

# SADSAWU - Gaining protections for Domestic workers in South Africa

Domestic work in South Africa is largely informal, invisible and weakly regulated, and historically excluded from labor protections. Many domestic workers are women migrants from rural areas or neighboring countries who earn informal, low, and unstable wages and shoulder responsibility for supporting extended households through remittances. These structural conditions, along with chronic undervaluing household work, have long limited domestic workers' access to social protection, legal recourse, and safe working conditions.

In South Africa, the case of Maria Mahlangu catalyzed legislative change. Maria was a partially blind domestic worker who had worked for the same employers for more than two decades. While cleaning exterior windows, she fell into an uncovered swimming pool and drowned. Her death left her adult daughter, Sylvia, and grandchild without an income. When Sylvia filed a claim for compensation with the Department of Labour, she was informed that domestic workers were excluded from coverage under existing legislation - the Compensation for Occupational Injuries and Diseases Act (COIDA<sup>1</sup>) - and therefore ineligible for compensation.

In response, Sylvia approached the South African Domestic Service and Allied Workers Union (SADSAWU), a trade union representing domestic workers, to challenge this exclusion. SADSAWU argued the law was unconstitutional: there was no rational basis for treating domestic workers differently from other workers. In fact, the exclusion violated the principle of equality before the law by denying domestic workers - and their families - access to the same legal protections afforded to other categories of workers.

<sup>1</sup> The Compensation for Occupational Injuries and Diseases Act (COIDA) aims to provide employees' compensation and other benefits for disablement caused by occupational injuries or diseases. Though COIDA was enacted to provide social security and protection to employees against losses of earnings caused by occupational injuries and diseases, the protection excluded certain classes of workers, such as domestic workers, in need of such protection.

## Quick facts

### Barriers addressed



#### *Social Norms*

Ambivalence or antagonism towards women's financial independence



#### *Policy & Regulation*

Broader legal constraints



#### *Women's Participation in the Workforce*

Limited workplace protections and benefits

### Segment focus

1 2 3 4

### Geography

South Africa

### Key stakeholders involved

SADSAWU, South Africa High Court, Department of Labour (SA), South African Parliament

### Customer Journey Relevance



### Sources

[Hunt and Samman 2020](#)

[Factsheet 2016](#)

[BusinessTech 2020](#)

[Nkosi and Singh 2025](#)

[Sweepsouth](#)

[Malde, Rahanaz, and Wahhaj 2025](#)

[WWB 2025](#)

[ILO 2022](#)

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## Overview (cont.)

In 2019, South Africa's High Court ruled in Sylvia's favor and extended COIDA coverage to all domestic workers. Parliament subsequently amended the law to formally recognize domestic workers as protected workers, enabling nearly one million domestic workers to access compensation for workplace injuries and enter the country's broader labor protection framework. The ruling marked a significant advancement for low-income Black women, who constitute an estimated 90–97% of domestic workers in the country.

## Key activities

The South Africa Domestic Workers union took three key actions on this case:

- **Used constitutional litigation to remove formal legal exclusion**  
SADSAWU supported strategic litigation that challenged the exclusion of domestic workers from occupational injury compensation, arguing that the exclusion violated constitutional guarantees of equality and non-discrimination. The resulting court ruling established domestic workers as protected workers under the law.
- **Grounded legal claims in a concrete, rights-based case**  
The union anchored its advocacy with Maria Mahlangu's case, using it to show how legal exclusion translated directly into income

loss, household vulnerability, and intergenerational financial harm for women-headed households.

- **Linked legal reform to broader labor and social protection systems**  
SADSAWU paired litigation with policy advocacy to ensure domestic workers were formally recognized within national labor and social protection frameworks - removing a structural barrier to compensation, income security, and financial resilience for low-income women.

## Outcomes/results

As a result of the law, 1.1 million domestic workers are now entitled to the national minimum wage; as of 2022, 60% of domestic workers' pay met that threshold. Notably, [40% did not](#), highlighting persistent gaps in compliance and enforcement.

South African law has continued to formally strengthen labor rights and protections for this sector:

- **Minimum wage inclusion and adjustments:** In 2022 domestic workers became entitled to 100% of the national minimum wage, and further annual adjustments continue (e.g., updated hourly rates in 2025–2026).

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## Outcomes/results (cont.)

- **Expanded employment rights:** New pieces of legislation extended workplace regulations to domestic workers such as regulated working hours, overtime pay, annual and sick leave, notice periods for termination, and written particulars of employment. Employers must register workers for Unemployment Insurance Fund (UIF) contributions, and domestic workers can claim UIF benefits.
- **Occupational injury and dispute protections:** Inclusion under COIDA allows domestic workers (and dependents) to claim compensation for work-related injuries, illnesses, or death, and workers have access to dispute resolution through bodies such as the Commission for Conciliation, Mediation and Arbitration (CCMA) for issues like unfair dismissal or non-compliance.

## Key enabling environment factors for the intervention

This policy intervention was enabled by prior legal decisions - most notably the Mahlangu case - that extended constitutional protections and labor rights to domestic workers. These rulings established the basis for recognizing domestic workers as entitled to equal workplace protections, creating a supportive policy environment for subsequent reforms. More broadly, the decision reflects a shift in the legal and institutional environment, in which courts increasingly interpreted constitutional rights to include historically excluded workers.

## Key design elements and principles that led to successful outcomes

Three elements led to success in this case: rights-based legal advocacy, organized worker representation, and alignment with constitutional principles of equality. SADSAWU's role as a collective actor was critical in translating an individual grievance into a systemic legal challenge, demonstrating the importance of organized representation for informal and marginalized workers. The case also leveraged South Africa's strong constitutional framework and judicial independence, allowing courts to extend protections to historically excluded groups.

Importantly, the intervention addressed both legal exclusion and social norms: by formally recognizing domestic workers as entitled to workplace protections, it reinforced their status as economic actors with rights, not informal labor outside the scope of regulation.

## Potential for scale/replicability

While the legal case is unique to South Africa, the approach - bringing together worker organizations, legal actors, and policymakers to challenge exclusion - is highly replicable. In contexts with a rule of law, active civil society, and mechanisms for legal challenge, coordinated action across stakeholders can extend economic rights to underserved populations.

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## Potential for scale/replicability (cont.)

These changes can, in turn, support financial inclusion. The key takeaway is that extending labor protections and social insurance to excluded worker groups can have direct effects on income stability, risk management, and eligibility for financial services. Labor formalization is a direct pathway to financial inclusion, particularly when [wages](#) or [remittance](#) pathways are digitized. Legal recognition of workers as formal economic participants increases their visibility within systems - supporting access to compensation, income continuity, and, over time, credit and other financial services.

## Challenges encountered during the program

While the legal reform represents a landmark achievement, significant challenges remain in translating rights into outcomes.

- **Uneven enforcement:** Enforcement is uneven, with continued non-compliance with minimum wage laws - 40% of domestic workers still earn below the legal threshold - highlighting the gap between legal protections and

implementation in practice. Unless and until wages exceed the legal threshold, the pathway to formal financial services remains largely out of reach.

- **Low awareness of rights:** Many domestic workers are unaware of their rights under COIDA or are not registered for social protection schemes such as the Unemployment Insurance Fund (UIF). [Low union membership](#) further limits the reach of information and support, leaving many workers unable to claim benefits or seek redress. In similar contexts, reliance on formal registration systems and organized labor channels can leave large segments of informal or dispersed workers excluded.
- **These challenges blunt potential financial inclusion impact:** Without awareness, enforcement, and registration, workers remain excluded from the income stability and risk protection that underpin meaningful engagement with financial systems. They also highlight common pitfalls for policymakers, including underestimating the resources required for implementation and over-reliance on formal systems that may not reach the most vulnerable workers.

Exemplars

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## Recommendations from the research

Strengthening workplace protections and access to compensation is a critical pathway to improving income security, reducing vulnerability, and enabling participation in financial systems.

- Expand legal and policy frameworks to include informal and excluded worker groups, particularly in sectors where women are overrepresented, ensuring access to labor protections and social insurance that support income stability and risk management.
- Invest in awareness and registration mechanisms that connect workers to their rights and benefits, including targeted outreach and simplified processes to increase uptake of social protection schemes.
- Strengthen enforcement systems and administrative capacity to ensure that legal protections translate into practice, with clear accountability mechanisms and accessible pathways for redress.
- Support collective representation and intermediary organizations - such as worker unions and advocacy groups - that can translate individual grievances into systemic change and help workers navigate legal and institutional systems.

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