

2011

Report

Provincial Hearings On Employment Equity and Gender Transformation

North West Province



Commission for Gender Equality

A society free from gender oppression and inequality

REPORT
Provincial Hearings On Employment Equity and Gender Transformation
NORTH WEST PROVINCE
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Acronyms

EEA:	Employment Equity Act
CEE:	Commission for Employment Equity
EEC:	Employment Equity Commission
EEP:	Employment Equity Plan
DSAC:	Department of Sports, Arts and Culture
SPD:	Special Programmes Directorate
CGE:	Commission for Gender Equality
HOD:	Head of Department
DG:	Director General
DDG:	Deputy Director General
HRM:	Human Resource Management
PMDS:	Performance Management and Development System
OSW:	Office on the Status of Women
CPSME-NW:	Consolidated Public Service Monitoring & Evaluation Report for the North West
ILO:	International Labour Organization
EEC:	Employment Equity Commission
BWASA:	Business Women Association of South Africa
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
PSC:	Public Service Commission
EEC:	Employment Equity Commission
BCEA:	Basic Conditions of Employment Act
LRA :	Labour Relations Act

Foreword

The Commission for Gender Equality presents its report in respect of the Employment Equity hearings held on the 9 and the 10 November 2011 in Mafikeng, North West. The Commission on Gender Equality Act gives the Commission the power to monitor and evaluate the policies and practices of government, the private sector and other organisations to ensure compliance with the promotion and protection of gender equality in South Africa.

It must be acknowledged that South Africa has made significant progress by promulgating pieces of legislation such as the Employment Equity Act. The intention of the Act is to achieve equity in the workplace by inter alia, promoting equal opportunity and fair treatment in employment. This is to be accomplished through the elimination of unfair discrimination and the implementation of affirmative action measures. It is therefore the responsibility of the Commission to monitor compliance with the Employment Equity Act. This objective was achieved by hosting hearings for public and private entities to account in respect of gender transformation at senior and top management positions.

The purpose and rationale of conducting employment hearings was not to interrogate but to present the CGE with an opportunity to understand the challenges faced by the government departments and private companies to implement measures for the advancement of women, to gather information on best practices and lessons learned.

This report highlights the various achievements and challenges faced by government and the private sector in implementing affirmative action measures to achieve gender transformation in the South African workplace. The report will be tabled with Parliament or any other authority to lobby for a transformation in attitudes and gender stereotypes towards the respect for women's rights as human rights.

It is hoped that this report will facilitate the necessary impetus for the South African employer to recognise that gender transformation is inimical to the achievement of true equality of representation in the South African labour market.

I would like to take this opportunity to acknowledge government departments and private entities for acceding to the Commission's request for information and further for their appearance at the hearings. I would also like to acknowledge the endeavours of all contributors who assisted in the compilation of this report.



Mr. Mfanozelwe Shozi

Chairperson: Commission for Gender Equality

2. Executive Summary

The Republic of South Africa (RSA) can demonstrate a strong political commitment to gender equality and transformation in the workplace, owing to comprehensive legislative framework and appropriate policies. Yet, the evidence from the hearings indicates that progress on gender equity has been very slow. The reasons for the slow pace were also evidenced such that clear measures can be recommended. This will be summarised in the three sub-sections.

- a. The framework for transformation in the workplace
- b. The findings
- c. The recommendations

The framework for transformation in the workplace

First, the RSA constitution clearly promotes equality in the workplace. In fact, from the early 1990's the republic has worked at international levels to eliminate discrimination on the basis of race, gender, sex, sexual orientation, age and disability. South Africa has also ratified many international agreements including:

- The International Labour Organisation (ILO) Convention No. 111, concerning equal remuneration for men and women workers for work of equal value (ratified by South Africa in 2000).
- Article 2 of the above, which requires member states to promote and apply to all workers the principle of equal remuneration to men and women for work of equal value, by means of national laws, recognised machinery for wage determination, and collective agreements.
- ILO Convention No.100 (ratified by South Africa in 1997), which requires member states to pursue policies that promote equal opportunity, treatment in employment and access to opportunities including vocational training (with a view to eliminating discrimination in employment).

Equality in the workplace is also embedded in the RSA's national legislative framework including the:

- Employment Equity Act (1998).
- Labour Relations Act (1995).
- BCEA (1997).
- Skills Development Act (1998).
- Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000.
- Broad Based Economic Empowerment Act (2003).
- Certain governments departments are providing executive training for women, developing EE targets, assigning responsibility for this at a senior level, and integrating EE into strategic plans (with monitoring interventions in place).
- Certain departments have included gender transformation targets in their performance appraisal of managers.
- Several departments have initiated gender equality awareness within the workplace.

The negatives are the following:

- The pace of gender transformation in the workplace has been very slow.
- Big gender wage gap persists
- Very few women are in the very top management positions of business and some sources suggest that the number of women as company directors, chairpersons and chief executive officers actually declined in 2010-2011.
- Black women comprise only 3.4% of top management in business. 3.8% of senior management (white women comprise 10.2 % and 16.9% respectively).
- Representation of people with disabilities has fallen too, from 1% to 0.5% in both the public and the private sector.
- The public sector has failed to meet the state's 50% target for women's representation at senior management levels and its 2% target for employment of persons with disabilities.

Public sector

The Department of Public service and Administration (DPSA) assert that departments are generally failing to report adequately on EE, citing: lack of accountability within departments, lack of consequences – no punitive measures. Most departments conflate EE and gender mainstreaming and therefore do not distinguish them in terms of managing human resources and delivering corporate services.

State policy also required the appointment of Gender Focal Points (GFP) at Director level but this is not being implemented by departments such that the state has also failed to ensure the adequate conceptualisation, implementation and reporting of gender mainstreaming. This exposes both conservative attitudes towards EE at senior management levels and scarce skills amongst women in technical, finance and science fields.

Private sector

- a. On average, companies presented figures approximating 12% women's representation in senior and top management.
- b. Gender and disability components of employment equity seem to be largely unknown/ignored, in contravention of the Employment Equity Act.
- c. Companies demonstrate lack of a coherent gender transformation policy, and policies addressing disability – little evidence of targets, strategy, and targeted skills development programmes, and designated responsibility measured through performance management mechanisms.
- d. Transformation appears to be favouring white women – insufficient measures taken to recruit and promote black women to positions of senior management.
- e. Sexual harassment policies not put in place in some companies, in contravention of BCEA and LRA.
- f. Companies cited challenges in addressing compliance with all Employment Equity Act provisions – lack of adequate capacity and knowledge. Difficulties in recruiting people with disabilities – need for clear targets and strategies.

Recommendations

- The state must refuse to contract, fund or have business dealings with any company or department that has failed to address transformation on the basis of race, gender and disability.
- Stronger enforcement mechanisms for reporting by the CEE be utilised to ensure compliance and an increase in penalties for non-compliance, coupled with its envisaged “name and shame and praise ‘campaign to compel companies to comply with EE legislations.
- Companies should develop clear policies and apply these to discrimination and sexual harassment in the workplace (supported by widespread awareness).
- Men be integrated into efforts to promote women’s political progress in order to increase gender sensitivity and support for women’s political leadership without compromising the need to increase the number of women in meaningful leadership positions to challenge patriarchy.
- Gender and disability measures included in BEE rating and company scorecards, to compel companies to take these additional components of employment equity seriously.
- Gender Equality legislation required, to impose on the public and private sector responsibilities with regard to promoting gender equality, and establish accountability in this regard.
- BWA recommendation of JSE 50/50 listing requirement.
- Stronger enforcement mechanisms for EEC reporting, to ensure compliance; increasing penalties; emerging “Name and Shame and Praise” campaign. Compliance by government departments needs to be enforced, and accountability for reporting and transformation clearly established.
- EE Act to be amended to address equal pay for equal work.
- Expansion of EEC / Dept of Labour DG review – of employment equity targets and strategies, affirmative action measures.

3. Data for the illustration was taken from the 10th CEE Annual Report 2009-2010.
4. The 10th CEE Annual report 2009 – 2010.

3. Introduction

The public and private sectors are performing very poorly with transformation in regards to gender and disability perspectives, despite a comprehensive array of constitutional provisions and mechanisms, ratification of international and regional treaties, and their domestication as national legislation. This is revealed in such documents as:

- The BWASA's Business Women in Leadership Census 2010
- The Public Service Commission (PSC) findings of 2008 / 2009
- The Labour Force Survey of 2010
- The EEC's Annual Report of 2010

The CGE's report of July 2010 to the South African Committee of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) found that inequalities are still reflected in labour force data despite significant labour legislation and other policies responding to historic race and gender inequalities. This is not acceptable since such problems have a direct impact on tens of millions of South Africans: (a) South Africa has a population of 50.59 million people, of which 52% are women; and (b) a very high percentage of women undertake low-skilled wage employment.

FIGURE 1 (below) shows that: (a) women remain significantly under-represented in senior management and leadership positions; (b) that men dominate in the public sector too; and (c). white women benefit most from Affirmative Action. Not showing is that in the public and private sectors, the representation of people with disabilities remains below 1%.

Figure 1:

Senior And Top Management Strata Of Public and Private Sector

Group	Public Sector		Private Sector	
	Top Manager	Senior Manager	Top Manager	Senior Manager
African males	40.6%	34.7%	10.1%	9.1%
White males	15.4%	20.4%	60.6%	51.7%
African females	23.1%	19.4%	3.4%	3.8%
White females	3.6%	9.5%	10.2%	16.9%

The more detailed CEE report confirms that men dominate at nearly every salary tier from middle to upper income. According to this study, 41.5% of promotions to top management levels were assigned to white males, followed by African males at 20.6%. African females constituted only 5.3% of promotions to this level, and white females, 11.9%. In terms of promotions to senior management positions, white males procured 35.75% of these; followed by African males at 17.7%; white females at 16.2%; and African females at 9.4%.

The BWASA 2010 Census on South African women in leadership provides particularly depressing data on the 315 JSE-listed companies:

- Women comprise only 4.5% of the CEOs and 19.3% of the executive managers.
- 73 companies listed on the JSE do not have a woman on their boards of directors.
- 16.6% of company directors are women.
- 6% of company chairs are women.

Another source of data, Census 2011, shows percentage decreases to: 15,8% women directors; 5.3% women chairpersons; 4.4% women CEOs and women in senior management positions at 35%. On the positive side: public sector black women dominate at all salary levels and comprise 56.3% of all government employees while the number of women at executive management level has increased to 21.6%.

In terms of disabled people, conditions have not improved. The employment rate of disabled people fell from 1% to 0.5% in 2009 such that an estimated 99% of disabled people can be regarded as excluded from employment on the open labour market. The employment of disabled people is a very high priority for the Department of Labour and designated employers should be taking serious steps to accommodate them.

The Employment Equity Act No. 55 of 1998 is one such piece of legislation. The Act, which aims to redress imbalances in employment opportunities as a result of apartheid policies, obligates employers to put measures into place that reflect the racial and gendered demographics of South African Society by including disadvantaged groups, mainly blacks, women and persons with disabilities. The vision of a working environment with equal representation of all races, genders and persons of varying abilities, is realised through the practice of Affirmative Action.

The Employment Equity Act is a tool to advance the upward mobility of women in the labour market and to break the proverbial glass ceiling that has prevented women from exploiting opportunities and enjoying economic empowerment. The Act contains within itself the strategic potential to change stereotypes and transform the workplace. Whilst the Employment Equity Act (EEA) is impressively clear on paper, the implementation and subsequent monitoring of it, is still subject to well-founded criticism. The 2010 report of the Commission for Employment Equity (CEE) as well as the South African Women in Leadership Census led by the Businesswomen's Association (BWA) reveal the rate of uptake on employment equity to be dismally slow.

Although women constitute 50% of the working population, the following statistics revealed the harsh reality, as seen below:

Despite significant employment equity gains in South Africa as a result of the introduction of labour legislation and other policies that have responded to historical race and gender inequalities, the patterns of gender inequality continue to be reflected in labour force data. The most recent Quarterly Labour Force Survey (October 2009) indicates the continuing disparities in employment and highlights broad trends that reflect the gendered nature of employment in South Africa:

- Women remain consistently under-represented in high skills, high wage employment.

- Women remain significantly under-represented in senior management and leadership positions

The Commission on Employment Equity Report (2009/10) provides statistics relating to transformation in the labour market. The report reveals that black female employees are still in the lowest percentages at all levels in the workplace compared to their white counterparts. In the top management and senior positions, black females constitute 5.5% as compared to 15.2% of their white counterparts. The Labour Force Survey conducted in 2007 (statistics), provides an overview on progress made with regard to women in the labour force. Although the survey indicates an improvement in their level of education, this does not immediately translate into increased job accessibility and opportunities. Unemployment rate for women still remains at 30% as compared to 21.3% of males.

Table 1: Department's performance against representation for the 2009/10 Evaluation Cycle

Departments	Performance Against Representation
Average	40%
Economics, Development & Tourism	70%
Agriculture	50%
Education	60%
Public works	50%
Finance	55%
Office of the Premier	10%
Health	40%
Sport, Arts & Culture	20%
Transport, Roads & Community Safety	10%
Social Development	10%
Local Government & Housing	40%

Source: Consolidated Public Service Monitoring Evaluation Report for the North West Province 2009/2010 Evaluation Cycle.

According to CPSME–NW, only three departments achieved a performance rating of “good”, namely Economic Development and Tourism (70%) followed by Education (60%) and Finance (55%). The Departments of Sport, Arts & Culture (20%), the Office of the Premier (10%) and Transport, Roads and Community Safety (10%), contributed to the low average with scores that are deemed as no performance. It is clear from the above table that the North West Province has under-achieved in terms of performance against representation for the 2009/2010 Evaluation Cycle with an overall average of 40%.

It was further noted that departments have put in place employment equity policies that comply with Section 1 of the Employment Equity Act, 1998, Act No. 55 of 1998. Most departments have not yet put in place employment equity plans in terms of Section 20 of the same Act. There is a widespread need for the improvement, in that the province did not perform well. It is evident from the CPMSE report that all eleven departments are not meeting the 2% target set for people with disabilities. In addition, the representation of women in senior management positions needs attention. Amongst others, failure to meet representivity tar-

gets could be attributable to the general lack of management reporting on representivity. Forty one percent (41%) of departments (adequate performance) do not report to management on representivity. Furthermore, these departments could not provide evidence of management feedback/intervention on these management's reports, which effectively means that management monitoring of the implementation of employment equity, does not take place.

It is clear from these results that departments are failing to implement the EEA and in the process do not take gender transformation seriously. In light of this, the Commission for Gender Equality (CGE) convened its series of public hearings with state and private sector entities in order to:

- Assess the impact of EEA on women in both the public and private sectors and address institutional and systematic barriers to their economic progress.
- Raise awareness of relevant international commitments and the importance of compliance.
- Assess what measures have been put in place in the workplace to bring about transformation in terms of gender and disability.
- Share the experiences and identify challenges faced by CEOs and Director-Generals in the implementation of the Act.
- Strengthen the working relationship between constitutional bodies and civil society in raising awareness about South Africa's compliance with international instruments, and about support and capacity interventions provided in this regard.

4. The process and participants

As required in terms of Section 19 (1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practises to identify barriers to employment equity. The scope of the questioning undertaken by the CGE is mainly limited to certain sections of the EEA unless additional information was sought and or requested by the CGE.

The process commenced with calling five government departments, three municipalities and one private company to account to the CGE on their progress and challenges, if any, in terms of gender transformation in the workplace.

Both public and private entities were required to respond in writing to a set of questions sent to them before the date of the hearing. On the day of the hearings presentations were made and additional information required was recorded. As noted below certain entities neglected to, or failed to provide written responses and others did not attend the hearing. The CGE was obliged to use its statutory powers to subpoena the respective head of departments, municipal managers and CEOs.

5. Findings and recommendations:

Below is the summary of findings and recommendations as per the submission from the five departments, three municipalities and the private company. Each company is numbered and listed in bold followed by brief introductions and the findings on policies are given in table format with recommendations bulleted just below each table. More comprehensive barriers identified and the remedial actions taken or required by each company along with responses to questions, is contained in Appendix A.

6. Day One: 9 November 2011

Welcome address and the role and mandate of the Commission of Gender Equality by CGE Acting Chairperson: Commissioner Mfanozelwe Shozi.

All guests at the public hearing were welcomed and acknowledged by the acting chairperson. In his address, the acting chairperson of the Commission for Gender Equality briefly outlined the mandate of the Commission for Gender Equality as follows:

- The CGE is a Constitutional body and according to Section 187 of the Constitution, it is required to promote respect for, and the protection, development and attainment of gender equality.
- According to the CGE Act No. 39 of 1996; the CGE is to monitor and evaluate legislation, policies and practices of the state, statutory bodies and private businesses, as well as indigenous and customary laws and practices; research and make recommendations to Parliament; receive and investigate complaints of gender discrimination; and conduct public awareness and education on gender equality. CGE has the powers of subpoena and litigation.
- PEPUDA Act No. 4 of 2000; obligates the CGE to institute proceedings of unfair discrimination on the grounds of gender.

The acting chairperson of the CGE further shared the vision of the CGE with delegates and presenters. The CGE Vision is a society free from gender oppression and all forms of inequalities. On that note, he welcomed everyone present.

Commissioner Janine Hicks did the rationale and purpose of the hearing as already alluded to. In her presentation, she emphasised and highlighted key provisions of the Employment Equity Act as follows:

- The Act embeds Affirmative Action through provision of equal opportunities for all and a skills development agenda for the disadvantaged, that they may acquire the required skills for top positions in public and private sector.
- Obliges employers to increase promotion opportunities for female employees; introduce flexible working hours; allow time-off during pregnancy; improve maternity and childcare facilities; train and develop women in the workplace and remove obstacles that hinder their path to promotion; and take steps to narrow wage gaps between employees performing similar work.
- Requires employers to audit policies and practices to identify barriers to the entry, advancement, development, remuneration and retention of women and persons with disabilities.

The presentation by Commissioner Hicks gave a clear picture and justification for CGE to hold Hearings on employment equity and gender transformation in the workplace in the North West province. Challenges faced by women and systematic discrimination on women in the workplace have negative effects on the achievement of gender equality, women empowerment, human development and economic growth of South Africa at large and respective regional economies.

Key Note Address by Commissioner Lulu Sizani from the Public Service Commission (PSC).

In her presentation, Commissioner Lulu Sizani outlined the Public Service Commission constitutional mandate as follows:

- SA Constitution Section 195, list values and principles that should govern public administration i.e. professional ethics, efficiency, economy and effectiveness, development orientation, impartiality and fairness, public participation, accountability, transparency, human resource management and representivity.

The Public Service Commission (PSC) has done some work on equity in the workplace and has produced the following reports:

- An audit of affirmative action in the public service – 2006
- Gender mainstreaming initiatives in the Public Service – 2006
- Report on disability equity in the South African Public Service – 2002
- The state of representiveness in the public service - 2000

Public Service Monitoring and Evaluation System

- Public Service Monitoring & Evaluation System (PSM&ES) of the PSC is designed around the 9 values and looks at the extent to which public service departments comply with constitutional principles.
- During the 2009/2010 Evaluation Cycle, the PSC conducted M&E in all the 11 Provincial Departments in the North West Province.
- The aim of the Consolidated PSM & E Report on the North West Province was to assess the extent to which departments comply with the 9 principles in the Constitution.
- The actual performance of the departments is assessed against a set of indicators and standards.
- Based on the assessment, a score is awarded to the Department.
- Related to the topic of the day, is the representivity principle.

Representivity

Constitutional Principle and Value	Performance Indicator	Standards
<p>Value:</p> <p>Public administration must be broadly representative of SA people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.</p>	<p>The Department is representative of the South African people and is implementing diversity management measures.</p>	<ul style="list-style-type: none"> • Employment Equity policies & plans are in place and reported upon. • All representivity targets are met. • Diversity management measures are implemented.

According to the presentation, the average score for the 11 Departments for 2009/2010 was poor (40%). This is based on the fact that only 32% of the Departments met all three employment equity targets of Blacks and

women on senior management and all the Departments did not comply with the national target of 2% for with disabilities by 31 March 2010.

The following government departments, municipalities and private companies were selected to attend to the hearing:

1. Department of Sport Arts and Culture
2. Department of Education
3. Department of Economic Development, Environment, Conservation and Tourism
4. Office of the Premier
5. Dr Ruth Mompoti Municipality
6. Bojanala District Municipality
7. Ngaka Modiri Molema District Municipality
8. Sizwe Nzaluba Gobodo Incorporated

6.1 Department of Sports, Arts and Culture

By Ms. D. Tlhoale (HOD)

To give a clear background of the Department of Sports, Arts and Culture; the presenter started her presentation by indicating the Vision, Mission and Strategic Objectives of the Department as follows:

Vision

A transformed representative hub of talent in Sport, Arts and Culture, which is internationally recognised and admired in support of an active and winning nation at all times.

Mission

To create, promote and develop Sport, Arts and Culture for community betterment and enrichment, maximising access, development and excellence at all levels of participation.

Strategic Objectives

- She outlined the department's objectives as follows:
- Acceleration of transformation in Sport, Arts and Culture.
- Empower communities with sustainable Sport, Arts and Culture programmes.
- Create, promote and develop sustainable Sport, Arts and Culture programmes.
- Re-engineering of Arts, Culture and Heritage programmes into business enhancement activities.
- Provide and develop sustainable infrastructure for Sport, Arts and Culture accessible to all communities.
- Provide effective Communication and Marketing services of all Sport, Arts and Culture programmes.
- Provide effective & efficient policy, legal services, research, information and knowledge management, minimum information security standards, infrastructure, monitoring & evaluation functions to DSAC.
- Provide strategic human capital management support and advisory functions to the Department.

Continuing with her presentation, the presenter indicated that the Department has an Employment Equity Plan in place, which is consistently monitored by the Director of Human Resource Management. The Department has established an Employment Equity Committee, which has been tasked to develop programmes that will promote gender transformation. We further strive to give women and people with disabilities preference in our selection and recruitment criteria. Our EE Plan also enforces gender transformation. The Management and Development Programme offered by the Department is another intervention to capacitate women to prepare them for senior positions.

She further indicated that there is a person assigned to deal with issues and programmes of gender, that is appointed at deputy director level 11, assisted by 2 senior administrative officers at level 8. In ensuring monitoring and measuring progress on employment equity and gender transformation, the Department relies on the Employment Equity Report.

She further indicated that the Department’s policies are audited once every five (5) years. The Department does not have a Sexual Harassment Policy and all existing policies within the Department, including those adopted from the province. During in-service training on labour relations matters, these Policies and Procedures are communicated to staff members. According to the presenter, the Department does not have any cases reported on sexual harassment.

**Department of Sports, Arts & Culture:
Compliance with Employment Equity Act: 2011**

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the EEA No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> • The Department has an Employment Equity Plan for the period 2011 to 2015 as determined by the Departmental Employment Equity Forum. • The plan has been attached to the documentation sent to the Commission. 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • There is a clear lack of compliance with government prescripts, in particular the EEA.

<p>2. Have the development been able to achieve the objectives in terms of Section 20 (2)(a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> • Yes, the Department indicated in its presentation that to a certain extent they have been able to achieve their objectives especially at SMS level. • The Department's disability target is satisfactory especially at the lower level but at SMS level it leaves much to be desired. However the Department indicated that they are striving to remedy the problem so as to achieve a fair representation of people with disabilities in the SMS level. 		<ul style="list-style-type: none"> • The Department need to review its recruitment policy more especially the clause relating to people with disabilities. • The newspaper advertisement alone is not sufficient and may not necessarily reach the targeted and or designated groups.
<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing the EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> • Yes, the person is appointed at Director Level. 		<ul style="list-style-type: none"> • The thorough analysis of the Department's Employment Equity plan shows that the plan is silent in terms of monitoring the implementation of the plan forming part of senior manager's performance review. If this is infused in the plan we are bound to have an effective monitoring and implementation of the plan and therefore achieving gender transformation in the workplace. • Creation of a function that would enable the directorate to monitor progress and implementation of the EE Plan. • Creation of an integrated information system to provide data required by Directorate Equity.

<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the Department.</p>	<ul style="list-style-type: none"> • 9 African males. • Out of the 9 African males one is disabled. • 7 African females. • 1 White female. 	<ul style="list-style-type: none"> • More positions must be advertised so that the Department can function with a full staff complement. 	<ul style="list-style-type: none"> • It is a cause of concern for the commission that males are still dominating at senior management levels as opposed to their female counterparts who are overrepresented at administrative and middle management levels. • Gender focal persons are not getting support from the political heads. We need to come up with a solution to this impasse if we really want to tackle the issue of gender inequality in the workplace. • There is a need for the Department also to partner with organisations that deals with persons with disabilities, because it is incorrect to assume that we do not have people with disabilities who are capable of doing the work that people without disabilities do.
<p>5. What measures have been put in place to promote gender transformation at your institution?</p>	<ul style="list-style-type: none"> • The Department has established an Employment Equity Committee, which has been tasked to develop programmes that will promote gender transformation. 	<ul style="list-style-type: none"> • During the presentation the Department indicated that they are striving to give women and people with disabilities preference in their selection and recruitment criteria. 	<ul style="list-style-type: none"> • The concern has always been that the gender unit within the Department does not have sufficient budget to effectively deal with its programmes of awareness campaigns etc. • The relevant Department must make a submission to the Treasury seeking more funds to enable them to effectively deal with issues of gender transformation.

<p>6. Does the Department have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> • Yes, the person is appointed at the level of Deputy Director: Salary Level eleven (11). 	<ul style="list-style-type: none"> • The deputy director is assisted by 2 senior administrative officers at level eight (8). 	<ul style="list-style-type: none"> • I must indicate that it is always better to appoint a person to this position at a strategic position level (a decision making level). For example Director or Chief Director Level. • The rationale behind this is that at middle management level there is still need for consultation with the seniors before a decision can be taken, hence we always hear of the challenges relating to lack of support from senior managers. • Lack of capacity to raise awareness campaigns throughout the province.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the Department?</p>	<ul style="list-style-type: none"> • Employment Equity Report. 		<ul style="list-style-type: none"> • The commission is concerned that not much is being said or done about people with disabilities and the probable strategies that may be undertaken to increase the number of persons with disabilities in all the categories of the work force.
<p>8. In terms of the policies that the Department has, how often does the Department audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> • The policies are reviewed within a period of five years. 		<ul style="list-style-type: none"> • Five years is a long period; maybe the Department must consider reviewing these policies either annually or every two years. • At least if the review period is done annually you will be able to see if whether the Department is achieving its objectives and if not, then it must acquire a remedial plan.
<p>9. Provide disaggregated data by gender race and disability on non SMS level</p>	<ul style="list-style-type: none"> • The question was basically not answered, as the response to number 4 is the same as the one in number 10. The difference is number 4 talks of SMS level and 10 of non-SMS level. 		

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> • • 	<ul style="list-style-type: none"> • The Department has established a women's forum chaired by a woman senior manager to discuss issues affecting women in the workplace. • The senior manager is expected to develop mechanisms to support women within the Department. 	<ul style="list-style-type: none"> • There is talk of mechanisms to be put in place, how long will this take to be developed? On the other hand there is basically no other supportive measures given to women. • It is of critical importance that the Department should develop a standard policy that deals with the issue of flexi-time so as to close gates for favouritism that may lead to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> • The Department rely on Provincial policies. 	<ul style="list-style-type: none"> • The long-term plan for the Department is to develop its own policies. 	<ul style="list-style-type: none"> • It is important that the Department should not only rely on provincial policies, they must develop their own departmental policies to be relevant to them.
<p>12. The employer is required to put the policy where it can be accessed by employees. Has the Department done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>		<ul style="list-style-type: none"> • During in-service training on Labour Relations matters, the policies and procedures are communicated to staff members. 	<ul style="list-style-type: none"> • It is very important that the Department should hold this kind of policy workshop more often. The reason being that not everyone can understand immediately when you are telling him or her something. • We need also to think about those unskilled labourers who may find it difficult to understand some of the things. With constant engagements with employees it will make it easy for them to understand.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> • There have been no cases of sexual harassment reported to the Department. 		<ul style="list-style-type: none"> • The fact that there are no cases of sexual harassment does not automatically imply that it is not happening. We are aware that sexual harassment is rife in the workplace, the question we should be asking ourselves is, are we really doing enough in terms of raising awareness? • Do employees know where to go if he or she feels that she has been sexually harassed? • Are the victims scared to report cases of sexual harassment for example if the perpetrator is Senior in the Department? • We need to give the victims assurance that whatever information they give will be treated as confidential as possible and that in the event the perpetrator is a senior to the victim, that there will be no issues of secondary victimization as this may deter other employees from reporting cases. • The Department must create an enabling environment for victims to report these cases.
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<p>14. Which initiatives did the Department undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> • Take a girl-child to work programme. • Training of senior managers and middle managers on gender mainstreaming. • Women seminars. • Delivery of Golden games. • Hosting of joint social youth conference on human trafficking. • Human rights priority meetings. • Awareness raising campaigns on the mandate of SPU in districts. • Establishment of the Special Programme’s Forum, which will have sub-forums such as gender, men, women and disability. • Recruitment of officials and designated groups in projects and various training courses in India for capacity building. • Capacity building on gender budgeting. 		
<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> • Yes, our adverts clearly state that preference will be given to women and people with disabilities. 		<ul style="list-style-type: none"> • The Department needs to be clear on issues of recruitment i.e. engaging disability organisations to recruit people with disabilities; training of staff to empower them with the necessary skills to better perform in their area of specialisation; and allocation of bursaries for employees who wants to further their education but cannot afford the tuition fees on their own. • The Department should come up with a proactive way of recruiting women and persons with disabilities if they really want to reach the national target of 2% of people with disabilities.

<p>16. Does the Department have a gender sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> • Yes, there is but is not sufficient. 		<ul style="list-style-type: none"> • The allocation of budget for gender issues should be extrapolated from the youth and the disability sector.
<p>17. What successes and challenges have been experienced in realizing gender transformation in the Department?</p>	<ul style="list-style-type: none"> • Successes • The current Head of Department is a woman. • Establishment of a special programme in the Department. • Appointment of a new female Director in finance unit of the Department. • A good representation of women in senior management. • Challenges • Limited or no aligned budget for the implementation of gender issues. • Poor attitudes towards gender transformation programmes. • Limited awareness on gender issues by staff members. • Lack of departmental policies on gender issues. 		<ul style="list-style-type: none"> • The importance of having departmental policies cannot be over emphasised, some of the challenges that the Department is experiencing could have been avoided through the use of internal policies.
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the Department?</p>	<ul style="list-style-type: none"> • Gender mainstreaming training by PALAMA. 		
<p>19. Does the Department have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> • There is no succession planning policy. 		<ul style="list-style-type: none"> • There is a dire need for the Department to have it's a succession plan targeting women and people with disabilities for the Department to realise its objectives.

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Unknown	
14.	Working Time Policy	Unknown	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking Policy	Unknown	
20.	Substance Abuse Policy	Unknown	

6.2 Department of Public Works, Roads and Transport

By Ms. M. Mfikwe: Chief Director – Corporate Services

The Department indicated that there is an Employment Equity Plan in place and it has been partially achieved. The plan is managed by the director of Human Resource Management, who has been appointed as an EE Manager. This has been included in his performance agreement.

Table 2: Number and Percentage of Women & Men at SMS for the Department of Public Works, Roads and Transport

Levels	Males	Female	Total
Level 15	1 (100%)	-	1 (100%)
Level 14	3 (43%)	4 (57%)	7 (100%)
Level 13	14 (64%)	8 (36%)	22 (100%)
Total	18 (60%)	12 (40%)	30 (100%)

The table above indicate that, there are more men (60%) in the SMS compared to women (40%).

According to Ms. Mfikwe, the Special Programmes Directorate (SPD) is responsible for gender transformation and issues within the Department. The directorate is led by the Director of Special Programmes, who is appointed at level 13. In order to achieve gender transformation and employment equity targets, the Department submit female and persons with disabilities applications to the short listing and interviewing panel. The Department also uses Affirmative Action to ensure that female and disabled candidates receive preference during the hiring process.

The Department has an EE policy in place and the sexual harassment policy is still at draft stage. The Department has further indicated that there has never been a case of sexual harassment reported. It is therefore important to note that the absence of the sexual harassment policy may have left abuse/harassed women with no option but to remain silent.

Through the implementation of the HOD’s (8) Principles Action Plan, the Department provide support measures to ensure improved performance in both employment-related work and home-related work. These 8 principles are further used to raise awareness around gender equality and discrimination issues. The Department is also in the process of developing a wellness centre, which will benefit all employees. The wellness centre will include a clinic and sports equipment.

The Department has an administration budget for gender issues and that is used to deal with all gender related matters.

**Department of Public Works, Roads and Transport:
Compliance with Employment Equity Act: 2011**

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> • The Department has an Employment Equity plan as determined by the departmental Employment Equity Forum. • The plan has been attached to the documentation sent to the Commission. 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • The Department has not been able to achieve its target as set out in their equity plan. However progress is being made in the stride to achieve same.

<p>2. Has the Department been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> The Department has partly been able to achieve its objectives because majority of women are in the support services directorates. 		<ul style="list-style-type: none"> The Department need to review its recruitment policy more, especially the clause relating to people with disabilities. The newspaper advertisement alone is not sufficient and may not necessarily reach the targeted and or designated groups.
<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing the EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> Yes, the director of Human Resources Management has been appointed as Employment Equity Manager and this is included in his performance. 		<ul style="list-style-type: none"> This will help in the effective monitoring and implementation of the Employment Equity Plan and thereby achieving the objectives and identifying barriers to gender transformation.
<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the Department</p>	<ul style="list-style-type: none"> 10 African females. 1 White female. 1 Coloured female. 14 African males. 1 White male. 		<ul style="list-style-type: none"> At least at salary level 14 women are overrepresented than their male counterparts and that is the right step and the Departments needs to be commended for that. It is a serious concern to the Commission that almost all the provincial departments are not doing well on the issue of people with disabilities. There is a need for the Department also to partner with organisations that deals with persons with disabilities, because it is incorrect to assume that we do not have people with disabilities who are capable of doing the work that people without disabilities do.

<p>5. What measures have been put in place to promote gender transformation at your institution?</p>	<ul style="list-style-type: none"> Special Programmes Directorate is responsible for issues of gender transformation. 		<ul style="list-style-type: none"> The concern has always been that the gender unit within the Department does not have sufficient budget to effectively deal with its programmes of awareness campaigns etc. The relevant Department must make a submission to the Treasury for a gender-sensitive budget.
<p>6. Does the Department have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> Yes, the person is appointed at the level of Director: Salary Level thirteen (13). 		<ul style="list-style-type: none"> At least at the level of Director, it's a strategic position and the person will be able to take critical decision relating to their directorate unlike if she or he is at middle management.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the Department?</p>	<ul style="list-style-type: none"> Submission of females and persons with disabilities applications to the short listing and interviewing panel. The Department also use the Disabled People of South Africa; they engage them from time to time so that they can assist in identifying people with potential. 	<ul style="list-style-type: none"> The Department currently has internships for 20 people with different disabilities and skills. They are very knowledgeable and the Department want to absorb them in June 2012, particularly in the Human Resource section. 	<ul style="list-style-type: none"> Although the Department does not have people with disabilities in senior management positions, it is encouraging that they have put measures in place to make sure that they raise the number of people with disabilities in their workforce.
<p>8. In terms of the policies that the Department has, how often does the Department audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> Concurrently with the Employment Equity plan. 		<ul style="list-style-type: none"> It is not clear how often the policies are audited, as there is no indication as to a timeframe for auditing and or reviewing the Employment Equity Plan.

<p>9. Provide disaggregated data by gender race and disability on non SMS level.</p>	<ul style="list-style-type: none"> The question was basically not answered, as the response to number 4 is the same as the one in number 10. The difference is number 4 talks of SMS level and 10 of non-SMS level. 		
<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> Through the implementation of the HOD's (8) Eight Principle Action Plan. 	<ul style="list-style-type: none"> A workshop was held with the aim of raising awareness to the staff members of the importance of the Eight Principle Action Plan in the district so that they can understand exactly what is expected from them. Senior Managers to mentor women in the Department so that they can be equipped with the necessary skills to become managers as well one day. Wellness centre, clinic, will be up and running soon. The phase one has already been completed. 	<ul style="list-style-type: none"> It is of critical importance that the Department should develop a standard policy that deals with the issue of flexi-time so as to close gate for favouritism that may lead to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> The policy on sexual harassment is still being drafted. 		<ul style="list-style-type: none"> The absence of an existing sexual harassment policy shows the Department's lack of commitment, to address issues affecting women within the workplace more especially those who are being abused.

<p>12. The employer is required to put the policy where it can be accessed by employees. Has the Department done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>			<ul style="list-style-type: none"> • It is very important that the Department should hold this kind of policy workshop more often. The reason being that not everyone can understand immediately when you are telling him or her something. • We need also to think about those unskilled labourers who may find it difficult to understand some of the things but with constant engagements with employees it will make it easy for them to understand.
<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> • There have been no cases of sexual harassment reported to the Department. 		<ul style="list-style-type: none"> • The fact that there are no cases of sexual harassment does not automatically imply that it is not happening. We are aware that sexual harassment is rife in the workplace. • The fact that they are no reported cases may be an indication or a red flag that employees don't know processes to be followed to report a case. • Victim may fear to report cases in instances where the perpetrator is senior to her, fear of secondary victimisation. • • The Department must create an enabling environment for victims to report cases of sexual harassment.
<p>14. Which initiatives did the Department undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> • Through Employment Equity Committee and implementation of HOD's (8) Eight Principle Action Plan. 		

<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> • Yes, our adverts clearly state that preference will be given to women and people with disabilities. • The Department also advertises on radio so that those with visual impairment can also have access to the information. 		<ul style="list-style-type: none"> • The Department has engaged with the DPSA in terms of recruiting people with disabilities that is indicative of the fact that they taking issues of people with disabilities seriously.
<ul style="list-style-type: none"> • 16. Does the Department have a gender sensitive budget, which is allocated to deal with gender issues? 			<ul style="list-style-type: none"> • The allocation of budget for gender issues should be extrapolated from the youth and the disability sector.
<ul style="list-style-type: none"> • 17. What successes and challenges have been experienced in realising gender transformation in the department? 	<ul style="list-style-type: none"> • Successes • The Department's success is on the inception of a special programme directorate which is dedicated to gender transformation. 		
<ul style="list-style-type: none"> • 18. What capacity building programmes have been implemented to accelerate gender transformation in the Department? 	<ul style="list-style-type: none"> • Establishment of Women in Construction Forum and training and development programmes 		
<ul style="list-style-type: none"> • 19. Does the Department have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities? 	<ul style="list-style-type: none"> • The Department has established an Action Plan through HOD's (8) Principles so as to address empowerment of designated groups. 		

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Unknown	
9.	Succession Plan / Career Pathing		The Department uses the HOD's Eight Principle Action Plan
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Unknown	
12.	Sexual Harassment Policy	Draft	
13.	Exit Interview Policy	Unknown	
14.	Working Time Policy	Unknown	
15.	Leave and Overtime Policy	Unknown	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking Policy	Unknown	
20.	Substance Abuse Policy	Unknown	

6.3 Department of Education

By Mr. Seakamela, HOD

The head of department indicated that he came with Mr. Mogomotsi Keetile who is the director of Human Resources and will be helping him in through the presentation. The reason advanced was that most of the issues raised by the Commission, fall within the area of his speciality. He proceeded to hand over to Mr. Keetile.

In his presentation, Mr. Keetile indicated that according to data present, the total race workforce as at 2011 and is comprised of African (88.3%); White (9.9%); Indian (0.5%) and Coloured (1.2%). The Department is lagging behind in terms of employment of disabled persons. Currently the Department is sitting at 90 (0.3%) workforces of people with disability, which is below the target of 2%.

The table below presents data on Senior Management Structure of the Department.

Table 3: Number and Percentage of Women & Men at SMS for the Department of Education

Levels	Males	Female	Total
Level 14 - 16	7 (64%)	4 (36%)	1 (100%)
Level 13	16 (57%)	12 (43%)	7 (100%)
Level 11 - 12	614 (71%)	246 (29%)	22 (100%)
Total	637 (71%)	262 (29%)	899 (100%)

The HOD acknowledged that the Department does not have mechanisms in place to create an enabling environment for the development of women. However, the Department has appointed Ms. D. Brander at level 12 who is responsible for gender, youth and disability programmes. The Department does not apply gender budgeting principles to ensure that gender equality is mainstreamed across board.

Department of Education:

Compliance with Employment Equity Act: 2011

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> The Department has an Employment Equity plan for the period 2008 to 2012 as determined by the Departmental Employment Equity Forum. The plan has been attached to the documentation sent to the Commission. 		<ul style="list-style-type: none"> It is encouraging to see that there are key departments such as Education that takes issues of gender equality and transformation in the workplace seriously. These department need to be a good example to those departments who do not comply with the Employment Equity Act.

<p>2. Has the Department been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> • No, due to the following reasons:- • Negative growth rate of the department’s structure (not enough vacancies to achieve the set targets). • Moratorium on the filling of posts due to the financial analysis process. • Non-compliance and lack of support from managers. 		<ul style="list-style-type: none"> • The Department need to get to the bottom of the problem and identify why managers are reluctant to support issues of gender equality and gender transformation in the workplace. • Further to the above, the Department need to get a way in which we can get buy-in from the political heads as they are the ones who can make decisions that will assist in terms of achieving the objectives set in the Employment Equity plan.
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<ul style="list-style-type: none"> 4. Provide data disaggregated by gender, race and disability on senior management positions in the Department 	<ul style="list-style-type: none"> 12 African males. 1 White male. 2 Indian males. 7 African females. 2 Coloured females. 3 White females. 	<ul style="list-style-type: none"> More positions must be advertised so that the Department can function with a full staff compliment. 	<ul style="list-style-type: none"> It is a cause of concern for the Commission that males are still dominating at senior management levels as opposed to their female counterparts who are overrepresented at administrative and middle management levels. In terms of the Employment Equity targets of the Department there hasn't been any significant changes to the positions of top management level, (SL 14 and higher) which on the 31st of March 2008 was standing at 36% for African males and 21% for African females. There is a lack of commitment to change the situation, taking into account that this has been the position from 2008 until the 31 March 2011 and there seems to be no movement whatsoever in this regard. Gender focal persons are not getting support from the political heads. We need to come up with a solution to this impasse if we really want to tackle the issue of gender inequality in the workplace. There is a need for the Department also to partner with organisations that deal with persons with disabilities, because it is incorrect to assume that we do not have people with disabilities who are capable of doing the work that people without disabilities do.
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<p>5. What measures have been put in place to promote gender transformation at your institution?</p>	<ul style="list-style-type: none"> The Department has trained 12 senior managers and middle managers on Gender Mainstreaming with the intention of promoting women representation into senior management positions. 	<ul style="list-style-type: none"> The Department has a dedicated Sub-Directorate, which deals with gender issues as one of its core functions. 	<ul style="list-style-type: none"> The concern has always been that the gender unit within the Department does not have sufficient budget to effectively deal with its programmes of awareness campaigns etc. The relevant Department must make a submission to the Treasury seeking more money to be able to deal with issues of gender transformation
<p>6. Does the Department have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> Yes, the person is appointed at salary level 12 (senior management). 		<ul style="list-style-type: none"> It is commendable that the Department has appointed a person dealing with gender issues at the level of Director. At least at that level he or she will be able to take decisions to make sure that his or her directorate is fully functional.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the Department?</p>	<ul style="list-style-type: none"> Yes, there is an electronic system that updates the Department's equity targets every time when an appointment is made. 	<ul style="list-style-type: none"> The report of the updated employment equity targets is presented in every short-listing and interview process to indicate to the panel members the employment equity targets at any given time. The Employment Equity progress is analysed in the Departmental Annual Report and strategic Human Resource Plan. 	<ul style="list-style-type: none"> The efforts of the Department is appreciated in coming up with a system that can track the movement of women into senior management positions, however the question is how effective is this electronic system? The Commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce.

<p>8. In terms of the policies that the Department has, how often does the Department audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> On an annual basis when the Department submits the Employment Equity progress report to the Department of Labour. 		
<p>9. Provide disaggregated data by gender race and disability on non SMS levels.</p>	<ul style="list-style-type: none"> The question was basically not answered, as the response to number 4 is the same as the one in number 10. The difference is number 4 talks of SMS level and 10 of non SMS level. 		
<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> The leave policy provides 5 days for urgent private matters for educators. Women can use this type of leave to attend to domestic responsibilities. 		<ul style="list-style-type: none"> It is noted that there are 5 days leave for urgent private matters, it must be noted that in a year one may have more than 10 emergencies, how is the policy going to help in terms of accommodating that particular employee? It is of critical importance that the Department should develop a standard policy that deals with the issue of flexi-time so as to close the gate for favouritism that may led to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> Yes, the Department has a sexual harassment policy. 		

<p>12. The employer is required to put the policy were it can be accessed by employees, has the Department done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • Yes, all the policies are placed on the Departmental website (intranet). 	<ul style="list-style-type: none"> • Inputs are sought from employees during the formulation process of policies. • Workshops are conducted after the policies have been approved to inform employees about them. 	<ul style="list-style-type: none"> • It is very important that the Department should hold this kind of policy workshop more often. The reason being that not everyone can understand immediately when you are telling him or her something. • We need also to think about those unskilled labourers who may find it difficult to understand some of the things but with constant engagements with employees it will make it easy for them to understand.
<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> • 2008/2009 there were no cases reported. • 2009/2010 there were 6 cases reported. • 2010/2011 there were 3 cases reported. 	<ul style="list-style-type: none"> • Statistics on sexual harassment does not include cases from schools, however the Department takes any form of sexual offence committed by a teacher very seriously. • If such a teacher is found to be guilty he/she is immediately dismissed and his/her name is submitted to the National Council of Education 	<ul style="list-style-type: none"> • The number of cases received is very low considering the vastness of the Department and therefore unacceptable. • The department must create an enabling environment for victims to report these cases. • There is a dire need for the Department to create more awareness relating to sexual harassment not only limited to teachers but inclusive of learners.

<p>14. Which initiatives did the Department undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> • The Department embarked on District Consultative workshops wherein the HOD's Eight Principles Action Plan for promoting women's empowerment and gender equality within the public service were popularised to employees at various levels. • The programme is still in progress. 		
<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> • Yes, our adverts clearly state that preference will be given to women and people with disabilities. 		<ul style="list-style-type: none"> • The Department should come up with a proactive way of recruiting people with disabilities i.e. engaging organisations dealing with people with disabilities, training of staff to empower them with the necessary skills to better perform in their area of specialisation, allocation of bursaries for employees who wants to further their education but cannot afford the tuition fee on their own.
<p>16. Does the Department have a gender sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> • Yes, there is a budget allocation in the sub-directorate special programmes to specifically with issues of disability, gender and youth. 	<ul style="list-style-type: none"> • The Human Resource Development Directorate has an allocation of R500 000 for women empowerment programmes. 	<ul style="list-style-type: none"> • The allocation of budget for gender issues should be extrapolated from the youth and the disability sector.

<p>17. What successes and challenges have been experienced in realising gender transformation in the Department?</p>	<ul style="list-style-type: none"> • Successes • Achieving over 30% of representation in senior management level, esp. Level 13 has been consistent since 2004/2005. • Of the 4 district executive managers at level 14, three have been women since 2009 to date. • A large number of chief education specialists at SL 12, have been appointed in the last financial year and comprise of women. • This will give the Department a pool for further movement into SMS Level. • Challenges • The district does not have dedicated staff to deal with gender transformation. • Most managers are constantly unavailable for gender mainstreaming programme training; efforts to increase capacity jointly through HRD budget could not yield success. • Structurally, a sub-directorate is not strategically placed to play any significant and influential role in decision-making, worse still when it's understaffed i.e. One deputy director, One assistant director. The same small unit is burdened with other programmes, i.e. Disability, Children, Educators and Office-Based Employees. 		<ul style="list-style-type: none"> • There is a need for the Department to strive to get political buy-in so as to be able to achieve its objectives as outlined in Section 20 (2) (a) of the Act.
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<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the Department?</p>	<ul style="list-style-type: none"> • 12 senior managers and middle managers trained on gender mainstreaming through PALAMA. 	<ul style="list-style-type: none"> • Out of 7 senior managers trained on the Executive Leadership Development programme through PALAMA, 3 are women and the intake is still continuing to target more women. • Provisioning of skills development and training programmes ensures that 50% of the participants are women. • The Department has in its workplace a Skills Plan Women Empowerment Programme for women in middle management positions. • There is a 12 months Advanced Programme for women in Leadership (NQF level 6) sponsored by EDTP SITA. 	
<p>19. Does the Department have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> • There is a succession planning policy, however it is general and not biased to women and people with disabilities. 		<ul style="list-style-type: none"> • There is a dire need for the Department to include in their generic succession plan a clause dealing specifically with women and people with disabilities for the Department to realise its objectives.

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Unknown	
14.	Working Time Policy	Unknown	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking Policy	Unknown	

6.4 Department of Economic Development, Environment, Conservation & Tourism *Presented by HOD: Mr. Mojalefa Nale*

Mr. Nale indicated that the Department has an Employment Equity Plan and it has been submitted to the CGE. However, the Department is currently reviewing the Employment Equity Plan, as a consequence of the reconfiguration of the Department resulting in the incorporation of the Environmental Services Chief Directorate from the Department of Agriculture. The objectives of the EEA have not been achieved due to insufficient funding to fill vacancies. He indicated that, efforts such as approaching the associations for disabled persons will be initiated to identify people with disability from their database.

As part of efforts to ensure monitoring and evaluation of the Employment and Equity Plan, the corporate services: Employee Wellness (gender focal person), is responsible for conducting reviews and monitoring and evaluating on an annual basis. The directorate is also responsible for gender transformation and in ensuring that gender transformation and EEP targets are met. Our adverts are explicit on the Department's commitment towards representivity and its added advantage, afforded to women and people with disability. The Department further ensures that female middle managers and senior managers are appointed to act in senior

positions.

Table 4: Number and Percentage of Women & Men at SMS for Department of Economic Development, Environment, Conservation & Tourism

Levels	Males	Females	Total
Level 15	1 (100%)	-	1 (100%)
Level 14	3 (100%)	-	3 (100%)
Level 13	4 (33%)	8 (67%)	12 (100%)
Total	8 (42%)	11 (58%)	16 (100%)

According to the information presented by the Department, the acting head of department is a male and all chief directors in the Department are male. Women dominate at the lower level (directors) with 67% (8) to 33% (4). While the total number of women is higher (58%) at SMS to that of men (42%), the most senior people in the SMS are men.

To ensure capacity building for women development, the following capacity building programmes have been implemented:

Furthermore, in ensuring that support is given to women for upward mobility in the workplace and are able to attend to domestic responsibilities, The Department applies the Basic Conditions of Employment Act, 1997: Code of Good Practice on the Protection of Employees during Pregnancy and after birth of a child and the DPSA leave policy on Family Responsibility.

As part and parcel of policy development, all employees are afforded the opportunity to input into any policy that is being developed. The Department amongst other have the following policies in place:

- The Recruitment Policy
- Employment Equity Policy
- Departmental HIV/AIDS Policy (Draft)
- Occupational Health and Safety Policy (Draft)
- Time-off for women after giving birth to a child
- Draft policy on Sexual Harassment

Once a policy have been finalised, it is communicated to employees through emails and the Department will thereafter facilitate a briefing session with all employees.

In his presentation, the acting head of department, admitted that currently there is nothing being done by the Department to undertake awareness, raising around issues of gender equality and discrimination in the workplace. On the other hand, the presenter indicated that the budget for activities and projects exist which target gender issues, in SMME, Consumer, Liquor and Employee Health and Wellness.

Brief gender analysis of the presentation

While there are more women at SMS level, the highest positions are held by men. Although the Department argued that they have gender sensitive budget, other information presented contradicts this point. Information on training and development programmes is not presented in a gender disaggregated format and as a result, one can not conclude whether or not women are trained and in which field. The Department has a sexual harassment policy in place and that indicates some level of commitment in preventing another form of gender-based violence in a government institution.

Conclusion

In conclusion, the CGE thanked the Department for its efforts to participate in the hearings and fruitful engagement with the CGE.

**Department of Economic Development, Conservation and Tourism:
Compliance with Employment Equity Act: 2011**

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
<p>1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.</p>	<ul style="list-style-type: none"> • Yes, the Department has an Employment Equity Plan. 	<ul style="list-style-type: none"> • The Department is currently reviewing the Employment Equity Plan; as a consequence of the reconfiguration of the Department resulting in the incorporation of the Environmental services Chief Directorate from the Department of Agriculture. 	<ul style="list-style-type: none"> • The copy of the EE plan was attached to the documentation forwarded to the Commission.
<p>2. Has the Department been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> • The Department hasn't been able to reach its objectives in terms of the said mentioned Act based on the following reason: • Insufficient funds to fill the vacancies. 	<ul style="list-style-type: none"> • Efforts such as approaching the associations for disabled persons will be initiated to identify people with disabilities from their database. • The Employment Equity and Affirmative Action Policy have been developed and are currently under review. 	<ul style="list-style-type: none"> • Currently there is no tangible result in terms of having people with disabilities on board except the commitment that disability organisations will be approached.

<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing EEP: does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> • It is not clear from the response, except for the responsibility assigned to the director of Human Resources. 		<ul style="list-style-type: none"> • More information is needed in terms of whether this forms part of senior management’s performance reviews or not.
<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the Department?</p>	<ul style="list-style-type: none"> • 8 African males. • 7 African females. • 1 white female. 		<ul style="list-style-type: none"> • It is encouraging to note that representivity at senior management level is 50% males and 50% females. The Department needs to be commended for that.
<p>5. What measures have been put in place to promote gender transformation at your institution?</p>	<ul style="list-style-type: none"> • Advanced Management and Leadership Programme. • Executive Development Programme. • Men’s Dialogue. • Women’s Dialogue. • Project Management. • Conflict Management. • Mentoring and Coaching. • Financial Management for Non-Financial Managers • Performance Management and Development System. 		<ul style="list-style-type: none"> • Female middle managers are appointed to act in senior positions. • Adverts are explicit in the departmental commitment towards representivity and added advantage afforded to women and people with disabilities.

<p>6. Does the Department have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> • Yes, deputy director (Level 12). 		<ul style="list-style-type: none"> • It is important that the Departments need to elevate the salary level of Gender Focal Persons to at least director level or even chief director as a strategic position to be able to influence decisions relating to gender transformation. Deputy directors don't even sit in the management meetings where decisions are made affecting all the directorates within the department.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the Department?</p>	<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • The Department acknowledged that there is no system used to track movement of women and persons with disabilities into senior management positions, apart from PERSAL, which is able to provide service records for employees. 	<ul style="list-style-type: none"> • The Commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce.
<p>8. In terms of the policies that the Department has, how often does the Department audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> • Policies are reviewed annually. • Policies are reviewed as and when there are changes in the applicable legislations 		
<p>9. Provide disaggregated data by gender race and disability on non SMS level.</p>	<ul style="list-style-type: none"> • 8 African males. • 7 African females. • 1 white female. 		<ul style="list-style-type: none"> • It is evident that the Department is doing well in terms of gender representivity but the area of concern is with regard to people with disabilities in senior management. Currently the Department is sitting at none.

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> • None, however the Department applies the BCEA, Code of Good Practice and the DPSA Leave Policy on family responsibility. 		<ul style="list-style-type: none"> • It is noted that time off is allowed for women to attend to domestic responsibilities; however that is within the discretion of the employer and or the respective manager. • It is of critical importance that the Department should develop a standard policy that deals with the issue of flexi-time so as to close the gate for favouritism that may lead to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the workplace? If yes, provide the same.</p>	<ul style="list-style-type: none"> • Yes, the Department has a draft policy on sexual harassment. • Recruitment Policy • Employment Equity Policy. 		<ul style="list-style-type: none"> • It is not acceptable that long after the Department has existed, that they still only have a draft policy on sexual harassment. • The Commission requested that the final draft should be furnished to the Commission within three months.
<p>12. The employer is required to put the policy were it can be accessed by employees, has the Department done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • Employees participate in formulation of policies. • Policies are also posted by e-mail to all staff members 	<ul style="list-style-type: none"> • The Department facilitates briefing sessions to all employees. 	<ul style="list-style-type: none"> • It is very important that the Department should hold this kind of briefing session more often. The reason being that not everyone can comprehend everything the first time.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> • No cases of sexual harassment have been reported to the Department. • • The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the Department is not doing enough in terms of awareness and or people are scared to report these cases. 		<ul style="list-style-type: none"> • The Commission noted with concern that the Department painted a picture that there are no cases of sexual harassment reported. • • This cannot be true taking into account the kind of society we are living in where gender-based violence, inclusive of sexual harassment, is so rife. On that basis the explanation is unacceptable. • • The Department must create an enabling environment for victims to report these cases.
<p>14. Which initiatives did the Department undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> • None, except for the development of policies on the matter. 	<ul style="list-style-type: none"> • The Department has plans to facilitate management of diversity workshops during this financial year. 	
<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> • Yes, the matter is explicit in all the adverts for vacancies. 		<ul style="list-style-type: none"> • The Department should come up with a proactive way of recruiting women and persons with disabilities if they really want to reach the national target of 2% of people with disabilities. In compliance with the government's prescripts. Engage organisations of people with disabilities, empower those within the system to eventually get senior positions.
<p>16. Does the Department have a gender-sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> • Yes, the budget for activities and projects exists which target gender issues, in the SMME, Consumer, and Liquor and Employee wellness. 		<ul style="list-style-type: none"> • It is encouraging to note that the Department has a gender-sensitive budget contrary to most of the departments within the province.

<p>17. What successes and challenges have been experienced in realising gender transformation in the Department?</p>	<ul style="list-style-type: none"> Challenges Relates to the inability to fill positions that are vacant and could be used to advance gender equality, as a consequence to budgetary constraints. 		<ul style="list-style-type: none"> There is a need for the Department to lobby for more funds from treasury and also to approach prospective donors in order to be able to spearhead the issue of gender transformation and women empowerment.
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the Department?</p>	<ul style="list-style-type: none"> Advanced Management and Leadership. Executive Development Programme. Men’s Dialogue. Women’s Dialogue. Project Management Conflict Management Mentoring and Coaching Financial Management for Non-Financial Managers. Performance Management and Development System. 		
<p>19. Does the Department have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> No. 		<ul style="list-style-type: none"> It important for the Department to come up with clear strategies and policies aimed at advancing women and bringing people with disabilities on board.

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Draft	
14.	Working time Policy	Draft	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Draft	
18.	Performance Management Policy	Draft	
19.	Smoking Policy	Draft	
20.	Substance Abuse Policy	Draft	

6.5 Office of the Premier

By DDG: Ms. Faith Humang Mashimbye

The chairperson announced that the director general for the Premier's Office had apologised that he could not attend the hearing due to an EXCO meeting that is taking place. He has then assigned the deputy director general to make a presentation on his and the department's behalf.

Ms. Mashimbye indicated outright that she is new in the Office of the Premier and that the office has been functioning without a permanent director general for a very long time and as a result most of the policies are still in draft form.

She acknowledged that the Office of the Premier only has a draft plan for 2012/2013.

A detailed document was provided showing gender disaggregated data on senior management level. In brief, the total number of men is 21 (66%) and women are 11 (34%) at SMS. However, if you go down the

structure of the organisation, you will notice that the number of women starts to increase. In order to ensure training and development of women, the Department uses PALAMA to provide training on programmes such as Management & Leadership Development.

The Department does not have any system in place to track women and persons with disability movement and there are no measures to ensure that women are able to effectively carry out their employment duties and at the same time, not neglect their domestic responsibilities.

To ensure the achievement of equality, when a vacant post is to be filled, the HRM section provide statistics on the number of women and men at that level and urges the chairperson of the panel to consider the equity objective when appointing.

**Office of the Premier:
Compliance with Employment Equity Act: 2011**

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
<p>1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.</p>	<ul style="list-style-type: none"> The Department has a draft policy Employment Equity Plan for 2012 / 2013. No policy attached to the response. What this means is that the Office of the Premier does not have an Employment Equity Plan currently because they are already focusing on a draft for the 2012/2013 financial year. 		<ul style="list-style-type: none"> The Commission noted with shock that the Office of the Premier, the key department to play an oversight role, does not have an Employment Equity Plan in place. An adverse inference can be drawn on why the North West Provincial departments are failing in terms of compliance with the Employment Equity Plan and gender transformation in the workplace. There is no commitment from the political leadership of the province to deal effectively with issues of gender transformation and women empowerment.

<p>2. Has the department been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> • Draft plan for 2012/2013. • Lack of capacity. • Lack of political support. • The Office of the Premier for a long time had only an acting director general. There is a need to have a permanent DG who will oversee the day to day running of the office. • Vacant positions. 	<ul style="list-style-type: none"> • Draft plan for 2012/2013. • The deputy director general has now been appointed. 	<ul style="list-style-type: none"> • There is zero compliance with government pre-prescripts specifically EEA. • The Commission resolved that there is a need for an urgent meeting with the Premier of the North West, to address the issues that surfaced at the hearing.
<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing the EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> • No. 	<ul style="list-style-type: none"> • Interviews were conducted for the position of director for Human Resources and very soon the position will be filled. 	<ul style="list-style-type: none"> • It is of critical importance that the Office of the Premier should make it a point of whoever is assigned to take responsibility for monitoring and implementing the EE Plan, his or her monitoring role form part of their performance review. • This will assist in the effective monitoring and implementation of the plan. • Creation of a function that would enable the directorate to monitor progress and implementation of the EE Plan. • Creation of an integrated information system to provide data required by Directorate Equity

<ul style="list-style-type: none"> 4. Provide data disaggregated by gender, race and disability on senior management positions in the Department? 	<ul style="list-style-type: none"> 17 African males. 3 White males. 10 African females. 1 White female. 1 male Foreign National. 	<ul style="list-style-type: none"> More positions must be advertised so that the Office of the Premier can function with a full staff complement. 	<ul style="list-style-type: none"> It is a cause of concern for the Commission that males are still dominating at senior management levels as opposed to their female counterparts who are over-represented at administrative and middle management levels. Of grave concern is that the very same women at middle management are the ones tasked with dealing with the issue of gender mainstreaming and gender transformation within the workplace and they do not have powers to take decision without consulting with their political heads. Gender focal persons are complaining that they are not getting the necessary support from their political heads. Recruitment practises are to comply with EE Plan. Selection and short-listing processes are to be driven by EE Targets. Advertisements to be inclusive (to talk to the disabled community and be clear of target group e.g. women).
<p>5. What measures have been put in place to promote gender transformation at your institution?</p>	<ul style="list-style-type: none"> Advanced Management Development Programme offered by PALAMA is one of the programmes that are used to empower women. 		<ul style="list-style-type: none"> It is evident from the presentation and the documents submitted, that for as long as there is no political buy-in on issues of gender transformation, the province will continue to perform poorly. There is a dire need for the premier to intervene. Political appointments are one of the challenges of the effective and efficient way of dealing with issues of gender transformation.

<p>6. Does the Department have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> No. 		<ul style="list-style-type: none"> This is indicative of why the Office of the Premier is not complying with the government prescripts. It is shocking that not even a single Department including the Office of the Premier reached a 2% national target of people with disabilities.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the Department?</p>	<ul style="list-style-type: none"> None. 		<ul style="list-style-type: none"> The Commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce.
<p>8. In terms of the policies that the Department has, how often does the Department audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> In the current financial year, six departmental policies have been developed and are on the final stage of development. These are HIV and TB Management Policy, Wellness Management policy, Bereavement Policy, Retention, Employment Policy and Recruitment and Selection Policy. 		<ul style="list-style-type: none">
<p>9. Provide disaggregated data by gender race and disability on non SMS level.</p>	<ul style="list-style-type: none"> 100 African males. 6 Coloured males. 4 White males. 154 African females. 7 Coloured females. 2 White females. 		<ul style="list-style-type: none"> It is evident that we are doing well as a country in terms of race but not enough in terms of gender transformation. Senior management positions are still in the hands of males and or males that are dominating in that category.

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> • None, however all employees are allowed time off to attend to domestic responsibilities upon request. 		<ul style="list-style-type: none"> • It is noted that time off is allowed for women to attend to domestic responsibilities; however that is within the discretion of the employer and or the respective manager. • It is of critical importance that the Department should develop a standard policy that deals with the issue of flexi-time so as to close the gate for favouritism that may lead to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> • Yes, the Department use the provincial Sexual Harassment Policy. 		
<p>12. The employer is required to put the policy were it can be accessed by employees, has the Department done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • Yes, the policies are on the intranet. The PMDS Policy, family responsibility leave and incapacity leave and leave in general have been communicated to the employees. 	<ul style="list-style-type: none"> • Policy workshops were held with employees and employees were informed about all the procedures that need to be followed when lodging a complaint. 	<ul style="list-style-type: none"> • It is very important that the Department should hold this kind of policy workshop more often. The reason being that not everyone can understand immediately when you are telling him or her something. • It is important to also include unskilled labourers who may find it difficult to understand what is contained in the policy document.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> • No cases of sexual harassment have been reported to the Department. • The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the Department is not doing enough in terms of awareness and or people are scared to report these cases. 		<ul style="list-style-type: none"> • The Commission noted with concern that the Office of the Premier painted a picture that there were no cases of sexual harassment reported. • This cannot be true taking into account the kind of society we are living in where gender-based violence, inclusive of sexual harassment, is so rife. On that basis the explanation is unacceptable. • The Office of the Premier need to do more in terms of sensitising its employees' on issues of sexual harassment and the procedure to follow when sexually harassed. • The Office needs to protect victims against secondary victimisation, especially in a situation where the perpetrator is a senior. • The Department must create an enabling environment for victims to report these cases.
<p>14. Which initiatives did the Department undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> • The Department has occasional employment equity briefing sessions. 		

<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> No, however gender statistics are used to determine the appointment whenever a post is filled. 		<ul style="list-style-type: none"> The accuracy of the statistics couldn't be confirmed. The Department should come up with a proactive way of recruiting women and persons with disabilities if they really want to reach the national target of 2% of people with disabilities. In compliance with the government's prescripts, the government must engage with organisations of People with Disabilities to empower those within the system to eventually get to senior positions.
<p>16. Does the Department have a gender-sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> No budget. 		<ul style="list-style-type: none"> This is a clear indication of a lack of commitment by the Office of the Premier to deal with issues of gender transformation. The premier must intervene on an urgent basis even it means approaching treasury and possible donors to source more funds to effectively deal with gender transformation.
<p>17. What successes and challenges have been experienced in realising gender transformation in the Department?</p>	<ul style="list-style-type: none"> Lack of an Employment Equity Manager. Buying-in of SMS members. 		<ul style="list-style-type: none"> There is a need for the Department to strive to get political buy-in so as to be able to achieve its objectives as outlined in Section 20 (2)(a) of the Act.
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the Department?</p>	<ul style="list-style-type: none"> The District Municipality recently launched a summit on women in local government. There have also been officials and councillors who attended gender mainstreaming and transformation training. 		

19. Does the Department have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?	<ul style="list-style-type: none"> No. 		<ul style="list-style-type: none"> It important for the Office of the Premier to come up with clear strategies and policies aimed at advancing women and bringing people with disabilities on board.
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Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Draft	
14.	Working time Policy	Draft	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Draft	
18.	Performance Management Policy	Draft	
19.	Smoking policy	Draft	
20.	Substance Abuse Policy	Draft	

Conclusion

In conclusion, the CGE expressed its concern on the poor performance of the Premier's Office and questioned the political will and commitment to the achievement of gender equality and women empowerment in the North West Province. The Commission further indicated that it would write a letter to the Premier and express its disappointment regarding the status quo. Secondly, the CGE will convene a meeting with the Premier and Key Staff members to address concerns listed above.

6.6 Open Forum Discussions

In opening this session, the chairperson explained that the session was meant to give the audience the opportunity to impress upon the Commission on their views regarding the EE Hearings.

The floor was then opened for questions and comments. The following comments were made.

Comment and question

The session was very much informative and keeps departments on their toes. However, I would like to know how often these sessions take place and when the next one will be taking place for the North West Province?

CGE Response

We do hold hearings on an annual basis but that does not mean that we come to your province on an annual basis. However, the CGE uses Gender Barometer to ensure monitoring takes place on an annual basis. Gender Barometer is an electronic tool that can be accessed from the Internet and it was recently launched in the North West Province.

Comment

This is a long overdue and I believe that if it were done five years ago, the province would be in very different situation. The challenge is that most departments are working in silos and that individually, it creates a problem for the achievement of gender equality. There is also a problem with internal and external gender mainstreaming. You will find that the Department is good on external gender mainstreaming but very poor on internal gender mainstreaming.

CGE Response

On the issue of internal and external imbalance, the Provincial Gender Machinery must ensure that a balance is maintained on the issue of gender mainstreaming across all departments.

Comment

It has been noted that sometimes department's programmes may address gender issues consciously or unconsciously. Is it possible for the CGE to develop a standard reporting template, which can be used by departments for reporting?

Question

Is it possible for the CGE to establish a Provincial Gender Forum?

CGE Response

It is not the role of CGE but the role of OSW to facilitate the establishment of such forum.

Comment

Most departments have mentioned that they have appointed women at SMS but there is no emphasis on support for these women. My request therefore is; departments must put in place support mechanisms for women at SMS.

Comment

Departments could perform better if the responsibility for employment equity is assigned to a senior employee, i.e. a chief director.

7. Day Two: 10 November 2011

Opening of Day Two Session by CGE Acting Chairperson: Commissioner Mfanozelwe Shozi.

The acting chairperson of the CGE, Commissioner Mfanozelwe Shozi, officially opened the hearing. In his opening remarks the Commissioner welcomed all participants and introduced the members of the Commission. The members present were Commissioner Dr. Tebogo Maitse; Commissioner Hicks and the CEO of the Commission, Ms. Keketso Maema. The following staff members of the CGE were also requested by the CGE's acting chairperson to introduce themselves: Mr. Victor Mavhidula, Acting HOD, Legal; Mrs. Adelaide Madikgetla, Legal Officer, Free State; Mr. Masilo Letsoalo, Legal Officer, North West; Mr. Bernard Mahloko, Legal Officer, Limpopo; Mrs. Dineo Mongale, Provincial Coordinator, North West; Mr. Marumo Mosenogi, Researcher, North West. The acting chairperson then handed over to Commissioner Hicks, to present the reflection of activities that took place in the first day of the hearing.

7.1 Reflection on Emerging Issues from Day One by, Commissioner Janine Hicks

In her reflection of the first day, Commissioner Hicks indicated that five Department formed part of the hearing in the first day and those departments are:

- Department of Sports, Arts and Culture.
- Department of Public Works, Roads and Transport.
- Department of Education.
- Department of Economic Development, Environment, Conservation and Tourism.
- Office of the Premier.

The following key issues emerged during the CGE interaction with Departments:

- Most departments have Employment Equity Plans in place and it was a shock to the commission to realise that the Premier's Office has a draft plan only.
- In the presentation made by the Employment Equity Commission, the North West Province is doing well in the area of race and performs very poor in the area of gender and disability.
- No Department has met the target of 2% for disable persons.
- Most recruitment strategies lack proactive means to advance the EEA.
- There seem to negative attitude towards gender equality issues and programmes, such as lack of support by Senior Management.
- Gender Focal People do not form part of the strategic decision-making and planning structure. When they attend in such structure, they only serve on advisory basis.
- Absence of sexual harassment cases and policy in most departments remains a concern to the CGE.

As part of a way forward, the CGE is going to urgently request a meeting with the Office of the Premier to address key issues:

1. Non-compliance by the Office of the Premier.
2. Poor performance of the North West Province in terms of Employment Equity and Gender Transfor-

mation.

7.2 Key Note Address by CGE CEO: Ms. Keketso Maema

In her opening remarks, the CEO greeted all people present at the hearing. She expressed her appreciation for all individuals, organisations that came forward to witness the first ever hearing held by the CGE in the North West Province.

In outlining and emphasising the importance of the hearing, the CEO indicated that the CGE is a Constitutional institution and its function is to analyse findings and make recommendations to Parliament directly on what interventions we consider necessary. Therefore the legal mandate expressed in the CGE Act requiring that we hold these hearings is a stepping-stone in the Gender Mainstreaming Process. In this regard we must understand that the promotion, development and attainment of gender equality is a collective responsibility of all institutions of government as well as relevant structures within the private domain. To achieve gender equality in the workplace, it is important that gender gaps be identified at this level so that effective guidelines and strategies may be implemented in order to ensure that men and women not only benefit equally but also contribute equally in the workplace.

The CEO also noted that South Africa has embraced numerous international instruments and is obliged to give effect to the obligations set out under these instruments. In this regard Article 11 of CEDAW is of particular significance and provides that; State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights. Even though the CEDAW is an international instrument, it has filtered through into domestic legislation, which will guide our interaction today. This piece of legislation is none other than the Employment Equity Act (EEA).

In terms of Section 5 of the EEA, every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.

In her conclusion, the CEO invited employers not to be hesitant or defensive. Instead, they should be pleased to take this as an opportunity to advise the CGE on what strategies, benchmarks and interventions that they have made towards the fulfilment of obligations in terms of the provision of the EEA.

8. Presentations by municipalities and private companies

8.1 Dr Ruth Segomotsi Mompoti District Municipality

The municipality was represented by Ms. Dorcus Dambuza. Before she could start the presentation, the acting chairperson of the CGE posed a question as to why the municipality failed to respond to a questionnaire sent to them in time. In response, it was indicated that there was miscommunication between the secretary of the Municipal Manager and Ms. Mogomotsi, from the Head Office. We had no intention of not attending the hearing and we were surprised by the subpoena. The municipality intends to cooperate with the CGE and respect and uphold the South Africa Constitution.

In her presentation, she indicated that the municipality had developed an EE Plan early in 2011 and a copy was submitted to the Department of Labour for input. In April we received input from the Department of Labour and the final draft is to be approved by the council by November 2011.

The table below presents gender disaggregated data on Senior Management Structure (SMS) of Dr Ruth S Mompoti District Municipality.

Table 5: Number and Percentage of Women & Men at SMS for Dr Ruth S Mompoti District Municipality

Levels	Males	Females	Total
Municipal Manager	1 (100%)	-	1 (100%)
Senior Managers	7 (87%)	1 (13%)	8 (100%)
Total	8 (89%)	1 (11%)	9 (100%)

The presenter further indicated that as much as the data presented above looks bad, at the level of managers the picture looks different (i.e. there are more women and the municipality is making a difference). Data presented in the table above clearly indicate that men dominate the municipal SMS.

In an attempt to ensure gender transformation and meet equity targets, the municipality has appointed Ms. Koketso Mothibi who is responsible for Special Programmes. The programme has a budget allocation of R100 000.00 which is located in the office of the Executive Mayor (Executive Support).

Dr Ruth S Mompoti:
Compliance with Employment Equity Act: 2011

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
<p>1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your institution have the EE plan? If so, kindly provide a copy.</p>	<ul style="list-style-type: none"> • The municipality has a seven-year Employment Equity Plan starting from October 2008 – 30 September 2014. 	<ul style="list-style-type: none"> • A copy of the Employment Equity Plan was provided, however it was indicated that it is currently under review by the Department of Labour, DDG. • The Department reviewed the equity plan and made recommendations in January that the municipality had to implement. The Department was happy with the response from the municipality. • There are issues that the Department raised which the municipality still have to take into consideration. • The report sent to the Department regarding the equity plan was also sent to the portfolio committee so that it can end up with council for adoption. 	<ul style="list-style-type: none"> • Notwithstanding the fact that the municipality have the equity plan in place, it is discouraging to note that the municipality does not even have one person with a disability in their workforce. That is tantamount to non-compliance with the provisions of the Employment Equity Act. • The municipality need to urgently come up with a remedial action to this problem. • Paragraph 4.42 of the Employment Equity Plan relates to recruitment and advertising. It states that specific recruitment interventions will be embarked upon but it is silent on the kind of interventions to be undertaken i.e. engaging with a Disabled Persons Organisation to recruit people with disabilities, etc.
<p>2. Has the municipality been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> • Yes, the municipality has to a certain extent achieved its objectives, however the following challenges were encountered in the process: • Geographical location. • Shortage of skills. • Political Deployment. • Rigid Structure. • SALGA Salary Guidelines. 		<ul style="list-style-type: none"> • The municipality through the Municipal Manager must make it a point that they engage with their political heads to ensure that the objectives as set out in Section 20 (2)(a) are realised. • Further to the above the fact that they have noted what the challenges are, it's time that they concentrate on solutions for the challenges and or barriers.

<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing the EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> • Yes, the municipality has assigned the responsibility to the senior manager, corporate services. However, the municipality is working on integrating the EE into performance agreements of senior managers. 		<ul style="list-style-type: none"> • Inclusion of the same KRA into performance agreement of all managers and senior managers is being looked at. • That must be done on an urgent basis for the effective monitoring of the employment equity plan. • It's not only up to the senior manager to see to it that the equity plan is being implemented but equally, information from other departments, will also provide the overall organisational objectives in terms of the Act.
<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the municipality.</p>	<ul style="list-style-type: none"> • 8 senior managers within the municipality: • 4 African males. • 1 African female. • 2 White males. • 1 Indian male. 		<ul style="list-style-type: none"> • It is of serious concern to the Commission to note that out of 8 senior managers within the municipality, only 1 female. • From the presentation the municipality has 5 senior African males, contrary to the documented information. • Recruitment practises are to comply with the EE Plan. Selection and short-listing processes to be driven by EE Targets. Advertisements to be inclusive (to talk to the disabled community and be clear of target group e.g. women).
<p>5. What measures have been put in place to promote gender transformation at the municipality?</p>	<ul style="list-style-type: none"> • The municipality has developed an employment equity plan, which has clear numerical goals on gender, race and disability composition of the municipality in the next five years. 	<ul style="list-style-type: none"> • The municipality has requested assistance from the Department of Labour to fine tune the draft of the equity plan so that the new councillors can be work-shopped so that they can have clear numerical goals on gender equality. 	

<p>6. Does the municipality have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> The municipality has appointed Ms. Koketso Mothibi to deal with gender issues and she is remunerated at the level of 2.1 in terms of the municipality organogram, which is a senior position. 		<ul style="list-style-type: none"> It is appreciated and commendable that at least the municipality have appointed a specific person to deal with gender transformation contrary to some of the key departments that do not even have budget for gender issues. This is indicative that the municipality is taking issues of gender transformation in the workplace seriously.
<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the municipality?</p>	<ul style="list-style-type: none"> The municipality has an Employment Equity Committee, which is empowered to track the implementation of employment equity with regard to gender and disability in the organisation. 	<ul style="list-style-type: none"> The committee deals with employment equity issues and skills development issues like training, etc. The committee meet once quarterly. 	<ul style="list-style-type: none"> The Commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce. There is lack of commitment from the municipality to attract people with disabilities into their workforce.
<p>8. In terms of the policies that the municipality has, how often does the municipality audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> The policies are reviewed annually to check the relevance and impact. 		
<p>9. Provide disaggregated data by gender race and disability on non SMS level</p>	<ul style="list-style-type: none"> 22 African males. 2 Coloured males. 7 White males. 15 African females. 1 Coloured female. 1 Indian female. 5 White females. 		<ul style="list-style-type: none"> It is evident from the provided statistics that the municipality is doing well in terms of race but not much in terms of gender equality and disability.

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> • None, however all employees are allowed time off to attend to domestic responsibilities upon request. 	<ul style="list-style-type: none"> • There was a question posed by a councillor as to what we can do to assist people with disabilities to access the workplace easily? It was indicated that the issue would be discussed in the next review during December as requested by council. • Some women do bring their children to work and arrangements are made as and when necessary. 	<ul style="list-style-type: none"> • It is noted that time off is allowed for women to attend to domestic responsibilities; however that is within the discretion of the employer and or the respective manager. • It is of critical importance that the municipality should develop a standard policy that deals with the issue of flexi-time so as to close the gate for favouritism that may lead to unfair discrimination and victimisation.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the workplace? If yes, provide the same.</p>	<ul style="list-style-type: none"> • Yes, the municipality has a sexual harassment policy in place. 		
<p>12. The employer is required to put the policy where it can be accessed by employees, has the municipality done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • Employees have access to all policies that impact on them and the policies are available at the HR Office for employees to access. 	<ul style="list-style-type: none"> • Policy workshops were held with employees and employees were informed about the procedures that need to be followed when lodging a complaint. • Inputs are sought from employees through shop stewards and communicated with them throughout the policy development until the policy is adopted. 	<ul style="list-style-type: none"> • It is very important that the municipality should hold this kind of policy workshop more often. The reason being that not everyone can understand immediately when you are telling him or her something. • We need also to think about those unskilled labourers who may find it difficult to understand some of the things but with constant engagements with employees it will make it easy for them to understand.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> No cases of sexual harassment have been reported to the municipality and that may be due to, that employees are unaware of their rights and how to enforce them through workshops held by the municipality. The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the municipality is not doing enough in terms of awareness and or people are scared to report these cases. 		<ul style="list-style-type: none"> Gender-based violence is rife in the society that we live in inclusive of sexual harassment. Therefore it is unacceptable to say that there are no cases of sexual harassment within the municipality. This may be an indication that the municipality is not doing enough to address issues of sexual harassment and also creating awareness. The municipality must create an environment conducive for victims to report cases.
<p>14. Which initiatives did the municipality undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> The municipality always holds policy workshops with employees after its annual policy review. 	<ul style="list-style-type: none"> There is a library to access the code of policy so that anyone wishing to access it must be able to do so. 	

<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> • Yes the municipality's appointment policy is clear on that and adverts always target women and persons with disabilities. 		<ul style="list-style-type: none"> • Paragraph 4.4.2 of the EE Plan relates to recruitment and advertising and it states that, "Specific recruitment interventions will be embarked upon in order to alter the demographic representation of designated groups within all levels of business units". • The municipality needs to be clear on what interventions are they talking about i.e. engaging disability organisations to recruit people with disabilities; training of staff to empower them with the necessary skills to better perform in their area of specialisation; and allocation of bursaries for employees who wants to further their education but cannot afford the tuition fee on their own. • The municipality should come up with a proactive way of recruiting women and persons with disabilities if they really want to reach the national target of 2% of people with disabilities. • Paragraph 4.4.4. of the EE Plan deals with skills development. It will be very interesting to know in terms of the municipality offering bursaries to employees, which criteria are being used?
<p>16. Does the municipality have a gender-sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> • Yes, there is a budget of R100.000.00 allocated to coordinate gender mainstreaming issues, and each directorate is making budget allocations based on gender. 		<ul style="list-style-type: none"> • It is commendable that the municipality has a budget allocated for gender issues, though it is not sufficient. • The municipality is taking efforts to address issues of gender transformation and women empowerment.

<p>17. What successes and challenges have been experienced in realising gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • There has been little success based on the challenges such as the geographical location of the municipality, shortage of skills etc. 		<ul style="list-style-type: none"> • There is a need for the municipality to strive to get political buy-in so as to be able to achieve its objectives as outlined in Section 20 (2)(a) of the Act. • The municipal manager needs to engage with the mayoral committee and stress the importance of gender transformation and thereby lobbying for political buy-in and more funds to be channelled to gender equality agenda.
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • The District Municipality recently launched a summit on women in local government. There have also been officials and councillors who attended gender mainstreaming and transformation training. 	<ul style="list-style-type: none"> • A Commission was launched under the guidance of SALGA to train the managers and senior managers on issues of gender transformation. 	
<p>19. Does the municipality have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> • Yes, this is reflected in the municipality's Recruitment and Selection Policy. 	<ul style="list-style-type: none"> • The policy is there but the challenge is the political sphere that we live in and the policy is not applied consistently because some of the appointments are political in nature. 	

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	The policy is under review by the Department of Labour
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	

4.	Code of Good Practice	Approved	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Approved	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Approved	
14.	Vehicle Allowance Policy	Approved	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Approved	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Approved	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Draft	

Conclusion

In conclusion, the municipality was requested by the CGE to submit the following information on or before 10 December 2011.

- Employment Equity Plan.
- Sexual Harassment Policy.
- Information on gender equality architecture.
- Global picture of structures that exist in the municipality.
- Gender disaggregated from supply chain that proves that companies doing business with the municipality comply with Employment Equity Act.
- Disaggregated data for categories of employment.
- Municipal approved budget.
- Minutes of the Employment Equity Committee for the two recent meetings.

8.2 Bojanala Platinum District Municipality

Presentation by Mr. Innocent Sirovha – Municipal Manager

In his opening remarks, Mr. Sirovha outlined the purpose of the report as to brief the CGE in terms of the status quo of the District Municipality relating to the employment equity, which partially covers the aspect of gender equality or equal representation of women within the organisation.

Bojanala Platinum District Municipality is a Category C municipality situated in the North-Eastern part of North West province. The municipality includes the five Category B municipalities of Kgetleng Rivier, Madibeng, Moretele, Moses Kotane and Rustenburg. It was formed after the disestablishment of the Eastern District

Council and Rustenburg District Council and that resulted in the disparity or difference relating to terms and conditions of employment of both previous District Municipal employees.

Furthermore, Bojanala Platinum District Municipality seeks to comply with the Employment Equity Act and is currently underway in its quest to achieve 100% compliance towards employment equity by completing the Employment Equity Report and amending the draft plan for the year 2011–2014 before the closing date for the online submissions, which is due on 16 January 2012.

In his response to municipal policy environment, the municipal manager indicated that, the booklet containing all the Human Resources policies does exist within the District Municipality and that it has been disseminated to employees. The policies address most of the workplace problems including how to deal with sexual harassment, leave, maternity and other issues that are seen as vital and effective in addressing serious matters concerning employees. As part of ensuring that policies are communicated to all employees of the municipality, the Human Resources booklets has been circulated amongst employees in order for them to equip themselves to understand the implications and what is contained in the policies including the processes to follow in terms of lodging complaints or grievances.

The municipality is continuously striving to maintain good working relationships amongst men and women in the workplace.

The municipality has partially managed to achieve the objectives in terms of Section 20 (2)(a) of the Act although there were challenges experienced. The municipality has assigned Mr. A Khuduge, Director of Corporate Support Services, to take responsibility for monitoring and implementing the Employment Equity Plan however the KPI is only achieved when the report is submitted to the Department of Labour.

Table 6: Number and Percentage of Women & Men at SMS for Bojanala District Municipality

Levels	Males	Females	Total
Senior Management	4 (67%)	2 (33%)	6 (100%)
Middle Management	14 (50%)	14 (50%)	28 (100%)
Total	18 (53%)	16 (47%)	34 (100%)

While the municipality does not have a system in place to track movement of women and persons with disabilities into senior management positions, the table above indicate a fair balance of representation of women and men in the senior and middle management of the organisation. In both levels of management there is a total of 18 men (53%) and 16 women (47%).

In his conclusion, the municipal manager made a commitment that; the municipality will put in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities through constant monitoring and evaluation of the Employment Equity Plan with recommendations from the Employment Equity Consultative Forum that has been established. Finally, the municipality will start to embark on an initiative in undertaking to raise awareness around the issues of gender equality and discrimination in the workplace and the process is earmarked to kick-start during the year 2012.

Bojanala Platinum District Municipality: Compliance with Employment Equity Act: 2011

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your municipality have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> The municipality does not have an Employment Equity plan currently, but will develop one and furnish it to the Commission. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Though acknowledging that the municipal manager indicated that he is new in the position, it is still unacceptable that the municipality does not have even the draft plan and that may be misconstrued as reluctance to comply with the Employment Equity Act. That is of serious concern to the Commission taking into account the importance of gender transformation in the country particularly in the workplace.
2. Has the municipality been able to achieve the objectives in terms of Section 20 (2) (a) of the Act? If not, what are the challenges?	<ul style="list-style-type: none"> The municipality has partially managed to achieve its objectives in terms of the Act although there were challenges experienced and amongst others are: <ul style="list-style-type: none"> Job evaluation, which is not yet completed in terms of job classification and grading. Absence of clearly articulated Employment Equity Plan. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> The municipality through the municipal manager must make it a point that they engage with their political heads to ensure that the objectives as set out in Section 20 (2)(a) are realised. The importance of having an Employment Equity Plan with clear numerical goals and targets cannot be overemphasised, this will assist the municipality to identify the barriers to non-compliance with the Act.
3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing the EEP. Does that form part of the performance review of senior managers?	<ul style="list-style-type: none"> Yes, the municipality has assigned the responsibility to the senior manager, corporate services. However the responsibility assigned to him or her does not form part of his or her performance review. 	<ul style="list-style-type: none"> The key performance indicator is only achieved when the report is submitted to the Department of Labour. 	<ul style="list-style-type: none"> The submission of the report alone to the Department of Labour would not necessarily mean that the municipality has achieved its objectives. Indicators to be reviewed to check if really the municipality is achieving its objectives in terms of the Act.

<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the municipality</p>	<ul style="list-style-type: none"> • 4 males. • 2 females. 	<ul style="list-style-type: none"> • There is one position vacant and a female has been recommended for appointment and is awaiting council approval by the Mayoral Committee. • If council approves the appointment, then it will bring the number of females to 3 and their male counterpart still remains at 4 at senior management positions. 	<ul style="list-style-type: none"> • The municipality is taking a step in the right direction and moving swiftly to promote gender transformation and to increase women’s representation into senior management positions. However the only challenge is that the municipality did not provide the Commission with the breakdown in terms of race. • It is a concern that people with disabilities seems not be represented at any level and therefore the municipality need to engage organisations such the DPSA for assistance in terms of recruiting people who have potential and skills to do the work. • Recruitment practises to comply with EE Plan. Selection and short-listing processes to be driven by EE Targets.
<p>5. What measures have been put in place to promote gender transformation at your municipality?</p>	<ul style="list-style-type: none"> • The municipality seeks to comply with the Employment Equity Act and is currently underway in its quest to achieve 100% compliance in Employment Equity by completing the Employment Equity Report and amending the draft plan for the year 2011 – 2014 before the closing date for the online submissions which is due on 16 January 2012. 	<ul style="list-style-type: none"> • The Employment Equity Consultative Forum has been established and the municipality will be able to tackle and respond to the historical race and gender inequalities that exist within the organisation. 	
<p>6. Does the municipality have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> • The municipality indicated gender issues are dealt with under the special projects within the Office of the Executive Mayor and the responsible person is the special projects Co-ordinator. 		

<p>7. What mechanisms / systems are in place to track the movement of women and women with disabilities to senior management positions in the municipality?</p>	<ul style="list-style-type: none"> No system in place. 	<ul style="list-style-type: none"> However, the municipality will make use of the Employment Equity Consultative Forum to track the upward movement of women and persons with disabilities. 	<ul style="list-style-type: none"> The commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce. There is no proactive way to put funds aside to develop skills and this must be done in conjunction with the disabled group of South Africa.
<p>8. In terms of the policies that the municipality has, how often does the municipality audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> The policies are reviewed after every second year. 		
<p>9. Provide disaggregated data by gender race and disability on non SMS level</p>	<ul style="list-style-type: none"> 14 African males. 14 African females. No persons with disabilities. 		<ul style="list-style-type: none"> The municipality has a fair representation of men and women at both senior and middle management.
<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> There is a women's annual conference where women meet and talk about issues affecting them in the workplace and that project is led by a female director. 		<ul style="list-style-type: none"> In an enabling environment, we are looking at what it is like to be a working mother and the challenges towards advancement, capacity building, skills training etc. It is of critical importance that the municipality should develop a standard policy that deals with the issue of flexi-time for women to attend to domestic responsibilities without necessarily having to take leave. The municipality does not indicate what happens surrounding women's discussions that are brought to the office of the municipal manager and how are they being handled?

<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> • Yes, the municipality has a sexual harassment policy in place. 		<ul style="list-style-type: none"> • The sexual harassment policy is very generic and the procedure should be very clear. It talks of reporting the case of sexual harassment to your supervisor. It is silent on the issue when the perpetrator is your supervisor. What procedures and or to whom should the victim report the case.
<p>12. The employer is required to put the policy where it can be accessed by employees, has the municipality done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • The Human Resources booklets has been circulated amongst employees in order for them to equip themselves, to understand the implications and what is contained in the policies including the processes to be followed in terms of lodging a complaints. • However the municipality acknowledged that little has been done on their part to make employees aware of the existence of these policies and the procedures to be followed in terms of lodging a complaint. 		<ul style="list-style-type: none"> • The municipality should raise awareness to employees with regard to the policies they have within the workplace.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> No cases of sexual harassment have been reported to the municipality and that may be that employees are unaware of their rights and how to enforce them through workshops held by the municipality. The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the municipality is not doing enough in terms of awareness and or people are scared to report these cases. 		<ul style="list-style-type: none"> The Commission is concerned that there are no cases of sexual harassment, knowing the kind of society that we live in gender-based violence and sexual harassment is rife in this country. Therefore it is unacceptable to say that there are no cases of sexual harassment within the municipality. This may be indicative of the failure of the municipality to communicate the policies to employees and in a way promoting what the perpetrators are doing to the victims.
<p>14. Which initiatives did the municipality undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> None so far, but the municipality will start to embark on an initiative in undertaking to raise awareness around the issues of gender equality and discrimination in the workplace and the process is earmarked to kick-start during the year 2012. 		
<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> Yes the municipality has a recruitment policy but it does not specifically target persons with disabilities. It is something that can be rectified but in terms of gender there is balance within the institution between males and females. 		<ul style="list-style-type: none"> The municipality should come up with a proactive way of recruiting women and persons with disabilities if they really want to reach the national target of 2% of people with disabilities.

<p>16. Does the municipality have a gender sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> • Yes, there is a budget allocation of R570 000.00 for the coordination of gender mainstreaming issues and HIV Projects. • The municipality has a budget allocation of R750 000.00 for support for people with disabilities and elderly projects. • The municipality also has a budget of R850 000.00 allocated for support for women, youth and children. 	<ul style="list-style-type: none"> • The supply chain management issues are managed such that the total spend of the municipality per annum is directed to institutions and companies that have women as directors, thereby addressing the issue of gender sensitivity to gender issues within the municipal budget. • 50 / 50% bursaries awarded to communities. • The Council approved gender strategy sent by SALGA. • The gender mainstreaming programme on supply chain management where women-owned companies are prioritised. 	<ul style="list-style-type: none"> • It is evident from the budget allocation that the willingness to bring persons with disabilities on board in compliance with the Act is there. • However it seems as if the municipality is not doing enough to recruit persons with disabilities despite having a budget. It is totally unacceptable. • The municipality currently does not have any person with disability in its workforce, so what is the budget being utilised for?
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<p>17. What successes and challenges have been experienced in realising gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • Successes • As part of celebrating the women of Bojanala Municipality as well as empowering them, the municipality held a district workshop on Women and gender-based violence as well as Women and their consumer rights in partnership with Progressive Women's Movement of South Africa and the Department of Economic Development and Tourism. Out of this workshop a clear programme of action for the district was adopted on the challenges facing women. • The municipality, in partnership with the Bojanala Sign Language forum, commemorated the International Deaf Awareness Week on the 7 September 2011 to raise awareness of people with disabilities. The Mayor and his EXCO together with deaf people led the celebration. • Challenges • No systems in place to track movement of women and persons with disabilities into senior management positions. • There are no analysed patterns of employment to which element can be used to comply with the requirements of the Act. 		
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<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • Recently Council adopted the Gender Mainstreaming Plan. • 50 /50 bursaries awarded to communities. • The council of the municipality approved the structure on gender mainstreaming. 		
<p>19. Does the municipality have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> • No. 	<ul style="list-style-type: none"> • The municipality will strive to put in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities through constant monitoring and evaluation of the Employment Equity plan with the recommendations from the Employment Equity Forum that has been established. 	

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Approved	
6.	Training and Development	Draft	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Unknown	
14.	Vehicle Allowance Policy	Unknown	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Unknown	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

Conclusion

In conclusion, the Bojanala Platinum District Municipality was requested by the CGE to submit the following documents on or before 10 December 2011.

- Employment Equity Plan.
- Constitution of the Employment Equity Forum.
- Organisational gender architecture.
- Gender mainstreaming plan.

8.3 Ngaka Modiri Molema District Municipality

The chairperson of the proceedings, Commissioner Dr. Tebogo Maitse indicated that the Ngaka Modiri Molema District Municipality did not show up for the hearings and she would hand over to the CGE acting chairperson to outline the way forward.

The acting chairperson of the CGE stated on record that Ngaka Modiri Molema District Municipality was invited to make presentations before the Commission for Gender Equality. The Commission have noted with regrets that the municipal manager Mr Mokgele Mojaki despite confirming that the Human Resource Manager will attend, failed to do so. The Commission will therefore proceed to exercise its powers in terms of the CGE Act to ensure that the information required is presented in time. The municipality will therefore be subpoenaed to appear before the Commission at Head office, 2 Kotze Street, Braamfontein, Gauteng.

Ngaka Modiri Molema District Municipality: Compliance with Employment Equity Act: 2011

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your municipality have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> The municipality does have an Employment Equity plan for the period 2010-2015. The said plan is attached. 		<ul style="list-style-type: none"> In terms of the Employment Equity Plan of the municipality, the municipality has been able to identify some of the barriers of non-compliance with the Act. Amongst others is the lack of a succession plan and that they have been able to come up with a remedial plan. Currently the municipality has developed a draft policy, which was submitted to the management committee for inputs before adopted by Council. This shows the importance of having the Employment Equity Plan; it serves as a guide towards achieving your objectives and thereby complying with the Act.

<p>2. Has the municipality been able to achieve the objectives in terms of Section 20 (2)(a) of the Act? If not, what are the challenges?</p>	<ul style="list-style-type: none"> The municipality has not achieved its objectives as set within the last 5 year Employment Equity Plan, however, the municipality has gone through the process of reviewing its policy in order to remove all the barriers, which contradicted same not achieving its targets. 	<ul style="list-style-type: none"> The policy review has started, which was forwarded to the Management Committee for inputs and finalisation for Council adoption. Council has adopted the 5-year EEP with each year's objective set. The accounting officer and senior managers are held responsible through their performance agreements signed in 2011/2012. The municipality has implemented the WSP (Work Skills Plan) as submitted to SETA. In 2010 the municipality held its first Human Rights Day, Disability Awareness Week and Diversity Awareness to raise their issues. The municipality is in the process of addressing the outcome of the audit on reasonable accommodation for people with disabilities within the municipality. Meetings were held at the level of the Employment Equity Forum for monitoring process. 	
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<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing an EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> • Yes, the municipality has assigned senior managers the responsibility for monitoring the implementation of the EEP and it forms part of their performance review. 		
<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the municipality</p>	<ul style="list-style-type: none"> • 7 African males. • 1 Coloured male • 1 African female • No people with disability in senior management positions. 	<ul style="list-style-type: none"> • There is one position vacant and a female has been recommended for appointment and is awaiting council approval by the Mayoral Committee. • If Council approves then it will bring the number of females to 3 and their male counterpart still remains at 4 at senior management positions. 	<ul style="list-style-type: none"> • The municipality is taking a step in the right direction and moving swiftly to promote gender transformation and to increase women's representation into senior management positions. • The number in terms of gender representation in senior management does not look good; males are overrepresented as opposed to their female counterpart. • It is a concern that people with disabilities seems not be represented at any level and therefore the municipality need to engage organisations such the DPSA for assistance in terms of recruiting people who have potential and skills to do the work. • Recruitment practises to comply with EE Plan. Selection and short-listing processes to be driven by EE Targets.
<p>5. What measures have been put in place to promote gender transformation at your municipality?</p>	<ul style="list-style-type: none"> • In order to promote gender transformation and to increase women's representation into senior management, the approved EE Plan requires that women be prioritised when appointments are made. 	<ul style="list-style-type: none"> • The Employment Equity Consultative Forum has been established and the municipality will be able to tackle and respond to the historical race and gender inequalities that exist within the organisation. 	

<p>6. Does the municipality have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> The municipality does not have a designated person dealing with gender issues or gender transformation. However, Human Resource only has Employment Equity in its KRA. 		
<p>7. What mechanisms/systems are in place to track the movement of women and women with disabilities to senior management positions in the municipality?</p>	<ul style="list-style-type: none"> No system in place. 	<ul style="list-style-type: none"> The municipality is tracking this by receiving reports on progress to address the disparity, which are sent to the Employment Equity Forum and later to the management committee. 	<ul style="list-style-type: none"> The commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the work force. There is no proactive way to put funds aside to develop skills and this must be done in conjunction with the Disabled Group of South Africa.
<p>8. In terms of the policies that the municipality has, how often does the municipality audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> The EE Forum for annual review does monitoring on a quarterly basis. The policies are always audited on an annual basis to ensure that they are still in line with objectives sought of being achieved. 		
<p>9. Provide disaggregated data by gender race and disability on non SMS level</p>	<ul style="list-style-type: none"> The question was basically not answered, as the response to number 4 is the same as the one in number 10. The difference is number 4 talks of SMS level and 10 of non-SMS level. 		

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> The municipality relies on the maternity leave and family responsibility leave, which enables women to perform their work and attend to domestic responsibilities. Over and above, annual leave may also be utilised for this purpose as the need arises. 		<ul style="list-style-type: none"> Nothing was mentioned by the municipality regarding issues of flexi-time for women with children, allowing them time off or to attend to domestic responsibilities such as breast feeding, taking their children from school, working from home etc. These are the issues that we wanted the municipality to address in its presentation but did not so. It is a serious concern that women for example who are breast feeding are suffering and may end taking vacation leave to attend to their domestic responsibilities and this will hamper the progress in terms of the scope of work that they are given. Enabling environment, we are looking at what it is like to be a working woman and mother and the challenges it presents towards advancement, capacity building, skills training etc. It is of critical importance that the municipality should develop a standard policy that deals with the issue of flexi-time for women to attend to domestic responsibilities without necessarily having to take leave. The municipality does not indicate what happens surrounding women's discussions that are brought to the office of the municipal manager and how are they being handled?
<p>11. Have policies been put in place to address discrimination and sexual harassment in the work place? If yes, provide the same.</p>	<ul style="list-style-type: none"> Yes, the municipality has a sexual harassment policy in place. 		

<p>12. The employer is required to put the policy were it can be accessed by employees, has the municipality done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • During a policy review session, which was held 3-11, March 2010, copies of the policies were issued to all staff. 	<ul style="list-style-type: none"> • Employees were informed of procedures and implications and how to lodge a complaint. • Employees are further able to access the policies as the need arises from the Human Resources office. 	<ul style="list-style-type: none"> • The municipality should raise awareness to employees on the policies they have within the workplace. • We also need to think about those unskilled labourers who may find it difficult to understand some of the policies. With constant engagements with employees it will make it easy for them to understand and to know what to do when one has a grievance to lodge.
<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<p>No cases of sexual harassment have been reported to the municipality and that may be that employees are aware of their rights and how to enforce them through workshops held by the municipality.</p> <p>The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the municipality is not doing enough in terms of awareness and or people are scared to report these cases.</p>		<p>We know the kind of society that we live in gender-based violence and sexual harassment is rife in this country. Therefore it is unacceptable to say that there are no cases of sexual harassment within the municipality.</p> <p>We should be asking ourselves, are we creating enough awareness about the prevalence of sexual harassment and what steps to follow to lodge a complaint?</p> <p>Are we encouraging our employees to come out of the cocoon and report the perpetrators of sexual harassment to the relevant authorities and management?</p> <p>We need to give the victims assurance that whatever information they give will be treated in a confidential manner and that in the event of the perpetrator being a senior to the victim, that there will be no issues of secondary victimisation, as this may deter other employees from reporting cases.</p>
<p>14. Which initiatives did the municipality undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>		<p>The municipality has adopted a programme encapsulated in the EE Plan to raise awareness aligned to the National Calendar on equity issues.</p>	

<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<p>Recruitment policies specifically target the previously disadvantaged and they are given preference.</p>		<p>The recruitment and selection policy of the municipality is silent on the issue of recruiting people with disabilities and that may be the reason why the municipality does not even have one person with disabilities.</p> <p>The recruitment and selection of the municipality is generic in nature.</p> <p>It goes without saying that preference will be given to previously disadvantaged groups, should the municipality wish to come up with proactive ways of recruiting women and persons with disabilities if they want to succeed in reaching the national target of 2% of people with disabilities.</p>
<p>16. Does the municipality have a gender-sensitive budget, which is allocated to deal with gender issues?</p>	<p>The budget is allocated under the Special Projects, which are facilitated under the Office of the Executive Mayor.</p>		<p>One of the barriers identified is a limited budget. It is because of this, there is a lack of programmes in the municipality. The municipality is determined to come up with relevant programs so that we can request for more financial injection.</p>
<p>17. What successes and challenges have been experienced in realising gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • Successes • In 2011 the 1st Women's Summit was celebrated during Women's Month. • Challenges • The challenge remains in terms of employment of the 50/50 issues on employing women. 	<ul style="list-style-type: none"> • However, the municipality's Employment Equity Forum is set out to address those gaps in the 5-year plan as set out in its Employment Equity plan. 	
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the municipality?</p>	<ul style="list-style-type: none"> • The municipality has the Training and Development Policy, which allows employees to identify their skills gaps. This is to enable all staff, including women, to develop and capacitate themselves in order to accelerate gender transformation in the municipality. 		

<p>19. Does the municipality have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> The municipality does not have a succession plan or promotion initiatives. 	<ul style="list-style-type: none"> However, there is a draft policy on Succession Planning that is still being submitted for input to the Management Committee before adoption by Council; who addresses these issues. 	<ul style="list-style-type: none"> It is encouraging to note that amongst the barriers identified in the municipality's Employment Equity plan, was a succession plan and at least the municipality has been able to come up with remedial action, hence we have a draft policy in our possession.
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Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Approved	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Draft	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Approved	
14.	Vehicle Allowance Policy	Approved	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

8.4 Gobodo Incorporated

Presentation by Ms. Shardha

Ms. Shardha Jugnaik started her presentation by apologising to the Commission for not responding in time. The information was communicated to the Mafikeng office, only to discover that the Mafikeng office has no capacity to deal with such an assignment. The communiqué was then sent back to Head Office to the Human Resources Department, which in turn responded to the Commission, and that response came in late.

The presenter indicated that in the past year Gobodo merged with SizweNtsaluba. As a result the firm underwent a restructuring exercise. Thus the company was not able to achieve the objectives in terms of Section 20 (2) of the EEA.

The goal of Gobodo Incorporated is to change its staff profile to reflect the business realities and demographics of South Africa and to ensure democracy and equality in the workplace. The firm therefore aims to implement positive measures to further the interests of black people, women of all races, and people with disabilities at all levels within the firm. As part of the firm's commitment to achieving employment equity and gender transformation, the national HR manager has been tasked of ensuring that the employment equity plan and policy are developed and implemented. This task forms part of her KPAs and thus will be included in her performance review. Furthermore, one of the main objectives of the new entity is to increase the representation of females in senior management to 35% in over the next three years. The following measures are going to be taken:

- Offer market related salaries.
- Early identification of current female staff members whom we want to move into senior management and ensuring that we groom them for these positions.
- Management courses.
- Mentorship programs.
- Encourage further studies

The executive chairman and the human resource director deal with the responsibility for gender transformation.

The company currently has 11 (82%) directors and only 2 (18%) are women. The company has set itself a target to achieve 35% of women representation at senior management in 3 years.

To achieve development of women in terms of career development, all employees are required to complete performance reviews on a semi – annual basis. Based on these reviews we are able to identify employees for promotion into senior positions. This process is done across the board for all employees thus it assists us to identify the female and disabled employees that we want to promote.

Our recruitment policy does not specifically target females and disabled persons. The new entity has however identified these as specific objectives. Our policies are emailed to all staff and are also on the Intranet. Furthermore all employees are given a copy of the policy when they join the entity. The company reviews and

updates all policies annually to ensure that we are complying with the relevant legislation.

Brief gender analysis of the presentation

Women representation at senior management is extremely poor. With all policies that exist, the company does not have a gender policy and that indicates a lack of commitment to gender equality and women empowerment. The absence gender budget and related resources clearly indicates the lack of commitment in creating an enabling environment and the advancement of women.

Conclusion

In conclusion, the company was requested by the Commission for Gender Equality to submit the following documents on or before 10 December 2011.

- Sexual Harassment Policy.
- 3 sets of Minutes for the Employment Equity Forum meetings.
- Employment Equity Plan.
- Gender disaggregated data for the entire organisation.

Gobodo Incorporated:

Compliance with Employment Equity Act: 2011

Questions posed by CGE	Situational Analysis within the Department / Municipality	Measures taken / interventions to be implemented in line with EEA	CGE Findings
1. In terms of Section 20 of the Employment Equity Act No. 55 of 1998 (herein referred to as the Act), a designated employer must prepare and implement an Employment Equity Plan. Does your company have the EE plan? If so, kindly provide a copy.	<ul style="list-style-type: none"> • The company has an Employment Equity Plan. • The said plan is attached. 		
2. Have the company been able to achieve the objectives in terms of Section 20 (2)(a) of the Act? If not, what are the challenges?	<ul style="list-style-type: none"> • No, the company has recently merged with SizweNtsaluba and as a result restructuring within the company is in process. 		<ul style="list-style-type: none"> • There company displays a clear lack of commitment to issues of gender transformation hence they haven't been able to meet their target as per their employment equity plan.

<p>3. In terms of Section 24 of the Act, a designated employer must assign one or more senior managers to take responsibility for monitoring and implementing an EEP. Does that form part of the performance review of senior managers?</p>	<ul style="list-style-type: none"> In the new merged entity, the human resources manager is assigned this task. 		<ul style="list-style-type: none"> The Commission noted with concern that the monitoring and implementation of an EEP, does not form part of the performance review of the human resource manager. If same can be included in the performance review, we will be able to see better results in term of gender transformation and women empowerment within the workplace.
<p>4. Provide data disaggregated by gender, race and disability on senior management positions in the company.</p>	<ul style="list-style-type: none"> 4 Indian males. 1 African female who is the CEO. 1 Coloured male. 1 African male. 3 White males. 1 Indian female. No people with disability in senior management positions. 		<ul style="list-style-type: none"> The company, out of all the departments and private companies, was the worst performer in terms of women empowerment and gender transformation, including the Premier's Office. Women are underrepresented at senior management level and it looks like the company does not have strategies to remedy the challenges they are facing in terms of gender transformation.
<p>5. What measures have been put in place to promote gender transformation at your company?</p>	<ul style="list-style-type: none"> With the formation of the new SizweNtsaluba Gobodo, the strategic objectives of the company include increasing the representation of females in senior management by 35% over the next three years. 	<ul style="list-style-type: none"> This will be done by offering market related salaries, offering well-defined career paths and mentoring to candidates who have just qualified as chartered accountants. 	<ul style="list-style-type: none"> There is serious non-compliance with the Employment Equity Act, within this company. There are no effective measures in place to promote gender transformation. The company displayed a lack of commitment in addressing issues of gender transformation and have no clear strategies to remedy the situation.
<p>6. Does the company have a specific person dealing with gender issues and or gender transformation and in which salary level is the person assigned to deal with gender issues at?</p>	<ul style="list-style-type: none"> Yes, this is dealt with by the chairman and the human resource director. 		<ul style="list-style-type: none"> The salary level of the person dealing with issues of gender transformation was not mentioned in the presentation and unpacked as to how the person deals with those issues.

<p>7. What mechanisms/systems are in place to track the movement of women and women with disabilities to senior management positions in the company?</p>	<ul style="list-style-type: none"> • Yes. The company use the South African Institute of Chartered Accountants performance development documents such as the assessment needs analysis. 	<ul style="list-style-type: none"> • The company develop trainees over a three-year period to reach the level of supervisors at the end of the 3rd year. • An assessment is performed to determine whether the trainee will be retained and further developed into a management position. • Performance assessments are then used to track the individual's progress into senior management and then directorship. 	<ul style="list-style-type: none"> • The Commission is concerned that not much is being said about people with disabilities and the probable strategies that may be undertaken to increase the number of people with disabilities in all the categories of the workforce. • There is no proactive way to put funds aside to develop skills and this must be done in conjunction with the Disabled Group of South Africa.
<p>8. In terms of the policies that the company has, how often does the company audit its policies to check if they are still in line with the objectives it sought to achieve?</p>	<ul style="list-style-type: none"> • The policies are always audited on an annual basis to ensure that they are still in line with the objectives that need to be achieved. 		
<p>9. Provide disaggregated data by gender race and disability on non SMS level.</p>	<ul style="list-style-type: none"> • The question was basically not answered as the response to number 4 is the same as the one in number 10. The difference is number 4 talks of SMS level and 10 of non-SMS level. 		

<p>10. What supportive measures have been put in place to enable women to perform at work and attend to domestic responsibilities?</p>	<ul style="list-style-type: none"> • None 		<ul style="list-style-type: none"> • Nothing was mentioned by the company regarding issues of flexi-time for women with children, allowing them time off to attend to domestic responsibilities such as breast feeding, taking their children from school, working from home, etc. • These are the issues that the Commission wanted the company to address in its presentation but did not do so. • It is a serious concern that women for example who are breast feeding are suffering and may end taking vacation leave to attend to their domestic responsibilities and this will hamper with the progress in terms of the scope of work they are given. • Enabling environment, we are looking at what it is like to be a working woman and mother and the challenges it presents towards advancement, capacity building, skills training etc. • It is of critical importance that the company should develop a standard policy that deals with the issue of flexi-time for women to attend to domestic responsibilities without necessarily having to take leave.
<p>11. Have policies been put in place to address discrimination and sexual harassment in the workplace? If yes, provide the same.</p>	<ul style="list-style-type: none"> • Yes, the company has a sexual harassment policy in place. 		
<p>12. The employer is required to put the policy where it can be accessed by employees, has the company done that? If yes, has the policy been communicated to the staff so they understand its implication and how to lodge a complaint?</p>	<ul style="list-style-type: none"> • The policy is on the intranet. 	<ul style="list-style-type: none"> • The policies are emailed to all employees. • Employees are further able to access the policies as the need arises from the Human Resources Office. 	<ul style="list-style-type: none"> • The company should raise awareness to employees on the policies they have within the workplace.

<p>13. In terms of sexual harassment cases that were reported, what is the average of cases you receive per year?</p>	<ul style="list-style-type: none"> No cases of sexual harassment have been reported to the company and that may be that employees are aware of their rights and how to enforce them through workshops held by the municipality. The fact that there are no cases of sexual harassment doesn't mean it is not happening and it may be that the company is not doing enough in terms of awareness and or people are scared to report these cases. 		<ul style="list-style-type: none"> The kind of society that we live in is where gender-based violence and sexual harassment is rife. Therefore it is unacceptable to say that there are no cases of sexual harassment within the company. No reported cases may be construed as failure on the part of the company to sensitise employees about the prevalence of sexual harassment and the need to report those cases. There is a dire need to give the victims assurance that whatever information they give will be treated as confidential as possible and that in the event that the perpetrator is a senior to the victim, there will be no issues of secondary victimisation as this may deter other employees from reporting cases.
<p>14. Which initiatives did the company undertake to raise awareness around issues of gender equality and discrimination in the workplace?</p>	<ul style="list-style-type: none"> This is only done during induction and issues are highlighted to all staff members. 		<ul style="list-style-type: none"> Awareness raising during induction itself is not sufficient and this is a clear lack of commitment from the company to deal with issues of gender equality and discrimination within the workplace. There are no efforts whatsoever from the company to attend to and vigorously deal with issues of gender transformation and women empowerment.
<p>15. Do recruitment policies specifically target women and persons with disabilities?</p>	<ul style="list-style-type: none"> No, however as a new entity the company is bearing it in mind through the recruitment processes. 		<ul style="list-style-type: none"> It's not enough to say preference will be given to previously disadvantaged groups, the company should come up with a proactive way of recruiting women and persons with disabilities if they really want to succeed in reaching the national target of 2% of people with disabilities. Currently the company does not have any person with disability in their workforce.

<p>16. Does the company have a gender-sensitive budget, which is allocated to deal with gender issues?</p>	<ul style="list-style-type: none"> No the company does not have a gender sensitive budget. 	<ul style="list-style-type: none"> The issue of gender budgeting is currently being addressed in the budgeting of the newly merged SizweNtsaluba Gobodo. 	
<p>17. What successes and challenges have been experienced in realising gender transformation in the company?</p>	<ul style="list-style-type: none"> Challenges The challenge remains in terms of employment of the 50/50 issues on employing women. Lack of females qualifying as chartered accountants. The females that enter the profession / company are generally scooped up by big auditing firms. 	<ul style="list-style-type: none"> The company indicated that although they have significant representation of females at a trainee level, this is not the same at management level due to the fact that the profession is unable to attract many females. 	<ul style="list-style-type: none"> The response is not acceptable that the company is unable to attract female accountants. The company needs to develop a strategy that will see them having many female accountants. At this stage the company has displayed serious lack of commitment to get females into their workforce and as a result disregarding issues of gender transformation and women empowerment.
<p>18. What capacity building programmes have been implemented to accelerate gender transformation in the company?</p>	<ul style="list-style-type: none"> With the new company, the gender transformation has received much attention and the entity's balanced scorecard reflects a strategy to increase female representation to at least 35% over the next three years. 		<ul style="list-style-type: none"> This in itself cannot be sufficient, the company needs to come up with a strategy and programmes to make sure that gender parity is achieved and that everyone in the workplace knows and understand issues of gender transformation and women empowerment.
<p>19. Does the company have in place succession plans, mentoring policies or promotion initiatives to advance women and people with disabilities?</p>	<ul style="list-style-type: none"> The company does not have such initiatives in place. 		<ul style="list-style-type: none"> The company displayed serious lack of commitment to issues of gender equality. No efforts taken to remedy the situation.

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	

3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective clothing	Approved	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Draft	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance policy	Approved	
14.	Vehicle Allowance policy	Approved	
15.	Leave and overtime policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

This section presents conclusion and general concerns raised by the CGE. The section further presents summary of general challenges faced by the departments and municipalities.

General findings

The following key issues emerged during the CGE interaction with Departments:

- Most departments have Employment Equity Plans in place and it was a shock to the Commission to realise that the Premier's Office has only a draft plan.
- In the presentation made by the Employment Equity Commission, the North West Province is doing well in the area of race and performs very poor in the area of gender and disability.
- No department has met the target of 2% for disable persons.
- Most recruitment strategies lack proactive means to advance EEA
- There seem to be a negative attitude towards gender equality issues and programmes, such as lack of support by senior management.
- GFPs do not form part of the strategic decision-making and planning structure. When they attend in such structure they only serve on an advisory basis.
- Absence of sexual harassment cases and policy in most departments remains a concern to the CGE.

Recommendations

- The CGE is to convene a meeting with the Office of the Premier in the North West Province.
- The state refuses to contract, fund or have business dealings with any company or department that has failed to address transformation on the basis of race, gender and disability.

- Stronger enforcement mechanisms for reporting by the CEE be utilised to ensure compliance and an increase in penalties for non-compliance, coupled with its envisaged “name and shame and praise” campaign to compel companies to comply with EE legislations.
- Companies develop clear policy and apply this on discrimination and sexual harassment in the workplace (supported by widespread awareness)
- Men be integrated into efforts to promote women’s political progress in order to increase gender sensitivity and support for women’s political leadership without compromising the need to increase the number of women in meaningful leadership positions to challenge patriarchy
- Gender and disability measures included in BEE rating and company scorecards, to compel companies to take these additional components of employment equity seriously
- Gender Equality legislation required, to impose on the public and private sector responsibilities with regard to promoting gender equality, and establish accountability in this regard.
- Sufficient human resource capacity for the development of policies; programmes for gender transformation; employment equity plan and implementation.
- More funds be made available for gender mainstreaming and capacity building.
- Sufficient infrastructure be availed to effectively communicate policies and other related programmes (e.g. awareness raising).
- Get political buy-in in issues of gender transformation.
- Measures must be put in place to ensure an enabling environment for women’s development.
- Educate political heads on issues of gender transformation and gender equality to get buy-in.
- Levels of GFPs must be improved to at least director or chief director level so that the incumbent can be able to take decisions on issues relating to gender transformation.

Conclusion

It has become evident from the Department’s presentations and interaction with the Commission that all the provincial departments do not comply with the government prescript of national target of 2% of the people with disability. Of grave concern was that even the Office of the Premier did not comply with the Employment Equity Plan and taking into account the fact that the Office of the Premier plays an oversight role.

It is clear that it will be difficult for the departments to comply with the government prescripts because the Office of the Premier is not complying and that is the harsh reality of why the provincial departments performed poorly in terms of gender transformation and women empowerment.

There is lack of commitment from the head of departments on issues of women empowerment; and even the budget allocated is not sufficient. Most head of departments and municipal managers were subpoenaed to appear before the Commission, despite having been requested to appear. Most of the gender focal people are still at a lower level and don’t form part of management meetings thereby influencing the decisions relating to gender issues.

The Commission will therefore proceed to convene a meeting with the Premier of the province to discuss issues relating to gender transformation in the province and also the poor performance of the departments including the Office of the Premier.

Appendices

Appendix A

Department of Sports Arts and Culture

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview policy	Unknown	
14.	Working Time policy	Unknown	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking policy	Unknown	
20.	Substance abuse policy	Unknown	

Appendix B

Department of Public Works Roads and Transport

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Unknown	
9.	Succession Plan / Career Pathing		The Department uses the HOD's Eight Principle Action Plan
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Unknown	
12.	Sexual Harassment Policy	Draft	
13.	Exit Interview Policy	Unknown	
14.	Working Time Policy	Unknown	
15.	Leave and Overtime Policy	Unknown	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking Policy	Unknown	
20.	Substance Abuse Policy	Unknown	

Appendix C

Department of Education

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Unknown	
14.	Working Time Policy	Unknown	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Smoking Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

Appendix D

Department of Economic Development, Environment and Tourism

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Draft	
14.	Working Time Policy	Draft	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Draft	
18.	Performance Management Policy	Draft	
19.	Smoking Policy	Draft	
20.	Substance Abuse Policy	Draft	

Appendix E

Office of The Premier

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Unknown	
7.	Employee Wellness Program	Draft	
8.	HIV/AIDS Policy	Draft	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Exit Interview Policy	Draft	
14.	Working Time Policy	Draft	
15.	Leave and Overtime Policy	Draft	
16.	Induction Policy	Unknown	
17.	Emergency Work Policy	Draft	
18.	Performance Management Policy	Draft	
19.	Smoking Policy	Draft	
20.	Substance Abuse Policy	Draft	

Appendix F

Dr Ruth Segomotsi Mompoti Municipality

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	The policy is under review by the Department of Labour
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Approved	
5.	Uniform / Protective Clothing	Unknown	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / strategy	Approved	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Approved	
14.	Vehicle Allowance Policy	Approved	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Approved	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Approved	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Draft	

Appendix G

Bojanala District Municipality

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Draft	
2.	Recruitment and Selection	Draft	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Approved	
6.	Training and Development	Draft	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Not available	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Unknown	
14.	Vehicle Allowance Policy	Unknown	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Unknown	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

Appendix H

Ngaka Modiri Molema District Municipality

Policies & Practice

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Approved	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Draft	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Approved	
14.	Vehicle Allowance Policy	Approved	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

Appendix I
Gobodo Incorporated

Policies & Practices

As required in terms of Section 19(1) of the EEA, a designated employer must collect information and conduct an analysis of all relevant employment policies and practices to identify barriers to employment equity. The barriers identified and the remedial actions taken or in process are included in the table below. The current status of the Human Resources policies is indicated below:

Nr.	Policies	Status	Comments
1.	Employment Equity Policy	Approved	
2.	Recruitment and Selection	Approved	
3.	Disciplinary and Grievance Procedure	Unknown	
4.	Code of Good Practice	Unknown	
5.	Uniform / Protective Clothing	Approved	
6.	Training and Development	Approved	
7.	Employee Wellness Program	Approved	
8.	HIV/AIDS Policy	Approved	
9.	Succession Plan / Career Pathing	Draft	
10.	Staff Retention Plan / Strategy	Unknown	
11.	Retirement Planning	Not available	
12.	Sexual Harassment Policy	Approved	
13.	Acting Allowance Policy	Approved	
14.	Vehicle Allowance Policy	Approved	
15.	Leave and Overtime Policy	Approved	
16.	Induction Policy	Approved	
17.	Internship Policy	Unknown	
18.	Performance Management Policy	Approved	
19.	Relocation Policy	Unknown	
20.	Policy on Funding of Local Economic Development Projects (Business Enterprises)	Unknown	

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Commission for Gender Equality
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