



Commission for Gender Equality
A society free from gender oppression and inequality

Progress Report on Gender Transformation Investigations in Technical and Vocational Education and Training (TVET) Colleges

2021

Copyrights: 2021 Commission for Gender Equality. All rights reserved. No part of this publication may be reproduced, photocopied, or transmitted in any form, nor part thereof be distributed for profit making purposes, without prior written permission of the Commission for Gender Equality.

Publisher: Commission for Gender Equality.

ISBN: 978-1-77628-215-9

Design, Layout & Printing: Mailtronic Direct Marketing CC

Copy Editor: Proof Communication Africa LTD



Commission for Gender Equality

A society free from gender oppression and inequality

Progress Report on Gender Transformation Investigations in Technical and Vocational Education and Training (TVET) Colleges

2021

Contents

Abbreviations.....	3
1.Introduction.....	4
2. Legal Framework.....	6
2.1 International Instruments.....	6
2.2 Regional Instruments.....	11
2.3 Domestic Legislation.....	14
3. Follow up: TVET Colleges.....	18
3.1 Coastal KZN TVET College.....	18
3.2 Lovedale TVET College.....	19
3.3 Taletso TVET College.....	23
3.4 Motheo TVET College.....	26
4. Department of Higher Education, Science and Innovation.....	31
5. Overall Observations.....	40
6. Conclusion.....	41

Abbreviations and Acronyms

APP	Annual Performance Plan
BCEA	Basic Conditions of Employment Act 75 of 1997
BPA	Beijing Declaration and Platform for Action
CGEA	Commission for Gender Equality Act 39 of 1996, as amended
CGE	Commission for Gender Equality
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
COVID-19	Coronavirus Disease 2019
EE	Employment Equity
EEA	Employment Equity Act 55 1998, as amended
DHESI	Department of Higher Education, Science and Innovation
DPSA	Department of Public Service and Administration
GBV	Gender Based Violence
NSFAS	National Student Financial Aid Scheme
LGBTQIA+	Lesbian, Gay, Bisexual, Transsexual, Queer/Questioning, Intersex, Asexual, Plus
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
SRC	Students' Representative Council
TVET	Technical and Vocational, Education and Training

1. Introduction

The Commission for Gender Equality (CGE) is an independent state institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 108 of 1996. The CGE has a mandate to promote and protect gender equality in government, civil society and the private sector. Part of its mandate is to monitor the implementation of the legislation, international and regional instruments signed and ratified by South Africa, that impact directly or indirectly on gender equality.

Against this backdrop, the CGE is concerned with the lack of a proper understanding of gender dynamics accompanied by a slow pace of transformation within institutions of higher learning. There are low levels of compliance with relevant laws aimed at transformation, more especially the Employment Equity Act (EEA), Basic Conditions of Employment Act (BCEA) and Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).

Following transformation hearings in Technical and Vocational Education and Training (TVET), the commission decided to do a follow up. The main objective was to track progress made by the above-mentioned institutions on the CGE findings reflected in the Investigation Report 2019/2020. The investigative hearings were held in November 2019 in terms of Section 11(1) (a), (c), (d) and (e) of the CGE Act 39 of 1996, as amended; and the objectives was to ascertain the following:

- Funding to students and colleges as a need to improve education and skills development¹;
- The vulnerabilities and risks experienced by women in TVET Colleges² – both as an employee and a student³. That is, gender-based violence⁴;
- The general level of non-compliance of employers with obligations flowing out of specific provisions in labour legislation aimed at promoting equality or affirming the rights of women;

¹ <https://www.thedailyvox.co.za/tvet-college-students-say-arent-getting-nsfas-transport-allowance/>
<https://www.skillsportal.co.za/content/tvet-colleges-must-prioritise-transformation> [accessed on the 31 January 2020].

² <https://sedibengster.com/11527/sedibeng-tvet-students-march-femicide/> [accessed on the 31 January 2020].

³ <https://www.universityworldnews.com/post.php?story=20181109070403220> [accessed on the 31 January 2020].

⁴ <https://www.timeslive.co.za/news/south-africa/2019-11-26-precious-ramabulana-was-raped-and-murdered-in-her-dorm-room-this-is-what-we-know/>.

<https://www.timeslive.co.za/news/south-africa/2019-05-29-student-arrested-after-mutilation-and-murder-of-young-welkom-woman/> .
<https://www.news24.com/SouthAfrica/News/another-tvet-college-student-found-murdered-in-limpopo-20200211> [accessed on the 12 February 2020].

- Reasons why employers fail to comply with obligations aimed at promoting gender equality in the workplace;
- Obstacles faced by women in the workplace which existing legislation fails to address
- The nature of amendments that should be proposed in respect of the current reform to existing labour legislation;
- Relevant gender equality provisions in international instruments which have not been mainstreamed into existing and proposed labour legislation;
- Reasonable expectations of potential or permanent employees on labour legislation which will address the concerns of women;
- The nature of amendments that should be proposed in respect of the current reform to existing labour legislation;
- Shortcomings in the workplace which impede on gender transformation and propose remedial measures; and
- To make recommendations to the relevant institutions to enforce compliance employment equity

The following institutions participated in the hearings:

- I. Lovedale TVET College
- II. Taletso TVET College
- III. Motheo TVET College

It is recorded that only Coastal KZN TVET College failed to appear before the commission and no apology for non-attendance was provided; despite the notice served on the principal.

A report on transformation within the TVET Colleges reflecting the findings was shared with the colleges and the Department of Higher Education, Science and Technology in 2020.

The commission made follow ups during November 2020 as part of the annual performance plan (APPP |) for the financial year 2020/2021.

2. Legal framework

2.1 International instruments

2.1.1 Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW)

In terms of Article 10 of CEDAW, the South African government is obliged to take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure equality between men and women.

CEDAW General Recommendation 28 to state parties provides that the means adopted by states must address all aspects of their general obligations under the convention to respect, promote, and fulfil women's right to non-discrimination and to the enjoyment of equality with men.

State parties must ensure that they promote equality of women through the formulation and implementation of national plans of action and other relevant policies and programmes in line with the Beijing Declaration and Platform for Action, and allocating adequate human and financial resources; develop and establish valid indicators of the status of and progress in the realisation of human rights of women, and establish and maintain databases disaggregated by sex, and related to the specific provisions of the convention.

2.1.2 International Labour Organisation, Remuneration Convention 110 of 1951

This convention provides that each member state must by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2.1.3 International Labour Organisation, Discriminatory Convention 111 of 1958

This convention provides that each member state must undertake to declare and pursue a national policy aimed at designing to promote, by methods appropriate to national condition and practice, equal opportunity and treatment in respect of employment and occupation, with a view of eliminating any discrimination in respect thereof.

2.1.4 International Convention on Economic, Social and Cultural Rights 1996

This convention places an obligation on member states to recognise the right of everyone to education.

In terms of Article 13, state parties to the covenant agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. Education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. Higher education shall be accessible to all, based on capacity by every appropriate means, and in particular by the progressive introduction of free education.

Article 14 further provides that each state party to the present covenant which, at the time of becoming a party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of principle of compulsory education free of charge for all.

2.1.5 Convention on the Rights of Persons with Disabilities 2006

This convention places an obligation on member states to recognise the rights of persons with disabilities (PWD) to education without discrimination and on the basis of equal opportunity. Article 24 provides that states must ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and strengthening of respect for human rights, fundamental freedoms and human diversity; developing of persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and enabling persons with disabilities to participate effectively in a free society.

In realising this right, state parties must ensure that PWD are not excluded from general education because of their disability. State parties must ensure that PWD receive the support required, within the general education system, to facilitate their effective education. State parties must further enable PWD to learn life and social development skills to facilitate their full and equal participation in education and as members of the community through appropriate measures such as facilitating learning of braille, alternative script, augmentative and alternative modes, means or format of communication and orientation and mobility skills, and facilitating peer support and mentoring; learning of sign language and the promotion of the linguistic identity of the deaf community; ensuring that the education of persons and in

particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development.

In order to ensure the realisation of this right, state parties must take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and, or braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

2.1.6 UNESCO Convention Against Discrimination in Education 1960

Article 3 of this convention provides that in order to eliminate and prevent discrimination, state parties must undertake to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practice which involve discrimination in education; ensure by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions; and not to allow, in any form of assistance the public authorities between nations, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and the necessary permits and facilities for the pursuit of studies in foreign countries; not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group; to give foreign nationals resident within the territory the same access to education as that given to their own nationals.

Article 4 places an obligation on state parties to formulate, develop and apply national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and treatment in the matter of education and in particular to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent; to provide training for the teaching profession without discrimination.

Article 5 further provides that member states of the convention agree that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and

friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

2.1.7 The Beijing Declaration and Platform for Action (BPA)

The BPA provides that the advancement of women and the achievement of equality between women and men are a matter of human rights. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, and environmental security among all people. It requires governments, international communities, and civil society, including non-governmental organisations and the private sector, to take strategic action to address 12 critical areas of concern. These areas include, but are not limited to, the persistent and increasing burden of poverty on women; inequalities and inadequacies in and unequal access to education and training, health care and related services; violence against women; the burden of poverty on women; inequality between women and men in the sharing of power and decision-making at all levels; insufficient mechanisms at all levels to promote the advancement of women; lack of respect for and inadequate promotion and protection of the human rights of women; stereotyping of women and inequality in women's access to, and participation in, all communication systems, especially in the media; gender inequalities in the management of natural resources and in the safeguarding of the environment and persistent discrimination against and violation of the rights of the girl child.

One critical area of action is education and training of women. It is seen as an essential tool for achieving the goals of equality, development and peace. That is, ensuring equal access to education; eradicate illiteracy among women; improving women's access to vocational training, science and technology, and continuing education; developing non-discriminatory education and training; allocating sufficient resources for and monitor the implementation of educational reforms; and promoting lifelong education and training.

2.1.8 Sustainable Development Goals

The Sustainable Development Goals (SDGs) are adopted by all the United Nations member states. They are part of Resolution 70/1 of the United Nations General Assembly, also known as "2030 Agenda". The goals cover social, economic and environmental development issues including: no poverty; zero hunger; good health and well-being for people; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation, and infrastructure; reducing inequalities; sustainable

cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; partnerships for the goals.

Education (Goal 4) aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. This includes enrolment and provision of equal access to affordable vocational training, to eliminate gender and wealth disparities; and achieve universal access to a quality education.

Gender Equality (Goal 5) targets the empowerment of women and girls with a belief that it can be achieved if the needs of women receive the same attention as the needs of men. It also requires enforceable legislation that promote empowerment of all women and girls and requires secondary education for all girls. It is crucial that women and girls are engaged in the implementation of this goal.

2.1.9 International Convention on the Elimination of All Forms of Racial Discrimination

Article 5 provides that, in compliance with the fundamental obligations laid down in article 2 of this convention, state parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: economic, social and cultural rights particularly rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for work, to just and favourable remuneration; right to form and join trade unions; right to housing; right to public health, medical care, social security and social services; right to education and training; right to equal participation in cultural activities; right to access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

2.1.10 International Convention on Violence and Harassment in the Workplace

Article 2 provides that the convention protects workers and other persons in the world of work, including employees defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individual exercising the authority, duties and responsibilities of employer.

The convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban and rural areas.

2.1.11 International Employment Service Convention

Article 9 of the convention provides that the staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of the changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

Recruitment of staff shall pay due regard to the qualifications for the performance of the duties and the staff of employment service shall be adequately trained for the performance of their duties.

2.1.12 International Workers with Family Responsibilities Convention

Article 4 provides that with a view to creating effective equality opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken to enable workers with family responsibilities to exercise their right free of choice of employment; and to take account their needs in terms of conditions of employment and in social security.

2.2 Regional Instruments

2.2.1 AU Agenda 2063

The vision of African Union Agenda 2063 is a commitment to speed up actions to catalyse education and skills revolution and actively promote science, technology, research and innovation, to build knowledge, human capital, capabilities and skills to drive innovations and for the African century; and achieve gender parity in public and private institutions.

2.2.2 African Charter on the Rights and Welfare of the Child 1990

Article 11(3)(b) provides that member states to the present charter shall take all appropriate measures with a view to achieving the full realisation of this right and shall particularly encourage the development of secondary education in its different forms and progressively make it free and accessible to all and make higher education accessible to all on basis capacity and ability to every appropriate means.

2.2.3 African Charter on Human and Peoples Rights 1981

Article 17 provides that every individual shall have the right to education; may freely take part in the cultural life of the community and promotion and that protection of morals and traditional values recognised by the community shall be the duty of the state.

In terms of Article 25, state parties to the chapter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

2.2.4 Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa 2002

Article 12 provides that member states shall take appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training. Positive action shall be taken to promote literacy among women; promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology; and retention of girls promote the enrolment in schools and other training institutions and the organisation of programmes of women who leave school prematurely.

2.2.5 African Youth Charter 2006

Article 13 of the charter provides that every person shall have the right to education of good quality. The value of multiple forms of education, including formal, non-formal, informal, distance learning and or life-long learning to meet the diverse needs of young people shall be embraced. Education of young people shall be directed to fostering respect for human rights and fundamental freedoms as set out in the provisions of the various African human people's rights and international human rights declarations and conventions; preparing young people for responsible lives in free societies that promote peace, understanding, tolerance, dialogue, mutual respect and friendship among all nations and across all groupings of people.

State parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular: provide free and compulsory education; take steps to encourage regular school attendance and reduce drop-out rates; strengthen participation in and the

quality of training in science and technology; revitalise vocational education and training relevant to current and prospective employment opportunities and expand access by developing centres in rural and remote areas; make higher education equally accessible to all, including establishing distance learning centres of excellence; ensure, where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education; allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning; introduce scholarship and bursary programme to encourage entry into post-primary school education and into higher education outstanding youth from disadvantaged communities, especially young girls.

State parties should also encourage youth to conduct research and enterprises in Africa should establish partnerships with training institutions to contribute to technology transfer for the benefit of African students and researchers.

In terms of Article 20, state parties shall take the following steps to promote and protect the morals and traditional values recognised by the community: eliminate all traditional practices that undermine the physical integrity and dignity of women; recognise and value beliefs and traditional practices that contribute to development; work with educational institutions, youth organisations, the media, and other partners to raise awareness of and teach and inform young people about African culture, values, and indigenous knowledge; introduce and intensify teaching in African languages in all forms of education as a means to accelerate economic, social, political and cultural development; promote inter-cultural awareness by organising exchange programmes between young people and youth organisations within and across state parties

State parties undertake to promote widespread access to information and communication as a means for education, employment creation, interacting effectively with the world and building understanding, tolerance and appreciation of other youth cultures; help young people to use positive elements of globalisation such as science and technology and information and communication technology to promote new cultural forms that link the past to the future.

2.2.6 SADC Protocol on Education and Training 1997

This protocol encourages member states to work in common pursuit of the objectives of the protocol to work towards the reduction and eventual elimination of constraints to better and freer access, by citizens of member states, to good quality education and training opportunities within the region; promote policies for the creation of an enabling environment with appropriate incentives based on meritorious performance, and for educated and trained persons to effectively apply and utilise their knowledge and skills for the general development of member states and the region.

2.3 Domestic legislation

2.3.1 Constitution of the Republic of South Africa, 108 of 1996

Section 9(1) states that everyone is equal before the law and has the right to equal protection and benefit of the law. Section 9(3) further states that the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.

Section 29(1)(b) provides that everyone has the right to further education, which the state, through reasonable measures, must make progressively available and accessible.

2.3.2 The Commission for Gender Equality Act 39 of 1996 as amended (CGEA)

The CGEA was promulgated into law in 1996 and regulates the commission, which has been established to promote respect for, the protection of, development and attainment of gender equality. In terms of Section 11(1)(e) read with Section 12, the commission is mandated to investigate any gender-related issue on its own accord or on receipt of a complaint and shall endeavour to resolve same.

Section 18(a) of the act provides that a person who, without just cause, refuses or fails to comply with notice under section 12(4)(b), or refuses to take oath or make an affirmation at the request of the Commission in terms of section 12(4)(c) or refuses to answer any question put to him or her under section 12(4)(c) or refuses or fails to furnish particulars or information required from him or her under that section shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months.

2.3.3 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA)

The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 (PEPUDA) came into effect in 2000. This law prohibits gender-based discrimination and provides for remedies designed to protect any person who experiences discrimination across the full spectrum of society including gender-based discrimination. PEPUDA was enacted because of section 9(4) of the constitution, which requires the state to pass legislation which promotes equality and prevents unfair discrimination. PEPUDA gives effect to Section 9 of the constitution and binds the state and all persons. However, PEPUDA does not apply to any person to whom, and to the extent which, the Employment Equity Act (EEA)⁵ applies.⁶

Neither the state, nor any person may unfairly discriminate against any person.⁷ No person may unfairly discriminate against anyone on the ground of race, gender, disability, including the engagement in any activity which is intended to promote, or has the effect of promoting, exclusivity, based on race, gender based violence, female genital mutilation, and the system of preventing women from inheriting family property⁸ and failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.⁹

PEPUDA addresses systemic inequalities and unfair discrimination that manifest in the institutions of society and the practices and attitudes of South Africans insofar as these 'undermine the aspirations of our constitutional democracy'.¹⁰ PEPUDA puts two responsibilities on persons that operate in the public domain to promote equality¹¹ and on the social commitment for all persons to promote equality.

⁵ The Employment Equity Act 55 of 1998 as amended.

⁶ Section 5(3) of PEPUDA.

⁷ Section 6 of the PEPUDA.

⁸ See *Bhe v the Magistrate, Khayelitsha, Shibi v Sithole and South African Human Rights Commission v President of the Republic of South Africa* 2005 (2) SA 580 (CC).

⁹ Section 7,8 and 9 of the PEPUDA.

¹⁰ Preamble of the PEPUDA.

¹¹ Section 26,

It is the responsibility of any person directly or indirectly contracting with the State or exercising public power to promote equality by –

(a) Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of their operation.

(b) Enforcing and monitoring the enforcement of the equality plans, codes, regulatory mechanisms developed by them.

(c) Making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.

2.3.4 Employment Equity Act 55 of 1998

The purpose of the act is to achieve equality in the workplace by promoting equal opportunity and fair treatment through elimination of unfair discrimination and implementation of positive measures to ensure the equitable representation of black people, women and PWD at all levels in the workplace.

Section 6(1) of EEA, read together with the code of good practice on preparation, implementation and monitoring of employment equity plans, states that an employer must, in order to eliminate unfair discrimination, take steps to eliminate differences in terms and conditions of employment, including pay or remuneration, of employees who perform the same or substantially seminal work or work of equal value that are directly or indirectly based on any other arbitrary ground.

2.3.5 Basic Conditions of Employment Act 75 of 1997

The act regulates labour practices and sets out the rights and duties of employees and employers with the aim of ensuring social justice by establishing the basic standards of working hours regarding working hours, leave, payment, dismissal and dispute resolution.

Section 13 of the act places a duty on the designated employer to implement affirmative action measures for designated groups to achieve employment equity.

2.3.6 Labour Relations Act 66 of 1995

The act regulates organisational rights of trade unions and promotes and facilitates collective bargaining at the workplace and at sectoral level. It also deals with strikes and lockouts, workplace forums and alternative dispute resolution.

2.3.7 Higher Education Amendment Act 9 of 2016

The act gives the national minister greater powers to intervene in university matters and furthers the government higher education transformation plans. It makes universities more inclusive, without racial barriers of language and ensuring that universities are representative of the population, sensitive to gender and disability needs.

2.3.8 Continuing Education and Training Act 16 of 2006

The act provides that for the establishment, governance and funding of technical and vocational, education and training (TVET) colleges; and employment of staff at the colleges.

Its objective is to redress past discrimination and ensure representativity and equal access; ensure access to adult basic education, further education and training and the workplace through continuing education and training by persons who have been marginalised in the past, such as women, the disabled and the disadvantaged.

2.3.9 Skills Development Act 97 of 1998

The act provides that development of skills within the workforce is just as important aspect to be considered by employers as any other.

Section 2 (e) specifically states that the primary purpose of the act is to improve the employment prospects-of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education.

3. Follow up: TVET colleges

3.1 Coastal KZN TVET College

Pursuant to Dr. PPM Langa's failure and/or negligence to appear before the Commission, the Commission resolved to open a criminal case in terms of section 18 of the Commission for Gender Equality Act (CGEA), as amended.

Section 18 of the CGEA stipulates the following:

A person who without just cause-

- (a) Refuses or fails to comply with a notice under section 12(4)(b) or refuses to take the oath or to make an affirmation at the request of the commission in terms of section 12(4)(c) or refuses to answer any question put to him or her under section 12(4)(c) or refuses or fails to furnish particulars or information required from him or her under that section.
- (b) After having been sworn or having made an affirmation contemplated in section 12(4)(c), gives false evidence before the commission on any matter, knowing such evidence to be false or not knowing or believing it to be true.
- (c) Wilfully interrupts the proceedings at an investigation or misbehaves in any manner at the place where such investigation is being held.
- (d) Defames the commission or a member of the commission in his or her capacity as a member.
- (e) In connection with any investigation does anything which, if such investigation were proceedings in a court of law, would have constituted contempt of court.
- (f) Anticipates any findings of the commission regarding an investigation in a manner calculated to influence its proceedings or such findings.
- (g) Does anything calculated to influence the commission improperly in respect of any matter being or to be considered by the commission.
- (h) Contravenes section 10(2).
- (i) Acts contrary to the authority of a warrant issued under section 13(5) or, 35 without being authorised thereto under section 13, enters or searches any premises or attaches any article or document or performs any act contemplated in section 13(3), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Section 18 of the CGEA provides the commission with a remedy that ensures that people who are subpoenaed to appear before the commission do so in a professional manner and

provides the commission with powers to open a criminal case for people who neglect or fail to appear before the commission without cogent reasons.

3.2 Lovedale TVET College

The commission made the following findings:

Findings

- a) The lecturing pool is male dominated with no person with disabilities employed in the higher ranks.
- b) Persons with disabilities (PWD) within the student population are not well catered for.
- c) There are no measures put in place to protect students on and off the campus against gender-based violence incidences such as murder and rape.
- d) No workshops held to sensitise the staff and students on sexual harassment.
- e) No mechanisms put in place to track the movement of women to top and senior management positions, let alone budget allocated for gender transformation.
- f) No initiatives put in place to upskill women in terms of the Employment Equity Act (EEA) and no employment equity (EE) manager appointed for monitoring and implementation of the EE plan,
- g) No wellness programmes for the entire college community in terms of employment wellness policy,
- h) The following requested documents were never submitted by the college:
 - i. Breastfeeding policy
 - ii. Employment equity minutes
 - iii. Flexitime policy
 - iv. HIV/AIDS policy
 - v. Retirement policy
 - vi. Sexual harassment policy

- vii. Staff retention policy,
- viii. Succession policy and
- ix. Whistle-blower policy.

Progress

The lecturing pool is male dominated with no person with disabilities employed in the higher ranks

The college has a newly appointed employment equity committee. Members of the committee were trained and only met once. According to the minutes submitted by college, the meeting took place on 19th March 2020, but they were signed on 18th March 2021.

Only one white person was promoted to the position of a Campus Manager: Boland Technical and Vocational Education and Training (TVET) College at the S strand Campus.

The purpose of the meeting was to discuss the demographics of the college and implement employment equity plan, Unfortunately, due to the Covid-19 pandemic, all plans were put on hold.

Persons with disabilities within the student population are not well catered for

The college disputes the CGE's finding and responded that students with disabilities are well catered for although they have a limited number. There is an allocated fund for special needs education (SNE) by the Department of Higher Education, Science and Technology (DHES). At this moment it is a work in progress for the college and the improvement is satisfactory in classes and accommodation for disabled students.

There are no measures put in place to protect students on and off the campus against gender-based violence.

A reference to a drafted sexual harassment policy was made by the college. The policy is still to be approved by college council. The deduction is that the response is far-fetched from security for students on and off the campus.

The response did not deal with the appointment of a security company or installation of cameras; including entering into a partnership agreement with local SAPS to deal with violence in and outside campuses.

No workshops held to sensitise the staff and students on sexual harassment.

There is nothing done in this instance since the policy is still to be approved by Council. By way of explanation, Covid-19 still referred to as a challenge.

No mechanisms put in place to track the movement of women to top and senior management positions, let alone budget allocated for gender transformation

Currently the college council is in a process to track the movement of women to top and senior management depending on the budget allocated by DHESI. There are two women acting in top management positions.

There is still no mechanism put in place.

No initiatives put in place to upskill women in terms of the Employment Equity Act (EEA) and no employment equity manager appointed for monitoring and implementation of the employment equity plan.

The college refers to a skills development practitioner as the person responsible for monitoring and implementation of employment equity plan.

No wellness programmes for the entire college community in terms of employment wellness policy.

The college alluded that the human resources department is responsible for the facilitation of employee wellness programmes. Due to insufficient budget, there are no activities conducted and as such the department raises funds from other state entities to run their programmes.

The policy submitted to the commission was scheduled for review by 30 June 2017 but was not reviewed to date.

There is no employee and wellness officer or practitioner.

The following requested documents were submitted by the college:

- i. Breastfeeding policy.
No policy at Lovedale College.
- ii. Flexitime policy.

It is submitted that the college does not have a stand-alone policy but incorporates flexitime in the employment contract. It is observed that the college confuses family responsibility leave policy with flexitime policy. This is when it submitted a letter of appointment of an employee. No flexitime policy is incorporated in the appointment letter marked as annexure "N".

iv. HIV/AIDS policy

No policy was submitted but it is submitted that it is addressed in the employee wellness policy. The employee wellness policy only refers to HIV/AIDS workplace programme as the governing framework and nothing more about the HIV/AIDS policy.

v. Retirement policy.

It was alluded that the Government Employees Pension Fund offers members the following benefits: withdrawal, retirement, ill-health, or disability and death benefits.

vi. Sexual harassment policy

There is a draft sexual harassment policy to be approved by council. The policy does not clearly define the different forms of sexual harassment such as quid pro quo.

vii. Staff retention policy.

No policy was submitted despite requests by the Commission to the acting principal.

viii. Succession policy

There is no existing policy as it is submitted that the college follows the normal recruitment process.

ix. Whistle-blower policy

There is no existing policy.

Conclusion

Little progress has been made by Lovedale TVET college in addressing the findings made by the commission. That is, it barely did so. It is therefore, recommended that the commission engages DHEST regarding the lack of progress by the college in complying with the commission's recommendations.

It is noted that a new college council was elected during October 2020 and acting principal, Mr Mandla Manaka, appointed during the month of December 2020. Most of the college's responses on progress is "work-in-progress" without set timelines, barring the excuse of Covid-19's impact.

3.3 Taletso TVET College

The commission made the following findings:

Findings

- a) The ratio of lecturers to students is concerning as there is a shortage of lecturers and the college has failed to hire part time lecturers, even when one is away on maternity leave.
- b) There is a lack of transformation, including in the SRC. Women candidates are judged as "incapable to lead". There is no unit to deal with transformation issues.
- c) There are no safety measures in place to protect employees and students from gender-based violence, nor campaigns and/or workshops to sensitise the college community on sexual harassment. Students are even attacked within the campus as there is no access control system from entry points.
- d) There is no students' residence within the campus; as such students rent accommodation in unsafe areas such as Dibate and Motlhabeng villages. They are forced to cover transport costs from their own pockets.
- e) The composition of the college in terms of race is predominantly black students and staff, particularly the Mafikeng and Lehurutse campuses.
- f) Students from the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) community are not discriminated against.
- g) The restrooms are filthy and unhygienic. Students opt to rather use those at the Mega City shopping complex nearby,
- h) Some lecture rooms are no longer used for safety reasons as inspected by health and safety officers.
- i) The college does not have a clinic, nor does it run wellness programmes.

Progress

The ratio of lecturers to students is concerning as there is a shortage of lecturers and the college has failed to hire part time lecturers, even when one is away on maternity leave

Taletso indicated that the class ratio is one lecturer to 35 students for theory and computer related subjects whereas the ratio of one lecturer to 15 students is applicable in practical workshops. The classes are offered in the afternoon. The challenges are that classes cannot accommodate more than 25 students, the college uses internal staff to teach overtime, dishonesty from female lecturers who do not want to divulge maternity dates. All of these negatively affect planning for substitutes. The college ensures that it adheres to Covid-19 regulations.

There is a lack of transformation, including in the SRC. Women candidates are judged as "incapable to lead". There is no unit to deal with transformation issues

Competency and skills are the prerequisite for the appointment of staff. SRC composition is inclusive of both male and female candidates who are given opportunity in leadership.

There is a position of a cleaner that was upgraded to switchboard operator at Mafikeng campus, while a switchboard operator has been allocated duties in the management information system office. The human resources officer appointed is responsible for transformation.

The challenge is that staff expect incentives whenever presented with opportunity to act in higher positions as part of the women acceleration process. There is also a reluctance of DEAFSA to provide training to lecturers in the campus and the offer to sign language interpreters to upgrade their qualifications was rejected.

There are no safety measures in place to protect employees and students from gender-based violence, nor campaigns and/or workshops to sensitise the college community on sexual harassment. Students are even attacked within the campus as there is no access control system from entry points

There is an appointed higher health official responsible for compliance with Covid-19, counselling of students and other related duties.

The college refers to an understaffed wellness section at the Department of Higher Education, Science and Innovation (DHESI) as a challenge to run campaigns and conduct workshops on sensitisation. Security in the campus will be attended to since the college is in a process of appointing a security company and management will ensure that access control is inclusive in the service level agreement of memorandum of understanding.

There is no students' residence within the campus as such students rent accommodation in unsafe areas such as Dibate and Motlhabeng villages. They have to cover transport costs from their own pockets

The college advised the Commission that NSFAS bursary allocation covers transport costs for students and therefore, students from disadvantaged communities are encouraged to apply but they do not do so; or do not qualify.

The composition of the college in terms of race is predominantly black students and staff, particularly the Mafikeng and Lehurutse campuses

Mafikeng and Lehurutse areas are particularly surrounded by villages where communities are black people. It is only Lichtenburg campus that has an intake of white and black students.

Students from the LGBTQIA+ community are not discriminated against.

Students from the LGBTQIA+ community are accommodated at the campuses so long as they meet the requirements. Discrimination thereof is due to ignorance or lack of knowledge.

Ablution facilities are accommodative of the needs of the LGBTQIA+ community.

The restrooms are filthy and unhygienic. Students opt to rather use those at the Mega City shopping complex nearby.

The college informed the commission that all rest rooms have been renovated through a College Infrastructure Efficiency Grant project administered by the DHEST.

The project is for improvement of infrastructure. The ablution block has also been renovated too officially handed over to the campus.

There is a challenge of vandalism of college infrastructure by students.

Some lecture rooms are no longer used for safety reasons as inspected by Health and Safety officers

The affected lecture rooms are now in the process of being renovated and the renovations are at 70% towards completion. Health and safety representatives have been trained to be equipped with occupational health and safety standards.

The college does not have a clinic, neither do they run wellness programmes

The college cannot appoint any staff member due to the 63% threshold. Instead, the interim committee members recently appointed shall be responsible for the activities. There is no allocated post in the provisioning norms for wellness within the campuses as per approved structure.

Conclusion

There is satisfactory progress made by Taletso TVET College however, the commission needs to do inspections to see if the alleged improvements were made in respect of facilities.

3.4 Motheo TVET College

The commission made the following findings:

Findings

- a) Women representation at senior management, academic and administrative levels is a concerning matter. Senior management positions are currently mainly occupied by men employees.
- b) There are no proactive measures put in place by the college to promote persons with disabilities to higher positions.
- c) The college submitted an employment equity plan (EEP) citing similar barriers with inclusion of the recruitment and selection not addressing the employment equity requirements.
- d) The college does not have the gender policy in place to promote gender transformation, or an operational plan describing specific roles and responsibilities in this regard.
- e) There are no breastfeeding facilities and flexitime policy.
- f) Recruitment policy makes no provision for the targeted recruitment and retention of women but provides for the acceleration of women and PWD to senior positions.
- g) There is no training and development policy, except the Department of Higher Education and Training directive.
- h) The following documents requested were never submitted:
 - i. Breastfeeding policy,
 - ii. Employment Equity Forum minutes,
 - iii. Flexitime policy,

- iv. HIV/AIDS policy,
- v. Promotions and remuneration policy,
- vi. Retirement planning policy,
- vii. Sexual harassment policy,
- viii. Staff retention policy and
- ix. Succession policy.

Progress

Women representation at senior management, academic and administrative levels is a concerning matter. Senior management positions are currently mainly occupied by men. Motheo submitted in its response that the recruitment process for vacancies at top management level are conducted by the Department of Higher Education, Science and Innovation (DHESI) and not at college level. This is in line with the response submitted by DHESI which will be discussed later in this report.

Motheo did, however, show positive progress in terms of recruitment of women in that it was submitted that through the recent recruitment process as from September 2020 to date, the college appointed the following women into Senior management positions at both central office and campuses:

1. Ms Karabo Taka: Assistant campus manager for Students Support Services at Thaba-Nchu campus
2. Ms Maoke: HOD for Engineering, Skills Programs at Thaba-Nchu campus
3. Ms Khosi Mtubane: HOD for Engineering NCV at Hillsideview campus
4. Ms Suzan Lebona: Senior Education specialist for Academic Affairs at central office
5. Ms Mankone Tebele: Senior Education specialist for Academic Affairs at central office
6. Ms Jeneen Grimsley: Assistant Director for Infrastructure.

It was further submitted that five campuses within the Free State are managed by woman which is further applauded by the Commission.

These campuses include:

1. Ms Susannie Odendaal: Campus manager of Bloemfontein campus in Bloemfontein, Mangaung Metro
2. Ms Tandie Spambo: Campus manager of Zastron campus in Zastron, in the Gariep District
3. Ms Kedidimetse Majola: Campus manager of Botshabelo campus, in Botshabelo at Mangaung metro
4. Bongiwe Mahlae: Acting Campus manager for Koffiefontein, in Koffiefontein, Mokhotlong Municipality
5. Ms Gaongalelwe Nnyane: Campus manager for Plot 32, in Bloemspruit, in Mangaung Metro

The acting appointment for the Koffiefontein Campus is a further step in a positive direction as this can be linked to the skills development of woman in management positions, preparing these candidates for the next level in their career.

There are no proactive measures put in place by the college to promote persons with disabilities (PWD) to higher positions

It was submitted that a draft policy was submitted to council for approval following which recruitment of PWD will be based on the said policy.

The college submitted an employment equity plan (EEP) citing similar barriers with inclusion of the recruitment and selection not addressing the employment equity requirements

In response to this aspect, Motheo advised that it had embarked on various processes to address designated groups and conduct an analysis of its employment equity plans. This includes the development of an equity plan which stipulates the barriers with the intention to address same.

It was previously recorded that the recruitment policy makes no provision for targeted recruitment and retention of women. Motheo further submitted a draft employment equity policy which outlines the objective to comply with the Employment Equity Act (EEA). The said policy requires that each business unit complete and employment equity report and plan and ensure that consultations are facilitated in line with the EEA. The policy does not address

specific challenges in the EEPs, but does make provision for the council to monitor progress with set targets.

It was further submitted that the Covid-19 lockdown levels and its regulations negatively impacted consultation processes. What is of concern is whether this policy in its draft form is in operation since the implementation date is left open ended awaiting signature of council. The college does not have the gender policy in place to promote gender transformation, or an operational plan describing specific roles and responsibilities in this regard

The following policies were submitted:

- Breastfeeding policy in the workplace (Draft)
- Policy on staff retention (Draft)
- Recruitment and selection policy (Unsigned)
- HIV/AIDS workplace policy (unsigned)
- Employment equity policy (Draft)
- Sexual harassment policy and procedures (Unsigned)

The above-mentioned policies are all in draft format and / or unsigned and therefore not approved by council for implementation. It can therefore be deduced that these policies are currently not operational.

There are no breastfeeding facilities and flexitime policy

The policy makes provisions for mothers to make use of designated spaces to pump/ express milk or breastfeed their babies at their workplace. It is stated that these breaks are for 15 minute and considered to be unpaid. Employees may, however, make use of this break time during their lunch. Should employees wish to be paid, they may make use of their "Paid Time Off" or extend their normal working time to cover the time spent in the lactation room. The policy further guides employees and supervisors on the process to follow as well as the recourse should consent to take a break for this purpose be unreasonably refused.

Recruitment policy makes no provision for the targeted recruitment and retention of women but provides for the acceleration of women and PWD to senior positions.

In the draft policy on gender equality, it is stated that Motheo recognises the importance of diversity in the workplace. The policy makes provision for specific areas of monitoring by the

college council, which includes strategic empowerment, employment equity, appropriate targets set and progress thereof.

There is no training and development Policy, except the Department of Higher Education and Innovation Directive

Motheo submitted that 20 women attended a three (3) day women leadership conference organised by ITC Consulting in Johannesburg during 2020. This delegation comprised of women across levels at the college. An attendance register in support of this submission was also provided to the CGE.

It was further submitted that Motheo also held a webinar on gender-based violence for female students during October 2020. The content of this webinar was not made available; therefore, no analysis could be done in this regard.

Motheo submitted the DHESI directive which deals with the training within the institution. It was observed that that this directive is not only applicable to permanent employees but is also extended to contract and intern appointments. The directive requires that institutions compile and develop a Workplace Skills Plan and training plan at the beginning of each financial year. A training committee is further appointed to track implementation of the policy, but no reference is made to procedures to be followed to be nominated or an alternative remedy should a nomination to participate in trainings be unreasonably withheld.

Overall, the progress of transformation within TVET colleges is slow, however Motheo has notably made positive changes and improvements towards achieving this goal.

Recommendation

It is recommended that Motheo TVET college prioritise the finalisation of draft policies and provide training to staff prior to implementation.

Consultation processes with clear time frames to be concluded in order for a proper EEP to be drafted addressing barriers previously identified and setting reachable targets to achieve transformation within the various levels of appointment.

4. Department of Higher Education, Science and Innovation (DHESI):

The Commission for Gender Equality (CGE) had a meeting with DHESI to engage on the findings as outlined in its investigating report circulated in July 2020. The meeting ultimately took place via virtual platform on 13th November 2020.

The observations are as follows:

- i. TVET colleges, being a critical vehicle for social transformation, skills development, and reduction in inequality, poverty and unemployment, have poor representation of persons from other races; and the workforce is male dominated. That is, there are not enough white, Indian and coloured persons within the staff component.
- ii. The colleges were previously managed by the Department of Basic Education, before being taken over by the Department of Higher Education, Science and Training (DHESI). The purpose of the migration process was to centralise management and standardise the conditions of the colleges within the education sector, as they were previously managed differently in each province.
- iii. The CGE noted the capacity constraints on personnel at colleges, due to insufficient funding from DHESI and no existing college council. Section 9 of the Continuing Education and Training Act 16 of 2006 provides that colleges must establish a governance structure comprising a council, an academic board and a student representative council.
- iv. There are inexperienced and unqualified candidates nominated to serve on the council, and some with political agendas. Secondly, there are colleges without permanent principals but candidates in acting capacities.
- v. Funding allocation to TVET colleges from DHESI is based on student enrolment. According to the white paper for post-school education and training, it is proposed that enrolment targets at colleges for 2030 be 2.5 million. Enrolment in 2019 stands at 436 525, against the targeted 664 748. It is funding that hinders plans to grow TVET college enrolments. The TVET College Infrastructure Efficiency Grant, which is 20% of costed maintenance plans submitted by colleges, is not actually spent by colleges.
- vi. Remuneration of staff in colleges is made in terms of two batches. There is a batch paid in terms of the PERSAL system for public servants, whereas the other is paid from the college's budget. The latter remuneration is approved by council, based on the guidelines issued by National Treasury depending on available funds.

- vii. The CGE observed that colleges have no measures in place to promote the advancement of women in decision making positions, or to ensure that resources are allocated to support gender transformation, or mechanisms to track the movement of women to senior management or top management positions. Further, the CGE observed that colleges have no measures to promote the safety of employees or students in the workplace, with regards to sexual harassment and gender discrimination. The lack of policies makes it impossible for the CGE to monitor compliance, accountability, or to determine the gender wage gap of the colleges.
- viii. There is no policy in place in to curb the scourge of gender-based violence (GBV) within and outside college campuses. The CGE observed that there is a policy framework to address GBV in the post-school education and training system, dated 15 April 2019, for public comments. In other words, there is no policy in operation to be used to address this violence, which has reached a disproportional level in colleges.
- ix. Necessary services such as health care centres and the South African Police Services are not in the vicinity of colleges.
- x. There is no training offered to college employees as required by the training and development policy of the DHESI.

It was submitted that the mandate of TVET colleges is not derived from the Higher Education Act, but rather from the Continuing Education and Training Act 16 of 2006 (CETA). CETA is very much silent on who bears the responsibility of developing policies. Section 10(2) (a) of CETA outlines the responsibilities of the college council being concurrence of the academic board, developing a strategic plan for each college that includes:

- Addressing past imbalances and gender and disability matters
- Safety measures for a safe learning environment for students, lecturers and support staff

Furthermore, Section 10(3) of CETA provided that the council, after consultation with the relevant parties, must provide a suitable structure to advise on policy for student support services within the college.

DHESI provided the below demographics table in support of its submission that all college councils appointed are striving towards being broadly representative of the community they service in respect of race gender and disability according to Section 10(7) (e) of CETA. It was further submitted that DHESI is responsible for the appointment of managers such as principals and deputy principals, whilst the college is responsible for the appointment of its lecturers and the support staff.

Progress Report on Gender Transformation Investigations in Technical and Vocational Education and Training (TVET) Colleges

Name of TVET College	Number of Council members	Race	Gender	Disabilities (Percentage)
Buffalo City TVET College	8	A: 5 C: 1 W: 2	M: 5 F: 3	0%
Eastcape Midlands TVET College	9	A: 7 C: 1 W: 1	M: 5 F: 4	0%
Ikhala TVET College	8	A: 8	M: 4 F: 4	0%
Ingwe TVET College	5	A: 5	M: 4 F: 1	0%
King Hintsa TVET College	9	A: 9	M: 7 F: 2	0%
King Sabata Dalindyebo TVET College	9	A: 8 W: 1	M: 6 F: 3	0%
Lovedale TVET College	5	A: 4 C: 1	M: 4 F: 1	0%
Port Elizabeth TVET College	9	A: 6 C: 2 W: 1	M: 7 F: 2	0%
Flavius Mareka TVET College	7	A: 6 C: 1	M: 5 F: 2	0%
Goldfields TVET College	9	A: 7 I: 1 W: 1	M: 4 F: 5	0%
Maluti TVET College	9	A: 8 I: 1	M: 7 F: 2	0%
Motheo TVET College	7	A: 7	M: 4 F: 3	0%
Ekurhuleni East TVET College	9	A: 8 W: 1	M: 6 F: 3	0%
Ekurhuleni West TVET College	9	A: 8 W: 1	M: 6 F: 3	0%
Sedibeng TVET College	9	A: 6 I: 1 W: 2	M: 6 F: 3	0%
South West Gauteng TVET College	9	A: 9	M: 5 F: 4	0%
Tshwane North TVET College	8	A: 8	M: 5	0%
			F: 3	

Progress Report on Gender Transformation Investigations in Technical and Vocational Education and Training (TVET) Colleges

Name of TVET College	Number of Council members	Race	Gender	Disabilities (Percentage)
Western TVET College	4	A: 4	M: 3 F: 1	0%
Coastal TVET College	9	A: 9	M: 4 F: 5	0%
Elangeni TVET College	9	A: 9	M: 7 F: 2	0%
Esayidi TVET College	9	A: 6 I: 1 W: 2	M: 5 F: 4	0%
Majuba TVET College	8	A: 6 I: 1 W: 2	M: 6 F: 2	0%
Mnambithi TVET College	7	A: 7	M: 6 F: 1	0%
Mthashana TVET College	5	A: 5	M: 4 F: 1	0%
Thekwini TVET College	9	A: 5 C: 1 I: 3	M: 6 F: 3	0%
Umfoloji TVET College	9	A: 8 I: 1	M: 4 F: 5	0%
Umgungundlovu TVET College	9	A: 9	M: 6 F: 3	0%
Capricorn TVET College	7	A: 6 I: 1	M: 4 F: 3	0%
Lephalale TVET College	9	A: 8 I: 1	M: 4 F: 5	0%
Letaba TVET College	5	A: 5	M: 3 F: 2	0%
Mopani TVET College	8	A: 8	M: 5 F: 3	0%
Sekhukhune TVET College	9	A: 9	M: 4 F: 5	0%
Vhembe TVET College	9	A: 9	M: 7 F: 2	0%
Waterberg TVET College	9	A: 9	M: 5 F: 4	0%
Ehlanzeni TVET College	9	A: 8 W: 1	M: 6 F: 3	0%
Gert Sibande TVET College	9	A: 7 I: 1 W: 1	M: 7 F: 2	0%
Nkangala TVET College	9	A: 9	M: 4 F: 5	0%
Northern Cape Rural TVET College	9	A: 4 C: 5	M: 2 F: 7	0%

Name of TVET College	Number of Council members	Race	Gender	Disabilities (Percentage)
Northern Cape Urban TVET College	7	A: 5 C: 2	M: 4 F: 3	0%
Orbit TVET College	9	A: 7 I: 1 W: 1	M: 6 F: 3	0%
Taletso TVET College	9	A: 9	M: 4 F: 5	0%
Vuselela TVET College	8	A: 6 C: 1 W: 1	M: 7 F: 1	0%
Boland TVET College	9	A: 2 C: 3 W: 4	M: 5 F: 4	0%
College of Cape Town for TVET	9	A: 4 C: 2 W: 3	M: 6 F: 3	0%
False Bay TVET College	9	A: 1 C: 4 I: 1 W: 3	M: 4 F: 5	0%
Northlink TVET College	8	A: 1 C: 6 W: 1	M: 5 F: 3	0%
South Cape TVET College	9	A: 2 C: 2 W: 5	M: 7 F: 2	0%
West Coast TVET College	9	A: 7 C: 1 W: 1	M: 6 F: 3	0%

In respect of the mentioned strategic plans, it was submitted that all college councils have developed their strategic plans which were approved by the department. Similarly, all TVET colleges were requested in 2018 to establish employment equity (EE) committees who will then conduct EE analysis to develop their EE plans as required by the EE Act of 1998. It was submitted that TVET colleges were requested to compile and submit EE reports to DHESI to monitor progress in achieving the EE targets in their respective colleges.

DHESI further indicated that it is at the advanced stage in reviewing all HR Policies to ensure gender transformation (including TVET and CET colleges). There are an approved EE Policy, and a Recruitment and Selection Policy. DHESI however acknowledged that there is still a lot of work to be done in this regard.

Measures in place to ensure that all TVET Colleges nationally upholds the notion of equal pay for work of equal value:

Similar to the response previously received from Motheo TVET college DHESI confirmed that employees at TVET colleges are employed in terms of section 20 (1) (a) (i.e., department's posts) and 20 (1) (b) (i.e. council posts) of CETA. It was stated that Section 20 (1)(1) of CETA determines that employees are appointed subject to the Public Service Act, which ensures that all employees performing the same work are paid equally.

Resources allocated to support gender transformation at TVET Colleges.

It was submitted that an assistant director from corporate services (Branch A) was transferred to the Social Inclusion and Equity Directorate in the Planning, Policy and Strategy Branch (Branch P) to assist with gender transformation within the department (including colleges).

The timeframe allocated for this position is however not clear and is therefore flagged to be closely monitored.

DHESI submitted that it is in the process of developing relevant policies which will assist in disability and gender mainstreaming and further to promote inclusion and equity.

DHESI recorded that the 2020/21 financial year compensation budget for TVET Colleges amounts to R6.697-billion and is situated on PERSAL. This funding is provided to compensate staff that are appointed to render ministerial approved programmes in TVET Colleges, and this is inclusive of gender transformation initiatives.

Measures in place to support and promote the safety of employees and students at TVET Colleges.

■ Sexual harassment:

It was submitted that a draft policy on sexual harassment has been developed, however, it needs to be aligned to the Public Service Guidelines on Sexual Harassment before it is taken through the consultation and approval process.

DHESI indicated that it planned to host webinars for colleges during the 16 Days of Activism on no Violence against Women and Children Campaign in order to share information and assist officials on how to deal with sexual harassment in the workplace. In addition, it was stated that there are three-day capacity building workshops that cover sexual harassment, sexual offences and related regulation mandated by Department of Justice & Constitutional as from July 2019, work-life balance, psycho-social intervention, labour relation intervention.

■ Gender Discrimination:

DHESI discussed the development of the Policy Framework for the Realisation of Social Inclusion in the PSET system (2016) which serves as a guideline for institutions in the promotion of inclusion, thus preventing gender discrimination.

The establishment of the gender forum is also in the pipeline, and so are gender workshops in order to empower officials on the knowledge and application of gender prescripts and mainstreaming mechanisms. This initiative by DHESI is commendable. The role out process to the various TVET colleges is however not clear not the content of the gender workshops to be presented and as such the CGE cannot submit any analysis thereon.

DHESI however identified certain challenges experienced with the above framework which are as follows:

- Lack of sufficient capacity in terms of human resources to empower colleges to work towards gender transformation. It was stated that the gender desk which was previously within the Corporate Services Branch had only two officials who were responsible for other programmes over and above gender issues. The gender desk further did not have budget allocation, as a result, it was difficult to reach all institutions and be proactive in addressing these challenges.
- DHESI mentioned that in some instances it was observed that implementation of transformation is seen as an ad-hoc function which is not treated with the same importance as other tasks. Implementation therefore usually take a back seat and are included or attended to only when compliance is required. It was however emphasised that this is general to all institutions and organisations, and not unique to TVET colleges only and therefore gender empowerment workshops are especially important. This observation by DHESI was noted with concern.

- Gender transformation is mostly seen as a directorate specific function and not an all-inclusive function of everyone in the various institutions.
- Gender-Based Violence:
DHESI indicated that it has published the Policy Framework to Address Gender-Based Violence in the PSET system (2020) which guides the institution's efforts to prevent and respond to GBV in the PSET System.

Through this policy framework, an enabling environment is created for the eradication of GBV and instil respect, protection, promotion and fulfilment of human rights as enshrined in the Bill of Rights of the Constitution of the Republic of South Africa.

It is submitted that the Policy Framework compels PSET institutions to:

- Create awareness of GBV policies and prevention of incidents relating to GBV
- To assist PSET institutions to address the occurrence of GBV

The system further serves as a monitoring instrument for the department to assess the implementation of the policy framework.

It was further said that Student Support Services (SSS) consisting of managers were established in all college campuses under the deputy principal: academic or deputy principal: registrar in accordance with Section 10(3) of CETA. The role of the SSS is, amongst others, to advocate a holistic student-centred approach that seeks to increase the success and employability of students and include inter alia:

- Assisting students in making programme and subject choices
- Enabling students' access to financial aid
- Addressing accommodation of students with disabilities
- Providing academic, emotional and social support

It was also said that gender equality and prevention of GBV is one of the priorities of the SSS forum. Through monitoring activities by the SSS it can provide internal support to students who are for example at risk of gender-based violence and refer them to external service providers for support, when necessary.

DHESI indicated that in line with Section 15(3) of CETA, all colleges have approved codes of conduct, disciplinary measures and procedures which students are subjected to that is inclusive of “measures to curb racism and any form of unfair discrimination, violence and harassment, especially sexual violence and sexual harassment”.

DHESI advised that during August 2020, colleges were encouraged to consider, amongst others, campaigns aimed at addressing the scourge of gender-based violence (GBV and protection of other vulnerable groups of the college community. In this regard, colleges were required to report to the respective departmental regional offices on these activities. Feedback on these events were however not provided to the CGE to evaluate the reach and or effectiveness hereof.

Colleges were further provided with training funds, which must be utilised to capacitate lecturers and support staff through short courses and workshops on various training needs which should include amongst others, issues of gender-based violence. DHESI did not provide any information on how the colleges spend these funds, the number of trained staff or how often this was done. It is further not clear if the allocated budgets were sufficient for the identified training needs.

It was recorded that the following policies in support of gender equality were published:

- Policy Framework for the Realisation of Social Inclusion in the PSET System (2016)
- Strategic Disability Policy Framework in the Post-School Education and Training System (2017)
- Policy Framework to address Gender-Based Violence in the Post-School Education and Training System (2020) that is the Department of Higher Education and Innovation's response to the multi-sectoral, policy and programming framework provided by the National Strategic Plan on Gender-Based Violence and Femicide (2020)

It was resolved that:

- Correspondence will be sent to council chair and principals of TVET colleges
- Sessions must be held with TVET colleges – one best, one middle and one low performing TVETS to draw on best practices
- More work should be done on disability
- More work will be done with the department going forward to monitor progress on implementation of recommendations

- That the DBE will monitor sexual harassment in TVET colleges.
- DHESI will encourage TVETs to foster relationships with SAPS in their respective areas.
- DHESI was requested to share the draft sexual harassment policy.
- Formal written information requested in terms of the sexual harassment and sex for jobs complaint received in relation to Buffalo City TVET, indicating the project plan to curb similar events in future.
- Written confirmation should be submitted to the Commission on the establishment of the gender unit, including the allocated budget and human capital.
- CGE will continue to work with DHESI in relation to complaints received and assist with guidance needed.

5. Overall observations

The Commission for Gender Equality (CGE) observed generally that the findings made during the hearings were not adequately addressed by the TVET Colleges. In other words, the TVET Colleges did not receive the adequate support from DHESI in respect of implementation of recommendations. College councils do not effectively exercise their powers as set out in Section 10(2) of Continuing Education and Training Act 16 of 2006. On the other hand, neither College Council nor DHESI accepts the responsibility of adopting policies.

It is regrettably noted that the TVETs attribute their failure to comply with the recommendations of the Commission to Covid-19.

In some instances, the outstanding data requested by the CGE to finalise the analysis was hindered by ongoing strike by students in majority of institutions of higher learning in South Africa.

6. Conclusion

Department of Higher Education, Science and Innovation must ensure that the TVETs implement recommendations of the 2020 CGE Report. The findings are clearly set out herein above.

There are serious challenges that TVET colleges were unable to address the findings set out in the report, being amongst others,

- a) No measures in place to promote the advancement of women in decision making positions, or to ensure that resources are allocated to support gender transformation, or mechanisms to track the movement of women to senior management or top management positions. This includes employing or promoting persons with disabilities.
- b) No measures in place to promote the advancement of women in decision making positions, or to ensure that resources are allocated to support gender transformation, or mechanisms to track the movement of women to senior management or top management positions.
- c) There are no measures put in place to deal with gender-based violence, more specifically providing safety to students on and off the campuses. There is a policy framework to address gender-based violence in the post school education developed by DHESI; however, none of the above-mentioned colleges identified effective responses and solutions to gender-based violence.

Following the resolution between the CGE and DHESI, the Commission anticipates a progress report from DHESI in the financial year 2021/2022

Notes

Lined area for notes, consisting of multiple horizontal lines.


GAUTENG
Johannesburg (Head Office)

2 Kotze Street
Women's Jail, East Wing
Constitution Hill
Braamfontein
2017

cgeinfo@cge.org.za

www.cge.org.za

 [@CGE_ZA](https://twitter.com/CGE_ZA)

 Gender Commission of South Africa