"The Long Walk is not yet over"

A Study of Collective Actors´ Political Capacities

within the Domestic Service in South Africa

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IV

Abstract

One should not take for granted that the various institutions are democratic, that formal laws automatically lead to improvement. Instead one needs to consider the actors´ capacities to use these institutions. This master dissertation analyses why the legal institutions that came with the democratic transition in South Africa haven´t given better results for the domestic workers. Furthermore, a more profound discussion is given regarding the question; how can collective actors´ level of political capacities serve as an explanation to the perceived challenges with domestic workers´ labour laws. Findings from the study indicate that there have been extensive improvements with the implementation of the domestic workers´ labour laws. However, despite these improvements, the domestic workers are still struggling. And the reason why, may be explained in light of enforcement and content of the laws. The study suggests that the South African Domestic Service and Allied Workers Union´s low level of political capacities to some extent may explain why the legal institutions that came with the democratic transition in South Africa haven´t given better results for the domestic workers.

Preface

First and foremost I would like to thank my supervisor Olle Törnquist for inspiring me to choose the topic of domestic workers, and by providing me with encouraging and constructive feedback whenever needed. Furthermore, I devote special thanks to my assistant supervisor David Jordhus-Lier, for his instructive engagement and inspiring conversations. The time spent with you and your family is highly appreciated, and I am certain that the fieldwork would not have been the same without your presence. A further thanks is contributed to my parents for always supporting my ambitions. Likewise, I´m very grateful for my brothers´ unlimited sense of humour and dazzling advices that have kept me motivated through this roller coaster.

In this research process I came to know a range of wonderful people. I am both humbled and honoured to all the informants, who voluntarily participated in my project. You all have my deepest appreciation and respect for what you are working with – your work is great, and of high importance. Especially, I would like to dedicate my appreciation to Myrtle Witbooi, who warmly welcomed me into the union of SADSAWU, and thank you Gloria, Hester and Sindiswa for your smiles and interest in cooperating with me.

This journey has been a special experience for me both as a student, but also personally. Developing a sincere interest for the meaning of collective action, labour laws, and the domestic service – an occupation mainly consisting of disadvantaged women, who lack the opportunities that supposedly should have come with the democracy, and which should have been beneficial and inclusive of all citizens.

Any errors and misperception in this master dissertation, I alone am responsible for.

Amandla! Ngawethu!

Camilla Rodø

List of Abbreviations

ANC   The African Nation Congress
BCEA   Basic Condition of Employment Act of 75 of 1997
C189   Convention 189, Domestic Workers Convention
CCMA   The Commission for Conciliation, Mediation and Arbitration
COIDA   Compensation for Occupational Injuries and Diseases Act
COSATU   The Congress of South African Trade Unions
FEDUSA   The Federation of Union of South Africa
GEAR   Growth, Employment and Redistribution
ILC   International Labour Conference
ILO   International Labour Organization
NEDLAC   National Economic Development and Labour Council
NGO   Non-Governmental Organizations
NACTU   National Council Of Trade Unions
PASSOP   People Against Suffering an Oppression and Poverty
R201   Recommendation 201
RDP   The Reconstruction and Development Programme
SACP   South African Communist Party
SADSAWU   The South African Domestic Service and Allied Workers Union
WIEGO   Women in Informal Employment: Globalizing and Organizing

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Map of South Africa

(United Nations Geospatial Information Section 2007)

1 Chapter - Introduction

"[…] there is no time to pause. The long walk is not yet over. The prize for a better life has yet to be won"

(Address by President Nelson Mandela at Opening of Parliament, Cape Town, February 1999)[1].

Although the above quote is taken from Nelson Mandela´s final state of the union in 1999, it may still hold some relevance in present South Africa. When the ANC won the historic election of 1994 it had campaigned on the slogan "A Better Life for All". Most South Africans deeply believed in this promise and expected it to happen. However, by 1999 the lack of progress had become worrisome, and Reconstruction and Development Programme (RDP) had not, as many hoped changed the lives of all South Africans for the better (Abdelal et. al 2003: 12-13). Becoming a substantial democracy is not something that happens over night, and as Stokke and Oldfield (2004: 127-128) write, democratisation will always be an unfinished process and the challenges are to undertake contextual and comparative analysis of the dynamics of democratisation.

1.1 Research Questions

Defining the research questions may be perceived as the most fundamental task in the research process. In this project, the research questions have worked as assistance to the literature search; the decisions about the kind of research design to employ; guided the decision about what data to collect and from whom; guided the analysis of data, stopped me from going off in unnecessary directions. Briefly summarised, the research questions contribute with constructing, guiding and limiting the focus in the thesis (Bryman 2012: 11, 92). The core of the research questions is related to substance and form (Yin 2003: 7). As this study is based on a case study research design, the preferable questions to use are "why" and "how" (ibid 1). At the final stage of construction, I decided upon a twofold research question:

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[1] South African Government Information Website (2016).

- *Why haven´t the legal institutions that came with the democratic transition in South Africa given better results for the domestic workers?*

- *How can collective actors´ level of political capacities be an explanation to the perceived challenges with domestic workers´ labour laws?*

Furthermore, the purpose of following sections is to justify why I have chosen to focus on domestic work as a case; South Africa as a study area; collective actors as units; and political capacities as the analytical framework when assessing the democracy and democratic transition.

1.1.1 Domestic Work

Domestic work can be understood according to the definition given by the International Labour Organization (ILO, 1951): *"A wage-earner working in a private household, under whatever method and period of remuneration, who may be employed by one or by several employers who receive no pecuniary gain from this work"*. Characteristics of domestic work that can derive from this definition are: the work site is a private home; the work performed is of domestic nature: cleaning, cooking, laundry, child-care and personal care. In addition, it may include other home-based tasks such as gardening, driving or patrolling; the work is carried out under authority, direction and supervision of the householder; the worker is paid in cash and/or in kind and; the employer gets no pecuniary (monetary) gain from the work performed (D´Souza 2010: 9).

The socially significant features of domestic works are characterised by low wages; long and irregular hours of work; insecurity of employment; discrimination or personal abuse; and difficulty in enforcing employment benefits such as overtime, minimum wage, maternity-leave and so forth. In addition, domestic employment is to a large extent "informal". Informal employment has been defined as any type of employment lacking secure contracts, social protection or worker benefits. Additionally, it can be understood as work that is done outside the framework of legal regulation, either because it is technically exempt from regulation or more commonly because employers do not comply with the applicable legislation (Du Toit 2010: 3, 10; Lindell 2010: 6). Within South Africa domestic workers have been representing about a quarter of women´s informal employment (Bonner 2010: 3).

Domestic work is one of the oldest and most important occupations for millions of women around the world, and is rooted in the global history of slavery, colonialism and other

forms of servitude. Although employers don´t receive any pecuniary benefit from this work, in contemporary societies domestic work is said to be vital for the economy outside the household to function, e.g. for both the wife and husband to be able to work. Moreover, the respective occupation is an international phenomenon, likewise are the characteristics given to the sector. Generally, the conditions of employment in domestic service are very poor, in the worst cases its more similar to servitude rather than employment. Therefore, the recognition and defence of their human and labour rights is an urgent necessity (D´Souza 2010: v, 1; Du Toit 2010: 3-4; IDWFED 2015: 5).

1.1.1.1 Scope and Size

In light of scope and size, domestic work makes up a large portion of the workforce, especially in developing countries. Available official data shows that domestic work accounts for approximately 4.9 per cent of total wage employment[2] worldwide, however, this number tends to be increasing globally. Furthermore, the sector is said to be the largest form of female employment worldwide (ILC 2010: 1, 5-6; ILO 2013a: 2-3; ILO 2013b: 19); Johnstone 2013: 48). For instance, there are an estimated 53 million domestic workers in the world, and 83 per cent of who are women. To put the number of 53 million in perspective, according to the ILO, the number of domestic workers worldwide is greater than persons employed in large countries such as Viet Nam, Mexico or Nigeria. Moreover, if all domestic workers worked in one country, this country would be the tenth largest employer worldwide. Domestic work is therefore an important source of employment (ILO 2013b: 19).

In Africa the estimated figures is according to official employment statistics 5.2 million workers, constituting one of the third largest employer of domestic work after Asia and Latin America. Of all female paid workers in Africa, domestic workers accounts for 13.6 per cent. Because domestic work to a large extent consists of women, it can be perceived as an essential income source for female employment. Like the global estimate, it should be emphasised that the estimated figures in Africa may also be characterized with insufficiency and lack credibility, namely because this is a region where many say that "almost everyone has a domestic worker, and even domestic workers in urban areas have a domestic worker". Reasons for underestimating the scope of domestic workers in Africa is according to ILO, related to three key factors. Firstly, there exists a lack of sufficient employment data for many of the African countries. Moreover, many of the labour force surveys fail to recognize and

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[2] Defined as "paid employment jobs" (World Bank 2016).

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capture less visible forms of domestic work (e.g. child domestic work and domestic servitude). For example, in sub-Saharan Africa, 65 million children are child labourers. Because of the hidden nature of child labour in domestic work, it is difficult to obtain representative data. Additionally some of the estimates are done without considering the inclusion of children below the legal working age (which in many countries is set at 15 or 16 years). Furthermore, domestic workers may not be recognized as workers by the households that employ them nor by the workers' themselves. Another component is social stigma, where the workers refuse to identify themselves as domestic employees. In addition, domestic work may sometimes be based on traditional practices of reciprocal obligations between households, regarded as kinship arrangements, not employment relationships (ILO 2013a: 1-3; ILO 2013b: 19-20, 33-34).

Like the ILO, I agree that in light of the size and scope, being an essential employment sector, and an exploitative and vulnerable occupation – domestic workers are one group of workers that deserve our attention (ILO 2013b: v).

1.1.2 South Africa – An Ideal Study Area for Domestic Work

Different factors have been central when selecting South Africa as the study area in this master dissertation. Historically, domestic work has been an essential sector of the South African labour market, for black women particularly. Akin to many other countries, also South Africa´s history is largely related to colonialism, racial segregation, and exclusion of domestic servants from legal protection (Du Toit 2013: 5-6; Gaitskell et.al 1983: 86). In the settler colony of the mid- to late eighteenth century, especially in the Cape, it was slaves who served as domestic workers. Toward the end of the eighteenth century, however, with slavery less politically motivated than before, domestic service transformed from a form of slavery to a form of waged labour marked by feudal relations. By the end of the eighteenth century, the availability of domestic servants was already not only an essential feature of colonists´ lives but also one of the earliest and more significant forms of waged labour in Colonial South Africa. In one way the Colonial State has played an important role in structuring this supply of labour for white colonists (Ally 2009: 24-25). Briefly summarised, the trend of servants went from white European women, to black African men, to black African women (ibid 28).

Table 1.1.2 Employed by sex and occupation

	January-March 2016
	Thousand
Both sexes	**15 663**
Manager	1 338
Professional	879
Technician	1 437
Clerk	1 615
Sales and services	2 530
Skilled Agriculture	68
Craft and related trade	1 879
Plant and machine operator	1 283
Elementary	3 632
Domestic worker	984
Women	**6 836**
Manager	444
Professional	451
Technician	798
Clerk	1 173
Sales and services	1 201
Skilled Agriculture	15
Craft and related trade	215
Plant and machine operator	160
Elementary	1 449
Domestic worker	931

(Table 1.1.2 inspired by Statistics South Africa 2016: 45).

In Africa, South Africa is the country with the highest number of domestic workers (ILO 2013b: 33). Table 1.1.2 above illustrates that the total number of people employed in South Africa within the age group 15-64 (Statistics South Africa 2013: 53) is estimated to be at approximately 15.6 million, of which 6.8 million are women (2016). Women are most likely to be clerks, sales and service, elementary and domestic workers. Moreover, women employed as domestic workers constitute 931 000 in the official statistics from 2016 (53 000 male domestic workers), thus the fourth most employed occupation among women. In an article written by Jennifer N. Fish from 2006 (2006b: 109), she refers to labour demographics, saying that domestic work remains the largest sector of employment for African women in South Africa. The official estimated statistics from 2016, suggests something different. However, as aforementioned – the estimated number of domestic workers should be taken carefully into consideration, namely because of underestimated figures. Hence the number is likely to be much higher than illustrated in table 1.1.2. Also the South African government has admitted accurate records of domestic workers are difficult to obtain due to their placement in private homes (Fish 2006a: 5).

In a study conducted by Orr and Meelis (2014: 34), they found that when including indicators of racial disaggregation into the analysis, the results indicated that black women were predominantly found in domestic work and cleaning, contrasted with white men who are largely in management and professional occupations. Black men tend to predominate in

manufacturing, in artisanal and elementary occupations. Furthermore, their findings concerning the gender division of labour within each sectors showed that the only area of work dominated by women was "private household" (a sector dominated by domestic work) where 78 per cent of workers are women. This makes up 15 per cent of women´s total employment. The smallest sector accounting for women´s employment is agriculture (3 per cent of women´s employment in 2014); where 1 in 3 agricultural workers are women (Orr and Meelis 2014: 34).

Locating the study to the Western Cape may provide a fascinating analysis because of its regional dynamics that are different from any other areas of South Africa. Race issues are distinct in the Western Cape because of the prevalence of the coloured population. While 9 per cent of the total population in South Africa, the coloured population reaches 56 per cent in the Western Cape (Fish 2006a: 8). Another reason can be connected to the perception that the region is a metropolis for rural inhabitants, and migrant workers to come and pursue work (Central Intelligence Agency 2016). Although, many cities could be worthy of such study, an essential reason for locating the implementation of fieldwork in Western Cape, is that SADSAWU´s headquarter are based in Cape Town.

Equally important as scope and location, is the link made between domestic work and apartheid. In April 1994, the same month as the historical, democratic election, domestic workers boldly took to the streets of Cape Town, defiantly staking their claim on the "miracle" transition, with banners shouting, "the new South Africa must be for domestic workers also". Furthermore, Shireen Ally writes in her book, that a decade later the sector had succeeded in creating the most extensive and expansive effort anywhere in the world to recognize, formalise and regulate paid domestic work. Finally the domestic workers were given the same rights as all other workers. In other words, much did change for South African workers with the democratic transition (Ally 2009: 2-3). Yet, on the other side, the respective sector is sometimes referred to as the "last bastion of apartheid". Throughout Fish´s fieldwork, she was told on a number of occasions that, "if you want to see apartheid today, just look at domestic work" (Fish 2006a: 4-5). These claims are related to the severe race, gender, and class-based inequalities that characterise the domestic service (Fish 2006a: 4).

1.1.3 Political Capacities

An essential aspect to consider in the assessment of the democratic transition is actors´ political capacities – and involves actors´ capacities to alter the opportunity structure. The structure of power and opportunities for people to act are crucial in any explanation of democracy. In order to consider the problems and options of democratisation, one must also focus on the actors´ capacities to alter these opportunities in their own favour. Briefly, this is about their capacity to at least in part create their own preconditions (Törnquist 2013: 55). A more profound illumination of the analytical framework of political capacities, and the accompanying dimensions´ theories and concepts will be expanded and highlighted more in detail in chapter two.

1.1.4 Collective Actors

In "*Trade Unions and Democratic Transformative Politics: Political Representation and Popular Mobilization during Local Government Reform in South Africa*", Jordhus-Lier (2013) explores the capacity of trade unions to play a transformative role in countries that have recently undergone democratic transition. Jordhus-Lier argues that the political transition in 1994 gave opportunity for ´people power` in South Africa, where a popular alliance consisting of political parties, social movements and trade unions stood ready to take power. This popular alliance can be referred to as the tripartite alliance from the anti-apartheid struggle – the African National Congress (ANC), the Congress of South African Trade Unions (COSATU) and The South African Communist Party (SACP). Although there are six other federations (consisting of a range of different trade unions) in South Africa, COSATU has more members than the other five combined, and may be seen as the strongest segment of the labour movement (Webster and Adler 2000: 14). Hence, the country´s labour movement, led by COSATU, ´remains the largest, best organised and well-resources social movement in the country`. As a trade union, COSATU has always been committed to social transformation, with democracy also a core value of the South African trade union movement (Jordhus-Lier 2013: 195 Marais 2011: 443; Stokke and Oldfield 2004: 132).

Since 1994, the ANC has been in government with the active support of the COSATU and SACP. This tripartite alliance has been instrumental to the development of social partnership and policy making in the post-apartheid era. Equally important, this alliance has helped the ANC to remain in government. Jordhus-Lier suggests that COSATU members have remained loyal to their alliance with the ruling party, even though South Africa´s

development path has favoured economic growth over social redistribution. Further, Jordhus-Lier refer to Buhlungu (2010), who argues that this loyalty should be understood in the context of a basic rationale that had motivated trade unions to engage in liberation struggles across Africa; to these unions, democratisation is a vehicle for social transformation. On the other hand, although the tripartite alliance has provided COSATU with political influence and the recognition of workers´ organisational rights, it still exists some disagreement concerning the workers´ struggle against workplace conditions and economic liberalisation (Jordhus-Lier 2013: 196).

Another scholar, who writes about the capacity of trade unions, is Björn Beckman – he focuses on the trade unions´ opportunities to intervene in a context of political and economic reform, in the interest of their own members, and in support of wider popular interest in society (Beckman 2004: 171). In contrast to ´union pessimists`, Beckman believes that despite unions limitation in terms of internal structure, leadership and effective reach, unions constitute one of the few institutions capable of representing the interests of larger popular strata. What they do is important not only for what happens to the welfare of their own members, but also for other segments of society that lack effective organisations of their own. Politically, they are instrumental in disseminating notions of individual and collective rights, and the need for representation and bargaining, to other groups in society (Beckman 2004: 173-174). A common perception is that the South Africa´s union movements played a fundamental role regarding the struggle against apartheid and class oppression. In post-apartheid South Africa, the place of unions reflects their central political role in the process of national liberation and anti-apartheid struggle (Baskin 2000: 43; Beckman 2004: 180-181; Webster and Adler 2000: 17).

Central promoters of domestic workers rights´ in South Africa have for a long time been the unions and organizations (Ally 2009: 148-154; Fish 2006a: 184-185). Vulnerable groups in the informal economy, such as many domestic workers are, may be in need of strong allies, particularly considering that their organizations often struggle with a lack of recognition and political influence. And in some cases, trade unions seem to provide informal workers and their organizations with a platform for dialogue with other relevant actors (Lindell 2010: 21). Moreover, trade unions may be seen as essential to empower, achieve or increase rights, get better pay and working conditions. Trade unions have somehow been a way where African women have had the chance to challenge the apartheid capitalism (Cock 1987: 138). Trade unions can also be perceived as key actors in the Convention on Decent Work in the informal economy (Lindell 2010: 20).

An interesting aspect, however, is when dispute occurs, because often trade union members (and leader) themselves are employers of domestic workers. Yet, on the other side, affiliation with national trade unions would greatly enhance the voice and representation that domestic workers need. They would also benefit from the ´know-how` that trade unions have in organizing and managing membership-based networks (D´Souza 2010: 81).

Hence, although the unions play a key role for the domestic workers, the accompanying challenges experiences within the service, makes them also dependent not only on unions and federations, but also different NGOs and other solidarity organizations. For example, Human Rights Watch, Anti-Slavery International, Women in Informal Employment: Globalizing and Organizing and IRENE, have contributed with instrumental research and strategic work to understanding the complex dimension of domestic work in different parts of the world. These NGOs have focused particular on migrant domestic work, child labour in domestic work and the links between domestic work, forced labour and human trafficking, as well as on ways to understand the gendered structure of the informal economy. Moreover, local NGOs also hold an important role (ILC 2010: 83). Taken all together, the aforementioned elements indicate that it is interesting to examine the collective actors´ political capacities – namely because the domestic work sector has been dependent on, or worked closely with collective actors.

It needs to be emphasised that, in light of the empirical findings collected throughout the fieldwork, and through reading of literature on domestic work in South Africa, I´ll suggest that a valid choice is to focus on SADSAWU, as the main collective actor. To give an in-depth study of all the collective actors related to domestic work is beyond the scope of this master project. However, it´s still essential to include other collective actors to assess the importance of their role and cooperation in the support and promotion in the respective sector´ regarding challenges encountered with domestic workers´ labour legislations.

1.2 Previous studies and Current debate

1.2.1 South Africa and the Democratic Transition

During the last three decades a global spread of democracy has taken place in many countries in Latin America, Eastern Europe and Sub-Saharan Africa. Together with the democratisation, according to Stokke (2014: 257), economic globalisation and global diffusion of neoliberalism have turned public administration from statist toward market, community and network forms of governance. In sum, this led to a transformation of

possibilities and dynamics of popular political inclusion. On the other hand, the public affairs that come under democratic control have been reduced and depoliticised as decision-making and implementation have shifted away from democratically elected governments. The element of depoliticizing is something I´ll come back to in the analysis of the dimension of `politicization and agenda setting´ (see section 4.2.1).

More specifically, the democratisation process in South Africa produced a radical constitutional reform that granted extensive formal rights for all citizens and numerous institutional reforms to ensure their actual implementation. These formal rights and institutional reforms, according to Stokke and Oldfield, were perceived as ideal for the promotion of substantial democratisation (meaning that people had the opportunity to make use of both democratic rights and legal institutions). Unfortunately, this was not the case in practice – namely because the post-apartheid political and socio-economic conditions have proven to be more complex and contradictory – where one central obstacle for political participation in South Africa remains the persistent and increasing problems of poverty and inequality (Stokke and Oldfield 2004: 132).

In South Africa, the transition to democracy was related with high expectations around a decrease in income poverty and inequality, and that public policies and private practice would be deracilized[3] (the poor especially were more optimistic than political activists and intellectuals). The African National Congress (ANC) adopted an idea, the Reconstruction and Development Programme (hereafter RDP) developed by the Congress of South African Trade Union (COSATU) as its policy and election platform in the run-up to the 1994 election (Buhlungu 2001: 70). The RDP would empower the poor to seize opportunities ´to develop to their full potential´ and to ´sustain themselves through productive activity´, with the state ensuring improved access to social security, public education and other services. All South African should enjoy ´a decent living standard and economic security´ (Seekings and Nattrass 2015: 4-5). By 1999 the lack of progress had become worrisome, and the RDP had not, as many hoped changed the lives of all South Africans for the better (Abdelal et. al 2003: 12-13).

In "Apartheid Did Not Die", the documentary produced by John Pilger, Pilger asserts that the poverty created by the first Boer regime, and the British imperial legacy of Cecil Rhodes and other "men of commerce and industry", who at the turn of the twentieth century

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[3] By adopting a strategy based on formal deracialisation, the pre-1994 National Party and post-1994 ANC-led government have tackled the most striking feature of the apartheid labour market and welfare regimes: the use of racial classifications as criteria determining access to privileges (Nattrass and Seekings 1997: 457).

stole the land, resources and economic birth right of the majority - has not been turned back in "free" South Africa, as the ANC solemnly pledged. A claim is made, that a new elite was emerging, as a product of ´black empowerment` benefitting from shady deals with the ´white power` that still runs South Africa (Pilger 2006: 11-12). Pilger was a journalist, but also linked into networks of left-wing scholars (and scholars-activists) who together constructed what they referred to as the generally accepted idea about the post-apartheid South Africa: "That the racialized inequalities of apartheid gave way to new `market´ inequalities, as the post-apartheid political elite embraced (or were enveloped by) global ´neoliberalism`´". Another claim is that the International Monetary Fund and World Bank are said to have served as persuasive advocates – or even enforces of – macroeconomic orthodoxy. A range of senior members of the government[4] are claimed to have supposedly exploited their positions to run through business-friendly policies, shifting the ANC from a pro-poor to a pro-business, ´neo-liberal´ position (Seekings and Nattrass 2015: 6-7).

The starting point of this supposed neoliberal approach was the 1996 adoption of the macroeconomic strategy, Growth, Employment and Redistribution (GEAR) (Seekings and Nattrass 2015: 6-7). Central to the strategy of GEAR was the idea that jobs were related to growth: if South Africa could reduce the perceived high costs of its labour, and increase its flexibility, then businesses would be motivated to invest more capital and employ more people. Outside the business community, however, the reception of GEAR was not as enthusiastic. Many members of COSATU and SACP complained bitterly about what they considered to be a dramatic change in priorities and an abandonment of the redistributive and social goals embodied in the RDP (Adelal et.al 2003: 12). Any data that apparently showed worsening economic conditions, declining wages, the casualization of employment, deepening poverty or the supposed failures of service delivery were seized on and promoted energetically as evidence of the ANC´s adoption and implementation of supposed ´neoliberalism´. One of the strongest statements of this revived ´neoliberalism` thesis was David McDonald´s monograph on Cape Town. Cape Town, according to McDonald, is ´one of the most – If not the most – unequal cities in the world´, because of neoliberalism (Seekings and Nattrass 2015: 10). The usage of the term ´neoliberal´ is not universal, however. In Pons-Vignon and Segatti´s explicitly Marxist analysis, neoliberalism ´consists of policies, ideologies and practice which are not coherent, but tend to reinforce the power of

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[4] Thabo Mbeki (former deputy president and president), Trevor Manuel (former deputy president and then Minister of Finance), Elec Erwin (Manuel´s successor at Trade and Industry) and Pravin Gordhan (Manuel´s successor as Minister of Finance).

capital at the expense of labour, and the power of financial capital at the expense of other fractions of capital` (Seekings and Nattrass 2015: 11). The aforementioned exemplifies the fundamental drawbacks in the ANC and the COSATU´s development policies. For instance, it can be argued that these policies have contributed with neglecting informal labour and the unemployment issue in South Africa. To some extent, in light of this, the focus on domestic workers becomes a relevant focal point – namely, because of the perceived challenges within the service of domestic work (see section 4.1).

1.2.2 Domestic Work in South Africa

A lot has happened within the research field on domestic work in South Africa since the milestone analysis written by Jacklyn Cock was published in 1980. Cock´s book *"Maids and Madams: A Study in the Politics of Exploitation",* has been referred to as a "classic study of power relations between maids and their employers in the Eastern Cape of apartheid South Africa". Over recent decades the precarious nature of domestic employment has been analysed in depth from sociological, historical, economic and legal perspectives, both in South Africa and internationally (Du Toit 2010: 1). Ally (2008) refers to previous studies conducted on the micro-politics of the employer-employee relationships in a post-apartheid context, the various levels of enforcement of the legislation, and its implications for the nature of South African democracy, the implications of the post-apartheid state´s efforts for the character of domestic worker unionisation in the post-apartheid period (Grossman 1996; Fish 2006a; King 2007; Ally 2004; Hertz 2004; Fish 2006a, all referred in Ally 2008: 3). What some of these studies, have in common is that they may to some extent be out-dated.

In *"Domestic Democracy"* Fish provides a lens into South Africa´s transition to democracy through an examination of private households where apartheid history continues to dominate power relations – embodying the nation´s enormous challenge to realise democracy at all levels (Fish 2006a: 67). Fish suggests that through examining how the institution of domestic work changes in South Africa´s democracy helps the analysis of democracy´s greatest challenges – the breakdown of power structures, racial stratifications, gender oppression and an on-going class struggle (Fish 2006a: 7). Fish writes a section referred to as *"the struggle continues".* Despite the abolition of apartheid ten years ago, and being a democracy (in 2004), South Africa continues to confront its legacy. As South Africa emerges from this deeply embedded apartheid history, new obstacles prolong the transition: a

growing internal disillusionment about the "failed promises" of democracy (confirm the aforementioned in section 1.2.1) (Fish 2006a: 4).

Furthermore, the article of Jacobs et.al explores the dynamics of the domestic labour relationship using extracts from interviews with domestic workers. It argues that paternalistic relationships[5] can have limiting effect on the workers' ability to exercise their rights, owing to fear and exploitation (Jacobs et. al 2013: 1).

The article of Magwaza analyses the tensions between the status, gender and legal priorities of South African´s new democracy and the actual reality of the majority of the sector´s population, i.e. female workers. Magwaza found that despite the awareness about labour policies, the structural limits and nature of the domestic workplace limits the likelihood of workers exercising their rights – the workers don´t feel empowered enough to demand their rights fully in fear of losing their job (Magwaza 2008: 81,87,90).

In a study conducted by Ally of the SADSAWU shows that domestic workers have been demobilised and depoliticised by the democratic state. Moreover, the post-apartheid political inclusion of domestic workers through their construction as "vulnerable" has positioned the state as the articulator, representative, and protector of domestic workers´ collective interests in ways that have displaced the union in these roles, and depoliticised it, by the very efforts of the post-apartheid state to enhance their political capacities (Ally 2008: 1).

Grossman (2011a: 135-136) in the article *"Venturing beyond: Domestic Work as Essential Public Service"* refers to three challenges in the domestic service. Firstly, he criticises the content of the law of being too limited, and minimal standards are so low. Secondly, society is so patriarchal, the division of labour is so hierarchical and gendered, that even if the laws were extended and enforced, domestic workers and their work would remain denigrated and devalued as ´only a domestic worker` and ´just domestic work` Moreover, the privatised, individualised employment contract is inherently oppressive.

An impression obtain from reading previous studies, is that it exist extensive literature on collective actors´ role in the transformation process, about the sociological aspect of domestic service, employer-employee relationship, organisation and mobilisation issues within SADSAWU, enforcement of domestic workers´ labour laws – On the other side, what is less documented is how the collective actors´ level of political capacities may explain the current challenges within the domestic service.

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[5] An authoritarian relationship, often between workers and employers - in which one in power make others depend and powerless, tries to control all aspects of their lives, and justifies domination as in the best interest of those being controlled (Crossman 2016).

1.3 Outline of The Dissertation

In addition to the introduction chapter, this master dissertation consists of four additional chapters, these are:

Chapter two provides the reader with what theoretical and analytical framework that will be used to answer the research question.

Chapter three gives a description and explanation on what research design and accompanying methods the research project has applied. A more extensive description of the research design and the accompanying methods will be given in chapter three, therefore I will not devote more space for it in the introduction chapter.

Chapter four concerns an assessment of the empirical findings, and consists of six discussion sections. Firstly, an illumination of the present situation and perceived challenges will be given. Thereafter the five dimensions of political capacity (politicization and agenda setting; organization and mobilization; authority and legitimacy; participation and representation; inclusion versus exclusion) will be discussed.

Chapter five concludes the master dissertation by discussing the research question. The findings attributed from this research project indicate the SADSAWU´s low level of political capacities may to some extent explain why the legal institutions that came with the democratic transition in South Africa haven´t given better results for the domestic workers.

2 Chapter – Analytical and Theoretical Framework

2.1 Substantial and Substantive Democracy

Few words are used (or misused) as much as the concept of democracy (Hagtvet and Lafferty 1993: 7). It is well known, within the discipline of social science that, there exists a range of different perceptions of how to understand the term democracy. Thus, because the concept possesses a relatively central position within this dissertation, it needs to be explained to the reader how the concept should be understood within the area of focus. A starting point for how democracy should be defined revolves around the aim(s) and context of the study, and because one of the objectives is to illuminate why the legal institutions that came with the democratic transition in South Africa have failed to provide better results for the domestic service, the definition should be in a manner that can critically assess the present situation within the country. For example, the democratisation process has substantially varied for different groups, namely, because it is an uneven process, whereas domestic workers lack legal institutions (as workers) that others workers have. In present South Africa this pertains to the Compensation for Occupational Injuries and Diseases Act (COIDA). However, I need to emphasise that it wasn´t before 2002, with the Sectorial Determination 7 (SD7) that domestic workers also achieved (to some extent) the same rights as all other workers. Moreover, because of an increasing number of migrant domestic workers, this adds another dimension to this complex situation. In order to evaluate and discuss democracy and the process of democratisation in South Africa in a critical manner, a substantial and substantive definition of democracy will be employed.

2.1.1 Substantial Democracy

A substantial definition can be placed somewhere between a minimalist and maximalist alternative. In a minimalist definition of democracy, a restricted number of people have the freedom to elect political elites to govern a limited number of public affairs. While the maximalist definition concerns that almost all people are socially and economically equal with full freedom and rights to both elect representatives and also participate in the governing body of widely defined public affairs definitions of democracy. Both definitions can be

perceived as two extremes, and there do exist alternatives between. Törnquist argues that the current liberal democratic model of democracy is more related to the minimalist definition than the latter one (Törnquist 2013: 2). By replacing a minimalist definition with a broader ´substantial` definition that emphasises the introduction of democratic principles, institutions and citizenship rights means that the test for democracy is not about the existence and degree of formal democratic rights and institutions, but whether they have real meaning for people (Harris et. al 2004: 6). Stokke and Oldfield (2004: 128-129) suggest that substantial democracy allows diverse actors both the possibility and the capacity to make use of democratic rights and institutions to promote their instrumental and democratic aims.

2.1.2 Substantive Democracy

Another distinction regarding what definition of democracy to use goes between a procedural and substantive one. Supporters for a procedural definition prefer to identify democracy with the institution that they think is fundamental (e.g. rule of law, free and fair elections). An assumption is that these democratic institutions, if functioning, are fostering democracy. On the other hand, those who aims for a substantive definition, often specify what values and principles which are needed for democracy to become real – this is done through constructing a list of institutional means which are necessary in relation to foster the values and thus also the aims of democracy (Törnquist 2013: 3). For example, one should not ignore the importance of democratic institution when it comes to political participation and representation. However, one should not take for granted that various institutions are democratic. Instead one may identify the aims of democracy before analysing the extent the institutions really foster these aims and people can use and improve them. This is seen as the main reason for using a substantive definition (Stokke 2014: 258-259; Törnquist 2013: 4). This has led critical democracy scholars like Beetham (1999) to the conclusion that the narrow focus on institutional design has taken attention away from questions of democratic substance, or to put it differently – there has been a tendency to confuse the means and aims of democracy (Stokke 2014: 258-259). According to Beetham the universal aim of democracy is popular control over public affairs on the basis of political quality. Different institutional means can contribute to this aim, including free and fair election, but electoral democracy is not the only option and certainly no guarantee for liberal or substantial democracy. Hence, the key question to a critical assessment of real world democracy is how

and to what extent the goal of popular control over public affairs is achieved, not whether electoral democracy has been institionalized (Stokke 2014: 259).

According to Törnquist, a substantive definition of democracy is more analytically fruitful compared to a procedural one, when the purpose is to assess the democratic transition. Thus, this may indicate why I am going with a substantive, instead of a procedural definition. Additionally, by identifying the aims of democracy before analysing the extent to which the institutions really foster these aims and if people really can use and improve them – one can´t take for granted that various institutions are democratic. For example, although the South African Constitutions from 1994 was aimed at improving the quality of life of all citizens and free the potential of each person (South African Government 2016), to some extent, this was not the case for the domestic workers before 2002 with the Sectorial Determination Seven. Furthermore, neither the South African Constitutions nor the different domestic workers´ labour legislations changed the lives for all South Africans (especially the poor) and domestic workers for the better. Substantive democracy is thus the conditions and the efficiency of the institutions, as well as people´s capacity to use them, that respected scholars deem to be intrinsic in building popular control of public affairs on the basis of political equality, this may be more or less narrowly defined (Törnquist 2013: 3-4).

2.2 Labour Laws

In relation to the central position that the domestic workers´ labour laws serve in this master dissertation, it becomes natural to explain how the concept should be understood. The typical characteristics of labour laws is associated with; *minimum wages, safety regulations, maximum hours of work, the outlawing of discrimination against particular groups, and the recognition of a trade union for the purposes of collective bargaining* (Collins 2011: 137).

The Western Cape located programme of Social Law Project distinguishes between two forms of labour laws. Firstly, there are the "individual labour laws", which concerns the rights that each worker possesses individually. Common components of individual labour laws are, the right not to be unfairly dismissed and not to be exposed to "unfair labour practice" or unfair discrimination. All of these mentioned offenses were highlighted as cases being reported by the domestic workers, from interviews with representatives from The Commission for Conciliation, Mediation and Arbitration (hereafter, CCMA), People Against Suffering, Oppression, and Poverty (hereafter referred to as PASSOP) and South African Domestic Service and Allied Workers Union (hereafter, SADSAWU). On the other hand,

there´s the "collective labour laws" – these rights involves worker´s right to organize, to form trade unions and to bargain collectively with their employers (Social Law Project 2014: 1).

South Africa represent an interesting case, namely because the domestic service and it´s workers are almost covered by all labour laws including both individual and collective labour laws[6]. Additionally, on 16th June 2011, the Convention for Decent Work for Domestic Workers (hereafter referred to as C189 and R201) was adopted by the International Labour Organization (ILO), and on 7th June 2013 the convention was ratified by the South African government (Social Law Project 2014: 2-5; Social Law Project 2014 and WIEGO: 11). C189 and R201 are founded on the fundamental premise that domestic workers are neither "servants", nor "members of the family", not second-class workers (International Labour Office Geneva 2011: preface). The ILO´s Convention on Decent Work is based on four pillar of the law, which includes: *Employment promotion; working conditions and social protection; fundamental principles and rights at work; and tripartism and social dialogue* (D´Souza 2010: 19). However, the exception from the very inclusive labour legislation for the domestic service is the Compensation for Occupational Injuries and Diseases Act (hereafter COIDA). COIDA relates to the compensation to be paid to workers if they injure themselves, get sick, or die, while at work, or as a result of work (Magwaza 2008: 86-87).

2.3   Political Capacities

O´Donnell and Schmitter (1986: 10) writes; democracy itself may be a matter of principles, but democratisation involves putting these principles into practice through specific and detailed rules and procedures, which quite often have effects far beyond their seemingly microscopic significance. When critically assessing a democratic transition, Törnquist refers to four dimensions, which are: 1) *The institutional means of democracy ("the rules of the game"), 2) Actors relations to these institutions, 3) Actors and power (capacity), and 4) Actors and democratisation* (Törnquist 2013: 31). An assessment of all four dimensions is beyond the scope of this master dissertation, namely because of time and space limitations; hence I see it necessary to refine the focus to one of these four dimensions. In this project I am concerned with the dimension of actors and power.

So why is it interesting to focus on the capacities of the actors? Firstly, it takes more than just the will of actors for something to happen or change, for instance in the domestic

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[6] The Labour Relations Act 66 of 1995; Basic Conditions of Employment Act of 75 of 1997; The Employment Equity Act 55 of 1998; The Unemployment Insurance Act of 63 of 2000; The Sectorial Determination 7.

service. To make an improvement or a change it is necessary that the collective actors possess some level of capacity to take advantages of their opportunities (Törnquist 2006: 237). If actors perceive that the constitution and the additional institutions are fair, and that every citizen is powerful enough, and have the capacity to make use of the institutions that came with the democratic transition, the fundamental requirements regarding capacity are in place (Törnquist 2013: 55). As mentioned previously in this chapter, democracy cannot be crafted simply by building the supposedly appropriate institutions, in this case the institutions needs to have a meaning for the domestic workers as well. For example if the domestic service was to be characterised with workers being powerful enough to promote and use the legal institutions, and if these workers benefit from the institutions, the fundamental requirements regarding capacity would be in place (Törnquist 2013: 55). As domestic workers are individual workers, located in isolated, private workplaces, central collective actors and collective actions may be an important way of improving their situation. Thus, it is interesting to examine the collective actors´ level of political capacity regarding domestic workers´ labour laws.

The literature on power and political capacity is extensive and the number of variables that are deemed important is overwhelming. To make it possible to acquire and summarise all the relevant information into a few dimensions and sets of questions, Törnquist calls for radical priorities. According to Törnquist the recommended method is to look into generally acknowledged analysis of democratisation that does not only consider the elite but also various subordinate groups and movements, and their different access to, and capacity of engaging with democratic processes (i.e. decisions making regarding legal institutions). Moreover, the focus should be on theories that address the political aspects of collective actions. Consequently, priority is given to theories about political and social movements and the sources of legitimacy of political power and popular representation, all of which partly overlap and partly supplement one another. Taken together, there seem to be five dimensions (see Figure 2.3) concerning the capacities in order for people to able to promote and use democratic institutions (Törnquist 2013: 55-56).
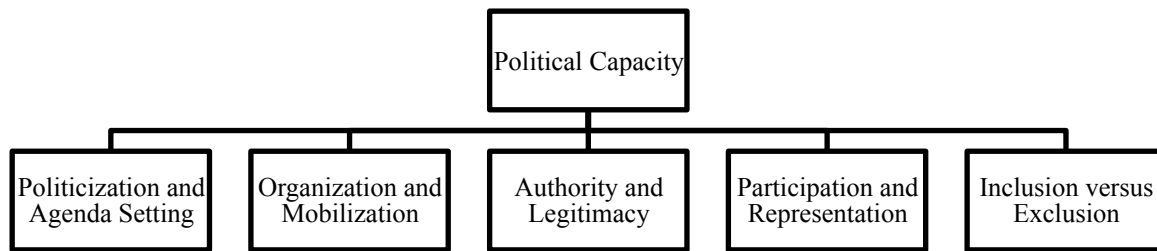
Figure 2.3 Political Capacity and Accompanying Dimensions

To illuminate the research questions empirically, it´s crucial to operationalize, and to make empirical indicators out of relevant concepts. The process of operationalization is important regarding the concept-validity, in other words, the conclusion given from concepts consists of good validity (Lund 2002: 82). Therefore, I have operationalized the essential dimensions in the process of democratisation in terms of collective actors´ political capacities to manage the conditions that leading scholars suggest explain problems and options (Törnquist et. al 2016: 11).

2.3.1 Politicization and Agenda Setting

The dimension of politicization and agenda setting revolves around the question, whether and how the relevant collective actors´ have the opportunity to put their private issues, interests, ideas and identities regarding the domestic workers´ labour laws on the political agenda (Harris et.al 2004: 19-20; Törnquist 2013: 58-59). In this master dissertation the focus is on the SADSAWU, which advocates and works on behalf of domestic workers in South Africa.

In Törnquist (1997: 22) he refers to the *basis of politicisation, the forms of politicization* and *the content of politicization.* The basis of politicization concerns ideas and interests which is gathering the people and which they consider in a collective perspective. In relation to this component Törnquist suggests to distinguish between single-issues and specific group interests (e.g. COIDA) on the one side, and ideologies and/or collective interests, such as a synthesis or programme of broader interests (e.g. Convention on Decent Work) on the other side (Törnquist 1997: 22; Harris et.al 2004: 19-20; Törnquist 2013: 58). Secondly, the forms of politicization can be linked to the collective organs such as the state or local government (e.g. privatisation) but vary with whether one ´only` demands that certain policies should be carried out by these organs or also really engages in promoting similar ends through self-management, or through co-operatives. The latter component, content of politicization is about the different ideas, ideologies and concrete policies, and the ways which various

movements articulate norms and ideas such as rights and equality, in different contexts (Törnquist 1997: 22; Törnquist 2013: 59).

An observation by Harris et.al (2004: 24), indicates that a continuing challenge for the new popular movement in South Africa has been the need to ´scale up` from local single issues to an ideological and co-ordinated political movement. Thus, how the collective actors have tried to promote their issues and interest, for example, if it is done by single-issues or through a broader programme - may give some indications on why some aims have succeeded and others not, in making private concerns into public matters. Furthermore, democracy seems to be about collective action; the strength of collective action seems to vary with whether policies are about single issues and targeted benefits or more general programmes and universal comprehensive benefits (Törnquist 2013: 59).

Törnquist (2009: 1) claims that the current stagnation of democracy in post-colonial countries is related to the issue of the de-politicization of important public issues and interests. Reasons for why de-politicization occurs may be explained by factors such as technocratization, privatization, judicialization, and communalisation (Törnquist 2013: 58). A more detailed discussion of the components of de-politicization, such as privatization and technocratization will be discussed in section 4.2. Yet it is appropriate to give a brief illumination of the actuality of some components. *Technocratisation* refers to the case of handing over contested matters to technocrats and managers (ibid: 73). The role of supranational institutions (McNeill and Bøår 2003 in Harris et.al 2004: 2-3) has become increasingly commonplace. For example institutions such as the International Monetary Fund, the World Trade Organisation, and moreover the International Labour Organisation – have started to develop programmes, including both economic and legal instruments, for the countries in the South. McNeill and Bøår claims that these institutions create and sustain political and discursive frames for how to think and act – these frames are perceived as being strongly influenced by a technocratic and apolitical approach that is itself rooted in the most powerful global institutions of all – the market. *Privatization* refers to the transfer of matters to the market, family and individual. Finally, you have the process of *communalisation* and *judicialisation*, which is not relevant within this master dissertation. Communalisation revolves around the function of handing issues over to religious, ethnic and other communities. Judicialisation is a process whereby actors are bringing conflicts of politics and power into the courts (Törnquist 2013: 58; 73).

Törnquist refers to the core argument of democracy being de-politicized as being linked to a relative underdeveloped autonomous political relationship between state and people.

Thus there´s a need to counter the problems of democracy by way of more, not less, popular influence enabling alternation within structure of power and to open up for alternative processes and agents of change. This shortcomings are related to not the new and positive civil and political freedoms, but rather that the insufficient instruments and popular capacities to exercise control over public matters that have made it difficult to use the freedoms and new institutions to alter the relations of power and thus improve law, politics, and governance (Törnquist 2009: 4-5; Törnquist et.al 2009: 220). Civic associations and trade unions, which were instrumental in the struggle against apartheid, have been reduced through the co-optation of civic leaders, declining popular support and the depoliticising effect of the neo-liberal and technocratic approach to development (Stokke and Oldfield 2004: 132-33). Privatisation, for the very poor, threatens to become the new apartheid, an instrument of exclusion, not just from a better life, but even the very basic human rights (Stokke and Oldfield 2004: 135).

By referring to the Törnquist, Tharakan, Chathukulam, and Quimpo study conducted in Philippines, Kerala and Indonesia, they underline that it has become increasingly difficult for independent civil society and popular oriented groups to affect public affairs. Many public affairs have been de-politicized to technocrats, the market and patronage-dominated communities. There´s a lack of institutionalised channels for interest and issue group participation beyond clientelism and good contacts. Even popular representation in formal government is held back by elitist control of party and electoral systems. It should be possible to gain broader support by giving priority to these problems (Törnquist et.al 2009: 220).

To examine collective actors´ degree of political capacity on the dimension politicization and agenda setting, an assessment of the strategies used by relevant actors to put their aims and objectives on the agenda, and their experiences by doing so, were applied (see attachment 2, Topic 1: Goals, Q3, prompt). When examining the dimension of politicization and agenda setting in light of the collective actors within the domestic work sector, I have constructed the following questions:

- Do the collective actors phrase their issues and policies as single issues, or as parts of strategic reforms and programmes (Törnquist 2013: 67)?

- What activities have collective actors used to promote their issues and demands on the political agenda?

- Whether and how are the collective actors issues are affected by de-politicization?

The answers to these questions may give some indications on the level of political capacity that the collective actors have on the dimension of politicization and agenda setting. So the hypothesis would then be: If the collective actors have succeeded with turning private ideas, interests, issues into public matters (e.g. COIDA or C189), then it indicates relatively good capacity. However, if they have not succeeded, it indicates relatively low capacity.

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┌─────────────────────────────┐      ┌─────────────────────────────┐
│ Collective actors´ opportunitites to │ ⇒  │ High versus low political capacity │
│ make private issues public matters │      │                             │
└─────────────────────────────┘      └─────────────────────────────┘
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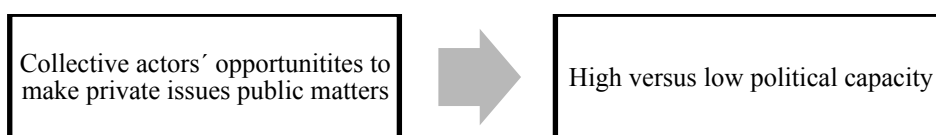
Figure 2.3.1 Politicization and Agenda Setting

2.3.2 Organization and Mobilization

The dimension of organization and mobilization refers to the element of whether and how the collective actors within the domestic work service have managed to mobilize and organize support for their policies (interests, goals, demands), related to cases such as COIDA and the Convention on Decent Work. Moreover, the dimension raises questions about how and at what level(s) actors mobilise support of their policies (Harris et. al 2004: 20; Törnquist 2013: 187). Furthermore, the dimension of organization and mobilization can be linked to the core theories of political and social movement in relation to democracy.

Throughout the research process the respective dimension have been measured by asking the informants about what types of activities they have used to achieve support for their policies. Moreover, the informants were also asked to evaluate their experiences by applying the mentioned strategies (see attachment 2, Topic 3, Q7). The responses on what activities have been used would then provide some indication if the actors have used Nico Mouzelis´ (1986) distinguish between methods of incorporating or integrating people into politics about domestic workers´ labour laws (Törnquist 2013: 59). Thus, the question to examine is then whether the collective actors primarily strive to incorporate people into politics by way of populism and charismatic leaders, patronage, family and clan connections, alternative protection and support and networking based on good contacts. When incorporating people into politics, one distinguishes between two forms; clientelism and populism. Clientelism refers to the existence of bosses on different levels who have the

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capacity to deliver patronage in return for service and votes (e.g. COSATU and ANC). Populism provides another framework for bringing the lower classes into politics. The term populism embraces a range of political ideologies and leaders. What is common to them is an appeal to an idea of homogeneous, common people, who are either excluded from or only have limited access to privilege, but without necessarily changing the system that generates differentiation in the first place. Törnquist argues that political leaders who have tried to integrate people into politics have sometimes used shortcuts such as adding elements of clientelism (and occasionally populism), which can be referred to as alternative patronage (Harris et.al 2004: 20-21; Törnquist 1997: 20; Törnquist 2013: 59-60, 67). Or on the other hand, the question concerns if the collective actors have tried to integrate people into politics by fostering networks between independent actors and building organisations from below that foster central coordinating units. Integration concerns mobilizing people into politics on the basis of relatively autonomous broad movements, something that pro-democrats usually strive for (Harris et.al 2004: 20-21; Törnquist 2013: 59-60, 67).

A central source of capacity lies in movement´s relations with key positions and actors in the political field. Tarrow (in Stokke 2002: 17) observes that there are complex relationships between organisations and actors within a social movement and state actors and institutions. This creates complex and dynamic political opportunity structures that social movements utilize to achieve their goals. McAdam, McCarthy and Zald (in Stokke 2002: 17) identified a high degree of agreement around the factors that constitute political opportunities for social movements. The first dimension emphasises the importance of formal legal and institutional structures within the political system, e.g. question of the presence of formal economic, social and political rights and institutions upholding these rights. The second and third points regard the importance of formal and informal channels for access, control and contestation of policy formulation and implementation. While rights and institutions might provide a formal framework for participation, political channels may be decisive for actual access to and transformation of rights and institutions (ibid 17-18).

In light of the democratic transition, the South African union movement has played a central role, and as an actor, organised labour is playing an increasingly important role in relation to policy formation. However, organizationally, the unions have faced new challenges, regarding changes within the labour movement, on-going capacity problems and changing membership patterns. In terms of economic changes a number of unions are likely to confront downward pressure on wages, increasing retrenchments and productivity enhancing initiatives in companies that are attempting to re-enter a competitive world

economy (Macun 2000: 57). Although internal organizational weaknesses account for the inability of the trade unions to face some of the new issues, the need for a more rigorous debate on the lack of union capacity has been forced by changes in the environment in which unions operate. Buhlungu refers to capacity problems such as, poor administration, weak finances, poor quality of leadership, poor quality of service to members, high staff turnover and weak union education and training – components which have their roots in the pre-transition period – so these issues were there even before the transition – however the difference now is the political context in which unions are operating in today, resulting in a new set of condition in which labour and capital have to operate (Buhlungu 2000: 75-76). When examining the dimension of organisation and mobilisation, I have constructed the following questions:

- What activities have the collective actors used when mobilizing and organizing support for their demands, and what are their experiences?

- Do the activities reflect an integrative or incorporative approach?

The empirical findings to these questions may give indications on the level of political capacity that the collective actors have on the dimension of mobilization and organization. So the hypothesis would then be: If the collective actors have succeeded mobilizing and organizing support around their demands and policies (e.g. COIDA or C189), it may be an indication on high level of political capacity on the dimension of mobilization and organization. However, if they have not succeeded, it indicates relatively low capacity.

Collective actors´opportunities to organize and mobilize support for their demands and policies		High versus low political capacity

Figure 2.3.2 Organization and Mobilization

2.3.3 Authority and Legitimacy

Authority and legitimacy refers to the actors´ sources of power. The dimension consists of *economic capital, social capital, cultural capital and coercive capital.* Actors do not only use these capital separately, they may also apply a combination between these different capitals. An assessment of this dimension revolves around the collective actors opportunities to transfer their different types of capital into symbolic capital, in terms of authority and
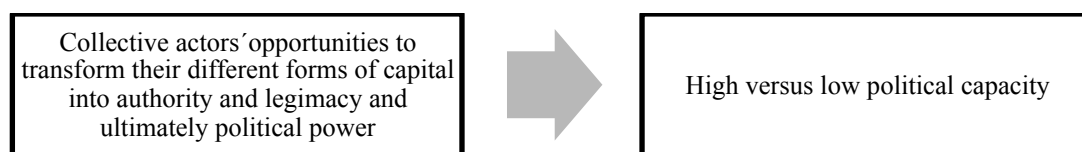
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legitimacy and ultimately political power (Törnquist 2013: 58). It is namely the form of symbolic capital, also referred to as political power that may be perceived as the most powerful transformation. Symbolic capital refers to characteristics such as prestige, honour, reputation, and fame. The transformation from the other four capitals into symbolic capital means that the different forms of capital are recognized as legitimate. To be seen as a person of class, status, or prestige is to be accepted as a legitimate authority (Stokke 2002: 9-10; Törnquist 2013: 57).

Capital, understood as a social relation, plays a key role in Bourdieu´s conceptualisation of practice. Bourdieu (in 1986) refers to three out of the four capitals aforementioned. These are economic, social and cultural capital. Firstly I would like to briefly illuminate the fourth form of capital, *coercive capital*, which can be referred to the use of military force (armed, physical or other forms of force) and ´people power´. *Economic capital* concerns material wealth in the form of property, money, shares etc. (Harris et.al 2004: 16; Stokke 2002: 7-8; Törnquist 2013: 57, 181). A degree of economic capital may be crucial to facilitate the building and operation of a movement. Beyond that, the importance of economic capital may primarily be a question of the degree to which it can be converted into symbolic capital (Stokke 2002: 19). Access to huge economic muscles is becoming a must within politics to finance services and campaign. In fact, private businessmen are not just financiers but in many cases also politicians (Törnquist 2016 et.al: 13). *Social capital* refers networks and contacts based on mutual recognition (Harris et.al 2004: 16; Stokke 2002: 7-8). Furthermore, social capital may be seen as a source of political capital that can be found in a movement´s ability to organize and mobilize civil society. The term is commonly related to social networks and institutions that may not be aimed at mobilization, but nevertheless serve as an important arena for collective mobilization, and organizational forms within a movement. A third source of movement capacity can be found in a movement´s ability to participate in the struggle over symbolic capital, i.e. the cultural framing of rights, responsibility, policies and the implementation of decisions (Stokke 2002: 18-19).). Melucci (in Stokke 2002: 19) argues that collective actions are based on a continuous construction of alternative systems of meaning. Therefore, means of mass communication are crucial resources for collective mobilization, and collective actions are based on reflexivity among the actors (ibid 19). *Cultural capital* is about informational assets in the form of knowledge and skills acquired through socialization and education etc. (Harris et.al 2004: 16; Stokke 2002: 7-8). Cultural capital, in the form of knowledge about actors, positions and forces within the political field, may be crucial to a popular movement (Stokke 2002: 20).

These four forms of capital are different forms of power, however their importance will be affected in light of the fields they are applied in. For instance, economic capital is not in itself enough to gain power within the fields of art or education but economic capital may be used to acquire the specific cultural capital that is the basis for legitimate authority within these fields. Other examples are that of educational qualifications (cultural capital or social capital) can be converted into an attractive job (economic capital) (Stokke 2002: 7-8). When examining the dimension of authority and legitimacy the following questions are discussed:

- What type of capital have the collective actors used (cultural, economic, social or coercive)?

- Whether and how the collective actors have achieved political power through their use of the different forms of capital?

Instead of referring to the concept of capital in the interviews and the informal conversations during the observation studies, I preferred to use a less technical concept, such as resources. The empirical findings will give an indication if the collective actors have succeeded or failed in transforming raw politics (the different forms of capital) into political power (symbolic capital) (Törnquist 2013: 67). So the hypothesis would then be: If the collective actor succeeded with transforming their type of capital into political power and influence, then it indicates relatively high level of political capacity. However, if not, it may indicate a relatively low level of political capacity.

| Collective actors´ opportunities to transform their different forms of capital into authority and legimacy and ultimately political power | ⇒ | High versus low political capacity |

Figure 2.3.3 Authority and Legitimacy

2.3.4 Participation and Representation

The dimension of participation and representation revolves around the element of people being able to use existing means of participation and representation, reform them or develop new ones in order to approach and influence governance institutions (Törnquist 2013: 191). To get a better perception of participation and representation, it is natural to elaborate on how these two concepts should be understood in this context.

Having the right to political participation simply involves having the right to participate in institutions that make public decisions or in negotiation on and around specific decisions of interest. This doesn´t necessarily means that each individual´s voice is represented in the decision that is finally taken. However, it concerns the element that each person at least is given a fair chance to participate equally and fairly in the decision-making processes. Furthermore, the right of political participation refers to the making of informed public opinion and thus to be part of becoming democratically aware citizens. Additionally, the right of political participation involves the element of limiting the power of the state and to hold the state accountable. Finally, the right is important because it empowers citizens to demand that the state realises their right to social and economic goods. Although rights presuppose each other, the right of political participation paves the way for the struggle for and the granting of other rights. For these reasons, the right can be considered a root right. However, because conflicting interests exists, most societies are too complex to permit direct forms of democracy. Therefore a third agent comes onto the political scene, the representative (Chandhoke 2009: 27-28).

The literature is full of disagreements over how to understand the concept of representation, and few have bothered to define it. Hobbes may be seen as the only central political theorist who has made effort to develop a fully, systematic account of its meaning. Hobbes argues that every government is a representative government in that it represents its subjects; and many recent writers share his view. On the other hand, the representativeness of so-called indirect democracies has met some criticism. For example, Pitkin refers to writers saying that governments use propaganda to manipulate their subjects; that, conversely, even totalitarian dictators have (and must have) popular support. They argue that a truly representative government does not exist. Yet, political scientists and laymen alike talk about representative government as distinct from other forms. Instead of taking a side on the varying views, one should according to Pitkin, conclude that representation has no fixed meaning, that the various theorists disagree because they in fact are talking about different things (Pitkin 1967: 4-5).

Another scholar who refers to the disagreements and a display a fair degree of concerning the establishment of representative democracy is Chandhoke (2009). According to Chandhoke, because the representative holds a great deal of autonomy from that which is represented or is being represented, the process of representation is detached from the popular will. This critique of representation focuses on the *how* of interest representation. Or as Urbinati (as referred in Chandhoke) argues, does the representative interpret their task as

that of advocating for the interests of their constituents in the way they think best? Logically, if representation is supervened onto the concept of participation, then representatives should act as proxies for their constituencies in decision-making forums. That is, they should be acting in the way their constituents would act if they were present in these forums. But, because a constituency will often consist of conflicting and different interests, opinions, perspectives and needs – actors will need to filter through the interests, privilege and downgrade some other ones. This alone gives the representative a large degree of autonomy, because s/he has the power to decide which interests to represent and which not to, which sets of interests to highlight and which to downgrade. Furthermore, representatives cannot possibly represent constituencies and people who are not like them, and who are for that reason left out (i.e. descriptive representation). In addition, representatives constitute the political will of the constituents rather than representing a preformed will, and thus they diminish the political competence of the citizens (Chandhoke 2009: 29).

According to Webster et.al (2009: 227), for representative politics to function, it requires that the population can be active citizens. It is necessary that for example the collective actors hold some basic capacities and skills including being able to read and understand a plan and accompanying budget; being able to link a set of accounts to a budget; being able to organise themselves, engage in exercises whereby resources are identified and placed against a set of prioritised needs, and thereby formulating a basic plan; knowing how to access information and where to access it from; and being aware of political and administrative officials´ roles and responsibilities and not just where their offices are to be found.

Pitkin (in Törnquist et.al 2009: 6) outlines that representation presupposes a representative, the represented, something that is being represented, and a political context. Pitkin famously distinguish between representation as "standing for" and "acting for", in other words, a distinction between what a representative is and what she does (Stokke and Selboe 2009: 59). Furthermore, representation may either be substantive, symbolic or descriptive (Törnquist 2013: 61). *Substantive representation* is when the representative "acts for" the represented, for instance, a leader advancing the interests of workers. For example, SADSAWU being a trade union that acts for the domestic workers (Törnquist et.al 2009: 6).

Symbolic representation can be referred to one way of "standing for" a social group. For example a representative symbolises a constituency, i.e. the way a king is symbolic figure for the nation (Stokke and Selboe 2009: 59). Another example is when an actor is perceived by the represented to stand for them in light of shared culture and identities. In addition,

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symbolic representation may also be understood in the wider sense of constructing the demos, the groups, and the interests that are being represented and claiming to be a legitimate authority as a representative. This, of course, was particularly important in the aftermath of the nation building against apartheid, with the increasingly widespread identity politics and the continuous attempts by various movements and actors (from above as well as from below) to constitute "the people" and establish their own authority as legitimate representatives, thus having gained what we have earlier called symbolic capital and political power (Törnquist et.al 2009: 6; Törnquist 2013: 60-61). Based on the findings from the fieldwork, there´s nothing that indicates that the SADSAWU or any of the other collective actors may be linked to any forms of symbolic representation. Thus, more space is devoted to the two other forms of representation.

Descriptive representation is when an actor "stands for" the represented by being objectively similar (Törnquist 2013: 60-61). When examining the dimension of participation and representation I aim to discuss the following questions:

- Have the collective actors been given a fair chance to participate in the processes regarding domestic work?

- What forms of representation have the collective actors used (descriptive or substantive)?

- Where do the collective actors go to address their problems and promote their visions and interest (see attachment 2, Topic 5: Participation and Representation, Q13)?

The empirical findings will give indication on whether and how the collective actors have the opportunities to participate and be represented equally and fairly in the decision-making process regarding the domestic work service. So the hypothesis is: If the findings show that collective actors have been participating and are represented equally and fairly in the decision-making process – it may indicate a high level of political capacities on this respective dimension.

Collective actors´opportunities to participate and be represented equally and fairly in the decision-making process ⟹ High versus low political capacity
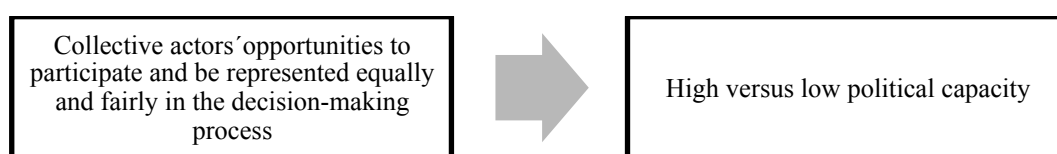
Figure 2.3.4 Participation and Representation

2.3.5 Inclusion versus Exclusion

The dimension of inclusion versus exclusion regards the question of to what extent do the collective actors have capacities to overcome political exclusion and marginalisation (Törnquist 2013: 176). The dimension revolves around theories about the constitution of the demos (the people), unequal citizenship, identity politics and the subordination of people through various techniques of post-colonial governance (Törnquist 2013: 56). One question has been central when discussion the dimension of inclusion versus exclusion:

- Whether and how the most important actors and actors of change are present or excluded from political terrains (See Attachment 2, Topic 6 Exclusion/Inclusion, Q16)?

For example, because trade unions are deemed crucial actors of change in the literature on democratisation and the domestic service – one need to examine if they able to get into the workplaces, to make a difference within the media and among the parties, and to influence parliament and public administration. For example, are important civil society organisations and social movements restricted only to their own fields or are they also able to take part in widely defined politics (Törnquist 2013: 57)?

Democracy is not only about majorities but also about inclusion and rights of minorities. As increasingly many migrant labourers exist within and in between countries - this aspect has became very relevant for the migrant domestic workers. On the inclusion of people into politics, meaningful democracy implies collective action. Citizens without vast individual powers must have the capacity to come together in movements and organizations in favour of their ideas and interests (Törnquist 2006: 238). This may be relevant when assessing the capacity of SADSAWU being included in processes and the importance of collective action. Democratisation presupposes that people are not excluded from politics and the crucial parts of society that effect politics (Törnquist 2013: 176).

Uyangoda refers to the European origin from the 1970s of the concept of *social exclusion*, related to the status of citizens who did not benefits from the European welfare state. This mainly included people with physical disabilities and learning difficulties, the elderly, individuals with suicidal tendencies, drug users, ´delinquents` and also single parents. Furthermore, development economists used the concept to criticise the conditions of rising unemployment, relative poverty and resultant social insecurity caused by macroeconomic reforms in Europe and under the new tendency of globalization. Finally, the range of

perceptions covered by the concept of included citizenship and equality, democratic participation, public goods and the nation. An even broader definition of social exclusion is to view it as ´the denial of equal opportunities imposed by certain groups of society upon others which leads to the inability of an individual to participate in the basic political, economic and social functions of society´. Uyangoda, who writes about the situation in Sri Lanka, understands the last perception of social exclusion in relation to caste-centric social discrimination and marginalization that reproduces structural social inequalities in Sri Lanka, and other South Asian societies (Uyangoda 2013: 278). How can this perception be used in the context of my case? In South Africa, domestic work service being dominated by black, poor, women, coming from the rural areas, with restricted opportunities, can to some extent be perceived as a socially excluded group from the benefits of the democratic state. Lately, the increasingly growth of migrant domestic workers have added another dimension of social exclusion (see section 4.1 for more profound discussion).

Political exclusion, on the other hand, can be understood as a process parallel to, and a consequence of, social exclusion. Practices of social marginalization grounded on unequal race, class, and gender relations of power are indeed political consequences of social exclusion. The background of social marginalisation is linked to the exclusion of some citizens (because of colour, class, gender, nationality, sexuality), from experiencing citizenship rights of equality and equal access to economic and political institutions. Uyangoda argues that social and political exclusion are parallel processes, because they produce and reproduce extreme social marginalisation among some groups of people, compelling them to live in a regime of incomplete citizenship and incomplete democracy (Uyangoda 2013: 278-279).

The empirical findings will give indication on whether and how the collective actors have the opportunities to be included to different political platforms. So the hypothesis is: If the collective actors have succeeded with being included to political terrains, different political platforms, fought exclusion and claimed presence, then it indicates relatively good capacity. However, if the answer is instead the opposite, it indicates relatively low capacity.

Collective actors´ opportunities to be included to political tarrains, fight exclusion, claim presence, and have access to different platforms	⟹	High versus low political capacity
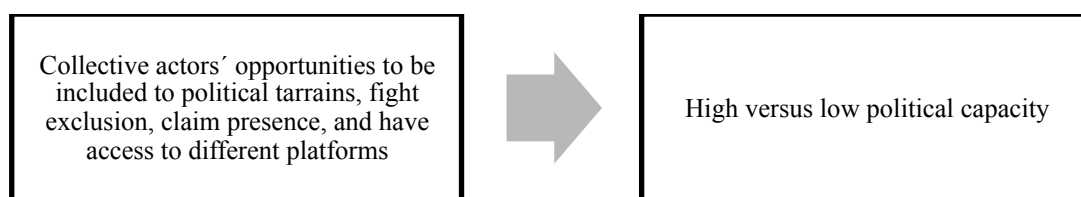
Figure 2.3.5 Inclusion versus Exclusion

3 Chapter – Research design and Methods

3.1 A Qualitative Case Study Design

A research design is the logic that links the data to be collected (and the conclusions to be drawn) to the initial questions of study (Yin 2003: 19). In other words, is about what questions to study, what data is relevant, what data to collect, and how to analyse the results (Yin 2003: 21). Since a qualitative case study design was used in this master dissertation, possible pitfalls were taken into account. Criticisms against qualitative research designs often comes from the quantitative tradition, arguing that a qualitative approach is too unfocused and subjective, and that the researcher too often holds unsystematic views about what is significant and important to include. Additionally, a claim is that the proximity between the researcher and the participant during the study is too close, which may make the conclusions and results of the study invalid or difficult to trust. Another issue is that the qualitative approach frequently starts with a relative open-ended enquiry and entails a gradual narrowing-down of research question or problem. Another weakness is that readers are not provided with sufficient information on why one area has been chosen rather than another (Bryman 2012: 405). In light of these emphasized disadvantages, alternative solutions to decrease these quality threats will be discussed. Applying a qualitative approach, is not a controversial choice when studying this type of sector, and has been applied by central researchers within the respective study area, e.g. Fish (2006a) and Ally (2009).

Because domestic work can be related to informal employment (Fish 2006a: 192; IDWFED 2015: 7; Lindell 2010: 6), an aim of obtaining sufficient and valid statistical data material is not ideal. As indicated in the introduction chapter, the ILO point to three key components on how the scope of domestic work is underestimated (see section 1.1.2 Domestic Work). Equally important, is how to trust data collected to conduct statistical analysis of domestic workers in South Africa, when there´s a shortage of labour inspectors, and where a large extent of the domestic workers are undocumented and unregistered (Social Law Project 2014: 16; Budlender 2016: 5; Fish 2006a: 5). The argument is therefore, that it would be more appropriate to go along with a research design that can provide credible results, and where the researcher and the reader obtain a unique opportunity to understand the world through the eyes of the people being investigated (Bryman 2012: 408), namely the collective actors.

An essential objective in this project is to gain detailed, intensive and subtle analysis of the current challenges within the domestic worker service in post-apartheid South Africa, and additionally the collective actors political capacities regarding the domestic workers´ labour laws - therefore a qualitative case study design is selected. The detailed information may hopefully contribute with great insight to the context of where people´s behaviour takes place (Bryman 2004: 66; 280-281). Moreover, this form of approach is to be preferred when examining contemporary events, such as the present situation within the domestic service (Yin 2014: 12). Hence, a case study approach is ideal.

Case studies are often used with the purpose of increasing our knowledge about individuals, groups, organizations, society, processes, programmes, institutions, and political phenomenon (Bryman 2012: 67-68; Yin 2003: 1; Yin 2014: 15-16). In this respective thesis, the focus will be on gaining an in-depth understanding of the collective actors – where the natural focus will be on the organization of the SADSAWU. The main argument for focusing on the SADSAWU is related to the union´s central position within domestic workforce, for example in light of being the only collective actor in South Africa who´s entire focus is on domestic workers (in contrast to COSATU, FEDUSA, NACTU – who have a broader focus).

In order to establish quality of any empirical social research project the development of case study design needs to maximize four conditions (or tests), such as; construct validity, internal validity (applicable to explanatory or causal case studies only, and will therefore not be explained more in detail), external validity, and reliability (Yin 2003: 19; 33-34).

Construct validity refers to establishing the correct operational measurements for concepts being studied (Yin 2003: 34). An overlapping concept is the one used by Adcock and Collier, measurement validity – which questions whether the observations meaningfully capture the ideas contained in the concepts (Adcock and Collier 2001: 529-530). This test is especially problematic in the case study research, and can be criticised of having a too subjective judgement when collecting the data, and that as a researcher one fails to develop a sufficiently operational set of measures. To deal with these criticisms, I had to cover two steps. Firstly, selecting the specific types of challenges that are to be studied, I had chosen to focus on domestic workers´ labour laws as the perceived challenge. Secondly, it is necessary to demonstrate that the selected measures (e.g. political capacities of collective actors) do reflect the specific types of challenges that have been selected, again the issues of domestic workers labour laws (Yin 2003: 35).

The test for *external validity* is another challenge regarding the case study design. It concerns whether the findings within this master dissertation can be generalized beyond the

respective case study (Yin 2003: 34, 37). When using observation and qualitative interviews with a small number of individuals, it may be argued that it is impossible to know how the findings can be generalized to other settings or a population or a setting. Hence, instead of aiming to generalise to a population or a setting, I will be generalising to theoretical propositions. In that sense, a case study does not represent a sample and to enumerate frequencies (as in statistical generalisations), but a case will be used to expand and generalize the theoretical framework of political capacities. This form of generalization by Yin (2009) referred to as ´analytical generalization´ and ´theoretical generalization´ by J.C. Mitchell (1983) (Bryman 2012: 71; 406; Yin 2003: 10). For example the empirical findings from the project would either confirm or disconfirm claims made by this theoretical framework of political capacities. And the evidence from the empirics may indicate if there´s any need to broaden or adjust the theoretical framework. In other words, it is not necessarily the empirical findings that can be generalised – however the findings from the different studies conducted by applying the theoretical framework of political capacity may in sum give some indications on the external validity of the theoretical framework. For prospective studies, the theoretical framework of political capacities can be tested on the domestic workers, or domestic workers´ unions in other countries than South Africa. Moreover, it may also be possible to test the theoretical framework in other similar work sectors in South Africa (such as waste pickers, informal janitors) to evaluate its external validity. The generalization is not automatic, because a theory must be tested through replicating the findings either in a second or a third case. Once such direct replications have been made, the results might be accepted as providing strong support for the theory, even though further replications had not been performed (Yin 2003: 37).

Reliability contends that by using the same data collection procedures, repeated studies will provide with the same results (Yin 2003: 34). The objective is to make sure other researchers following the same procedures as described by me in this dissertation, and conducts the same case study all over again, they should arrive at the same findings and conclusions as me. As Yin emphasises, this is about doing the *same* case over again, it does not mean *replicating* the results of one case by doing another case study. The goal of reliability is to minimize the errors and biases in a study. To allow other researcher to repeat my study, one crucial prerequisite has been to document the procedures used in my case study. Without such documentation, even I would not be able to repeat my own work. Hence, in order to deal with the reliability issues, I needed to make as many steps as operational as possible, so that an auditor could repeat the procedures and arrive at the same results (Yin

2003: 37-39). This will be done in section 3.1.2, but first, as qualitative methodologists increasingly insist that scholars doing case studies must justify their selection of cases in terms of theoretical criteria (Levy 2008: 7) - this takes me to the next section.

3.1.1 Selection of Case: Single-case study

This master dissertation is based on a combination between an idiographic case study and a hypothesis-testing case study. The use of the idiographic case study revolves around the intention of examining the current situation and perceived challenges within the domestic work service in South Africa. In an idiographic case study the aim is to describe, explain, interpret and/or understand a single case as an end in itself. Concerning the hypothesis-testing case study, many scholars have questioned the utility of case studies for hypothesis testing. Yet, qualitative methodologists emphasise that well designed case studies can play a role in testing certain types of hypothesis (in this case political capacities of the collective actors). This hypothesis testing is based on a most likely design (Levy 2008: 6).

Because the sample frame in a qualitative case study is often relatively small, a random selection of a case might provide one with a representative sample, however the risk of it becoming an uninformative sample increases. Hence, a ´purposive selection` procedure is applied (Gerring 2007: 87-88). A primary distinction when designing case studies is between single- and multiple case study designs. This study is an example of a single-case study, and is selected with the intention of describing and explaining the situation within South Africa and the collective actors´ level of political capacities in the sector of domestic work. One motivation for a single case is when it represents *the most likely* in testing a well-formulated theory (e.g. political capacities). The theory has specified a clear set of propositions as well as the circumstances, which the propositions are believed to be true. To confirm, challenge, or extend the theory, a single case may meet all the conditions for testing the theory. The single case can then be used to determine whether a theory´s propositions are correct or whether some alternative set of explanations might be more relevant (Yin 2003: 40). Thus, the case(s) selected in this dissertation, can be understood as ways of testing a fairly well developed theory. The purpose in this dissertation is not to disprove the theoretical framework developed by Törnquist (2013) about political capacities. However, the aim is to identify whether and how the validity, the scope conditions of the theory should be expanded or narrowed. This is a challenging process; when a theory fails to fit the evidence in a case, it is not obvious whether the theory fails to explain the particular case, fails to explain a whole

class of cases, or does not explain any cases at all (George and Bennett 2005: 75; 115-116). This is the main methodological critic within this dissertation, which needs to be considered when conclusions of the findings are given.

3.2   Sources of Data Collection

This master dissertation is based on two main sources of data collection, *primary* (interviews and observations) and *secondary* (books, reports and research articles) literature. Disadvantages of secondary data are related to the fact that their selection and quality, and the methods of their collection, are not under the control of the researcher, and that they are sometimes impossible to validate. However, an essential benefit of using secondary data sources is that they already exists; the time spent on the study is therefore likely to be considerably less than the time spent on studies that use primary data collection; and they serve as triangulation and fact-checking of interview and observation data (Sørensen et.al 1996: 435). Secondary literature has been essential for my preparation, regarding who to interview and what my focus should be.

A common disadvantage of primary data collection is that it is time-consuming and costly. The advantages with primary data, is that these sources are collected for the specific question(s) of my project, and I may use the methods that fit the research question(s) the best. The most important advantage of collecting one´s own data is that the operationalization of the theoretical constructs, the research design, and data collection strategy can be tailored to the research question, which ensures that the study is coherent and that the information collected indeed helps to resolve the problem (Hox and Boeije 2005: 593-594). Based on the pros and cons of both of these two types of data collection, I argue for a combination of primary and secondary literature in my master dissertation.

3.3   Fieldwork

Fieldwork is about the desire to know, to be there, to experience and to record

(Pole 2005: xvii).

The citation given by Pole (2005: xvii) indicates the motivation of conducting the fieldwork. Fieldwork can be defined as a way of doing research where the emphasis is placed on the collection of data at first hand by a researcher. It relies on personal interaction between the researcher(s) and those being researched in the research setting. Fieldwork may also be

referred to as: the observation of people *in situ;* finding them where they are, staying with them in some role which, while acceptable to them, will allow both intimate observation of certain parts of their behaviour, and reporting it in ways useful to social science, but not harmful to those observed (Pole 2005: xx, 3). Additionally, for it to be possible to answer the research question I needed to travel to South Africa to collect the relevant data specific for the purpose of this respective study. Furthermore, the decision to conduct fieldwork was related to an interest in gaining information and access to a social setting that was outside the controlled settings of the library, nor available on the internet, in previous research articles and other documents on the topic of collective actors political capacities within the domestic work (Bryman 2012: 433; Hobbes and Wright 2006: 3). The data collected from the fieldwork should serve the purpose of supplying former sources, such as articles online, and books from the library. Additionally the data material collected through interviews and observations were supposed to contribute with concrete and nuanced information.

During the early stages of the fieldwork it was crucial to develop contacts in the South African Domestic Service and Allied Workers Union (SADSAWU). Namely, because this gave indications on possible constraints of access, time, mobility and money available for the fieldwork (Crang and Cook 2007: 17). A month in advance to my departure, I sent an email to confirm our agreement, additionally I also wrote an email a week prior travelling to Cape Town, to set a date and time for our meeting. During the first week into the fieldwork I had an information meeting with the SADSAWU, where I presented the project. Through my contacts in the SADSAWU, I was introduced to several different names and organisations, related to the domestic work sector. The organizers in the SADSAWU were the ones going to show me how the union worked, including me in the cases (dealing with domestic workers´ disputes), and recruitment in the field.

The fieldwork was conducted in Cape Town, South Africa during January and March 2016. I wish to refer to Goldstein´s (2002: 671) claim that being in the area where the interview in fact takes place – the main argument is that it would be easier to get in contact with the relevant informants when I was situated in the country in focus. Furthermore, the fieldwork contributed with crucial material, which neither phone-calls or videoconferences could capture, namely body language. Moreover, the fieldwork established a possibility to develop great relationships and increased trust between me, as a researcher and the informants, which again may make it more likely that the informants would recommend other relevant candidates for prospective interviews. Thus, I am certain that my physical appearance in Cape Town increased my chances of connecting with relevant informants.

The methods employed during the fieldwork were semi-structured interviews (SSI), active participation and participation observation. Although different methods were used, I need to emphasis that the central method used was SSI. Therefore it is natural to devote more space to discuss the preparation, conducting and reflection of the interviews, then to the other methods. To succeed with an interview-based study one needs to carefully consider different steps in the interview process, such as: selection of case, interview style, sampling frame, construction of the interview guide and coding of the answers (Beckmann and Hall 2013: 198).

3.3.1 Interview as Method

Asking the right questions requires experience, which may be limited among master students, thus effects on the validity of the questions. One can never be fully sure how the questions asked to the different informants work in practice. Therefore one needs to be open-minded about the ´saying`, "learning by doing", and bear in mind that one becomes better throughout the process (Berry 2002: 679). To succeed with interview-based studies, one needs to carefully think through the different steps in the process. Firstly, one needs to select a case or cases of interest; interview style; deciding the theoretical universe; how to structure the interview and formulate the questions within it, and the appropriate coding of the answers (Beckmann and Hall 2013: 198).

3.3.1.1 Interview Style

The selection of interview style depends on what kind of information and response one is interested in gaining from the questions asked (Aberback and Rockman 2002: 673). In this study semi-structured interview (hereafter SSI) is applied. Justifications for selecting a SSI is related to the objective of gaining depth, detail and an insider´s perspective on the domestic work situation and collective actors´ political capacities regarding the challenges with sector´s labour legislation (Bryman 2012: 471). The semi-structured interviews used in this project consisted of only open-ended question formulations, and where a general set of questions were determined prior the interviews. Providing open question gave the interviewees a substantial amount of leeway in how to answer the questions. In addition, the benefit of having, to some extent, a set structure in advance means that as an interviewer, I had control over and could limit the interview to the specific information I was interested in collecting (Gallagher 2013: 193; Leech et. al 2013: 210). Moreover, not being too dependent

on following the questionnaire all the way, I always had the chance to add or remove questions during the interviews.

When preparing for the interviews, I needed to negotiate some trade-offs between systematically following the interview guide with specific questions versus just having some overall topic. Inspired by Berry´s (2002) suggestion, I wrote up some probes, prompts and follow-up question notes into the interview guide (see attachment 2 and 3), which were based upon the theoretical framework of political capacities developed of Olle Törnquist (2013). This was prepared for instances where the respondents didn´t give sufficient answers, or where they might have misunderstood the question, or to remedy with alternative answers, or to guide the respondent by going more in detail regarding the discussion topic (Berry 2002: 681; Leech et. al 2013: 217). Equally important, it was provided to all the respondents to avoid validity or reliability issues (Bryman 2004: 122-124).

After conducting three of the interviews, I decided to provide the upcoming informants with an overview of the questionnaires. This questionnaire also included, at the top, an explanation of how to understand concepts such as: labour laws, and different examples on how to understand resources etc. By doing this, I was trying to avoid any misperception of the concepts.

3.3.1.2 Theoretical Universe and Sampling Strategies

Determining whom to interview is crucial for obtaining valid and reliable interview data. When defining the theoretical universe, one should think about it as a mirror of all the unities that are included in the research question (Hellevik 2002: 114). The research question was used to give an indication, and act as a guidance, of what units or categories of people that need to be sampled, and that the informants selected are able to contribute necessary information to answer the research question(s) (Beyers et al. 2014: 181; Bryman 2012: 416). The theoretical universe in this particular study can be defined as all South African collective actors (e.g. unions; organizations; agencies; politicians; activists; academics) who have been engaged and/or tried to influence what is happening in the sector of domestic work and the labour legislation. Hence, by including different types of actors relevant to the research project helps ensure that researchers receive balanced information from a wide variety of perspectives (Bleich and Pekkanen 2013: 90). This group of collective actors are geographically delimitated to Western Cape, South Africa, this has to do with practical restrictions.

The purpose of selecting these respective actors is related the goal of achieving broad perspectives on the topic of interest. Equally important, they are selected on the basis that they assume to hold detailed information about their organisation´s goals in the domestic work service, what activities their union/organisation have been using to achieve mentioned goals, perceived and experienced challenges by achieving these goals and general challenges within the sector, and the ability to evaluate their organisation/union opportunity to improve the respective sector. Regarding the academics and activists selected; these possess diverse expertise knowledge about the domestic work sector in South Africa. To sum up, these informants are well-informed, in the sense that they can contribute with information that may fill in missing pieces in the puzzle or to (dis)confirm the pieces which are already in place. Furthermore, they are in possession of in-depth knowledge about the case and context of the case(s) which aim to be illuminated (Aberback and Rockman 2002: 673; Anderson 2006: 282; Beckman and Hall 2013: 198; Beyers et.al 2014: 174), and they are selected because they can contribute, discuss, and argue about the topic in focus, in a reflective manner (Tjora 2011: 128). These actors are assumed to be in possession of first-hand information, and another assumption is that these informants may hold information about the cases and the context that are not publicly accessible, and therefore very valuable in this respective dissertation (Anderson: 2006: 281; Leech et.al 2013: 210).

However, when securing the right informants certain obstacles may appear (Goldstein 2003: 670). Therefore, in an early stage of this master project, awareness regarding components such as insufficient financial resources, time limitations, the time-consuming process to find the right informants, and other access barriers – had be taken into account (Mosely 2013: 19; Beckmann and Hall 2013: 200-201). This is an essential element for why I decided to locate my focus area on Western Cape, South Africa – in addition to the fact that the SADSAWU headquarters is located in Cape Town. Knowing in advance that two of the most challenging practical realities in the interview-based approach is to identify and land the right informants, particular when informants may be sceptical to so-call "outsiders" (Beckmann and Hall 2013: 200-201), it became necessary to facilitate some sampling strategies.

This dissertation is based on a non-random sampling strategy (Levy 2008: 8). A disadvantage of applying a non-random sample approach is that it limits the researchers capacity to generalize, especially in the area of theory testing (Mosley 2013: 19). However, as indicted previously in this chapter, the purpose in this dissertation is not to generalize the findings to a population – rather, the aim is to illuminate a case, and explain in a nuanced and

detailed way. A non-random sampling approach is commonly applied in the interview domain, and is in this case related to theoretical reasons, for example, the interviews are done to generate the theory of political capacity. Therefore, I am interested more in specific cases, such as "most likely cases" than in a representative sample (Mosley 2013: 19).

In this master dissertation I´ve used sampling strategies such as position criteria and snowballing to identify relevant respondents. Researchers that have been studying the domestic work phenomenon have often identified the informants through searching for the "voice" of these workers. Therefore it was relevant to contact the spokesmen of the union, SADSAWU – because these are the people with the voice during assemblies concerning domestic workers (Grossman 2011b: 123). This approach may be overlapping with what Tansey (2007) refers to as the "position criteria". Position criteria involves identifying the informants through the position they are in (e.g. union leader, politician, academic etc.) (Tansey 2007: 770). After identifying the relevant informants, through the position criteria – I approach each informant by sending a short information email a week into my fieldwork, informing about the academic goals of the study, briefly about the case in focus, and the confidentiality and anonymous protection (Beckmann and Hall 2013: 202). The other sampling strategy used was snowballing. This technique highlights that as researcher, one should always ask interviewees for recommendations for additional interview subjects. This strategy, especially in conversations with SADSAWU, effectively revealed networks and key actors – which I hadn´t thought, and thereby expanding the sample frame (Bleich and Pekkanen 2013: 90-91).

3.3.1.3 Reflection on the Sample

Reporting the number of interviews sought within the sample frame, the number obtained, and the number declined or unavailable – is important. The reasons is that by knowing how many people the researcher aimed to interview, and how many one got – gives readers more confidence in the evidence that is presented (Bleich and Pakkanen 2013: 90). A total of sixteen (addition to two follow-ups) out of twenty-five interviews were confirmed and conducted. In my case no one from the Department of Labour had the opportunity to participate. It was especially the Minister of Labour that was of interest – because of recommendations and arguments given by SADSAWU, claiming that "Milred Oliphant is the only on in Government who cares about the domestic workers". Neither did the Western Cape located Social Law Project respond to my requests. Possible bias with the non-response rate meant that certain types of interesting information and aspects of the case might be

systematically absent from the analysis. However, one should always be prepared to acknowledge that the ideal list of interviews could change dramatically in the field (Bleich and Pakkanen 2013: 91).

3.3.1.4 Structure and Formulation of Question in the Interview Guide

Prior to the implementation of interviews, all the participants received an email containing a description (information letter) about the project and an informed consent form. Before commencing with the interview they all had to sign the consent form. In this information letter and the informed consent letter (see attachment 1) the informants were informed that the Norwegian Social Science Data Service had authorized the master project. Which meant that as a researcher of this respective project, I am responsible to maintain and protect the privacy of the informants´. The participant was informed that their participation was voluntary, and that they at any time may withdraw their informed consent without needing to give any explanation – and if they decided to withdraw, the information provided would stay anonymous. Furthermore, it reminded them that their responses and answers, if requested, could be treated confidentially and that they could be anonymous. A fundamental goal of human subject protection is to ensure that such research entails minimal risk to participate in studies (Mosley 2013: 16; Brooks 2013: 55; Beckmann and Hall 2013: 203; Leech et.al 2013: 215). An essential reason for why one needs to consider the ethical aspect is related to future researchers wanting to conduct studies on the same or similar informants. Offering the participant minimal risk is not only what professional ethics demands, it is also required by the university and other research institutions Institutional Review Boards (IRB) (Mosley 2013: 15).

Grossman writes in his article about what experiences the union for domestic workers in South Africa have with academics. The union is referring to weaknesses such as, they don´t know what will happen with the data material in the end, or what the academics contribution to the union is (Grossman 2011b: 123). Therefore, the brief sum-up is especially important in this context. I had to be specific regarding the purpose of my master dissertation, and what the participant could expect from me (ibid 125-126).

Concerning the interview guides, a general discussion of the order and formulation of the questions is provided, namely because it is beyond the scope of this master thesis to evaluate the construction of all interviews. An overall feature is that the interviews contained more or less the same questions, however because the interviewees belonged to different organisations and professions, some of the questions differed (see attachment 2 and 3). The

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part that was similar to all interviews was the main section concerning political capacities. In that way the interviews were constructed in a manner that they could reflect the interviewees of interest, but also including a main section that enlightened the research question.

Furthermore the questions were put in an order to represent different topic-sections (Bryman 2004: 119). Not only for the purpose of the interview, but also for me, as an interviewer – having a certain structure of the interview guide, and knowing what topics to go through (and also what was irrelevant), made it easier to ask crucial questions (Tjora 2011: 118). The question order is assessed regarding substantial matters (i.e. order effects). Initially I avoided the use of demanding and sensitive questions. The most demanding questions were located in the centre/end of the interview (Leech 2002: 666). The interviews started with an opening question allowing the informants to answer within their own reference framework. In addition the question contained a topic that the interviewees could relate to (Brooks 2013: 63; Bryman 2002: 119). Furthermore, the introduction question allowed the respondents to give a broad answer, and had the intention of motivating them, and to make them comfortable with the topic. Additionally, by asking an initial question of relevance to my study, it might have captured the informants´ attention early. Thereafter the interview became more focused and specialized. This part was crucial, because it was here where the information about the respondents (collective actors) behaviour and fact information regarding their political capacity was collected (Beckmann and Hall 2013: 204).

In the closure of the interview I used an open question to invite the informant to tell his/her opinion about the interview, and also to ask question or to add something which as a researcher I hadn´t thought about – but which was central in relation to the topic of interest. This type of question is essential in the process, especially in the beginning of the interviews – to check if the question has been sufficient, and it gives opportunity to do some adjustments on the interview guide if necessary (Leech et.al 2013: 218). Moreover, the question order was also related to the pragmatic considerations, such as; lack of time or if one gets interrupted, or the interview needs to end (Beckmann and Hall 2013: 204-205). Therefore, I had noted, in the bottom of each interview, the questions that were necessary to ask in order to answer the research question(s) (Berry 2002: 681).

The formulation of the questions and component of validity is closely related. Validity concerns aspects such as, does the researcher ask the appropriate questions, are the questions formulated in an appropriate way, do the informants give trustworthy answers, and how well do the question measure what one is interested in examining (Berry 2002: 679; Mosley 2013: 21)? As I was using merely open-ended questions, certain pitfalls such as informants

presenting themselves in a favourable way, and/or as an interviewer one becomes tempted to hear want one wants or expects to hear - may have occurred. To decrease these threats, efforts was made to formulate neutral question and to minimize leading questions. A more concrete technique that was used was to mainly ask questions about actual behaviour fact-based and examples questions (Martin 2013: 117; Mosley 2013: 21). This technique provided me with a data material for the analysis, instead of letting the informants analyse their own situation through asking "why"-questions (Leech 2002: 667; Leech et.al 2013: 219-220). Yet, this technique worked better on paper than in practice – and there is no need to sweep it under the carpet that several "why" questions were asked. Leech et.al (2013: 219) emphasis that avoiding "why" questions are appropriate when a large number of interviews are being used, and where the plan is to code the responses for hypothesis testing. On the other hand, because only a few interviews (16) are being conducted, the "why"-questions became an appropriate way of helping to understand a situation, by using the insight of the key-informants (Leech et.al 2013: 219; Martin 2013: 117; Mosley 2013: 21).

Moreover the validity of the interview instrument also hinges on the accuracy of information provided by the informant. Even if the researcher asks the right question(s), the given answers may not be accurate or truthful, and therefore, especially in light of the analysis – I had to be guarded against the possibility that the interviewees were – deliberately or inadvertently – "playing me" (Mosley 2013: 21). To reduce this risk against validity in the answers, it is important to be aware about the context from different information/sources when assessing the data material given in the interviews. For example, one can use information from the other interviews to assess the validity (Beyers et.al 2013: 177; Mosely 2013: 21-22).

3.3.1.5 Collection and Processing of the Data Material

Reliability concerns how consistent the result of the repeated tests with the chosen measuring instrument is (Berry 2002: 679). In other words, to what extent is the information collected in the interviews accurate, and how much confidence can one have that an interview, which were to be repeated again, gave the same information would be generated. To accurately capture the information, I decided to use a tape recorder in all the interviews. Prior to the interview, I asked for permission to record the interview, with the purpose of transcribing the recordings afterwards. The recordings helped me to correct the natural limitations of my memory, which again allows for a better examination of the interviewees´ answers. Equally important, was to make sure that the data can be reused in other ways (Bryman 2012: 482;

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Mosley 2013: 24). However, the pitfalls of using a tape recorder may have been that the informants became self-conscious or alarmed by how they are responding to some of the questions (Bryman 2012: 483). In the observation study, where field notes were written instead of tape recording, the respondents were more relaxed, more open, didn´t select their words so carefully. As I decided to transcribe all the interviews, it was important to allow myself sufficient time for transcription and to be realistic about how many interviews I was able to transcribe in the time available. As transcribing interviews is a time-consuming task (Bryman 2012: 484), the duration of the interviews lasted between 45-60 minutes. With this timeframe I expected to create a relaxed atmosphere, which gave the respondent time to reflect over their answers, own experiences and the meaning attached to the relevant topic of the project (Tjora 2011: 90). After conducting 50 per cent of the interviews, I made a matrix of the answers. This was done to make sure that I had accumulated all the information I wanted.

The validity of the data material provided from the interviews is heavily related to the interviewers´ use, synthesis, and interpretation of the material. Thus, I´ve evaluated the collected data material from the fieldwork with other empirical material (Mosley 2013: 22). Other elements that might affect the validity in the data collecting is e.g. personal characteristic, prejudice, coming from Norway may impose some implications, my approach as an interviewer. Another element that needs to be emphasised is after going through the transcriptions from the interviews to collect relevant data material, I sent all my informants, what I call "a check-up list" including citations and use of their name. This was done in order to make sure that no misperception, mistakes/confusions, or any arguments that they didn´t want their name to be attached to, or if there was anything else they thought needed to be added. This may contribute to an increased validity of the answers given.

3.3.2 Observation as Method

Traditionally, observation studies are to a large extent associated with the discipline of anthropology. By applying this type of method in the political science discipline, one needs to be prepared to face some scepticism. However, I would argue that examining and observing the natural habitant and context of the case is also of great value in political science (Tjora 2011: 36). In this master project, observation as a method only played a minor role, compared to the secondary literature and interviews. However, to be given the opportunity to observe, participate and take notes of what was happening at SADSAWU´s

office, joining workshops, active participating in recruitment procedures, joining negotiations between employers and employees, and participating in cases with domestic workers, studying behaviour, and having informal conversations with the union members – was of great relevance. Namely, because it contributed with valuable data, which I would never have achieved by only conducting interviews and using secondary literature. Observation revolves around the study of what people do, and interviews study what people say (that they do). A pragmatic reason for choosing observation is related to keeping the informants away from working (Tjora 2011: 38-39).

A well-established perception of observation studies is that it contributes to a "researcher-effect", which means that the once you are observing, those observed will act differently than they would have done if they hadn´t been observed (Tjora 2011: 73). After conversations with the leadership of the SADSAWU, I got the impression that the union is used to having researchers coming in on a conveyor belt to observe and interview them. Thus, I don´t think my presence really affected the situation as much as expected. Being affected or affecting the people you are observing, should not be a reason for not using observation studies. Rather, one should be aware of these issues, and know that they might affect the credibility of the study, and it is essential to discuss how it may affect (Tjora 2011: 75).

Furthermore, observation studies are characterised by a temporary, extreme proximity between the scientist and the field of interest (Tjora 2011: 78). As an observer, one develops close relationships with the study objects. For example, after spending time with the union they started representing me as a worker at the SADSAWU, and included me in the discussions on how to improve the situation within the union and organisation. One can´t avoid criticising my close relationship to my informants at the union – because somehow it may have affected my conclusion. On the other hand, by writing down my thoughts around this, before proceeding to the analysis might have decreased these risks. Being self-reflecting on my role as a researcher, knowing why I´m there, and also having frequent conversations with my supervisors – made the situation a bit easier to deal with.

Furthermore, I was using what Bryman referred to as *jotted notes (*field notes*)*, which are very brief notes written down in a small notebook to jog my memory about events that should be written up later (ibid 450). All in all, the observation studies provided me with an extensive insight on the culture at the union, work procedures, cases and recruitment methods. The observations provided data material not accessible from Oslo.

4 Chapter – Empirical Findings and Analysis

4.1 Present Situation and Perceived Challenges

- *"Why haven´t the legal institutions that came with the democratic transition in South Africa given better results for the domestic workers"*?

The aforementioned question is interesting in relation to the claim that the democratisation and its accompanying institutions haven´t given the expected outcomes for the South African citizens, and moreover, that the rights for domestic workers are apparent only on paper (Fish 2006b: 116-117; Stokke and Oldfield 2004: 134). Although labour legislation in post-apartheid South Africa was extended to also include the domestic workers, the realities of the life of these workers have been far from a success story, whereas these workers have remained disadvantaged (Ally 2008: 2; Ally 2009: 147,154, 163; Du Toit 2010: 15; Fish 2006a: 4-6; Jacobs et. a 2013: 1, Magwaza 2008: 85; SADSAWU 2016). Furthermore, Heller's (2013: 70) argument states that South Africa represents an example of 'that getting the formal institutions alone is not enough', hence one need to consider the importance of assessing the transition in light of pursuing a substantive and substantial understanding of the democracy in South Africa.

There was a broad consensus among the informants that the situation within the domestic service has improved – mainly because of the extensive implementation and ratification of labour laws. This stands in contrast to the prior-apartheid article *"Trapped Workers: Constraints and Contradictions Experienced by Black Women in Contemporary South Africa"*, written by Jacklyn Cock, illuminating that for numerous years the domestic work service was positioned in a legal vacuum – which entailed that these workers were not protected by any legislations, no rules and regulations on minimum wages or work conditions (Cock 1987: 134). However, along with the democratic transition in 1994 and the following years, numerous improvement efforts were made regarding this respective service. Ally (2009: 3) wrote in *"From Servants to Workers: South African Domestic Workers and the Democratic State"* that South Africa has adopted one of the most extensive laws to formalise and regulate paid domestic work globally. In 1993 the Basic Conditions of Employment Act

(BCEA) of 1983 was modified to include workers from the domestic and agricultural sector – whereas both these two sectors had previously been excluded from the BCEA. This was perceived as the first step in recognizing domestic workers as workers with rights. Budlender refers to Ally´s words, when talking about this milestone, being acknowledge as a worker, instead of a servant (Budlender 2016: 2-3). However, opposite to these words, SADSAWU´s President, Hester Stephens expressed in the interview that the domestic workers in South Africa are still not recognized as a workforce, and a clear example on that is that domestic workers are still referred to as maids and servants by their employer (Stephens, interviewed 04.02.2016).

A representative from the COSATU expressed that the situation within domestic service has improved, and it continues to improve, namely because domestic workers are included in the new labour laws. Nevertheless, the informant emphasises that the improvement is not happening fast enough (COSATU representative, interviewed 18.02.2016). Also representatives from SADSAWU (Kente and Ningiza, interviewed 24.02.2016) agreed that the domestic workers are better off in present South Africa compared the era under apartheid, "because in 1994, there didn´t exist any laws for the domestic workers". One the other side, as key Informant Z state:

"South Africa doesn´t really have a proper ´tool` to either track or investigate to see if the situation has improved or changes in any way".

(Informant Z).

And I agree with Informant Z, because to evaluate a sector of an estimated 1 million domestic workers in South Africa, whereas many of the workers are not either registered as working within the domestic service, would be an unmanageable task to conduct.

Furthermore, in the Social Law Project article *"Domestic Workers' Laws and Legal Issues in South Africa"* (2014), it is argued that there exist serious gaps in the legal framework related to content of the laws and in the way they are enforced, which render domestic workers´ labour and other rights ineffective. For instance, some of these gaps are in conflict with the requirements of the ILO Convention 189 on Domestic Work (C189). But many of the gaps are not specifically addressed by the C189, which does not directly challenge the traditional framework of South African labour laws (examples, the right to form trade unions and organizational rights; the right to engage in collective bargaining; terms and conditions of employment; exclusion of part-time workers; the protection of live-in

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domestic workers; protection against discrimination. An important part of the problem is that the minimum wages set by the Minister of Labour in the Sectorial Determination for the Domestic Work Sector each year are the lowest in the country[7]. In addition, the article suggests that the state, in other words, takes the existing status of domestic workers at the bottom of the job market as a given and perpetuates it. It should be emphasized that these conditions continue even though with one exception, domestic workers enjoy the same rights as all other workers (the exception is COIDA). However, as previous mentioned in this thesis, domestic service consist of a significant level of "informality". Hence, as a result of the informality – domestic workers´ rights are widely ignored, to greater or lesser degrees, with relative impunity (Social Law Project 2014: 5-14). The long-serving activist in the domestic service, Jonathan Grossman, also confirms that there have been positive changes, for example more inclusive laws to protect all workers.

> "Although there have been a lot of changes (for the better), the workers still have to struggle to change their everyday life […]. The domestic workers would not tell you a story of dramatic change, but a story of continuing problems. This may imply, that even though legislation improvements have been implemented, the sector is still struggling with making use of the institutions that came with the democratic transition".
>
> (Grossman, interviewed 01.03.2016).

Despite the perceived success with implementing the labour laws for the domestic service – there do exist some shortcomings with the success. For instance, as Grossman argues during the interview, "even if the minimum wage was being implemented – the domestic workers would still be struggling – because who can survive on R2230/month[8], if one alone is the breadwinner for the family?" Hence, even if there exists a law that can regulate the wage, it is still not sufficient enough to improve the situation among the workers. Namely, the content of the law on minimum wage is insufficient. Additionally there also exists a robust discussion

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[7] Domestic services constitute 9.40 per cent of the total paid employment, after services (28.41 per cent), trade (17.55 per cent), finance (13.82 per cent), and manufacturing (11.91 per cent). Domestic service is the least paid industry (with a mean on R2 210[7]), followed by agriculture (mean on R 3 381), construction (mean on R 6 670), and service industry (mean on R11 435). 95 per cent of those employed in domestic services earn less than R4 125/month (R4 125 constitute the relative poverty line – how much an individual needs in monetary terms in order to just survive), with only 4.82 per cent earning above this line of R4 125. In agricultural industry, 89.6 per cent of those employed earn less than R4 124/month, where 10.40 per cent is above the respective line. (Finn 2015: 30, 36).
[8] R2230 (1200NOK) income in urban areas.

whether the wages should be different or the same between rural and urban areas (Abrahams, interviewed 10.03.2016). At the present time the wages are different.

> "The law on the protection of private property is the underlying basis of poverty and exploitation. And for as long as the constitution is implemented - for as long as that ownership of the wealth accumulated under apartheid - is protected - then there will be poverty and exploitation. I try to counterpose this to those who repeat all the time that there is a problem of no implementation. I also say simply: if the laws relating to domestic workers were all fully implemented - there would be no basic change in their everyday lives. It is not a problem of lack of implementation - it is a problem - on top of the problem of the constitutional protection of private property - of laws whose standards, provisions and content are far too low to protect anyone or afford them a comfortable life".
>
> (Grossman, interviewed 01.03.2016).

> "There´s something inherently, and fundamentally wrong with the labour laws. All the laws which are claimed to be protective of workers, give standards of protection, which are so low - that no-one is protected. So it is not about implementation, it is about changing the laws, and to get rid of those laws - which claims to be giving workers protection, which are not".
>
> (Grossman, interviewed 01.03.2016).

These two citations above, taken from the interview with Grossman, strongly emphasise that the problem is not implementation and enforcement of the laws. The examples given from Grossman during the interview, confirms and are to some extent overlapping to his article from 2011, *"Venturing Beyond: Domestic Work as Essential Public Service",* where he refers to three main reasons for the overall problems within the domestic service occur. These three issues can be briefly summarised as *i)* content of the law; *ii)* patriarchal society*, iii)* an oppressive, privatised, individualised employment contract. Grossman argues that, in the end, the essential power relationship remains the same – weighted and heavily favouring the employer. This places the employer and her/his rights above the domestic worker and her rights. In the article, Grossman illustrates this by referring to the issue that Department of Labour inspections cannot take place in the workplace of the domestic worker without the permission of the employer. The law deals with the same space as primarily the home of the employers, and secondarily the workplace of the worker. Furthermore, Grossman argues that it is the South African Constitutions, which is reproducing this problem (Grossman 2011a: 135-136).

Moreover, several of the informants (Stephens, interviewed 04.02.2016; Abrahams, interviewed 10.03.2016; Shuttleworth-Richardson interviewed 11.02.2016) referred to the issues of agencies. Agencies going to the rural areas, outside of Cape Town, to load buses with mainly woman to bring into the city, with the aim of recruiting these women to domestic services. These workers are treated inhumanely and without dignity, with the purpose of offering cheap domestic labour. According to SADSAWUs President Hester Stephens, "it is easy for the agencies to register at the Department of Labour, because all it takes is for the agencies to have a phone number and a desk to become registered. And the government fails to deal with this exploitation of the vulnerable workers seriously enough – arguing that this is because they themselves are the employers, and they equally want to employ cheap labour" (Stephens, interviewed 04.02.2016). This only confirms what Fish wrote in her book *"Domestic Democracy"*, that these agencies works as a supply for the lowest cost labour to household in the Cape Town's urban areas to recruit women into domestic service (Fish 2006a: 148). However, it should be emphasised that there do exist, in the Western Cape region, some credible and professional agencies, who don't go to the rural areas to get prospective job-seekers. For instance there´s the Marvellous Maids, which is an agency both The Commission for Conciliation, Mediation and Arbitration (CCMA) and SADSAWU confirmed as credible.

Another shortcoming is the insecurity of employment. As many domestic workers have not signed an employment contract with their employer to confirm a proper employment relationship – many may lack social protection or worker benefits (Du Toit 2010: 3, 10). The SADSAWU organizers perceive this to be a huge challenge in the service. Without having an employment contract the employee is in a vulnerable position, because they never know when to work, working hours may change from week to week, thus also the salary (Kente and Ningiza, interviewed 24.02.2016). I need to emphasis that by asking representatives, from the CCMA, SADSAWU and PASSOP, who are all actors dealing and working closely with cases of domestic workers - the most common complaints and issues were related to unfair dismissals. Inter alia, domestic workers being fired without reason. This also illustrates the insecurity of employment among these workers.

During a workshop I got the opportunity to chat with some of the members of the SADSAWU. The members, whom also are domestic workers, explained that they were not happy with how they were treated. Some of them are scared of getting fired. One of the members told me that her employer did not know that she was a member of the SADSAWU, and if the employer found out she would be fired. However, according to the Labour Relation

Act 66 of 1995, having the right to organise in a trade union is a collective labour law, and this law includes the domestic workers. But they expressed that they are scared to tell their employers, because the employers do not like the union. Another member talked about the feeling of apartheid, and that segregation was still very visible.

The Provincial Coordinator at FEDUSA, Riefdah Ajam, emphasises the issue of the domestic service being located in the private workspace regarding the protection of the labour laws, but because the domestic workers´ work environment is in the private homes – the accessibility may at times be challenging, also when making an effort to recruit these workers to a union (Ajam, interviewed 04.03.2016). Another informant referring to the workplace is COSATUs´ representative arguing that the dominating issue relates to it being often only one worker in the workplace. "This makes it more difficult to demand and fight for one's right, being the only one to pull up the fight, compared to a factory or a store-worker, mineworker etc." (COSATU representative, interviewed 18.02.2016). This confirms previous findings of Magwaza´s study (see section 1.2.2).

Discrimination was an issue mentioned by the organizers at the SADSAWU. They refer to cases related to employers´ racist behaviour, or not paying the wages in the South African currency. An example on the latter, is payment in kind, which concerns giving cloths and food instead of a proper wage – saying that they are doing them a favour, by letting the worker stay in their house, and thus the worker does not require money for transportation, contract or paid-overtime. The issue of discrimination is worse for the migrant domestic workers (Kente and Ningiza 24.02.2016). Additionally, an increased hostility has developed against the migrant domestic workers. This is related to cases where South African domestic workers gets dismissed because they demand a higher salary or other labour right, while of the migrants accept a lower wage (Kente and Ningiza, interviewed 24.02.2016).

Activist and professor Jennifer N. Fish put a lot of emphasis on the migrant issue, and how it makes the sector more complex and challenging (Fish, interviewed 29.02.2016). As illuminated by the Director at PASSOP, Bernard Toyambi, migrants within the domestic service are experiencing abuse regularly. Abused in terms of Labour Regulation Act, because when it comes to the South African Constitutions, all workers have certain rights under the law. However, the law does not protect all foreigners when they are given a job – and this is related to the lack of an employment contract between the employee and employer. So, in cases where the migrant domestic workers get dismissed, the dismissal procedures are not followed as required – mainly because they don´t possess valid documents. This is the most challenging aspect regarding the migrants in this service. When the employer knows about

this delicate issue, they often take advantage of abusing these migrant, by threatening them that they will go to the police to report them as an illegal worker. What Bernard pinpoints is that the employer forgets often that also s/he is doing something illegal for employing a migrant without legal documents. The fundamental problem is that the migrants really don´t want to report the violations happening at the workplace – in fear of loosing their job (Toyambi, interviewed 01.03.2016). These present challenges with the migrants are also expressed in previous studies. Migrant domestic workers, who in practice cannot qualify for work permits and are therefore almost always "illegal" (unless they have refugee status or are applying for political asylum) face the greatest exploitation of all (Social Law Project 2014: 5). This delicate issue with the migrant domestic workers in South Africa adds some nuances to the challenges with the legal institutions in the country. Even though South African domestic workers have become more recognized and to a larger extent able to stand for their rights in negotiating their wages and resisting unfair labour practices, the migrant workers looking for same jobs are willing to accept maltreatments, low wages hence the employers usually hire them. This confirms aforementioned. Further, Odeku argues that this again may have serious implication on the enforcement of the legislation and the conditions of employment of South African domestic workers. Thus, as a result of this alternative, employers are using the threat of employing vulnerable foreign migrant as a way of keeping wages low for South African domestic workers. As a consequence, desperate, poor South African domestic workers don´t see any other choice than accepting the poor working conditions with long hours, minimum or less than minimum wages, and become vulnerable to exploitation and abuse. In that manner, despite legislation interventions, domestic workers are still vulnerable and afraid, thus they sometimes abandon their human rights and labour rights for fear of revenge and dismissal in order to stay on the job (Odeku 2014: 697-698).

Domestic workers in South Africa are covered by most of the labour laws, and are better off compared to other countries, and according to The General Secretary of the SADSAWU, Myrtle Witbooi, the sector is covered very well on paper. On the other hand, Witbooi pinpoints that this does not mean that the laws are implemented. Additionally, Witbooi emphasises that she would not express her satisfaction with the wages or with the work conditions; "but at least the legislation is there on paper – and the SADSAWU is then able to refer to some documents when negotiations between for example employee and employers find place" (Witbooi, interviewed 24.02.2016). The President of the SADSAWU, Hester Stephens explains that; "as a union, we agree that we have achieved the best laws. But sadly, the issue is the implementation in South Africa" (Stephens, interviewed 04.02.2016). Also

the organizers of SADSAWU are criticizing the labour laws, saying that these laws are only there on the paper – but not practised (Kente and Ningiza, interviewed 24.02.2016).

"Until the government make sure that these laws that are there, ´on the paper`, they are doing well, they are implemented well, and the government is strict for these laws to be implemented, and the government can take an action against those who don´t apply – then everything will be good."

(Kente and Ningiza, interviewed 24.02. 2016).

In the interview with, key Informant X, the key informant refers to the fact that even if all the labour legislation was implemented, many of the domestic workers that informant X had talked to throughout the informant´s own fieldwork would still not have the capacity to provide effectively for their children, and live with their children. In other words, being provided with the legislation wouldn´t necessarily alters the structural situation of these workers. This confirms what has already been illuminated from the interviews with key Informant Z and Grossman. In other words, it seems like the implementation of the labour legislation is carried out without thinking about how it would affect the domestic workers, or the context of the sector. Emphasising that it is not that labour legislations are not important, it is that the labour legislation can´t be the end point of a politics of transformation for the sector (Informant X, interviewed 2016).
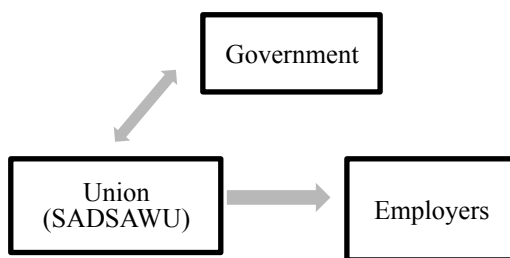
Figure 4.1.1 Fish (2006a) illustration of the triangulated relationships and social power

Figure 4.1.1 provides an overview of the relationships among parties invested in the process of domestic labour policy reform. The figure illustrates that there exists a two-way communication process between government and unions. In that way unions, such as the SADSAWU, may pressure the government for on-going change and accountability and government responds to union activism to some degree through policy reform. Moreover, the figure shows that there do not exist any relationship between government and domestic work

employers in South Africa because no measures of compliance are in place. Thus, Fish argues that the unions are the only organised body to pressure employers to enact policy in the work context. However, many of the policy-makers (in government) are most likely to be employers, but without acting in the role as one, namely, because almost everyone has a domestic worker (including, for instance the government, leadership in federations, unions). This can perhaps add another challenge to the already challenging situation within the service. Furthermore, Fish suggests, in order to implement labour policy within the domestic work context, the relationship between government and employers must be enacted such that employers who maintain social power are held accountable to legislative standards in a more formal manner (Fish 2006a: 198). In present South Africa, it still don´t exists any formal and organised employer party to create a tripartite negotiation with.

4.1.1 Sum-up

This section has illuminated that there exists a broad agreement amongst the informants that the improvements within the domestic service can be linked to the implementation of formal labour legislations. Despite this positive aspect of the situation, the service is still experiencing several challenges – issues, which to some extent can be linked to domestic workers´ labour laws. Furthermore, inadequately labour laws can be indications on social features associated with the domestic service such as: informality; poor employment conditions; insecurity of employment; low wages; exploitative and unregulated agencies; issue with migrants.

In light of a substantial and substantive definition of democracy the empirical findings may indicate that the problems with the institutions of domestic labour legislation have not taken into consideration the structural and contextual conditions, which characterise this sector. The empirical findings can be an indication that the laws are there, but they are neither adequately enough, moreover there´s an issue of enforcement. In other words, they do not have real meaning for the domestic workers. One should not take for granted that the various institutions are democratic, that the formal laws automatically will lead to improvements. It is about the actors´ level of capacity to make use of these institutions (Stokke and Oldfield 2004: 128-129). This calls for a further discussion on how collective actors´ political capacities can explain the perceived challenges with domestic workers´ labour laws.

4.2 Collective Actors´ Level of Political Capacities

When assessing the five dimensions of political capacities, it was natural to focus on the South African Domestic Service and Allied Workers Union (SADSAWU). Namely, because the SADSAWU is the organisation in South Africa whose only focus are on domestic workers´ rights. In that sense, they are acting as a representative for the sector of domestic workers. However, I am open for any criticism claiming that there are others who are equally important to evaluate in this regard – but because of limited resources and personal perception from the conducted fieldwork, it is my final decision to focus on the SADSAWU. However, I would like to emphasise that, through interviewing different collective actors (activists, scholars, NGOs and trade unions) related to the respective service, I believe that one may achieve some impression on how different relevant collective actors have engaged in the respective service, and in that manner say something about how other actors´ engagement may have effected the political capacity of the SADSAWU.
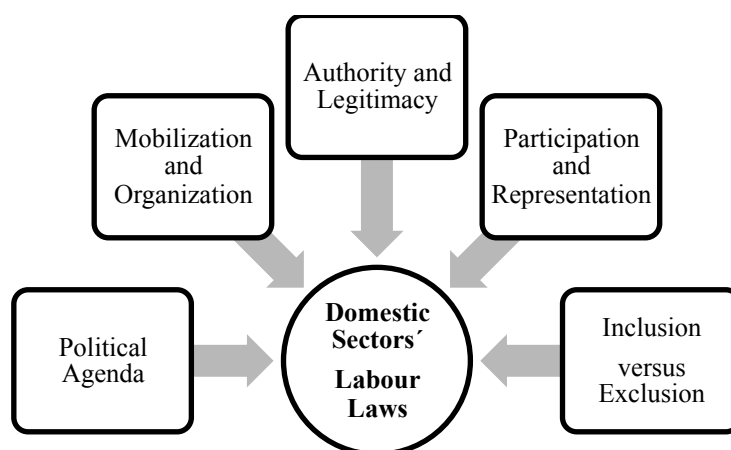
Figure 4.2 Illustration of the five dimensions constituting political capacities in relations to the issue of domestic workers´ labour laws.

4.2.1 Politicization and Agenda Setting

In terms of ´politicization`, Törnquist (1997: 22) (see section 2.3.1) refers to three elements: the *basis - forms – and content* of politicization. In other words, the essence of politicization involves how the collective actors frame their agenda setting (Törnquist 2013: 59). Thus, a central task has been to assess how the SADSAWU has concentrated on framing their interests and demands as single issues with specific groups interest versus a programme of broader and collective interest. One way of illustrating this is through the comparison of two

cases related to labour legislation, the case of COIDA and the case of Convension for Decent Work (C189).

> "Decent work for domestic workers is emotive, it talks about humanity, dignity and respect for domestic workers, and the contribution that they make. In the broader context, nobody disagrees that one wouldn´t have decent work. On the other hand people don´t think of COIDA as not having decent work, it is more technical. If a person got the chance to sign COIDA versus Decent Work, the latter one has the appeal."
>
> <div align="right">(Informant Z).</div>

During the fieldwork, an impression obtained has been that, when it comes to COIDA – it has mainly been the SADSAWU together with a task team (Social Law Project) who´s been working on and making efforts to on put COIDA on the political agenda. On the other side, the Convention on Decent Work has been met with more support from the government, other trade unions (represented by COSATU and FEDUSA), and NGOs – who have been expressing their interest regarding the programme. As indicated by key informant, Informant Z – the Convention on Decent Work (C189) is less technical and detailed compared to the COIDA – where the content of the legislations is specifically constructed in relations to domestic workers' interests. Likewise, Informant Z explains that the Convention on Decent Work, with its four pillars (see p.21) can be perceived as a very broad and abstract programme, which many can abide to. In other words, it is easier to support the idea of decent work for domestic workers, compared to the idea of supporting an act, such as COIDA aiming for more technical components (e.g. how to compensate, where to get the contributions from, how to make it possible in light of the work being located in a private household). Thus, Informant Z argues that COIDA is more specific and demanding, compared to the broad idea of having decent work implemented for the domestic workers. Additionally, Informant Z agreed that achieving support for a programme so broad, as the Convention on Decent Work, compared to a single-case with more specific goals for a limited group is more challenging (Informant Z, interviewed 06.05.2016).

In other words, the assessment provided by the key informant, Informant Z, may give some indications on how the basis (single-issue versus programme of collective interests) and content of the legislation may have an effect on whether or not an idea and demand around a labour legislation is promoted further to the political agenda. This illustrates what Törnquist (1997) said about framing the agenda setting.

As mentioned in the introduction chapter (see section on 1.1.4 collective actors), COSATU´s tripartite relationship with the ANC and the SACP can to some extent be said to be instrumental when COSATU tries to promote a demand or interest on the agenda. Furthermore, because of an extraordinary relationship between COSATU and the SADSAWU in the Western Cape region, this relationship may be perceived as a benefit for the SADSAWU when transforming their private issues into public matters. Namely, because COSATU has such strong relationships with influential actors, such as the ANC. Findings from the interview with COSATUs representative, shows that COSATU, being a trade union federation consisting of different affiliates – their prior goals were to support common concerns, not focusing on each individual affiliate (COSATU representative, interviewed 18.02.2016). Hence, this indicates to some extent why the SADSAWU haven´t been as successful with the promotion of COIDA, in contrast to the Convention on Decent Work. Regarding the Convention on Decent Work, COSATU has put their efforts in supporting it, and the COSATU´s representative expresses that this reflects the federations' sincere interest for the domestic service. Overall, the impression made is that it is easier to achieve support and establish cooperation with COSATU when aims, demands and interests of common concerns versus single-issue cases where the content is focusing on the domestic workers´ interests.

Also the General Secretary, Dennis George and the Provincial Coordinator for FEDUSA, Ajam Riefdah express the federations´ engagement and interest of promoting the Convention on Decent Work George confirms that along with the Parliament, the SADSAWU, the COSATU and The National Council of Trade Unions (NACTU) succeeded together to ratify the Convention 189 (George, interviewed 10.02.2016; Ajam, interviewed 04.03.2016). This gives a good illustration on what Tarrow claims – that the primary source of capacity lies in the movement´s relationship with key actors and institutions in the political field (Tarrow as referred to in Stokke and Oldfield 2004: 130; Stokke 2002: 17-18), which again may be crucial when aiming to achieve collective demands and interests. In other words, this may to some extent explain how the relationship between the SADSAWU, key actors, and institutions might have been an instrumental factor when it comes to transforming the unions´ private issues into public matters.

> "To get the support from the Department of Labour – it requires that as a union we put up pressure, because if there´s no pressure – they will not prioritize it".
>
> (Witbooi, interviewed 24.02.2016).

This quote given by Myrtle Witbooi refers to the case of COIDA. In the initial meeting with the SADSAWU, Myrtle said that the Minister of Labour has informed her that the door is always open for the union. However, Myrtle expresses that the door has been closed for a long time. As a result, the SADSAWU decided to demonstrate outside the Parliament to protest against the situation of the domestic workers being excluded from COIDA (Witbooi, interviewed 24.02.2016). Also the organizers at the SADSAWU express disappointment with not succeeding with COIDA, especially in light of all the other successful implementations of other legislations over the past years (Kente and Ningiza, interviewed 24.02.2016). Additionally, when asking the organizers about the support they achieve regarding their demands and interest they refer to a low degree of support. For example, when the SADSAWU invite stakeholders[9], ministers, pastors and teachers for meetings, the organizers express that; "because they themselves have a domestic working for them, they don´t want to come because they know that they are doing something wrong. Also those who are doing something right, don´t appear – namely because they don´t recognize the union" (Kente and Ningiza, interviewed 24.02. 2016).

A typical strategy applied by the SADSAWU, in order to make private matters into public concerns is to organise campaigns (Stephens, interviewed 04.02.2016; Witbooi, interviewed 24.02.2016), but the main challenge is however to get enough members to support this campaign – in addition to the government, NGOs and trade unions. It often ends up being the leadership of the SADSAWU campaigning for their demands, which haven´t been efficient enough to make a different. As already mention, there exists a special relationship between COSATU and the SADSAWU, which was also confirmed during the interview with the SADSAWU´s President Stephens. However, Stephens emphasises that it is mainly at the provincial level in Western Cape where COSATU, with Tony Ehrenreich in the lead, who are supportive of the domestic workers case. Moreover, SADSAWU has worked with others, such as Gender Forum, consisting of women from all different affiliations, however not all of them are supportive of the case of domestic workers. "This lack of support needs to be looked beyond – because a common perception within SADSAWU is that the domestic workers receive very little support. For example regarding the ANC Womens´ League, they are not supportive of SADSAWU. For instance, we give out invitations to

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[9] A stakeholder is a person, group or an organisation that has an interest or concern in an organization. Stakeholders can affect or be affected by the organization´s actions, objectives and policies (Business Dictionary 2016).

workshops, which the ANC Women´s League didn´t turn up to. Hence, SADSAWU don´t feel that they have achieved support from them" (Stephens, interviewed 04.02.2016). When asking Stephens to evaluate the success of turning their private issues into public matters she said:

> "You know, it is not that successful with the cases. As with the Minister of Labour, they always have their own agenda. I remember coming back from the ILO in Geneva; we set up a meeting with the Minister of Labour. The meeting went fine, they listened to us and give you their words – however they don´t fulfil it. Thus, we started to put pressure on them – and at least they gave in – this is what happened with the Convention 189".
>
> (Stephens, interviewed 04.02.2016).

Also, the General Secretary of the SADSAWU, Myrtle Witbooi expressed a feeling that most of the organisations and a lot of the unions do not really understand the domestic service, they only support if verbally – without any sufficient action support. On the other side, the union find a lot of support from the task-team from the Social Law Project and the Labour Research Service. And Myrtle argues that the SADSAWU would rather have a task team that can assist the SADSAWU, namely because they are more active than the other unions. The task team contributes with assisting the SADSAWU understanding documents, doing research for us, and giving some ammunition to go and hit that, or if the SADSAWU is asked by the Department of Labour to do a submission, then the SADSAWU goes to the task team and get help (Witbooi, interviewed 24.02.2016). Somehow, these examples given from the SADSAWU may indicate a union tired of not gaining the necessary support needed to promote their private issues and interests – and thus they are left alone to handle their issues. However, with the task team they manage to cooperate and develop further goals and aims to focus on. But, this relationship with these advocacies may again to some extent give indication on technocrats taking over the role as an articular telling the union what to focus on, and not entirely listen to what the SADSAWU and the domestic workers are in need of. Which leads me to the next component of de-politicisation.

Two examples on de-politicisation may be elements of technocratic influence or privatisation. Privatisation refers to the process of moving a public entity into the private sector; domestic work has always been private. Namely, in light of the nature of domestic workers´ workplace, located in an isolated private household where one employer holds power above the employee. So, not directly privatisation as such, but domestic work do share some of the same challenges as private services – such as, ineffective state regulation of work

conditions (i.e. lack of labour inspectors), very high competition for jobs (few mechanisms to ensure social protection in the labour market), and huge differences in salaries. For instance, Ally (2009: 206) refers to the situation where "privatization" in the case of domestic work, is that the responsibility for care lies within with the family or the market. According to Ally (2009: 121) labour policies regulated domestic workers as a privatised (i.e. market-based and commodified) care solution for those who could afford it. Ally explains that the post-apartheid state structured a situation to secure a "private" market solution to those who needed domestic workers. Hence, the task of making private issues into public matters may be challenging, in relation to the special employee-employer relationship, payment, discrimination etc. Furthermore, it may be interesting for prospective studies to discuss how the SADSAWU can fight for "de-privatization". For instance, the closest example in current South Africa regarding "de-privatization", are labour inspectors. Unfortunately, the number of labour inspectors at the present moment is too few in order to sufficiently control and regulate what is happening at the workplace, in addition to laws around private property (as mentioned earlier by Grossman).

A second form of de-politicization is the component of technocratisation. Already in the introduction chapter (see section 1.2.2 Domestic Work in South Africa), an example of domestic workers being depoliticised by the democratic state, was given. For instance, this has been carried out, according to Ally (2008:1) through the state´s construction of the domestic workers as "vulnerable", and by doing so, the state positioned itself as the articulator, representative and protector of domestic workers´ collective interests – in other words, the state was claiming that they knew what these workers needed. Thus, matters concerning the domestic workers were instead handled by the state, in contrast to the SADSAWU or the domestic workers themselves. Updated findings may indicate that the SADSAWU to some extent has become de-politicized, namely because of the need for financial support to survive as a union. Hence, in order to receive financial support, SADSAWU needs to hand over some of the contested matters to technocrats and managers. For instance, the Convention on Decent Work promoted by the Director-General of the ILO can be seen as an example to this. Moreover, the Convention on Decent Work, C189 and R201 have become a key case for many trade unions, it´s appealing and idealistic – and it is prioritized over laws such as COIDA (see page 19).

4.2.1.1 Sum-Up

Empirical findings from the analysis on the dimension of politicization and agenda setting may give some indications that the SADSAWU´s private matters is depoliticised through technocratisation. Especially regarding the Convention on Decent Work, an idea that to a large extent has been constructed by the ILO. Another piece of evidence from the study, is the element of privatization – although domestic work has for a long period been related to the private household, this still is the case – which puts them in a difficult situation regarding making private issues, into public matters, by being isolated as a single worker in a private household.

Furthermore, in order to gain support for the SADSAWUs demands and interests, the findings suggests that it is more manageable to attain support when the ideas are collective and broad, in contrast to a single-issue case which mainly focuses on the domestic workers interests. In other words, the content and form of the issue put on the agenda matters. As argued by Törnquist et.al (2009: 220) on their study on Philippines, Kerala and Indonesia (see page 30), it is also difficult for the SADSAWU to affect public affairs, namely because issues related to the sector have been depoliticised and transferred to technocrats, and it seems to be essential for the SADSAWU to have good relationship with the ´right people` (e.g. COSATU, advocacies, Department).

When comparing the SADSAWU´s opportunities to transfer private issues (COIDA versus the Convention on Decent Work) into public matters - the findings indicates that the SADSAWU has succeeded with the case of the Convention on Decent Work, but are still fighting for to gain inclusion in COIDA. Hence, when cooperating with other actors, through collective action for programmes of broad interests, this may to some extent increase the union´s capacity to turn private issues into public matters. However, to some extent, at the expense of being depoliticised.

4.2.2 Mobilization and Organization

Activities associated with the SADSAWU, regarding how they mobilize and organize support for their demands and policies, are mainly through campaigns and demonstration. Lately the union has started focusing on SMS-campaigns, this is a method also used by the non-profit organisation, PASSOP, who assist migrants in South Africa. Both organisations use the programme of WhatsApp, which may be perceived as a cheap and efficient way of mobilizing and organizing support (Bhiza, interviewed 18.02.2016; Witbooi, interviewed

24.02.2016). The use of SMS can also be seen as a benefit in light of the nature of the location of domestic workplace, often being an isolated, private household with one domestic working in each workplace. Also Rhee and Zabin refer to the use of strategies to overcome the issue that domestic workers works in extreme isolation from each other. Examples of strategies include: home-visits (going door-door to organize and winning support), informal networks and other spaces where workers could develop solidarity and an identity as empowered workers and union members (Rhee and Zabin 2009: 972-974). These methods have and are still being used by the SADSAWU. However, as many domestic workers are afraid of being dismissed if they join the union, they chose to stay absent from being attached to the union.

Equally important, is the relationship between COSATU and the SADSAWU. According to Fish this relationship is very region based. In Cape Town, where the Western Cape Regional Office of COSATU is located, two physical offices are provided to the SADSAWU by COSATU. The fact that COSATU shares phone lines, and provides the union with an office space, makes it possible for the union to mobilise. As a result, Fish argues that much power comes from that relationship. Fish emphasised that this support, however, is not provided in the other regions. In these matters, COSATU can be perceived as generous in the Western Cape, and part of that generosity is related to Tony Ehrenreich, and his commitment to the domestic workers labour rights, she claims (Fish, interviewed 29.02.2016). Another

Also the General Secretary at the SADSAWU, Myrtle Witbooi confirms this good relationship with COSATU, namely because they have received an office place in Cape Town, and in Western Cape there´s a lot of support. However, on the national level, not that much support.

> "When SADSAWU joins workshops, the union doesn´t feel that there´s much support, COSATU haven´t really planned a campaign saying, where they announced that all unions must support the domestic service. They did do that, in 2001, when they had a very good General Secretary – but no longer – COSATU doesn´t give us the same support today, as they did back then"
>
> <div align="right">(Witbooi, interviewed 24.02.2016).</div>

Despite the relationship with COSATU, the citation above may indicate that the support is inadequate. It should be emphasised that COSATU representative agrees with the issue of not supporting the domestic workers enough, especially in relation to the aim of changing the

environment for the sector (e.g. being an isolated workplace). However, on the other side, COSATU representative refers to the fair amount of funding the SADSAWU receives from overseas. This funding, COSATU representative believes, would not be provided if the SADSAWU didn´t have any relations with COSATU – because having that link to COSATU gives the SADSAWU a lot of credibility with the international funding agencies (i.e. especially because the SADSAWU has become de-registered because of a lack of membership). It is because of this funding that the union has the capacity to organise campaigns to mobilize support for their policies (COSATU´s representative, interviewed 18.02.2016). The instrumental strategies for mobilizing and organizing support regarding COSATUs´ demands deserve our attention, namely, because of the federation´s tripartite alliance with the ANC and the SACP.

> "COSATU go and talk to the government, they talk to their political connections, so any matters they are dealing with – the federation try to win the battle and changes through their close contacts. So whether they are dealing with domestic workers, minimum wage, pension fund, clothing industry etc., COSATU will talk to the relevant ministers, use their influence and their connections. COSATU is an independent organisation, and the tripartite alliance reflects the apartheid years. The relationship is maintained by helping ANC to get elected."
>
> (COSATU´s representative, interviewed 18.02.2016).

Through personally participating in one of the common meetings arranged by COSATU – an appeal was made in the beginning of the meeting, stating the importance that the affiliates within COSATU should vote for ANC in order to achieve their goals and aims. Furthermore, in the interview with COSATU´s representative, the informant emphasised that for the ANC to get COSATU´s support, the ANC must also provide something in return. The challenge COSATU may face when trying to achieve support from ANC, is that also the ´business´ sector also are lobbying for support, and if the ANC and the government do not want to give in to their demands – the only weapon they have to use is through strikes. "This is done, when our good relations don´t get them to change" (COSATU´s representative, interviewed 18.02.2016).

Another federation is FEDUSA. When FEDUSA has tried to mobilize and organize support for the domestic service, this is mainly done in light of the Convention on Decent Work. George refers to FEDUSA´s extensive efforts in promoting this ILO-constructed agenda. Activities used are mobilizing and organizing their own members (which often are

the employers of domestic workers), for example by spreading awareness about the agenda on common meetings for FEDUSA´s members, attending the "State of the Nation Address to advance Decent Work for Decent Life for All our People". FEDUSA tries to integrate people into the politics around the Convention on Decent Work especially through their networks, good contacts with parliament, good personal relationship with the Deputy President, Cyril Ramaphosa, and with all the political parties. Additionally, social dialogue is the activity used to influence. Other ways of influence are through sending out statements made by FEDUSA through the media. Regarding the Convention on Decent Work, collaboration was established between FEDUSA, COSATU, SADSAWU, NACTU (The National Council of Trade Unions) (George, interviewed 10.02.2016).

Based on the examples given above regarding the different activities applied by the collective actors to organize and mobilize support, an attempt of categorizing these activities according to either an integrative or an incorporative approach, has been made. For example COSATUs tripartite alliance and political connections may be linked to an incorporative approach. For example through patronage in return for votes – i.e. the relationship between COSATU and ANC. It should be emphasised that the collective actors may not only be applying one of the approaches – hence a combination also exists between these two approaches. For example COSATU and FEDUSA are using the incorporative approach with their close relations with top politicians, government and different Departments – but when it comes to the Convention on Decent Work, both organization attributed the approach of integration, through fostering a network between SADSAWU, FEDUSA, NACTU and COSATU.

Moreover, empirical findings may indicate that the collective actors have integrated people into politics through ways of networking, regarding the Convention on Decent Work. Regarding the element of networking, the key Informant Z argues that the SADSAWU's relationship with certain institutions, such as the Social Law Project, may be seen as an advantage for the SADSAWU. Furthermore, Informant Z also mentions the relationship between the SADSAWU and COSATU. The key informant illustrates it with referring to the example when they went to the International Labour Conference.

> "COSATU is the one who possesses the muscles, in other words, without the presence of COSATU it may have been difficult to get support for their issues. COSATU in fact gave them the ticket to attend such conferences. All these components have assisted the SADSAWU. The positive aspect with the SADSAWU, however, is that they know about the

sector, and they are passionate about their issues – but organizationally they still have some work to do".

<div align="right">(Informant Z).</div>

Moreover, Informant Z confirms that it is much easier to organize and mobilize for decent work, namely because it promotes respect, dignity and speaks to the humanity for the domestic workers (Informant Z, interviewed 06.05.2016).

When arranging meetings and workshops, Stephens' feels that other actors should come and support the SADSAWU, but she describes it as a hopeless case – because the different trade unions are not supportive. Because of a lack of support, the SADSAWU decided to back out, and instead focus mobilizing and organizing domestic workers in the townships, where the memberships can be found. Stephens emphasises the importance of advocacies and NGOs such as Social Law Project, WIEGO, and former support from the Black Sash[10], Molo Songologo[11]. Also COSATU is very supportive, and then especially in Western Cape with Tony COSATU´s representative. Other ways the SADSAWU mobilizes is through the media and distribution of pamphlets (Stephens, interviewed 04.02.2016). When asking Stephens about the SADSAWUs relations with the leaders in Parliament, she only referred to the Minister of Labour, whereas the other ones were described as a "no-go".

"We never succeed; the platform is just for them. It is a very difficult situation. We thought maybe with the new democracy things would change. Things changed, but things didn´t change as we wanted. That we would be a part of it"

<div align="right">(Stephens, interviewed 04.02.2016).</div>

"Everything that has to do with domestic work is put on the bottom at the Department of Labour"

<div align="right">(Witbooi, interviewed 21.02.2016).</div>

This quota is from the initial meeting with the SADSAWU and this statement may give some indication on why the implementation of COIDA, an Act the union has been fighting for since 2011, has been de-prioritised. The main goal of the SADSAWU is to get more members, without members the union becomes weaker as an organization, especially when

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[10] Black Sash is human rights organisation (See <http://www.blacksash.org.za>. [Last accessed 05.06.16]).
[11] Molo Songologo is non-profit child rights´ organisation (See <http://www.molosongololo.com>. [Last accessed 05.06.16]).

negotiating and in conversation with employers and funders. In addition, because the SADSAWU has too few members (according to the Department of Labour), as an organization they have become "de-registered". To be acknowledged as a union, the membership number is crucial – and the SADSAWU is in big need of more stable, active and paying members. This may also indicate why the SADSAWU is struggling with organizing and mobilizing support for their policies both from different NGOs, trade unions, government, parliament, but on the other side, also regarding the mobilization and organization of domestic workers in general terms.

Findings from the observation reflected a leadership of the SADSAWU who prefer working alone compared to cooperating with other unions, with the fear that the other unions would not prioritize aims and goals opposite of the domestic workers´ union. When it comes to cooperation with other organizations in order to organize and mobilize support for SADSAWU policies, Witbooi expresses that a lot of the unions´ don´t really understand the domestic service. So if supported, the support will last for a limited period, such as one hour for campaigning or demonstration. For instance, regarding the ILO and the Convention 189, COSATU didn´t even know about the ILO, so Witbooi explained:

> "I had to educate them right there, they didn´t know what it was about, and when they signed the papers, I had to ask the General Secretary if I could sign, and they responded: Just sign Myrtle, you know. And they didn´t know, this was when we were at the ILO. And when COSATU had to speak, they had to fetch me and they signed the letter that I could speak, debate, going everywhere regarding the Convention on Decent Work, because they didn´t know".

> (Witbooi, interviewed 21.02.2016).

As domestic work often located in the isolated, private household, it is a challenging task for the SADSAWU to mobilize and organize support for their policies from below, especially when the workers are scared to either join the union in terms of losing their jobs, or on the other hand because they do not have access to know what is going on. Likewise, because the policies and demands sometimes are not really constructed by the domestic workers themselves, but rather by technocrats – it becomes less appealing for the domestic workers to support the issues. As illustrated in the former section, domestic workers are still struggling, and to increase the number of labour laws is not necessarily where they need the improvements to happen. Therefore, for the SADSAWU to only focus on reaching out to

domestic workers in order to get support for their interests around different legislations is a demanding task.

On the other hand, regarding collective actors opportunities to organize and mobilize support for their demands regarding domestic workers´ labour laws, key informant Fish believes that domestic workers have been very successful in getting public attention. Some examples are when they chained themselves to Parliament, and holding ministers accountable, and making public statements. Additionally, Fish believes that it is interesting that South Africa has became this model country at the ILO, when they were debating international rights. "So, you have South Africa as the leading country in the ILO, along with Brazil, having one of the levels of legislative advancement. And yet, back in South Africa we know that SADSAWU has issues of being recognized by the government". However, with all the labour laws in place, the SADSAWU got a lot of attention at the ILO - and Fish believes that this again put a lot of pressure back on the national government, to do more, in terms of representation. Thus, in terms of the size of the organization, the resources, and the fact that most of the leaders are working as well, full time by their own, Fish concludes that the union has been widely successful, and that they are on the map (Fish, interviewed 29.02.2016).

4.2.2.1 Sum-up

The empirical findings shows that the SADSAWU have been successful with mobilizing and organizing support in light of the Convention on Decent Work, however to a lesser extent when it comes to COIDA. An impression is that when the demands become more concrete (such as COIDA), it seem like it is more difficult to achieve tangible victories. Awareness-raising and broad, non-descript political support is easier to collect. As also indicated in the analytical section beforehand, this may be linked to the union being de-politicized. As claimed by Lindell (2010:10) some would argue that the ability to organize collectively plays a central role in securing certain rights, to establish a dialogue with the authorities or to have their interests represented in policy-making and implementation. This in combination with the discussion on the dimension of politicization and agenda setting may be an indication on why the SADSAWU have managed to succeed with mobilizing and organizing support in light of the Convention on Decent Work, in contrast to COIDA. The SADSAWU faces challenges with mobilizing and organizing support because of a lack of material resources, leadership skills, and not holding the same political connections as the other affiliates (COSATU and FEDUSA) (Lindell 2010: 9) – and because the union recently has become de-registered by the Labour Department. Being de-registered may decrease the credibility of the

union, which again can makes it more challenging for the union to gain support for their policies from other actors, but also domestic workers.

As mentioned in the introduction chapter (see section 1.1.4) the challenges for domestic workers are tremendous and their union structures depend on support not only from established unions and confederations but also from NGOs and other solidarity organizations. This form of support the SADSAWU has in fact gained from the Social Law Project, WIEGO and Labour Research Service (ILC 2010: 83). Thus, networking with these kinds of collective actors may be seen as crucial for mobilizing and organizing support for the SADSAWU´s demands. Because other trade unions may consists of members and leadership who themselves are employers of domestic workers, thus creating a conflict of interests. The conflicting interests between the trade unions, where the members are employers themselves – may be a crucial factor why the SADSAWU chose not to cooperate with other unions. Namely, because they are scared that if they cooperate, it would hold conflicting interests, which would suppress the demands and policies constructed by the union themselves. Despite these obstacles, affiliation with national trade unions would greatly enhance the voice and representation that domestic workers need. They would also benefit from the know-how that trade unions have in organizing and managing membership-based networks (D´Souza 2010: 81). Furthermore, as implied previously (see section 1.1.4 Collective Actors, on p.13), a perception is that domestic workers, and also the SADSAWU, in this case, are in need of strong allies for instance COSATU. Namely, because of the SADSAWU's low level of political influence compared to COSATU. Overall, the empirical findings may indicate some degree of political capacities regarding mobilizing and organizing support for the Convention on Decent Work, however the level of capacities within SADSAWU are relatively low concerning the support for COIDA.

4.2.3 Authority and Legitimacy

None of the informants interviewed or observed referred to examples of the use of *coercive resources*, such as armed, physical or other forms of force. For starters, the absence of using coercive capital may be related to the nature of domestic work being characterised as care-taking sand nurturing of children, the elderly and sick. In addition the sector consists of mainly women workers, which, without making a generalised assertion, may be perceived as a factor for the non-violent approach. The SADSAWU is more or less known for using

peaceful campaigns, with the element of ´toyi toyi`[12]. Reading through the previous literature on domestic work in South Africa, it may only be one example that can be related to the use of coercive capital (please prove me wrong). The example can be dated back to the 1890s in Johannesburg with a ´secret society` consisting of mainly, at first, a Zulu "houseboy", named izigebenugu or Ninevities. Another similar group was developed in Witwatersrand – the Amalaita, a "movement of young black domestic servants", who were recruited largely from "houseboys" from Witwatersrand. Like Ninevities, Amalaita were criminal gangsters, who represented one of the most remarkable early instances of domestic workers collectively organizing. Their methods are linked to the earliest expression of organized activity among domestic workers. According to Van Onselen, the Amalaita was "a movement which sought to give its members who laboured in alienated colonial isolation a sense of purpose and dignity". While not resembling any traditional model of worker organization, the Amalaita as a group of well-known and much-feared gangsters nonetheless reflected a form of class politics. "The Amalaita should be seen as the ´houseboys` liberation army fighting to reassert its decolorized manhood during one of the first major waves of South African proletarianization, asserts Van Onselen (Van Onselen as referred in Ally 2009: 148-149).

Hence, to use this type of force and violent strategies to influence or gain political power within the field of domestic service is less likely. This may stand in contrast to the "apartheid struggle" with violent clashes and riots located in the townships, or even the recent Marikana massacre in 2012 (The Guardian 2015). Another example is the brutal demonstrations toward the apartheid regime in the late 1960s, led by the African National Congress (ANC), the South African Communist Party (SACP) and the South African Congress of Trade Unions (SACTU). Their 1961 decision to embark on an armed struggle had led to a concentration of political and organizational energies on a direct assault on the apartheid state, and its diplomatic isolation through sanctions (Webster and Adler 2000: 1).

Economic capital concerns the material wealth such as money, property, shares, sanctions and strikes (Harris et.al 2004: 16; Stokke 2002: 7-8; Törnquist 2013: 57, 181). The advantages of economic resources may be linked to the opportunities followed with it, for example through building movements and implementing big campaigns – and hence being able to achieve political power (authority and legitimacy) (Stokke 2002: 19; Törnquist et.al 2016: 13). As Buhlungu (2000: 93) argues, economic capital is necessary to build the

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[12] Toyi-toyi refers to the war dance characterised with songs and dance expressing emotions such as joy, pain, encouragement, heartbreak and solace. Toyi-toyi is a powerful statement often used by the oppressed to raise their voice about grievances to the government. During Apartheid, toyi-toyi was used against one of the worlds´ most oppressive state apparatuses (Nevitt 2016).

capacity at all levels within a union (e.g. education, training, leadership and full-time staff members, campaigns). Hence, having access to huge economic muscles has become essential regarding the promotion of campaigns. For instance, COIDA versus C189, whereas the latter one has gained a lot of international support and attention, namely because it´s an idea related to the ILO body, hence the ILO and other NGOs have contributed with a lot of financial support, however – again the element of de-politicization becomes an issue here.

Through observation and informal conversation with the SADSAWU, the union expressed that it didn´t necessarily see any opportunities without the donor and funders. For example, if old and new members of the union are to join workshops, campaigns or similar arrangement, they´ll need food and refreshments, and money for transportation. The irony of it all was observed during the fieldwork on one of the workshops held by the SADSAWU. Briefly explained, members of the SADSAWU need to pay an annual fee of R70 (approximately 40NOK, in March 2016), and I remember, because the food was late, the ones that had met up for the meeting were therefore asked to wait for the food, or if preferred, they would be provided with the total of R100 back, which included transportation and food costs. In other words, the membership fee doesn´t even cover these expensive in relation to the workshops and meetings within the union, so how can they afford arranging campaigns on their own initiative, without confronting any of its donors to have a ´finger in the game`. This may indicate that the SADSAWU do not have the economic capital required to build big campaign or huge movements, alone, they are indeed dependent on the help from donors, government, and other unions to become powerful enough to influence and get attention. Another challenge in relation to this is, for the SADSAWU to receive financial support from the government, foreign/national donors – the union is in urgent need to increase their membership rate – because some of the requirements that come along with the aid given is that the membership should increase. In the unpublished article *"Roots of Stagnation and Ways to Democratisation 2.0: The Indonesian Message"* written by Törnquist and co-authors (Törnquist et.al 2016: 13) they refer to economic resources as major drawback when achieving political power, namely because it is these huge economic muscles that have become a must within politics when financing services and campaigns. In fact, private businessmen are not just financiers but in many cases also politicians. Also when they attempt to educate and train their members, there´s a need for financial support. During an informal conversation with Witbooi, she explains that if the SADSAWU is not able to achieve certain requirements given from the donors, they need to explain why, and in the

worst case, the donors would back out. The SADSAWU´s relative economic "poverty" stand in contrast to COSATU (see section 1.1.4).

Regarding the question, whether the SADSAWU have used any forms of sanctions, according to Stephens, it may only be linked to the individual level, and not necessarily have an impact on the overall domestic service. This refers to if there´s a dispute between the employer and the employee. In those cases, the SADSAWU may suggest for the employers to pay some sort of compensation, or if they don´t find any solutions they can process the case further to the CCMA (Stephens, interviewed 04.02.2016).

"Sisi, as you know, domestic workers they can´t strike, because it is an individual in one corner, and the other individual in the other corner"

(Kente and Ningiza, interviewed 24.02.2016).

Already at the first meeting with the SADSAWU, the use of strikes as a strategy was said to be unlikely. Mainly because domestic work is an essential service, in light of tasks such as care and nurturing of the children, elders and sick – and to just leave these people by themselves to go striking, is not really an option (First meeting 21.01.2016; Grossman 2011).

The SADSAWU´s President, Stephens explains that there exists a problem with mobilizing domestic workers to join the strikes – and this element is crucial to consider before taking action. Stephens exemplifies this by stating that the domestic workers are based on the premises of the employer. And if they strike, the SADSAWU would most likely have a few workers joining. If there´s any strikes going on arranged by the unions in South Africa, the SADSAWU will instead fit in there, Stephens explain. The domestic workers are afraid of loosing their jobs, thus it becomes challenging to make them join the protest, demonstrations or strikes. For example if the employer sees his/her domestic worker in the media protesting for his/her rights (e.g. minimum wage) as a worker, they may risk loosing their job, because the employer know they can find someone else who will take the job for less payment. This may illustrate the patriarchal relationship between the employer and employee. Therefore, in light of this, the SADSAWU would rather plan a campaign that they would go directly with to the Parliament (Kente and Ningiza, interviewed 24.02.2016; Stephens, interviewed 04.02.2016). Thus, based on the empirical findings from the fieldwork, one may refer to two distinctive challenges regarding the campaigns and why the service is not suitable for strike action. Namely, depending on donors and funders and the individual worker in an isolated, private household.

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Also, key Informant Z (interviewed 06.05.2016) explains that because the domestic service is comprised of multiple, individual households – the use of strikes, go-slows, boycotts in relation to the sector and to achieve or influence politics within it – is something that informant has not come across. As Grossman indicated throughout the interview, "for domestic workers to strike is not easy. The employers are often using the law that allows strikes – to stop the opportunity to strike. Grossman claims. "Because if the workers say, we want to strike, COSATU would state; yes, but we have to get a certificate first. So that is stopping the strike, isn´t it?" (Grossman, interviewed 01.03.2016).

On the other side, you have COSATU, a federation leading numerous general strikes under the apartheid era, and have pressed home the message that popular aspiration cannot be ignored (Baskin in Webster and Adler 2000: 44). Still, according to the interview I had with COSATU´s representative, strikes are an essential weapon used when the relationship with the tripartite alliance COSATU has with the ANC and SACP is not enough to influence the policies they are aiming towards. "This is done, when our good relations don´t get them to change" (COSATU´s representative, interviewed 18.02.2016).

The General Secretary of FEDUSA explain that it is mainly the use of networks and good contacts that are applied by the federation to influence and gain political power (George, interviewed 10.02.2016) – which may be linked to social capital.

According to the empirical findings within this study, social capital is probably the form of resources most used by the collective actors within the domestic service. Another informant agreeing to the use of social capital is Informant Z. The key informant mentions good contacts, affiliates and networks as the strongest components of capital used by the collective actors within the domestic service. To exemplify it, Informant Z refers to contacts and affiliates in COSATU, which is an advantage when going to the International Labour Conference or at NEDLAC[13]. The International Domestic Work Federation (IDWF) is a good affiliate on the international level, whereas the SADSAWU is included in certain programmes arranged by the federation. In sum, Informant Z explains that the collective actors, such as SADSAWU, holds mostly resources based on aspects of social, knowledge

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[13] The institution of NEDLAC brings together representatives from government, organised labour (e.g. FEDUSA, COSATU, NACTU), organised business (e.g. Business Unity South Africa, Black Business Council, Business South Africa and the organized community groupings (South African Youth Council, National Women´s Coalition, South African Civics Organisation, Disabled People South Africa, Financial Sector Coalition and National Co-operatives Association of South Africa) to consider all socio-economic and labour policy and legislation. NEDLAC is said to be South Africa´s highest level of ´social dialogue`. NEDLAC´s aim is to promote consensus between the social partners on policy and legislation. NEDLAC must consider all proposed Labour legislation related to labour market policy before being introduced in Parliament (People´s Assembly 2014; Transportsig 2016).

and information; "because a lot of the information is shared within the social sphere and social interaction, also the migrant association for Southern Africa have been working with information sharing about the labour laws" (Informant Z).

Social capital relating to the element of mutual recognition may be a difficult discussion to take regarding the SADSAWU. The reason why is related to the fact that the union has expressed a lack of recognition from employers and other unions. A reason for lack of recognition may again be linked to the low membership rate. However, the relationship between COSATU and the SADSAWU may be perceived as an important source of social capital – which may have been transformed to political capital. COSATU´s representative argues that their support for the domestic work sector is basically to bring their political capital that COSATU has with the government of the ANC. Thus, through COSATU support on domestic workers´ demands and campaigns, because of COSATUs huge amount of influence – this may indicate a relative high level of capacity on the dimension of authority and legitimacy. Furthermore, COSATU´s representative refer to the fact that the SADSAWU used to be a part of COSATU in the past, but even though the SADSAWU is no longer an affiliate, they are still treated as if they are a part of COSATU. For instance, COSATU´s representative mention, COSATU gives them facilities at the office in Western Cape, and in many other offices across the country. Political capital within COSATU means, according to COSATU´s representative, "that the union has influence in government because of its relationship with the alliance and because of its election campaigns with the ANC and other arrangement. It is that influence in government that contributes to the support of the SADSAWU". COSATU´s representative claims that the SADSAWU relationship with the Minister of Labour can be exemplified by the fact that the SADSAWU is treated differently compared to other small unions, who also try to organise domestic workers. COSATU´s representative further argues that this distinctive treatment is done, namely because of SADSAWU´s relations with COSATU. Hence, COSATU´s representative believes that the influence of COSATU and that political capital that COSATU put at disposal of SADSAWU, assists with problem of domestic workers (COSATU´s representative, interviewed 18.02.2016). Another example that may indicate the SADSAWU succeeded with transforming their social capital to political power is from a previous study taken from Fish (2006a: 201-201). SADSAWU joined a collective known as the Gender Monitoring and Advocacy Coalition for the Unemployment Insurance Fund (GMAC-UIF), and consisted of four predominant NGOs (With both gender and human rights emphases) and representation from COSATU´s national Parliamentary Office.

I now turn to the final resource, *cultural capital,* which concerns informational assets in the form of knowledge and skills, about actors, positions and forces within the political field, acquired through socialization and education (Harris et.al 2004: 16; Stokke 2002: 7-8, 20). Webster and Adler (2000: 14) explain that after the democratic transition, the COSATU has experienced a significant loss of leadership to government, political office, and the corporate sector (labelled as "brain drain") – as a result this has seriously diminished the pool of skilled and experienced senior leaders developed over years of struggle. In contrast, the leadership of the SADSAWU has and continues to consist of mainly domestic workers. Findings show that the SADSAWU set up training and education programmes for their members. These workshops are mostly conducted on Sundays (Stephens, interviewed 04.02.2016). However, these workshops do not provide the leadership or the SADSAWU´s members with the sufficient knowledge and skills in comparison with the other actors they meet within the political field of domestic work. I would emphasise that the SADSAWU do possess a lot of information and knowledge about domestic work in itself. However, based on my observations I would not argue for the SADSAWU holding a high level of cultural capital, besides the personal experience of the committees – where everyone has extensive knowledge from the personal experience of working as domestic workers. On the other side, there exists less knowledge about the technical aspects of labour legislations, how things work in political processes, organizational knowledge etc. An example can be given from a workshop (14.02.2016) about the National Minimum Wage, and when the members were asked basic and simple questions, which should be well known to them (e.g. what is a sectorial wage) – none answered. Either they were too scared to speak in front of the others, or they didn´t know.

PASSOP may be used as an example where the leadership does possess a high level of cultural capacity. Namely, because the PASSOP Director, Bernard Toyambi is a well-educated lawyer working for the NGO. Toyambi's background as both a migrant and technical expert in the labour laws can be perceived as a crucial component when wanting to influence a policy or in negotiations in cases where a dispute appears between an employer and the employee. In addition to Toyambi, there´s also others employed at PASSOP who either have the relevant educational background or are very knowledgeable about the political field of migrant workers (Toyambi, interviewed 01.03.2016).

4.2.3.1 Concluding remarks

Through illuminating different forms of capital used by the different collective actors, with an extensive focus on the SADSAWU – I may give some indications on whether the collective actors have succeeded with turning different forms of capital into political influence, regarding the labour legislations (COIDA versus C189), and whether the findings indicate low or high levels of political capacities on the dimension of authority and legitimacy.

Regarding C189 and COIDA – the SADSAWU has managed to some extent, to use their economic capital provided by their funders to conduct campaigns concerning C189, and also the social capital with mutual interests from the other collective actors with advancing decent work for all workers. In that manner, it may indicate some extent of political capacity regarding authority and legitimacy regarding C189, however not that much on COIDA. Namely, because the other collective actors who have not been so supportive regarding this single-issue case. The collective actors have made efforts to make people aware about politics regarding the domestic work sector, focusing on C189 and COIDA- however the experiences of transforming social and economic capital have not been so successful in light of th SADSAWU and COIDA, but more successful regarding the C189.

An overall impression is thus, based on the examples given in the assessment of the dimension of authority and legitimacy – is that SADSAWU to a small extent may be claimed to have some political capacity on the respective dimension, and then mainly on the component of economic and social capital – being dependent on having others on board, who are more or less effective in representing their interests and demands in order to support the SADSAWU.

4.2.4 Participation and Representation

4.2.6.1 Participation

Participation is an important aspect to the evaluation process. Namely because having the right to political participation fundamentally involves having the right to participate in institutions that make public decisions or negotiation on and around specific issues regarding the domestic work sector, such as labour legislations. Moreover, the right to political participate can contribute to empower domestic workers to demand issues for the state to focus on, in order to realise their right to social and economic good (Chandhoke 2009: 27-28). In other words, the SADSAWU, if included and given the opportunity to participate in

different platforms, it may thus contribute with empowering the domestic workers. And stated by the SADSAWU General Secretary, Witbooi:

> SADSAWU´s aim has always been to empower. And in every domestic worker there is a woman hidden. So the SADSAWU's aim has always been to empower this woman behind the domestic worker, to actually speak out for her. Our aim is also to ensure that domestic worker understand their rights. To ensure that domestic worker knows what the working conditions are, and what their rights are. The SADSAWU's aim and object is also to make sure that we can represent the domestic worker, and to make sure that SADSAWU goes and negotiates better deals with the Department of Labour But most of the time SADSAWU´s organizers make sure that they represent, and actually defend the worker themselves[14]"
>
> (Witbooi, interviewed 24.02.2016).

The National Economic Development and Labour Council (NEDLAC); invitation to the Parliament when relevant issues on the agenda also include the domestic service; Domestic Workers Forums (so-called Domestic Workers Imbizo[15]); International Labour Conference (hereafter, ILC) – are all examples on relevant institutions and platforms in South Africa that the SADSAWU should have the opportunity to be participating in. Witbooi confirms that the SADSAWU is always participating in these processes regarding labour legislation. Further, she expresses that the SADSAWU is very lucky, namely, because they are given the opportunity to write their own submission, independently from FEDUSA, COSATU and NACTU. This reflects that the Department of Labour know that the SADSAWU is different from the other unions. However, Witbooi explains that, even though the SADSAWU is often treated differently, they need to be aware so that the SADSAWU don´t mistakenly fall under COSATU (Witbooi, interviewed 24.02.2016).

Another example, on the opportunity to participate and be represented, is given by Informant Z, by referring to the run-up of the C189. In this case the SADSAWU and COSATU were participating to give their advice and suggestions to the draft at the ILC. This opportunity offered to COSATU and SADSAWU, is an example, according to Informant Z,

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[14] What Witbooi means with "defend the workers themselves", can be related to the negotiations that take place when there´s a dispute between the employer and employee.

[15] Imbizo is an isiZulu concept meaning ´a gathering`, and has become a formal part of the South African government. Imbizo creates more space for public participation and involvement around the interactive implementation of the government´s Programme of action (Hart 2013: 42). It is a Department of Labour initiative to arrange these Domestic Work Imbizo, and a topic for these gatherings are for instance to collect information about working conditions and relations at work in the domestic service. This information may help identify and bridge any gaps in policy and legislation covering domestic workers (Ramutloa 2015).

that the SADSAWU and COSATU were given a fair chance to participate. In addition to the participation at ILC, when coming back to South Africa, the actors where given the opportunity to participate in Parliament to debrief what has happened at the ILC, concerning what they wanted to do and achieve with this Convention, and their inputs. Furthermore, you have the Domestic Workers' Forum arranged by the Department of Labour, and can be about different topics regarding the domestic workers (see footnote). Informant Z argues thus, that the SADSAWU is invited, however another question is whether they are participating in the forum, or not (Informant Z, interviewed 06.05.2016).

Asking the COSATU´s representative about to what extent COSATU encouraged the SADSAWU to participate at the meetings held by the federation, the informant argues that the SADSAWU is always given the opportunity to speak at the meetings if there´s anything they want to address or if there´s any campaigns going on. As mentioned by COSATU´s representative, many of the members in COSATU themselves have a domestic worker in their household – thus in that way COSATU can enlighten these ´employers` who are affiliates within COSATU to be aware and comply with the labour legislations (COSATU´s representative, interviewed 18.02.2016). The organizers at the SADSAWU informs that often they address their issues to the media, however, other times the union chose to approach COSATU, so that COSATU can put pressure on the affiliates to support SADSAWU (Kente and Ningiza, interviewed 24.02.2016) - which confirms what was explained by COSATU´s representative. An interesting aspect of this opportunity is if SADSAWU announce that they are doing a campaign – and by making the affiliates of COSATU (also employers of domestic workers) aware of this – they may end up in the difficult position of supporting the right of the domestic worker versus "increased burden as an employer of a domestic worker".

SADSAWU can be said to use civil society, an indirect way of representation. However, the SADSAWU President, Stephens believes that the leadership of SADSAWU has become so bold in their approach, and sometimes they don´t want to rely on other people to do things for them. "Whether we succeed or not, we want to do it ourselves" (Stephens, interviewed 04.02.2016). For example regarding COIDA, the SADSAWU has used methods such as campaigning outside the Parliament, thus, going directly to the Parliament. FEDUSA´s Provincial Coordinator in Western Cape, Riefdah Ajam, referred to the federations´ use of a number of stakeholders regarding the Convention on Decent Work, further more she refers to FEDUSA´s own membership, and the use of lobbying (Ajam, interviewed, 04.03.2016). FEDUSA´s use of lobbying, confirms Webster and Buhlungu's (2011: 231) statement concerning that the federation is non-aligned politically and relies

heavily on lobbying to influence the political processes. Ajam further expresses that FEDUSA has a very good relationship with the Labour Department, being present at the institution of NEDLAC.

> "Key issues have been voiced in this platform and in that area to insure that we can advance the process of influencing. And likewise, the key intervention that FEDUSA has is through the presidency and through the deputy presidency. And FEDUSA found that, the nature of engagement through the social dialogue process has literally broken down barriers to access where you found that there´s red tape and bureaucracy".

> (Ajam, interviewed 04.03.2016).

In addition, Ajam refers to the instrumental effects of media profiling through mainstream media, and she states that the federation has a dedicated communication unit where they often circulate media statements. In sum, FEDUSA has access to the media, the network that FEDUSA themselves form, through key government channels where FEDUSA can ask for intervention on the matters to ensure that wrongs are ratified, and that the correct information is relayed (Ajam, interviewed 04.03.2016).

Moreover, by letting everyone, who can be linked with some interests to the domestic service, participate in the processes around labour legislations, may become chaotic (taking place i.e. at NEDLAC or Domestic Workers Imbizo), namely because there often exists conflicting interests regarding what issues are the most crucial ones to focus on (Chandhoke 2009: 27-28). Thus it becomes necessary to have someone to represent the domestic workers in the best possible way. This furthers the discussion to the aspect of representation.

4.2.6.2 Representation

According to Pitkin, representation means, "making present of something that is nevertheless not literally present" (1967: 144). An example of this may be to discuss, to what extent is the SADSAWU able to use their means of representation in order to present the interests and demands of the domestic workers? To answer this, it may be relevant to start with an examination on what form of representation can characterise the SADSAWU.

Descriptive representation revolves around the idea of "standing for" the represented, where the representative is objectively similar to the represented (Törnquist 2013: 60-61). This form of representation depends on the representative´s features, on what s/he is like, and regards being something rather than doing something, the representative does not act for

others, s/he stands for them, for virtue of a correspondence or connection between them, a similarity or a reflection (Pitkin 1967: 61-63). To a certain extent the SADSAWU may be related to descriptive representation, namely because the General Secretary of the SADSAWU, Myrtle Witbooi herself has been employed as a domestic worker for many years, and the President of the SADSAWU, Hester Stephens, who still works as a domestic worker. These two, may to some degree be a mirror of the domestic workers they are representing. Although there´s some men working in the respective sector these are few (see 1.1.2), the leadership of the SADSAWU mainly consists of women, whom also the domestic work sector is dominated by. The President of the SADSAWU does mention incidences where they had men in the leadership. However, she explains that there were some serious problems with some of them. For instance, they would stay at the hotels, when there was a conference or a workshop – and all of this would be on the bill of the SADSAWU. Due to this experience, the SADSAWU decided that it would be better if the leadership only consisted of women (Stephens, interviewed 04.02.2016). Another aspect that shouldn´t be ignored is the increasing number of migrant domestic workers – through the informal conversation with the members of the SADSAWU, there´s very few migrants. Thus, the SADSAWU may not be a representative reflection of the extensive amount of migrant domestic workers in South Africa.

Pitkin's perception of *substantive representation* may be understood as the activity of doing something "on behalf of", or "the interest of". It is often argued that a representative is more like a trustee or guardian than like an agent, in the sense that the individual representative is said to hold "a trust" which s/he must fulfil (Pitkin 1967: 126-127). This form of representation may be most similar to the role as a representative that the SADSAWU holds. For instance when the Department of Labour arrange Imbizos, the SADSAWU with its leadership is there to represent the interest, ideas and demands of the domestic workers, other platforms may be at the International Labour Conference. Grossman argues that the SADSAWU do marvellous things, although they cover a tiny number of domestic workers, they speak on behalf of all domestic workers, and fight to improve the conditions of all domestic workers (Grossman, 29.01.2016). A tiny number of domestic workers can be illustrated by an annual report elaborated by the Labour Research Service (2013) estimating that the total numbers of domestic workers who are paying members of the SADSAWU was in 2013, 7.200 workers, with its membership total being spread across four

provinces, Gauteng, Western Cape, Free State and KwaZulu Natal[16] (Labour Research Services 2013: 2-3). Another example is given by COSATU´s representative, and concerns that aspect of the number of organised domestic workers, the members of, in the SADSAWU are not effective enough to be said to be representative, and it is not improving at the extent it should be (COSATU´s representative, interviewed 18.02.2016). Thus, although substantive representation may be the category of representation that to a larger extent can be associated with the SADSAWU, compared to the two other forms, I´ll argue that the SADSAWU "the acting for" the domestic workers may not be sufficient enough, namely because the SADSAWU´s membership rate is so low, thus the union only represents a small part of the domestic workers interests, demands and views in South Africa.

> "For approximately ten years the national leadership could basically be characterised as a national leadership with no membership. There was a whole lot of public representation of the union mainly coming from the Cape Town office. There was a huge disconnect between the way that SADSAWU was represented publicly, both at the state and the national leadership of the union, and what was actually happening in the union. Moreover, the union leadership spent the vast bulk of their time in international organizing efforts. So if one was reading the newspaper at the time, or if one was following the unions´ own public statements on what it was doing from the national leadership, it would not have been obvious that in that period (ten years ago) that the national leadership was effectively 90 per cent of the union, with nothing (no membership) beneath it"
>
> (Informant X, 2016).

Although this quote exemplifies the situation ten years ago, it still holds some relevance, namely, because the SADSAWU continues to encounter the challenges with a low membership rate and to mobilize the domestic workers. An interesting aspect of the situation is given by key Informant X, who refers to the SADSAWU, as the chair of the international network, being the cornerstone of the international activist campaign (C189), and the darling of the state and the international organising efforts. However, on the other side the union in its own country – became deregistered, because it could not sustain a membership and organizational structure that was credible, to retain registration as a union (Informant X,

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[16] National Union of Metalworkers of South Africa with 320.000, Food and Allied Workers Union with 127.000, National Union of Mineworkers with 270.649, Independent Municipal and Allied Trade Union with 17.180).

2016). Hence, in light of substantive representation, the SADSAWU is acting for a very limited group of domestic workers in South Africa.

> "I had never given serious consideration to what it meant that the state had come on to the scene as a very strong actor. At precisely the moment when the domestic workers were not just domestic workers but they were also political agents. And the vast majority of domestic workers were voting for the ANC. The state was the ANC, so when a domestic worker says; Yes, *you* know what *we* want. That it was a whole layer of what it meant for domestic workers as new subjects. Where the state was, their representative".
>
> (Informant X, 2016).

Although, empirical findings from my own fieldwork indicate that the SADSAWU can be said to suffer from de-politicization, mainly in light of technocratisation – the impression acquired from own fieldwork, is that there exists a relatively high awareness amongst the leadership and membership in the SADSAWU – that no one else – besides the union or its members – know what the domestic workers wants – namely because the leadership and members consists of previously working domestic workers or current working domestic workers. Hence, in light of the new empirical data collected, I would disagree with the two examples provided by Informant X, in the last quotations.

4.2.6.3 Concluding remarks

The empirical findings suggest that the SADSAWU is given a fair chance to participate equally and fairly in the decision-making process regarding what is happening within the domestic service. On the other side, although the SADSAWU is included, and is able to participate in the discussions – the other actors are not necessarily listening to the demands of the domestic workers´ union. This makes me wonder about the difference between ´being present and listened to versus being present but ignored`. The latter concerns more a formality of being invited, the feeling of including them – but not necessarily considering their demands. For instance, regarding COIDA, the SADSAWU have tried to get the actors' attention without succeeding. Hence, again, I would argue that for the SADSAWU to gain support from the government and the other collective actors, they need some strong powers behind them, supporting their demands and policies (e.g. ILO and COSATU) – similar the process that resulted in the ratification of Convention 189. The SADSAWU do have the chance to participate around negotiations, and give their opinion – however they may not

manage to cause an effect in a manner that they wanted. This may be related to the issue that they are trying to negotiate with the employers of the domestic workers (e.g. the difficult divided between being an employee working at the Department of Labour, but also being an employer for a domestic worker back home (however not acknowledging the latter role as an employer) – this concerns not only the government and state, but also the different trade unions, NGOs etc.

When asking an expert view on the main challenges regarding participation and representation in light of the labour legislations, Informant Z, underlines that the element of technical capacity will always be an issue – namely because the laws by their nature are technical (Informant Z, interviewed). As pinpointed several times, in this chapter, the SADSAWU consists of either previous or currently working domestic workers, this includes those employed in the union as well. Hence the level of education of the office bearers can be said to play a role in light of ´how able´ the union are to take a part of the technocratic processes finding place regarding labour legislations. PASSOP, on the other side, consists of office bearers with high and relevant education, and thus more qualified to take a more active and vital role in the technocratic processes.

In section 2.3.4 on *participation and representation* – Chandhoke claims that the representatives possess a high level of authority. This power gives the representative opportunity to decide which interests to represent and which not to, which sets of interests to highlight and which to downgrade (Chandhoke 2009: 29). This point is very interesting if the SADSAWU who is representing the domestic workers, being influenced to a large extent by technocrats. Thus, it becomes important that the SADSAWU is representative for the domestic service, and that neither the state, NGOs, COSATU or others stakeholders uses their authority to represent the SADSAWU or the interests of the domestic workers. Equally important, referring to Beckman's argument (see section 1.1.4), a union is one of the few institutions capable of representing the interests of larger popular strata. Although I agree with the argument made by Beckman, the case might be slightly different with the SADSAWU, namely because of the estimated number of paying members was 7.200 in 2013 and the (under) estimated figure of domestic workers in South Africa is said to be approximately 1 million. Despite the small membership rate, the SADSAWU still holds an instrumental role regarding disseminating about the rights of domestic workers, negotiation between employee and employer when disputes occur (Beckman 2004: 173-174).

Empirical findings may indicate that the overall aim within the SADSAWU is to approach the interests of domestic workers. Despite this objective, because the union´s

relatively poor access to different forms of capital, they are dependent on cooperating with other actors in order to obtain resources necessary to achieve some of theirs demands and interests. These co-operations with NGOs, advocacies, research groups, unions – has to some extent transformed the agenda of the SADSAWU to become depoliticised. In that sense, the SADSAWU, even though their intentions are good, the final results may not represent the overall interest amongst domestic workers.

For representative politics to function, it requires that the population can be active citizens. Hence, in this case it is necessary that the collective actors hold some basic capacities and skills including being able to read and understand a plan and accompanying budget; being able to link a set of accounts to a budget; being able to organise themselves, engage in exercises whereby resources are identified and placed against a set of prioritised needs, and thereby formulating a basic plan; knowing how to access information and where to access it from; and being aware of political and administrative officials´ roles and responsibilities and not just where their offices are to be found (Webster et.al 2009: 227). The empirical findings indicate that the SADSAWU lack these aforementioned abilities.

4.2.5 Inclusion versus Exclusion

According to Donald Horowitz, democracy is about inclusion and exclusion, about access to power, about the privileges that go with inclusion and the penalties that accompany exclusion. Although, Horowitz's perception is related to ethnicity (Horowitz 1993: 18), I assert that it also holds some relevance in this regard. Namely, because it describes the importance of being included in order for the domestic service and the SADSAWU to be able to express themselves about their issues, which further may give the union opportunity to improve the situation, and put their demands on the political agenda. Being excluded, on the other hand, will only continue the issue of ignorance of a crucial income source for the South African economy, and may also contribute with ensuring the endurance of the last bastion of apartheid within South African private households.

4.2.7.1 Workplace

There exist some distinctive components related to the workplace of the domestic service, such as being a private household often with only one employer of one employee. Although there does exists other similar workplaces characterised with only one employer and one employee (e.g. retail shops) – I would claim that the situation of domestic workers are a bit

different, namely, because they are located in the *private* house, where only the householder and the domestic worker have access. In addition, some of the workers are live-in (living and working in the same house) – which, in some cases, may make the employers look at their domestic worker as ´part of the family´. Moreover in South Africa you have the security situation, whereas most of the households have the security measure of high bars around the houses – giving an impression of working in a prison. I personally remember, from the fieldwork, going out to recruit new members to the SADSAWU, having to be aware if there was signs of any employers, and then to stand outside the bars to communicate with the domestic workers – it was a special experience which gave an impression of the vulnerability and difficult situation these workers are in. So, this leads me to the question what Törnquist asks in his book, to what extent are the actors, which are deemed to be crucial in changing the situation of domestic workers, able to get into the workplaces (Törnquist 2013: 57), and a good answer to this is given from the interview with COSATU´s representative.

"Well, the problem is to get into the workplace, isn´t?"

(COSATU´s representative, 18.02.2016).

"The obvious answer to this question is that neither the SADSAWU, nor any one of the other actors have the chance to enter the workplace of domestic workers – to change the situation or control. Although you have the labour inspectors, these are provided at a limited number – which thus makes it a weak strategy to use" (COSATU´s representative, interviewed 18.02.2016). Another delicate issue with the labour inspectors, according to Grossman, is that these inspections cannot take place in domestic workers´ workplace, namely, because they would need the permission of the employer – so you end up with this dispute between the home of the employer versus the workplace of the employee – whereas the laws are constructed in a manner that to a large extent gives the benefits to the employer (Grossman 2011: 135-136). Also an article written by the Social Law Project expresses their perception of the situation with labour inspectors. They argue that this formal practice of labour inspections is clearly designed for large workplaces (e.g. factories), and not suitable for the intimacy of the domestic workers´ workplace. Further they mention the discussion of whether a labour inspector may or may not enter a domestic home without the householder´s consent or an order of the Labour Court, there is no evidence that refusal by employers has presented significant problems in practice. Instead, they claim that the real problem lies in the fact that the procedure itself is inappropriate. In the end, it unlikely that fewer than 1,000 labour

inspectors can monitor an estimate of 1 million households where a domestic worker is employed (Social Law Project 2014: 16).

Another component worth mentioning in this regard, is that the other collective actors, except the SADSAWU, who are involved and engaged with the domestic service, such as COSATU, FEDUSA, NACTU and, the Department of Labour and Parliament – these are also the employers of the domestic workers. This makes the situation more complicated, namely because these actors are there to contribute with improving the situation among the domestic workers – however, the challenge can be said to appear when the role of being an advocate and supporter of the interests of these workers collide with the fact that you are an employers of a domestic worker yourself.

COSATU, as a federation, does not go into the workplace of any of it´s affiliates, unless there is a significant problem that requires assistance. Thus, it is the responsibility of the metal work union to deal with the factories, as it is the responsibility of SADSAWU to deal with what is happening in the workplace of the domestic workers (COSATU representative, interviewed 18.02.2016).

Operating from an individual private and isolated workplace – makes it more challenging to get access to the domestic workers´ workplace, compared a large formal workplace (e.g. cashiers at groceries stores, mineworkers in the minefields, and teachers at schools) which are more open for the public, and contain often more than 10 workers. Thus, to some extent, these findings may give an indication that the SADSAWU is excluded from the political platform of the workplace.

4.2.7.2 Media - means of knowledge and communication

Asking the General Secretary of the SADSAWU about their experience regarding being included at the platform of media, Witbooi argues that the SADSAWU have access. The media do also contact the SADSAWU, especially when there´s a domestic worker case – they will then call the SADSAWU, to get the union's perspective on the case – this happens both on cases the SADSAWU already is aware about, but also new incidences. The media thus have always been very supportive of the SADSAWU (Witbooi, interviewed 24.02.2016). Also the organizer, Ningiza agrees that it is easy for the SADSAWU, as representatives of the union – it is no problem. However, she expresses that not all papers understand what is happening in the SADSAWU, but the more the SADSAWU goes out, the more they will understand that this union is crucial (Kente and Ningiza, interviewed 24.02.2016). Although some of the leadership of the SADSAWU expressed being satisfied with the media,

concerning including the union, the President of SADSAWU, Hester Stephens expressed that the media had not been so good regarding the domestic workers. The reason was related to the media often concentrating on the big unions, those with a lot of money and resources (Stephens, interviewed 04.02.2016). Additionally, the little attention paid to the SADSAWU as a union may also be linked to the fact that the union has been de-registered. Another interviewee, who also expresses his scepticism around the inclusion of the SADSAWU in the media, is Grossman.

> "Poor people have no ownership or control over the media, all poor people. And domestic workers are amongst the poorest of the poor people. Particular those doing domestic work not employed […]. It is every now and again, interview with the union, this things happen […]. But it is not those things that change the situation of the domestic workers"
>
> (Grossman, interviewed 01.03.2016).

However, as any other part of the society, COSATU´S representative states, that the newspaper carry events, the peak issues in the society. "Sometimes there may be some misrepresentation of a position, for example the government saying something, but when the situation is different. Then COSATU will contact the media to correct it". COSATU´s representative further refers to the South African laws saying that the media must give a fair reflection on the news. COSATU could take them to court, and say that they must represent their view on the issue. However, that doesn´t happen in the country. However, because COSATU has such a central position in South African labour and the union movement, and thus may be perceived as a strong federation, in contrast to the SADSAWU, a perception may be that these features also open up opportunities for COSATU to be included and to have access media – because excluding them may have worse consequences compared to including them, namely because their voice is so strong along with their affiliated unions. COSATU´s representative further says that the media put whatever the party says about the issue, and they put their view. So that our members will get a fair idea on what the issues are. Overall, COSATU´s experience with the media is positive, but one always wants more (COSATU´s representative, 18.02.2016).

4.2.7.3 Political parties, Parliament, the Political Executive and Public Administration

Asking about what opportunities the SADSAWU has had regarding accessing and influencing political parties, some confusion may have occurred. The reason why is that the

President of SADSAWU, Hester Stepens, instead of referring to different political parties, she rather referred to COSATU as the only party who includes the SADSAWU – and this is mainly the Western Cape Province. COSATU on the other hand, with its tripartite alliance with ANC and SACP, contribute with giving the federation an essential opportunity to influence, and to gain information and knowledge about what is happening in the political parties. Furthermore, because the ANC are in government, a perception is that this also gives COSATU the opportunity to access and be included at the highest level of decision-making. Again, these decision-making processes may be about topics that affect the domestic work sector. General Secretary of FEDUSA, Dennis George expresses that FEDUSA, through dialogue, has a very close relationship to all of the political parties, and there´s no special party they work especially close with (George, interviewed, 10.02.2016).

Grossman pinpoints that no one has free access to the Parliament or Government. Everyone has limited, regulated, and controlled access. The domestic workers and SADSAWU can come and listen, every now and again – given refreshments. Asking Grossman if they are treated the same as the other unions, he states that they are not treated the same, namely because they don´t have the same organisational connection to the government as those such as the ordinary union of COSATU (Grossman, 29.01.2016). Asking Witbooi if she feels that the SADSAWU do have access to Parliament, if you feel that the door is closed, she responded:

> "We do have access to Parliament, what we say is that they don´t listen to us. It is like we send them responds, but they don´t listen to us."
>
> (Witbooi, interviewed 24.02.2016).

4.2.7.4 Concluding remarks

Uyangoda (2013: 278) perceive social exclusion as ´the denial of equal opportunities imposed by certain groups of society upon others that leads to the inability of an individual to participate in the basic political, economic and social functioning of society´. The aforementioned may indicate that domestic service, especially regarding the within the workplace, are an example on being excluded from having the equal opportunities as other sectors, such as factories. Thus, I would suggest that collective actors, emphasising the SADSAWU, but also any other collective actor, don´t have access to the platform of the workplace in order to influence the politics happening in that terrain. When it comes to the media, the inclusion may be conditioned on the resources that the collective actors hold. But

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equally important, in the South African context, it is the popular cases that are in the spotlight.

The main obstacles for being included to the different political terrains may be briefly summarised as; limited access to economic and social capital, domestic workers´ workplace, and last but not least – the employers may be found everywhere – in the media, at the workplace, in the political parties, in other unions, in parliament, so for the SADSAWU to get access to different political terrains, it also means that the employers need to assess and consider their position as being both an employer of a domestic worker and advocating for the respective sector's improvement (which should not be at their own expense). In that way there does exists differences between the collective actors regarding the dimension of inclusion versus exclusion in the domestic service. The findings shows that COSATU (which may be perceived as an important actor in the South African political terrain) have better prospects of being included to different political platforms than the SADSAWU (which may be perceived as not listed as an important actor in the South African political terrain).

5 Chapter – Conclusion

I´ve now arrived at the conclusion of this master dissertation. The aim of this chapter is to apply the overall empirical findings from the six analytical sections from chapter 4 to illuminate the research questions within this master dissertation. As the research question is twofold, I´ll start with discussing the first question.

- *Why haven´t the legal institutions that came with the democratic transition in South Africa given better results for the domestic workers?*

Like with other institutions adopted in the aftermath of apartheid (e.g. RDP and GEAR), a perception may be that the construction and implementation of the legal institutions related to domestic service have been implemented, without taking into consideration the context, actors or power relations (Stokke and Törnquist 2013: 4-5). Furthermore, because I´ve used a substantial and substantive perception of democracy – which briefly entails that the formal democratic rights and institutions have real meaning for the people, and that the institutions really foster the aims that they are claimed to ensure – the findings in this study may suggests that the legal institutions, which are aiming of improving the situation and condition amongst domestic workers – have not achieved what they were promising. A bold claim to take is that the domestic workers´ labour legislations have been developed and constructed in favour of the already powerful elite. A claim made is that everyone can be said to have a domestic worker – thus drastic legal changes within this service would affect a large proportion of the South African elites, and others who can afford a domestic worker – and question is therefore if ´a drastic change` is something South Africans are prepared for.

Empirical findings indicate that the situation among domestic workers have improved a lot since the democratic transition, mainly because of the extensive implementation of labour laws. Despite, these improvements, findings also suggest that it is the content of the laws that is inadequate. Furthermore, inadequate labour laws can be indications of the social features associated with the respective sector such as: poverty; insecurity of employment; low wages; long and irregular hours of work etc. Additionally, referring to the increased issue of migrants, and the challenges with the unregulated agencies – this may be regulated better if the labour laws were adequately implemented, and likewise enforced. A bold claim I made throughout the process is the perception that adequate labour laws may be essential and need to be in place in order to improve the situation among the domestic workers. However, the

legal institutions are not the sole problem for the domestic workers. The situation in South Africa is more complex than that – as political and socio-economic conditions also needs to be considered – namely, because the country is related to enormous challenges with inequality, poverty and high numbers of unemployment.

Kahn-Freund, scholar of labour law claims that; "[E]verywhere the effectiveness of the law depends on the unions far more than the unions depend on the effectiveness of the law". Hence, the trade unions´ political capacity may be perceived as crucial in the area of securing compliance with the law (Du Toit 2010: 6), but also the content of the labour laws. This leads me to the concluding remarks on the second research question:

- *How can collective actors´ level of political capacities be an explanation to the perceived challenges with domestic workers´ labour laws?*

Previous studies have examined trade unions´ capacity to play a transformative role in countries that have undergone a democratic transition and the unions' instrumental role in supporting a wider popular interest (Beckman 2004: 171; Jordhus-Lier 2013; Stokke and Oldfield 2004: 132; Webster and Adler 2000: 17-18). This study has looked more profoundly on how collective actors´ political capacities may explain the challenges encountered regarding domestic workers´ labour laws. In light of this, it has been an interesting task to undertake - when assessing the perceived challenges with domestic workers´ labour laws – and to evaluate if an explanation to these challenges may be found in the political capacities of trade unions, with the focus on the SADSAWU.

To make an improvement or a change it is necessary that the collective actors possess some level of capacity to take advantages of their opportunities (Törnquist 2006: 237). Findings concerning SADSAWUs opportunities in making private issues into public matters show that the union has been and may still be affected by de-politicization in light of technocratisation and privatisation. Hence, they score a low level of political capacity on the dimension of politicization and agenda setting. Regarding SADSAWU's capacities to mobilize and organize support for their demands and policies regarding labour laws indicate that the SADSAWU has managed to mobilise and organise support regarding the C189 however to a lesser extent concerning COIDA. One reason may be the content of the law, but another perception is that the SADSAWU, in order to successfully mobilise and organise support – they are in need of strong allies to support them. Hence, the findings indicate a relatively high level of political capacity regarding the C189, but on the other side, a low

level of political capacity on COIDA. SADSAWU's opportunities to transform their different forms of capital into authority and legitimacy suggest that access to social capital and economic capital are crucial for SADSAWU to have some degree of power and influence. On the C189, SADSAWU have been provided with crucial economic capital from their funders to put up campaigns, and also the social capital with mutual interests from the other collective actors with advancing decent work for all workers. In that manner, it may indicate some extent of the political capacity regarding authority and legitimacy regarding C189, however not that much on COIDA. When it comes to SADSAWU's opportunities to participate and be represented equally and fairly in the decision-making processes, findings show that the SADSAWU is given a fair chance to participate and be represented equally and fairly in the processes regarding domestic workers' issues. On the other side, although the SADSAWU is included, and is able to participate in the discussions – the other actors are not necessarily listening to the demands of the domestic workers´ union. However, in contrast to the other dimensions – I´ll argue that the SADSAWU does possess a relatively high level of political capacity regarding participation and representation. Regarding the SADSAWU opportunities being included into political terrains, findings show that the main obstacle when it comes to being included is related the feature of the domestic workers´ workplace, and last but not least – the employers may be found everywhere. In light of this, SADSAWU political capacities on the latter dimension, is relative low – as long they get support from other unions and organisations in terms of economic and social capital.

Overall the conclusion is that, despite the SADSAWU's central position within the domestic service, they possess a low level of political capacities on more or less all five dimensions assessed during this study – this may indicate (to some extent) why the legal institutions that came with the democratic transition in South Africa – which aimed to improve the situation of these workers – haven´t given better results for the domestic workers. Although the findings *summa samarium* may indicates that the SADSAWU holds a low level of political capacity within the sector of domestic work – it is only a small puzzle in the jigsaw. The situation in South Africa, and in the domestic service is complex, and this dissertation and project only contribute with a small part of an important research area – which needs to be examined more in detail. Moreover, political capacity is only one of the four dimension used when assessing democratisation, so in order to provide a comprehensive or holistic or coherent picture of the situation of domestic service in South Africa, the other dimensions should be examined in prospective studies.

A natural way of starting this analytical assessment, would have been to examine the standard of the institutions that came with the democratic transition in South Africa in 1994 and onwards (Törnquist 2013: 68), before assessing the political capacity of the central actors within the domestic work. Furthermore, one can also include a discussion about solutions to the perceived problems. However, because of the limited time and resources, this has not been an alternative for this master dissertation.

At this point of departure, I would argue that looking into all the five dimensions of political capacity is overambitious – and I would thus claim that a more elaborative study would have been achieved if I at an earlier stage decided to only look into one out of these five dimensions. But, arguments for choosing these five dimensions are related to the point that very little research has been looking into all these five dimensions at one time – and thus this may hopefully be a door-opener/contribution for others who wish to examine the political capacities within the SADSAWU and other central collective actors within the domestic work service. For prospective studies I might be interested in testing the theoretical framework developed by Törnquist on other domestic worker´s trade unions in other countries, or on similar sectors in South Africa.

In both the opening and closure of this master dissertation I´ve chosen to include the quote given by former President, Nelson Mandela. This is done to remind the reader that the transformation process, such as turning the South African state from apartheid to democracy is a never-ending process, and that purely implementing and ratifying formal labour legislations within the service of domestic work will not be enough to bring along this enormous and important group of workers into the transformation. It requires a substantive and substantial approach, where these institutions have real meaning for those they are supposed to be aimed at. However, the situation and the challenges are far beyond the small piece of the puzzle I´ve illuminated, and there´s a range of other issues than the labour legislations and the political capacities among the collective actors which need to be taken into consideration when developing solutions for the future with the aim to make the life better for also the domestic workers, and not only the already privileged citizens of South Africa.

> "[…] there is no time to pause. The long walk is not yet over. The prize for a better life has yet to be won"

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Attachments

Attachment 1: Informed Consent Form

UNIVERSITETET
I OSLO
University of Oslo

Informed consent form

- I, the undersigned, have read and understood the research project provided by Camilla Rodø.
- I have been given the opportunity to ask questions about the project.
- I understand that taking part in the interview will include being tape-recorded.
- I have been given adequate time to consider my decision and I agree to take part in the interview.
- I understand that my personal details such as name, workplace will not be revealed to people outside the project, without my approval.
- I understand that my words may be quoted in the final master project and other research outputs but my name will not be used, without my approval.
- I agree to assign the copyright I hold in any material related to this project to Camilla Rodø.
- I understand that I can withdraw from the project and interview at any time and I will not be asked any questions about why I no longer want to take part.

Name of participant: _____ Date:_____2016
Researcher Signature: _____ Date:_____2016

I have received information about the project, and am willing to participate.

_____
(Signed by participant, date)

Attachment 2: Interview Guide: Collective Actors

[Introduction]:

- Introduction of who I am, my project and objectives.
- Formal practicalities (tape-recorder, duration of the interview, storage of the data material, the right of anonymity and confidentiality, voluntary participation, no direct benefits).

Grand Tour:

[Q.1]: *How do you describe the present situation within the domestic work (DW) service in SA?*

    (Probe): Labour laws

    (Probe): In the whole SA, not only Western Cape

    (Probe): Is the situation improving, stable, bad?

    (Probe): Explain how and why.

TOPIC 1: Goals

[Q.2]: *What **aims and objectives** do […] have for the DW service in SA?*

    (Probe): Prioritized goals

    (Follow-up): To what extent have the goals changed the last 5 years?

[Q.3]: *What **activities** have you used to achieve these aims and objectives?*

    (PROMPT): Cooperation with political parties, leaders, spokespersons, members in parliament, NGO, associations, organisations, affiliations; Written articles, talked on radio/joined television shows/debate/press conference in the media; Petitions; Demonstration/Mass actions/Campaign, OTHERS?

    (Follow-up): To what extent has […] achieved their aims and objectives by using these activities?

    (Follow-up): What have been the **main challenges** you have experiences over the past year regarding the aims and objectives?

    (Follow-up): How have […] handled the challenges?

TOPIC 2: Challenges

[Q.5]: What are the most common problems that the DW comes with to the […] office?

    (Follow-up): What are the main challenges at the present time in the DW sector in SA?

    (Probe): EXPLAIN HOW

[Q.6]: What activities have […] used to combat these challenges?

TOPIC 3: Awareness, Mobilization and organisation

[Q.7]: *How has […] worked to get support for their demands, objectives and policies concerning DW*

labour laws?

(Probe): Put their demands and interests on the political agenda

(Probe): Examples

[PROMPT]: Develop good contacts/relationships between leaders/organisations; building networks between different parties; Building networks between independent actors; OTHERS?

[Probe]: Bottom-up vs. Top-down

[Follow-up]: Challenges vs. success stories?

[Q.8]: *How has* […] *tried to mobilize and organise* <u>*domestic workers?*</u>

[Probe]: Examples on activities used

[Probe]: Challenges/success stories?

[Q.9]: How would you describe the organising a migrant worker vs. SA worker?

[Q.10]: How would you describe the experience organising women vs. men?

[Q.11]: Have you experiences differences between the races?

TOPIC 4: Resources

[Q.12]: *To what extent has* […] *used their resources to make people aware of the*

DW´s labour laws?

(Probe): To achieve aims and objectives and demands

(Probe): Describe and explain how […] uses resources to influence politics on DW labour laws.

[PROMPT]: Sanctions & strikes, networking/good contacts/affiliations, information/education, force. OR (strike to increase wages, campaign to implement a law, or violence to scare the people to change)

(Probe): Examples on different resources used.

[Follow-up]: Which resources has been successful using?

[Follow-up]: Which resources have been challenging to use?

TOPIC 5: Participation and representation

[Q.13]: *Whom do* […] *contact, when addressing demands, aims and objectives?*

[Prompt]: Governance, Parliament, Court, Police, Political executives, Civil society organisations, Media, Interests organisations, Stakeholders, Political societies, Informal leaders, others?

[Follow-up]: Who represent […]?

[Prompt]: Directly; Indirectly

[Follow-up]: Who from […] has been participating?

[Follow-up]: Give example(s) on success case(s) and failure case(s).

[Q.14]: *To what extent has […] been participating in political processes concerning labour laws?*

[Q.15]: *To what extent is […] represented in political processes concerning labour laws?*

TOPIC 6: Exclusion/inclusion

[Q.16]: *To what extent do […] have access to different platforms to promote their demands and aims?*

    [PROMPT]: Media; Workplace; Political parties;

    Parliament/government/public administration?

[Q.17]: *To what extent do […] have access to influence what is happening in…*

    [PROMPT]: Media; Workplace; Political parties; Parliament/government/public

    administration?

    [Probe]: Examples on Failure case (s) and Success case (s)

TOPIC 7: Labour laws

[Q.18]: *How would you describe the progress with labour laws within the sector of DW?*

    (Prompt): BCEA; SD7; C189; Labour Relation Act of 1995.

    (Follow-up): So to what extent are you in […] (dis)satisfied with the implementation

    and compliance of the labour laws in the DW sector?

    (Probe): Expectation vs. actual outcome

    (Probe): Success case(s) vs. Failure case(s)

[Q.19]: *Have […] used activities to influence of the implementation and compliance of labour laws?*

    (Probe): Give examples on activities used.

[Q.20]: *I am now going to read a statement: We know about our rights, and our labour laws – but our laws and rights are only on paper.*

    [PROBE]: To what extent do you agree or disagree to this statement?

TOPIC 8: Actors

[Q.21]: *How has […] worked with other actors, to make people more aware about DW labour laws?*

    (Prompt): FEDUSA; COSATU; Social Legal Project; Department of Labour; NACTU; CCMA; WIEGO; PASSOP; SADSAWU Others?

    (Prompt): Affiliation, networks, and federations.

    (Follow-up): What have you accomplished with your affiliates and partners?

[Q.22]: How would you describe your relationship with the different actors?

    (Prompt): FEDUSA; COSATU; Social Legal Project; Department of Labour; NACTU; CCMA; WIEGO; PASSOP; SADSAWU Others?

    (Probe): Good or bad?

[Q.23]: *Have […] worked with any actors, regarding promotion of implementation and compliance of labour laws?*

(Probe): Explain how, and to what extent it was a good/bad relationship.

[END OF INTERVIEW]: *Before closing the interview, I want to ask you if there´s anything else you think I should know, or that I forgot to ask about?*

- Thank the informant for his/her participation
- Repeat some of the formalities

If time-shortage focus on the following questions […]

Attachment 3: Interview Guide: Academics and Activists

[Introduction]:

- Introduction of who I am, my project and objectives.
- Formal practicalities (tape-recorder, duration of the interview, storage of the data material, the right of anonymity and confidentiality, voluntary participation, no direct benefits).

Grand tour:

(Q.1): *Can you start by sharing some of your experience and knowledge about the DW sector in SA?*

(Probe): Examples

TOPIC 1: Present situation

(Q.2): *How would you describe the present situation within the DW sector in SA?*

(Probe): Is the situation improving, stable, worse?

(Probe): Explain how

Topic 2: Awareness

(Q.3): *How have collective actors within the DW sector in SA, put their aims and objectives on the political agenda?*

[Probe]: Give examples

[Probe]: Bottom-up vs. Top-down

(Q.4): *Based on you own experience and research: What activities have collective actors used to make people more aware about DWs labour laws?*

(Probe): Examples

[PROMPT]: Be active in a party and thus put the issue on the agenda; Be active in

an interest organisation and bring the issue to the agenda; Build TV/radio stations, Writing articles in the media, Offering support, petition, Democratisation, Mass actions; Others?

[Follow-up]: Give example(s) on success case(s) and failure case(s).

TOPIC 3: Mobilization and organisation

(Q.5): *Can you start by illuminate how collective actors (trade unions and NGOs) within the domestic service in South Africa (Western Cape) have been able to organise and mobilise support for their demands and policies regarding labour laws?*

[Follow-up]: Has it been any differences between the C189 vs. COIDA

[Follow-up]: How (what activities) do the collective actors use to include people into politics?

1) Incorporate them by way of populism, charismatic leaders, patronage or good contacts

2) Integrate the people through ways of networking between independent actors and/or building organisations from below, fostering coordination units.

(Q.6): *Can you give any examples on success cases versus failure cases?*

[Follow-up]: What are the main challenges regarding mobilization and organisation support for labour laws in the domestic work sector?

[Follow-up]: What are collective actors opportunities to solve this/these challenges?

[Probe]: Activities used to increase the capacity to mobilise and organize support

[Probe]: Challenges/success stories?

TOPIC 4: Resources

(Q.7): Can you give any examples on cases where the collective actors have used their capital to influence what is happening with the domestic workers´ labour laws.

[PROMPT]: Economic (strikes, sanctions), Social (good contacts, networks, affiliations), Knowledge and information, Coercive (physical or other forms of force).

[Follow-up]: *To what extents have collective actors succeeded or failed in transforming their forms of capital (economic, social, cultural, and coercive) into political power?*

(Probe): Give examples

TOPIC 5: Participation and representation

(Q.8): *Would you agree or disagree that the collective actors are given a fair chance to participate equally and fairly in the decision-making processes regarding labour laws?*

[Probe]: Reform laws, or develop new ones.

[Follow-up]: Where do collective actors go to solve/address their issues and/or promote their visions and interests?

[Follow-up]: Are the collective actors "standing for" or "acting for" the domestic workers?

(Probe): what a representative is and what she does

(Probe): Give examples on success and failure cases.

(Q.9): *Can you give examples on what situations collective actors failed or succeeded in their attempts to address problems and promote their interests through different channels and mediators?*

(Q.10): *What are the main challenges regarding participation and representation?*

TOPIC 6: Exclusion/inclusion

(Q.11): To what extent does collective actors have access to different platforms or in political processes, to influence what is happening?

[PROMPT]: Media; Workplace; Political parties; Parliament/government/public administration.

[Probe]: Examples on Failure case (s) and Success case (s)

TOPIC 7: Labour laws

(Q.12): *How would you describe the status of labour laws within the sector of DW in SA?*

    (Probe): Success case(s) VS: Failure case(s)

(Q.13): *To what extent is the current outcome a success or failure, regarding implementation and compliance of the labour laws*

(Q.14): *What challenges remains the strongest barriers for implementation and compliance with the labour laws?*

Topic 8: Challenges

(Q.15): *What do you perceive as the main challenges within DW sector in todays SA?*

    (Follow-up): What challenges remains the strongest barriers for implementation and compliance with the labour laws.

    (PROMPT): Migrant domestic workers, Informal sector, labour laws, employment relationship

(Q.16): *How would you describe collective actors (e.g. trade unions) capacities to combat these challenges?*

TOPIC 9: Future

(Q.17): *Do you agree or disagree that there should be developed new mechanisms to improve the situation among the DW sector in SA?*

    (Follow-up): If agree, what mechanisms?

(Q.18): *Do you agree or disagree that there should be developed new mechanisms to increase and improve the compliance and implementation of the labour laws within the DW sector in SA?*

(Follow-up): If agree, what mechanisms?

[END OF INTERVIEW]: *Before closing the interview, I want to ask you if there´s anything else you think I should know, or that I forgot to ask about?*

- Thank the informant for his/her participation
- Repeat some of the formalities

If time-shortage, focus on the following questions: […]

Attachment 4: Informants Interviewed

	Informant	Profession	Occupation	Date
1	Hester Stephens	President	SADSAWU	04.02.2016/10.03.2016
2	Susan	Vice Secretary	SADSAWU	04.02.16
3	Clare Shuttleworth - Richardson	General manager, Sea Point	Marvellous Maids	11.02.16
4	Dennis George	General Secretary	FEDUSA	10.02.16
5	Tendai Bhiza	Office Administrator	PASSOP	18.02.16
6	Representative from COSATU	Anonymous	COSATU	18.02.16
7	Myrtle Witbooi	General Secretary	SADSAWU	24.02.16
8	Gloria Kente	Organizer	SADSAWU	24.02.16
9	Sindiswa Ningiza	Organizer	SADSAWU	24.02.16
10	Jennifer N. Fish	Academic	Professor, ODU	29.02.16
11	Bernard Toyambi	Director	PASSOP	01.03.16
12	Jonathan Grossman	Activist	Professor, UCT	01.03.16
13	Riefdah Ajam	Provincial Coordinator	FEDUSA	04.03.16
14	Nashira Abrahams	Dispute Management and Preventon Commissioner	CCMA	10.03.16
15	Informant Z	Key informant	Anonymous	Anonymous
16	Informant X	Key informant	Anonymous	Anonymous