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Commission for Gender Equality
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EQUALITY FOR WOMEN IN MINING:
Assessing gender mainstreaming at
Impala Platinum & Petra Diamonds

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1. INTRODUCTION

This Policy Brief is based on issues drawn from a Commission for Gender Equality study “Bold Claims and Small Gains: Assessing Gender Mainstreaming in South Africa’s Mining sector”.

The study sought to assess gender transformation in the mining sector, focussing on the internal gender mainstreaming programmes of two mining groups:

- Impala Platinum Holdings Limited and its Impala Platinum mine in Rustenburg (Implats)
- Petra Diamonds Limited and its Cullinan Diamond Mine

The purpose of this Policy Brief is to focus on and highlight three key issues that emerged from the study, and present recommendations in line with these findings:

- Sexual harassment
- Sanitation issues for women
- Personal protective equipment (PPE) for women

2. BRIEF BACKGROUND

Historically, mining has been known as a male preserve and thus much of the infrastructure and environment has evolved mainly to suit the needs of male miners.

More recently, women have increasingly entered the industry thanks mainly to government policy and legislative efforts. The CGE’s 2017 study was a follow-up to another study done in 2016¹. Both reports revealed critical issues and challenges facing the mining sector, particularly the role of women, and their incorporation into the sector and its workforce.

The inclusion of women into an environment previously dominated by men has also brought to light issues of sexual harassment, lack of adequate provision of sanitation facilities and inappropriate or ill-fitting personal protective equipment (PPE). Failure by mine management to address these issues urgently and effectively subjects female miners to intolerable working conditions.

This undermines efforts to transform the sector in terms of existing gender equality policies and legislation.

In its 2016 and 2017 reports, the CGE raised similar issues, particularly identifying the lack of commitment to gender transformation in the sector as a key obstacle to meaningful gender transformation.²

¹ See Commission for Gender Equality (2016), “Talking the talk and not walking the walk: Assessing Gender Mainstreaming in South Africa’s Mining Sector”, pp. 3-44; & Commission for Gender Equality (2017), “Bold Claims and Small Gains: Assessing gender mainstreaming in South Africa’s mining sector”, pp. 4-62.

² Ibid.

Maintaining a persistently hostile and unwelcoming environment for women helps perpetuate the historical gender imbalances that characterise the mining sector in South Africa, despite numerous policies and legislative frameworks aimed at achieving gender transformation.

Some of the issues raised included:

- Management structures that continue to be male dominated
- The slow entry/intake of women into the industry despite tremendous legislative developments in the sector in the past decade or more
- Lack of career development opportunities for women once absorbed into the profession

At the inception of South Africa's democracy in 1994, the country was characterised by enormous socio-economic inequalities. These stem mainly from the policies and practices of the previous apartheid regime.

In its attempts to fast track economic empowerment and transformation, the government introduced a number of policy and legislative changes.³ Among these were:

- The Basic Conditions of Employment Act 75 of 1997
- The South African Employment Equity Act 55 of 1998
- The Promotion of Equality and Prevention of Unfair Discrimination Act 2000

These, and more, formed part of a strong policy and legislative programme to rectify the injustices of the past by expanding opportunities for the historically disadvantaged, including women.⁴

Since then, however, the key legislative frameworks developed for gender transformation in the mining industry are the Minerals and Petroleum Resources Development Act 28 of 2002, and the Broad-based Socio-economic Empowerment Charter for the South African Mining Industry (the Mining Charter) of 2002/3, amended in 2004.⁵

Section 100 (2) of the Mineral and Petroleum Resources Development Act No. 28 of 2002 (MPRDA) makes provision for the development of the Broad-based Socio-economic Empowerment Charter (Mining Charter) as an instrument to effect transformation with specific targets in the mining and minerals industry.

The South African Mining Charter, adopted in 2004, *requires* mining industries to *actively* change the demographic profile of their employees by increasing participation of women in the mining sector. Similarly, the Employment Equity Act prohibits employment discrimination on the basis of race, religion or gender in the workplace. It also advocates for equitable representation and participation, including provision of equal opportunities and enjoyment of worker rights – for both male and female employees.

³ Zungu, L. I. "Occupational health and safety challenges...South African gold & platinum mines", *Occupational Health Southern Africa*: (2013).

⁴ Commission for Gender Equality, "Bold Claims and Small Gains". (2016).

⁵ Ibid.

In addition to these domestic legislative and policy developments, the country has also signed up to various international and regional instruments on gender mainstreaming in the workplace, such as the Beijing Platform of Action (BPA), the Sustainable Development Goals (SDGs) and the International Labour Organization (ILO) convention.

It is the view of the ILO that women working in the same (mining) industry should have the same opportunities as men.⁶ The International Labour Organisation (ILO) states that, contrary to outright prohibition of underground work for all female workers, modern standards focus on risk assessment and risk management, and provide for sufficient preventative and protective measures for mine workers, irrespective of gender, whether employed in surface or underground sites.⁷

The Mining Charter, the Employment Equity Act and other forms of legislation associated with redress, have been credited for the recent increased proportion of women employed in the mining industry.

According to the Chamber of Mines (CoM) 2017 fact sheet, the number of women in the industry increased from 11 400 in 2002 to 53 179 in 2016, now representing 12% of a total mining labour force of 464 667.⁸

This increase, however, has not been matched by the necessary gender mainstreaming initiatives that would create a conducive working environment to empower women in the mining industry. Women remain mostly in support functions, a handful work in technical fields, and a negligible minority are executives. As a vulnerable minority, women still face practical challenges and safety issues on a daily basis, such as verbal harassment and physical abuse in the form of rape, or in the worst cases, death. Existing evidence shows that in some cases, women in mining have to perform sexual favours to get promoted. Those who refuse fall victim to sexual harassment and other forms of discrimination.⁹

In some mines, women do not have designated toilet facilities and have to use overalls and the protective equipment that are uncomfortable and impractical because they were designed for men.¹⁰

It is clear that the status of women in the industry remains precarious, and this realisation calls for the implementation of relevant policies and laws aimed at accelerating women's empowerment and gender equality in the workplace to be closely monitored.

⁶ Chamber of mines, *Women in mining fact sheet 2017* <http://www.mineralscouncil.org.za/industry-news/publications/fact-sheets> (January 2018).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Nene, T, "Mining discontent: How women miners are raped, and become sex skivvies to get ahead", <https://mg.co.za/article/2016-10-03-00-mining-discontent-how-women-miners-are-raped-and-become-sex-skivvies-to-get-ahead> (October 2016).

¹⁰ *Ibid.*

3. BRIEF NOTE ON METHODOLOGY

To carry out the study, a descriptive and evaluative research approach was adopted, integrating various qualitative research techniques. The study made use of a combination of data collection methods, including a CGE-designed and self-administered information gathering tool called the Gender Barometer tool. Focus group discussions with informants, document analysis and site observation trips also informed the study.

The online Gender Barometer tool was used to elicit information about the number of women and men at all levels of employment at participating companies, as well as internal policies and initiatives or programmes to promote greater economic empowerment and participation in the workplace for and by women. Focus group discussions and interviews were also held with select informants to shed light on internal corporate programmes, policies and initiatives that promote gender equality. Observations were carried out at operational sites to note the state of facilities and working conditions for mine workers, particularly female mine workers.

4. OVERVIEW OF THE FINDINGS

As indicated, the focus of this Policy Brief is to highlight three pertinent issues from the study:

- Sexual harassment
- Sanitation for women
- Personal protective equipment for women

4.1. SEXUAL HARASSMENT IN MINING

Despite strategies to open the mining sector, opportunities availed for women have brought their own challenges, such as sexual harassment. Research shows that women experience harassment from male co-workers and superiors who use sexual harassment to maintain masculine dominance in the workplace.¹¹

At Implats, the study revealed that women face sexual harassment on a daily basis, ranging from men brushing up against women, inappropriate touching, forced fondling, crude jokes and use of vulgar or derogatory language by their male co-workers. Quite often practises of sexual harassment tend to be normalised by the workers (both male and female) and management. Complaints from victims are often not taken seriously. Perpetrators regularly get away with sexual harassment despite the existence of internal sexual harassment policies.

Mining companies that formed part of the study conducted in 2017 had strongly worded policies and procedures in place regarding sexual harassment. Despite this, female workers still felt exploited and sexually harassed by their male co-workers, which often goes unreported.

¹¹ Grobler P.A., Wörnich, S., Carrell, M.R., Elbert, N.F., & Hatfield, R.D. (2011). *Human resource management in South Africa*. (4th edn.). London: Cengage Learning EMEA.

Documented research studies on sexual harassment attest to the issue of underreporting - despite workers' awareness of reporting channels.¹²

A plethora of issues discourage victims of sexual harassment from reporting incidents, including:

- Sympathy with the perpetrator and a reluctance to cause them to lose their jobs, and the resulting impact on their families¹³
- Victim's fear of losing their own job
- Fear of being seen as 'a troublemaker'
- Assumption that nothing would change even if the harassment was reported
- Victims' fear of being blamed for 'inviting' the harassment and reluctance by victims to draw public attention to their private lives¹⁴

Furthermore, the issue of sexual harassment raised in respect of Impala Platinum was identified as far more extensive than at other mining companies covered by the CGE mining sector studies. In this case, female mine workers had given up on the company's internal system for handling such problems because cases of this nature were allegedly regularly dismissed without proper investigation.

Alternatively, matters of this nature are often settled informally, in which case they fail to eliminate them from the workplace. This is usually done without a formal complaint being lodged, which leads to the perpetrator avoiding a company disciplinary process. The disparity between cases reported and known to the unions, but not reported to management, appeared quite significant at Implats. It is possible that cases are routinely swept under the carpet to protect not only the perpetrators, but also the image of the company - often at the expense of the victims.

The consequences of sexual harassment can range from economic to emotional and physical. By creating a hostile working environment, sexual harassment can influence productivity at work.¹⁵

Although sexual harassment was rife in the industry, it appears that very few companies have taken concrete steps to deal with the problem. Anglo American (covered in the 2016 CGE report) was found to have established a harassment Investigation Task Team to investigate sexual harassment in the workplace. During the focus group discussions held at the Cullinan Diamond Mine (Petra Diamonds), it became clear that no sexual harassment cases had been reported despite indications that such incidents do occur at the mine. This could signal a general lack of awareness among employees of internal policies and/or procedures for reporting and handling such incidents.¹⁶

¹²See: Botha, D. "Women in mining still exploited and sexually harassed," *SA Journal of Human Resource Management*, (2016) 14(1):753. <http://dx.doi.org/10.4102/sajhrm.v14i1.753> & Grobler P.A., Wärmich, S., Carrell, M.R., Elbert, N.F., & Hatfield, R.D. (2011). *Human resource management in South Africa*. (4th edn.). London: Cengage Learning EMEA.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Botha, D. "Women in mining still exploited and sexually harassed," *SA Journal of Human Resource Management*, (2016) 14(1):753. <http://dx.doi.org/10.4102/sajhrm.v14i1.753>

¹⁶ Commission for Gender Equality, "Bold Claims and Small Gains" (2016).

4.2. SANITATION FOR WOMEN IN MINING

The mining environment is known to be robust, rough and dangerous – requiring that a variety of safety measures be prioritised. Compared to their male counterparts, women in mining have unique health and safety needs.¹⁷ In mining, issues of sanitation are not particularly prioritised, especially in comparison to issues of safety and wages. Information and studies regarding women's sanitary and health matters in mining specifically are scant.¹⁸ Women have been found to suffer from poor sanitation more than their male counterparts, to a point of contracting diseases.¹⁹ Blignaut, Coombs, and Schillack (cited by Zungu, 2013) reveal that despite facing similar work challenges to their male counterparts, women suffer different occupational health and safety (OH&S) consequences, such as being more vulnerable to musculoskeletal and reproductive challenges.²⁰

Studies conducted by the CGE in the mining sector in 2016 and 2017²¹ confirm what has already been stated in current literature: that sanitation issues pertaining to women were not being prioritised in the mining sector. At Impala Platinum, key participants indicated that flushable unisex toilets had not yet been installed in many shafts, leading to complaints about infections and a lack of privacy.²² Participants at the Cullinan Diamond Mine complained about the toxic nature of the chemicals used to clean the toilet facilities, with some female participants convinced that these chemicals affected their menstrual cycles.²³

Although the existing legislation does cater for the OH&S of workers, it appears that the legislation was drafted during a period where women's participation in the mining sector was minimal, and their needs were thus not catered for. This is evident in the Mine Health and Safety Act (MHSA), No 29 of 1996 as amended, that made no specific provision for gender specifications regarding OH&S conditions in the mines.²⁴

The challenges found within the area of sanitation are identified in the current literature, together with studies done by the CGE in 2016 and 2017. Among these are lack of access to adequate sanitary facilities underground, sanitation facilities such as toilets being located far away, unhygienic conditions of underground toilets due to the lack of regular maintenance, and failure to control access to female toilets to ensure maximum safety for female workers.²⁵ Where there is no clear gender demarcation for underground sanitary facilities, this often compounds the problem of safety for female mine workers. In instances where demarcation does exist, such as at Cullinan Diamond Mine, the women's facilities are often cleaner and better taken care of than the male facilities, thus leading to male co-workings using and often trashing women's facilities.²⁶

¹⁷ Zungu, L.J "Occupational health and safety challenges...South African gold & platinum mines", *Occupational Health Southern Africa* (2013).

¹⁸ Ibid.

¹⁹ Zungu quotes the following: skin conditions, gynaecological conditions ranging from vaginal thrush to other bacterial infection

²⁰ Blignaut, C., Coombs, M., Schillack, V. "Women and work: an overview". *Journal of Occupational Health Southern Africa*. (2011): 32-35.

²¹ Commission for Gender Equality, "Talking the talk and not walking the walk" and "Bold Claims and Small Gains" (2017) & (2016):3-44 &4-62.

²² Commission for Gender Equality, "Talking the talk and not walking the walk", (2017):3-44.

²³ Ibid.

²⁴ South Africa Mine Health and Safety Act, No 29 of 1996. Government Gazette No. 967. (1996), <http://sagc.org.za/pdf/legislation/Mine%20Health%20and%20Safety%20Act%201996%20No.%2029.pdf> (Accessed: 6 June 2017 (cited in Zungu))

²⁵ Commission for Gender Equality, "Talking the talk and not walking the walk" and "Bold Claims and Small Gains" (2017) & (2016):3-44 &4-62; Zungu, "Occupational health and safety challenges...South African gold & platinum mines", *Occupational Health Southern Africa*: (2013).

²⁶ Commission for Gender Equality, "Talking the talk and not walking the walk", (2017):3-44.

There were also allegations that female miners had to dispose of used sanitary towels only when they returned to the surface at the end of their long shifts because of a lack of sanitary bins at Petra Diamond.²⁷

The circumstances and problems identified above are not conducive to a healthy working environment for female mine workers. In addition, gender mainstreaming cannot occur when pertinent issues around basic human rights and dignity - such as sanitation - are not prioritised. Female miners have been known to use potentially harmful coping mechanisms to deal with these adverse working conditions. This includes suppressing the urge to use the toilet, or refraining from drinking fluids when working underground – which may lead to dehydration.²⁸

4.3. PERSONAL PROTECTIVE EQUIPMENT FOR WOMEN

Previous studies undertaken by the Commission have revealed that the Personal Protective Equipment (PPE) provided to women in mining was inadequate and ill-fitting given that it was designed with the male physique in mind.

Owing to this realisation, there is an industry wide acknowledgement that “PPE provided for women in mining needs to be designed more effectively to align with the physiological and anatomical form of the female body.”²⁹ This is also in compliance with Chapter 2 of the Mine Health and Safety Act of 1996, sections 1(a), (e) and (h), which states that the provision of the health and safety equipment such as PPE to employees in the mining sector is the obligation of the employers.³⁰

In relation to the findings of the current study, gender specific provision of PPE was also found to be riddled with challenges. At Impala Platinum, the provision of gender specific PPE was reported to be inconsistent. Gender specific PPE had been provided to women in some but not all shafts. It is important to highlight that while PPE at Cullinan Diamond Mine had been provided to women, issues regarding design and comfort were raised. Furthermore, focus group participants were adamant that grievances submitted to the Women in Mining (WIM) Committee regarding belts and boots had not yet been addressed by the company.

5. CONCLUSIONS AND RECOMMENDATIONS

Based on the study's findings, the CGE concluded that despite numerous company policies enacted to promote gender mainstreaming, these were not being implemented effectively. The selected mining companies appear not to have clear and concrete plans for adequately dealing with complaints such as sexual harassment and poor sanitary conditions underground.

²⁷ Zungu, L.I “Occupational health and safety challenges...South African gold & platinum mines”, *Occupational Health Southern Africa* (2013).

²⁸ Ibid.

²⁹ Ibid.

³⁰ Republic of South Africa. Mine Health and Safety Act No. 29 of 1996. Available at www.info.gov.za/acts/1996/a29-96pdf.

The CGE also concluded that the selected mining companies had failed to promote and pursue clear programmes of gender mainstreaming in the workplace.

In light of the findings and analysis contained in the 2017 CGE report, and the issues and challenges identified in relation to the two mining companies, the following recommendations were made:

- It is recommended that the two mining entities urgently start , as soon as possible, the process of developing internal group/company-wide gender mainstreaming policy which sets company policy direction and guidelines for the promotion of gender transformation. This should be followed by the development of a company gender mainstreaming strategy, with other business unit strategies aligned to it. As part of this process, it is recommended the Commission for Gender Equality is approached by the two mining houses to render support, advice and assistance.
- The processes of developing a group/company-wide policy on gender equality, and a company strategy on gender mainstreaming, should be driven at the highest level of company leadership, with involvement of all heads of business units at corporate head office and operational level.
- Once the group/company-wide policy on gender equality and the strategy on gender mainstreaming have been developed and formally adopted by company leadership, it is recommended that appropriate, effective and inclusive processes and communication channels be utilised to engage with and publicise these documents to all internal stakeholders at corporate head office and operational entities.
- We recommend that both companies engage the services of competent service providers to provide awareness raising and/or training on gender mainstreaming in the workplace. This should include training for dealing effectively with gender related complaints (i.e. sexual harassment) in the workplace made to all stakeholders, especially middle and senior level management in the company. Where applicable, members of the board of directors should be part of this exercise to lend it legitimacy and ensure buy-in from all the key stakeholders within the company.
- We recommend that both companies ensure the development of gender-sensitive budgets, with allocations of adequate financial resources to address issues relating to poor sanitation and PPE.
- Finally, it is recommended that the two mining companies initiate a thorough review of the powers, functions, authority and resourcing of Woman in Mining and other relevant structures. The review should ensure that such structures have the requisite institutional capacity to drive gender mainstreaming and influence company decision making processes relating to gender equality and transformation.



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