

# 1. Working Hours

**Principle:** Workers have the right to work and the right to be cared for and to care for others

**What is it?** Working hours are the amount of time workers are required to spend at work. The law limits ordinary working hours and provides for rest periods, but many workers still work long hours or spend hours travelling to and from work.

**Where does it come from?** Capital depends not only on workers' labour at work, but also on the unpaid work that happens in homes and communities. Workers arrive at work fed, clothed, cared for and healthy enough to work because somebody, **usually women**, has done that labour. Long working hours assume there is someone else available to do this care work.

**How was it won?** The struggle for shorter working hours is one of the oldest demands of the labour movement. Workers fought for the eight-hour day because they understood that human beings need time to rest, learn, organise, participate in community life and care for others.

**Why is it a care work issue?** Care takes time. Looking after children, supporting older people, accompanying family members to clinics, cooking, cleaning and emotional support cannot simply be squeezed into the margins of the day. Long working hours create time poverty, especially for women, who continue to do most unpaid care work after their paid working day ends.

**International law and South Africa** ILO Convention 1, the Hours of Work (Industry) Convention, 1919, established the principle of the eight-hour day and forty-eight-hour week and protects workers against excessive working hours. South Africa has not ratified this Convention.

In South Africa, the Basic Conditions of Employment Act regulates working time by limiting ordinary hours to 45 hours a week, with a daily limit of nine hours for workers who work five days or less a week, or eight hours for workers who work more than five days a week.

**The care-work question is whether these limits are enough when workers need to travel long distances and work long hours.**

ILO Convention 156 on Workers with Family Responsibilities recognises that workers have responsibilities beyond the workplace and that working conditions should support the reconciliation of work and family life. South Africa has also not ratified Convention 156. Ratification would strengthen the principle that workers have a right not only to work, but also to care.

## 2. Shift Systems

**Principle:** Working time should be organised around human needs, not only production needs.

**What is it?** Shift systems organise work across different times of the day and night, including rotating shifts, night shifts and weekend work.

**Where does it come from?** Shift systems are designed to keep workplaces operating continuously. The needs of production often take priority over workers' lives, families and communities.

**How was it won?** Workers have fought for shift allowances, limits on night work, consultation rights and safer scheduling because unpredictable and anti-social hours place a heavy burden on workers and their families.

**Why is it a care work issue?** Care work follows daily rhythms. Children need care before and after school. Elderly relatives often need assistance during the day. Unpredictable shifts disrupt these responsibilities and often shift more care work onto women. Even where men want to share care work, shift systems can make this difficult.

**International law and South Africa** ILO Convention 171 on Night Work recognises that night workers need special protections and that employers should take account of workers' family responsibilities. South Africa has not ratified Convention 171.

In South African law, the BCEA defines night work as work performed after 18:00 and before 06:00. Night work must be agreed to, workers must receive compensation through an allowance or reduced working hours, and transport must be available between home and the workplace at the start and end of the shift.

The Code of Good Practice on the Arrangement of Working Time also says working time must be organised with due regard to employees' health, safety and family responsibilities.

**A question we need to ask ourselves is - why are production schedules treated as fixed while care responsibilities are treated as personal problems for workers to solve?**

### 3. Overtime

**Principle:** Workers' lives do not belong to employers.

**What is it?** Overtime is work performed beyond normal working hours. It should be limited, voluntary and compensated.

**Where does it come from?** Employers often prefer overtime to hiring additional workers. Workers frequently accept overtime because wages are not enough to support their households.

**How was it won?** Workers fought for overtime premiums because employers treated workers' time as limitless. The principle was that workers should be compensated for giving up time that belongs to them and their families.

**Why is it a care work issue?** Overtime extends the working day but does not reduce the care work waiting at home. Women often carry the burden of this contradiction by sleeping less, resting less and working longer overall. Employers benefit from overtime while households absorb the hidden costs.

**International law and South Africa** International labour standards on working time recognise that workers need time for rest, family life and participation in society. Convention 156 emphasises that workers with family responsibilities should not be disadvantaged because they provide care.

South Africa has not ratified Convention 156, leaving an important gap between workplace rights and care responsibilities. However, South African law already provides some protection through the Basic Conditions of Employment Act. Overtime must be agreed to, is generally limited to three hours a day and ten hours a week and must be paid at one-and-a-half times the worker's ordinary wage, except where Sunday or public holiday rules provide stronger protection.

**These protections are important because overtime takes time away from rest, children, household responsibilities and community life, but the law still does not fully recognise the unpaid care work that workers carry before and after paid work.**

## 4. Leave

**Principle:** Workers are human beings with lives, relationships and responsibilities beyond work.

**What is it?** Leave includes annual leave, sick leave, maternity leave, parental leave and family responsibility leave.

**Where does it come from?** Leave rights challenge the idea that workers exist solely to produce profit. Leave recognises that people need time to recover, care for others and care for themselves.

**How was it won?** Leave rights were won through decades of worker struggle and collective bargaining. Employers historically resisted paying workers when they were not producing.

**Why is it a care work issue?** Without adequate leave, workers are forced to choose between earning an income and meeting care responsibilities. Women often end up using their leave to care for others rather than rest themselves.

**International law and South Africa** ILO Convention 132 recognises annual leave as a worker right. ILO Convention 183 protects maternity rights and recognises the social importance of reproduction and care. South Africa has not ratified either Convention.

South African law nevertheless provides minimum leave rights through the BCEA, including annual leave, sick leave, maternity leave and family responsibility leave. Family responsibility leave is limited, generally three paid days per year for qualifying workers, which shows the gap between recognising care in law and giving workers enough time to meet real care responsibilities. Convention 156 further argues that care responsibilities should not become a disadvantage in employment.

## 5. Transport

**Principle:** Time spent getting to work is part of workers' experience of work.

**What is it?** Transport includes the systems workers use to travel between home and work.

**Where does it come from?** Apartheid spatial planning and persistent inequality have forced many South African workers to live far from workplaces and spend hours travelling every day.

**How was it won?** Workers and communities have campaigned for safer, cheaper and more reliable transport, especially for workers travelling before sunrise or after dark.

**Why is it a care work issue?** Long commutes steal time from family and community life. Women often carry primary responsibility for care while also spending hours travelling to work. Unsafe transport also exposes women workers to harassment and violence.

**International law and South Africa** While there is no specific ILO convention on transport, the ILO Decent Work Agenda recognises that decent work includes dignity, safety and the ability to live a full life beyond work.

In South African law, transport is most directly recognised in relation to night work: the BCEA requires that transport be available between a night worker's home and workplace at the start and end of the shift. This is important but limited. It does not fully address the daily reality of long, unsafe and expensive commuting created by apartheid spatial planning and inequality.

**Why are workers expected to absorb the cost of care while travelling long distances?**

## 6. Wages

**Principle:** Care cannot be sustained on poverty wages.

**What is it?** Wages are the income workers receive for their labour.

**Where does it come from?** Women's labour has historically been undervalued, both inside the home and in paid employment. Occupations associated with caring are often among the lowest-paid jobs in society.

**How was it won?** Workers have fought for minimum wages, living wages and equal pay. Women workers have challenged the belief that their wages are merely a supplement to household income.

**Why is it a care work issue?** Care requires resources. Low wages force households to stretch limited income across food, schooling, transport, healthcare and care services. Poverty wages mean women compensate through additional unpaid labour.

**International law and South Africa** South Africa has ratified ILO Convention 100 on Equal Remuneration and Convention 111 on Discrimination. These conventions challenge the systematic undervaluing of women's work and require equal treatment in employment.

South African law also provides protections through the Employment Equity Act and the Code of Good Practice on Equal Pay/Remuneration for Work of Equal Value, which require employers to address unfair discrimination in pay where workers do the same, substantially the same or work of equal value. The National Minimum Wage Act sets a wage floor for workers, including domestic and farm workers.

**Minimum wages are important because they set a floor below which employers should not be allowed to go. But a wage floor does not automatically mean a living wage, and it does not correct the deeper problem that care-related work is often treated as low-skilled, natural women's work rather than skilled, socially necessary labour. Many care workers are paid only enough to survive, while the value they create is much greater: they keep children safe and learning, support sick and older people, feed learners, sustain households and make it possible for other workers to go to work. The struggle is therefore not only for equal pay between men and women, but also for the recognition, reward and proper valuing of care work itself.**

## 7. Workload in care services

**Principle:** There is a limit to how much care a person can provide.

**What is it?** Workload refers to the amount of work expected from workers. Staffing levels refer to the number of workers available to carry out that work.

**Where does it come from?** Many employers reduce labour costs by increasing workloads and leaving vacancies unfilled.

**How was it won?** Workers have organised around staffing ratios, recruitment demands and workload limits because excessive workloads damage workers and undermine service quality.

**Why is it a care work issue?** Care cannot simply be sped up. A nurse, care worker, teacher or ECD worker cannot provide quality care for an unlimited number of people. Understaffing creates impossible choices and transfers care responsibilities onto workers, households and communities.

**International law and South Africa** The ILO Decent Work Agenda recognises that decent work depends on dignity, wellbeing and sustainable workloads. Convention 156 also highlights the need to organise work in ways that recognise workers' family responsibilities. South Africa has not ratified Convention 156, despite the growing burden of unpaid care work.

In South African law, there is no general staffing-ratio law across all sectors, but the Occupational Health and Safety Act requires employers to provide and maintain a working environment that is safe and without risk to workers' health, and the BCEA requires working time to be regulated with due regard to health, safety and family responsibilities.

**Excessive workloads and understaffing should be treated not only as productivity issues, but also as health, safety and care-work issues.**

## 8. Job Security

**Principle:** Care requires stability.

**What is it?** Job security protects workers against unfair dismissal and insecure forms of employment.

**Where does it come from?** Employers seek flexibility and lower costs while workers need stable livelihoods and predictable incomes.

**How was it won?** Rights against unfair dismissal and arbitrary retrenchment were won through labour struggles and democratic reforms.

**Why is it a care work issue?** Workers cannot plan childcare, healthcare or support for dependants when employment is insecure. Since women often carry primary responsibility for care, insecurity has particularly severe consequences for them.

**International law and South Africa** ILO Convention 158 on Termination of Employment says that a worker's employment should not be ended unless there is a valid reason connected to conduct, capacity or the operational needs of the workplace, and that workers should have fair procedures and a chance to challenge an unfair dismissal. South Africa has not ratified Convention 158, although domestic labour law provides important protections.

The Labour Relations Act gives every employee the right not to be unfairly dismissed or subjected to an unfair labour practice. A dismissal must generally have a fair reason and follow a fair procedure. The law also protects workers against automatically unfair dismissal, including dismissal because of pregnancy, intended pregnancy, maternity leave, unfair discrimination or exercising rights under the labour law.

**We need to connect job-security demands to workers' real care responsibilities.**

## 9. Health and Safety

**Principle:** No worker should sacrifice their health to earn a living.

**What is it?** Health and safety protections aim to prevent injury, illness and harm at work.

**Where does it come from?** Historically, workers' bodies were treated as expendable. Health and safety protections emerged because workers organised against dangerous and deadly working conditions.

**How was it won?** Every health and safety protection reflects struggles by workers who insisted that their lives matter more than production targets.

**Why is it a care work issue?** When workers become ill, injured or traumatised, someone must care for them. The costs of unsafe work are often shifted into households where women provide unpaid care. Workplace harm therefore creates additional care burdens beyond the workplace.

**International law and South Africa** South Africa has ratified ILO Convention 155 on Occupational Safety and Health. This recognises that workplaces must be organised to protect workers' physical and mental wellbeing. South African law also gives effect to this through the Occupational Health and Safety Act, which requires employers, as far as reasonably practicable, to provide and maintain a working environment that is safe and without risk to workers' health.

**Workplace injuries are never borne by workers alone. Entire households absorb the consequences, often through unpaid care provided by women.**

## 10. Access to Childcare and Care Services

**Principle:** Care is a collective responsibility, not a private problem for women to solve.

**What is it?** Childcare and care services support children, older people, people with disabilities and others who need assistance.

**Where does it come from?** Patriarchal societies have treated care as women's natural responsibility rather than recognising it as essential social and economic work. As a result, care is often unpaid, underpaid or poorly supported.

**How was it won?** Women workers, trade unions, community organisations and feminist movements have demanded childcare centres, public care services and workplace support for carers.

**Why is it a care work issue?** The entire economy depends on care. Without childcare, elder care and disability support services, families absorb the burden, usually through women's unpaid labour. Access to quality care services allows care responsibilities to be shared more fairly between households, employers and the state.

**International law and South Africa** ILO Convention 156 on Workers with Family Responsibilities calls on governments to develop services and policies that help workers combine paid work and family responsibilities. South Africa has not ratified Convention 156.

South African law and policy do, however, recognise care services in several ways: the Children's Act provides for early childhood development and the care and protection of children, while national ECD policy recognises the importance of early childhood development services. These frameworks matter, but access remains uneven and often unaffordable, leaving households, and especially women, to carry the gap. Ratification of Convention 156 would strengthen demands for childcare, elder care and other public care services.

**Care is not a private women's issue but a social responsibility that should be recognised, reduced, redistributed, rewarded and represented.**

## 11. Parental leave

**Principle:** Recognising, valuing and sharing the responsibility of raising our children.

**What is it?** Leave for a parent when a child is born or adopted. Since 2020 a parent could take ten days while a birth mother took four months. After the Constitutional Court ruling in Van Wyk (3 October 2025), maternity and parental leave become one shared entitlement of four months and ten days. Two employed parents split it as they choose, though a birth mother keeps the portion she needs to recover. A single parent, or the only employed parent, takes the full period. A father must have assumed parental responsibilities under the Children's Act. The leave is paid at 66 percent through the UIF. This UIF rule is yet to change.

**Where does it come from?** The old law assumed care was the mother's job. One hundred and twenty days for mothers and ten for fathers, in the words of the High Court, speaks to a mindset that treats the father as marginal. The Constitutional Court called it a breach of equality and dignity (sections 9 and 10 of the Constitution) and affirmed shared responsibility.

**How was it won?** The Labour Laws Amendment Act of 2018 created the first ten days of paternity leave. Then one family contested, and the LRS stood in the court case as amicus curiae (friend of the court), bringing expertise in equity bargaining. The Van Wyk order applies now, and Parliament has three years to write it into law. The ruling challenges the notion that caregiving is solely a woman's responsibility. Men choosing to take parental leave shifts the perception of the leave itself and introduces a new perspective that adds value to it. Unions have a role in ensuring implementation and enforcement.

**Why is it a care work issue?** Shared leave is redistribution. It moves care off women's shoulders alone and names fathers as carers too. When a father can take real leave, care stops being invisible women's work and becomes a shared social responsibility.

**International law:** ILO Convention 156 covers men and women workers with family responsibilities. The reasoning in Van Wyk, that care belongs to both parents, is the reasoning of C156. South Africa has not ratified C156.

## 12. Family responsibility leave

**Principle:** the reconciliation of work, family and personal life.

**What is it?** Three paid days a year, on request, when your child is sick or when a close family member dies: a spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. Family responsibility leave does not carry over to the next year. Basic Conditions of Employment Act, Section 27 (amended in February 2020). The leave Only covers a worker who have worked for an employer longer than four months.

**Where does it come from?** Patriarchy splits the world into public spaces (men's, and important) and private spaces (women's, and secondary). But care does not disappear when a woman enters the workplace. She works a double shift, a wage job and unpaid care at home, and for this she is penalised, not rewarded. This is time poverty.

**How was it won?** The three-day floor was won by organised labour negotiating minimum standards into the BCEA through NEDLAC. The stronger versions, more days and a wider family list, are won at the bargaining table. The 2020 amendment that widened who counts as family shows the floor can move.

**Why is it a care work issue?** Ask yourself: what are we paid for, what do we do unpaid, and who does most of the caring in our homes and communities? What happens when nobody does it? This is the hidden economy of care, the unpaid or underpaid work of caring for people and keeping households going. It is essential to the economy, yet it stays invisible in the statistics, in policy and at work. It is undervalued because it is mostly done by women, and women's work is treated as a social duty, not an economic contribution. The demand is to recognise, reward, reduce, redistribute and represent it.

**International law:** ILO Convention 156, Workers with Family Responsibilities (1981) covers men and women and protects against dismissal for family responsibilities. It grew from CEDAW (1979).