THE PRESIDENCY: NATIONAL COMMAND COUNCIL
c/o: Ms Khusela Diko & Mr Mike Louw

PER EMAIL: khusela@presidency.gov.za presidentrsa@presidency.gov.za

THE MINISTER OF EMPLOYMENT AND LABOUR
THE HONOURABLE MR THULAS NXESI
c/o: Ms Albertina Barlow & Mr Khangala Mudumela

PER EMAIL: albertina.barlow@labour.gov.za & Khangala.Mudumela@LABOUR.gov.za

COMMISSIONER: UNEMPLOYMENT INSURANCE FUND
MR TEOHO MARUPING
c/o Ms. Eunice Mazibuko

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07 May 2020

Dear Sirs,

RECOMMENDATIONS FOR THE DECLARATION OF DOMESTIC WORKERS AS UIF CONTRIBUTORS

1. The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit human rights organisation based in Johannesburg. We work with communities, social
movements and individuals in Gauteng and beyond by providing legal advice and representation, research services and advocacy support.

2. We represent the South African Domestic Service and Allied Workers’ Union (SADSAWU) and its members who are domestic workers (our clients). Our clients are concerned that they are not able to benefit from the Unemployment Insurance Fund (UIF) Covid-19 TERS Fund because the majority of them are not registered for UIF.

3. We are aware that the Minister of Employment and Labour (the Minister) announced in the media briefing of the economic cluster held on 28 April 2020, that employers who have not registered their employees for UIF can now register them in order to benefit from the TERS Fund, if the employers undertake to pay the debt owing to the UIF when they are able to do so.

4. Our clients are a vulnerable class of people, who often work under unfair labour conditions. They are concerned that the solution presented by the Department is dependent upon the co-operation of their employers who do not necessarily have an interest in making sure that domestic workers benefit from the TERS Fund. This unfortunately leaves many domestic workers, and their families, destitute.

5. Further, we are instructed by our clients whose employers have registered them for UIF that attempts by their employers to access the TERS Fund have been unsuccessful.

6. We recognise the difficult task that has confronted government in responding to the Covid-19 pandemic and the urgency under which measures have had to be introduced. However, not including domestic workers as contributors and thus enabling them to benefit from the TERS Fund has disadvantaged our clients as they are unable to make a living to sustain themselves and their families during this difficult time.
7. In the circumstances, in order to assist domestic workers to have an income, we would like to recommend that:

7.1. The Commissioner of the UIF exercise his discretion, in terms of section 45 of the Unemployment Insurance Act 2001 (UI Act), and deem domestic workers as contributors for purposes of the Act to enable them to benefit from the TERS Fund during the Covid-19 pandemic.

7.2. The Minister and the Unemployment Fund Board, relying on section 69 of the UI Act, declare domestic workers as a class of people to be contributors for the purpose of the UI Act and specifically for the duration of the Covid-19 pandemic. We submit that this letter be considered as the requisite application envisaged under section 69 of the UI Act.

7.3. The Department of Employment and Labour creates a mechanism for domestic workers to access the TERS Fund directly from the Department, as individuals, or collectively through their unions.

8. We note with encouragement that there have been ongoing revisions to the Department's approach in relation to the TERS Fund, and we trust that our input will be given urgent consideration in the same spirit.

9. Should you require any clarification or further information, please do not hesitate to contact us.
Yours faithfully.

Nomzamo Zondo  
Executive Director  
Email: Nomzamo@seri-sa.org; khululiwe@seri-sa.org; kelebogile@seri-sa.org

Please note that the following organisations have endorsed these recommendations:

1. UDWOSA: United domestic workers’ of South Africa

2. Izwi Domestic Workers’ Alliance