



## Publication

CAPE ARGUS

## Page

7

## Date

Wed 23 Jan 2019

## AVE (ZAR)

5780.92



## ■ LABOUR

# Minimum wage and domestic workers

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THE National Minimum Wage Act provides for a national minimum wage of R20 for each ordinary hour worked.

There are, however, certain exceptions to the national minimum wage. Domestic workers are entitled to a minimum wage of R15 an hour.

The Sectoral Determination 7: Domestic Worker Sector and the Amendment of Sectoral Determination 7: Domestic Worker Sector determines the minimum rates for the period December 3, 2018 "to promulgation of the minimum wage provision contained in the National Minimum Wage Act", which is January 1, 2019.

The minimum rates differ according to the area in which the domestic worker works: being either "Area A" or "Area B".

In terms of the Amendment of Sectoral Determination 7, domestic workers in Area A and Area B who work for more than 27 hours a week are entitled to a minimum rate of R13.69 an hour and R12.47 an hour respectively.

Similarly, domestic workers in Area B who work 27 hours a week or less are entitled to a minimum rate of R14.72 an hour. These

minimum rates were applicable for the period December 3, 2018 to December 31, 2018.

As of January 1, 2019, domestic workers in Area A and Area B who work for more than 27 hours a week, as well as domestic workers in Area B who work for 27 hours a week or less, are entitled to R15 according to the National Minimum Wage Act.

The Amendment of Sectoral Determination 7 has, however, created confusion in respect of domestic workers in Area A who work 27 hours a week or less.

In terms thereof, these domestic workers are entitled to R16.03 an hour, with effect from December 3, 2018.

This minimum rate marks an increase to the minimum wage of R15 applicable to domestic workers.

The Department of Labour has confirmed that the minimum rate of R16.03 will continue to apply to these domestic workers, the rationale being that an employer cannot unilaterally amend an employee's terms and conditions of employment, including reducing his or her remuneration.

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