



Commission for Gender Equality

A society free from gender oppression and inequality

PROMOTING GENDER EQUALITY UNDERGROUND?

Women, mining and gender mainstreaming in
South Africa

2015



PROMOTING GENDER EQUALITY UNDERGROUND?

Women, mining and gender mainstreaming
in South Africa
2015


ISBN: 978-1-920308-59-9

Research: Commission for Gender Equality

Editing: Commission for Gender Equality

Cover Design and Printing: JKMN Consulting (Pty) Ltd

COPYRIGHTS: 2015 Commission for Gender Equality. All rights reserved. No part of this publication may be reproduced, photocopied or transmitted in any form, nor any part of the report be distributed for profit making purposes without prior written consent of the Commission for Gender Equality.



FOREWORD AND ACKNOWLEDGEMENTS

This report is part of a series of annual assessments carried out by the Commission for Gender Equality (CGE) on progress made by selected state, private or civil society entities towards gender mainstreaming and transformation in South Africa. The CGE has a constitutional and legal mandate to carry out such regular assessments by monitoring and evaluating compliance of such entities with existing national legislative and policy frameworks aimed at promoting gender mainstreaming and transformation in order to achieve gender equality in the country.

The CGE's decision to focus attention on gender mainstreaming in the mining sector in the 2015/16 financial year is not merely a function of its constitutional obligation to monitor all institutions (private, public and civil society), although this is partly an important factor. The decision was also driven by the traditional image of the mining sector, underpinned not only by strong and persistent perceptions but also real experiences, as one of those sectors of society that remain a strong domain of male dominance and privilege, and therefore considered unsuitable for women. Only a few 'light' or 'physically less demanding' areas of work such as catering/cooking, cleaning, caregiving and other similar activities are considered suitable for women. On the basis of this traditional view of mining as a sector, women tend to experience severe restrictions, including gender discrimination in violation of their rights to gender equality as outlined in the Constitution and other pieces of legislation in South Africa. This assessment therefore sought not only to determine the extent to which selected entities within the mining sector were making efforts to comply with relevant policy and legislative frameworks but also assessing progress through formal internal company processes, procedures and activities to promote the achievement of gender equality in the workplace.

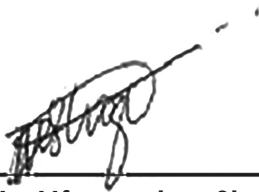
In broad terms, the findings contained in this assessment appear to indicate that the mining sector is still predominantly male-dominated, with a very slow pace of gender transformation. In other words, our findings appear to indicate that there is still a long way to go to achieving gender transformation. We believe that while the notion of gender equality in the workplace is not necessarily unfamiliar in this sector, it is still fundamentally misunderstood in its broader meaning, which entails substantive gender equality.¹ There seems to be a strong association of gender equality with numerical equality, driven mainly by the corporate strategies to comply with the Employment Equity Act of 1998 which places strong emphasis on the achievement of numerical corporate targets and limited, if any, emphasis on efforts to achieve substantive gender equality.

¹ 'Substantive gender equality' goes beyond formal measures such as legislative and policy provisions that formally guarantee equality before the law for men and women to address issues of equity and fairness, which include the specific needs and interests of individuals or groups of people (e.g. women) as rooted in or underpinned by their socio-economic or political circumstances.

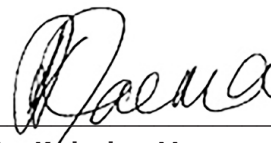
With this assessment and the findings contained in this report, the CGE hopes to bring greater attention to, and focus on, the slow pace of gender transformation in the mining sector, especially the challenges faced in terms of promoting gender equality. The ultimate goal is to contribute towards greater public dialogues among government and relevant stakeholders in the sector, which will hopefully lead to the development of common and mutually agreed and constructive gender mainstreaming approaches and strategies to accelerating progress towards gender transformation in the sector.

This study was carried out in 2015, focusing on the private sector, especially the mining sector. Two mining houses – African Rainbow Minerals (ARM) and Anglo-American (AASA) were selected as case studies. We therefore wish to express our gratitude to these two mining companies for their cooperation and assistance during the fieldwork (data collection) phase of this project. In particular, we are grateful to officials from the two companies who not only availed themselves for face-to-face interviews, but also for information, including official documents, reports and other related publications that helped in the compilation of this report.

We also wish to thank other sources of insights that we obtained from a number of organisations including the Department of Mineral Resources, the Southern Africa Watch, the Bench Mark Foundation, the National Union of Mine Workers (NUM) and the Sam Tambani Research institute (SATRI). The report was compiled by a team of CGE research officers (Luvisa Bazola, Masefako Segooa, Arthur Baloyi and Funeka Thabethe). The report was finalised and edited by Thabo Rapoo, Research Director at the CGE.



Mr. Mfanozelwe Shozi
Chairperson



Ms. Keketso Maema
Chief Executive Officer (CEO)

ACRONYMS AND ABBREVIATIONS

AASA:	Anglo American South Africa
AACSA:	Anglo American Coal South Africa
AIDS:	Acquired Immune Deficiency Syndrome
AOPL:	Anglo Corporate Division of Anglo Operations (Pty) Limited
ARM:	African Rainbow Minerals
BBBEE:	Broad-Based Black Economic Empowerment
BCEA:	Basic Conditions of Employment Act
BBSEE:	Broad-Based Socio-Economic Empowerment
BEE:	Black Economic Empowerment
BPA:	Beijing Platform for Action
CGE:	Commission for Gender Equality
DME:	Department of Minerals and Energy
CEDAW:	Convention for the Elimination of all form of Violence Against Women
CEO:	Chief Executive Officer
EAP:	Employee Assistance Programme
EE:	Employment Equity
EEP:	Employment Equity Plan
EXCO:	Executive Committee
GDP:	Gross domestic product
HIV:	Human Immunodeficiency Virus
HOD:	Head of Department
HR:	Human Resources
ICMM:	International Council of Mining and Metals
ILO:	International Labour Organisation
JSE:	Johannesburg Stock Exchange
KPIs:	Key Performance Indicators

MDGs:	Millennium Development Goals
NNM:	Nkomati Nickel Mine
NUM:	National Union of Mineworkers
OHSA:	Occupational Health and Safety Act
PPE:	Personal Protective Equipment
RFA:	Rehabilitation and Functional Assessment
SARLT:	South African Regional Leadership team
SATRI:	Sam Tambani Research institute
SDG:	Sustainable Development Goals
SMMEs:	Small, Medium and Micro Enterprises
SMS:	Senior Management Service
TRP:	Two Rivers Platinum
UN:	United Nations
WIM:	Women in Mining

TABLE OF CONTENTS

FOREWORD AND ACKNOWLEDGEMENTS	2
ACRONYMS AND ABBREVIATIONS	4
1. INTRODUCTION	9
1.1. METHODOLOGY AND APPROACH	10
1.2. CONSTRAINTS OF THE STUDY	13
2. BRIEF BACKGROUND AND CONTEXT	16
3. ASSESSMENT FINDINGS	20
3.1. AFRICAN RAINBOW MINERALS	20
3.1.1. ARM CORPORATE DIVISION	20
3.1.1.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures	20
3.1.1.2. Mainstreaming Gender in Organisational Culture and Systems	22
3.1.1.3. Budgeting for Gender Mainstreaming.....	22
3.1.1.4. Measures to Create Enabling Environment for Gender Mainstreaming	22
3.1.1.5. Capacity Building for Gender Mainstreaming.....	24
3.1.1.6. Monitoring and Evaluation of Gender Mainstreaming.....	24
3.1.2. KHUMANI IRON ORE MINE	24
3.1.2.1. Gender Mainstreaming at Internal Decision-Making Level	24
3.1.2.2. Mainstreaming Gender in Organisational Culture and Systems	25
3.1.2.3. Budgeting for Gender Mainstreaming.....	26
3.1.2.4. Measures to Create an Enabling Environment for Gender Mainstreaming.....	26

3.1.2.5. Capacity Building for Gender Mainstreaming.....	27
3.1.2.6. Monitoring and Evaluation of Gender Mainstreaming.....	27
3.1.3. TWO RIVERS PLATINUM	27
3.1.3.1 Gender Equality, Representation and Participation in Internal Decision-making Structures.....	27
3.1.3.2. Mainstreaming Gender in Organisational Culture and Systems	29
3.1.3.3. Budgeting for Gender Mainstreaming.....	29
3.1.3.4. Measures to Create an Enabling Environment for Gender Mainstreaming.....	29
3.1.3.5. Capacity Building for Gender Mainstreaming.....	31
3.1.3.6. Monitoring and Evaluation of Gender Mainstreaming.....	32
3.1.4. NKOMATI NICKEL MINE	32
3.1.4.1 Gender Equality, Representation and Participation in Internal Decision-Making Structures.....	32
3.1.4.2 Mainstreaming Gender in Organisational Culture and Systems	33
3.1.4.3 Budgeting for Gender Mainstreaming.....	33
3.1.4.4 Measures to Create an Enabling Environment for Gender Mainstreaming.....	34
3.1.4.5 Capacity Building for Gender Mainstreaming.....	35
3.1.4.6 Monitoring and Evaluation of Gender Mainstreaming.....	35
3.2. ANGLO AMERICAN.....	36
3.2.1. ANGLO CORPORATE DIVISION.....	36
3.2.1.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures.....	36
3.2.1.2. Mainstreaming Gender in Organisational Culture and Systems	37
3.2.1.3. Budgeting for Gender Mainstreaming.....	38
3.2.1.4. Measures to Create an Enabling Environment.....	39
3.2.1.5. Capacity Building for Gender Mainstreaming.....	40
3.2.1.6. Monitoring and Evaluation of Gender Mainstreaming.....	40
3.2.2. KUMBA IRON ORE.....	40

- 3.2.2.1. Gender Equality, Representation and Participation in Internal Decision-Making..... 40
- 3.2.2.2. Mainstreaming Gender in Organisational Culture and Systems 41
- 3.2.2.3. Budgeting for Gender Mainstreaming..... 43
- 3.2.2.4. Measures to Create an Enabling Environment..... 43
- 3.2.2.5. Capacity Building for Gender Mainstreaming..... 45
- 3.2.2.6. Monitoring and Evaluation of Gender Mainstreaming..... 45
- 3.2.3. ANGLO AMERICAN PLATINUM 46
 - 3.2.3.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures..... 46
 - 3.2.3.2. Mainstreaming Gender in Organisational Culture and Systems 47
 - 3.2.3.3. Budgeting for Gender Mainstreaming..... 48
 - 3.2.3.4. Measures to Create an Enabling Environment..... 48
 - 3.2.3.5. Capacity Building for Gender Mainstreaming..... 49
 - 3.2.3.6. Monitoring and Evaluation of Gender Mainstreaming..... 49
- 3.2.4. ANGLO AMERICAN COAL SOUTH AFRICA (AACSA) 50
 - 3.2.4.1 Gender Equality, Representation and Participation in Internal Decision-Making Structures 50
 - 3.2.4.2. Mainstreaming Gender in Organisational Culture and Systems 51
 - 3.2.4.3. Budgeting for Gender Mainstreaming..... 51
 - 3.2.4.4. Measures to Create an Enabling Environment..... 51
 - 3.2.4.5. Capacity Building for Gender Mainstreaming..... 53
 - 3.2.4.6. Monitoring and Evaluation of Gender Mainstreaming..... 53
- 4. OVERVIEW OF EMERGING KEY ISSUES AND CHALLENGES 54**
- 5. CONCLUSIONS AND RECOMMENDATIONS 57**
 - 5.1. CONCLUSIONS 57**
 - 5.2. RECOMMENDATIONS..... 59**

1. INTRODUCTION

This report is the first in a two-year programme by the Commission for Gender Equality (**CGE**) to assess progress on gender mainstreaming and transformation in South Africa's mining sector. The findings of this assessment show clearly that gender transformation in the mining sector has been limited and that a great deal of work remains to be done.

For the past six years the Commission has had an annual programme to assess progress made by institutions in the private, public and civil society sectors in terms of gender mainstreaming and transformation. The annual assessments are based on in-depth examinations and analysis of information gathered on the work, programmes, existing systems, processes, procedures and practices of selected institutions, with the purpose of promoting gender mainstreaming and transformation. During the 2015/16 financial year the Commission chose to focus attention on and prioritise gender transformation in the mining sector. The mining sector will remain the focus of attention in the next financial year.

While the mining industry has been experiencing a significant decline in recent years from its peak some decades ago (i.e. from a 21 percent contribution to the country's Gross Domestic Product (GDP) in 1970 to just 18 percent in 2013)² it nevertheless remains an important sector of the economy and continues to make a valuable contribution, most notably in terms of foreign exchange earnings, employment and economic activity.³ The mining and related industries not only employ over one million workers, but is also the largest contributor by value to Black Economic Empowerment (BEE). Importantly, mining provides job opportunities for unskilled and semi-skilled workers who are often not easily absorbed into the economy by other sectors. These and other factors therefore make the sector an important area for policy makers in terms of gender transformation in order to reflect the new socioeconomic policy priorities in the country, especially since the dawn of democracy in 1994. However, the sector remains historically one of the most male-dominated sectors of the economy and extremely resistant to gender transformation, despite a raft of policy, legislative and regulatory frameworks to this effect.

The findings of this assessment will show that although laudable projects and important initiatives are being put in place by some of the mining companies to integrate women into mining and improve their working conditions, in general it appears that the sector remains largely male-dominated, with limited evidence of fundamental progress towards meaningful gender transformation.

² www.sablog.kpmg.co.za/2013/12/role-mining-south-african-economy/

³ Statistics South Africa report (2014). Gross domestic product, Annual estimates 2004-2013- Regional estimates 2004-2013. Statsa publication.

This report examines the factors, challenges and prospects for gender mainstreaming in the mining sector, using as case study a selected number of mining companies. According to the Beijing Conference, “governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that before decisions are taken, an analysis is made of the effect on women and men.”⁴ As one of the signatories to the Beijing Platform of Action (BPA), Sustainable Development Goals (SDGs) and many other regional global and regional protocols and conventions on gender equality, South Africa is obligated to domesticate the provisions of these protocols, declarations and conventions through its domestic policies and legislations in order to ensure gender equality by entities within the private, public and civil society sectors. The CGE has a mandate in terms of the CGE Act no. 39 of 1996 as well as section 187 (2) of the Constitution to monitor these entities to ensure compliance with relevant gender equality policy and legislative frameworks and report to parliament on its findings. It is in accordance with this provision that the CGE undertook this assessment.

This report therefore contains the findings and recommendations based on the assessment of selected mining companies as outlined in the section on Methodology and Approach. The report is structured in a number of sections. It starts with the introductory sections, which cover issues of methodology and approach, followed by a brief background to the sector. This is followed by the main part of the report which reports on the findings of the assessments of the selected companies. The next section provides an overview of the key emerging issues from the assessment, followed by the section on conclusions and recommendations.

1.1. METHODOLOGY AND APPROACH

This assessment was carried out during the 2015/16 financial year. It was based on a largely qualitative approach, based on first-hand fieldwork with interviews conducted with officials from the selected mining companies as well as other knowledgeable independent experts from the sector. During the fieldwork phase, which spanned a period of eight months during the 2015/16 financial year, significant qualitative and quantitative information was gathered to be used to examine and analyse the extent of progress achieved by the selected mining companies in terms of gender transformation. The focus was largely on corporate internal programmes, policies, initiatives and processes to promote gender equality in the workplace.

As already indicated, the CGE has been carrying out these annual assessments for the past six years, using its Gender Barometer assessment tool. However, all previous assessments have been on public-sector institutions. It is for the first time in this financial year that the CGE has carried out an assessment of this nature on private-sector entities. Due to limited resources, only two mining houses were selected for this assessment. These are: ARM and AASA. ARM was chosen mainly because it

⁴ Beijing Declaration and Platform for Action Fourth World Conference on Women, 15 September 1995, 87, par.229

is one of the new, black economic empowerment mining groups, while the second is one of the longstanding, well established and largest mining houses in the country which existed long before the dawn of democracy in South Africa.

For each of the two mining houses, three subsidiaries/local mining operations were selected, in addition to the corporate head office, for assessment of progress on gender transformation. For ARM, the assessment included the following subsidiaries: Khumani Iron Ore, Two Rivers Platinum and Nkomati Nickel Mine. For AASA, the following subsidiaries were assessed: Kumba Iron Ore, Anglo Platinum mine and Anglo Coal (AACSA) mine. The reason for this was to determine whether or not the patterns of progress or lack thereof in terms of gender transformation at company corporate head office were also reflected at subsidiary company level.

As already indicated, the CGE's Gender Barometer tool was used together with in-depth interviews of informants from the mining companies as well as independent experts and other knowledgeable individuals from other institutions within the sector. Relevant documents and other publications were also gathered and used as sources of information. Information was gathered on various aspects such as gender representation and the participation of women at senior management levels, mainstreaming gender in organisational culture and systems, gender-responsive budgeting, capacity building, and monitoring and evaluation systems for gender mainstreaming. Part of the fieldwork phase included face-to-face training of selected officials from the mining companies on how to complete the CGE Gender Barometer tool to ensure that it is completed correctly.

The necessary permission was obtained from the relevant leadership of the selected mining houses to approach individuals chosen to represent these companies to be interviewed for the assessment as well as for assistance with the required official information and documents relating to progress on gender transformation within their companies. The officials nominated by their companies to work with the Commission's team were responsible for providing reliable and approved information on behalf of their companies and ensure that the necessary authorisations were obtained for the release of the information for use by the Commission. This step is critical in ensuring that the information provided is deemed correct, appropriate, and therefore approved, by the leadership of the companies concerned. This serves to strengthen accountability and ownership of the process by the companies' leadership.

In addition to the Gender Barometer tool, the research team also visited three subsidiaries of the two companies where meetings were held and interviews conducted with officials nominated: two Anglo American mining operations (i.e. Landau mine for Anglo Coal in Mpumalanga and Kolomela mine for Kumba Iron Ore in Northern Cape), and one ARM subsidiary (i.e. Two Rivers mine in Mpumalanga). This was purely for purposes of first-hand observation of mining operations on the

ground. It also is important to put forward this disclaimer though: the two companies volunteered to identify and select their subsidiaries/local mining operations that the CGE team visited. The companies concerned also covered the travel costs, as well as identifying the officials that met with the team on the ground and with whom meetings and, in some cases, interviews were conducted to gain insights on corporate programmes and initiatives to promote gender mainstreaming. More on this under the limitations sub-sector.

Included among the secondary sources used for this assessment were official documents, corporate publications (i.e. annual reports, policy documents, programmes, project reports, employment equity plans and any other relevant official/company publications) as well as third-party sources of data obtained during the fieldwork phase. In order to strengthen their knowledge and understanding of the mining sector, the CGE research team also conducted interviews and held informative meetings with experts from the following institutions: The Benchmark Foundation, Southern Africa Resource Watch, SATRI and the National Union of Mineworkers (NUM).

Finally, the research team also developed a five-level Gender Representation Rating Scale to be used to rate the performance of the participating mines with regard to progress made in the numerical representation of women at senior management levels (i.e. in the Senior Management Service (SMS)) of each mining house. The intention was to use this scorecard to rate the performance of the institutions being assessed, focusing only on one of the six thematic areas of assessment (i.e. Gender Representation and Participation at Internal Senior Decision Making Level). The rating scale is adapted and modified from the Global Gender Balance Score Card developed by Avivah Wittenberg-Cox.⁵ As already indicated, our rating scale is predominantly focused on, and considers, the number of women represented and participating in the senior management levels of the institutions being assessed, compared to the number of males within the same level of management. This exercise largely relies on the availability of accurate and reliable quantitative data (i.e. the numbers of men and women at senior management levels) as gleaned from information provided by the companies being assessed, as well as from other authoritative secondary sources, such as reports published by the CGE. Table 1 illustrates the different levels of the rating scale and provides explanations for each rating level.

Table 1: Gender Representation Rating Scale

• Level 5	Balanced Gender Representation	Males and females constitute between 45% and 50% of the Senior Management Service/Team
• Level 4	Critical Mass Gender Representation	Minority gender represents between 30% and 45% of the Senior Management Service/Team

⁵ See Avivah Wittenberg-Cox, 'One Key to Gender Balance: 20-first Century Leadership' (<http://www.20-first.com/flipbook/index.html>)

• Level 3	Progressive Gender Representation	The Minority gender makes up between 15% and 30% of Senior Management Service/Team
• Level 2	Symbolic/Token Gender Representation	The Minority gender constitutes up to 15% of the Senior Management Service/Team
• Level 1	Failed Gender Representation	Institution's Senior Management Service ⁶ / Team is exclusively one gender to the exclusion of another gender

This means that, based on the number of women represented in the senior management division of the entities being assessed, and compared to their male counterparts, their performance on women's numerical representation will be rated between Level 1 (for poor performance) and Level 5 (for best performance). However, it should be understood that this is just one single aspect or area out of six areas of assessment, and therefore does not constitute the entire measure of performance on progress in gender mainstreaming. The other areas are also extremely important for a complete picture of progress achieved.

1.2. CONSTRAINTS OF THE STUDY

This assessment is the first that the Commission was undertaking on entities in the mining sector, and therefore entailed a great deal of learning and familiarisation, not only with the complexities of the sector and the challenges facing it, but also a steep learning curve in relation to the complexities of the entities selected for this assessment. This exercise was carried out within a period of less than a year, and therefore does not in any way constitute a full scale and comprehensive inquiry into, and a full understanding of, the complexities of the various mining entities that were assessed. In other words, this exercise should not be construed as a comprehensive inquiry into the complex operations, institutional structures and processes within these companies. Such an exercise would need a more in-depth and thorough inquiry over a much longer time period, with more resources and a bigger multi-disciplinary research expertise.

In addition, the research team wishes to identify a number of constraints faced during the study, which would have served as limitations to the extent to which the team sought to gain insights and depth of understanding of the issues facing gender mainstreaming in the mining sector in general, but also specifically facing the particular mining entities selected for this assessment. The following list is not necessarily exhaustive, but contains the key constraints that were experienced during the assessment.

- The first set of challenges faced by the team was the limited time frame for the study and lack of sufficient resources to carry out a more in-depth and thorough-going assessment.

⁶ In the Public Service, Senior Management Service is made up of managers in the position of director and upwards.

As already indicated, a study of this nature would need far more resources, a bigger and multi-disciplinary team of experts with a more extensive knowledge of the sector. With this constraint in mind, the team sought to confine the scope of the assessment only to the activities, processes, programmes and projects with relevance to gender mainstreaming or gender transformation.

- The second difficulty that the team encountered at the beginning of the study was the level of cooperation received from some of the entities selected for this assessment. The level of cooperation and assistance was characterised mainly by suspicion, mistrust and reluctance on the part of some of the officials the team contacted for help with information, as well as to arrange for in-depth, face to face interviews on company activities to promote gender equality. As a result, a great deal of time was wasted due to the slow pace of responses to some of our requests for information. In one instance the CGE had to indicate to the officials concerned that it had the legal competence to issue a subpoena to those refusing to cooperate in order to compel them to provide the information requested.
- The third difficulty was that this exercise relied, to a very large extent, on information, some written and some verbal, provided by the officials from the selected entities. Therefore, to a very large extent the accuracy, validity and reliability of the information received could not be assured. Nonetheless the research team has reason to believe that the information was provided with the necessary authorisation from officials with the authority to do so on behalf of the entities concerned. The information was therefore accepted in good faith.
- Fourthly, the team operated under severe financial time constraints, which limited opportunities for them to visit and carry out field-based/site visits and observations of mining operations on the ground. Therefore, the selected entities offered to pay for the costs of visiting some of their mining operations located in the provinces. In the cases of ARM, the company offered to transport the team to two of its mining operations in Northern Cape (i.e. Kolomela Mine) and Mpumalanga (i.e. Landau Coal Mine) owned by Kumba Iron Ore. Therefore, not all the mining operations selected and covered in this report were visited by the team for first-hand site observations.
- Obviously, the three specific mining operations that were visited were chosen/selected by the companies themselves rather than by the CGE. Moreover, the visits to these sites were of very limited duration, all lasting for only a day. This meant that not much could be observed and insights gained from such short visits. In addition, the level of access to the facilities of the chosen mining operations, and the extent to which the team was able to observe all the crucial activities on the ground, as well as the selection of relevant staff members to meet the team, were all subject to decisions made by the companies themselves rather than the CGE team. While the team is grateful for the generosity and hospitality provided, the team wishes to state that no undue influence was exerted on its ability to carry out its work professionally in terms of gathering relevant information for the purpose of assessing progress achieved by the selected mining companies in gender mainstreaming and transformation.

- Finally, there appears to be limited understanding of the notion of 'gender mainstreaming' among many of the officials that the team met and spoke to. There was also limited familiarity and knowledge of some of the country's legislative and policy frameworks dealing with gender equality. However, there was greater knowledge and awareness of gender equality in the context of the provisions of the Employment Equity Act (#55 of 1998) as well as the Mining Charter, both of which appear to encourage greater emphasis on numerical targets (i.e. numerical equality) rather than substantive equality. To this extent therefore, officials from some of the mining entities selected for this assessment were under the impression that significant progress towards gender mainstreaming and transformation had been achieved, while others were unaware of the legal and constitutional imperatives to strive towards gender equality and transformation, not just the achievement of mere quantitative targets.

In spite of these constraints, the team was able to gather relevant information on the activities, processes, programmes and projects of the entities concerned in order to carry out the assessment of progress achieved and the challenges faced by these companies.

2. BRIEF BACKGROUND AND CONTEXT

The UN Economic and Social Council's agreed conclusions 1997/2 on gender mainstreaming⁷ define gender mainstreaming as the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes in all areas and at all levels. This notion is now commonplace in development programmes worldwide. The importance of the South African mining sector cannot be over-emphasised. South Africa has relied, and still is, relying on mining activities to generate wealth that could be translated into economic development, infrastructure and employment. In relation to development, the mining sector, a traditionally masculine industry, must comply and adopt policies favouring gender equity.

Gender refers to the different roles, rights, responsibilities and resources of women and men and the relationships between them. A gender focus highlights the complex and often unequal power relationships between men and women which exist in almost every culture and many workplaces.⁸ While a holistic focus on gender equality is required, women require particular attention because of the mining industry's characteristics – its 'male' orientation and particular impacts on women. There is increasing evidence that women and girls often suffer from discrimination, and experience disproportionately negative consequences as a result of practices in the mining sector, and tend to be less likely than men to benefit from the economic and employment opportunities that mining can bring.⁹ Gender inequality is a feature of most societies. Inequality can be experienced in different ways because it is caused by factors other than gender alone. Gender equity refers to measures to redress a lack of gender equality or systematic discrimination on the grounds of gender.

The extractive industry represents a major source of wealth in economies around the world, and women – with their formal and informal contributions – make up a huge component of the world's workforce. Where women are not able to fully participate in the extractive industries, or able to reap the full extent of compensation for the work that they do, it is not only women who suffer, but also the families, communities, and countries involved, as well as the extractive industries companies themselves.¹⁰ Although the extractive industries can improve the country's economic development, they can also have less positive impacts, resulting in increased inequality and poverty. Moreover, the oil and gas and mining sectors have always been viewed as a male-dominated industry. Working in an extractive industry has traditionally been perceived as dirty, dangerous and heavy, and therefore masculine. This stereotyping creates an exclusionary environment that discourages

⁷ United Nations Economic and Social Council Resolution 2004/4, Review of Economic and Social Council Agreed Conclusions 1997/2 on mainstreaming the Gender Perspective into all Policies and Programmes in the United National System, (<http://www.un.org/en/ecosoc/docs/2004/resolution202004-4.pdf>)

⁸ OECD (2012). Gender equality in education, employment and entrepreneurship: final report to the MCM 2012. Meeting of the OECD council at ministerial level, Paris, 23-24 May 2012

⁹ Mxhakaza, J.N. (2010). Perceived discrimination of women in the mining sector. Unpublished dissertation. North-West University

¹⁰ Adriana Eftimie, Katherine Heller and John Strongman (2009). Mining for Equity: The Gender Dimensions of the Extractive Industries. World Bank report

women from participating in the sector.¹¹ As a result, women lag far behind men in terms of benefits (i.e. employment, income, compensation) as well as participation in decision-making processes.

This is particularly the case in developing countries, where women's roles are reinforced by social norms and underpinned by exclusion and marginalisation. Even though women are exposed to formal labour markets, including in the extractive industries, opportunities are minimal or limited for them. One main factor is 'occupational segregation,' defined as the division of the labour markets based on sex, which limits women's employment opportunities in the sector regardless of their experience or educational qualifications.¹² As such, women represent only a small percentage of total employment within the extractive industries. Women are sometimes hired only when companies consider the jobs concerned to match the 'nature of women.'¹³ As a result, they tend to be employed only in informal services or in any sector where it is considered unsuitable for men. Women are also often hired to fill low-ranking positions, such as secretarial or administrative positions. It is vital therefore that concrete intervention measures are put in place to ensure that women's participation, including their voices and needs, are included in decisions relating to the extractive industries' operations and benefits accruing from such operations.

The involvement of women underground in South African mines is a relatively new phenomenon. Increased numbers of women underground miners are the result of targets set by the Mining Charter. Nevertheless, mining companies seem to find it difficult to meet their targets and fail to transform the largely and historically male-dominated structure of this industry and the general working environment in the sector. It is clear that working underground is experienced differently by men and women, with men having had more experience and having been fully integrated into the occupational cultures and structures of the mines compared to women, leading to differences in terms of ability of women to cope.¹⁴ This is where effective gender mainstreaming programmes would become crucial to bridge the differences and ensure women's integration into the sector.

Mining is traditionally portrayed as masculine and highly risky, suitable only for men and not for women. While there have been some progressive reforms in the mining industry that include women, this has not occurred without problems. The introduction of women in mining challenges the very male macho gender stereotype and introduces new challenges for mine workers, mines and unions. The greatest challenge for mines has been to introduce and ensure the full incorporation of women into this traditionally male-dominated sector. The Second Annual Women in Mining Conference¹⁵ held in 2008, acknowledged that there were significant obstacles to overcome in terms of commitments made during the Mining Charter process.

¹¹ K. Lahiri-Dutt, *Roles and Status of Women in Extractive Industries in India: Making a Place for a Gender-Sensitive Mining Development*, Canberra, Research School of Pacific and Asian Studies, Australian National University, 2007.

¹² R. Anker, *Theories of Occupational Segregation by Sex: An Overview*, *International Labour Review* 138(3): 135–339, 1997.

¹³ Adriana Eftimie, Katherine Heller and John Strongman (2009). *Mining for Equity: The Gender Dimensions of the Extractive Industries*. World Bank report.

¹⁴ Benya, A. (2009). *Women in mining: A challenge to occupational culture in mines*. University of the Witwatersrand, Johannesburg.

¹⁵ Second Annual Women in Mining Conference; *Recruit, Retain and Accommodate Women in Mining Pre and Post 2009*. Indaba Hotel Fourways 26 – 28 March 2008

Before the advent of democracy in South Africa, women's involvement as employees in mining was largely confined to surface work (i.e. above ground) mainly as administrative clerks or nursing injured mineworkers due to legislative prohibitions on women working underground.¹⁶ In fact, no women were permitted to work underground.¹⁷ Other pieces of legislation such as the Land Act of 1913 and the Pass Law also perpetuated this discrimination against women. The advent of democracy in 1994 brought with it important gender-equality-related policy and legislative changes which saw all labour restrictions swept away, especially with the introduction of new labour legislative frameworks outlawing discrimination and emphasising gender equality in the workplace.¹⁸ Some of the laws that were enacted after the dawn of democracy in 1994 were the following:

- The South African Labour Relations Act 66 of 1995
- The Basic Conditions of Employment Act 75 of 1997
- The South Africa Employment Equity Act 55 of 1998
- The Skills Development Act 97 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act 2000
- The Minerals and Petroleum Resources Development Act 28 of 2002

To achieve the objectives of the Broad-Based Black Economic Empowerment Act (BBBEE) within the mining industry, the Department of Minerals and Energy (DME) introduced the Broad-Based Socio-Economic Empowerment Charter (BBSEE) for the Mining Industry and the Balance Scorecard. The Mining Charter requires mining industries to actively change the demographic profile of their employees and to ensure that they have plans in place to achieve the target of 10 percent participation of women by 2009. The Charter therefore attempts to address the high proportion of male mineworkers and provide opportunities for female miners. The Balance Scorecard is a measuring tool that measures progress in implementing the requirements of the Mining Charter. It gives the company a snapshot view of how its transformation process is progressing as measured against its transformation targets. It does not measure how sustainable or meaningful the transformation efforts have been.¹⁹ Nonetheless the purpose of the Scorecard is to gauge compliance with the Mining Charter and is a requirement for the conversion of mining licences.²⁰

¹⁶ This prohibition was contained/ incorporated in section 11 of the Mine and Works Act of 1956

¹⁷ Dikane, M.P. (2006). *The Implementation of Employment Equity and Affirmative Action as a tool of balancing the injustices of the past in the mining industry.* Unpublished masters' dissertation, Potchefstroom: North-West University.

¹⁸ McCulloch, J. (2003). *Journal of Southern African Studies: Women Mining Asbestos in South Africa* 1B93-19B0, 29(2)413-432. RMIT University, Melbourne, Australia: EBSCO Publishing.

¹⁹ Woolley, R. (2005). *Everyone's guide to Black Economic Empowerment.* South Africa: Zebra Press.

²⁰ Ibid

As indicated earlier, South Africa is a signatory to numerous international and regional instruments on gender mainstreaming, which obliges the country to domesticate these instruments and enshrine them within its domestic laws. It also has to ensure that systems and mechanisms are put in place to ensure compliance by state institutions and private entities. Therefore, the mining sector can contribute towards the country's compliance with these global and regional instruments related to gender equality and transformation by, among others, increasing women's participation in the industry, especially in decision-making processes, improving their working conditions and improving their economic empowerment by increasing access to resources and meaningful employment opportunities.

Yet despite the changes in policy and legislation over the past two decades, there is strong evidence, including the findings contained in this report, that women still experience discrimination within the mining industry in South Africa.²¹ This systemic and entrenched sector-wide gender discrimination is one of the key factors for the low representation of women in the mining industry.²²

²¹ Mxhakaza, J.N. (2010). Perceived discrimination of women in the mining sector. Unpublished dissertation. North-West University

²² Ibid

3. ASSESSMENT FINDINGS

3.1. AFRICAN RAINBOW MINERALS

African Rainbow Minerals Ltd. (ARM) has a market capitalisation of \$4.75 billion and is considered to be South Africa's first black-owned mining company, founded by its current Executive Chairman Patrice Motsepe.²³ Alongside the proliferation of the BEE policies, ARM emerged in the post-apartheid era as a gold-mining firm and transformed into a diversified mining group through a complex set of mergers. ARM produces manganese and chrome alloys and has an investment in gold through its shareholdings in Harmony. It owns a significant stake in Harmony Gold Mining Company, one of Africa's largest gold producers.²⁴ Furthermore, ARM also mines and beneficiates iron ore, manganese ore, chrome ore, platinum group metals, copper, nickel and coal. For the purpose of managing a diversity of operations, ARM is organised into various operating divisions, which are ARM Platinum, ARM Ferrous, ARM Coal, ARM Copper and ARM Corporate.²⁵ In 2009, ARM joined the International Council on Mining and Metals and is currently active in South Africa, Zambia and Malaysia²⁶. In South Africa, ARM was awarded Top Employers certification for the years 2012, 2013 and 2016 by the Top Employers Institute.²⁷

3.1.1. ARM CORPORATE DIVISION

3.1.1.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures

This subsection sought to obtain information on the number and types of senior level decision-making structures in the company, and the gender profiles of those participating in these structures. The purpose was to determine the extent of gender balance in the representation and participation of women and men in internal high-level decision-making processes.

ARM as a corporation is obviously headed by its owner and Executive Chairman, Mr. Patrice Motsepe, and also have a male CEO, Mike Schmidt.²⁸ Information provided by the company shows that its high level/senior leadership comprises executive directors, independent non-executive directors and a

²³ <http://www.thomaswhite.com/global-perspectives/patrice-motsepe-founder-and-executive-chairman-african-rainbow-minerals-ltd-south-africa/>

²⁴ http://www.arm.co.za/a/a_i.php

²⁵ Ibid

²⁶ http://www.arm.co.za/im/press_display.php?id=2009/07sep09

²⁷ <http://www.top-employers.com/companyprofiles/ZA/African-Rainbow-Minerals-Limited/>

²⁸ http://www.arm.co.za/a/a_i.php

non-executive director who sits on the Board of Directors in line with King III principles.²⁹ The Board has a membership of 14 people, 12 (86 percent) of whom are men and 2 (14 percent) women.

The information made available to the Commission also indicated that there were six permanent committees established by the Board, as listed below:

- Audit and Risk Committee
- Investment Committee
- Nomination Committee
- Non-executive Director Committee
- Remunerations Committee
- Social and Ethics Committee.

Also, a Steering Committee has been established to assist the office of the chief executive officer (CEO) with the implementation of the operational matters and corporate strategy. It has a total of 26 members, comprising 19 (73 percent) men and 7 (27 percent) women. We were also made aware that the company did not have a written policy document on gender equality/mainstreaming and no official has been designated to drive gender mainstreaming processes internally. This implies therefore that gender mainstreaming is not one of the key corporate imperatives.³⁰ Table 2 provides details on the number of women involved in some of the internal senior level decision structures, based on information provided by the company.

Table2: Gender profile of ARM management

Name of Structure	Men	Women	Total
Board of Directors	12	2	14
Executive Committee	23	7	30
Steering Committee	19	7	26
Top Management	14	2	16
Senior Management	34	8	42

Source: Data provided by ARM Corporate office

²⁹ King III is the term used to refer to The King Report on Corporate Governance for South Africa and “The King Code on Governance Principles for South Africa (The Institute of Directors in Southern Africa) September 2009”.

³⁰ This is based on information submitted by the company through the CGE’s Gender Barometer questionnaire.

The figures presented in the table show that the gender profile of the senior level decision-making structures at ARM corporate office for which information was provided is skewed in favour of males. In terms of the CGE Gender Representation Scale, ARM Corporate Office achievement is rated at Level 1.

3.1.1.2. Mainstreaming Gender in Organisational Culture and Systems

In this subsection the objective was to find out what regular activities, practices and systems have been put in place to ensure that the organisation develops a clear internal culture of promoting gender equality and mainstreaming. Information provided by the company in this regard indicates that ARM Corporate Office has introduced a leadership development programme framework to develop, empower and strengthen leadership capacity for the future, although this is not necessarily targeting women's development as a priority. However, there is no timeframe to indicate when the programme will start. There is also collaboration with Wits Business School in a project called Future Leaders Development Programme. The purpose of the programme is to enhance the leadership and managerial skills of the employees in junior to middle management. This programme is also not necessarily prioritising women's skills development, and the information provided did not indicate how many women benefited.

It would appear also that ARM has an initiative called the 'Leap Mentorship Programme' which takes children from high school level under mentorship. In this programme 10 Grades 10 and 11 learners are mentored. This is in addition to a bursary scheme where 8 girls from under-privileged households are provided with funding.

3.1.1.3. Budgeting for Gender Mainstreaming

This subsection sought information on the resources, in the form of a clear and separate budget allocation specifically for gender mainstreaming and transformation programmes and related activities. In this regard the company was not able to provide information to show that such a budget allocation exists for this current financial year. The company did indicate, however, that funding does exist for the Transformation Unit, under which a basket of activities, including gender-related activities, are financed. The company was adamant that a number of internal programmes exist which benefit women as well as men, even though such programmes are not necessarily targeted specifically at women.

3.1.1.4. Measures to Create Enabling Environment for Gender Mainstreaming

In this area the CGE sought information on any concrete measures/initiatives undertaken or introduced by the company to foster and encourage an environment conducive to gender mainstreaming. These could include internal strategies or even specific institutional arrangements to

drive gender mainstreaming. Information submitted to the CGE in this regard indicated that there was no written gender policy document in place to guide the company. Nonetheless the company does have a Transformation Unit in place, which is overseen by the human resources executive and under which the work of gender transformation apparently resides.³¹

The company also pointed to its internal Employment Equity Policy and an Employment Equity Plan (EEP) although the objective of these two is not necessarily gender mainstreaming.³² These are government-regulated policy requirements to ensure that the company realises its EE goals and targets, removes employment barriers that adversely affect the employment opportunities and advancement of all the historically disadvantaged (e.g. women, blacks and people with disabilities).

Furthermore, the company has an EE forum which is a consultative structure representing the interests of management and employees. It monitors the implementation and progress of the EEP.

The company also has a sexual harassment policy to ensure that the workplace is a safe environment for employees.³³ It was indicated that the policy is widely publicised and communicated to all employees. The information provided shows that no cases have so far been reported and dealt with in terms of the policy in the last two years.³⁴

The company also pointed to its Talent Management and Succession Plan to identify and provide mentorship for employees who are earmarked for promotion, and a Graduate Development Programme that aims to create capacity for employees, particularly women, with critical skills to fill the skills gap. The latter is apparently aligned with the Mining Qualifications Authority and Department of Mineral Resources requirements to ensure that those who are within the core and critical skills areas could acquire the necessary qualifications. The company indicated that after two years the graduates are appointed to fulfil substantive responsibilities. The information also shows that 47 percent of the beneficiaries were women, while 53 percent were men.

The company is convinced that the measures mentioned above are examples of effective measures in place to ensure no discriminatory practices, implicit or explicit, exist anywhere in the organisation.

³¹ ARM Corporate Office (2015) Gender report prepared by ARM Corporate for the Commission for Gender Equality.

³² ARM Group Policy. Employment Equity reference number GP-HR-025

³³ ARM Group Policy. Sexual Harassment reference number CP-HR-HARASMENT-023

³⁴ ARM Corporate Office (2015) Gender report prepared by ARM Corporate Office for the Commission for Gender Equality

3.1.1.5. Capacity Building for Gender Mainstreaming

The purpose of this sub-section is to evaluate available internal institutional capacity specifically aimed at gender mainstreaming – in the form of expertise, training, and relevant internal institutional arrangements. Not much information was provided in this regard. In spite of the various internal training programmes aimed at employee development, none were found to be specifically about mainstreaming.

3.1.1.6. Monitoring and Evaluation of Gender Mainstreaming

Here the purpose was to determine what monitoring and evaluation systems or mechanisms are in place to assess regularly the progress made and challenges faced by company gender mainstreaming programmes and related activities. Based on the information provided, there were no monitoring and evaluation mechanisms to assess progress in this regard.

3.1.2. KHUMANI IRON ORE MINE

Khumani is situated approximately 30 km south of the town of Kathu in the Northern Cape Province.³⁵ The mine consists of open pits and is a joint venture between ARM and Assmang Limited. The iron ore mined at Khumani is exported via Saldanha Bay Iron Ore Bulk and ARM's economic interest in the mine is 50 percent.³⁶

3.1.2.1. Gender Mainstreaming at Internal Decision-Making Level

The information provided to the CGE in this regard showed that Khumani had a senior management made up of 10 men exclusively, without any women's involvement. If this information is accurate, it would imply that at the time the study was being undertaken the senior management at Khumani was exclusively male. In terms of the CGE Gender Representation Scale, Khumani's performance is rated at Level 1 (i.e. failed gender representation).

Table 3: Gender profile of the senior management

Level	Number of Women	Number of Men	Total
Senior Management	0	10	10

Source: Data provided by Khumani Corporate Office.

³⁵ www.assmang.co.za/content.asp?pg=7

³⁶ Ibid

3.1.2.2. Mainstreaming Gender in Organisational Culture and Systems

Although the term 'gender mainstreaming' is not commonly used at Khumani, there are initiatives that could be construed as gender mainstreaming. The company's gender-related programmes are placed under the Human Resources Unit, under the manager of Human Resources (HR) appointed at executive level. This is a fairly senior level position, implying participation in senior level decision-making processes. Moreover, the Human Resources Unit has within it a Transformation Unit which handles a range of matters including gender-related programmes. Available information did not indicate the presence of a gender mainstreaming policy and strategic plan to guide the work of the company in promoting gender mainstreaming/transformation.

Some of the programmes and initiatives currently in place are regarded by the company as relevant for promoting gender mainstreaming, even though they are not necessarily intended to prioritise women. For instance, the company pointed to its internal succession plan where employees are identified, coached and mentored for senior positions. However, the outputs appear highly skewed in favour of men: out of the 115 employees identified in terms of the plan, only 37 were women. There was also a bursary scheme from which 11 employees benefit, 5 of whom were women. The company also had a coaching programme where 6 females were identified.

As part of the company's social and labour plan, the company has introduced an initiative of scouting for girl learners from local high schools, particularly from Grades 10 and 11, as well as an initiative meant as an intervention to improve results in mathematics and science for high school pupils. Learners from these programmes stand to get first preference if the company issues bursary schemes at tertiary level.

Other initiatives that were put forward as evidence of the company's efforts to promote gender mainstreaming included participation in the 'Take a Girl Child to Work'³⁷ programme to expose girl children to the working environment, particularly those sectors that were predominantly male-dominated. The company points to the fact that in 2015 16 girl learners between Grades 10 and 12 took part in the event, which included listening to motivational speakers and career panel discussion, with a promise of scholarships for girls who do well in their studies.

The company also mentions a Bootcamp initiative which, on the surface, appeared to cater for female participants but, on closer examination, it became clear that this initiative was not an important or meaningful gender mainstreaming programme activity. It was a pilot initiative, involving 10 females, some of whom were girls recently out of school, while others were unsuccessful job applicants. Therefore, the participants were women not employed by Khumani Iron Ore and the outcome of the Bootcamp initiative did not guarantee employment.

³⁷ An initiative introduced by Cell C Mobile Telephone service provider in 2003.

3.1.2.3. Budgeting for Gender Mainstreaming

The information provided by the company regarding budget allocations for gender mainstreaming activities showed that there was no specific budget dedicated to gender mainstreaming work. However, given that the company had a transformation unit responsible for gender-related activities, among others, it would be plausible to infer that the Unit's budget allocations would cover any gender-related work. The company indicated that it does set aside funds for specific events such as National Women's Day.

3.1.2.4. Measures to Create an Enabling Environment for Gender Mainstreaming.

The information provided by the company identified a number of initiatives as evidence that it had put measures in place to create an enabling environment for gender mainstreaming. The following were mentioned: Firstly, the company mentioned its pregnancy policy³⁸ which pregnant women were eligible for on condition that they inform the employer within six weeks of the pregnancy. In terms of the policy, pregnant women are assigned less hazardous work during pregnancy. Six months after delivery of the baby they are given suitable alternative employment, at the same salary, while the benefits will be consistent with those of the temporary/alternative employment to which they are assigned. Also, the incentive bonus is based on current/alternative position. In a case of no suitable alternative position, training or development is arranged, or job shadowing.

Also, the employees are entitled to the standard benefits, such as four months maternity leave with full pay, with an option of two more months for employees to take their leave days. On returning to work however, the employees are required to pass a fitness test and obtain a certificate. Employees are also encouraged to breastfeed, at least for the first six months. Employees have an obligation to notify the employer in writing that they are breastfeeding. The company has provided breastfeeding facilities, including rooms. The facilities include an incubator in case the pregnant employee goes into labour at the workplace. There is also a workplace pregnancy forum that holds a number of sessions where pregnant women are given information about what to expect during pregnancy.

The sexual harassment policy³⁹ is another important measure that was introduced by the company to combat sexual harassment in the workplace. The company insisted that the policy is widely known among employees, although no cases had been reported and dealt with in line with the provisions of the policy in the past two years.

³⁸ Assmang Limited: Standard Procedures. Pregnant Women reference number SP-H-HR.

³⁹ Assmang Limited: Code on sexual harassment in the workplace.

3.1.2.5. Capacity Building for Gender Mainstreaming

Based on the information provided by the company, there was no convincing evidence of a specific and dedicated budget for gender mainstreaming programmes and related activities although it would appear that funding is routinely made available for activities related to promoting the interests of women in the company.

3.1.2.6. Monitoring and Evaluation of Gender Mainstreaming

Given that the company appears not to have a clearly defined gender policy framework or a clearly defined gender mainstreaming programme of action, it also does not seem to have a clear institutional mechanism or system for monitoring and evaluating progress made towards gender mainstreaming and transformation.

3.1.3. TWO RIVERS PLATINUM

Two Rivers Platinum (TRP) is one of the four operations under ARM platinum. It is located near the town of Steelpoort, in Mpumalanga on the southern part of the eastern limb of the Bushveld Complex.⁴⁰ The operation is an underground mine and is made of two on-reef decline shafts and a concentrator plant. Prior to being managed by ARM, the operation was a joint venture between Avmin and Implats. The joint venture, however, changed later to include ARM and Implats through the transfer of Avmin's share in TRP to ARM platinum. ARM's economic interest in TRP is 55 percent⁴¹ and the operation employs a total of 2408 workers.

3.1.3.1 Gender Equality, Representation and Participation in Internal Decision-making Structures

The company claims that empowerment of women within the organisation is one of its key priorities. The company is also convinced that it has measures in place to ensure greater levels of participation for women in decision-making processes at senior management levels. However, the information provided in this regard related only to one senior level decision-making structure known as the Head of Department (HOD) structure, together with a number of other structures which do not appear to be at senior level in the company. The information on the HOD structures shows that it is responsible for the operations of the company. As indicated in Table 4a, the gender profile of this structure is exclusively male in its composition.

⁴⁰ http://onlinereport.co.za/arm_iar_2015/downloads/ARM_mineral_resources_and_mineral_reserves_2015_lores.pdf

⁴¹ http://www.arm.co.za/b/platinum_two_rivers.php

Table 4a: Gender representation in decision making structure

Name of structure	Number of Women	Number of Men	Total
HOD Structure	0	11	11

Source: Data provided by Two Rivers Platinum Mine

Table 4b provides information on the gender profile of other structures and levels of management which are clearly not senior in nature. The gender profiles clearly show the dominance of men at all different levels. It shows a total of 1973 men out of a workforce of 2408. Only 435 out of the 2408 were women.

Table 4b: Gender Profile of the TRP workforce

Level	Total staff	Number of women	Number of men
• Senior Management(E)	11	0	11
• Professionally qualified and experienced specialists and mid-management (D)	69	13	56
• Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents (CU)	137	9	128
• Skilled technical and academically qualified workers (CL)	387	26	361
• Semi-skilled and discretionary decision making (B)	1015	135	880
• Unskilled and defined decision-making (A)	774	250	524
• In service non-permanent (FTC)	15	2	13
Total	2408	435	1973

Source: Data provided by Two Rivers Platinum Mine

Based on the gender profile representation of women and men not only in the senior HOD structure but also in the levels illustrated in the second table (4b) above, it is clear that the company is not performing satisfactorily in terms of promoting women's involvement and participation. In terms of the CGE Gender Representation Rating Scale, the TRP is only rated at Level 1.

3.1.3.2. Mainstreaming Gender in Organisational Culture and Systems

The information provided by the company seems to show that the company has not done much in terms of developing relevant internal organisational practices and systems to promote gender mainstreaming. The information provided is inadequate and makes it difficult to assess the company's efforts in this regard.

3.1.3.3. Budgeting for Gender Mainstreaming

Officials interviewed for this study were not aware of any specific and dedicated budget allocations for gender mainstreaming work by the company. In addition, the officials were not aware of what a gender budget meant, suggesting that the idea of a gender budget was an unfamiliar notion within the company. Nonetheless available information shows that TRP did embark on some small-scale projects aimed at benefiting women for which funding has been made available. The Community Bakery project based in Mashishing in Mpumalanga is one such example.⁴² The project employs three women who will graduate into being entrepreneurs and suppliers of bakery products to TRP, local schools, and shops. They received funding of R20 000 for the year 2015; since 2012 the project's total allocation amounts to R350 000. The second project is a brick-making plant based in Kalkfontein, managed by ten women. The project is funded at about R255 200. The third project is the Mphele Steel Manufacturing, funded at about R15 000 and is also a women-owned project.⁴³ These are very small-scale projects and appear to be part of the company's social investment project rather than a clearly defined gender mainstreaming programme.

3.1.3.4. Measures to Create an Enabling Environment for Gender Mainstreaming

An organisational environment conducive for gender mainstreaming needs to be created through concrete internal steps and measures aimed at promoting this. In this regard, the company has provided information on a number of measures and initiatives intended to promote gender equality and transformation. The details are provided in Table 4c.

The company insisted also that it had put in place an internal employment equality (EE) policy, based on the national Employment Equity Act, 55 of 1998 and the government's BBBEE, to create an enabling environment for gender mainstreaming.⁴⁴ However the company also revealed that the EE policy was aimed at accelerating cultural diversity, while eliminating barriers that impede the advancement of employees from designated groups, which include women. Clearly this is not necessarily targeting women, as would be the case as part of a gender mainstreaming strategy. The company also pointed to its EE plan as a measure to promote equity in line with the Mining Charter. The company revealed that it had exceeded the 10 percent target set by the Mining Charter for women in mining and by 2013 it had achieved 17 percent.⁴⁵

⁴² Two Rivers Platinum Mine (2015) Gender report prepared by Two Rivers Platinum mine for the Commission for Gender Equality

⁴³ Two Rivers Platinum Mine (2015) Gender report prepared by Two Rivers Platinum mine for the Commission for Gender Equality

⁴⁴ Two Rivers Platinum. Employment Equity Plan 2014-2019

⁴⁵ Two Rivers Platinum. (2013). Social and Labour Plan

Table 4c: Women in mining strategies

Strategy	Detail
Recruitment	TRP will strive to <ul style="list-style-type: none"> • Adopt active marketing strategies to attract women. • Recruit women from the communities surrounding the mine • Recruit women for underground positions • Show preferential consideration for capable women when filling vacant posts.
Risk Assessment	TRP will carry out a comprehensive risk assessment exercise to determine the risks for women on the mine. This will be documented, distributed and communicated to all relevant stakeholders.
Policies and procedures	TRP will <ul style="list-style-type: none"> • Not discriminate against women in terms of pay • Not discriminate against women in terms of conditions of employment • Ensure a sexual harassment policy is in place and accessible to all employees. Sexual harassment officers will be trained to educate inform and address and address issues that may arise in the workplace • Implement procedures for women working in hazardous areas.
Induction	TRP will: <ul style="list-style-type: none"> • Provide induction to prepare women for working in a mining environment • Ensure that sexual harassment forms part of the induction programme • Include cultural diversity training module with emphasis on gender issues
Learnerships	Ensure that women are represented on each annual learnership intake.
Mentorship	Special focus will mentor women at all levels in the organisation through the mentorship of empowerment groups programme as outlined in the Strategic Action Plan for mentorship.
Representation	Ensure reasonable representation of women in the following forums: <ul style="list-style-type: none"> • Skills Development • Employment Equity • Employee Well-being • Health and Safety

Source: Two Rivers Platinum. (2013). Social and Labour Plan

Information provided also revealed that TRP had a sexual harassment policy⁴⁶ which aimed to eliminate sexual harassment through procedures of managing complaints. The policy further envisaged promoting respect, dignity and the right to equity among TRP employees. Furthermore, information made available to the CGE research team revealed that TRP has an independent hotline as a means for employees to report incidences without fear of reproach and at the time of the study there were no reported cases.⁴⁷

⁴⁶ Two Rivers Platinum Policy. Sexual Harassment reference number TRP-POL-HR-009

⁴⁷ Two Rivers Platinum Mine (2015) Gender report prepared by Two Rivers Platinum mine for the Commission for Gender Equality

Two additional policies were also cited: a maternity leave policy and pregnancy policy,⁴⁸ which cater for the interests of pregnant women or mothers with newly born children. The pregnancy policy aims to ensure the health and safety of pregnant and breastfeeding employees, particularly those employed in risk areas. The protection of employees during pregnancy policy is in line with the Occupational Health and Safety Act (OHSA) 85 of 1993 and Section 26 of the Basic Conditions of Employment Act (BCEA) which prohibits the mine from requiring pregnant or breastfeeding employees to perform work in environment hazardous to the employee or the health of her child. These health hazards are listed in schedules 1 to 4 on the protection of employees during pregnancy policy, and include such hazards as physical, ergonomic, chemical as well as biological hazards.⁴⁹

Provisions for suitable alternative work during the period of pregnancy are also informed by the BECA and so is the entitlement for maternity leave; all these are contained within the policy governing maternity leave. Other than policies, TRP has made the necessary changes to accommodate women with regard to the Personal Protection Equipment (PPE). Rather than one-piece clothing designed for men, women use a two-piece form of PPE. However, it emerged in the focus group session that women employees had concerns about the two-piece form that was still not fitting properly since it is based on men's design.⁵⁰ In the light of this information, TRP officials informed the CGE research team that the company was in a process of acquiring PPE designed for women.⁵¹ Another important measure introduced by the company was the establishment of dedicated sanitary facilities for women both over-ground and underground.⁵²

3.1.3.5. Capacity Building for Gender Mainstreaming

Implementing gender mainstreaming requires the existence of the necessary institutional capacity in the form of technical expertise, knowledge and other related resources. As already indicated, TRP had no clearly defined and dedicated gender budget for supporting gender mainstreaming, even if funding was made available for some related activities. The company has also not established a dedicated unit for handling gender mainstreaming responsibilities. Such functions are handled within the HR department. No evidence was provided as to the types of gender mainstreaming-related training and skills development given to those responsible for driving gender transformation in the company, except for the training on sexual harassment as part of induction training.⁵³

⁴⁸ Two Rivers Platinum Policy. Maternity Leave reference number TRP-POL-HR-013

⁴⁹ Ibid

⁵⁰ Two Rivers Platinum. Focus group discussion by Commission for Gender Equality. December 2015

⁵¹ Two Rivers Platinum, Human Resources Department. Interview by Commission for Gender Equality. December 2015

⁵² Two Rivers Platinum Mine (2015) Gender report prepared by Two Rivers Platinum mine for the Commission for Gender Equality

⁵³ Ibid

3.1.3.6. Monitoring and Evaluation of Gender Mainstreaming

As stipulated in the South Africa's National Policy Framework for Women Empowerment and Gender Equality, the implementation and impact of the gender policy framework should be effectively monitored and evaluated. In this regard, TRP was found to possess no concrete mechanisms for monitoring gender mainstreaming. Nonetheless, TRP engaged in periodic monitoring of its EEP in line with the Section 24 (1) of the EEA.⁵⁴ As stipulated in this Act, the designated employer must assign one or more senior managers to take responsibility for the monitoring and implementation of an EEP, and TRP was found to be compliant.

3.1.4. NKOMATI NICKEL MINE

The Nkomati Nickel Mine (NNM) is a joint venture between African Rainbow Minerals Limited and Norilsk Nickel (Proprietary) limited. It is situated between Machadodorp and Badplaas on the Uitkomst geological complex in the Lowveld, Mpumalanga Province.⁵⁵ The mine was established in 1997, and ARM owns a 50 percent stake of this entity under its ARM Platinum Division. Mining at Nkomati takes place through an underground shaft as well as by open-cast mining. Despite being primarily a nickel mine, NNM mines polymetallic deposit such as copper, chrome and PGMs.⁵⁶

3.1.4.1 Gender Equality, Representation and Participation in Internal Decision-Making Structures

As previously seen in other cases, the analysis of the NNM workforce revealed a pattern characterised by the overrepresentation of one gender in terms of information made available to the Commission, as reflected in Table 5a. The table shows different occupational levels, and clearly indicates that only 191 (26.6 percent) out of a total of 908 employees were women, compared to 717 (73.4 percent) men. At senior management level men occupied 7 of the 8 positions. This pattern of overrepresentation was found in all occupational levels of the organisation. Although this level of women's representation is higher than the target set by the Mining Charter, it still reveals a very low level of participation by women, which is not unexpected. What is important is the concrete steps and programmes that the company has put in place to address this glaring gender imbalance from the Commission's perspective. This will be dealt with later in this report. In terms of our Gender Performance Rating Scale, NNM achieves only a Level 1 rating.

⁵⁴ Two Rivers Platinum. Employment Equity Plan 2014-2019

⁵⁵ http://www.moolmans.co.za/current_projects/nkomati-nickel-mine

⁵⁶ http://onlinereport.co.za/arm_iar_2015/downloads/ARM_mineral_resources_and_mineral_reserves_2015_lores.pdf

Table 5a: Gender profile and the occupational level of the workforce

Level	Total staff	Number of women	Number of men
Senior Management	8	1	7
Professionally qualified and experienced specialists and mid-management	78	10	68
Skilled technical and academically qualified workers ,junior management, supervisors, foremen, and superintendents	313	68	245
Semi-skilled and discretionary decision making	314	67	247
Unskilled and defined decision making	195	45	150
Total	908	191	717

Source: Data provided by Nkomati Nickel Mine

3.1.4.2 Mainstreaming Gender in Organisational Culture and Systems

Based on information made available to the Commission, NNM commits itself formally to complying with the Employment Equity Code of Good Practice and related regulations by establishing numerical targets aligned with the BBBEE scorecard, the Mining Charter and the Social Labour Plan through its transformation policy.⁵⁷ However the company's current EEP (2013-2018) reports underrepresentation of women at senior, middle and junior management levels as an area of concern. It also lists a set of measures and action plans aimed to reach the specified targets.⁵⁸ NNM intends to develop a talent pool of local women through specialised recruitment.⁵⁹ The company also intends to introduce a preferential appointment system for women and black people to address the deficit. In addition, the company claims to have taken measures to raise awareness around issues of gender equality through public events such the Women's Day celebrations and the 16 Days of Activism against Women and Child Abuse.⁶⁰ It's not clear what the impact of these steps has been so far.

3.1.4.3 Budgeting for Gender Mainstreaming

Analysis of the information made available to the CGE with regard to resources and budget allocations dedicated to promoting gender transformation revealed that NNM, like some of the other mining companies selected for this assessment, seemed unaware of the need or importance of a gender-responsive budget. Available information shows that the company did not have a such a budget. However, as with some of the other mining companies included in this study, the company has provided funding for a number of corporate social responsibility/investment programmes and initiatives which are intended to uplift the beneficiaries, including women, as indicated in Table 5b.

⁵⁷ Nkomati Joint Venture Employment Equity Plan 2013-2018.

⁵⁸ Ibid.

⁵⁹ Ibid

⁶⁰ Nkomati Nickel Mine (2015). Gender report prepared by Nkomati Nickel Mine for the Commission for Gender Equality

Table 5b: List of woman empowerment initiatives.

Name	Activity	Number of women beneficiaries	Money spend
Vulingcondo Centre	Stimulation centre for the disabled	4	R180 000 p.a.
Peer educator (Waterval Boven)	Provision of stipend for 12 women to run HIV/AIDS programmes	12	R253 000 p.a.
Home-based care	Provision of stipend to 13 women for HIV programmes	13	R273 000 p.a.
ABET facilitators	Employment of ABET facilitator	2	R173 000 p.a.
Mgungwane Investment	Construction of the 1.2km road at Mgwenya	1 (company is 100% women owned)	R2.6 million (once off)
Vuyo Sindi Trading	Paving of the Badplaas Community Centre	1 (company is 100% women owned)	R900 000 (once off)
Total		33	R3 379 000

Source: Data provided by Nkomati Nickel Mine

3.1.4.4 Measures to Create an Enabling Environment for Gender Mainstreaming

Analysis of the information made available to the CGE research team revealed that NNM does not have a written gender mainstreaming policy document. Given that the company also did not have a dedicated gender budget allocation, and no dedicated internal unit (other than the HR department) to drive this process, the measures put in place to foster an enabling environment were limited. However the company indicated that a requirement to increase women's representation in the workplace has been incorporated into the performance agreements of all the senior managers.⁶¹

As was the case with other companies included in this study, the company referred to existing national legislative frameworks, such as the EEA and BCEA, as internal measures to drive gender transformation. The company did not even have a sexual harassment policy. In this regard, it relies on its Disciplinary Procedure and Code⁶² to deal with issues of sexual misconduct.

The company's pregnancy and breastfeeding policy and related procedures for managing pregnancy is one of the few measures in place to benefit women in the workplace. It clearly seeks to ensure the health and safety of the mother and child.⁶³ In line with the BCEA, the policy encourages

⁶¹ Nkomati Nickel Mine (2015). Gender report prepared by Nkomati Nickel Mine for the Commission for Gender Equality

⁶² Nkomati: Systems Procedure. Disciplinary Procedure and Code SOP HR 005

⁶³ Nkomati: Systems Procedure. Pregnancy and Breast Feeding SOP HR 040

pregnant employees to disclose their status so that risk assessments could be taken. This process is also guided by the OHS Act and in terms of Schedules 1 and 4, which list the physical, ergonomic, chemical and biological hazards to be assessed.⁶⁴ In terms of the policy, pregnant employees are not allowed to perform underground work during their pregnancy or breastfeeding period and NNM makes provisions for alternative employment.⁶⁵ The policy guidelines are wide-ranging and cover all relevant aspects such as benefits, entitlements and privileges for qualifying employees.⁶⁶

3.1.4.5 Capacity Building for Gender Mainstreaming

In terms of internal institutional capacity for gender mainstreaming, available information shows limited efforts towards the strengthening of organisational capacity in this regard. As indicated earlier, the company did not have a dedicated gender mainstreaming unit, nor did it have a dedicated budget for this purpose. Also based on available information, we did not find any evidence of internal staff training and skills development with regard to gender mainstreaming.

3.1.4.6 Monitoring and Evaluation of Gender Mainstreaming

The information provided by the company shows that it does not have in place clear internal mechanisms and systems for monitoring progress towards gender transformation. The National Policy Framework for Women Empowerment and Gender Equality clearly states that such internal mechanisms and systems are important for monitoring and evaluating progress, impact and achievements towards gender transformation. The company does have some internal processes for tracking progress in complying with the requirements of the EE legislation, through periodic meetings in line with the Section 24 (1) of the EEA.⁶⁷ However, these are not necessarily the same as gender mainstreaming.

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Nkomati Joint Venture. Employment Equity Plan 2013-2018

3.2. ANGLO AMERICAN

Anglo American was founded by Ernest Oppenheimer in 1917 to invest in gold mining in South Africa. It was funded by Britain and the United States. The mother company, called Anglo American plc, is located in London. It was established in South Africa in 1921. Anglo American operations and offices are spread across South Africa, as well as the rest of the world. It became the largest single shareholder for a diamond company in South Africa called De Beers in 1926. In 1928 platinum ores were discovered in South Africa. In 2000 the company acquired Shell coal assets in Australia with an interest in four underground and three open cut mines in five locations (Callide, Capcoal, Moranbah North, Drayton and Dartbrook).⁶⁸

In 2001 the International Council of Mining and Metals (ICMM) was founded by the company with 10 principles of sustainable development, and the company acquired the Los Bronces and El Soldado copper mines and Chagres smelter in Chile, the third largest copper producer in 2002. Anglo American acquired a large stake in Kumba Resources in South Africa which built their position in iron ore, of which they own 70 percent.⁶⁹ Anglo American is part of a multinational company which is divided into various business units, including its Corporate Division. According to this company, its business units operate independently from its Corporate Division. The business units produce platinum, diamond, copper, nickel, iron ore, manganese, and metallurgical coal, as well as thermal and other mining industries.⁷⁰

3.2.1. ANGLO CORPORATE DIVISION

Anglo Corporate is a division of Anglo Operations (Pty) Limited (AOPL), owned 100 percent by Anglo American South Africa Ltd. The company is currently not listed with the JSE. The board of directors is primarily responsible for internal governance processes throughout the company. Among others, the company has a social responsibility programme which promotes and funds various community upliftment projects co-ordinated through two enterprise development entities called Tshikululu and Zimele.

3.2.1.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures

As with ARM and its units, information was sought regarding senior level/management decision-making structures in the company, including the figures relating to the level of representation and participation of women in these structures as part of promoting gender equality and transformation in the company. Table 6 provides some of the information in this regard.

⁶⁸ <http://www.angloamerican.com/about-us/history>

⁶⁹ <http://www.angloamerican.com/about-us/history>

⁷⁰ Anglo American: 2009. Annual Report

Table 6: Gender profiles and the occupational levels

Occupational level	South African Employees								Foreign National		Disabled		Grand total
	African		Coloured		Indian		White		M	F	M	F	
	M	F	M	F	M	F	M	F					
Top management	0	1	0	0	0	0	0	0	0	0	0	0	1
Senior management	7	6	3	6	15	5	123	52	17	4	0		238

Source: Anglo American Division of Anglo Operation Ltd, January 2015 EE Report

This table indicates the two layers or levels of high level management and level decision making for which information was made available for top management and senior management. As the figures in the table reflect, top management is headed by a woman, and senior management consists of 225 members, of which only 69 (30.66 percent) are women, while 156 (69.33 percent) are men. There is therefore an imbalance in terms of the gender profile (i.e. representation and participation of women) at this level of seniority.

While this imbalance was expected, given that the mining sector is one of the sectors still characterised by limited representation and participation by women, the Anglo Corporate Division is still performing significantly better than the others in this assessment based on the information made available to the CGE. For instance, in terms of the CGE's gender representation rating scale, Anglo Corporate Division is rated at Level 4 (i.e. critical mass gender representation) in terms of the representation and participation of women at senior levels of decision-making as reflected in Table 6. This means that women's representation at senior level comprises between 30 and 45 percent of senior management. Based on the information given in this exercise, this is the best rating compared to all the other companies included in this assessment. However, the key challenge remains what programmes are being put in place to increase the representation and participation of women, not only throughout the company's operations in general, but also at senior decision-making level.

3.2.1.2. Mainstreaming Gender in Organisational Culture and Systems

As concerns efforts to encourage an internal organisational culture of gender equality, and putting in place the necessary systems in this regard, the company insisted that the responsibility lies with the management. It was also revealed that the management has the responsibility to ensure compliance with the provisions of the EEA, and that this is an area of management responsibility contained in the performance agreements of senior managers. The company has also indicated that an official

responsible for transformation has been appointed within the HR department, although the focus is on the areas of diversity and EE rather than specifically on gender transformation.⁷¹

3.2.1.3. Budgeting for Gender Mainstreaming

The focus in this subsection was on whether or not there was a dedicated budget or budget allocation for gender mainstreaming programmes and related activities. The response and accompanying information provided to the CGE indicates that while there was no dedicated budget for gender mainstreaming programme activities, resources were made available through different funding mechanisms for programmes aimed to uplift women. However, it would appear that these might be part of the company's corporate social responsibility programmes rather than being part of a clear gender mainstreaming programme and funding strategy. Also, the information provided by the company indicates that it currently funds a female entrepreneurship programme.⁷²

As indicated already, the company makes funds available for community-based programmes and projects. However, during interviews with officials from the company, it became clear that these funding activities were part of the general corporate community social investment programmes (driven through its Tshikululu and Zimele development entities) and targeting both women and men rather than prioritising women's economic and social empowerment. During the interviews with officials from Anglo American Corporate Division, it was revealed that the Tshikululu enterprise funded a large number of socioeconomic development initiatives, with a large number of women benefiting from these initiatives. For instance, out of the total number of 5 664 481 beneficiaries, it was revealed that 3 096 834 were women, while 2 567 647 were men. This, however, did not indicate the time period over which these numbers of beneficiaries were achieved and the types of benefits entailed.⁷³

The company's Anglo American's Chairman's Fund – Zimele Enterprises – is another funding mechanism established in 1989 to provide funding and support to previously disadvantaged South Africans and, according to the company, to create and develop commercially viable and sustainable small and medium enterprises (SMEs). The company insisted that through this mechanism a total of R1 359 billion has been invested in small business, where 42 percent of the beneficiaries for these funds are women.⁷⁴ However it was clear that this was part of the company's corporate social and enterprise investment programme, rather than a gender mainstreaming programme.

⁷¹ Based on information provided through interviews conducted with officials from Anglo Corporate Division.

⁷² The information indicates that some of the women entrepreneurs benefited from the Corporate Supply Chain programmes, Community programme and Green programme, AA Seta Mining, Sebenza and Godisa funds in 2014.

⁷³ Tshikululu Social Investment, 2014: Report to Society

⁷⁴ Anglo American; Zimele, Enterprise Development, Creating Shared Value Together(Undated)

3.2.1.4. Measures to Create an Enabling Environment

As part of the measures to create an environment conducive to gender mainstreaming, the company mentioned a number of initiatives in place. One of these was a draft policy framework document which apparently took into consideration the provisions of a number of international gender mainstreaming instruments. These included the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPA) and Millennium Development Goals (MDGs), the Protocol on the African Charter on the rights of Women, as well as South Africa's National Policy Framework on Gender Equality and Women Empowerment. However, the document was still a draft, and has not yet been implemented. The company also identified a number of workplace benefits for employees as relevant measures for creating an environment conducive to gender equality and transformation, although these appear to be aspects of regulated basic conditions of employment for employees:

- A leave and absence policy provided by the company which provides for a paid maternity leave for four months and the conditions of work women pre- and post-natal stages, four months' adoptive leave catering for parents who decide to adopt a child younger than two , and leave provisions for family responsibility which are apparently needed by women more than men.⁷⁵
- Employment equity guidelines which give both men and woman equal opportunities in the workplace.
- Sexual harassment and grievance policies to ensure that all employees, including job applicants and other persons interacting with the company, are treated with respect. The sexual harassment policy ensures that the complaints of victims of sexual harassment are dealt with and that they are not victimised.⁷⁶
- Onsite clinic which offers occupational health care for women and men.

Other measures cited by the company as promoting gender transformation include:

- A recruitment process that focuses on improving diversity including representation of women
- A gender diversity compendium which provides for meeting gender diversity targets, and ensuring that by 2014 one in three of all leaders and one in five of all employees are women was developed.⁷⁷ It is not clear if these targets were achieved.
- Sponsoring the Women in Mining South Africa non-profit organisation, which is free to all women working in the mining industry. It provides access to mentorship services and networking opportunities, as well as support and guidance for personal growth, leadership and career development.

⁷⁵ Anglo American Division of Anglo Operation LTD, 2012, Leave and Absence Policy

⁷⁶ Anglo American Division of Anglo Operation Ltd, 2012 Sexual Harassment Policy

⁷⁷ Anglo American: 2014, Gender Diversity Compendium

3.2.1.5. Capacity Building for Gender Mainstreaming

Based on the information made available to the CGE, it would appear that the company did not have any internal gender mainstreaming capacity-building programmes for its staff. However, the company insisted that its internal performance management processes served this purpose, although no clarity was provided as to how this was done.

3.2.1.6. Monitoring and Evaluation of Gender Mainstreaming

Similarly, the information provided to the CGE does not indicate whether or not the company has a clear monitoring and evaluation mechanism to monitor and evaluate progress in terms of gender transformation. The company was adamant that its internal talent management and employment equity processes were used as mechanisms for tracking the movement and advancement of women into senior management positions.

3.2.2. KUMBA IRON ORE

Kumba Iron Ore mine was formed in November 2006 when the iron ore assets of Kumba Resources Limited were unbundled into Kumba Iron Ore and Exxaro and listed separately on the Johannesburg Stock Exchange (JSE). It is a fully empowered company in terms of the 2014 equity ownership requirements set out in the South African Mining Charter. Shareholders include Anglo American (65.2 percent), the Industrial Development Corporation (12.9 percent), and minorities (21.9 percent). Kumba Iron ore consists of the corporate office (Centurion) and three mines, namely Sishen Mine (Northern Cape), Kolomela Mine (Northern Cape) and Thabazimbi Mine (Limpopo).⁷⁸

Kumba has been awarded the exclusive Top Employers South Africa 2015 certification and was also recognised as the number one employer within the mining industry by the Top Employers Institute in the past, despite waves of strikes and financial troubles encountered by the industry.⁷⁹ For the purpose of this study, much of the information that was utilised was based on the company's corporate division and its Kolomela mine. Kolomela mine is one of the operations that the CGE team visited for onsite observation during the fieldwork phase of this study. The CGE team visited various areas of the operation, including mining, plant, engineering, fatigue centre, skills training centre and the rehabilitation and functional assessment (RFA) centre.

3.2.2.1. Gender Equality, Representation and Participation in Internal Decision-Making

An enabling environment for women can only be realised if women have a say in decisions that impact on their interests in the workplace. Where the representation and participation of women at

⁷⁸ Anglo American 2013. Our History. http://www.kumba.co.za/au_history.php

⁷⁹ <http://miningandminerals.co.za/index.php/news-and-events/local/729-kumba-iron-ore-certified-as-one-of-the-top-employers-south-africa-2015>

senior level is concerned, at the time when this assessment was being carried out, Kumba Iron Ore mine had one woman and three men on its Sishen Iron Ore Company Board, and two women and six men on its Executive Committees (EXCO).

Table 7: Management Positions at Kumba

Level	Total Staff	Number of women	Number of men	Number of disabled
Top management	6	2	4	0
Senior management	121	26	95	0
Middle management	500	123	377	9
Total management	627	151	476	9

Source: Data provided by Kumba Iron Ore Mine

The figures in this table are based on information provided by the company on the gender profiles of its senior level management structures. It shows that the number of women (2) accounts for 33.3 percent at top level and (26) 21.48 percent at senior level. The table also shows the gender profile of the middle management level where 123 women make up 25.2 percent of the total. Based on the figures in the table, our Gender Representation Rating Scale shows that Kumba Iron Ore mine has achieved Level 3 (Progressive Gender Representation). This is because the minority gender group comprises between 15 percent and 30 percent of the membership of the high level of the company's management. This is also a slightly better level of performance compared to the majority of the companies assessed in this report. However, this is still well below the government's target of 50 percent women's representation at senior or high level management/ structures.

3.2.2.2. Mainstreaming Gender in Organisational Culture and Systems

As part of mainstreaming gender equality within its organisational culture and system, the company pointed to a number of examples. Firstly, the company says that the responsibility for driving gender transformation rests with top and senior managers,⁸⁰ and that its employment equity targets are part of this, with all senior managers' performance contracts and their performance assessments incorporating these EE targets. Secondly, the company says that its transformation targets are also included in the HR managers' key performance indicators (KPIs). However, as already indicated elsewhere in this report, it should be noted that compliance with the provisions of employment equity legislation should not necessarily be equated with promoting mainstreaming and transformation.

⁸⁰ Kumba Iron Ore (2015). Embracing Gender diversity at Kumba Iron Ore: A gender report prepared by Kumba iron Ore for the Commission for Gender Equality

Thirdly, the company stated that it had developed a Women in Mining (WIM) strategy aimed at embracing diversity and enhancing the performance of women in mining.⁸¹ The company insists that the goals and objectives of strategy include adherence to EE targets and attracting and retaining the talents of women in mining at Kumba.

Fourthly, the company has put in place the WIM Steering Committee which serves to focus on enhancing female workplace integration and development, creating meaningful opportunities for women, and removing barriers to women in mining.⁸² The company says that the Steering Committee also tracks progress achieved on gender diversity and reports to the company's Transformation Committee. The company also claims that the Steering Committee, chaired by a senior manager, strives to create an environment of acceptance, where women can actively grow and contribute to the company's success. The design structure of the Steering Committee appears to be spread across the company's operational sites, involving participation from different departments and unions. The company stated that other workplace structures such as the Social, Ethics and Transformation Committee also deal with broader issues of governance, including gender diversity.⁸³ However, it is not clear what decision-making authority and powers these committees have and what impact they are likely to make in the long term with respect to meaningful workplace gender mainstreaming and transformation.

Finally, the company mentioned its Harassment Investigation Task Team, which was established based on the findings of an investigation that indicated the existence of sexual harassment in the workplace, both at Kumba and Kolomela Mine.⁸⁴ The Harassment Investigation Task Team has a senior manager, with other specialists (i.e. HR, employee wellness, social advisor etc.) The company is also adamant that it has introduced a number of other related initiatives to cater for the interests of women in the workplace. For instance, it pointed to the use of innovative technologies such as autonomous drilling to enable women to work much later into their pregnancies; raising awareness about gender diversity and related matters in the workplace,⁸⁵ holding workplace dialogues on a range of issues including gender, race and sexual orientation; disseminating pamphlets on women's issues, including harassment and how to get assistance, as well as family facilitating planning workshops to enable women and men to make informed decisions about their sexual health. It is not clear how long some of these initiatives have been in place and what impact has been achieved in regard to with respect to meaningful gender equality and transformation in the company.

⁸¹ Kumba Iron Ore Women in mining strategy and measures

⁸² Kumba Iron Ore (2015). Embracing Gender diversity at Kumba Iron Ore: A gender report prepared by Kumba iron Ore for the Commission for Gender Equality

⁸³ Kumba Iron Ore Limited: Integrated Report 2014

⁸⁴ Kumba Iron Ore (2015). Embracing Gender diversity at Kumba Iron Ore: A gender report prepared by Kumba iron Ore for the Commission for Gender Equality

⁸⁵ Ibid

3.2.2.3. Budgeting for Gender Mainstreaming

The information provided by Kumba does not indicate whether or not the company had a dedicated budget or funding instruments for gender mainstreaming programme activities. The company has a bursary scheme that provides financial assistance to non-employees and does not prioritise women or girls as a group, even though it does set a 30 percent target for female beneficiaries.

3.2.2.4. Measures to Create an Enabling Environment

In terms of measures to create an environment conducive to gender mainstreaming, Kumba insists that internal policies have been developed, informed by a number of gender mainstreaming instruments such as the Millennium Development Goals (MDGs) and the country's National Policy Framework for Women's Empowerment and Gender Equality,⁸⁶ CEDAW, the BPA and the Protocol to the African Charter on Human and People's Rights and the Rights of Women in Africa. The company indicated that this was done in order to align its gender diversity efforts with these instruments.⁸⁷

The company states that it is committed to gender equality and endeavours to create an environment that is conducive to the participation, development and growth of women in all roles within the organisation, as well as the mining industry in general.⁸⁸ A number of initiatives and measures, including policies and programmes, were pointed out in this regard. Firstly, the company indicated that it had a comprehensive transformation strategy that has brought the Mining Charter to life throughout its operations. However, we noted that the company did not have a gender equality/transformation framework to underpin its gender mainstreaming programme activities if any, insisting that the transformation strategy serves the same purpose of, among others, continuously integrating women into the traditionally male-dominated work environment.

Secondly, it would appear that the company regards compliance with the current EE legislation as a measure to promote gender mainstreaming and eliminate discrimination in the workplace, including implementation of affirmative action.⁸⁹ Kumba indicates that its EE plan sets numerical targets and goals for employment equity, including affirmative action measures. However, the emphasis appears to be on numerical targets and less on other non-quantitative gender mainstreaming aspects which are often more important. Nonetheless the company argues that it put in place fair employment practices for all employees, and that discrimination in relation to gender and sexual orientation does not exist. While these statements of commitment from Kumba are important in acknowledging the need for gender equality and transformation, more practical and concrete gender mainstreaming measures are necessary to move beyond the emphasis on numerical outcomes.

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Ibid

⁸⁹ Kumba iron Ore Group Policy. Human Resources and Remuneration. Recruitment Policy reference number GLD-A101-POL-0021

Thirdly, the company points to special efforts to accelerate the participation of Historically Disadvantaged South Africans, (including black people, women and people with disabilities) in company-wide development programmes.⁹⁰ Kumba stated that its recruitment policy provides rules and guidelines to regulate the recruitment and selection of talent at all levels in the company, as part of creating an enabling environment for women. However, the key challenge with this approach, which emphasises a fair and equal treatment of all employees, particularly in a historically and traditionally male-dominated industry, will tend to preserve and reinforce that male dominance in the long term. This approach has been adopted by several of the mining companies included in this assessment, including Kumba. The Mining Charter's minimum requirement for Historically Disadvantaged South Africans in management is 40 percent and 10 percent for women in the workforce. The information provided by Kumba shows that the company had set itself higher targets.⁹¹ However, it was not clear whether or not they were achieved.

Fourthly, the company indicates that a set of specific measures and interventions are in place as part of creating a conducive environment. The following were mentioned.

- A fast-track programme that identifies both women and men for mentoring and career progression (this, however, does not prioritise women)
- A Sexual Harassment Policy⁹² which empowers women to know what constitutes sexual harassment and how to report it. The policy is underpinned by the company's Harassment Investigation Task Teams. The company added that in the past two financial years, six cases of sexual harassment of women by men were reported and dealt with in line with the provisions of the policy. The company also mentioned its HIV and AIDS policy which seeks to reduce the stigma associated with HIV/AIDS, encourages people to know their status and prevent new infections, and also to assist employees in getting access to quality treatment and care.⁹³ While this should not necessarily be a matter that concerns women only, Kumba insists that women are more likely to become infected and/or adversely affected by the HIV/AIDS epidemic than men for biological, sociocultural and economic reasons.
- A Maternity Leave Policy with all the workplace benefits in line with the basic conditions of employment legislation.⁹⁴
- A Pregnancy Policy, including facilities and benefits for breastfeeding mothers. As is the case with the other mining companies, pregnant or breast-feeding employees are afforded a number of benefits, all in line with the provisions of the Basic Conditions of Employment Act (No. 75 of 1997).

⁹⁰ Kumba Iron Ore Limited: Sustainable Development Report 2014

⁹¹ Ibid

⁹² Kumba Iron Ore Group Policy. Human Resources and Remuneration. Sexual Harassment Policy. Reference number GLD-A101-POL-0029

⁹³ Kumba Iron Ore Limited: Sustainable Development Report 2014

⁹⁴ Kumba Iron Ore (2015). Embracing Gender diversity at Kumba Iron Ore: A gender report prepared by Kumba iron Ore for the Commission for Gender Equality

Finally, the company also indicated some of the equipment and physical environmental challenges and alterations that are needed to create a fitting workplace environment for women. The following are included:

- The Personal Protective Equipment (PPE) Standard for Women which ensures that women had access to suitable workplace personal protection equipment, although it was revealed that much of the PPE is generally designed for men, and that most women have had to contend with ill-fitting overalls, gloves, goggles and shoes, among others.
- The requirement for employees to undergo rigorous physical assessments. The company indicated that this presents a challenge with regard to developing women's physical strength at its Rehabilitation and Functional Assessment centres.
- The addition of extra steps to trucks to provide easy access, and ergonomically-designed stop-blocks (for large trucks) that can be easily lifted and moved.

A closer analysis of all the measures mentioned here shows that these are either regulated workplace conditions of employment or measures and interventions aimed at benefitting all employees in general, rather than proactive steps and measures put in place to promote gender equality and gender transformation, particularly by prioritising women, to address the imbalance in the workplace.

3.2.2.5. Capacity Building for Gender Mainstreaming

Acknowledging that capacity building is key to driving gender diversity and increasing women's participation in company decision-making structures is crucial. In this regard Kumba insisted that its talent development programme, with a target of 30 percent female representation in all categories of employment, serves this purpose.⁹⁵ However, an institutional capacity for gender mainstreaming goes beyond a procedure for setting a numerical employment target. What is needed is a clear institutional capacity that entails the creation of a dedicated gender mainstreaming unit, with trained staff and appropriate skills and resources to drive a gender transformation programme in the long term. Based on the information provided by Kumba, the company does not have this type of institutional capacity.

3.2.2.6. Monitoring and Evaluation of Gender Mainstreaming

In terms of setting up dedicated mechanisms for monitoring gender transformation in the workplace, the company indicated that it had various mechanisms in place to track the movement of women in the organisation, including into senior management positions. However, some of these are the same mechanisms for complying with employment equity legislation, rather than structures set up for the purpose of monitoring progress towards meaningful gender transformation:

- EE reporting, which entails submission of monthly reports. This is in addition to EE forums in the

⁹⁵ Kumba Iron Ore (2015). Embracing Gender diversity at Kumba Iron Ore: A gender report prepared by Kumba iron Ore for the Commission for Gender Equality

workplace where apparently regular discussions take place with line managers in different departments to keep transformation on the agenda.

- High-level monitoring by the CEO and the executive head of HR to track the company's progress with regard to diversity.
- The WIM Monitoring Committee, which is concerned with the attraction and retention of female talent.

3.2.3. ANGLO AMERICAN PLATINUM

Anglo America Platinum Limited is the world's largest primary producer of platinum-group metals listed on the JSE, and has its headquarters in Johannesburg, South Africa. Anglo American Platinum has sales and marketing offices located in London and Singapore as well as Johannesburg, servicing a global network of customers. In addition to stimulating global demand, the market development teams based in Johannesburg and London work to facilitate beneficiation in South Africa.⁹⁶

Anglo American Platinum owns and operates eight mining operations, namely the Bathopele, Dishaba, Unki, Mogalakwena, Siphumelele, Thembelani, Tumela and Union mines. Anglo American Platinum is currently developing the Twickenham Platinum Mine. Anglo American Platinum has a number of strategic joint ventures in which it holds significant interests.⁹⁷

3.2.3.1. Gender Equality, Representation and Participation in Internal Decision-Making Structures

Information made available on three high level decision-making structures, showing the gender profile of the board of directors, top management and senior management levels of the company. For instance, the information provided shows that the board of directors has a total membership of 12 people, of which 2, or about 17 percent are women and 8 or 83 percent men. The board is broadly accountable and responsible for the strategic leadership and overall performance of the company.

At company management level, the company's top management level shows a membership of 10 people. Only 2 or 20 percent of these members are women, while the remaining 8 or 80 percent are men. The other high level management structure, senior management, has a membership of 299, with only 37 or 12.37 percent of which are women, while 262 or 87.62 percent are men. Additional information was provided on other lower level structures below senior management as reflected in

⁹⁶ <http://www.angloamericanplatinum.com/about-us/where-we-operate.aspx#/process-mining-jv-headquarters/platinum>

⁹⁷ Ibid

Table 8 that follows. The table shows clearly that even at these levels, women are still outnumbered by men in the different categories of employment. Based on the gender profile figures reflected for the high level structures of the company, the company is therefore rated at Level 2 (i.e. symbolic/token gender representation) in terms of our Gender Representation Performance Rating Scale.

Table 8: Gender Profiling of Occupational Levels

Level	Total staff	Number of women	Number of men	No. of people with disability
• Top management	10	2	8	0
• Senior management	299	37	262	1
• Professionally qualified and experienced specialists and mid-management	1999	426	1573	8
• Skilled, technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	6256	1118	5138	29
• Semi-skilled and discretionary decision making	31841	2716	29125	40
• Unskilled and defined decision-making	3851	1129	2722	11

Source: Data provided by Anglo American Platinum

3.2.3.2. Mainstreaming Gender in Organisational Culture and Systems

According to information made available for this assessment, the responsibility to promote gender transformation and to increase women's representation in senior management lies with the company's senior management as well as the HR department, which are custodians of the company's internal policies, procedures and processes. Transformation forms part of their performance review. The company, like the others, seems to place emphasis on complying with EE targets as a strategy for creating organisational cultures and systems underpinning gender mainstreaming. The company argues that it has a 50/50 gender representation policy on all new intakes, although this is not reflected in the information provided on the gender profiles of the different categories of employment (see Table 8 above).⁹⁸

⁹⁸ Anglo American Platinum -Group Policy. Human Resources (HRD). Employment Equity reference number CTR-GHR-ER-POL-0024

3.2.3.3. Budgeting for Gender Mainstreaming

The information made available states that the company has budgeted funds for gender mainstreaming programmes, but this does not prioritise women to address the imbalance. Instead the company insists that it targets and empowers both women and men equally. The company did, however, provide some information of a programme meant to benefit women. This is the leading women programme, with a budget allocation of R350 000, with 9 women beneficiaries.⁹⁹ It is not clear how this programme addresses the challenge of gender imbalance in the company, how the beneficiaries are selected, whether they are company employees, and whether or not this funding is part of the company's broader corporate social responsibility programme. The information provided was not adequate to determine the extent to which the company has a clearly structured funding to drive a clear programme of gender transformation that prioritise women employees in order to address the obvious current gender imbalance within the company.

3.2.3.4. Measures to Create an Enabling Environment

The information provided to the CGE shows that there was no awareness of the different gender mainstreaming country's national policy framework for women's empowerment and gender equality. Awareness of this policy framework and other relevant gender mainstreaming policy instruments would be crucial in developing the company's own internal policies and strategies to promote gender transformation.

However, the company insisted that it was committed to existing government legislative frameworks for ensuring equality in the workplace. The company therefore made repeated references to various pieces of legislation such as the Employment Equity Act, Skills Development Act, Mineral and Petroleum Resources Development Act, as well as the non-regulated commitments such as the BBBEE, Mining Charter and social and labour plans. The company has also identified a number of measures that it says are currently in place and being enforced to ensure an enabling environment for gender mainstreaming, as indicated below:¹⁰⁰

- An EE policy¹⁰¹ which is aimed at asserting the company's position with regard to employment equity and to espouse all initiatives contemplated to bring about diversity and equality.
- A women in risk areas policy¹⁰² (pregnancy in the workplace) ensures the health and safety of pregnant and breastfeeding employees with due consideration of the company's operational and financial requirements. This policy allows for pregnant employees to be removed immediately from risk work areas and put in alternative suitable work in non-risk areas or other alternative and

⁹⁹ Anglo American Platinum (2015), Policies and procedures: Gender report prepared by Anglo American Platinum for the Commission for Gender Equality.

¹⁰⁰ It is clear though that some of these measures are benefits deriving from the basic conditions of employment legislation which employees would be automatically entitled to.

¹⁰¹ Anglo American Platinum -Group Policy. Human Resources (HRD). Employment Equity reference number CTR-GHR-ER-POL-0024

¹⁰² Anglo American Group Policy. Human Resources: Remuneration and Benefits. Women working in risk areas (Pregnancy in the workplace) reference number CTR-GHR-GHR-POL-0001

clearly defined alternative processes (e.g. annual leave) in cases where no alternative work was available.

- A sexual harassment policy¹⁰³ informs employees about their rights to work in a pleasant and productive work environment where individual rights and dignity of each employee are respected. The company insists that this policy illustrates its commitment to maintaining an atmosphere of respect, where conduct characterised as sexual harassment is not tolerated. It was revealed that six cases of sexual harassment were reported and investigated in the past two years, with all of them investigated, leading to dismissals of two employees and a final warning for another.¹⁰⁴
- A project manager development programme was initiated in 2010 to redress the past imbalances, comply with legislative and mining charter requirements, and address the shortage of skilled black female project managers at Anglo American Platinum. The company says that the programme has 100 percent female enrolment.¹⁰⁵
- Women are in mining structures at all operations.
- Mentoring and succession planning programme: the company states that this is a set of interventions targeting women to facilitate their progression to senior management positions.

3.2.3.5. Capacity Building for Gender Mainstreaming

Anglo American Platinum acknowledged that despite restructuring and simplifying their organisational structure, they continue to experience a lack of critical skills necessary for gender mainstreaming.

3.2.3.6. Monitoring and Evaluation of Gender Mainstreaming

The information provided by Anglo American Platinum suggested that the company has a system in place to monitor and evaluate the implementation of its policies, which entails EE monthly reporting, the EE forum and the Quarterly Central Employment Equity committee. In addition, the company said it had systems in place (i.e. a fast-tracking system and the project management development programme) to enable it to track the progression of women in the organisation.¹⁰⁶

¹⁰³ Anglo American Platinum- Group Procedure. Human Resources: Employee Relations. Sexual Harassment Procedure reference number CTR-GHR-ER-PRO-03

¹⁰⁴ Anglo American Platinum (2015)-Policies and procedures: Gender report prepared by Anglo American Platinum for the Commission for Gender Equality.

¹⁰⁵ Anglo American Platinum: Measures to ensure Gender transformation

¹⁰⁶ Anglo American Platinum (2015)-Policies and procedures: Gender report prepared by Anglo American Platinum for the Commission for Gender Equality.

3.2.4. ANGLO AMERICAN COAL SOUTH AFRICA (AACSA)

AACSA is a wholly owned subsidiary of Anglo Operations Limited. It was established in South Africa in 1917 as a multinational company under the mother company located in London.¹⁰⁷ The company is listed on the London and Johannesburg Stock Exchanges. The board of directors of AACSA has appointed a South African Regional Leadership Team to run the day to day operations of the business.¹⁰⁸

3.2.4.1 Gender Equality, Representation and Participation in Internal Decision-Making Structures

The company provided information on the gender profile of its senior level management staff as requested by the Commission. Table 9 therefore gives information of the gender profile of two categories of high level decision-making structures of the company.¹⁰⁹

Table 9: Gender profiling of decision making structures

Level	Total	Disability		Female				Male			
		F	M	B	C	I	W	B	C	I	W
Southern African Regional Leadership Team (SARLT)	13	0	0	1	0	0	0	4	1	1	6
Senior management	140	0	0	7	1	1	15	30	2	5	79
Total	153	0	0	8	1	1	15	34	3	6	85

Source: Anglo American Coal South Africa, 2014: EE Report

A total number of 153 officials make up the membership of the two levels of decision making, with 13 of the officials represented and participating in the SARLT, and 140 in senior management. Out of the 13 members of SARLT, only one is a woman, while 12 are men. From the 140 members at senior management level only 24 (17 percent) are women, while 116 (83 percent) are men. The gender imbalance is therefore glaringly obvious here. In terms of our gender representation rating scale, the performance of the company regarding the representation of women in the high level structures of management is rated at Level 2 (i.e. symbolic/token gender representation).

¹⁰⁷ southafrica.angloamerican.com/

¹⁰⁸ Anglo American. Annual Report 2014: Focus: Operating Smarter

¹⁰⁹ Anglo American Coal South Africa, 2014: EE Report

3.2.4.2. Mainstreaming Gender in Organisational Culture and Systems

In its response to our request for information on measures to mainstream gender within its internal organisational practices and systems, the company indicated its transformation agenda was driven from the most senior person in the company (i.e. the CEO), whose KPIs reflect this responsibility. Also, the company indicated that the performance management contracts of the transformation manager, the general manager and the HR manager place on them the obligation for gender transformation.¹¹⁰ Therefore, according to the company, its annual transformation targets are set to exceed legislative requirements and that these targets are understood throughout the business and each of the line managers is held to account for achieving both them and the company's objectives.

The company insists that the tracking of the achievement of these targets is carried out on a monthly basis, and that progress in transformation is reviewed on a quarterly basis by the Heads of Functions, accompanied by annual reporting at corporate level. These also form part of the performance review of senior managers. However the company added that its policies do not specifically target women, and that gender transformation is a consideration under its transformation agenda.¹¹¹ Based on this, it is clear that the company does not have a gender mainstreaming programme or strategy, and that what it has is a set of systems and processes to ensure compliance with EE policy and legislative requirements, as is the case with the other mining companies assessed in this report.

3.2.4.3. Budgeting for Gender Mainstreaming

In responding to requests for information on the allocation of a dedicated budget or resources for programmes aimed at gender mainstreaming, the company indicated that it had allocated funds for employee development programmes, which are aimed at benefiting both men and women. The company did acknowledge that this was not the same as budgeting for gender mainstreaming.

3.2.4.4. Measures to Create an Enabling Environment

Creating a conducive environment that facilitates gender equality is one of the vital pre-conditions for gender mainstreaming in the workplace. In its response on measures in place for this purpose, it became clear that the company was not familiar with current gender mainstreaming frameworks (national, regional/international) which guide the country's programmes and strategies to promote gender transformation. Even knowledge of the country's National Policy Framework on Gender Equality and Women Empowerment was limited. These gender mainstreaming frameworks are crucial in informing and guiding companies in their attempts to comply with the constitutional imperative to promote gender mainstreaming and transformation. Nonetheless, as pointed out here, there is

¹¹⁰ A copy of the performance contract of senior officials was provided to the CGE as evidence to support to claim that transformation falls under the responsibilities of senior officials

¹¹¹ Anglo American Coal South Africa (2015). Gender report prepared by Anglo American Coal South Africa for the Commission for Gender Equality

awareness of the provisions and requirements of the EE legislation, and therefore concrete measures have been put in place to comply. This is often misconstrued by many companies, including this one, as gender mainstreaming. The company has therefore pointed to the following as examples of measures introduced to create an environment conducive to gender mainstreaming.¹¹²

- A sexual harassment policy¹¹³ provides guidelines and protection to both men and women within the organisation and also outlines the zero tolerance for unacceptable behaviour.
- A maternity leave policy¹¹⁴ provides for four months' paid leave for which women qualify from the day of employment.
- A family responsibility policy, while applicable to both genders, provides additional cover for females with children under the age of two.
- A childcare subsidy policy¹¹⁵ which assists all eligible female employees with the cost of childcare.
- Childcare facilities such as a company-owned crèche are made accessible to all employees (male or female) with young children. In addition, parents with children in the crèche are further eligible for an allowance to assist with access to the childcare facilities.

The company further states that as a mark of its commitment to women's empowerment, it has a succession plan in place that enable it to appoint the right people in the right positions, with greater focus on women who receive continuous support and coaching to make sure that they fit into their new positions and within existing teams. It would appear also that the women who are appointed into new roles are often placed in "less strenuous environments to ease their adjustment into the new positions." These are called 'soft landings' which include:

- Placing women in an operation as a second mining manager/engineering manager with smaller areas of responsibility
- Appointing women into sections with less strenuous conditions and good support focused on continuous coaching
- A pregnant woman who can't continue in the production environment will be given exposure to other departments as part of her development.

On the face of it, this last set of measures appear to display laudable concern for the welfare of women being appointed to new positions in the company, but, on closer analysis, it is clear that there is some level of discomfort or lack of confidence in the abilities of the newly appointed women. Placing newly appointed women in positions with smaller or lesser responsibilities could actually indicate a lack of confidence in their abilities and capabilities. Similarly, placing women in lengthy

¹¹² Ibid

¹¹³ Anglo American Coal South Africa. Head Office Sexual Harassment Policy.

¹¹⁴ Anglo American Coal South Africa. Head Office Maternity Policy.

¹¹⁵ Anglo American Thermal Coal. Child care subsidy policy. reference number HR_54.1 June 2013

apprenticeship or mentoring programmes could serve the purpose of delaying their progression up the employment ladder in the guise of preparing them for positions of authority as part of company succession planning.

Nonetheless the company revealed that 20 women were already in its fast-tracking programme and that they would be ready in less than two years to fulfil the roles for which they were being prepared in terms of the company succession plans. It also revealed that more women were being prepared for entry into the technical and operational disciplines where women currently represent only 21 percent of the workforce.¹¹⁶

3.2.4.5. Capacity Building for Gender Mainstreaming

The information submitted to the CGE by the company indicates that it does not have a capacity building programme for gender mainstreaming work.

3.2.4.6. Monitoring and Evaluation of Gender Mainstreaming

In terms of putting mechanisms and systems in place to monitor progress towards gender mainstreaming, the company indicated that it has a system to track the movement of women into senior management positions. These include regular meetings with Heads of Discipline to discuss and monitor the following.¹¹⁷

- Health of the discipline, which includes Historically Disadvantaged South Africans status, female representation per level, improving the diversity in the discipline and fast-tracking initiatives for females and historically disadvantaged candidates
- Movement of individuals, particularly females, across operations to ensure the correct development and exposure in their current roles. The focus is also on building exposure from smaller areas/operations to larger and more complex operations
- Succession planning and the development gaps of each individual to ensure readiness for the role. This will include on-the-job training initiatives, technical gaps and other training programmes
- Nominations for group leadership programmes, focusing on females
- Nominations for divisional career development panels and mine-based development panels
- Opportunities for high-potential females to lead various teams and be exposed to various working conditions to ensure further growth and development.

¹¹⁶ Anglo American Coal South Africa (2015). Gender report prepared by Anglo American Coal South Africa for the Commission for Gender Equality

¹¹⁷ Ibid

4. OVERVIEW OF EMERGING KEY ISSUES AND CHALLENGES

This exercise sought to assess the progress achieved by the selected mining companies and their associated subsidiaries in terms of systematic programmes and concrete steps to promote gender equality in line with national policy and legislative frameworks on gender mainstreaming. Based on the findings of this assessment, a number of broad observations and key issues emerged which provide valuable insights into the level of progress achieved so far, and the challenges that still have to be faced by the selected mining entities in particular, if not by the mining sector in general.

Firstly, it is clear that the mining sector is still the preserve of male dominance. All the mining entities assessed in this report had significantly limited numbers of females compared to male employees, not only in terms of general staff gender profiles, but also at management levels. Only one of the companies (Anglo-American Corporate Division) achieved a Level 4 rating (critical mass gender representation) while Anglo Kumba Iron Ore had achieved Level 3 rating (progressive gender representation) at senior level decision-making structures in line with our rating scale. The rest could only achieve Level 1 (failed gender representation) or Level 2 rating (symbolic/token gender representation). This is despite many of the entities declaring formal commitments to gender equality and the need for empowering women in the workplace, accompanied by claims of fast-tracking leadership development programmes, mentoring programmes and succession plans. This suggests fundamentally weak processes of translating formal intentions on gender equality and gender mainstreaming into actual concrete plans, programmes and outcomes. In addition, it suggests that processes of setting clear targets, monitoring enforcement and compliance and evaluating achievements of such processes is fundamentally problematic.

Secondly, analysis of the findings appears to suggest that the mining companies assessed in this exercise have not prioritised gender mainstreaming as a key strategic imperative for which concrete and systemic programmes and of action and resources had to be allocated. Nevertheless, this does not imply that nothing has been done. In many instances, some of the companies have pursued a number of initiatives, projects and activities that are relevant and, within the context of coherent and long term gender transformation programmes of action, would have yielded significant results. Instead, our analysis of the findings shows clearly that, broadly, much of what these entities have done is to introduce a set of activities intended to benefit women materially in the short to medium term, without necessarily leading to significant fundamental and sustainable gender transformation in the long term. In addition, some of the entities have identified standard regulated employee benefits and entitlements in various pieces of legislation such as the Basic Conditions of Employment Act (1998), the Employment Equity Act (1998), including the requirement of this Act for submissions of company Employment Equity Plans, as their own measures for gender mainstreaming. From our analysis, it is clear that due to the clearly defined punitive sanctions that are outlined against failure

to abide by the provisions of the Employment Equity Act, there was greater understanding of the provisions of this Act, and therefore consequently greater focus on the need to comply than was the case with the legal imperative to comply with the provisions of legislative frameworks dealing with gender equality and gender mainstreaming which tend to place less emphasis on sanctions for non-compliance.

The third key issue that emerges from our analysis is that virtually all the entities covered in this assessment did not have a clearly written internal gender equality policy document to guide company activities and decisions on gender equality. Consequently, there was a limited understanding of the notion of gender equality. This emerged from statements made by many of the officials interviewed for this assessment, including official company documents and information provided to the research team. It would appear that gender mainstreaming is understood to refer to 'employment equity' as provided for within the Employment Equality Act as well as the Mining Charter.¹¹⁸ In other words, gender equality tends to be understood as an act of ensuring or striving for a particular numerical balance between men and woman, usually guided by the target set by the Mining Charter. As a result, gender transformation has, predominantly, become a numerical exercise with very limited measures to achieve substantive equality. Having said this though, we do acknowledge that many of the entities have put in place important measures that meet the material needs of women, such as sexual harassment policies, mentorship programmes, leadership development programmes, adhering to government's BBBEE policy framework, support for women-led SMMEs, and others. Benefits such as pregnancy and maternity leave benefits, as well as the introduction of facilities such as breast feeding rooms for mothers and crèches for employees with children are also becoming common. In some cases, some of the companies have put in place hazardous work policies and alternative work schemes/provisions for female employees who are no longer able to perform physically demanding work due to pregnancy. However, we believe that in some cases, some of these alternative work options could lead to the employment benefits of the employees concerned being negatively affected or even downgraded. This hardly promotes and advances the interests of women in line with notion of gender mainstreaming.

The fourth key issue worth mentioning from the analysis of the findings is that in general the mining entities are still grappling with, and struggling to, manage the process of integrating women in their mining operations. This observation is based on the significant number of references to notions such as 'integration of women' into the operations, managing 'gender diversity' or repeated emphasis on interventions targeting both men and women rather than women only, even in situations where data provided appears to show clearly that female employees were at a disadvantage compared to male employees. In other words, it would appear that gender transformation within these specific mining companies, if not within the broader mining sector in general, is still facing a great deal of resistance to change, suggesting general failure of workplace or organisational change management systems despite declarations to the contrary by some of the mining entities assessed in this exercise.

¹¹⁸ The Mining Charter imposes on mining companies a minimum 10% target for women participation in mining

The fifth key issue is that our analysis also shows that many of the mining entities covered in this assessment have not developed the necessary institutional capacity to drive gender mainstreaming processes. Such internal institutional capacity entails, among others, the appointment of trained and qualified gender specialists to develop, plan for and lead/drive adequately funded company gender mainstreaming programmes with the support of senior level company leadership. This often includes the creation of relevant and effective, specifically dedicated gender mainstreaming structures/units with clearly defined mandates, clear roles and responsibilities, and adequate allocation to drive gender mainstreaming programmes and practices throughout the company. The findings of this assessment revealed that all the companies covered in this assessment had created generalised 'basket models' or multi-purpose structures variously labelled 'Transformation Unit', 'Diversity and Transformation Committee', or 'Social Ethics and Transformation Committee'. These units are invariably burdened with an overwhelming mandate to cover a whole range of diversity and transformation subjects such as race, culture, social cohesion, ethnicity, religion, sexual orientation and gender equality. It is clear therefore that when gender transformation is buried within such a large basket of responsibilities, it is unlikely to receive the attention and prioritisation it might need.

Finally, and crucial to institutional capacity for gender mainstreaming, is the creation of internal organisational information management systems that underpin the collection, storage, management and sharing of accurate and reliable gender-disaggregated information that enables the company to monitor progress and evaluate the impact and outcomes of its gender mainstreaming programmes in the medium to long term. Our analysis indicates that many of the entities covered in this assessment lacked the institutional capacity to drive, monitor and evaluate gender mainstreaming programmes to assess their relevance and effectiveness.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSIONS

Based on the discussion and analysis of the findings presented in this report, we have reached a number of important broad conclusions as will be outlined below. The conclusions are formulated to address the broad and general issues and challenges that we believe apply to all the mining entities covered in this report.

Firstly, the information provided by the mining entities covered in this assessment led to findings that show that the majority of these companies have made very little progress in terms of increasing the number of women's representation within senior level decision-making structures as well as within the broader/general company employee complement. This conclusion was expected and is consistent with historical evidence and global trends. Historically, the mining sector in South Africa and globally, has been male-dominated. The figures provided by the selected mining entities, as well as independently available information, seem to make this conclusion unavoidable.

Secondly, we acknowledge that the companies included in this study did put in place specific programmes, initiatives and activities that benefited women materially, and in some cases significantly contributed to the advancement of the social, economic, financial and professional interests of female employees within these companies. However, we also noted that these activities were carried out in a largely disjointed and incoherent manner, and not as part of, or guided by, clearly defined and well-thought-out gender mainstreaming programmes and strategies aimed at promoting substantive gender equality in the long term. We therefore could not avoid reaching the conclusion that although useful in the short term, many of these efforts appear to have had limited impact in terms of promoting gender mainstreaming, and would therefore not significantly advance the course of sustainable gender transformation in the medium to long term.

Thirdly, our discussion and analysis of the findings of this assessment led us to conclude that there is generally a limiting understanding and approach to gender mainstreaming, which is predominantly informed by the imperative to comply with the provisions of the Employment Equity Act. It is clear that the provisions of this Act, especially the requirement for regular submission of Employment Equity Plans and the accompanying threat of legal sanctions for failure to comply, have inevitably placed greater emphasis on the setting and achievement of numerical employment equity targets. This, in turn, has put enormous pressure on these entities to invest efforts, resources and institutional capacity to comply with the Act to avoid sanctions. As a result, the achievement of numerical employment targets for balance between male and female employees has been substituted for

substantive gender equality. The lack of legal sanctions within legislative frameworks on gender equality and transformation has therefore created a lax attitude towards gender mainstreaming in the workplace.

Fourthly, our findings have also shown that the majority of the entities have made efforts in terms of putting in place crucial measures such as mentorship/learnership programmes, training/skills development support, talent management programmes, leadership development and fast-tracking programmes aimed at preparing women for career advancement. Many of these companies have also made available resources, including bursaries and funding support mechanisms for women-led initiatives. However, there appears to be limited follow-through in terms of actual women advancement to higher level careers inside these companies. In other words, there appears to be an invisible 'glass ceiling' that many female employees are unable to break through in the long term, despite these various initiatives and support structures. Our conclusion is therefore that although such programmes appear to have laudable objectives, their impacts on the career advancement of women in the majority of these companies have been significantly limited.

Fifthly, our findings have shown that many of the entities covered in this assessment did not have dedicated, trained and qualified gender transformation specialists to be responsible for and drive their gender equality and transformation programmes. Added to this finding is that while all the entities covered in this assessment did provide funding for various initiatives and activities targeting women (e.g. Women's Day celebrations and 16 Days of no violence against women and children), in many cases these entities did not have dedicated budgets for gender mainstreaming. The country's National Gender Policy Framework identifies a dedicated budget for gender mainstreaming programmes as a crucial element. From this we conclude therefore that the lack of dedicated, qualified and trained gender transformation specialists, as well as clearly dedicated gender responsive budgets are significant impediments to the course of gender mainstreaming in these companies.

Finally, the analysis of our findings on the activities of the companies assessed in this study has led to the conclusion that in all cases there were no coherent gender equality policy documents with clearly defined corporate policy objectives and realistic targets with time frames to guide internal corporate gender mainstreaming and transformation programmes.

5.2. RECOMMENDATIONS

Based on the conclusions drawn from the discussions and analysis of the findings covered in this report, we formulated the following recommendations. As already indicated, we believe that the conclusions drawn from the discussions and analysis of the findings apply broadly to all the entities covered in this assessment. Equally therefore, we believe that the recommendations formulated in this subsection will be relevant and applicable to these entities in terms of addressing some of the limitations, issues and challenges they face going forward in their efforts to promote gender equality and gender mainstreaming in the workplace.

Firstly, we recommend that all the mining companies covered in this assessment engage the services of competent, trained and qualified gender transformation experts/specialists to provide advice to company senior management on gender mainstreaming as a strategy to advance gender equality in the workplace. Such trained gender transformation experts/specialists should articulate what gender mainstreaming is, its benefits in the strategic interests of the company, as well as provide advice on best practices, strategies and practical approaches towards integrating gender mainstreaming in company strategic plans. A gender transformation specialist should also advise on best approaches towards institutionalising gender mainstreaming in the workplace.

Secondly, we recommend that an effective and sustainable process of introducing gender mainstreaming in the company should be provided with the necessary resources and sufficient time frames to gain buy-in from all the relevant internal stakeholders. This process should be led by, and involve, the direct participation of all the senior managers, including relevant heads of divisions or departments who should be equipped with the necessary skills training to manage gender mainstreaming processes to ensure its sustainability in the long term.

Thirdly, once the engagement between company senior management and consultative processes has been completed, we recommend company-wide consultative workshops that involve all categories of employees at all levels to introduce them to gender mainstreaming as a constitutional, legislative and strategic imperative to be pursued within the workplace. This process should be led and supported by senior company management, with the involvement of all divisional heads, and facilitated by an independent gender transformation specialist/expert.

Fourthly, as already noted, all the mining entities assessed in this report did not have clearly written internal gender policy documents. We recommend the creation of internal consultative corporate processes, led by senior management and facilitated by an external gender policy expert, and involving all key internal stakeholders, including staff, to draft a gender equality policy document

which explains what gender equality is, its legislative and policy basis, and the need for the integration of gender mainstreaming in broader corporate strategic objectives. This process should lead to a completed draft policy document on gender mainstreaming to be widely disseminated and understood by all employees across the company.

Finally, the government's National Gender Policy Framework states the importance of appointing an internal senior official (e.g. Gender Focal Person for public sector institutions) to lead internal corporate gender mainstreaming and transformation processes. We recommend the creation of such an internal post and the appointment of a qualified, trained and experienced gender transformation specialist with the necessary resources, clearly defined role/responsibilities and the requisite authority to participate in senior level decision-making processes with an impact on gender equality and transformation matters (e.g. decision-making processes on recruitment, promotions, succession planning, sexual harassment, etc.) Such a post should be part of a dedicated gender transformation unit instead of the common and often ineffective model of a generalised transformation unit that handles a basket of matters such as culture, social cohesion, race and gender.