



Commission for Gender Equality
A society free from gender oppression and inequality

Gender Diversity in the Workplace: EAPA





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OVERVIEW

- CGE mandate
- Legislative framework for promoting gender transformation – and addressing inequality – in the workplace
- Definition of concepts
- The employer's Obligation
- HOD's principles
- Status of women in the workplace
- Challenges of women in the workplace
- Gender mainstreaming in the workplace



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CGE MANDATE

SA Constitution:

- S187 of the Constitution require the CGE to promote respect for, and the protection, development and attainment of gender equality

CGE Act No 39 of 1996:

- The CGE mandate is to monitor and evaluate legislation, policies and practices of the state, statutory bodies and private businesses, as well as indigenous and customary laws and practices; research and make recommendations to Parliament; receive and investigate complaints of gender discrimination; and conduct public awareness and education on gender equality. CGE has powers of subpoena and litigate.

PEPUDA Act 4 of 2000:

Obligates the CGE to institute court proceedings of unfair discrimination on the grounds of gender through the Equality court

Vision:

- The CGE vision is a society free from gender oppression and all forms of inequality. ³



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CONSTITUTIONAL AND INTERNATIONAL FRAMEWORK

- Constitution – s2.9.3 – bans discrimination on the basis of race, gender, sex, ... sexual orientation, age, disability...
- Convention on Elimination of all forms of Discrimination against women 1974. Ratified by SA on the 15 December 1995.
- ILO Convention (No. 111 – ratified 2000) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value – Art 2 – requires member states to promote and ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value, by means of national laws, recognised machinery for wage determination, and collective agreements.
- ILO Convention (No. 100 – ratified 1997) concerning Discrimination in Respect of Employment Occupation – including access to vocational training and employment – requires member states to pursue national policy to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination.



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NATIONAL LEGISLATIVE FRAMEWORK

Domestication and implementation of Constitutional, CEDAW and ILO conventions have seen the development of the following key labour legislation:

- Affirmative Action policy (1996)
- Employment Equity Act (1998)
- Labour Relations Act (1995)
- BCEA (1997)
- Skills Development Act (1998)
- PEPUDA (2000)
- Broad Based Economic Empowerment Act (2003)



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DEFINITION OF CONCEPTS

- **GENDER** - social attributes and opportunities associated with being female and male. The societal expectations, roles and relations between men, women and other genders
- **GENDER DIVERSITY** – equal representation of men, women and LGBTIQ+ in the workplace.
- **GENDER DISPARITIES** – differences in gender towards access to resources, status and well-being, which usually favour men and are often institutionalised through law, justice and social norms.
- **GENDER DISCRIMINATION** - any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status but on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.



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THE EMPLOYER'S OBLIGATION

- **Convention on the Elimination of all forms of Discrimination Against Women 1974** - States have a legal obligation to respect, protect, promote and fulfil the right to non-discrimination for women and to ensure their advancement and their development.
- **Sustainable Development Goal** - Proposal contains 18 Goals – to be attained in 2030 and 169 targets covering sustainable development. Gender mainstreaming in all goals and to be rights based. Sex disaggregation of all indicators. Data is fundamental in achieving set goals and targets. Goal 5 - Achieve Gender Equality and Empower all Women and Girls.



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HOD's PRINCIPLES PLAN OF ACTION

- Transformation for non-sexism
- Establish policy mechanisms
- Provide adequate resources
- Implement capacity building
- Gender Mainstreaming- the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.
- Achieve equity targets
- Monitor gender programme in the organisation



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STATUS OF WOMEN IN THE WORKPLACE

- On average, companies presented figures approximating 12% women's representation in senior and top management.
- Gender and disability components of employment equity seem to be largely unknown/ignored, in contravention of the Employment Equity Act.
- Companies demonstrate lack of commitment to gender transformation, lacking coherent gender transformation policy, and policy addressing disability – little evidence of targets, strategy, targeted skills development programmes, designated responsibility measured through performance management mechanisms.
- Transformation appears to be favouring white women - insufficient measures taken to recruit and promote black women to positions of senior management.



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STATUS OF WOMEN IN THE WORKPLACE

- Sexual harassment policies not put in place in some companies, in contravention of BCEA and LRA.
- Poor representation of women in mining and engineering sectors – need for innovative interventions to encourage and support women.
- Companies cited difficulties in recruiting people with disabilities - need for clear targets and strategies.
- Companies did not have policies on flexi hours and or long hours. The remuneration applicable thereof.



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CHALLENGES FOR WORKING WOMEN

- Deep rooted inequalities in child care and household work, as well as discrimination in the workplace act as constraints on women's career and employment decisions, and working patterns (part-time vs full-time)
- Gender wage gap remains critical (SA – 33.5%; global average – 22.4%)- and much higher for women with children
- Access to income-earning employment has improved, yet wide disparity exists between types of employment for men and women, with women prevalent in part-time work and informal economies
- Occupational segregation is rife – women predominant in jobs of inferior status, fewer women in managerial, high status roles
- Women remain trapped in insecure, low-paid positions



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CHALLENGES FOR WORKING WOMEN

- Stereotyping (women may be HR managers but not technical managers)
- Glass ceiling syndrome (women can be hired, but only at low levels and cannot be promoted to Top management)
- Double burden syndrome (women must balance work and domestic responsibilities)
- Revolving door syndrome (women may have short tenures at workplace due to uncomfortable environment)



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GENDER MASTREAMING IN THE WORKPLACE

- Gender Audit
- Mainstreaming Strategy
- Gender Policy
- Plan
- Implementation
- Monitoring and Evaluation
- Regular Reports



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RECCOMENDATIONS, BEST PRACTICES

- Gender sensitivity and gender equality in the workplace needs to be enforced by monitoring and evaluating its implementation. (HOD)
- Institutions should develop a focused gender equality strategy, with targets, and timeframes, integrated into recruitment, promotion, mentoring and empowerment interventions.
- Acknowledge need to address numbers **and** institutional culture to create enabling and supportive working environment for women.
- Create enabling work environment by having clear policies on employment, sexual harassment etc



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RECOMMENDATION AND BEST PRACTICES

- Wage discrimination should be abolished if there is any. Equal job, equal pay.
- Target “scarce skills” for transformation in traditionally male-dominated sectors, through education measures, learnerships, bursaries and internships.
- Important role of labour federations/unions in workplace to monitor EE compliance and transformation process, and use of CCMA and labour courts to mediate and litigate on EE, to enforce accountability and compliance.



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Thank You

HAVE A GENDER RELATED COMPLAINT ????
REPORT IT TO

0800 007 709

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