

# Employment Equity Hearings on Gender Transformation in the Workplace (Follow-up Hearings)

Gauteng • Ditsong National Museum of Cultural History,  
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**Commission for Gender Equality**

A society free from gender oppression and inequality







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and inequality...

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and with **determination**

into this **future.**

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**Move** with us.

**Work** with US to make this imagining an

**irreversible reality.**



## ABBREVIATIONS AND ACRONYMS

<b>AACI</b>	African, Coloured, Indian
<b>AET</b>	Adult Education and Training
<b>CEE</b>	Commission for Employment Equity
<b>CGE</b>	Commission for Gender Equality
<b>CEO</b>	Chief Executive Officer
<b>CoJ</b>	City of Johannesburg
<b>CoT</b>	City of Tshwane
<b>DDG</b>	Deputy Director-General
<b>DID</b>	Department of Infrastructure Development
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DG</b>	Director-General
<b>DoE</b>	Department of Education
<b>DoL</b>	Department of Labour
<b>DPSA</b>	Department of Public Service and Administration
<b>DSD</b>	Department of Social Development
<b>EAP</b>	Employment Assistance Programme OR
<b>EAP</b>	Economically Active Population
<b>EE</b>	Employment equity
<b>EEA</b>	Employment Equity Act
<b>ESSP</b>	Extra School Support Programme
<b>EPWP</b>	Expanded Public Works Programme
<b>EXCO</b>	Executive Committee
<b>FET</b>	Further Education and Training
<b>GCRA</b>	Gauteng City Region Academy
<b>GDID</b>	Gauteng Department of Infrastructure Development
<b>GEYODI</b>	Gender, Youth and People with Disabilities
<b>BEM</b>	Boys Empowerment Movement
<b>GEM</b>	Girls Empowerment Movement
<b>GFP</b>	Gender Focal Person
<b>GDE</b>	Gauteng Department of Education

<b>GIBS</b>	Gordon Institute of Business Science
<b>GPG</b>	Gauteng Provincial Government
<b>GYDM</b>	Gender Youth and Disability Mainstreaming
<b>IDP</b>	Integrated development planning
<b>HoD</b>	Head of Department
<b>KRA</b>	Key Resultant Area
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, Intersex
<b>LSEN</b>	Learner with special educational needs
<b>MCLM</b>	Mogale City Local Municipality
<b>MDG</b>	Millennium Development Goals
<b>MEC</b>	Member of the Executive Council
<b>MM</b>	Middle manager
<b>MM</b>	Municipal Manager
<b>MMC</b>	Member of the Mayoral Committee
<b>NDP</b>	National Development Plan
<b>NGO</b>	Non Governmental Organisation
<b>PANSALB</b>	Pan South African Language Board
<b>PEPUDA</b>	Promotion of Equality and Prevention of Unfair Discrimination Act
<b>PMDS</b>	Performance management and development system
<b>PMS</b>	Performance management system
<b>PSC</b>	Public Service Commission
<b>PSBC</b>	Public Service Bargaining Council
<b>PSCBC</b>	Public Service Coordinating Bargaining Council
<b>PWD</b>	People with disabilities
<b>RSA</b>	Republic of South Africa
<b>SALGA</b>	South African Local Government Association
<b>SALGBC</b>	South African Local Government Bargaining Council
<b>SAPS</b>	South African Police Service
<b>SETA</b>	Sector Education and Training Authority
<b>SGB</b>	School governing body
<b>SMS</b>	Senior management service
<b>SSIP</b>	Secondary School Improvement Programme

## THE COMMISSION FOR GENDER EQUALITY

The Commission for Gender Equality, (CGE) herein referred to as "the Commission", was represented at the hearings by Commissioner Lulama Nare (Gauteng) and Commissioner Nomasonto Mazibuko (North West).

Legal advisers sitting with the commissioners were Mr Masilo Letsoalo (Head office), Ms Mamohapi Johnson (North West) and Ms Eunice Poto (Gauteng). Ms Zanele Ncwane, the Provincial Co-ordinator, as the programme director.

## OVERVIEW

The Commission for Gender Equality's legal adviser for Gauteng presented an overview of the findings of the hearings it conducted in Gauteng in March 2013.

At that time, the entities before the Commission had been called to present their side of the story regarding gender transformation in the workplace, with the purpose of checking if they were complying with the Employment Equity Act (EEA).

A report was compiled of the evidence, and the findings were that some information was not fully provided, or that the organisations struggled to supply it. They had been invited back to report on their progress. The Commission also offered support.

Statutes such as the Labour Relations Act, EEA, Basic Conditions of Employment Act and others form the basis of the Commission's investigations. One of the aims of such legislation was proportional racial representation in the workplace, in order to further the Constitutional principles of equality, dignity and freedom. The Commission's hearings monitor the progress of organisations in achieving gender equity and promoting the employment of persons with disabilities, and the creation of a body of evidence showing progress made in this regard, and informing future action.

Eleven entities were listed, including the FirstRand Group, the Department of Social Development, the Department of Community Safety, the Department of Education, the City of Tshwane, Midvaal Municipality, the City of Johannesburg, Mogale City Local Municipality, the Land and Agricultural Bank, Eskom and the Department of Infrastructure Development, as having appeared before the Commission in 2013. The Commission was satisfied with the progress of three entities, namely Eskom, the Department of Social Development and the City of Johannesburg. These entities have been excused from appearing again, but were represented as good practice.

Various policies were presented that the entities had been asked to present. The Commission found at the hearings held at 2013 that most were outdated and some unsigned. A note was made at the time that such policies had to be reviewed, and had to be produced at this hearing. Eskom's presentation showed strong percentages around

middle management and persons with disabilities, and policies were submitted. Eskom had established an Eskom Women Advancement Programme to address gender equity, focusing on leadership and technical roles. This was a strong indicator of Eskom's progress. Further, Eskom invited the Commission in July 2013 for a two-day site visit at the Medupi Power Station as well as Matimba Power Station in Limpopo, and it was exciting to see the numbers of women managers, and women working on high-voltage wires.

The Department of Social Development had displayed best practice in its March 2013 submission, with 66% of senior management positions filled by women, and 3% of its workforce comprised of persons with disabilities, thus fulfilling the requirements of the EEA. Most of its policies were in draft form at the time, but due to be reviewed. The reviewed policies were later submitted. The City of Johannesburg had shown progress in meeting the EEA goals, but was not 100% on target. The Commission was satisfied to the point that if other municipalities followed its example, then progress would be made in achieving EEA goals. A women empowerment strategy had been adopted by council, and a Section 79 committee had been established to handle Gender, Youth and People with Disabilities (GEYODI) responsibilities. It lacked flexitime and special facilities for women, which is something they were considering.

Implications of all the evidence gathered in the March 2013 hearing were that:

- Policy compliance was weak, with some borrowing policies from the SA Local Government Association (SALGA) and others dating back to 2007. Monitoring of policy enforcement was also poor.
- The private sector was compliant on policy adoption, but not implementation.
- The geographic dispersion of skills and racial demographics highlighted problems with recruiting people of specific categories. Disability was one area where most fell short. Equity might therefore be based on regional demographics and not national targets, in order to more effectively serve the needs of communities.
- In terms of policy, sexual assault and harassment is not being taken seriously enough, especially considering national rape and abuse statistics – yet sexual assault and harassment is reported as negligible.
- Database and reporting systems in local government appear to be under-developed, leading to issues.
- Earmarked budgets for gender transformation are inconsistent across all entities – budgeting is an issue; because none had Gender Focal Persons, they were not taking gender equity seriously and, consequently, have no budgets.
- Senior managers were not being held accountable for meeting targets. Disability targets were not being met, despite subscriptions to databases of disabled people's organisations.

The Commission therefore made the following recommendations:

- Compliance should be supported by mandatory audits of policies, checking for currency, relevance and effectiveness, in order to support more rigorous enforcement, particularly in government.
- It might be feasible to examine how regional or provincial demographics can be used to populate equity targets, to ensure skills and recruitment are fair and cost-effective.
- Punitive or more rigorous remedial action is needed to combat sexual assault and harassment.
- Awareness campaigns to combat self-stigmatisation for persons with disabilities, and promoting gender equity need to be considered.
- Budgeting for gender transformation should be pursued as a policy directive, and not only considered for programmes.

## COMMENTS AND QUESTIONS

The Commission welcomed everyone to the proceedings and praised the entities that had made progress, especially the Department of Social Development, City of Johannesburg and Eskom for their progress in gender transformation, also urging others like the Gauteng Department of Education and the City of Tshwane to produce better reports, and hoping that the Commission would see more of a talent pipeline from the FirstRand Group and the Land and Agriculture Bank. The heads of entities who admitted no progress would be subpoenaed to appear before the Commission.

The Commission identified scarce skills, racial imbalances in the workplace (including skewed representation of white women, Indian people and coloured people) and inadequate representation of persons with disabilities as issues, appealing to the organisations testifying before the Commission to state the truth bluntly.

## PRESENTATIONS

### 1. THE DEPARTMENT OF COMMUNITY SAFETY

The Department of Community Safety (DCS) was represented by Mr Andrew Avontuur in his capacity as Director, supported by Mr Steven Moteme and Mr Dumisa Ngema, acting HoD.

#### **1.1 Previous findings**

The DCS left the March 2013 hearing with much to do regarding employment equity.



The hearing heard that top management in the DCS was 60% female, and senior management (SMS) was evenly distributed between men and women at 50/50. There were three persons with disabilities in levels 7 to 12. The EE plan was in place but the Equity Committee had to be resuscitated. The human resources department was responsible for driving the equity agenda, but the chief director in the HoD was ultimately responsible for ensuring that the transformation agenda aligned with the public service model.

A number of policies were being implemented but of the policies provided, some were not signed, including the EE plan, the draft disability policy, the disciplinary code and the uniform policy. In order to promote gender leadership, the DCS had formed partnerships with tertiary education institutions in which it enrolls SMS members, 60% of them being women.

There was neither provision for flexitime nor childcare facilities. The DCS also did not have a Gender Focal Person, but it was planning such a post at the director level. There was also no tracking of gender diversity and the disability desk was currently in the formative stages. The Department was housed in a building unsuitable for persons with disabilities.

Policy review appeared not to be taking place, with policies dating from 2008 being used. Quarterly reviews were also rejected in favour of less onerous biannual reviews.

## **1.2 Update**

Since 2013, the DCS has made several gains and a few losses. The Director outlined the following changes with regard to EE in the department, based on the report received from the CGE in 2013:

In 2013 top management in the DCS was 60% female. This number has subsequently slipped to 48%, as a result of a transfer and a resignation. There are three SMS-level posts available, including a provincial secretary, and female candidates will be targeted in order to maintain the 50/50 gender balance achieved at that level in 2013. There are now 21 persons with disabilities working in the DCS, but it still falls short of the required 2% representation level. There are plans to appoint another six persons with disabilities.

The EE Committee's terms of reference have been agreed to and signed by the DCS and Department of Labour, and the HoD has appointed all chief directors as members of the committee. The DCS looks good in terms of EE statistics, but when one looks at chief directorates, some are dominated by Africans and others by whites. Chief Directors' performance is measured in terms of how they drive EE.

Several policy management committee meetings have been held, and policies have been reviewed, tabled and signed off. But there has not been progress in terms of flexitime or childcare provision.

A director has been dedicated to performing the functions of the Gender Focal Point while a structure is being finalised with the DPSA. The DCS is relocating to a new building, where reasonable accommodation for persons with disabilities has been taken care of.

The draft disability policy was signed off in October 2013; the recruitment, staff retention, employment assistance, training and development, and sexual harassment policies were reviewed in November 2013, and the EE plan in June 2014 and the HIV/AIDS policy in September 2014, but the code of ethics, disciplinary code and procedures, and the traffic officer uniform policy have yet to be reviewed.

### **1.3 Questions and comments**

While the Commission recognised that the DCS is making progress in transformation, it was not entirely satisfied yet. The Department was exhorted to keep working at it, and to fill gaps in its implementation.

The Commission enquired what had been reviewed about the sexual harassment and uniform policies, based on the previous hearing. Regarding public policing, the Commission enquired how many sex workers – defined in the law as “prostitutes” and “loiterers” – had been arrested by the police in the previous year, and what the police did with them when they found them. The Commission was interested in finding out best practice around this issue.

The Department’s acting HoD, replied that the DCS’s function is civilian oversight, not policing itself other than traffic law enforcement. The Department does take an interest in police conduct, particularly with regard to the Lesbian, Gay, Bisexual and Transgender Individuals (LBGTI) community; it has also promoted tolerance through six public awareness campaigns around LBGTI issues in the 2013-2014 reporting year. They did not have statistics on sex worker arrests, but would ensure they would be provided if necessary.

The Commission sought clarity on which aspects of the sexual harassment policy have been reviewed, whether or not there is a Focal Person for disabilities, how the movement of women in the Department is tracked, if there is a plan to transform the directorates with skewed EE numbers, and which directorates those are.

DSC replied that Chief Directors had been included in reaching Employment targets, and EE was no longer merely an HR function. Chief Directors now know which kinds of candidates to target for specific positions. Regarding the sexual harassment policy, it had been a good policy but it was not practically suited to implementation; thus the entire policy was reviewed. A disability desk is a challenge, but has been addressed with the DPSA. The disability manager is not appointed as such, as there is no disability structure. Disability is addressed by the GEYODI Focal Point. The GFP defaults under transformation at director level, but this is an issue as the DPSA says the Gender Focal Point (GFP) is a function, not a component, and cannot be at director level.

In conclusion, the Commission commended the DCS’s progress for its outreach programmes, but the CGE will continue to monitor the programme. The Commission would welcome more information about the LBGTI work it had outlined, as these were also gender issues.

## **1.4 Analysis**

The gender disaggregated data was provided and it showed that the enabling environment was 50/50 gender balanced in 2013. In 2014, the information showed 40% women and 60% men. The EE stats showed a racial domination of Africans.

The percentage of women at SMS level was achieved in 2013, but slightly dropped in 2014 due to resignation and transfer. Disability has not been achieved and is attended to by GEYODI.

In terms of the departmental legislative framework, all gender policies are in place, reviewed and adopted, except for the Code of ethics and traffic uniform which are pending the DPSA finalisation.

There is a major gap with regard to policy implementation, especially the sexual harassment policy which seemed not to be practically suited for implementation and does not extend to the protection of the LGBTI people. There is no specific official designated for gender issues or programmes, which makes it difficult to track progression of women and people with disability.

With regard to their gender machinery structures, processes and mechanisms, the Department has the following: provincial Gender Machinery (PGM) structure, EE Committee and Performance Management Committee. There is not a gender forum established, not provision for flexitime or childcare facilities, the reason being that the Department's building was not in a good condition and was about to relocate.

Gender budgeting is a gap, as there is no specific budget for programmes. The Department showed prospects of transformation.

## **2. THE DEPARTMENT OF INFRASTRUCTURE DEVELOPMENT**

The Department of Infrastructure Development (DID) was represented by Ms Tebogo Mampane in her capacity as Director, Gender and Disability, supported by Ms Masabata Mutlaneng, Director Corporate Services.

### **2.1 Previous findings**

In 2013 the CGE heard that as a largely engineering department, the DID is a scarce skills area traditionally avoided by or inaccessible to women. Nonetheless, 46% of senior managers were women, as were 15% of engineers.

The HoD was accountable for the delivery of gender transformation programmes, co-ordinated by the GFP. Gender transformation was being inserted into management's contracts, specifically the HoD. The Department followed the policies of the office of the premier's transversal unit, and it had a sexual harassment policy in place.

The GFP participated in the Inter-departmental Gender Forum and the Provincial Gender Forum, both co-ordinated through the Office of the Premier. A Gender Workplace Forum hosted by the GFP in partnership with the Gauteng provincial government conducted sensitisation and mainstreaming through workshops, awareness campaigns and training through the Sector Education and Training Authority (SETA). General workplace training and skills development was in hand.

Flexitime and childcare facilities were absent. There was also not a dedicated budget earmarked for women, and DID claimed that recruiting women into engineering was difficult, but it was addressing this by providing bursaries internally and encouraging mathematics and science among girl learners.

## **2.2 Update**

The DID reported on its progress around the Millennium Development Goals, EE and on improvements following the findings of the 2013 hearing. The Department was a new one, having been created in 2009, also outlining its various functions.

The DID has reviewed its vision and mission statements, and has a 10-pillar medium-term strategic plan for the radical transformation of Gauteng. These 10 pillars support six strategic goals, which in turn support eight "game-changer" initiatives; the pillars are also linked to the MDGs and the department's programme. The MDGs targeted include universal primary education, reducing child mortality and improving maternal health, eradicating extreme poverty and hunger, and promoting gender equality and empowerment of women.

The DID has been restructured to be in line with the DPSA and Infrastructure Delivery Management Service (IDMS) model, and is recruiting for technical and scarce skills according to the Infrastructure Delivery Management System (IDMS) model. Males and females are being targeted through skills development programmes done with the Universities of Johannesburg and Pretoria. EE trends show that gender and disability issues are increasingly being integrated into planning and decision-making.

A challenge is to ensure employment for people who are living off grants, as they cannot be employed and also receive grants. Nevertheless, The Expanded Public Works Programme provided work opportunities to 85 590 women and 301 persons with disabilities in 2013/2014, and 123 363 women and 3 401 persons with disabilities in 2014/2015.

The DID has 2 042 staff members, of whom 603 (29%) are women; levels 13-16 (the decision-making levels) comprise 52% women (an increase of 6%), and have 98% black and 1.8% white representation. There have been slight increases for overall representation by women (by 1.47%), Africans (by 1% to 89.56%) and persons with disabilities (by 0.17% to 1.37%). A challenge is that some staff fear stigma if they disclose a disability. Forty-eight percent of 1 878 staff members undergoing skills development are female, 42 of 88 bursaries to level 3-11 employees have been allocated to women, and women are substantial beneficiaries of external learnerships and bursaries.



In respect of improvements on the 2013 report findings the DID noted the following:

- Its gender profile still reflects over-representation by males across all levels, but there is an upward trend regarding employment of women, including at SMS level. The IDMS model implementation provides an opportunity to address equity gaps.
- The DID has now approved its own EE plan for implementation.
- The HoD, supported by the GFP, is still responsible for gender transformation programmes.
- Top management's performance contracts now include GEYODI/transformation indicators.
- The DID has established a Policy Co-ordinating Forum to ensure policy development includes gender transformation and disability rights principles.
- The GFP participates in provincial gender forums.
- Targeted leadership development and management training is still lacking.
- There are still neither flexitime nor childcare facilities, but there are plans to provide the latter in the proposed Kopanong Government Precinct.
- There is still no dedicated gender budget, but GEYODI principles are being factored into the 2015/16 budgeting process. R1 million has been made available for promoting disability rights.
- Scarce and technical skills are being pursued in line with the IDMS model.
- There are still no mentorship programmes, but the Department still engages with institutions of higher learning.
- The DID has provided the Commission with disciplinary and grievance procedures, a code of good practice, and policies for uniform and protective clothing, training and development, employee wellness, HIV/AIDS, staff retention and sexual harassment, and minutes from the DID's Employment Equity Forum. The succession/career pathing policy is on hold, the national retirement planning policy is used, and the promotions and remuneration policy is part of the recruitment policy.
- Several areas where success had been achieved, or progress made, include that an EE Forum has been established, and an EE plan and charter have been approved, interventions have been made on disability rights management, 50% representation of women in SMS positions has been exceeded, and GEYODI indicators are included in the DID's revised Annual Performance Programme of the Department and operational planning.

### **2.3 Questions and comments**

The DID presentation had a mixed reception from the commissioners, who recognised the Department's commitment to transformation – but pointed to missing aspects of its strategy, pointing out that they were critical for it to succeed.

The Commission raised a noticeable factor that if an organisation is challenged in terms of its succession and retention, promotion and remuneration policies, it will not enjoy different outcomes and successes will be cancelled out. Failure is inherent in what is not there.

The Commission also needs to know what will be done to address the issue of scarce skills, adding that if there is not mentoring or coaching, it will not be known how anyone will progress without proper support. If GEYODI does not deal with gender transformation, then it needs to be restructured. The DID must show how it will unblock male-dominated areas of the department.

The Commission needed further clarity on what measures of transformation are there in the construction industry, and what workers' attitude is to achieving transformation.

It also noted that most employees are about to go on pension – which suggests that there is not a succession plan. Regarding the DID's partnerships with the universities, the Commission enquired if the message is being carried across about their recruitment policies, in order to target graduates.

Further, there is no indication of reasonable accommodation of persons with disabilities; such people will still not be employed by the Department, specifically women. Persons with disabilities do not want to live off grants, and the Commission called on the Department to research the differences for persons with disabilities currently working, versus subsisting on grants.

The DID still noted that EE is the responsibility of the HoD, but there are no signs that this is working, or of progress on gender transformation.

The Department replied that regarding policies, the context is that the department is a new one and there have been challenges to get it to where it is. It had inherited old policies, and they are now aligned to the DID and its new IDMS structure, which remains unapproved. The Department is budgeting for and implementing issues such as coaching and mentorship in the new financial year.

The DID finds it very difficult to find qualified, registered engineers. It has a relationship with the Engineering Council of South Africa to ensure it has qualified engineers. In 2013 it reported establishing a mentorship programme for 164 staff members without qualifications, but Treasury refused to fund unqualified people. The DID then hired retired engineers to mentor each of those employees.

Turning to procurement, the DID can provide statistics showing the opportunities being provided to women, and the Department is doing extremely well. Also, the Department has achieved reasonable accommodation for persons with disabilities, including in building and managing properties such as clinics and hospitals. The Department is also grappling with the question of jobs versus the long-term stability of grants for persons with disabilities, and it is making progress in addressing disability.

The Commission sought clarity on whether the figure of 15% women engineers, from 2013, had improved; DID replied that they have subsequently appointed three qualified engineers to senior management, but included it in the percentage. Others in the Department are not yet registered. This process takes two to three years.

The Commission recommended that the DID should look to Eskom's example regarding career-pathing and mentoring for engineers, as well as to the FirstRand Group and Eskom leadership management and development training. On a budget earmarked for women, they should approach various bodies for assistance. The DID was highly commended for its childcare initiative.

It is also important for the Commission that when policy is formulated, gender transformation must be an indicative measure; then a measurable reflection of GEYODI can be gleaned.

## **2.4 Analysis**

The gender disaggregated data was provided and it showed that the enabling environment is male dominated across all levels. Women at SMS level are not represented. In 2013 it showed 46% of women in senior management, but only 15% of female engineers. In 2014 the picture has not improved.

In terms of the legislative framework, all gender policies are in place, reviewed and adopted, including the EE plan recently. There is still a major gap regarding policy implementation, specifically succession and retention, as well as promotion and remuneration policies which make it difficult to address the scarce skills. There is a Gender Focal Person appointed at Director level. The gender machinery structures, processes and mechanisms which are in place are the following: Internal Gender Forum, GEYODI Standing Committee, EE Forum, Policy Coordinating Forum, IDMS model and strategic plans geared at MDGs. There is no provision for flexitime. This has been initiated to be proposed in a proper forum. The Expanded Public Works Programme (EPWP) and awareness programmes are addressed by SETA.

There is no budget specifically for gender programmes. The amount disclosed was for disability rights. Disability percentage in scarce skills has not been addressed. The Department was highly commended for the childcare facilities initiative. Although the Department improved from 2013, it still needs to be monitored closely.

## **3 DEPARTMENT OF EDUCATION**

The Gauteng Department of Education (GDE) was represented by Ms Shirley Mashala, in her capacity as DDG, Gender, Youth and Disability Management, supported by Ms Leonie Van der Merwe and Ms Buyisiwe Mabuya.

### **3.1 Previous findings**

In its 2013 submission, the GDE did not provide disaggregated data of different management levels, but it was concluded that top and senior management both had 40% women representation. No statistics for persons with disabilities were provided, but a disability audit mentioned later revealed 1% representation.

Responsibility for monitoring and implementation lies with the Transformation Unit, comprising the portfolios of gender, youth, disability and ethics.

Policies were largely in draft format and unsigned due to an organisational realignment process. Unsigned policies included the EE plan, sexual harassment policies and procedures, a proposed uniform policy, skills development, health and wellness, and the succession and career path planning policies. Old documents that were signed included grievance rules for the public service, the disciplinary code and the salary structures policy.

Gender equity was included in the performance contracts of senior managers. The policy and planning directorate was mainstreaming gender and disability into its documents, but wider buy-in and participation was unclear; gender transformation measures were limited, despite a budget for them.

Childcare facilities were not provided, but flexitime was part of the workplace practices. Supply chain procurement policies gave preference to businesses owned by women and persons with disabilities, but there were gaps in implementation.

Overall, major gaps in policy implementation included the absence of gender transformation measures, and reporting on the abuse and sexual assault of children was not part of the responsibilities and duties of principals. Major gaps existed in knowledge of sexual assaults in schools, and the roles and responsibilities of educators and school principals.

There was also no strategy to deal with teenage pregnancy, and no reasonable accommodation for persons with disabilities.

### **3.2 Update**

Unlike the GDE's testimony in 2013, GDE was able to present a detailed report of interventions taken at both departmental and school level, addressing the findings of the 2013 hearing. Most of the negative findings have been or are being addressed.

The GDE now has women representation of 41% in SMS positions, an increase of 1% since 2013. There is a newly approved recruitment plan that targets females. It now employs 1 650 persons with disabilities, or 2.1% of its workforce, with high numbers of African females.



Regarding gender transformation, the GDE has a two-pronged approach: The Transformation Unit is responsible for handling EE, disability and gender, and the Psychosocial Support on schools unit which is responsible for handling HIV/AIDS, life skills and school health.

On tracking the upward mobility of women, the HR plan guides the Department. SMS-level employees' performance contracts include gender, recruitment advertisements indicate the Department's preferences and awareness sessions on trends in filling posts have been held with unions, managers and School Governing Bodies.

To raise awareness around gender equality and discrimination, the GDE has taken several steps: gender sensitisation workshops with middle-management staff, including gender sensitisation in the induction for new employees, roadshows on gender and disability indicators for SMS and middle-management staff, dialogues with female principals on gender-based violence and sexual harassment, a dialogue with male senior management on their role in advancing gender equality, and male and female wellness forums where HIV/AIDS is mainstreamed.

In addition, 18 employees with disabilities have been reintegrated into the workplace, case management teams have been created and addressed schools on how to support persons with disabilities, and the weekly *GDE News* electronic communication platform is used to raise awareness of gender and disability issues.

Gender equality and discrimination at school level has been addressed by strengthening the mathematics, science and technology strategy to include learners from Grade 9 (previously it was from Grade 12), providing Secondary School Improvement Programmes (SSIP) classes, allocating more than 2 000 bursaries in 2014 to top learners (particularly girls), conducting advocacy programmes for learners with disabilities, and strengthening links with Non-governmental Organisations, and pastoral and psychosocial services to the benefit of schools and the Department.

Resources for transformation include budgets for transformation, co-ordination and assistive devices for line managers, catering to the facility needs of both genders, flexitime hours, transport for staff working flexitime, and instituting gender-sensitive programmes in the curriculum, education support (including life skills, prevention of bullying, nutrition and homework support), procurement, planning and Human Resources.

Capacity-building for gender transformation includes development programmes for MMS staff at accredited institutions, school-based and district-based coaching and mentoring, and a simulation centre for school-based support teams.

A district's initiative to partner with childcare centres has been piloted, 11 of 16 offices and all new schools are disability-friendly, and older buildings are being renovated to meet revised building norms and standards.

Teenage pregnancy is also being addressed through the Integrated School Health Policy, and life skills capacity-building among educators. A colloquium has also been held on teenage and learner pregnancy. Gender mainstreaming at schools includes capacity-building, Girls Empowerment Movement (GEM)/ Boys Empowerment Movement (BEM), teenage pregnancy and education campaigns, psychosocial support, dignity packs for girls to reduce school absenteeism, and addressing gender-based violence. Around 680 schools' toilet facilities have been upgraded, in the process restoring girls' dignity.

Several steps have been taken to address sexual harassment and assault, including developing a code of conduct and protocols that define the roles of the educator and principal, and a School Safety Strategy that focuses on bullying and sexual assault. Specialist psychosocial support is provided in relevant cases.

Women and persons with disabilities are preferred in procurement and initiated projects, and this has been communicated to entrepreneurs. The GDE strives to pay suppliers within 30 days, to ensure their economic viability. The Gauteng City Regional Academy skills development plan employs bursaries and learnerships to develop skills for the economy, and GDE participation in job creation has resulted in many jobs for women.

Signed policies include the gender and women empowerment, disability rights, employment equity, protective clothing, health and wellness, Extra School Support Program (ESSP), code of conduct, recruitment and selection, and flexitime policies. Those at the advanced consultation stage are skills development, succession and career-pathing, sexual harassment, and the gender and women empowerment policies.

The Department concluded by taking a look forward: legislation will be reviewed to professionalise the appointment of principals by schools, the GDE will strengthen SMS succession planning and recruitment, increase local (township) sourcing to drive economic revitalisation, and partnerships with persons with disabilities, Non-governmental Organisations and Community-based Organisations to drive mentoring and coaching.

### **3.3 Questions and comments**

The Commission noted the substantial progress made by the GDE in the period since the March 2013 hearings. It was clear the GDE had responded to the Commission's findings.

The one thing that dismayed the Commission was learner pregnancy, where the Department did not implement any policy or strategy to address it, and wanted to know the status of the GDE's response. The Commission further enquired whether there are skills training for teachers to deal with births happening at school. The Commission also enquired whether there is the learner feeding scheme is measured and whether there is diversity training around LGBTIs.

The Commission remarked that there is no substance abuse policy available and enquired as to the status and whereabouts of dropouts from Grades 8-12, especially persons with disabilities. Turning to the deaf community, whether the GDE can do much to improve sign language services.

In response, the Department said that a colloquium on teenage pregnancy was the start of the response to the issue, and it came with recommendations which are being acted upon by the Department. The learner feeding scheme is measured, and provides data such as gender; the current programme is being reviewed.

The Department further alluded to the fact that the Gauteng legislature held public hearings around the province in 2013 to address matters such as substance abuse and teenage pregnancy. The GDE participated in this process. Regarding sign language interpreters, training and employment is taking place.

To add to that the Department mentioned that the issue of dropouts has been studied, and between 80% and 90% of dropout students are in alternative schooling, such as Further Education and Training (FET) colleges. The GDE is looking to mainstream the curriculum for learners with disabilities. Regarding diversity training, there is a strategy being implemented as part of change management, which includes SGBs.

In addition, the Department indicated to the Commission that the GDE is working with the Department of Social Development and the Department of Health to make sure that clinic and contraceptives are accessible. There is a substance abuse policy, which is part of the School Safety Strategy. Educators are learning sign language. Diversity starts with top managers, and an audit and a male SMS-only dialogue have been held.

The Commission reminded the GDE that because the hearings' reports are tabled before Parliament, it is important that the Department's own issues do not reflect negatively on other departments. The GDE needs to talk about issues of girls who are disabled, and how they are protected from gender violence. The Commission enquired whether the Department had conducted research regarding violence by teachers.

### **3.4 Analysis**

The gender disaggregated data was provided and it showed that the enabling environment is male dominated, with statistics showing all racial groups represented. Women at SMS level stood at 41%, which has improved by 1% from 2013. Disability showed 2.1% which has been exceeded.

In terms of the legislative framework, all gender policies are in place, reviewed and adopted. There has been much effort drawn in addressing gaps for policy implementation in terms of gender-based violence, including bullying, learner pregnancy and substance abuse. This is included in the curriculum. There is a gap in addressing the issue of female dropouts.

The GFP has been appointed at Deputy Director level and this needs to be reviewed. The gender machinery structures, processes and mechanisms that are available are the following: the EE Consultative Forum, Colloquium for teenage pregnancy, GEM/BEM, and Gauteng City Regional Academy Skills Development. There are no childcare facilities nor the establishment of a gender unit. Flexitime is part of the workplace policy.

Gender budget was said to be available although the figures were not disclosed. The disability percentage has not been achieved and it is said to be attended to by GEYODI. Most of the Commission's recommendations were implemented and the Department has shown much progress.

#### **4. THE LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA (LAND BANK)**

The Land Bank was represented by Ms Mpule Dlamini, in her capacity as Chief Human Resources Manager, accompanied by Mr Yanga Tunzi, Employment Equity Consultant.

##### **4.1 Previous findings**

In the 2013 hearing, the Land Bank reported generally positive developments around EE and transformation, with notable exceptions.

It had 16% women in top management. At senior management level, 8% of the posts were filled by women. At over 25% (8 employees of 28), disabled people were well represented at senior management level.

The CEO was responsible for the development of strategy and setting targets. Senior managers developed plans with unit chiefs, and equity consultants monitored implementation.

Policies listed as current included the EE Plan, recruitment and selection, disciplinary and grievance procedure (2009), training and development, and an employee wellness policy that included HIV/AIDS. Succession and career management, sexual harassment, promotions and remuneration as compensation management, and disability management policies, as well as minutes from the EE forum, were recently signed.

Women's development was aided by a Women's Development Forum representing different levels of the organisation and focused on developing leadership skills.

There were no childcare facilities, but flexitime was permitted at the discretion of managers.

##### **4.2 Update**

Outlining its progress, the Land Bank is said to be a level 2 B-BBEE organisation with almost 600 employees, spread out among 27 branches in small towns, and provides financial loans to the agricultural sector. It upholds the principles of gender transformation, and strives to achieve gender parity in the short to medium term using a targeted approach, and it is making slow but steady progress.

Regarding gender progression, the Land Bank has 33.3% female representation at top level, which is a substantial improvement on 14.29% in 2013, but in senior management the percentage has dropped from 16.67% to 11.5%. MMS stands at 39.3%, an improvement of



only 0.2%. There are no persons with disabilities in top management, and representation at SMS level has dropped from 8.3% to 7.7%; overall representation of persons with disabilities stands at 4.4%.

Female representation in training and development programmes, including bursaries, technical training and study assistance, stands at 58%.

A five-year (2011-2016) EE plan is in place, according to the EEA, and the bank submitted a report to the Department of Labour in January 2014. Gender transformation is promoted through a 55% bias in favour of women in recruiting, mutually agreed personal development plans, a new mentorship programme, and the re-establishment of a Women's Forum.

The company laid out the gender transformation responsibilities of the CEO, chief HR officer, the senior manager for organisation design and employee relations, the EE consultant and business unit heads. Gender transformation targets are set into the corporate plan, and performance contracts of the CEO and business unit heads; performance is reported quarterly to Treasury.

Resources allocated to transformation include diversity management training to all employees, and women participation in development training. The bank tracks the career movements of women and persons with disabilities through succession plans, and reports to Treasury and other bodies.

The Land Bank's recruitment policy does not specifically target women and women with disabilities, but equity and diversity is covered in the bank's policy statement. To date in the current financial year, 52.5% of recruitments are females.

The Land Bank does not have childcare facilities, due to the geographic dispersal of its staff; nor does it have a flexitime policy, but staff can negotiate this with their managers.

Gender equality is promoted through industrial relations awareness training, including non-tolerance of discrimination, diversity training and Heritage Day activities.

The bank addresses gender discrimination in its EE policy, and has a sexual harassment policy in place, although the latter is being redrafted to include all forms of harassment. Staff have easy access to all policies and are made aware of this, and are encouraged to use grievance procedures.

The Land Bank has in place recruitment and selection, disciplinary and grievance, training and development, employee wellness (including HIV/AIDS), succession, sexual harassment and promotions and remuneration (compensation management) policies, and an ethics policy that serves as a code of good practice. A retirement planning policy is not available.

A challenge is the retention of talented African females, and 58.6% of those who have left since April 2014 are female. The Land Bank is reviewing the Best Company to Work for Survey, in order to find ways to retain female talent in particular. The bank is also launching an Employer Value Proposition to attract talent.

The company suggested to the Commission to start a forum where companies can share best practice, and also a uniform reporting template to standardise companies' responses.

#### **4.3 Questions and comments**

The Commission expressed concern that women are leaving the Land Bank and enquired whether it is about dissatisfaction, or that it is a small organisation. The Commission enquired whether the bank has an outreach programme to draw potential staff. The Land Bank presentation was highly commended to have contained much food for thought.

The Commission also noted that the Land Bank is progressing very well, and has earned itself a place at the Commission's ongoing EE roundtable. Positive increases, however small, are appreciated and reflect the Commission's recommendations. The Commission would place further demands on the Land Bank in future, but not of an internal nature – more about how it supports women with loans.

#### **4.4. Analysis**

The gender disaggregated data was presented and it showed that the enabling environment is male dominated but racially balanced. The representation of women at SMS level has substantially improved by 20.2% from 2013. There is no equal representation, and the disability percentage has dropped from 2013 and is sitting at 4,4% across all levels. In terms of the legislative framework, all gender policies are in place, reviewed and adopted. However, there is a major gap in implementation of such policies, especially the retention policy or strategy to address the 50% women staff that left the bank since April 2014. There is also no retirement strategy in place.

The HR, CEO and EE consultant are responsible for the gender issues as per the company's natural status. The gender machinery structures, processes and mechanisms that are available are the following: development programmes to recruit women, bursary studies and technical training for women, which has improved at 58%.

There is no established gender forum, no provision for flexi time and no childcare facilities. There is no gender budget geared for gender programmes. The disability percentage has not been achieved. The company has improved its standard from 2013 but still faces challenges with its recruitment policy as it does not specifically target women and people with disabilities. Instead the policy is aimed at equity and diversity.

### **5. THE FIRSTRAND GROUP**

The FirstRand Group was represented by Ms Elizabeth Maepa, in her capacity as HR Executive, accompanied by Mr Velile Memela, Legal Services and Ms Nolwazi Ngobeni, Group EE Manager.

## 5.1 Previous findings

In 2013, the FirstRand Group reported extensive work on gender transformation and EE, but slow progress was made due to low staff turnover and the historical dominance of men in financial services, as well as the levels of qualification required. There were very low levels of women in top and senior management.

It reported it had all EE and gender-supportive policies board-approved and in place, but which were unsigned. Transformation was an executive function, with monitoring benchmarked against quarterly targets by a Transformation Monitoring Committee, which tracked women and persons with disabilities.

An internal development programme saw 61% of a R239 million budget spent on women. There was additional mentoring and coaching.

The company did not have childcare facilities except in one division, but flexitime and working from home was common practice.

## 5.2 Update

The FirstRand presentation largely focused on the 2013 hearing findings, and responses to them. The company pointed out that the group now has a new division, Ashburton Investments, which is made up of staff drawn from other divisions, noting that in summing up the findings, FirstRand had been assessed to be weak on implementation of its transformation strategy.

As of June 2014, 61% of FirstRand's 33 000 employees were female; 43% were African, 27% white, 16% coloured and 13% Indian. Foreign nationals make up 1%, but have been recruited for expansion into the rest of Africa.

There has been little fluctuation in the representation of women in top and senior management, due to staff turnover. Women currently make up 17% of top management, and 33% of senior management. The same holds for middle and junior management, at 50% and 69% respectively. There is some turnover at middle management level, because of limited promotion opportunities. Women also make up 69% and 46% respectively of semi-skilled and unskilled positions.

Regarding persons with disabilities, strong progress has been made by focusing on identifying persons with disabilities within the group. Where there were 8 in senior management in 2012, there are now 14, remarkable progress has been made in middle and junior management, and the semi-skilled and unskilled levels. There are no persons with disabilities in top management. There is a disability strategy in place, skills development is taking place, a Disabilities Forum has been established and the group works with specialised agencies to recruit persons with disabilities.

The representation of males to females in each division was displayed, showing the continuing dominance of men, but some divisions are faring better than others. The top

management of Ashburton is 100% male, as it consists of a single position. Most of the 2015 numerical goals, save for Africans at top, senior and middle management, have been met. Senior management will soon be corrected, but middle management remains a challenge.

All policies, practices and procedures were reviewed in 2013, and found to be non-discriminatory and signed off. The uniform policy was amended. A new EE Plan was put into effect in July 2013, and will run for three years. FirstRand is worried about high staff turnover and retention of women and African staff, as there is a lot movement between the major South African banks, and has contracted an independent company to conduct exit interviews in the hopes of gleaning honest insights. Incentives are offered, but opportunity for growth remains the best way to retain employees.

Development programmes are skewed in favour of women. In 2013, 58% of R505 million spent on skills development was on women. CEOs are scored on gender transformation and are penalised financially, but in 2015 more positive incentives will also be introduced for them.

### **5.3 Questions and comments**

The Commission noted the progress, particularly in a difficult industry like this, where there are bigger fights beyond gender transformation.

The Commission however expressed concern that some units are going backwards in terms of transformation, and asked whether it was a scarce skills issue, or perhaps patriarchy at play. The company responded in that there is a legacy issue at play in some units, but it has been countered with female appointments at every opportunity. While there is 17% female representation at the top level now, the talent pipeline comprised 27% - – meaning that the talent will be there to appoint.

The Commission further raised a concern about Ashburton, saying it was launched poorly because its top management was male-dominated. The response was that the new unit's CEO was compelled to take the staff he could get, a response which remained a concern to the Commission.

The Commission indicated that as far as sexual harassment is concerned, everyone claims zero tolerance but nobody can produce cases – does this mean zero tolerance equates to being fired on the spot, or go through processes and be found not guilty? The response was that FirstRand's Social and Ethics Unit has a hotline (run independently by Deloitte), and people have been reported and severely dealt with, where upon investigation they were dismissed. A sub-committee of the Board also reviews policy twice annually.

The Commission registered its monitoring role to the banks sector at all levels, and whether African people are progressing in organisations or end up as tellers.

## **5.4 Analysis**

The gender disaggregated data was presented and it showed that the enabling environment is male dominated. The EE stats showed all racial representation, including the foreign nationals. The representation of women at SMS level is not achieved and is way below with 17%. There is a remarkable progress on women representation at middle management.

In terms of the legislative framework, all gender policies are in place, reviewed and approved. There is a major gap in policy implementation. There is no progress for transformation due to a lot of movement within the banks. There is no specific person responsible for gender issues or programmes.

The gender machinery structures, processes and mechanism are not in place. There is no EE Committee or Forum established nor a performance management committee. This is reported to be HR and the CEO's responsibility. A gender forum has not been established, and there are no childcare facilities or provision for flexitime. A transformation committee is slowly taking action and development programmes on mentoring and coaching are being implemented internally. The company is struggling to transform. An attempt had been made to follow the Commission's recommendations, but did not yield prospects of success.

## **6. MIDVAAL MUNICIPALITY**

Midvaal Municipality was represented by Ms Annalie McCallum, in her capacity as Deputy Director: HR, supported by Mr Alfie Scutts, Assistant Director: Recruitment.

### **6.1 Previous findings**

In March 2013, Midvaal, a small municipality, reported that its gender composition had risen from a 0% baseline in 2009 to 12.5% women at top management level, 37.5% women at senior level and 37.1% women at middle management level.

Due to limited resources, the municipal manager was responsible for equity rather than a gender GFP. Gender equity was included on a scorecard for managers, and they were appraised on their ability to meet the targets set for them.

The following policies were submitted, but most were unsigned and undated: disciplinary procedure (2010), EE Plan, sexual harassment, recruitment, promotion, safety, succession planning, training and development, Employment Assistance Program, retirement policy (said to have been reviewed and adopted), dress code for safety clothing, and an HIV/AIDS workplace strategy.

In terms of implementing gender empowerment, the municipality's limited resources permitted coaching and mentoring only. Recruitment targets for women in technical fields were being pursued.



## 6.2 Update

Reporting on progress made, the municipality employs 606 people, and has grown by 8% in the past year. Concerted efforts are made in terms of gender equity across occupational levels, through the EE Forum, and targeted recruitment. Each advertisement generated by the municipality was accompanied by its EE target, specifically around women.

In terms of progress, regular GEYODI reports are submitted by the municipality to Cooperative Governance and Traditional Affairs, and it delivers diligently on its 2011-2016 EE Plan. There are specific recruitment targets for women in technical fields, and 16 appointments have been made in various fields. The municipality is soft on women in terms of physical labour, which makes up the bulk of its work, and which is undignified to women. On the general worker level, the work involves hard labour; the municipality does not discriminate along gender lines, but women's bodies are considered. Sixteen women have been trained in technical fields.

Women's representation as at October 2014 includes an overall figure of 35.8%, a major improvement since 2009. There has been especially growth in senior management, as well as in the general worker, skilled and middle management categories. There has been growth in women representation of 21.3% in senior management, and an average of 8.1% growth across all occupational levels.

Midvaal struggles to recruit persons with disabilities, and its representation has fallen from 0.17% of staff to 0%. It encourages persons with disabilities in all job advertisements to apply, but makes little headway. It also does not have facilities to accommodate persons with disabilities. It has gone so far as to employ people as temporary staff with a view to permanent employment, but this has also not worked. Unfortunately, very few positions are attractive to persons with disabilities.

Regarding policies, the council adopts resolutions for each approved document. The sexual harassment policy was adopted and followed up with a workshop; a case is currently being handled. The recruitment policy is constantly renewed. The succession plan trains and promotes people from general worker levels, and is in high demand. The retirement policy is dated, but relevant. The promotion policy works hands-on-hand with succession planning. The Employee Assistance Programme policy is hands-on with staff. There is an HIV/AIDS Workplace Forum that meets monthly; efforts are made to engage all staff about the disease. The personal protective equipment and clothing policy is strictly enforced, including sunscreen and hats for workers. The dress code policy is outdated. The training and development policy is under review. The occupational health and safety policy is bound by the Occupational Health and Safety Act.

Midvaal employs only one person with a disability. Of the 606 staff, 25% are African female, 1% each are coloured and Indian females, and 8% are white females. Fifty-four percent are African males, 1.2% are coloured males, 1.7% are Indian males and 11% are white males.

### **6.3 Questions and comments**

The Commission acknowledged the improvements at the municipality, especially in middle management. However, it would excuse the language used by the Municipality presenter that women are afforded self-determination and should be allowed to do any job, and the municipality should reflect on that and create an environment that abides by the Constitution.

The Municipality admitted that it is soft on recruiting women for physical jobs, but the municipality's recruitment policy is gender-neutral.

The municipality should look to providing reasonable accommodation for persons with disabilities. A question was posed on what the policy review cycle is, as the HIV/AIDS policy was already 12 years old.

The Commission resolved that the Midvaal Municipality had made substantial improvements. Nevertheless, the municipality would be called before the Commission again. It was, however, particularly excited that 48% of recruitments were of women.

### **6.4. Analysis**

The gender disaggregated data showed that the enabling environment is male-dominated and racially populated by whites. Representation of women at SMS level has improved from 12% in 2013 to 21% in 2014. Although this is an achievement, the requirement has not been met, and the improvement is in middle management.

Regarding the legislative framework, all gender policies which the Commission requested were in place, reviewed and approved, with the exception of the HIV/AIDS policy which was last approved 12 years ago. There is still a major gap in terms of policy implementation. The municipality could not come up with a reasonable strategy to recruit women. The policies do not address the racial domination of whites; as such there is a need for gender mainstreaming for drastic transformation. There is no specific official assigned for gender issues or programmes. There is a lack of gender machinery structures, processes and mechanisms. Those in place are the EE Forum, GEYODI and Cooperative Governance and Traditional Affairs. There is no provision for flexitime nor for childcare facilities.

There is no gender budget specifically for gender programmes. The disability percentage has not been met and there is no strategy in place to address it.

In conclusion, there is no political will to ensure transformation in the municipality.

## **7. MOGALE CITY LOCAL MUNICIPALITY**

The Mogale City Local Municipality was represented by Ms Rethabiseng Mokebe in her capacity as Executive Manager: Corporate Services, supported by Ms Mercy Mtjekelo: EE and Occupational Development Specialist.

## **7.1 Previous findings**

In the March 2013 hearing, the Mogale City Local Municipality's employment figures were based on 2010 data. At top management, there was 1 black male. At senior level, women comprised 33%, while there were no people with disabilities at top or senior levels.

At the time, responsibility for equity programming resided with the manager of corporate services, who reported directly to the municipal manager. Much discussion around equity was aimed at what was hoped for, rather than on policies actually in existence.

Of all policies, only the disciplinary and grievance procedure, the HIV/AIDS policy and minutes of the EE Forum were presented. All the other policies, including the equity policy, were under review. The limited resources of the Department were also cited as a hindrance to implementation. However, the implementation of gender was aided through a coaching and mentoring strategy, organisational development initiatives and a Women's Forum that discussed mentoring women who needed to be developed within the municipality.

Flexitime was mentioned as something that was done.

## **7.2 Update**

The municipality's report mostly addressed the previous findings. As introduction to the presentation, the Executive Manager for corporate support service reports directly to the municipal manager on transformation, gender equity and EE issues, and two GFPs have been appointed – one focused on GEYODI and the other on EE. Mogale City realised from its previous presentation that it had implemented several EE and gender equity programmes, but was not reporting on them. This situation has been resolved.

Women and disability representation in senior management has been measured at 30% and 2.4% respectively.

On the finding that Mogale City discussions on equity constituted hopes for the future rather than implemented policies, it was mentioned that an EE policy and plan have been approved; the municipality monitors and reports to council on its implementation. An EE and Disability Committee is functional. As concerns policies, an EE Plan has been approved and is due for revision in 2015/2016. Gender budgeting now takes place, and falls under the overall EE budget.

The municipality now uses the targets in the EE Plan to track the movement of women and persons with disabilities through the organisation. It has established an Office on the Status of Disabled People in the Office of the Executive Mayor, to manage disability issues for the municipality and the community at large, and is in partnership with the Pan South African Language Board. Regarding gender implementation, Mogale City has implemented several strategies and is mainstreaming gender equity in all departments.

Flexitime is implemented on an ad hoc basis, and the municipality now has a few childcare facilities.

Approved, audited and submitted policies include the following: disciplinary and grievance procedure, HIV/AIDS, employment equity, job evaluation, minutes of the employment equity committee, regulation and remuneration of shift and overtime work, performance management, probation, acting and acting allowance, travelling, subsistence and accommodation allowance, promotion and succession planning, transfer and secondment, and a draft recruitment and selection policy.

The gender equity strategy is approved but not audited, the sexual harassment policies are with the Mayoral Committee for approval, and the retention strategy for women, persons with disabilities, and scarce and critical skills is being circulated internally for compliance and comments. The disciplinary and grievance procedures, the uniform and protective clothing policy and the occupational health and safety policies are approved and audited. There is no mentoring and coaching policy, as this is done on an ad hoc basis; there are no disability or language policies. A revised leave policy is audited, and before the council EXCO for comments.

The municipality listed 2013/2014 successes as including gender equity workshops in all departments, the establishment of men's and women's forums, childcare centres for employees and the community, women co-operatives (and giving them business), a relaxation centre and a gym for staff, sign language training for the EE committee, a translation day, a two-year income differential analysis to determine if women and men are paid equally that has shown no discrepancies yet, and a link for EE and GEYODI, and a newsletter for disability issues. She listed several activities and partnerships planned for 2014/2015, around gender and disability transformation.

In conclusion, an appeal was made for financial and human resources, and capacity-building in diversity management, gender transformation, disability mainstreaming and gender equity mainstreaming.

### **7.3 Questions and comments**

The Commission commented that Mogale City's presentation was a marked improvement on the 2013 effort. It was more focused, and commendable. Regarding its appeal for assistance, the Commission is also looking for more budget, but it can assist the municipality with training on gender mainstreaming. Mogale City and Midvaal should look to find synergies in their quest to recruit persons with disabilities.

Regarding policies, there was still no recruitment policy, and the sexual harassment policy remained unsigned. The Commission commended the municipality on flexitime and childcare.

Noting the 3rd of December – as the International Day of People with Disabilities, which Mogale City is hosting in Gauteng – the Commission pointed it out as a difficult day for persons with disabilities, and the municipality should ensure that they should not be left hungry or stranded on that day.

The Commission further commended Ms Mokebe for being a younger person who is taking the agenda of the Commission forward in that this would benefit the next generation.

#### **7.4 Analysis**

The gender disaggregated data was provided and it showed that the enabling environment is male dominated but equally represented in terms of race. Representation of women at SMS level has dropped from 33% in 2013 to 30% in 2014. In terms of the gender legislative framework, all policies are in place, reviewed and adopted. The sexual harassment policy is still pending mayoral approval. The retention strategy has been circulated for comments.

Policy implementation is a major gap. The municipality needs gender mainstreaming training to implement policies effectively. Two people have been appointed to the GFP positions, one focusing on GEYODI, the other on EE, but fewer results have been yielded.

The gender machinery structures, processes and mechanisms that are in place are the following: EE Plan, EE Committee, GEYODI, and Performance Management Committee. There is no gender forum established but there are Men and Women Forums as well as a Disability Committee. Flexitime is an ad hoc thing and childcare facilities are in place. There is no specific gender budget geared for gender programmes. The disability percentage has not been achieved and this issue is attended to by the Mayoral Office.

In conclusion, Mogale City is steadily progressing from 2013 and needs to be monitored more frequently. Most of the recommendations attended to did not yield tangible results.

### **8. CITY OF TSHWANE**

The City of Tshwane was represented by Mr Luckie Sihlangu in his capacity as Executive Director, supported by Ms Khethiwe Mamoepa: Senior EE Consultant, and Mr Velaphi Ngcobo: Director EE

#### **8.1 Previous findings**

A 2014 supplementary meeting heard that in some respects, the City of Tshwane was addressing EE and gender transformation aggressively, but failing in key respects.

In 2013, 26.6% of top management posts at the director level were occupied by women, while 33.5% comprised the female component of senior management; no persons with disabilities were located in top management.

The council, top management, the corporate equity forum and the director of employment equity were responsible for the oversight of implementation of the equity policy, but the equity policy was still in draft form and the policy documents were claimed to be under revision or awaiting council approval.



Documents submitted included the draft equity plan, a disciplinary procedure from the South African Local Government Bargaining Council, a disciplinary and grievance procedure from the South African Local Government Association; the municipal manager's Code of Conduct for Staff Members, and uniform, training and development, EAP, HIV/AIDS, scarce skills allowance and sexual harassment policies (the latter unapproved).

Women's empowerment was supplemented by an aggressive recruitment policy, extended to people with disabilities, and a R1.7 million budget for transformation and ring-fenced positions.

A budget supported the education and training of women to attain senior management positions. Additional support was provided through flexitime and emerging childcare facilities.

## **8.2 Update**

The City of Tshwane's presentation addressed the 2014 findings. Where in 2013 female representation in top management was 26.6%, it is now 30%; senior management has increased from 33.5% to 39.43%. A five-year EE Plan was approved by council in May 2013, but is being revised following a review by the Department of Labour. The municipality still has no persons with disabilities in top management, but the EE Plan envisages a 3.5% representivity by its end; the percentage is 1.5% for senior management, but the EE Plan projects 2.17%. Overall, persons with disabilities have increased from 0.4% of employees in 2013 to 0.9% currently, numbering 166 employees; a learnership programme targets another 30 persons with disabilities, and there are several pending appointments, bringing the number to 200.

Responsible persons for the implementation of the EE Plan have been laid out according to legislation. EE and transformation form part of the performance management of top management, including the city manager, his deputies and heads of departments. The EE policy is no longer in draft and was concluded as a collective agreement in April 2014.

The municipality indicated that the uniform and staffing policies are still in draft form. Sexual harassment, HIV/AIDS, succession planning/career-pathing, and occupational and health policies have been signed as collective agreements; 3 cases of sexual harassment have subsequently been reported, 1 of which has been finalised. Disciplinary processes follow the SALGBC Disciplinary Code and Collective Agreement and the Code of Conduct for Municipal Staff Members derived from the Municipal Systems Act. The training and development policy is in draft form, and under review. Employee assistance, retirement and scarce skills allowance policies are still in draft form, but council has approved them for deliberations with organised labour.

Regarding a lack of a GFP and gender budget, a person from the Mayor's office has been given the responsibility for this work, and a R800 000 budget has been set aside for gender issues. Regarding aggressive recruitment of women and persons with disabilities, the

municipality has in the past year ring-fenced 89 positions for women, persons with disabilities, coloureds and Indians. Other positions are filled by these groups. A training budget of R7.27 million accommodates women employees (it was pointed out that the previous report of R52 million is incorrect, and R7.27 million is the correct amount), and training in sign language.

The municipality struggles with childcare facilities. Places for facilities have been identified, and final confirmation of the venues is awaited. Flexitime is on an ad hoc basis, for new mothers. There were also Women's Day and Women's Month activities.

Training on the Municipal Finance Management Act has been afforded to 99 women at top and various senior levels of management, and 13 others at executive director level have received training at the GIBS.

The municipality pointed out that the appointment of top management resides with the council, and this could not be in line with the EE Plan. Certain appointments have been delayed by a municipal merger, and consultation with organised labour also delays action.

### **8.3 Questions and comments**

The Commission noted that the City of Tshwane's first presentation, in 2013, had been wishy-washy, and remarkable progress has since been made. The City of Tshwane is taking gender transformation seriously; it must not have been easy to take back the Commission's findings to the municipality and communicate them. This commitment to transformation is commendable.

The Commission will raise the matter of top management appointments with the council. The Commission has a working relationship with Tshwane, and does gender mainstreaming with the municipality. The Commission was dismayed at the level of women representation in senior management, but there is evidence of action.

Regarding disability, if the municipality does make conditions conducive, persons with disabilities may feel more comfortable about coming forward and it may reach the 2% target. The same applies to the HIV/AIDS policy.

### **8.4. Analysis**

The gender disaggregated data was provided and it showed that the enabling environment is male dominated but racially represented. With regard to the women at SMS level, they moved from 26% in 2013 to 30% in 2014. This is a slight improvement but equity is not achieved.

In terms of the legislative framework, all gender policies are in place, but not all have been reviewed and adopted. The uniform policy and the Training and Development policy were still in draft. There is still a major gap in terms of policy implementation. Appointment of top managers seems not to be in line with the EE Plan. Progress not made may be as a result of delay in a municipality merger.

There is no specific official appointed to deal with gender issues and programmes. The gender machinery structures, processes and mechanism which are in place are the following: EE Plan as a Collective Agreement, EE Committee, Learnership programmes, Training on the Municipal Finance Management Act. There has not been a gender forum established, and flexitime is on an ad hoc basis. There are no childcare facilities.

The gender budget was disclosed as being R800 000. The disability percentage has not been achieved.

In conclusion, the City of Tshwane has improved drastically from 2013, but still needs to be monitored. Most of the recommendations were implemented.

## **OVERALL ANALYSIS OF THE PROVINCE**

All entities have improved as compared to the Commission's initial engagement with them in 2013. Although statistics show that women at SMS levels is still low, there has been a tremendous improvement, and this shows that there is a political will to transform and achieve 50/50 gender equality. Most of the recommendations were implemented and most of the policies were reviewed. Some were still in draft and needed to be monitored, especially those on scarce skills, sexual harassment and disability.

The Departments have taken the Commission's recommendations seriously and worked on them. Although there are some grey areas, much has been achieved and measures put in place. The Commission further commended them in terms of creating childcare facilities. The Department of Social Development and the GDE were encouraged to work together and encouraged the City of Tshwane to engage with them about this priority issue.

In addressing all municipalities, the Commission indicated that 2016 is drawing near and urged them to work harder in order to bring about change. As a way forward, the Commission is willing to work with the City of Johannesburg, Mogale City and Midvaal municipality. Ekurhuleni municipality was not called to appear before the Commission, but has asked to be assessed. City of Tshwane, Mogale city and Midvaal municipality were commended on their progress and the efforts shown.

In the private sector, some businesses are not transforming at all. With regard to the entities which the Commission has invited, they are all in the banking sector and are steadily transforming.









## Commission for Gender Equality

A society free from gender oppression and inequality

### **GAUTENG : JOHANNESBURG (HEAD OFFICE)**

2 Kotze Street,  
Women's Jail, East Wing  
Constitution Hill,  
Braamfontein 2017,  
South Africa  
Tel: +27 11 403 7182  
Fax: +27 11 403 7188

### **EASTERN CAPE (EAST LONDON)**

33 Phillip Frame Road  
Waverly Park  
Chilselrust  
East London, 5200  
Tel: +27 43 722 3489  
Fax: +27 43 722 3474

### **FREE STATE (BLOEMFONTEIN)**

49 Charlotte Maxeke Street,  
2nd Floor,  
Fedsure Building,  
Bloemfontein 9300  
Tel: +27 51 430 9348  
Fax: +27 51 430 7372

### **GAUTENG (PRETORIA)**

267 Lillian Ngoyi Street,  
Pretor Forum  
Pretoria 0002  
Tel: +27 12 341 6090  
Fax: +27 12 341 4689

### **KWAZULU-NATAL (DURBAN)**

40 Dr. A.B Xuma Road, Suite 313,  
Commercial City Durban 4001  
Tel: +27 31 305 2105  
Fax: +27 31 307 7435

### **LIMPOPO (POLOKWANE)**

Cnr. Grobler & Schoeman Streets,  
1st Floor, Library Gardens Square,  
Polokwane 0700  
Tel: +27 15 291 3070  
Fax: +27 15 291 5797

### **MPUMALANGA (NELSPRUIT)**

32 Belle Street, Office 212-230,  
Nelspruit 1200  
Tel: +27 13 755 2428  
Fax: +27 13 755 2991

### **NORTHERN CAPE (KIMBERLEY)**

143 Du Toitspan Road,  
Kimberley 8301  
Tel: +27 53 832 0477  
Fax: +27 53 832 1278

### **NORTH WEST (MAFIKENG)**

38 Molopo Road, Mafikeng 2745  
Tel: +27 18 381 1505  
Fax: +27 18 381 1377

### **WESTERN CAPE (CAPE TOWN)**

132 Adderly Street 5th Floor,  
ABSA Building, Cape Town 8001  
Tel: +27 21 426 4080  
Fax: +27 21 424 0549

**TOLL FREE: 0800 007 709**

**cgeinfo@cge.org.za | www.cge.org.za**