



Domestic Workers Alliance



CODE OF GOOD CONDUCT FOR ACCOMMODATING LIVE-IN DOMESTIC WORKERS

PRIVATE HOMES



INTERNATIONAL
LAWYERS ASSISTING
WORKERS NETWORK

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INTRODUCTION

The 850 000+ domestic workers in South Africa play a crucial role in our homes and economy, maintaining households, caring for families, and supporting working parents. In many cases, these nannies, caregivers, cleaners and gardeners live on their employer's property, an arrangement which can be convenient and beneficial for both parties, but which also complicates the boundaries between home and work. This **Code of Good Conduct for Accommodating Live-in Domestic Workers** document was developed to promote dignity, fairness, and lawful accommodation practices for domestic workers living in private homes.

“...every home that employs a live-in domestic worker is both a workplace and a worker's home. It must reflect respect, professionalism, and humanity.”

When you employ a domestic worker, you are legally required to know, understand, and comply with labour law requirements. If you decide to provide housing for a worker, it is important to remember that in addition to fair working conditions, they are entitled to all basic human and Constitutional rights while living on your property. The rules and living arrangements you put in place must respect those rights.

This Code serves as a practical guide for employers, employees, and residential associations, outlining clear standards for accommodation, privacy, safety, and equality. It is rooted in the rights enshrined for all in South Africa's Constitution, and is aligned with the standards of international law.

Its purpose is to make rights real in everyday settings. Whether in a private household or a shared residential complex, every home that employs a live-in domestic worker is not only a workplace, but also a worker's home. The living arrangements must reflect respect, professionalism, and humanity.

By following this Code, employers, employees, and community managers can create fairer, safer, and more respectful living and working environments. Upholding these standards benefits everyone - ensuring a fair living arrangement, building trust, and reducing conflict.



For more information on the legal requirements of employing a Domestic Worker, download this document.
https://www.seri-sa.org/images/SERI_Employers_Rights_Guide_update_2024.pdf

EMPLOYERS IN PRIVATE HOMES



TOP THINGS TO KNOW IF YOU HAVE A DOMESTIC WORKER LIVING IN YOUR HOME

“Having a live-in domestic worker can be a desirable and convenient arrangement for both parties, as long as both parties are willing to meet basic standards of respectful co-residence and recognise mutual rights.”

When someone lives and works in your home, your household becomes both a workplace and a worker’s home. This comes with a special responsibility to ensure dignity, fairness, and respect for your employees’ rights and privacy.

Having a live-in domestic worker can be a desirable and convenient arrangement for both parties, as long as both parties are willing to meet basic standards of respectful co-residence, and recognise mutual rights. In most cases, employers guide the relationship, as they set the rules and standards for the household. This Code sets out

key standards for employers to follow, aligned with South African Constitutional and labour law, as well as international best practice.

EMPLOYERS IN PRIVATE HOMES

HERE ARE THE TOP THINGS EVERY EMPLOYER SHOULD KNOW

- 1. Accommodation is part of employment:** Staff quarters must be in good condition, and must have access to water, electricity, and cooking facilities. A private, lockable room with ventilation is the minimum standard.
- 2. Privacy is a right:** Employers may not enter, search, or monitor the worker's room or belongings without permission.
- 3. Food and wages are separate:** Workers must earn enough to buy their own food, and food cannot be included as a component of wages. Any food provided should be decent and nutritious.
- 4. Family and social life matter:** Workers have the right to live with a child or family member, receive visitors, and enjoy personal relationships.
- 5. Equal treatment and dignity:** Domestic workers must not face discrimination or restrictions that wouldn't apply to others living on the property.
- 6. Freedom of movement:** Workers must be free to come and go, keep their own identity documents, and travel during rest periods.
- 7. Freedom from harassment and abuse:** Employers and all residents must uphold an environment free from bullying, threats, or violence.
- 8. Freedom of religion:** Workers have the right to practise their faith privately and without interference.



By complying with the law, creating clear boundaries and laying a foundation for mutually respectful living arrangements, these standards protect employers as well as workers.

I. ACCOMMODATION STANDARDS

1 ACCOMMODATION SHOULD INCLUDE

- a. A private room, unless otherwise agreed in employment arrangement**
- b. At least one window and one door
- c. Door(s) must be lockable, with the employee holding a key
- d. Access to a toilet and bath or shower, shared or private
- e. Access to electricity, if the employer's home has access to electricity
- f. Access to water
- g. Adequate lighting
- h. Access to a space for food storage, preparation and cooking, without limitations on the time of use or type of food prepared.

2 Accommodation should be weatherproof, free from health hazards, and generally kept in good condition.

3 Common areas for use by the employee during their off-hours should be agreed on in the employment arrangement (such as gardens and swimming pools).

4 The employer must respect the labour laws regulating accommodation of domestic workers, including the requirement of at least 30 days' accommodation on notice of termination of employment.

5 The employee has the right to receive postal or other communication, as well as packages and deliveries.

6 The employee has the right to a formal proof of address from the employer.

PLEASE NOTE

The guidelines throughout this Code assume that the worker is provided with a private room. This is highly preferred and is recommended as a minimum standard by the International Labour Organisation, in order to preserve boundaries and professionalism for both the employee and employers. In cases where this is impossible and the employee agrees to share a room, regulations must be in place to protect the privacy, rest time, social life, and dignity of the employee.

NOTE EMPLOYEE REQUIREMENTS

Employees must respect the premises and common areas and be respectful of communal living requirements, including:

1. Follow reasonable rules set by the employer.
2. Keep the staff quarters area neat.
3. Respect fire and other safety requirements, especially in relation to cooking.
4. Limit excessive noise and unreasonable disturbances.

II. PRIVACY

- 1 The employer may not enter the employee's room without permission, except in the case of an emergency.
- 2 The employer may not search the employee's room(s), belongings, or physical person without permission, or if permission is withheld, a court order.
- 3 The employer may not search the employee's phone, read their messages, or infringe in any other way on their privacy of communication.
- 4 If inspection or maintenance is required, advance notice should be given to arrange an agreeable time. The resident may not unreasonably deny access to the room for inspection or maintenance.
- 5 The employer may not force the employee to disclose medical information, force the employee to be tested for medical conditions, obtain the medical information about the employee from their doctor without permission, or force the employee to go to a specific doctor.

NOTE EMPLOYEE REQUIREMENTS

The employee must:

1. Not unreasonably deny access to the room for inspection and maintenance.
2. Provide the next of kin on the contract as the emergency contact.
3. Consider what medical information the employer should know, especially in order to assist in case of emergency (for example, in cases of asthma or epilepsy).

III. FOOD

- 1 Food may not be provided as an in-kind component of wages or deducted from wages. Wages must be sufficiently high to allow workers to cover their own food costs.
- 2 When food is provided by the employer, it should be of a quality that upholds the dignity and health of the employee.
- 3 Employees have the right to eat according to their own dietary restrictions and should not be limited by the employer's dietary restrictions.
- 4 The worker must have access to a space for food storage, preparation and cooking, without limitations on time of use or types of food to be prepared.

IV. FAMILY AND SOCIAL LIFE

- 1 The employee has the right to family and social life, including: to have at least one other person, adult or child, residing with them in staff quarters.
- 2 The employer may not prohibit children from living in staff quarters, provided that: the limitation on the number of people per room is not exceeded.
- 3 The employee has basic parental rights, including:
 - a. The right to become pregnant without losing accommodation
 - b. The right for the baby to reside with the parent as per 1 and 2 above.
- 4 The employer cannot prohibit the worker from speaking to and socialising with other residents of the neighbourhood or complex.
- 5 The employee has the right to receive visitors in the staff quarters during non-working hours, provided that:
 - a. The employer may impose reasonable conditions that are normally applicable to all visitors entering the property.
 - b. Overnight visitors do not exceed the density regulations of the unit unless agreed to by the employer.
- 6 The employer may not levy a fee for day or overnight visitors.

NOTE EMPLOYEE REQUIREMENTS

The employee must:

1. Respect the density regulations of staff quarters.
2. Abide by the employers' rules, and ensure that visitors and cohabitants also abide by conduct rules.
3. Factor in security concerns when determining who to invite to their home.

V. EQUAL ACCESS AND TREATMENT

1 The employee should not be subject to discrimination or to restrictions on their basic human rights and freedoms, including or beyond those addressed in this Code.

2 The employee should have free access in and out of the main gate of the property (and housing complex, if relevant), whether it be through key, security tag, or fingerprint/facial recognition.

NOTE EMPLOYEE REQUIREMENTS

Employees must respect the premises and common areas, and be respectful of communal living requirements, including:

- 1.** Follow reasonable rules laid out by the owner
- 2.** Be cognisant of security risks and behave responsibly in relation to those risks,
- 3.** Keep the staff quarters in good order
- 4.** Limit unreasonable noise and other disturbances.

VI. FREEDOM OF MOVEMENT

1 The employee must not be obliged to remain on the property during periods of rest or annual leave.

2 The employee is entitled to keep their identity documents in their possession, but the employer is entitled to a copy.

3 During periods of exceptional circumstances, (such as the Covid-19 pandemic), employees should generally not be subject to living restrictions beyond those which are levied on all residents in the property.

VII. FREEDOM FROM HARASSMENT AND ABUSE

- 1 The employer or any other party may not harass or bully the employee. Among other practices, this includes unsubstantiated accusations of theft, harassment or stalking on electronic communication or social media, and verbal or written communication that is abusive.
- 2 The employer or any other party may not physically or sexually assault or in any other way harm the employee.
- 3 The employer or any related party may not discriminate against the employee on the basis of race, ethnicity or social origin, including the use of derogatory language.

NOTE EMPLOYEE REQUIREMENTS

The employee may not:

1. Physically or sexually assault or in any other way harm anyone at the property.
2. Harass or bully anyone at the property, including the use of derogatory language.

VIII. FREEDOM OF RELIGION

- 1 The employee has the right to practise the religion of their choice, recognising that:
 - a. Such practices should not unduly infringe on their working hours.
 - b. Religious practices should take place within the staff quarters.
 - c. The employee must be considerate of other residents on the property in managing noise or disturbance during worship.
 - d. Religious items should be kept within the boundaries of the staff quarters.
- 2 The employer may not impose religious or other dietary restrictions on the employee.

NOTE EMPLOYEE REQUIREMENTS

1. The employee must ensure that practices fall within the boundaries noted in 1 above.
2. The employee must respect the religious practices of the employer and not disturb their right to practise freely.



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REGISTERED CHARITY

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