

Legislative and Policy Framework Gaps for GEWE

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Presentation Outline

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Constitutional Mandate & Obligation

Constitutional Mandate - S.187(1)

The Commission's mandate is to promote respect for gender equality and the protection, development and attainment of gender equality.

***Additional Powers and Functions prescribed by National legislation
S11 (1) of the CGE Act 39 of 1996 (As amended)***

Monitor

Investigate
Research
Educate
Lobby
Advise Parliament and report on issues concerning gender equality
Monitor compliance to Regional & International Conventions

PEPUDA Act 4 of 2000 obliges the CGE to institute proceedings in equality courts in instances of discrimination on the basis of gender

Vision and Mission

Vision

A society free from all forms of gender oppression and inequality

Mission

- Monitor, evaluate and make recommendations on policies of the public and private sector
- Information and educational programmes
 - Evaluate and make recommendations on legislation affecting the status of women
 - Investigate, resolve and rectify gender issues

- Collaborate with government and civil society
- Monitor and report on international conventions

Background Information

- ***The constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) and Bill of Rights – calls for equality for all before the Law.***
- ***Regional and International Instruments: SADAC Protocols, CEDAW, Beijing P4A***
- ***NDP and other pieces of Legislations and policies to address gender inequality***
- ***Establishment of the NGM and existence of a National Gender Policy Frameworks***
- Establishment of the **Department of Women in the Presidency**
- Implementation and coordination of all NGPF priorities be centralized in the DoW
- Strategic Framework for Gender Mainstreaming in the Public Sector
- SA Policy for women Empowerment and Gender Equality and WEGE Bill

Legislations and Policy Frameworks

Existing policies and legislation must ascertain that women can effectively participate in and benefit from development on an equal footing with men thus:

Gender equality should not be seen as a separate issue, but part of the goal of development and practices within institutions in general and DPWI in particular.

Practical needs: immediate needs formulated from concrete conditions (basic needs). Derived from women's condition within the gender division of labour. Reinforce reproductive role (access to water, food security, healthcare etc). **Does not challenge power relations**

Strategic interests: are political and relates to women's position in society in relation to distribution of power and access to resources (e.g. access to credit). Improving education, eliminating sexual violence, decision making.

WEGE Related Challenges

Gender relations: One of the key objectives in this process is the transformation of gender relations. The challenge is to shape the broad transformation project in a way which acknowledges the centrality and compatibility of the transformation of gender relations to the broader institutional change process.

Poverty: is a major problem for women in South Africa. Women are the face of poverty, The systematic and socially-engineered location of women in rural areas amplifies the challenge.

Access to basic needs: such as education, housing, welfare, fuel and water has also been influenced by unequal gender, race and class relations. The inequality of power between women and men has inevitably led to the unequal sharing resources such as information, time and income as well 4IR.

Access to employment: Differential access to employment opportunities exists. Whilst theoretically women currently have access to a broader scope of position by the labour market, these new opportunities are accessible to a narrow pool of women who have had access to skills development, education and training = GPGap.

Challenges continued

Globalization is an emerging world challenge. It is a system

of redistribution of opportunities and benefits which may enhance the economy or lead to rising inequality and aggravated poverty. The challenge for South Africa is to ensure that women benefit equally with other societies –tendering systems or access to employment opportunities.

Implementation of laws. Drawing from experiences from other parts of the world, South Africa has adopted sophisticated rights-based legislations with explicit reference to gender equality- compliance and implementation is a major hurdle. An important challenge remains in making these rights accessible to all women by the provision of information and the development of the knowledge and skills that women require to avail themselves of the mechanisms inherent in the legal remedies.

Gender Inequality is a major problem and its an enemy of economic development and social cohesion.

CGE findings in Public Sector

- Departments’ ongoing failure to address transformation viz gender and disability, and meet state target for women’s representation at senior management levels (50%), and employment of persons with disabilities (2%).
- DPSA claims departments are generally failing to report adequately on employment equity - lack of accountability and consequences.
- Issues relating to gender equality, employment equity and gender mainstreaming are categorized as human resource and corporate services issues – no dedicated gender or women empowerment units.
- No clear budget allocations for gender transformation; no supportive policies viz flexi-time/child-care/working from home; sexual harassment policy inadequate.

- Many departments integrated gender and disability sets of issues, rather than recognizing these as requiring individual attention.
- PSC 2006 analysis of gender mainstreaming in the public sector reported prevalent conservative attitude at senior management levels to issues of GEWE.
- Need to identify scarce skills in technical, finance and engineering, construction sectors impacting on appointment of women.

Employment Equity Hearings and Best Practice

- ✓ Non-alignment with legislative and policy frameworks, no culture change
- ✓ Review systems of bursaries offer, coaching, apprenticeship/learnership programmes and leadership development
- ✓ Executive training and mentorship programmes for women employees; incl career-pathing and succession planning; women's forums
- ✓ Some entities have set employment equity targets, ring-fenced posts; assigned responsibility for EE at a senior level, and integrated these in strategic plans, with monitoring interventions put in place.
- ✓ Some allocated responsibility for transformation, included this in performance evaluation processes.
- ✓ Several departments initiated gender equality awareness-raising within the workplace; inclusion of gender and diversity in leadership programmes.
- ✓ Some companies introduced flexible working environment – hours/home.
- ✓ KPA for transformation including in executive members' job descriptions; DPWI learnership programme and absorption of graduates into staffing structures; deviation of appointments from EE targets requires written authority, with M&E system in place to assess;

childcare and flexible working hours introduced; support for female academics to finalise studies

Need for Policy Interventions

Gender and disability measures included in PPPFA and BBBEE rating and company score cards, to compel companies to take these additional components of employment equity seriously.

GEWE legislation is required, to be imposed on the public and private sector responsibilities with regard to promoting GEWE, and establish accountability in this regard, i.e. WEGE Bill.

Stronger role and enforcement mechanisms for Government Dept and ME&R to ensure compliance; increasing penalties; emerging “Name and Shame and Praise” campaign.

Compliance by government departments needs to be enforced, and accountability for reporting and transformation clearly established.

Expansion of Depts review – of employment equity targets and strategies, affirmative action measures (recruitment, skills development, vision and targets), and the provision of guidelines for transformation

State should refuse to issue tenders and state business to companies which fail to comply with EE requirements

Possible Interventions

- Gender sensitivity and gender equality in the workplace need to become performance requirements for senior management
- Departments should develop a focused gender equality strategy, with targets, and timeframes, integrated into

recruitment, promotion, mentoring and empowerment interventions

- Departments should have clear policy – and apply this – sexual harassment in the workplace. This should be supported by widespread awareness interventions and effective implementation measures, to end impunity
- Acknowledge need to address numbers and institutional culture to create supportive working environment for women –flexi hours child care facilities
- Wage discrimination should be abolished
- 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.

Conclusion

Need to examine how institution’s organisational culture transform so that this promotes and supports women, and promote gender equality.

Innovative interventions are required to address the engendered disparities which impact on working women’s careers and employment options.

Without targeted interventions to address both women’s representation and experience in the workplace, we will fail to realize the notions of gender equality and non-discrimination outlined in our Constitution.

CGE taking up these issues in public hearings on

gender transformation and employment equity, with public and private sector stakeholders, to ensure accountability in this regard.

Reengineering of National Gender Machinery so that it can be strengthened for coordination and efficiency. There is also a need to review and update the National Gender Policy Framework and accustom it to the new developments within the international community.

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

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