

EMPLOYMENT EQUITY HEARINGS

GAUTENG



Commission for Gender Equality

A society free from gender oppression and inequality

EMPLOYMENT EQUITY HEARINGS

GAUTENG

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Acronyms

ACI	African, Coloured, Indian
AET	Adult Education and Training
B-BBEE	Broad-Based Black Economic Empowerment
BWASA	Business Women's Association South Africa
CEE	Commission for Employment Equity
CGE	Commission for Gender Equality
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CoJ	City of Johannesburg
CoT	City of Tshwane
DDG	Deputy Director-General
DID	Department of Infrastructure Development
DIRCO	Department of International Relations and Cooperation
DG	Director-General
DoE	Department of Education
DoL	Department of Labour
DPSA	Department of Public Service and Administration
DSD	Department of Social Development
EAP	Economically active population
EE	Employment equity
EEA	Employment Equity Act
EAC	Equity Assistance Committee
EPWP	Expanded Public Works Programme
EXCO	Executive Committee
FET	Further Education and Training
FY	Financial year
GDID	Gauteng Department of Infrastructure Development
GEYODI	Gender, Youth and People with Disabilities
GFP	Gender Focal Person
GDE	Gauteng Department of Education
GPG	Gauteng Provincial Government
GYDM	Gender Youth and Disability Mainstreaming
IDP	Integrated development planning
HoD	Head of Department
ILO	International Labour Organisation

KPA	Key Performance Area
KPI	Key Performance Indicator
KRA	Key Resultant Area
LSEN	Learner with special educational needs
MCLM	Mogale City Local Municipality
MEC	Member of the Executive Council
MM	Middle manager
MM	Municipal Manager
MMC	Member of the Mayoral Committee
NDP	National Development Plan
OSD	Occupation Specific Dispensation
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PMDS	Performance management and development system
PMS	Performance management system
POWA	People Opposing Women Abuse
PSC	Public Service Commission
PSBC	Public Service Bargaining Council
PSCBC	Public Service Coordinating Bargaining Council
PWD	People with disabilities
RSA	Republic of South Africa
SALGA	South African Local Government Association
SALGBC	South African Local Government Bargaining Council
SAPS	South African Police Service
SETA	Sector Education and Training Authority
SGB	School governing body
SMS	Senior management service

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1. Foreword

The Commission for Gender Equality (CGE) presents its report on the Employment Equity (EE) hearings held on 13th and 14th March 2013 in Pretoria, Gauteng. 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 organizations 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 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 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 object 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 the hearings was not to interrogate but to present the CGE with the opportunity to understand the challenges facing government departments, municipalities and private companies in terms of implementing measures for the advancement of women, and gathering information on best practices and lessons learned.

This report highlights the various achievements and challenges faced by government, municipalities and the private sector in implementing affirmative action measures to achieve gender transformation in the South African workplace. The report will be tabled in Parliament and with other authorities to lobby for strategic change to transform and advance changes in attitudes and gender stereotypes thereby instilling respect for women's rights as human rights.

It is hoped that the report will facilitate the necessary impetus for the South African employer to recognise that gender transformation is essential 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 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

Gauteng is home to over 13 million people. It is the smallest, most populated and most urbanized province, contributing over 30% to South Africa's gross domestic product. Its diversity in population and economic terms allows for a greater spread of workplace representation with a wider talent pool and a higher labour demand than other provinces. In order to further promote equal opportunity, corrective action has been undertaken through legal means. The parliament of South Africa has tabled policies and passed a number of pieces of legislation to address prevailing systemic social and economic conditions insofar as they impact on the attainment of gender parity. The Republic of South Africa (RSA) can demonstrate a strong political commitment to gender equality and transformation in the workplace owing to a comprehensive legislative framework and appropriate policies. Yet the evidence from the hearings indicates that progress on gender equity has been slow. The reasons for the slow pace were also evidenced such that clear measures can be recommended. Issues and findings emerging from the hearings are captured in the following three sub-sections:

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

The framework for transformation in the workplace

The RSA Constitution clearly promotes equality in the workplace and from the early 1990s the country has worked at international levels to eliminate discrimination on the basis of race, gender, sex, sexual orientation, age, and disability.¹ 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 RSA's national legislative framework including the:

- Labour Relations Act of 1995
- Basic Conditions of Employment Act of 1997
- Employment Equity Act (EEA) of 1998
- Skills Development Act of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000
- Broad-Based Black Economic Empowerment (B-BBEE) Act of 2003.

Employers are bound by these Acts to equalise employment opportunities for women and those with disabilities and to remove barriers to their entry, advancement, development, remuneration and retention. They are also bound by the Acts to do this in ways that are evaluative and innovative, reviewing old policies and practices and testing new ones.

The EEA (the third bullet above) is the foundation for a range of policies, commissions and activities to achieve equitable representation in the workplace. It:

- Promotes skills development for the disadvantaged
- Establishes the Commission for Employment Equity (CEE) to ensure that employers promote equal opportunity and eliminate discriminatory hiring practices
- Makes employers responsible for training and developing women in the workplace
- Removes obstacles to promoting women
- Obliges employers to narrow wage gaps between employees of different sexes who perform similar work
- Promotes flexible working hours, time off during pregnancy and the improvement of maternity and childcare facilities.

¹ Section 2(9)(3)

Beyond legislation, there are two important policy documents to help guide implementation: the *Affirmative Action Policy, 1986*; and the *White Paper on the Transformation of the Public Service*. The first aims for equitable participation in the economy by of all population groups by requiring employers to develop and implement Affirmative Action programmes and provide equal opportunities for women and people with disabilities. The second policy requires that all levels of public administration develop policies and programmes to ensure that Affirmative Action enters into management systems in ways that are accountable, monitored, coordinated and documented.

3. The Employment Equity hearings in context

The CGE, as a Chapter 9 institution, has a Constitutional mandate to promote the protection, development, and attainment of gender equality. This constitutional obligation mandates the CGE to monitor and hold any entity within public as well as private spheres accountable to their Constitutional obligations. In this regard the CGE has undertaken to monitor the impact of affirmative action on employment levels concerning historically disadvantaged groups such as women and disabled people and, to some extent, designated racial categories.

In addition to the Bill of Rights in the Constitution, which seeks to promote equity across all levels of society, South Africa is also signatory to numerous international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the SADC Declaration on Women, the African Union Protocol on the Rights of Women in Africa and International Labour Organisation (ILO) Conventions. These initiatives demonstrate a commitment by the government to respond to a reality of gender inequality in society at large and to address socially constructed gender disparities in the workplace through the creation and support of national gender machinery².

As part of the national gender machinery, the CGE is expected to fulfil its Constitutional of promoting gender discourses to the centre of discussions on state action by conducting an evaluation of gender policies and practices in the world of work and to act as an advisory body to government and all employers. These responsibilities of the CGE are carried out without fear, favour or prejudice as promised in Section 181 (2) of the Constitution of South Africa but it has been observed that enforcing horizontal accountability from government has remained a major obstacle to the work of gendered development even though the state, as a provider or resources and arbiter of social relations, is a natural ally in advancing the plight of women.³

During the course of its investigation into the rate of transformation regarding the equitable representation of women and disabled people the CGE took cognisance of various reports such as the Public Service Commission Report on Gender Mainstreaming in the Public Service⁴, Business Surveys and the Commission for Employment Equity Annual Reports. The Public Service Commission Gender Mainstreaming Report looked at the number of women and disabled persons in the workplace, the conditions of their service and the efforts employers undertake to support their career development with the end of doing away with unfair discrimination and promoting equality of service conditions and representation. Historical errors of underreporting on equity targets⁵ in Commission for Employment Equity (CEE) data notwithstanding, the CEE Report for the 2011/2 reporting period nationally found that women constituted 19.1% of top management posts while disabled people constituted 1.9% of same level posts. At a racial breakdown, white people constituted 65.4% of top management posts in the total labour force with Africans being 18.5%, Indians at 7.5%, Coloured persons 4.8% and foreign nationals 3.9%. Whites and Indians appeared to be proportionately overrepresented with Africans and Coloured persons not attaining full demographic

² Gouws, A. (2005). Assessing the National Gender Machinery in South Africa: Gains and Weaknesses. Gender Instruments in Africa (ed) C. van der Westhuizen. IGD, Midrand.

³ Ibid

⁴ Public Service Commission Report on Gender Mainstreaming in the Public Service (2007) http://www.psc.gov.za/documents/2007/gender_streaming/gender_mainstream.pdf accessed 29/03/2014.

⁵ Bezuidenhout, A., Bischoff, C., Buhlungu, S., & Lewins, K., (2008). Tracking Progress on the Implementation and Impact of the Employment Equity Act since its Inception p 25 http://www.labour.gov.za/DOL/downloads/documents/research-documents/Employment%20Equity_DoL_Report%20SWOP%20Final%2031102008.pdf accessed 29/03/2014.

proportionality.⁶ There is some contention over which standard of workplace measurement should be used to determine representation. The two standards in use are the Economically Active Population (EAP), the data of which is in common use, and straightforward demographic representation. A demographic EAP is determined by comparing the proportion of economically active persons in a designated racial or gender category to its representational ratio in a category of management or other area of economic endeavour. A straightforward demographic representation examines the absolute number of people in a racial or gender category in relation to their representation in a field of employment. The CGE has apparently opted for the straightforward demographic model as the benchmark of representation as the unemployment rate among women and black people is higher and must be compensated for by a broader measure.

General figures obscure the relational dominance of black personnel in the civil service and the dominance of white personnel in the private sector at the top levels of management. It may simply be that white people are more likely to start high value generating businesses creating an impression of low equity goal attainment even though a GEM survey in 2001 demonstrated that by sector, white people own less than 20% of all the registered SMME businesses in most sectors than historically disadvantaged people with the exception of agriculture, construction and financial services.⁷ Historical factors such as access to capital, accumulated asset bases and personal attributes such as risk appetite and specialised education and experience would have to be factored into the understanding of the demographic representations of economic actors. Nonetheless, on absolute determinations of representation, straight demographic percentages form a simple and reliable representation guide across the public and private sectors. The table provided below is an aggregation of both public and private data for five provinces.

Figure 1: Workforce Profile Percentage at the Top Management Level by Race, Gender and Province¹

Province	Male				Female				Total*
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Eastern Cape	18.6%	4.5%	2.9%	55.7%	1.2%	1.2%	0.5%	7.5%	96.4%
Free State	25.8%	4.8%	0%	45.4%	12.8%	0%	0%	11%	99.8%
Gauteng	12.5%	2.5%	2.5%	54.7%	5.4%	5.4%	1.6%	11%	94.8%
Mpumalanga	23.3%	1.4%	1.4%	54.5%	9.5%	0.4%	0%	7.8%	98.5%
Limpopo	31.6%	0.6%	0.6%	40.5%	17.1%	0%	0.6%	4.8%	99.1%

*The percentages do not amount to 100% as foreign nationals were omitted from the calculation.

From the workforce percentages of top management by race, gender and province, Limpopo has attained the greatest representation of African men and women. White males tend to be economically dominant at this level in all provinces. Women are mostly underrepresented in all provinces and do not take a collective 50% of any provincial top management labour force.

At senior levels of management in both the public and private sector, women have attained 28.2% of the posts, a far better share than at the 19.1% of top level posts, but far below their economically active population percentages. Disabled people comprise 1.2% of all senior managers, which is considerably below the 2% mandated by the EEA.

⁶ Department of Labour (2012) Commission for Employment Equity Report 2012. <http://www.labour.gov.za/DOL/downloads/documents/annual-reports/employment-equity/2011-2012/12th%20CEE%20Report.2012.pdf> accessed 29/03/2014

⁷ Berry, A., von Blotnitz, M., Cassim, R., Kesper, A., Rajaratnam, B. & van Seventer, D.,(2003). The Economics of SMMEs in South Africa: Trade and Industrial Policy Strategies <http://www.tips.org.za/files/506.pdf> accessed 29/03/2014.

Figure 2: Workforce Profile of Senior Management by Race, Gender and Province²

Province	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Eastern Cape	20.9%	6.6%	2.1%	42.4%	12.6%	2%	0.8%	10.4%	97.7%
Free State	25.8%	2.6%	0.8%	42.3%	11.3%	0.7%	0.2%	14.9%	98.6%
Gauteng	13.9%	3.6%	6.8%	44.6%	7.5%	1.8%	2.9%	16%	97%
Mpumalanga	29.3%	1%	1.4%	44.1%	11.6%	0.4%	0.3%	11.2%	99.1%
Limpopo	47.5%	0.6%	1.8%	19.4%	22.3%	0.3%	0.4%	6.6%	98.9%

*The percentages do not amount to 100% as foreign nationals were omitted from the calculation.

This table represents combined private and public sector representation and does not capture the reality behind economic sector representation either. However, as a rough guide it illustrates the race and gender demographics of senior management. Limpopo has the highest representation of African males and females and in Gauteng, the most populated and most entrepreneurial province, the lowest. As a minority group, Indians were best represented in Gauteng, but Indian males participated in the Gauteng economy at more than double the rate to that of females. The trend of men participating in the economy at double or higher rates than women was visible across all provinces and was applicable to all races.

From the above data, it becomes apparent that women remain significantly under-represented in senior management and leadership positions. It is simplistic to attempt a mono-causal explanation to this phenomenon which has historical, economic, social, educational, psychological and behavioural elements to it. However, one can simply infer that men dominate the public and private world of work. This is confirmed in the following table which gives a public and private breakdown of women in the workforce at senior managerial levels by province.

Figure 3: Women in Senior Management Workforce Profile (Economically Active Population)³

Province	Women in the Private Sector					Women in the Public Sector				
	African	Indian	Coloured	White	Total Women	African	Indian	Coloured	White	Total Women
Eastern Cape	5%	0.7%	2.3%	12.2%	22.2%	28.3%	0.6%	1.7%	4.6%	35.2%
Free State	3.2%	0.2%	0%	20.8%	24.2%	21.7%	0.4%	1.1%	7.1%	30.3%
Gauteng	4.3%	2.8%	1.6%	17.1%	25.8%	22.9%	3.0%	2.3%	9.5%	37.7%
Mpumalanga	6.8%	0.2%	0.4%	12.6%	20%	26.0%	0.6%	0.4%	3.6%	30.6%
Limpopo	8.9%	0.8%	0.5%	14%	24.2%	30.7%	0.2%	0.2%	2.2%	33.3%

The above table demonstrates a provincial picture of women in senior management. In the private sector, women comprise around 25% of total senior managers across provinces. In the public sector, the range increases to 30% to 37% of the total in senior managerial posts. The other 63 to 70% are occupied by men. The racial breakdown of the provincial statistics allow the following observations to be made: African women have done very well in the public sector, attaining two thirds of all the senior management positions held by women. White women have done comparatively well in senior management advancement in the private sector claiming around 50% to 75% of all the senior managerial posts occupied by women. One must recall that population groups are dispersed according to regional lines and that the provincial breakdown gives more detail in the gendered distribution of management posts and overall relational progress women have made in claiming

economic space. If the goal is 50% of women in senior management, women in the Gauteng public sector are the closest to attaining this goal than women in the private sector of Mpumalanga.

The BWASA 2010 Census on South African women in leadership provides gendered data on 315 JSE-listed companies. According to this census,

- 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 and
- 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%. This data confirms what is apparent in the Department of Labour's 2012 EE report, as demonstrated in the breakdown of the public sector in figure 3. 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%.

Conditions for disabled people at top and senior management fluctuate below the 2% target, as previously mentioned. However, the general employment rate for disabled people fell from 1% to 0.5% in 2009. One infers from this that an estimated 99% of disabled people can be regarded as excluded from employment on the formal labour market⁸. The employment of disabled people is a very high priority for the Department of Labour and metrics have been included into equity targets to ensure that employers take steps to accommodate disabled people in their recruitment and training activities.

The PSC's 2006 report on gender mainstreaming in the public service provides a clear picture of progress against targets set for the representation of females in senior management (levels 13 – 16). The target set for 2005 was to achieve 30% female representation in senior management. The report revealed that the public sector had achieved the targets set, which at that stage showed that women held 31.2% of senior positions in national government departments. The report noted however, that the majority of women were to be found at lower levels of employment and as support staff, such as secretaries and administration clerks. In review of the data on gender equality, it can be concluded that 12 years after the EEA was enacted, gender transformation in the public and private sectors has yet to attain the set targets. The employment of disabled people has yet to attain its recommended level as well. This whole process hinges on compliance with the law, whether or not the law is feasible, practical and realistic given the resources, skills and experience needed to achieve a just society in which opportunities are fairly and equally accessed. It is clear that transformation can only advance if social attitudes, customs and mores are addressed. One of the tools at the government's disposal is the law, and it is in relation to law that numerical benchmarks can be assessed. For a more complete assessment, one must examine how education has benefitted women and the disabled, how gender attitudes in society have changed to accommodate the rise of women in the workplace and how opportunities have been taken advantage of, despite women becoming generally more educated than men.

The CGE has found employment representation trends in its own exploration of these issues to have mirrored the Commission for Employment Equity data and it is clear from the hearings that numerically based workplace transformation is only one component of social change needed to create a just society in which women can claim the same types of economic and social spaces as men. The focus of the CGE has been to ascertain reasons behind the lower than expected levels of gender transformation at the top level of management. The CGE found that the primary challenges facing gender transformation in the workplace were as follows:

- (i) Low uptakes of EE policies as evidenced through low rates of policy review in the public sector resulting from a poor understanding of the obligations imposed in terms of the Employment Equity Act number 55 of 1998 (EEA) exists in the workplace.
- (ii) A generalised lack of commitment towards promoting gender equality in the workplace due to the perceived massive additional injections of expertise, resources and planning required to bring about social gender justice. Due to the social impediments around general education, additional resources must be expended to compensate for poverty, education obstacles and historical disadvantage.
- (iii) Accountability levels vary from sector to sector but in general, employers are not held accountable to the government for non-compliance with their own employment equity targets. Furthermore, local government is a major offender due to a dearth of resources, which are generally service delivery earmarked.
- (iv) Enforcement and compliance in terms of the EEA is weak for a range of reasons and adequate and quality support on how to achieve compliance with EEA obligations is poor with a shortage of skills to promote the desired levels of compliance.
- (v) EE obligations are generally regarded as a low level human resources competency by many employers and are not always included into the key performance areas of senior managers.

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

4. Introduction

Gauteng is home to over 13 million people. It is the smallest, most populated and most urbanized province, contributing over 30% to South Africa's gross domestic product. Its diversity in population and economic terms allows for a greater spread of workplace representation with a wider talent pool and a higher labour demand than other provinces. The rationale behind conducting the hearings was not only to interrogate, but to present the CGE with an opportunity to understand the challenges facing government departments and private companies in terms of implementing measures for the advancement of women, gathering information on best practices and lessons learned. These should be understood in the context of various regional and international instruments South Africa has signed and ratified that obligate it to promote and advance gender equality.

The South Africa Constitution explicitly outlaws discrimination while the International Labour Office's Equality Remuneration Convention No. 100 provides for equal pay for work of equal value. South Africa is obligated to promote this principle and ensure that it is enjoyed and realised by all and therefore has enacted national legislation for equal pay for equal work.

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) 1997 provides for equality of access to employment as well as for vocational training, skills and capacity building. South Africa is obliged to put policies in place to attain this. These principles have been domesticated and a range of labour legislation has been enacted. Affirmative Action is a measure and provision of the EEA. The objective of Affirmative Action is to achieve diverse, equitable participation and to identify what measures are in place or need to be in place. In the context of gender equality, Affirmative Action focuses on women's and disabled women's meaningful participation in structures of employment.

The provisions of the EEA apply to all employers and the Commission intended to establish Affirmative Action programmes and measures put in place by public and private sector entities to advance women and persons with disabilities. Employers are obligated to investigate and audit policies and practices, thereby identifying barriers to women occupying certain positions. Many organisations and departments have indicated that women don't apply for senior management positions; however, the onus is on these organisations and department to determine and remove obstacles that may be preventing women from applying. The CGE is also interested in areas where there have been, to some degree of innovation, such as flexible working hours for employees, maternity leave and benefits, access to training and development, and efforts to actively address or narrow the wage gap.

As required in terms of section 19(1) of the EEA, a designated employer of the Department must collect information and conduct an analysis of all relevant employment policies and practices 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 provided as part of the account made to the CGE.

The CGE convened its series of public hearings with state and private sector entities, with a view to:

- Assess the impact of the Employment Equity Act on women in both the public and private sector, and address institutional and systematic barriers to their economic progress.
- Hold public and private sector Directors accountable for non-compliance with the Act.
- Raise awareness on relevant international commitments and the importance of compliance.
- Assess what measures have been put in place in the work place to bring about transformation in terms of gender and disability.
- Share experiences and identify challenges 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 support and capacity interventions provided in this regard.

It was concluded through the following assessments the public and private sectors are not meeting their legislated transformation targets, 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 2006
- 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.⁹ 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 women¹⁰; and (b) a very high percentage of women undertake low-skilled wage employment.

Against this backdrop, the CGE convened its series of public hearings with state and private sector entities in order to:

- Assess the impact of the EEA on women in both the public and private sectors, and address institutional and systematic barriers to their economic progress;
- Hold public and private sector directors accountable for non-compliance with the Act;
- 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 experiences and identify challenges faced by CEOs and Director-Generals in the implementation of the Act; and

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- 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.

The keynote address highlighted the mandate of the gender machinery was to address the systemic abuse of African women perpetuated under patriarchal and colonial rule. The participants were also reminded of the crucial role women played in the mobilisation and fight against the restrictive and oppressive government of the past. The responsibility for gender mainstreaming in the province had been delegated to the Department of Social Development and Special Programmes. Clarification between the CGE, the Legislature and government was still needed to 'fine-tune' the roles and functioning of the provincial gender machinery.

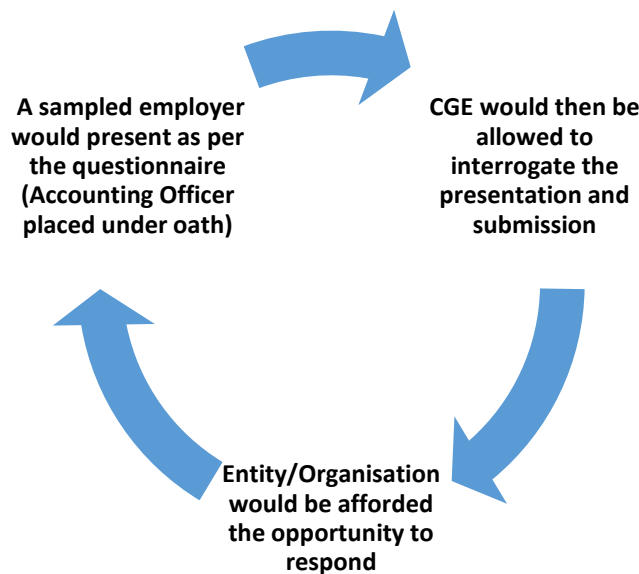
5. The Process and Participants

The Hearings took place at the Manhattan Hotel in Pretoria in the 13th and 14 of March, 2013. The Commissioners leading the Hearings were as follows:

Ms Ndileka Loyilane, Commissioner Eastern Cape
Dr Janine Hicks, Commissioner KwaZulu-Natal
Ms Lulama Nare, Commissioner Gauteng
Dr Wallace Amos Mgoqi, Commissioner Western and Northern Cape
Dr Nondumiso Maphazi, Commissioner Free State

The Commissioners were supported by the CGE legal team comprising of the Acting Head of Department, Advocate Kamraj Anirudhra - Western Cape, Ms Kerry Oosthuysen - Eastern Cape, Mrs Eunice Poto - Gauteng , Mr Masilo Letsoalo - North West and Ms Patricia Ledwaba - Mpumalanga. The Commissioners undertook to welcome all the participants to the hearing and formally introduced the Commissioners, including members of the CGE Legal Team to the audience. The process was emphasised as an interactive process that valued the structured input of the participating respondents and audiences.

The process that the commissioners followed was being described as being guided by constitutional and legislative frameworks and the mandate of the Commission had experienced expanded powers and functions through the enabling legislation of Act 39 of 1996 and PEPUDA. The process the Hearings would follow is thus illustrated:



The process commenced with calling ten (10) public entities and one (1) private entity to account to the CGE for their progress, if any, in terms of gender transformation in the workplace.

The selected entities are listed hereunder:

Ten (10) Public Institutions and/or Government Departments:

- ✓ Department of Social Development,
- ✓ Department of Community Safety
- ✓ Department of Education
- ✓ City of Johannesburg,
- ✓ Midvaal Local Municipality
- ✓ Tshwane Metropolitan Municipality
- ✓ Mogale City Municipality
- ✓ Land and Agricultural Bank
- ✓ ESKOM
- ✓ Department of Infrastructure Development
- ✓

One (1) Private Company:

- ✓ First Rand

The process commenced with certain entities being selected to be called to a public arena and in turn account to the CGE on the progress, if any, with regard to issues of gender transformation within the employment sector.

Both public and private entities were required to respond in writing to a set of questions issued in advance of public hearing events established by the CGE. On the day, presentations were made, documents submitted and questions posed at the hearings during which additional information required was recorded. Certain entities: (a) neglected and/or failed to provide written responses; and (b) some did not accept the invitation to appear before the CGE, which obliged the CGE to draw upon its statutory powers to compel these parties to appear before it.

The written responses and presentations were based on a questionnaire for HoDs at government departments, and company CEOs, which the entities were required to respond to in writing within a given time period. A copy of the posed questions is attached hereto marked in Appendix 2. In summary, representatives of entities were required to supply the following:

- ✓ A copy of their employment equity plan.
- ✓ Sex and disability disaggregated data of top management and senior management positions.
- ✓ Measures in place to promote gender transformation and increase women's representation in senior and top management.
- ✓ The person/s responsible for implementing and overseeing gender transformation
- ✓ Whether the implementation of gender transformation forms part of the performance

review of senior management.

- ✓ Resources allocated to support gender transformation.
- ✓ Mechanisms in place to track the movement of women and women with disabilities to senior and top management positions.
- ✓ Whether recruitment policies specifically target women and women with disabilities
- ✓ Details of mentorship and capacity building programmes aimed at accelerating women and disabled people's progression.
- ✓ Facilities/policies in place to enable women to balance family responsibilities with work.
- ✓ Steps taken to initiate awareness on gender equality and discrimination in the workplace.
- ✓ Gender discrimination and sexual harassment policies. How effectively have these policies been utilised?
- ✓ Copies of employment policies, practices, and procedures and evidence that these have been audited.
- ✓ Successes and challenges with regards to gender transformation.
- ✓ Additional support required.

5. Findings Process and participants

Day 1: Submissions, questions and comments

Below is the summary of findings and recommendations based on the submission from all the institutions. Each institution is numbered and the findings on policies are given in table format with discussion and recommendations bulleted just below each table. More comprehensive barriers are identified and the remedial actions taken or required by each institution along with responses to questions.

5.1 FirstRand Bank

Group HR Executive Elizabeth Maepa represented the company. She took the oath and said that there is a lot to learn and a need to be assisted and advised in this process. Before addressing some of the standard review questions (she did not cover all of them in order), she gave a brief background to the FirstRand Group and discussed its structure and philosophy. Her testimony indicated that the structure of the company was reviewed and focused on Operations where EE is applied in the operational structures. The FirstRand Group is comprised of Rand Merchant Bank, West Bank, First National Bank and FirstRand Corporate Centre. Ms Maepa stated that the philosophy of the organisation is within the group structure and that this was reviewed. We have an owner-manager culture that empowers our people to run their businesses as if they were their own and this involves shared values but our divisions operate autonomously. Each division is empowered and the business divisions within those broad divisions operate in the same way. This puts accountability at the doorstep of each unit. They are held accountable and they cannot depend on the head office to do everything. Entrepreneurship and innovation are very important too. FirstRand's people philosophy is focused on success and attracting the best industry talent".

First Rand is a corporate financial services entity comprising four divisions. The results of its equity demographics are for all four divisions. Of the 57 available top management positions, men comprised 35 of the posts while 8 were occupied by women. There were no people with disability at the top levels of management. Of 1293 senior managerial posts, 873 were men, 391 were women while 9 were disabled people. Women constituted 69% of middle management and 42% of junior management. Overall, women comprised 38% of the total labour force composition. The responsibility for gender transformation resides with the chief executive officers in each of the four divisions. Top management is held liable for the implementation of a scorecard which includes equity targets.

First Rand has all the required equity and gender supportive policies in place which are board approved but had to be returned for signing. While transformation is an executive function, monitoring is benchmarked against quarterly targets. This is monitored by a Transformation Monitoring Committee falling under the executive committee that tracks the progress of high performing women and people with disabilities. The internal development programme focuses on developing talent. Of this budget, women benefit from 61% of the 239 million spent. Mentoring and coaching occur outside the development programme. Only one of the divisions has childcare facilities to support careers but the principle of flexitime and working from home is applied across all divisions. Transformation is however slow due to low staff turnover and the historical monopoly of the financial services sector by men. This is supplemented by the skills levels required in the financial sector.

In sum, all divisions provide a monthly report every month statistical report on women development. They have also implemented the women advancement programmes and it is on every EXCO agenda. They use sector education and training authorities (SETAs) to get women skilled and have an accelerated development programme with 60% women on it. Preference is given to women candidates too. Women and people with disability remain a big challenge. They also engage in mentoring training programmes with senior people to junior people. They do have flexible working arrangements and maternity leave and allow women to work from home. There is a succession pipeline to identify high potential and high performing women who are put into the succession pipeline.

5.1.1 SUBMISSIONS AND TESTIMONY ACCORDING TO THE ORIGINAL STANDARD REVIEW QUESTIONS: FIRSTRAND

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Yes: please refer to Appendix 1, annexure A. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: FirstRand is following a three year plan toward gender equity and at the end of this plan the lessons learnt will be shared. ✓ Recruiting people from underrepresented groups and in junior management level and driving transformation by developing them through an internal pipe line has not delivered anticipated results. Some progress has been achieved but this has not been translated into improved representation owing to other businesses poaching people for their senior management elsewhere. ✓ The plan did not anticipate the impact of an unanticipated slowdown - restructuring, retrenchments, recruitment freeze and reductions. The EE strategy was too robust in this light of these challenges. 	<ul style="list-style-type: none"> ✓ Appendix 1, Annexure A ✓ Employment Equity Plan is for 01 Oct 2010-30 June 2013 ✓ Signed by CEO 02 June 2011 ✓ Includes targets ✓ In general, the Commission expressed disappointment at the overall lack of progress (see remarks and questions further below)

2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission (relevant for 30 Dec 2012):</p> <p>Top management: 57 total:</p> <ul style="list-style-type: none"> ✓ Men = 35 White; 5 Indian; 4 African, 1 Coloured ✓ Women = 3 White; 2 African; 2 Coloured; 1 Indian ✓ Disability = 0 <p>Senior management = 1293 total:</p> <ul style="list-style-type: none"> ✓ Men = 630 White; 136 Indian; 77 African; 30 Coloured ✓ Women = 257 White; 54 African; 50 Indian; and 30 Coloured ✓ Disability = 9 disabled (5 White males; 1 White female; 3 male foreign nationals) <p>Middle management</p> <ul style="list-style-type: none"> ✓ As of December 2012, women constituted 69% of middle management and 42% of junior management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The gender make up is male 62% at end June 2012. 38% is female. The racial makeup is 28.5% White, 41% African, 17 Coloured, 13% Indian and a small percentage of foreign nationals. ✓ Only 8 women in top management ✓ One of the reasons that we battle at top management is that there is little movement at that level. People at this level are about 36 years on average and we would have to pay them to go away and we would lose the skills that we have by doing so. There is a transformation monitoring committee and we have interrogated this but our top and senior managers are young and predominantly male and white. Interventions and plans to change this have been made. ✓ African male and female targets have not been reached in terms of improving the representation of Africans and women at all management levels. ✓ Numerical goals for the basis of measurement. The goals were presented in terms of top management, senior management, middle management and junior management. ✓ By December 2012, targets had not been met. ✓ While targets at top and senior management are not met, elsewhere targets are met and even exceeded. Targets for African males and females cannot be met at all levels. ✓ There has hardly been any success with disability. Despite programmatic interventions, the 2013 targets will not be achieved. ✓ Numerical goals for PWD difficult; people do not declare their disabilities. Some do not feel they need accommodation and do not declare. ✓ In terms of disability at senior levels, it is not a pretty picture and there is no one at top level; there are challenges recruiting. ✓ There was no focused recruitment plan but entering into the new plan, this has been addressed. ✓ Placement agencies that have a disability desk will be partnered with. ✓ The impact of the unanticipated economic slowdown also affected this. ✓ The objectives in terms of transformation are not only about numbers 	<ul style="list-style-type: none"> ✓ Very poor representation of women at top and senior management levels; there are four divisions and no female CEOs (there are four CEOs: one for each division) ✓ Each CEO has an executive team which creates 57 in top management; it seems there are only eight women amongst that 57 and they are spread over four divisions. ✓ The percentages were not always given in the presentation (numbers instead) but it was said that the company is 62% male at top levels, a figure that seems to apply to both top management and senior management but this was not clarified.
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	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
3	<p>What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ EE plan has specific targets for women at different levels of management ✓ Initiatives broadly aimed at our transformation objectives whose beneficiaries are Black people, women and people with disabilities ✓ Management Board Mentorship Programmes ✓ Coaching ✓ Leadership development programmes: Accelerated Development Programme; International Executive Development Programme ✓ Nine tactics have been devised to lead to the advancement of women: <ul style="list-style-type: none"> ▪ Early identification of women for leadership roles ▪ Job rotation and secondments ▪ International agreements ▪ Women-friendly policies ▪ Networking ▪ Mentoring ▪ Formal leadership and management ▪ Personal leadership and accountability ▪ Influence leaders to make progressive decisions about the advancement of women <p>Testimony:</p> <ul style="list-style-type: none"> ✓ SETAs used to get women skilled and an accelerated development programme with 60% women on it gives preference to women candidates. Women and people with disability remain a challenge. ✓ Mentoring training programmes pair senior people and junior people. ✓ African male and female targets have not been reached in terms of improving the representation of Africans and women at all management levels. ✓ A succession pipeline identifies high potential and high performing women whom are put into the succession pipeline. 	

		<ul style="list-style-type: none">✓✓ There was a 'disconnect' between targets and the succession pipeline in the past and this has changed this in order to advance people into senior and top management levels. Every division discusses the curve of their performance rating if there is any discrimination. Employees are engaged with to drive this.✓✓ Tactics for the advancement of women are in the submission; they include women-friendly policies, mentoring and coaching, networking sessions to interact with senior women, personal leadership, job rotation, early identification of women for the succession pipeline and decision influencing from executive level.	
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	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The CEOs in each of the four divisions. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Each division is empowered and the business divisions within those broad divisions operate in the same way. This puts accountability at the doorstep of each unit. They are held accountable and they cannot depend on the head office to do everything. Entrepreneurship and innovation are very important too. 	<ul style="list-style-type: none"> ✓ No specific person assigned as a GFP. ✓ Accountability is spread out amongst the four divisions.
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Not all divisions have cascaded the accountability to senior management. ✓ However all top management are held accountable and transformation forms part of the scorecard. <p>Testimony:</p>	<ul style="list-style-type: none"> ✓ Transformation is part of the scorecard of top management but perhaps an insufficient number of GFPs.
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Divisions are encouraged to include gender transformation on their talent development and EE agenda. ✓ When selecting participants for development programmes, divisions have to adhere to a quota both in terms of gender and race: currently 60% female and 70% Black participants. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Not covered 	<ul style="list-style-type: none"> ✓ No specific allocations. ✓ See Appendix 1, Annexure J for a profile of the participants on the 2 flagship programmes. ✓ While there was no clarity as to the overall budget, there is some data below on mentoring expenditure (see question 9 below).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Transformation is on the EXCO agenda and to this end progress is monitored against targets on a quarterly basis. ✓ The FirstRand Board has established a Transformation Monitoring Committee which holds the Executives and their teams accountable for transformation; it is made up of non-executive Board members. ✓ Rigorous talent management reviews track the movement of high performing women and people with disabilities as part of the broader talent management mandate. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Numerical goals for PWD are difficult; people do not declare their disabilities. Some do not feel they need accommodation and do not declare. 	
8	Do your recruitment policies specifically target men and women for disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ There is also a referral policy in place that incentivises employees that refer ACI candidates; and an additional premium to employees that refer female ACI candidates. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Little success in recruiting people from underrepresented groups at junior management level and in driving transformation by developing them through an internal pipe line. Some progress has been achieved but this has not been translated into improved representation owing to other businesses poaching people for their senior management elsewhere. 	<ul style="list-style-type: none"> ✓ See Appendix 1, Annexures B and C.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: the accelerated development programme in which each division identifies women for the programme. ✓ Expenditure: 2010 = 58.7% of the total spend of R159 million. 2011 = 60% of the total spend of R204 million. 2012 = 61% of the total spend of R239 million. ✓ Mentoring and coaching also occur outside the development programme. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ A succession pipeline identifies high potential and high performing women. 	
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ First National Bank is currently the only division that has a child care facility. ✓ All divisions have flexible hours and working from home arrangements. ✓ 6 months maternity leave; 4 months fully paid. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Flexible working arrangements and maternity leave and allow women to work from home. 	<ul style="list-style-type: none"> ✓ Flexi-time provided in all divisions ✓ Child care facilities provided in certain divisions but not all.
11	What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Diversity workshops and dialogues for staff. ✓ The creation of a culture that does not tolerate discrimination of any kind is a success. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ So far, various divisions have had diversity awareness campaigns implemented; it is on-going. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes. ✓ The policies are part and parcel of 'business as usual' people management. <p>Testimony: no data from testimony.</p>	<ul style="list-style-type: none"> ✓ See Appendix 1, Annexure D.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table)</p>	<p>Submission</p> <p>A. Audited policies under Section 19 of 2010:</p> <ul style="list-style-type: none"> ✓ Annexure B: Recruitment and Selection Policy ✓ Annexure C: Disciplinary and Grievance Procedure ✓ Annexure E: HIV/AIDS Policy ✓ Annexure F: Sexual Harassment Policy <p>B. Attached Policies</p> <ul style="list-style-type: none"> ✓ Employment Equity and Disability Policies ✓ Disciplinary and Grievance Procedure ✓ Code of Ethics/Code of Good Practice ✓ Uniform and Protective Clothing (applicable to two divisions only) ✓ Training and Development Policy ✓ HIV/AIDS Policy ✓ Succession policy/career pathing (draft) ✓ Staff Retention Policy (see Group Remuneration Philosophy) ✓ Sexual Harassment Policy ✓ Promotions and Remuneration (in HR Manual) ✓ Employee Wellness (in HR Manual) ✓ Retirement Planning (in HR Manual) ✓ Minutes of Employment Equity Forum <p>Testimony</p> <ul style="list-style-type: none"> ✓ Success Group's remuneration philosophy is applied fairly in all the business divisions to further address income differentials. We have done well in this area and had a review last August and this was a positive review from the Department of Labour. ✓ Annual salary reviews benchmark to see if anyone is paid below the level they should be paid and this is addressed. 	<ul style="list-style-type: none"> ✓ Most policies received are signed and approved.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Progress in junior and middle management; as of December 2012 women constituted 69% of middle management. ✓ Six months maternity leave (4 months paid); which guarantees them a job at the same band and salary. ✓ Flexi hours at the discretion of the human resource managers. ✓ A culture that enables transformation, attributed to diversity programmes and dialogues that embed and support transformation. <p>Challenges</p> <ul style="list-style-type: none"> ✓ The representation of women in top and senior management (low). ✓ Increased spend on skills development is not changing the above bulleted situation. ✓ The societal roles occupied by women and career interruptions such as maternity leave, do in some instances result in limited or delayed opportunities for career advancement. 	
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ Sharing insight and best practice from other SA corporate reports. ✓ Initiating and supporting cross-cutting initiatives that promote women advancement. 	

5.1.2 CGE PANEL QUESTIONS/COMMENTS ON FIRSTRAND BANK PRESENTATION

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: The policies are unsigned, have no initiation date and now under revision. Who will sign these new versions? Who is supposed to sign?	<ul style="list-style-type: none"> ✓ On the signing of policies, of the four divisions, each has a responsible CEO who delegates accountability. ✓ The presenter apologised for the presentation of unsigned policies and committed to having them signed, assuring the commission that these policies are binding.

<p>2</p>	<p>Commission: Please explain procedures for your sexual harassment policy.</p>	<ul style="list-style-type: none"> ✓ If there is any sexual harassment or such kind of complaint, this goes to the HR manager of that division. It is then taken into the area where statements are taken and then the person appears for a hearing before a panel. If they breached the policy, disciplinary action is taken. A serious view is taken of sexual harassment. ✓ This can range from final warning to dismissal. ✓ An ethics line for anonymous reporting is available and it is independently audited. ✓ Ethics Policy is part of packet of submissions.
<p>3</p>	<p>Commission: You are male dominated at top management level. Please explain what you are doing to achieve 50/50 target.</p>	<ul style="list-style-type: none"> ✓ There is white male dominance in the banking industry and in FirstRand. There are two challenges here; transformation is driven through divisions that are free and autonomous. ✓ There is a 'deep succession' plan for the executive team and there are people ready now. ✓ All divisions have been asked to put specific personal development plans and have candidates ready. ✓ The following plan 2013-2016 will speak to diversity and the succession pipeline to hold the CEOs accountable and we will monitor.
<p>4</p>	<p>Commission: What is your rank and what is your influence on the final plans?</p>	<ul style="list-style-type: none"> ✓ Group HR executive. ✓ EXCO group member reporting directly to the Chair. ✓ I am responsible for strategic decisions and people management and sit with the CEOs and have influence on them. ✓ I am on the transformational monitoring committee and have influence and do submit reports to the Board and we hold CEOs accountable. ✓ I write policies too.

5	Commission: Explain the 'performance pipeline' and the women in it.	✓ This was covered in answer to question 3.
6	Commission: Most top management positions are white. How will this be addressed in terms of racial and gender transformation?	<ul style="list-style-type: none"> ✓ The committee monitors what can be done to improve this. ✓ There is a need for realistic targets in the new plan and a business strategy to achieve targets.. ✓ Business must not set soft targets and not try to please the Board. Achievable targets should guide transformation at SM level.
7	Commission: In past 18 months have you had any vacancies at top and senior manager level?	<ul style="list-style-type: none"> ✓ No movement and no vacancies in the past 18 months. ✓ There are 4 divisions and no female CEOs. ✓ At senior management there have been no vacancies. ✓ Each CEO has an executive team and so there are 57 in top management; 8 females in top management but they are spread over four divisions: 2 rand at First Corporate, etc. ✓ There has been downscaling recently and we have lost people at executive level.
8	Commission: In terms of recruitment and selection what have you done?	✓ Not much owing to lack of turnover.
9	Commission: How many on the board are females and how many are males?	✓ 19 board members and 4 are female (black females).
10	Commission: In your sexual harassment policy, it was developed in 2008, is there a recent one? How often do you review?	<ul style="list-style-type: none"> ✓ The review of policy from 2008: we do review this every three years and it is aligned with targets for the EE plan every three years. ✓ When we do a new EE plan then we review all the policies and bring in an external party to go through the policies and make input for the Section 19 analysis to see if they are still applicable or require change. ✓ Representatives from all divisions also review and change policy.

11	Commission: What substantive measures have you taken to attract women and particularly black women? What are the plans to change the situation of non-compliance?	<ul style="list-style-type: none"> ✓ On recruitment policy, we have not been specific enough to employment equity in the past and now we have put the EE policy together with a recruitment policy and we also monitor these.
12	Commission: You said your disability targets will not be met and this is concerning. You say people do not declare their disabilities but you need innovative ways to attract disabled women. What about bursaries to attract and hold them?	<ul style="list-style-type: none"> ✓ I take this comment and we are approaching our peers and will try to recruit now via agencies that have got disability desks. ✓ The approach is in the process of being changed.
13	Commission: You say you are committed to EE targets that are not in keeping with the EE Act. See page 26 of yours where you commit to targets that are percentages not in keeping with EE Act.	<ul style="list-style-type: none"> ✓ We are committed to our EE targets but they were just optimistic and over rigorous at the start since we did not anticipate retrenchments and restructuring and this is why we failed. ✓ The commitment is there.
14.	Commission: Did you focus on the barriers that prevent women from advancing. What barriers did you identify?	<ul style="list-style-type: none"> ✓ In terms of Section 19 analysis, we just went through this for the new EE plan. ✓ Some of the findings were things such as that below top management and at senior management there is sometimes a lack of commitment and not following processes. ✓ We identified the above and addressed it.
15.	Commission: Your uniform policy for women is long and it is short for men: maybe a half page.	<ul style="list-style-type: none"> ✓ There is a longer list for women? We give them more options but we are not being more stringent with women and less stringent with men.
16.	Commission: we want to know in terms of the norms and standards, is there a strategic committee in the context of each division and does it monitor results?	<ul style="list-style-type: none"> ✓ We have an executive team for standards and norms and this is also presented to the Board. Four divisional heads and I do review policy, strategy and practices around people management and then the TMC monitors.
17.	Commission: You made mention of submitting Section 19 analysis every three years. Is this not an annual report? Why every three years?	<ul style="list-style-type: none"> ✓ We do it every three years when we set targets.
18.	Commission: Some of your policies are not compliant and we should have reviewed and current policies. Please send these within 7 days.	<ul style="list-style-type: none"> ✓ We can send our analysis.

19.	Acting HOD - Legal : You outsource to a company called Lifestyle. Do you ensure that this group contracts to people who are gender compliant?	✓ We outsource our wellness to Lifestyle and we emphasise the need for a BEE certificate from all of them but I cannot recall their BEE credentials or levels but that is the policy of the bank (minimum level 4).
20.	AHOD-Legal: Men and white men are taking decisions and women are doing the work and you say there is a low turnover rate. If FirstRand has to operate in SA, it has to comply with the laws on gender equality. We need a reasonable explanation of why you do not comply with the laws. Your bank is going nowhere with transformation and you have tried to justify your non-commitment to change.	✓ I note your comments and I intended to tell things as they are.

5.2. Department of Social Development

Head of Department Ms W Tshabalala took the prescribed oath as required by the CGE Act. She was accompanied by Leone van der Merwe, Director of Gender, Youth and Disability Mainstreaming. The department responded to the invitation on time and submitted their documents as requested. The department was served with a notice to appear solely to secure attendance by the HOD. The Gauteng Department of Social Development (DSD) is responsible for providing social support to women and children. This form of work is largely feminized which significantly reflects in the gender representation of the DSD. In top management levels, women comprise 66% of all managers at this level. Senior management comprises 60% women. Disabled people currently account for 3% of the DSD workforce. The gender focal point is at the director level. The directorate of gender, youth and disability oversees gender transformation within the DSD, mainstreaming gender into all aspects of the process, from prioritizing women in recruitment and retrenchment policies, promoting gender sensitization, and monitoring and evaluating social investments in gender. While policies are largely in place, policies still in draft form include: Uniform and Protective Clothing, Succession Policy and Career Pathing, Staff Retention and Retirement Planning. Successes have included specific attention to addressing the training needs of women in middle management and prioritizing women in the supply chain management process, including capacity development in tendering procedures.

**5.2.1 SUBMISSIONS AND TESTIMONY ACCORDING TO STANDARD REVIEW QUESTIONS:
DEPT OF SOCIAL DEVELOPMENT**

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Draft plan under review; finalisation for first quarter 2013/2013. ✓ An EE plan was in place prior to the Department's merger with the Department of Health, when a joint plan was under discussion. ✓ Plan is to have the Skills Development Committee monitor. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Department was merged with the Department of Health and recently de-merged. When a joint plan was under discussion, the draft plan for 2013/2013 was reviewed. ✓ Established skills development committee will monitor this process. 	<ul style="list-style-type: none"> ✓ EE Plan in draft but being finalised; a glossy EE strategy document is available. ✓ In terms of the minutes, the Director of Gender Youth and Disability Mainstreaming said: "We do not have this but this will go to the skills development forum to obtain". ✓ The merger and then de-merger with the Department of Health was seen as contributing to delayed processes but the DSD was nonetheless the most progressive of those giving testimony.
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <p>27 in top management (levels 13-16):</p> <ul style="list-style-type: none"> ✓ 10 males (9 African, 1 Indian) ✓ 20 females (14 African, 2 Coloured, 3 Indian and 1 White) <p>Senior management:</p> <ul style="list-style-type: none"> ✓ 60% of senior managers are women (no precise numbers in questionnaire) ✓ In 2010/2011, women were 51% <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Levels 13-16: as above ✓ Females 27 in total: see above 	<ul style="list-style-type: none"> ✓ The Department is female dominated at top and senior management levels and this becomes a point of discussion further below.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Target is 50% employed at SMS level. ✓ Women are prioritised for vacant senior management positions during recruitment and retrenchment processes. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Provincial target is 50% at SMS level and putting women into decision making levels. ✓ Vacant positions are targeted. ✓ 60% of senior managers are already women (used to be 51% in 2010-2011). 	<ul style="list-style-type: none"> ✓ Targets were exceeded at SMS level; women dominate. ✓ Some Commissioners pointed to the need to reverse this to achieve a gender balance of 50/50.
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Head of Department Tshabalala ✓ Directorate: Gender, Youth and Disability implements and oversees gender transformation: to lead, evaluate and monitor mainstreaming processes. ✓ Mainstreaming involves universal access, employment equity, skills development, gender sensitisation through gender awareness campaigns, training and events. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The focal point is at level of Director. ✓ Works closely with the HoD. ✓ Directorate leads, evaluates and monitors and does social investment in gender. ✓ Unit provides the strategic direction on gender, youth and disability and they aim to mainstream and also engage in training and disseminate information. 	<ul style="list-style-type: none"> ✓ Note: the Directorate of Gender Youth and Disability Mainstreaming was in the office of the HOD from the 2012-2013 financial year.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes; but just instituted in the 2012/2013 financial year. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes it does. Performance reviews commenced post de-merger. ✓ All SMS performance agreements have been reviewed to include gender mainstreaming. 	
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The Director GYDM is the mandated Gender Focal Point. ✓ GYDM focal points also in various regions and institutions of the department; formally designated and appointed to make decisions and facilitate gender mainstreaming; and to promote and monitor transformation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Directorate is mandate GFP but institutional arrangements are also in the various regions where there are GFPs too and it feeds information up to the provincial office. ✓ It also happens that the senior manager of this comes to EXCO meetings; she helps to oversee issues of gender at this level. ✓ GFP monitor and implement at local level. ✓ A template for the gender budget is used when strategic plans are submitted in order to ensure gender-responsive planning. ✓ Programmes are appropriately outsourced. 	<ul style="list-style-type: none"> ✓ Budgetary figures on amounts allocated were never supplied.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
7	<p>What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ A mainstreaming organisational readiness tool has been developed to provide data on progress. ✓ Oversight bodies help to gather data for the tool. ✓ The tool also measures effectiveness, identifies barriers, provides guidance, raises awareness and produces accurate analysis of the department's reach in terms of women, men, youth and PWDs. ✓ There is also a Gender Action Plan: another tool to measure achievement in terms of women's empowerment and gender equality in the workplace (based on DPSA's 8 principles of gender mainstreaming). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Assessment tool discussed as above. It provides useful data for monitoring. ✓ All the barriers are identified through this tool and assists in the alignment of the budget to gender mainstreaming. ✓ The tool allows for monitoring and ensures commitment. ✓ The work done in the department is underpinned by the 8 principles of gender mainstreaming. 	<ul style="list-style-type: none"> ✓ Mechanisms for tracking people with disabilities are in draft form.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Recruitment strategy in place. ✓ Needs to be reviewed in terms of gender and PWD. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Needs further review to include the gender perspective. 	<ul style="list-style-type: none"> ✓ Recruitment strategy needs to be updated.
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ Mentorship and coaching ✓ Diversity management ✓ Performance management ✓ Advanced Management Development Courts ✓ Emerging Management Development Programme ✓ Middle Management Development Programme (Project Khaedu) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Women are prioritised and have courses (these were the same as given above) 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No ✓ Being researched by Gender, Youth and Disability Mainstreaming Directorate; planned completion of policies by 31 March 2013. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No; but informal arrangements for this have been made. ✓ This is an area for development. ✓ There is a need to explore what others are doing here and find a way; GFP is embarking on this already. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Establishment of the Directorate of Gender, Youth and Disability Mainstreaming as a coordination point for planning, policy guidance and tracking progress on equality concerns. ✓ Establishment of Departmental Gender Focal Points in the various regions and institutions of the department. ✓ Disaggregating the data in the formal quarterly performance reporting systems of the department. ✓ Sensitisation and awareness programmes on gender, youth and disability mainstreaming; includes capacity building of funded NGOs, commemorative events, awareness workshops, etc. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ A young women's forum that was launched during the 16 Days of Activism. ✓ An internal forum uses older women to advise younger women has been commended by the national department for this and they want a Young Women's Forum too. ✓ Partnering with the NGO sector. There are 2001 NGOs in this network and all of them are reached. ✓ The department participates in many events. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The Department has a draft reviewed Sexual Harassment Policy in place (DPSA). ✓ The Gender Action Plan makes provision for monitoring on non-sexism, which addresses the issues of gender discrimination. ✓ There is a specific monitoring tool to track deliverables; reporting on this is quarterly. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a draft policy. ✓ There is a commitment to this draft and it will be finalised within first quarter of the new financial year. 	<ul style="list-style-type: none"> ✓ Draft form. ✓ Sexual Harassment Policy training is not on-going since departments are giving input into the DPSA's draft sexual harassment policy.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	In terms of Section (19)(1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Recruitment and Selection Policy (draft) ✓ Disciplinary and Grievance Procedure (PSCBC Disciplinary Code and Procedures for the Public Service: this is a 2003 resolution to the 1999 Code and Act. ✓ Code of Good Practice (PSCBC). ✓ Training and Development (draft). ✓ Personal Protective Equipment Policy (2010) and Uniform and Protective Clothing (OHS Act and regulations; nothing drafted by DSD). ✓ Employee Wellness and Employee Assistance Programme Policy. ✓ HIV/AIDS Policy. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No continuous staff management engagement. This must be improved. ✓ Developed a better monitoring tool. ✓ Public commission materials are used. ✓ Some materials still under consultation. ✓ Many materials have been adopted from elsewhere (DPSA, union, national) and not customised to the department. ✓ No succession policy but will go into recruitment strategy work. ✓ For retirement a pension guide from national is used. ✓ No promotions and remuneration strategy. ✓ EE forum minutes not attached but this will be submitted. 	<p>Approved</p> <ul style="list-style-type: none"> ✓ Bursary Policy: signed Sept 2011. <p>In draft (unsigned)</p> <ul style="list-style-type: none"> ✓ Recruitment and Selection Policy ✓ Training and Development Policy (drafted 2012) ✓ Draft Sexual Harassment Policy ✓ Promotions and Remuneration Policy ✓ Learnership and Internship Policy ✓ HIV and AIDS Workplace Strategy <p>PSBC documentation</p> <ul style="list-style-type: none"> ✓ Disciplinary Code and Grievance Procedures (these are pretty old—1999 with amendments in 2003) ✓ Code of Good Practice <p>Not yet drafted</p> <ul style="list-style-type: none"> ✓ Uniform and Protective Clothing ✓ Succession Policy and Career Pathing ✓ Staff Retention Policy ✓ Retirement Planning

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Established the Directorate for Gender, Youth and Disability Mainstreaming as a coordinating and monitoring body in terms of ensuring the mainstreaming of women in all programmes, projects, processes, systems and policies of the department. ✓ Established the Integrated Departmental Gender Youth and Disability Mainstreaming Focal Point. ✓ Implemented the department's Bursary, Internship and Learnership Programme which disaggregates targets to ensure the participation of equitable numbers of women, youth and people with disabilities. ✓ 60% representation of women in senior management. ✓ Training and development opportunities, which specifically address the training needs of women in middle management. ✓ Disaggregation of performance data on the participation of women in the service delivery programmes of the department. ✓ In terms of supply chain management, the department has put measures in place to reach provincial targets set for the participation of women in all supply chain management processes of the department, including capacity building in terms of tender procedures. <p>Challenges</p> <ul style="list-style-type: none"> ✓ Many people do not understand the definitions and concepts of gender mainstreaming and gender transformation. ✓ The haphazard practice of disaggregating performance data as well as the inaccurate collection of such data; needs to be part of performance reporting. ✓ Sensitisation material is not available in 	<ul style="list-style-type: none"> ✓ The Commissioners were generally pleased with the successes (see comments further below).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ None. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is commitment to improve and do better and request a one-on-one with the Commission and welcome their guidance. ✓ Training, capacity building and sufficient budget allocation. ✓ Percentage of women to be employed is high. ✓ Disability is at 3%. ✓ Targets were reviewed and training is taking place amongst females, PWD and youth; occurring at high levels. 	<ul style="list-style-type: none"> ✓ The submission said no support needed but the testimony trended toward welcoming support to the department on certain matters.

5.2.2 CGE PANEL QUESTIONS/COMMENTS ON DEPARTMENT OF SOCIAL DEVELOPMENT PRESENTATION

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: The presentation was appreciated. 60% senior managers as females and 3% of people with disabilities.	<ul style="list-style-type: none"> ✓ There is a commitment to improve. A one-on-one with the Commission is requested to solicit their guidance.
2	Commission: When do you complete draft policies on the merger? Let us know the percentage of the budget that goes to the GFP programme and spending.	<ul style="list-style-type: none"> ✓ Will complete policies by the end of the first quarter. ✓ The legislature might want to have a say in the spending but we are happy to consult with the CGE prior to this.
3	Commission: On the 8 principles, how do you disaggregate the data?	<ul style="list-style-type: none"> ✓ No comment.
4	Commission: Send us a copy of the minutes of the gender forum; please submit to the CGE.	<ul style="list-style-type: none"> ✓ Director of Gender Youth and Disability Mainstreaming admitted that they do not have minutes but this will obtain them from the skill development forum".
5	Commission: You're dealing with gender issues and disability at a director level and this is a success.	<ul style="list-style-type: none"> ✓ No comment.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
6	Commission: Reasonable accommodation is not in the bursary policy; perhaps disabled persons cannot take advantage of the bursaries. Can you make provision for disabled persons so they can take advantage of bursaries?	✓ No comment.
7	Commission: The commission expressed their happiness with the progress and the informed You have all the stats at your fingertips as HoD and this is impressive.	✓ No comment.
8	Commission: Many policies are in draft form such as the sexual harassment policy and this must be finalised. Retention and recruitment policy also must follow suit and support women so that they can be retained. Maybe you can assist other government departments.	✓ Outstanding policies will be submitted in the first quarter.
9	Commission: Let me join this shower of praise. It is a breath of fresh air to see your passion for this work. Who holds you accountable as you go about your work?	✓ Our Chief Director. ✓ I must thank my staff and those in other offices.
10	Commission: I do not want to repeat what has been said. You are Social Development; perhaps your hearts are in the right place.	✓ Taken as a comment.
11	Commission: Are you happy with the positive ambience and does this feed into the communities?	✓ Taken as a comment.
12	AHOD-Legal: One observation, in terms of top management and your disaggregated data and mergers and the turmoil of merging departments: there seems to be an inequity. Perhaps 20 females and 10 males at senior management, so there is inequality in reverse.	✓ I will take your advice. ✓ Our Chief Director is a man and we are now looking at men's issues too.
13	Commission: This is a female dominated department and so the department should look to offering bursaries to men to become social workers too.	✓ No comment.

5.3 Department of Community Safety

The Head of Department of Community Safety, Mr Mongezi Tshongweni, took the oath. He was accompanied by Mr Stanley De Klerk, Chief Director in the office of the HoD, and Human Resource personnel. The HoD introduced the colleagues, but Mr De Klerk offered most of the presentation.

5.3.1 SUBMISSIONS AND TESTIMONY ACCORDING TO STANDARD REVIEW QUESTIONS: COMMUNITY SAFETY

Mr Stanley De Klerk stated that they were created by the Constitution, Section 206 Subsection 3, to monitor police conduct in the province and oversee the efficiency and effectiveness of the police and foster community-police relations. The Civilian Secretariat Policy will take effect in June and this requires them to establish this civilian post which can monitor compliance with certain laws and provisions at station level and the provincial police budget. The budget for the department is R470 million. *(Note: The Department of Community Safety was found to be doing well but they must have their policies properly signed and tabled. They are progressive in terms of starting a Disability Desk and planning a childcare facility. They need to address on disability better.)*

The Department of Community Safety (DCS) oversees police service activity as a civilian oversight body. Top management in the DCS is 60% female. Senior management was evenly distributed between men and women at 50/50. There were 3 disabled people in levels 7 to 12. The EE plan is in place but the Equity Committee is to be resuscitated. The human resources department is responsible for driving the equity agenda but the chief director in the head of department office is ultimately responsible for ensuring that the transformation agenda aligns with the public service model. A number of policies were being implemented but of the policies provided, some were not signed, of these the EE plan, the draft disability policy, the disciplinary code and the uniform policy being notable. Signed attached policies included the sexual harassment policy, the HIV policy, the training and development policy and the recruitment and selection policy. In order to promote gender leadership, the DCS has formed partnerships with tertiary education institutions in which it enrolls SMS members, with 60% being women. The skills development programme entails promoting people into senior management and then providing them with training through tertiary partner institutions. In order to support this, career pathing and recruitment policies are being developed. Presently there is no flexitime and child care provision is in the planning phase. The Gender Focal Person is not presently provided for but the DCS is planning such a post at the director level. There is also no tracking of gender diversity and the disability desk is currently in the formative stages. Policy review appeared not to be happening with policies dating from 2008 being used. Quarterly reviews were also rejected in favor of less onerous biannual reviews. In terms of supporting women in the workplace, there were no mentorship policies or activities, no flexitime and no childcare facilities, although the sexual harassment policy was seen to be robust.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	<p>In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ EE Plan 2010-2015 ✓ To be reviewed and EE committee to be re-elected. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ This will be reviewed later ✓ EE Committee will be elected; it fell into dysfunction but will be resuscitated from 01 April 2013 to resume the work it started. 	<ul style="list-style-type: none"> ✓ EE Plan submitted as Appendix 3, Annexure A but no signatures or sign-off date. ✓ EE Committee became dysfunctional. ✓ EE analysis is there, with numerical targets. ✓ A PowerPoint presentation was included: EE Approach 2012.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission as of 09 March 2012</p> <p>Top management levels 13-16:</p> <ul style="list-style-type: none"> ✓ 23 people: 9 males and 14 females ✓ Africans: 6 males/12 females ✓ Coloured: 1 male ✓ Indian: 1 male; 1 female ✓ White: 1 male; 1 female <p>Senior management</p> <ul style="list-style-type: none"> ✓ 50% female and 50% male <p>As of 09 March 2012 (according to Annexure: A EE plan):</p> <ul style="list-style-type: none"> ✓ Level 11-12: 38 people (23 men; 15 women and 1 PWD). ✓ Levels 7-10: 330 people (206 men; 124 women; and 2 PWD amongst that number). <p>All levels March 2012:</p> <ul style="list-style-type: none"> ✓ 937 employees; 523 males ✓ 436 African males; 12 coloured males; 8 Indian males; 51 white males ✓ 15 disabled <p>Testimony:</p> <ul style="list-style-type: none"> ✓ 22 SMS members: 50% female and 50% males but it is going up for females 01 April 2013 with an increase of 2 women. 	<ul style="list-style-type: none"> ✓ Top management is mainly female (even though three men came to present). ✓ Testimony and submission varied slightly but this was addressed during question time further below (the legal advisor asks about this discrepancy).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	<p>What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The department has forged links with higher education institutions like Stellenbosch University, GIBS and Wits. ✓ 5 SMS members enrolled last year in GIBS training as part of development targeted at women; 3 of 5 were women. ✓ The department will have specific numerical targets for targeted recruitment. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is an equity plan with clear targets and it is adhered to. ✓ Skills development promotes those into senior management so that they have the required skills. ✓ Tables were submitted that explain the various levels and employment equity initiatives; annual submissions to the Department of Labour. 	<ul style="list-style-type: none"> ✓ No specific targets at the time of submission

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Chief Director in the office of the Head of Department: Stanley De Klerk. ✓ The department is currently reviewing its macro structure to ensure proper alignment with the DPSA model. ✓ The DPSA model is explicit about how the transformation unit should be capacitated as well as the reporting line. ✓ Transformation driven by HR. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The responsible person: Chief in the Office of the HoD. 	<ul style="list-style-type: none"> ✓ Stanley De Klerk, who appeared and testified, is also the one responsible for gender transformation.
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No. ✓ The transformation measures will be included in the SMS contract to ensure implementation thereof from line management. ✓ Chief Directors will be held responsible for ensuring that their respective directorates have equal representation and that vacant posts will be filled with targeted selection and recruitment candidates. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No: not currently there. ✓ But SMS contracts with the person driving transformation. ✓ Will be inserted into contracts of core managers in new contracts as of 01 April. 	<ul style="list-style-type: none"> ✓ Much of the submission is in future tense, suggesting little has been done but much is being planned.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	<p>What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No budget. ✓ No specific allocation. ✓ No recruitment policies. ✓ The department's structure is currently being reviewed in line with the growth and expansion of the department's mandate. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We do not have an allocation for gender; it is in the HoD budget. ✓ From 01 April we will disaggregate the budget and specify. ✓ We have major changes ahead and will have clear targets. ✓ By 30 June a civilian secretariat should be in place. 	<ul style="list-style-type: none"> ✓ No budget. ✓ Many statements were in the future tense or about what will happen into the future.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ There is no system in place. ✓ Two visually impaired employees are on an internship programme. ✓ The department intends to roll out a Disability Desk in the next three years to cater for and understand the challenges in the disability community. ✓ The department intends to forge links with other organisations for sourcing people with disabilities. ✓ The department has developed a Terms of Reference for the Disability Desk. ✓ The Department has sent one employee to attend an Employee Equity, Diversity and Transformation Summit. ✓ The Department has since taken a bold step in employing three visually impaired employees. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Within 3 months there will be a Disability Desk and this will be led by the disabled. ✓ Terms of reference have been developed. ✓ The department employs 3 visually impaired people recently and at cost changed the system to accommodate them; IT and communication systems are in place. 	<ul style="list-style-type: none"> ✓ Disability not addressed. ✓ Many statements are in the future tense or about what will happen (intention). ✓ The Terms of Reference is in draft. ✓ Community Safety seemed to be alerted to many gaps such as this owing to the need to submit to the Commission.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No recruitment policies to target women and people with disabilities. ✓ The building makes it difficult to attract people with disabilities; no reasonable accommodation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No formal systems in place. ✓ Appointed two visually impaired employees to an internship programme; we had 30 interns and found these two amongst them. 	<ul style="list-style-type: none"> ✓ Very little has been done to date. ✓ Copy of advert was attached with submissions (adverts encourage people with disabilities to apply).
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No programmes. ✓ The department has not looked at numerical targets. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No programmes but we will move toward this but not yet stipulated in advertisements. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No. ✓ No child care facilities currently. ✓ The Department will have to develop a policy that will talk to issues around flexi-time for all its employees irrespective of gender. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We are in a terrible building and cannot provide child care facilities but the new building will have 2000 square meters for this. ✓ We are tendering now to make changes and get allocated a new building and the criteria is that it has to be accessible to the disabled. ✓ An EXCO decision provincially has been taken on this provision. 	<ul style="list-style-type: none"> ✓ No child care ✓ No flexi-time ✓ But plans appear to be in place to provide child care facilities in the new building.
11	What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ A disability management policy. ✓ The policy is currently awaiting final input of management. ✓ Awareness sessions will be facilitated to ensure that all employees understand and appreciate issues of disability. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No programmes; we use EE Plan only to drive this. ✓ New financial year in April will change this. ✓ We are drafting a ToR in April to adopt policy that is in draft stage. 	<ul style="list-style-type: none"> ✓ Few measures; no achievements; many plans.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes; a sexual harassment policy is in place. ✓ Employees are aware of the policy. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No policy but we are sensitive in terms of flexi time. ✓ We have policies. 	<ul style="list-style-type: none"> ✓ Policies in place and there is a signed Sexual Harassment Policy (November 2012).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	In terms of Section (19)(1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).	<p>Submission:</p> <p>Attached policies</p> <ul style="list-style-type: none"> ✓ Recruitment and Selection Policy ✓ Disciplinary and Grievance Procedure as GPG Policy ✓ Code of Good Practice ✓ Uniform and Protective Clothing Policy ✓ Training and Development Policy ✓ HIV/AIDS Policy ✓ Staff Retention Policy ✓ Sexual Harassment Policy <p>Policies not available</p> <ul style="list-style-type: none"> ✓ Succession policy/career pathing ✓ Employee Wellness Policy ✓ Promotions and Remuneration (DPSA collective agreements) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above but reviewed on PowerPoint slides ✓ Policies not available will be dealt with ✓ We also review policies every three months ✓ Wellness must be in a policy too 	<p>Signed:</p> <ul style="list-style-type: none"> ✓ Recruitment and selection policy (signed by HoD on 31 Aug 2009). ✓ Staff Retention Policy (2007). ✓ Employee Assistance Policy (13 Aug 2008). ✓ Training and Development Policy (Nov 2007). ✓ Code of Ethics (2009). ✓ HIV/AIDS Policy (13 Aug 2008). ✓ Sexual Harassment Policy (13 Nov 2012). <p>Not signed:</p> <ul style="list-style-type: none"> ✓ EE Plan ✓ Disciplinary code and procedure ✓ Draft Disability Policy (Jan 2013) ✓ Disciplinary Code and Procedure ✓ Traffic Officer Uniform Policy
14.	SUCCESSSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ No data <p>Challenges</p> <ul style="list-style-type: none"> ✓ No data 	<ul style="list-style-type: none"> ✓ No submission in writing on this. ✓ Presenter said this was not in the original request. ✓ Questions 14-15 were not seen or else not faxed or e-mailed.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ No data <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No data 	<ul style="list-style-type: none"> ✓ No submission in writing on this ✓ Questions 14-15 were not seen or else not faxed or e-mailed.

5.3.2 CGE PANEL QUESTIONS/COMMENTS ON PRESENTATION BY THE DEPARTMENT OF COMMUNITY SAFETY

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	<p>Commission: On uniform policy, what happens to women officers who are pregnant? What are the rules on uniform then? What does make up have to do with the uniform policy (policy addresses nails, hair colour, etc.). Is this policy gender sensitive?</p>	<ul style="list-style-type: none"> ✓ Note was taken of the comments. A preparatory meeting was conducted with the MEC before coming to this meeting on 01 March. It was decided that these identified gaps must be addressed. The resultant policies will be reported to the Gender Commission. ✓ On uniform policy, some officers have to attend to maternity needs and they have a choice of going to office duties instead of law enforcement duties and wear civilian clothing. ✓ As to makeup, nails and so on and to dress code, this is all allowed if it is presentable. Women are not denied the right to express themselves and this is applicable throughout the various police services.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
2	<p>Commission: The delegation in front is male when the documentation states that management is 50/50. The chief is male and in the HoD office. Isn't the HoD office busy? Who else besides the Chief Director can be responsible for the programme?</p>	<ul style="list-style-type: none"> ✓ I am in the office of the HoD and there are many female employees. It is just a coincidence there are males here today. ✓ People will organise themselves on this in all divisions but responsibility will be focused within HR services. ✓ The June deadline will be met and all documentation will be submitted to the CGE. ✓ There is a GFP, who is a female. The GFP is being raised to SMS director level.
3	<p>Commission: Have any cases of sexual harassment been reported and if so what procedure was followed?</p>	<ul style="list-style-type: none"> ✓ No cases reported
4	<p>Commission: Is this in the performance review of senior managers; give a clear yes or no statement.</p>	<ul style="list-style-type: none"> ✓ This was not clarified. [Many questions were taken as comments because the department has much to resubmit in the period granted; resubmissions in June.]
5	<p>Commission: How are the movements of women into senior management tracked? If there is no system in place, how is compliance knowingly attained? Why would no systems be in place?</p>	<ul style="list-style-type: none"> ✓ As to the numbers before the appointment of the three people: there are 17 members on the SMS—8 males and 9 females with 2 gaps. This is the present reflection which will be changing to 11 females and 9 males very shortly. ✓ There is also a planned monitoring system that will report to a body about this and this will add real value [this is in future tense; so there is not yet a system but there will be].
6	<p>Commission: Is there a possibility of a disability desk? Is this official? What is the department putting together?</p>	<ul style="list-style-type: none"> ✓ The status of the disability desk is that it is not functioning and it is being addressed. ✓ There is a draft ToR as to how it will function and it will be part of a meeting being held tomorrow. ✓ The desk will be functioning in next 3 months.
7	<p>Commission: There were disability awareness slides in the presentation. Please explain these.</p>	<ul style="list-style-type: none"> ✓ There were three slides on disability indicating processes. ✓ These were the same slides that were internally utilised to establish the disability forum.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
8	Commission: Department policies date back to 2008. If they are reviewed every three months, why is this not evidenced? There needs to be evidence of a review because the documentation submitted showed no evidence of reviews.	<ul style="list-style-type: none"> ✓ As to reviewing every three months, this seems onerous and it should be every six months to review policy. ✓ All policies will get reviewed in this process.
9	Commission: The departments EE committee is not functional. Is there a timeline to attain its functionality?	<ul style="list-style-type: none"> ✓ The department has an EE plan but need methods of implementation according to a timeline. ✓ On mechanisms in place, only targets and developing plans have been created. There are no targeted policies and programmes.
10	Commission: Can disability management adjustments be done in this in consultation? A disability does not make one ill but there might just be a barrier to employment.	<ul style="list-style-type: none"> ✓ No response; taken as a comment.
11	Commission: the departmental policy states that if a person becomes injured or disabled, they will be transferred to another post but their salary is not guaranteed. This is not compliant with the Labour Relations Act as a salary cannot be downgraded.	<ul style="list-style-type: none"> ✓ No response; taken as a comment.
12	Commission: What are the critical lessons emerging from the Section 19 analysis? [It appeared that no such analysis had been done, motivating the question]	<ul style="list-style-type: none"> ✓ Section 19 and the other section will be examined and reported on within the next 7 days.
13	Commission: While the department deserves congratulation on attaining the 50/50 gender equity target, what is the figure on disability at senior management level?	<ul style="list-style-type: none"> ✓ [No response; based on all the testimony little had been done on the issue of people with disabilities.]
14.	Commission: Community Safety should be thinking about the issue of disability because police become disabled on duty. Please develop this policy better. It is not just about physical disability as there are also emotional and psychological disabilities.	<ul style="list-style-type: none"> ✓ No response; taken as a comment.
15.	Commission: Will the department secure a new building with child care facilities? Is there funding to sustain this? Think about this in advance. You can do this in partnership.	<ul style="list-style-type: none"> ✓ No response; taken as a comment.
16.	Commission: The EE committee must be resuscitated as it is a requirement by law.	<ul style="list-style-type: none"> ✓ No response; taken as a comment.
17.	AHOD-Legal: 50/50 representation is indicated but in the EE plan the status on 09 March is 9 men and 14 women at SMS level. Then in a separate leaflet 10 males and 13 females at SMS level are indicated. Are there more women than men? How can this be 50/50?	<ul style="list-style-type: none"> ✓ There is no updated EE report to submit and this is causing the distortions but as soon as there are 2 females on board it will be 46 men and 54 women at SMS.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
18.	Commission: What is the status of the disability desk? Is it a person employed?	<ul style="list-style-type: none"> ✓ There will be a disability committee driving this and possibly a focal point person [this indicates that it is in planning]. ✓ PWDs have said they are tired of having things done for them and they want to take leadership as to what is required for them. ✓ They will lead and guide the process..
19.	Commission: There is much more that can be done in terms of policy. Please examine the uniform policy and give reasonable accommodation for women in the department. Section 19 of the EE policy needs review. The deadline for the submission is the end of June. There should be recommendations from the departmental summit. There is political will but there is a lack of plans and policies. There is a need for a Director of Gender Transformation and Disability and a more responsive framework.	<ul style="list-style-type: none"> ✓ There is political will and programmes and some projects need sharpening. ✓ The issues that have been raised are noted and will be addressed. ✓ The HoD also affirmed that gender management will be taken seriously and middle management will be made accountable as well.

5.4: Department of Education

Head of Department Mr Boy Ngobeni acknowledged appearing before the Commission. He stated that the Gauteng Department of Education has roughly 10, 000 staff members and a R 27 billion budget. It is regulated by the Public Service Act and the Employment of Educators Act. The Gauteng Department of Education is responsible for the management of the schools in Gauteng. In its submission, disaggregated data was not provided at the different management levels. It was however concluded that top and senior management were both constituted of 40% women. No statistics for disabled personnel were provided in the submission but a disability audit mentioned in later discussions found 1% representation for disabled people. The responsibility for the monitoring and implementation is the transformation unit which comprises the portfolios of gender, youth, disability and ethics. While policies were largely in draft format and unsigned due to an organizational realignment process, gender equity was included into the performance contracts of senior managers. Unsigned policies included the EE Plan, Sexual Harassment Policies and Procedures, the Proposed Uniform Policy, the Skills Development Policy, Health and Wellness Programmes and the Succession and Career Path Planning policy. Old documents that were signed included Grievance rules for the Public Service (Resolution 14 of 2002: Public Service Bargaining Council), the Disciplinary Code (PBSC)(2003) and the Salary Structures (2009) policy. While the policy and planning directorate is mainstreaming gender and disability into planning and policy documents, wider buy-in and participation is unclear, with measures being taken to promote gender transformation being noted as limited, despite a noted budget. Child care facilities were not provided but flexitime was part of the workplace practices. Supply chain procurement policies are also alleged to provide preferential procurement guidelines to women owned and disabled people owned businesses. Overall, major gaps in policy implementation were identified. Gender transformation measures were especially noticeable by their absence. The submersion of gender into wellness programming might have

been done for cost benefit reasons but the confusion of issues and unclear reporting appear to be concerns. The abuse and sexual assault of children was not part of the responsibilities and duties of principals, whose contracts did not stipulate reporting as a condition of employment contract performance. Major knowledge gaps existed in knowledge of the sexual assault environment of the schools and the roles and responsibilities of educators and school principals in preventing and mitigating sexual assault against pupils.

5.4.1 SUBMISSIONS AND TESTIMONY ACCORDING TO THE ORIGINAL STANDARD REVIEW QUESTIONS: DoE

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ EE Plan was attached as Annexure A. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The department has a draft equity plan that is currently being revised and reworked and will be finalised by 30 September 2013. ✓ 38.8% females in the leadership and the rest are males; off target. ✓ 23 African females: see submission as this was not entirely clear (top and senior management were sometimes grouped in discussion and not disaggregated) 	<ul style="list-style-type: none"> ✓ 28 page EE Plan attached as Appendix 4, Annexure A but no signature ✓ Not dated but appears to be old (perhaps 2003 or 2004.) ✓ The department is male dominated at the top.
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <p>Top and senior management are grouped and not disaggregated:</p> <ul style="list-style-type: none"> ✓ 38 females; 57 males ✓ 30 African females; 37 African males ✓ 5 Coloured female; 7 Coloured male ✓ 1 Indian female; 6 Indian male ✓ 2 White female; 7 White male <p>Testimony:</p> <ul style="list-style-type: none"> ✓ See above 	<ul style="list-style-type: none"> ✓ Not clearly indicated in terms of submission. ✓ No disability data given in the submission on this question. ✓ Building is not suitable for the disabled and so numbers are probably very low.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ All posts are advertised with the following paragraph in an effort to attract relevant candidates for redress: "The Provincial Government of Gauteng is committed to the achievement and maintenance of diversity and equity in employment, especially of race, gender and disability." <p>Testimony:</p> <ul style="list-style-type: none"> ✓ DDG appointment implements and oversees gender transformation. ✓ Dedicated transformation directorate is responsible for the monitoring and implementation of transformation programmes within the department. ✓ The directorate is allocated a budget to drive the transformation agenda in line with the departmental, provincial and national mandates. ✓ Accelerated development for women has a budget. 	<ul style="list-style-type: none"> ✓ Very limited measures cited. ✓ Gender is one part of the transformation programmes and subsumed under that budget. ✓ A budget is mentioned but no specific budgetary details supplied.
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Director: Transformation <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Dedicated transformation directorate: Policy and Planning unit ✓ SMS agreement to include the equity and disability targets 	<ul style="list-style-type: none"> ✓ No details: it appears that gender is subsumed within a directorate concerned with all issues of transformation. ✓ Transformation Unit is responsible for gender, youth, disability and ethics (four areas).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes, it does ✓ All SMS members are required to include the promotion of gender equity in their performance contracts. ✓ Attached: a memo on the above. See Annexure B. ✓ This is monitored by the Director: Performance Management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: in performance contracts. 	<ul style="list-style-type: none"> ✓ In performance contracts, and monitored by Performance Management Directors.
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Dedicated Transformation Directorate ✓ Has budget ✓ Regular meetings are held with Office of the Premier and the Ministry for Women, Children and People with Disabilities <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	<ul style="list-style-type: none"> ✓ No specific budgetary details cited (i.e. what is the budget?) ✓ Transformation is for all transformative issues.
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management positions at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Monitoring progress with promoting women and PWDs is accomplished through the HR plan, the Annual Performance Plan and quarterly and monthly reporting to management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ See paragraph 4 of the recruitment and selection policy (Annexure C) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	<ul style="list-style-type: none"> ✓ There is much evidence throughout of a weak focus on people with disabilities
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ In addition, there are Leadership and Training Programmes. ✓ The above are tied to performance review and succession planning. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes to flexi-time (see Annexure M) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Flexi-time 	<ul style="list-style-type: none"> ✓ No response to child care facilities in submission (these do not appear to exist).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Regular awareness sessions on gender equality and discrimination. ✓ The above take place in combination with health screenings. ✓ Gender-based forums focus on health and wellness issues such as management of HIV and TB in workplace, HIV and the law, behaviour change toward positive living, encouraging healthy lifestyles, support systems available for employees and their immediate family members, and men and women's health. ✓ Employees targeted at all levels. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ All SMS member are required to promote gender equity in their performance contracts and there is mentoring and coaching and leadership training. ✓ Bursaries ✓ Internship and learnerships ✓ Continuous awareness session: GEYODI reports on this; we explain our performance to Cabinet also. 	<ul style="list-style-type: none"> ✓ See Annexure B as evidence that gender equity is in performance contracts.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: see Annexure D. ✓ The intervention on sexual harassment is handled by the Employee Relations Directorate. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ All our policies and procedures are conducive to creating an amenable work environment. ✓ Building is not PWD compliant. ✓ In HR plan. ✓ See submissions below. 	<ul style="list-style-type: none"> ✓ Submission did not respond to question on effectiveness of the policy except in terms of the building which is not suitable for PWD.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19)(1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table)</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Annexure A: EE Plan for Gauteng DoE ✓ Annexure B: Gender Equity in performance contracts ✓ Annexure C: GDF Recruitment and Selection Policy ✓ Annexure D: Sexual Harassment Policy and Procedures ✓ Annexure E: Grievance Policy ✓ Annexure F: Disciplinary Codes and Procedures for the Public Service ✓ Annexure G: Uniform Policy ✓ Annexure H: GDE Skills (draft) ✓ Annexure I and J: Workplace Policy on Employee Assistance, Health and Wellness Programmes ✓ Annexure K: DRAFT Succession Planning and Career Path Planning (2011) ✓ Annexure L: Retention Policy ✓ Annexure M: Working Hours Policy <p>Testimony:</p> <ul style="list-style-type: none"> ✓ See submissions as above and to the right <p>✓</p>	<p>Signed:</p> <ul style="list-style-type: none"> ✓ Inclusion of Gender Equity in Performance contracts ✓ Recruitment and Selection Policy (21 Feb 2005) <p>Not signed:</p> <ul style="list-style-type: none"> ✓ EE Plan ✓ Sexual Harassment Policies and Procedures ✓ Uniform Policy ✓ Proposed Uniform Policy ✓ Skills Development Policy ✓ Health and Wellness Programmes 2007 ✓ Succession and Career Path Planning <p>From the PSBC (old documents but signed):</p> <ul style="list-style-type: none"> ✓ Grievance rules for the Public Service (Resolution 14 of 2002: Public Service Bargaining Council) ✓ Disciplinary Code also from PBSC as above (2003 documentation) ✓ Salary Structures (2009)

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCCESSIONS AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Implementation of the AET programme. ✓ Training on sign language for all our staff members. ✓ A disability audit has been conducted (only one employee declared this and 1% has been reached. Audit has demonstrated how to better accommodate them). ✓ Matric pass rate 83.9% and girls are performing well. ✓ Participation in Women's Day and Women Month Activities. ✓ Women Forums established to ensure women know their rights. ✓ The Policy and Planning Directorate ensures that all departmental policies are gender and disability sensitive. ✓ All GDE managers include the promotion of gender equity in their performance contracts and this is monitored by the Director: Performance Management System. ✓ The Transformation and Procurement Divisions encourage the allocation of business opportunities to women and PWDs. ✓ Access to schooling for females has improved based on the Gender Parity Index, which in 2011 was 1.02 and 1.07 for primary and secondary schools respectively. This indicator illustrated that there were 2% more female learners who were 18 years or younger in Grade 12; consistently higher than that of male counterparts over the last 5 years. ✓ 2.5% increase in learner enrolment in the public LSEN schools. ✓ 56% of management positions held by females. <p>Challenges</p> <ul style="list-style-type: none"> ✓ Most educators are female but most 	<ul style="list-style-type: none"> ✓ Some acronyms were used in submissions that were never defined. ✓ See Annexure B as evidence that gender equity is in performance contracts. ✓ Some of the percentage data on women in management is contradictory; it does not fit with the response to Question 2. Some management levels can refer to school level and figures can be distorted by including and excluding FET numbers.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ Accelerated training for all managers on transformational programmes. ✓ Creation of more awareness amongst staff on transformation. 	<ul style="list-style-type: none"> ✓ Support not requested during testimony but it is in the written submission.

5.4.2 CGE PANEL QUESTIONS/COMMENTS ON GAUTENG DOE PRESENTATION

The responses appeared evasive to some Commissioners and the department was found to not be complying particularly well in terms of policy.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: Disaggregation of males and females is not bad but disability requires more attention.	<ul style="list-style-type: none"> ✓ No comment <p><i>(Note: the figures can be distorted by excluding the FET numbers; for example "01 April 2013 –the number of females and males is 40% and 60%"; but this excludes the FET numbers)</i></p>
2	Commission: A gender forum deals with wellness. Why is it not dealing with gender mainstreaming?	<ul style="list-style-type: none"> ✓ Gender and wellness are discussed together in terms of work-life balance and others. Gender mainstreaming occurs through a transformation unit that looks at youth, disability, and women. ✓ Wellness is part of gender in terms of implementation of programmes. The wellness strategy has four basic pillars and gender has an interrelationship with all of these. ✓ The transformation unit is responsible for gender, youth, disability and ethics (the four areas).
3	Commission: All your documents date to 2004 and 2005 and most of them are not signed. Where are the current documents?	<ul style="list-style-type: none"> ✓ This will be addressed.
4	Commission: When was the DDG appointed to the current position? The work of former HoD work is being examined in the submissions.	<ul style="list-style-type: none"> ✓ In October 2010 I was appointment as HoD; the strategy mainstreamed and pushed on performance first. The current stage involves realigning the strategy.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
5	Commission: In terms of sexual harassment, go through the number of cases reported.	<ul style="list-style-type: none"> ✓ The minute there is an allegation linked to sexual harassment the alleged offender is suspended and the incident is investigated. ✓ It is specialised work for NGOS, certain legal officers, etc. ✓ There have been two sexual harassment cases, one at school level and one at head office; the latter was finalised. ✓ The Sexual Harassment Policy is still in draft form and is being discussed with labour.
6	Commission: There is a high rate of teenage pregnancy. Please explain this in terms of gender equity.	<ul style="list-style-type: none"> ✓ Teenage pregnancies are a problem nationally and all over the press. The department has a responsibility to fulfil and partners with DSD and other departments. ✓ [Commission intervenes: Do you have a policy?] No comment.
7	Commission: If females in secondary schools do not move up, how does the department ensure that females are promoted into senior positions?	<ul style="list-style-type: none"> ✓ There is upward mobility by principals into management.
8	Commission: SGBs appoint principals and they do not appear to understand the EE Act and Plan. So what does the department do to empower them?	<ul style="list-style-type: none"> ✓ On SGBs, it is a national matter. How do we revise this to fit with a good model of leadership and management?
9	Commission: In your gender activities you have distortion in terms of different units. Can you explain this?	<ul style="list-style-type: none"> ✓ The Transformation Unit is responsible for gender, youth, disability and ethics.
10	Commission: In your Section 19 analysis, what have you learnt and what is your plan for dealing with such challenges?	<ul style="list-style-type: none"> ✓ On lessons learnt, it is disability. It is a challenge to get people to declare disability.
11	Commission: Directors for Transformation has a budget. How much is it?	<ul style="list-style-type: none"> ✓ For the 2013/2014 it is R466 000 for gender transformation.
12	Commission: In terms of training, succession and career pathing, employers must accept responsibility for training and development of all employees and commit to continuous participation in succession planning and career pathing. Who is doing this? What budget do you have to perform this?	<ul style="list-style-type: none"> ✓ Does policy extend to schools? Yes.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
13	Commission: Where is sexual harassment in terms of policy and practices? Is there a designated person in schools to deal with this?	<ul style="list-style-type: none"> ✓ On sexual harassment, it is implemented at school level and is affirmative in terms of implementation. ✓ The minute there is an allegation linked to sexual harassment the alleged offender is suspended and the case is investigated. ✓ It is specialised work for NGOs, certain legal officers, etc.
14.	Commission: What is happening with the department's EE report?	<ul style="list-style-type: none"> ✓ EE plan is being reviewed to bring it in line and it is somewhat old. ✓ Since the drafting of this, there are now promotional levels in line with the OSD that allows district and head offices to have support.
15.	Commission: Where are the women in the FETs?	<ul style="list-style-type: none"> ✓ This belongs to the Department of Higher Education. ✓ The percentages are 40% and 60% respectively. ✓ Issues of transformation are around training and development primarily.
16.	Commission: Where is the employee wellness programme? Is it also in the schools? Please explain.	<ul style="list-style-type: none"> ✓ Wellness is part of the gender forum but not exclusive to it.
17.	Commission: The departmental for gender transformation; R466 000 is not much of a budget (note: the overall budget of the department is about is R3 billion).	<ul style="list-style-type: none"> ✓ The specific budget is little but gender mainstreaming occurs within the department. ✓ The accounting officer saw gender mainstreaming as workshops. ✓ It must be deeper and more meaningful.
18.	Commission: On child care, can the department formulate a policy that looks at how many metres distance from a school that one can identify or place a child care facility? This can reduce absenteeism. It does not have to be a departmental facility but the community can create it.	<ul style="list-style-type: none"> ✓ On child care facilities linked to our teachers. ✓ We have a target of 200,000 for this and have achieved some progress. ✓ The EAP is implemented at all levels.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
19.	Commission: What is wrong with the building and what does the department need to do to correct it?	<ul style="list-style-type: none"> ✓ Access to the building is a problem; no ramps for people in wheelchairs etc. ✓ A new and accessible building is needed.. ✓ This is accepted within the head office but all schools comply with norms and standards.
20.	Commission: Please explain point 2.1.6 of the response.	✓ No response.
21.	Commission: There is a limited understanding of the EE Act. The department with the largest number of employees in the province is problematic for employment equity. This department is not meeting the EE requirements and comply to create EE in the workplace. As a female-dominated department, non-compliance is not understood..	✓ [HoD]: there is much to do and the gaps are being noted for future address.
22.	Commission: Dated documents have been submitted without any supplementary information on the review process. This suggests the department does not take EE seriously enough.	✓ No response to comment.
23.	Commission: Why is wellness paired with gender mainstreaming? These are different issues. Where does wellness fit in?	<ul style="list-style-type: none"> ✓ The budget commits R3 million to run the strategies of the department and the rest goes to schools. ✓ Meagre resources must be maximised.
24.	Commission: Is compliance being pursued with regards to suppliers? Those who provide text books etc. What are the percentages spent on these items and are they gender compliant?	<ul style="list-style-type: none"> ✓ As to women service providers: this information may be made available to the Commission. ✓ The department is mindful of this with contracts and service providers.
25.	Commission: A statement on remuneration and benefits to men and women must be completed. If this has not been done, please do so and submit.	✓ No comment.

5.5. CITY OF JOHANNESBURG

Johannesburg Municipal Manager Trevor Fowler (with occasional assistance from Selaelo Anna Mohajane , Manager: Social Empowerment Programmes): the Municipal Manager took oath. He began by introducing the delegation with him which included the Group Executive Director for Corporate Services, the Manager for Social Empowerment, Group Head of Legal Department and a representative from Organisation Development. The City of Johannesburg presented its top and senior management gender levels in 2013 aggregately represented as 46.9% female. Senior and middle management was aggregated as 44%. Disability statistical representation was cited as 0.4%.

While there is no single Gender Focal Point, gender transformation is mainstreamed across several departments and portfolios. The EE office monitors and evaluates the implementation of equity targets and compiles the reports discussed by the mayoral committees, executive management and the council. The policies it submitted were largely unsigned and undated but included the Employment Equity Plan July 2011-June 2016, Collective Agreement SA Bargaining Council, Labour Relations Policy, Protective Clothing, Gender Policy (in draft), EE Policy, Remuneration Policy, Succession Planning Framework and the Training and Development Policy. Additional unsigned policies included Talent Acquisition, Sexual Harassment and the Employee Wellness Programme policy. These policies were implemented and monitored through Employment Equity Structures, Gender Focal Points, the appointment of a Gender Mainstreaming Specialist and a senior manager responsible for EE. In addition, a women empowerment strategy was adopted and approved by Council, a Section 79 committee responsible for Gender, Youth Development and Disability management has been established to play an oversight role, ensuring that Mayoral Committee resolutions are implemented. On the matter of supporting empowerment, the City of Johannesburg indicated that although it has no childcare facilities, it has flexitime allowances and supports the career development of women through learning and educational platforms and women comprise 50% of leadership programme investments. Targets have yet to be met, particularly in the employment of disabled persons, as well as the realization of a dedicated budget for women empowerment and a clear sexual harassment policy implementation process.

5.5.1 SUBMISSIONS AND TESTIMONY ACCORDING TO STANDARD REVIEW QUESTIONS: CITY OF JOHANNESBURG

According to the presenter, some of the written replies were in draft form and corrected in presentation (“There might be contradictions between the written submission and testimony” owing to this). He replied to EE and transformation in terms of standard review questions (see below) but did not take these in the given order.

Note: the City of Johannesburg was served with a notice to appear as they did not show any intention of responding to the invitation.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Yes <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: CoJ has EE plan valid from July 2011 to June 2016. ✓ The EE structures have been established and they are fully functional. 	<ul style="list-style-type: none"> ✓ There is an Employment Equity Plan July 2011 - June 2016 in the submission but no signatures on it. ✓ There was a 2011 report on the analysis of policies for EE compliance by the City of Johannesburg.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Top management and Senior Management: as of 31/12/2012 = 53.1% male/46.9% female ✓ Disability as of 30/06/2012 = 0.4% <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The target for 2012/2013 is 50/50. ✓ The 2011-2012 target was 53.1% male and 46.9% female. ✓ The City underwent restructuring and recruited staff into positions. Targets were achieved by the end of the financial year. ✓ In March 2013, senior and middle management is now 44% female and 56% male. ✓ Disability achievement is only 0.4%; quite low. 	<ul style="list-style-type: none"> ✓ <i>Detailed data not provided in submission; only percentages</i> ✓ Weak performance on disability. ✓ Acronyms were provided in presentation that were never defined.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	<p>What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ EE Office is monitoring and evaluation implementation of EE targets including gender and PWD targets on a quarterly basis. ✓ The EE office compiles the reports to be discussed by the executive management team, local labour forum, Mayoral Committee and the Council. ✓ EE status report is compiled and submitted to Department of Labour annually. ✓ The request to fill vacancies is monitored and evaluated by the EE Office to ensure that the gender targets are met. ✓ The EE structures have been established and they are fully functional. ✓ The Gender Focal Points have been established. ✓ The Gender Mainstreaming Specialist has been appointed. ✓ The senior manager responsible for EE has been appointed. ✓ The women empowerment strategy was adopted and approved by Council. ✓ The Section 79 committee responsible for Gender, Youth Development and Disability management has been established to play an oversight role and to ensure that the EE Mayoral Committee resolutions get implemented. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ EE structures ranging from the CEEF the DEEFs and LEEF operating in the 	<ul style="list-style-type: none"> ✓ The senior manager for employment equity was appointed on 12 September 2012.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ There is no single champion. ✓ The work that supports the mandate of gender transformation currently resides in different portfolios across several departments. ✓ The Gender Mainstreaming function was intended to coordinate and consolidate the work around gender transformation in the City. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The achievement of the EE targets is part of all heads of departments' performance scorecards with effect this financial year. ✓ The Group Executive Corporate Services has the function of coordinating and implementing the plan. ✓ Each department head appoints an EE management executive. ✓ Gender focal points are in departments ✓ A gender mainstreaming specialist has been appointed for overall coordination. ✓ A dedicated Council committee (Sec 79) focuses on youth, gender and disability management in the City. ✓ MMC for Corporate Services champions Employment 	<ul style="list-style-type: none"> ✓ Submission differs from testimony. ✓ The City Manager said that this would be the case and the testimony improves upon the accuracy of the submission.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ In terms of Group Corporate and Shared Services, both the officials responsible for Employment Equity and Gender Mainstreaming have scorecards. ✓ KPIs related to gender transformation are on the scorecards of Deputy Director, Director/Unit Head and ultimately Group/Executive Head. ✓ All HoDs have a KPW on EE with clear targets and baselines per department including gender and PWD targets. ✓ This seems to be outreach: we have a women development strategy for the City adopted in 2007 and it gets reviewed every 2.5 years. It reduces poverty and improves economic status through the development of skills. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: the achievement of EE targets is part of all HoDs' performance scorecards with effect from this financial year. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The Group Executive Director has been appointed as Senior Manager EE. ✓ Two members of Mayor Committee responsible for Social Development and Corporate and Shared Services. ✓ The Speaker of the Council is also a custodian of the Section 79 Committees responsible for gender, youth development and women empowerment. ✓ The GFPs have been established, the gender mainstreaming specialist and Deputy Director. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ A women's development strategy has been approved by Council. ✓ MMC: the Political Head of Social Development Department is in charge of gender transformation with the requisite budget to focus externally in cooperation with internal goals. ✓ Panel discussions, newsletters and various learning and education platforms raise awareness. 	<ul style="list-style-type: none"> ✓ There was no clarity on the actual budget.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
7	<p>What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ EE Office is monitoring and evaluating the implementation of EE targets including gender and people with disability targets on a quarterly basis. ✓ The EE Office compiles the reports to be discussed by the Executive Management Team, local Labour Forum, Mayoral Committee and Council. ✓ The EE status report is compiled and submitted to DoL annually. ✓ The request to fill vacancies is monitored and evaluated by EE office to ensure the gender targets are met. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	
8	<p>Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The request to fill vacancies is monitored and evaluated by the EE office to ensure that gender targets are met. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ EE Office monitors and evaluates gender targets to ensure they are met. ✓ Recruitment systems emphasises people with disabilities. ✓ Restructuring of the City allowed the recruitment of targeted groups into positions to achieve targets. 	<ul style="list-style-type: none"> ✓ Gender targets met but not disability.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ There are no specific capacity building programmes targeting women <i>per se</i>. ✓ There have been tentative discussions with the City's OC Directorate, in their capacity as custodians of the Organisational Capacitation function in the City of Johannesburg, on the possibility of developing a specific learning programme for women, but this is still at the early stages of discussion. ✓ Leadership courses are being delivered through the Wits Business School; a 50/50 gender target for recruitment and placement on the courses is applied. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The Women Empowerment strategy was adopted and approved by Council. ✓ There is a disability policy from 2009. ✓ Council services are accessible to PWDS: housing and accommodation etc. 	<ul style="list-style-type: none"> ✓ Submission differs from testimony. ✓ The City Manager said that this would be the case and that testimony would improve upon the accuracy of the submission. ✓ Addressing PWDS is the weakest area in terms of submission and testimony.
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The City has a flexi-time policy that allows employees including women to work at home. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Flexitime. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ There has been a range of learning and educational platforms (debates, campaigns, panel discussions, newsletters) that have been used to raise awareness about a range of gender related themes, both for the employee community and community members. These have been delivered in partnership with local and national civil society organisations. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above. 	
12	<p>Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these polices, what explains this?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The City has a draft Gender and Sexual Harassment Policy ✓ It is not known why it has not been approved <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a new Sexual Harassment Policy and Council resolutions; it is being revised to cover the entire City. 	<ul style="list-style-type: none"> ✓ In draft; not approved according to submission ✓ According to testimony it is in revision to cover the entire city

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ See submissions to the right based on an analysis. <p>Testimony:</p> <p>Policies on:</p> <ul style="list-style-type: none"> ✓ Employee Wellness ✓ HIV-AIDS ✓ Succession Planning ✓ Sexual Harassment ✓ Discipline, Code of Good Practice and Protective Clothing ✓ All policies were reviewed by independent reviewer in 2011. <p>✓</p>	<p>Submitted were:</p> <ul style="list-style-type: none"> ✓ Report on the Analysis of Policies for Employment Equity Compliance (2011) ✓ Employment Equity Plan July 2011-June 2016 (no signatures) ✓ Disciplinary Procedure and Code: Collective Agreement SA Bargaining Council - 23 pages, initialled ✓ City of Johannesburg Labour Relations Policy: not signed, stamped or dated ✓ Protective Clothing: signed and adopted 7 June 2006 ✓ Gender Policy (draft) ✓ EE Policy - Final: dated 12.12.08. No signatures. ✓ Remuneration Policy: dated 12.12.08. No signatures. ✓ Succession Planning Framework: dated 12.12.08. No signatures. ✓ Training and Development Policy: dated 12.12.08. No signatures. ✓ Talent Acquisition: dated 12.12.08. No signatures. ✓ Sexual Harassment: dated 12.12.08. No

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCCESSSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Relevant policies ✓ Employment Equity Plan ✓ Regular gender campaigns ✓ Gender audit in 2008, which motivated for the creation of the GM portfolio, gender forum, amongst others. <p>Challenges</p> <ul style="list-style-type: none"> ✓ The separation of the external and internal focus in terms of the gender transformation work has impacted on the City's ability to consolidate better around this work. ✓ This model gives rise to possible issues of running parallel processes that can compartmentalise the work. 	
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ Capacitation of Gender Mainstreaming, Youth Development, Women Development, Employment Equity, Diversity Management and Disability Management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Gender mainstreaming in our City. ✓ Diversity management and especially recruitment of PWDS. 	<ul style="list-style-type: none"> ✓ There is a Disability Policy from 2009 but little movement; this is the biggest challenge.

5.5.2 CGE PANEL QUESTIONS/COMMENTS ON PRESENTATION: CITY OF

JOHANNESBURG

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: The Commission offered thanks to the City of Johannesburg for the vision in the presentation.	✓ No comment
2	Commission: 44% female/ 56% male: what is the plan to achieve 50% and by when?	<ul style="list-style-type: none"> ✓ About achieving 50% for women: restructuring and many people on fixed contracts. ✓ Owing to an outstanding court case from 2006 through central bargaining with SALGA, many employees had to be made permanent who previously contract staff. This slowed transformation and the achievement of the 50% target. ✓ Equity is being addressed through attrition and this strategy is being re-examined.
3	Commission: On GFPs, they do gender, youth and disability as one portfolio. They struggle to really implement in their day to day work.	✓ GFPs report to the heads of departments who can monitor implementation [note: this is not correct. There were no GFPs appointed.]
4	Commission: On policies, please submit the departmental Sexual Harassment Policy.	✓ No comment
5	Commission: In terms of other structures in local government, is there a target of 50/50 for others not directly in the work space (referring to service providers)?	<ul style="list-style-type: none"> ✓ A policy is being revised to reflect company ownership. ✓ These entities had their own policies over the last 20 years and now this is being changed. They were a law unto themselves. ✓ About 24 policies have been through review processes.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
6	<p>Commission: Are there specific learning programmes for women; what are they?</p>	<ul style="list-style-type: none"> ✓ Empowerment programmes including leadership development. 16 females and 19 males trained. ✓ Management development has occurred. 18 females have been for training and about the same number of men. ✓ A memorandum of understanding has been signed with Wits and the University of Johannesburg to implement longer-term programmes—about seven of them—including leadership development especially for women. ✓ Other programmes are being crafted.
7	<p>Commission: Please send us Council resolutions so we see they are approved.</p>	<ul style="list-style-type: none"> ✓ No comment.
8	<p>Commission: On housing designs for the disabled, how is this known and do people have to ask about it?</p>	<ul style="list-style-type: none"> ✓ On housing design: it has not been well advertised. It needs to be advertised it more. ✓ The City is looking at designing housing and environment to accommodate PWD and safety including lighting and other issues.
9	<p>Commission: The disability representation is 0.4%, is that rectified now?</p>	<ul style="list-style-type: none"> ✓ Those are the correct stats on disability and the City requests assistance so that people with disabilities are attracted to work for the City. ✓ Efforts to meet targets are being made. A database on people with disabilities is being compiled. ✓ By working closely with groups on disabilities the objectives can be reached but now they are not.
10	<p>Commission: What is the level of the GFP and how many?</p>	<ul style="list-style-type: none"> ✓ <i>[This was skipped. The Commissioners posed many questions at one time and then the respondent replied sometimes missing some, but it is repeated below.]</i>

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
11	Commission: In terms of KPIs on EE: how are targets for senior managers set and how are targets monitored?	<ul style="list-style-type: none"> ✓ The targets for HoDs are in the Development Plan for the City of Johannesburg. ✓ Set targets are pursued. ✓ There are monitoring mechanisms such as HoD score sheets.
12	Commission: On sexual harassment policy, this is not approved. This is a draft policy. Is this new policy or a revision of what existed before?	<ul style="list-style-type: none"> ✓ Sexual harassment policy: there are 19 departments and 15 companies. The City is being restructured so that all departments respond to policy.
13	Commission: In 2011, an analysis was done of all the policies. Were the recommendations implemented to bring policies in line?	<ul style="list-style-type: none"> ✓ In the separation of powers model, policies must go through a process. ✓ The City had an agreement with Council where ward committees fall under the Speaker. ✓ Ward committee policies are not known to the presenter but they are affected by an election process. ✓ People must elect on a 50/50 ticket and this owes to national legislation.
14.	Commission: On page 7 of the report there is a group on sexual harassment that made recommendations. Please comment on what they said.	<ul style="list-style-type: none"> ✓ Recommendations from the service provider to the City have been reviewed and have been or are being incorporated into the City. ✓ The City is working to improve the stats and there is still a bit of work but all the recommendations are being incorporated.
15.	Commission: On the women development strategy: what are the methods? Looking at the proposed measures, can universal access to learning be provided? Why is access to land not included in the women's development strategy?	<ul style="list-style-type: none"> ✓ On why land is not included in the women's development strategy, only an indirect answer can be offered; Johannesburg is a very urban environment surrounded by three metros and major cities. ✓ Transference of title deeds has empowered people, RDP houses once valued at 60,000 are now valued at 200,000 in Soweto. ✓ Women-headed households are affirmed in title deed programmes.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
16.	Commission: Is there a barometer for feedback from the City to measure the levels of trust in service provision?	<ul style="list-style-type: none"> ✓ Every two years the City conducts a survey to measure levels of trust with regard to service delivery and partnerships with other institutions in Gauteng are used.
17	Commission: City of Johannesburg was subpoenaed and they only responded on Friday. Documents were submitted yesterday.	<ul style="list-style-type: none"> ✓ No direct response to this (also repeated below).
18	Commission: What level are the GFPs? Where are they placed in the hierarchy of the City? Does the City have disability focal points too?	<ul style="list-style-type: none"> ✓ Director and Deputy Director.
19	Commission: What about strategies: what amount is budgeted in the strategy to empower women or otherwise what are the City's plans?	<ul style="list-style-type: none"> ✓ On the budget, the Department of Social Development inside the City addresses women development strategy, youth development and people with disabilities. ✓ This is a new major flagship programme established in the past year with a budget. ✓ The City addresses poverty in terms of funds set aside to help feed people; this is part of social services. ✓ The City ensures the poor and marginalised can take part in these services including women in households and the marginalised.
20	Commission: The City needed to be subpoenaed. Why is that? When will the sexual harassment policy be available? How can women be recruited if there is sexual harassment? Has the City had any cases of sexual harassment?	<ul style="list-style-type: none"> ✓ On rape and domestic violence: this is a key and a ward-based approach to delivery is being developed. There is a national health insurance programme that will diagnose health conditions in communities and wards. Profiles on people are obtained and women are at risk when they go to communities to do this work. ✓ Women staff members in emergency management are also at risk and this recommendation is taken seriously. ✓ There is a sexual harassment policy and there is no vacuum. ✓ The policy is being extended to the whole organisation for the entities that were not part of this before.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
21	Commission: The City struggles with issues of domestic violence and rape. Please highlight this. Is a way to address this budgeted for? It goes with peace and security for women. Can this enter into the strategy? Can the City help build awareness on where to report and what to do? Is there a possibility of the City addressing this?	<ul style="list-style-type: none"> ✓ It is a huge part of a multipronged strategy. ✓ The City has been examining this in a major way; a safety strategy is being generated and this is a ward-based programme that brings departments and forces together to work at ward level.
22	Commission: If you go to City of Johannesburg it takes a huge amount of time to get anything done. You get a number and stand in a queue and sometimes people have to leave before they ever reach the front. One sits for a very long time. And this has an effect on women who must fetch their children etc.	<ul style="list-style-type: none"> ✓ The City has a customer-centric approach that it is rolling out for the delivery of services. ✓ The pilot is in the Randburg area and worked in improving customer service; it will be rolled out across the City. ✓ For instance, queue marshals direct people and this helps reduce the problem. ✓ 90% of queries are resolved within 90 days now but the City wants to reduce this to 30 days.
23	Commission: In terms of offering a service to disabled people, disabled people need bursaries. If such people are inside the system, a group of disabled people that work with the City can be built.	<ul style="list-style-type: none"> ✓ The City provides bursaries and calls people to apply but more can be done to make them available to PWD.
24	Commission: As the municipality, you can have forums of disabled people in the wards that can liaise with the City of Johannesburg.	<ul style="list-style-type: none"> ✓ No comment.
25	AHOD-Legal: On your Section 19 analysis, the City is expected to discuss this with the workforce by EE forums or other vehicles in order to get data on how to address EE problems in the workplace. This is a requirement in terms of the act. Has this exercise been conducted?	<ul style="list-style-type: none"> ✓ Local forums and subcommittees deal with EE matters. ✓ The central one is the EE forum and there are public engagements. ✓ It is a clear part of the agenda.

5.6 MIDVAAL MUNICIPALITY

Municipal Manager Midvaal: Mr Albert De Klerk and Assistant Director for Human Resources: L. B. Mothunjane.

Midvaal Municipality is a small municipality. Its gender composition from a 0% baseline four years ago is 12.5% women at top management level, 37.5% women at senior level, and 37.1% women at middle management level. Due to limited resources, the municipal manager was cited as the person responsible for equity rather than a gender focal person. Gender equity was included on a scorecard for managers and they were appraised on their ability to meet the targets set for them. The following

policies were submitted, but most were unsigned and undated: Disciplinary Procedure (2010), EE Plan, Sexual Harassment Policy, Recruitment Policy, Promotion Policy, Safety Policy, Succession Planning, Training and Development Policy, EAP policy, Retirement Policy (said to have been reviewed and adopted) Dress Code Policy for Safety Clothing and a HIV and AIDS Workplace Strategy. In terms of implementing gender empowerment, the municipality's limited resources only permitted coaching and mentoring. Recruitment targets for women in technical fields were being pursued.

5.6.1 SUBMISSIONS AND TESTIMONY ACCORDING TO STANDARD REVIEW QUESTIONS: MIDVAAL MUNICIPALITY

Note: this presentation occurred late in the day and did not really address all the questions well; the speaker went through the presentation very quickly and skipped some questions; the Commissioners addressed some gaps through questioning further below.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	Testimony: <ul style="list-style-type: none"> ✓ There is a draft EE plan. ✓ No dedicated official for this role. 	<ul style="list-style-type: none"> ✓ EE Plan appears to be in draft and is not signed. ✓ Establishment of EE Forum is in Appendix 6, Annexure D.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Women representation in senior and top management positions are aligned to the national demographics and employment equity targets set for these occupational levels. <p>Testimony on top management:</p> <ul style="list-style-type: none"> ✓ The equity plan has 8 people in top management among which there is 1 White female (12.5%) ✓ Of the 7 men, 2 are African and 5 White. <p>Testimony on senior management:</p> <ul style="list-style-type: none"> ✓ Men: 3 Africans; 7 White. ✓ Women: 2 African; 4 White. ✓ 6 of 16 = 41% women [this is actually 37.5% but the presenter used the figure 41%]. ✓ 41.2% women represented at senior management but less than 20% four years ago. <p>Testimony on middle management:</p> <ul style="list-style-type: none"> ✓ Middle management is 99 people and "it looks better here" ✓ 37.1% women representation in middle management. 	<ul style="list-style-type: none"> ✓ Female composition in top management is not compliant: 1 White female. ✓ The statistics were not well presented and not all statistics seem to support statements.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Testimony:</p> <ul style="list-style-type: none"> ✓ Gender Equality Bill is recognised by the local municipality. ✓ Significant progress has been made but there are inequalities in structures and attitudes. ✓ Women representation is part of integrated procedures and processes including skills building. 	<ul style="list-style-type: none"> ✓ Very few measures in place
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Municipal Manager (Mr Albert De Klerk) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Municipal Manager (Mr Albert De Klerk) ✓ The Municipal Manager must take responsibility for gender equity because there is no money for a GFP or programmes. 	<ul style="list-style-type: none"> ✓ The Municipal Manager was the presenter. ✓ The finding of the Commission was that the municipality does not have a gender focal person and needs to appoint one or more.
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes 	<ul style="list-style-type: none"> ✓ No reasons provided for 'Yes' response in either submission or testimony.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Employment Equity Plan 01 July 2011 - 30 June 2013: Appendix 6, Annexure A. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There are training programmes and coaches and mentors. ✓ R700 million is the entire budget for all service delivery: refuse removal and everything else. ✓ If money is left after service delivery it can go to gender equity. 	<ul style="list-style-type: none"> ✓ Very little money in entire municipal budget ✓ Nothing budgeted for gender transformation
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?	<p>Testimony:</p> <ul style="list-style-type: none"> ✓ Pool of skills is not significant ✓ The municipality is working to identify women for technical positions like electricians and fire fighters. 	<ul style="list-style-type: none"> ✓ Programmes are discussed in future tense indicating few systems in place if any. ✓ There are no tracking systems and this is a small municipality.
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: women representation is aligned to the national demographics and equity targets set by the municipality for these occupational levels. 	<ul style="list-style-type: none"> ✓ No testimony

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Midvaal Local Municipality is currently training officials to become mentors and coaches to enable them to assist in this regard. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Not addressed in testimony. 	<ul style="list-style-type: none"> ✓ Not addressed well in the submission or presentation. ✓ All indications are that little is being done for the disabled in this regard based on comments, especially those concerning the budget and 'planned' activities.
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No: the institution currently does not have the necessary resources to support this initiative. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Not addressed in testimony. 	
11	What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The intention is to cover these items in the Human Resources Road Show Programme that is conducted annually with all employees. This year's programme will commence in April 2013. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Road Shows Planned for April 2013. 	<ul style="list-style-type: none"> ✓ The submission speaks of intention rather than steps already taken.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Appendix 6, Annexure B: Sexual Harassment Policy (a new policy to be adopted by Council during March 2013 and to be communicated to employees during April 2013). ✓ The institution does not have a gender discrimination policy. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a Sexual Harassment Policy recently drafted that did not exist previously. 	<ul style="list-style-type: none"> ✓ Very new sexual harassment policy. ✓ No indication that this was signed or approved.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table)</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Employment Equity Plan, 01 Jul 2011—30 June 2013: Annexure A ✓ Sexual Harassment Policy: Annexure B ✓ Recruitment and Selection Policy: Annexure C ✓ Minutes of Midvaal Local Labour Forum: establishment of Employment Equity Forum: Annexure D ✓ Promotion and Remuneration Policy: Annexure E ✓ Collective bargaining Agreement SALGBC: [Annexure F was empty] ✓ Occupational Health and Safety Policy: Annexure G ✓ Training and Development Policy: Annexure H ✓ Succession Planning/ Career Pathing: Annexure I ✓ EAP Policy: Annexure J ✓ Retirement Policy: Annexure K ✓ Dress Code Policy given as Uniform and Protective Clothing Policy: Annexure L ✓ HIV/AIDS Policy: Annexure M ✓ Disciplinary and Grievance Procedure: Annexure N ✓ Proof of Submission: 	<p>Status of Submissions</p> <p>Approved and signed:</p> <ul style="list-style-type: none"> ✓ Disciplinary Procedure and Code as Collective Agreement with union: signed 21 April 2010 <p>Unsigned and many undated:</p> <ul style="list-style-type: none"> ✓ EE Plan ✓ Sexual Harassment Policy ✓ Recruitment Policy: not signed ✓ Promotion Policy ✓ Safety Policy ✓ Succession Planning ✓ Training and Development Policy ✓ EAP policy ✓ Retirement Policy (said to have been reviewed and adopted; this copy not signed) ✓ Dress Code Policy (given for Safety Clothing) ✓ HIV and AIDS Workplace Strategy

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCCESSSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ 41.2% women representation at senior management level ✓ 37.1% women representation at middle management level ✓ Identification of women for technical positions ✓ Appointment of women general workers within the Purification Works sections. 	<ul style="list-style-type: none"> ✓ The figures given for success are low.
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ Empower EE Committee members through training. 	

5.6.2 CGE PANEL QUESTIONS/COMMENTS ON PRESENTATION BY MIDVAAL MUNICIPALITY

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: It was a very short presentation but maybe this goes with the size of the municipality.	<ul style="list-style-type: none"> ✓ Midvaal is a sleeping town; people come in to stay from their working areas.
2	Commission: At another hearing, it was said that rural areas did not attract women because they had no shopping malls. What are the municipality's plans for recruitment and incentives to reach targets and the progression/retention plan once recruited?	<ul style="list-style-type: none"> ✓ The recruitment of women is on the plans and there is a reward to HoDs in terms of their scorecards. ✓ Annual revisions are based on the IDP of the Council. ✓ Midvaal does not compare to Johannesburg. It has a smaller resource pool and there might be a better reward for working elsewhere.
3	Commission: How practical is it to share responsibility for gender equity? The Commission appreciates Midvaal's environment is smaller.	<ul style="list-style-type: none"> ✓ The HoD can prepare budgets and make requests. Such was made for 16 more people for basic delivery and this was turned down.
4	Commission: Have any cases been reported in terms of sexual harassment?	<ul style="list-style-type: none"> ✓ No cases at this stage.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
5	Commission: The size of the municipality is smaller but sometimes it is easier if the municipality is smaller.	<ul style="list-style-type: none"> ✓ No comment on this.
6	Commission: All historically disadvantaged people must be considered in the skills balance.	<ul style="list-style-type: none"> ✓ Just outside of Midvaal there are Coloured and Indian communities respectively. ✓ Section 19 stats showed Midvaal people were maybe 35% of the staff. ✓ Internal scorecards try to get us to recruit locally. This helps the municipality and women by getting residents of Midvaal. Local representation is now close to 70%. Women were recruited by focusing on the locality. Some even sacrifice salary.
7	Commission: What is the municipality doing in terms of disability and what are the numbers?	<ul style="list-style-type: none"> ✓ Previously disadvantaged staff: there is a visually impaired person on the staff. ✓ A recent retiree was a driver and disabled (he had one arm). Due to an insurance problem, he was placed on early retirement.
8	Commission: Do contracts include any statement on gender?	<ul style="list-style-type: none"> ✓ The performance contracts do deal with gender equity and also sectional heads too. They were evaluated from Level Six upwards on a scorecard that includes gender equity.
9	Commission: Flexi-time is possible within the budget that you have; people work exactly the same number of hours. So it can be done within any budget. Please comment.	<ul style="list-style-type: none"> ✓ On flexi-time: I have looked to presentations where they can do this in a simple environment but in our situation, it is limited as we work within specific hours.
10	Commission: Does the council plan to have a GFP person now?	<ul style="list-style-type: none"> ✓ It does take a dedicated person and I need to get this approved by Council and there is no such spot approved by Council.
11	Commission: On sexual harassment: this is a requirement in law. The expectations of you are the same even if you are a small municipality.	<ul style="list-style-type: none"> ✓ Sexual Harassment Policy: we do not have any cases at this stage. We deal with them in terms of the disciplinary code.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
12	Commission: As a small municipality, there is still no excuse for non-delivery.	<ul style="list-style-type: none"> ✓ Average turnaround time in a queue is five minutes.
13	Commission: Will the municipality put measures in there so that a greater gender balance is attained? Change is easier in a smaller group but what are the plans? Is there a plan in place to reach 50/50? Is there a 50/50 policy and is it being adhered to ?	<ul style="list-style-type: none"> ✓ Council has not approved a specific 50/50 policy. ✓ See the hard copies in 'Senior Management': if you pull the stats, no women in senior management a few years ago and so the change has been significant even if you do not see it in the stats. ✓ We are on a successful campaign with an emphasis on women.
14.	Commission: On flexitime, if you recruit locally it affects a woman differently than a male because of household commitments. Maybe you can apply it to some. When you recruit women, you need an environment conducive to retaining them. This can be an issue for certain women in the workplace.	<ul style="list-style-type: none"> ✓ There is no public transport system. ✓ The average time for a resident, walking plus transport, is 20 minutes. So we all knock off in afternoons and come in early. ✓ We have a short Friday every month that allows people to go to take care of business during the day. ✓ We have realised that the Head of Traffic relocated to us from Ekurhuleni, and the question we struggle with is travelling.
16.	Commission: The municipality is compliant in some ways with gaps here and there especially with disability. Next time the Commission conducts hearings with Midvaal, it would like better results.	<ul style="list-style-type: none"> ✓ It takes 6-8 months to bring policy through Council for approval.

6. Process and participants: Day 2: Submissions, questions and comments

6.1 DEPARTMENT OF INFRASTRUCTURE DEVELOPMENT

Note that the Department of Infrastructure (DID) was issued with a notice to appear (subpoena), but still did not send any response or documents.

Mr Bethuel Netshiswinzhe, Head of DID, Gauteng took the oath. He was requested to address the Commission on the Department not responding to the notice as well as failure to submit documents.

Mr Netshiswinzhe: "My humble apologies. We might have missed something and we did not make the submission on time and only brought the presentation this morning. I will not make the excuse that I am new to the Department but will just say there was some miscommunication between myself and the Secretariat and we did not make the presentation available in time".

The Commission acknowledged the HoD's response and requested an adjournment to discuss the way forward. It was put on them that on 5th of March a subpoena was served and there was no response. They also took into account that the HoD was new to the department, but that they cannot engage with them as no documents were before them. The department was excused from presenting on that day and was reminded that they will be called again on another date.

The department was called again for secondary hearings which appear hereunder.

6.2 ESKOM

The company was served with a notice to appear as the CEO did not respond to the invitation on time.

Human Resources Executive B Bulunga took the oath; also present but not taking the oath was Senior Manager: Human Resources, Ms E Pule; Nerina Otto: Senior Manager, Legal Department; Gwen Esacala: Governance and Compliance Manager; N John (HR). Mr Balunga took the podium. Responding to the question on the whereabouts of the CEO, they told the Commission that the CEO could not come; hence they had submitted their letter of delegation in writing. They cited some difficulty with the latest development of the organisation and that they had had to change all of their plans as ESKOM and have national urgent meetings.

ESKOM has about 42,000 employees and therefore the context of gender is a big number. Eskom is 90 years old this year and provides electricity in every town and province. It has 15 large power stations; the largest is in Mpumalanga but there are others in Limpopo, Gauteng and elsewhere. The issue at hand is in the context that as a state entity, their policies and procedures are in line with SA laws and the Constitution.

ESKOM, the parastatal electricity service provider, employs 42,000 people. Its composition is not defined in terms of 50/50 but in economically active population percentages. At the end of 2012, top management was 23% women. At senior managerial level, women comprised 31%. At senior and top management, the disabled were represented in 0.88% of posts. The ESKOM committee is a equity and skills governance structure that serves as a forum in which the strategic direction of the parastatal goes in the areas of race, gender and disability. While this committee is informed by human resources data that tracks hiring and promotions, it forms the basis for scorecard discussions,

the quarterly governance committee's transformation agenda and Department of Labour reporting obligations. Its deliberations inform the performance contracts given to top and senior managers and the corporate plan. All the required policies were available but it was claimed that they were under review at the time of the Commission for Gender Equality' inquest. The policy framework included Equity, Resourcing Policy serving as a Recruitment and Selection Policy, a Disciplinary and Grievance Procedure, a Code of Ethics: induction presentation, Safety Rules Enforcement, Human Resources Development Policy, Health and Wellness, HIV/AIDS in the Workplace Policy, Talent Succession and Career Management Procedure, a draft policy to guide retention, Exit Management procedures or retirement planning, Sexual Harassment procedures, and a Remuneration and Benefits Policy.

Internally, the women's Legotla with 3 pillars: work/life balance; mentoring and coaching; and self-development and the CEO's Women's Programme, where women in the science disciplines are recruited to complete Master's Degrees through Warwick University, form the basis of a women's empowerment strategy. Recruitment now includes gender targeting. However, wage differentials were acknowledged, but this was ascribed to the retention of technical skills. The retention strategy and remuneration, flexi-time, child care facilities, gender budgeting for women's development and women friendly protective clothing were cited as areas of further development. In addition, the appropriate 50/50 target setting was raised as the appropriate target, and not the percentage of economically active workforce as currently set.

6.2.1 SUBMISSIONS AND TESTIMONY ACCORDING TO THE ORIGINAL STANDARD REVIEW QUESTIONS: ESKOM

[Note: The speaker did not follow the standard review order but presented in her own way.]

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	<p>In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Yes ✓ The plan is based on demographics of economically active population (EAP). ✓ EAP targets would have 39.20 African male; 34.20% African female; 6.10% Coloured male; 5.20% Coloured female; 1.9% Indian male; 1.10% Indian female; 6.7% White male; 5.5% White female <p>Testimony:</p> <ul style="list-style-type: none"> ✓ 32% female ✓ Employment Equity Sensitive Recruitment is used. ✓ EE committees, organised labour and disability forums provide data and recommendations for the strategy. 	<ul style="list-style-type: none"> ✓ EE Plan 01 Dec 2010-30 March 2013 was submitted (nearly expired but signed). ✓ Targets are based on active working population rather than 50/50 representation and this can disguise the actual situation.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission (in terms of EAP targets as above)</p> <p>Top management (end Dec 2012):</p> <ul style="list-style-type: none"> ✓ 26 males; 8 females (34 total) ✓ 0 disabled (0%) <p>Senior management (end Dec 2012):</p> <ul style="list-style-type: none"> ✓ 300 males; 137 females ✓ Disabled: 3 white males; 1 white female (0.88%) <p>Testimony:</p> <ul style="list-style-type: none"> ✓ 25% top and 27% senior. ✓ 2.6% overall at disability (this is at all levels). ✓ After years of investment (it takes 10 years to become technical operators). ✓ It takes a while to develop skills. ✓ Women leaders head main line businesses: example – there is one woman with 10 000 plus employees. ✓ There are major women managers who have huge responsibilities. Some have budgets for build programmes of R328 billion for example. 	<ul style="list-style-type: none"> ✓ The actual performance is very poor but this emerges slowly in terms of the presentation style. ✓ The disability figure was given for all levels instead of for top and senior management during testimony but during questioning (further below) it was identified that disability is 0.88% in top management. ✓ Poor performance partly attributed to the skills requirements (see testimony).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	<p>What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The gender equity target has been included on the scorecard for the 2012/2013 financial year: a performance indicator at organisational level against which managers are measured. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ It is in scorecards and performance management system to create gender and racial equality. ✓ EE committees, organised labour and disability forums provide data and recommendations for the strategy. ✓ Challenges in retaining staff. From 2010 a new strategy on employment equity was launched to make it sustainable. Attempts were made to eliminate barriers to women and people with disabilities. Power stations were built for men only. Much has been done in terms of transformation. 	<ul style="list-style-type: none"> ✓ Challenges in terms of retaining women staff members cited especially at power stations.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ General Manager, HR Centre of Excellence ✓ Senior Manager, Operations and Maintenance ✓ Senior Manager, Works Planning and Centralised Services ✓ Senior Manager, Kendal Power Station Manager <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There are transformation governance structures and an Eskom Transformation Committee where race, gender and disability are discussed and these members of the committee help contribute to strategy. 	<ul style="list-style-type: none"> ✓ A senior manager was assigned to Employment Equity, 22 October 2012; a letter was submitted. ✓ Letters for all four appointments to the left were submitted (all 22 Oct 2012).
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Performance contracts for top and senior managers include gender and race transformation targets in line with the organisation corporate plan. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Not covered. 	<ul style="list-style-type: none"> ✓ The testimony did not follow the order of the standard review questions but was based on a PowerPoint with its own order producing some gaps.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	<p>What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Programmes to develop supervisors and managers across all races and sexes. ✓ Women in Leadership: a new initiative to train women for leadership positions (for 2013/2014 financial year). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a focus on training and development policy and the gender budget is ring fenced. 	<ul style="list-style-type: none"> ✓ The total budget for training could not be stated during testimony but appears to be very little for an organisation as large as ESKOM. ✓ Specific statements on the programmes in place (not planned) and the spend could not be located.
7	<p>What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Employment Equity and Skill Development Committee monitors. ✓ Human Resources Dashboard can track hiring and promotions. ✓ The above scorecard is also discussed by top and senior managers in executive committee meetings (each division has its own dashboard). ✓ The People and Governance Committee sits on a quarterly basis and has the transformation agenda at all meetings. ✓ ESKOM submits on an annual basis its EE Report to the Department of Labour. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Not covered in testimony 	<ul style="list-style-type: none"> ✓ The presentation and submission were eloquent but results not really seen. Women and those with disabilities are poorly represented in senior and top management and the mechanisms are not working to change this very quickly.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No specific strategy. ✓ ESKOM's resourcing policy (in which recruitment is included) is governed and informed by the Employment Equity Act. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a focus on youth employment and a pipeline has been created that includes females and youth with disabilities. There has been a concerted effort to advance women and PWDs and keeping women at remote sites is a big focus and challenge. 	<ul style="list-style-type: none"> ✓ No specific strategies or initiatives identified with a specific focus on the recruitment of men and women with disabilities.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	<p>Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Women's Legotla, with 3 pillars: work/life balance; mentoring and coaching; and self-development. ✓ The CEO Women's Programme, where women in the science disciplines are recruited to complete Master's degrees in engineering through Warwick University. ✓ Women in Leadership—a new initiative. ✓ EE Implementation Strategy aimed at attracting and retaining people with disabilities. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is a focus on training and development policy. The gender component of the budget is ring fenced. ✓ There is a very generous further study programme where the ambitious can reach for the sky. ✓ Female employees have been sent around the world to study. Opportunities are created quite deliberately. ✓ Participation in schools: sponsoring salaries for teachers in maths and science and they top the list for matriculants 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No: no child care policy <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Working conditions make things easier for all employees. There is flexi time, compressed working hours, telecommunications, working a portion of time from home and a robust employee assistance programme that is outsourced. ✓ There are wellness programmes and even roadside assistance for employees. ✓ Help is provided for working mothers through the EAAP programme. ✓ Offer good maternity leave. Employees can accumulate leave or take a portion of it. 	<ul style="list-style-type: none"> ✓ Flexi-time is provided. ✓ Child care facilities are rare and there is no policy on it.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The important role that women, both within Eskom and in wider communities, play is recognised and supported by Eskom's leadership. ✓ Women's Legotla with 3 pillars: work/life balance; mentoring and coaching; and self-development. ✓ The CEO Women's Programme, where women in the science disciplines are recruited to complete Master's degrees in engineering through Warwick University. ✓ Women in Leadership—a new initiative. ✓ EE Implementation Strategy aimed at attracting and retaining people with disability. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Economic downturn did affect training and development. ✓ Women are continuously developed in Eskom through the CEO's Women's programme. ✓ There is a focus on youth employment and many are brought in through a pipeline that includes females and youth with disabilities. A concerted effort to advance women and PWDs and keeping women at remote sites has been made. 	<p>✓ Some minor inconsistencies between submission and testimony; it is not certain how many steps were successfully taken.</p>

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No: just a Code of Good Practice. ✓ Sexual Harassment procedures are there to ensure there is no discrimination or sexual harassment. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Sexual Harassment Policy is under review. 	<ul style="list-style-type: none"> ✓ No Sexual Harassment Policy but 'under review'.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Resourcing Policy as Recruitment and Selection Policy ✓ Disciplinary and Grievance Procedure ✓ Code of Ethics: induction presentation ✓ Safety Rules Enforcement ✓ Human Resources Development Policy ✓ Health and Wellness PDF ✓ HIV/AIDS in the Workplace Policy ✓ Talent Succession and Career Management Procedure ✓ Eskom Retention Framework (draft) ✓ Procedure on Exit Management (retirement planning) ✓ Procedure on Industrial Relations: Sexual Harassment ✓ Remuneration and Benefits Policy <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Policies and procedures that impact transformation are under review. ✓ On protective clothing: this does not work well for women and through our processes we learn about things like this. 	<ul style="list-style-type: none"> ✓ It was said that all policies are currently under review.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCCESSIONS AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ 27.6% representation by women at senior management level ✓ 44.7% of all hires and promotions at the senior and professional management level combined are women <i>[this is not an accurate figure as was later pointed out by the Commissioners]</i> ✓ People with disability are 2.49% of the Eskom Workforce. ✓ Women's Legotla with 3 pillars: work/life balance; mentoring and coaching; and self-development. ✓ The CEO's Women's Programme, where women in the science disciplines are recruited to complete Master's Degrees through Warwick University. ✓ Eskom sponsored a visit by 4 school girls to the United Nations as part of a programme led by Zanele Mbeki. <p>Challenges</p> <ul style="list-style-type: none"> ✓ Transformational agenda was not in recruitment practices (this is changing). ✓ Engineering is a the core business and the SA labour market is turning out few female engineers and artisans in relation to their male counterparts. ✓ High mobility of female employees with critical and scarce skills (employers provide various incentives to attract skills). ✓ Tailored programme that is gender favourable causes alienation from counterparts and lack of support. ✓ Stereotypes and preconceptions of women roles and responsibilities (there 	<ul style="list-style-type: none"> ✓ Representation of women is seen as proportional to the economically active population and therefore 27.6% representation in senior management was viewed as a success; this is very low in terms of the goal of 50% representation.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ ESKOM does not require any additional support at present to successfully address gender transformation in the workplace. 	<ul style="list-style-type: none"> ✓ Not addressed in testimony

6.2.2: CGE PANEL QUESTIONS/COMMENTS ON ESKOM PRESENTATION

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: Thanks for all the documents and we affirm some of the initiatives you have put in place. There are some good innovations worth copying.	<ul style="list-style-type: none"> ✓ No comment
2	Commission: 27% senior management; 28% middle management and what is disability? You may be doing well but you are not there yet. What are your plans to accelerate?	<ul style="list-style-type: none"> ✓ On disability, we have reviewed our reporting system and want to break it down well and it is in our plans to do this. ✓ 2.6% across the organisation. ✓ 0.88% in top management.
3	Commission: Are women mainly in non-technical fields. Please explain how you will get to 50%?	<ul style="list-style-type: none"> ✓ On women in non-technical fields: we invested a lot of our initial time in race equity and there was some gender equity but we started with race first. ✓ We went for low hanging fruit; we went and put women quickly into positions where we could build experience and capacity. ✓ We have to build technical capacity and it is slow and requires development.
4	Commission: We note that you have learnt by improving and that you appeared before us previously and you went back to Eskom to try to address some things. What do you do about retention?	<ul style="list-style-type: none"> ✓ Retention bid of women: I forgot this question. ✓ Expenditure on EAP programme.
5	Commission: What percentage of the budget goes to flexitime?	<ul style="list-style-type: none"> ✓ Budget for gender: we cannot report on this but will work on it.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
6	Commission: ESKOM does not have child care facilities; there are accommodation and conference facilities but no child care facilities. Why is this? Especially at headquarters?	<ul style="list-style-type: none"> ✓ Child care facilities: we cannot have a child care facility on site except at head offices. ✓ Sometimes there are villages nearby and we can integrate this sometimes but we are restrained. ✓ We are capitalised and invested in support mechanisms to support mothers who work for us.
7	Commission: Please give us the breakdown in terms of the gendered budget. You could have ring fenced this for us to redress the male dominated environment to address skills and create an enabling environment for women.	<ul style="list-style-type: none"> ✓ Remuneration: when we do our EE report we have noticed salary differentials between male and female employees but we have studied this gap and will narrow this in the coming year on race and gender. ✓ We have worked the numbers and know the problem but we need a workable way with our trade unions during wage negotiations.
8	Commission: In terms of your challenges, you have a problem with the reproductive phase you said. This does not sound like a phrase made by men. This is not a problem. You need a gendered approach; we have to reproduce as women.	<ul style="list-style-type: none"> ✓ Gender sensitive language issue: we will improve.
9	Commission: Who is actually responsible for gender?	<ul style="list-style-type: none"> ✓ CEO and a general manager for transformation management for EE activities.
10	Commission: You do have a drop dead policy as we should poach some women from Eskom because you have significant expertise. I want to look at your Sexual Harassment Policy as it is not a best practice. It will then be a problem retaining women. You have to have a reporting mechanism, obligations and advice service too. It has to be easy to report and there must be an obligation to report. Your Sexual Harassment Policy has a service provider involved. I need to know how to report and I need to know where you stand.	<ul style="list-style-type: none"> ✓ Taken as a comment.
11	Commission: Is flexi-time for everyone or is just for women? If it is for women in particular then your policy would be clear. But it is not speaking to women's needs and to women who choose to have children and pursue their careers.	<ul style="list-style-type: none"> ✓ The flexi-time: there is an opportunity and it is open to all employees and we have not ring-fenced anything for female employees.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
12.	<p>Commission: Your employee value proposition concerns me. You have some that are highly skilled in your organisation and you need to retain women but does your employee value proposition speak to this? You do not have a child care policy because you are reviewing your employee value proposition.</p>	<ul style="list-style-type: none"> ✓ Employee value proposition: the approach that we use is the talent management approach. We identify our critical workforce segments in different areas of business and look at performance and productivity and from this talent conversation create a talent pipeline that has gender and racial information. ✓ We identify the developmental needs and confer with these individuals and we offer different development courses. ✓ We get a pool for the CEO's women's training programme this way or get women who need further studies. ✓ We use this as our base to identify critical workforce segments and also to be able to offer different development and career options. ✓ We use it as a pool for recruitment. ✓ Our EE plan is based on a gap we have to close and this is a base and objective and source for that. ✓ We do not have a ring-fenced specific women's strategy . ✓ Our talent boards shows that we have a challenge in terms of income differentials and we acknowledge this and try to address it by implementing a new performance management system (team based) which allows us to ring-fence some of the subjectivity in terms of performance scores; women are low here and this compromises their advance.
13.	<p>Commission: Child care, employee value proposition: your numbers do not really show commitment or a clear implementation plan. You are not consistent in what you are saying.</p>	<ul style="list-style-type: none"> ✓ Employee value proposition is identifying all the barriers. ✓ We invest resources in women's development and advancement but each division has its own budget and resources for initiatives in their respective spaces.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
14.	Commission: There is a trend analysis on the exit of designated groupings and it is supposed to be done by December; what is happening there?	<ul style="list-style-type: none"> ✓ One of the policies of the company as a state-owned enterprise is that transformation and gender is an imperative and we work within those parameters and we will live within our means on this.
15.	Commission: What about your contracts and tenders: are you monitoring this? Are they EE compliant?	<ul style="list-style-type: none"> ✓ In response to the tenders, we have reserved money for Black Women-owned organisations and youth in this year. ✓ It is part of transformation in procurement this year. ✓ The aspects in procurement require details perhaps but policy is approved and supported by shareholders this year. ✓ We have reserved money for black-owned organisations and youth but do not know the amount.
16.	Commission: Are women and men earning the same salaries and is there a plan for this?	<ul style="list-style-type: none"> ✓ No comment.
17.	Commission: There are inconsistencies and we need to see the meat of your policy on gender transformation.	<ul style="list-style-type: none"> ✓ No comment.
18.	Commission: We have a right to reproduction and this has nothing to do with delivering on responsibilities and you need to tighten up on this.	<ul style="list-style-type: none"> ✓ No comment.
19	Commission: See question 11: does the employee value proposition speak to child care facilities? I want to know about flexi time etc. Maybe this should be in ESKOM's employee value proposition.	<ul style="list-style-type: none"> ✓ No comment.
20	Commission: You are decentralised but are you reporting on all areas? Is this East London too? Will they be able to answer this? Your employee value proposition must be Eskom-wide.	<ul style="list-style-type: none"> ✓ No comment.
21	Commission: What are ESKOM's targets to get numbers right in terms of disability?	<ul style="list-style-type: none"> ✓ On the question of targets for 2010, an EAP target approach was adopted. It is 2020 employment equity vision that looks at the workforce as we had it then in 2010 and what is allocated to us in terms of capacity. We can only have so many vacancies over a 5 year period. We created a 2010 2012/2013 year target of some 37% and 46% aim by 2020.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
22	Commission: Do Eskom's tender processes also go to designated groups such as the disabled and women?	<ul style="list-style-type: none"> ✓ In terms of procurement, someone from this department must present to describe that but there is a strategy and a policy in place. ✓ Black owned and youth companies enjoy preference.
23	Commission: Sexual harassment is very important because there is a culture of impunity around assaults on the dignity of women. It is boss's word against my word. If Eskom has 42,000 employees; imagine what is happening when there is no sexual harassment policy. It is happening but people cannot open up on these matters if it is not enabled and addressed. For example, FirstRand has an anonymous private line for reporting. Your dignity is then respected. Consider innovations like this. This is a plea you need to prioritise this.	<ul style="list-style-type: none"> ✓ Eskom is now reviewing this in the context of conversation with you and Gender Bill requirements and the barriers that we know about from our own workplace analysis and then at the next hearing we will have a new plan.
24	Commission: Find a way to communicate: what do I do if I am raped? What do I do if I am abused at home? Then women will be more productive at work.	<ul style="list-style-type: none"> ✓ We note your sexual harassment comments and will address them.
25	Commission: Success is evident in some matters under favourable conditions, but what if you are operating in situations of turbulence and chaos: would Eskom's strategy then hold up? We want sustainable strategies.	<ul style="list-style-type: none"> ✓ On strategy, it is a welcome comment. Eskom builds on scenarios: what if the world remained still, what happens and what if it changes what happens? We do consider business as usual and business unusual.
26	AHoD: I agree with our Commissioners who outlined their sentiments that Eskom is not achieving targets. Section 15 states that 44.7% hires are women. But 44.7% of a small proportion of senior management. There is an effort to justify meagre and poor agreement.	<ul style="list-style-type: none"> ✓ No response.
27	AHoD: The Commission functions in a constitutional paradigm to remind the world that we have poverty, job creation and eradication of inequality as major efforts in our nation. The CGE has a powerful mandate and the public is quite concerned and the concern is valid that in terms of internal structures, Eskom is performing poorly and even externally. Eskom has a huge impact on our country. When huge price increases are sought, women and children are affected. Streets are dark and women live in the dark on cold winter nights and go look for wood. The CGE is aware of all this and the implications for the wider society.	<ul style="list-style-type: none"> ✓ No response.

6.3 CITY OF TSHWANE METROPOLITAN MUNICIPALITY

The Municipality was served with a notice to appear (subpoena) as they failed to respond on time. As the Municipal Manager was not available, a letter of delegation was presented to the Commission. Present were Ms Zukiswe Mtsikeni: Head of Corporate Services (sworn in); Mr Musa Ndlovu: Executive Director, Legal Council; and Mr Lucky Sihlangu: Director of Employment Equity. When a notice to appear was served on the Municipality, the response in a letter indicated that the Municipal Manager would be in attendance. In the response of 22nd of February there was nothing about delegation. The Commission was not satisfied with the delegation because it was not official and advised them on the legal implications that these hearings takes, as well as the responsibility for the documentation and the accountability issue.

In the Tshwane Metropolitan Municipality, which includes the city of Pretoria, it was found in supplementary meetings that in 2013, 26.6% of top management posts at the director level were occupied by women while 33.5% comprise the female component of senior management while no people with disability were located in top management. The Council, top management, the corporate equity forum and the director of employment equity are responsible for the oversight of implementation for the equity policy. The issue that emerged from the hearings was that the equity policy was still in draft form and the policy documents were claimed to be under revision or awaiting council approval, which explained their procedural inadequacy. The documents submitted included a draft equity plan, a disciplinary procedure from the South African Local Government Bargaining Council, Disciplinary and Grievance procedure, SALGA; Municipal Manager's Code of Conduct for Staff Members, Uniform Policy, Training and Development Policy, Employee Assistance Programme Policy, an HIV-AIDS Policy by Collective Agreement, Scarce Skills Allowance Policy and a Sexual Harassment Policy (unapproved). Women's empowerment was supplemented by an aggressive recruitment policy which was extended to people with disabilities, a R1.7 million budget for transformation and ring-fenced positions. A R52 million budget supports the education and training of women to attain senior management positions. Additional support was provided through flexitime and emerging child care facilities.

6.3.1 SUBMISSIONS ACCORDING TO STANDARD REVIEW QUESTIONS: CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Note: the Commissioners did not accept the presentation as entirely accurate or as responding to all the standard review questions asked. The municipality was asked to resubmit everything; the presentation was not in the order of the standard review questions.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	<p>In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Yes: draft EE Plan 01 July 2012-30 June 2017 <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: there is a plan to ensure equal representation at top management levels. This is broken down by years up to 2017. ✓ Year One to Year Five plan was extensively reviewed. Certain HR policies have a bearing on achieving EE and have to be address on an annual basis and this is why the 5 years were reviewed. ✓ All positions that become vacant through attrition or other means are filled with the disadvantaged groups. By year 5 there should be at least one PWD at top management and gender equality. Most are on contract basis and so this should be possible. 	<ul style="list-style-type: none"> ✓ That the plan was a draft was only clarified during testimony and was not clear from the submission. ✓ EE Plan produced by Corporate and Shared Services Department. ✓ The EE plan started on 01 July 2012; however they said in testimony that it was a draft. ✓ It does have clear targets and goals; not signed. ✓ Much discussion was in terms of plans rather than accomplishments. ✓ EE Forum minutes are for 12 Dec 2012.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <p>Top management (30 June 2012):</p> <ul style="list-style-type: none"> ✓ 62.5% men (mostly African males) ✓ 33.5% women (this might be one White female; not entirely clear) ✓ 0% disability <p>Senior management (30 June 2012):</p> <ul style="list-style-type: none"> ✓ 440 men (66.5%) ✓ 224 women (33.5%) ✓ 4 women and 3 men (7) with disabilities; (57% PWD are women) <p>Testimony</p> <ul style="list-style-type: none"> ✓ Black males are the majority in top management. ✓ There is an overrepresentation of White males and White females at top and senior management. They are at 23% but at economically active population is only about 6%. ✓ There is also overrepresentation by Black males at semi-skilled and unskilled positions. ✓ Underrepresented are Coloured males, Indian males, and females: African, coloured and Indian. <p>Disabilities workforce profile: 0.46%; 99 in total in City of Tshwane but there might be some 400. We have a strategy to address this.</p> <p>Persons with disabilities: 0.4% disabled right now and it is known to be</p>	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Since 2011, City of Tshwane has embarked on gender transformation through the filling of posts, training and development of women at both top and senior management positions. ✓ EE plan <p>Testimony:</p> <ul style="list-style-type: none"> ✓ None 	<ul style="list-style-type: none"> ✓ Embarked on gender transformation in 2011 only. ✓ EE Plan turned out to be a draft. ✓ The above was identified during questioning.
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Council ✓ Top management ✓ Corporate Employment Equity Forum ✓ Director: Employment Equity (oversight) 	<ul style="list-style-type: none"> ✓ Main GFP seems to be Director: EE ✓ No testimony (although it may have been in the PowerPoint which was reviewed very rapidly).
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ City of Tshwane (CoT) business processes are monitored, measured and linked to what all managers do on a continuous basis with goals, values and CoT objectives (IDP). ✓ City ensures that all managers receive coaching and diversity training. ✓ Feedback is given quarterly on performance 	<ul style="list-style-type: none"> ✓ The IDP is regarded as a monitoring tool here and the EE Plan is referred to further below.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The CoT has an EE section with a budget to support transformation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Training programmes aimed at eliminating barriers: there needs to be a link between all training programmes and initiatives that will assist the CoT in achieving employment equity. 	<ul style="list-style-type: none"> ✓ No budget had yet been allocated at the time of the testimony; it is for 2013-2016.
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ CoT has developed its EE Plan to track the movement of women and women with disabilities at top and senior management positions. ✓ Mechanisms to appoint disabled women to top management (1) and senior management positions (8) as per EE Plan. ✓ EE plan will be monitored and developed. 	<ul style="list-style-type: none"> ✓ The EE plan is still in draft form and yet is referred to as the monitoring mechanism.
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ The staffing policy is under review and should be read together with the EE plan. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes ✓ Mentorship and capacity building programmes have been designed: see Affirmative Action Measures, p. 13. 	
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ CoT only makes provision for flexitime for female employees who apply. 	<ul style="list-style-type: none"> ✓ No child care facilities ✓ Limited flexi-time
11	What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Only plans: road shows and campaigns planned for 2013 for top management, counsellors and all employees. 	
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ All HR policies having barriers to Affirmative Action are reviewed continuously. ✓ The merger between old municipalities has caused certain barriers, which is being addressed by policy review. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ All HR policies having barriers to Affirmative Action are being reviewed continuously; a desktop analysis and identification of barriers is on page 9-11; Affirmative Action to address barriers on pages 11-14. ✓ EE Plan 01 July 2012-30 June 2017. ✓ Staffing Policy 1998 and a revised one for 2013; but the revised one is not signed. ✓ Disciplinary Procedure of South African Local Government Bargaining Council: signed by Council, 24 June 2009. ✓ Disciplinary and Grievance procedure: SALGA; Municipal Manager's Code of Conduct for Staff Members. ✓ Uniform Policy: old, from 2001. ✓ Training and Development Policy stamped 31 March 2011: Corporate Services. ✓ Employee Assistance Programme Policy: not approved. ✓ HIV-AIDS Policy by Collective Agreement: 27 May 2003. ✓ Scarce Skills Allowance Policy ✓ Sexual Harassment Policy: not approved ✓ Employment Equity Forum Minutes for 12 Dec 2012. <p>✓ Testimony:</p> <ul style="list-style-type: none"> ✓ Recruitment procedures were barriers; not consistent with promotion, succession policy, disciplinary, retention policies and other programmes will all be used to address this. 	<ul style="list-style-type: none"> ✓ The submissions were not found acceptable and the EE Plan turned out to be a draft. ✓ Many very old submissions. ✓ Some are collective bargaining agreements. ✓ Much paperwork patched together and sent to the Commission to complete the requirements of the Commission's request.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Previously disadvantaged groups have been appointed to top leadership echelon; these included female counsellors in top leadership. ✓ There has been an increase in training and development for previously disadvantaged groups. ✓ Recruitment is done in line with equity targets. <p>Challenges</p> <ul style="list-style-type: none"> ✓ The City is striving to recruit people with disabilities but they do not apply. 	<ul style="list-style-type: none"> ✓ The Commissioners did not accept that the Municipality had worked very hard to recruit people with disabilities.
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ As part of promotion of gender equality within the community, the City needs support especially in Ward 3. ✓ Networking with disability stakeholders' support is also needed. 	

6.3.2 CGE PANEL QUESTIONS/COMMENTS ON PRESENTATION: CITY OF TSHWANE METROPOLITAN MUNICIPALITY

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	<p>Commission: Thank you for the presentation. There is under-representation. You were delegated by the City Manager but what is the commitment that the city manager is busy with that he delegated yourself?</p>	<ul style="list-style-type: none"> ✓ The City Manager is in Cape Town. ✓ The HoD has indicated there is commitment from the City from top management and Council but it is not our intention to disown or disregard legislation and it should be complied with and we are making strides.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
2	Commission: The Metro's targets were found to be unimpressive. What is Tshwane's representation in terms of compliance and how can it be so far away from compliance? Goals are set for 2017 and yet compliance is far off. And in a period of 10 years, 19 disabled people have been appointed? Little effort has been made.	<ul style="list-style-type: none"> ✓ Realistic figures and compliance: we take this as a point. We are in the stage of drafting documents. We do not get applications from the disabled and now we have correspondence with them and speak to them personally. ✓ On the disabled, we put 1.5% as the minimum and it is non-negotiable but yesterday we met with all employees with disability. We are planning with them a disability indaba. ✓ We are very serious and appointed 2 per year over the last ten years and have 27 PWD. ✓ I am involved in recruitment and will ensure we achieve targets.
3	Commission: We are disabled people or people with a disability (the Commissioner was correcting the unfortunate way this had sometimes been expressed in the presentation).	<ul style="list-style-type: none"> ✓ We will correct this.
4	Commission: Is there any collective agreement between the City and the union? An agreement was entered in 1998 but it is not signed.	<ul style="list-style-type: none"> ✓ No response [<i>the Commissioners found the documentation was not in order; everything must be resubmitted</i>].
5	Commission: In the new training policy from 2011, gender is not included as a criterion for external training of employees and is not compliant with the EE Act. Why are designated groups not targeted?	<ul style="list-style-type: none"> ✓ On training, we are working with the leadership academy and Corporate Services is in charge of this. ✓ Training policy must be more gender inclusive based on what we have learnt here; this will be addressed. ✓ We met with Department of Women, Children and People with Disabilities and we are engaged to address these issues too.
6	Commission: The sexual harassment policy; is it a compilation by the HR division? Is it resulting from collective bargaining?	[<i>No immediate response; this question is repeated below in a second round of questioning.</i>]
7	Commission: Why were old reports submitted?	<ul style="list-style-type: none"> ✓ We have a 2010 HIV/AIDS policy and see we submitted an older one and can resubmit. ✓ We are reviewing all policies.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
8	Commission: The targets are too distant. There will not be transformation for a while.	<ul style="list-style-type: none"> ✓ Targets are based on the current level of applicants but this can be corrected.
9	Commission: What are the actual plans in the Midlands? What is the plan? Where are the vacancies? Is the city advertising? What is being done in practical terms to address gender equality? City of JNB said they would use you as a benchmark; please indicate your plans, your precise plans.	<ul style="list-style-type: none"> ✓ Restructuring and amalgamating staff. The Metro will end up with 25,000 people and it is on a massive recruitment drive. All EE officials must sit in all interviews too. It is informed by the draft EE plan.
10	Commission: This is a new metro. Were all sections of the EE Act examined and the measurements for achieving targets established as to how redress will take place? The EE policy benchmark exists over a long period of many years. How will the problem of inequality be redressed without properly stating the problem?	<ul style="list-style-type: none"> ✓ The metro has a draft EE plan that will be approved by Council and will be a Council resolution; it was approved by them but we still negotiate with labour. <p><i>[Note: this is when the Commissioners realised the plan was a draft; it had not been marked as such.]</i></p>
11	Commission: In terms of enumeration disparities, what is the strategy?	<ul style="list-style-type: none"> ✓ 50/50 plan is there and it is communicated and targets aim at this by year 5 but maybe this needs to be communicated better. ✓ An internal action plan and a performance plan commits the metro to employment equity which is also part of my performance scorecard.
12	Commission: How were the new policies managed that the Commission received? Many old policies were submitted and a few very new ones.	<ul style="list-style-type: none"> ✓ On HR-related policies: they are old but the Metro is in the process of reviewing everything.
13.	Commission: The Metro has not done well at all and must get itself in order. Is the City Manager committed to gender transformation? Please ask him that question. Does his contract have gender equity in his performance agreement? You have interpreted balance in terms of race. You are 62.5% males and 37.5% females at top management, which is less than 50%. How do you create 50/50 from there and it is not easy to move people around. Top management = 0 and you say you want 1.5 overall.	<ul style="list-style-type: none"> ✓ In terms of the City Manager's commitment to gender: top management was under 24% female but now we are 37% since 2010 and so we changed. ✓ In the last 2-3 months, women have been recruited. ✓ The City Manager is very committed. ✓ We head hunt people to get the gender balance but we do need qualified people applying.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
14.	Commission: Is there a gender focal person? What is the level of that person? Is that person at the right level and able to deliver? Where is the passion and sense that this is your gender?	<ul style="list-style-type: none"> ✓ We do not have a GFP; we will look at this and address it. ✓ The City Manager's contract and scorecard state the corporate target of gender equality.
15.	Commission: What is the gender budget?	<ul style="list-style-type: none"> ✓ The budget is being attended to and some other issues are not well addressed and we will focus on these.
16.	Commission: The sexual harassment policy is very sketchy.	<ul style="list-style-type: none"> ✓ We do have a draft sexual harassment policy and you say it is scanty and we will address this.
17.	Commission: Thank you for your presentation. We want Tshwane to be the CGE project. The level of transformation does not indicate sufficient progress. The Commission will work with the metro as we see political will; we can work on that basis. Maybe you do not understand what we are looking for and what you need to do. We want to see the outcome of your recruitment and interview process.	<ul style="list-style-type: none"> ✓ No comment.
18.	Commission: There are unemployed graduates from universities and colleges if you cannot get people to beef up your statistics.	<ul style="list-style-type: none"> ✓ No comment.
19.	Commission: You have to make an effort to go get disabled people. We suggest you offer bursaries and then you get people that you know who will come and work for you.	<ul style="list-style-type: none"> ✓ No comment.

6.4 MOGALE CITY LOCAL MUNICIPALITY

Ms Rethabiseng Mokebe, Executive Manager: Corporate Services took an oath. She was in the company of Mercy Mtjekelo: Specialist for Employment Equity and Occupational Development. Initially, the Commission received a letter confirming attendance by the Municipal Manager, only to be informed a day before the hearings of his unavailability. A letter of apology and delegation was sent.

Ms Mokebe made the presentation about the municipality, stating that it did not reflect all the issues but factor them in such as demographics. The municipality is 1,342 square km and has 362,422 people. Of this number, 273, 817 000 are African; 6,662 are disabled; 177,141 are female; and 184,981 are male. 1.83% people are people with disabilities. There are 1,718 City employees with 50% female representation (mainly Black). It was stated that there is now over-representation of African males and females and 1.43% are PWD. It was stated "We were partially non-compliant owing to a lack of capacity and skills. We did employ someone to help us become compliant: an EE expert; and we are in the process of becoming compliant."

In the Mogale City Local Municipality, employment figures were provided based on 2010 data. At top management, there was one black male. At senior level, women comprised 33% while there were no

people with disabilities at top or senior levels. Currently, responsibility for equity programming resided with the manager of corporate services who reports directly to the municipal manager. Much of the discussions on equity were aimed at what was hoped for in future rather than on what policies were actually in existence. Of all the policies, only the Disciplinary and Grievance Procedure, the HIV-AIDS Policy and Minutes of EE Forum were presented. All the other policies, including the Equity Policy, were under review. The limited resources of the department were also cited as a hindrance to implementation. However, the implementation of gender was aided through a coaching and mentoring strategy, organisational development initiatives and a Women's Forum that discusses mentoring women who need to be developed within the municipality. Flexitime was mentioned as something that was done.

6.4.1 SUBMISSIONS AND TESTIMONY ACCORDING TO THE ORIGINAL STANDARD REVIEW QUESTIONS: MOGALE CITY LOCAL MUNICIPALITY (MCLM)

[Note: the Commissioners identified contradictions in testimony which owe to saying an EE plan was in place while there were so few outputs. It appeared more like a draft plan yet to be implemented; in testimony the outputs specific to top and senior management were stated in terms of all employees. Such responses led the Commissioners to try to clarify the submission and testimony during questioning.]

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	<p>In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.</p>	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Employment Equity Plan 2010-2015: prepared by the Employment Equity and Transformation Committee. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ It was submitted and approved in 2010. ✓ The analysis showed that senior management representation was over-represented by Black males but today it is 50/50. ✓ Middle management was not shown in the visual presentation but in 2010 female representation was relatively good. ✓ Junior management diversity was good also and was mostly Black females. ✓ We have an over-representation of Black females. 	<ul style="list-style-type: none"> ✓ EE Plan approved and signed: 4 April 2011. ✓ Attached to the submission as Appendix 10, Annexure A. ✓ Employment Equity Policy also submitted.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ 2010 top management: 1 Black male ✓ 2010 senior management: 6 Black males; 3 females ✓ 2010: no disability in top or senior management <p>Testimony:</p> <ul style="list-style-type: none"> ✓ 1718 employees but 1.4% with disability ✓ We are working towards 2% before the end of the financial year. ✓ No PWDs at senior management but we are targeting this; working on it and it is our main concern for 2012-2013. ✓ In 2010 we had 18 employees or 1%. ✓ Disability: now 24 employees or 1.8%. ✓ Disability target: by end June we hope to reach 2%. 	<ul style="list-style-type: none"> ✓ Attached as Appendix 10, annexure B. ✓ No persons with disability in senior management. ✓ In the presentation, the speaker tended to focus on statistics for the entire municipality and was not always clear about top and senior management especially in terms of PWDs.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institutions?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The institution has set targets on the approved EE plan and we are in the process of developing EE sub-plans for departments. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We are revising the EE plan to add gender mainstreaming and we are rebranding our human resources and revising all our policies and putting in new strategies like coaching and a mentoring and retention strategy. ✓ We also aim to develop a gender mainstreaming strategy; by end of June it should be there 2013/2014. ✓ We are also establishing a gender forum; this is for 2013/2014. ✓ We focus too on bringing women and men together to focus on gender equality to assist with the transformation of unequal structures. 	<ul style="list-style-type: none"> ✓ Strategy is under development rather than in place. ✓ Discussion mainly in terms of goals rather than accomplishments.
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Executive Manager: Corporate Support Services <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Executive Manager: Corporate Support Services as above reporting directly to the MM. 	<ul style="list-style-type: none"> ✓ This refers to Executive Manager Corporate Support Services Rethabiseng Mokebe, who introduced the speaker.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No: this does not form part of the review. ✓ The Municipality is in the process of aligning the PMS with the intention of including it. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ This does not form part of the review. ✓ Alignment of gender transformation and the PMS will only be done after the approval of the strategy. ✓ However the development of a sub-plan will ensure that equity is measured for senior managers as it will be linked to PMS and other plans of the municipality like the IDP. 	<ul style="list-style-type: none"> ✓ Waiting on approved strategy.
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ None: no resources. ✓ The limited resources of the department are focused directly towards service delivery and resources can only be allocated on the approval of a strategy in terms of the processes of the municipality. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We have no financial resources. ✓ We focus on service delivery. ✓ Resources get allocated on basis of an approved strategy. 	<ul style="list-style-type: none"> ✓ No resources allocated.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institutions?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Set target on the approved EE Plan and are in the process of developing EE sub-plans for departments. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The municipality is currently using the targets set in the approved EE plan; this is a 5 year plan with well-defined targets such as recruiting 5 PWD per year. ✓ EE plan used to track progress. ✓ EE Committee is involved in recruitment for shortlisting and interviews and so this helps to ensure that targets are met. 	<ul style="list-style-type: none"> ✓ Reference is to the EE plan.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	<p>Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Black women are well represented in senior positions. ✓ The focus now is on recruitment of disabled women for senior positions. ✓ This target is not included in the Recruitment Policy - a temporary challenge - but the targets set in the EE Plan are used for recruiting. ✓ A representative of the EE Committee becomes part of the interviewing and shortlisting panel to provide information on the target (disabled woman applicants). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ MCLM has a fair representation of women in senior positions and so we are focused on disabled women now. ✓ There is an attachment that talks to the targets that have to be met. ✓ This target is not included in the recruitment policy and this is a temporary challenge. ✓ The EE Plan helps us with the targets and this is used for recruitment now. 	<ul style="list-style-type: none"> ✓ Focus in on PWD since the targets for African women were perceived to have been met.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The municipality is in the process of implementing Organisational Development interventions. ✓ Some of the documents being developed include a retention strategy, coaching and mentoring and talent management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: we have a coaching and mentoring strategy and this includes disabled women. ✓ We have some organisational development initiatives also. ✓ We have a Women's Forum; they talk to mentoring women who need to be developed within the municipality. ✓ Flexi hours are checked in the above way too. 	<ul style="list-style-type: none"> ✓ Reference is to plans and not outputs (future tense used). ✓ In development: no such programmes currently.
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No child care facilities but will be in new strategy. 	<ul style="list-style-type: none"> ✓ No child care facilities; no clarity on flexi-time

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Every year: campaign on disability within the municipality. ✓ 2009/2010: workshop on creating reasonable accommodation for disabled employees. ✓ 2011/2012: sign language training for the EE Committee. ✓ 2013/2014: workshop planned for EE sub-plans. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ In 2009-2010 we had a campaign on disability. ✓ In 2011-2012 we were focused on sign language training; this was about employment equity; mainly management level. ✓ Our new plan will focus on enabling environments and reasonable accommodation. ✓ In the next month we will also work with disabled people to develop a better data base on the challenges. 	<ul style="list-style-type: none"> ✓ The focus of the response was on external municipal campaigns rather than accomplishments in terms of the workplace.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ In draft form. ✓ In process of getting approval. ✓ Discrimination is included in the approved EE Policy, which has been effectively implemented. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Sexual Harassment Policy is in draft and we are trying to get the best practice. ✓ We are a local municipality and we benchmark with local companies and this is in the process of getting approved. ✓ On gender discrimination policy we have included this in the EE Policy. 	<ul style="list-style-type: none"> ✓ In draft: but in process of getting approval.
13.	In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).	<p>Submissions:</p> <p>Approved:</p> <ul style="list-style-type: none"> ✓ Disciplinary and Grievance Procedure (Annexure E) ✓ HIV-AIDS Policy (Annexure F) ✓ Minutes of EE Forum <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The sent policies are all approved except for the Sexual Harassment Policy, including Disciplinary and Grievance; HIV Aids Policy approved, and others. 	<ul style="list-style-type: none"> ✓ Most HR policies in revision; 3 have been approved as indicated to the left

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Good representation of Black women. ✓ Progress on accommodation of disabled (employees and customers). ✓ An Office on the Status of Disabled People and a Disability Committee established in the Office of the Executive Mayor ✓ Awareness workshops and training conducted every year; we have trained employees on the disabled. ✓ A data base of disabled employees established to get the correct statistics on this. <p>Challenges</p> <ul style="list-style-type: none"> ✓ Under-representation of disabled people. ✓ Sourcing qualified and suitable candidates from the disabled pool. ✓ Financial and Human Resources that can assist to ensure we implement EE successfully. 	
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ Training: diversity management or diversity issues; gender transformation; disability mainstreaming. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We do want support in terms of funding support for the implementation of Gender Equality Training, on diversity management and diversity issues. 	

6.4.2 CGE PANEL QUESTIONS/COMMENTS ON MOGALE CITY MUNICIPALITY

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: There are contradictions in the numbers and the presentations.	✓ No response
2	Commission: Mogale City is far from obtaining the numbers at the senior level for disability. All the numbers are at the lower level.	✓ 50/50 is the aim at senior management.
3	Commission: The attachment that speaks to disability seems like an afterthought. Why do you refer to it as an attachment?	<ul style="list-style-type: none"> ✓ Why did we attach details in terms of attachments? ✓ Policies are reviewable ✓ When we report to the Department of Labour, we can amend figures as and when the need arises. ✓ We have certain EE goals and do not want to change goals all the time but maybe at end of this financial year we meet the target or even exceed it we do not go back and change goals.
4	Commission: The numbers are being chased without being integrated. Ticking the boxes is not satisfactory.	✓ Barriers are identified and these are in the EE plan.
5	Commission: Did the senior management attend the workshops?	✓ Yes they do and with the Council.
6	Commission: The presentation was not coherent.	✓ No comment.
7	Commission: Is there childcare and maternity leave?	<ul style="list-style-type: none"> ✓ On maternity leave SALGA's collective bargaining council establishes the norm and it cannot be dealt with outside of SALGA. ✓ It is now 3 months for each and every child and 5 days for a father.
8	Commission: Does Mogale City have contracts for service delivery, and how many are awarded to women?	<ul style="list-style-type: none"> ✓ Historically disadvantaged people are amongst are sub-contractors and suppliers; we have a supply chain management regulation and this is followed. ✓ Points cannot be given for historically disadvantaged groups owing to new regulations since November. ✓ Focus is on accreditation as a BEEE service provider. ✓ It is factored into contracts that the contractors should subcontract to particular people but we are hamstrung by legislation.
9	Commission: Does Mogale City have a uniform policy?	✓ Uniform policy is in draft.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
10	Commission: Is there a Code of Good Practice?	✓ No response.
11	Commission: Only policies on Question 13 are attached and the rest are not there.	✓ No response.
12	Commission: The EE Act must be looked at again in terms of what you submit and what you miss. There should be no discrimination on the basis of sex. This means designated groups too and this means Black, Coloured, etc. and women. The EE Act covers all this and everything must be reported on.	<ul style="list-style-type: none"> ✓ All designated groups in the submitted EE Plan have been addressed. ✓ Mogale City is mostly Tswana speaking people and struggles to get Coloured and Indian people.
13.	Commission: The policies were not signed. All the ones that are approved shall be submitted and signed with an indication of the revision date..	✓ No comment.
14.	Commission: it was suggested that men be included on the women's forum. They may not understand and feel unobligated if they are not involved.	✓ No comment.
15.	Commission: The statement on sign language was confirmed and a partnership with Wits was suggested.	✓ No comment.
16.	Commission: It was suggested that the youthful presenters partner with ESKOM or others to deepen their leadership skills.	✓ No comment.
17.	Commission: Has the Section 19 analysis been done and does it inform planning? You must collect information and conduct an analysis of policies, plans and procedures to identify employment barriers that adversely affect people. Has this been done this in terms of various levels?	✓ No comment.
18.	Commission: We appreciate your report and your braveness and we see you are trying. It must be in the performance contracts of all: achieving gender equity.	<ul style="list-style-type: none"> ✓ Yes: not everyone goes to the EE meetings and not all are involved. ✓ At the executive committee, the Executive Managers were penalised if they did not attend; it does get documented.
19.	Commission: In terms of the draft Sexual Harassment Policy, has it been applied and were any cases been reported?	<ul style="list-style-type: none"> ✓ Yes; it as a draft. ✓ Last recorded case was in 2010 and this was dealt with it in terms of the Labour Relations Act and Good Conduct Policy.

6.5 LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA

CEO Mr Phakamani Radebe took oath. He was accompanied by the Employment Equity Manager,

Mr Gregory van Wyk, who made the presentation.

According to the presenter, the scenario about this entity is that it was transferred to the National Treasury about 5 years ago. It performed well previously and also went through some trying times along the way. They tend to compete with the banking sector rather than other departments and have been under huge pressure and have not met its targets but the Board is firm on meeting them.

The Land and Agricultural Bank claimed to have 16% women in top management but cited contract expiration as a reason for the lower numbers. At senior management level, 8% of the posts were filled by women. At over 25% (8 of 28), disabled people were well represented at senior management level. The Chief Executive Officer was responsible for the development of strategy and setting targets. The senior managers develop plans with unit chiefs and equity consultants monitor implementation. The policies that were listed as current include the Employment Equity Plan, a Recruitment and Selection Policy, a Disciplinary and Grievance Procedure (2009), a Training and Development Policy, and an Employee Wellness Policy that includes HIV/AIDS. Succession Policy and Career Management, Sexual Harassment Policy, Promotions and Remuneration as Compensation Management Policy, minutes from EE forum and a Disability Management Policy were signed recent policies. Women's development was aided by a Women's Development Forum representing different levels of the organisation and focused on developing leadership skills. While no child care was noted, flexitime was permitted at the discretion of managers.

6.5.1: SUBMISSIONS AND TESTIMONY ACCORDING TO THE ORIGINAL STANDARD REVIEW QUESTIONS: LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: EE Plan attached. ✓ EE report submitted on 13 January 2013. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: signed in 2011 and goes to 2015 and we report against this plan. 	<ul style="list-style-type: none"> ✓ EE Plan is for 2011-2015: Appendix 11, Annexure A.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Top management: 7, of which 1 is female (14.29%). ✓ Senior management: 24, of which 4 are female (8%). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Top management: 6 and 1 Black female (16%) ✓ 24 senior managers and 4 females. ✓ 8 are people with disabilities??? 	<ul style="list-style-type: none"> ✓ A slight difference between submission and testimony on top management figures ✓ PWD figures not clear: perhaps referring to the entire bank?

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Mentorship programme from 01 April 2011. ✓ Women's Development Forum: all females representing different levels of the organisation (a big focus is developing leadership skills). ✓ Recruitment target: 55% of African, Coloured and Indians will be women. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Mentorship programme from 01 Apr 2011. ✓ Women's Forum exists: see documentation "but we think additional assistance is needed here". ✓ As to recruitment target, we are in troubled times and have lost 7-8% of our income or so and 71% of our turnover; what we recruit we tend to lose. ✓ In terms of targeting over 3 years, 86% ACI component and 55% must be women. 	<ul style="list-style-type: none"> ✓ The Women's Development Forum documentation was submitted, listing the members. ✓ Confusing testimony on measures; perhaps limited.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Chief Executive Officer ✓ Chief HR Officer: strategy and target development. ✓ Senior Manager, Talent Management: develops plans with the business unit chiefs. ✓ Employment Equity consultants: monitor implementation of plans. ✓ Business unit chiefs/ executives: implementation within the bank's business units. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ CEO has top responsibility. ✓ I define strategy and am assisted by Talent Management, and an EE consultant monitors. 	<ul style="list-style-type: none"> ✓ Chief HR Officer is Greg van Wyk: he managed OD and Employment Equity 5% of the time in terms of performance. ✓ Subordinated to the HR Officer is Talent Management, Performance and Rewards, HR Planning, Employee Relations and Learning and Development. ✓ He is evaluated on Employment Equity in terms of his performance contract.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ It has been included as part of corporate targets. ✓ At an individual level, these officials are responsible: CEO, Chief HR Officer, Senior Manager: Talent Development. ✓ Board accounts to the shareholder, National Treasury, for transformation objectives. ✓ On a quarterly basis, performance against objectives is reported to the National Treasury. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: it has been included as part of corporate targets and targeted plans reported to the National Treasury. ✓ We also submit our performance contracts that show that we are accountable at the top of the organisation. ✓ We report on performance to the National Treasury. 	<ul style="list-style-type: none"> ✓ No clear response.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
6	<p>What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Diversity management programmes for all managers in the bank. ✓ Selection of participants for development intervention is biased toward females where possible: nominating women to SETA-coordinated International Executive Development Programme is an example. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ All management has been exposed to diversity management and we sent you a sample of attendance records. ✓ In development initiatives, we are biased toward women and mostly black women. ✓ We recently sent one black executive to Harvard. 	<p>✓ No data on expenditure here.</p>

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institutions?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Succession management plans where women are identified as potential successors for management positions. ✓ Development interventions included in the above. ✓ Bank Leadership Development Programme focusing on leadership skills and competencies sees women at junior and middle management enrolled. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We do have succession management plans to identify women as successors. ✓ We also look at the gaps in terms of skills and train to enable succession and work with the University of Pretoria. 	<ul style="list-style-type: none"> ✓ No clarity on tracking systems.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
8	<p>Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No specific targeting of women with disabilities in terms of recruitment policy. ✓ There is a 3% target for PWDs in terms of the total employee complement. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ There is no specific articulation in our recruitment policy but the Board has adopted that 55% of intake must be women on an annual basis. ✓ Diversity target has been adopted by the Board. ✓ Over next 3 years, 55% of appointments will be women; we will approach them broadly. ✓ Our disability target is 3% and our original target was 1%. This amounts to 30 people out of 545 so overall we are 5% disabled. 	<ul style="list-style-type: none"> ✓ Disability not in recruitment policies. ✓ PWDs are considered companywide but not in terms of senior management.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Not indicated: but women and disabled people can be amongst the young talent the bank tries to accelerate. ✓ There are capacity building programmes; the bank has leadership programmes for different levels in the organisation and participants have included women at all levels: top, senior and middle management. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: we do develop and include this at all levels; and targets include women and disabled. 	<ul style="list-style-type: none"> ✓ There is a signed M e n t o r s h i p Programme, effective 01 April 2011. ✓ Page 6 has selection criteria.
10.	Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No child care facilities. ✓ There is flexi-time; arrangement is through the managers. ✓ Bank provides 5 days for family responsibility leave per leave cycle. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ No such facilities but flexible arrangements possible. ✓ Family responsibility leave is allowed: 4 months maternity: 3 months on full pay from Land Bank and more from Department of Labour. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Diversity management workshops. ✓ Industrial relations awareness training bank-wide (i.e., disciplinary and grievance policies). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Diversity management workshops have been rolled out and we could do a lot more. ✓ We have created a great sense of awareness about discrimination to develop a non-tolerance of it. ✓ We do celebrate diversity on specific days. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ There is a Sexual Harassment Policy. ✓ Gender discrimination is in EE Plan. ✓ Policies are on the bank's intranet for easy access. ✓ The Bank encourages employees to utilise the grievance process in the event that they experience any form of discrimination or sexual harassment. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Sexual Harassment Policy in place. ✓ EE plans in place. ✓ Policy training provided. ✓ Use of the grievance process encouraged. 	<ul style="list-style-type: none"> ✓ In place from January 2011 according to submission (see below).

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
13.	<p>In terms of Section (19) (1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table)</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Recruitment and Selection Policy: signed 28/01/2013 (new) ✓ Disciplinary and Grievance Procedure (2009) ✓ Training and Development Policy ✓ Employee Wellness: signed 01/10/2010. Also focused on HIV/AIDS. ✓ Succession Policy and Career Management: signed 25 Aug 2010. This does speak to advancing people in the bank. ✓ Sexual Harassment Policy: signed January 2011. ✓ Promotions and Remuneration as Compensation Management Policy; dates from 2011 and signed. ✓ Minutes from EE forum; more work is needed around this. ✓ Disability Management Policy: signed; dates to 13 Oct 2009. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ All policies and implementation of the policies are audited. 	<ul style="list-style-type: none"> ✓ An audit of the policies was attached. ✓ Not attached: Code of Good Practice, Uniform and Protective Clothing, Staff Retention, Retirement policy. ✓ There is a staff retention strategy but not policy.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Women represented in top, senior and mid-management grew 1.3% from 31 March 2011 to 31 March 2012. ✓ Total headcount of women grew from 42.33% to 43.41% between 31 March 2011 and 31 March 2012. ✓ A woman manager won a Rising Star Ward, a competition amongst banks. ✓ Female total head count is around 44% said in testimony. <p>Challenges</p> <ul style="list-style-type: none"> ✓ ACI includes a high percentage of women but FY 2011 and FY2012, 75% of terminations were African, Coloureds and Indians of which 48.13% were women. ✓ Few female applicants for senior management positions and therefore few female candidates shortlisted and interviewed; now Bank engages with forums such as African Women Chartered Accountants to identify improved sourcing strategies aimed at increasing our database of potential female candidates. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION IF AVAILABLE)	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ It would assist if the Commission for Gender Equality would establish a forum where institutions can share best practices, challenges and successes pertaining to the implementation of gender equality in the workplace. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ A forum to exchange best practice. 	

6.5.2: CGE PANEL QUESTIONS/COMMENTS ON LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: Presentation was well articulated and there is a 5% disability achievement.	<ul style="list-style-type: none"> ✓ The target has grown and LADBSA overachieved on disability.
2	Commission: Is the flexi-time at the discretion of the manager? Can he or she say no? The Eskom model could form a basis of comparison.	<ul style="list-style-type: none"> ✓ Yes: flexi-time is at the discretion of individual managers. ✓ We will exchange cards with Eskom.
3	Commission: Is maternity leave a full 3 months and 70% covered in the fourth month by DoL? It was suggested that the Land Bank follow up on child care.	<ul style="list-style-type: none"> ✓ Yes: this was confirmed. ✓ Follow through on child care was affirmed..
4	Commission: The Women's Forum should be analysed. No clear retention strategy in place which must be expanded on.	<ul style="list-style-type: none"> ✓ The Women's Forum assists with the gender strategy.
5	Commission: Do you have a GFP?	<ul style="list-style-type: none"> ✓ No response.
6	Commission: Have you attended any gender training yourself?	<ul style="list-style-type: none"> ✓ No gender training. ✓ In diversity management training there was an element of gender training. ✓ The Land bank is applying itself to providing learning activities, and the business development team is researching methods to target women.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
7	Commission: If the core business of Land Bank is to help those acquire land rights, can land acquisition methods be part of the Land Banks women empowerment drive?.	✓ No response.
8	AHoD Legal: Did the Department of Labour propose measures to address non-compliance?	<ul style="list-style-type: none"> ✓ No specific response was provided by the Department of Labour. The recent retargeting of women may change this in future. ✓ Out of six executives, there is only one woman but three to four years ago there were three women among 8 executives. Their contracts ended. Two positions have been advertised and women have been targeted for recruitment.

7. SUPPLEMENTARY HEARINGS, 13 AUGUST 2013

✓

✓ 7.1 City of Tshwane Metropolitan Municipality

[Note: the CoT was subpoenaed previously on 14 March 2013 and during their submission The Commissioners expressed much dissatisfaction with the content. The Commissioners asked the CoT to resubmit everything and therefore this is their second presentation; below the original submission is given for reference. The new 13 August 2013 presentation is a response to issues raised by the CGE on 14 March 2013. This included returning with policies that had not been appropriately submitted at the previous hearing.]

Mr Jason Ngobeni, City Manager: Tshwane took the oath and after a few comments introduced those in his company: Ms Cynthia Ramulifho: Executive Director, Corporate Services and Mr Luckie Sihlangu.

Mr Ngobeni was asked to explain why he failed to appear in the first round, noting also that the policies presented in March were in draft form and not approved by Council although most have now been approved. They had draft EE plans before and now they are approved. A lot still needs to be done and EE is on the table and a focus; it is in their 5 year IDP plan and in their annual plans also.

In the municipalities and especially the metros, there are emergency services and municipal police services. The male component of the police forces is about 80% and the women are about 20%. Should the number come to 50%, this could be a problem and the Commission should think about that. There was a study of post-natal breast-feeding for female employees, and much attention was paid to their need to breast-feed etc. This policy is before Council and is pro-gender. Younger female officers have young family responsibilities and hence this policy was passed.

In the Tshwane Metropolitan Municipality, which includes the city of Pretoria, it was found in supplementary meetings that in 2013, 26.6% of top management posts at the director level were occupied by women while 33.5% comprise the female component of senior management. No people with disability were located in top management. The Council, top management, the corporate equity forum and the director of employment equity are responsible for the oversight of implementation for the equity policy. The issue that emerged from the hearings was that the equity policy was still in draft form and the policy documents were claimed to be under revision or awaiting council approval, which explained their procedural inadequacy. The documents submitted included a draft equity plan, a disciplinary procedure from the South African Local Government Bargaining Council, Disciplinary and Grievance procedure, SALGA; Municipal Manager's Code of Conduct for Staff Members, Uniform Policy, Training and Development Policy, Employee Assistance Programme Policy, an HIV-AIDS Policy by Collective Agreement, Scarce Skills Allowance Policy and a Sexual Harassment Policy (unapproved). Women's empowerment was supplemented by an aggressive recruitment policy which was extended to people with disabilities, a R1.7 million budget for transformation and ring-fenced positions. A R52 million budget supports the education and training of women to attain senior management positions. Additional support was provided through flexitime and emerging child care facilities.

7.1.1: SUBMISSIONS ACCORDING TO THE STANDARD REVIEW QUESTIONS: CITY OF TSHWANE

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
1	In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.	<p>Submissions:</p> <ul style="list-style-type: none"> ✓ Yes: EE Plan 01 July 2012-30 June 2017 attached [no signatures located]. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ An approved EE Plan, 2012-2017. ✓ The EE Plan has not changed much and we are striving hard to achieve 50/50 top management. ✓ The CoT has developed an EE Plan with an action plan to track movement of women and women with disabilities at top and senior management. ✓ Equity is tracked in accordance with the Employment Equity Policy and Terms of Reference as of May 2013. ✓ Nearly all policies were revised this year and they went to Council; these are HR related ones. 	<ul style="list-style-type: none"> ✓ Submission and testimony says there is an approved plan but no signatures were found on the plan.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management positions.	<p>Submission <i>[much was corrected/ revised in testimony]:</i></p> <ul style="list-style-type: none"> ✓ Top management, Levels 1-3: City Manager, Deputy City Manager and Strategic Executive Directors: 71.4% males and 26.6% females as of 30 June 2013. ✓ Senior management, Levels 4-6: Executive Directors/Regional Executive Directors or equivalent: 66.5% men and 33.5% women as of 30 June 2013. ✓ Disability: 0% at top management as of 30 June 2013 ✓ Disability at senior management level: 7 employees with a disability at this level; 42% males and 57% females as of June 2013 = <p>Testimony: <i>Testimony corrected the submission as follows:</i></p> <ul style="list-style-type: none"> ✓ Top management, Levels 1-3: City Manager, Deputy City Manager and Strategic Executive Directors: 62.5% males and 27.5% females as of 30 June 2013. ✓ Senior management, Levels 4-6: 40.4% female and 7 are PWDs: 4 women and 3 men: (57% of PWD are women). ✓ ✓ 18 people were earmarked for PWD. But 	<ul style="list-style-type: none"> ✓ The submission differed from the testimony and it was stated the testimony was more current.

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
3	What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Since 2011, City of Tshwane has embarked on gender transformation through filling posts, and training and development women at top and senior management positions. The EE Plan has been developed to promote gender transformation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Aggressive recruitment policy. ✓ R1.7 million budget for the Employment Equity Section that addresses this issue of transformation alone. ✓ Positions are ring-fenced. 	
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Council ✓ Top management ✓ Corporate Employee Equity Forum ✓ The Director Employment Equity plays an oversight role on transformation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Council, top management, Corporate Employment Equity Forum and Director of Employment Equity are responsible for gender transformation. 	✓

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: CoT Business Processes are monitored, measured and linked to what all managers do on a continuous basis with goals, value and CoT objectives (IDP). The City ensures that all managers receive coaching and diversity training and give feedback on a quarterly basis on their performance. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above. 	
6	What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ CoT has an employment equity section with a budget to support transformation. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ R1.7 million budget for the Employment Equity Section that addresses this issue of transformation alone. ✓ There is also a training budget of R52 million that helps to empower women with the skills to achieve senior management positions. ✓ Tender are awarded to women: about 12.41% of the R3 billion in tenders. ✓ So mentorship and capacity building programmes to promote women are coming into place. ✓ Buildings are being made more accessible for people with disabilities. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
7	What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ An EE Plan tracks the movement of women and women with disabilities at top and senior management positions. ✓ Mechanism to appoint disabled women at top management and senior management positions as per approved EE Plan. ✓ Approved EE plan will be monitored and evaluated yearly. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Database of people with disabilities. 	
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: the staffing policy, which is under review, should be read in line with the EE Plan. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Aggressive recruitment strategy. ✓ Buildings are being made more accessible for people with disabilities. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
9	<p>Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: there are mentorship and capacity building programmes that are designed to address under-representation: Affirmative Action measures. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Yes: mentorship and capacity building programmes to promote women are coming into place and they are specifically designed to address the under-representation of women. 	
10.	<p>Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ CoT makes provision for female employees on application to work flexi time for family matters. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Early Child Development Centres are available and the department is in the process of identifying child facilities for staff. ✓ We are working on a shift system to help too. 	
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Continuous road shows and campaigns. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ R1.7 million budget for the Employment Equity section that addresses this issue of transformation alone. 	

	STANDARD REVIEW QUESTIONS	TESTIMONY (WITH REFERENCE TO SUBMISSION)	COMMENTS AND/OR FINDINGS
12	Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these policies, what explains this?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ All HR policies having barriers to Affirmative Action are reviewed continuously in consultation with the unions. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We have a new approved document that is still under consultation; approved by Council for consultation. 	
13.	In terms of Section (19)(1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table)	<p>Submissions</p> <ul style="list-style-type: none"> ✓ See CGE findings in the table below. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We revised nearly all of our policies this year and they went to Council; these are HR related ones. 	<ul style="list-style-type: none"> ✓ Not submitted were Succession Policy and Career Pathing, Retirement Policy, Promotions Policy and Salary and Benefits Policy. ✓ Not all of these were signed and the municipality was then asked to resend all signed, approved policies (see further below).
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Previously disadvantaged groups have been appointed to top management including female counsellors. ✓ Recruitment is being done in line with equity targets. <p>Challenges</p> <ul style="list-style-type: none"> ✓ The City is striving to recruit people with disabilities who do not apply. 	<ul style="list-style-type: none"> ✓ The Commission offered to assist with the challenge; see further below.
15.	ADDITIONAL SUPPORT NEEDED	<ul style="list-style-type: none"> ✓ Not addressed: the CoT is currently receiving the support of the CGE. 	

7.1.2: CGE PANEL QUESTIONS/COMMENTS ON CITY OF TSHWANE MUNICIPALITY

1	Commission: The situation has improved but link ups with disabled people was recommended to attain disability targets.	✓ No comment.
2	Commission: Women at a certain stage of their life have to be accommodated with pregnancy leave. Employers can work within these limits.	✓ No comment.
3	Commission: Presenters were specific about the Metro Police and referred to it as a force. These were departments that were previously occupied by men, as was the military, which now has female soldiers. Old stereotypes were condemned. Women were acknowledged as having a reproductive task but could not be penalised for biology?	✓ No comment.
4	Commission: Section 57 was raised as an issue needing intervention by means of letters to mayoral offices. A Women's Commission may need to raise this issue again.	✓ No comment.
5	Commission: On the issue of disability, more discussion was needed and more effort put into sourcing disabled people..	✓ No comment.
6	Commission: The role of the presenters in ensuring compliance by raising issues with bosses was asked.	✓ No comment.
7	Commission: The commissioners claimed this to be an inalienable victory.	✓ Taking the EE plan to Council for approval should reinforce the need to meet the numbers but the reality is that when there are interviews the situation changes. There are influences concerning who should be appointed to various positions. The Commission has value in creating oversight and generating conversations that can assist in normalisation of the situation by putting pressure on the politicians. Reports were made by the presenters to the Portfolio Committee on Human Settlement the Mayoral Committee and the Gender Commission.
8	Commission: All approved policies were requested. An explanation of unintended consequences of policies was requested. Overall, a great improvement from the original position in Tshwane was observed amid exhortations to reach targets.	✓ No comment.

7.2: DEPARTMENT OF INFRASTRUCTURE DEVELOPMENT

Mr Bethuel Netshiswinzhe: Head of the Department of Infrastructure Development, Gauteng appeared at the Gauteng hearings on 14 March 2013 and took the oath but did not have anything to present. The Department was called to the second hearings and responded positively and submitted documents on time. Mr Netshiswinzhe was accompanied by two colleagues: the DDG for Corporate Services and the Gender and Disability Focus Person.

Mr Netshiswinzhe stated that the mandate of Public Works has shifted from a notion of fixing things here and there to building social and economic infrastructure for growth. The mission of the Department of Infrastructure Development is to facilitate service delivery through the development, construction and management of public infrastructure. This also optimises job creation".

The Department focuses on 8 delivery outcomes of which the following three were highlighted for their relevance to Employment Equity:

- Decent employment through inclusive economic growth (this is the focal point for promoting women and people with disabilities in the economy and some large projects are located here such as the EPWP).
- An efficient and effective development-oriented public service (women are promoted here in terms of employment equity).
- An empowered, fair and inclusive citizenship.

The total staff complement is 2073. The Department is male dominated and people with disabilities are only found between Levels 3 and 12 with none at SMS level.

The Department of Infrastructure Development (DID) is largely an engineering department, a scarce skills area traditionally avoided by or inaccessible to women. Nonetheless, 46% of senior managers are women. Around 15% of engineers in the DID are women. The Department Head (HoD) is accountable for the delivery of gender transformation programmes. The HoD is supported by the Gender Focal Point (GFP) responsible for coordination. Responsibility also gets delegated to the deputy director general of Corporate Services by the HoD as and when required. Gender transformation is being inserted into management's contracts, specifically the department head. The department follows the policies of the office of the premier's traversal unit and it has a sexual harassment policy in place. In terms of the equity policy, a gender focal person participates in the Inter-departmental Gender Forum and the Provincial Gender Forum, both coordinated through the Office of the Premier. A Gender Workplace Forum hosted by the GFP in partnership with the Gauteng provincial government conducts sensitisation and mainstreaming through workshops, awareness campaigns and training through PALAMA. A general provision of leadership development and management training is in line with workplace skills. General workplace training and skills development occurs but there is no allowance made for flexitime and childcare facilities are absent. There is no dedicated budget specifically earmarked for women but it was acknowledged that recruiting women in an engineering field was difficult and DID claimed to be remedying this by providing internal bursaries and encouraging mathematics and science among girl learners.

7.2.1 SUBMISSIONS AND TESTIMONY ACCORDING TO STANDARD REVIEW QUESTIONS

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
1	<p>In terms of Section 20 of the Employment Equity Act No 55 of 1998, a designated employer must prepare and implement an employment equity plan. Does your institution have an employment equity plan? If so kindly provide a copy.</p>	<p>Original submission:</p> <ul style="list-style-type: none"> ✓ No EE Plan; the Department does not have its own EE Plan but is aligned with the provincial EE Strategy and targets in the recruitment of designated groups. ✓ Registered with Department of Labour to submit annually. ✓ Draft Terms of Reference Developed for the above. <p>14 Aug Testimony:</p> <ul style="list-style-type: none"> ✓ There is an EE Plan with targets. 	<ul style="list-style-type: none"> ✓ No approved EE Plan but the Department registered with the Department of Labour for the submission of the annual equity report. ✓ An Employment Equity Forum Charter was submitted. ✓ This can be accelerated and work has started on this.

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
2	Provide sex and disability disaggregated data of your top management and senior management position.	<p>Original submission:</p> <ul style="list-style-type: none"> ✓ SMS: Of 54 SMS members, 25 (46%) are women and 29 (54%) are male. ✓ PWDs: No persons with disabilities at senior or top management level. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ SMS decision-making Levels (13-16): 25 (46%) women and 29 (54%) males (54%). ✓ SMS non-decision-making engineers: 11 men and 2 women: "so the problem is in terms of engineers". ✓ Some engineers are also foreigners. ✓ Disability analysis: 36% male and 24% female; 25 altogether but mostly at low levels. ✓ EE status study has been done: 1492 males and 581 women and so the Department is male dominated but it is new and no one looked strategically at what was being created in terms of gender. 	<ul style="list-style-type: none"> ✓ No data presented on top management specifically. ✓ Representation of PWD is only at Levels 3-12.

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
3	<p>What measures have been put in place to promote gender transformation and to increase women's representation in senior management and top management at your institution?</p>	<p>Original submission:</p> <ul style="list-style-type: none"> ✓ The Departmental recruitment and selection policy does not specifically target women (with or without disabilities). ✓ Departmental targets are given in the Operational Plan which is aligned to provincial targets: the Gauteng Policy Framework on Gender Equality and Women Empowerment and Disability Rights as adopted by the Executive Council. ✓ The Provisional EE roll-out plan in place for guidance, pending finalisation of approved Departmental EE Plan. ✓ Gender, Youth and Disability Focal Points appointed at SMS level and located in the office of the Head of Department. ✓ HR Unit on EE. ✓ GEYODI Focal Points are tasked with setting up and monitoring employment equity trends and targets within Department during the 2013/2014 fiscal year. ✓ The Focal Point participates in the GPG Inter-departmental Gender Forum and the Provincial Gender Forum, both coordinated through the Office of the Premier. ✓ Gender Workplace Forum establishment approved, inclusive of ToRs. Secoded representatives are between Levels 9 and 13; union representatives participate in the forum. ✓ Gender sensitisation and mainstreaming sessions are facilitated by the Gender Focal Point in partnership with GPG: Office of the Premier through policy workshops, awareness campaigns, observance of National Commemorative Days and training through PALAMA. ✓ Targeted recruitment of women with specialised and/or technical skills, aligned to core mandate. ✓ Provision of leadership development and management training in line with workplace skills. ✓ GEYODI mainstreaming issues form part of agenda at management meetings. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ We have trained 608 females and 13 people with disabilities and so skills development does address the inequalities. ✓ Bursaries were awarded to 87 people: 46 male and 41 female; mostly Black. ✓ As part of the procurement strategy, we also target women. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
4	Who is responsible for implementing and overseeing gender transformation at your institution?	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The Head of Department is accountable for the delivery of gender transformation programmes and it is part of his Key Performance Agreement. ✓ The HoD is supported by the Gender Focal Point responsible for coordination. ✓ Responsibility also gets delegated to the DDG: Corporate Services by the HoD as and when required. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above 	✓
5	Does implementation of gender transformation measures form part of the performance review of senior managers? If no, kindly provide reasons for this.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No: gender transformation measures were not factored into senior managers' performance contracts/review in the 2012/2013 fiscal year. ✓ The Office of the Premier through its Transversal HR after concluding the amendments to the PMDS has included these in the PMDS 2013/2014 fiscal year. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Gender transformation will be placed into managers' contracts. 	✓ In the August testimony this was stated: "We have undertaken a gender analysis and we know our Department is predominantly male (jobs offered are in engineering etc.). These issues are historical and there is a need to work with training institutions and others to change this. Head hunting, and internal bursaries, education and encouraging girls to study maths and science are some of the efforts undertaken."

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
6	<p>What resources have you allocated to support gender transformation as mentioned above? If no resources have been allocated, why?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No dedicated budget. ✓ To be part of the planning in next fiscal period. ✓ Gender Focal Point Resources: personnel budget at R2 million and operational budget at R 50,000 for 2012/2013 financial year as opposed to R0 in preceding year. ✓ GEYODI mainstreaming aspects within the POA is implemented to an extent at the core function levels. ✓ Staff complement: director, assistant director and admin clerk. ✓ Filling of vacancies has been delayed, pending structure approval/finalization. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above. 	
7	<p>What mechanisms or systems are in place to track the movement of women with disabilities to senior management or top management priorities at your institution?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Departmental quarterly reports: but these only indicate new recruits and appointees and cannot track the movement of women in the system. ✓ No disaggregated mechanisms. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Quarterly reports presented to the Legislature and address gender equality. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
8	Do your recruitment policies specifically target men and women with disabilities for recruitment to senior positions? If so, please provide us with a copy of your recruitment policy which makes provision for this. If not, kindly provide reasons why.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The departmental recruitment and selection policy does not specifically target women (with or without disabilities). ✓ Departmental targets are given in the Operational Plan which is aligned to provincial targets. ✓ The Department does indicate preference for persons with disabilities when advertising posts. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ The policy has gaps. 	
9	Are any mentorship and/or capacity building programmes aimed at accelerating women and disabled people's progression to senior and top management positions? If not why not? Kindly provide reasons.	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No mentorship programme. ✓ There are capacity-building programmes but these are for everyone. ✓ The Department facilitates participation of young girls in the GPG Young Girls Development and Science, Technology, Engineering and Maths (STEM) Programme coordinated by the Office of the Premier. ✓ Priority is currently on ensuring recruitment of women with specialised/technical skills and registering them with relevant professional bodies. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Existing initiatives are not targeted enough. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
10.	<p>Does your institution provide child care facilities and/or flexi-time or working from home to balance family responsibilities with work? Please provide evidence thereof.</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ No child care facilities. ✓ Flexi-time is regulated through HR Circular 1/11/11 on departmental official working hours. ✓ Employees have to make prior arrangements for any kind of flexi-time and it does not seem to be encouraged. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ In terms of a long term plan, all government departments will be brought together and then these facilities can be offered. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
11	<p>What steps have you taken to initiate awareness on gender equality and discrimination in the workplace? Who has been targeted with these measures and what success has been achieved thus far?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ The Gender Focal Point participates and makes input into departmental structures and processes such as the Skills Development Committee. ✓ There are gender and disability sensitisation workshops although these mainly target Gender Workplace Forum members. ✓ There are men's dialogues (facilitated through the Office of the Premier) to create more gender sensitivity amongst men. ✓ Commemorative days, events and campaigns. ✓ Utilisation of information systems and other platforms to heighten awareness. ✓ Collaboration with other GPG departments and municipalities on programmatic areas, especially during Women's Month celebrations. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ As above: there are a large number of workshops. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
12	<p>Does your company have gender discrimination and sexual harassment policies? Kindly provide us with copies of these policies. How effectively have these policies been utilised? If there are no policies in place or you have not utilised these polices, what explains this?</p>	<p>Submission:</p> <ul style="list-style-type: none"> ✓ Yes: a Sexual Harassment Policy ✓ No cases of sexual harassment (no records of this). <p>Testimony:</p> <ul style="list-style-type: none"> ✓ These policies are in place but there are low levels of reporting but that does not mean there are no incidents of this. 	<ul style="list-style-type: none"> ✓ Sexual Harassment Policy was attached.
13.	<p>In terms of Section (19)(1) of the Employment Equity Act, a designated employer must collect information and conduct an analysis of all relevant employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Kindly provide these policies (see next table).</p>	<p>Submission :</p> <ul style="list-style-type: none"> ✓ See table further below. 	<ul style="list-style-type: none"> ✓ The Department follows with the GDID policies.

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
14.	SUCSESSES AND CHALLENGES	<p>Successes:</p> <ul style="list-style-type: none"> ✓ Gender, Youth and Disability Key Performance Area falls into the HoD's performance contract for the 2013/2014 Fiscal Year. ✓ An interim Employment Equity Forum was established and Forum members were given training on audit findings and identification of barriers. ✓ Diversity Climate and Working Environment Audit. ✓ Collaboration between HR-EE Unit and Gender and Disability Focal Point on equity monitoring and reporting. ✓ National Youth Service Project that we run is one of our most successful programmes. ✓ A women's monument to honour women is being built and this project is now underway and it is a huge investment of R200 million; it will demonstrate commitment and will be a large national heritage monument in Pretoria. ✓ A company owned and led by a Black woman was commissioned to build the Chief Albert Luthuli Primary School in Daveyton and it was done in six months. <p>Challenges</p> <ul style="list-style-type: none"> ✓ Rigorous GEYODI mainstreaming and reporting at the line function level. ✓ Addressing gender/disability stereotypes and perceptions through advocacy and sensitisation. ✓ Lack of targeted resourcing and capacity building targeting women. ✓ Legislative and policy cohesion and streamlined systems and operating procedures. 	

	STANDARD REVIEW QUESTIONS	SUBMISSION AND TESTIMONY	COMMENTS AND/OR FINDINGS
15.	ADDITIONAL SUPPORT NEEDED	<p>Submission</p> <ul style="list-style-type: none"> ✓ The Department of Public Service and Administration to provide strategic support and training on monitoring and evaluation (targets and impact) and on gender budgeting. <p>Testimony:</p> <ul style="list-style-type: none"> ✓ Support is needed to finalise and review policies. 	

7.2.2: CGE PANEL OF QUESTIONS/COMMENTS ON DEPARTMENT OF INFRASTRUCTURE DEVELOPMENT

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
1	Commission: The presentation was very colourful and it had some flesh but some areas were disappointing. The Commission remarked that effort was put into the preparation of the presentation.	✓ No comment.
2	Commission: The relationship between EE goals and the MDGs was noted.	✓ No comment.
3	Commission: The budget of R50, 000 was seen as a shame. The budget of the Department for Gender Focal Points was seen as really nothing.	<ul style="list-style-type: none"> ✓ The budget would be re-examined. ✓ The total budget allocated to the Directorate was viewed as important but all directorates are capable of undertaking programmes on behalf of these issues by gender mainstreaming.
4	Commission: You also did some work on the DPSA 8 principles but getting people to know them is one thing and implementing them is another. If you implement them you will have a department that is top class.	✓ We will look into the 8 principles as a model.
5	Commission: GFPs are at the SMS level but you marry gender with disability. So please, HoD, work on having a Director for disability, otherwise this gets left out. You cannot say there are no disabled people and must recruit them.	✓ Assistance is provided to people with disabilities including children so that they can study.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
6	Commission: The Commission lauded the presentation although they expressed concern for claims of there being no money for gender programmes. Everything could be swept away under new leadership so systems need to be embedded to guarantee resources.	<ul style="list-style-type: none"> ✓ Acknowledgement of need to mainstream gender issues into budgeting. ✓ More needs to be done. The MEC is a woman and recognised as a gender activist. Complacency would be addressed by explaining policies to all the staff.
8	Commission: While 50/50 was admittedly close in senior management, an issue in the middle was recognised which pointed to a small talent pool. This pool must be enlarged. The Employment Equity Report has mentioned the need for this pool to be drawn from. What will happen in five years?	<ul style="list-style-type: none"> ✓ In terms of dealing with the issue of 50/50, sustainability must be addressed meaning that lower levels must be examined. ✓ New Human Resource Planning will look at this through the mentorship programme. ✓ Retired engineers are mentoring the youth and in particular young women. Partnering with universities at institutional level is occurring.
9	Commission: The issue of procurement is important and the EE Act applies to procurement as well. It was noted that women are being included into the supply chain. It was asked if those women comply.	<ul style="list-style-type: none"> ✓ No comment.
10	Commission: In terms of the gender balance on appointment to projects: how many women and men get appointed to infrastructure projects?	<ul style="list-style-type: none"> ✓ EPWP For the financial: 49% women were helped here and 0.39% for disability. More work required here.
11	Commission: This is the first public entity where women are 46% at SMS level but comprise only 30% of your workforce overall. The problem is at middle management and around the issue of technical skills remedied by the bursary programmes.	<ul style="list-style-type: none"> ✓ On the skills development side, the total number of women has gone up.
12	Commission: More spent on men than women in terms of bursaries. Best practices in can be extracted from DID.	<ul style="list-style-type: none"> ✓ No comment.
13	Commission: The DID was seen to be above average and there was a need for a knowledge management system to capture how success was attained to share the better practice.	<ul style="list-style-type: none"> ✓ More effort was put into explaining DID work.

	COMMISSIONER QUESTIONS/COMMENTS	RESPONSES
14	Commission: The school was described as very beautiful. The commission asked if it has disabled friendly toilets and universal accessibility.	✓ DID offered to show pictures and assured that it is accessible to PWDs. Some norms and standards have been established through DID work. There are many facilities including libraries, computer centres, and renewable energy and recycling water and solar rooftops.

8. PUBLIC COMMENTS

In order to ensure that 50/50 is maintained, a participant spoke of reserved posts allocated by gender so if a post occupied by a woman falls vacant, a woman automatically fills that post. Additional ideas shared by the public included cascading Community Safety on Sexual Harassment down to community police forums where workshops should be delivered there. The proposal made by the Department of Social Welfare to establish women's forums where young women can be targeted with skills was favourably viewed. These forums would be sites where grants could be developed and piloted to build self-esteem and skills. Eskom's dial-a-teacher was seen as a model initiative. Municipal representatives wished to see gender mainstreaming information presented at the local level and mainstreamed into communities. It was also believed that the CGE should also call the political heads of programmes for gender mainstreaming.

One of the issues raised from the public gallery was that it is important to understand gender concepts in order to implement mainstreaming more effectively and to avoid it being consigned to an aside issue. Most actors are dealing with gender as an awareness issue and are vague where Johannesburg City deals with this as a capacity and transformation issues. Many government departments tend to focus on the internal dynamics of gender in their own work but few of them do not discuss much of the impact of their gender equality work on the community.

It was also mentioned that while South Africa has progressive policies and legislation guided by international commitments, implementation is always a challenge. Electoral cycles influence implementation as well as political changes bring in new staff and changes in service delivery focus, particularly at the local level. Further, issues of culture change are needed so women can contribute on their own terms rather than on the terms of men and a masculine culture. Culture change includes how communities are reached. In this, the inclusion of top management into the process ensures that gender mainstreaming is seen as something more than a once off activity for sixteen days of activism. Taking gender committees seriously is one step towards fulfilling international obligations and pursuing non-sexism through legislative means.

9. FINDINGS

- The pace of gender transformation is very slow and there is a need to adhere to the law and what is expected by it.
- Most of the documents submitted were not signed or approved. Some were outdated and need to be reviewed.

- With FirstRand, the Commission was disappointed with the lack of progress. There was slow or no movement and some complacency about that.
- The DSD presented well and their policies were well developed, they had very nice programmes and they were a breath of fresh air in every example of their work.
- The Department of Community Safety presented and they are also doing well but they must have their policies properly signed and tabled. The Commission noted that they are going to have a Disability Desk and they will start a wellness and childcare facility and they have also said they will improve on disability. They will table all these policies including the revisions; they are restructuring, and their policies are changing to account for that.
- Department of Education did not have much. They said that they concentrated on improving results and were under pressure but the Commission was not very excited about their presentation. They have some policies but were asked to resubmit them all and they will be monitored to see if they are implementing what they have not been able to do well.
- The City of Johannesburg did quite well too. They are a big economic engine of the province and the country and they have a huge budget. They do have some interesting innovations and have a Women's Development Strategy (see their website) and it shows a good strategy that all can learn from. Their targets are okay.
- Midvaal Municipality is semi-rural, small and suffocated by the Metro: a bedroom city of the Metro area. They are going in the right direction but need a database of people who are disabled because they do not have them. They have mostly Whites and many Africans and not so many Coloured and Indians. They did not have any Gender Focal Person and we want them to focus on this. The representation of disabled people is not a choice and they must go work on that and submit their materials to the Commission; their submissions were not complete.
- City of Tshwane did not give out what was expected. They need to go back and work on their strategies and Equity plan. The Commission was not pleased with them and recommended that they refer to City of Johannesburg.
- Mogale City showed a potential will to improve. They just needed to beef up their support systems and work on their plans. They suggested getting some demographic background on each city that presents to give them context; we will do this in the future.
- This exercise is about employment equity but someone wanted to hear more about outreach in terms of women's activities but that is not really our role or intention as the Commission was focused on the municipalities, government departments and companies.
- Some from local government may not meet their targets owing to politics. People change and new people come into office and the old programmes are thrown out and new ones come in. This can be a challenge to gender equity.
- Government departments deal with gender-based violence and yet SAPS is not properly trained to implement the Domestic Violence Act and other related legislation. Drugs in schools comprised another issue not well addressed, said one speaker.
- There is an important bill coming up - the Women Empowerment and Gender Equality Bill; this bill says all structures must have 50% women. So far, this has been in all protocols and agreements. We are talking about law and that is seeking for 50% women representation.
- Some entities need to follow the examples of Eskom and the like in terms of its recruitment strategy and responding to the inclusion of women in the workplace. There is more to be done.
- The Land and Agricultural Development Bank missed out on Eskom's presentation and would have learned one or two things. Employee value has to be looked at and men should also be on women's forums; this should not be a separate forum, as gender issues include men. Access to credit and buying land should be one of your flagship programmes.

- Municipalities seem to be challenged in terms of how they do business. They seem to go forward and backwards. *[Perhaps the Commission should handle municipalities alone in separate forums.]* The City of Johannesburg did an excellent presentation and all can learn from these examples.
- Gauteng does have a 50/50 system in the Cabinet and are working toward 50/50 elsewhere. Many municipalities offered wishy-washy presentations.
- There is a need to balance equity in terms of race as well. The only figures improving are Blacks and Whites. More Coloured and Indian people are needed in some of these municipalities.

10. RECOMMENDATIONS

- There should be 50% representation of men and women and 2% disabled people in every department and private and public entity.
- Entities need to strive to have women at SMS level at all costs.
- Retention policies and strategies need to be tightened to maintain those women in SMS positions.
- EE policies need to be in place in every forum, including young women's forums.
- All policies promoting gender equality must be reviewed annually.
- There should be monitoring and evaluation on implementation and compliance annually.
- The Commission should furnish guidelines or terms of reference regarding gender transformation.
- Specific proposed quotas on the demographics should be advanced.
- The level at which the Gender Focal Person should be employed should be consistent between departments: at DD level.
- There is a need for workshops on issues of gender transformation because implementation is lacking.
- Programmes to be conducted quarterly to measure the progress made and to intervene to give the necessary support.
- Sexual Harassment Policies should be taken into account and be applicable to curb any misconduct that women are faced with; women need to be encouraged to rely and trust that these policies will assist them in all instances.
- All entities should have a specific budget allocated to gender and disability programmes.
- Entities should engage educational institutions to access disabled people, and be taught on all positions to balance gender and race.
- Entities should provide disaggregated data on EPWP programmes.
- Gender needs to be embedded into the KPAs of senior management.

11. APPENDICES

APPENDIX 1: CGE FINDINGS ON SUBMITTED MATERIALS FOR FIRSTRAND BANK

	Policy	Evidence	Status
1	Employment Equity Policy	✓ Plan submitted; Minutes of Employment Equity Forum	Reviewed 30 November 2012
2	Recruitment and Selection Policy	✓ Submitted	Approved 7 March 2012
3	Disciplinary and Grievance Procedure	✓ Submitted	Signed 20 March 2013
4	Code of Good Practice	✓ Submitted as code of ethics	Approved March 2010
5	Uniform and Protective Clothing	✓ Named Banking Channels Corporate Wardrobe	Approved 20 March 2013
6	Training and development policy	✓ Submitted	Reviewed 25 March 2013
7	Employee wellness	✓ Not provided	
8	HIV/Aids Policy	✓ Submitted	Reviewed 30 November 2012
9	Succession Policy/Career Planning	✓ Not provided	
10	Staff Retention Policy	✓ Not provided	
11	Retirement Policy	✓ Not provided	
12	Sexual Harassment Policy	✓ Submitted	Approved 20 March 2013
13	Promotions Policy	✓ Not provided	
14	Salary and Benefits Policy	✓ Named Cash Retention Guidelines	Updated 17 April 2012
15	Employment Equity Forum (minutes)	✓ Not provided	
16	Gender Focal Point at DD Level	✓ Not indicated	

APPENDIX 2: CGE FINDINGS ON SUBMITTED MATERIALS FOR DEPARTMENT OF SOCIAL DEVELOPMENT

	Policy	Evidence	Status
1	Employment Equity Policy	In draft	Not signed
2	Recruitment and Selection Policy	Submitted	Not signed
3	Disciplinary and Grievance Procedure	Submitted as amendments to resolution : PSCBC	Signed 28 February 2003
4	Code of Good Practice	Submitted	Revised October 2012/not signed
5	Uniform and Protective Clothing	Not provided	Needs to be standardized & customised
6	Training and development policy	Submitted as draft	Not signed
7	Employee wellness	Named Employee Assistance Policy	Not signed
8	HIV/Aids Policy	Submitted	Signed-not dated
9	Succession Policy/Career Planning	Not provided /(bursary policy-not signed)	To be incorporated in a draft under review
10	Staff Retention Policy	Not provided	To be incorporated in a draft under review
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted as draft	Not signed
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	Not provided	
15	Employment Equity Forum (minutes)	Not available	
16	Gender Focal Point at DD Level	Yes	

APPENDIX 3: CGE FINDINGS ON SUBMITTED MATERIALS DEPARTMENT OF COMMUNITY SAFETY

	Policy	Evidence	Status
1	Employment Equity Policy	A plan in place 2010-2015	Not signed
2	Recruitment and Selection Policy	Submitted	Signed 31 August 2009
3	Disciplinary and Grievance Procedure	Submitted	Not signed
4	Code of Good Practice	Submitted	Signed 2 March 2009
5	Uniform and Protective Clothing	Submitted	Adopted 20 October 2009/not signed
6	Training and development policy	Submitted	Approved on 7 November 2007
7	Employee wellness	Submitted as Employee Assistance Policy	Adopted 13 August 2008
8	HIV/Aids Policy	Submitted	Adopted 13 August 2008
9	Succession Policy/Career Planning	Not provided	
10	Staff Retention Policy	Submitted	Approved on 26 March 2007
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted	Signed 13 November 2012
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	Not provided	
15	Employment Equity Forum (minutes)	Not provided	
16	Gender Focal Point at DD Level	No	

APPENDIX 4: CGE FINDINGS ON SUBMITTED MATERIALS FOR DEPARTMENT OF EDUCATION

[Note: the Department was asked to resubmit all materials]

	Policy	Evidence	Status
1	Employment Equity Policy	Submitted	Outdated
2	Recruitment and Selection Policy	Submitted	Outdated/26 February 2006
3	Disciplinary and Grievance Procedure	Submitted	Outdated/31 October 2002
4	Code of Good Practice	Submitted	Outdated/28 February 2003
5	Uniform and Protective Clothing	Submitted	Old version/not signed
6	Training and development policy	Submitted	Old version in DRAFT
7	Employee wellness	Submitted	Outdated June 2007
8	HIV/Aids Policy	Incorporated into Employee Wellness	Outdated June 2007
9	Succession Policy/Career Planning	Submitted in draft	Not signed
10	Staff Retention Policy	Not provided	
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted (old version)	Not signed
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	Not provided	
15	Employment Equity Forum (minutes)	Not provided	
16	Gender Focal Point at DD Level	No	

APPENDIX 5: CGE FINDINGS ON SUBMITTED MATERIALS FOR CITY OF JOHANNESBURG

[Note: this municipality must submit approved, reviewed and signed policies and those outstanding.]

	Policy	Evidence	Status
1	Employment Equity Policy	Plan in place 2011-2016	Not signed
2	Recruitment and Selection Policy	Not provided	
3	Disciplinary and Grievance Procedure	Submitted (adopted by SALGBC)	Signed 21 April 2010
4	Code of Good Practice	Submitted (adopted by SALGBC)	Signed 7 June 2006
5	Uniform and Protective Clothing	Not provided	
6	Training and development policy	Submitted	Final 8 December 2012-to be approved
7	Employee wellness	Not provided	
8	HIV/Aids Policy	Not provided	
9	Succession Policy/Career Planning	Submitted	Final 8 December 2012-to be approved
10	Staff Retention Policy	Not provided	
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted	Final 8 December 2012-to be approved
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	Submitted as Remuneration Policy	Final 8 December 2012-to be approved
15	Employment Equity Forum (minutes)	Submitted	
16	Gender Focal Point at DD Level	No	

APPENDIX 6: CGE FINDINGS ON SUBMITTED MATERIALS FOR MIDVAAL LOCAL MUNICIPALITY

Note: this municipality must submit all signed approved policies and those outstanding

	Policy	Evidence	Status
1	Employment Equity Policy	Plan in place 2011-2013	
2	Recruitment and Selection Policy	Submitted	Not signed
3	Disciplinary and Grievance Procedure	Submitted(adopted by SALGBC)	Signed 21 April 2010
4	Code of Good Practice	Not provided	
5	Uniform and Protective Clothing	Submitted as Dress Code policy	Not signed
6	Training and development policy	Submitted	Not signed
7	Employee wellness	Submitted as Occupational Health policy	Not signed
8	HIV/Aids Policy	Submitted	Not signed
9	Succession Policy/Career Planning	Submitted	Not signed
10	Staff Retention Policy	Not provided	
11	Retirement Policy	Submitted	
12	Sexual Harassment Policy	Submitted	Not signed
13	Promotions Policy	Submitted	Not signed
14	Salary and Benefits Policy	Not provide	
15	Employment Equity Forum (minutes)	Not provided	
16	Gender Focal Point at DD Level	No	

APPENDIX 7: CGE FINDINGS ON SUBMITTED MATERIALS FOR ESKOM

	Policy	Evidence	Status
1	Employment Equity Policy	Plan in place 2010-2013	Signed 30 November 2010
2	Recruitment and Selection Policy	Not provided	
3	Disciplinary and Grievance Procedure	Submitted	Signed 2/03/2011
4	Code of Good Practice	PowerPoint on Code of Ethics	
5	Uniform and Protective Clothing	Not provided	
6	Training and development policy	As Human Resources Development Policy, also attached Procedure for Development Learning	Signed October 2010
7	Employee wellness	Submitted	Signed 12/09/2011
8	HIV/Aids Policy	Submitted	Signed 15 /12/2010
9	Succession Policy/Career Planning	Talent Succession and Career Management Doc	Signed, dated 13/10/2010
10	Staff Retention Policy	As 'Retention Framework'	Not signed
11	Retirement Policy	Procedure for Exit Management	Signed September 2011
12	Sexual Harassment Policy	Attached as Procedure for industrial relations	Signed 6 September 2011
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	As Remuneration and Benefits Policy	<i>Signed 13/06/2011</i>
15	Employment Equity Forum (minutes)	Not provided	
16	Gender Focal Point at DD Level	No	
17	Resourcing Policy	Signed 13/10/2010	<i>Next review date October 2013</i>

APPENDIX 8: CGE FINDINGS ON SUBMITTED MATERIALS FOR MOGALE CITY

Note: this municipality needed to resubmit all signed and approved policies

	Policy	Evidence	Status
1	Employment Equity Policy	Submitted	Not signed
2	Recruitment and Selection Policy	Submitted as draft	
3	Disciplinary and Grievance Procedure	Submitted	Not signed
4	Code of Good Practice	Not provided	
5	Uniform and Protective Clothing	Not provided	
6	Training and development policy	Not provided	
7	Employee wellness	Not provided	
8	HIV/Aids Policy	Submitted	Not signed
9	Succession Policy/Career Planning	Submitted	Not signed
	Staff Retention Policy	Not provided	
	Retirement Policy	Not provided	
	Sexual Harassment Policy	Submitted as draft	For discussion and inputs
	Promotions Policy	Submitted	Not signed
	Salary and Benefits Policy	As Remuneration & overtime work policy	<i>Not signed</i>
	Employment Equity Forum (minutes)	Submitted	20/09/2012, 6/12/2012
	Gender Focal Point at DD Level	Not indicated	

APPENDIX 9: CGE FINDINGS ON SUBMITTED MATERIALS FOR LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA

	Policy	Evidence	Status
1	Employment Equity Policy	Plan in place 2011-2015	
2	Recruitment and Selection Policy	Submitted	Signed – to be effective on 28/01/2013
3	Disciplinary and Grievance Procedure	Submitted	Signed-effective 21/07/2009
4	Code of Good Practice	Not provided	
5	Uniform and Protective Clothing	Not provided	
6	Training and development policy	As Learning and Development Policy	Signed-effective 01/12/2012
7	Employee wellness	Submitted	Signed-effective 01/10/2010
8	HIV/Aids Policy	Included in Employee Wellness policy	Signed
9	Succession Policy/Career Planning	Submitted	Signed 14/02/2011
10	Staff Retention Policy	Not provided	
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted	Signed-effective 01/02/2011
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	As Compensation Management policy	Signed
15	Employment Equity Forum (minutes)	Not provided	
16	Gender Focal Point at DD Level	No	

APPENDIX 10: CGE FINDINGS ON SUBMITTED MATERIALS FOR CITY OF TSHWANE METROPOLITAN MUNICIPALITY

	Policy	Evidence	Status
1	Employment Equity Policy	Submitted	Revised 2012
2	Recruitment and Selection Policy	Submitted	Revised
3	Disciplinary and Grievance Procedure	Submitted (adopted by SALGBC)	Signed
4	Code of Good Practice	Submitted	Outdated
5	Uniform and Protective Clothing	Submitted	Outdated 2/08/2001
6	Training and development policy	Submitted	Resolution 31/03/2011
7	Employee wellness	As Employee Assistance Programme Policy	Not signed
8	HIV/Aids Policy	As Workplace Policy on HIV/AIDS	Signed 18 March 2008
9	Succession Policy/Career Planning	Not provided	
10	Staff Retention Policy	As Scarce Skills Policy	Not signed
11	Retirement Policy	Not provided	
12	Sexual Harassment Policy	Submitted	Initials-not signed. To be revised
13	Promotions Policy	Not provided	
14	Salary and Benefits Policy	Not provided	
15	Employment Equity Forum (minutes)	Provided	

APPENDIX 11: CGE FINDINGS ON SUBMITTED MATERIALS FOR DEPARTMENT OF INFRASTRUCTURE DEVELOPMENT

r	Policy	Evidence	Status
1	Employment Equity Policy		
2	Recruitment and Selection Policy	Submitted	Signed 30 Nov 2011
3	Disciplinary and Grievance Procedure		
4	Code of Good Practice		
5	Uniform and Protective Clothing		
6	Training and development policy	Submitted	Signed 31 Jan 2011
7	Employee wellness	Submitted	Signed 30 Nov 2011
8	HIV/Aids Policy	Submitted	Signed 30 Nov 2011
9	Succession Policy/Career Planning		
10	Staff Retention Policy	Submitted	Signed 30 November 2011
11	Retirement Policy		
12	Sexual Harassment Policy	Submitted	Signed 30 Nov 2011
13	Promotions Policy		
14	Salary and Benefits Policy		
15	Employment Equity Forum (minutes)		
16	Gender Focal Point at DD Level		

(Footnotes)

1 Department of Labour (2012) Commission for Employment Equity Report 2012. <http://www.labour.gov.za/DOL/downloads/documents/annual-reports/employment-equity/2011-2012/12th%20CEE%20Report.2012.pdf> accessed 29/3/2014.

2 Department of Labour (2012) Commission for Employment Equity Report 2012. <http://www.labour.gov.za/DOL/downloads/documents/annual-reports/employment-equity/2011-2012/12th%20CEE%20Report.2012.pdf>

3 Department of Labour (2012) Commission for Employment Equity Report 2012. <http://www.labour.gov.za/DOL/downloads/documents/annual-reports/employment-equity/2011-2012/12th%20CEE%20Report.2012.pdf> accessed 29/3/2014.

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