted that it was "undesirable to allow surplus natives of various races to crowd into municipal locations and similar places, where, even under the best control ... they generally deteriorate physically and morally ..." (Emmet: 178) In accordance with this policy, the laws in force made "native" presence in urban areas dependent on the existence of an employment relationship and thus gave the employer a degree of power over the employee that extended far beyond the work relationship.

By 1939, there were 19 005 "natives" present in urban areas inside the Police Zone, of which 10 838 were women, virtually all of whom were employed as domestic workers. In the same year, there were 65 036 "natives" resident in rural areas outside of the reserves, of which 37 432 were women, many of whom were probably employed as domestic workers on white farms. (Goldblatt: 227-228)

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whether they were employed or seeking work. Both male and female work-seekers who did not find work within six days could be ordered to depart from Windhoek. (Wives and dependants of employed "natives" were exempted.) The service contracts of all male employees had to be registered, but not those of female employees.

<sup>32</sup> Recommendation of the Stallard Commission on local government in the Transvaal, quoted in S. Jones (1993), *Assaulting Childhood*, at 7. The "Stallard doctrine" became the basis for migrant labour policy in Namibia as well as in South Africa. (Gottschalk: 81)

## 5. DOMESTIC WORK AND MIGRANT LABOUR

### 5.1 The migrant labour system

The recruitment of migrant labourers from areas outside the Police Zone, primarily from Ovamboland, began as early as 1891, under German rule. After the South African government took over the administration of Namibia, the practice of drawing on Ovamboland as a source of cheap migrant labour intensified. Two recruiting organisations were founded in 1925, and in 1943 these amalgamated into the South West African Native Labour Administration (SWANLA), which was given the sole right to recruit labour from the northern areas outside the Police Zone.<sup>33</sup>

The recruitment of migrant labour from these areas was confined to men, as women were expected to remain in the reserves to carry on with the subsistence farming which made it possible for the family to survive -- and reproduce the labour force -- on the low wages earned by male migrant workers. (Peltola: 65) Virtually no women from outside the Police Zone were permitted to obtain jobs inside the Police Zone, not even if they were accompanying their husbands, and women were completely excluded from the official recruiting mechanisms. (Gottschalk: 83; Kane-Burman, 1972: 12; Moorsom: 90-92)<sup>34</sup> However, since women who did move to urban areas in search of employment were barred from many forms of formal employment, domestic work was an important practical option.

Male workers who obtained employment through the formal recruiting organisations had no choice of job, but were assigned to an employer after being classified on medical and physical grounds into one of three categories. Workers in category "A" were assigned to mines, works or heavy industries, although they could also be employed as urban domestics or on farms. Workers in category "B" could be employed in light industry, as urban domestics or on farms, while those in category "C" could be employed only on farms (where they could be utilised as domestic workers). (Banghart: 53) The last and lowest-paid category was that of "*piccanins*", who were juveniles under the age of 16. (ILO: 55)

The "contracts" were unilaterally set by the labour recruiting agencies, and they specified a minimum wage. Once a worker entered into such a contract, it became a criminal offence for him to break it without reasonable cause. Migrant workers could not change jobs, and they were required to return to their homes for at least one month at the end of the contract period before they were allowed to apply for a new contract. They were not allowed to bring their families to live with them, and in most cases families were not even allowed to visit. In urban areas, most migrant workers were required to live in compounds for purposes of "control". (ILO: 55-56)

A small proportion of migrant labourers entered into domestic service. For example, in 1942, 4,7% of all migrant workers were in domestic service in urban areas, rising to 6,4% in 1952. (Töttemeyer: 156) About 6% of all migrant labourers were "urban domestics" during the period 1960-1967. For instance, in the 1964/65 fiscal year, there were 2 123 "urban

<sup>33</sup> The primary legislative enactments which regulated the contract labour system were the Native Labour Regulations (Mines and Works) Proclamation 3/1917 and the Extra Territorial and Northern Natives Control Proclamation 29/1935, which defined both "extra-territorial native" and "northern native" as males only. (Ford: 9)

<sup>34</sup> Moorsom states that, "One of the most striking characteristics of the contract labour system ... was its attempts to exclude all rural women from wage labour." (Moorsom: 58)

domestics" out of a total of 33 619 contract workers. (Banghart: 49) Similarly, the figures for 1971 show that 6% of migrant labourers (2 700 out of a total of 43 400) were employed in domestic service. (Kane-Burman, 1972: 5) The number of domestic workers on farms in rural areas is unknown, as they were apparently subsumed under the category of "agricultural" workers.

Contract workers in 1971

Government, commerce and industry	14 000
Mining	12 800
Farming	10 900
Fishing	3 000
<b>Domestic service</b>	<u>2 700</u>
	43 400

(Kane-Burman, 1972: 5)

The majority of migrant labourers were from Ovamboland, with smaller proportions from Angola and Okavango. Thus, the migrant labour system enforced ethnic and sex patterns in the domestic work sector which still survive in some areas today. While Herero, Nama and Damara women had free access to towns and thus moved into domestic work positions in significant numbers, only a few Owambo and Kavango women were able to slip into urban areas. (Peltola: 72) Where Owambos were employed as domestic workers, the recruiting system ensured that these were most likely to be male.<sup>35</sup>

## 5.2 Portraits of domestic work by migrant labourers

A vivid description of domestic work by a migrant labourer in the late 1940s and early 1950s is contained in *Breaking Contract* by Vinnia Ndadi:

*I was very young -- just seventeen in fact -- when I first went to SWANLA (South West Africa Native Labour Association), the central recruiting agency for contract labour, in 1946. I wanted to continue school, but had instead to think of work. One day I walked to the SWANLA recruiting station in Ondangwa. They laughed and sent me back saying I was too young and weak. Employers buying people from SWANLA wanted strong boys able to do hard work in mines and on farms, not young boys unable to lift even a bag of cement. I was sent back four times before they finally accepted me. I really wanted to go. There was nothing else; no schooling, just work on the land.*

*Once accepted I was examined and classified as a "Grade C" boy ... The wage for those of us classified as "C" was eight shillings a month. For "A" boys it was fifteen shillings and "B" boys got ten. After my physical examination I was tagged with a number and my "C" classification. I had to wear this tag on a string around my neck ...*

*Finally they assigned you a job ... You couldn't refuse. At first I said to myself that I wouldn't just take any job, but when I saw a man badly beaten for refusing his "contract", I decided to take whatever they gave me. Fortunately I*

<sup>35</sup> It has been posited that "a drastic adjustment" was required where Owambo men were required to perform tasks which were carried out exclusively by women in their own homes. (Tötemeyer: 170)

was told, "Vinnia -- you'll work as a 'houseboy' for a Mr Jooste. He's a farmer in the Mariental district." ...

*There were eleven other Owambos working at the farm. Some tended herds, others milked the cows or worked in the fields. Every morning at 5 a big bell rang to wake us up. We had to be at work by 6 ...*

*My first job in the morning was making coffee for the baas and the missus -- as we were forced to call them. Then I prepared meals, cleaned the house -- sweeping, dusting, washing the floors, etc. -- chopped wood, watered the flowers and did odd jobs around the house.*

*Field workers quit at 5 and shepherds came back around 6; but I usually worked till 10pm or later. When visitors came I served food and drinks, then washed the dishes and cleaned up after they left ...*

*After three years at the Jooste farm I was weak and tired. Three years of nothing but maize meal porridge, a little salt, and occasional meat when a diseased sheep died. I prepared oshifima twice a day, but the shepherds ate only in the evening. We seldom had breakfast and were so exhausted from the work that we slept like dead men. By the time my contract expired in 1950 I was very excited about going home. (Ndadi: 17-21)*

In January 1951, Ndadi again sought contract work and was classified as "Grade B". He hoped for a job on the diamond mines, but was assigned to work as a "houseboy" for a Mr Maree, the postmaster in Windhoek:

*He told me that he was a good baas, and the missus was too. "And if you're a good boy, we'll surely increase your wage!" In the SWANLA contract and pass I carried, my wage was written as one pound five a month.*

*They showed me the house and explained my duties. My quarters were out back, a brick building fifteen feet square, with one window and a door. It had a bed, two chairs and an outside toilet. They gave me an alarm clock saying that I should get up early enough to make their coffee and breakfast.*

*I started work next morning. They seemed good people, but the work was really too much. Every day I got up at 6, worked in the house till 3, had an hour's rest in my room, then watered their large flower garden. They were very fussy about the garden, so I had to spend a lot of time tending it. At 7 I quit work outside and returned to the house, helping with the supper and dishes. I was the only servant and it seemed my day never ended.*

*I thought Maree would soon increase my salary, but after ten months I had serious doubts. He never mentioned a rise after that first day. Finally, I got up my courage and one evening asked for an increase of five shillings. They both got very upset, especially the wife. She accused me of not being a good "boy". "Sometimes," she told her husband, "he just ignores me! When I tell him to do something he pretends not to hear." She made up other stories too.*

*"Well," the oubaas said, "it seems you've been cheeky to the missus and haven't done your work well. So I can't possibly raise your wages." I started to explain that there'd never been any trouble before, but he cut me off. "I want to hear nothing more about a rise!" ...*

*I worked another three months, then went to the oubaas and again asked for a raise: "When I started here you promised to increase my wages if I worked*

*hard. One pound five is really too little for all the work I'm doing. You can't expect a human being to labour so hard for so little pay. If you think that increasing my wages will make me too rich, then you can get another 'boy' for the garden and I'll just work in the house at my present wage."*

*This was really too much for him. He threatened to shoot me! ... From that time on I knew I had to leave ... Anything seemed better than serving out my contract. (Ndadi: 34-37)*

A few days later Ndadi was reprimanded for not watering the garden -- on a day when it was raining. He crept away during the night.

Another description of domestic work by a male contract labourer is contained in the autobiography of Helao Shityuwete, who sought work through SWANLA after leaving school in 1955:

*Nangutula [the workers' nickname for a particular employer] was looking for a house-boy and she came to where we were standing in a line. My heart sank when she picked me out. Everybody started telling me I was in big trouble as she did not tolerate any opposition or failure to carry out instructions.*

*The woman put me to work in a small hostel she ran for white girls, mostly the daughters of the Afrikaner farming community around Outjo. The situation in the hostel as a whole was terrible. People who worked in the kitchen had to get up at 3am to prepare breakfast for the children. Failure to arrive on time meant that the woman summoned the police who took the offender away for six lashes, without any attempt to establish the wrongdoing. Six people were given this treatment while I was there. My work was made difficult because all the instructions were issued in Afrikaans, but as time went by I began to master the relevant Afrikaans words and Nangutula turned out to be not quite as bad as she was painted. (Shityuwete: 13-14)*

One of Namibia's most famous patriots, Andimba Toivo ya Toivo (currently the Minister of Mines and Energy) was also a domestic worker during the 1940s. He describes his experiences as a "kitchen assistant" on a farm during World War II:

*... I had quarrels with the lady I used to work for. She was an elderly lady with a daughter on that farm. They were Germans and her husband was in detention.*

*Before the expiry of my contract we had a quarrel. I said: "If you want your money you gave me then I am prepared to give it to you and then I go." There used to be police patrolling the farms ... to hear the complaints of the farmers, and also perhaps to hear the complaints of the employees, but the complaints of the employees were not attended to, their main task was to hear the problems of the farmers with their employees. Then, I don't know whether she informed the police that she wanted them to come the very day, or whether they came on their routine patrol.*

*They came to the farm, they were two, one White one Black. While the White was having coffee with others, I think immediately after their arrival, I think perhaps she reported our problems on the farm. Then they sent the Black man to*

*come and talk to me. So, the Black came to talk to me and told me that they understand I want to terminate my contract with my employer and if this happens then I would be forced out of the so-called Police Zone and would never again be allowed to come and work in the Police Zone. He persuaded me that, "Well, the only thing you can do is to continue working until your contract is finished, then you can go and work somewhere else." This threat was serious to me, because I was the bread-winner, my mother was a widow and I was the elder son. If I had to be forced from this work there would have been no other means of livelihood for my mother and my brothers and sisters. So he convinced me to be patient and to complete my contract, and that's what I did. From there I said, "I will never work again for a White man ..."* (Peltola: 98-99)

## 6. MIGRANT LABOUR IN CONTEXT: 1940s - 1960s

### 6.1 The 1940s

The official recruiting organisations were not the only path to employment inside the Police Zone:

*Migrants from within the Police Zone were allowed limited rights to seek work on their own account. In the reserves, anyone intending to look for employment had first to obtain a "work-seeker" pass, issued only for towns and districts with a local shortage of labour. On arrival in the towns they had to register immediately with the official Labour Bureau and could only stay if they found work within 14 days. All jobs had to be registered and approved at the Bureau, making any attempt to bypass it highly vulnerable to pass checks. The same procedure applied for changing jobs or for moving from one town to another. Such controls made it extremely difficult to get a job and highly risky to try and change it. At any time the whim of a Labour Officer, his ear always turned to employers' complaints, or a random pass check in the street could mean sudden deportation to the reserves.* (SWAPO: 71)

Women, who were expected to remain in the reserves, were not generally required to register as work-seekers. In 1945, the question of extending the registration system to women was considered by a conference of native commissioners. It was decided that it was not necessary for "native females" to register, but that compulsory medical examinations should ideally be extended to all male and female natives in the Territory, including those resident in the reserves. (1945 Conference of Native Commissioners, Windhoek: 3)

In 1945 the South West African Administration established a Native Labourers Commission charged with investigating, amongst other things, the desirability of recruiting domestic workers for urban areas from Ovamboland, Okavango and the native reserves inside the Police Zone. The report of this Commission makes a distinction between: (a) "local natives" - - "native tribes inhabiting the Police Zone" -- and (b) "Extra-Territorial and Northern Natives" (ET&N natives) -- "natives coming either from the Northern Territories beyond the Police Zone viz. the Kaokoveld, Ovamboland, the Okavango and Caprivi Zipvel, or from across the Northern border". (*Report of the SWA Native Labourers Commission 1945-1948*: 4)

According to this Commission, the increase in the European urban population (18 550 urban European residents in 1946, as compared with 11 839 in 1936) had produced an increased demand for "native labour" for business purposes and for domestic service in towns. The Administration had up to that date adopted a conscious policy of restricting the recruitment of ET&N natives for this purpose to a minimum "in order to protect the interests of the local natives and to prevent large-scale unemployment". Migrant labourers from the north were assigned to domestic work only where the demand could not be filled from the supply of local labour. Because wages and working conditions were relatively attractive in urban areas, this policy had produced "a considerable shift of the local native population from the farms and native reserves in the Police Zone to the urban areas." However, white employers complained that the local natives were unsatisfactory and unreliable workers, citing excessive beer drinking and absence from work as common problems. Thus, employers requested the Administration to allow more ET&N natives to enter urban areas to take up jobs. The Commission concluded that while recruitment of ET&N natives for domestic work in towns should be allowed in cases where there was a shortage of local labour, the other complaints of employers should be addressed by directing attention "to the underlying causes of the prevalence of drunkenness amongst the local natives and to overcoming their unwillingness to enter into a contract of employment of any duration." (*Report of the SWA Native Labourers Commission 1945-1948: 6-7, 22*)

The Commission's examination of labour conditions in the Territory included several specific references to domestic workers. Firstly, although it recommended in general that ET&N natives should be housed in separate sections of the municipal location, it suggested that an exception be made for domestic workers, as "most employers of domestic servants prefer to have them living on the premises so that they are always available when needed" (*Report of the SWA Native Labourers Commission 1945-1948: 39*) -- thus supporting the notion that domestic workers should be prepared to be "on call" whenever their services were needed, as opposed to working fixed hours.

Secondly, its recommendations on wages reinforced and perpetuated the position of women employed as domestic workers as among the lowest-paid of all workers. It suggested a descending scale of minimum wages, with separate categories for mines, works and industries; farm work; "town work"; and "light labour". Near the bottom of the scale were "females engaged in full-time domestic labour whether on farms or in towns". The Commission recommended a minimum wage of five-eighths the wage of the corresponding able-bodied male local labourer. (The suggested minimum wages for male ET&N labourers employed in towns or in light work, which could include domestic duties on farms or in towns, was marginally less.) No minimum wage was recommended for women engaged in part-time domestic labour because of their "varied nature and conditions of employment". (*Report of the SWA Native Labourers Commission 1945-1948: 46-47*)<sup>36</sup>

Thus, at the close of the 1940s, the law and policy framework ensured that domestic work was largely the province of women from ethnic groups based in reserves inside the Police Zone, who were among the lowest paid of all workers. A small number of male ET&N natives were also employed in domestic work in urban areas, at even lower wages. Thus, domestic work remained the province of Nama, Damara or Herero women, along with a few Owambo-

<sup>36</sup> The Commission also failed to recommend a minimum wage for women engaged in industrial work on the grounds that there was not sufficient evidence before it. (*Report of the SWA Native Labourers Commission 1945-1948: 47*)

speaking men, and the economic value of domestic work was rated very low in comparison to other forms of labour.

The ethnic stereotyping encouraged by the prevailing legal restrictions was reinforced by social attitudes on the part of white employers. For example, a 1936 government report described the Damara as natural "servants":

*Before the advent of the white man, they were the hewers of wood and the drawers of water for the Hereros. Today they are the servants of the white man on farms and in the villages ... For many generations they have lived mainly by serving others, and they are doing that now, under probably more favourable circumstances than they have ever enjoyed before. They made no complaints to us except that their wages were inadequate. (Report of the South West Africa Commission, 1936: 28)*

There are few statistics about women as workers during this period. The fact that they were exempt from some of the controls imposed upon male workers helped to render them invisible. For example, the 1945-1948 report of the South West Africa Native Labourers Commission states that "11 750 males, of whom 300 were Owambos and Okavangos," were employed in urban areas in 1946 and, "in addition, several thousand women were in full- or part-time employment." (*Report of the South West Africa Native Labourers Commission, 1945-1948: 7*)

## 6.2 Domestic work and the pass laws: 1950s to 1960s

The pass laws were tightened up in the 1950s. The Natives (Urban Areas) Proclamation 56 of 1951, after being strengthened by a set of amendments made in 1954, provided that no native, male or female, could remain in an urban area for more than 72 hours unless he or she (a) was born there and resides there permanently; (b) has worked there continuously for one employer for at least 10 years, or has been continuously resident there for 15 years; (c) is the wife or unmarried son or daughter of a native who is lawfully resident there; or (d) has official permission to remain. Work-seekers could acquire permits which were valid for up to 14 days, and natives who were party to a contract of employment could remain in the urban area as long as they remained in the service of the employer in question. The authorities were also empowered to remove "redundant natives" from any urban area. The Administrator was empowered to give local authorities permission to prohibit any female native from entering urban areas for the purpose of living or working there, unless she was accompanying a husband or a father who had been resident and continuously employed in the urban area for at least two years.<sup>37</sup>

This coupling of residence rights with contracts of employment made it even more difficult for employees to assert any rights in terms of the employment contract. Official policy also clearly intended to relegate women to the status of dependants on male wage-earners.

Urban women throughout Namibia defied these new pass laws, and in 1958 protested against a proposal to introduce corporal punishment for women who violated the pass laws. (Wallace & Cleaver: 80)

<sup>37</sup> Natives (Urban Areas) Proclamation 56/195, as amended by Ordinance 25/1954.

There are no comprehensive statistics for the number of domestic workers during this period. For example, while some 1 500 to 2 200 contract labourers were employed through SWANLA as "urban domestics" during the years 1960-65, no statistics for domestic workers outside the migrant labour system are available.

Information about wages is equally scanty. The government's "*SWA Survey 1967*" mentions a recommended minimum wage of R8,50/month for an adult domestic worker with some experience (Peltola: 272), but no information about actual wage levels during this period has been located.

## 7. THE 1971 GENERAL STRIKE AND ITS AFTERMATH

Dissatisfaction with labour conditions has manifested itself in the form of strikes at numerous points in Namibia's history. For example, in 1893, during the days of German rule, mineworkers organised a strike at Otavi. More than 80 strikes involving Namibian workers were recorded between the advent of South African administration in 1915 and 1971, including a strike of laundry washerwomen in Windhoek in 1956. (Hishongwa: 78; Gottschalk: 91)

Attempts to unionise workers took place as early as the 1920s, but were met with brutal repression. (Gottschalk: 99; Cronje & Cronje:71) Over the years, a number of separate pieces of legislation were passed regulating some of the terms of conditions of employment in factories, building works, shops and mines -- but none of these applied to domestic workers or farm workers. (Wiehahn Commission: 29)<sup>38</sup> A Wage and Industrial Conciliation Ordinance 35 of 1952 excluded domestic workers and farm workers entirely, and the portions of the Ordinance dealing with industrial disputes and the registration of trade unions excluded "natives" from the definition of "employee", meaning that while "natives" could form and join trade unions, these unions were not recognised for the purposes of settling industrial disputes. Thus, in the absence of mechanisms for collective bargaining, there was little scope for negotiating wages and conditions of employment, and the concept of a labour "contract" remained a fictitious one. (Cronje & Cronje: 71-72)

In December 1971, dissatisfaction with the contract labour system came to a head in a general strike which according to some reports eventually involved up to 25 000 workers from various sectors in 23 different locations. (Ford: 10)<sup>39</sup> It has been recorded that domestic workers were involved in this strike, although no details about this involvement have been unearthed.<sup>40</sup>

<sup>38</sup> The 1920 Masters and Servants Proclamation was supplemented by the Factories, Machinery and Building Works Ordinance 34/1952, the Shop Hours and Shop Assistants Ordinance 15/1939 and the Mines, Works and Minerals Ordinance 20/1968.

<sup>39</sup> The South African government official estimated that the strike involved 13 000 workers at its peak. (Cronje & Cronje: 82)

<sup>40</sup> "While the majority [of workers] walked out from compounds in the towns and on the mines, a substantial number of domestic and farm workers supported the strike, despite their isolated position and the risk of reprisals from their employers." (Cronje & Cronje: 82)  
"The strike spread to the huge ranches and farms owned by Whites, involving shepherds, herdsmen and kitchen workers." (Peltola: 115)

Detailed descriptions of this famous strike have been recorded in a number of sources.<sup>41</sup> In brief, the precipitating event was a declaration by a government official that contract labour could not be described as a form of slavery because workers entered into the contracts “voluntarily”. A statement from the strikers on their grievances stated in part:

*Contract means an agreement between at least two parties. When the word “contract” is used that an Owambo is on contract, it should mean that he is on an agreement with his employer. But this contract used by SWANLA in Ovamboland has no agreement between the employer and the employee. That agreement is just between SWANLA and the employer. SWANLA sells Owambos to the employers and so the Owambos have come to be slaves of SWANLA and employers, and because of this wrong and bad system this agreement has been changed into wire instead of the contract.*<sup>42</sup>

Migrant workers demanded to be “repatriated” to Ovamboland, and over 13 000 were transported there by mid-January 1972. Namas, Damaras, Kavangos and even white schoolboys were recruited as replacement labour. A state of emergency was declared in Ovamboland, leading to arrests and detentions under emergency regulations and a confrontation in which six Africans were killed by police. In order to defuse the situation, the South African government promised a drastic revision of the migrant labour system, although in fact the essential features of the system remained unchanged.

The terms which were used changed: “masters” and servants” became “employers” and “employees” for the first time, and “contracts” became “agreements”. (Gottschalk: 94; Cronje & Cronje: 87) In terms of new regulations,<sup>43</sup> SWANLA was replaced by labour bureaux which were to be administered by authorities in the different “native reserves”.<sup>44</sup>

The new regulations required that every African male must register with a labour bureau within 72 hours of becoming unemployed, or within 14 days of turning 16 or ceasing to be a full-time student. Unlike the men, African women were required to register as work-seekers only if they “desired to seek or take up employment” or were “in employment” or were “dependent on employment” for their livelihood.<sup>45</sup> All employers also had to register with the labour bureau in their area, and it was illegal to employ a worker without going through the labour bureaux. Prospective workers were required to undergo a medical examination, and then assigned to one of eight job categories -- one of which was “domestic service”.<sup>46</sup>

Written agreements approved by the labour bureaux were supposed to set forth details concerning wages, benefits and hours of service. Employees had, in theory, the power to bring

<sup>41</sup> See, for example, Cronje & Cronje.

<sup>42</sup> Statement issued by the strike committee chaired by Johannes Nangutuuala, recording the decisions made at a meeting at Oluna attended by 3 500 strikers on 10 January 1972. (Töttemeyer: 157)

<sup>43</sup> Employment Bureaux Regulations, Proclamation 323 of 22 December 1972.

<sup>44</sup> The “native reserves” were at this stage supposedly on their way to becoming independent ethnic homelands. The Development of Self-Government for Native Nations Act 54 of 1968 empowered the legislative councils and tribal authorities of the different “native nations” with respect to “the establishment, management and control of labour bureaux, and the registration and placing in employment of work-seekers by means of such bureaux.” (Sections 5, 8 and Schedule)

<sup>45</sup> Regulation 6(4).

<sup>46</sup> The eight were agriculture, mining, manufacturing, construction, trading, state and local authority employment, domestic service and “other”.

complaints against employers who violated the employment agreement. Such complaints could lead to the cancellation of the employment contract, whereupon the employee could apply for another job -- but an employee who broke the agreement faced the possibility of deportation to his or her "homeland". Misconduct, unsatisfactory service, refusal to obey orders and conduct prejudicial to the interests of the employer were all grounds for the cancellation of the employment agreement by the employer.<sup>47</sup>

As one observer pointed out, the revised regulations did little to assist workers in asserting their rights:

*The Employment Bureaux Regulations do entitle a worker who is dissatisfied with his contract to complain to an employment officer who is then empowered (but not bound) to cancel it. The practical value of such minimal theoretical rights is doubtful. Denied trade union and civil rights, educationally and economically backward, the Black contract worker is virtually helpless. (Kane-Burman, 1973: 4)*

Separate regulations were enacted in respect of Ovamboland, where contract periods were limited to 24 months for married men and 30 months for single men. Women were allowed to work outside of Ovamboland only if they were married and employed in the same districts as their husbands. (ILO: 59) A procedure for resigning from a given job was established for the first time, although the possibilities for changing jobs were hedged with numerous limitations which discouraged workers from exercising this option. (Gottschalk: 93)<sup>48</sup> A significant concession was the introduction of a procedure whereby workers could renew their contracts at the place of employment rather than being forced to return to Ovamboland upon expiration of the contract. (Du Pisani: 212)<sup>49</sup>

In practice, the labour bureau system was never systematically applied to the "native reserves" inside the Police Zone, meaning that workers from these areas had to contend primarily with the pass laws as a limitation on their movements.<sup>50</sup> As a result of continued opposition to the labour bureaux system, it gradually fell into disuse, and the legislation establishing it was removed from the statute books in 1989. (Wiehahn Commission II: 23)<sup>51</sup>

Although the legal regulation of the employment relationship was not drastically changed by the 1971 strike, there was a small rise in wages and an increase in worker self-confidence and assertiveness as a result of the strike. Although no records of labour action by domestic workers in the wake of the 1971 general strike have been located, women's involvement in

<sup>47</sup> These regulations did not apply to Namas, but similar regulations were established in 1973 in respect of Namas -- Proclamation R.32 of 1973.

<sup>48</sup> For example, a contract worker who resigned was forced to return to Ovamboland, while a worker who continued in employment until the expiration of the contract could renew it on the spot.

<sup>49</sup> Labour Enactment for Ovambo, Enactment 6 of 1972, Ovambo Legislative Council, gazetted by the State President on 18 August 1972.

<sup>50</sup> For example, Kane-Burman states: "The revised contract system is evidently applicable to all "homelands" in South West Africa, although nearly all the contract labourers are Owambos and Kavangos." (Kane-Burman, 1973: 1)

<sup>51</sup> A draft Manpower Bureaux Proclamation was published for comment in 1984. This law would have established a central manpower bureau to place work-seekers in employment, but it was withdrawn because of widespread opposition. (Wiehahn Commission II: 23)

trade unions and in strike action in other sectors increased in the late 1970s and early 1980s. (Cleaver & Wallace: 37-38)<sup>52</sup>

After the strike, the labour market became more competitive, as the revised system made it easier for workers to compare wages and change employers. Employers responded by banding together into employers' organisations, and gradually pushing for negotiating machinery to foster stability in the workforce. (Peltola: 122)

The 1971 strike also had great political significance. It is a well-known fact that the Ovamboland People's Organisation, which later became the South West African People's Organisation (SWAPO), was first organised with the aim of abolishing contract labour -- with domestic workers among the early members. (Peltola: 103) The strike against contract labour sparked increased political resistance, thereby marking a major turning point in the liberation struggle.

Women, who had been exempted from many of the restrictions imposed upon male labourers, were subject to an increasing degree of regulation after the 1971 strike. (Cronje & Cronje: 27-28) For example, it has been reported that one result of the strike was that the registration requirements for male "natives" in urban areas were extended to Damara women, but no details on this point have been uncovered other than the fact that the move "aroused tremendous opposition". (Voipo, 1973: 13)

A small survey of 36 male contract labourers employed as domestic workers in Windhoek in 1972 indicated that the 1971 strike did not bring significant wage increases in this sector, although there was some change. One-third of the domestic workers surveyed had received no increase at all between 1971 and 1972. The average wage of the 36 was R17,62/month in 1971, rising to R22,17/month in 1972. The lowest wage received by a "kitchen servant" was R6/month in 1971 and R7,50 in 1972, while the highest wage was R36 in 1971 and R44 in 1972 (including an additional R10 for ironing). In 1971, eight of the domestic workers surveyed were earning less than R10/month, while only four of those surveyed were earning less than R10/month in 1972. One domestic worker earning R12/month wrote the following on the questionnaire sent out by the researcher:

*I do all the housework, gardening, washing, ironing and cooking. I get no free time, and nothing which makes me happy. There is a terrible lot of work, but very little pay. I also work on Saturdays and Sundays.*

"Kitchenboys" at commercial concerns in Windhoek, such as hotels and hostels, earned R10-R15 in 1971 and R12-R30 in 1972. In Walvis Bay, wages for similar work averaged R15 before the strike and R20 afterwards, while in another small Namibian town (unnamed) the average rose from R8 in 1971 to R10 in 1972. (Voipo, 1972: 125; Voipo, 1973: 5) Despite some increases in wages, it was observed in 1978 that "domestic service is inadequately remunerated. It can supplement household income but not sustain a family." (Green: 10) Because domestic workers were primarily women, there was a perception that their income was not the mainstay of the household, but only a way to augment the contributions of the male breadwinner. Because domestic workers were in fact not always the sole wage-earner in

<sup>52</sup> For example, women participated in the 74-day Nama teachers' strike of 1976-77, and women at a Walvis Bay fish factory went on strike in 1982 and won the right to receive overtime pay for work on public holidays.

the household, there was a continued supply of labour for this sort of work even though the wages were extremely low. This put women who were supporting children on their own in an extremely vulnerable position. (Peltola: 271-72)

As wage increases closed the gap between the wages of migrant labourers and "local labour", employers began to draw more heavily on workers from inside the Police Zone. This trend was also a result of employer prejudices stemming from the strike; Owambo workers previously perceived as "reliable" were now thought of as "cheeky", with the result that large numbers of Owambo workers passed themselves off as Kavangos who were not considered to be so militant. (Voipo: 123; Gottschalk: 89) These developments may have affected the ethnic preferences of employers of domestic workers, although no data on this point has been located.

The 1920 Masters and Servants Proclamation was repealed in 1975, and some of the most onerous of the pass laws were repealed in 1977, as part of a package of internal reforms undertaken by South Africa in an attempt to head off international pressure. (Du Pisani: 363-ff) However, even in the absence of the pass laws, blacks who wished to live somewhere other than their initial place of residence could do so only if they were assured of a job, and employment contracts were still supposed to be registered with the appropriate labour bureau. (Cronje & Cronje: 39)

Pressure from employers who believed that collective bargaining would lead to greater workforce stability, combined with continuing international pressure, led to additional reforms in labour legislation. In 1978, the clause of the Wage and Industrial Conciliation Ordinance of 1952 which barred "natives" from belonging to registered trade unions was abolished,<sup>53</sup> but domestic workers and farm workers were still excluded from the law, along with government employees.

## 8. DOMESTIC WORK IN THE 1970s

It is difficult to obtain a clear picture of the role of domestic work in the overall economy during the 1970s. While 2 700 contract labourers were employed through SWANLA in 1971, this is obviously only part of the picture. (Kane-Burman, 1973: 5) Domestic workers in private service were excluded from official "manpower surveys" conducted in 1969, 1973 and 1975 (Cronje & Cronje: 25), and unofficial estimates vary greatly. For example, one source estimated that there were a total of 8 000 black domestic workers in private service in 1975,<sup>54</sup> while another estimated that there were 75 000 "African" and "Coloured" workers in domestic service in 1977.<sup>55</sup>

In general, black women seeking wage employment were faced with a limited number of options. A few black women qualified as nurses, teachers or social workers. They sometimes found work as shop assistants or in offices (although these jobs were available mainly to

<sup>53</sup> Wage & Industrial Conciliation Amendment Proclamation, AG Proc. 45 of 1978.

<sup>54</sup> Prof W.H. Thomas (1978), in *Economic Development in Namibia -- Towards Acceptable Development Strategies in Independent Namibia*, Table F, p.310 (quoted in Cronje & Cronje: 23).

<sup>55</sup> Figures derived from estimates in United Nations Institute for Namibia (1978), *Towards Manpower Development for Namibia -- Background Notes*, Table III, p.60. This estimate was calculated by assuming 25 000 European households in urban areas with an average of three domestic employees each.

coloured women). A large number of black women found that the only forms of work available to them were jobs as domestic servants, laundrywomen or cleaners. (Cronje & Cronje: 27-28)

Some accounts of the conditions of employment in the domestic work sector after the 1971 general strike survive from interviews with workers carried out in Namibia in early 1977. A contract worker from Windhoek made the following statement to researchers:

*Especially we workers who are working in the kitchens, we find that the whites -- or our employers -- think that they are better than us, that they are cleaner than us. But they forget that it is we who are washing their dishes, cooking food for them, making up their beds. But when the time for eating comes they take a tin and give us food in the tin instead of in a plate. It means that those whites regard us lower than their dogs. Because when we get our food in a tin they tell us to go and eat outside, while I have to wash the plate where the dog is going to get its food. And the dog can eat inside the room while I am ordered to go and eat outside. The employers do not regard us as human beings. (SALB, 1978: 15; the sex of the speaker is not identified.)*

A woman interviewed in Windhoek indicated that domestic work was viewed as a last resort for women who have low educational qualifications:

*Most of us have no education -- or no formal education. We have had no school because we did not have the opportunities. We had to leave school to go out and work to supplement the income. They are satisfied if they can only get a job in the whites' kitchens, where they get a poor salary and have to work long hours. They are in most cases satisfied with the least. (SALB, 1978: 44)*

This view was echoed in an interview with a female domestic worker from Walvis Bay:

*The difficulty that we have is that we have little education -- our education is backward, and as a woman I have to work for another woman, a white woman. And I am a woman with 6 to 7 children -- we are women with mostly big families. Because I can't do anything else, I have to clean and scrub the house of another woman who can provide me with bread, and we have many difficulties in this respect. We work for R20 per month and we have to pay R9 for rent for the houses. (SALB, 1978: 44-45)*

Female domestic workers from Swakopmund also complained about being forced to accept low wages for long hours because of the lack of other work opportunities:

*Mostly we are working as housemaids, and in kitchens and washing clothes. Some are being used to clean the shops and so on. Generally there are no opportunities of skilled work ... The salary is very low, very low ... It is from R15-R20 a month ... Especially those of us working in the kitchens we work from 7 to mainly 3 or 4 o'clock, and it is every day ... and Sunday too. After they have lunch and we have washed all the dishes, we can go. (SALB, 1978: 45)*

The 1977 interviews in Windhoek also highlighted one of the contradictions of domestic work: white women employed black domestic workers to relieve themselves of household drudgery, with the result that the black domestic workers generally had to contend with a double shift of drudgery:

*We as housewives must leave our children at home during the day because there are no centres to look after their children. We have to get out and go and look for work; and if we get work then we have to start early. We have no one to look after our children, and yet we are supposed to remain content. We work for the white housewife -- we have to look after her children, while we have to leave our children at home. We are forced to do this. We come home after work; we find our houses dirty; we have to clean the children now without care -- they have stayed hungry the whole day. These are the problems which oppress us when we come home from work. When we come home, we don't know whether they have been to school, because they don't have a law which forces children to go to school. And we don't know whether they have eaten. Most of the time children go to the dirt-bins to scratch for food. (SALB, 1978: 47)*

*Most of the men don't help their wives. They still believe that the housework is solely here for the women... very few men volunteer to help at all ... (SALB, 1978: 48)*

The 1977 interviews also touch on employer-employee dynamics in the context of the close personal contact which often characterises this form of work:

[Interviewer:] *Do you think, any of you who work in the houses of white people, that any of them understand your situation in any way?*

[Female domestic worker, Windhoek:] *I have been working for white people for over 11 years, and they know me well. We come into very close contact. But I know that although they understand our grievances, they just don't want to acknowledge them. Because they feel that their position is going to be threatened. If my children are ill, I never get consent from her to stay at home and care for my child. And she will even deduct from my pay. She as a woman ought to understand it -- if your child is ill, you don't feel like coming. (SALB, 1978: 47)*

Unfortunately, this survey of opinions did not include any interviews with employers.

A separate set of interviews conducted in 1972-73 gave this picture of domestic work on Namibian farms:

*On each farm between one and three blacks are employed in the farmer's household. Generally there is one man or woman working in the kitchen and one or two women to do the washing. In many large German households there are old men simply watching the fire in the kitchen or doing the cleaning up of parts of the house. Except for the feeding of some animals, domestic workers are not productive in respect of the farming economy. (Gebhardt: 152)*

Since male migrant workers from outside the Police Zone were not allowed to be accompanied by their families, the women employed in domestic work on the farms would have tended to be predominantly Nama (in the south), Damara (in the central regions), Herero (in the central and eastern regions) or San (along the eastern border and in the far north of the Police Zone). (See Gebhardt: 150) According to the Agricultural Census of 1970-71, the average cash wage for a regularly-employed farm labourer was R10,25/month, with San workers receiving lower wages and women tending to receive the lowest wages of all. Cash wages were usually supplemented by rations such as meal, sugar, cooking fat, meat, milk, tea and coffee. (Gebhardt: 158-9)

Farmers in the survey were found to have a patriarchal attitude towards their labourers, claiming that Africans must be treated like children and frequently complaining of their workers' laziness or lack of initiative. Many farmers also expressed ethnic preferences. Even after the strike, Owambo labourers were perceived by most farmers as steady and "reliable" and were preferred for work in the household or the garden, as well as with sheep and cattle. San were described as "intelligent" and "agile", while Damaras were described as "servile", "submissive" and "diligent". Namas were perceived as "cheeky" and "decadent" and alleged to drink too much. Herero workers were described as "arrogant". Workers, on the other hand, generally preferred German-speaking employers to Afrikaans-speaking ones, alleging that the Afrikaners paid less for longer hours and were "cheeky", promising higher wages than they actually paid. (Gebhardt: 168)

Of the farms surveyed, about 54% of farmers were Afrikaans-speaking and 46% German-speaking. Of the 344 domestic workers surveyed, the ethnic composition was as follows:

Nama	35,1%
Owambo	23,5%
Damara	21,5%
San	19,8%
Tswana	5,2%
Herero	4,6%
Coloured	1,2%

(Gebhardt: 170)

No gender breakdown was recorded.

## 9. THE 1986 CONDITIONS OF EMPLOYMENT ACT

A few years after the bar on black trade unions was lifted, new legislation governing the basic conditions of employment was enacted. These moves were partly a response to international pressure, and partly an attempt by the transitional government to garner popular support.<sup>56</sup>

<sup>56</sup> The "transitional government" was an attempt to head off international pressure for Namibian independence with an internal solution. After multi-party consultations, an election was held in 1978, but was boycotted by SWAPO. This election resulted in a Constituent Assembly which later transformed itself into a National Assembly. However, this arrangement government never achieved credibility as a representative national government. A new "Transitional Government of National Unity" was established in 1985, again without the participation of SWAPO. It was only as a result of the national elections held under United Nations supervision in 1989 that a truly representative democratic government was put into place.

Furthermore, the new legislation fitted in with employers' concerns about securing a skilled and stable workforce. Worker organisations were a necessity in this new climate, and employers hoped that "a sense of responsibility in the production process would grow among the workers if some elementary rights were granted to the Black workers." (Peltola: 201-202; see also Bauer: 146-47)

Many of the most fundamental provisions of the Basic Conditions of Employment Act of 1986 were deemed not to apply in respect of employees "employed in domestic service in a private household or in connection with the cultivation of the garden of a private home," or "employed in or in connection with farming operations."<sup>57</sup>

There were a few exceptions. The provision covering public holidays was applicable to domestic workers (and farm workers). This section provided that public holidays must be treated as paid holidays, and stated that an employee who worked on a public holiday must either be paid at the normal rate for that day or else paid at one-third of the normal rate and given a corresponding amount of time off (at full pay) during that week.

For other workers, the Act provided a framework of basic working conditions, including a 46-hour working week, maximum daily working hours, specified meal intervals, and provisions regarding overtime pay and work on Sundays. Unpaid maternity leave was provided for women who worked in factories.

It was subsequently explained that it would have been "impracticable" to legislate for domestic workers (and other classes of excluded workers) in these areas. (Wiehahn Commission I: 31) A representative of the Institute for Labour Law in Frankfurt made the following comment on this assertion:

*No explanation is provided as to why specific working hours, overtime pay and specific meal breaks should be impracticable for farm or domestic workers. Apparently, the motive behind the impracticability argument is the wish to preserve the exploitation of this group of workers. Although these workers can organise themselves into trade unions ... their exclusion from the Wage and Industrial Conciliation Ordinance means that they enjoy no legal protection, such as, for example, protection against victimisation. (Körner-Dammann: 79)*

Domestic workers and farm workers were entitled to 21 consecutive days of paid annual leave, as compared to other employees who were generally entitled to only 14 consecutive days of paid leave, rising to 21 days after they had been employed for a continuous period of 36 months. This distinction was apparently intended to compensate in part for the exclusion of domestic workers and farm workers from the statutory provisions on overtime. (Wiehahn Commission I: 40)

All workers, including domestic workers and farm workers, were entitled to 30 or 36 working days of sick leave every three years, depending on whether the employee worked a five-day or a six-day week.

<sup>57</sup> See section 2(3). Managerial personnel, certain categories of salesmen and insurance agents were also excluded from certain provisions of the Act. Public service employees were excluded from the coverage of the Act, but their conditions of employment were governed by the Government Service Act 2 of 1980.

The notice period prescribed by the Act for terminations of contracts of employment applied to all workers,<sup>58</sup> and employers were required to furnish all workers with a certificate of employment which stated the dates of commencement and termination of the work relationship and the wages paid at termination. Employers were also required to keep a written record of the wages payable to their employees, the hours worked and the leave granted. Employers of domestic workers and farm workers were excused from the record-keeping requirement on hours worked, but not from the other record-keeping duties.

Casual workers, defined as "a day worker who is employed by the same employer on not more than three days in any week," were also excluded from important provisions of the Act. For example, casual workers were not entitled to annual leave or sick leave, and they had no right to notice of termination of employment. This compounded the exclusion of domestic workers from some of the Act's provisions, since casual workers were frequently employed to do domestic work or tend gardens for private households. (Wiehahn Commission I: 61-2)

No minimum wages were set by the 1986 Act. The 1982 Wage and Industrial Conciliation Ordinance provided for a Wage Board which was empowered to investigate wages and employment conditions and make recommendations to Cabinet, but this machinery was not utilised. Only two categories of work in Namibia were ever subject to minimum wages; a minimum wage was set for apprentices in terms of the Apprenticeship Ordinance 12 of 1938, and minimum wages for employees in the building industry were set in 1988 at the request of a conciliation board convened following wage negotiations in respect of this sector. (Wiehahn Commission I: 35)

The 1986 Act also failed to provide any concept of unfair labour practices, or to provide a basis for collective bargaining. (Bauer: 147)

The Act set the minimum age for employment of any sort at 15 years.

In the absence of labour courts, industrial tribunals or proper provision for inspections, the level of enforcement of the statutorily-imposed conditions of employment which applied to domestic workers is questionable, especially given the isolated nature of the working environment in this sector.

Government statistics indicated that during the first two years of the operation of the 1985 Conditions of Employment Act (1 July 1986 to 30 June 1988), a total of 2 849 formal complaints was submitted by workers to government officials. About 10% of these (291) concerned domestic work.

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<sup>58</sup> During the first four months of employment, the required notice period was one working day. Otherwise, employees who were paid weekly were entitled to one week's notice, those paid fortnightly to two weeks' notice, and those paid monthly to one month's notice. Both the employer and the employee could dispense with the required notice if they paid the other an amount equal to the employee's wages in respect of the notice period -- an example of an obligation which is symmetrical on paper, but obviously far from symmetrical in practice.

Formal labour complaints, July 1986 - June 1988

Construction	933	32,7%
Manufacturing	444	15,6%
Commerce (shops)	451	15,8%
<b>Domestic service</b>	<b>291</b>	<b>10,2%</b>
Hotel and catering	229	8,0%
Agriculture	118	4,1%
Transport	132	4,6%
Offices	70	2,5%
Security services	60	2,1%
Mining	39	1,4%
Others	85	3,0%
<b>Total</b>	<b>2 849</b>	<b>100,0%</b>

(Wiehahn Commission I: 32)

This seems to be a relatively high number of complaints, particularly given the fact that trade union organisation was beginning to take place in other industries during this period, but had not yet begun in the domestic work sector.

## 10. DOMESTIC WORK IN THE 1980s

Workers began to mobilise themselves into trade unions in significant numbers for the first time during the mid-1980s. Strike activity increased, and a number of trade union leaders experienced harassment and detentions. (Bauer: 149)

The Namibian Food and Allied Workers Union was launched in 1986, followed by the Metal and Allied Workers Union and the Namibia Public Workers Union in 1987, the Namibia Transport and Allied Workers Union in 1988, and the Namibia National Teachers Union in 1989. These unions formally united into the National Union of Namibian Workers (NUNW) in 1989. (Bauer: 138-39) Several other unions and union federations were established during this period, but they did not have significant activities or membership for the most part. (Peltola: 208-9; Bauer: 143-ff)<sup>59</sup>

### 10.1 The Wiehahn Commission

Deteriorating labour relations led to the appointment of a Commission of Inquiry into Labour Matters in Namibia, commonly known as the Wiehahn Commission, in 1987.

The report of this Commission gave little specific attention to domestic workers. Noting the exclusion of domestic workers from the provisions of the 1985 Conditions of Employment Act on overtime, it agreed that implementing overtime provisions in the domestic work and agricultural sectors would be "impractical". However, it noted that "having house servants on duty on a Sunday is, in most cases, not really a necessity but rather a luxury for which those who indulge therein should be prepared to pay an extra fee." Therefore, the Commission

<sup>59</sup> A federation called the Namibia Trade Union (NTU) claimed to have a Domestic Workers Union among its constituents during the 1980s, but this union appeared to exist only on paper. (Peltola: 208)

suggested that employees in these sectors should receive either remuneration at the normal rate *or* an equivalent amount of time off for work performed on Sundays -- hardly a radical proposal. (Wiehahn Commission I: 41, 49)

The Commission also recommended that all female employees who have worked for the same employer for at least one year -- including domestic workers -- should be entitled to 12 weeks' maternity leave. (Wiehahn Commission I: 52-54)

On the question of minimum wages, the Wiehahn Commission supported collective bargaining as the most important mechanism for determining wages. However, it also supported "minimum wage fixing in those cases where employees are unorganised, cannot bargain or where they are exploited by low wages" -- a description which strongly applies to the domestic work sector. The Commission recommended that the State first try to influence remuneration levels on a voluntary basis in cooperation with employer and employee representatives by providing "manifest guidance", with compulsory "progressive implementation of minimum wages" in those areas or sectors where it was necessary as a last resort. (Wiehahn Commission I: 37)

In examining the exclusion of "casual workers" from certain provisions of the 1986 Act, the Commission conceded that "in practice casual workers are mainly employed on a one or two day basis per week to tend gardens, work in domestic households or to assist with any short term ad hoc task for which an employer may seek additional manpower." However, the Commission did not recommend the coverage of all casual workers by the provisions of the Act, but rather that the definition of "casual employee" should be changed from an employee who works not more than three days a week for a single employer, to an employee who works not more than two days a week for a single employer. (Wiehahn Commission I: 62)

The Commission also made a number of recommendations concerning other matters, such as the introduction of the concept of an unfair labour practice into Namibian law, the further development of a system of collective bargaining as a channel for labour relations and the introduction of a special labour court. Although the report of the Commission was completed in 1989, the recommendations of the Commission were not directly implemented as they were, in the end, overtaken by the impending independence of Namibia.<sup>60</sup> However, a number of the Commission's recommendations were eventually incorporated into post-independence legislation. (Bauer: 151)

## 10.2 Statistics

Official South African statistics on the Namibian workforce included domestic workers for the first time in the Manpower Survey of 1988. This survey showed that 46% of all women in formal sector employment (27 949 out of a total of 60 486) were classified as "service workers". In contrast, only about 7% of men in formal employment (9 237 out of a total of 124 307) were classified as "service workers". Overall, about 20% of all formal sector jobs were in the "service" sector. (UNICEF/NISER: 107) This "service" category included about 22 000 domestic workers, of whom 60% were women. (Peltola: 275)

<sup>60</sup> Following on lengthy international negotiations, Namibia's official transition to independence under United Nations supervision began on 1 April 1989. The nation's first free and fair elections were held in November 1989, and Namibia became an independent nation on 21 March 1990.

However, the accuracy of these figures for the domestic work sector is questionable, as data was collected from employers only, and the informal sector was excluded entirely. (Peltola: 260) Furthermore, it has been pointed out that "domestic workers are difficult to categorise in a country where it is a cultural tradition to send sons and daughters to live for years with relatives and help them in their daily chores." (Peltola: 263)

A 1988 source suggests that the average wage paid to domestic workers during this period was about R50,00/month in Windhoek and R30,50/month elsewhere. (Allison, 1988: 359)

### 10.3 Contrasting views of the employer-employee relationship

In 1983, the Private Sector Foundation published a booklet entitled *The Domestic Worker -- a Guide for Employers in SWA/Namibia*. This booklet examined cultural differences, communication problems and conditions of service. The introduction to the booklet gave a sketch of domestic work which emphasised the working relationship as a meeting ground of different cultures, and pointed out how dependent the domestic worker was on the goodwill of her employer in the absence of legal protection:

*The relationship between the domestic worker and her employer is actually a microcosm of our situation here in Africa. In this relationship cultures, standards and norms meet and comparisons are made. The worker develops an image of her employer and carries this image to her people. As mother and central figure in thousands of homes the domestic worker, therefore, has a tremendous influence on our society.*

*As domestic work is the only source of income for especially the vast majority of Black women, it has become a class of work like any other which calls for recognition and the formalisation of standards. By the nature of her situation the domestic worker herself, however, does not have the bargaining power to achieve these rights. Against the background of a lack of basic training, illiteracy, job competition and serious social problems such as the disintegration of the family unit, problems of adaptation to the Western milieu, unemployment, alcoholism and a severe housing shortage, she finds it difficult to improve her situation or to move to another job category. Added to these are the financial demands of her family in times of raging inflation. Without bargaining power and with virtually no legal protection as a worker, she is, therefore almost completely dependent on the goodwill of her employer ... (p.7)<sup>61</sup>*

The guide recommended a written service agreement and included a copy of a model contract. It also outlined several commercial pension schemes which employers could join on behalf of domestic workers. Although the guide did not recommend a specific minimum wage, it pointed out that the 1982 household subsistence level in Windhoek was calculated at R283,74 for a black family of six and R384,61 for a coloured family of five, suggesting that this yardstick should "be used to analyse the situation of the individual domestic worker, particularly in the case of the large number of women who are the sole breadwinners." (p.30) However this booklet also conceded the vulnerable position of domestic workers with respect to wages:

<sup>61</sup> Minor spelling and grammatical mistakes corrected; footnote omitted.

*The domestic worker has very little bargaining power because she knows that her job can be filled by any number of other women who will be willing to work for the salary which is offered. The "going rate" is thus the lowest possible salary paid by the majority of employers, because the service is available at that price. The question "What must I pay the domestic worker?", therefore, becomes a personal and moral question for each individual employer. (p.28)*

However, the sanguine view taken by this booklet on the goodwill and moral responsibility of employers of domestic workers stands in sharp contrast to the view expressed at a 1988 May Day rally:

*Domestic workers are still their bosses property. They are no better than his dog. (Erika Ramakhutla, SWAPO Women's Council, quoted in Wallace & Cleaver: 18)*

The following is a generalised sketch of domestic work in the 1980s from a different perspective:

*Black women constitute the bulk of the unemployed in Namibia. The majority of those who work are domestic workers in some white households in white suburbs.*

*The average domestic worker is illiterate, and her income is usually in the range of R60 per month. Since the "government" does not recognise domestic workers as a part of the labour force, these people do not have the legal right to organise themselves into a union or to be a part of an existing trade union. There is therefore no legal protection for domestic workers.*

*A large number of the female domestic workers live on the premises of their employers, which means that they are on duty 24 hours a day. These women's lives, especially the social aspect, is determined by the employer who decides whether his or her "servant" might have visitors or not. Often they only get one Saturday off a month to visit friends, relatives and to do some shopping.*

*These live-in women become alienated and removed from the rest of the black community. Many times the only contact is that between her and the employer. Sexual abuse has become a common phenomenon as these women are often sexually exploited by their male employers. This, however, goes unreported as nobody seems to care, albeit one cannot imagine the psychological trauma that these women have to go through as a result of their experiences.*

*Domestic workers do not enjoy the right to fringe benefits that many other employees have. No maternity leave is granted. They have never heard of annual and sick leave.*

*Should they get pregnant they stand to lose their jobs. This means they have to return to their miserable conditions and consequences of poverty. "Annual leave" to the domestic worker means when the employer goes on vacation.*

*Her duties are then reduced to looking after the house, taking care of the garden and the animals.*

*For those living in the black townships, a domestic job implies the boarding of a municipality bus every day of their life to get to the workplace in time. To*

relieve the "madam" of her domestic duties such as looking after the children requires leaving home as early as 5am.

Many employers do not provide transport and do not care how the woman does get to work as long as she arrives in time. After a long day's hard work she returns home after 5pm to take care of her own duties at home.

This kind of exploitation places a heavy burden on women and especially on the single parents. The experience has proved that one of the results of such exploitation is a general decline in the health of women in Namibia.

Another group of women workers who also fall in the category of domestic workers, are the cleaners in the government services and in the private sector.

The average income of these workers is about R130 per month. They are considered as lowly qualified although many of them might have completed a few years of primary schooling -- but some of them might find it difficult to express themselves in Afrikaans.

Consequently, those who are not conversant with Afrikaans are not eligible for employment at these institutions. Women in their traditional attire find it difficult to get work. They are only employed if they wear Western clothes. Alternatively they can do work at private houses. (Kazombaue & Elago: 198-199)

A few individual voices of domestic workers during the 1980s support this overview. For example, a group of domestic workers in Tsumeb stated:

*We have hard times with our employers. We just have to work hard for low wages, and we don't even have holidays ... We have to work from 8am to 6pm, five days a week, and sometimes we must work Saturdays and Sundays as well. (1988 interview; Wallace & Cleaver: 18)*

Another woman employed by the Tsumeb Corporation Ltd to do domestic work for a white staff member stated:

*I work an eight-hour day, six days a week. You have to work all eight hours without a break or teatime, and you are not even allowed to go to the cafe to buy yourself some food ...*

*We have no means of transport to or from work, we just walk. And then if you arrive late at work, even just a few minutes, you get a complaint form, and if you do it a second time, that is the end ...*

*Such words as "kaffir" are used against us in our jobs. You have no right to touch the boss's property ... You are not even allowed to use the boss's toilet. And what they often say is, that the kaffir is just a kaffir. (1988 interview; Wallace & Cleaver: 18-20)*

Another Tsumeb domestic worker described a better employer-employee relationship, saying that employers "know they pay us too low wages, so they are friendly with us and treat us well". (1988 interview; Wallace & Cleaver: 20)

A live-in domestic worker spoke of the hardship of being deprived of family life:

*I am not allowed to have my own children with me in Windhoek while I look after my employer's child. I miss my children all the time.* (Smith, 1986: 32)

Another spoke of sexual harassment:

*The missus smokes one cigarette after another and I follow her all over the house ... to remove the ashes. And the boss fondles my breasts ...* (Murray-Hudson 1984: 618)

According to one source, the vulnerability of female domestic workers was exacerbated by political tensions during this period:

*Female domestic servants are employed predominantly in private white households ... Fear of being rendered unemployed in a situation of massive unemployment is rife and poses a particularly real threat to women with known political connections or affiliations.* (Allison, 1988: 358-9)

#### 10.4 The Knye and Keyter survey

Between August 1987 and February 1989, interviews were carried out by the Bureau of Research of the Academy of Tertiary Education with a view to investigating the need for home economics training. A nationwide sample of 1 500 households was selected, and 335 interviews were completed in the administrative regions of Windhoek, Rehoboth, Grootfontein, Otjiwarongo and Hereroland West.<sup>62</sup> During the course of the general interviews, 48 persons who indicated that they were domestic workers were asked additional questions about their work and training needs. Another 82 persons who stated that they employed domestic workers were asked another set of questions about their perceptions of domestic work and training needs. All of the respondents appear to have been women. (Knye and Keyter: 4-5)

Although this sample is very small, its findings can serve as something of a reference point for the present study. The 1987-89 study found that 75% of the domestic workers interviewed work for one employer only. Most reported that they worked five full days per week, from Monday to Friday, with 31% of respondents reporting that they also worked on Saturdays and 18% on Sundays.

About one-third (33%) of the domestic workers interviewed indicated that they had been working for the same employer for more than 10 years. About 66% of the interviewees stated that they had previously worked for another employer, with the most common reason for changing jobs being that the employer moved away. Other reasons given for switching jobs were low wages (20%), the pregnancy of the domestic worker (13%) and dismissal (3%).

<sup>62</sup> The reasons cited in the report for the failure to carry out the planned 1 500 interviews were time constraints on the part of project leaders, lack of available research personnel and the unstable political circumstances at the time. (Knye and Keyter: 4)

A large proportion of the domestic workers in the 1987-89 survey (40%) stated that they had no employment agreement, while 30% stated they had an oral agreement and 30% a written agreement. However, even where such agreements existed, they were apparently vague, as a significant number of workers who reported that there was an employment agreement lacked clarity on basic issues such as working hours or remuneration.

Of the 82 employers of domestic workers who were interviewed, 96% employed a female and 4% a male. Most (92%) employed only one domestic worker, with the remainder employing two to six persons. Only a small proportion (17%) had live-in workers. Like the domestic workers interviewed, most of the employers (55%) stated that their domestic workers worked six to nine hours Mondays through Fridays, with smaller percentages employing domestic workers on Saturdays (21%) and Sundays (7%).

Most employers interviewed had employed their present domestic worker for 1-2 years, which may be an indication of a high turnover of workers. Employment seemed to come about primarily through networking; half of the employers found their current employee through friends or relatives, and 27% through another domestic worker. Another 19% had hired someone who came to their homes off the street looking for work, and 3% had advertised in the newspapers.

Most of the employers interviewed paid their workers monthly, with about half of them paying cash wages and the other half paying cash together with other forms of remuneration such as food, clothing and transport.

Only a small proportion of employers interviewed (13%) stated that they had no contract with their domestic worker, while 48% stated that they had oral agreements and 39% stated that they had written contracts. Most of these agreements reportedly addressed remuneration and working hours, while some of them also addressed annual leave, bonus pay, sick leave, maternity leave, overtime pay, housing and pensions. The researchers drew the following conclusion: "Although ... employers and domestic workers in this study have no connection with one another, it is clear that workers' and employers' perceptions of the existence of agreements differ considerably. This is especially the case with remuneration and service hours." (Knye and Keyter: 27) This conclusion seems valid, particularly given that the greatest discrepancy between domestic workers and employers appears in connection with the existence of an oral agreement; what some employers perceive as an "agreement" may well be viewed by their employees as a condition of employment that is not subject to negotiation.

A majority of the employers (61%) interviewed were themselves formally employed. This points to the fact that many women who work as domestic workers make it possible for other women to enter other sectors of the labour market.

The Knye and Keyter survey placed particular emphasis on questions about training. When domestic workers were asked who trained them, most of them replied that they were taught by their mothers (32%) or their employers (24%), or that they were self-trained (22%).

Although the domestic workers interviewed rated their ability to perform their tasks highly, most of them (63%) expressed a willingness to undergo training in the hope of finding a better

job or commanding better wages. Among the specific areas cited as topics for training were needlework and repair of clothes; the managing of personal finances, and safety and first aid.

**Table 1: DOMESTIC WORKERS' PERCEPTION OF TASKS PERFORMED BY THEM AND THEIR EFFICIENCY (n=48)**

	% Task Performed	% Efficiency
Ironing	95,7	87,5
Cleaning house	93,6	83,8
Washing laundry	85,1	89,5
Handling electrical equipment	58,7	76,9
Answering telephone	57,4	83,3
Attending to children	57,4	81,5

SOURCE: Knye & Keyter, 1990: 27

Most employers (77%) were satisfied that their domestic workers carried out their tasks capably, but cited a need for further training in safety and first aid, economising, care of crockery, work planning, cleaning and food preparation. A majority of employers (61%) were prepared to allow their domestic workers to undergo training during working hours at full pay.

**Table 2: EMPLOYERS' PERCEPTION OF TASKS PERFORMED BY DOMESTIC WORKERS AND THEIR EFFICIENCY (n=82)**

	% Task Performed	% Efficiency
Ironing	91,5	90,2
Cleaning house	91,5	89,0
Handling electrical equipment	82,9	81,7
Washing laundry	68,3	68,3
Answering telephone and door	59,8	52,1
Safety in the home	57,3	39,0

SOURCE: Knye & Keyter, 1990: 28

The researchers made the following recommendations concerning training for domestic workers:

*Bearing in mind that domestic service provides one of the few available employment opportunities for women, existing training should be enlarged to include on-the-job training for domestic workers already employed. Considering the tremendous responsibility domestic workers carry, especially where employers themselves are involved in the formal labour market, higher level modular training should be developed. This could include aspects such as work planning, economising, budgeting, catering, home management, financial management and communication skills. Domestic workers will then be able to move up the job ladder to hold positions on managerial level in hospitals and hostels or the food service industry. These better qualified workers could also manage small guest houses, guest farms and restaurants, which in turn would benefit Namibia's tourist industry. (Knye and Keyter: 38)*

## 10.5 Ethnic stereotypes

A set of questionnaires administered to 570 respondents from a wide range of ethnic groups in Windhoek for the purposes of social science research during 1988-89 included a series of

open-ended questions about perceptions of ethnicity. One question included in this questionnaire was, "In your opinion, what are the most characteristic occupations that people in the following groups have?" The questionnaire then listed Afrikaners, English, German, Coloureds, Rehoboth Basters, Hereros, Owambos, Damaras and Namas in separate columns for men and women. More than one response could be given for each group.

Responses to this question were coded in categories, including one entitled "service workers". This category included two sub-groups: "protection workers" (firemen, policemen, security guards, etc.) and "servants and other" which included domestic workers, maids, housekeepers, cleaners, janitors, cooks, waiters, bartenders and kitchen helpers, as well as a range of other unrelated occupations such as hairdressers, pre-primary teachers and petrol attendants. (Gardeners were included in a separate category entitled "other labourers".)

A large number of respondents thought that "service worker" was a characteristic occupation for Damara women (61% of all responses), Nama women (56%) and Herero women (53%), while "service worker" constituted 40% of all responses for Owambo women and only 9% for coloured women. (Only a small number of respondents thought that "service worker" was a typical occupation for males of any ethnic group.)

When these responses were compared to the actual occupations of the survey population, it became clear that more people are perceived as being likely to be engaged in "service" occupations than is actually the case. "Service worker" was over-represented as an occupation by about 6%. This stereotype was particularly exaggerated for Owambos and Namas, while more Coloureds were actually engaged in service occupations than others perceived.

This reveals two points about service work. Firstly, there is some basis for stereotypes about the ethnic composition of this employment sector. For example, in the survey group, "service worker" was the most common occupation for Hereros and Damaras. The historical legal regulation of employment relationships and the confinement of different ethnic groups to different ethnic "reserves" has largely been responsible for this, as choice of employment depended on proximity to various employment opportunities, freedom of movement and the ability to work legally in given areas or occupations. Secondly, it is clear that stereotypes based in part on actual experience have become exaggerated, with the result that women from some ethnic groups may be perceived as being primarily suitable for service occupations, to the detriment of people's confidence in their ability to perform well in a wider range of occupations. (LeBeau:47-ff, appendices)

Information collected in field research carried out in Katutura between 1968 and 1970 indicated that "Herero women normally only did washing and ironing, while women of other African ethnic groups did general domestic servant work" -- a point for which no explanation is offered. This research also found that while "town Owambo men" (men with residence rights in the urban area) had semi-skilled jobs, male Owambo contract workers were "almost exclusively labourers and domestic servants." Damara men were often assistants to artisans or gardeners. Follow-up research conducted during 1991 indicated that workers gained access to more varied formal-sector employment during the intervening years (Pendleton: 49), indicating that apartheid-based ethnic stereotypes for occupations have not kept pace with evolving realities.

# Part 2

## **DOMESTIC WORK SINCE INDEPENDENCE**

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### **1. INTRODUCTION**

The attainment of Namibian independence in 1990 ushered in a new era which changed the basis of labour relations in Namibia. The new Namibian Constitution outlawed race and sex discrimination and guarantees fundamental worker rights, including the right to form trade unions and the right to strike.

The Constitution also makes specific reference to worker goals such as adherence to the standards of the International Labour Organisation, the protection of the health and strength of workers, protections against child labour, and an aspiration to ensure a living wage for all workers.

Against this backdrop, new labour legislation was formulated in consultation with employers and employees, and for the first time domestic workers and farm workers were placed on an equal footing with other workers. The post-independence period also saw the launch of the first trade union for domestic workers. While domestic workers and farm workers remain extremely vulnerable employees, the basic framework for greater protection of their rights and interests is now in place.

### **2. LEGAL DEVELOPMENTS**

Tripartite consultations around new labour legislation commenced shortly after independence, and the Labour Act 6 of 1992 was passed by Parliament in March 1992 and came into force on 1 November 1992.

In general the 1992 Act is considered to be a progressive piece of legislation which protects workers' basic rights and facilitates collective bargaining in a manner which is consistent with the agreements endorsed by the International Labour Organisation. For example, the Act provides that employees may be dismissed only for a "valid and fair" reason and in a "procedurally fair" way. It also protects the right to strike and establishes a system of labour courts and labour inspectors as enforcement mechanisms.

The Act does not set a minimum wage, but provides for the establishment of a Wages Commission which may set minimum wages in particular sectors.

Of particular importance to the domestic work sector is the fact that the act places domestic workers and farm workers on an equal footing with other workers for the first time. Similarly, virtually no distinctions are drawn between "casual employees" and other employees,

meaning that all workers are provided with the same basic rights pertaining to conditions of employment and labour relations. It is also particularly relevant to Namibian domestic workers, who are predominantly female, that the Act provides explicit protection against discrimination on the basis of sex in all aspects of employment.

Key aspects of the basic conditions of employment covered by the 1992 Labour Act will be highlighted in Part 2 of this report. In summary, the Act provides for a 45-hour working week. Maximum daily working hours are 9 hours a day for employees who work a 5-day week or less, and 7½ hours a day for those who work a 6-day week. With a few exceptions, no employee may work for more than 5 hours without a meal break of at least 1 hour. No employee can be forced to work overtime, and overtime must be compensated at 1½ times the normal rate. Night work, defined as work between the hours of 20h00 and 07h00, must be paid at the normal rate plus 6%.

The only aspect of basic working conditions in which domestic workers are singled out is in respect of Sundays and public holidays. The general rule is that no employee may work on a Sunday or public holiday unless the employee or employees in question have agreed to this and an exemption has been granted by the Ministry of Labour. However, several categories of work are treated as exceptions to this rule, including employees in domestic service in a private household.<sup>1</sup>

Where an employee in any category of employment works on a Sunday or a public holiday, that time must be remunerated at double pay, or at 1½ pay with a corresponding amount of time off in the following week. Overtime worked on Sundays or public holidays must be paid at double the normal rate.

All employees are entitled to 24 consecutive days of leave (not necessarily 24 working days) at the normal rate of pay for every 12 months of employment, and to 30-36 days of paid sick leave during every three years of employment, depending on how many days a week the employee works.

All female employees who have at least 12 months of continuous service with the same employer (regardless of how many days a week they are employed) are entitled to 12 weeks of unpaid maternity leave. As will be discussed in more detail below, financial benefits during the maternity leave period were subsequently provided by a Social Security Act which came into force at the end of 1995.

The Labour Act sets the minimum age for any form of employment at 14.<sup>2</sup> It also places a legal duty on employers to provide a safe working environment.<sup>3</sup>

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<sup>1</sup> The other categories of workers who may be required to work on Sundays and public holidays are employees performing emergency work, employees performing certain sorts of transport-related work, employees in shops, hotels, boarding houses or hostels which are lawfully open on Sundays or public holidays, and employees performing essential farming operations.

<sup>2</sup> The Labour Act is more strict on this point than the Namibian Constitution, which would allow children between the ages of 14 and 16 to be employed in any undertaking other than a factory or a mine. See Article 15(3).

<sup>3</sup> This statutory duty is contained in section 96 of the Labour Act, which at the time of writing has not yet come into force. However, employers presently have a duty under the common law to provide safe working conditions for all employees, including domestic workers. (See Delport: 189)

## 2.1 Enforcement of labour legislation

The administrative structure responsible for implementation and enforcement of the Labour Act is headed by a Labour Commissioner appointed by the Minister. The Minister is also empowered to appoint as many labour inspectors as are considered necessary.

Labour inspectors monitor compliance with the provisions of the Act. They have powers of search and seizure similar to those of the police, as well as a broad range of investigative powers. For example, they can question any person in connection with matters covered by the Act and examine any books and documents which might be relevant. If necessary, labour inspectors can get assistance from the police in performing their functions. It is a criminal offence for anyone to hinder the functions of a labour inspector, to give false information or to refuse to cooperate.

Complaints arising under the Labour Act are decided by a system of labour courts, which include a Labour Court and district labour courts. The Labour Court is presided over by a judge of the High Court designated by the Judge President, while district labour courts are presided over by magistrates. Most complaints about matters covered by the Labour Act go to a district labour court for decision, with a right of appeal to the Labour Court, while more complex and serious matters go directly to the Labour Court.

When a complaint arises, the parties involved must first attend a conference with a labour inspector to attempt to settle the issue. Only if the matter cannot be resolved does it proceed to adjudication in a district labour court.

In an attempt to increase the accessibility of the enforcement structure, the Labour Act provides that parties can represent themselves in the district labour courts. They can also be represented by a legal practitioner, or assisted by any other person they choose -- such as a trade union official, an official of an employers' organisation or a paralegal. Labour inspectors are also empowered to assist an employee in presenting a matter to a district labour court or to the Labour Court.

The district labour courts and the Labour Court have broad powers to issue appropriate orders to remedy problems which are brought to their attention.

In addition to this enforcement structure, which is prescribed by the Act, the Ministry also employs labour relations officers who liaise with trade unions and employer organisations.

There were 24 labour inspectors in 1996, including eight women, with responsibility for the following areas:

Labour Inspectors (1996)

Gobabis	1
Grootfontein	2
Katima Mulilo	1
Keetmanshoop	2
Lüderitz	1
Mariental	1
Okahandja	1
Ondangwa	1
Oshakati	1
Otjiwarongo	1
Outjo	1
Rundu	1
Swakopmund	1
Tsumeb	1
Windhoek	<u>8</u>
TOTAL	<u>24</u>

(Ministry of Labour, 1996)

The Ministry plans to appoint two additional labour inspectors to be stationed in Oshakati in 1997.<sup>4</sup>

Labour inspectors have also been accused of being susceptible to bribery, and of partisan behaviour. At least one accusation of bribery played a role in the dismissal of a labour inspector. However, the accusations of partisanship must be taken with a grain of salt, since workers allege that inspectors tend to side with employers and employers allege that inspectors tend to favour employees.<sup>5</sup>

The table on the opposite page illustrates the labour-related complaints brought to the attention of the government by domestic workers since independence, both under the 1986 Conditions of Employment Act (up to November 1992), and under the 1992 Labour Act (after that date). As the table shows, the increased protection afforded domestic workers under the more recent legislation has resulted in a slightly higher percentage of complaints being brought by workers from this sector, on average.

<sup>4</sup> Information from Ministry of Labour, 1996.

<sup>5</sup> See, for example, Legal Assistance Centre, *A Survey of Individual Labour Disputes at Selected District Labour Courts in Namibia (January 1994 - December 1994)*, forthcoming (section 2.3.2, "Labour inspectors").

Table 3: COMPLAINTS LODGED BY DOMESTIC WORKERS (1990-1996)

	Date	Total	Overtime	Sunday Work	Public Holidays	Night Work	Payment of Wages	Unauthorised Deductions	Annual Leave	Sick Leave	Maternity Leave	Dismissals	Severance Allowance	Certification of Service
1986 Conditions of Employment Act	1990	179	18	3	1	N/A	43	6	49	9	N/A	42	N/A	8
	1991	296	21	10	18	N/A	76	13	71	4	N/A	75	N/A	8
	Jan-Oct 1992	247	--	--	--	N/A	72	39	45	--	N/A	60	N/A	31
	Nov-Dec 1992	157	--	--	--	--	110	5	--	6	--	34	2	--
1992 Labour Act	1993	414	92	--	--	73	38	45	--	11	--	48	47	47
	Apr '94 - Mar '95	89	--	--	--	--	28	11	16	--	--	14	12	8

NOTE: The record-keeping period and methods have changed between the First and Second Annual Reports of the Labour Advisory Council. Therefore comparisons between the 1994-95 statistics and those for previous years must be made with caution.

	Date	Complaints Finalised in Favour of Employee	Complaints Finalised in Favour of Employer	Percentage of Finalised Complaints Decided in Favour of Employee
1986 Conditions of Employment Act	1990	113	38	74,8%
	1991	159	56	74,0%
	Jan-Oct 1992	88	105	45,6%
	Nov-Dec 1992	86	21	80,4%
1992 Labour Act	1993	269	104	72,1%
	April 1994 - March 1995	46	14	76,6%

NOTE: Some complaints were still pending when statistics were recorded.

	Date	Complaints by Domestic Workers	Complaints by All Employees	Percentage Complaints by Domestic Workers
1986 Conditions of Employment Act	1990	179	1658	10,8%
	1991	296	2636	11,2%
	Jan-Oct 1992	247	1866	13,2%
	Nov-Dec 1992	157	1256	12,5%
1992 Labour Act	1993	414	2175	19,0%
	April 1994 - March 1995	89	717	12,4%

SOURCE: First and Second Annual Reports of the Labour Advisory Council.

The following table, organised by calendar year, gives another comparison of the complaints received by the Ministry of Labour from domestic workers in comparison to those from workers in other sectors.

**Table 4: COMPLAINTS RECEIVED BY INDUSTRY (1990-1995)**

Economic Sector	1990	1991	1992	1993	1994	1995	Total
Agriculture and Fishing	281	453	611	174	124	309	1952
Mining and Quarrying	41	129	60	21	24	9	284
Manufacturing	239	250	97	13	24	55	678
Electricity and Water	121	173	100	86	55	22	557
Construction	254	374	774	617	193	323	2535
Wholesale Retail and Trade	148	231	308	179	40	65	971
Catering and Accommodation	95	388	48	193	17	42	783
Transport and Communication	166	239	288	196	69	70	1028
Finance, Insurance, Real Estate and Business Services	30	44	118	111	14	4	321
Community, Social and Personal Services	13	48	78	95	55	20	309
Domestic Services	179	307	404	402	89	100	1481
Other activities	94	150	279	96	35	23	677
Total	1661	2786	3165	2183	739	1042	11576

SOURCE: Ministry of Labour

Over the entire period 1990-1995, complaints from domestic workers comprise 12,8% of the total number of complaints received.

There are small discrepancies between the two sets of statistics, which appear to stem from inconsistencies between the concept of "domestic worker" and the broader category of "domestic services". However, both sets of information indicate that the number of complaints from domestic workers has declined in recent years, which could reflect a lack of understanding of the law on the part of domestic workers or fear to seek help.<sup>6</sup>

Unfortunately, efforts by the Ministry to enforce the Labour Act in the domestic work sector are reactive rather than proactive. For example, during the period April 1994 to March 1995, 52 inspections were carried out in respect of domestic workers. However, in contrast to the situation in other sectors, none of these were routine inspections: they were all actions taken in response to complaints. Furthermore, the number of inspections carried out in respect of domestic workers constituted only 7,8% of the overall total during the period in question. (See Table 5 on the opposite page.)

Similarly, during the period April 1995 to March 1996, another 52 inspections were carried out in respect of domestic workers, again all of them undertaken in response to complaints with no routine inspections being undertaken. During this period, the total number of inspections in respect of domestic workers constituted only 6% of the overall total. (See Table 6 on the opposite page.)

<sup>6</sup> The survey data described in Part 2 indicates that it is unlikely that the reduced number of complaints stems from increased observance of the provisions of the Labour Act on the part of employers.

Table 5: ROUTINE INSPECTIONS CONDUCTED (April 1994 - March 1995)

ECONOMIC SECTORS	# ESTABLISHMENTS INSPECTED	# WORKERS EMPLOYED		TOTAL	NATURE OF INSPECTIONS		
		Male	Female		Routine Inspections	Follow-up Inspections	Complaint Inspections
Agriculture & Fishing	74	157	43	200	61	12	6
Manufacturing	17	301	79	380	11	3	8
Electricity & Water Supply	54	157	41	198	21	12	22
Construction	60	476	33	509	49	3	9
Wholesale & Retail Trade	95	422	638	1 060	73	3	21
Transport & Communications	24	87	53	140	10	11	4
Finance, Insurance, Real Estate & Business Services	16	105	112	217	10	2	6
Domestic Workers	52	3	56	-	-	6	48
Other activities not adequately defined	12	215	120	335	10	1	3
<b>Total</b>	<b>404</b>	<b>1 923</b>	<b>1 175</b>	<b>3 039</b>	<b>245</b>	<b>53</b>	<b>127</b>

SOURCE: First Annual Report of the Labour Advisory Council.

Table 6: INSPECTIONS CONDUCTED BY INDUSTRY (April 1995 - March 1996)

ECONOMIC SECTORS	# ESTABLISHMENTS INSPECTED	# WORKERS EMPLOYED		NATURE OF INSPECTIONS			TOTAL
		Male	Female	Routine Inspections	Follow-up Inspections	Complaints Inspections	
Agriculture & Fishing	247	1324	281	138	7	75	220
Mining & Quarrying	13	265	36	9	4	8	21
Manufacturing	52	269	64	44	12	27	83
Electricity, Gas & Water Supply	10	140	80	11	1		12
Construction	68	1089	39	39	9	26	74
Wholesale & Retail Trade, Repair of Motor Vehicles, Motorcycles and Household Goods	243	1517	1063	108	20	105	233
Hotels, Restaurants and Catering Services	79	369	453	34		39	73
Transport, Storages & Communications	61	644	226	35	4	26	65
Financial Intermediations	8	16	8	4	1	6	11
Real Estate, Renting & Business Activities	3	3	75	24		3	3
Public Services							
Other Community, Social & Personal Service Activities	17	229	32	4	1	3	3
Extraterritorial Organisations & Bodies							
Private households with employed persons	52		52			52	52
Not stated	6	59	16	3		4	7
<b>Total</b>	<b>859</b>	<b>5924</b>	<b>2425</b>	<b>453</b>	<b>59</b>	<b>374</b>	<b>862</b>

SOURCE: First Annual Report of the Labour Advisory Council.

The following table gives another comparison of the inspections carried out by government officials in recent years, organised by calendar year. Over the period 1991-1995, inspections carried out in respect of domestic workers constituted only 5% of the overall total.

Table 7: INSPECTIONS BY INDUSTRY (1991-1995)

Economic Sector	1991	1992	1993	1994	1995	Total
Agriculture and Fishing	24	47	27	74	334	311
Mining and Quarrying	4	5	4	0	11	24
Manufacturing	73	114	31	17	30	265
Electricity and Water	35	32	90	54	6	217
Construction	57	86	177	60	40	420
Wholesale Retail and Trade	288	350	249	95	99	1 081
Transport and Communication	76	119	95	24	16	330
Finance, Insurance, Real Estate and Business Services	80	76	60	16	19	251
Community, Social and Personal Services	36	54	41	0	6	137
Domestic Services	29	37	30	52	31	179
Other activities not adequately defined	129	149	127	12	6	423
<b>Total</b>	<b>831</b>	<b>1 069</b>	<b>931</b>	<b>404</b>	<b>598</b>	<b>3 638</b>

SOURCE: Ministry of Labour

Obviously, it is more difficult and more time-consuming to carry out inspections in private households than in larger and more formal workplaces. However, it is the relative informality and isolation of their typical work situation which makes domestic workers especially vulnerable to violations of their rights.

In an effort to understand the issues relating to effective enforcement of the Labour Act in the domestic work sector, the Legal Assistance Centre interviewed six labour inspectors based at various locations as well as two senior ministry officials and two representatives of NDAWU. These interviews took place during the latter part of 1995.

The shortage of labour inspectors was cited by a number of those interviewed as a drawback to effective enforcement of the Labour Act. The shortage of personnel gives rise to a public perception in some quarters that labour inspectors are ineffective or lax in their duties. Personnel constraints also contribute to the failure of labour inspectors to take a more proactive approach to enforcement, as well as their failure to give sufficient emphasis to educational and outreach work. For example, most labour inspectors interviewed emphasised the importance of educating employers and employees about their rights and responsibilities, to prevent problems based on a lack of knowledge or misinformation. Most of those interviewed expressed the opinion that enforcement in the sense of monitoring and policing alone will always be inadequate and must be combined with the active *promotion* of proper working practices. This problem may be alleviated in part by the Ministry's planned series of countrywide workshops during 1996/97, which will aim to establish a tripartite body in each region that can take responsibility for organising workshops and discussion forums on specific issues, in an effort to popularise the provisions of the Labour Act.

The following article appeared in *The Namibian* on 14 November 1996:

## Illegal labour practices rife in the Kavango

**RUNDU:** The victimisation of domestic workers in the Kavango region remains a problem, while some residents are illegally employing children and then refusing to pay them.

Labour Inspector John Muteto told Nampa that unfair dismissals and low salaries had become the order of the day for domestic workers in the region.

"Some employers are creating grounds for dismissing their workers by claiming misconduct during working hours," said Muteto.

He warned employers to follow rules stipulated in the Labour Act when dismissing workers.

Muteto also issued a stern warning to the residents of the region not to employ children under the age of 15 years, saying they were the group most affected.

He said children, employed illegally in the first place, were being dismissed when they asked for their salaries.

Muteto pointed out that some employers refused to allow their workers to attend meetings related to labour issues, with some threatened with dismissal if they dared to attend.

"The Labour Act is in place to protect all citizens of this country, mainly the most disadvantaged groups," he stressed.

According to Muteto, domestic workers and people employed in local shops flocked to the Labour Office at Rundu on a daily basis with similar problems of unfair dismissals and low salaries. It was learned that most employers neglecting their employees were government officials.

Muteto emphasised that employers disobeying the Labour Act would face severe consequences. - Nampa

The interviews with labour inspectors also indicated that there is a need for more training of the inspectors themselves. For example, some inspectors made mis-statements about the coverage of domestic workers under the Labour Act, and there was considerable confusion about the concept of "casual worker". The differing definitions of "employee" under the Labour Act and under the Social Security Act (which will be discussed below) also seemed to cause confusion. Some inspectors also seemed to be unaware of the full extent of their powers; for example, one labour inspector stated that he had no power to enter private households to investigate the working conditions of domestic workers.

Steps to increase the knowledge and skills of labour inspectors are already underway, however. For example, the Ministry has already convened several workshops for labour inspectors on issues such as recent developments in the labour field and conflict resolution skills. Labour inspectors have also made extensive use of a *Namibian Labour Manual* compiled by the Legal Assistance Centre, which attempts to explain the major provisions of the Labour Act in the layperson's language.

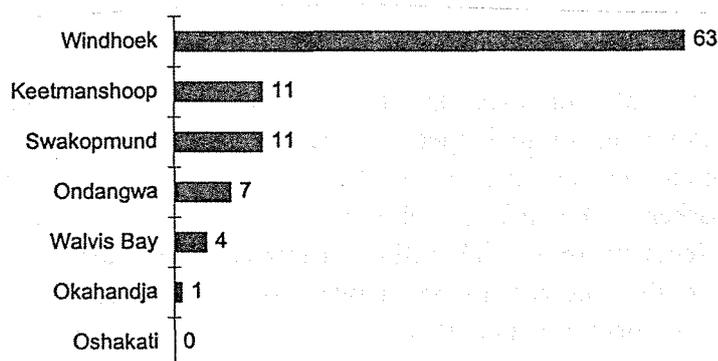
One problem cited by labour inspectors as being specific to the domestic work sector is the problem of lack of evidence in court cases. Because of the individual nature of the typical domestic work relationship, there are usually no witnesses to support employees who bring complaints, making it more difficult for them to press their cases successfully.

The interviews also revealed that there is some implicit conflict in the various roles of the labour inspector. While inspectors must, on the one hand, be impartial in their attempts to help parties resolve disputes, they are on the other hand also empowered to investigate and monitor compliance with the Labour Act and to help employees present their complaints to the district labour court if necessary. Balancing these roles can be difficult in practice, and sometimes leads to accusations of partisanship from all sides.

There have been a few district labour court cases involving domestic workers since the inception of the Labour Act. For example, a Legal Assistance Centre study of cases heard during calendar year 1994 at selected district labour courts (Keetmanshoop, Okahandja, Ondangwa, Oshakati, Swakopmund, Walvis Bay and Windhoek) found that 9% of the cases heard during 1994 at the courts in question involved persons employed in private households.

The geographical distribution of these cases is illustrated in the following chart. Of the areas studied, the cases involving workers in private households were concentrated in Windhoek, Keetmanshoop and Swakopmund, while there was not a single such case in Oshakati during 1994. The low number of cases in this location may stem from the fact that (as will be discussed in more detail in Part 2) many domestic workers in this area are employed by extended family members and may not perceive themselves as workers with formal legal rights.

#### GEOGRAPHICAL DISTRIBUTION OF DISTRICT LABOUR COURT CASES INVOLVING EMPLOYEES IN PRIVATE HOUSEHOLDS (1994)

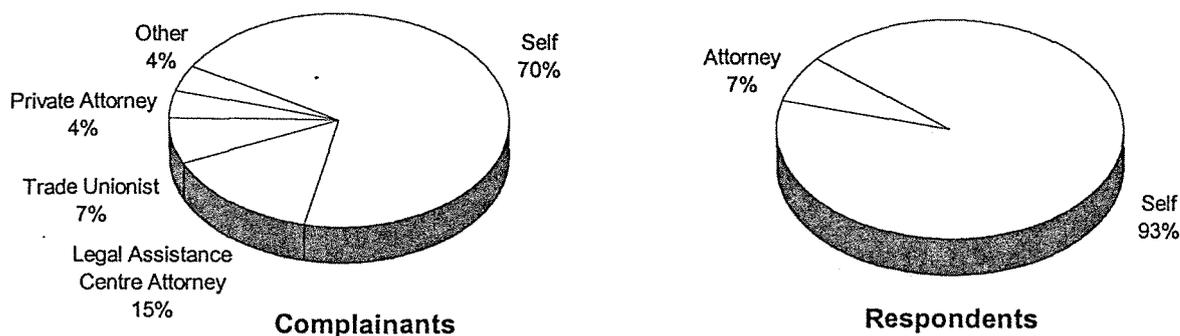


SOURCE: *A Survey of Individual Labour Disputes at Selected District Labour Courts in Namibia*, Farmworkers Project (LAC), 1996.

Of the cases involving persons employed in private households, 67% were brought by female complainants, while 52% of the respondents in these cases were female employers.

Both domestic workers and their employers tend to represent themselves in the district labour courts. 93% of the employers represented themselves in court, with the remaining 7% being represented by private attorneys. As for employees in private households, 70% represented themselves, 4% had a private attorney, 15% were represented by a legal practitioner or a paralegal from the Legal Assistance Centre, and 7% had a trade union representative. This data indicates that there is perhaps more scope for trade union involvement in assisting domestic workers to assert their rights.

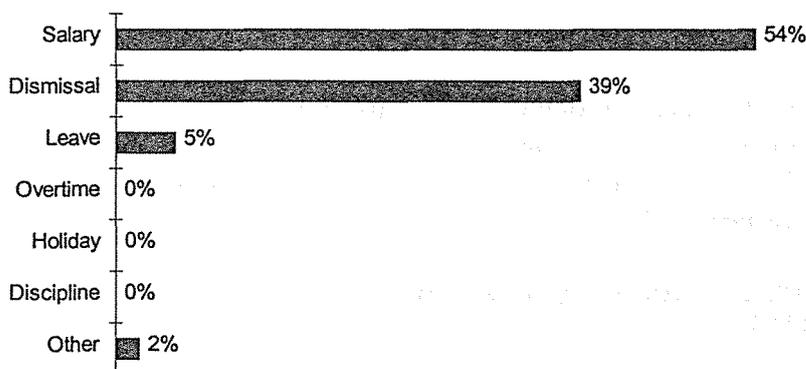
### REPRESENTATION IN DISTRICT LABOUR COURTS (1994)



SOURCE: LAC District Labour Court Survey.

The LAC study indicates that domestic workers are most likely to bring formal complaints about problems connected to the payment of wages, followed by complaints about unfair dismissals. There were a few cases involving complaints about leave, but no cases involving overtime which may point to a lack of understanding about the law on this issue.

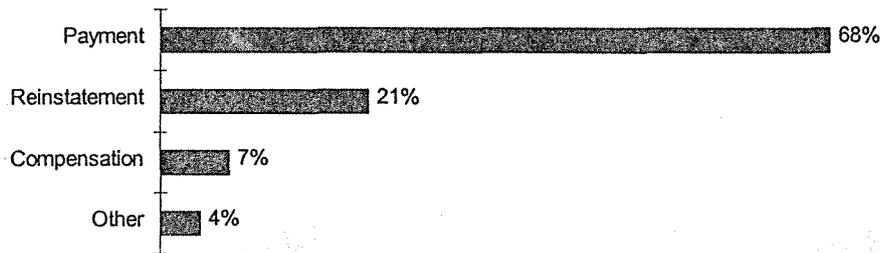
### TYPE OF COMPLAINT LODGED BY DOMESTIC WORKERS (district labour courts - 1994)



SOURCE: LAC District Labour Court Survey

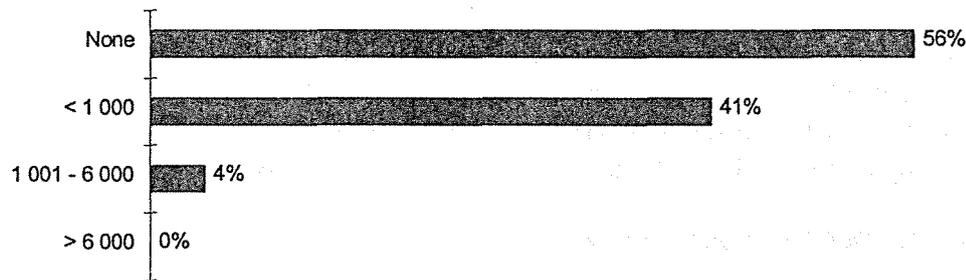
Most domestic workers asked the court to order payment of moneys owing, while few requested reinstatement as a remedy even though unfair dismissal was a common cause for complaint. This fact is not surprising given the intimate nature of the employment relationship in a private household: if the relationship has disintegrated to the point that court intervention is necessary, it is understandable that a continued working relationship might be uncomfortable. The research also indicates that the amount of money claimed by domestic workers tends to be relatively low -- most often N\$100 or less -- which is most likely a result of the low wages in this sector.

**TYPE OF RELIEF SOUGHT BY DOMESTIC WORKERS (district labour courts - 1994)**



SOURCE: LAC District Labour Court Survey

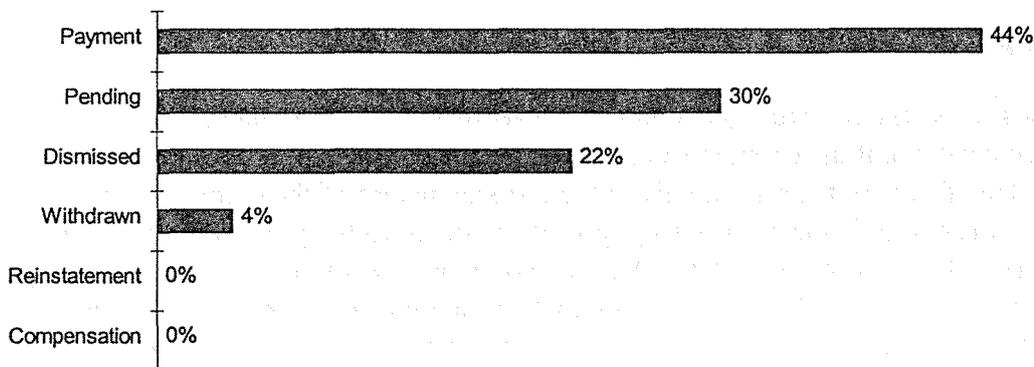
**SUM OF MONEY CLAIMED BY DOMESTIC WORKERS IN N\$ (district labour court cases - 1994)**



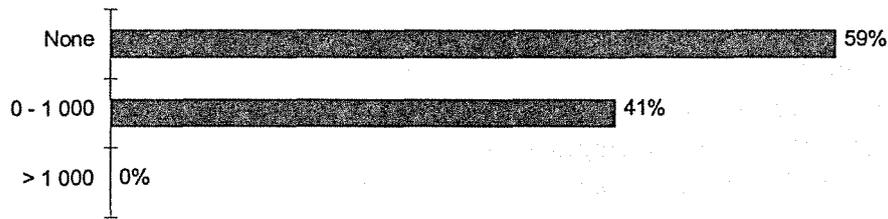
SOURCE: LAC District Labour Court Survey

The LAC study also showed that cases brought by persons employed in private households are decided in favour of employees about twice as often as in favour of employers. Where judgement was granted in favour of the employee, the most common remedy was a monetary payment totalling N\$1 000 or less.

**TYPE OF JUDGEMENT GRANTED IN FAVOUR OF DOMESTIC WORKERS (district labour court cases - 1994)**



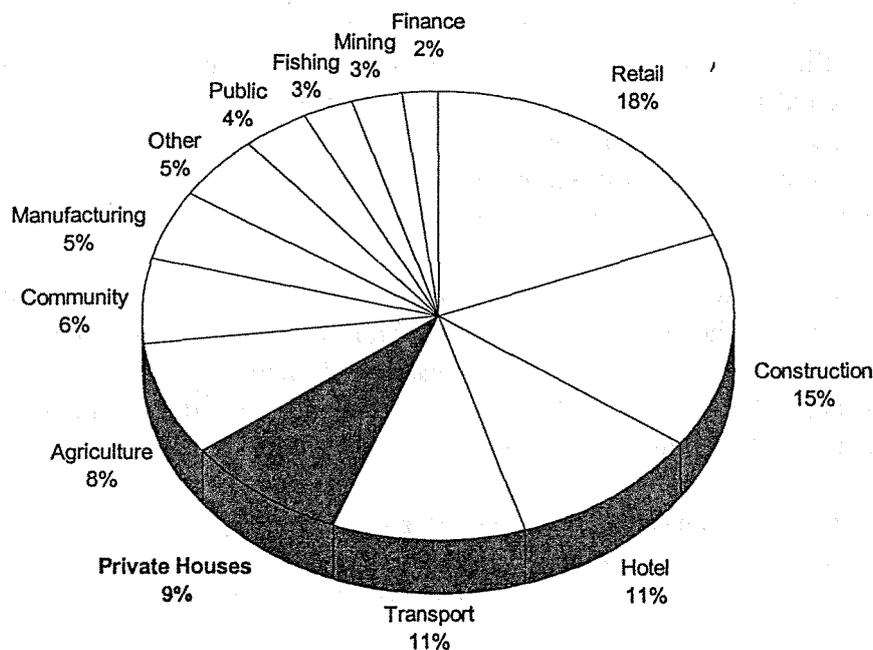
SOURCE: LAC District Labour Court Survey

**SUM OF MONEY GRANTED TO DOMESTIC WORKERS IN N\$ (district labour court cases - 1994)**

SOURCE: LAC District Labour Court Survey

For example, one case which received publicity as “a Labour Court first for domestic workers” involved the dismissal of a female domestic worker. With the help of NDAWU, the worker in question laid a complaint against her employer on being dismissed after having worked for her employer for three years. She lived on the premises and received N\$300/month for cleaning the house, ironing and looking after two toddlers. She asserted that no reasons had been given for the dismissal, and that she had not received payments owing to her. NDAWU made several unsuccessful attempts to resolve the dispute through negotiation before it was referred to the district labour court. The court ruled that in terms of the Labour Act the employer should have given one month’s notice of the dismissal, or one month’s wages in lieu of such notice, as well as wages for the final month worked.<sup>7</sup>

It is encouraging to note that domestic workers are utilising the Labour Act mechanisms for asserting their rights, even though still in relatively small numbers.

**DISTRIBUTION OF COMPLAINTS BROUGHT BY INDUSTRY (district labour courts - 1994)**

SOURCE: LAC District Labour Court Survey

<sup>7</sup> *The Namibian*, 24 April 1995.

## 2.2 The Social Security Act

The Social Security Act 34 of 1994 was enacted to provide a social safety net for vulnerable workers. This Act establishes a Maternity Leave, Sick Leave and Death Benefits Fund which is financed by equal contributions from employers and employees. This fund provides income support to workers who have been members of the fund for at least six months. Contributions to the fund are set at 0,9% of each employee's monthly income, up to a maximum of N\$3 000/month, with benefits based on corresponding amounts.

Women on maternity leave will receive 80% of their usual monthly wage (up to the N\$3 000 ceiling). Sick leave benefits at 50-60% of the normal wage (up to the N\$3 000 ceiling) will be available for up to two years after the paid sick leave available in terms of the Labour Act has been exhausted. A lump sum payment of N\$2 000 will be available to members upon their retirement, or paid to their spouse or heirs upon their death. Membership in this fund, which came into operation in November 1995, is mandatory for all employees.

In contrast to the Labour Act, the definition of "employee" in the Social Security Act includes only persons who work for the same employer for more than two days a week. This exclusionary definition has already proven to have adverse effects on domestic workers, since this sector is frequently characterised by employment by different employers on different days of the week. There are numerous reports of domestic workers being given reduced work schedules as a means of circumventing the Act.<sup>8</sup>

The Act also provides for a National Medical Aid Fund and a National Pension Fund, neither of which have yet come into operation. However, concerns have been expressed that the definition of "employee", which applies to all three funds, will operate to disadvantage domestic workers in respect of these funds as well.<sup>9</sup>

Membership in the social security funds may not be practical for employees who work on an infrequent or casual basis. However, groups such as the Legal Assistance Centre have been lobbying for an amendment to the definition of "employee" on the grounds that the current approach does not effectively distinguish between workers who should in fairness be covered by the fund and those who are unlikely to derive any benefit in practice.

The Social Security Act is administered by a Social Security Commission specifically established in terms of the Act for this purpose. The Commission has made general efforts to popularise the Social Security Act through a variety of methods such as press statements and regional workshops. Employers of domestic workers were specifically targeted by inserts in municipal accounts which are posted to private households. (See letter on opposite page.)

According to the Commission, records on categories of employment are not kept, but only figures on the total number of employers and employees registered under the Act. Therefore, there is at present no basis on which to assess the level of registration of domestic workers.<sup>10</sup>

<sup>8</sup> Information from interviews with NDAWU officers.

<sup>9</sup> Among the groups which have pointed out the shortcomings of the existing approach is the Windhoek Chamber of Commerce and Industries which has expressed concern that employees most in need of the benefits of the Act are likely to be missed, citing in particular domestic workers employed by multiple employers on different days of the week. 16 April 1996 communication to the Social Security Commission.

<sup>10</sup> Personal communication from Chief Executive Officer, Social Security Commission, 3 October 1996.

## SOCIAL SECURITY COMMISSION

Cnr. A. Kloppers & J. Haupt Streets, Khomasdal

Tel: (061) 211763  
Fax: (061) 211765  
212322

Private Bag 13223  
WINDHOEK

Enquiries: .....

Our Ref: ..... Your Ref: .....

TO WHOM IT MAY CONCERN

### REGISTRATION AS EMPLOYER IN TERMS OF THE EMPLOYEES' COMPENSATION ACT, 1941

The Employees' Compensation Amendment Act, 1995 (Act 5 of 1995), which came into operation on 1 March 1995, provides for the inclusion of domestic workers under the scope of the Act. Thus, domestic workers will be covered under the laws relating to compensation for disablement caused by accidents to or industrial diseases contracted by employees in the course of their employment or for death resulting from such accidents and diseases.

In terms of the Act it is compulsory that every owner of a private household who has a domestic worker in his/her employ register with the Social Security Commission.

Furthermore, it has been approved that the owner of a private household should contribute N\$50,00 per annum towards the aforementioned coverage.

For the purpose of registering with the Social Security Commission, it is essential that the attached registration form be completed and returned to:

The Managing Director  
Social Security Commission  
Private Bag 13223  
Windhoek

It must be borne in mind that the late - or non-return - of the registration form might lead that an employer who has a domestic worker in his/her employ be severely punished.

To avoid the application of the penalty clauses of the Act, you are kindly requested to complete the attached form and post it to the abovementioned address.

ACTING MANAGING DIRECTOR

### 2.3 The Employees' Compensation Act

In terms of the Workmen's Compensation Act 30 of 1941, a scheme was enacted whereby employees who were injured at the workplace or who contracted occupational diseases could receive compensation and medical aid in respect of their disability from a fund financed by employer contributions. This fund provides payments to employees for medical expenses, compensation for lost wages at a rate of 75% of the usual remuneration, and compensation for temporary or permanent disabilities. Employers are protected from lawsuits in respect of work-related injuries or diseases by membership in the fund.

Up until March 1995, domestic workers were excluded from the coverage of this Act. In 1995, the old term "workman" was replaced with the more gender-neutral term "employee", and the provisions of the Act were amended so that domestic workers were no longer excluded.<sup>11</sup> It is now mandatory for all employers of domestic workers to register their employees with the fund. The current assessment rate for employers of domestic workers is N\$50/year. Administration of the Employees' Compensation Act was recently taken over by the Social Security Commission.

The Employees' Compensation Fund does not attempt to define domestic worker in terms of duties. It places every worker employed in a private household (other than agricultural workers) in the same category. Thus, persons who perform housework, child care, cooking, gardening or security work at private households would be treated identically.

As in the case of the Social Security Act, the Social Security Commission has made efforts to inform employers of their duty to register domestic workers by letters inserted into municipal accounts.

As of October 1996, 665 employers had registered 671 workers in private households since the Employees' Compensation Act became applicable to this category of employees in March 1995. Almost every employer in this category registered a single employee; the only exceptions were one private household which registered two workers and one embassy which registered six workers.<sup>12</sup> Thus, given the fact that there are more than 20 000 domestic workers in Namibia, it is clear that there is a need for continued efforts to raise awareness of the employees' compensation scheme in this sector.

## 3. TRADE UNIONISM IN THE DOMESTIC WORK SECTOR

### 3.1 Background

The only trade union active in the domestic work sector is the Namibia Domestic and Allied Workers Union (NDAWU), which was formally established in 1990 and is a member of Namibia's major trade union federation, the National Union of Namibian Workers (NUNW).<sup>13</sup>

<sup>11</sup> Employees Compensation Amendment Act 5 of 1995, which came into force on 1 March 1995 (GN 52/1995, GG 1039).

<sup>12</sup> Personal communication from Chief Executive Officer, Social Security Commission, 3 October 1996.

<sup>13</sup> As noted above, a federation called the Namibia Trade Union (NTU) claimed to have a Domestic Workers Union among its constituents during the 1980s, but this union does not appear to have an active existence. (Peltola: 208)

Organisation in the domestic work sector began before independence, in 1986, as a result of grievances brought to the attention of the NUNW by domestic workers who had no other place to turn. In response, the NUNW identified a group of union organisers to begin the groundwork of establishing a union in this sector.

Domestic workers proved to be a difficult group of workers to organise. In addition to the inherent difficulties of organising a group of workers scattered nationwide in isolated workplaces, the NUNW's efforts were hampered by a lack of funds and by the repressive political atmosphere prior to independence. Efforts to organise this sector intensified during 1987-88, when the NUNW established a sub-committee for this purpose. Organisers made use of the church and other organisations, and approached domestic workers at bus stops at the end of the day. They educated domestic workers about the benefits of trade unionism by holding workshops and seminars in various towns and found that some domestic workers did not want their employers to know that they were speaking to union organisers out of fear of victimisation.

### **3.2 NDAWU membership, structure and funding**

NDAWU was launched in 1990. Its membership is open to cleaners, tea-makers and messengers employed by private firms, as well as to persons who perform gardening, housework, child care or other domestic tasks in private households and in businesses. It also accepts members who are employed in small private shops such as hair salons, jewellers and private kindergartens.

(The Preamble to the Constitution of NDAWU appears on the following page.)

By mid-1992, there were 1 530 members of NDAWU, with more than half of them in the Windhoek branch. There were 307 members in Tsumeb and 161 in Swakopmund, with less than 100 members in each of NDAWU's other branches in Lüderitz, Otjiwarongo, Oranjemund, Walvis Bay, Mariental and Otavi.

By the end of 1995, NDAWU had established 22 branches and claimed to have some 5 000 members, but membership forms could be retrieved for only about 2 600 members. Administrative difficulties at the branch level are likely to have resulted in some lost membership forms. Membership also fluctuates because of the job insecurity which characterises the domestic work sector.

Membership fees were initially set at R1,00 but were raised to N\$1,50 by the 1993 Congress. The collection of membership fees is extremely difficult in practice. Stop orders are prohibitively expensive given the amount of the fees, and assistance from employers is not practical since domestic workers are generally employed individually by different employers. Because domestic workers generally earn extremely low wages, NDAWU finds that it is often able to collect fees only when a problem has arisen and a member wants to approach NDAWU for assistance. NDAWU is currently negotiating with the Windhoek Municipality to see if membership dues could be added on to municipal accounts.

### **Preamble to the Constitution of NDAWU**

RECOGNISING THAT the working people are the creators of economic wealth;

RECOGNISING FURTHER that the domestic and allied workers are the pillar on whose services the employers, fellow workers and owners of the means of production depend;

NOTING further that domestic and allied workers were denied the right to organise themselves into trade unions under the colonial labour laws and also that the protection under such laws was limited or minimal;

RECOGNISING FURTHER the sacrifices, efforts and major role that the workers have played in bringing about Namibian independence;

RECOGNISING further the enshrinement of the right of workers to organise themselves into trade unions in the Constitution of the Republic of Namibia;

HOPING that further affirmative action in favour of workers in general and in particular domestic workers will be reflected in the coming labour code;

RECOGNISING the fact that due to low salaries, job insecurity, and lack of legal protection, there is an interlinkage and relationship between domestic workers and workers involved in self-generating economic activities;

RECOGNISING that the political struggle has been won and that the formation and development of trade unions should be seen as a right and a democratic channel to carry the struggle for economic justice forward;

NOW THEREFORE we, the congress members of "NDAWU", accept and adopt this Constitution as a fundamental law of our Union with the determination that unity in action will result in economic justice and development for workers in our sector.

As a result of the unreliability of membership fees as a source of income, NDAWU is almost totally dependent on outside support from donor agencies. Although NDAWU has attempted to develop its own fund-raising initiatives, it is unlikely to become self-supporting in the coming years.

The highest decision-making body of the union is the National Congress, which takes place every three years and is attended by delegates from each branch. The first and only Congress of NDAWU to date was held in September 1993.

The next level in the governing structure is the Central Committee, which meets four times each year and consists of members of the National Executive Committee and office-bearers of Branch Executive Committees. The National Executive Committee consists of the union's national office-bearers, while each branch is supposed to have a Branch Executive Committee composed of branch office-bearers.

In practice, the day-to-day administration of NDAWU is carried out by three office-bearers who are full-time employees of the union based in Windhoek: a General Secretary who deals

with policy issues, acts as spokesperson for the union and attends to members' grievances; a National Organiser who is responsible for recruitment and establishing union structures as well as attending to grievances; and an Education Coordinator who is responsible for outreach work, running workshops and seminars and producing funding proposals and workshop materials. Because of a shortage of personnel and resources, branches are commonly administered by volunteers on an ad hoc basis.

NDAWU has offices together with other NUNW affiliates in trade union centres in four towns (Windhoek, Keetmanshoop, Swakopmund and Tsumeb), while branches in other locations generally operate from private homes. The union has been active in the following locations:

Gobabis	Oshakati
Grootfontein	Otavi
Karibib	Otjiwarongo
Katima Mulilo	Outjo
Keetmanshoop	Rehoboth
Lüderitz	Rundu
Mariental	Swakopmund
Okahandja	Tsumeb
Ondangwa	Usakos
Ongwediva	Walvis Bay
Oranjemund	Windhoek

National activities are made difficult by the fact that NDAWU has no transport and must rely on assistance from other NUNW affiliate unions in order to travel.

### 2.3 Profile of NDAWU members

Information from 2 603 NDAWU membership forms retrieved from the union's various offices was analysed by the Legal Assistance Centre to provide a point of comparison for the field research carried out during 1995. What follows is an overview of NDAWU membership. Data collected from the membership forms will also be discussed in Part 3 of this report. (An example of the membership form appears on the following page.)

It should be noted that the information about the employment relationship applies only to the job held by the member at the time of joining NDAWU. Forms were not updated in situations where members changed jobs during the course of their union membership.

About three-fourths of NDAWU's membership is female. This figure is slightly lower than the national proportion of female domestic workers (about 85%), but may be attributable to the fact that union membership is open to persons in commercial enterprises as well as private households. It may also indicate that women are somewhat less likely than men to join trade unions.

Members' ages at the time of joining the union range from 13 to 83 years, with most members aged from 25 to 40 years. The average age of members is 36,8 -- which is slightly older than the national average age for domestic workers (32,7). Male NDAWU members are, on average, slightly older than female members.

# Namibia Domestic and Allied Workers Union (NDAWU)



NDAWU HEAD OFFICE  
P.O. Box 61560  
Windhoek 9000  
REPUBLIC OF NAMIBIA

Tel: (061) 263458

## MEMBERSHIP APPLICATION FORM

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Postal address: \_\_\_\_\_

Home address: \_\_\_\_\_

ID/Passport No.: \_\_\_\_\_ Age: \_\_\_\_\_

Name and address of employer: \_\_\_\_\_

Contract date employed: \_\_\_\_\_ Expiry date of contract: \_\_\_\_\_

Kind of work you do: \_\_\_\_\_

Department: \_\_\_\_\_

Wage per hour: \_\_\_\_\_ Wage per week: \_\_\_\_\_ Wage per month: \_\_\_\_\_

Marital status: \_\_\_\_\_

Name of wife/husband: \_\_\_\_\_

Occupation: \_\_\_\_\_ Dependants: \_\_\_\_\_

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of witnesses:

(1) \_\_\_\_\_ (2) \_\_\_\_\_

**NOTE:** This is NDAWU's original membership form. During the course of the research, the LAC and SSD worked together with NDAWU to re-design the form for more effective information retrieval in future. The proposed new form appears in this report as Appendix 3.

**Table 8: NDAWU MEMBERS AVERAGE AGE**  
(unit in years)

	Male	Female
#	610	1 865
Mean	39,2	36,0
Median	38,0	34,0
Minimum	13,0	18,0
Maximum	83,0	73,0

SOURCE: NDAWU membership forms

The vast majority of NDAWU's membership is drawn from employees who perform domestic tasks in private households, with only a small proportion of the membership coming from commercial enterprises. (This question is not directly asked on the application form but the answer could in most cases be extrapolated from the answers to other questions.) Not surprisingly, a higher proportion of male members than female members work in commercial enterprises.

**Table 9: NDAWU MEMBERS - SECTOR EMPLOYED**

	Male		Female		Total	
	#	%	#	%	#	%
Domestic	515	82,5	1 819	93,9	2 334	91,1
Commercial	109	17,5	116	6,0	225	8,8
Catering	0	0	3	0,2	3	0,1
<b>Total</b>	<b>624</b>	<b>100</b>	<b>1 938</b>	<b>100</b>	<b>2 562</b>	<b>100</b>

SOURCE: NDAWU membership forms

The majority (almost 60%) of NDAWU's members live in Windhoek, with the next highest numbers being drawn from Swakopmund and Walvis Bay. (See Tables 10 and 11 on the following page.)

Over half (about 55%) of NDAWU's membership earns a wage of N\$200/month or less, a fact which makes the difficulty which NDAWU experiences in collecting membership fees understandable.

More details about NDAWU's membership will be discussed in Part 3, to provide a point of comparison for the survey results.

### 3.4 Activities

#### 3.4.1 Dealing with grievances

One of NDAWU's most important functions in the eyes of its members is the handling of grievances. In Windhoek, where there is permanent staffing, members visit the NDAWU office on a regular basis to report complaints. In Tsumeb and Swakopmund, members staff the offices on a voluntary basis to attend to members, but in other locations there is no regular union presence.

There is a record sheet which is used to record member grievances, but problems with data collection have made this an unreliable record of union activities in this sphere.

Table 10: NDAWU MEMBERS - OWN HOME ADDRESS

	Male		Female		Total	
	#	%	#	%	#	%
Katutura	113	24,0	658	45,4	771	40,1
Khomasdal	1	0,2	31	2,1	32	1,7
Central Windhoek	152	32,3	187	12,9	339	17,6
Okahandja	1	0,2	18	1,2	19	1,0
Usakos	1	0,2	2	0,1	3	0,2
Arandis	0	0	1	0,1	1	0,1
Walvis Bay	26	5,5	42	2,9	68	3,5
Swakopmund	68	14,4	150	10,3	218	11,3
Henties Bay	0	0	5	0,3	5	0,3
Oshakati	7	1,5	36	2,5	43	2,2
Ondangwa	7	1,5	16	1,1	23	1,2
Ongwediva	1	0,2	2	0,1	3	0,2
Rundu	39	8,3	20	1,4	59	3,1
Tsumeb	31	6,6	64	4,4	95	4,9
Otjiwarongo	7	1,5	34	2,3	41	2,1
Otavi	4	0,8	6	0,4	10	0,5
Mariental	8	1,7	17	1,2	25	1,3
Rehoboth	1	0,2	0	0	1	0,1
Karasburg	1	0,2	3	0,2	4	0,2
Ariamsvlei	0	0	1	0,1	1	0,1
Aranos	0	0	1	0,1	1	0,1
Keetmanshoop	2	0,4	39	2,7	41	2,1
Bethanie	0	0	1	0,1	1	0,1
Lüderitz	0	0	13	0,9	13	0,7
Oranjemund	1	0,2	93	6,4	94	4,9
Gobabis	0	0	10	0,7	10	0,5
<b>Total</b>	<b>471</b>	<b>100</b>	<b>1 450</b>	<b>100</b>	<b>1 921</b>	<b>100</b>

Table 11: NDAWU MEMBERS - EMPLOYER'S ADDRESS

	Male		Female		Total	
	#	%	#	%	#	%
Katutura	1	0,2	5	0,3	6	0,3
Khomasdal	1	0,2	49	2,8	50	2,2
Central Windhoek	317	60,2	1 096	63,0	1 413	62,3
Okahandja	1	0,2	19	1,1	20	0,9
Usakos	0	0	1	0,1	1	0
Arandis	0	0	0	0	0	0
Walvis Bay	26	4,9	44	2,5	70	3,1
Swakopmund	65	12,3	151	8,7	216	9,5
Henties Bay	0	0	4	0,2	4	0,2
Oshakati	10	1,9	35	2,0	45	2,0
Ondangwa	7	1,3	15	0,9	22	1,0
Ongwediva	1	0,2	2	0,1	3	0,1
Rundu	40	7,6	22	1,3	62	2,7
Tsumeb	33	6,3	67	3,8	100	4,4
Otjiwarongo	8	1,5	37	2,1	45	2,0
Otavi	4	0,8	6	0,3	10	0,4
Mariental	8	1,5	16	0,9	24	1,1
Rehoboth	1	0,2	0	0	1	0
Karasburg	1	0,2	3	0,2	4	0,2
Ariamsvlei	0	0	1	0,1	1	0
Aranos	0	0	1	0,1	1	0
Keetmanshoop	2	0,4	39	2,2	41	1,8
Bethanie	0	0	1	0,1	1	0
Lüderitz	0	0	13	0,7	13	0,6
Oranjemund	1	0,2	101	5,8	102	4,5
Gobabis	0	0	13	0,7	13	0,6
<b>Total</b>	<b>527</b>	<b>100</b>	<b>1 741</b>	<b>100</b>	<b>2 268</b>	<b>100</b>

SOURCE: NDAWU membership forms

Most cases are resolved through negotiation with the employer, while a few are referred to labour inspectors or to the Legal Assistance Centre. NDAWU has represented members in a small number of district labour court cases to date.

Grievances have dealt with a variety of problems, ranging from unfair dismissal to bad working conditions. Other problems which have been raised in workshop discussions have included low wages, housing problems, unemployment and maternity leave.

### *3.4.2 Education initiatives*

NDAWU's educational programme is designed not only to educate members about their rights as workers and about the function of trade unions, but also on more general socio-economic issues such as literacy skills and health issues.

Workshops and seminars are usually scheduled on weekends, as employers are reluctant to give domestic workers time off for union activities during working hours; while the Labour Act requires that workplace union representatives be given time for official duties, this provision is not applicable to workplaces with fewer than 10 employees. Attendance is also a problem on weekends, as many domestic workers (especially live-ins) have to work for their employers on weekends, and many female members must deal with family responsibilities during weekends or get permission from their husbands to attend union activities.

During the period 1991-1995, NDAWU conducted three workshops countrywide, reaching approximately 1 460 members.

### *3.4.3 Popularisation of employment contracts*

It has been NDAWU's experience that the cause of many labour disputes in the domestic worker sector is the absence of a written contract. The First Congress of NDAWU resolved to present a draft contract to the members for discussion and approval. After a consultative meeting which brought together union members, employers, representatives of the Legal Assistance Centre and other interested parties, a draft contract was formulated and sent to the Labour Commissioner, the ILO Technical Advisor and the Legal Assistance Centre to check for compliance with the Labour Act. A final version was officially launched on 11 July 1994. In an effort to set an example, high-ranking officials such as the President of NUNW, the Minister of Youth and Sport and the Deputy Minister of Foreign Affairs were among the first to sign the contract with their employees.

To promote the use of the contract, NDAWU has held workshops explaining its contents, published the contract in newspapers and discussed it on radio talk shows. A national workshop which highlighted the importance of a contract of employment was held in Windhoek in March 1994 and attended by over 500 domestic workers. NDAWU has no statistics on the number of contracts it has distributed, although it has directly facilitated the signing of contracts in 136 cases. The Legal Assistance Centre currently receives about two requests per month for copies of the contract. (An example of the contract appears in this report as Appendix 2.)

While some employers have requested copies of the contract, NDAWU maintains that most employers are not in favour of using a contract because they benefit from the loose relationship which they have with their employees. Some domestic workers have stated that they are afraid to broach the topic with their employers, out of fear of victimisation or a concern that introducing such an idea might jeopardise the "good" relationship they have with their employers, while a few are opposed to being constrained by the terms of a contract.

Popularisation of written contracts is an ongoing endeavour.

#### *3.4.4 Catering project*

In March 1991, NDAWU initiated a catering project with the objective of raising funds for the union as well as providing employment to domestic workers who had lost their jobs. Start-up funds were contributed by a donor agency, and four permanent staff were employed, assisted from time to time by casual labour. Although the project got off to a promising start, it failed to provide the union with any additional income and was eventually closed down. Problems which were identified included the lack of proper skills and marketing strategies on the part of the project's employees, and the failure to conduct a proper feasibility study.

NDAWU is still in possession of the catering equipment used for the project, and the idea of reviving the initiative is under investigation.

### **3.5 NDAWU's position on a minimum wage**

According to NDAWU, the domestic work sector is characterised not only by low wages for long hours of work, but also by an almost complete absence of benefits such as pension or medical aid schemes. The question of a minimum wage has been a pertinent issue on the union's agenda virtually since its inception. A majority of the membership reportedly advocates a minimum wage, coupled to an annual salary increase. Because this is a vulnerable sector, members fear that asking for a salary increase could easily cost them their jobs. Members also object to being paid a portion of their remuneration "in kind" rather than in cash.

In order to minimise the possibility that a minimum wage might result in job losses, NDAWU advocates paying employees on an hourly basis so that employers could cut down on working hours in accordance with their resources instead of retrenching their domestic workers. This might then give individual domestic workers greater opportunity to supplement their income with work for additional employers. At the time of writing, NDAWU suggests a minimum wage of N\$3,00/hour.

In addition to benefiting its members directly, NDAWU believes that a minimum wage for domestic workers would potentially operate as a step forward towards a more secure flow of membership fees which would increase the union's capacity.

NDAWU also advocates the inclusion of domestic workers in government benefit schemes on the same basis as employees in any other sector. (As noted above, the current definition of "employee" in the Social Security Act has the effect of excluding some domestic workers from coverage by the various funds.)

### 3.6 Obstacles to effective trade union activity

NDAWU has experienced a high level of resistance and hostility from employers in the domestic work sector. This is perhaps understandable; since the threat of labour unrest is small in a sector where employees work in isolation, and employers in the sector do not perceive union involvement as advancing their interests in a stable and secure labour force. Furthermore, since there is no employers federation in the domestic work sector, collective bargaining is not possible, meaning that negotiation must take place between employers and employees on a one-to-one basis.

The individualised nature of the employment relationships in this sector also hampers recruitment and communication with members.

A second set of problems centres on administrative difficulties and the lack of resources. NDAWU's permanent staff members need training in administrative, organisational and financial skills. The informality of the union's branch structures and the absence of transport for national staff members have resulted in poor communication, which has in turn constrained union activities and the collection of membership fees.

Partly because of NDAWU's poor track record in administration, donor support is insufficient to keep the union going, and NDAWU has not yet been able to generate enough income to support itself. The union's shaky financial footing also means that the permanent staff do not enjoy job security, which lowers morale and undermines motivation.

NDAWU also feels that its relationship with the NUNW and its other affiliated unions has not been a strong one, and they believe that the fact that NDAWU is the only affiliated union with an exclusively female leadership is a contributing factor to the poor inter-union relations.

These problems came to a head in late 1995 to early 1996 when NDAWU experienced a crisis in funding and morale which almost resulted in its closure. After negotiations with NUNW officials, it was decided that the NUNW's constituent unions would provide interim financial support to keep NDAWU afloat. Other problems between NDAWU and the NUNW were aired, resulting in an improvement in the situation.

In response to these difficulties, the NUNW, the Legal Assistance Centre, the Namibia Development Trust and Oxfam Canada came together with NDAWU to assist in overcoming some of the obstacles to its more effective functioning. An ad hoc committee consisting of members of these organisations has been established to provide ongoing support to the union.

## 4. TRAINING FOR DOMESTIC WORKERS

There have been a few scattered training initiatives for domestic workers in Namibia in recent years. The following are brief descriptions of all training efforts which were discovered by our researchers. However, because training in this sector has taken place in an ad hoc and piecemeal fashion, this information is not comprehensive. Nevertheless, it does give an indication of the range of approaches which can be taken to training for domestic workers.

## 4.1 Examples of training initiatives

### 4.1.1 *Small business training, U-Do Centre, Katutura, 1986-1992*

The U-Do Centre was established in Katutura in April 1986, with the aim of providing income-generating opportunities for women. This initiative was spearheaded by Ms Petra Hammond, a former mayor of Windhoek. The U-Do Centre offered a six-month course aimed at helping unemployed women to generate their own income. The course covered domestic work (housecleaning, ironing, operating household machines and cooking), basic business skills (such as filing, budgeting and answering the telephone), language skills (in English, Afrikaans and German), and personal topics (such as health, appearance, behaviour and needlework). Other topics were aimed at enabling women to start their own small businesses.

The course fee was N\$25,00, which was paid by the women themselves, and a certificate was given upon completion. About 300 persons completed the course, most of whom were women. Many women who completed the course subsequently found employment as domestic workers with employers who approached them through the U-Do Centre, and the U-Do Centre continued to assist by organising reliable replacements for these workers when they were sick or on leave.

At independence the U-Do Centre employed two teachers and three trainers. The Centre was closed in 1992 due to a lack of funds.<sup>14</sup>

### 4.1.2 *Domestic skills course run by Ms Petra Hamman, Swakopmund, 1993-present*

After the closure of the U-Do Centre, Ms Hamman continued her involvement in training domestic workers, this time in Swakopmund.

With the help of her own domestic worker, Ms Hamman offers a six-month course which covers house-cleaning, various types of needlework, home economics, child care and discipline, small business skills and time management. The course fee is N\$100,00, and trainees have included domestic workers, nurses and unemployed women. There is more demand for the course than space allows. Trainees receive testimonials upon completion of the course to assist them in finding work.<sup>15</sup>

### 4.1.3 *Child care course introduced by Ms Elaine Taylor, Windhoek, Rundu and Owambo regions, 1993-present*

In 1993 Ms Elaine Taylor introduced into Namibia a South African course which runs for six weeks and focuses on child care. The course was developed by a South African nurse who was concerned about children who became ill as a result of the lack of knowledge on the part of inexperienced nannies. Ms Taylor purchased the course in order to be able to offer it in Namibia, but she never recovered her costs.

The course covers basic child care, including hygiene, first aid, stimulation, food preparation for babies and children, how to monitor childhood illnesses, and safety in the home. The cost

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<sup>14</sup> Information from personal interview with Ms Hammond, November 1995.

<sup>15</sup> Information from personal interview with Ms Hammond, November 1995.

is N\$400, which includes a handbook. Twenty people can be trained in each course. Participants are expected to take a written or oral examination upon completion of the course. Certificates are awarded to those who complete the training.

With support from the Red Cross, the course was offered in Windhoek, Rundu and Ovamboland in 1993. A total of 260 women completed the course in that year (120 in Windhoek, 20 in Rundu and 120 in Ovamboland). Demand was high, and women who could not afford the course fee were trained anyway. Some women were sponsored by donors. Some employers of domestic workers enrolled their employees and covered the costs of the course. The course also targeted women who wanted to run crèches or day care centres.

Administration of the course in Windhoek has since been taken over by Ms Anchen Parkhouse. Demand has fallen off recently because of the high fees and the lack of donor funds to subsidise it, and because the certificates are not officially recognised by any educational institution. In addition, the availability of the course has not received wide publicity.

Two women who completed the course, Ms Hilde Solomons and Ms Lucy Lester, have worked through the Rössing Foundation to train more women in the Erongo Region. The course here is being presented as an eight-week course covering child care, child stimulation, safety, emergency procedures and first aid. It takes 10 people at a time for a fee of N\$30,00 each. A certificate is awarded upon completion, and 27 women have completed this course to date. There is more demand for the course than can currently be accommodated.<sup>16</sup>

#### *4.1.4 Cooking course run by Ms Maritz, Windhoek, 1996*

Ms Maritz, who runs a full-time catering business, was approached in 1996 by friends who employed domestic workers, who requested her to run a short cooking course for their employees.

She developed a course which ran in the evenings for about three hours over four days. With one assistant, Ms Maritz trains about 16 person at a time in her own kitchen. Trainees are provided with a file with information on basic cooking skills and recipes. Illustrations are included to assist illiterate trainees. Participants receive a certificate of attendance upon completing the course.

The course fee is N\$300,00, which includes the cost of the course book and the ingredients for the recipes. Local businesses helped to keep costs down by sponsoring some of the food supplies. Since the course was initiated by employers, they covered the cost of the training. However, word of the course spread and other domestic workers joined in, and where their employers were not willing to pay the course fee, they paid for themselves. For example, one domestic worker paid for the course herself because she saw it as an opportunity for moving into other work, such as employment at a hotel. The course was also taken by housewives and by young school girls who were simply interested in acquiring cooking skills.

A total of 32 women completed the course, and their response was enthusiastic. However, Ms Maritz has currently discontinued the training because it has proved to be time-consuming and

<sup>16</sup> Information from personal interviews with Ms Taylor, Ms Solomons and Ms Lester, 1996.

extremely hard work. Donor funds proved to be scarce, and even though some of the food was donated, the course operated at a loss.

Ms Maritz has also provided training in basic English for domestic workers, at the request of a church group in Windhoek. This course, which was offered for only one term, covered issues such as how to fill in job application forms.<sup>17</sup>

#### **4.2 Overview of training initiatives**

These examples indicate that training for domestic workers has primarily been the initiative of a few dedicated individuals. Donor funding for such courses has been difficult to obtain, and efforts to obtain government funding for such purposes have been completely unsuccessful.

The examples also illustrate that there seems to be a high demand for such training, except where costs are prohibitive. It has also been the experience of those who were interviewed about their training courses that domestic workers who have received specialised training have an easier time finding work and can sometimes command a higher wage than an unskilled worker.

There appears to be substantial scope for the introduction of training programmes which will provide domestic workers with relevant skills, thereby increasing their status and their wage-earning capacity. The broader introduction of training programmes might also help to dispense with the notion of domestic work as completely unskilled labour and help to improve the self-image of men and women employed in this sector.

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<sup>17</sup> Information from personal interview with Ms Maritz, 1996.

# Part 3

## RECENT RESEARCH

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### 1. INTRODUCTION

#### 1.1 Background to the study

The current study was initiated by the Legal Assistance Centre (LAC) in January 1995 when the Ministry of Labour and Human Resources Development announced its intention to establish a Commission of Inquiry into Labour-Related Matters Affecting Agricultural Employees and Domestic Employees.<sup>1</sup> The LAC Gender Research Project undertook to assemble data on the situation of domestic workers in Namibia for use by the Commission. At the same time, the LAC Farmworkers Project undertook a similar study on the position of farm workers in Namibia. The Social Sciences Division (SSD) of the Multi-Disciplinary Research Centre of the University of Namibia agreed to assist with the research into these two labour sectors, and as a result this report was jointly produced by the LAC and SSD.<sup>2</sup>

### 2. RESEARCH METHODOLOGY

The present research project attempted to collect the perceptions of both employers and employees in the domestic work sector. It was designed to gather baseline data on the socio-economic situation of domestic workers in Namibia, and on awareness and observance of the existing labour legislation covering domestic workers. The research design was developed in consultation with a number of interested groups which met on 26 May 1995.<sup>3</sup>

Data was gathered through a combination of quantitative and qualitative methods, including questionnaires, individual interviews, group discussions and participatory rural appraisal methods. The research focused on three locations -- Keetmanshoop, Windhoek and Oshakati -- but included supplementary information collected in many other locations.

<sup>1</sup> Proc. 1/1995 and GN 14/1991 (GG 1020).

<sup>2</sup> The farm workers study, entitled *The Living and Working Conditions of Farmworkers in Namibia* and authored by S. Devereux, V. Katjuanja and G. van Rooy, was also jointly published by the LAC and SSD, in August 1996.

<sup>3</sup> This workshop was attended by representatives of the following groups: Ministry of Labour, Ministry of Land, Ministry of Basic Education, Ministry of Justice, Department of Women Affairs, Central Statistics Office, National Planning Commission, Namibia Domestic and Allied Workers Union (NDAWU), National Union of Namibian Workers (NUNW), Employers Federation of Namibia, International Labour Organisation (ILO), UNICEF, Acord, Ford Foundation, Frederick Ebert Stiftung (FES), NORAD, Oxfam Canada, Oxfam UK, SIDA, USAid, Namibia Economic Policy Research Unit (NEPRU), Council of Churches in Namibia (CCN), Namibia Development Trust (NDT), Namibia Women's Association (NAWA), New Namibia Books, On Land Productions, RISE and Sister Collective.

The research team was guided in part by theoretical issues and research questions raised in Cock's seminal study of domestic workers in South Africa in the 1970s. (Cock: 1980)

## 2.1 Quantitative data

### 2.1.1 Questionnaire

A questionnaire was administered to a random sample of employees in Keetmanshoop, Windhoek and Oshakati. This questionnaire covered a range of topics (see box).

#### SURVEY QUESTIONNAIRE: TOPICS COVERED

1. CHARACTERISTICS OF RESPONDENT
  - Sex
  - Age
  - Language
2. HOUSEHOLD COMPOSITION
  - Number of dependants
  - Head of household
  - Daily activities of household members
3. HOUSING CONDITIONS
  - Type of house
  - Ownership
  - Migration
4. EMPLOYMENT
  - History and background
  - Hours
  - Remuneration
  - Benefits
5. HOUSEHOLD INCOME AND EXPENDITURE
  - Sources of income
  - Expenses
6. SAVINGS AND CREDIT
  - If and where people save
  - Where and why they borrow money
7. KNOWLEDGE AND AWARENESS
  - Trade unions
  - Labour Act

This first draft of the questionnaire was revised in light of comments from LAC and SSD staff members. A second draft was presented at the consultative meeting held in May 1995. Comments

were incorporated into a third draft questionnaire, which was then used for the training of enumerators. After this draft was piloted by the enumerators, the questionnaire was finalised.

The enumerators went through a five-day training course. First they were introduced to the background and aims of the study. After working through the questionnaire systematically to reach a common understanding of its contents, enumerators simulated interviews through role-plays, with each enumerator having the opportunity to play the role of both interviewer and interviewee. Each enumerator then conducted a pilot interview with a domestic worker, and suggested revisions to the questionnaire on the basis of this experience.

The study areas of Windhoek, Keetmanshoop and Oshakati were selected in an effort to obtain information about domestic workers in a variety of different situations. Windhoek was selected because it is the largest urban centre in Namibia, with the highest incidence of domestic workers; some 25% of all domestic workers in Namibia are located in Windhoek. Oshakati was chosen as the largest town in the most populous part of the country. Unlike other parts of the communal areas, a large number of its residents are professionals and civil servants who have increasingly begun to employ domestic workers. It is also a common phenomenon in the northern areas for persons in urban and peri-urban areas to employ a relative from the rural areas as a live-in domestic worker. Keetmanshoop was chosen to be representative of domestic workers in the south, which exhibits a number of different characteristics including different economic and agricultural activities, different language groups and a different history of domestic work.

The research plan was to administer a total of 240 questionnaires distributed between the study sites as follows:

<b>WINDHOEK</b>	Ludwigsdorf	30
	Academia	30
	Khomasdal	30
	Katutura	30
	<b>Total</b>	<b>120</b>
<b>OSHAKATI</b>	Former "White"	30
	Townships	30
	<b>Total</b>	<b>60</b>
<b>KEETMANSHOOP</b>	"White" suburbs	30
	Townships	30
	<b>Total</b>	<b>60</b>

A higher number of questionnaires was planned for Windhoek, to correspond with the higher number of domestic workers there. Respondents were identified and, in most cases, interviewed at their place of employment. Locations within the three study sites were chosen in an effort to cover employers in different economic positions, in order to test the relationship between the economic position of the employer and the employment condition of the domestic worker. For example, Ludwigsdorf is a middle- to upper middle-class suburb, while Katutura is a predominantly working class suburb. Households were selected randomly within each suburb.

Due to circumstances which arose during the process of data collection, only 231 of the planned 240 questionnaires were actually administered. For example, some domestic workers were locked inside the employer's premises while others were afraid to talk to the field workers. Problems with aggressive dogs were also encountered.

Since the total sample size is very small, the survey does not claim to be nationally or statistically representative. Therefore, the data can be used as a basis for general comments but not for statistical conclusions. It is designed to highlight the employment and living conditions of domestic workers in three distinct settings. However, a broader picture of the position of domestic workers emerges when the data obtained from the questionnaires is placed against other sources of information.

### *2.1.2 Secondary sources*

In order to provide an overview of demographic and socio-economic characteristics of domestic workers on a national level, this report draws heavily on a number of secondary data sources:

#### 1991 Population and Housing Census (1991 census)

The 1991 census was the first census after independence. It covered the entire country, with the exception of Walvis Bay which at the time of the census was still administered by the Republic of South Africa. The census enumeration took place between 21 October and 8 November 1991. The data collected from the census provides a useful overview of regional and gender variations.

#### 1993/94 National Household Income and Expenditure Survey (1993/94 NHIES)

The 1993/94 National Household Income and Expenditure Survey was based on a nationwide sample of 4 752 households and was carried out between November 1993 and October 1994. It gave particular attention to domestic workers and farm workers as two especially vulnerable groups in the labour market with a particular need for improved living conditions. The NHIES is an invaluable source of information on issues such as the poverty level, access to resources and expenditure patterns of domestic worker households. Unlike the 1991 census, it does include Walvis Bay.

#### NDAWU membership data

The Legal Assistance Centre collaborated with the Namibian Domestic and Allied Workers Union (NDAWU) to encode and analyse data from over 2 600 membership forms which contain basic information on employee, employer, dates of employment, job duties and wages. Because NDAWU members are a self-selected population which is probably characterised by a greater awareness of their legal rights than workers who are not union members, the findings from these application forms cannot be applied to the domestic worker population at large. Nevertheless, data from these membership forms provides a useful source of comparative information. In order to enhance NDAWU's capacity to record and analyse information on its membership, LAC has worked with the union to revise its membership form.

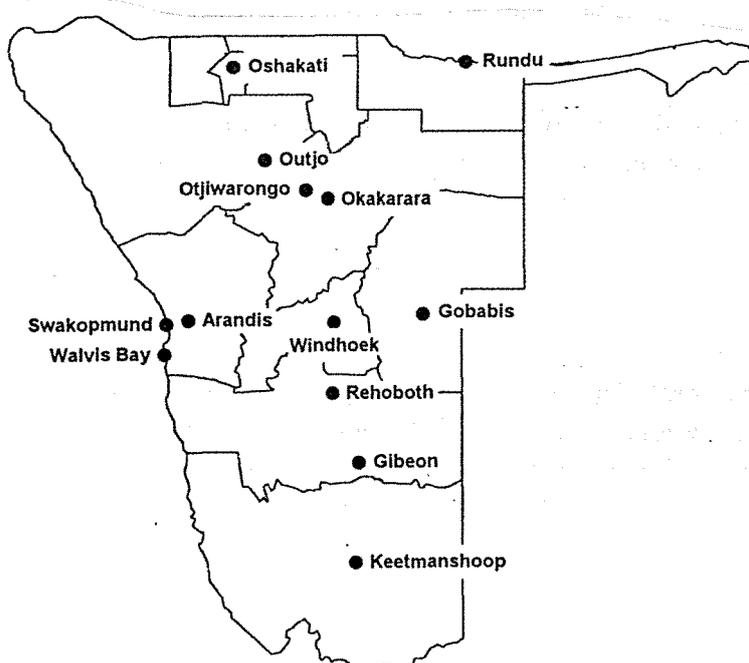
## 2.2 Qualitative data

The various sources of quantitative data were supplemented by several qualitative approaches. In addition to expanding on the data collected from employees, qualitative methods were used to solicit information and input from a small sample of employers. The qualitative techniques also enabled people to speak in their own voices about problems and issues which they see as priorities and to articulate their own ideas for solutions.

Qualitative research was undertaken in the three survey sites and in nine additional areas. These locations were chosen to reflect a diversity of situations. Logistical arrangements, such as travel, accommodation and back-up support from regional LAC offices also influenced the choice of sites. Locations where qualitative research was conducted were:

- Oshakati;
- Outjo and Otjiwarongo, important urban centres serving commercial farmers, as well as centres for industry and tourism;
- Okakarara, an urban centre in the eastern communal areas;
- Rundu and surrounding areas of the Okavango region;
- Gobabis, which is an eastern farming centre, and a nearby commercial farm;
- Windhoek;
- Rehoboth;
- Gibeon, a burgeoning town in the southern communal areas;
- Keetmanshoop;
- Walvis Bay, the second largest city in Namibia;
- Swakopmund, which is close to Walvis Bay but is characterised by a different socio-economic base and social structure; and
- Arandis, a mining community near the coast.

### LOCATIONS AT WHICH QUALITATIVE RESEARCH WAS UNDERTAKEN



### *2.2.1 Semi-structured interviews*

Semi-structured interviews were conducted with both employees and employers. Initially, the research team hoped to compare perceptions by conducting a discussion first with a domestic worker and then with his or her employer. This strategy proved unworkable in all of the research sites. Despite assurances of confidentiality, workers feared that their comments about their employers might jeopardise their jobs or damage their working relationships. This concern was often present in interviews with domestic workers, but was most apparent if workers thought that their employers would also be interviewed.

Efforts to interview employers both individually and in group discussions were hampered by the fact that employers feared that they would get into trouble -- with the government or with their workers -- if their employment practices were found to be unfair or illegal. Thus, the employers who agreed to be interviewed may follow better labour practices than the norm. The research team attempted to interview employers from different language groups in each area.

Several variables guided the semi-structured interviews with employees. The location of the employment (i.e. the socio-economic class of the employer) was one variable. Efforts were also made to interview male and female employees engaged in different types of work, as well as both live-in and commuting employees.

The topics of the interviews included background information, terms of employment (such as wages, leave, etc.), working conditions, job responsibilities, employer-employee relations and perceptions of priorities in the domestic work sector.

### *2.2.2 Group discussions*

Group discussions were held with groups of 6-15 domestic workers. Where possible, separate discussions were held with male and female employees. The group discussions covered similar topics as the semi-structured interviews, but attention was given to perceptions of the sector rather than to individual experiences.

Few group discussions were held with employers despite persistent efforts. The research team encountered widespread reluctance among employers to discuss domestic work issues. Employers would often refuse outright to participate in group discussions, or agree to attend and then fail to show up.

### *2.2.3 Oral histories*

The research team conducted brief oral histories with employees to identify changes in the lives and living conditions of domestic workers over time. To capture the experiences of long-time employees as well as newcomers to the sector, the oral histories included employees with more than 15 years of experience as well as those with less than five years. Some interviewees found it difficult to review their lives in broad terms and focused instead on specific problems that they are currently facing.

### *2.2.4 Participatory rural appraisal tools*

Participatory rural appraisal tools are techniques which give people -- including those who are illiterate -- visual ways to represent their ideas and experiences. They are designed to help stimulate discussion and debate, and to encourage people to analyse their situations. Activity clocks and ranking activities were used to look at aspects of domestic workers' family life, such as the division of labour and income and expenditure. The research team utilised these methods with domestic workers from both male- and female-headed households.

### **2.3 Capacity-building**

An important component of the research project was to build research and analytical capacity among the various participants in the study. The research team included LAC paralegals and researchers, students from the University of Namibia, and one NDAWU staff member. The process enabled the participants to gain experience in research techniques, especially in facilitating participatory and interactive research processes. The capacity-building objective meant that the research and analysis did not always proceed smoothly. However, the obstacles were not insurmountable, and it is also hoped that those involved in the research will continue to apply their new skills in raising awareness and promoting action to improve the situation of domestic workers in Namibia.

### **2.4 Formulation of recommendations**

Draft recommendations were extensively workshopped with the research team at the conclusion of the data collection process.

The key findings and recommendations were also discussed at a launch held on 5 September 1996. All of those who participated in the initial consultation in May 1995 were invited to return to comment on the outcome of the research project.<sup>4</sup> Suggestions and comments from this meeting have been incorporated into the final report.

## **3. DEMOGRAPHIC CHARACTERISTICS OF DOMESTIC WORKERS**

The following analysis of the domestic worker population will review some of the results of the LAC/SSD survey conducted in the Karas, Khomas and Oshana regions. However, because the survey data with its limited sample cannot be applied to the broader domestic workforce, data from the 1991 census and the 1993/94 NHIES will also be analysed in order to capture national trends and to highlight gender differences. In many cases, the qualitative information gathered through the LAC/SSD survey provides insights which can be applied to explain national patterns which are evident from the census and the NHIES.

<sup>4</sup> The launch was attended by representatives of the Commission of Inquiry into Labour-Related Matters Affecting Agricultural Employees and Domestic Employees, Parliament and Parliamentary Research Department, Ministry of Labour, Ministry of Information and Broadcasting, Social Security Commission, Law Reform and Development Commission, NDAWU, Oxfam Canada, Swedish Embassy, CCN, Sister Collective and media representatives.

### 3.1 Definitions

The definition of who constitutes a domestic worker varies considerably among different institutions and people, including employers and employees themselves. There is no legal definition of a domestic worker in the Labour Act of 1992. There was similarly no definition of a domestic worker in the pre-independence Basic Conditions of Employment Act of 1986, although persons "employed in domestic service in a private household or in connection with the cultivation of the garden of a private home" were excluded from some of the protections of the Act.

The 1991 census designated domestic workers as people who work in private households.

The 1993/94 NHIES defined a domestic worker as a paid employee working in a private household or on a farm and performing any of the following tasks: housekeeping or restaurant services; personal care or related services; personal services; protective services or domestic work cleaning or laundering. This definition raises several problems. Firstly, the vague reference to "related services" leaves room for subjective interpretation. Secondly, the definition does not include gardeners and general maintenance workers. Thirdly, the definition does not take into account the many households which enlist extended family members to perform domestic work. As relatives, they may receive only room and board and a token allowance. The households in which they work often do not consider them to be domestic workers or employees. Indeed, the families who take them on believe that they are feeding, clothing and sheltering a person who might otherwise be a burden to less well-off relatives. In contrast, the persons providing the services often do perceive themselves as workers entitled to the rights and benefits of a regular employee.

Limiting the domestic work sector to "private households" excludes those who perform domestic tasks in formal institutions. For example, some businesses employ tea ladies, cleaners and gardeners. The 1991 census classified these workers under the employer's industry, such as wholesale and retail trade. These workers, however, often do not have contracts or appear on the company payroll. As a result, they are subject to the same insecurities and marginal conditions as domestic workers in private homes. Addressing the conditions and needs of such workers was outside the scope of the present study and may warrant a separate investigation. It should be noted that NDAWU membership is open to employees in jobs which are allied to domestic work in private households (including workers such as messengers, florist employees, hairdressers, shoemakers and persons doing needlework and sewing), although persons employed in commercial enterprises account for only a small percentage of total NDAWU membership (just under 9% in 1995).

Researchers also encountered various perceptions of the term "domestic worker".<sup>5</sup> Frequently, both workers and employers equate the term "domestic worker" with a housekeeper. This definition excludes those who work outside the house, such as gardeners, and those who work on

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<sup>5</sup> The term "domestic worker" itself was unfamiliar to some respondents, many of whom use the Afrikaans term "*kabinde*", meaning servant.

a part-time basis doing specific tasks such as ironing and/or laundry. Similarly, some respondents assumed that only women are domestic workers; when asked about domestic workers in their employ, many employers overlooked gardeners and other male workers. Conversely, some gardeners did not realise that NDAWU represented them because of their perception of a domestic worker as a female and full-time worker.

As a point of comparison, the South African Basic Conditions of Employment Act of 1983 incorporated a definition of domestic worker when the Act was extended to this category of workers for the first time in 1994. "Domestic worker" is defined as "an employee charged wholly or mainly with the performance of work on dwelling premises, and includes: (a) a gardener; (b) a person who takes care of children, the aged, the sick, the frail and the disabled; but does not include a farm worker."<sup>6</sup>

This study adopts a broad definition of domestic workers as employees of private households. This definition encompasses relatives, school children and others who engage in domestic work on a regular basis for payment in cash or in kind. These employees have no rights to household assets, with their role in the household defined principally by their domestic work responsibilities.<sup>7</sup> It must be stressed, however, that researchers encountered resistance among households using relatives or very young girls as domestic workers; thus, this study does not adequately capture the situation of these marginal workers.

### 3.2 Number and sex

Due to the ambiguity of the term, it is difficult to estimate the total number of domestic workers in Namibia. Some current statistics also exclude Walvis Bay, which was reincorporated into Namibia in 1994 and is the second largest city in the country. The 1991 census, which did not include Walvis Bay, counted 24 354 domestic workers in Namibia.<sup>8</sup> Of these, 20 786 (85,3%) are women, while 3 568 (14,7%) are men. Nationally, 5,5% of the total employed population work in private households. Yet, while only 1,7% of all men who are employed work in this sector, 10,4% of all employed women are domestic workers. It can be estimated that 1 out of every 20 women over the age of 15 is a domestic worker.<sup>9</sup>

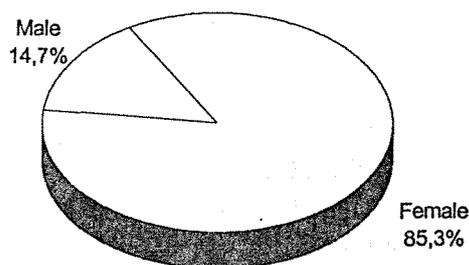
<sup>6</sup> At the same time the definition of "farm worker" in the South African law was amended to include "an employee who wholly or mainly performs domestic work on dwelling premises on a farm."

<sup>7</sup> This definition draws on the definition of "labourers" in Suzman's 1995 report on farm workers. He states that "the fact that some households rely almost entirely on the labour of junior kinsmen poses certain problems in terms of defining the role of 'labourer' in the communal areas. This is because in many cases, a labourer, especially for smaller employers, is frequently treated as 'one of the family' in all respects save inheritance rights. A worker's wages are frequently of the same amount that a Herero working for his father might receive in 'pocket money' ... 'labourers' in the communal areas [are] people with no entitlement to any of the assets owned by the household for which he or she is working. In other words, a worker is an individual admitted to the household specifically for labour and does not have any power in household decision-making processes." (pp. 33-34, fn. 17)

<sup>8</sup> This figure includes first-time job seekers, but does not include people who were unemployed at the time of the census.

<sup>9</sup> This figure was calculated by dividing the total number of female domestic servants (20 786) by the total number of the female population aged 15 years and above (428 015).

## DISTRIBUTION OF DOMESTIC WORKERS IN NAMIBIA BY SEX



SOURCE: 1991 census

The census figures show that domestic work is the most important source of wage employment for women. Only employment in agriculture is more prevalent, accounting for 51,8% of all employed women. However, women's participation in agriculture is, for the most part, confined to subsistence production which rarely produces a cash income.

Using a more restrictive definition of "domestic worker", the 1993/94 NHIES counted 21 808 domestic workers in Namibia. Like the 1991 census, it found that more than 85% of all domestic workers are female.

#### How many domestic workers are there in Namibia?

- 1991 census: 24 354 (excludes Walvis Bay)
- 1993/94 NHIES: 21 808 (includes Walvis Bay but uses more limited definition of "domestic worker").

Both sources estimate that around 85% of all domestic workers are women.

The LAC/SSD survey yielded a much higher proportion of female domestic workers. Only 15 respondents (6,5%) of the sample population were men, while 93,5% were women, a proportion considerably higher than that determined by the 1991 census or the 1993/94 NHIES. This variation is due to several factors. Firstly, male domestic workers, particularly gardeners, often work for only one or two days per household and so were less likely to be present during interviews. Secondly, the door-to-door approach taken during the survey meant that domestic workers within the house -- usually women -- were the first and often the only domestic workers to be met by the interview team. Lastly, two of the survey sites -- Windhoek and Keetmanshoop -- are in regions with high percentages of female domestic workers. In the Oshakati area, just over half of the 55 interviews were conducted in Ongwediva/Valombola. This area has grown considerably since independence and is home primarily to black civil servants who frequently employ young women for housekeeping and child-minding services. The 1991 census data

indicates a larger percentage of male domestic workers in Oshana (21%), but this is probably due to the larger number of white employers, who tend to employ male gardeners, resident at the time of enumeration.

### 3.3 Regional distribution

Historical development patterns in colonial Namibian society, coupled with the racial and gender segregation of apartheid, have shaped the nature of the domestic labour force. Access to employment was severely restricted for the majority of Namibian women, who were confined to a few sectors of the labour market. As detailed in Part 1 of this report, black Namibian women faced further restrictions stemming from the inferior system of "Bantu Education", racially-based job reservation and pass laws which restricted their movements. Prior to independence, many Namibian women entered the job market with only one skill -- the ability to do housework. While educational opportunities have increased dramatically since 1990, the overall lack of employment opportunities in the economy continues to shunt women toward domestic work.

Another key historical factor is the skewed development of the Namibian economy under colonialism. Development in black rural areas was ignored, while opportunities for wage employment, including domestic work, were concentrated in urban centres and on commercial farms in the former "whites only" areas of the country. Land was expropriated from indigenous Namibians for settlement by whites in the central and southern parts of the country, and men and women from communal reserves established adjacent to these areas were removed from traditional production and forced into wage labour. For women, the most common source of wage labour was domestic work. In contrast, women in Namibia's north retained their role in traditional agriculture - a role which was even enhanced as the contract labour system drew men into the central and southern parts of the country. Indeed, women from the north were generally prevented by colonial officials from moving south. Consequently, a majority of domestic workers today are from ethnic groups which have traditionally inhabited the central and southern regions.

Historical ties to urban centres and the commercial farming sector continue to define the incidence of domestic workers. Domestic workers are distributed across urban and rural areas and in all 13 regions of Namibia. They are, however, concentrated in urban areas. The 1991 census found that 61,1% of all domestic workers are employed in urban areas, compared to 38,9% in rural areas.<sup>10</sup> The 1993/94 NHIES figures are similar, showing 57% in urban areas and 43% in rural area.<sup>11</sup>

Regions with large urban centres, such as Erongo and Khomas, as well as the Oshana region in the north, have the highest number of urban-based domestic workers. Not surprisingly, Windhoek (represented as urban Khomas) boasts the largest population of domestic workers, being home to over 25% of all domestic workers in Namibia. Rural domestic workers are concentrated in

<sup>10</sup> Urban areas were defined as proclaimed towns or municipalities. All other areas were considered "rural".

<sup>11</sup> Like the 1991 census, the 1993/94 NHIES defined urban areas as proclaimed towns or municipalities while all other areas were considered "rural". However, there were more official towns and municipalities in Namibia by 1993 than in 1991. The more restrictive definition of "domestic worker" used by the NHIES probably accounts for the differences between it and the census with regard to urban-rural split.

regions with high numbers of commercial farms -- the Omaheke, Karas and Hardap regions. A small but significant number of domestic workers are also present in towns and village in rural communal areas, where civil servants such as teachers, nurses and extension staff are the principal employers. True to historical patterns, there are many more domestic workers in the central and southern regions (76,6%) than in the northern regions (23,4%).<sup>12</sup>

**Table 12: DOMESTIC WORKER POPULATION BY REGION, SEX, URBAN/RURAL**

Region	% Female	% Male	% Urban	% Rural	Total #	Total %
Caprivi	69,6	30,4	49,8	50,2	912	3,7
Erongo	81,5	18,5	81,5	18,5	1 972	8,1
Hardap	95,1	4,9	45,2	54,8	2 223	9,1
Karas	93,5	6,5	46,9	53,1	2 207	9,1
Khomas	88,5	11,5	88,1	11,9	7 213	29,6
Kunene	86,0	14,1	27,3	72,7	1 174	4,8
Ohangwena	73,2	26,8	-	100,0	269	1,1
Okavango	63,3	36,7	47,9	52,1	599	2,5
Omaheke	93,9	6,1	33,2	66,8	1 844	7,6
Omusati	81,0	19,0	-	100,0	494	2,0
Oshana	73,3	26,7	64,5	35,5	854	3,5
Oshikoto	66,2	33,8	70,2	29,8	1 404	5,8
Otjozondjupa	85,0	15,0	52,2	47,8	3 189	13,1
<b>Total #</b>	<b>20 786</b>	<b>3 568</b>	<b>14 876</b>	<b>9 478</b>	<b>24 354</b>	<b>-</b>
<b>Total %</b>	<b>85,3</b>	<b>14,7</b>	<b>61,1</b>	<b>38,9</b>	<b>-</b>	<b>100</b>

SOURCE: 1991 census

**NOTE:**

- Northern regions: Caprivi, Kunene, Ohangwena, Okavango, Omusati, Oshana, Oshikoto.
- Central regions: Erongo, Khomas, Omaheke, Otjozondjupa.
- Southern regions: Hardap, Karas.

### 3.4 Age

The sample population generally fell within the 16-60 age bracket. Several workers were of pensionable age, with a 69-year-old male gardener in the Oshana region being the oldest worker in the sample group. The survey found that domestic workers in Keetmanshoop and Windhoek, with a mean age of 34 and 33,5 respectively, are older than their counterparts in the north where the mean age is 28,4. More telling is the median age of 25 years for domestic workers in the Oshana region. The survey team found that in Oshakati, young girls just out of high school comprise the large majority of domestic workers. Their young age and precarious economic circumstances make them particularly subject to exploitation.

This data corresponds to the results of the census, which shows a mean age of 32,7. The census data also reveals important gender differences by age among domestic workers, which underscores the limited access of women to other wage employment opportunities in the Namibian economy. Men are more evenly distributed across the various age cohorts, though nearly two-thirds of male domestic workers are either in the age 24-and-under bracket or in the

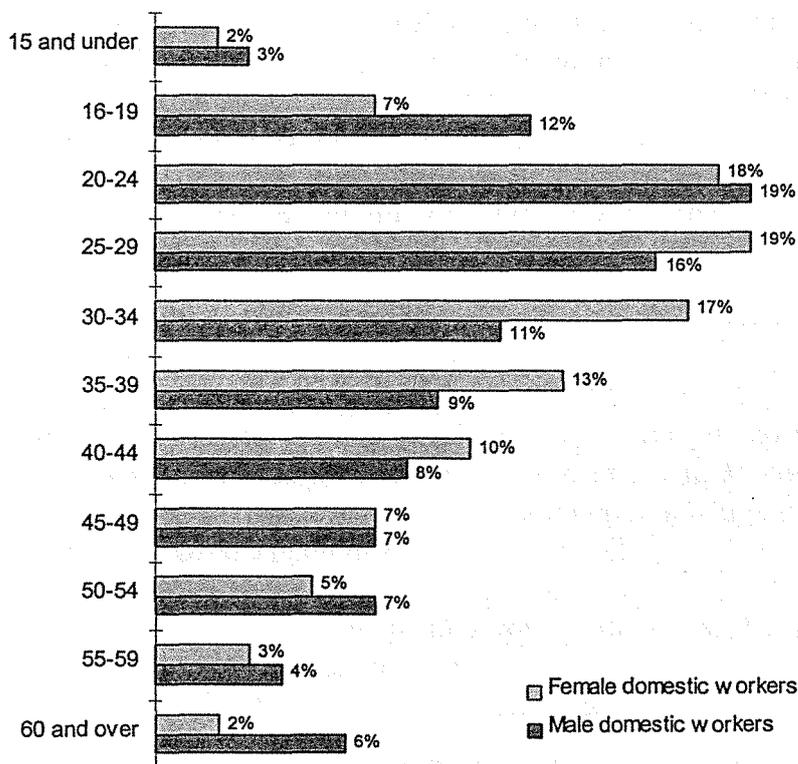
<sup>12</sup> The 1993/94 NHIES presents very similar patterns of distribution.

age 40-and-over bracket. In contrast, women are concentrated in the central age brackets, with almost 58% falling between the ages of 25 and 44.

**Table 13: DOMESTIC WORKER POPULATION BY AGE AND SEX**

Age Cohort	% Female	% Male	% Both Sexes
15 and under	2,1	3,1	2,2
16-19	6,9	11,8	7,6
20-24	17,5	18,6	17,7
25-29	18,7	15,6	18,2
30-34	16,9	11,0	16,1
35-39	12,5	8,6	11,9
40-44	9,8	7,8	9,5
45-49	6,6	7,1	6,7
50-54	4,9	6,5	5,1
55-59	2,6	4,3	2,8
60 and over	1,5	5,7	2,1
<b>Total %</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Total #</b>	<b>20 786</b>	<b>3 568</b>	<b>24 354</b>

SOURCE: 1991 census (calculated from Table C01)



These figures indicate that men may have access to other employment opportunities during their prime economic years. For men, domestic work serves both as an entry point into the labour market and as an income source in their later years. Women who enter domestic work, on the other hand, are more likely to spend their prime earning years as domestic workers. They are less likely to move into other, more lucrative forms of employment, and thus are more likely to

remain at the bottom of the wage scale. Also, women are less likely to have domestic work as a fall-back form of employment in their later years. The percentages of women in domestic work decline relative to that of men after the age of 45. The 1993/94 NHIES found that 30% of male domestic workers were 45 years of age or above in contrast to 12% of the females.

Table 14: DOMESTIC WORKERS BY AGE AND SEX

AGE GROUP	DOMESTIC WORKERS					
	Female		Male		Total	
	#	%	#	%	#	%
10-14	223	1	40	1	264	1
15-29	7 542	40	1 261	40	8 803	40
30-44	8 316	45	849	27	9 165	42
45-64	2 331	12	895	28	3 225	15
65+	69	0	71	2	141	1
Total	18 648	100	3 160	100	21 808	100

SOURCE: 1993/94 NHIES

The decline in domestic work as a form of employment for older women may be due to the greater responsibilities that older women have towards their extended families and/or their communities. Older women may themselves choose to leave physically strenuous domestic work, or employers may be reluctant to employ older women for heavier household tasks. The availability of support from children who are themselves becoming economically active may be another relevant factor. The research team found that some women workers in their late 40s and 50s had voluntarily shifted from being full-time domestic workers responsible for all facets of household work, to part-time workers who did only ironing or laundry, because of health constraints.

### 3.5 Under-age domestic workers

*Children under the age of 16 may not be employed in any work which is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development.*

Namibian Constitution, Article 15(2).

*Children under the age of 14 may not be employed in any job.*

Labour Act, section 42.

Only one worker in the survey sample, a girl in Windhoek, was under the legal working age of 14, although a handful of respondents in the qualitative sample reported knowing of under-age domestic workers. The fieldwork team encountered several households with under-age workers but were refused access.

The 1991 census found a total of 180 domestic workers under the age of 14, including 22 workers aged 10. These child workers are more prevalent in rural areas: 65% are rural-based while some

30% work in urban areas. Under-age workers are overwhelmingly young girls, who comprised 81,1% of domestic workers under 14. The 1993/94 NHIES found that 1% of all domestic workers are below the legal age of employment (14).

These figures are almost certainly an underestimate since both surveys defined a domestic worker as a "paid employee" and thus may not have captured extended family members who perform domestic tasks in exchange for room and board. In addition, many employers are fearful about reporting young workers.

According to the 1991 census, the Caprivi region has the largest percentage (42,7%) of domestic workers under the age of 14. Young girls are preferred in the region as housekeepers and child-minders. Okavango is second, accounting for 6,6% of under-14 domestic workers, followed by the eastern regions of Omaheke with 13,3% and Otjozondjupa with 6,7%.

While many of the child workers are from Caprivi and Kavango language groups, a significant number are Nama/Damara and Bushman language-speakers. These children often work in the houses of commercial and communal farms which employ other family members for farm work. Some work without remuneration, receiving only rations. In some parts of the country there are historical patterns of young girls from either poor families, or marginalised groups, being sent into domestic work. (Adams & Maasdorp, 1994) The extent of this practice needs further investigation.

*It is a criminal offence to require or permit forced labour, which includes work performed by a child under the age of 18 in terms of an arrangement between the employer and an employee who is the child's parent.*

Labour Act, section 108.

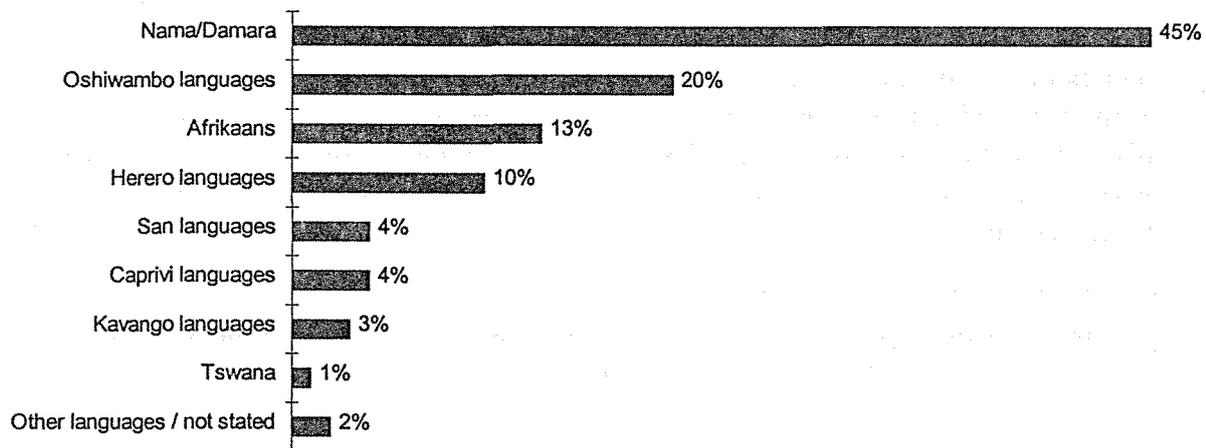
### 3.6 Language

The domestic work sector is characterised by language patterns which are marked by significant gender differences. Overall, less than 20% of all domestic workers are Oshiwambo-speakers, but over half of all male domestic workers are Oshiwambo-speakers. Male domestic workers account for 40% of all domestic workers who cited Oshiwambo as their mother tongue. In contrast, half of all female domestic workers are Nama/Damara-speakers. Nearly all domestic workers whose mother tongue is Nama/Damara (95%) are women. Nama/Damara-speakers constitute the majority of domestic workers in 7 of the 13 regions. In the southern regions, domestic workers whose mother tongue is Afrikaans are also numerous.

Table 15: MOTHER TONGUE OF DOMESTIC WORKER POPULATION

Language Spoken	% Female	% Male	Total %	Total #
Nama/Damara	50,0	16,7	45,1	10 986
Oshiwambo languages	14,0	53,7	19,8	4 833
Afrikaans	13,8	5,4	12,5	3 051
Herero languages	10,6	4,0	9,7	2 354
San languages	4,0	2,0	3,7	897
Caprivi languages	3,1	6,5	3,6	872
Kavango languages	1,9	7,5	2,7	655
Tswana	1,4	0,3	1,3	309
Other languages / not stated	1,2	4,0	1,6	397
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>24 354</b>

SOURCE: 1991 census (calculated from Table C03).



The legacy of the migrant labour system has shaped these features of the domestic work sector. Since the early decades of this century, Owambo men were coerced through a combination of societal, economic and governmental pressures to migrate south in search of employment. Today, young Oshiwambo-speaking men continue the pattern of migration, no longer coerced by the law but motivated by the desire to escape poverty by migrating to Windhoek and other urban centres that appear to offer greater employment opportunities. Many of these young men are poorly educated and unskilled, leaving them little option but to seek employment as gardeners or in other forms of domestic work.

As discussed in Part 1, women from the north were historically excluded from the migrant labour process and restricted from movement into urban areas by the pass law system. As a result, women who already lived in the former "Police Zone" had an advantage in obtaining domestic work positions. Most of these women were Nama/Damara speakers. The historical pattern for women is still in evidence today. The present survey found that young women who work as domestics are likely to move to towns which are closest to their homes of origin, and Nama/Damara-speaking women have easy access to many of the major urban centres such as Windhoek, Walvis Bay, Okahandja, Otjiwarongo and Keetmanshoop.

Existing social and kinship networks also reinforce the divisions by language in the sector. Job recruitment often takes place by word of mouth and through contacts among those who are currently employed. Thus, the Oshiwambo-speaking males and the Nama/Damara-speaking females who are already well-established as domestic workers are able to facilitate employment for friends and family members who are seeking similar work.

Employer preferences that housekeepers and child-minders speak Afrikaans may also contribute to the prevalence of both Afrikaans speakers and Nama/Damara speakers (who frequently have Afrikaans as a strong second language). Few of those interviewed acknowledged that language was a factor in choosing an employee, but the survey revealed that Afrikaans is the language of communication between employer and employee in 95% of cases in Keetmanshoop and 75% cases in Windhoek. Despite the disclaimers of employers, ethnic stereotyping may also be a potential factor shaping preferences. For example, Suzman (1994) found that perceived traits such as docility, easy manner and ignorance about demanding higher levels of pay are factors in the recruitment and treatment of farm workers.

*I like the Owambo-speaking people because they are more reliable and not alcoholics.*

Employer

*I will never work for a black employer because they pay very little.*

Domestic worker

The language groupings of the survey population followed expectations based on national trends, with Nama/Damara being the mother tongue of the majority of domestic workers in the central and southern regions and Oshiwambo dominating as the mother tongue in the Oshana region. Afrikaans was also prevalent as a mother tongue in Keetmanshoop.

**Table 16: MOTHER TONGUE OF SURVEY RESPONDENTS BY REGION**

	% Karas	% Khomas	% Oshana	Total %
Afrikaans	20,0	8,6	1,8	10,0
Damara/Nama	76,7	48,3	0	44,2
Oshiwambo	1,7	23,3	96,4	35,1
Otjiherero	0	18,1	0	9,1
Tswana	1,7	0	1,8	0,9
Other	0	1,8	0	0,8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

### 3.7 Marital status

Domestic workers are far less likely to be married than the rest of the population. Of those surveyed in the LAC/SSD study, only 12% are married. The Karas region was found to have the largest percentage of married respondents with 22%, while in the Khomas region only 10,8% of respondents reported that they are married. Conversely, 40,5% of respondents in the Khomas region reported that they were single with a partner, while only 28,8% of their

counterparts in the Karas region were single with a partner. These figures may reflect the instability and transience of relations in the larger urban centres such as Windhoek.

The overall younger age of domestic workers in the Oshana region contributes to giving it the lowest marital rate of the three study areas. Only 2 of 55 respondents (3,6%) reported that they are married, with one additional respondent married consensually (living together as husband and wife without the performance of any civil or customary ceremony). Half of the respondents in Oshana are single and do not have a partner, which may reflect the youth of the domestic workers in this region. About 45% are single but have a partner, which is the highest rate in the sample. This is surprising, since most respondents in this region are live-in workers. In some cases, the partners are boyfriends seen only on an occasional basis.

Table 17: MARITAL STATUS OF SURVEY RESPONDENTS BY REGION

Marital Status	% Karas	% Khomas	% Oshana	Total %
Married	22,0	10,8	3,6	12,0
Single (with partner)	28,8	40,5	45,4	38,6
Single (single w/o partner)	42,4	36,0	50,9	41,3
Never married	-	9,0	-	4,4
Divorced	3,4	2,7	0	2,2
Separated	1,7	0,9	0	0,9
Widowed	1,7	0	0	0,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE:

- The category of "single (with partner)" includes persons who are "consensually married", which means living together as husband and wife without the performance of any civil or customary ceremony.
- In 10 cases, respondents indicated that they had never married but did not specify whether or not they have a partner. These were therefore entered as a separate category.

National data taken from the 1991 census confirm the low rate of marriage among domestic workers, particularly female domestic workers. Over half (54,5%) of all female domestic workers have never been married. Only 16,9% are married legally, while nearly one-quarter (22,7%) are married consensually. These rates contrast to national statistics for all women, which indicate that 29,5% are legally married, while only 12,6% are married consensually. The marital status for male domestic workers mirrors the national patterns for all men.

Table 18: MARITAL STATUS OF DOMESTIC WORKER POPULATION COMPARED TO NATIONAL POPULATION BY SEX

Marital Status	% DW Female	% Natl Female	% DW Male	% Natl Male	% DW Total	Natl Total %
Never Married	54,5	45,3	59,9	54,6	55,3	49,8
Married Legally	16,9	29,5	23,0	29,7	17,8	29,6
Married Consensually	22,7	12,6	13,4	11,7	21,3	12,2
Separated	1,5	1,7	1,0	0,8	1,4	1,3
Divorced	1,9	2,9	1,3	1,3	1,8	2,1
Widowed	2,4	7,5	0,7	1,2	2,2	4,4
Not Stated	0,2	0,5	0,7	0,7	0,2	0,6
<b>Total %</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Total #</b>	<b>20 523</b>	<b>428 015</b>	<b>3 503</b>	<b>393 518</b>	<b>24 026</b>	<b>821 533</b>

SOURCE: 1991 census (calculated from Table C04).

NOTE: These figures include persons aged 15 and over.

Male domestic workers are more likely than female domestic workers to be unmarried. This fact is attributable to the large proportion of male workers under the age of 29, the majority of whom (86%) have never married. For male domestic workers 30 and over, the figure for those never married drops to 36%, while the number of those legally married rises to 39% and the number consensually married is around 20%. This pattern differs from that for female domestic workers over 30, where 42% have never married while approximately the same percentage (24,3%) are married legally and consensually. Thus male domestic workers who enter permanent relationships are more likely to be married legally, and less likely to be married consensually, than their female counterparts.

Several factors might account for the low rate of legal marriage among female domestic workers. Sixty percent of domestic workers reside in urban areas, where women are somewhat less likely to be legally married than those in rural areas. Informal living arrangements are increasingly common in urban areas.<sup>13</sup> In Windhoek, over 40% of respondents were not married but had a regular partner. In some instances, couples maintain informal unions as a precursor to fulfilling the social and financial obligations of marriage. Other couples spurn marriage because they prefer the freedom afforded by an informal union. This may be particularly true of single, female workers, including domestic workers, who may fear that marriage would reduce their decision-making authority and control over income. Qualitative interviews suggest that male domestic workers typically reside apart from their wives and families left behind in the rural areas. Despite having a family elsewhere, some men also cohabit with a partner in the town where they are working.

Living in an employer's home inhibits the marital rate among female domestic workers. Over 20% of survey respondents in the Khomas and Karas regions, and 86% of workers in the Oshana region were live-in workers. Statistics are not available for other regions, but qualitative data suggests that in small towns and rural centres, such as Outjo, the proportion of live-in workers may be higher. Few employers allow husbands or partners to reside with their worker, and therefore are likely to prefer unmarried workers. Conversely, married women may be prevented from taking on live-in employment by their family and household responsibilities.

Economic need may also be a determinant of the low rate of marriage among female domestic workers. It is likely that, in the absence of other sources of family support -- such as household income contributed by a husband -- women are propelled to seek wage employment. Domestic work is the most feasible option for able-bodied women who lack other qualifications.

The necessity for a wage income increases with the need to support children. As is the trend nationally, a significant number of domestic workers in the sample have children despite the low marital rate of 12%. Women with children born outside of marriage often find that prospective marriage partners do not wish to take on the responsibilities for children from another father. (Iken & Maasdorp 1994)

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<sup>13</sup> According to Pendleton (1994), living together forms the basis of one out of five households in Katutura, which is home to most live-out domestic workers in Windhoek. Similarly, a recent study of informal settlements in Oshakati found that 23% of adults are unmarried and cohabit with a partner (Tvedten and Pomuti 1994).

The marital patterns of female domestic workers have several social consequences. Firstly, many domestic workers are single mothers. Secondly, according to the 1991 census, nearly one-quarter (22%) of female domestic workers head their own households -- and thus may be the major or even the only household wage-earner. Finally, domestic workers are integrated into a diverse range of household structures, both male and female-headed. Qualitative data suggests that a common strategy is for single mothers and their children to reside with a female relative. Alternatively, care of children is enlisted to a female relative residing elsewhere. The composition of domestic worker households, as well as the impacts of domestic work on the well-being of workers and their families, will be discussed in section 7 below.

### 3.8 Education

Education levels varied considerably among the LAC/SSD survey population. The Khomas region, which has the greatest diversity of age and language groups, also has the most variability in education levels. Over 17% of respondents have received no schooling. This was the highest percentage of the three sites surveyed for this study. About one-third of respondents in the Khomas region (32,2%) have some secondary-level training. Respondents in the Karas region have a comparatively higher level of education. Only 5% had no education, while 45% had attained Grade 8 or higher. In the Oshana region, domestic workers have noticeably high levels of education. Over 53,7% of the domestic workers interviewed had passed Grade 8 or higher. Only one respondent had no education. The high education levels in this region underscore the typical local profile of a domestic worker as a young woman recently out of school who takes up the only form of employment available.

Table 19: EDUCATION OF SURVEY RESPONDENTS BY REGION

Level of Education	% Karas	% Khomas	% Oshana	Total %
No education	5,0	17,4	1,9	10,5
Grades 1-4	16,7	12,2	9,3	12,7
Grades 5-7	33,3	32,2	31,5	32,3
Grades 8-10	45,0	32,2	53,7	40,6
Grades 11-12	0	4,3	3,7	3,1
> Grade 12	0	1,7	0	0,9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Because the sample was concentrated in urban areas, results show higher levels of education than the census data on the national population of domestic workers. Nationally, 28,6% of domestic workers have had no schooling. Over one-third of male domestic workers (34,7%) have not been to school, compared to 27% of female domestic workers. Older female domestic workers are more likely to have had no schooling. Only one-quarter (24,8%) of those aged 15-44 have had no schooling, compared to 42% of those 45 and over. Among men, the same trend applies with one important exception. Young men under 24 are far more likely than female workers of the same age to have had no schooling. This suggests that many poorly educated young men migrate to urban areas seeking unskilled work.

According to the census, 44,8% of domestic workers have attained Grade 7 or higher. Important gender differences with this statistic are evident, as only 28% of male domestic workers have reached this level compared with 56,8% of female domestic workers.

Interestingly, male domestic workers have a lower secondary school attendance rate than men in the population at large, while female domestic workers have a rate which is higher than the national level.<sup>14</sup> On the one hand, this figure highlights the plight of male school drop-outs, particularly in the northern regions. On the other hand, however, the predominance of female domestic workers with Grade 7 or higher underscores the limited employment opportunities available to women. In addition, the majority of women countrywide do not go beyond Grade 10, typically the minimum requirement for formal sector jobs in Namibia. Nationally, only 10% of those with schooling have passed Grade 10. In the survey sample, only nine respondents (4%) attained this level.

In the north, several respondents indicated that they had left school because they failed to get a place in Grade 11; with the option of further schooling cut off, they turned to domestic work. Several interviewees reported that they left school to provide financial support for struggling families. Given their limited educational attainment, domestic work was one of the few options available. Teenage pregnancy is another factor which sometimes causes young women to leave school and to enter domestic work in order to support young children.

### 3.9 Literacy

The high number of respondents with little or no education is further reflected in the literacy rate. One in five of the survey sample is illiterate. In the Khomas region, only 74,5% and 73,6% of respondents are able to read or write in their mother tongue. In the Karas region, the literacy rate drops to 70%. Not surprisingly, the higher education levels of the young workers in the Oshana region results in a literacy rate of over 95%.

Table 20: ABILITY OF SURVEY RESPONDENTS TO READ AND WRITE BY REGION

LANGUAGE	% KARAS		% KHOMAS		% OSHANA		TOTAL %	
	Read	Write	Read	Write	Read	Write	Read	Write
Mother Tongue	70,0	70,0	74,5	73,6	98,1	96,3	79,0	21,0
English	41,7	41,7	40,0	38,3	73,1	72,5	48,0	46,9
Afrikaans	75,0	75,0	63,9	63,9	28,2	27,5	60,4	60,3
Other	0	0	1,5	1,5	0	0	1,4	1,4

SOURCE: 1995 LAC/SSD survey

NOTE: Respondents whose mother tongue is Afrikaans were classified under mother tongue. Here, the ability to read or write Afrikaans reflects literacy in a second or third language.

In the Karas region, slightly more survey respondents are literate in Afrikaans than in their mother tongue, a fact which reflects the system of schooling in Afrikaans prior to independence. Literacy in Afrikaans is also common among survey respondents in the Khomas region. In contrast, the respondents in the Oshana region were more likely to be literate in English, due in part to the fact that many are recent school leavers.

Nationally, domestic workers have lower rates of literacy than the general population. According to the 1991 census, 90% of the population aged 10 and over in urban areas is

<sup>14</sup> Of the entire population 6 years and above, 22% of males and 23% of females have never attended school. Of those 6 years and over who have attended school, 49,6% of males and 50,5% of females have reached Grade 7 or higher. (Calculated from the 1991 census, table D05.)

literate.<sup>15</sup> For the domestic worker population in urban areas, this figure drops to 83%. Among male workers in urban areas, the figure is even lower (77%), a further indication that young school drop-outs are migrating to urban areas in search of unskilled work. In rural areas, both male and female domestic workers show low literacy levels. Just over half (55%) are literate, while the overall national literacy rate for rural areas is nearly 70%. In some rural areas, particularly in the Omaheke and Otjozondjupa regions, approximately two-thirds of domestic workers are unable to read and write in any language.

**Table 21: LITERACY OF DOMESTIC WORKER POPULATION COMPARED TO NATIONAL POPULATION BY SEX, URBAN/RURAL**

LITERACY	% DOMESTIC WORKER POPULATION						% NATIONAL POPULATION					
	Urban		Rural		Total		Urban		Rural		Total	
	F	M	F	M	F	M	F	M	F	M	F	M
Literate	84,0	77,3	55,2	57,0	72,5	70,5	89,9	90,3	68,4	70,0	75,7	77,8
Illiterate	16,0	22,6	44,8	43,0	27,5	29,5	10,1	9,7	31,6	30,0	24,3	22,2
Total	100	100	100	100	100	100	100	100	100	100	100	100

SOURCE: 1991 census (calculated from Table D01).

NOTE: These figures include persons aged 10 and over.

The lower literacy rate among domestic workers is a reflection of the limited opportunities for unskilled labourers, and particularly for unskilled women. As will be discussed in more detail below, lack of skills and training is cited by employees as one of the main reasons for taking up domestic work. In that sense, the sector provides one of the few sources of wage employment for those who are illiterate or have little education. However, this lack of basic skills contributes to the vulnerability of domestic workers. Many do not know their basic rights or understand the procedures for filing labour disputes. Even more importantly, domestic workers who are illiterate believe that this is the only job they know and can do. They therefore endure unfair treatment and difficult working conditions in order to retain their jobs. Moreover, households increasingly employ domestic workers because both partners work, which may lead to a preference for better-qualified domestic workers who can manage the home in their absence and thus narrow the options for the least skilled workers.

Despite the disadvantages of illiteracy, it appears that few domestic workers attend literacy classes. Only 7% of the survey sample took advantage of such classes. Although the sample population in the Karas region had the highest rate of illiteracy, none were attending literacy classes. Reasons given included no time to attend, being too old to become literate and lack of information about literacy classes. The highest rate of attendance was in the Windhoek area, but this still amounted to only 11% of the respondents. Those who attended did so because they considered it "good to be literate". They were also motivated by improved employment prospects, as well as from a desire to be able to read and write letters and to help their children with homework. In the Oshana region, most respondents considered themselves to be literate and not in need of classes. Others pointed out that their long working hours did not allow them the time to attend. Only three respondents in the survey area in the Oshana region attend literacy classes, primarily to learn English. Overall, few respondents seemed to be aware that literacy classes provide training in English as well as indigenous Namibian languages.

<sup>15</sup> Literacy was defined for the purposes of the census as "the ability to read and write". As in the LAC/SSD survey of domestic workers, this ability was self-assessed. However, some researchers have observed that this approach may lead to higher levels of literacy than if other measures, such as competency tests, are applied. (See, for example, Melaku-Tjirango and Devereux, 1993.)

Domestic workers would clearly benefit from more information on literacy classes, and NDAWU or other institutions could perhaps consult with them on suitable times and locations.

### 3.10 Employment history

#### 3.10.1 Mobility

Mobility and job instability characterise domestic work. Domestic workers in the survey were typically found to have migrated to their current residence either from another region or from a rural area. Domestic workers in Keetmanshoop and Windhoek, although mostly born elsewhere, tend to be long-term residents, averaging 16 years in their current location. Several respondents are residents of 50 years or more. Nevertheless, a significant proportion of workers in the sample population in these two regions are relative newcomers. Over 20% of respondents have resided in Windhoek or Keetmanshoop for two years or less. This pattern is indicative of the long-term and still continuing flow of job-seekers from rural areas to the cities. As shown in Table 32 below, any movement in the south is generally within the south, whilst the Khomas region draws migrants from all regions of Namibia as well as from neighbouring countries. Only 8% of respondents in Windhoek originate from the capital or elsewhere in the Khomas region. Windhoek naturally draws immigrants from all over the country, while regional centres are probably more likely to draw immigrants from the surrounding areas, though more precise information on this pattern is needed.

Table 22: PLACE OF ORIGIN BY REGION

	% Karas	% Khomas	% Oshana	Total %
Karas	87,8	12,5	0	25,5
Hardap	7,3	18,2	0	10,3
Khomas	2,4	8,0	1,8	4,9
Erongo	0	11,4	1,8	6,0
Kunene	0	3,4	0	5,4
Omaheke	0	10,2	1,8	4,3
Otjozondjupa	0	9,1	0	1,6
Omusati/Ohangwena/Oshana/Oshikoto	2,4	21,6	92,7	38,6
Okavango	0	2,3	0	1,1
South Africa / Angola / elsewhere	0	3,4	1,8	2,1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE: No respondents named Caprivi as their place of origin.

Table 23: LENGTH OF RESIDENCE BY REGION

	% Karas	% Khomas	% Oshana	Total %
< 1 year	13,5	9,5	34,5	16,5
1-2 years	11,9	12,0	34,6	17,4
3-5 years	11,9	15,5	12,7	13,9
6-10 years	11,9	10,3	7,3	10,0
11-20 years	11,9	13,8	9,1	12,2
> 20 years	39,0	38,8	1,8	30,0
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

The survey found that domestic workers in Oshakati have the shortest length of residence. Nearly half have resided in the town for one year or less -- one respondent had arrived only two weeks earlier. The vast majority of these workers (92,7%) are recent school-leavers who come from rural areas of the north. The growing number of middle-class professionals in the area, many of whom are civil servants, has led to an increased demand for domestic workers. Young women are drawn to the Oshakati area by the prospect of jobs. It was found, however, that many of these young women maintain their rural homes as their households and provide supplemental income to their rural relatives who are unable to survive on agriculture alone.

*I was dismissed for being talkative.*

Domestic worker

*The pay was low, so I left.*

Domestic worker

*I was dismissed when I got back from maternity leave.*

Domestic worker

*I resigned because of a heart attack induced by cleaning windows that were too high.*

Domestic worker

*If you have been working a long time for them they will dismiss you for a simple thing, just because they don't want to increase your salary.*

Domestic worker, Otjiwarongo

### 3.10.2 Length of employment

The LAC/SSD survey found that most domestic workers in the Karas and Khomas regions who had been employed as domestic workers relatively recently had employment periods which were shorter than their length of residence in the town in question. This indicates a period of job-seeking after their arrival. Interestingly, the percentage of those who have worked as a domestic worker for between 3 and 20 years -- 67% in the Karas region and 61% in the Khomas region -- is considerably higher than the figure for those residing in those two areas for the same period of time -- 36% and 40% respectively. This suggests that domestic workers in these regions relocate to pursue job opportunities. Qualitative interviews revealed that some workers leave rural farms or small towns in an effort to "move up" to better-paying jobs in larger urban centres such as Windhoek. Some workers accompany their employers when they transfer to new locations. It is also common for domestic workers to move with retired farming families from commercial farming centres to regional towns.

In Oshana, the length of service is almost exactly the same as the length of residence. This pattern suggests that many young girls move to take up employment which has been arranged while they are still resident in the rural areas. Typically, a friend or relative of the household recruits her directly through discussions with the family.

**Table 24: LENGTH OF TIME AS A DOMESTIC WORKER BY REGION**

	% Karas	% Khomas	% Oshana	Total %
< 1 year	11,7	11,4	36,4	17,5
1-2 years	8,3	10,5	34,5	15,7
3-5 years	28,3	26,3	14,5	24,0
6-10 years	21,7	14,9	5,5	14,4
11-20 years	16,7	19,3	5,5	15,3
> 20 years	13,3	17,5	3,6	13,1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Data on the number of employers and the duration of jobs underscores the frequent movement of workers from job to job. The majority of respondents in Keetmanshoop and Windhoek have had at least two employers: only 18% and 26% respectively have had only one employer. It is common to find respondents who have had six or more employers. In Karas, nearly 12% of respondents have had more than eight employers during their time as domestic workers.<sup>16</sup>

**Table 25: NUMBER OF EMPLOYERS BY REGION**

	% Karas	% Khomas	% Oshana	Total %
One	18,3	25,9	74,5	35,5
Two	28,3	16,4	14,5	19,0
Three to five	31,7	44,8	10,9	33,3
Six to eight	10,0	6,0	0	5,6
More than eight	11,7	6,9	0	6,5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Domestic workers interviewed in Keetmanshoop and Windhoek have an average length of service with their current employer of under three years. Nearly half of respondents in the two regions have worked for their current employer for 12 months or less. Only a small proportion (approximately 15%) have had more than five years of service with their current employer. However, at the other end of the spectrum, several respondents have amassed more than 20 years with one employer.<sup>17</sup>

**Table 26: LENGTH OF TIME WITH CURRENT EMPLOYER BY REGION**

	% Karas	% Khomas	% Oshana	Total %
< 6 months	30,0	31,9	30,9	31,2
6-12 months	20,0	9,5	23,6	15,6
13-24 months	13,3	14,7	20,0	15,6
25-60 months	21,7	27,6	18,2	23,8
> 5 years	15,0	16,4	7,3	13,9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Workers in Oshakati have an average of two years of employment with their current employer. Because many respondents are newcomers to domestic work, most (75%) have

<sup>16</sup> It must be remembered, of course, that some domestic workers work for multiple employers simultaneously.

<sup>17</sup> Domestic workers who work for more than one employer per week answered these questions with reference to the employer in whose home they were working at the time of the interview.

worked for only one employer. As the domestic work sector grows in the region, there may be similar patterns of movement between jobs as was found in the Karas and Khomas regions. The overall higher levels of education among domestic workers in the Oshana region may also allow young women greater flexibility if and when other job opportunities become available. Still, the fact that some instances of domestic work in the region entail social obligations between families may limit the ability of workers to seek new employment.

For the most part, the high turnover rate is indicative of the job insecurity which pervades the sector. Workers occasionally leave of their own accord either to take up a better job, or to leave a bad situation. Several interviewees noted that they chose to leave to care for small children. Some female domestic workers with small children are forced to leave by employers who will accommodate neither the hours nor the conditions conducive to child care. Job security of domestic workers hinges primarily on decisions by their employers. During group discussions, employees regularly pointed out that employers are impulsive and unpredictable. They cited accusations of theft, failure to meet overly high work demands, and simply "falling out of favour" as reasons for sudden dismissal.

Some comparative information on length of service of NDAWU members is available.<sup>18</sup> Service records ranged from 48 years to less than one year, with the average length of service with the current employer being 4,1 years for women and 5,8 years for men. The length of service reported by employees in the commercial sector was slightly higher than that reported by persons employed in private households.

**Table 27: NDAWU MEMBERS - LENGTH OF SERVICE BY SEX (unit in years)**

	% Male	% Female
Mean	5,8	4,1
Meridian	3,0	2,0
Minimum	0	0
Maximum	42,0	48,0
Total #	590	1 765

SOURCE: NDAW membership forms

NOTE: Employees with a service record of less than one year were included.

Male NDAWU members tended to have longer service records than female members, with 41,3% of the males reporting that they had been with their current employer for five years or more, as compared with 30% of the females. This distinction is probably a product of the fact that length of service is typically higher in the commercial sector (which employs a larger percentage of males) than in private households once the five-year mark is reached. Length of service was not a good predictor of the wage level for most NDAWU members; in other words, long-term employment was no guarantee of higher wages.

NDAWU members have, on average, a longer length of service with their current employer than the survey respondents. This may be an indication that domestic workers who feel more secure in their jobs are more likely to join a trade union, while those who have been working for shorter periods may have a greater fear of victimisation. Interestingly, both the NDAWU data and the LAC/SSD survey data show much more movement from employer to employer

<sup>18</sup> The NDAWU membership forms asked members to give the date on which they were employed under their present contract. This date was used to calculate the length of service with a particular employer, measured up to the date on which the employee completed the membership form.

than that of the 1989 Keyter & Knye survey discussed in Part 1. Greater mobility in post-independence Namibia may be one factor behind the change.

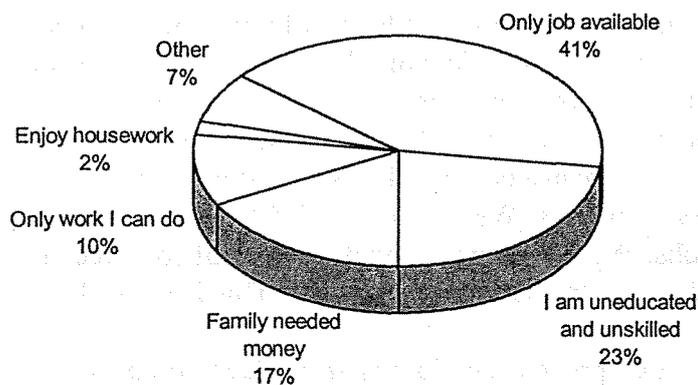
### 3.10.3 Reasons for being a domestic worker

There are few regional variations among the reasons given for becoming a domestic worker. The most common response in all three regions is that domestic work was the only job available. The fact that many people are willing to do any kind of work regardless of the conditions is reinforced by the fact that very few respondents actually prefer to do domestic work. Only 2,2% of all survey respondents stated that they enjoyed doing housework.

Table 28: REASONS FOR BECOMING A DOMESTIC WORKER BY REGION

	% Karas	% Khomas	% Oshana	Total %
It was the only job available	35,6	41,7	44,9	40,8
I am uneducated and unskilled	20,8	24,0	22,5	22,7
My family needed the money	13,9	21,1	13,5	17,3
It's the only work I could do	20,8	5,7	5,6	9,9
I enjoy doing housework	5,0	0,6	2,2	2,2
Other	4,0	6,9	11,2	7,1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey



No employee cited good pay or benefits, although one live-in worker in Klein Windhoek pointed out that getting accommodation was one reason for becoming a domestic worker. Several employees, including a male gardener in Keetmanshoop, pointed out in interviews that they left other jobs to become domestic workers so they could both work and live close to their families. A group of female employees in Outjo highlighted the flexibility they enjoyed with their particular employers, citing that they could sometimes carry their small children on their backs while they went to work, or could leave work early and go home to look after their children. Some domestic workers followed their parents into domestic work. This pattern occurs primarily in rural areas, where children take up service on the farm where their parents are employed. As several women in Outjo observed, "We grew up on the farm and we just started working on the farm as servants." One further elaborated that "I grew up on a farm, and when I became 17 years, I started working on the farm. Later they brought me here to Outjo."

During the qualitative interviews, many employees emphasised that job opportunities are few, even for positions in offices or schools which require the same skills. Among male employees, domestic work was often the last resort after being retrenched or failing to get mining, manufacturing or construction jobs. A woman in Walvis Bay became a domestic worker after she was dismissed as a nurse because authorities did not recognise her qualifications. One employee, a gardener of six years, pointed out that "I tried my best to get a good and well-paying job, but there was nothing. From there I found myself as a gardener."

Low levels of education and skills generally constrain domestic workers. A case in point is that of the domestic workers from the north who participated in the survey. They generally have higher levels of education than their counterparts in the central and southern regions, yet they do not have the qualifications, such as matric, needed to secure government or private sector jobs. Ten respondents from the north reported that they became domestic workers after they were unable to continue with schooling for financial and other reasons, including the failure to secure a place in school. The inability to continue with schooling also came up in interviews with employees around the country as a reason for entering domestic work. Some, such as a 31-year-old gardener in Otjiwarongo, were forced to leave school to support their families. An employee in Klein Windhoek, a domestic worker for 15 years, recounted how she had to leave school when she became pregnant. She started doing domestic work "to survive".

Group discussions highlighted the limitations posed by being illiterate or uneducated: "The only job available for uneducated people is domestic work." One woman, a domestic worker of 27 years with no schooling, stated: "If you cannot read, then you don't have a choice, you just have to do housework. I would prefer other work, because domestic work wages are very low." As one group of employees in Keetmanshoop noted: "We are doing this because we are uneducated and cannot find other types of jobs. We have even tried to apply to the schools for cleaning, but we do not get the jobs. We would prefer another type of job, because we are tired of doing the same job every day. But this is all we have done. This is all we know."

The conditions of domestic work often prevent employees from developing new skills that might expand their employment opportunities. The long hours, and the fact that many female domestic workers must also take care of their own homes, prevent them from attending literacy or adult education classes. Live-in domestic workers are further constrained by the fact that most evening classes are conducted in the former black townships, and are not easily accessible due to a lack of transport. Another factor preventing additional education is cost. Most domestic workers are supporting others, with many paying for children's education. The financial demands of a house and family coupled with the traditionally low pay of domestic work places the costs of additional schooling well beyond the reach of most domestic workers.

*I am a domestic because my parents couldn't afford to send me to school.*

Domestic worker, Windhoek

*I left school to find a job so that I can support my parents.*

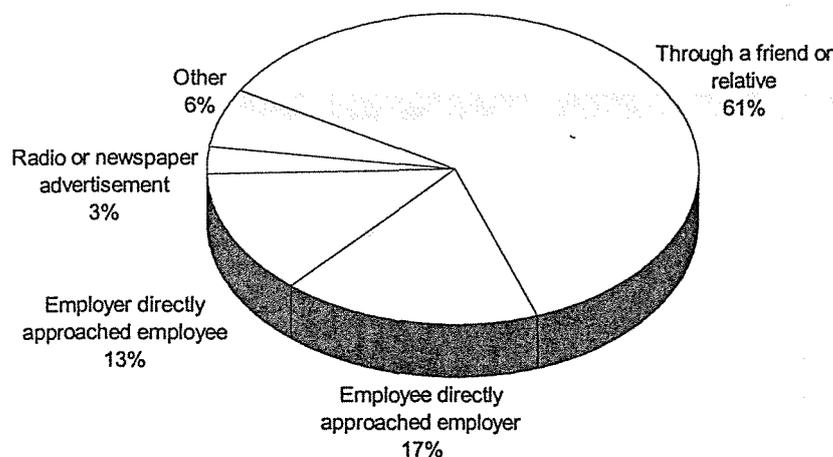
Domestic worker, Windhoek

## 4. TERMS AND CONDITIONS OF EMPLOYMENT

### 4.1 Recruitment and selection

The overwhelming majority of domestic workers interviewed (61%) use networks of friends and relatives in finding work. Two factors are responsible for this. First, for many job seekers, especially those from rural areas, contacts with people already employed is an important means of gaining entry into the labour market. Second, the informal nature of job recruitment in the domestic work sphere means that domestic work positions are rarely advertised. Instead, jobs are obtained through contacts. Discussions between an employer and a prospective employee take place mostly in cases where the prospective employee had previously worked for someone known to the employer, or where the prospective employee is known and recommended by a domestic worker already employed by someone else in the employer's community. Often, employers move away or retire and "pass" their domestic worker on to a friend or relative. One side effect of the preponderance of informal recruitment is that it leaves job seekers who do not have access to existing networks with no option but to undertake door-to-door searches -- a process which is time-consuming and rarely successful.

#### STRATEGIES FOR FINDING A PARTICULAR JOB



SOURCE: 1995 LAC/SSD survey

These trends are generally consistent across all the study regions, with one interesting exception: the phenomena of employers approaching domestic workers directly seems to be most common in Oshana, followed by Karas and then by Khomas. This difference might be explained by the fact that in Oshana employers are more likely to contact relatives and acquaintances in the rural areas who put them in touch with prospective employees from rural villages.

The involvement of Angolans in domestic work in the Oshana region introduces dimensions of recruitment and selection that are not fully understood. Informal discussions with employers in Oshakati indicate some preference for Angolan workers in the belief that they are not likely to cite the Labour Act when asked to work long hours, nor to ask for high wages due to their illegal status as workers in Namibia. In towns such as Oshikango, there are sites where Angolan citizens in search of work congregate and wait for prospective employers.

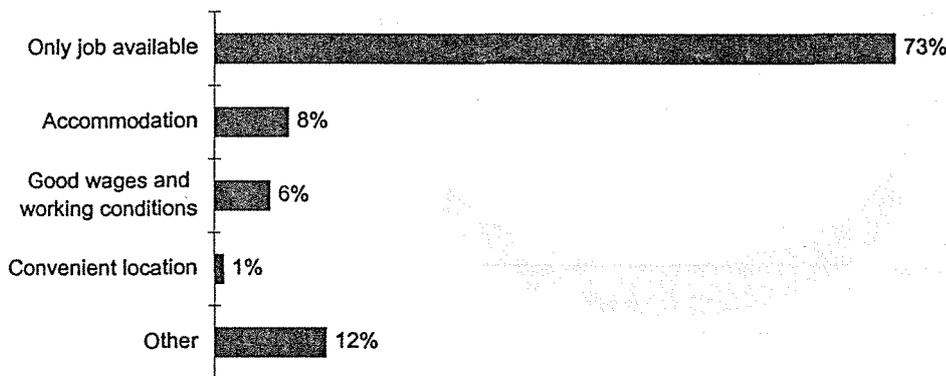
This type of labour recruitment also increases the incidence of domestic workers who are approached by employers.

Domestic workers enter the labour market at a disadvantage. The most important reason given by respondents for working for a particular employer was that it was the only job available. Factors such as wages, accommodation and location are rarely considered. It is not possible to talk of "job selection" since domestic workers do not really have options from which to choose.

Several interviewees pointed out that retrenchments in other sectors of the economy and migration are increasing the competition for domestic work jobs, and that finding a full week's worth of employment has become difficult. The domestic work sector is definitely an employer's market, with virtually no scope for meaningful choice or negotiation.

The issue of wages is not a determinant in the selection of jobs. While all respondents are dissatisfied with their wages, the rationale for taking and remaining in a job is that "any job with any pay is better than no job and no pay." This attitude was most evident in the Oshana region, reflecting the limited employment opportunities in the region.

**REASONS FOR TAKING A PARTICULAR JOB**



SOURCE: 1995 LAC/SSD survey

\* Multiple responses were allowed for this question.

**4.2 Days and hours of employment**

**4.2.1 Normal working hours**

**WEEKLY WORKING HOURS**

*The maximum ordinary working hours are 45 hours/week, not counting working time on Sundays and public holidays.*

Labour Act, section 26

**DAILY WORKING HOURS**

*Maximum ordinary daily working hours are:*

- 9 hours/day for employees who work 5 days/week or less;
- 7½ hours/day for employees who work 6 days/week (with one exception: if the employee works less than 5 hours/day on one day of the week, then he or she can be required to work up to 8 hours/day on the other days of the week);
- 9 hours/day for casual employees.

Labour Act, section 27

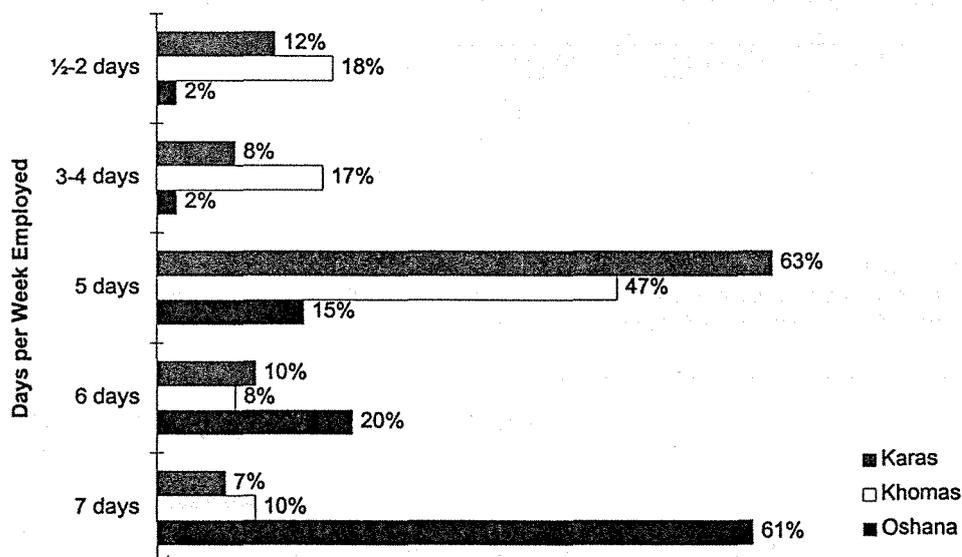
Most respondents work five to seven days per week. Approximately half (47%) work five days per week, although a significant proportion (21%) work seven days a week. All respondents who work seven days per week work for one employer. This group mainly comprises live-in domestic workers who, by virtue of being accommodated by their employers, are perceived as being accessible for work at all times.

**Table 29: DAYS PER WEEK EMPLOYED BY REGION**

	% Karas	% Khomas	% Oshana	Total %
½-2 days	12	18	2	7,5
3-4 days	8	17	2	10,6
5 days	63	47	15	47,4
6 days	10	8	20	13,6
7 days	7	10	61	21,1

SOURCE: 1995 LAC/SSD survey

**NOTE:** The data include responses from employees who work for more than one employer.



Nearly 90% of all respondents work in one household, while the rest work for two to five employers per week. Some workers noted the possibility of earning higher overall wages if they worked on a daily basis for a number of different employers. The reason given was that daily wages were usually higher for such workers, so that workers who were able to find four

or five different day jobs would have a higher monthly wage. This ideal, however, is seldom achieved.

The LAC/SSD survey indicates some regional variations in the number of employers per domestic worker. In the Oshana Region, 98% of respondents work for one household, reflecting the common occurrence of live-in domestics who are extended family members. The Khomas region has the highest incidence (19%) of domestic workers working for more than one employer. Among this group, however, the majority have only two employers. Clearly, the general trend across all regions is to work for one household for between five and seven days per week.

**Table 30: NUMBER OF EMPLOYERS PER WEEK BY REGION**

	% Karas (n=60)	% Khomas (n=115)	% Oshana (n=54)	Total % (n=229)
One	91,7	80,9	98,1	87,8
Two	6,7	12,2	1,9	8,3
Three	0	2,6	0	1,3
Four	0	4,3	0	2,2
Five	1,7	0	0	0,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Just over half (52%) of the domestic workers interviewed for the LAC/SSD survey work between five and eight hours per day. The survey found that 45% of respondents work over eight hours per day, which tallies with the fact that a significant proportion of respondents stated that they work overtime hours. The long working days of some workers, particularly live-in workers, are vividly described in the case studies which appear below at page 163.

**Table 31: WORKING HOURS PER DAY FOR SINGLE EMPLOYER BY REGION**

	% Karas	% Khomas	% Oshana	Total %
1-4 hours	3	3	2	3
5-8 hours	65	60	20	52
> 8	32	37	78	45

SOURCE: 1995 LAC/SSD survey

**NOTE:**

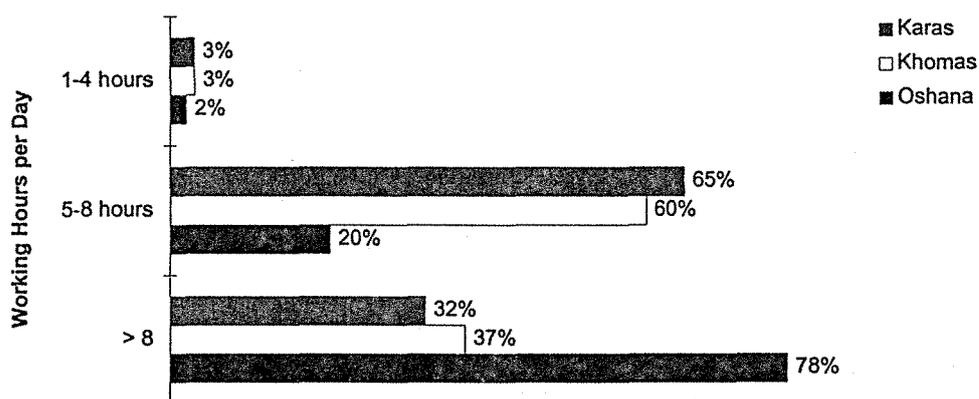
- Only 7% of respondents receive overtime pay.
- 66% of respondents in Oshana work overtime. Only 6% reported that they are paid overtime.
- Overtime pay varied from as little as N\$7/day to as much as N\$50/day.

*The government says we must work 45 hours per week, but if you get told to work from 7am to 7pm then you have to. You don't have a say.*

Domestic worker, Windhoek

*At the end of the day when I was ready to leave for home my boss came to me and said: "I want to go to town now and cannot leave my house unattended. Could you please stay until I am back?"*

Domestic worker



#### 4.2.2 Meal breaks

##### **MEAL BREAKS**

*No employee may work for more than five hours without a break of at least one hour for a meal, and employees cannot be forced to do any work during mealtime.*

Labour Act, section 31

Most respondents (about 89%) reported that they are given meal breaks. Domestic workers tend to take either one or two breaks each day, with one break being the most common in the Oshana region, two breaks being the most common in the Karas region, and the Khomas region showing a more even spread among the various options.

**Table 32: NUMBER OF BREAKS PER DAY BY REGION**

	% Karas	% Khomas	% Oshana	Total %
One	21,7	33,0	37,0	31,0
Two	60,0	34,8	18,5	37,6
Three	13,3	16,5	9,3	14,0
More than three	0	3,5	18,5	6,1
Not applicable	5,0	12,2	16,7	11,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

**Table 33: TOTAL DURATION OF BREAKS BY REGION**

	% Karas	% Khomas	% Oshana	Total %
Less than 15 minutes	25,0	18,3	0	15,7
15-29 minutes	13,3	23,5	14,5	18,7
30-59 minutes	20,0	30,4	20,0	25,2
1-2 hours	35,0	13,9	25,5	22,2
> 2 hours	1,7	1,7	23,6	7,0
Not applicable	5,0	12,2	16,4	11,3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Table 34: DETERMINATION OF MEALTIMES BY REGION

	% Karas	% Khomas	% Oshana	Total %
You decide yourself	53,3	52,6	58,2	54,1
Your employer made the decision	41,7	22,4	21,8	27,3
Decision made jointly	0	12,9	3,6	7,4
Not applicable	5,0	12,1	16,4	11,3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

While almost 60% of all domestic workers in the study reported that they receive less than the one-hour minimum specified by the Labour Act, the majority of domestic workers stated that they decide on their mealtimes themselves. This may stem from the informal nature of the typical work situation in the sector, where the domestic worker is often in a situation where direct supervision is minimal. Indeed, domestic workers often choose to work through mealtimes so that they can complete their tasks more quickly and return home sooner. Thus, it is difficult to draw any firm conclusions about compliance with this area of the Labour Act.

One minor job benefit which may be peculiar to domestic workers is the provision of food by the employer for meals eaten at work. An overwhelming majority (97%) of the domestic workers in the survey reported that food for these meals is supplied by the employer. No details about the quality and quantity of this food were collected.

#### 4.2.3 Overtime

##### **OVERTIME**

*Any working time which is longer than the ordinary working hours is overtime. No worker can be forced to work overtime. Overtime cannot be more than 3 hours/day or 10 hours/week. Overtime worked on ordinary working days must be paid at  $1\frac{1}{2}$  times the normal hourly pay.*

Labour Act, section 32

##### **NIGHT WORK**

*"Night work" is any work done after 20h00 in the evening or before 07h00 in the morning. It should be paid at the normal rate plus 6%.*

Labour Act, section 33

The issue of working hours is directly related to that of overtime. According to the Labour Act, any hours worked beyond the maximum ordinary working hours should be regarded as overtime. It is difficult to calculate the percentage of workers who exceed the maximum daily working hours, however, as this maximum depends on the number of days per week ordinarily worked -- being 9 hours/day for employees who work five days a week or less, and 7½ hours/day for workers who work more than five days a week.

The issue of maximum working hours is also complicated in the domestic work sphere by the incidence of multiple employers -- a single employer may not know how many days in total the employee works.

Nevertheless, survey data indicate that very few domestic workers actually receive overtime pay. When domestic workers were asked directly whether they worked overtime, almost 34% replied in the affirmative. However only 7% of respondents reported that they receive overtime pay. This problem was even more marked in the Oshana region, where 66% of respondents reported that they work overtime, while less than 6% reported that they are paid overtime pay.

Overtime pay varied from as little as N\$7/day to as much as N\$50/day, but employees generally lacked a clear understanding of the basis for the calculation of their overtime pay.

**Table 35: OVERTIME PAY BY REGION**

	% Karas	% Khomas	% Oshana	Total %
<b>Work overtime</b>				
Yes	27,7	24,6	65,5	33,6
No	68,3	71,9	34,5	62,0
Don't know	1,7	1,8	0	1,3
Not applicable	8,3	1,8	0	3,1
<b>Paid overtime</b>				
Yes	8,3	7,9	5,5	7,4
No	16,7	16,7	60,0	27,1
Don't know	75,0	75,4	34,5	65,5

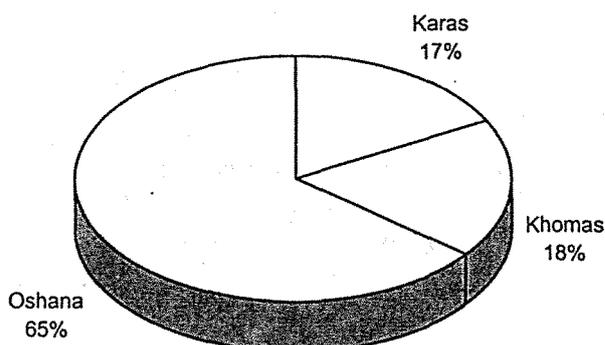
SOURCE: 1995 LAC/SSD survey

The situation is particularly serious for live-in domestic workers, who are vulnerable to exploitation because of their physical proximity to the employer. For live-in domestics, overtime is more likely to constitute a significant number of hours, and it is more likely to include both night work and Sunday work which should be compensated at higher rates than other overtime.

**Table 36: LIVE-IN DOMESTIC WORKERS BY REGION**

% Karas	% Khomas	% Oshana	Total %
22	23	82	37

SOURCE: 1995 LAC/SSD survey



*The overtime determined by the Labour Act is very heavy, especially if she has to work on Sundays.*

Employer, Windhoek

*She does whatever I ask her to do for me, no matter what time of day I ask her.*

Employer, Outjo

It must also be kept in mind that the low level of awareness of the provisions of the Labour Act in this sector suggests that some domestic workers may not realise that a portion of the work they do on a daily basis is overtime and should be compensated as such. For example, it was clear that some domestic workers work overtime from the daily working hours they reported; however, when asked directly if they worked overtime, some of these employers answered no.

In addition, qualitative data show that some workers are employed on the basis of tasks rather than hours. Some workers preferred this flexibility because it allowed them to set their own work pace. Others found it a disadvantage, as the workload is often unpredictable and can be heavy, forcing them to work long days. Employers were also divided in their preferences. Some felt that workers rushed through their tasks in order to go home and were dissatisfied with the resulting quality of work. Others felt that employing by the hour or by the day prompts workers to spread tasks over a longer period of time than is really required. Both of these views reveal a general distrust of domestic workers and a feeling that they exploit any work situation.

The survey indicates that overtime is seldom explicitly discussed by employer and employee; 65,5% of the respondents stated that they do not know whether or not they will receive overtime pay when they work overtime.

*We work more than what we are paid for.*

Domestic worker, Keetmanshoop

#### 4.2.4 Sundays and public holidays

##### **SUNDAYS AND PUBLIC HOLIDAYS**

*Public holidays are paid holidays. Where a public holiday falls on an ordinary working day, an employee has a right to time off at full pay.*

*Domestic workers are one of the few categories of workers who can be required to work on Sundays and public holidays. Employees who work on a Sunday or a public holiday must be paid double pay OR 1½-pay plus time off in the following week equal to the amount of time worked on the Sunday or public holiday. The employee has the right to choose which of these options he or she prefers.*

Labour Act, section 33

Over half (57%) of the domestic workers interviewed have some paid public holidays, while an additional 24% of respondents are allowed to take public holidays off but without pay. Sixteen percent do not know whether they will be given paid or unpaid public holidays.

The highest proportion of domestic workers who have paid public holidays are in the Khomas region (62%). In the Karas region the corresponding number is 58%, and in Oshana it is 47%. One possible factor for the higher numbers in Khomas is that public transport from Katutura to other suburbs is unreliable and erratic on public holidays. Therefore, even if employers want their employees to work on these days, there is a transport constraint.

*We work on both Sundays and public holidays and are not paid yet.*

Domestic worker, Oshakati

**Table 37: WORKERS PAID FOR WORK ON PUBLIC HOLIDAYS BY REGION**

Paid / Not Paid	% Karas	% Khomas	% Oshana	Total %
Yes	58	62	47	57
No	31	15	47	27
Don't know	11	23	6	16

SOURCE: 1995 LAC/SSD survey

The number of respondents who did not know if they would be allowed time off with pay on public holidays is lower than the number who did not know if they would be given paid annual leave, sick leave or maternity leave (all discussed below in the section on "Leave"). The reason for this is probably the fact that public holidays occur throughout the year, unlike other types of leave which generally only occur after a substantial period of employment.

More than 21% of all respondents reportedly work seven days a week, with the highest incidence of such workers being in the Oshana region where 61% of the respondents stated that they work seven days a week (compared to 10% of the respondents in the Khomas region and 7% in the Karas region).

Although information about the basis on which the total wage package is calculated was not always clear, there was no indication that workers receive extra pay for Sunday work as the Labour Act requires -- with the exception of a single worker in the Oshana region who reported receiving N\$10 extra for Sunday work.

In general, the data indicates that the Labour Act's provisions for work on Sundays and public holidays are ignored at least as often as they are observed.

*Pubic holidays like Christmas and New Year are automatic leave, but days like Heroes Day are not automatic. My wife is a nurse and she is expected to work on Heroes Day.*

Employer, Oshakati/Ongwediva

### 4.3 Work responsibilities

The work responsibilities most frequently cited by survey respondents were cleaning, followed by ironing and laundry. Respondents could list multiple job duties. Cleaning was most often cited as the primary work responsibility. Child-minding and cooking, arguably more skilled tasks which might command higher wages, were much less frequently cited duties.

**Table 38: SURVEY RESPONDENTS - TYPE OF WORK  
(first four duties)**

Duty	%
Cleaning	24,5
Ironing	24,5
Laundry	21,6
Child-minding	10,9
Cooking	9,1
Gardening	5,1
Shopping	2,1
Security	1,3
Other	0,9
<b>Total</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE: Respondents could name multiple tasks.

Domestic workers in the Oshana region do more cooking and child-minding than their counterparts in other regions. This could be due to the large percentage of live-in workers in the region. In contrast, most employers who participated in the semi-structured interviews in the Khomas region indicated that, rather than expect their domestic worker to take responsibility for child care, they would prefer to take their children to a crèche or to employ a second domestic worker who would take responsibility for child care only.

A similar pattern appeared from the data on NDAWU members. Membership forms asked prospective members to describe what kind of work they do. The first three duties listed were analysed. For female members, the most common duties are cleaning, ironing, washing, housework and unspecified general employment. For male members, the most common duties are gardening and cleaning. Cooking and child-minding were listed as key duties by a relatively small proportion of members -- but the members who listed these as their primary duties reported a higher wage on average than those members who listed the more common duties.

The data suggests that domestic workers might be able to garner better wages if they acquired additional skills through training programmes.

The division of time between various work responsibilities is illustrated in the case studies involving "activity clocks" which appear at pages 163-168 below.

Another point which emerged from qualitative interviews is that a lack of clarity about work responsibilities can sometimes lead to misunderstandings. Some employees also felt that they did not have adequate communication with the employers.

Table 39: NDAWU MEMBERS - TYPE OF WORK DONE (all duties)

	% Male	% Female	Total %
Cleaning	27,7	30,8	30,2
Washing	6,3	18,4	16,0
Ironing	5,5	26,4	22,2
Housework	4,6	3,9	4,1
Cooking	4,0	5,1	4,9
Child-minding	0	4,1	3,3
Gardening	32,5	1,5	7,8
Yard cleaner	1,0	0	0,2
General employment	6,6	6,4	6,4
Painting	0,8	0	0,2
Teagirl	0,7	0,5	0,5
Sales cashier	1,4	0,8	0,9
Clerk	0,6	0,2	0,3
Driver	0,7	0	0,1
Shoemaker/racket repair	0,5	0	0,1
Needlework/sewing	0,1	0,2	0,2
Caring for animals (horses, dogs, doves)	1,4	0	0,3
Messenger/office orderly/post/deliveries	3,1	0,6	1,1
Car cleaner	0,8	0,3	0,4
Hairdressing	0,1	0,2	0,2
Filing	0	0,1	0,1
Florist	0,1	0	0
Security	0,8	0	0,2
Dry cleaner	0,1	0	0
Handyman	0,3	0	0,1
Catering	0	0,1	0,1
Instructor/teacher	0,3	0,2	0,2
Storeman	0,3	0	0,1
Care for the elderly	0	0,1	0,1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: NDAWU membership forms

**NOTE:**

- Some of these duties involve work in the commercial sector rather than in private households. However, as it was not always possible to separate the two spheres of work, the entire list of duties is given here.
- Members could name more than one duty.

*My employer left a note for me saying, "We are missing a pink towel, please search for it." I wrote back on the same note, "I am not employed to search for missing articles but to work."*

Domestic worker, Windhoek

*Sometimes you do not meet or see your employer because of the time difference of work.*

Domestic worker, Windhoek

*If you do good, you don't hear anything. If you do wrong, you will be screamed at.*

Domestic worker, Windhoek

#### 4.4 Remuneration

*I am now 40 years old and I do not have a bank account, not even insurance, but I have been working for years. My employer's child, whom I reared, has everything. The child who was born many years after me has everything and I have nothing.*

Domestic worker, Windhoek

##### 4.4.1 Wages

There is a general perception that domestic work is low paid. Throughout the LAC/SSD survey, this perception was stated and restated by domestic workers themselves.

*Domestic work does not pay. I will prepare to do some other work.*

Domestic worker, Windhoek

*Domestic workers are not valued and that is why we are paid so little.*

Domestic worker, Keetmanshoop

*My employer does appreciate me. She always mentions that I raised her. But one thing that I don't understand is why she pays me so little. She knows how expensive things are. How does she think I should survive with the little [N\$100/month] that she pays me?*

Domestic worker

*I discussed with her how much I should pay her. She said N\$80. I said that was too low and gave her a bit more.*

Employer, Windhoek

*I do like my employer, but the salary is very low and it hurts.*

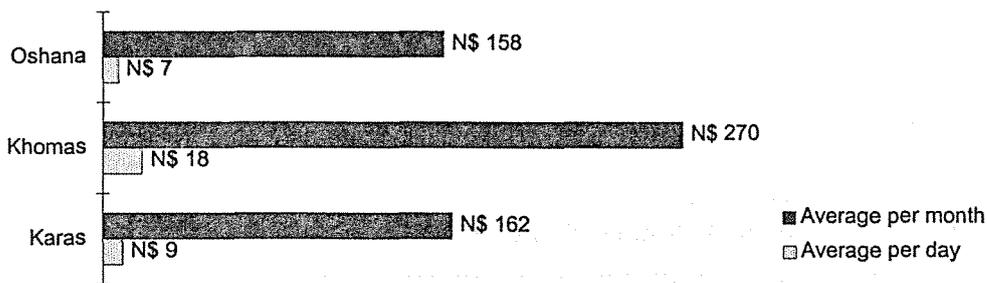
Domestic worker, Outjo

The data on wages which was collected in the survey must be treated with caution, because there were inconsistencies as to how wages were reported by the respondents. For instance, wages expressed in monthly terms could not be clearly correlated with how many days per week each employee worked. The existence of multiple employment relationships for a single domestic worker also complicated wage measurements. Nevertheless, the data does bear out the perception that domestic workers are generally low paid. The highest monthly wage in the survey group was N\$700 (in the Khomas region), while the lowest monthly wage was N\$30 (in the Oshana region). The following chart illustrates the low average wages as well as the regional variations:

Table 40: AVERAGE WAGES BY REGION

Wages	(N\$) Karas	(N\$) Khomas	(N\$) Oshana
Average per day	9	18	7
Average per month	162	270	158

SOURCE: 1995 LAC/SSD survey



As discussed above, the legal obligation to pay extra for overtime work is generally ignored by employers, and many employees do not know their rights or are in some cases afraid to assert them. As mentioned above, live-in domestics are particularly vulnerable to exploitation in this sense, often working six- or seven-day weeks without being paid for overtime hours or for Sunday work. Domestic workers in the Oshana region -- the study area with the highest percentage of "live-in" workers and also the area where domestic workers are often considered to be something other than formal "employees" -- are the least likely to receive remuneration for overtime work.

The data on NDAWU members provides a useful point of comparison, supporting the perception of low wages in the sector. Wages were listed on the membership forms as hourly, weekly or monthly amounts, but it was not possible to tell from the forms how many hours per day or how many days per week or month each employee worked. Thus, it is not possible to make detailed comparisons about wages. However, the figures do provide a rough idea of what NDAWU members earn.

**Table 41: NDAWU MEMBERS - WAGE OF EMPLOYEE BY SEX**

	Male (N\$)	Female (N\$)
<b>Wage per week</b>		
#	54	28
Mean	95,8	101,4
Meridian	90,0	77,5
Minimum	30,0	20,0
Maximum	180,0	350,0
<b>Wage per month</b>		
#	568	1 887
Mean	267,8	233,1
Meridian	220,0	200,0
Minimum	12,0	15,0
Maximum	1 450,0	1 500,0

SOURCE: NDAWU membership forms

NOTE: These figures include the wages of NDAWU members employed in the commercial sector.

The sample of employees who expressed their earnings as an hourly wage is too small to allow for any meaningful conclusions. For those who expressed their earnings as a weekly wage, the average wage was N\$95,80 for men and N\$101,40 for women. Most members expressed their earnings as a monthly wage. For these members, the average wage was N\$267,80 for men and N\$233,10 for women. These figures indicate a serious gender gap, with most female NDAWU members earning significantly less than their male counterparts.

Monthly wages for members who work in commercial enterprises were roughly double those of members who work in private households; members employed in private households earn an average of only N\$221,80/month. The lowest wage reported for work in a private household was N\$12/month (although the number of days worked per month was not reported), and the highest N\$1 150/month.

Table 42: NDAWU MEMBERS - WAGE OF EMPLOYEE BY SECTOR EMPLOYED

	Domestic (N\$)	Commercial (N\$)	Catering (N\$)
<b>Wage per week</b>			
#	57	25	0
Mean	85,0	124,9	-
Meridian	75,0	120,0	-
Minimum	20,0	70,0	-
Maximum	350,0	210,0	-
<b>Wage per month</b>			
#	2 239	199	3
Mean	221,8	459,6	412,3
Meridian	200,0	400,0	450,0
Minimum	12,0	40,0	337,0
Maximum	1 150,0	1 500,0	450,0

SOURCE: NDAWU membership forms

Table 43: NDAWU MEMBERS - WAGE OF EMPLOYEE BY REGION

	#	Mean	Median	Minimum	Maximum
<b>WAGE PER WEEK</b>					
Khomasdal	1	20,0	20,0	20,0	20,0
Central Windhoek	64	106,8	92,0	25,0	350,0
Rundu	1	30,0	30,0	30,0	30,0
Lüderitz	1	60,0	60,0	60,0	60,0
Mariental	2	57,5	57,5	40,0	75,0
Walvis Bay	3	63,3	30,0	30,0	130,0
<b>WAGE PER MONTH</b>					
Katutura	6	278,3	185,0	150,0	800,0
Khomasdal	47	302,7	200,0	60,0	1 029
Central Windhoek	1 334	274,1	250,0	12,0	1 450
Swakopmund	312	228,2	200,0	15,0	1 500
Otjiwarongo	44	226,4	150,0	55,0	1 058
Tsumeb	100	110,9	100,0	50,0	583,0
Usakos	1	70,0	70,0	70,0	70,0
Oranjemund	103	211,6	200,0	100,0	900,0
Oshakati	42	167,4	150,0	60,0	482,0
Ondangwa	21	141,4	120,0	50,0	300,0
Gobabis	13	186,2	200,0	70,0	380,0
Rundu	59	141,6	120,0	14,0	800,0
Okahandja	20	197,5	190,0	70,0	400,0
Otavi	10	146,5	85,0	45,0	330,0
Lüderitz	12	185,8	155,0	100,0	300,0
Mariental	22	345,5	363,3	110,0	650,0
Rehoboth	1	486,0	486,0	486,0	486,0
Karasburg	4	255,0	190,0	140,0	500,0
Ariamsvlei	1	300,0	300,0	300,0	300,0
Aranos	1	250,0	250,0	250,0	250,0
Henties Bay	4	297,5	325,0	40,0	500,0
Walvis Bay	67	184,5	150,0	30,0	675,0
Keetmanshoop	40	167,9	160,0	60,0	300,0
Ongwediva	3	86,7	80,0	80,0	100,0

SOURCE: NDAWU membership forms

Thus wages of NDAWU members, the majority of whom work in the Khomas region, are roughly comparable to the wages of the domestic workers in the survey sample, making it more likely that the figures can be taken as being fairly typical of the sector as a whole.

The interviews conducted by the survey team highlight the fact that extended family members who are working as domestic workers are particularly vulnerable to low wages. In fact, this group were not considered by their employers to be entitled to “wages” at all, as their employers do not see them as “employees” in the usual sense of the term. One employer in the Oshana region suggested that “the work wage should be changed to *Ebandulo* -- thanksgiving”.

The comments of other employers were in the same vein, as reflected in the boxed text below. For this group of employers and employees, increased awareness of the rights conferred on employees by the Labour Act will be an important step.

*There are two types of domestic workers: one that you look out for yourself, and the one who is a distant relative and has either been recommended or sent to “help out”. The latter might not in some instances receive any Ebandulo, but in the case of the employee you found for yourself you are obliged to pay her.*

Employer, Oshakati/Ongwediva

*Everything, even washing soap, is provided for, unless you want to buy something special for yourself. At the end of the day the employee is not paid a wage really, just a token of appreciation which she can use for her own personal pleasure.*

Employer, Oshakati/Ongwediva

*This Ebandulo varies a lot from employer to employer because it is determined by how much the employer gets and how much they can afford to pay the employee.*

Employer, Oshakati/Ongwediva

The lack of a minimum wage or wage guidelines increases the variability of wages within the sector. Anecdotal evidence from one small Namibian town indicates that employers, who are mostly white, sometimes decide among themselves the wage scales for domestic workers; if such joint decision-making processes do in fact take place, they need to be better understood as there is potential for abuse in such approaches.

A number of employers and employees expressed a desire for more guidance on appropriate wage levels. However, employees predictably tended to favour a minimum wage while employers were more cautious, although this was not without exception.

Respondents in focus groups also gave their perceptions on wages based on a full-time, five days per week job. They also gave their views on what would constitute a fair minimum wage in their area. Although this information is not statistically representative, it gives a good overview of variations by region in different wage levels and how they are perceived. The summary of these discussions is presented in the following table.

Table 44: SURVEY RESPONDENTS' PERCEPTION OF WAGES PER REGIONS

	Average Wage	Bad Wage	Good Wage	Suggested Minimum
Klein Windhoek (1)		150	600	800
Klein Windhoek (2)		200	700	Depends on work performed
Olympia		150	300	800
Pioneers Park		150	400	Will depend on work and quality
Arandis	100-140	50	200	200
Kuisebmond	Varies	150	400	400-600
Walvis Bay	Don't know	Don't know	Don't know	300
Otjiwarongo		40-100	450	200
Grootfontein	400	200	600	400
Otjiwarongo (employers)	150-200	100	450	150
Otjiwarongo (gardeners)		300	400	350
Outjo		30	100	300
Oshakati		100	500	250
Oshakati (live-ins)	100	below 100	above 100	150
Rehoboth	350	200	500	500
Gibeon	150	80	350	200
Keetmanshoop (employers)	150	50-70	450	350-400
Keetmanshoop	200-250	80	300-400	400
Keetmanshoop (live-ins)	300	200	400	400
Gobabis/Epako		100	200	400

SOURCE: LAC/SSD FOCUS GROUP DISCUSSIONS WITH DOMESTIC WORKERS, 1995.

NOTE: All of the discussions referred to commuting workers as opposed to live-in workers, except where otherwise indicated.

*Some employers do ask us how much we want to be paid and in most cases we as domestic workers have no idea how much to propose.*

Domestic worker, Windhoek

*It is difficult for us to determine what the minimum wage should be because we do not have any idea.*

Domestic worker, Keetmanshoop

*I want to say for the hundredth time that the government should look at our salaries.*

Domestic worker, Windhoek

*There should be a formula to guide the employer.*

Employer, Windhoek

*It will be very difficult for employers to determine what a fair wage is. We are not aware of what type of criteria are used to determine wages.*

Employer, Oshakati/Ongwediva

*I determine the salary at the beginning by asking around.*

Employer, Windhoek

*The minimum wage should be N\$600 per month plus bus fare.*

Employer, Windhoek

*Concerning the minimum wage, we are waiting for the government to determine a scale. Then it is up to the employers to decide whether or not they can afford to keep a domestic worker or not.*

Employer, Oshakati/Ongwediva

*I don't think the minimum salary for a domestic worker should be stipulated in the Labour Act.*

Employer, Outjo

#### 4.4.2 Payment in kind

Generally, domestic workers do not receive goods as payment in kind. This question was asked in order to ascertain whether domestic workers who receive low wages were being compensated in part by the receipt of other items of value. However, the data indicates that the low wages are rarely supplemented by food or other items.

The following table shows the percentage of respondents in the LAC/SSD survey who receive goods on a regular basis from their employers, as well as the types of goods they are likely to receive.

Domestic workers from the Karas region are twice as likely to receive payments in kind as domestic workers in the Khomas region. In the Oshana region, domestic workers are least likely to receive payment in kind. The reasons for this difference could not be satisfactorily explained; for example, it could not be correlated with the incidence of live-in workers which was about the same for the Khomas and Karas regions, and highest in the Oshana region (see Table 36 at page 107 above.) The particularly low incidence of payment in kind in the Oshana region may stem from the ambiguous position of those domestic workers who are distant relatives. As one respondent from the region explained, "You live in the home and are treated just like a member of the family. Because you are single, in our tradition you are not allowed to have a kitchen of your own, so you have to eat from the main house kitchen." This sort of arrangement may prevent shared household resources from being perceived by either employer or employee as "payment in kind".

**Table 45: PAYMENTS IN KIND BY REGION**

Item received	% Karas	% Khomas	% Oshana	Total %
Meat	32,2	21,6	10,9	21,7
Sugar	20,3	10,3	1,8	10,9
Maize meal	18,6	8,6	5,5	10,4
Coffee	16,9	6,9	0	7,8
Tinned food	11,9	2,6	0	4,3
Milk	8,5	2,6	0	3,5
Eggs	3,4	1,7	1,8	2,2
Candles	3,4	1,7	0	1,7
Other	15,3	18,1	7,3	14,8

SOURCE: 1995 LAC/SSD survey

A more common form of transfer of goods is sporadic gifts from the employer to the domestic worker. More than half of those interviewed received some goods from their employers at irregular intervals. These "gifts" consisted mainly of clothes and household goods. Adult

clothing was the most common item received, followed by children's clothes. Most clothes given by employers were secondhand, although in a few cases new clothes are also received. Household goods such as crockery and cutlery are also given to domestic workers. It appears that the motivation for such gifts is simply that the employer has items to dispose of, so they go to the domestic worker instead of into the dustbin. As in the case of more regular payments in kind, domestic workers from the Karas region are the most frequent recipients of gifts, followed by those of the Khomas region and lastly those from Oshana. Since these sporadic gifts are irregular, they cannot be regarded as part of the pay package received by the domestic worker, or even as a reliable job benefit.

Some employers cover certain expenses for domestic workers. The most common expenses paid by employers are electricity and water bills (32%) transport (27%) and rent (20%). Other, less regular, payments cited by informants are medical bills (12%) and school fees (6%) with 5% receiving payment for other expenses.

In the case of live-in domestic workers, it might be argued that their rent, and water and electricity costs are indirectly covered by the employer who provides these as part of the accommodation on the property. However, if the domestic worker who lives on the employer's premises maintains another household elsewhere for other family members, as is sometimes the case, these expenditures do not produce a corresponding saving for the domestic worker.

The payments for electricity, water and rent are potentially more important income supplements than the more traditional forms of payment-in-kind. These kinds of cash transfers affect only a minority of the workers in the survey, but the percentages are nevertheless significant ones. The present survey did not collect information about the value of these transfers, but it is possible that these regular payments make a material difference in the disposable income of the domestic workers in question, as they would free up cash from the employee's meagre wages for other expenditures.

#### *4.4.3 Annual bonus*

Just over one-third of domestic workers surveyed reported receiving an annual bonus. Those who did get a bonus noted that it was often very small -- much less than their monthly salary. It is usually just a token sum given by the employer and it is not "scaled" according to the salary of the domestic worker; the amount is rather arbitrarily decided on by the employer. For this reason, the actual amount received by the domestic worker might vary from year to year; moreover, domestic workers seldom know how much they will receive beforehand.

Domestic workers in the Karas region were almost three times as likely, and those in the Khomas region almost five times as likely, to receive an annual bonus as those in the Oshana region.

There is no legal obligation on employers to provide an annual bonus. This is a discretionary work benefit.

Table 46: WORKERS RECEIVING AN ANNUAL BONUS BY REGION

	% Karas (n=53)	% Khomas (n=113)	% Oshana (n=55)	Total % (n=221)
Yes	30,2	49,6	10,9	35,3
No	32,1	18,6	43,6	28,1
Don't know	37,7	31,9	45,5	36,7

SOURCE: 1995 LAC/SSD survey

#### 4.4.4 Annual salary increase

The situation with regard to annual salary increases is similar to that of annual bonuses. Just over one-third of respondents (34%) receive an increase while 30% do not, and 35% do not know if they will receive an increase. Apparently this aspect of the employment relationship is not discussed and agreed upon at the commencement of employment. The employer alone decides if, and how much, the domestic worker will receive in terms of an annual salary increase. Employers do not appear to use the annual inflation rate as a guide, meaning that increases which are given are often much lower than the rise in the cost of living.

Surprisingly, domestic workers in the Oshana region, who are typically behind those in other regions in terms of job rights and benefits, are the most likely to receive an annual salary increase.

Table 47: WORKERS RECEIVING AN ANNUAL SALARY INCREASE BY REGION

	% Karas (n=52)	% Khomas (n=112)	% Oshana (n=55)	Total % (n=219)
Yes	26,9	33,0	43,6	34,2
No	30,8	33,0	27,3	31,1
Don't know	42,3	33,9	29,1	34,7

SOURCE: 1995 LAC/SSD survey

As in the case of annual bonuses, there is no legal obligation to provide annual salary increases. However, because the cost of living rises every year, failure to give an annual increase has the effect of *reducing* the domestic worker's wages in terms of actual spending value. Qualitative discussions suggested that gardeners in particular are unlikely to receive regular salary increases.

An increased use of written contracts in the domestic work sector might provide a platform for negotiation around the question of annual increases.

*The state employees get an increase every year but nothing happens with us.*

Domestic worker, Windhoek

*We are underpaid. I never got an increase for 15 years working as a domestic worker.*

Domestic worker, Oshakati

*Every time there is an additional task, then I give her a raise.*

Employer, Windhoek

#### 4.4.5 Medical aid and pension benefits

Predictably, very few domestic workers receive medical aid benefits (5%) or pension benefits (4%). Viewed in the light of the low wages that domestic workers receive, this situation must be regarded as serious. Domestic workers simply do not earn enough to save money for sudden personal or family illness; neither do they have enough to secure a livelihood for their old age.

This problem should be alleviated by the forthcoming introduction of mandatory state medical aid and pension schemes under the Social Security Act. However, as discussed above at page 58, the present definition of "employee" as someone who works for the same employer for more than two days a week will have the effect of excluding some domestic workers from the new schemes. In addition, it is likely that a significant proportion of employers will evade compliance with the schemes by failing to register their domestic workers.

*We are aware that any employee needs things like benefits, medical aid, etc., but in this case I employed a domestic so that we can help each other out. We cannot afford to provide all these benefits.*

Employer, Windhoek

#### 4.5 Leave

The Labour Act sets forth minimum standards for annual leave, sick leave and maternity leave. However, the observance of these standards in the domestic work sector is highly variable. A significant factor in this variability appears to be the informal relations between domestic workers and their employers. In these relations, the power to decide on what kind of leave to give is usually in the hands of the employer in practice. This leaves domestic workers in a confusing and disadvantageous position, as they do not know from day to day or month to month their terms of employment and are often unaware of their legal rights.

##### 4.5.1 Annual leave

*Every employee is entitled to 24 consecutive days of leave at full pay for every 12 consecutive months of employment.*

Labour Act, section 39

The survey indicates that annual leave is taken by over half of the domestic workers in the sample group; some have paid leave, while others take unpaid leave. Many respondents were unsure if they would get annual leave, whether paid or unpaid. The informality of the relationship between the employer and the employee contributes to this uncertainty. Domestic workers who are in their first year of employment with an employer, do not know what the employer is likely to do or say if the worker asks for annual leave. Similarly, domestic workers who have worked for the same employer for more than a year do not know if they will be granted leave in that particular year. This lack of basic information about their

conditions of employment is a serious problem which leaves many domestic workers feeling vulnerable and at the mercy of their employers.

Half of the survey respondents in the Khomas region receive paid annual leave, compared to 36% in the other two regions. This pattern recurs for many rights and benefits. In the Khomas region, the overwhelming majority of domestic workers are in Windhoek, and they may benefit from proximity to services that provide them with knowledge about their rights, as well as services which help them to assert these rights. It should also be noted in this regard that more NDAWU members are from Windhoek than from other locations. In contrast, domestic workers from other regions are employed in conditions where their ability to claim rights under the Labour Act is more restricted.

There is not much variation across regions in the number of annual leave days that domestic workers receive -- most have between 18 and 21 days per year. However, the range of responses indicates the high degree of variability in the sector -- the number of days of leave reported varied from a low of 1 day per year to a high of 60 days per year.

When comparing the responses in the survey to the requirements of the Labour Act, it is important to remember that the Act refers to 24 *consecutive* days, not working days. The responses given in the survey are probably expressed as working days, meaning that the amount of leave given to most domestic workers is in line with the Labour Act. This is generally due to coincidence rather than compliance, however, as most employers seem to grant leave when they themselves will be on leave and will not require the services of the domestic worker.

The more prevalent problem seem to be the high number of domestic workers who are given *unpaid* leave, in clear violation of the Act. More than 18% of all respondents stated that they did not receive any paid leave, while another 38% did not know if they would be allowed paid leave.

**Table 48: WORKERS GIVEN PAID ANNUAL LEAVE BY REGION**

	% Karas	% Khomas	% Oshana	Total %
Yes	37	51	36	44
No	17	17	22	19
Don't Know	46	32	42	38

SOURCE: 1995 LAC/SSD survey

**Table 49: DAYS OF ANNUAL LEAVE GIVEN BY REGION**

	NUMBER OF DAYS INDICATED			
	# Karas	# Khomas	# Oshana	Total #
#	20	58	25	103
Mean	19,2	18,5	20,8	19,2
Median	17,5	16,5	21,0	20,0
Minimum	3,0	1,0	4,0	1,0
Maximum	60,0	60,0	30,0	60,0

SOURCE: 1995 LAC/SSD survey

There is obviously an urgent need to increase awareness on the part of both employers and employees on workers' rights concerning annual leave.

*We only get leave in December, a day or two, or a week or two. That's not leave. If the employer want to go to Swakop or Henties just to relax, they get away. If they go away you have to look after the house -- like a security guard.*

Domestic worker, Windhoek

*If the boss goes on holiday during December, they expect me to look after the house the whole period of the festive season.*

Domestic worker

*I do not have a life of my own since I started doing domestic work. I cannot decide what I will do tomorrow. Everything I do must suit my employer. I don't get leave, except when I have to go to a funeral of a relative.*

Domestic worker

*It is up to the workers to indicate when and for how long they want to go on leave because this leave is unpaid.*

Employer, Oshakati/Ongwediva

*Domestic workers should be allowed to decide when they want to take their leave. If the employer needs her at that particular time, then the employer should look for a substitute -- which could be dangerous if you cannot trust that person.*

Employer, Windhoek

*In some other countries domestic workers are contracted from agencies and if anything goes missing in your house you can sue the agency because they have insurance. I think we need an agency like that here because when my employee goes on leave I need a replacement who is reliable.*

Employer, Windhoek

#### 4.5.2 Sick leave

*Every employee who works five days a week or less is entitled to 30 days of sick leave at full pay for every 36 consecutive months of employment.*

*Every employee who works more than five days a week is entitled to 36 days of sick leave at full pay for every 36 consecutive months of employment.*

Labour Act, section 40

Fifty percent of domestic workers have paid sick leave, while 11% stated that they receive unpaid sick leave. As in many cases regarding rights under the Labour Act, a high percentage of respondents were not aware of what to expect because the situation had not yet arisen and they do not know what their employer will allow. Despite the provisions of the Labour Act, in practice the prerogative for giving sick leave is in the hands of the employer, with little scope for negotiation between the two parties concerned.

The proportion of domestic workers in the Karas region who have paid sick leave is higher than the corresponding proportions in the other two regions. A possible explanation for the difference between the Karas and Khomas regions is the fact that more domestic workers in the Khomas region work for multiple employers and are paid a "daily rate". On days when they are sick and do not go to work for a particular employer, they are simply not paid for that day. Thus, they do not receive any paid sick leave. This practice contravenes the Labour Act, which does not make any distinction between "casual", part-time or full-time employees. Any person who does work for another under any arrangement is entitled to the rights provided by the law.

Domestic workers in the Oshana region are the least likely to have paid sick leave. As in the case of many other rights, the lower incidence of observance in the Oshana region probably reflects the high incidence of familial relationships in the domestic work sector in that area.

**Table 50: WORKERS GIVEN PAID SICK LEAVE BY REGION**

Paid leave	% Karas	% Khomas	% Oshana	Total %
Yes	58	51	44	51
No	15	12	18	15
Don't Know	27	37	38	35

SOURCE: 1995 LAC/SSD survey

The fact that half of the domestic workers in the survey sample are given paid sick leave cannot automatically be interpreted to mean that the Labour Act has been particularly influential on this point. Sick leave may well be, at least in part, a manifestation of the historically paternalistic attitude of employers toward their domestic workers: they may feel that they need to "take care" of their workers. For example, the higher incidence of paid sick leave in Karas may reflect the attitude prevalent in that region that a domestic worker is "part of the family". In this vein, sick leave is often treated in an "as is needed" manner. In other words, the number of days of sick leave is not formally agreed to, but is rather determined by circumstances. The employer may allow the worker to take time off when sick, up to the point that the employer considers to be reasonable.

*If my employer gets sick with just a cold, she gets booked off work for two weeks. If I get sick, I just have to continue working.*

Domestic worker, Windhoek

*If they are sick for two weeks then I normally deduct these days from their annual leave.*

Employer, Outjo

*If I've been to the hospital and they said to make a doctor's appointment, I do so, then I tell my employer about it. She'll ask if it's really necessary and volunteer to pick up something from the chemist. I'll tell her the hospital said I must see the doctor, and then she gets cross and wants to know who will feed her child.*

Domestic worker, Windhoek

*The number of days of sick leave should be determined by the doctor.*

Employer, Oshakati/Ongwediva

### 4.5.3 Maternity leave

*Female employees who have completed at least 12 months' continuous service with a particular employer are entitled to 12 weeks of maternity leave.*

Labour Act, section 41

*The employer does not have a legal obligation to pay the employee during maternity leave. However, employers are obliged to register all employees who work for them for more than two days each week under the Social Security Act. Members of the state social security scheme will receive 80% of their normal wages during maternity leave, up to a maximum wage of N\$3 000/month. These benefits are paid from a state fund financed by employer and employee contributions.*

Social Security Act and regulations

Only a very small minority of respondents receive any kind of maternity leave. Only 6% of respondents have paid leave, while an additional 9% reported having unpaid maternity leave. The majority do not know what they will "qualify" for should they become pregnant. Again, this is indicative of the limited awareness of rights among domestic workers and the fact that they do not generally agree to the various terms of employment at the commencement of the job. Of those who do have paid maternity leave, the highest percentage (9%) are from the Khomas region, 3% are from Karas and 2% are from Oshana. The fact that many domestic workers in the Oshana are young girls who are recent school-leavers indicates that the issue of maternity leave may not yet have arisen in many domestic work situations in that area.

It must be emphasised, however, that the Social Security Act which provides for maternity benefits during the maternity leave period was not yet operational at the time of the survey. Thus, employers who were granting paid leave at the time of the survey were going beyond the existing legal requirements.

**Table 51: WORKERS GIVEN PAID MATERNITY LEAVE BY REGION**

	% Karas	% Khomas	% Oshana	Total %
Paid leave	3	9	2	6
Unpaid leave	7	10	8	9
Don't Know	37	57	76	56

SOURCE: 1995 LAC/SSD survey

NOTE: The remainder of the respondents stated that maternity leave was "not applicable".

The fact that so few domestic workers are given any maternity leave must be considered against the background that most domestic workers are women in the reproductive age group. Of course, it must also be noted that the issue of maternity leave is not applicable to some domestic workers, including men, women who are past childbearing age, or women who have decided not to have any more children.

*My employee just gave birth to her sixth child. I gave her three months' paid leave. She is replaced by her sister whom I also have to pay. Meaning that I have to pay double. I would prefer to have somebody who is past childbearing age so that I do not need to sit with this problem.*

Employer, Windhoek

*Three months is too long for domestic workers to be on leave. Is it not possible for them to bring their babies to work?*

Employer, Windhoek

#### 4.5.4 Compassionate leave

Compassionate leave is generally taken for sickness and/or deaths in the family. As such, it is not agreed to at the start of employment, but is rather granted if and when the need arises. There is no legal entitlement to compassionate leave.

Survey respondents suggested that the majority of domestic workers (61%) are granted time off for compassionate reasons. It was not clear whether or not such leave is paid. As in the case of sick leave, domestic workers in the Karas region were the most likely to be granted compassionate leave, with those in the Oshana region the least likely to receive this benefit.

**Table 52: WORKERS GIVEN COMPASSIONATE LEAVE BY REGION**

Leave given	% Karas	% Khomas	% Oshana	Total %
Yes	84,5	62,4	29,4	60,6
No	5,2	7,3	3,9	6,0
Don't Know	10,3	30,3	66,7	33,5

SOURCE: 1995 LAC/SSD survey

While this must obviously be regarded in a positive light, the informal and *ad hoc* nature of the arrangements are once again indicative of the loose and paternalistic nature of the employment relationship, which in some instances is actually detrimental to the rights of the employee.

*I stayed off work for four days because my five-year-old was admitted to hospital. She got another women in my place for N\$100. At the end of the month she refused to pay me my whole salary and said that if I'm not happy I can go look for another job.*

Domestic worker, Windhoek

#### 4.5.5 Substitute workers

Many employers seem reluctant to comply with the requirements concerning the various types of leave because of the expense and difficulty of employing reliable and trustworthy replacements. This indicates, ironically, that despite the low-paid status of domestic workers, they are often considered to be indispensable to the functioning of the employer's household. It also suggests that one method for obtaining a higher level of voluntary compliance with the

provisions of the Labour Act might be the establishment of an agency which could screen replacement workers. Such a move might also provide more regular employment for those domestic workers who presently find occasional employment as substitute workers.

#### 4.6 Bringing children to work

Domestic workers with children were asked if they were allowed to bring their children to work with them. Just over half (52,4%) said yes, with employers in the Karas region being the most permissive on this point.

Table 53: WORKERS ALLOWED TO BRING YOUNG CHILDREN TO WORK BY REGION

Allowed	% Karas	% Khomas	% Oshana	Total %
Yes	68,3	43,1	14,5	42,9
No	10,0	34,5	45,5	30,7
Not applicable	15,0	16,4	34,5	20,3
Don't Know	6,7	6,0	5,5	6,1
Total	100	100	100	100

SOURCE: 1995 LAC/SSD survey

Where employees may bring their children along to work, this may allow them to save on child-care costs. In the case of young children, it may also allow for longer breastfeeding which is healthier for the child and cost-saving for the mother. However, as discussed in section 7.8.2 below, domestic workers seldom exercise the option of bringing their children to work with them as many feel that this hampers their work.

#### 4.7 Health and safety

The health and safety provisions of the 1992 Labour Act have not yet come into force, although new health and safety regulations were being drafted at the time this report was written.

The present study did not focus on health and safety issues, but the field workers encountered more than one situation where domestic workers were locked into the employer's premises -- either locked into the house or locked inside the security fence surrounding the house. Many domestic workers were also strictly forbidden to use the employer's telephone, under threat of dismissal if they did so, and in some cases the telephones were locked so that it was impossible for the domestic worker to make any outgoing calls.

This kind of behaviour poses a serious threat to the domestic worker's safety. A domestic worker in such circumstances who suffered a serious cut or burn, or a sudden illness or crisis, would be unable to call for help. Ironically, cutting domestic workers off from the outside world also threatens the employer's own property -- a domestic worker locked inside a house with a locked telephone would be unable to call for assistance should the house catch on fire, for example. Depriving domestic workers of access to emergency numbers is wholly unnecessary, as telephones can be locked in a manner which allows for such numbers to remain available.

The forthcoming health and safety regulations should keep in mind the particular kinds of problems which may be encountered by domestic workers in isolated work situations.

*You are left alone to look after the house. What if somebody breaks in and I get killed? Their telephones are even locked -- you cannot even get in touch with the police.*

Domestic worker

#### 4.8 Contracts

As the above discussion makes clear, domestic workers are at an extreme disadvantage with regard to normal employment rights and benefits. Much of what the rest of the working population takes for granted is dependent upon the whim of the employer in the domestic work sector, as in the similarly vulnerable farm worker sector. This situation could be ameliorated if there was a greater use of contracts between domestic workers and their employers. Unfortunately, the survey data confirm the widely held perception that domestic workers do not sign contracts with their employers. Only 3% of respondents had a signed contract. The high percentage of domestic workers without contracts indicates that many domestic workers are not fully aware of their rights and benefits, and reflects the precariousness of employment in the sector. In addition, the fact that many domestic workers lack skills and education in a very tight job market makes those who get a domestic work job much less likely to insist upon a contract out of fear that this will either cause them to lose, or to be denied, employment.

*We think it is better to do without a contract because even if we have to sign a contract the employee won't really know what it is all about, even if you have explained the contract to them.*

Employer, Keetmanshoop

*Without a contract we are easily abused by our employers as they can compel us to do unpaid overtime jobs.*

Domestic worker, Oshakati

*The contract is an important document for both the employer and the employee when a dispute arises. How detailed does it need to be?*

Employer, Oshakati/Ongwediva

*We are helpless people. Without a contract you are lost. One can make a case if you have some proof.*

Domestic worker, Keetmanshoop

*I would prefer not to sign a contract because it might tie me down on things I never wanted to commit myself to.*

Employer, Windhoek

The low incidence of contracts is particularly disappointing in light of the fact that NDAWU has made a particular effort to popularise the use of written contracts and has a model contract which it makes available to anyone who is interested. (See the discussion of this initiative in Part 2 at page 67.)

#### 4.9 Employer-provided housing

*If an employee is required to live in accommodation at the place of employment, the employer is required to provide housing, sanitation and water which is sufficient to meet the "reasonable requirements" of the employee.*

Labour Act, section 38

Minimum standards for employee housing are set forth by the Labour Act. Employees of farm workers are required to provide sufficient housing, sanitation and water for the needs of the farm worker and his or her dependants, but there is no analogous requirement for domestic workers. Thus, while farm workers have an implicit right to bring their dependants to reside with them, this is not the case with domestic workers.

Table 54: TYPE OF LIVE-IN HOUSING BY REGION

	% Karas (n=13)	% Khomas (n=27)
Brick house	85	89
Informal housing	15	4
Traditional hut	0	7
Total	100	100

SOURCE: 1995 LAC/SSD survey

**NOTE:**

- The responses for the Oshana region are excluded because they are misleading. Workers in this region typically answered the survey question with reference to their home of origin -- a traditional hut. But field workers observed that most live-in workers in the Oshana region resided in rooms in a cement house.
- Some percentages total more than 100 because of rounding.

Facilities for water, sanitation and energy depended upon the type of housing, with workers in brick houses being most likely to have piped water indoors, flush toilets and electricity. However, surprisingly, although most live-in workers in Windhoek (89%) and Keetmanshoop (85%) are accommodated in brick houses, only 63% and 31% respectively had access only to piped water indoors.

The regional variations make it difficult to assess compliance with the Labour Act on accommodation standards, as the kind of facilities which are "reasonable" depends in part on comparison against prevailing standards -- including the living standard of the employer's household and the domestic worker's previous home. Live-in workers actually enjoy more amenities than commuting workers who often reside in nearby townships. However, the research team did hear of some cases of substandard housing. Several domestic workers resided in tin

shacks on their employer's property. Some workers in Oshana complained that they had to share a room or that they lacked adequate space. One woman in Oshana reported that she had to sleep with her employer's child. Many live-in employees reported that they appreciated their accommodation because of the general security of housing, but complained about restrictions on visitors and being "on duty" around the clock.

**Table 55: INFRASTRUCTURE BY TYPE OF HOUSING**

	% Brick House (# houses = 38)	% Informal Housing (# houses = 3)	% Traditional Hut (# houses = 39)	Total % (# houses = 80)
<b>Water</b>				
Piped water indoors	61	0	0	29
Piped water in the yard	47	100	8	30
Public pipe	8	33	59	34
<b>Sanitation</b>				
Flush toilet	79	100	0	38
Latrine	3	67	28	18
<b>Energy</b>				
Electricity	79	0	0	38
Gas/paraffin	13	33	69	41
Candles	16	100	90	55
Firewood	26	67	100	55
Rubbish disposal	58	0	33	44
Total houses	-	-	-	-

SOURCE: 1995 LAC/SSD survey

**NOTE:** Respondents could name more than one facility. It must be remembered that survey respondents in Oshana tended to give information on their home of origin rather than their accommodation at work.

**Table 56: INFRASTRUCTURE BY REGION**

	% Karas (# houses = 13)	% Khomas (# houses = 27)	% Oshana (# houses = 45)	Total % (# houses = 85)
<b>Water</b>				
Piped water indoors	31	63	4	29
Piped water in the yard	54	44	11	30
Public pipe	8	19	49	34
<b>Sanitation</b>				
Flush toilet	69	74	2	38
Latrine	0	15	22	18
<b>Energy</b>				
Electricity	77	70	2	38
Gas/paraffin	23	11	60	41
Candles	15	22	80	55
Firewood	15	33	89	55
Rubbish disposal	61	48	31	44
Total houses*	-	-	-	-

SOURCE: 1995 LAC/SSD survey

**NOTE:** Respondents could name more than one facility. It must be remembered that survey respondents in Oshana tended to give information on their home of origin rather than their accommodation at work.

#### 4.10 Regional comparisons

With respect to most terms and conditions of employment -- including overtime pay, paid public holidays, compensation for Sunday work and paid leave -- domestic workers in the Oshana region are generally worse off than workers in the Karas and Khomas regions. Domestic workers in the Oshana region also reported the lowest wages. The differences between Oshana and the other two regions is probably partly attributable to the familial relationships which are typical of the domestic work sector in the region. They may also stem in part from the fact that there is a comparatively short history of domestic work in Oshana.

The fact that domestic workers in the Karas region consistently occupy a slightly more favourable position than workers in the Khomas region with regard to certain rights and benefits -- particularly the supplementation of wages with payment in kind and the incidence of paid sick leave and compassionate leave -- is more difficult to explain, but may relate to local norms which pre-date the Labour Act.

The relative advantage of Khomas residents over Oshana residents on most issues, and over Karas residents on certain points such as paid public holidays and paid annual leave, may be connected to the fact that Khomas residents are more likely to have easy access to organisations such as NDAWU which can provide them with information about their rights and with assistance in asserting those rights.

### 5. KNOWLEDGE AND AWARENESS OF RIGHTS

#### 5.1 Knowledge and understanding of Labour Act

Knowledge of the Labour Act is very limited among the survey respondents. Only 23% were aware of the Act at all, and only 12% of those had an understanding of the rights contained in the Act.<sup>20</sup>

Table 57: KNOWLEDGE AND AWARENESS OF RIGHTS: LABOUR ACT

	% Karas	% Khomas	% Oshana	Total %
Aware of Labour Act	27	13	38	23
Aware of rights in Act	22	7	13	12
Satisfied with Act	22	7	11	12

SOURCE: 1995 LAC/SSD survey

This lack of knowledge places the domestic worker at a serious disadvantage, given the informality of the employment relationship, the lack of written contracts and the high number of job seekers relative to the number of positions available -- all of which combine to give employers an inordinate amount of power over their domestic workers. This lack of awareness is

<sup>20</sup> Respondents were not asked about the Social Security Act which had been passed by Parliament but had not come into operation at the time of the survey. The Social Security Act did feature in some of the subsequent focus group discussions, however.

also particularly serious in light of the difficulties experienced by the government in enforcing the Labour Act in the domestic work sector. (See the discussion of this issue at page 52 in Part 2.)

The domestic work sector should be targeted for an intense educational campaign around the key provisions of the Labour Act.

**Educational materials for domestic workers and their employers were prepared  
in conjunction with this report and are obtainable free of charge from the  
Legal Assistance Centre**

✉ 4 Körner Street Windhoek ✉ P.O. Box 604 Windhoek Namibia  
☎ (061) 223356 📠 234953 📧 lac@iwwn.com.na

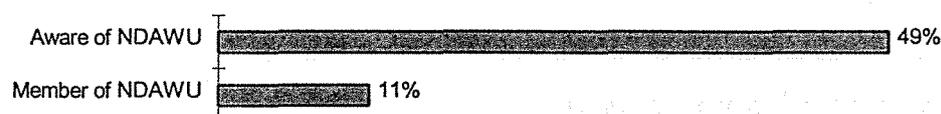
## 5.2 Awareness and perceptions of NDAWU

Almost half of the survey respondents were aware of the existence of NDAWU. Most of the domestic workers who knew of the trade union were most likely to have heard of it from a friend or relative (44%). In the Oshana region, most had heard of it through the radio or newspaper -- suggesting that these channels could be utilised for further information and education, and pointing to the lack of NDAWU representation in the area. Among the survey respondents, union representatives had been most influential in the Karas region.

**Table 58: KNOWLEDGE AND AWARENESS OF RIGHTS: NDAWU**

	% Karas	% Khomas	% Oshana	Total %
Aware of NDAWU	62	50	33	49
Member of NDAWU	17	10	7	11

SOURCE: 1995 LAC/SSD survey



**Table 59: MEANS OF ACQUIRING KNOWLEDGE ABOUT NDAWU BY REGION**

	% Karas (n=43)	% Khomas (n=62)	% Oshana (n=21)	Total % (n=126)
Friend/relative	51,2	48,4	19,0	44,4
Radio/newspaper	16,3	40,3	71,4	37,3
Union representative	16,3	8,1	9,5	11,1
Employer	0	3,2	0	1,6
Other	16,3	0	0	5,6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE: Respondents could name more than one method.

About 11% of the survey respondents reported that they were NDAWU members, with most of these being motivated to join the union by the conviction that it will assist them with problems and fight for their rights. A large number of respondents who had heard of the union lacked information on how to join it, or were unaware of its purposes.

The NDAWU membership figures support the survey results. NDAWU estimated its membership to total some 5 000 at the end of 1995, about 2 600 of which could be confirmed through membership forms. As there were probably some 25 000 domestic workers in Namibia at that date,<sup>21</sup> and keeping in mind the fact that the NDAWU membership includes some employees in commercial enterprises, NDAWU is reaching some 10-20% of the domestic work sector at best.

Thus, it appears that NDAWU has not been very successful in reaching domestic workers. The sector is inherently difficult to organise because of its atomised nature. Some of the other obstacles to effective trade union organising have been discussed above at page 61. Nevertheless, there appears to be much scope for greater dissemination of information about trade unions and their functions.

### 5.3 The vulnerability of the sector

When domestic workers' limited knowledge of the Labour Act is considered together with the limited impact of NDAWU, it is hardly surprising that few domestic workers insist upon observance of their legal rights. The situation is exacerbated by the fact that employers of domestic workers are equally ignorant of their legal responsibilities. Moreover, the traditional domestic work relationship in Namibia has been at best paternalistic and at worst exploitative. This combination of factors confirms the widespread perception that domestic workers are a particularly vulnerable group which must be targeted for special assistance.

It is imperative that domestic workers receive more information about the laws which affect them, and that the government creatively explore mechanisms for more effective enforcement of the Labour Act in this sphere.

*Some changes take place only if you complain.*

Domestic worker, Windhoek

*We are not aware of NDAWU, not at all. We would like hearing a lot about this organisation.*

Domestic worker, Okakarara

*We want to know more about the working hours, salaries and all the benefits which we are entitled to.*

Domestic worker, Okakarara

<sup>21</sup> As discussed above, the 1993/94 NHIES counted 21 808 domestic workers in Namibia, but the definition utilised by this survey probably excluded a significant number of employees of private households. The 1991 census, which used a broader definition but did not include Namibia's second largest city of Walvis Bay, produced a larger count of 24 354 employees in private households.

## 6. EMPLOYERS

The LAC/SSD survey attempted to balance the views of domestic workers by measuring the attitudes and perceptions of those who employ them. As noted above in the section on research methodology, both semi-structured interviews and a few group discussions were used for this purpose. Group discussions proved especially difficult, however, as employers either failed to attend these meetings or would cancel at the last minute. A possible reason for this reticence is that employers felt threatened by the topic. For example, some employers expressed the fear that they might get into trouble with the authorities, and that it would be better for them to keep quiet about their domestic workers -- indicating that at least some employers are aware that they are not complying with the Labour Act. Other employers were of the opinion that research is "a waste of valuable time, as nothing ever gets done with the results."

### 6.1 Size of households

The LAC/SSD survey found that most of the households where domestic workers were employed (87,3%) consisted of three or more individuals, with a significant proportion (46%) consisting of five or more individuals. Obviously, the more people living in a household, the greater the tasks that must be done and the greater the need for a domestic worker. It may also be the case that larger employer households are likely to have more than one source of income and thus may be better able to afford the cost of a domestic worker's salary. However it should be kept in mind that larger households may mean more arduous chores for domestic workers, who are not always compensated accordingly.

Table 60: SIZE OF EMPLOYER HOUSEHOLDS BY REGION

# Respondents	% Karas (n=60)	% Khomas (n=115)	% Oshana (n=53)	Total % (n=228)
1 - 2	20,0	13,0	3,8	12,7
3 - 4	43,3	49,6	22,6	41,7
5 - 6	25,0	24,3	39,6	28,1
7+	11,7	13,0	34,0	17,5

SOURCE: 1995 LAC/SSD survey

### 6.2 Language

Table 60 below provides a comparison of the main language spoken in the employer's household with the language of communication used between employer and domestic worker.

Afrikaans is the language used most often as the means of communication between employer and domestic worker, being the means of instruction in 64,5% of the employer households in the survey. Two factors explain this:

- 1) A majority of the households in the LAC/SSD survey (53,2%) use Afrikaans as the main language of communication in the home.

- 2) Because of the pre-independence education system and language policies, most domestic workers, particularly those in the central and southern regions, are able to speak and understand some Afrikaans.

**Table 61: LANGUAGE IN EMPLOYER'S HOUSEHOLD**

(n=231)	% Main Language Spoken in Employer's Household	% Language of Communication: Worker-Employer
English	8,2	2,6
Afrikaans	53,2	64,5
German	7,4	-
Oshiwambo	23,4	25,1
Otjiherero	0,9	2,2
Nama/Damara	5,2	4,8
Lozi	0,4	-
Other	1,3	0,9
<b>Total</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

The next most common language of communication between employers and domestic workers in the survey was Oshiwambo, which is used in 25,1% of the households surveyed. This figure corresponds closely with the number of survey households which use Oshiwambo as the main language of communication.

English is spoken in 8,2% of employer households, but it is used as the language of communication with the domestic worker in only 2,6% of households. Field workers noted that English is used as the language of communication with domestic workers primarily by expatriates who are unable to communicate in Afrikaans.

Nama/Damara appears to be used as the language of instruction only in households where it is the main language spoken, while a few employers give instructions in Otjiherero even though it is not the main language of the household.

### 6.3 Education level and profession of employer

The majority of the employers in the LAC/SSD survey had received some form of tertiary education. Only two employers in the south did not have Grade 12, and both were pensioners. Most of the employer respondents in the north and the south were teachers by profession, while the professions in the central region covered a wide spectrum. The interviews with employers underscored a significant change in the characteristics of employers. Employers are no longer Afrikaans- or German-speaking housewives. A growing number are professional women, particularly civil servants. As highlighted at the consultative workshop on the draft report in August 1996, having a domestic worker to assume domestic responsibilities such as child care enables many women to enter and stay in the workforce. This situation was particularly prevalent in Oshakati, where the majority of employers were teachers or nurses. If a woman who employed

a domestic worker was at home, she was likely to have a profession, such as dressmaking or bookkeeping, which could be practised from home.

Evidence in a recent labour survey suggests that women dominate lower income brackets. For example, data from the Public Service Commission shows that women comprise 40% of all public service employees. Over three quarters of female civil servants earn an annual income of less than N\$20 000. The limited income that female civil servants command in comparison to women in other professions or women in households with multiple sources of income could potentially compromise their ability to pay their domestic workers adequate wages. The gender inequality in the labour market could indeed perpetuate the exploitation of women by other women.

If a woman who employed a domestic worker was at home, she was likely to have a profession, such as dressmaking or bookkeeping, which could be practised from home.

The high level of education among employers did not correspond with awareness and knowledge of NDAWU, the Labour Act, and the Social Security Act. The number of employers who knew about either the laws or the trade union relevant to the sector was very low.

## **6.4 The employment relationship**

### *6.4.1 Background to the employment relationship*

Most employers who were interviewed predictably stated that they employ domestic workers to assist with household tasks. Some employers also noted that having a domestic worker was a form of job creation. One Afrikaans-speaking woman said that she employed domestic workers because it is part of her culture; she explained that she grew up surrounded by domestic workers and thus feels comfortable with them in her house. She also spoke of her interest in the life and background of her domestic worker.

Most employers stated that they recruit through word of mouth and not through the media. This comports with the findings of the domestic worker interviews.

Most of the employers interviewed had no special preference for employees of a specific ethnic group. Those who did employed child-minders and wanted their children to be able to communicate with the domestic worker. An exception was one employer in Walvis Bay who said that she preferred to employ Oshiwambo-speaking males as domestic workers as they are "proud and hardworking people".

According to employers, the average length of time a particular domestic worker stays on the job is between one and two years, although a few had employed the same domestic worker for five years or more. The most common reasons for dismissal are theft, or the domestic worker's alcohol problem. Employers also claimed that there is a tendency for domestic workers who are pregnant to depart for their maternity leave and then never return.

*Why do domestic workers steal?*

Employer, Oshakati/Ongwediva

*One problem with giving notice is that she starts stealing your property -- small, valuable items.*

Widowed employer

#### 6.4.2 *The problem of informal employment*

A number of Namibian employers expressed the notion that their domestic workers were "part of the family." This attitude reinforces the informal nature of employment in the sector. Employers felt that this attitude humanised the relationship between the domestic worker and the employer. In contrast, domestic workers expressed the concern that it could be a way for employers to avoid their obligations in respect of matters such as paid leave, maternity leave or overtime pay.

Responses from the group discussions and the extended interviews indicate that most employers have some knowledge of the living conditions of their domestic workers. They understand that their employees live in conditions that most of them would find deplorable. But the historical divisions of apartheid have generally meant that residents of the former "white" areas rarely knew much detail about the lives of their fellow citizens living in the former black townships. Certain employers who attended the group discussions expressed embarrassment over the difference in living standards between themselves and their domestic workers, but felt that they were unable to do anything to change this.

A number of employers stated that their own salaries are low, hence they are not able to pay domestic workers much more than what they are paying at present. A common sentiment was that if they as employers did not provide the job and the small remuneration which they are able to afford, their domestic worker might not have any income whatsoever. In the same vein, employers of live-in domestic workers in the north and the south believe that they are helping their domestic workers by providing food and accommodation to persons who would otherwise have no place to stay.

*To be a better employer to my domestic, my employer should pay me more so that I can pay her more.*

Employer, Windhoek

*Many of the people who employ domestic workers are low-paid themselves. They cannot pay a minimum wage of, say, N\$300. At least they are providing employment.*

Employer, Windhoek

Most employers also acknowledged the hardship of the “double shift” faced by many domestic workers who must do household chores at their own homes as well as at their place of employment.

An interesting observation which emerged from the interviews is that expatriate employers tended to have a more formal relationship with their domestic workers. Unlike the Namibian employers, the expatriate employers did not build up any personal relationship with their employees. But the interviews indicated that expatriates tended to pay above-average wages, and to provide paid annual leave and sick leave -- even though there was only one instance in which an expatriate employer had entered into a written contract with a domestic worker. This anecdotal evidence supports the perception of many domestic workers that the more common informal and personal approach to the employment relationship often works to their detriment.

*To be a good employer you need to be flexible.*

Employer, Windhoek

*I want to emphasise the point about ... helping each other out. You will never find my wife or daughter sitting and doing nothing even if we have a domestic worker. They share the household tasks. This employment is not like in the traditional way, because if you come to my house you will never tell there is a domestic worker... We have a very good relationship.*

Employer, Windhoek

*If the husband and the wife have an argument, they either blame me or I become the aim for their frustrations.*

Domestic worker

#### 6.4.3 Instruction-giving

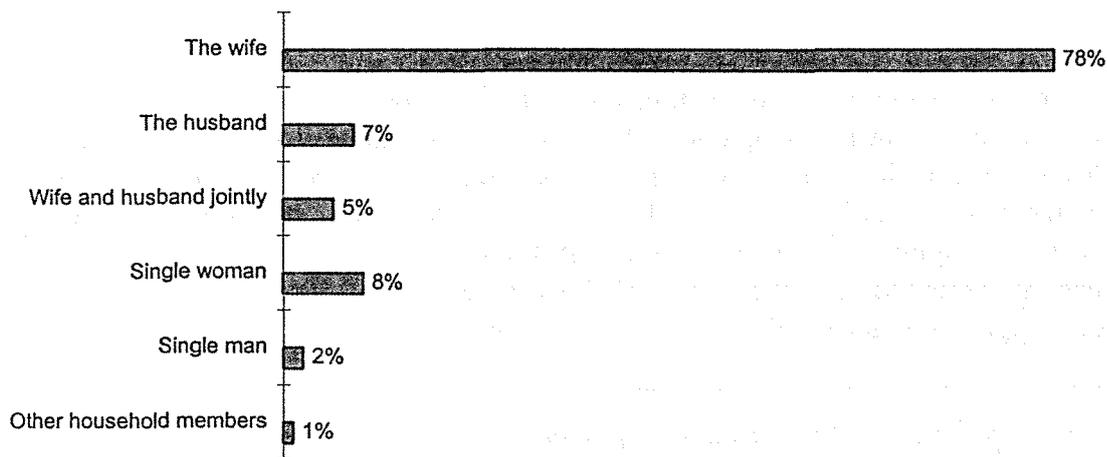
In the vast majority of households in the survey, instructions were given to the domestic worker by a woman, usually a wife. This probably stems from the traditional idea that household matters are primarily women’s responsibility.

Some employers emphasised that it is important for the employer to be clear as to what the domestic worker’s limits are, so that the domestic worker understands what he or she is allowed to do and what is expected on the job. However, not all employers shared this view:

*We do not decide what work she should do. It is automatic. She should know that we need to eat and that is why she has to cook. If the house is dirty, then she should know that she has to clean it.*

Employer, Oshakati/Ongwediva

## INSTRUCTION-GIVER IN EMPLOYER HOUSEHOLDS SURVEYED



SOURCE: 1995 LAC/SSD survey

#### 6.4.4 Family visits and child care

All the employers with live-in domestic workers stated that they did not object to either the domestic worker's family or friends visiting during the employee's free time. Many employers of live-in domestics stated that if necessary young children should be allowed with the mother at work. This tallies with the statements of domestic workers surveyed, where a slight majority of the respondents with children reported that they were allowed by their employers to bring their children to work if they wished. (See the section on "Double workloads and child care strategies" at page 159 below.)

One employer, whose domestic worker lives out, said that she would not allow her employee to bring children to work, as she feels it is not a safe environment for children. Her domestic worker cleans, washes clothes and irons, and having young children around may not only be dangerous to the children, but may also be disruptive and distracting. The woman takes her own children to a crèche, and she feels it is not possible to do child-minding when doing other tasks. Somewhat less thoughtful objections to children accompanying their mothers to work were put forward by a few other employers:

*If you let the babies come to work they will urinate on the carpets and break things in the house. That is why employers will not allow it.*

Employer, Windhoek

*I do not even allow my grandchildren to play in my house. How could I allow my worker to bring her child to mess up my house?*

Employer, Windhoek

#### 6.4.5 Employers' perceptions of domestic workers

A good domestic worker was viewed by employers as someone who is honest, reliable, does her job well, takes initiative in her work and is able to communicate well. Many Namibian employers feel that there should be a type of understanding or friendship between employer and employee. Conversely, employers felt that a bad employee is someone who is dishonest, steals, abuses alcohol during working hours, and refuses to do certain tasks despite repeated directives.

Many employers pointed out that domestic workers as a group are badly treated, being little more than slaves in some circumstances. Some, however, believe that the lot of domestic workers has improved since independence. According to employers, the key problems facing domestic workers are low wages, low educational standards, the absence of specific guidelines concerning the employment of domestic workers and the absence of a pension fund.

#### 6.4.6 Domestic workers' perceptions of employers

Domestic workers also had strong perceptions about qualities that they like and dislike in an employer. Respondents in focus groups identified qualities that make a good employer or a bad employer. There was no regional variation in these perceptions. Good employers were defined on the basis of working conditions as well as treatment of the worker. Almost all respondents cited good pay as an important quality. Giving periodic raises and providing food at work were also mentioned as qualities of a good employer. Employers who banned a worker from using the phone were criticised. Employers who demonstrated fair attitudes and treatment are those who praise the employee, communicate, listen and act fairly, and are friendly. Respondents contrasted this treatment with employers who are insulting, uncooperative, always in a bad mood, and shout at or unnecessarily criticise an employee. Several groups also pointed out that bad employers "always suspect you of stealing".

Interestingly, at least one employer expressed concern about the treatment of domestic workers by the males in the household:

*Many of our husbands just ignore the domestic worker or are unreasonably harsh with her.*

### 6.5 Remuneration

The feelings of employers are quite strong on the issue of a minimum wage for domestic workers. While many employers felt that a minimum wage is necessary, they emphasised that this wage must be reasonable to enable the employer to afford the domestic worker.

*A reasonable minimum wage should be established. If it is too much the employers will not be able to afford it, and will opt to do their own cleaning, laundry, child-minding and gardening. This will be disastrous as the already high unemployment rate will increase and people will be even more poverty-stricken.*

Employer

*There are two dangers in setting a minimum wage: one, people will think it is the standard wage when in fact they could pay more than that, and two, people who could be employed for less will end up unemployed because the employer doesn't want to break the law.*

Employer, Windhoek

*I think it might be wise to set up some guidelines as to what a fair wage will be but I don't think it should be legalised.*

Employer, Windhoek

*Even if you do introduce a minimum wage, if someone is prepared to work for less they will do so and there is no way you can stop them doing so.*

Employer, Windhoek

*The government should not interfere, as it will only cause harm to the already underprivileged.*

Employer

One employer suggested that there should be an incentive from the government for employers of domestic workers, suggesting a tax rebate tied to the wages paid.

Employers, particularly female employers, often pointed out that they feel unable to pay higher wages to their domestic workers because they themselves receive low salaries. Domestic workers clearly do play a role in enabling other women to enter the labour market -- thus, efforts to establish a minimum wage or wage guidelines must take into account the complex effect such benchmarks may have on the overall role of women in economic activity.

## 6.6 Knowledge and awareness of employment-related laws

Few employers were familiar with the requirements of the Labour Act, and none of the employers interviewed had a thorough knowledge of the Social Security Act. Employers generally felt education of both employees and employers on the contents of these laws would be essential.

*We are aware of the Labour Act but we do not have insight into its contents.*

Employer, Windhoek

*I did not know that the Labour Act concerned me because I happen to be an employer of a domestic worker.*

Employer

## 6.7 Attitudes towards trade unions

A small number of the employers were aware of NDAWU, and none of them were opposed to their own domestic workers joining the union. Most of the employers felt that it would be in the interest of the domestic worker to be protected by a union.

However, there were a few employers who were strongly anti-union. These employers felt that the working and living conditions of domestic workers would not be adequately advanced by trade unions, and believed that domestic workers would end up losing their jobs because of the interference of the union.

*Workers can join the union as long as they do not make trouble -- e.g. strike.*

Employer, Windhoek

## 7. SOCIO-ECONOMIC CONDITIONS OF DOMESTIC WORKERS

As the 1993/94 NHIES pointed out, "The living conditions of farmworkers and domestic workers are of great concern in the Namibian society. Government institutions, non-governmental organisations and labour market organisations have shown a special interest for these groups. These two occupational groups are vulnerable groups in the labour market, the living conditions of which should be improved in the new independent Namibia." (CSO, 1996: 227)

The 1993/94 NHIES estimated that there are almost 20 000 households in which at least one person is a domestic worker. These households support an estimated 125 000 individuals, or nearly 9% of the total Namibian population.

The following section of this report will examine household composition and living standards, as well as aspects of household relations such as decision-making and division of work. Since the majority of domestic workers are women, particular attention will be given to the impact of domestic work on the status of women.

### 7.1 Household size and composition

As shown in Table 73 below, households in the LAC/SSD survey sample were quite large, ranging from a mean of 5,8 in Karas and 6,3 in Khomas to 6,7 in Oshana. The survey found several very large households, including one in Karas with 20 members. The data for the Oshana region must be viewed with caution, as most respondents in Oshana are live-ins, the majority of whom saw themselves as belonging to their rural home but did not state a household size.

Table 62: SIZE OF DOMESTIC WORKER HOUSEHOLDS

	% Karas (n=45)	% Khomas (n=102)	% Oshana (n=12)	Total % (n=159)
1-2	13,3	10,8	8,3	11,3
3-4	31,1	23,5	8,3	24,5
5-6	22,2	28,4	41,7	27,7
7+	33,3	37,3	41,7	36,5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

The household size in the LAC/SSD survey population is typical of the national situation for domestic workers. The 1993/94 NHIES found the average household size for domestic worker households to be 6,3 persons.

These figures are particularly high for urban areas and are more typical of the sizes found among rural households. As a point of comparison, the NHIES found an average household size in urban locales of 4,8, compared to 6,1 in rural areas. One reason for larger domestic worker households might be that because domestic workers have a regular wage income, they support more family members than other urban residents who lack a regular and consistent cash income. Another possibility is that respondents included family members who reside elsewhere and are counted as members of other households; respondents sometimes perceived the components of both urban and rural settlements as components of a single "household".

#### AVERAGE HOUSEHOLD SIZE



SOURCE: 1993/94 NHIES

Approximately 65% of all respondents in the survey have three or more dependants, with about one-third of all respondents reporting five or more dependants. For the purposes of the survey, a dependant was defined as a household member under the age of 16 or over the age of 60.<sup>22</sup> Domestic workers in the Karas region have the lowest number of dependants, with an average of

<sup>22</sup> Dependants are typically defined as those under 16 or over 60 because it is assumed that these people are a net drain on the household economy (see, for example, van Rooy 1994). This approach might not accurately reflect the Namibian context, where many children under 16 contribute to agriculture, informal sales and other productive activities, while those over 60 qualify for pensions, which in some areas, such as the south, top wage employment as the primary source of cash income. Nevertheless, in the absence of a more precise and workable definition, the survey adopted the traditional approach.

2,8 per household. Somewhat higher rates were present in the Windhoek sample, where nearly 37% of respondents claimed five or more dependants.

Despite their young ages, respondents in Oshana claimed the highest number of dependants -- an average of 5,0, with over half citing five or more dependants. Again, interpretations of who is a dependant may account for the difference. Respondents in Oshana often saw their jobs and incomes as contributing to the survival of family members in the rural areas.

**Table 63: NUMBER OF DEPENDANTS BY REGION**

	% Karas (n=60)	% Khomas (n=112)	% Oshana (n=55)	Total % (n=227)
None	3,3	8,0	1,8	5,3
1-2	53,3	26,8	10,9	30,0
3-4	31,7	28,6	36,4	31,3
5-6	6,7	19,6	27,3	18,1
7+	5,0	17,0	23,6	15,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

In both the Karas and Khomas survey areas, the residence of dependants is almost evenly divided between those living with the respondent (52%) and those living elsewhere (48%). Approximately 30% of respondents in these two areas have dependants living with relatives in rural areas, accounting for nearly two-thirds of those with dependants living elsewhere. Other locales are with relatives in the same town (8% in both areas), in school hostels (7% in Karas, 5% in Khomas) and in other locations, such as with non-relatives or unmarried fathers (4% and 3%). In the Oshana region, over two-thirds of all dependants were residing with relatives in a rural area.

**Table 64: RESIDENCE OF DEPENDANTS BY REGION**

	% Karas (n=71)	% Khomas (n=119)	% Oshana (n=62)	Total % (n=252)
With you	52,1	52,1	42,1	42,1
With relatives in (same) town	8,5	8,4	8,1	8,3
With relatives in rural area	28,2	31,1	67,7	39,3
In school hostel	7,0	5,0	3,2	5,2
Elsewhere	4,2	3,4	9,7	5,2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE: Respondents could name more than one residence.

Domestic worker households comprise a variety of configurations. Field research suggests five common types:

- The domestic worker is the head of household.
- A spouse or common-law partner is the head of household.
- A parent or other relative is the head of household.

- Single-person households.
- The domestic worker considers him or herself to be a member of the employer's household.

Approximately 40% of survey respondents in both the Karas and Khomas regions reported themselves to be the "head of household". A spouse was the head of household in 18% of cases in Karas, and in only 5% of cases in Khomas. Parents or other relatives, such as a grandparent or a sibling, were frequently cited as household heads in these two regions.

Oshana shows a pattern which differs sharply from the other two survey sites. Only a handful of respondents (some 7%) are themselves the head of the household. None reported a spouse as head, with only one household headed by a common-law partner. In contrast, a parent is the head in over half of households in the sample. (Indeed, 13 respondents in the Oshana region reported receiving income from, rather than remitting it to, relatives in their rural household.) These figures are not surprising, as most respondents are young girls who have only recently left their families to take up domestic work. They maintain strong links to their rural homes -- visiting regularly, sending and/or receiving financial support, and leaving young children in the care of family members. Another distinction is that "another person" as household head was cited by nearly 22% of respondents in Oshana. Most of these respondents are live-in workers who view their employers as household head. This perception underscores the informal, ambiguous arrangements prevalent in the region, whereby the employee is treated as part of the family.

**Table 65: HEAD OF HOUSEHOLD BY REGION**

	% Karas (n=57)	% Khomas (n=101)	% Oshana (n=55)	Total % (n=213)
You	42,1	38,6	7,3	31,5
Parent	17,5	15,8	50,9	25,4
Other relative	19,3	22,8	9,1	18,3
Other	1,8	7,9	21,8	9,9
Both partners	1,8	4,0	9,1	4,7
Spouse	17,5	5,0	0	7,0
Common-law partner	0	5,9	1,8	3,3
Total	100	100	100	100

SOURCE: 1995 LAC/SSD survey

Nationally, most domestic workers come from male-headed households. According to the 1993/94 NHIES, 63% of all domestic workers come from male-headed households -- a pattern which is in line with the national average (62% of all households in the nation were determined by the NHIES to be male-headed).

Taking account of the small number of male respondents in the sample, the survey data reveals that 35% of female respondents in Keetmanshoop and Windhoek head their own households. Because the sample was urban-based, this rate is somewhat higher than that found in the 1991 census where nationally 22% of female domestic workers are themselves household heads.<sup>23</sup>

<sup>23</sup> The 1991 census defined a household as "a person or group of persons, related and unrelated, living together in the same house and having the same catering arrangements." The head of household was defined as the person who was recognised

## FEMALE HEADS OF HOUSEHOLD



SOURCE: 1993/94 NHIES

The table below shows important distinctions between female and male domestic workers who are household heads. Male heads of household are equally divided between those with a spouse and those without, while female heads of household are far more likely to be without a spouse. This comparison also indicates that the burden of support is particularly heavy for single women who do domestic work; domestic worker households which are headed by single women are far more likely to contain children and extended family members than domestic worker households which are headed by men. However it is of course also possible that some of these households may contain grown children or other adults who are also contributing to the household's financial resources.

**Table 66: HOUSEHOLDS HEADED BY DOMESTIC WORKERS BY SEX OF HEAD AND HOUSEHOLD COMPOSITION**

	% Female Heads	% Male Heads	Total %
<b>With spouse</b>	<b>12,2</b>	<b>50,7</b>	<b>19,1</b>
Couple/own children only	3,9	23,2	7,3
Extended	8,4	27,5	11,8
<b>Without spouse</b>	<b>87,8</b>	<b>49,3</b>	<b>80,9</b>
Single	10,7	22,3	12,8
Own children only	18,5	1,5	15,5
Extended	58,6	25,4	52,6

SOURCE: 1991 census (calculated from Table B04).

The fact that male domestic workers are twice as likely as their female counterparts to have single person households may be due to the fact many male workers are young, recent migrants living on their own or in the household of their employer.

Unfortunately, the 1991 census does not have data on the heads of households containing domestic workers in cases where these household heads are not themselves domestic workers. However, qualitative field work suggests that unmarried female domestic workers, together with their children, are often incorporated into the households of their mothers. Similarly, several

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as such by other household members. If this person was absent at the time of remuneration, the person who took charge of the household in his or her absence was classified as the head of household.

interviewees were themselves heads of households which include a daughter and grandchildren. More research is needed to understand household composition and family patterns among domestic workers.

## 7.2 Housing conditions

Most domestic workers enjoy modest but adequate living conditions, although some lack basic necessities. About 90% of domestic workers surveyed are within 15 minutes walking distance to drinking water, and approximately 42% of the domestic worker households surveyed use electricity for lighting.

Over 70% of respondents in both the Karas and Khomas regions have a "modern" or brick house. Informal housing, such as shacks, is also common in the two areas: 28% of respondents in Karas and 19% in Khomas reported that they live in such a structure. In the Oshana region, traditional huts are the most common type of housing (78% of respondents). Although most live-in workers (who constitute 82% of the total sample in the area) have accommodation in brick houses, they almost invariably reported on the housing and infrastructure in their rural home. Among the few commuting domestic workers in the Oshana sample, five live in a brick house, three live in a traditional hut and two live in informal housing.

Table 67: HOUSING BY REGION

	KARAS		KHOMAS		OSHANA		TOTAL
	% Live-ins (n=13)	% Others (n=47)	% Live-ins (n=27)	% Others (n=89)	% Live-ins (n=45)	% Others (n=10)	Total % (n=231)
Brick house	18,3	53,3	20,7	56,0	7,3	9,1	61,0
Informal housing	3,3	23,3	0,9	18,1	1,8	3,6	17,7
Traditional hut	0	1,7	1,7	2,6	72,7	5,5	21,2
Total	21,7	78,3	23,3	76,7	81,8	18,2	100

SOURCE: 1995 LAC/SSD survey

NOTE: Oshana live-in domestic workers often gave information on their rural home of origin rather than their live-in accommodation.

Ownership of housing varies across the sample.<sup>24</sup> Respondents in Karas are most likely to own their houses. In Windhoek, 38% of respondents (excluding live-ins) reported ownership. Only three respondents in Oshana own their houses.

Renting was not common. The proportion of renters was highest in the south, where over one-quarter (28%) rent their houses and 11% rent a room in a house. In Windhoek, only two live-out workers (2% of the sample) rent houses. A more common pattern is renting a room in a house: 12% of live-out workers in Windhoek have this type of accommodation. Only three respondents in Oshana rent either a house or a room.

<sup>24</sup> Respondents often reported ownership if any member of the household owned the house. The respondent's legal entitlement to the house is a separate matter which was not investigated in this study.

Live-out workers in Windhoek are most likely to live in informal housing which they have constructed themselves -- 17% compared to only 9% in Keetmanshoop, and no respondents in the Oshakati area. These figures are not surprising, as Windhoek has a greater preponderance of informal settlement areas with self-built houses. Furthermore, formal housing is less freely available and more expensive in Windhoek. It may also be that persons who live in informal settlements in other regions are less likely to have formal employment.

Many domestic workers have other arrangements, including living in a relative's home. This approach accounted for 30% of live-out workers in Windhoek, while only two respondents in the south and four in the north reported this type of living arrangement.

**Table 68: HOME OWNERSHIP BY REGION**

	% Karas (n=60)	% Khomas (n=116)	% Oshana (n=55)	Total % (n=231)
Own the house	38,3	29,3	5,5	26,0
Rent the house	21,7	1,7	1,8	6,9
Rent a room in the house	8,3	9,5	3,6	7,8
Built the house ("shack") yourself	6,7	12,9	0	8,2
Live at your employer's house	21,7	23,3	81,8	36,8
Other	3,3	23,3	7,3	14,3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Respondents in the Karas region tend to be longer-term residents, who have had more opportunity to work towards the goal of owning a house. Qualitative interviews highlighted the fact that many domestic workers see owning a home as a priority. They see home ownership as an investment in their future, and as a way of providing a secure and stable environment for themselves and their families. Several interviewees expressed their frustration that their low incomes as domestic workers prevent them from getting bank loans or qualifying for housing schemes. Others dreamed of owning a house, but felt that they would always be too poor to do so.

The 1993/94 NHIES provides a comparative look at the national picture on housing for domestic workers. The pattern is similar to that found in the LAC/SSD survey, except for the fact that the LAC/SSD survey found a higher incidence of traditional huts -- a distinction which can be explained by the ambiguity of what respondents in the Oshana region described as their homes.

**Table 69: TYPE OF HOUSE**

	%
Detached house	59
Semi-detached house	8
Flat	1
Mobile home	0
Traditional house (hut/kraal)	10
Single quarters	2
Improvised housing	19
<b>Total</b>	<b>100</b>

SOURCE: 1993/94 NHIES

### 7.3 Water, sanitation and energy

Table 70: INFRASTRUCTURE BY REGION

	% Karas	% Khomas	% Oshana	Total %
Piped water indoors	4,7	9,3	1,0	6,3
Piped water in the yard	15,8	13,9	4,9	12,5
Public pipe	1,6	4,8	13,3	5,8
Flush toilet	18,6	18,7	1,5	14,9
Latrine	0,8	3,3	5,4	3,1
Electricity	8,3	15,6	1,0	10,4
Gas/Paraffin	13,0	4,8	17,2	9,7
Candles	8,7	8,3	21,7	11,3
Rubbish disposal	17,8	12,2	9,4	13,1
Firewood	10,7	9,1	24,6	12,9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

NOTE: Respondent could name more than one facility.

Only 25% of all survey respondents have piped water indoors, with three-quarters of these respondents residing in Windhoek. Live-in domestic workers account for 40% of the total of all respondents with piped water indoors.

A more common situation is piped water in the yard, which is available to just over half (51%) of all respondents.<sup>25</sup> Because many respondents in Oshana described the facilities of their rural homes, domestic worker households in this region are far more likely to use a public pipe than those in the other survey areas.<sup>26</sup> A public pipe is also the main water source for Windhoek respondents living in informal housing. An estimated one-third of all respondents have no water infrastructure available.

There is considerable disparity in access to clean sanitation. A high number of survey respondents -- 61% of the total sample -- have access to flush toilets. Once again those living in Windhoek have comparatively better facilities, with 78% of respondents in this survey area having access to a flush toilet. Nearly all live-ins in the sample have access to a flush toilet in their residence, although two live-in workers in Windhoek, including one living in a shack, rely on a latrine.

Only 15% of the total survey sample have rubbish disposal, a service which is not readily available in the suburbs where most domestic workers reside.

Approximately 42% of the total survey sample live in housing that has electricity. None of the respondents living in informal housing have access to electricity. Only 40% of respondents in Keetmanshoop (23%) reported that they have electricity; half of these are live-in workers. Respondents in Windhoek have greater access to electricity (65%); however, this figure is also

<sup>25</sup> Respondents could name more than one facility. Several respondents had access to various water sources.

<sup>26</sup> Open canals, such as the canals in the Omusati and Oshana regions, were categorised as a public pipe. The 1991 census considers closed public pipes to be safe water sources, while open canals are not. Thus, in the majority of cases in the sample, water from a public pipe cannot be considered as safe.

skewed by live-in workers, who comprise one-third of the total. Only one of the domestic workers living outside their employer's house in Oshakati has electricity in her home. Live-in workers in the north also reported that electricity is not available in their rural homes. Gas or paraffin are used in 80% of respondents' households. Some have access to multiple energy sources, and use electricity, gas and firewood for light and cooking. Rural households in the north often rely only on candles and firewood.

Again, comparative national data are contained in the 1993/94 NHIES, which found that the facilities available to domestic workers place them above the national average if urban areas as well as rural areas are included. However, they remain significantly below the national average for urban areas. The living standards of domestic workers were found to be markedly better than those of farm workers, on the basis of access to water, sanitation and energy sources.

**Table 71: SELECTED HOUSING INDICATORS**

	%
Cooking without electricity or gas	57
Lighting without electricity	58
Bush or bucket as toilet	31
No pipe or well within 5 minutes	12

SOURCE: 1993/94 NHIES

#### **7.4 Transportation and communication**

According to the 1993/94 NHIES, domestic workers are slightly more likely to own or have access to a motor vehicle (28%) than households nationally (23%), and equally likely to own or have access to a bicycle (22% of domestic workers, as compared to 23% nationally).

The NHIES found that nearly half of domestic workers have access to public transportation within a 15-minute walk; however, 34% must walk for more than an hour to reach these facilities. These figures are roughly comparable to the overall national situation, where the corresponding percentages are 45% and 28%. However, domestic worker households are, on average, much further from public transportation than average urban households, where 73% can reach public transport within 15 minutes or less. According to the NHIES, most domestic workers' children have easy access to primary schools -- over half walk 15-minutes or less to reach school.

The LAC/SSD survey did not collect quantitative data on transportation. However, during interviews, domestic workers regularly pointed out that they spend considerable time going to and from their jobs. The cost of transport, even among those who receive additional transport money, was also identified as a common problem. However, according to the survey,

Perhaps because the majority of domestic workers reside in urban areas, their households also benefit from greater ownership of and access to communication facilities, such as telephones (32%), radios (82%) and televisions (34%). The widespread access to radios makes this an effective means of educating domestic workers about their rights which could be more widely utilised.

## 7.5 Ownership or access to capital goods

The 1993/94 NHIES measured the ownership and access of domestic workers to items such as cars, televisions, radios, fridges and sewing machines as one measure of their standard of living.

Table 72: POSSESSION OF DURABLE/CAPITAL GOODS

	% Owned	% Access
Radio	72	8
TV	28	7
Phone	20	10
Fridge	28	6
Sewing machine	30	2
Motor vehicle	20	7
Donkey/ox cart	17	3
Bicycle	21	1

SOURCE: 1993/94 NHIES

The households of domestic workers were, on the whole, better equipped with capital goods than the average Namibian household, but not as well-equipped as the average *urban* household. In terms of these indicators, domestic workers were in a better position than farm workers -- with the exception of household ownership of or access to donkey/ox carts.

## 7.6 Income and expenditure

### 7.6.1 Reliance on cash wages

Over 80% of domestic worker households nationwide cite cash wages as their main source of income, and for most of these respondents their income as a domestic worker is reportedly their only source of income. About 15% rely primarily on other sources of income such as pensions and remittances, subsistence farming or business.

Table 73: MAIN SOURCE OF INCOME

	% Domestic Workers
Wages in cash	84
Pensions	7
Subsistence farming	4
Business	3
Cash remittances	2
Total	100

SOURCE: 1993/94 NHIES

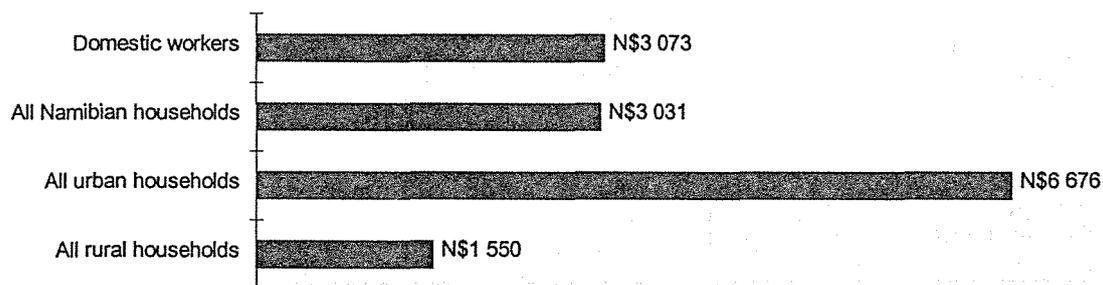
The LAC/SSD survey did not produce reliable data on sources of income. Survey respondents were sometimes unwilling or unable to estimate other income sources, while others cited only individual income sources rather than household income sources. Some respondents felt that the aim of the research was to improve their working conditions and wanted to highlight the plight of low wages; therefore they did not readily acknowledge other sources of income, despite evidence to the contrary. Moreover, it appears that many respondents understood income to mean wage

income only. Consequently, many did not mention other sources of income, such as informal business or farming.

### 7.6.2 Average income

The 1993/94 NHIES found that on average domestic worker households have an annual income of N\$19 448, which can also be expressed as average annual per capita income of N\$3 073 (annual income per household member). This average is slightly higher than the overall national average annual income of N\$17 198, or N\$3 031 average annual per capita income.

#### AVERAGE PER CAPITA INCOME



SOURCE: 1993/94 NHIES

NOTE: The NHIES estimates that 57% of domestic workers live in urban areas, while according to the 1991 census 61% are urban-based.

The lower national average can be attributed primarily to the large proportion of Namibian households which rely on subsistence farming as the main source of income. It must also be noted that the per capita income figures are very close together, because of the fact that the typical domestic worker household is slightly larger (6,3 members) than the typical Namibian household (5,7 members). While the average per capita income for domestic workers is comparable to the national average, it is far below the average per capita income in urban areas which is N\$6 676. Similarly, the annual per capita consumption of the households of domestic workers (N\$2 315) is close to the national average (N\$2 253) but far below the average for households in urban areas (N\$4 731).

### 7.6.3 Consumption patterns and relative poverty

As the following tables show, the consumption patterns of domestic workers are similar to those of the average Namibian household. Domestic workers' expenditure on housing (N\$3 995 annually) is slightly higher than the national average (N\$3 244), but this difference can be accounted for by the fact that most domestic workers are urban-based. The slightly higher expenditure on food is probably due in part to the fact that the typical domestic worker household is slightly larger than the national average.

The distribution of consumption of domestic worker households most closely resembles that of urban female-headed households, which form a significant component of the domestic work sector.

Table 74: AVERAGE ANNUAL HOUSEHOLD CONSUMPTION BY MAJOR ITEMS

	DOMESTIC WORKER HOUSEHOLDS		ALL HOUSEHOLDS	
	Amount	% of Total	Amount	% of Total
Food purchased in cash	3 207	22	2 748	21
Own produced food/received in kind	958	7	1 125	9
<b>Total food</b>	<b>4 165</b>	<b>28</b>	<b>3 873</b>	<b>30</b>
Clothing and footwear	837	6	695	5
Housing	3 995	27	3 244	25
Furniture and utensils	591	4	486	4
Household operations	530	4	496	4
Medical care	218	1	171	1
Transport and communication	2 610	18	2 392	19
Education	348	2	347	3
Personal care	313	2	246	2
Recreation	429	3	259	2
Alcohol and tobacco	279	2	286	2
Other	338	2	288	2
<b>Total non-food</b>	<b>10 487</b>	<b>72</b>	<b>8 910</b>	<b>70</b>
<b>TOTAL CONSUMPTION</b>	<b>14 652</b>	<b>100</b>	<b>12 783</b>	<b>100</b>

SOURCE: 1993/94 NHIES

NOTE:

- Figures and percentages may not add up to overall totals due to rounding.
- The Main Report of the NHIES (CSO 1996) counted alcohol and tobacco as food expenditures. This table treats alcohol and tobacco as a separate category.

Table 75: HOUSEHOLD DISTRIBUTION OF PRIVATE CONSUMPTION BY RURAL/URBAN AREAS AND SEX OF HEAD OF HOUSEHOLD

RURAL/URBAN SEX OF HEAD OF HOUSEHOLD	PRIVATE CONSUMPTION (%)					Average Household Consumption (N\$)
	Food	Housing	Clothing	Other	Total	
<b>DOMESTIC WORKERS</b>	<b>30,3</b>	<b>27,3</b>	<b>5,7</b>	<b>36,7</b>	<b>100</b>	<b>14 652</b>
<b>RURAL</b>						
Female	55,9	15,1	8,2	20,8	100	5 907
Male	42,3	15,1	5,9	36,8	100	8 769
<b>Total</b>	<b>46,6</b>	<b>15,1</b>	<b>6,6</b>	<b>31,7</b>	<b>100</b>	<b>7 601</b>
<b>URBAN</b>						
Female	27,1	34,5	4,8	33,6	100	14 409
Male	22,5	31,4	4,7	41,5	100	27 001
<b>Total</b>	<b>23,4</b>	<b>32,0</b>	<b>4,7</b>	<b>39,9</b>	<b>100</b>	<b>22 912</b>
<b>NAMIBIA</b>						
Female	41,6	24,8	6,5	27,2	100	8 367
Male	29,5	25,6	5,1	39,8	100	15 489
<b>Total</b>	<b>32,5</b>	<b>25,4</b>	<b>5,4</b>	<b>36,6</b>	<b>100</b>	<b>12 783</b>

SOURCE: 1993/94 NHIES

**NOTE:**

- The column "Average Household Consumption" has been added to the table to facilitate the calculation of absolute values
- Definitions
  - "Private consumption" is defined as private consumption in cash and in kind.
  - Alcoholic beverages and tobacco are included in food consumption.
  - "Other" includes furniture and utensils, household operations, medical care, transport and communication, education, personal care, recreation, etc.

The average income and consumption figures mask considerable disparity amongst domestic worker households and obscure the relative poverty of many. Due to the low wages prevalent in the sector, domestic worker households experience levels of poverty comparable to the national average.

The NHIES uses the household food consumption rate as a poverty indicator. Households which spend 60% or more of their income on food are defined as poor. Those which spend 80% or more of their income on food are considered severely poor. Using this indicator, 36% of domestic worker households are poor, including 8% which are severely poor. These figures are very close to the national percentages, which are 38% and 9% respectively. At the other end of the spectrum, the percentage of domestic worker households with a food consumption rate of 0-39 is higher than the corresponding national percentage. This fact supports the point that information about the "average" domestic worker household obscures the dilemma of the poorest domestic workers.

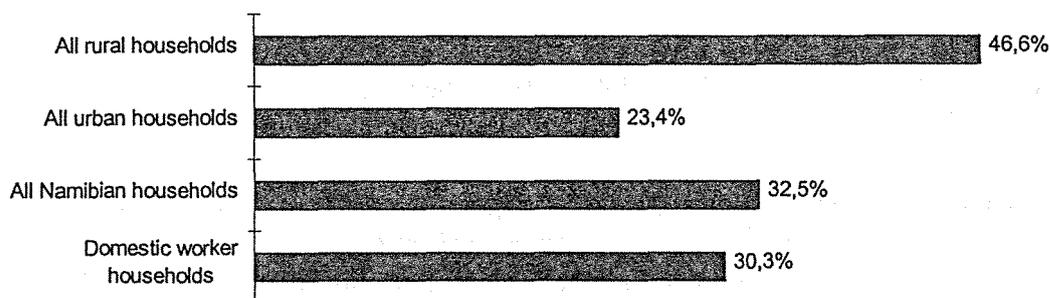
**Table 76: HOUSEHOLDS BY FOOD CONSUMPTION RATE**

	% Domestic Worker Households	% All Households
80-100	8,0	8,7
60-79	28,0	29,1
40-59	26,9	27,3
0-39	37,1	34,8
<b>Total</b>	<b>100</b>	<b>100</b>

SOURCE: 1993/94 NHIES

**NOTE:**

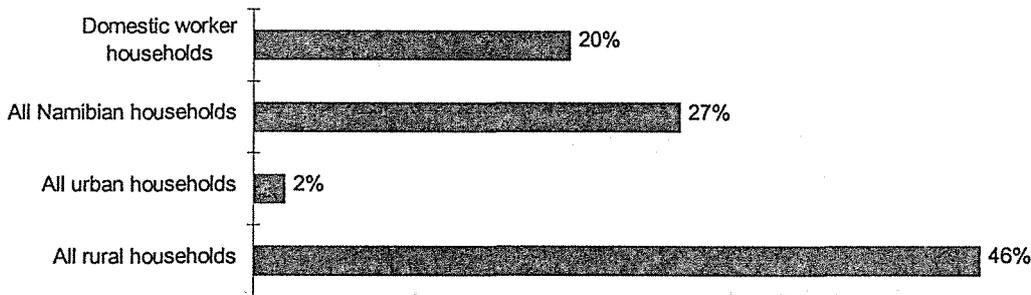
- \* Food consumption rate is food consumption divided by total private household consumption.
- \* Alcoholic beverages and tobacco are included in food consumption.

**FOOD CONSUMPTION RATE**

SOURCE: 1993/94 NHIES

Many domestic worker households maintain strong links to family members in rural areas. As a result, a small but significant proportion have access to agricultural assets. According to the NHIES, access to grazing land was reported in 46% of domestic worker households, while 34% reported ownership or access to fields. In addition, 25% of domestic worker households reported ownership of cattle, 26% goats and 48% poultry. The importance of these rural ties is highlighted by the fact that domestic workers derive an average of N\$958 of their food from their own production or from in-kind exchange.

#### AVERAGE % FOOD CONSUMPTION CONSISTING OF OWN PRODUCTION OR IN-KIND EXCHANGE



SOURCE: 1993/94 NHIES

It is noteworthy that many respondents in the LAC/SSD survey stated that they regularly provide support to relatives. Estimated monthly amounts sent to relatives ranged from as little as N\$9 to a maximum of N\$300. This practice is particularly prevalent in Windhoek, where nearly three-quarters of respondents (73%) cited this category of expenditure. About 60% of respondents in the north also regularly send income to relatives. Respondents in the south are far less likely to incur this expenditure: only 23% provide support to relatives. This difference may be attributable to the fact that the low wages in the Karas region area are only enough to cover basic household needs. (As the following section shows, workers in this area are also less likely to save.) Furthermore, unlike the situation in Oshana, domestic workers and their families in the south tend to reside together in town. Additionally, no respondents from Karas reported having young children with relatives.

#### 7.6.4 Particularly vulnerable groups of domestic workers

In general, housing standards and consumption patterns of domestic worker households indicate that the situation of these households is slightly above the national average, but below the average for urban areas where the majority of domestic workers are located.

Domestic workers nationally had a generally higher standard of living than farm workers, according to the 1993/94 NHIES. This is somewhat misleading, however, as farm worker households were found to be more comparable to other rural households, while domestic worker households were more similar to urban households in terms of their expenditure and consumption patterns. It should also be noted that domestic worker households tend to include a number of

extended family members, with the average household size being 6,3 persons (in contrast to an average household size of 4,7 persons for farm workers).

The data on average income and consumption does not permit an assessment of levels and potential causes of income disparity among domestic worker households. Qualitative information suggests that certain types of domestic worker households are more or less vulnerable to poverty. For example, a majority of domestic workers (63%) come from male-headed households. This factor makes it probable that significant numbers of domestic worker households may be benefiting from the income of more than one wage-earner. Nuclear households in which the wife's earnings as a domestic worker augment income from the husband's wage typically enjoy a relatively higher standard of living, as a result of having two incomes but few dependants.

Qualitative data also suggest that domestic worker households often piece together different sources of income, including wage earnings, income from small business, and farming. Such households are able to earn higher levels of income while avoiding dependence on any one source, a strategy which is particularly important for domestic workers who contend with high turnover and job insecurity.

Domestic worker households with these types of profiles are more likely to enjoy a standard of living which is above the average of the domestic worker population. There are also certain types of domestic workers who are more likely to be struggling to maintain a basic living standard.

#### Female-headed households

Female-headed households, including those headed by a domestic worker or by her mother or another female relative, appear to be the most vulnerable to poverty. Nationally, female-headed households have high levels of poverty, with about 41% classified as poor or severely poor (ranging from 18% of female-headed households in urban areas to 50% of female-headed households in rural areas). According to a recent survey of Katutura, households dependent on women's incomes as the primary cash source experience greater poverty. Single women who head households have incomes which are 30% lower than those of all other household types. Single women in Katutura also spend disproportionately more of their income on rent and must then reduce expenses on basic necessities. At the same time, they have more dependants; children comprise 69% of the members of Katutura households headed by single females. (Pendleton, 1994) It is likely that many of these are domestic worker households.

Here again, access to other sources of cash income appears to be a principal determinant of the household's economic security. Some interviewees manage households with several income earners. Pensions are a crucial second source of cash income in some households. However, for many households in the survey, the domestic worker is the sole income recipient. Households headed by female domestic workers tended to support more members with fewer employed persons. The 1991 census shows that households headed by a female domestic worker have an average of 5,4 members in contrast to the typical urban-based household of 4,7 members.

The households of female domestic workers often face shortfalls in cash needed to cover basic food purchases as well as medical costs and school fees. Some women are forced to borrow from their employers and become entrenched in debt, unable to get ahead. The job insecurity and mobility of the sector also exacerbates the precarious situation of households dependent only on the domestic workers' wages.

It should be noted that this vulnerability also applies to many male domestic workers. Many must maintain themselves in a town or city, and support families left behind in rural areas. Although these households typically engage in agriculture, the male workers' wages may be the only source of cash income. Male workers, such as gardeners, typically work for several employers and can command higher daily wages. This strategy benefits those who are able to work 5-6 days a week. However, some gardeners must survive on only 2 or 3 days' wages. Several interviewees pointed out that retrenchments and migration are increasing the competition for domestic work jobs, and finding a week's worth of employment has become difficult. Qualitative discussions also suggest that gardeners in particular received fewer benefits such as paid leave and salary increases.

**Table 77: HOUSEHOLDS HEADED BY DOMESTIC WORKER BY SEX OF HEADS, SIZE OF HOUSEHOLD AND NUMBER OF EMPLOYED PERSONS**

	FEMALE HEADS		MALE HEADS		TOTAL	
	%	Ave. Size	%	Ave. Size	%	Ave. Size
No employed person	6,4	4,6	16,3	3,7	6,4	4,4
One employed person	52,0	3,9	51,3	2,9	51,9	3,8
Two employed persons	24,1	6,0	27,5	4,7	24,7	5,7
Three or more employed persons	17,4	9,3	15,1	8,1	17,0	9,1
<b>Total</b>	<b>100</b>	<b>5,4</b>	<b>100</b>	<b>4,2</b>	<b>100</b>	<b>5,2</b>

SOURCE: 1991 census (calculated from Table B09).

### Female domestic workers on farms

Female domestic workers employed on commercial and communal farms are also particularly vulnerable, often being subject to harsh working conditions with little or no pay. Suzman (1994), in his qualitative look at farm workers in the Omaheke region, estimates that a female domestic worker on a farm typically receives between 25-50% of what her husband receives, despite working similar hours. The LAC/SSD farm workers study (Devereux et al 1996) found that about one in five domestic workers in the study sample (10 out of 46) receive only payment in kind for their work -- typically food from the kitchen. Wages for the domestic workers who are paid in cash ranged from a low of N\$50/month to a high of N\$290/month, supplemented by rations in a few cases.

Qualitative interviews conducted in the course of the domestic worker survey in Outjo similarly suggested that some domestic workers working on farms in the surrounding area continue to receive only rations -- a practice that also appears to be prevalent in communal farm areas, where households employ children of farm workers to work in the house.

The intersection of the two most disadvantaged sectors in the labour market -- farm workers and domestic workers -- must be kept in mind when strategies for these two sectors are being formulated.

*When I left school I went to my parents on the farm and their employers said I must start working for them. I was looking after the baby.*

Domestic worker, Outjo

*They don't want us to touch them. They call us "kaffir" and "meid".*

Domestic worker, Outjo

### 7.7 Savings and credit

Despite their low wages and numerous expenses, many respondents manage to set aside some money for savings. In the LAC/SSD survey, some 44% of respondents stated that they have savings. Interestingly, the rate of saving is highest in the Oshana region, where 58% of respondents save. This can be explained by the high percentage of young live-in workers in the area. Many live-in domestic workers are able to save some of their wages because they spend little on food, housing and transport. Younger domestic workers have fewer responsibilities, such as school fees and medical expenses for children. Some young women interviewed expressed plans to return to school or seek other training -- goals which prompt them to save.

Just under half of respondents in Windhoek (46%) save regularly. In contrast, the rate of saving among workers in Karas is only 28%. The higher wages received by workers in Windhoek, as well as the availability of other income sources, may account for this difference.

Table 78: SAVINGS BY REGION

	% Karas (n=60)	% Khomas (n=116)	% Oshana (n=55)	Total % (n=231)
Yes	28,3	45,7	58,2	44,2
No	71,7	54,3	41,8	55,8
Total	100	100	100	100

SOURCE: 1995 LAC/SSD survey

Banks and building societies are the most popular places to save, as this is where 47% of those who save put their money. Others (8%) utilise the saving scheme available at the Post Office. Over one-third of those who save keep their money at home (34%), with an employer (5%) or with a relative (2,9%).

**Table 79: WHERE WORKERS SAVE BY REGION**

	% Karas (n=17)	% Khomas (n=52)	% Oshana (n=33)	Total % (n=102)
Bank/building society	41,2	51,9	42,4	47,1
Post Office	11,8	5,8	9,1	7,8
Employer	5,9	3,8	6,1	4,9
Relative	0	3,8	3,0	2,0
At home	35,3	32,7	36,4	34,0
Other	5,9	1,9	3,0	2,0
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Overall, some 29% of survey respondents have made use of loans or credit at some time or another, with the respondents in the Oshana region being much less likely to have done so than respondents in the other two survey areas.

**Table 80: BORROWING/CREDIT BY REGION**

	% Karas (n=60)	% Khomas (n=116)	% Oshana (n=55)	Total % (n=231)
Yes	31,7	31,9	18,2	28,6
No	68,3	68,1	81,8	71,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

**Table 81: WHERE WORKERS BORROW BY REGION**

	% Karas (n=19)	% Khomas (n=38)	% Oshana (n=10)	Total % (n=67)
Bank/building society	0	5,3	0	3,0
Credit union	5,3	0	0	1,5
Relatives	10,5	2,6	0	4,5
Friends	5,3	13,2	60,0	17,9
Employer	63,2	78,9	40,0	68,7
Other	15,8	0	0	4,5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

Only two of the respondents who borrowed money used a formal institution, such as a bank, building society or credit union. Many of those who borrow do so informally and as the need arises from friends and relatives. Most commonly, respondents went to their employers for loans (69% of cases). In particular, employees tend to handle large or unexpected expenses by taking advances on wages or by borrowing directly from their employers.

Nearly one-quarter of those who borrow did so to purchase food. Workers also borrow money to cover shortfalls in household expenses, such as school fees, medical expenses and rent. Special events, such as funerals, weddings, or going on leave, also prompt employees to borrow (18%). Domestic workers do not frequently borrow money for investments or improvements -- only six respondents (7%) borrowed money in order to build a house.

Clearly, borrowing money or taking an advance is an important crisis management strategy for domestic workers and their families. This approach can potentially mire workers in debt and increase their vulnerability. The survey findings suggest that domestic workers would benefit from education on savings institutions. The large number of domestic workers in the country also make this sector an appropriate target for group savings and credit union schemes.

## **7.8 Double workloads and child care strategies**

### *7.8.1 Division of household labour*

Employment in domestic work usually comes on top of women's heavy workload in the home and, in some instances, impinges on the quality of child care. Questions on household division of labour showed that, in Keetmanshoop and Windhoek, respondents do the main share of all cleaning, cooking, shopping and laundry. The high percentage of lives-ins the north produced lower figures for this region. Other female family members are the next most likely to assist with household tasks, with daughters and sisters frequently taking responsibility for cleaning and cooking. Only four female respondents in the total sample reported receiving help in cooking, cleaning or shopping from their spouses or partners.

Part-time workers enjoy more time for housework and leisure time in their own homes, while full-time workers face a demanding double workload. Most interviewees reported that they have at least several hours a day of free time. Church, listening to the radio, and for those who own one, watching television were listed as the most common leisure activities.

Interviewees regularly pointed to the arduous load of both their work and home responsibilities as having negative effects on their health. Some respondents complained of back, neck and other muscle strain caused by standing all day, leaning over and working on their knees. Others suffer from general fatigue and exhaustion. This physical stress could lead to a decline in maternal health for workers of child-bearing age. Domestic work also takes a psychological toll: many workers loathe the repetition of their duties on the job and at home. Others, particularly live-in workers, struggle with the loneliness of the job and the constant separation from family and friends.

### *7.8.2 Child care*

The double burden of working in two homes leaves many women domestic workers with little time and energy for child care. Workers adopt a variety of strategies to manage child care. Many respondents with young children are allowed to take them to work -- 77% may do so in the Karas region, while somewhat fewer in Khomas (50%) have this permission. Different employer-employee relationships may account for this difference. As noted above, some employers in Karas treat their workers as one of the family, an attitude that leads to unstructured arrangements (particularly regarding rights and benefits) but results in an informality about the presence of children's in the employer's home. Employers in Windhoek tend to have more formal relationships. Many feel the worker is there to do a professional job, and that children would interfere. Only 22% of respondents in the north are allowed to bring their children to work. Since

many workers here are live-ins, it is possible that employer's housing in this area may not have space to accommodate workers' children.

Despite many employers' willingness to allow children, few workers actually bring their children to work. Most feel that children, including babies, slow them down. Some workers are required to finish certain tasks before they can leave at the end of the day and so are particularly concerned about efficiency. Instead of bringing their children with them, workers pursue other options such as leaving children in the care of a household member or sending them to a relative elsewhere. About half of those with young children leave them in a care of a relative living elsewhere, primarily in rural areas. This strategy enables female workers to remain in the wage employment sector by freeing them from everyday child care responsibilities. The wage income can help them to better provide for the child's education, health and nutrition needs. However, it means that these young children grow up without either parent present, a factor which may have a negative effect on their development and socialisation. (UNICEF 1995)

**Table 82: CARE OF YOUNG CHILDREN BY REGION**

	% Karas (n=7)	% Khomas (n=49)	% Oshana (n=32)	Total % (n=88)
Household member	29	14	22	18
Relative residing elsewhere	0	49	63	50
Friend neighbour	14	8	0	6
Paid child-minder	0	4	0	2
Crèche / day care centre	14	4	3	5
Other	43	20	13	19
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

**NOTE:**

- These figures include only those respondents with children in need of care.
- Respondents could name more than one caretaker.

**Table 83: PERMISSION TO TAKE YOUNG CHILDREN TO WORK BY REGION**

	% Karas (n=53)	% Khomas (n=100)	% Oshana (n=36)	Total % (n=189)
Yes	77,4	50,0	22,2	52,4
No	11,3	40,0	69,4	37,6
Not applicable	3,8	3,0	0	2,6
Don't know	7,5	7,0	8,3	7,4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

**NOTE:** These figures include only those respondents with young children.

About half of those respondents with young children do keep their children with them, but, given their long absences from the home, some enlist the help of female relatives to care for their children. In Karas, it is primarily sisters and mothers who share this responsibility, a pattern which reinforces the fact that many domestic workers are integrated into their parents' households. This pattern is less common in Khomas, where respondents' daughters are as likely

as their mothers to contribute to child care. In Oshana, where workers typically reside with their employers, child care falls primarily to mothers and sisters living in the rural household.

**Table 84: WORK SHARE OF HOUSEHOLD MEMBERS LOOKING AFTER CHILDREN**

	% Karas	% Khomas	% Oshana	Total %
Respondent	22,9	29,4	17,6	23,9
Spouse/partner	2,9	1,2	2,9	2,1
Son/s	2,9	1,2	0	1,1
Daughter/s	2,9	14,1	7,4	9,6
Mother	14,3	15,3	33,8	21,8
Father	2,9	0	1,5	1,1
Grandmother	2,9	5,9	5,9	5,3
Sister	20	14,1	23,5	18,6
Brother	0	1,2	0	0,5
Other relative	17,1	14,1	0	9,6
Non-relative	5,7	2,4	2,9	3,2
Other	5,7	1,2	4,4	3,2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

In only three of 14 cases were dependants of male workers in the survey sample residing with them. In these households, female relatives are also the main care givers. Male workers who are married leave children in the care of their wives.

Most at risk are children in households in which the worker, usually a single mother, is the only adult. These domestic workers are compelled to leave young children in the care of older siblings. In some instances, children, particularly those of school age, are left alone at home at times. Several female workers pointed out that their work day does not permit them to be at home when their children arrive from school, forcing them to leave their children on their own for several hours a day. Because wages are low, few domestic workers can afford crèches. Only four respondents reported that they send their child to a crèche or day care centre. Two respondents in Khomas employ a child-minder to look after their children. Several initiatives are underway in Katutura to enable local residents to provide affordable day care in their homes. Domestic workers are potential users of these services, and should participate in the design of day care programmes. Similar initiatives throughout the country should be encouraged.

New mothers rarely get paid maternity leave of more than a month (keeping in mind that the survey took place before the maternity benefit scheme established under the Social Security Act was operational). Fearing loss of their jobs, many return to work shortly after giving birth, and some are forced to leave infants in the care of other household members. As a result, they either limit breastfeeding, or curtail it altogether. This is reflected in recent data which shows that breastfeeding by urban mothers is of shorter duration -- 13 months on average as compared to 19 months in rural areas -- and is less frequent during the day. Exclusive breastfeeding typically ceases after an average of half a month, at which time other supplements are given (MoHSS 1993; UNICEF 1995).

Employers who allow their domestic workers to bring their children to work with them in order to encourage good breastfeeding practices actually acquire several advantages as employers.

Breastfeeding generally produces healthier babies, meaning that the domestic worker is less likely to miss work to care for a sick child. Longer breastfeeding also increases the interval between babies, which reduces the need for maternity leave.

According to the Breastfeeding Association of Namibia, work practices which allow for longer breastfeeding tend to produce more loyal workers, as well as allowing workers to concentrate on their jobs instead of worrying about their babies' well-being.

### *7.8.3 Case studies*

Some survey respondents were asked to use participatory rural appraisal methods to give a more detailed and vivid picture of how they and the other members of their household spend their time.

In the household labour matrix exercise, participants used stones to show who within the household does how much of the regular household activities. This technique gives people a chance to present a clear visual picture of household activities which is usually more accurate than abstract estimations.

The exercise revealed a predictable gender-based division of labour, in which women have responsibility for the majority of domestic tasks such as cleaning, cooking, laundry and child care while men take care of yard maintenance.

Some households included leisure activities to emphasise the unequal work share among different household members. Some interviewees overlooked child care as an activity, perhaps because it is a constant task.

The exercise further highlighted the double work share of domestic workers who return home to face more of the same tasks they carry out on their jobs.

Some domestic workers were asked to use "activity clocks" to estimate how they spend their time. This is another way in which people can utilise a concrete, visual method to help them describe their activities accurately. Examples of the activity clocks appear on pages 165 and 167.

The following selection of case studies represents a range of responses in the various participatory exercises:

**Case Study 1: NUCLEAR FAMILY -- BOTH PARTNERS WORK**

Gina is a domestic worker who lives with her husband Peter and her three-year-old daughter in Katutura. Peter runs an informal sector construction business. Gina's salary is approximately one-third of that of her husband. All of her income goes towards the purchase of food for the household, including daily items such as bread. Rent, water and medical insurance are paid for by Peter and take up one-third of his income. His largest expense, and nearly half of his income, is the purchase of building materials for the business.

Just over 10% of Peter's income is used to pay for the crèche where their daughter stays during the day. When asked to rank household activities, Gina showed child care as taking the least amount of her time. She recorded that cooking and knitting together comprise over half of the household work. She alone does these tasks, as well as the laundry, cleaning and shopping. Peter contributes no time to these activities, but is solely responsible for keeping up the yard. They felt that this activity constitutes less than 10% of household work.

**Case Study 2: HOUSEHOLD HEADED BY MALE DOMESTIC WORKER**

Nestor is a gardener in Otjiwarongo. He resides with his wife, four school-age daughters and a son in his twenties. There are no young children requiring child care in the household. Nestor takes responsibility for fetching water and chopping wood, tasks which he deemed as time-consuming. However, his wife does the greatest share of household work. In addition to sharing responsibility for fetching water and chopping wood, she has primary responsibility for cooking, laundry and cleaning the house. The two younger daughters also bear a considerable share of the workload.

**Case Study 3: HOUSEHOLD HEADED BY FEMALE DOMESTIC WORKER**

Carla is a full-time domestic worker in Keetmanshoop. She resides in Tseiblaagte with two grown children (one male and one female, both employed) and a daughter in school. Her 20-year-old niece, who is also employed, is also a member of the household. The household benefits from having several secure wage income sources, which total over N\$2 100 each month. Carla and her school-aged daughter do the major portion of the house work, a strategy which reduces the workload of other employed family members. The household also makes ice blocks as an additional income-generating activity, with the two daughters contributing the most labour to this activity.

**Case Study 4: LIVE-IN WORKER, GOBABIS**

Justine has been a live-in worker in Gobabis for 2 years. She is single. Originally from a nearby farm, she reached Standard 2 in school. Her typical work day starts at 5.30am. Mornings are spent on house cleaning and cooking, tasks which she prefers. In the afternoons she is responsible for watching over her employer's children. She has 2 hours of free time at midday, and finishes work at 5.30pm. She spends the evenings in her room.

**Case Study 5: COMMUTING WORKER, GOBABIS**

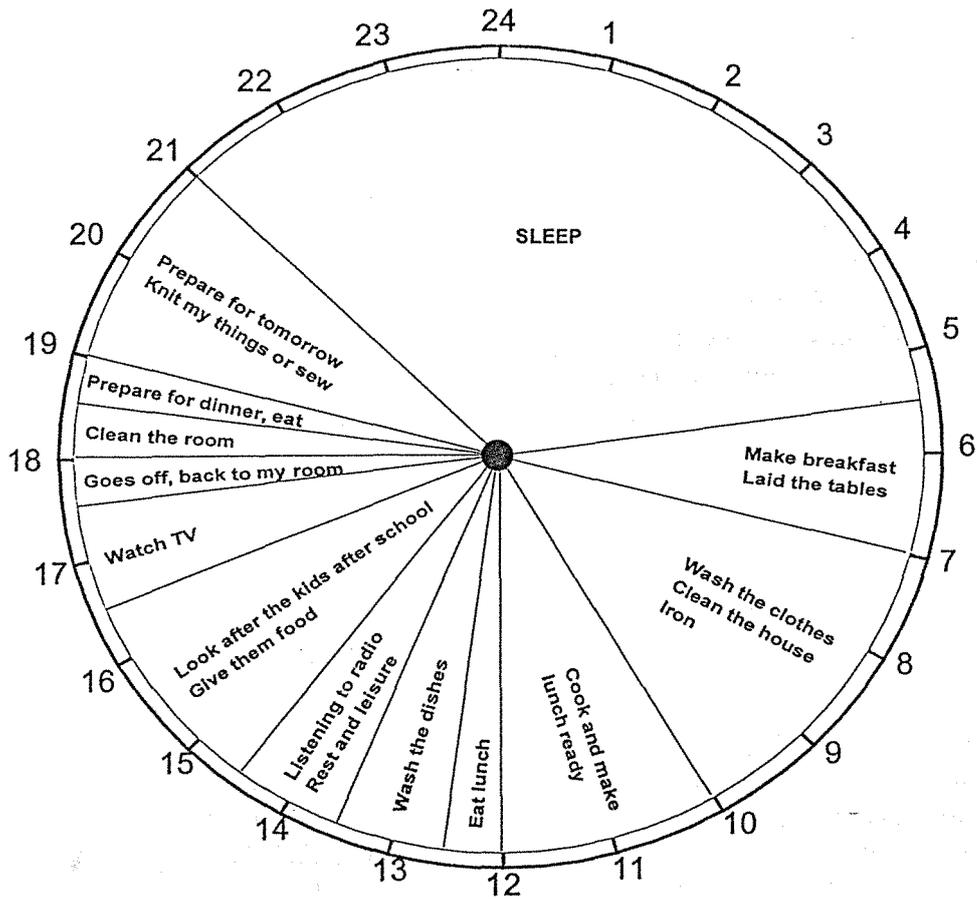
Eva is single and in her mid-twenties, with a Standard 5 education. She has worked in Gobabis for 3 years. She commutes daily by taxi, and so spends only 20 minutes going to and from her home. Her workday typically extends from 7am until 4pm. Laundry and ironing for her employer are her most time-consuming work tasks. She is also responsible for cleaning the house and preparing her employer's lunch. Eva regularly attends literacy classes and spends one or two hours each night studying.

**Case Study 6: KEETMANSHOOP**

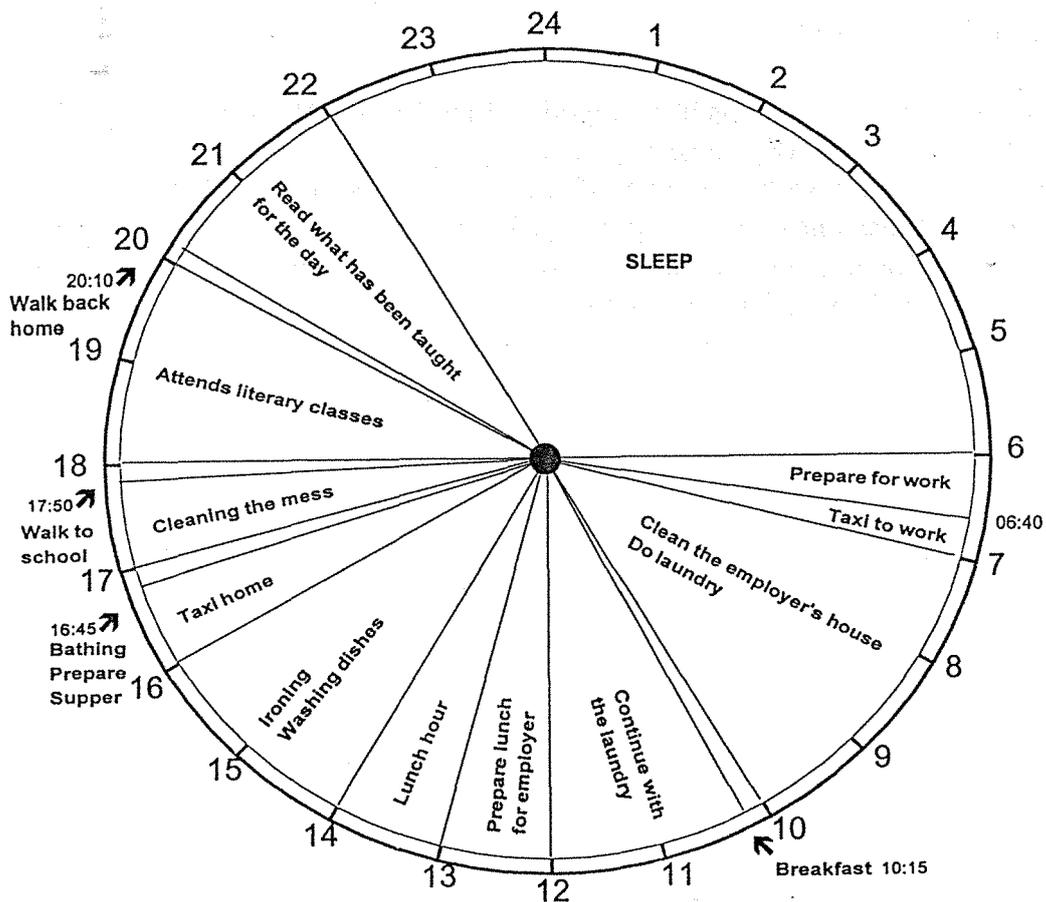
Elissa has been a domestic worker for 3 years. She is 27 years old, with a small baby. She has a 30-minute walk to work, which begins at 9am. Laundry, house cleaning and washing dishes take up her morning. She finds ironing to be particularly labour-intensive, and can spend as much as 3 hours in one day ironing. She has a 1,5 hour break at lunch. At 3pm she usually looks after her employer's children, until she leaves work just before 5pm. This is her favourite time of the day, as she enjoys reading and playing with the children. Upon her return home, she washes her baby's clothes and takes care of dinner and house cleaning. For leisure she usually watches television for two hours before going to bed at midnight.

**Case Study 7: GIBEON**

Linda is 49 years old and lives in the old location of Gibeon. She is single and has a Standard 5 education. She has been a domestic worker for 3 years. Linda typically wakes up at 4.30am. She bathes her youngest child and prepares tea, breakfast and school bread for her children. Three hours later she walks to work. She usually works from 8am to 5pm daily, but returns home for two hours at lunch time. Her time is divided between her employer's home and their restaurant, where she regularly helps out with cooking, cleaning and washing dishes. She is not recognised as an employee of the restaurant. Upon returning home in the evening she prepares dinner and washes dishes. Her free time is spent listening to the radio and in devotions. She particularly enjoys sewing.



Case Study 4: JUSTINE - LIVE-INWORKER, GOBABIS



Case Study 5: EVA - COMMUTING WORKER, GOBABIS

**Case Study 8: LIVE-IN WORKER, REHOBOTH**

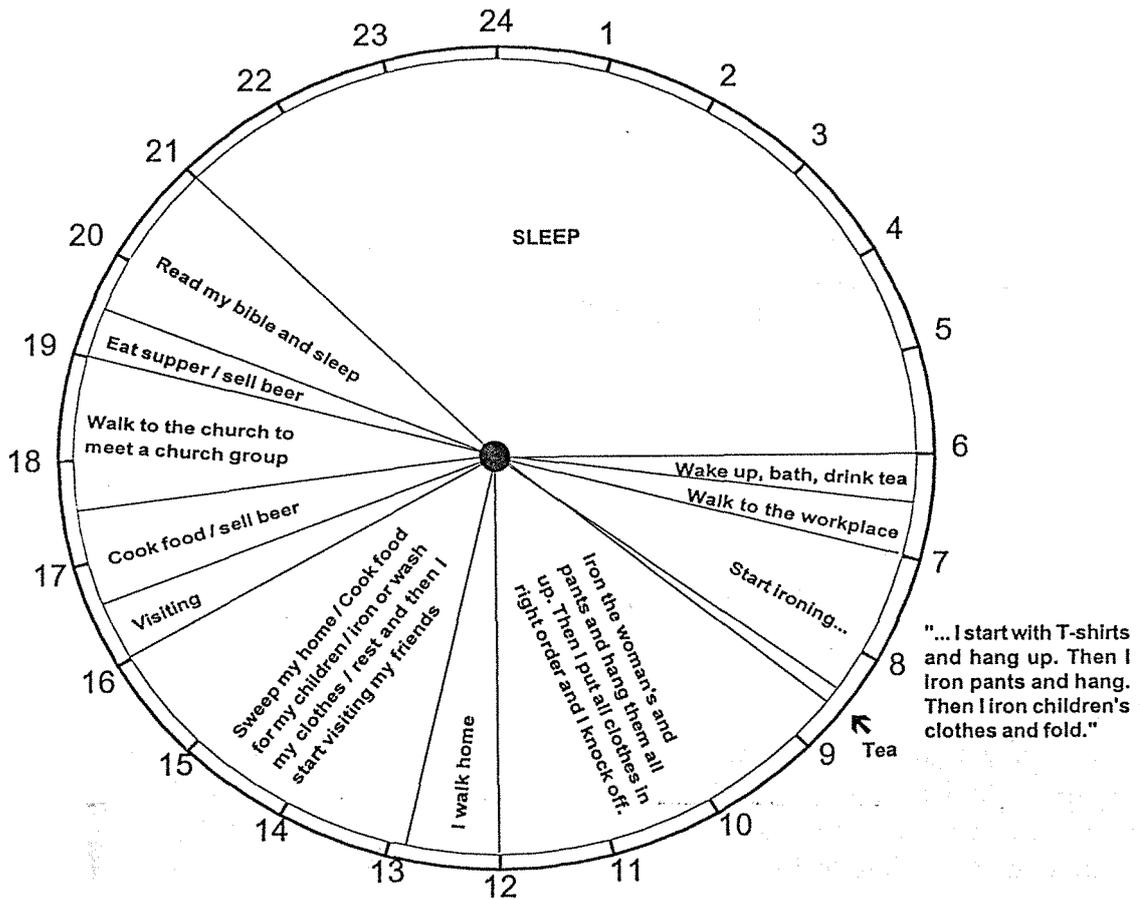
Amie has been a domestic worker for 24 of her 40 years. Presently she is a live-in worker in Rehoboth. At 5.30am her job begins with getting her employer's children ready for school. She cleans the house and does the laundry until noon, when she helps her employer to prepare lunch. Afternoons are spent washing dishes and ironing clothes. She is also expected to polish the children's school shoes. Other than a short tea break and lunch, she works straight through until 5pm. She has two hours of free time, when she watches television and relaxes. At 7pm she prepares and eats dinner and bathes her employer's children. By the time she goes to bed at 9pm she has usually worked a 12-hour day.

**Case Study 9: SWAKOPMUND**

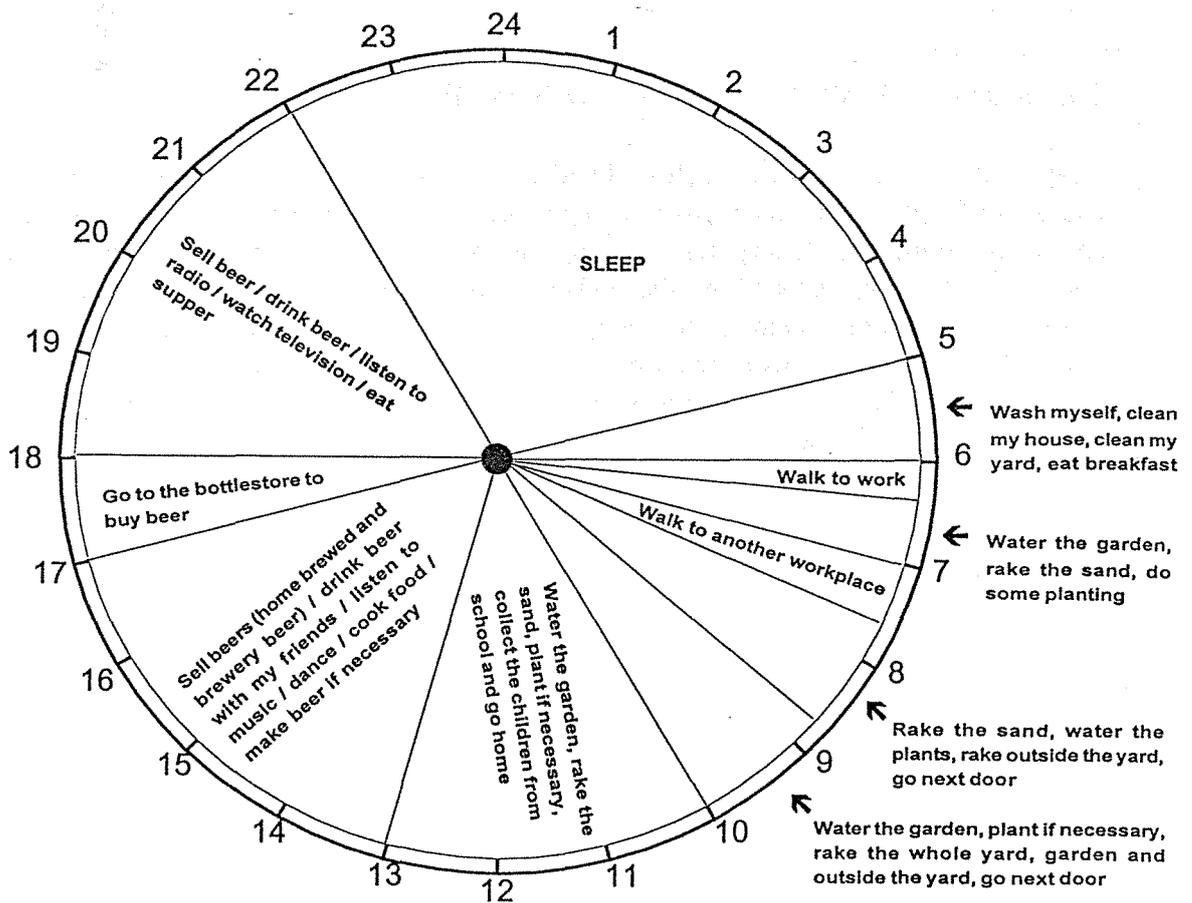
Ida has 40 years of experience as a domestic workers. She is a 62-year-old widower. She works for 4 different employers, from Monday to Thursday in various locations around Swakopmund. She usually works from 7am to 12 noon. Because she cannot bend on her knees, she does only ironing. She returns home after her jobs to prepare lunch for her children and to do other household tasks. She spends an hour or two each afternoon visiting friends. In the evenings, when workers are returning home and after supper, she sells beer or food. Meeting her church group and reading the Bible are also regular activities.

**Case Study 10: ARANDIS**

Pineus is 46 years old and has been a gardener for 5 years. He works 5 days a week for 3 employers. On a typical day he gets up at 5am, eats breakfast and cleans his house and yard. He has a short walk to work, and starts after 6am. He is able to move between houses, and so works for more than one employer each day. Regular tasks include watering, raking the sand and the yard, cleaning outside the yard and planting if necessary. He finishes work at 1pm and picks his children up from school to walk home. In the afternoons and evenings he sells both home-brewed and bottled beer. If necessary he makes beer. He also relaxes with friends -- drinking beer, listening to music, and watching television.



Case Study 9: IDA - DOMESTIC WORKER, SWAKOPMUND



Case Study 10: PINEAS - GARDENER, ARANDIS

**Case Study 11: SWAKOPMUND**

Emmy is a 54-year-old domestic worker in Swakopmund. She is separated but lives with a partner. She has been a domestic worker for 30 years. On a typical day she gets up at 6am. After getting ready for work and eating breakfast, she walks to work. She works from 8am until 1pm cleaning and doing the washing. Upon returning home she juggles her time between house cleaning, minding her grandchildren and caring for her partner, who had a stroke. After preparing and eating dinner she rests and watches television for two hours before going to bed at 10pm. Emmy values the salary which her job as a domestic worker provides, but feels the strain of doing, in her own words, "a double shift at work and at home." She also finds it tiring to walk to and from work, which takes over an hour each day.

**Case Study 12: KUISEBMOND**

Irene is 30 years old. She is single with a partner and has 2 young children. She has been a domestic worker for 4 years. Her day begins at 5.30am. She cleans the kitchen, boils water for tea and gets ready for her job. She starts work just after 7am. On a typical morning she makes the bed, does the laundry (in a machine) and washes dishes. She enjoys a 1-hour break and watches television until the clothes are dry. The rest of the morning she spends ironing. According to Irene, she spends as much as an hour waiting for the bus to take her home. At home she divides her time between household tasks such as cleaning and cooking, watching television and relaxing with her children.

**Case Study 13: LIVE-IN WORKER, ONGWEDIVA**

Rosy is 20 years old, and reached Standard 6 in school. Last year she became a live-in worker in Ongwediva. Her work day begins at 6am with preparing coffee and washing her employer's children. On a typical morning she works until noon laying the beds and cleaning the house. Both are tasks which she finds tedious and time-consuming. She prefers cooking, and usually prepares lunch for her employer's household. Rosy, takes a midday break after lunch. At 4pm she returns to work either to iron clothes or to tend the garden. She prepares dinner, washes the dishes and does other tasks until 9pm when she goes to bed. She works an average of 11 hours daily.

**Case Study 14: OSHAKATI EAST**

Joseph has worked as a gardener for just over a year. He is single and has a Standard 2 education. He has an hour in the morning to bathe and eat breakfast before starting work at around 7am. His jobs include watering plants, cleaning the yard, and on occasion washing cars. He finishes work at 1pm and spends the rest of the day at leisure -- visiting friends, waiting for and eating supper and listening to the news. Some nights he spends at the disco.

**Case Study 15: LIVE-IN WORKER, OKAKARARA**

Elizabeth is a 25-year-old live-in worker in Okakarara. At 6.30am she begins her work day, which entails carrying out a variety of tasks such as house cleaning, laundry and ironing, and washing nappies. She typically works a 12-hour day. While working, and also during her breaks, she is responsible for looking after her employer's baby and schoolgoing child.

These case studies give a vivid picture of the arduous tasks carried out by the typical domestic worker. While live-in workers are not burdened by the "double shift" of housework for a second household, this advantage is offset by the fact that they tend to work much longer hours for their employers. The activity clocks also emphasise the large amounts of time many commuting workers must spend in getting to and from work. The over-burdened schedules of many domestic workers leaves them little time or energy to take advantage of other activities -- a factor which must be kept in mind when activities such as literacy classes, training courses and trade union events are organised.

**8. ATTITUDES ABOUT DOMESTIC WORK****8.1 Job satisfaction**

Domestic workers experience very low levels of job satisfaction. Few prefer domestic work over other potential jobs. Almost all -- 96% of respondents in Oshana, 92% in Karas and 82% in Khomas -- stated that, given the opportunity to choose, they would not be domestic workers. As shown in Table 95 below, workers do not have unrealistic ambitions. Some workers state a preference for jobs, such as office cleaner or tea lady, which require similar tasks as domestic work, but offer a more formal structure and potentially better wages and benefits. The majority of respondents noted a preference for professional jobs, such as being a teacher, nurse, or secretary. This pattern is particularly strong among respondents in Oshana, who, having recently left school, maintain high employment expectations. Indeed, one young woman, who did not get a place in Grade 10, had plans of becoming a doctor.

Overall, these choices also underscore the gender typing prevalent in many sectors: women respondents tend to choose the few professions in which women outnumber men. The few male respondents expressed preference for having a shop or business or a successful farm.

Table 85: PREFERRED WORK BY REGION

	% Karas	% Khomas	% Oshana	Total %
Nurse	27,1	12,5	30,9	20,8
Office cleaner	11,9	18,8	5,5	13,7
Prefer to be domestic worker	8,5	18,8	3,6	12,4
Clerical worker	10,2	10,7	9,1	10,2
Teacher	10,2	5,4	10,9	8,0
Secretary	5,1	3,6	5,5	4,4
"Tea lady"	0	6,3	5,5	4,4
Have a shop	3,4	2,7	0	2,2
Cook and sell food	1,7	3,6	0	2,2
Farmer	1,7	0,9	0	0,9
Messenger	0	0,9	0	0,4
Brew and sell beer	0	0,9	0	0,4
Other	20,3	15,2	29,1	19,9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

SOURCE: 1995 LAC/SSD survey

*Domestic work is not that bad. One can be provided with accommodation, bus fare, food, clothes, all types of basic things which are really important to us and our families.*

Domestic worker

*Domestic work is a waste of time. There is no money, no pension, no medical aid, etc. I would rather work in another sector where benefits are available.*

Domestic worker

*Employers are taking us for granted. They pay us low wages and they treat us bad.*

Domestic worker, Keetmanshoop

*We are not respected as human beings. They don't care about us. As long as their house is clean it is okay for them.*

Domestic worker. Grootfontein

## 8.2 Attitudes towards training and education

While few domestic workers prefer domestic work over other jobs, even fewer would like their children to be domestic workers. Only six respondents in the total sample saw domestic work as an acceptable option for their children. Only one felt that domestic work offers many benefits; the remaining five highlighted other reasons, including the importance of stable employment.

The vast majority of respondents did not want their children to join domestic service, with most citing low pay and hard work as the main reasons. Respondents in Oshana also emphasised the

poor work conditions and benefits. Other reasons given were the lack of job satisfaction and “to have a better life than me.”

The ambition for their children to secure better jobs and have more opportunities also emerged in the attitudes of respondents towards education. Nearly every respondent affirmed the importance of education for children. When asked why education is important, respondents again stressed the need for well-paying and secure employment. They also advanced the idea that, through education, their children would have better lives.

*My employer respects me and treats me very well.*

Domestic worker, Windhoek

*A domestic worker is treated like a black dog.*

Domestic worker, Windhoek

*They expect a lot from us.*

Domestic worker, Windhoek

*They're not treated as human beings, but as slaves.*

Employer, Keetmanshoop

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# RECOMMENDATIONS

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## RECRUITMENT AND SELECTION

### JOB-LISTING SERVICE

**Issue:** The research data shows that most jobs are obtained through informal networks, which disadvantages those without good contacts and limits the choice of both employer and employee. This system also makes it harder for domestic workers to compare variables such as wages and working hours.

**Recommendation:** *Establish a job-listing service with details of employers in need of workers and workers seeking employment, along with information such as the location of the job, tasks required, days and hours of work, language and skills preferred and whether accommodation is provided.*

**Who:** *NDAWU, with assistance from ad hoc support committee, working in consultation with employer representatives.*

#### **Discussion:**

There appears to be a need for this kind of service. For example, the labour inspector in Swakopmund is reportedly performing this function at present.

Initially, this service should be a straightforward voluntary listing of available workers and job opportunities provided free of charge. NDAWU should make use of a central bulletin board, as well as ensuring that jobs and job-seekers are publicised through other means, such as radio announcements and newspaper ads. The job-listing service should not be limited to NDAWU members.

Everyone who contacted the job-listing service would be provided with educational material produced by the Legal Assistance Centre explaining the provisions of the Labour Act relevant to domestic workers and a copy of a model employment contract.

As a second phase, NDAWU could provide a more sophisticated job screening service by offering to verify the references of potential employees and by providing a listing of trustworthy substitute domestic workers who could be employed while regular workers are on leave. NDAWU could also follow up on placements by checking to see if the hours and tasks were as advertised. Employers wishing to make use of this expanded service would be expected to pay a small fee.

### IMPROVEMENT OF JOB-SEEKING SKILLS

**Issue:** Domestic workers would benefit from improved job-seeking skills.

**Recommendation:** *Provide guidelines on interviewing techniques, forms for letters of recommendation and sample letters requesting employment.*

**Who:** *NDAWU, NGOs.*

## CONTRACTS

### MAKING WRITTEN CONTRACTS MANDATORY

**Issue:** Few employers and employees in the domestic work sector utilise written contracts, despite past efforts to promote them.

**Recommendation:** Amend the Labour Act to make contracts mandatory in the domestic work sector in respect of any employment relationship which lasts for more than one month (regardless of how many days a week the domestic worker is employed). Enact an accompanying regulation requiring employers to provide a copy of this contract to the Ministry of Labour and to their employees. The regulations should also provide a model contract, which should include a clause suggesting an annual review of wages.

**Who:** Ministry of Labour.

**Discussion:** This mechanism would be an important step forward in making the Labour Act and related legislation (such as the Social Security Act and the Employees' Compensation Act) enforceable in the domestic work sector. The penalty for failing to enter into a written contract and register it with the Ministry of Labour would be a fine, and enforcement could be carried out by means of spot checks. In addition to making this sector less "invisible", these contracts would provide an important source of information on the sector for government and other interested parties. (The names of employer and employee should be treated as confidential, but other information from the employment contracts should be tabulated and made available for research purposes.)

### ASSISTANCE WITH FORMULATING CONTRACTS

**Issue:** Individual employers and employees who design their own contracts should have them checked for compliance with the provisions of the Labour Act.

**Recommendation:** Provide free and prompt review of contracts for employers or employees.

**Who:** Labour inspectors.

### COPIES OF CONTRACTS FOR EMPLOYERS

**Issue:** Where contracts have been signed, both the employer and employee should hold a copy.

**Recommendation:** Employers should be responsible for providing a copy of the signed contract to the worker. As suggested above, this requirement should ideally form part of an amendment to the Labour Act.

**Who:** Employers.

### PUBLIC EDUCATION ON CONTRACTS

**Issue:** Both employers and employees lack awareness of the purposes and benefits of written contracts.

**Recommendation:** Organise campaigns and workshops aimed at employers and employees explaining the importance of contracts, outlining a model contract and suggesting procedures for handling disputes.

**Who:** Ministry of Labour, NDAWU, LAC, NGOs representing employers.

**Discussion:** Both employers and employees contacted during the research expressed fears that contracts would eliminate the flexibility which can be advantageous to both partners in a good working relationship. Information on employment contracts needs to emphasise the fact that flexibility can easily be built into written contracts.

## WAGES

### WAGE GUIDELINES

**Issue:** While average wages in this sector are not the lowest in Namibia, this average masks the fact that many domestic workers are paid extremely low wages and are vulnerable to dismissal if they advocate increased salaries. On the other hand, a minimum wage might lead to retrenchments and might discourage employers from paying more.

**Recommendation:** Establish non-binding guidelines recommending a scale of minimum hourly wages which take into account job duties, experience and regional variations in prevailing wages and living expenses.

**Who:** Ministry of Labour, in consultation with employee and employer representatives.

#### Discussion:

The researchers advocate wage guidelines rather than a binding minimum wage, at least as a first step. The existing provisions of the Labour Act are not well-enforced at present, so it is likely that a minimum wage would be practically unenforceable at this stage. Furthermore, the experience of neighbouring countries indicates that difficulties with enforcement are common in the domestic work sector (see the appendix on minimum wages). In addition, there is a real danger that a binding minimum wage will lead to a loss of jobs in the sector -- demonstrated by the fact that some employers "retrenched" their domestic workers to avoid compliance with the Social Security Act despite the fact that the financial implications were as low as N\$2,70/month.

It should be noted, however, that many of the participants in the consultative workshops organised to discuss the research, as well as many domestic workers and a few employers who were interviewed, favour the immediate introduction of a binding minimum wage -- including NDAWU, which advocates a minimum wage of N\$3/hour.

The research team suggests that wage guidelines should be published in the *Government Gazette* and publicised through the media and other sources such as organisation newsletters and municipal mailings (such as *Aloe* in Windhoek). The guidelines should set forth the minimum recommended cash wage, to reflect the fact that a certain amount of cash is necessary to fund certain basic necessities (such as medical and education-related expenses), regardless of whether payment in kind is part of the total remuneration package. The wage scale should be updated annually to reflect changes in the costs of living. The wage guidelines should also recommend the payment of annual bonuses, which are in fact fairly common in the sector.

We suggest that the wage guidelines should be expressed as an hourly wage, since working hours in the domestic work sector vary greatly. An hourly wage would allow employers to adjust the job to fit their resources, and it would also retain some of the flexibility which characterises this sector. To avoid confusion, the published guidelines should also be expressed as a daily rate based on a 5-hour day (which is typical for many domestic workers) and an 8-hour day. This will help employers and employees to understand that even though the wage guidelines are expressed in hourly terms, this does not necessarily mean that payment must be made on an hourly basis.

Employers should be actively encouraged to follow the guidelines. Public education campaigns should place emphasis on the fact that the guidelines indicate a "wage floor" rather than an average wage or a "good" wage. The existence of such guidelines would also give employees a basis for assessing their position and negotiating raises.

Wage guidelines should be treated as a first step which may obviate the need for a binding minimum wage. However, if such guidelines do not work to eliminate exploitation in the sector, a binding minimum wage could be introduced at a later stage -- when adequate enforcement mechanisms have been developed.

This recommendation is in line with the general recommendations of the Wiehahn Commission, which pointed out that "the creation of authoritative national minimum wage guidelines would serve an important purpose as a catalyst for the improvement of remuneration levels". (Wiehahn Commission I: 37)

Comparative information on minimum wages in the domestic work sector in other countries in Southern Africa is contained in Appendix 1.

## WORKING CONDITIONS

### JOB DESCRIPTIONS

**Issue:** Domestic workers often lack clarity about what tasks are expected of them.

**Recommendation:** *Employers should provide a job description prepared in consultation with their employees, and a copy should be retained by both parties. If contracts are made mandatory for this sector in terms of the Labour Act, the amended law should require that a job description be included in the contract.*

**Who:** *Employers, Ministry of Labour.*

**Discussion:** Employers and employees can be assisted to prepare job descriptions which retain a degree of flexibility. The Ministry of Labour can offer sample job descriptions which provide clarity without removing all flexibility.

### ANNUAL LEAVE

**Issue:** The provisions on annual leave are not well understood, and many problems arise in this area. For example, problems sometimes arise where a single employee works for multiple employers. Another problem is that domestic workers are sometimes forced to take unpaid "annual leave" during school holidays. Some domestic workers also complain that they are given no advance notice of when they will be allowed to take leave, with the result that it is difficult for them to plan their own affairs.

**Recommendations:**

- *Make knowledgeable personnel available to answer telephone enquiries about annual leave.*
- *Clarify the responsibilities of each employer in situations involving multiple employers.*
- *Enact a regulation requiring that employers give workers at least one week's notice of the scheduling of their annual leave in situations where the employees are given no choice of leave days.*

*Who: Ministry of Labour.*

**SICK LEAVE**

**Issue:** The existing provisions on sick leave are inappropriate for workers who are employed only one or two days a week, as often happens in the domestic work sector.

**Recommendation:** *All employees who work five days a week or less are entitled to 30 working days of paid sick leave in each 36-month cycle. The Labour Act should be amended to grant a pro rata number of working days as sick leave to employees who work less than a five-day week. Such a change would be more fair to employers and thus less likely to encounter resistance.*

*Who: Ministry of Labour.*

**SUBSTITUTES FOR DOMESTIC WORKERS ON LEAVE**

**Issue:** Some employers are reluctant to give annual leave or maternity leave because they do not know how to locate a reliable substitute.

**Recommendation:** *Establish a referral agency to screen appropriate temporary replacements for domestic workers on leave. (As noted above, this could be a component of a job-listing service organised by NDAWU, in conjunction with employer organisations.)*

*Who: NDAWU, employer representatives.*

**CHILDREN OF LIVE-IN DOMESTIC WORKERS**

**Issue:** Live-in employees should be allowed to have their children living with them in order to provide proper care for them.

**Recommendation:** *Under section 38 of the Labour Act, employees who are required to live on agricultural land have a right to reside with their dependants. This right should be extended to employees of private households who are required to live on the premises.*

*Who: Ministry of Labour.*

**Discussion:** Some employers of domestic workers point out that they do not have enough space for the children of live-in workers. In such instances, perhaps alternatives – such as extra leave to visit children residing elsewhere and extra money for transport – could be arranged.

## TRANSPORT

**Issue:** Domestic workers often find transport to be very expensive and time-consuming. Live-in domestic workers experience problems with transport for school-going children who reside with them.

**Recommendation:** *There is generally an urgent need for improved and affordable transport in both rural and urban areas. In particular, school children should be eligible for free or discounted bus passes.*

**Who:** *Ministry of Labour, local authorities.*

**Discussion:** In Windhoek, the possibility of utilising buses which return to Katutura empty after bringing workers into town for the transport of school children of domestic workers should be explored. The Ministry of Labour should initiate a dialogue with the Municipality on this issue, in consultation with NDAWU and employer representatives. Similar ideas could be discussed in other parts of the country.

## PERSONAL SAFETY

**Issue:** Personal security on the job may be a problem, especially given the rising rate of crime. The research team found domestic workers who were locked inside security gates and places where telephones were locked to stop all outgoing calls.

**Recommendation:** *Health and safety regulations issued under the Labour Act should make it illegal to confine a domestic worker inside the workplace. The regulations should also state that, if a telephone is available, workers must have access to emergency numbers.*

**Who:** *Ministry of Labour.*

### **Discussion:**

It is possible to lock telephones while still allowing outgoing calls to emergency numbers. Telecom can explain how to do this.

Improved transport would add to the personal security of domestic workers travelling to and from work. Thus, the issue of personal safety is tied to the recommendations on transport.

## SEXUAL HARASSMENT

**Issue:** This study did not uncover any information on sexual harassment, which appears to be a hidden issue that is not yet clearly understood.

**Recommendation:** *Organise workshops to discuss this issue and commission specific research into this topic.*

**Who:** *Ministry of Labour.*

## ENFORCEMENT OF LABOUR ACT

### MULTIPLE EMPLOYERS

**Issue:** Employers and employees both lack clarity on how the provisions on maternity leave, sick leave and annual leave are to be applied in instances where a domestic worker works for multiple employers.

**Recommendation:** *Provide clear information on these issues, and consider issuing regulations under the Labour Act to cover such situations.*

**Who:** *Ministry of Labour.*

### PROACTIVE ENFORCEMENT

**Issue:** Labour inspectors seldom carry out monitoring activities at their own initiative in the domestic work sector. They also tend to ignore small and informal work relationships where monitoring is particularly needed, acting only on complaints which are brought to their attention by employees.

**Recommendations:**

- *Launch an enforcement campaign targeting the domestic work sector.*
- *Perform spot checks, particularly on standards of accommodation.*
- *Provide special training for labour inspectors on enforcement in the domestic work sector.*
- *Re-assess the distribution of existing labour inspectors.*
- *Appoint additional labour inspectors if necessary, and provide them with the resources necessary to carry out their tasks.*
- *Organise regional discussions with interested parties to explore enforcement techniques and priorities.*
- *Designate a Ministry official to take responsibility for enforcement strategy in the domestic work and agricultural sectors.*

**Who:** *Ministry of Labour.*

**Discussion:**

Labour inspectors need training in gender-sensitisation as well as in specific enforcement techniques. There are also indications that some labour inspectors are reluctant to enforce the Labour Act when those infringing it are acquaintances or colleagues. Enforcement in situations where domestic workers are related to their employers also presents particular difficulties. To help address these problems, government bodies from other countries with similar experiences might be asked to participate in training exercises.

The Ministry of Labour should consider designating a few labour inspectors to specialise in the agricultural and domestic work sectors and providing appropriate extra training to these inspectors.

### ENFORCEMENT PRIORITIES

**Issue:** Particular attention should be given to certain aspects of the Labour Act in the domestic work sector. Problem areas include working hours (especially for live-ins), overtime

pay, night work, annual leave, live-in employees being expected to work during their annual leave (performing tasks such as watering the garden) and maternity leave. There are also problems with unfair dismissals, and with employees quitting their jobs without notice.

*Recommendation: Give special attention to public education and enforcement in these areas.*

*Who: Ministry of Labour, labour inspectors.*

## **PREVENTING VICTIMISATION**

**Issue:** Some workers may not know the channels for reporting complaints, or may fear victimisation if they do make a complaint.

*Recommendation: Increase public education on channels for reporting complaints.*

*Who: Ministry of Labour, NDAWU, LAC.*

*Recommendation: Give increased attention to the prevention of victimisation, by making follow-up visits after spot checks, for example.*

*Who: Ministry of Labour.*

## **NEGOTIATING SKILLS FOR LABOUR INSPECTORS**

**Issue:** Labour inspectors need to be trained to make more effective use of arbitration and negotiation. There seems to be little middle ground between initiating a court case and filing a report which recommends no action. Also, some people report that labour inspectors sometimes “give up” too easily or are not trusted in negotiation situations.

*Recommendation: Encourage increased use of negotiation by labour inspectors and organise training in negotiation skills.*

*Who: Ministry of Labour.*

## **ENFORCEMENT CAMPAIGN AIMED AT PUBLIC SERVANTS**

**Issue:** Government employees are frequently the employers of domestic workers. Government can signal its support for enforcement of the Labour Act in this sector by giving directives to its employees on this issue.

*Recommendation: Issue a directive reminding all civil servants of the importance of applying the provisions of the Labour Act in the domestic work sector. Encourage prominent government leaders to speak out on this issue in public forums.*

*Who: Ministry of Labour.*

## **PUBLIC EDUCATION**

**Issue:** Despite efforts on the part of the government, NDAWU and various NGOs such as the LAC, both employers and employees in the domestic work sector still lack sufficient information about the terms of the Labour Act and the Social Security Act, the role of labour inspectors and the purpose and benefits of contracts.

*Recommendation: Intensify public education campaigns targeting the domestic work sector. Disseminate information through radio and television, regional workshops, newspapers,*

*educational material in simple language, and perhaps a mail campaign aimed at employers (such as an insert in Aloe -- the bulletin of the Windhoek Municipality). Target church leaders, teachers and other community leaders for information on how to deal with complaints.*

*Who: Ministry of Labour, NDAWU, NGOs.*

**Discussion:** The Legal Assistance Centre has produced educational material aimed at domestic workers and their employers. These booklets attempt to give clear information about the laws in simple language, with examples which are appropriate to the sector. Copies can be obtained from the Legal Assistance Centre or its advice offices.

## SOCIAL SECURITY ACT

### COVERAGE OF SOCIAL SECURITY SCHEMES

**Issue:** Employees who work less than three days a week for a single employer are excluded from the coverage of the Maternity Leave, Sick Leave and Death Benefit Fund and will be excluded in future from the National Medical Aid Fund and National Pension Fund. This approach has a particular impact on the domestic work sector, thus excluding a group of workers who are particularly vulnerable and in need of the benefits in question.

**Recommendation:** *Amend the definition of "employee" in the Social Security Act to provide a fairer and more effective dividing line for who should be covered by the social security schemes. The Act should apply to all employees who have a working relationship with a particular employer for at least one month, regardless of how many days a week the employee works.*

*Who: Ministry of Labour.*

### ENFORCEMENT

**Issue:** Enforcement of the provisions of the Social Security Act will be difficult to monitor in the domestic work sector.

**Recommendation:** *Make a special effort to monitor registration of domestic workers, through spot checks and comparison with other records such as municipal accounts.*

*Who: Ministry of Labour.*

### POPULARISATION AND STREAMLINING

**Issue:** Many employees do not appear to understand the Act clearly. Small-scale employers have complained that the paperwork required by the Social Security Act is burdensome.

**Recommendations:**

- *Disseminate more public information on the Social Security Act.*
- *Streamline procedures under the Act to make it as user-friendly as possible.*
- *Ensure that registration for the Social Security Act also functions as registration for purposes of the Employees' Compensation Act.*

*Who: Ministry of Labour, Social Security Commission.*

## **EMPLOYEES' COMPENSATION ACT**

### **ENFORCEMENT**

**Issue:** Enforcement of the Employees' Compensation Act is very weak in the domestic work sector. Very few people realise that domestic workers are covered, or understand the function of the Act.

**Recommendation:** Public information should explain how the Act works and should emphasise the potential financial benefits to employers. Registration of workers under this Act should be coupled with registration under the Social Security Act, to reduce paperwork for employers.

*Who: Ministry of Labour, Social Security Commission.*

## **STRENGTHENING NDAWU**

### **CAPACITY-BUILDING**

**Issue:** NDAWU staff members need capacity-building.

**Recommendation:** Target NDAWU for appropriate training programmes. Training should focus on administrative skills.

*Who: Government, NGOs, donor agencies.*

### **PUBLIC EDUCATION ON THE ROLE OF TRADE UNIONS**

**Issue:** Employers and employees both lack a clear understanding of the role of trade unions.

**Recommendation:** Organise discussion forums in different areas to explain the benefits of trade unions to both employers and employees. Prepare information on the benefits of trade unions for employers as well as employees.

*Who: NDAWU.*

### **TIME OFF FOR TRADE UNION OFFICIALS**

**Issue:** Domestic workers cannot get time off to attend to union activities, such as training programmes for branch organisers.

**Recommendation:** Section 65 of the Labour Act makes provision for workplace union representatives to have time off without loss of pay to carry out union duties, or to attend meetings or training courses. However, only a workplace which employs at least 10 workers is eligible to have a workplace union representative. The Ministry of Labour should consider amending this provision to give similar rights to branch officers of unions in the domestic work sector.

*Who: Ministry of Labour.*

## ESTABLISHMENT OF AN EMPLOYERS' ORGANISATION

**Issue:** Adequate consultation with domestic employers on the part of government, trade unions, and researchers is impossible without the existence of an employers' organisation to represent the interests of employers.

**Recommendation:** *Encourage employers in the domestic work sector to form their own employers' organisation. This move may be a natural outcome of increased regulation and increased law enforcement in the domestic work sector.*

**Who:** *Existing employers' organisations.*

## IMPROVING TRADE UNION RELATIONS

**Issue:** The relationship between NDAWU and NUNW is in need of improvement.

**Recommendation:** *Target NDAWU for training, capacity-building and sharing of resources.*

**Who:** *NUNW.*

**Recommendation:** *Channel government contributions from the Labour Promotion Fund directly to NDAWU as a vulnerable sector and as a means of enhancing gender equality in the trade unions. Alternatively, ensure that government contributions to NUNW are shared with NDAWU.*

**Who:** *Ministry of Labour.*

## EDUCATION AND TRAINING

### LITERACY

**Issue:** Only 7% of domestic workers in the survey attend literacy classes, despite the fact that one-fifth reported that they cannot read or write in any language. Increased proficiency in English would increase job prospects both inside and outside the sector, but few workers seem to be aware that literacy classes are offered in English.

**Recommendation:** *Provide information on the National Literacy Programme and other literacy classes in the region. Work together with NDAWU to develop modules which are of interest to male and female domestic workers. If there is enough interest, groups of workers might be able to request classes at times and locations which are convenient to them.*

**Who:** *Ministry of Basic Education (National Literacy Programme), NDAWU, NGOs.*

### CONTINUED SCHOOLING

**Issue:** The inability of families to pay school fees as well as the need for cash income sometimes drive young people into domestic work at an early age, thus cutting short their education and limiting their other options.

**Recommendation:** *Increase public awareness that school fees are not mandatory.*

**Who:** *Ministry of Basic Education and Culture.*

**Recommendation:** *Re-assess state maintenance grants to ensure that the neediest families are effectively targeted.*

**Who:** *Ministry of Health and Social Services.*

**Recommendation:** *Provide options for continuing education for persons who fail Grade 10.*

**Who:** *Ministry of Basic Education and Culture.*

**Discussion:** *New policies on schooling for teenage mothers will be helpful on this point.*

## **BROADENING EMPLOYMENT OPTIONS**

**Issue:** Domestic workers lack the skills needed to gain alternative employment, even though many have Grade 8 or higher. Vocational and educational programmes should target these domestic workers to help them upgrade their qualifications. Efforts should also be made to reduce the numbers of males and females who drop out of secondary school education and then turn to domestic work or other low-paid labour.

**Recommendation:** *Continue ongoing efforts to reduce drop-out rates.*

**Who:** *Ministry of Basic Education and Culture.*

**Recommendation:** *Target domestic workers for vocational training, adult education programmes and distance teaching programmes.*

**Who:** *Ministry of Labour, Ministry of Higher Education.*

## **SMALL BUSINESS SKILLS**

**Issue:** Domestic workers and members of their households are often involved in informal sector activities. These households would benefit from training in business and marketing skills.

**Recommendation:** *Target domestic workers for small-business training programmes, and schedule classes at times which are suitable for this sector.*

**Who:** *NGOs offering such training, such as IMLT and the Private Sector Foundation.*

## **UPGRADING DOMESTIC WORK SKILLS**

**Issue:** Domestic workers also need to upgrade the skills relevant to their positions to justify higher wages. For example, housekeepers might be able to find better-paying positions with qualifications in child care, cooking, first aid or other such skills. Gardeners could upgrade their skills to include landscaping, plant maintenance, pool care or other such tasks which are often performed by commercial concerns in urban centres.

**Recommendation:** *Continue to target domestic workers for training in these areas, and provide access to bursaries or loans to cover fees where possible. This idea could be linked with the job-listing service discussed above; domestic workers with certificates of competency in specific areas could be recommended for jobs requiring these tasks.*

**Who:** *Ministry of Labour, Ministry of Higher Education, NGOs.*

**Recommendation:** *Sponsor participation of domestic workers in such programmes, and provide paid time off if necessary.*

*Who: Employers.*

*Recommendation: Explore the possibility of establishing a training fund for loans or bursaries.*

*Who: NDAWU.*

*Recommendation: Consider sponsoring such training programmes from the Development Fund established in terms of the Social Security Act, or through the mechanisms established under the Vocational Training Act. Formal recognition of certificates for participation in such programmes should also be taken into account in establishing guidelines for recommended minimum wages.*

*Who: Ministry of Labour.*

## SOCIO-ECONOMIC CONDITIONS

### SAVINGS

**Issue:** Nearly half of the domestic workers in the survey reported that they save money. While some save with a bank or a building society, an equal number save at home or with a relative or an employer.

*Recommendation: Target domestic workers for information about savings options.*

*Who: Credit unions, other NGOs.*

### LOANS

**Issue:** About one-third of the domestic workers in the survey have borrowed money to cover expenses, and some expressed this wish for loans to invest in a business or to build or improve a home. However, virtually none of them have ever made use of formal institutions such as banks or credit groups.

*Recommendation: Target domestic workers for information on loan options, budgeting and how to utilise loans. Consider establishing credit unions specifically for domestic workers.*

*Who: Namibia Credit Union League.*

**Discussion:** This idea could be discussed with NDAWU to explore possible linkages with the problem of collecting trade union membership fees.

### HOME OWNERSHIP

**Issue:** In group discussions around the country, domestic workers expressed their desire to own a house in order to provide a safe, supportive environment for their families. Rent takes a large chunk out of many urban workers' salaries, leaving little income for other expenses or savings. Some domestic workers complained that they have been unable to qualify for housing loans and low-income housing programmes.

*Recommendation: Identify and publicise existing opportunities and explore weaknesses in existing schemes which may prevent domestic workers from utilising them.*

*Who: NDAWU, working together with groups such as the Urban Trust, the Namibia Housing Action Group, Saamstaan Housing Cooperative and the Build Together Programme.*

## **CHILD CARE**

**Issue:** Many domestic workers expressed the need for access to affordable, accessible child care and would benefit from day care programmes and crèches located near their homes or workplaces.

*Recommendation: Consult with NDAWU and with domestic workers to identify times, locations and services which could accommodate their specific needs.*

*Who: Groups active in this field, such as CCN.*

*Recommendation: Lobby employers to provide working hours and conditions which are conducive to child care.*

*Who: Employers, NDAWU.*

## **TRANSPORT**

**Issue:** As noted above, problems with public transport were a regular complaint among domestic workers in urban areas throughout the country. There were complaints that transport is expensive, unreliable, inconvenient and time-consuming. Some workers receive money or tickets to cover transport to and from work, while others must travel at their own expense or walk as much as one hour to their employer's house. The time spent commuting reduces the time workers have for their home and family responsibilities.

*Recommendation: Consult with NDAWU and with domestic workers to identify specific areas where public transport could be improved.*

*Who: Individual local authorities, Association of Local Authorities in Namibia.*

*Recommendation: Take transport costs into account in establishing guidelines for recommended minimum wages.*

*Who: Ministry of Labour.*

## **GENERAL**

### **PERCEPTIONS OF DOMESTIC WORK**

**Issue:** Domestic work has a low image in the eyes of the public, including domestic workers themselves. The skills involved in this sector are underestimated and undervalued.

*Recommendation: Organise empowerment and assertiveness training workshops (perhaps with assistance from NANTU, which has successfully organised such workshops in the past). Such workshops need to be well-planned and well-organised.*

*Who: NDAWU.*

*Recommendation: Broadcast television and radio shows addressing this issue.*

*Who: NBC.*

**Recommendation:** *Target domestic workers for training programmes which will allow them to upgrade their skills. This will increase the professionalism of the sector and heighten perceptions of domestic work as a job which requires specific skills.*

**Who:** *NGOs.*

**Recommendation:** *Conduct oral histories of the lives of domestic workers as part of the school of literacy curriculum.*

**Who:** *Ministry of Basic Education and Culture.*

**Recommendation:** *Institute a media campaign using prominent leaders to talk about the value of domestic work and the importance of treating domestic workers fairly.*

**Who:** *Ministry of Information and Broadcasting.*



# Appendix 1:

## MINIMUM WAGES IN SOUTHERN AFRICA

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The following is a brief overview of minimum wages for domestic workers in countries in Southern Africa.<sup>1</sup>

### (1) ANGOLA

There is a general minimum wage of US\$0,67/month (53 800 kwanzas), which is insufficient to provide a decent living for a worker and his or her family. The government does not enforce this minimum. Most workers supplement their incomes through various informal sector activities.

### (2) BOTSWANA

There is a general minimum wage of US\$100/month (270 pula) for full-time workers in the formal sector. This is just under half of what the government calculates as being necessary to meet the basic needs of a family of five. The Ministry of Labour is responsible for enforcing the minimum wage and employs at least one labour inspector in each district. Formal sector jobs generally pay well above the minimum wage. However, informal sector jobs such as farm work and domestic work frequently pay below the minimum wage. The government recommends a minimum wage of US\$92,60/month (250 pula) for domestic workers, but this is not mandatory.

### (3) LESOTHO

There is a scale of statutory minimum wages for certain job categories, ranging from US\$80/month (294 malothi) for an unskilled labourer to US\$154 (565 malothi) for a heavy vehicle driver. At the low end of the spectrum, the minimum wages are insufficient to support a basic standard of living. Most wage earners supplement their income with subsistence agriculture or remittances from family members working in South Africa. Many employers now pay wages which are higher than the minimums in order to attract and retain a motivated workforce.

### (4) MALAWI

There is a minimum wage of US\$0,78/day (MK 10,85) in urban areas and US\$0.56/day (MK 7,50) elsewhere. These amounts are insufficient to support a worker and his or her

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<sup>1</sup> Except where otherwise indicated, this information comes from US Department of State, *Country Reports on Human Rights Practices for 1995*, April 1996.

family. The minimums are not effectively enforced and are largely irrelevant for the majority of citizens, who work outside the formal sector.

(5) MAURITIUS

There are different minimum wages in different sectors, which are increased each year to keep pace with inflation. The lowest minimum wage for a worker outside of the country's export processing zones is about US\$13,25/week (236,25 rupees). The minimums are significantly less than what is needed to provide an acceptable standard of living, but because of a labour shortage the prevailing market rates for most workers are well above the legal minimum.

(6) MOZAMBIQUE

There is a general minimum wage of about US\$21/month (218 143 meticaais). enforcement usually takes place only where a worker has filed a complaint. The minimum wage is not sufficient to sustain an average urban worker and his or her family. Most workers supplement their income with a second job or with subsistence agriculture.

(7) SOUTH AFRICA

There is no legally mandated national minimum wage. The question of minimum wages was recently examined by a presidential commission to Investigate Labour Market Policy. This commission recommended that the Wage Board should set minimum wages and working conditions in sectors where no effective collective bargaining exists. The commission made the following comments on minimum wages in the domestic work sector:

*Average earnings for domestic workers are low. While the Commission favours setting a minimum wage for domestic workers, it is aware that there are many difficulties associated with doing so. These include enforcement, potential disemployment effects, and the possibility of realistic minimum wages being seen as maximum or desirable levels. The vast difference in average domestic earnings between Sandton and Sandspruit may be impossible to contain in one set of minimum wage regulations. In the circumstances the Wage Board might consider a number of minimum determinations with local authorities making recommendations as to which determination is most appropriate for their area. The Commission recommends that local authorities consider establishing advice offices where domestic workers can receive assistance in formalising their contracts and ensuring they are paid at least minimum rates.*

*While we support the determination of a minimum wage for domestic work, enforcement problems and the very low starting point for a determination, coupled with fear of disemployment effects, will probably mean that the impact of this measure on alleviating the poverty of a great many domestic workers will be slight. Creative mechanisms need to be found that will*

*encourage employers to pay higher wages to domestic workers. One suggestion, although not unanimously supported within the Commission, is to include monetary payments to domestic workers as a tax deductible expense. Such a claim would only be accepted if accompanied by formal documentation establishing that the payments claimed had indeed been made. This may then not only encourage employers to pay somewhat higher wages to their domestic workers, it would also encourage the drawing up of formal contracts and the use of payslips, the payment of UIF, etc., thus contributing to a movement away from the peculiar set of relations that characterise this work. (Presidential Commission to Investigate Labour Market Policy, Restructuring the South African Labour Market, Chapter 4, June 1996)*

#### (8) SWAZILAND

There is a legally mandated scale of minimum wages for various sectors. The minimum wage for a skilled worker is about US\$125/month (450 emalangeni), for an unskilled worker about US\$75/month (280 emalangeni) and for an average domestic worker about US\$50/month (180 emalangeni). These amounts are considered sufficient to provide an average worker and his or her family with an adequate standard of living.

In terms of the Regulation of Wages (Domestic Employees) Order 1985, a domestic employee is defined to include any person employed in or about a private household in the capacity of cook, house attendant, waiter, butler, children's nurse, valet, groom, gardener, laundress or watchman. The basic minimum wage for all domestic employees other than part-time and casual workers is expressed as a monthly wage, including the value of rations.

The basic minimum wage for part-time employees (restrictively defined as an employee other than a casual worker who works less than 24 hours in a single week) is expressed as a daily rate, including the value of rations.

The basic minimum wage for casual employees (workers who are employed for no more than one day at a time and who are paid at the end of each day's work) is expressed as an hourly rate.

There are different minimum wages for different categories of domestic work, and in some categories there is a lower minimum wage for employees under the age of 18.

The law also requires that the employer provide a domestic employee with a suitable uniform, but this uniform remains the property of the employer. (Delpont: 200-205)

#### (9) TANZANIA

There is a minimum wage of US\$30/month (17 500 Tanzanian shillings) in the formal sector, which is not always sufficient to provide a basic standard of living. Many workers, especially those in the informal sector, earn less than the minimum wage.

## (10) ZAMBIA

There is a minimum wage of US\$0,08/hour (70,30 kwacha) for non- unionised workers in categories such as general workers, cleaners and security work. This amount is insufficient to provide a basic standard of living, with the result that most workers in these sectors supplement their incomes through second jobs, subsistence farming or reliance on the extended family.

## (11) ZIMBABWE

There is a minimum wage of US\$28,08/month (Z\$242,89) for domestic workers and gardeners, which functions as the de facto minimum wage for other workers as well. In most instances the employer must provide housing and food to workers, or allowances for these items. The minimum wage is not sufficient to support an adequate standard of living. Workers in sectors covered by collective bargaining have secured higher minimums, ranging from US\$33,50/month (Z\$290) in the agricultural sector to a high of US\$83/month (Z\$720) in some manufacturing sectors. Enforcement of Zimbabwe's labour laws is generally ineffective because of a shortage of staff.

In terms of the Employment (Domestic Workers) Regulations 1981, a domestic worker was defined as:

*a person employed in a single private household for rendering such services as yard/garden work, cook/housekeeping and baby-minding, regardless of whether the place of employment is urban or rural, but exclusive of any person rendering such services to any other type of employer.*

The minimum wage in this sector must be a cash wage; deductions made for the amount of rations provided are not allowed to reduce the cash wage below the legal minimum. In addition, all employers are obliged to provide either free lodging, transportation to and from work, and lights and fuel for cooking -- or to specified minimum allowances for these items. (Delpor: 200-205)

Zimbabwe takes an interesting approach to the problem of administering minimum wages where there are multiple employers. Part-time, contract and casual labour are technically not permitted in the domestic work sector. Any employment in domestic work is considered to be full-time employment which merits the minimum wage and allowances. Any worker who does in fact perform work in more than one household under any sort of arrangement is entitled to 90% of the minimum wage and allowances from each household. Furthermore, all employers who enter into such arrangements are individually and collectively obliged to deliver the total amounts owing from all the other employers by the due date for payment. (Delpor: 200-205)

This contract has been designed by Namibian Domestic and Allied Workers Union (NDAWU) who can not be held responsible for the context of any agreements based on this form.  
For more information, please contact NDAWU 061-63458 or P.O. Box 61560 Windhoek.

# CONTRACT OF EMPLOYMENT FOR DOMESTIC WORKER

0734

between

Mr./Mrs./Ms. \_\_\_\_\_  
(the "employer")

Mr./Mrs./Ms. \_\_\_\_\_  
(the "employee")

I.D. No.: \_\_\_\_\_

I.D. No.: \_\_\_\_\_ Tel.: \_\_\_\_\_

Tel. (w) \_\_\_\_\_ Tel. (h) \_\_\_\_\_

Postal Address: \_\_\_\_\_ Place: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Place: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Residential Address: \_\_\_\_\_

\_\_\_\_\_ Place: \_\_\_\_\_

\_\_\_\_\_ Place: \_\_\_\_\_

Address of employee's workplace: \_\_\_\_\_

\_\_\_\_\_ Tel.: \_\_\_\_\_

## 1. DATE OF COMMENCEMENT OF EMPLOYMENT

Time of probation: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Three months

## 2. JOB DESCRIPTION

- General domestic work  Other (specify): \_\_\_\_\_
- including: \_\_\_\_\_
- cooking \_\_\_\_\_
  - shopping groceries \_\_\_\_\_
  - ironing only \_\_\_\_\_
  - washing textiles and ironing \_\_\_\_\_
  - attending to children \_\_\_\_\_
  - general domestic work and garden \_\_\_\_\_
  - garden only \_\_\_\_\_
  - washing car \_\_\_\_\_

## 3. SALARIES AND PERIOD OF PAYMENT

- The employee shall be paid: a salary (NS) (see how to calculate on return side):  
\_\_\_\_\_ monthly representing \_\_\_\_\_ weekly or \_\_\_\_\_ daily
- The salary will be paid: daily  weekly  bi-weekly  monthly
- The employee will receive: no benefits  / the following benefits:
- a. Breakfast \_\_\_\_\_  g. Plus bus tickets or money (NS)
  - b. Morning tea/coffee only \_\_\_\_\_  per day \_\_\_\_\_
  - c. Morning tea/coffee plus sandwiches \_\_\_\_\_  per week \_\_\_\_\_
  - d. Lunch \_\_\_\_\_  per month \_\_\_\_\_
  - e. Afternoon tea/coffee only \_\_\_\_\_  for transport
  - f. Afternoon tea/coffee plus sandwiches \_\_\_\_\_  h. other: \_\_\_\_\_

## 4. WORKING HOURS (are subject to the conditions of the Labour Act)

### a. Daily (as indicated on table below):

total normally \_\_\_\_\_ hours.  
In case of work on Sundays or Public Holidays (Section 33 (3)(b) of the Labour Act) the employee will get a day off work during the following seven days mutually agreed upon by the two parties (See also Section 6 below).

Plus as many overtime working hours as are required and mutually agreed upon by the two parties from case to case at NS \_\_\_\_\_ per hour.  
(For overtime see Section 6 below.)  
(Instructions to fill below table for working hours: Draw continuous line from beginning to the end of working hours for each day. Write the starting hour and ending hour at the nearest empty box to indicate exact time. Example: [7:30 \_\_\_\_\_ 14:30])

Working day	Normal working hours															
	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	20:00	21:00
Monday																
Tuesday																
Wednesday																
Thursday																
Friday																
Saturday																
Sunday																

Meal intervals are granted and included in the abovementioned working hours and that time is subsequently paid.

Weekly salary calculated (NS):  
Salary per hour \_\_\_\_\_ x weekly hours as above \_\_\_\_\_ = weekly salary \_\_\_\_\_  
Monthly salary calculated (NS):  
Weekly salary \_\_\_\_\_ x 4 1/2 = monthly salary \_\_\_\_\_

This contract, including pages 1 and 2, is subject to the laws of the Republic of Namibia.  
Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

## 5. ACCOMMODATION (Section 38 of the Labour Act)

The employer undertakes to provide the employee with accommodation including sanitary and water facilities and shall allow visits at all reasonable hours:  
YES  NO

EMPLOYEE \_\_\_\_\_ EMPLOYER \_\_\_\_\_

a. in the employer's own house \_\_\_\_\_  b. at the following place: \_\_\_\_\_

WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_

## 6. COMPASSIONATE AND UNPAID LEAVE

The employee may apply for and the employer may grant compassionate paid leave or unpaid leave at his/her own discretion for a reasonable number of days.

## 7. OVERTIME

The conditions as stated in Section 32 of the Labour Act shall apply:

Overtime is that portion of the time which the employee works in excess of the ordinary working hours.

Excess means:

- 7.1 More than 9 hours a day in case of a five day working week;  
or more than 7½ hours a day in case of a six day working week if Saturday is a full working day;  
or more than 8 hours a day in case of a six day working week if only five hours are worked on Saturday
- 7.2 More than 45 hours per week in case of days which are not a Sunday or a Public Holiday;
- 7.3 Work on a Public Holiday or on a Sunday.

Overtime remuneration shall be calculated as follows:

- one and one-half times the salary in case of point 6.1 and point 7.2;
  - double times in case of point 7.3
- or one and one-half times of the salary in case of point 7.3 if an equal period of time is given off from work during the following seven days.

## 8. ANNUAL LEAVE

8.1 Section 39 of the Labour Act provides that the employee is entitled to 24 consecutive days' paid annual leave per year at the ordinary rate of remuneration.

## 9. SICK LEAVE

The employee is entitled to the following sick leave in accordance with Section 40 of the Labour Act during an employment cycle of 36 months;

- a. in case of an employee who works not more than five days during a week:  
30 paid working days;
- b. in any other case:  
36 paid working days.

During the first 12 months of this employment contract only one day's sick leave every five or six weeks may be granted. Thereafter the named 30 or 36 days will be granted unlimited until the total number of days is used up to the end of the cycle of the first 36 months. The new cycle starts without limit.

## 10. MATERNITY LEAVE

After completion of 12 months' service the employee is entitled to four weeks maternity leave before confinement and at least eight weeks after confinement.

Maternity leave will only be granted if the employee submits a medical certificate which states the expected date of confinement. Maternity leave shall not prejudice any rights of the employer or the employee. Maternity leave benefits are provided in terms of the Social Security Act.

## 11. TERMINATION OF THIS CONTRACT

1. Subject to the disciplinary procedures as set out in the Annex "Disciplinary Code" both parties are required to give written notice of their intention to terminate this contract.
2. Notwithstanding any provision in this contract, the parties may terminate this contract summarily on any ground sufficient to common law, e.g. theft.
3. At the termination of employment the employer shall furnish the employee with a certificate of service which contains the following information:
  - a. Name and address of the employee
  - b. Name and address of the employer
  - c. Date of commencement and termination of this contract of employment
  - d. The last salary of the employee

e. Position held by the employee

f. If the employee so requests, the reason for the termination of the contract.

## 12. SEVERANCE ALLOWANCES

Section 52 of the Labour Act shall apply.

That means inter alia: On termination of this contract the employer shall pay to the employee an amount equal to one week's remuneration for each completed period of 12 months of employment, except in the case of a fair dismissal or a resignation.

## 13. DISCIPLINARY CODE

1. Depending on the seriousness of the offence and the circumstances the employer may take one of the following disciplinary actions:

- Oral warning
- Written warning
- Final written warning
- Dismissal

2. Oral warning

This is an informal warning in the presence of a third person and no record will be kept.

3. Written warning

If the employee ignores the oral warning or in view of the seriousness of the matter a written warning may be issued.

The following details must be written: Name of employee and employer, Date when written, Particulars of alleged offence, Employee's response to allegations, Actions taken, Signatures of both the employee and the employer.

The written warning shall be valid for a period of 3 months after which it shall have no effect.

4. Final written warning

If the employee repeats the same or similar offence within 3 months after she received two written warnings or in view of the seriousness of the matter, a final written warning may be issued including the following in writing: Name of the employee and employer, Date when written, Particulars of alleged offence, Employee's response to allegations, Actions taken, Signatures of both the employee and the employer.

A hearing shall be held before a final written is given. Before the hearing the employer will notify the employee of such a hearing. The employer must inform the employee that she/he may be represented.

The final warning shall be valid for a period of 6 months after which it shall have no further effect.

5. Dismissal

In very serious cases the dismissal of the employee may be considered. Before such action is taken the employer must institute a hearing. The dismissal must be given in writing, including: Name of the employee and employer, Date when written, Particulars of alleged offence, Employee's response to allegations, Actions taken, Signatures of both the employee and the employer.

6. Disciplinary hearings

A disciplinary hearing will be held before a final written warning and before a dismissal. The employee must receive two days notice of such a hearing and must be informed of the complaints against her and that she may be represented.

Both parties may call any witnesses to attend the hearing. The employer will notify the employee of his/her decision after all the evidence and circumstances have been considered.

## 14. CALCULATIONS OF SALARY

Monthly salary divided by 4½ = Weekly salary

Weekly salary divided by normal weekly working hours = Salary per hour

# Appendix 3: Proposed NDAWU Membership Application Form

## Namibia Domestic and Allied Workers Union (NDAWU)



NDAWU HEAD OFFICE  
P.O. Box 61560  
Windhoek 9000  
REPUBLIC OF NAMIBIA

Tel: (061) 263458

### MEMBERSHIP APPLICATION FORM

#### A. EMPLOYEES INFORMATION

Full Names ..... House / Erf No. ....  
 ID/Passport No. .... Suburb / Area .....  
 Home Language ..... Town .....  
 Sex (F/M) ..... Postal Address .....  
 Age ..... Date of Birth (d/m/y) .....  
 Marital Status ..... Telephone No. ....  
 Occupation of Spouse ..... Contact person for messages .....  
 Number of Dependants .....

#### B. EMPLOYEES CONDITIONS OF SERVICE

Date Employed (d/m/y) ..... No. Hours per Day .....  
 Sector (e.g. domestic/commercial/catering) ..... No. Days per Week .....  
 Type of Work ..... Cash Wage per Hour (N\$) .....  
 Written Contract Signed? ..... (yes) ..... (no) Cash Wage per Day (N\$) .....  
 Contract Expiry Date (d/m/y) ..... Cash Wage per Month (N\$) .....  
 Annual Bonus (N\$) .....

#### C. EMPLOYERS INFORMATION

Full Names ..... House / Erf No. ....  
 Home Language ..... Suburb / Area .....  
 Sex (M/F) ..... Age ..... Town .....  
 Marital Status ..... Postal Address .....  
 Occupation ..... Telephone No. .... (home) ..... (work)

NB: Please fill out information on the back of this form if you have more than one employer.

#### D. STOP ORDER AUTHORISATION

I, the undersigned, hereby agree to the monthly deduction of the sum of N\$ ..... from my wages, which shall be paid to the Namibia Domestic and Allied Workers Union (NDAWU), in respect of my membership fees to the Union. My deduction may be varied to meet any changes in subscription rates notified to my employer from time to time by NDAWU

EMPLOYEE'S SIGNATURE: ..... DATE: .....

#### FOR OFFICE USE ONLY

Membership No. .... Date Approved .....  
 Town ..... Signature .....



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