Good news for anyone employing a domestic worker in South Africa

South Africa’s employment laws are expected to undergo revisions to better protect gig and on-call workers from unexpected schedule changes.

However, most private households will be exempt from the coming admin-heavy changes.

The Draft Employment Laws Amendment Bill aims to introduce a new framework to protect employees earning below the Basic Conditions of Employment Act (BCEA) earnings threshold.

The Bill specifically wants to add protections for workers who only work when work is available, often referred to as on-call or zero-hours workers.

These employees, often found in sectors such as retail, security, or hospitality, are particularly vulnerable to irregular hours, lack of guaranteed income, and last-minute cancellations.

The proposed new laws state that **employers must specify the maximum number of hours per period and the exact times when the employee is required to be available.**

Employers must also provide notice periods for both reporting to work and for shift cancellations.

The notice given to a worker to report for duty or to cancel a shift must be reasonable. This will be assessed by balancing the employer's operational needs with the impact on the worker.

If an employer cancels work without providing the required notice, **they must compensate the employee for the hours that were cancelled.**

The amendments require employers to clearly outline, in writing:

- Guaranteed hours
- Maximum hours
- Availability periods and
- Reasonable notice periods for reporting to work or cancelling shifts.

The notice period must take into account the nature of the business, the employer's control over work availability, and the potential impact on the employee's life.

Employees are protected from being unfairly restricted from seeking employment elsewhere, unless there are legitimate operational reasons, such as the need to protect confidential information.

While the new laws would seemingly apply to households employing a part-time domestic worker earning below the BCEA threshold, most of these employers would not qualify.

This is because the Bill specifically exempts "small employers", with the **provisions not applicable to employers who employ fewer than 10 employees.**

National Minimum Wage changes

The Bill also introduces amendments regarding compliance with the national minimum wage, which may still apply to certain households.
The Bill states that deferred payments (such as retirement fund contributions) should be excluded from the wage calculation.

This ensures that compliance is **based solely on actual immediate take-home pay.**

This amendment directly addresses concerns raised in the Labour Appeal Court.

In a prominent case, the court noted that including deferred benefits in the minimum wage calculation undermined the core purpose of the National Minimum Wage Act.

The Bill also simplifies future adjustments to the NMW by removing the need for separate minimum wage reviews for farm and domestic workers.

The National Minimum Wage Commission has officially opened an invitation for input regarding adjustments to the national minimum wage for 2027.

Each year, the commission conducts a consultation with stakeholders to gather their insights, which are compiled into a recommendation report for potential changes to the wage for the upcoming year.

The National Minimum Wage (NMW) represents the lowest remuneration rate that employers are legally obligated to pay their employees for each ordinary hour worked.

It is illegal for employers to pay their employees less than this minimum rate.

For 2026, the commission recommended an increase of CPI+1.5%, which the Department of Employment and Labour (DEL) officially announced as a 5% increase in February.

This adjustment raised the NMW from R28.79 to R30.23 per ordinary hour worked.

For most workers, this hourly rate equates to a weekly income of R1,264.85 (based on a 45-hour workweek) and a monthly income of R5,895 (based on 4.3 weeks, or 195 hours).

In a more typical work month of 160 hours, the minimum wage rises to R4,834, an increase from R4,606 in 2025.

While the specifics of the 2027 increase are yet to be determined, the commission has a history of adjusting the wage to outpace inflation.

With inflation expected to rise, averaging 4.4% according to South African Reserve Bank (SARB) data, the national minimum wage is expected to exceed a baseline of R31.56 per hour in the coming year.