

# 2012

## Provincial Hearings On Employment Equity and Gender Transformation

Western Cape Province



**Commission for Gender Equality**

A society free from gender oppression and inequality



**REPORT**

**Provincial Hearings On Employment Equity and Gender Transformation**

**WESTERN CAPE PROVINCE**

23TH AND 24TH MAY 2012

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## The employment equity hearings in context

The Commission for Gender Equality (CGE) has a constitutional mandate to promote respect for gender equality and the protection, development, and attainment of gender equality. This constitutional obligation mandates the CGE to monitor and hold any entity within public as well as private spheres accountable to their constitutional obligations. In this regard the CGE has undertaken to monitor the impact of affirmative action on employment levels concerning historically disadvantaged groups such as women, Blacks and disabled people.

In addition to the Bill of Rights in the Constitution which seeks to promote equity across all levels of society, South Africa is signatory to numerous international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Labour Organisation (ILO) Conventions, including the convention on discrimination. These initiatives demonstrate a commitment by the government towards addressing gender disparities in the workplace. In keeping with the aforementioned commitment, the CGE is expected to fulfil its constitutional role by conducting an evaluation of policies and practices in the employment sector and to advise the government of the day, employers, as well as the nation, on the status of women and gender in the South African workplace. This responsibility of the CGE is carried out without fear, favour or prejudice as promised in Section 181(2) of the Constitution of South Africa.

During the course of its investigation into the rate of transformation regarding an equitable representation of women and disabled people, the CGE took cognisance of various reports, such as the Public Service Commission Report on Gender Mainstreaming in the Public Service, business surveys and the Commission for Employment Equity Annual Reports. In keeping with the findings of the Commission for Employment Equity Report for the 2011 reporting period, it was found that at top management, Africans represented only 18,5%, while Whites represented 65,4%, with women making up only 19,1% of this occupation level. The CGE found similar trends. Against a background of gross underrepresentation of black people, women and disabled people, the focus of the CGE was to ascertain reasons for the miniscule levels of gender transformation.

The CGE found that the primary challenges facing gender transformation in the workplace were as follows:

- (i) A poor understanding of the obligations imposed in terms of the Employment Equity Act number 55 of 1998 (EEA), exists in the workplace.
- (ii) In general there is a lack of commitment towards promoting gender equality in the workplace.
- (iii) Employers are not being held accountable for non-compliance with their own employment equity targets.

- (iv) Enforcement and compliance in terms of the EEA is weak.
- (v) Adequate and quality support on how to achieve compliance with EEA obligations is poor, with a shortage of skills to promote the desired levels of compliance.
- (vi) EE obligations are regarded as a HR competency by most employers.

In terms of its findings, the CGE is convinced that gender transformation requires a concerted effort on the part of all stakeholders; which includes employers, Parliament (Portfolio Committee on Labour), the workforce, the Department of Labour and the Commission for Employment Equity; to collaborate in an attempt to empower and build a strong nation characterised by an equitable and representative workplace. Accordingly, the CGE trusts that its recommendations will not only assist towards promoting gender equality in the workplace but will also help in addressing inequality, poverty and unemployment as envisaged in the National Development Plan (NDP).

## 1. Executive summary

The CGE is a constitutional entity, relied upon to 'strengthen constitutional democracy'. The Constitution of South Africa, in creating a framework for a new society, has established a Bill of Rights in Chapter 2 of its first Constitution of 1996. This is premised on the desire for a free and equal society in all fundamental and material aspects of life.

The composition, powers and functions of the CGE are set out in Act 39 of 1996. The functions include:

- Monitoring and evaluating the policies and practices of government, the private sector and other organisations to ensure that they promote and protect gender equality.
- Public education and information.
- Reviewing existing and upcoming legislation from a gender perspective.
- Investigating inequality.
- Commissioning research and making recommendations to Parliament or other authorities.
- Investigating complaints on any gender related issue.
- Monitoring/reporting on compliance with international conventions.

In light of its mandate the CGE has embarked on a nationwide series of employment equity hearings inviting both the public and private sector to present their equity and transformation policies. The hearings in the Western Cape were held on the 23rd and 24th May 2012. On Day One (23rd May) government departments were invited to present and on Day Two (24th May 2012) the corporate sector was invited.

The main issues that emerged through the hearings are listed below:

- Demographic target for women in the WC is 46% – How does this compare with the notion of 50/50 representation?
- Legacy of male – and white-dominated sector. The average percentage of women in top management is 33-35% (Department of Health 40%); while women dominate in lower status/decision-making positions; Local Government reaching 4% People with Disabilities.
- Some entities have established a gender forum to implement women's empowerment strategies with representatives at Directorate level and are implementing gender action plans; coaching and mentoring; talent management; executive management training; bursaries; young professional programme; and technical internships.
- Some entities have introduced measures to encourage schoolgirls to consider career paths

traditionally dominated by males through awareness programmes, job expos and information days.

- Good awareness raising and presentations – to senior managers; monthly inductions for new staff; departmental awareness programmes; recognition awards; Department of Agriculture – compulsory diversity workshops; City of Cape Town set up a Men’s Task Team to assist in changing mindsets and practices; Men’s Week (Department of Agriculture); outreach programmes beyond 16 Days of Activism and Women’s Month (August).
- Recognition that gender mainstreaming training should be directed at senior managers, who are able to influence policy and budgets.
- Concern was raised that despite targets and interventions, many entities are still performing poorly in the gender transformation initiatives. This raises the question of accountability. The Department of Agriculture for example, includes the aspect of accountability with respect to gender transformation in the performance agreements of senior management. The Head of Department for Local Government has been tasked with the responsibility for gender transformation which the CGE commends.
- Some good departmental monitoring processes include the following measures: monthly employment equity statistics, quarterly employment equity meetings, a review of performance agreements, employment equity statistics included in recruitment and appointment processes.
- The issue of budgeting for gender, youth and disability remains a serious problem as this hinders the progression of gender transformation.
- Most of the entities who presented before the CGE indicated that sexual harassment and related cases are scarce. This begs the question whether internal measures are adequate to encourage staff to report sexual misbehaviour and whether the lack of timeous investigation and resolution of reported cases serves as a deterrent to potential complainants.
- The issue of having a wide pool of skilled individuals, especially for technical/highly specialised functions, was a major challenge for most entities as poaching / headhunting of skilled women in particular created a vacuum and depleted the already scarce skill pool.
- Lack of provincial coordination for human rights (gender, youth, disability and children) in the provincial government of the Western Cape poses a challenge to the coordination and support for gender transformation.
- It was highlighted that gender issues were an add-on function at district and institutional level and ultimately limit the sustainability and impact of programmes.
- It was noted that the majority of persons with disabilities were recruited through learnership, internship and recruitment processes.
- Very few entities have flexi-work hours and childcare facilities. The Department of Agriculture and



the Department of Health are the only exceptions as they have made provision for childcare facilities.

- Transversal recruitment policies do not adequately target women and people with disabilities.
- The focus should not be purely based on numbers, but also on the implementation of policies and the full participation of women as this creates an enabling environment.
- There is a need to disaggregate disability based on gender as well as the category of disability.
- Despite targets being set for recruitment and appointment, women still remain underrepresented in top management positions (10-20%), but have substantively increased in senior and middle management, representing an increase in the talent pool. People with disabilities continue to be grossly underrepresented.
- Extremely low turnover and attrition among non-designated groups at senior level remains a challenge and limit the opportunity for transformation.
- Sexual harassment policy and measures appear inadequate, in that few cases are reported. It would appear that employers need to review policies, mechanisms and awareness on such measures to determine why cases are not being surfaced and addressed.
- Shoprite Checkers presented a great model in their disability audit, outlining their disability strategy partnership with eDEAF, and creating learnership and employment opportunities.
- Distell (Pty) Ltd infused their responsibility towards BBBEE through corporate scorecards, and linked their performance review/bonus of all senior managers upon implementation and achievement of employment equity targets and transformation, as key performance indicators on individual performance scorecards. Sekunjalo Investments also highlighted that the performance appraisal of executive directors and CEOs of subsidiaries were inclusive of transformation.
- Distell (Pty) Ltd revealed that they were currently undertaking a policy review and disability audit initiative, so as to identify the barriers and gaps within the institution and to develop a good model to foster the development of innovative measures to assist women in balancing work and family life through flexi-time, providing childcare facilities/crèche/aftercare.
- Other entities have not taken on board, Section 9 requirement of EEA to review and audit policies to identify obstacles to women's employment and advancement, such as access to safe transport and childcare facilities.

## **2. Welcome and introduction**

Commissioner Kenosi Meruti welcomed everyone and introduced the CGE Team: Acting Chairperson Janine Hicks, Advocate Kamraj Anirudhra, Mr. Victor Mavhidula, Ms. Taryn Powys (Provincial Office KwaZulu-Natal), Mr. Keegan Lakay – Resident Legal Officer (Western Cape).

The Commissioner presented a background to the Commission for Gender Equality and provided a context for the proceedings, citing the mandate of the CGE and its context within the 1996 Constitution of South Africa. The Commissioner outlined the vision and mission of the CGE and spoke about the strategic objectives of this Chapter Nine Institution.

Ms Janine Hicks then presented the purpose of the proceedings, stating how the day's events would have flown. She also welcomed the Head of the Legal Division, Advocate Carien Pienaar, DDG for the Department for Women, Children and People with Disabilities, representatives from the Cape Argus and the unions represented. Ms. Hicks prioritised the importance of employment equity, particularly disability in the workplace. She noted that the CGE did not have to subpoena anyone in the Western Cape to attend these hearings.

### 3. Day One: City of Cape Town Metropolitan Municipality

Delegation: Mr. Nkosinathi Michael Siyolo (Employment Equity Manager)  
 Ms. Elise Madella (Head: Gender & Diversity)  
 Ms. Ann Koen (Head of Disability Management and Affirmative Action)

The prescribed oath was taken by the presenter Mr. Siyolo. In 2002 the departments combined and formed the Gender Department. The Head of Gender has 3 facilitators who deliver training whilst the Head of Disability is capacitated with 3 staff members. The City has 12 directorates with 25,000 employees. There are monthly meetings with the heads of these directorates and they are informed of the equity targets. The employment equity plan is utilised for the Western Cape benchmarks, instead of the national demographics. The total for women in the city is 46%.

There are a few women at level three management tiers. However, there are some directorates that do not reflect the diversity in terms of disability and gender. All level three management were included in the gender mainstreaming training and thus there are citywide initiatives to raise awareness about gender.

Like many other employers, the City faces the challenge of scarce skills. In areas of science, water and electricity these positions are dominated by males and there is a constant struggle to source people with the required experience and competency. This has been raised in meetings and those departments are required to present plans on how the required diversity may be achieved over the next five years. The City has made changes in the workplace to ensure the integration of women at all levels. For example, the wheelie bins are a new addition that enables a mechanised truck to lift the bins and empty refuse. Thus women are able to operate in this function without having to strain themselves.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	Gender & Disability Budgeting	The City of Cape Town does not have a situation where a directorate or department has an insufficient budget for gender and disability.
2.	50/50 Representation	The City of Cape Town is using the Western Cape demographics. The Cape metro demographics have a slightly higher percentage than that of the Western Cape, but it was still not 50/50. Reflecting on the economy of the active population for women in the Western Cape, it reveals 46%. That is the percentage that the City has set its target at this point in time.

3.	Timeframe for implementation and proactive measures	<p>The timeframe for the current five year employment plan that is currently being implemented, runs until January 2015. After 2015, whatever gaps are found in terms of the implementation will include those found in the current plan. Monthly meetings are held with the two Trade Unions in the City at the Council Forum, and any gaps not covered now, will be included in the meetings with various structures that are represented. The plan will then be amended to include these gaps but the current plan will run until January 2015. In terms of the senior management positions of the City, that will also be implemented as of 1 July. Recently, submissions were made in terms of the intention to fill the current vacant positions. A complete strategy has been put in place. The number of current vacancies has been identified and a posting for those vacancies has been advertised. So we await that decision. Currently there are 22 senior management positions that exist and those 22 positions have all been earmarked for equity designation in terms of the relevant categories.</p>
4.	Sexual harassment	<p>There are a number of sexual harassment claims and a record is kept of those. The City is not in a position to present those numbers at today's meeting, however records are kept of all sexual harassment claims. A meeting has been held with the executive director in Corporate Services and concerns have been raised about the length of time it takes to examine and resolve. The executive director has noted the concerns and has committed to follow up the cases.</p>
5.	There are 22 posts that need to be filled, how fast will the City be able to fill those positions?	<p>The 22 vacancies are vacancies that we have as of today or as of last month, and these vacancies are reliant on the directorates from the executive director to have the processes running so that the vacancies are filled as soon as possible. We're hoping the vacancies are filled within the next year, but with the targets that we're working on now, and I'm not referring to the employment equity targets but rather to performance targets, we have to give all directorates a 5 year target and in that year, if I can recall correctly, we're saying before the end of the next financial year, 9 of those vacancies must have be filled and the year after that, which would still be within our scope of equity plan, 18 vacancies would be filled. If there is a spillover, there will only be 4 vacancies that go into the new plan that will follow after 2015. We are however expecting to fill the 22 vacancies within the tenure of the CE plan.</p>

6.	Cape Town is mainly Coloured and has very few Blacks. In your city, how do you allocate the seats according to that background?	Yes, Cape Town is mainly Coloured, followed by African. That is why, in terms of the Western Cape demographics, you will see the very same picture. The population or the demographics percentages show that the City employs more coloured workers in terms of women and males, followed by African people, and whenever appointments are made, the City aspires to work or encourage the traits to recognise that and make the appointments as such. For instance, at the bottom of the scale, there is an overrepresentation of coloured males and African males. That is the category from where most people were appointed, but we intend to set the targets straight by looking at the benchmark for each and every category in terms of race, gender as well as disability.
7.	You indicated that your recruitment and selection does not necessarily target women specifically. Are we going to see that included?	It has been slow to conclude the process of the bargaining council level. The City interacts with unions, and in most instances, the unions themselves do not agree and it means no movement forward. There is currently a breakdown in the relationship at the bargaining council level and the City has not been able to meet for some time. The City has started an initiative for the review of the compliance with the Employment Equity Act and one of the local University professors has been contracted to facilitate that discussion. A review of the number of women employed will be dealt with at the local bargaining council level.
8.	Has the Time Management Framework been going on for a while? And does it make any difference at all when you look at the current state in terms of women in some of your high positions?	This resides in the training and development department, but we work very closely. The City is divided into two streams, or two areas. There is the senior management area moving from grade 14 to the city manager. The audit for talent management, the skills audit and the gaps for all the staff between those levels have been completed. Now those gaps, or personal development plans, are being referred to the individual staff members at that level. But the level below that is level 13 down to level 1. That is where the majority of the 25,000 staff reside.
9.	In terms of the City's Gender Forum, it is mainly a forum of low staff members. Are they going to be able to influence decisions that are taken at a higher level than they are?	The City acknowledges that the levels or the positions of people are important for representation when establishing the gender forums. It is important to have people with meaningful influence and decision-making authority otherwise it becomes a 'just talk' shop. There is representation from persons in level 4 positions, they have some influence. That is also where they struggle to get forums off the ground. So we do have representatives in level 3 which is fairly senior in the city, and also level 4.

<p>10.</p>	<p>Where is it going wrong? The City has coaching and mentoring and talent management and targets set, but why is the City failing to meet the targets? Is it because the managers are not being held responsible? Of the candidates that have gone through the talent management process, training, coaching and mentoring process, what percentage of those candidates have been women and persons with disabilities? Is the City able to provide examples of any success stories or outcomes? What happens to people who have been through that process? Do they stay where they are? Have any managed to be promoted?</p>	<p>It is not an easy journey. The City is quite huge, but we're doing all we can. The City Manager has been requested to speak to the various directorates so that targets can be met. That and the indicators that have been set, will be reviewed on a monthly basis.</p>
<p>11.</p>	<p>The City does not have dedicated childcare facilities. Why is this not something the City would consider? Would the City consider putting in place, dedicated childcare facilities?</p>	<p>Yes, the City is quite a location and the workforce is widespread and this is not a question that can be answered and responded to in a 'yes' or 'no.' For the City, it forms part of our women's empowerment strategy and what needs to be done, is to commission some kind of a study to inform us where to start. Not all of it starts in one location, like in many other workplaces. This needs assessment and we will inform you of a plan for implementing such an initiative.</p>

<p>12.</p>	<p>Has the City audited its policies to understand why women and people with disabilities are not entering, advancing, or remaining within the employ of the City? The Employment Equity Act specifically tasks employers with auditing policies and practices to identify barriers and obstacles.</p>	<p>The City has just embarked on a 'self-disclosure run' which started last year. This included a distribution of 25,000 equity EA1 forms to every staff member. Out of the 25,000 that were issued, the City received 15,000 responses. At that stage, the disability statistics were around 67-69. That has subsequently increased to 188, and that includes, not only the self-disclosure, but also the appointments of persons with disabilities. The City has about 1,000 holdings that were inherited from the previous dispensation, most of the holdings are non-compliant with disability. Targets have been set and it is required that reports are made to the portfolio committees on a quarterly basis of our disability indicators.</p> <p>A target of 60 holdings is to be audited per annum. During the previous financial year, ending the 30th of June, the identified 60 holdings that were audited for disability accessibility was completed.</p> <p>Reports are sent to the sub-councils on a quarterly basis in terms of disability transformation issues.</p> <p>The City's HR policies have been audited with the result that without exception, there are no barriers that are in the policy itself. The barriers arise in the implementation, which is in the practice. The City is meeting with the two unions so that they also create another level where they are able to identify other barriers or discriminating factors which are not evident to the City.</p>
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**Further Documents Required:**

- Disaggregated statistics for gender and disability of top and senior management.
- Last financial year statistics.
- Sexual harassment policy and statistics on sexual harassment: incidents, number of cases reported in the last financial year, how many of those have been resolved, and a sense of the outcome, the consequences of those cases.
- Recruitment policy.
- Statistics of mentoring, training, skills development, talent management processes, and what percentage of your candidates have been women.

#### 4. Department of Agriculture

Delegation: Ms. Joyene Isaacs (Head of Department)  
 Ms. Floris Huysamer (Chief Financial Officer)  
 Ms. Bongiswa Matoti (Director: Agricultural Economics)  
 Ms. Rashidah Wentzel (Director: Operational Support Services)

Ms. Joyene Isaacs was mandated to present on behalf of the Department of Agriculture and she stated that she takes full responsibility for whatever happens at the department. Ms Isaacs took the prescribed oath and proceeded to present on behalf of the Department of Agriculture.

The Department has an Employment Equity Plan and is currently drafting another. The Department has also concluded a macro structure in December 2011 and the matching and placing is currently in progress. There has been a request from the Department for an extension of three months to complete the Employment Equity Plan to include the new targets. The Department has a very stable employment situation and not many senior managers are moving out. For the past six years there has been very little movement at all. The current teams are all specialised in their area and function. With the redesign the Department aims to create more opportunities for women. In 2006 the Department only had two females. Two females have been promoted to director positions. The Department actively searches for female managers to apply for posts in line with the Employment Equity Plan.

The female managers are encouraged to attend executive management training courses that are presented by the province. The department boasts that it has had a human capital development strategy for 20 years and has childcare facilities at the head office and at all seven of the research farms. To encourage women's active participation in the workplace, there are flexi-time arrangements for women on return from maternity leave. The Department had a transformation management unit, but that unit has now moved to the Department of the Premier. However, the responsibility to ensure that transformation takes place still remains with the Department and its directors and management. At present the statistics reflect that there are mostly coloured persons from level one to eight and from level seven to twelve it is predominantly white. The Department has had a gender and youth budget for the past three years and fund projects for women and youth. There are two programs – Farmer's Support and development and rural development that have very specific external focus areas.

The Department has mechanisms and systems in place to monitor the monthly employment equity statistics. Transformation is a constant item on the agenda. In terms of recruitment, the Department has a transversal



policy and it includes women and people with disabilities. The human capital strategy is a 5 year plan, but there are different elements in it, starting with 3,000 primary school kids who visit the Department's farms every year to encourage these students to think about agricultural school. The Department also holds expos in schools in the rural areas and present at information days. The Department has a nursery program with 25 external nurseries. Through this program we fund veterinarians and ensure that the province has two new vets every year. The Department's internship program presents opportunities for students from the Cape Peninsula University of Technology (CPUT) to place 10 young people in the Department of which three are women. The Department provided compulsory diversity workshops for staff and students, and has identified core learning areas—about 10—that actually deal with gender and diversity awareness. This has since been discontinued.

In terms of additional support, the Department would like to include ideas on how to market the Department more positively and influence young people. Assistance with the development of bridging programmes for women and designated groups would provide creation of opportunities.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	Is the Department planning to put this Equity Plan in the next round – October or December 2012?	The end date for the EE plan was March this year. So from that the request for three months, was made so that it would be possible to build in the redesign of the macrostructure of the Department to include the new positions.
2.	Now that the Department is coming up with an EE plan, is it possible to achieve the 46%. Is the Department's selection and recruitment policy more vigorous than and present?	In view of the history of the department, there were previously no women on the team. Hence that baseline has improved from nothing to six. Senior manager appointments can only be made if there are positions of SMS. That has not only got to include the issue of women but of race as well. Thus the Department faces a challenge in seeking out the necessary specialised skills together with the equity requirements for those posts.
3.	In the responses, it is indicated that the Transformation Management Unit was transferred to CSC? And it was transferred with a budget?	It moved to the Department of the Premier—the people and budget for very specific things, such as the human capital development one, the Department retained the money. Thus even though some functions have been transferred, the Department still has to ensure that transformation happens and it therefore still retains the budget.
4.	The Department engages with high school students. Does the Department also engage at a higher level of education?	To get into management in the Department of Agriculture, one does have to have some basic agricultural training because the competencies include managing people that are technical. Thus the Department is investing in the level where it's honours and masters are and also at executive training which actually encompasses the different management issues people need in order to compete in next level.

<p>5.</p>	<p>How is the Department making results to make sure that it will receive the budget needed to fill up the posts? Within the Department, how do you make sure that women are exposed to training in order to prepare them for future employment as part of career planning? And financial management – in training, people in financial management – how, and how many, women are considered in this training?</p>	<p>The Department did not receive any money so it was decided to move some money from another budget to fill the posts. A decision was taken that the technical posts should be prioritised rather than the management positions as this benefits the farmers. There is a constant battle for funding.</p> <p>The Department does send women on executive training and financial management on different levels. The first level of training is with people in current positions and there is a training schedule in place that looks at also providing them practical training. Then there's the next level where people in the finance section and across other programs require finance skills. The Department has 125 internal bursaries ranging from finance to technical available for staff. The Department also strives to offer financial management training for non-finance staff and to improve the skills of technical staff too.</p>
<p>6.</p>	<p>How does the Department cater for people that are living with HIV and AIDS? The strategic plan has been finalised and launched with the programs. Sector programs such as agriculture being a sector, having to make sure that they recognise the strategic plan. What programs are in place to cater for strategic planning as required?</p>	<p>The Department has been quite vigorous in its approach to HIV and AIDS. There are programs both internally and externally through a service provider and there is on-site assistance. The Department has a Farmers Support and Development Programme which caters for the needs of farm workers. However, all these functions have now been transferred to the Department of the Premier with the Transformation Unit.</p>
<p>7.</p>	<p>Has the Department refinanced some of its budget so that it can ensure that more young women or women in particular are awarded bursaries or are able to receive other financial assistance?</p>	<p>The Department has put money aside that is prioritised for women. However, 'the bass are small and the competition is tough' and the criteria are that the woman have to have maths to be eligible.</p>
<p>8.</p>	<p>Are you thinking of making Men's Week in December more of an ongoing program?</p>	<p>The Department has appointed two senior managers (males) to consider programs throughout the year. The Department needs to broaden the program to include women as well, however there are some challenges with regards to talking about men's issues in front of women.</p>

9.	<p>It is noted that previously there was no policy for gender discrimination and sexual harassment it is only now that it has been put in place. Does this indicate that there was no necessity back in the day for such a policy?</p>	<p>The Department had gender and discrimination, anti-sexual harassment policies from the department but about three months ago received a transversal one. Previously the department had its own labour relations unit and had sexual and gender focal people to manage those functions.</p>
10.	<p>With the movement of the Transformation Unit to the Department of the Premier, does this mean that the final decision to appoint a senior position in the Department must be cleared through the Office of the Premier? Does this impact on your ability to drive transformation within your department?</p>	<p>Any senior manager that has to be appointed goes to Cabinet irrespectively. It's not only this government now. And there are reasons for that as one has the need to present in terms of our equity target, if there is non-compliance then reasons must be provided. Profiles are noted in cabinet on who has been appointed in terms of the EE and this is how it has worked in the past seven years.</p>
11.	<p>What happens once targets have been set, and have other structures within your department been filling posts and when there's non-compliance with the setting of targets, what happens then?</p>	<p>There are checks in place to question the appointments and linking it to the targets.</p>
12.	<p>In the presentation it was noted that there are really wonderful programmes in terms of professional programmes, executive training and bursaries. Could you please give us, for the last financial year, your statistics on the number of women as a percentage of candidates that come through those programmes?</p>	<p>The Department will submit these statistics to you in document form and it must be noted that over time there has been more than 50% women on these programmes.</p>
13.	<p>Would the Department be willing to share with the Gender Commission, the materials and programmes for your compulsory diversity workshops that run?</p>	<p>The Department will share these programmes with the CGE and other governments departments as well. It is a cost saving mechanism too.</p>

14.	Can you give us stats on the number of sexual harassment cases reported and how many of those were resolved and what the outcomes were?	The Department will supply the sexual harassment stats at a later time.
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### Comments from the Panel

The CGE hopes that by the time your draft EE plan and everything else falls into place, the energy that is being displayed in terms of the issues of gender equity will actually be seen in all those documents. The Department has indicated that it has EE deliverables that includes gender transformation, that those are also be contained in the performance agreements. The CGE has looked at the performance agreements, and unless it's the wrong one, maybe the Department should look into improving your weighting there?

The CGE commends the Department on the rigorous methods that are put in place regarding setting targets, monitoring and evaluating processes and setting accountability for that. It is really encouraging to see. The CGE offers capacity-building and sisterly support, so the Department can draw on the CGE's expertise. When the department convenes with its Men's Week and 16 Days of Activism programmes, please invite the CGE to participate in the programs. The CGE can send trainers and speakers for workshops and events.

### Further Documentation Required:

- Gender and youth and transformation budgets.
- Sexual harassment statistics.
- Diversity workshop programs with supporting material .
- Statistics on women's participation in your executive programs .
- Email presentation.

## 5. Department of Human Settlements

Delegation: Mr. Mbulelo Tshangana (Head of Department)  
Ms. Jackie Sampson

The mandated representative took the prescribed oath and presented as follows:

**Mbulelo Tshangana:** The Department was called the Department of Local Government and Housing. In 2010, the two departments were split. The provincial government embarked on a modernisation exercise in 2009/2010, which meant that some of the functions and resources had to move to the Corporate Services Centre. We used to have a fully fledged Human Resources Department. We used to have an effective Human Enterprise Risk Management Unit within the Department of Local Government and Housing, but after the modernisation, all those functions had to move to the Corporate Services Centre.

**Jackie Sampson:** As of March, the recorded statistics for males in the SMS Level or employed as a SMS member was 64%. Later on we will refer to the current statistics which indicates 57% female. The statistics of female employees have improved, but recorded for the end of financial last year was 64% male and 55% female. The Department has seen an increase in the number of female employees in SMS Level. In terms of disabilities, we currently have no disabled persons at SMS Level, but we'd also like to indicate that some people are reluctant to declare a disability at that level or as employees in general. Currently the recruitment and selection policy is guided by the Department of the Premier and the Corporate Services Centre to advertise in a particular manner and we feel the current recruitment process is not effective in addressing gender equality and even disability in the department.

The Department has a functional Employment Equity Forum. Currently there are 5 out of 8 members that are females and the representivity is indicated on salary level scale, and the non-designated groups are also represented. The Department has also established committees where issues of gender transformation are also addressed and discussed and input given at that Level. The Head of Department is accountable and the appointed EE manager, Mr. Francois DeWet, has the delegation to manage the Department's EE and the implementation of the Employment Equity plan. With each appointment, employment equity targets are noted and considered before making appointments. Then there is the appointment of specific committees to make recommendations, they are the panel when considering posts, or short listing.

All senior managers are responsible for ensuring the implementation of human rights issues as well as employment equity when making appointments. It is part of the core management criteria. Then we look at

how we create opportunities for advancement and development of women, not just at SMS Level, but from Level 9 to 12. Further to that, the allocated resources include the appointment of the Employment Equity Manager, as well as officials. The Department of the Premier has also been appointed to advise us.

The Department has an internal and external bursary program. The positions and careers in the built environment, particularly engineers, are occupied by males, so we are also looking at creating opportunities through awarding bursaries to create opportunities for females. The program is extended to external bursary holders, studying in those career paths. We as a department, highlight, address and track the issues of women. The Department of the Premier has a database of the work skills and with the database we can also track the movement of either females or people with disabilities. The system also aims to determine what the system's employees require to deliver outputs, consolidates employment requirements and compiles competence profiles.

We have got an action plan with specific target dates to implement our disability targets and to count on persons with disabilities to be appointed at senior management levels. The current numerical target for women at SMS Level is 46% with 57% being women and there are 3 vacant positions. We are looking at particularly targeting women to fill those positions. The recruitment and selections make provisions for preferential employment of women and people with disabilities. The following courses are offered at the Provincial Training Institute: Introduction to Junior Management, First Line Supervision, which has basic supervisory skills so that the lower management and middle management are then provided with the opportunity to train for the junior management courses and then the development program. There are specific courses designed for women in management and then the short executive courses are offered to all senior managers. There is a 10 module program to also enable us to improve our skills and training in public administration.

The Department has adopted a system of flexible working time. There are no childcare facilities provided within the department or physically on site. However, in order to ensure that family responsibilities are met, the provincial policy and working hours enable a 40 hour working week with flexibility in working hours. All employees have access to the employee health and wellness program. There is a program for employees to get counselling or assistance for personal issues so that it doesn't affect their work performance.

One has to constantly address gender inequality and discrimination. Traditionally administrative roles are filled by females and when males are appointed into that particular role, we must insure there is no discrimination against them. So the Department regularly implements information and awareness sessions on gender inequality and discrimination in the workplace, and these include sexual harassment information sessions. The 16 Days of Activism is when we implement our housing subsidy program by providing housing opportunities

to women. The new transversal sexual harassment policy has been reviewed and implemented in 2010. It's not just a distribution of a policy or process, but there are programs also to create the awareness. The sexual harassment officer has been appointed in the Department and that communication has gone out to everyone so that if there are matters to be addressed, people know that there is an officer that represents them.

Formal procedures relating to grievances and disciplinary measures are in place. Code of Good Practice—the officials and the staff are aware of it and there is constant training. Uniform and protective clothing for people who work out in the field is provided. Training and development policies have been referred to. As well as the already mentioned policies, we've got our HIV and AIDS policy, and we also participate in the provincial-wide policy for the implementation of that policy. We have a succession planning policy and career pathing. We also encourage mentorship and succession planning. Staff retention policy—we don't have a specific policy to retain staff. We do need to retain the scarce skills in the built environment. The Department conducts exit interviews to determine how we can improve staff retention. On retirement, if we have employees that are on track for retirement, there is job shadowing and mentorship as well as a program to help people adjust to retirement. I will refer to the sexual harassment policy. Policy pertaining to promotions and remuneration. The Employment Equity Forum—the records of this are available and also submitted for audit purposes.

Recently we met with the Department of Public Service and Administration and received some support and guidance on how to improve gender transformation. There are certain challenges that are transversal to all the departments again, the lack of provincial coordination for human rights. There are programs like the 16 Days of Activism where we do coordinate, but in general there is a lack. There are poor monitoring, evaluation and review mechanisms. We created the conducive policy environment at the departmental level, but there must be the opportunity created in the organisational province as a whole. We are very limited in that the recruitment techniques don't attract females or disabled persons. We advertise through newspapers and found that it's not adequate to attract the right skills or to meet our employment equity. Also, we are in discussion with Corporate Services, to look at more creative ways of recruiting.

There are now clear criteria set for the realisation of minimum education qualification requirements. Language is still a barrier in terms of recruitment and selection processes, especially in interviews. Again, there is a lack of a retention policy, and other than salary, how else can you retain skills in the department? We are so reliant on skills in the built environment and that is a challenge. There is a need to develop a process to track the progress of affirmative action candidates that are appointed on potential to insure that the candidate acquires the necessary skills. We'd like to establish an approved departmental structure with human and financial resources. Support in that direction is needed. We've got a relationship with the Disabled People of South Africa and there we see an opportunity to address our employment statistics, and also to extend our service

to the beneficiaries of our subsidies.

**Mbulelo Tshangana:** I just want to make one example about how we recruit. The majority of the skills that we are targeting are in the category which is classified as a scarce skill. If you advertise through your normal newspapers, or the government bulletin you won't reach your target group. Specialised recruitment agencies will be better.

CGE Panel Discussion		
No.	Q u e s t i o n s posed by CGE Panel	Response given by Delegation
1.	What do you need to do differently? You seem to be stuck with this 35% band at SMS that you don't seem to be able to go beyond. Do we have to wait for people to die or resign from SMS before we can transform? Is it that you don't have persons available to bring about transformation?	No response.
2.	What is your innovation in response to inadequate recruitment and sacred technical skills?	We find the majority of our skilled workers from recruitment agencies. I've signed an agency arrangement with the Development Bank of Southern Africa.



3.	<p>Can the CGE get your statistics on sexual harassment? The number of cases logged, resolved and what the outcomes were?</p>	<p>The Department has received none. In the year under review, nothing has been recorded. Response by Commissioner Hicks: That is a red light for the CGE and there is no cause for celebration. It's a matter of the Department really going back and checking whether the policy that is in place is well knowledgeable within, just to make sure that there aren't barriers that really make it difficult for victims to actually come out clearly and report sexual harassment.</p>
4.	<p>Could you give us the statistics of women's participation in your various mentoring, coaching, and professional management training?</p>	<p>On Africans, our target is 29.6%. Currently, we are at 27.5%, so the shift required is 2.1%. On Coloured, our target is 51.3%. We are currently at 54.7%, so we need to shift by 3.4%. On Indian, 9.9% is the target and we are at 1.6%. The Whites, we are under-populated, the target is 18.2%. We are currently at 16.2%, so we need a shift of 2%. Disability, our target is 2. Currently we are 3 out of 9. We need 9 to balance, so we've got 3 at the moment, but we've started a whole targeted program to address that gap in our gender. We plan to have that fixed by the end of July. Posts were identified, and we made a concerted effort to recruit in those positions. Under males and females, 53.9% is our target for males. We are 52.56%, so we need 1.34%. The female target is 46.1%. Currently we are at 47.4%, so we need to move away from the female percent. It looks very nice overall for the Department, but on those levels, it's not right.</p>

<p>5.</p>	<p>What did the Department come up with in order to address the following issues? The lack of provincial coordination of human rights; poor evaluation and review mechanisms; lack of clear criteria for the realisation of minimum educational qualification requirements; and the lack of the needs to develop processes to track the progress of female participation.</p>	<p>We need to utilise our partners in order to target the workers we are looking for. We've got a clear plan on how to deal with each of those challenges and we aren't lifting them for someone else to resolve.</p>
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6.	You have an HIV and AIDS policy, but have you developed an operational framework? You took up the DPSA Employee Health and Wellness framework. What have you done to make sure that you don't just adopt the DPSA policy framework, but rather come up with your own framework, guided by the DPSA framework?	No response.
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<p>7.</p>	<p>How are you addressing issues of occupational health and safety in the workplace. Is just giving the protective clothing enough?</p>	<p>We follow all the prescripts in terms of emergency exits and fire hydrants. On each floor we have safety officers. When we are in the construction business, that is part of the course to create a safe working environment. So all elements are in place in the physical building itself, and then extended to other working environments outside the building.</p> <p>Commissioner: In your own words you've indicated that there is a current recruitment and selection policy that does not sufficiently target gender transformation and that, in itself says that you must really go back and see what other issues you could include that would probably help enhance the situation. That also explains the challenges you have raised in creating a conducive policy environment for gender transformation. In terms of policy, there might just be some things that are lacking somewhere. For some reason, it looks like Section 19 of the Employment Equity Act is misread or misunderstood by most employers, because that section says, that as an employer, you must look inside your legislative policies and do an audit of those and try and check where the barriers are that are making it difficult for you to meet your own targets. The Commission keeps getting responses around the auditor general audits. These are not the kind of audits that are being referred to here. The auditor general's audits are more looking at CFOs and some of the processes, compliance and some of the issues. The kind of audit that is outlined in Section 19 is to ensure that most of the issues raised in terms of policy framework are not being conducive. That section really allows you to do an audit and say, "We've got a sexual harassment policy. Why are we not getting cases? Is there an issue there? We've got a selection and recruitment policy. We are not able to reach our targets as far as women and disabilities are concerned. What is the issue there?" These are the questions that should be asked to improve the responses to the questions about audits.</p>
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<p>8.</p>	<p>What measures has the Department put in place to ensure that companies that do tender work for the Department are themselves equity compliant? Do you take measures to ensure that for instance, woman-headed small businesses have access to and are able to obtain tenders? What support measures do you put in place such as training woman-headed businesses and enabling them to successfully qualify and receive tenders?</p>	<p>The bigger part of our budget is made up from the conditional grant from the National Revenue. One of the things we've picked up is that municipalities take shortcuts when it comes to procurement issues. We do have the power in terms of the project agreement to force the municipalities to comply. In almost all of the municipalities, we signed a project-based agreement with South African Women in Construction for not a very big program. It's about a 35-36 million rand project. The purpose of this agreement was to help most of the Western Cape women who are contractors, to move up the ladder. The picture does not look good in terms of the tenders and the contracts in municipalities and I don't think we can sit here and blame municipalities either because their accountability for spending lies within the Department. We get 1.7 billion rand and we allocate it to all the 25 municipalities. They are implementing the program on our behalf. They do the procurement and use the MFMA, so all that we need to do every time we approve a contract, is make sure that we put certain conditions there for municipalities to adhere to.</p> <p>Audience Member: I'm from the Department of Women, Children and People with Disabilities. We must make sure when we look at numbers, that there is proper participation. We shouldn't just be chasing figures in order to tick the boxes and say whether we have 50% or not. When we look at law reform, we find that wherever we look, there is legislation and there's no real need to reform the law, but it's a matter of implementation and making sure that it is enforced and that women are actually in a position to participate. Whether it is because they are skilled, or whether they've got experience. What is needed to allow them to actually participate? The second thing is that we need to designate women; which of them are disabled? What kind of disability so that we can do proper planning? That is one of the main things in the Department. I find it's no use just getting a figure of 30% women. They also need to know how many of them are disabled and what kind of disabilities they are looking at, because you get a large range of disabilities.</p> <p>The third thing is, I've heard about recruitment policies all day, and if there's input to ensure that specific people are targeted and so forth, but I haven't heard anything to ensure us that there is access to adverts to disabled people for recruitment. I'm thinking that people who are blind cannot read the newspapers and do not have access to the way people normally get recruited. Finally, we need to make sure that we do not look at gender equality just to get women on par with men. It's not good enough just to put women in a position where they have the same opportunities that men have. They should be skilled to function in those positions as well. Then I think about something you have emphasised all day. It's about childcare, flexible hours, things like that. They do not only need to be able to get the appointment, they also need to be able to function and there are special functions required to enable them to do that.</p>
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## 6. Department of Local Government

Delegation: Dr. Hildegard Fast (Head of Department)

Dr. Hildegard Fast presented on behalf of the Department of Local Government and took the prescribed oath. The staff profile of the newly established Department of Local Government changed drastically as a result of the different compositions of the 2 departments. We had a total staff number of 698. Local Government is 395 as of 2010 and the total SMS members are 21 for Human Settlements and in Local Government it was 12. We had to review our transformational agenda to bring in line our changing staff composition. We have a designated Department EE Manager. We also established an EE Consulting Forum. The EE trends are monitored and reported on a monthly basis to inform recruitment and development decisions. You'll notice that we have a 2 year comparison. When it comes to male/female, it's been more in favour of females in the last year. We're at 58% female and 41% male. At SMS level we have about 64% males and 35% females and that's very similar to 2011.

For the racial split, you'll see that African is 35%, Coloured 54%, Indian 1.75% and White 8.1%. For over-under, Whites are under as a whole and Africans are over. In terms of the racial split for SMS, the statistics are 14% African, 35% Coloured, Indian 7% and White 42%. There you see an overrepresentation of White and an underrepresentation of African. Then in terms of people with disabilities, we were at 5.2% in April 2011 and are currently standing at 4.35%.

We have targeted recruitment for women at SMS level. For our recruitment process, we have changed the way we sign off on appointments. During the short listing and appointment process, the EE Manager must provide his comments. We have a direct link between what's happening in the consultative forum, the EE plan and the recruitment. We are exceeding the target for women on MMS level. It creates a talent pool for career progression. We've got mentoring and coaching for women in MMS level. This is happening on an informal basis. We had a project designed to target persons with disabilities and to assist them in declaring their disability, because people are not always willing to do so. We have a database of people with disabilities for future recruitment needs. The CSC will be facilitating the replacement of an annual open advertisement to attract applications and in terms of mentorship and development programs, attract employees. PWD is something that we keep a continual focus on, but we are exceeding our targets, so it's not a huge concern to us. We want to maintain our current 4%. We don't have a special program because the previous program resulted in the dividends we're currently enjoying.

I am responsible for transformation, and we have an EE manager at SMS level. The EE manager is at Chief Director Level, and the Chairperson is acting Chief Director. This is because we wanted to elevate this position. The members of the EECF represent all of the employees. There is a service level agreement with the CSE to support us with our agenda. All SMS members have the responsibility to promote equity and transformation and to write this into their performance agreements. They are required to meet their targets within 5%. The Core Management Criteria comes from Parliament. The CSE monitors and reports transformations on a monthly basis. When we have a recruitment process, statistics are included; there are panel discussions, and at two points the EE manager has to sign off on the recruitment process, the comments and whether they are inside or outside trends. The EECF members are nominated by their peers. In terms of mechanisms to progress as mentioned, monthly statistics are provided and it tells us where we are at with each one of them. They have a very significant impact on our recruitment decisions and the monitoring decisions on behalf of the EECF. Every senior manager has a really good sense of where we are.

We have a transversal recruitment policy. It doesn't focus on women in particular and supports the broader transformation agenda. In our forum our recruitment processes are discussed and has a focus on the targeted groups. We are developing an extra mechanism so we can target particularly women in the SMS recruitment process.

We have the Executive Development Program and it aims to fast track career progression of target groups. We've had 8 professional women attend this since April 2011. We don't have Departmental childcare facilities however a flexi-time system is implemented which allows women to account for their domestic needs. In terms of awareness raising initiatives, specific focus is on the employment, development and promotion of women in August and then of course we have the 16 Days of Activism. We have a social committee focusing a lot on Women's Month and on the 16 Days. They plan a focused event for every day. Copies of the EEA are placed at strategic points and we have a very active EECF and a rating has been provided to the EE manager and EECF members.

We have a transversal sexual harassment policy and have a dedicated sexual harassment officer. In terms of collection and analysing the EE statistics, we have various programs that we've implemented like the Code of Good Practice, Employee Assistance, Disciplinary Code and Succession of Retirement Planning. We are doing well overall with women representing 58%. The middle management layer has more women than men, meaning that we have a talent pool. We are performing well on Persons with Disabilities. There are challenges if you have a male dominated environment in where it's not sufficient to reserve vacancies for women based on general skills scarcity. We have engineers for example, and there are very few women engineers around. We have recently appointed our first woman engineer to our staff. But we got that woman engineer from the

Department of Human Settlements. We can pretend to be doing well, but we all know the problem is there are very few female engineers.

The recruitment policies dictate against retention because of limited tools. An example is trying to retain somebody in the public service. We do not have the same tools as one has in the private sector. We don't have the same flexibility in order to retain female members of staff. Government recruitment policies are dictated by legislation that sometimes run contrary to what we wish to achieve. The transformation process is slow and there are certain job categories that are biased. You will however find that there's generally an evenness of representation.

In conclusion, overall gender in the Department is doing well. SMS level is still a challenge but we're still doing well for our targets. We're not worried about it, but constantly looking to see whether or not we can improve.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	What monitoring mechanisms do you have in place to make sure the issue of equity is catered for and what tools are you using to monitor your programs?	Our Employment Equity Forum has an EE manager. And then myself, a senior member who chairs the forum. We also have one representative from our HR and communication unit. The employee representatives—there's one employee from the groups: African, Coloured and Indian and one employee from the designated groups, Women, Disabled and White Male. Also one union member from each recognised union. The Department monitors the employment and diversity statistics monthly that gives a breakdown in terms of each salary level, as well as the gender and diversity split. It's informative of the recruitment and development decisions, specifically for a talent pool.
2.	How are issues of sexual harassment, which most of the time contribute to HIV and AIDS and STIs? How are they cascaded down and how are you training the managers and the people on the ground? How are they getting the information down to ground level.	In terms of sexual harassment, there is a policy. Sexual harassment officers are appointed. They have attended training for first level counselling and referrals. They also create awareness of what sexual harassment is and how to create that awareness among peers.



<p>3.</p>	<p>You've indicated that during Women's Month, you've got a Women's Week every year, and you have a specific training course that is often specifically open for women in management. Who do you target within your institution when you run those awareness-programs?</p>	<p>"Women in Management Week" is a week where we nominate or target women in middle management. These are generally women at deputy director levels that attend the training, in preparation for movement to the senior management echelon.</p>
<p>4.</p>	<p>The Department has managed to build a talent pool at SMS level, what are the opportunities for escalating some of that talent and potential from the MMS level to your SMS level? Are there vacant posts likely to emerge? Are you likely to see a ring fencing of certain posts to ensure that you are able to transform at that level?</p>	<p>We did have a coaching program that went to the MMS level and we trained MMS members to coach other people. There wasn't a particular targeting of women.</p>
<p>5.</p>	<p>Noting that skills are one of your constraints, what measures are you putting in place to build within that pool? Do you have bursary programs to try escalate school leaders entering into the necessary training to qualify for those kinds of appointments?</p>	<p>We've got two programs to address scarce skills. We've got the normal bursary program system. We make sure there is a balance in terms of who gets the bursaries. For other skills programs, we have an existing internship program. Again, in our recruitment process, we make sure we're taking cognisance of the need to appoint female interns. The interns are people who have just graduated with a Bachelors and Masters degree and cannot get jobs. So we offer what we call a technical internship for a year. It's at a high level and we reimburse to attract them. I don't actually have the statistics for that. With respect to how we develop the MMS level going forward, we don't have ring fencing. Many of the applications come externally and that sort of dilutes the effect of having a talent pool. We are therefore in the sense, developing a talent pool that can be of use in other departments or in the private sector, but it doesn't necessarily benefit us. We like to have a mix of internal and external promotions and that's a factor to consider.</p>

6.	With regard to your various training and developments, your coaching programs in particular, could you provide us with the statistics? What percentage of your staff goes through your training, mentoring, capacity building and executive management programs? How many are women and how many are men and let's also include people with disabilities here?	The coaching program was focused on SMS members, so it would have been the same proportion, male and female.
7.	Sexual harassment, please could you also give us that number of cases lodged, how those have been resolved, and their outcomes.	There have been no reported cases in the last year or two. There may be cases of people not reporting so we are conscious of this. I've given some thought to what is the best way in which to raise this throughout the organisation.
8.	Does the Department have a strategy to appoint childcare facilities and is it something that could be progressively realised?	In terms of childcare facilities, the quick answer is that there are no immediate plans in place to provide childcare facilities. It is not in our budget at all.
9.	There are contact officers that have been identified and trained in sexual harassment. This is a strength but it can also be a weakness in the privacy and confidentiality of complaints, as well as sensitivity of issues. How does the Department counter these effects and what kind of training is facilitated to train contact officers?	<p>The concern is noted. There is a safety net in the sense that we do have a grievance procedure whereby a person can lay a grievance at the Department of the Premier and that departments can do their own investigations. In addition, we have an employee assistance program which consists of a private sector service provider where a person can make an anonymous call and have the case reported and followed up. We want to share your concern that there are no reported cases. We have 305 employees and we know the sort of gender issues that are present in our society and given the high rate of women abuse, sexual abuse, violence and disrespect towards women, so it seems very unlikely that we have no cases. There needs to be some sort of awareness created.</p> <p>I think sometimes people don't lay charges because it is unacceptable cultural behaviour and that is because of the way men are and we just have to accept it. That is just typically South African. So it is a concern and one that I would like to address.</p>

## Comments from Panel

**Note:** The following is a direct transcription and may include figures of speech in the manner expressed.

The panel must commend you. Most departments and private companies are having struggles in the area of disability and it seems like you are doing very well. You are above the actual threshold that is put there of 2%. Like you said, the challenge for you is to keep it that way. Some of the responses that we got from you were a little bit difficult. With regards to whether your recruitment policies specifically target women, and women with disabilities for senior positions, your response was no. The Department adheres to the EEA. The act does not indicate that employers must specifically target women with disabilities, but rather all persons with disabilities and furthermore, the Department does strive to meet reprehensibly, the targets of the Western Cape. Women have been marginalised previously and employment equity and transformation demands in the workplace are actually looking at women and more at women with disabilities. On disability, we often fall into the trap of talking about segregating statistics. We say male staff members, female staff members, and members with disabilities. We need to further segregate that and say women with disabilities, men with disabilities. Within that sector there is further marginalisation and we tend to see men with disabilities advancing above women with disabilities. On issues of sexual harassment, that's of great concern to us. You've heard the issues that have been raised in sister departments and I'm sure you can realise that your department is no exception. There is sexual harassment going on in your department and the question that faces you, is why are there no cases being reported? Do you have adequate policy? Do you have awareness? I see you've trained contact officers.

You need to review how effective their training is. I think this should be a red flag. If you look at the AG's scorecard, that should be a red flag. That represents a failing. I think you need to address that quite seriously. On the point on why fewer women are available for senior positions – across the board, people are saying that they would love to appoint a female CFO but there are no women who make themselves available for this appointment. There's a range of international research on the barriers to women advancing within senior levels and the active issues are discrimination within the workplace that discourage women from going onto more senior positions. Heavy issues around the domestic and childcare burden and that if you want to work as a CFO, you've got to be prepared to travel extensively and work 16 hours a day. If you're at the sole care of the family, you've got schooling, meals and healthcare to consider. You've simply not got enough hours in the day and it could be quite discouraging.

The onus therefore shifts to the employer to see how to create a more conducive environment for women carrying these multiple burdens to progress within the workplace. I think that is why the EEA puts those proactive responsibilities on the employers to assess what the barriers are for women, people with disabilities

and people within those categories, to hinder them from progressing and retaining? From that sector, the burden shifts back to you to understand why we do not have women candidates presenting themselves. Is it perhaps a skills issue or a question of what measures we are putting in place to address that? Is it our policy environment? Is it the working environment? Is it a flexible hour issue? Take a survey and understand the blocks from employees within your department. In addition, look at your recruitment strategy as a tool for finding talented and skilled persons who could qualify for that post. It is one thing if you recognising a trend, but then you must shift back to yourself and the EEA.

#### **Documents Required**

- Disability statistics breakdown for men and women.

## 7. Department of Health

**Delegation:** Professor Keith Househam (Head of Department)

Professor Keith Househam was mandated to present on behalf of the Department of Health. He took the prescribed oath.

The Western Cape Department of Health supports international regional protocols for gender equality and gender mainstreaming. We are committed to the Millennium Development Goals (MDG'S) and the NSDA, focusing on three areas: Improving women's access to affordable healthcare; reducing child maternal mortality rates; and improving gender sensitive initiatives relating to HIV/AIDS and TB. This goes beyond increasing women's involvement, and also focuses on total healthcare for employees, the community and the broader society.

Our 8 point action plan is composed of the following:

- Transformation for non sexism.
- Creating a favourable environment for women's empowerment. (Most of our health professions are dominated by women in numbers).
- Creating an enabling environment.
- Incorporating gender perspectives and capacity development for women's advancement.
- Adequate human and financial resources for advancing equality and accountability.

The Department has adopted a value-based approach. We have done a series of surveys to determine what the values of our employees are and what values they expect and wish the department to have. It's been a collective agreement that we espouse the following values as the Department of Health: Caring, competence, accountability, integrity, responsiveness and respect. The current EE plan is the 5 year plan from 2007 to 2012. A new plan will be finalised by September. The goals of employment equity and related initiatives are integrated into the overall mission of the department, establishing a representative diversity, competent workforce. One of our major challenges is getting PWD but we have done well in other areas, i.e. establishing a non-discriminatory working environment, ensuring equal employment opportunities, and implementation of diversity management programs. As at 13 March, 2012 we had 20 males and 15 females. One year later we increased that to 23 and 34 respectively.

We have reviewed our recruitment policy and in certain areas we have a reverse need. In the nursing area we need to promote the appointment of men. In the technical areas it's a male dominated area although we have had some success in recruiting women in the Allied Health Profession which pertain to physiotherapy, occupational therapy, radiography.

We have set EE targets where the main reason for deviation from the targets is the level of capacity and skills. There's a human resource plan that sets out the targets and strategies in terms of recruitment, retention and management of staff, gender mainstreaming, and training and development issues. The EE Forum has consulted the provincial health and development sector bargaining council and the Institutional Management and Labour Committees where there have been significant discussions surrounding many of these issues.

Resources are allocated to support gender and transformation and to ensure that there is a fully functioning unit. Often funds are allocated to training and development. There is a coaching program for all senior managers, and for middle managers. In the middle management level we have a very significant representation of women, which is at a higher level than what we're seeing at the senior management level. Mentorship and capacity building programs are aimed at accelerating progression in women and disabled people. It includes an introduction to junior management, the various programs. We are going to run through them. We do have childcare facilities. It is more an issue of whether we should run these facilities, or look to outsource them as they are very expensive to run.

We provide assistance to balance the demands of work and family life with the health and wellness program. The ICAS Company that provides this service sees a significant number of employees with personal problems of financial, health and domestic strains that have a major impact on the workplace. The department regularly implements information and awareness sessions on gender equality and discrimination. The main issues relate to gender mainstreaming training that is done and issues of sexual harassment. I have a zero tolerance policy for any form of sexual harassment. In the numerous cases that have been dealt with, the sanction has been dismissal. If not, it has been either demotion or relocation of the offender. Intimate partner violence is another issue. We are busy with a very exciting program which was launched following research done at the University of Stellenbosch. If the person consulting (doctor, nurse) provides a space for women to come to our facilities for various issues and complaints, we found that it was easier for them to talk about any abuse which they had experienced. We must provide space in a normal consultation, where illness is a direct result of physical, mental or financial abuse, as a result of being a woman in a relationship. They can be identified and referred for counselling. This is something that we are piloting in the department at the moment.

The issue of mainstreaming HIV and gender issues. In respect of mainstreaming HIV and gender, the Department plays a role in interventions during the 16 Days of Activism for Women and Children. It has been my aim to broaden the representation of women particularly in senior management. The issue is that it creates diversity and a different way of interacting with each other if there's a more balanced dynamic between men and women. My chief director of Infrastructure is a professional architect and engineer and she is a woman. My deputy director general, who runs specialised hospitals, is a woman, and I think this brings richness to the management team, so clearly we're looking at improving that.

In terms of discrimination, we're focusing on the issue of transversal policy—the training of sexual harassment contact officers and information sessions. Although the initial anonymous complaint is made, when action is taken the complainant withdraws the complaint.

• **Challenges:**

- 1) The process at national level is not optimally functional as we would wish them to be.
- 2) The province is in the process of restructuring its gender and human rights forum, consequently there's been a delay in some of the processes.
- 3) We differ from other departments because the HR function is still within the Department. Gender is often an add-on function on the institutional level, and one must be honest about that.
- 4) The issue of monitoring and evaluation and reviewing mechanisms at all levels, is a challenge.
- 5) Recruitment techniques, methods and strategies are not aligned to the modern techniques and developments.
- 6) Language remains a barrier particularly in the Western Cape. Since the dominant language is Afrikaans and to a lesser extent English and with the rapid migration of people, there are population groups that move in and out of areas in the province whose home language would be Xhosa.
- 7) It is a challenge for recruiting and also for health service between the provider and patient.
- 8) Cultural issues can be added to that, like domestic violence.
- 9) The lack of a retention policy constrains a potential person from designated groups as particular groups are sought after and this contributes to job-hopping between sectors and departments.
- 10) There's a need to develop a way to track the progress of affirmative action candidates or employment equity candidates that are appointed on potential to ensure the candidates acquire the necessary skills and can perform.

• **Successes:**

- 1) There is an increase in the representation of top management. Ten years ago there were no women in top management at all.
- 2) We have a formalised structure which includes gender and disability.
- 3) We have documented strategies and policies.
- 4) We have increased the awareness and education initiatives.
- 5) We had a review session of our annual report last week and had a major session on maternal and women’s health, our shortcomings and successes.
- 6) There has been direction from CPSA and finally we’ve addressed gender dominated occupations through targeted interventions.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	Noting that within your responses you’ve recently undertaken to review the policy that addresses your recruitment and selection policy and that you’ve revised to now address employment equity, would it be possible to have sight of that?	We will most certainly provide you with a draft of the recruitment and selection policy and the numbers in terms of training, both for women in training and the sexual harassment cases and what happened there.
2.	Just noting the conversations with other stakeholders here who need to tighten their recruitment policy, if you’ve got an example of good practice, I think we would really appreciate seeing that.	N/A.
3.	It’s also probably for follow up, but the Commission is really interested in your women and management training programmes. As with previous presenters, could we please have statistics and numbers of women coming through your executive development and management training courses?	Refer to Response 1.



4.	Can you talk to us about accountability and where this lies and what happens when, employment equity targets and measures are simply not being implemented, or where there's resistance, how do you address that?	The fact would be that if we had two equal candidates, the candidate who promoted representivity would be the recommended candidate. I can say that certainly within the last three or four years, particularly in the case of increased representation of women, it's not been necessary as they've been the best candidates. On a monthly basis our EE stats are sent to managers to be held accountable. Maybe there should be some direct reference to it within the performance agreement.
5.	Please tell us what some of those interventions are, for tracking women with disabilities.	We have a special program that is driven in my office by Lynn Bauer and we identified individuals who were recruited. We start off with the learnership then we move into internship, and within this period of time, which takes a year to 18 months, we work through constant support and occupational therapists. We track the individual from the day he or she has been recruited through the program, until eventually the person is permanently employed. We had to sensitise our managers. We also have different forums to continue discussions.
6.	Were there new positions that were created or was the previous 23/15 also based on maybe some positions not having been filled at that point in time?	Yes, new positions were created. Within the district level we have employed district managers across the whole province and the majority of them were women. Many of them were in fact nurses and in terms of them being competent managers, they were employed on the professional basis of having been both a health worker and nurse previously. We can provide you with the organogram but I think it is a real increase of staff at the level 13+.
7.	Men that come to training are not afforded equal opportunities, because nursing directors are often female. How do you balance the two?	Our chairperson is about to retire and we appointed our first chairlady to the bargaining structure who comes from within. At the same time organised labour has at least three female members. We try to create balance to be absolutely sure that the issue of EE is discussed. On the EEF, we have a Level 12, a doctor and an occupational specific individual, form part of that structure. Many female nurses planning retirement will open space for males.
8.	In terms of the bargaining concept, with regards to people who sit on the bargaining council, gender equity is supposed to be put on the bargaining council. Has it even been discussed?	The sector bargaining council is both the council for Social Development and the Department of Health. The Department of Health representative is male. The Social Development representative and the representative from the Department of the Premier are female. Labour representation, I cannot really indicate, so I would say it's a 50/50.

9.	How do you identify people with disabilities?	To identify people with disabilities we started with a small audit within the department with questionnaires distributed to all employees to indicate and also to create some awareness and sensitisation. We also have our OT in the department to oversee the process.
10.	Can you expand more on the outreach program that the Department has implemented over the year for both employers and the public at large, not including the 16 Days of Activism and the month of August?	We have programs that run throughout the year. We have an employee health and wellness program that deals with issues such as stress, personal issues, family matters with children, and gambling. We have a number of these programs right now which are specifically focused on the issues of finance and people being in debt. Then we work as part of our gender focal group, with the people who serve on them. The focal people on the forum, focus on internal programs, workplace programs as well as external programs (programmes out in the community). So there is representation in terms of that. I would say that we have about 20 people that form part of the gender forum. They come from the various facilities or hospital districts or sub-districts. We have a relationship with a number of NGOs such as a woman's network and a service provider for people with HIV/AIDS. We are doing HIV/AIDS testing, as well as STIs and TB.
11.	Is your bursary policy attractive to young tertiary female students for other professions, or is it attractive on the tertiary level, in the sense of medical technology, medical forensics and other fields of medicine, besides nursing?	We will certainly say that our bursary policy favours women, not only for nursing, but for other categories as well. In fact, we've seen the change in the profile of our medical doctors and officers. There's a change because we have systematically provided more bursaries to women and also other categories of health. There are many more women in certain areas where for them I think that this could still be a challenge. For example, in technical areas, like artisans, etc. We tried, not through our bursary program, but we had an assisted artisan program where we employed people for a year. In the first round of 120, more than 70% were women. Because we were pro women, and in terms of the support and balance, it didn't quite work out the way we wanted it to. This year, again, we employed 140 people and we achieved a percentage of 60% men and 40% women, to finally get that balance right. So in certain areas where it is predominantly male in the private sector, there are still challenges, but we are concentrating and systematically working on that.

### Comments from the Panel

Commendations to this department for shifting your representation of women at senior management service level to 40%. You're currently among the outstanding from your class, where we're seeing averages of more about 32-35%. Your sexual harassment cases, we are in complete agreement with. We are really pleased to see that this department has got its head around this. You noted that in fact, the number of sexual harassment cases has increased, and you've noted that this doesn't indicate that there is an increase in incidents but it's more due to a greater level of awareness. It is great to see that there is this understanding again. Also, historically there has not been an office on the status of women within the Department of the Premier and we note that one of the challenges that has been identified is the lack of provincial coordination for human rights. I think we noted that and that is something that the Gender Commission will be taking up with our Women's Ministry around provincial representation of this function.

### Further Documents Required:

- Draft Recruitment Policy.
- Human Management Training Statistics.
- Sexual Harassment Case Statistics.
- Statistics on male nurses.
- Organogram of the Department Structure for Level 13 to 16.

## 8. Day Two: Distell Limited

Delegation: Mr. Vernon De Vries (Director: Corporate Affairs)  
 Mr. Shayne Roux (Group Manager: Talent & Organisational Development)  
 Mr. Thato Seloane (Transformation & Employment Equity Manager)

Mr. De Vries took the prescribed oath.

**Vernon De Vries:** We employ about 4,500 employees in South Africa alone. Our transformation program is driven largely by a Group Managing Director and our Chief Executive Officer for Distell South Africa. You will see that there are many policies that underpin and support our Employment Equity Program to make sure that there is at least a sound infrastructure for implementation of all the programs. What we have found is that although the T's have been crossed, the I's have been dotted. People have committed their minds, people send us reports on time, they send the numbers, and they engage when we talk to them about the numbers. There is however a complacent mindset. Halfway through our journey there were no mindset changes in most areas and we also found that there was a vast difference seemingly between the mind and the heart when it came to transformation.

**Thato Seloane:** I will take you through the current journey. The plan was put in place in 2007, and expires in June this year. In conjunction with the regional forums and management, we explored various themes and created many affirmative action measures. From this we realise there is a lack of female role models in top management, especially black females. In order to remedy this, we examined our strategies to identify the reason behind our lack of women in top management positions and further, identified our interviewing techniques and practices. Only 5% of those people we interviewed would be of designated groups, and 50% of those were black employees, and females.

We have worked towards expanding our interview base, as well as setting up internships. With the internships, we have set targets that 75% of the participants will be from designated groups and 3-5% will be disabled. For our development strategies we have also set targets in terms of orientation strategies; working on diversity; and accommodating disabled employees.

If you look at our performance, I'm sure you have been disappointed as much as I have been. When you look at the statistics, we are currently sitting with just over 4,200 employees. If you look at top management there are about 32 in total, senior management 65, and at middle management 384. In 2007 we only had one Indian male in management and at senior level we only had one African male and one coloured male and no Indian

males, so we have seen some improvement. We have had successes at maturing talent at junior levels. One of the challenges is that the talent is not maturing fast enough to get into middle management. The focus now is on populating the top three levels of management with individuals from the designated groups, both on the female and the disabled side. We have faced many challenges in transformation. In 2000 there was an exodus of mature employees, raising the average turnover at middle management and we were left with a fairly young management team. We had to wait for maturation and this took a long time which led to frustration from our PDI and females about the rate of transformation.

In our new analysis of our transformation journey we realized that in the next five years in top management there will only be one white male retiring, so there will only be one less white male in the next five years. At senior level, I understand that only three white males will retire so all in all there are only about four opportunities at that level available in the next five years. Those are some of the challenges that we're currently facing. The rate of attrition is not high enough to raise our employment equity vision and goals at the top levels. There are four main challenges that we face in promoting gender. The first is our targets. Our original target for employing members of the targeted groups was deemed too high by management and deemed unachievable, so there was a lack of compliance. There is also pressure in the manufacturing industry. There is always operational pressure to fill vacancies, and because of this pressure we have insufficient time to actually broaden the range of candidates. The pool for key talent is small and is getting expensive, so it is difficult to fill these positions correctly. Our location in Stellenbosch has also presented us with difficulties. Our black employees often find it difficult to assimilate into the local community and therefore we have had a difficulty employing black employees, in senior positions, that are based in Stellenbosch.

We have set up 16 regional equity forums throughout the country that represent employees from all job grades and there is a minimum of 10 employment equity forums per region. There is also a national communicative forum, the 16 chairpersons report on a quarterly basis on what is happening in the regions, so there are many eyes and ears monitoring our progress for employment equity. We have key group managers representing the organisation in terms of transformation; 4 directors that act as employee representatives; and as well, my position which is to oversee and drive transformation on a daily basis. Furthermore we have also allocated a substantial budget to support our transformation goals.

We also conduct regular awareness workshops on discrimination in the workplace and we have mandatory training sessions every two years. We take our performance and transformation management very seriously, and so we have linked performance bonuses for employees and management. Transformation is now reflected on individual scorecards as well as the corporate score card. Scorecards can have an effect on salary increases or decreases so we have set a serious incentive to drive transformation. We also have a monthly

monitoring system in which we track appointments and promotions in the organisation that allows us to track transformation throughout the organisation and the journey of people in our designated groups. We have made progress in the last few years. In 2008 we were at a level 8, close to non-compliant and in 2011 we are at a level 4, which is 100% compliant on the BE verification orders. Something that aided us in this progress, was our internal development programs aimed at accelerating career opportunities for designated groups.

From 2004 to 2011 we have identified and trained 758 key individuals in the organisation and of those 758, 239 were your PDI women. Of the 239 women, 132 were black women. Some of them were in mentorship and capacity programmes. In terms of coaching and mentoring, for all of our leadership developments, we assign a coach and a mentor to each and every candidate to aid them in their journey. In terms of disability, we have been engaging with an organisation over the past 10 years that helps us with disability and change management. The organisation brings occupational therapists into our factories and they look at how we can modify factories and whether we are able to accommodate disabled employees and furthermore, which kind of disability. We are going to invite them to our HR conference that is happening in the next month. We will give them half a day and take them through exactly what is it that they do, in the service that they provide. Our learnership and apprenticeships are accredited with SETA. With our internships, we take about 40 graduates per year in our scarce skills sections, which are mechanical and electrical engineering. On average we employ about 10 of those graduates per year. In addition to that, we have an external bursary called Trustoff, where we identify talented black individuals for our winemaking opportunities. We currently have 4 of those people on our team.

**Shayne Roux:** We are currently in the process of constructing our new equity plan. I'd like to take you through the methodology that we followed in constructing the new plan. This was preceded by a really rigorous process of identifying barriers in our organisation, we have revisited our policies twice and we are convinced that in terms of the policies themselves, there aren't any discriminatory practices inherent in the policies. In doing so, we recently invited our employment equity forums and senior line management to help us to particularly identify barriers around various themes. These themes include women at work and the barriers that women face in finding access to jobs. We also examined whether we have barriers either structurally or physically preventing disabled people from entering our workplace and access to other jobs. We also evaluated our own workforce profile and rigorously checked our active work population and identified which groups were underrepresented.

From that we identified a gap analysis and looked at the natural attrition picture where we were experiencing attrition, and used the information to project how we can best utilise opportunities in constructing our new employment equity plan for the next five years. The only real opportunities for top positions are retirement, so

we've encouraged management and the business to make sure that we seize that opportunity, to make sure that where we have an opportunity due to a retirement that it is filled with people from the black designated group. We have developed a number of innovative measures that we would like to share with you. One of the projects that we have identified in enhancing our diversity culture and eliminating possible barriers, is an employee proposition project that focuses on scrutinising the values, that we perceive, that we offer employees and vice versa.

We looked at initiatives around women at work, looking at work life balance, flexi-time and also childcare facilities. With regard to childcare facilities we have had a facility on one of our estates for approximately twelve years that is fully subsidised by the organisation. It was transformed very recently around January into an enterprise development project, and that has been a great success that we are extremely proud of. The next initiative is what we call the Transformation Journey Program. We have engaged a human service provider called the Human Capital Engine under the leaderships of Professor Jackie Kinwandia, where we're working on the softer level. Yes, numbers are important, but we believe that we need to create a shift on the level of people's hearts and also shift mindsets to try and eliminate the fear behind the transformation process and get everybody geared around why it's important to the sustainability of our business. In terms of various recruitment initiatives we are going to allow more time going forward in making sure that we broaden the range of candidates.

We are also going to scrutinise adverts more rigorously to make sure that there are no barriers in terms of qualifications, or perhaps the length of experience needed that might prevent people from applying for positions advertised. We will put that under the magnifying glass so that we open up the avenue of opportunity to employ more people from the black designated groups. We're also looking at coordinating and centralising senior appointments in the organisation, inviting referrals from staff to the top three levels and we're actively looking at the Distell employer brand. The next approach that I'm particularly excited about is the multi-tier approach that we've adopted in terms of constructing our new plan for the next five years. This has really been a bottom-up approach where we have intimately involved line management, senior line management, and employer equity forums to be involved in creating targets that they've set for themselves.

Then finally in terms of talent pipeline initiatives, we have recently implemented a new talent management process which has really been the watermark for us to surface talent throughout the organisation, making sure that we have people who are going to be ready for senior management positions. We are also re-introducing an upgraded senior management program during the course of next year to make sure that we're able to apply our minds to the top three levels where our main priority is. We are also engaging in job rotation, giving people experiences across the value chain, broadening their repertoire of knowledge laterally and

inadvertently making themselves more internally and externally marketable at the same time.

**Comments from the Panel:**

This is a really good plan, I am interested in seeing the outcome of the new plan. It has good measures but will it yield results? I am impressed with high level of accountability attached to transformation. Your starting place was bad in terms of equity, but we admire your commitment to change. If we look at your very top management you have 10-20% maximum representation of women in management and people with disabilities a total of 10 out of 4,000. From a purely statistical map you're not complying, but you must be congratulated with the approaches that you've taken. We invite you to draw upon us to join you to facilitate a discussion and to give a presentation as part of a workshop.

When looking at the statistics here you have 32 at top management, and only have 3 females. Looking at the race, this province is dominated by Coloureds, but you still do not have a single female coloured in your top management. We need transformation. What we need is for you to take action and this needs to be reflected in your organogram.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	When it comes to your transformation, awareness and sensitisation workshops, who do you target? Would you share with us an example of your programme? What kind of issues do you take people through? Could we see some of your materials that you use when you're talking gender transformation? What is your understanding of gender inequality and gender discrimination and how does that measure with the Gender Commission's understanding?	The targeted audience is the top management followed by the senior management, and you drill it down from there. We examine race, gender, HIV status, and sexual orientation, so it's a seven level continuum where we look at the hearts and the minds and try to marry the two to make business sense. We look at where we want to take our business and then address the human aspects along the journey. When we talk about the spirit of gender equality within the organisation we found people tend to do what they must in order to comply, not what they can, and as a standard item now at our board meetings, the managing director draws our attention to embracing the whole spirit of employment equity and gender equality. We've being doing a lot of digging deeper, we started at the top management level with the workshops so a lot of the spirit of gender equality is infiltrating the organisation now.



2.	Do you have statistics on sexual harassment for your last financial year? A number of sexual harassment charges were lodged with your entities, of those how many have been resolved? What are some of the consequences and outcomes of your sexual harassment cases?	We will send you details on the sexual harassment cases within the next 7 days, we do not have them today in front of us.
3.	Could you provide us with statistics on your bursaries, learnerships and apprenticeship programs? Of those, how many fit into the designated categories, with particular interest in how many of those are women and how many are people with disabilities?	We'll send you details in terms of various types of learnerships that we have in the organisation as well as apprenticeships.
4.	What is your sense of where the real blockage is and where do you feel your particular challenges lie in implementing what looks to be a program with great potential? Where do you think the risks are?	One of our greatest challenges at the top three levels of the organisation is our very low natural attrition rate. Our labour turnover rate at the organisation is 5%. We have almost no movement whatsoever at the top three levels. So a challenge is an obstruction due to people sitting in their roles and not having the opportunity to affirm those roles.

#### Further Documents Required

- Documentation of examples of sensitisation and transformation programs.
- Sexual harassment statistics and information on policies.
- Examples and statistics of learnerships, internships and bursaries.

## 9. Sekunjalo Holdings Limited

**Delegation:** Ms. Cherie Hendricks (Director: Corporate Affairs & Sustainability)

Ms. Hendricks took the prescribed oath.

Sekunjalo Investments Limited is a majority black-owned and controlled, investment holding company with international partners. The group holds strategic investments in marine; technology; health and biotherapeutics; private equity and enterprise development supporting broad-based black economic empowerment; and small, medium and micro enterprises. Sekunjalo is an investment holding company that seeks to empower individuals and communities through sustainable profitable investments. It provides affordable products and services to achieve this goal. "Empowering people through profits" is a key foundation of Sekunjalo's mission statement. The company recognises that the best way for business to be sustainable is to partner communities and government in a social contract to achieve economic growth and give more South Africans access to this growing prosperity.

### SECTION 20 OF THE EMPLOYMENT EQUITY ACT

- The Holding Company, Sekunjalo Investments Limited did not qualify previously under the Employment Equity Act. Subsequently, the Department of Labour has placed the group under review and the EE Plan is in the process of being formalised.
- Due dates have been submitted by the Department of Labour to ensure that all our designated subsidiary companies comply with the Employment Equity Act.

### GENDER TRANSFORMATION

- Performance reviews take place twice annually with assessments against an employee's job description.
- This assessment takes into consideration promotion and or further studies to enhance the candidate's performance.
- Preference is given to female candidates for new vacancies

### RESPONSIBILITY FOR GENDER TRANSFORMATION

- Chief Executive (black male).

- Chief Corporate Officer (black female).
- Human Resources Manager (black female).

## RESOURCES

- Skills Development Fund.
- Dr. Iqbal Survé Bursary Trust.
- Premier Fishing Bursary Trust.
- Study Loan.
- Learnership.
- Career Pathing.

## TRACKING MECHANISMS / SYSTEMS

The Group Labour Turnover incorporating the Monthly Human Report is submitted per subsidiary to review appointments, terminations and new positions available. It is the group policy to track changes by the Human Resource Manager on a monthly basis and report thereon.

## RECRUITEMENT POLICY

The Group aims to recruit the best people for the right job, proactively, effectively, accurately, timeously, fairly and in a legally defensible way.

We follow a non-discriminatory recruitment drive and preference is given to female candidates.

## MENTORSHIP / CAPACITY BUILDING

The Group uses the workplace as an active learning environment to provide employees with the opportunity to acquire new skills. Mentorship takes place on a one-on-one basis with individual candidates. Team building exercises takes place at various levels and staff attendance at seminars and lectures are encouraged.

## CHILDCARE / FLEXI-TIME

- Childcare facilities are not provided
- Flexi-time and working from home is provided for on consultation with direct reporting line.
- Employees requesting working from home are provided with a laptop and 3g card

## **AWARENESS ON GENDER EQUALITY & DISCRIMINATION**

The company promotes equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. An employee may not be unfairly discriminated against, whether directly or indirectly, on one or more grounds including –race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience belief, political option, culture, language and birth.

## **COMPANY POLICIES**

- Recruitment & Selection Policy.
- Disciplinary and Grievance.
- Code of Good Practice.
- Uniform and Protective Clothing.
- Training and Development.
- HIV/AIDS.
- Succession / Career Pathing.
- Staff Retention.
- Sexual Harassment.
- Promotions and Remuneration.
- Employee Wellness –no formal policy is in place but Employee Wellness Days are planned monthly.
- Succession planning –partly covered in the Reward Philosophy and Strategy Charter. (An independent Charter is being written which will be reviewed by the Nominations Committee for implementation.)
- Retirement Planning –no formal policy is in place but we adhere to The Basic Conditions of Employment Act.

## **CHALLENGES**

- Employees are not willing to further develop their career path.
- Members of staff who have been with the Group for 20 years or more feel comfortable in their positions and do not want to change.
- The above challenges make it extremely difficult for promotion and to open positions for entry level candidates.

## 10. Shoprite Holdings Limited

Delegation:        Mr. CJC Burger (Human Resource Director)  
                          Ms. Janine Truter (Head of Recruitment & Talent Management)  
                          Mr. G Van Straaten (Recruitment Manager)  
                          Mr. Maurette Mince (Group Training Manager)

**Maurette Mince:** We set ourselves a target of employing and training 1000 deaf students over the next ten years. In 2009 we piloted our first deaf project in conjunction with EDEF a company in Johannesburg and with SETA. They have got funding windows that we applied for in 2009 for the disability funding window and they allocated to us 40 deaf learners, 38 of which completed the program. It was one of the most successful disability projects ever run in the retail sector with a 95% success rate. We've put the disabled learners through a level 2 qualification to see how they were going to fit into our culture. The accessibility audit also provided us with information of which category of disabled people is easiest to appoint within the Shoprite supermarket environment. Based on the success of this project we set ourselves the vision of employing all 1000 of them. Our aim is to run a learnership over 2 years and then have a gap year where we train those disabled learners. We then train them to be coaches for the next intake of learners. In summary, we will take on 200 deaf learners, have a gap year, do some coaching, take on another 200 or 300 and so on, until we reach our goal of 1000.

Shoprite also commits themselves to employing 90% of all successful learners. We are currently offering about 20 different learning programs, which consists of learnerships and skills programs through our FET accreditation. The goal is also based on a bigger vision where we want to create some deaf friendly stores in the company where we take deaf learners and place them in selected stores where it is easy, with easy access. We then take on another batch of deaf employees where now we created a supportive environment for them. One of the success factors in this was the initial induction; we ran a very intensive sensitisation workshop in all these stores to prepare the line managers on how to accommodate people with disabilities. We also had special uniforms made for them, which says "I'm deaf, how may I help you", which is what they've preferred. They used basic little instruction booklets, even the customers started to communicate with them in a written communication, and we're getting a lot of positive feedback from customers.

As I said there are still a lot of barriers, and we are struggling to prepare them for when the trainers and mentors leave. We are preparing the stores and training coaches and putting more than one person in a store to support the other. It costs five times more to train a deaf person than a normal able person. So, a lot of money, resources and stipends that we received from the SETA went into this project. This year we've applied for 200 deaf learners, unfortunately the SETA only appointed 100 of them to Shoprite. Next month, on the 1st

of June our deaf project is starting. Other disabilities that we are also looking at for other projects are epilepsy, dwarfism, and a few other disabilities that can be easily accommodated in our environment.

According to our annual training report we've trained more than 200,000 individuals throughout our training interventions for the year. There were a total of 61,000 beneficiaries and in total 69% of those beneficiaries were women. You could argue that some are at low levels some are at high levels but we adhere to our employed equity targets. In saying that and all things being equal, we do give preference to women, disabled and the youth.

**Janine Truter:** The whole challenge is also around our working conditions, food retail is quite a tough environment, and it has long or extended working hours. We work in remote locations and sometimes people opt not to work there. You also need to be physically mobile to do a lot of the work that happens within the stores. At the top level there's a very low attrition and staff turnover rate. Our philosophy is not to go ahead and fire or remove people from those positions, so it's about creating a succession path for people to fill those positions that are in alignment with our equity targets. I've also found that our employees have different values, we all value different things, and there are extended working hours that don't necessarily align with 8-5. There are very specific belief systems, opinions, traditions and values that people have. This also hampers transformation.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	You were speaking about actively building the pool from which you hire women and my question is; when are you going to dip your toes in that pool?	N/A.
2.	You said that there were 2 employees in senior management with disabilities. Could you provide us with a statistic on that overall; and if you could aggregate that on the basis of gender and for all your interventions on disability?	N/A.

3.	You are going to be identifying and looking at potential managers from designated groups, and I was wondering, have you disaggregated and can you break that down for us in terms of gender and disability as well; just to get a sense again of your active building of that pool and promoting?	Will provide statistics.
4.	We're interested in responsibility, compliance and accountability of those overseeing transformation; and you've noted yourselves as being responsible. How is this planned? Does this reside within performance agreements? Does it form part of process management, and what are the implications for non-compliance?	We take responsibility for everything ourselves. We don't leave it in someone else's hands. I am personally responsible to report to the board and I'm taking responsibility myself. I sit with the union and the team and go through the policies and practices and decide what is hindering us and then make plans and decide what to do.
5.	What is the rand value? How are training and recruitment budgets utilised for recruiting and training people with disabilities? Would you be prepared to share the rand figure of that with us, either in this forum or as subsequent information?	We can provide that to you later.
6.	Are you actively looking and setting quotas, ring fencing, setting targets, and strategising to increase the level of people with disabilities in your top and senior management?	We go out and we sit with epileptic South Africans and they help us to identify the positions that we can in the long run, place people with disabilities in. We then go and find the people and train them for these positions, and therefore help bring them through the ranks.

<p>7.</p>	<p>I note that you don't provide childcare measures, and again this is a provision from the Employment Equity Act. They encourage employees to improve maternity and childcare facilities within the workplace noting that this increases promotion opportunities for female employees and promotes and increases the retention of employees within the workplace. Can you speak to us about whether this is on your radar at all?</p>	<p>Childcare facilities for us are not easy, from time to time we look to see what our competitors overseas are doing in America, South America, the East, Russia, and see what we can learn from them? Up to now we can't find one retailer with childcare facilities at the store level, and if somebody can do it right, we will. It is not something that we will stop debating. It is something that we will consider if there is an opportunity to do it. What we do with females and transport? We see how we can accommodate them and give them hours that suit them better. It is something that we had to decentralise to the level where the manager can see how he can assist and help people so that they don't have to travel that late at night. In other instances, we help to get transport, we find taxis that will come and pick them up at the store and drop them off.</p> <p>Commissioner Hicks' response to answer: Just because no one else is doing it, this is not a reason why you shouldn't. We can look to Shoprite to be a leader. You might want to consider undertaking an audit of your workers, employees and top managers that are affected by issues such as childcare, and what would be feasible. As well as for transportation, I would recommend that you take an audit of how many of your female employees particularly, are affected by access to safe transport. There could be a proactive measure to provide transport, to hire minibuses that take people to designated areas.</p>
<p>8.</p>	<p>You make reference to your sensitisation workshops, but they seem to be targeted at managers that are going to be working with people with disabilities. I was also wondering about whether you are planning or currently holding sensitisation workshops for top management and operation management? What steps are you taking to bring about a transformation in all of your workforce's mindsets and attitudes?</p>	<p>We put special effort into sensitising the stores with regard to disability. We've also got certain sections within our own induction program. So, we do some sensitisation to diversity in general; it's not a specific focus, but we do address it during induction. We also have leadership and development programs. This is also an issue that is being addressed but we could perhaps put more emphasis on that.</p> <p>Commissioner Hicks response to answer: I don't think that including a component on diversity in an induction program is adequate. There should be ongoing training, and it would be useful for you to consider developing an ongoing program and awareness around that.</p>



9.	I was interested in looking at whether you have a similar approach to gender equality; and if you have any programs, training initiatives, workshops that you've rolled out to sensitise your huge empire in respect of gender equality? If you have those programs and documents on training initiatives could you please share that with us?	We just recently had a 3 year investigation by the Department of Labour. We have gone through everything, and we've had to explain a thousand people's salaries to make sure that we don't discriminate based on sex or race. We've gone through that and have tried to filter the information through to all the levels of the store. We rely 60-70% on the representative unions to talk to them and we also have people in employment equity. We talk to the staff through them and make sure that we get the relevant information back. We then take action according to the information that we get back.
10.	Shoprite is a listed company on the JSE; we want to know how many of your board of directors consists of women both executive and non-executive?	To be quite honest with you there are no females on the board of directors. In the Shoprite Holding Company there are none, but I aware that between the chairman and the CEO, they are busy right now finding people and making sure that we get the necessary representation at board level. I unfortunately do not have anything further to report on that.
11.	When you procure goods and services, to what extent are you ensuring that suppliers of services and products are also complying with the Employment Equity Act?	We ensure that our suppliers comply with the Employment Equity Act. It's not that easy. It also affects our BBE score on what they do on their side, so it has a direct impact. We've recently done an exercise to make sure that we know what our scorecard looks like and we will within the next week or two get our information from the agency. We try to ensure that our suppliers have complied.
12.	How many employees does Shoprite employ directly, and how many employees do you procure from employment agencies? To what extent do you provide a pathway for those employees that you have procured from employment agencies to enter the stream of being direct employees of Shoprite Checkers?	We directly employ more than 100,000 employees. In our distribution centres we mainly use employment agencies when we require very specialised people with specific skills, like a driver. We rely on the agencies because they can draw from other sources and bring people with those skills into the business.
13.	Have you identified the problem of why people don't want to take the opportunities of moving to a higher level? Is it because there is a problem and that is why they do not want to go there?	People have different values, and they have different things that are important to them in their lives. Opportunities are there but it's about the person accepting the opportunity. For instance, if they are offered an opportunity to go and work in a remote area that's out of the Western Cape, and they have an existing job and it's good, they don't necessarily want to accept that opportunity.
14.	How do you monitor to see that one province is not actually being capacitated more than the other?	N/A.

<p>15.</p>	<p>It is noted that you don't have a staff retention policy, so I wonder is this an opportunity for you to look into that and document what you can do to actually ensure that you don't lose staff members? I am not particularly happy about your sexual harassment policy. We would like you to give us information on your annual turnover of staff and desegregate that information for us by sex, so that we can see clearly how many women, and probably men and obviously if people with disabilities are included.</p>	<p>We have practices and procedures on what we do for retention to make sure that we keep people within the company. These are debated on an ongoing basis at top management because at the end of the day the business is only as strong as the people that are in the business, so if we leave the door open to a position then it's our loss and their benefit. So yes we do everything possible.</p>
<p>16.</p>	<p>I want to get information in terms of the cases and incidents that you have of sexual harassment. Do you have a designated person that deals with issues of sexual harassment spelled out in your policy or in practice? Is there a designated person that a victim can internally elect to say I've had this issue but my manager or my immediate supervisor is not doing anything about it?</p>	<p>The sexual harassment policy is also something that we debated with SACO because we don't want a sexual harassment policy that is being written in a nice office in Brackenfell and then sent out. It's something that we believe that we must discuss with our staff and representatives, and they must be happy with our policy. The reason why the CCMA is mentioned in the policy is because the union is saying that yes, as a backdoor, you can report sexual harassment to the CCMA if something is not handled appropriately internally. For the financial year up to now there have been 14 cases and of those there were 12 dismissed, one case was thrown out and one was referred for counselling.</p> <p>Keketso Maema response to answer: My argument to you is not why you've mentioned the CCMA. Of course in terms of the law you have to mention the CCMA as the next level. My issue is that you have put it blatantly that there could be possibilities where management fails to convene during an inquiry even though there is a sexual harassment complaint. Is there a specific person designated to deal, within your company, with sexual harassment cases?</p> <p>Response: From our point of view we didn't see a reason to put it in because we believe that our managers deal with it appropriately. If there's unhappiness there, it will be routed through the HR Department because from there it can be referred to line management or to HR personnel. Alternatively they can route it through the HR department and up to me.</p> <p>Keketso Maema: Can we have that last line clearly stipulated in your policy?</p>

<p>17.</p>	<p>In the minutes of employment equity meetings, a Cynthia Joyce objected to removing sexual harassment and HIV/AIDS prevention and wellness programs from the barriers and action list because she believed they were addressed. We would like clarification on what was actually being discussed there, as well as when Mr. Burger queried why disciplinary measures was on the barriers and action list, and its relevance to employment equity. Do we have the Outcome Report of the Department of Labour's investigation into income differentiations that Cynthia Joyce requested?</p>	<p>Cynthia Joyce asked us to take it off, because the two policies have been written. We've agreed about the two policies, so it's not a barrier anymore. That is why she asked what it was it still doing there. "Take it off the barrier list, it isn't a barrier anymore." They are happy with the sexual harassment policy. The disciplinary measures were just something that we discussed. It was mentioned by the union that the disciplinary measures might be a barrier and all that we discussed was that is was a barrier for employment equity? It was said "Listen, it might be something that you don't like. It might be something that we are not doing correctly, etc. How can discipline be a barrier to employment equity?" That is the reason was why it was mentioned there. We couldn't work out what could prevent us from moving outwards from awareness on a sexual point of view to improve discipline. I'll have to come back to you and provide you with the outcomes report of the Department of Labour's investigation.</p>
<p>18.</p>	<p>You showed some numbers for training where 71% of females have been able to get into that category; I'm interested in knowing what the areas are?</p>	<p>It's a 15 month program of which the first 12 months are a learnership. A training manager will go through 6 different departments in the store, starting on groceries, non-foods, foods, administration, sales and so on. After the 12 months they do Shoprite specific training, which is not part of the learnership, but the total program is 15 months. Then we allow them to specialise in a certain area of their preference for the next 3 months. Within 18 months we monitor and track them to make sure that have been appointed as assistant managers. We have started to implement bridging programs before we kick off our learnerships. It's a 3 month program where all our learners first go through an 'introduction to the world of work', and an 'introduction to retail and basic life skills'. We normally recruit our learners from that database and that has really increased the retention rate of our learners. We say, that if you can make it through those bridging programs you will survive the retail environment.</p>

**Comments from the Panel:**

Your presentation on your work with disability, it's among the most focused and innovative work, that we have seen. We recognise the increased representation of women in your management and leadership structures. What is particularly encouraging is your increase in women's representation in operational management. You are sitting around 41% which is great and you're sitting with 44% women at middle management which is also great.

A strong recommendation is that you review and revise your policies to assess where those gaps and barriers and obstacles are, that might in turn address your concern about failure to retain skilled and trained employees. You could then have the findings on why they are leaving the company, what the obstacles are, why they feel they need the company and what measures should be put in place to retain them. In relation to sexual harassment, I've noted that you've got a code of conduct that specifically outlaws sexual harassment. I'm just concerned about awareness around this in the workplace. I would just encourage you to consider implementing greater awareness measures around what constitutes sexual harassment.

**Documentation Needed:**

- Numbers on sexual harassment cases, including withdrawn cases.
- Disaggregated data for your annual staff turnover, desegregated by gender and disability.

## 11. Vida E Café

Delegation: Mr. Robert Lang

**Commissioner Hicks:** Noting with concern we received the written responses to the questions we provided and we found it most curious that the responses came under cover of the letterhead of your attorneys and not the office of the CEO or the Transformation Manager of your institution. Could you perhaps just answer to that before you commence?

**Robert Lang:** We've only received communication of this through our attorneys. We're unsure of the processes involved with regards to how we should respond.

**Commissioner Hicks:** I believe the correspondence in the invitation was directed to the CEO of the company, we'll follow up on that.

**Robert Lang:** I just want to take you through a brief history of our organisation and where we are at the moment with regards to how our business has grown over the past 10 years. We strive to serve the best espresso; always espresso based café, as well as the best atmosphere and food on the planet. Those are really our key focus points with regard to our business and how we drive it. Our management structure is very flat. From an employment policy point of view, Vida E Café, PTY Holdings believes that all persons are entitled to equal employment opportunities, and does not discriminate against qualified or non-qualified employees or applicants based on race, religion, gender, pregnancy or disability. We have a progressive HR policy, which is reviewed and updated continuously. We have active policies in place to identify potential employees and assist them in acquiring skills required for senior management positions and other administrative positions within the company. We periodically review positions available within our company, existing and new. We either promote from within or employ externally based on ability. We carry out periodic reviews with our respective heads of department and they are mandated to look for potential female employees and promote where they can.

Our code of conduct, we believe is progressive and in line with the Race and Relations Act. With regard to gender, our code of conduct makes provision for penalties of sexual harassment and we regard matters of such gender discrimination and sexual harassment as serious offences. Our code of conduct continues to be effective as our policies are fully explained to our employees at induction. Any updates of our code of conduct are communicated out and when required. Our company has never received a complaint with regards to discrimination or sexual harassment.

We actively employ from a grassroots level and provide the necessary training for employees to acquire skills that allow them to progress within our structures. It is a successive policy that ranges from when we employ new employees. We have successfully been able to train and promote females within our company. We offer job-shadowing opportunities at all levels of business to both males and females. Looking forward Vida e Café is currently in a growth phase with regard to new business development. Our growth is focused on many aspects of our business from stores to retail environment, to production and logistics. This growth will and is creating more job opportunities for male and female applicants.

**Comments from the Panel:**

Vida e Café is probably in one of the worst position because the Commission had a number of issues dealing with your office in terms of your company only employing males. As much as you aspire for gender equity there is a problem of resistance. Look at the organogram and it is males, this is not balanced at all. The Commission is not impressed at all with your document.

CGE Panel Discussion		
No.	Questions posed by CGE Panel	Response given by Delegation
1.	What is the size of the company? How many employees are there within the Vida e Café family?	Vida e Café currently has 420 employees. At the head office base - 27 and the rest are retail store based or in our production facilities.
2.	Would you regard yourselves as a designated employer in terms of the Employment Equity Act? You've indicated that you do not have an employment equity plan, what is the reason for that? A designated employer is someone who employs an excess of 50 employees, and we want to know why Vida e Café does not have an employment equity plan? Do you realise you're non-compliant?	I didn't respond to these questions personally but we do see ourselves as a designated employer. It's more referring to the policy of employment equity that we haven't got the framework in place.

3.	A complaint against Vida e Café was lodged with the Commission for Gender Equality. Can you confirm whether Vida e Café has a proactive policy of not employing female staff within your staff fronts? Would you clarify for us exactly what is company policy around employment at that level and what the rationale is for that?	<p>Since I've been working with the company we very rarely receive CVs from female employees or female applicants wanting to come into the business. From a policy point of view it's not that at all. We've got an operations manager in Angola who is female, who has been ratified through our board of directors. So I wouldn't say it's our policy. It's more the progression of things, like we said we don't actively seek out male or females it's who comes forward with regards to jobs that are available.</p> <p>Commissioner Hicks' response: The CGE finds it hard to believe that Vida e Café doesn't have any female employees in your shop fronts because no women apply, when in fact the very complaint that emerged was when someone complained that women would not be appointed. So the Commission would like clarity from your CEO and your MD on what that policy is.</p>
4.	Could you give us the numbers of the rest of Vida e Café staff count, as well as statistics so the CGE can see what is happening?	I could supply that to you in document form after the hearing.
5.	Is there some formal strategy to ensure that gender transformation happens in your institution? Are there mechanisms in place to track the movement of women, and women with disabilities to senior management or top management positions?	The policies are pretty loose. I think that you will be able to see that from what we've presented and also by how we operate our business which is at a hands on level. Our management structure is very flat. We have always struggled to keep the business going and I think that through that our HR policies and procedures, haven't always been the core focus of what we've been trying to achieve.
6.	You've indicated that you carry out periodic reviews, is this monthly, quarterly? And what happens? Who is responsible if nothing happens?	We do quarterly reviews where each head of department goes through a KPR structured meeting with their respective employees in their departments. We obviously go through to see how they've progressed and whether they attained certain goals and future development plans.
7.	Are you allowing your people to belong to labour unions?	Vida e Café has no problem with labour organisations coming into the business at all, it just hasn't happened.
8.	Page 3 Part B on Vida e Café's policy: it says the store manager or regional manager must issue the written warning to the employee in the presence of witnesses. Is this a formal sitting or are they just asked to sign a final written warning?	Step 1 is the verbal warning; the formal disciplinary procedure may be initiated by verbal warning, with a disciplinary action afterwards and be documented with a witness present. We find having witnesses present, is just a good practice.

9.	On page 19, Step 4. Severe written warning, and final written warning, what do you mean by this, what is the difference between severe and in what case?	The severe written warning which is very rarely issued is more surrounding mitigating circumstances. We take into account length of service and any other mitigating circumstance with regards to the disciplinary procedure. We will issue a severe written warning as opposed to a final written warning which could be dismissal for the same offence.
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**Kamraj Anirudhra:** It's impressive that every other entity and organisation that came here never had the necessity to bring lawyers, attorneys or legal representation. They came forward voluntarily and the CGE had an engagement with them. Vida e Café chose that route for obvious reasons. The Commission recognises the right to legal representation, there is an inference that leads to a need to draw from that and we will draw that inference. The inference that I'm going to draw from that flows from what the chairperson has requested. Vida e Café is non-compliant with the law and have broken the law, there is a penalty associated with that. Thus this non-compliance will be lodged with the Department of Labour and the CGE will follow up on that. Point 1: This is placed on record and therefore I hope it is noted and that your attorneys are advised accordingly. Point 2: This Commission will not give legitimacy to your presentation today and adopt what is being said that this is going to be a more fact finding mission. As the Chairperson has advised, you are providing the information under oath and we will take it as such in good faith, but we are going to review our position with the information provided and your responses today. The Commission cannot treat you on the same level as other organisations have been treated because of Vida e Café's non-compliance with the Employment Equity Act.

**Robert Lang Response:** We are welcoming active engagement with the Employment Equity, I will definitely go back to our board of directors and our attorneys and we will come back to you with any information that you have requested.

**Commissioner Hicks:** The Commission is inclined to draw the line there. What we want to note, recognising that the emphasis and focus has been on growing a business and growing a brand and keeping people employed and that's what businesses do. You are still a company and a business within South Africa and are obliged to follow South African legislation and join the rest of the South African community in terms of addressing this spirit and the values of our Constitution and building equality and promoting non-discrimination, and proactive legislation such as the employment equity legislation. This requires of an employer to put the necessary measures in place, so the Commission is inclined to not open for further questioning around measures because the sense is that there aren't any. The Commission is going to go one step further with the Department of Labour and propose that they consider inviting Vida e Café to be placed under DG review. It is



a very constructive and empowering process where the Department of Labour assists to ensure that there is compliance. There are penalties associated with not complying but then the Department of Labour works to assist you in getting necessary policies and targets in place. The CGE does extend a hand and indicated our willingness to assist in terms of reviewing policy, giving presentations. We welcome that you draw upon us, but likewise we are mindful of our mandate to monitor and advise where there's non-compliance.

**Robert Lang:** Thank you for your time. I appreciate your feedback and we will definitely take it further from here. Thank you.

#### Further Documents Required

- An employment equity plan submitted to the Department of Labour.
- Documentation of staff breakdown in terms of race, gender and disability.

## 12. Interaction with Audience

**Advocate Carien Pienaar DWCPD:** This whole process was a kind of enlightenment to me and I've learned that it is actually imperative for my department of Women and Children and Persons with Disabilities to engage constantly with the CGE. I do want to say that from this experience I've seen the discrepancies even from our department in terms of how we comply. I'm seeing that the CGE is able to actually be instrumental when it comes to non-compliance. My question is, if there is no tool to enforce compliance, what should then happen?

**Anna Louise Coetzee FEDUSA:** I will start with the first presentation from Distell, thank you very much. It was quite detailed. The only concerns that I do have at this point in time are on succession planning. I feel that the stats that have been provided are a bit disjointed at this point in time. The frankness and the openness are appreciated. One thing I would like to focus on though is your people development strategy, there's a continual focus on middle management. We do believe that even though taking into accounts the nature of the operation of your company there should be a lot more detailed focus on the unskilled and the semi-skilled sector of your employee work force. It's also very welcoming that there is large scale sensitisation; however, I also would request that you consider the rural population of Stellenbosch as candidates for your internships. Sekunjalo, once again the issue on succession planning. I do take due cognisance of the fact that it has a very good staff complement however, I am a bit concerned that it seems like a very good Utopian kind of thing that is being presented here. The Commission would like to find out from people who are so comfortable in their existing positions and not necessarily feeling the need to progress within the organisation, what would happen if there was a bit of a gap in the top level or the senior management structures. Would they be able to effectively insure that there's continuity in the organisation without any major disruptions to operations at that stage?

Then lastly just on the Shoprite presentation, highly commendable in terms of the strategies that are being implemented at this point in time, specifically taking into account people with disabilities. I would however like to emphasise the fact that a lot of the companies are focusing on investing in human capital and return on investment can be remarkable. I realise the costing involved here, as was mentioned it's five times higher than that to train disabled people than able bodied people, but please take into account that factor. I am concerned about the fact that turnover training was 200,000. You don't however indicate what your total complement of your staff turnover is and what relation, or what the proportion is in terms of that 200,000 amounting to the overall figure. As one of the commissioners also mentioned earlier on, the Commission is taking into account any kind of assistance to employees at the end of the day because it is well known that even though Shoprite would like to improve customer satisfaction at the end of the day, the stores do close

at nine pm and a large majority of your employees are females, taking into account now the Western Cape. It was Distell or one of the other presenters that made note of employee wellness programs and all kinds of assistance and Shoprite could learn from that too.

**Adv. Carien Pienaar:** Just to highlight another dimension that I haven't heard today, from where we sit at the Department of Women, Children and People with Disabilities, is to look at people from rural areas, and to include them in all of our plans and projections. I'm speaking specifically to people from rural areas and not to rural people because we're trying to move away from etiquette like that, just as well propose that there's something wrong with them, that they are illiterate or whatever. There is a specific need to include them in our plans as well, where there are areas for recruitment, development, skills development.

**Priscilla Bovanna (Department of the Premier):** I just want to find out why, this awakening, by the Commission for Gender Equality? And what criteria have you used to select the various departments that came to present here? We would love that all of the HODs in the province could have been invited to come and present because we are aware of some departments that are not complying. We would love for the Commission to come and visit us more often because I found this very interesting.

**Commissioner Hicks:** Our period of enlightenment began far earlier, we've been convening hearings since 2010. As we can't have every company and every department before us, we tried to choose the best and worst performers so that we can get a sample of where some of the challenges are and where some of the best practices are. Rest assured we fully intend to begin with the Department of the Premier in the Western Cape Province, noting the centrality of the Premier's office in terms of setting transfer for human resource policies. In fact I think we've got an initiative where we're actually going to ask your office to come in as part of this inquiry and provide us with a set of information. We will be following up with your department.

**Victor Mavhidula (Acting HOD Legal CGE):** The criterion that was used to select the companies: The CGE has a legal officer here in the Western Cape and did very good research at looking at the companies in the province and then selected companies. The companies that have been called must not feel that they were the worst performers. The Commission's intention was to call the worst and the best performers so that those two that are not performing well will draw experience.

**Taryn Powys:** The CGE didn't just start engaging with Vida E Café. This has been a one and a half year engagement with Vida E Café's head office and directly with the CEO. The CGE has written innumerable correspondence to your CEO and on innumerable occasions he was out of the country, not willing to answer any correspondence on the time limits that was placed before him because the CGE needs specific answers to

a specific set of questions and issues. I have been tasked to do all the research on your company and we tried really hard to engage and associates were brought in to continue that engagement with us and so I just want to place that on that record. The Commission is disappointed to say the least that we thought that this would have a resounding effect on and culminate in some sort of a suitable engagement and the final analysis. More than anything else the Commission is disappointed for Vida é Café because we are willing to come on board and stride along with you through this process and we've tried quite hard and this is what we're facing in the final analysis. So if you could please take that message back to your CEO and your management team.

**Vernon DeVries (Distell):** From my own personal perspective I think this was a really great learning experience. We had the added advantage that we're in the process of constructing our new employment equity plan for the next 5 years. We certainly will try to incorporate the learnings that you have offered ourselves in particular. We've also made copious notes of the suggestions and recommendations that you've made to the other companies. So in terms of timing for us in particular this was really superb and we look forward to our ongoing transformation journey.

**Keketso Maema:** It's quite impressive. Thank you very much to all the participating companies for staying with us. Distell we're going to look into that plan and ensure that in the next round you come and tell us how far you are, and Mr. Burger (Shoprite Holdings) the sexual harassment policy. The journey is not yet over, but on that note we then declare this meeting closed.

### 13. CGE Recommendations

- Need to see accountability for gender transformation located at senior management/ directorate level – targets for gender, race and disability cascaded to all levels of responsibility with proper grading and weight for performance agreements and management;
- SADC Protocol and national legislation coming in regarding 50/50 representation,
- Need to escalate level of seniority regarding reporting and accountability for EE, representation in Employment Equity Forum.
- Ring-fencing senior posts for employment equity designated groups; set composite indicators for meeting targets; creative recruitment – partnerships and targets for identified groups.
- Need to see substantive review of core and transversal HR policies – HR; sexual harassment; recruitment; promotion in line with Employment Equity Act requirements – identify obstacles and barriers and create enabling environment for women and people with disabilities to enter and advance within the workplace.
- CGE to examine transversal Human Resources policies in this regard to ensure that it addresses women and people with disabilities – engage with Corporate Services Centre of the Department of the Premier.
- Employers should consider providing childcare facilities and assess needs and gaps.
- PSC balancing performance areas and address weighting of gender transformation.
- CGE to report Vida e Café to the Department of Labour and propose that it be placed under Director General review.
- Department for Basic Education to raise awareness on career options for girls and boys beyond gender stereotypes.
- Recruitment, grooming, bursary candidates and appointment procedures all should address gender representation and there is a need for better techniques, methods and strategies to reach designated groups.
- Entities should consider implementing focused programmes for men – awareness, men’s forum etc. Awareness and information measures need to be implemented more regularly, beyond induction process, and the display of documents on intranets and information boards.
- Human rights (gender, diversity, disability) should be included in performance agreements of senior management
- There is a need in province to establish a provincial coordination point for human rights – women, children and people with disabilities
- Employees with disabilities require ongoing dedicated support from managers and office; awareness for fellow employees, and encouraging staff with disabilities to disclose their status.

- SETA should provide additional financial support.
- Private sector needs to escalate transformation initiatives from middle and senior management to bring about greater representation in top management.
- Effective monitoring mechanisms should be put into place by employers to ensure that implementation of gender transformation in the workplace in keeping with constitutional and legal obligations, are integrated into organisational strategic plans in addition to performance agreements of senior management.
- The CGE in collaboration with the Commission for Employment Equity, Department of Labour and the Department for Women, Children and People with Disabilities should devise effective measures including training programmes that are capable of assisting as well as enforcing compliance with the relevant gender equality polices and legislation.

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