



CHILDCARE IN THE WORKPLACE

WHY IS CHILDCARE IN THE WORKPLACE AN IMPORTANT ISSUE?

PERSONAL STORIES

Leigh-Ann (29)

"I have two children, aged nine and six. My husband and I both have to be at work by 8am, so we take the children to school early on the taxi and go on to work. I am not happy as they have to wait by themselves, the teachers don't arrive until later. After school they come home by themselves by taxi, and are alone until we get home in the evening. This is not safe, but there is no after-school care at the school they go to, and my work won't give me flexi-hours."

Nongoma (26)

"I have been working for the same retail company for four years as a cashier. Two years ago I had my first child. I received paid maternity leave and returned to work after four months. I left my baby with my mother while I was at work. However, last year when my baby was just over a year old, she developed stomach problems. She had to go to hospital for a few days, and I really needed to be with her, she was so small and scared. However, I had no leave left, so I had to take unpaid leave for these three days. My supervisor was not very sympathetic, and warned me that I must make other plans if this happens again. I don't know what he means – must I look for another job, or find somebody else to go to the hospital? The child's father is absent, he is no help."

QUESTIONS

- How can I find a good childcare centre that I can trust, that is near my home or at my work, to make it easier for me to take and fetch my children?
- Will my work finance part of my childcare budget?
- What happens during school holidays – will the childcare centre stay open?
- What happens if my child has an accident and I need to be with them, but I am at work?
- I have been offered a new job, but it finishes at 5pm and my children finish school at 2.30pm. I don't want them to be alone at home, they are too young. What can I do?



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INTRODUCTION

In this booklet, the Labour Rights for Women (LRW) campaign looks at Childcare in the Workplace in South Africa.

Nearly all working parents face the challenge of finding safe, appropriate childcare for their children while they work. In the past, women were traditionally seen as the primary carers of their children, with their work and careers coming second to their roles as mothers. But as the face of the workplace changes, many more women are in fulltime employment. Many more women also work in the informal sector. And many more women are developing their own career paths. In South Africa especially, many more women are also becoming the primary wage earners in their families, and many are also single parents. This means that changes in childcare policy and practice in the workplace are necessary. If parents, especially women, are to be productive members of the workforce whose contribution is taken seriously, they need a functioning system of childcare in the workplace to support them.

This booklet:

- Highlights the challenges currently facing working parents, especially women
- Looks at the advantages of childcare provision in the workplace
- Explores the current situation and legislation in South Africa
- Gives examples of international childcare policies and conventions
- Looks at how partnerships between companies, employees and trade unions can result in win-win situations for all
- Suggests what workers and union members can lobby for when it comes to childcare rights in the workplace.

LABOUR RIGHTS FOR WOMEN CAMPAIGN

Labour Rights for Women (LRW) is an international campaign which focuses on empowering women to defend their rights in the workplace. It also aims to strengthen women's participation and leadership in collective bargaining and social dialogue.

The key goals of the campaign are to:

- Increase awareness of women's labour rights as laid down in national legislation and collective agreements. Key issues include how to combine work and motherhood, and to achieve equal rights, equal pay, decent working conditions, and measures against workplace sexual harassment
- Empower women workers to improve their employment situation
- Improve legislation and enforcement of laws protecting women's labour rights

In Africa, the LRW campaign runs in South Africa, Egypt, Uganda, Kenya and Tanzania. It is supported by Cosatu, Fedusa, Nactu, Consawu, the Labour Research Service (LRS) and WagIndicator Foundation.

ONLINE AND OFFLINE

There is an online and an offline component to the campaign.

The online campaign uses the Mywage website to educate women about their labour rights. It also provides a free information service. In South Africa, the website is found at www.mywage.co.za

The offline campaign includes a series of social dialogues and mini-conferences which draw different groups together to discuss pertinent topics. These dialogues feature representatives from government, trade unionists, employers and employees, NGOs and labour and law specialists.

BACKGROUND

South Africa has recognised childcare as a priority, but progress has been slow due to various challenges. There are many historical and social factors which have impacted on children and families. Poverty, HIV/AIDS and the loss of traditional family support structures has been damaging. The legacy of apartheid, which encouraged men to work in urban areas and leave their families behind in rural areas, has also been destructive.

Meanwhile, women have increased their presence in the workforce. They play an increasingly important role in the South African economy. But due to a lack of childcare support in the workplace, this has meant an increase in young children having to fend for themselves after school, with a resulting increase in social problems such as drug abuse, teenage pregnancies and even crime.

Investment in the education, health and development of children is seen as essential. But this has meant that other issues, such as the difficulties facing working parents responsible for childcare, have not received as much attention.

CHALLENGES

Working parents of children face the following challenges:

- Finding affordable, safe and educationally-appropriate care for children
- Spending extra commuting hours taking children to and from childcare
- Being stressed at being far from children, especially in the case of an emergency
- Having extra costs for care after school hours and during school holidays
- Having, on average, only three weeks annual leave while school holidays are at least 15 weeks
- Having to take their own sick leave or annual leave to take care of a sick child
- Having to miss work and possibly risk losing their job due to caring for a sick child

DIFFERENT KINDS OF CHILDCARE/ WORKPLACE SOLUTIONS

- An on- or off-site company childcare centre
- A facility in the community which is linked to the workplace
- Some form of financial support (childcare vouchers, funds or subsidies)
- Advice and referral services to help find facilities and support

Also

- Allowing flexi-time so employees can come and go at more convenient hours for childcare
- Allowing work-from-home options

FOCUS ON CHILDCARE CENTRES AND CRECHES

In this LRW booklet we are going to focus on childcare centres and crèches that are linked to workplaces, whether on the same grounds as the workplace or easily accessible within the workers' community.

ADVANTAGES OF CHILDCARE IN THE WORKPLACE

Advantages to employees

- If an onsite facility, then the ability to spend more time with one's children (commuting together to work, taking lunch breaks together and/or breastfeeding breaks)
- The ability to balance family and work more easily
- The ability to have more choices, allowing more control over one's life
- Continuity in one's career (not having to leave jobs to care for one's children)
- Improvement of one's socio-economic position (it allows both two-income or single parents to improve their quality of life)

Advantages to employers

- Happier, more productive employees
- Decreased stress and anxiety in employees
- Less absenteeism by employees (not having to take off work to look after children)
- Less staff turnover (not having to leave a job to take care of children)
- Savings in wages (due to less absenteeism and staff turnover)
- By offering childcare as a benefit, a workplace can attract a wider variety of job applicants

CURRENT LEGISLATION AND POLICIES IN SOUTH AFRICA

Currently, none of the major pieces of employment and labour legislation in South Africa specifically deal with an employer's obligation to offer childcare facilities to employees' children.

The main laws that relate to parenthood are Maternity Leave and Family Responsibility Leave.

MATERNITY LEAVE

In terms of the **Basic Conditions of Employment Act (BCEA)** in South Africa, pregnant women workers are entitled to at least four consecutive months of maternity leave. Workers may take maternity leave one month before their due date, or earlier or later as agreed or required for health reasons. Workers may not go back to work within six weeks after the birth unless their doctor or midwife say it is safe.

In terms of the BCEA, this is unpaid leave. Workers may, however, claim for maternity benefits from the Unemployment Insurance Fund (UIF).

In some cases, workers have negotiated via collective bargaining for paid maternity leave. This may vary from eleven months maternity leave on full salary, to some months maternity leave on half salary.

FAMILY RESPONSIBILITY LEAVE

In terms of the **Basic Conditions of Employment Act (BCEA)** in South Africa, full time workers may take three days of paid family responsibility leave during each annual leave cycle (12 month periods from the date of employment). This applies to both women and men workers.

The provisions for family responsibility leave do not apply to workers who work less than:

- Four months for their employer
- Four days a week for one employer
- Twenty-four hours a month

You may take family responsibility leave:

- When your child is born
- When your child is sick
- In the event of the death of your spouse or life partner, parent or adoptive parent, grandparent, child or adopted child, grandchild or sibling

In addition, South African legislation does contain regulations providing pregnant employees with minimum childbirth rights and also tries to protect them after the birth of a child and whilst breastfeeding. The **Code of Good Practice on Protection of Employees during Pregnancy and after the Birth of a Child** provides guidelines for employers and employees to protect the health of women against potential hazards in their workplace. Hazards may include anything from physical hazards such as exposure to noise, vibration or radiation to ergonomic hazards such as heavy physical or repetitive work and sitting or standing for long periods of time.

The BCEA also prohibits employers from requiring or permitting pregnant or breastfeeding employees to perform work that is hazardous to the health of the employee or the child.

Should the work pose a danger to the health and safety of a pregnant employee or that of her child, an employer must offer the employee suitable alternative employment. This also applies to pregnant employees engaged in night work. The alternative employment can not be less favourable than the employee's ordinary terms and conditions of employment.

The code further says that arrangements should be made for employees who are breastfeeding to have breaks of 30 minutes twice a day for breastfeeding for the first six months of their child's life.

EDUCATION LEGISLATION IN SOUTH AFRICA

In South Africa, early childhood development (ECD) aims to bring sectors together for the full development of the child – primary health care, nutrition, sanitation and clean water, birth registration, protection from abuse and violence, psychosocial support and early childhood care and education.

The two key departments involved with childcare in South Africa are:

- The Department of Social Development (DSD) – which provides social grants and subsidies to registered ECD sites and the provision of psychosocial programmes where needed
- The Department of Education (DOE) – which is responsible for phasing in Grade R as a Reception year prior to Grade 1, for accreditation of ECD providers and for inter-sectoral programmes for children aged 0–4 years.

On the educational side, the pre-primary programme provided at most ECD centres has two components, namely:

- Grade R (Reception year) preceding Grade 1, which prepares six-year-olds
- Pre-Grade R programmes, which cater for children between 0 and four years

Local municipalities are required to approve ECD services as part of the registration process, and many have by-laws that regulate and monitor daycare facilities and childminding (up to six children cared for by a private person). While all childcare facilities should be catering for the ECD requirements of children from the ages of 0 – seven years (when children start Grade 1), the reality is that many facilities are under-staffed and under-resourced. Monitoring is a challenge.

EXAMPLES OF INTERNATIONAL CHILDCARE POLICIES AND CONVENTIONS

The International Labour Organisation (ILO) has adopted Workers with Family Responsibilities Convention, 1981 (No. 156) - Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

It states that workers with families and family responsibilities should not be discriminated against, that they should have access to training and development, and they should not be fired on the basis of their family responsibilities.

Included is a section that states that:

"All measures compatible with national conditions and possibilities shall be taken (a) to take account of the needs of workers with family responsibilities in community planning; and (b) to develop or promote community services, public or private, such as childcare and family services and facilities."

Different countries have responded to the challenge of work and childcare in different ways. Some policies and practices are the result of labour intervention, and some are driven by government.

Sweden:

Public childcare is guaranteed to all parents and operates on a whole-day basis: most childcare facilities are open from 6.30 a.m. until 6.30 p.m. Pre-school is free for children aged between three and six for up to 15 hours per week. Parental fees are proportional to parents' income.

Sweden also has a highly developed and flexible maternity/parental leave scheme. This encourages both parents to spend time with their children. The mother and the father are together entitled to up to 16 months paid leave per child.

France:

France has developed a comprehensive system of childcare and pre-school services. Infants can go to nurseries from two months (or at the end of maternity leave). From two years of age, children can start nursery school. All pre-school is free. In addition, parents of children under six years can use the services of leisure centres or after-school centres before and after the school day, as well as during the school holidays. These services are often subsidised.

Women on maternity leave receive their full salary for 16 weeks (26 weeks if it is their third child and up to 34 weeks for multiple births). Fathers are entitled to 11 consecutive days of paternity leave with no loss of pay. The country also has a policy of cash benefits, known as family allowance, which can cover costs of birth, schooling and even back-to-school expenses.

Kenya:

Childcare provision for children aged two or three to five years in Kenya is very diverse, including nursery schools, day schools, religious Madrassa schools and kindergartens, all of which are under the supervision of the Ministry of Education, Science and Technology (MOEST). ECDE services rely heavily on parents' fees for operating costs, especially teachers' salaries. Centres with more qualified teachers, smaller classes, food and learning materials charge higher fees. Land, facilities, furniture and material are often donated by parents and by churches and NGOs, which are a key source of support. Fees vary depending on the childcare service quality, duration and location. However, the reality is that parents often cannot afford to pay for services and so take their children to work with them, in the informal or agriculture sectors.

Brazil:

In terms of their Consolidation of Labour Laws the following applies:

- Mothers are entitled to 120 days maternity leave
- Fathers are entitled to five days paternity leave
- There must be an appropriate place for breastfeeding in the workplace, and breastfeeding mothers can get two half hour breastfeeding breaks per working day, until their child is six months old
- This place must be on the premises or close nearby
- A workplace that has no daycare or crèche facilities can issue daycare reimbursement to workers, to pay for childcare facilities of their choice

In reality, the payment of reimbursement is the most common form of childcare as most companies do not have onsite crèches or nurseries, but need to comply with the labour law. In addition, many unions do not see childcare as an important issue and so it is often not included in bargaining agreements.

SOUTH AFRICAN EXAMPLES OF ONSITE CHILDCARE

(From: Workplace Solutions for Childcare by Catherine Hein and Naomi Cassirer, published by the International Labour Organisation/ILO in 2010)

BMW South Africa

Facilities: Two early learning centres for children aged three to six years

Partners: Trade union (Numsa) and a childcare consultant

Both facilities are on company premises within walking distance of the factory and offices. They can take around 240 children all together. They are open five days a week, Monday to Friday, from 7am to 5pm. All meals are provided and the schools are well equipped with washrooms, classrooms and outdoor facilities. A limited programme is offered during school holidays for school-going children. Fees are subsidised by BMW.

First National Bank

Facilities: Childcare centre for children aged three months to six years

Partners: Trade union (Sasbo) and a childcare consultant

The facility caters to 240 children from the ages of three months to six years, from 7.30am to 5.30pm Monday to Friday. It is open for the school holidays, except for three weeks over the Christmas holiday period. There is a nursery and a pre-school – the nursery takes babies from three months to two years, and toddlers from two to three years. The pre-school takes children from four to six years and follows the South African pre-primary educational guidelines. Children are provided with meals and snacks. The fees are subsidised by First National Bank.

Old Mutual Head Office, Cape Town

Facilities: Onsite childcare facility which caters for 375 children aged from three months to six years.

Partner: Childcare consultant

The facility is easily accessible by employees. It is open Monday to Friday, from 7am to 6pm, and is open during the school holidays. The nursery takes children from three to 17 months, and then there are developmental classes for the age groups 18 – 23 months, two to three years, three to four years, four to five years and Grade R. The fees are subsidised by Old Mutual.

WHAT SHOULD YOU BARGAIN FOR?

At the most basic level, every workers' contract should include the employers' intention to provide an environment where workers have the ability to meet regular childcare needs, and the flexibility to find childcare in case of an emergency.

Options for childcare assistance are varied, so unions may want to conduct a survey to determine the specific needs of its members.

Here are several options that unions can bargain for:

- Bargain for a childcare facility either at the worksite or at another convenient location in coordination with other companies. It is important to research this thoroughly, including assessing workers' needs before choosing it as an option
- Negotiate for the employer to arrange subsidised slots at local childcare centers or family childcare, including before/after school care. Employers can also provide vouchers to be used at the childcare facility

WHAT SHOULD YOU LOBBY FOR?

At the most basic level, for the state to be responsible for free nursery, pre-school and after-school childcare, for this to be subsidised and for fees to be paid on a sliding-scale basis.

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