



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

REPORT ON GENDER TRANSFORMATION

INVESTIGATIONS IN TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET) COLLEGES



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Abbreviations and Acronyms

BCEA	Basic Conditions of Employment Act 75 of 1997
BPA	Beijing Declaration and Platform for Action
CGE Act	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
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 Students Financial Aid Scheme
LGBTIQA+	Lesbians Gays Bisexual Transsexual Intersex Queer 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 commission 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 legislation and international and regional instruments signed and ratified by South Africa that impact directly or indirectly on gender equality.

Against this backdrop, the commission 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).

Accordingly, the commission continues to conduct transformation hearings with specific focus on technical and vocational education and training (TVET) Colleges.¹ The investigative hearings are held 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 development²;
- The vulnerabilities and risks experienced by women in TVET colleges³ – both as employees and a students⁴;
- 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;
- 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;
- The shortcomings in the workplace that impede on gender transformation, and propose remedial measures ; and
- To make relevant recommendations to institutions to enforce compliance with employment equity (EE)

The following institutions formed part of the hearings:

- I. Nkangala TVET College
- II. Northern Cape Urban TVET College
- III. South Gauteng TVET College
- IV. Waterberg TVET College

¹ The commission generated a report on gender transformation within Technical and Vocational Education and Training (TVET) Colleges in 2019.

² <https://www.thedailyvoxx.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].

³ <https://sedibengster.com/11527/sedibeng-tvet-students-march-femicide/> [accessed on the 31 January 2020].

⁴ <https://www.universityworldnews.com/post.php?story=20181109070403220> [accessed on the 31 January 2020].

Accordingly, the hearings took place on 25 and 26 November 2020.

The methodology used by the commission is both qualitative and quantitative. A questionnaire addressing the issues surrounding transformation practices was developed to determine transformation within the colleges in detail i.e. the compliance, non-compliance, successes, challenges, and policy gaps on local, regional, and international transformation prescripts.

The questionnaire was dispatched to all four colleges, giving them an opportunity to respond during the investigative process. Data was received by the commission from all colleges.

When analysing the data submitted by the colleges, the commission considered several factors, including the gender representation at all occupational categories, race and disability, student safety, and reasonable accommodation.



2. Legal framework

2.1 International instruments

2.1.1 Convention on the Elimination of All Forms of Discrimination Against Women (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 the field of education, and 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 (BPA), 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 promoting, 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 to education without discrimination, and based on 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 disability 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 persons with disabilities are not excluded from general education because of their disability. State parties must ensure that persons with disabilities receive the support required, within the general education system, to facilitate their effective education. State parties must further enable persons with disabilities 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 environment 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 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 nationals, 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, 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; eradicating 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 monitoring the implementation of educational reforms and promote 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 to 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 promotes empowerment of all women and girls and 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 be based on 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 an 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, states 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. 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 grouping 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, 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 (CGEAct)

The CGE Act 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 prevent unfair discrimination. PEPUDA gives effect to Section 9 of the constitution and binds the state and all persons. PEPUDA does not, however, apply to any person to whom and to the extent to 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

⁵ The Employment Equity Act 55 of 1998 as amended.

⁶ Section 5(3) of PEPUDA.

⁷ Section 6 of the PEPUDA.

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 are operating in the public domain to promote equality¹¹ and on the social commitment for all persons to promote equality.

2.3.4 Employment Equity Act 55 of 1998 (EEA)

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 persons with disabilities (PWD) at all levels in the workplace.

Section 6(1) of the EEA, read together with the code of good practice on preparation, implementation and monitoring of employment equity (EE) 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, 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 EE.

2.3.6 Labour Relations Act 66 of 1995

The act regulates organisational rights of trade unions and promotes, 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's higher education transformation plans. It makes universities more inclusive, without racial barriers of language and ensures that universities are representative of the population and are sensitive to gender and disability needs.

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; and

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

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. Transformation hearings: TVET colleges

The commission generated a report on gender transformation within technical and vocational education and training (TVET) colleges in 2019. Based on the findings of low levels of compliance with relevant laws aimed at transformation, the CGE resolved to embark on further systematic investigations in the colleges.

Notices to appear in terms of Section 12(4)(b) of the CGE Act were issued to TVET colleges. The effect of the notice to appear is to compel principals to participate in the transformation hearings for the 2020/21 financial year to account on gender transformation. The commission conducted the hearings and made findings and recommendations to be implemented by the colleges.

3.1 Nkangala TVET College

3.1.1 Background

Nkangala TVET College was formed in 2003 with the merger of Witbank, Middelburg, Mpondozankomo, and CN Mahlangu campuses (Formerly technical colleges) in Nkangala district. Waterval Boven campus was transferred in 2011 from Ehlanzeni College. The college was formed as a result of adoption of Further Education and Training Colleges Act 16 of 2006.

The college serves communities in Nkangala region. It consists of the following campuses:

- (a) Waterval Boven
- (b) Middelburg
- (c) CN Mahlangu
- (d) Mpondozankomo
- (e) Witbank main campus

CN Mahlangu and Waterval Boven campuses are predominantly rural.

The College appeared before the commission on 25 November 2020. It was duly represented by the principal: Mr Cain Maimela, who was accompanied by Deputy Principal: Corporate Services: Mr M I Mabe and labour relations officer: Mr Charles Mamphogoro.

3.1.2 Workforce profile

Disaggregated data of gender, disability and race in academic positions

Posts	W					Total	M					Total	Total
	A	C	W	I	PwD		A	C	W	I	PwD		
Top	00	00	00	00	00	00	05	00	00	00	00	05	05
Senior	07	00	01	01	00	09	04	00	01	00	00	05	14
Middle	16	00	03	01	00	20	24	00	00	00	00	24	44
TOTAL	23	00	04	02	00		33	00	01	00	00		63

The commission observed from the table above that all top academic positions are occupied by African men being campus managers. It is observed that there is poor representation of women in top tier academic positions. Out of 14 candidates at the senior level there are only 9 women. There is a good balance. Middle academic positions are occupied at a ratio 20:24 in respect of gender.

Over and above, there is a zero representation of persons with disabilities in academic positions.

In terms of race there are no coloured persons and a low pool of white persons. Out of 63 lecturers there are only five white and two Indian lecturers.

This amounts to 12.5% percent representation of white and Indian races; and 44% percent representation of women.

Disaggregated data of gender, disability and race in administrative positions

Posts	W					Total	M					Total	Total
	A	C	W	I	PwD		A	C	W	I	PwD		
Top	00	00	00	00	00	00	01	00	00	00	00	01	01
Senior	00	00	00	00	00	00	03	00	00	00	02	03	03
Middle	02	00	00	00	00	02	07	00	00	00	00	07	09
Junior	04	00	00	00	00	04	03	00	00	00	00	03	07
TOTAL	06	00	00	00	00		14	00	00	00	02		20

The top administrative position is occupied by African man, that is, a principal. It is observed that there is poor representation of women in top and senior managerial positions. There is a fair balance in junior administrative positions.

Over and above, there is a zero representation of persons with disabilities in the academic positions.

In terms of race, there are no representations of Coloureds, Indians, and White persons. Out of 20 administrators there are only six women. This amounts to zero percent representation of other races; and 30% percent representation of women.

Nkangala TVET College informed the commission that there are measures put in place to promote gender transformation. These measures include training, empowerment programmes and delegations sent to attend women's empowerment sessions.

The commission observed that the number of women trained is nine. It is not clear whether the number is inclusive of academic staff.

3.1.3 Employment Equity Compliance

The designated employment equity manager is not appointed in terms of Section 24(1) of the Employment Equity Act 55 of 1998; however, the college assigned the function to the Deputy Principal: Corporate Services. It is the person responsible for championing employment equity plan with the employment equity committee. The commission was informed that the committee was constituted in November 2017 but was dysfunctional.

There is no remuneration policy of the college except the policy from the Department of Higher Education, Science and Innovation (DHESI). Employees are appointed under the Public Service Act, so salaries are the same in terms of gender as guided by CORE (Code of Remuneration). There is no differentiation between a man and a woman.

3.1.4 Disaggregated data of remuneration

Category	Women	Total	Men	Total	Total Staff
Top management	0	0	R 1 057 326.00	1	1
Senior management	0	0	R 2 607 021.00	3	3
Academic					
Campus managers	R 496 698.00	1	R 3 055 458.00	6	7
Head of department	R 3 737 205.00	9	R 2 076 255.00	5	14
Senior lecturers	R 6 974 940.00	20	R 8 369 928.00	24	44
Lecturers	R 15 927 702.00	72	R 8 369 928.00	101	173
Support Staff					
Assistant directors	R 8 460 636.00	2	R 1 882 980.00	5	7
Senior admin officers	R 1 267 164.00	4	R 950 373.00	3	7
Admin officers	R 772 524.00	3	R 1 545 048.00	6	9
Senior admin clerks	R 4 766 202.00	27	R 2 693 982.00	17	44
Admin clerks	R 868 515.00	5	R 173 703.00	1	6
Cleaners and groundsmen	R 5 289 417.00	51	R 3 116 538.00	29	80

Promotions made in the past three years from 2017 to date are as follows:

2017

- I. Two African men to senior management position,
- II. Two African men and one white man to senior academic positions,
- III. One African woman and two African men to middle management positions.

2018

- I. One African man to senior management position,
- II. One African women, four African men, and one white man to senior academic positions,
- III. Six African women, two white women, eight African men to middle academic positions.

2019

- I. Three African men to top academic positions,
- II. Two African women to junior management.

3.1.5 Sexual Harassment / Sexual Violence/GBV cases

There is sexual harassment policy at the college developed by DHESI.

The college informed the commission that students are encouraged to report cases of gender based violence (GBV) without fear of intimidation or victimisation and stigmatisation. They are also workshopped. There are five reported cases of rape of students at Waterval Boven campus. All these incidences happened off campus and no arrests were made.

The commission raised concern on the safety on students off campus. It also recommended to the college to conduct gender sensitisation workshops by involving the CGE office in Mpumalanga.

3.1.6 Transformation

In response to this, the college submitted to the commission that there are no mechanisms put in place to track movement of women to top and senior management positions or resources to support gender transformation. There is no budget allocated for gender transformation. There is no diversity management policy. There is a post provisioning norms implementation policy and procedure manual for TVET colleges approved by the DHESI. Once signed by the Minister of Higher Education, Science and Technology, it will be implemented by colleges to advertise and fill vacant positions in line with this policy.

Some policies are developed by the DHESI and they are the ones that take precedence over those developed by colleges.

The college highlighted that it experiences challenges on transformation on the following grounds:

- (a) Lack of monitoring from the Department of Labour to ensure enforcement of the employment equity plan
- (b) The consolidation of employment equity and the submission thereof takes place at head office and colleges never receive feedback
- (c) The college does not have the Persal function for appointment as the function is located at head office. The department fails to play an oversight role in relation to the equity plan to ensure appointments are aligned to the plan
- (d) Resistance from unions since they consider candidate interview performance over the equity plan

3.1.7 Disaggregated data of registered students with disabilities from 2017 to date

Course level	Disability	Gender	2017	2018	2019	2020
N1	Hearing	Men	00	00	01	00
	Low vision	Women	00	00	04	00
N2	Hearing	Men	00	00	01	00
	Low vision	Women	00	00	02	01
N3	Hearing	Men	00	00	01	00
	Low vision	Women	00	00	00	01
NQF level 2	Hearing	Women	00	01	00	00
NQF level 3	Hearing	Women	00	00	01	00
NQF level 4	Hearing	Women	00	00	00	01

Policies submitted by Nkangala TVET College are:

1. Employment equity plan
2. DHET recruitment and selection policy,
3. Grievance Rules for the Public Service, Resolution no: 14 of 2002
4. Training and development policy
5. Policy on employee health and wellness
6. HIV & AIDS and TB management policy
7. Staff retention policy
8. Retirement policy
9. Sexual harassment policy
10. Whistle-blowing policy
11. Breastfeeding policy
12. DHESI employment equity policy

Findings

1. There is a poor representation of persons with disabilities in academic and administrative positions. Just 10% percent of administrative positions are filled by persons with disabilities and no academic positions.
2. Nkangala TVET College lacks mechanisms to track and manage cases of gender-based violence within and outside campus.
3. The college does not have resources to support gender transformation because it is a national competency.

Recommendations

1. Because the college has an employment equity manager and the committee, it must ensure that it implements employment equity, with the plan in place to recruit persons with disabilities. The college can work with disability organisations in Mpumalanga.
2. Colleges must develop mechanisms to track and manage cases of GBV within and outside campus.
3. The DHESI, together with employment and labour, must play an active role in monitoring implementation of employment equity plans by TVET colleges.

3.2 Northern Cape Urban TVET College

3.2.1 Background

The Northern Cape Urban TVET College is situated in Kimberley, Northern Cape. It was established in 2002 following the amalgamation of three colleges, namely: Moremogolo Technical College, R C Elliott Technical College, and Northern Cape Technical College.

The college appeared before the commission on 25 November 2020. It was represented by the Principal, Mr. Brian Madalane.

3.2.2 Gender disaggregated data in academic positions

Gender, disability and race disaggregated data in top academic positions

Gender	Disability	Race
Women: 1 Men: 0	None	African: 1

Gender, disability and race disaggregated data in senior academic positions (campus managers)

Gender	Disability	Race
Women: 2 Men: 1	None	African: 1 White :1 Coloured: 1

Gender, disability and race disaggregated data in the middle academic positions (senior lecturers/heads of department):

Gender	Disability	Race
Women: 3 Men: 5	None	African: 2 White :3 Coloured: 3

Gender, disability and race disaggregated data in administrative positions: top management

Gender	Disability	Race
Women: 2 Men: 2	None	African: 4

Gender, disability, and race disaggregated data in the administrative positions: senior management

Gender	Disability	Race
Women: 2 Men: 2	None	African: 2 White :2

Gender, disability and race disaggregated data in the administrative positions: middle management

Gender	Disability	Race
Women: 4 Men: 3	None	African: 2 Coloured: 2 White: 3

The college updated the commission regarding the recent appointments of deputy principals. Currently, at the top administrative management, one African man is the principal and two African women are deputy principals.

The commission observed that the college has a fair representation of men and women, and various races at all levels in academic and administrative positions.

The college indicated that there are two employees with disability, one is at the unskilled level and the second is a temporary employee. The commission observed that persons with disability are not represented in the top, senior and professionally qualified levels. The college conceded that it neglected to address the representation of persons with disability satisfactorily and undertook to engage the provincial stakeholders on the subject.

3.2.3. Measures in place to promote gender transformation.

The college indicated that it functions under the auspices of Department of Higher Education, Science and Innovation (DHESI). As such, the submission of an employment equity (EE) plan is a national competency. However, the college indicated that its recruitment is open to equal opportunities and applies affirmative action.

3.2.4. Assigned employment equity manager.

The college indicated that it does not have an assigned EE manager because such a function is a national competency. The college acknowledges the appointment of the equality manager is important and should be addressed with DHESI.

3.2.5. Remuneration policy

The college functions under the auspices of DHESI, which is part of the Department of Public Service and Administration (DPSA) rules and regulations. As such it does not have disaggregated data of remuneration of employees.

The DPSA informs the College's pay/remuneration practice.

3.2.6. Resources to support gender transformation.

The college indicated that it does not have resources to support gender transformation because it is a national competency.

The commission highlighted that the college should have access to remuneration information to promote the notion of equal pay for work of equal value. The principle of equal pay for work of equal value is geared towards eliminating a form of discrimination i.e. differentiation in pay on the ground listed in section 6(1) of the Employment Equity Act, 1998 or any other arbitrary ground. To this end, section 6(1) of the Employment Equity Act, 1998 prohibits unfair discrimination in any employment policy or practice on the grounds inter alia race, gender, age and sexual orientation. The commission embraces the principle of equal pay for work of equal value and is committed to ensure that employers maintain a remuneration practice and policy that is compliant with the Employment Equity Amendment Act 2013.

3.2.7. Mechanisms/systems are in place to track the movement of women in decision making positions.

This function is also a national competency according to the college. However, national EE targets are considered during recruitment.

3.2.8. Diversity management policy or any other measures to manage diversity in the workplace.

According to the college, management of diversity is a national competency.

3.2.9. Measures to support and promote the safety of employees and students, regarding:

- (a) Human resources policy: the policy is in place and prohibits harassment
- (b) Sexual harassment: the policy is in place
- (c) Gender discrimination: general awareness
- (d) Gender based violence: general awareness
- (e) Change rooms and accommodation: they are divided based on gender

3.2.10. Childcare facilities / flexitime

The college indicated that it does not provide childcare facilities / flexitime / working from home to balance women's family responsibilities with work. However, Covid-19 has proven that this facility is necessary, and the engagement will be made on the subject with the management.

3.2.11. Sexual harassment workshops

The college conducts sexual harassment workshops annually. It offers sexual harassment subject as one of the modules. It has a sexual harassment policy in place.

The commission observed that the sexual harassment policy (HR No.3 Policy and Procedure) of the college defines sexual harassment as repeated unwanted sexual advances or obscene remarks of employees, students or suppliers in the workplace or work context is unlawful and will not be tolerated at the college.

The commission observed that the college's definition of sexual harassment is not in line with the Code of Good Practice on Handling Sexual Harassment Cases in the Workplace, 2005. The definition is misleading, and its application will affect case reporting or registration. Not only repeated conduct constitutes sexual harassment.

3.2.12. Handling of sexual harassment in the workplace

The college has a case tracking and management system in place. It recorded two sexual harassment cases as follows:

Type/Charge (indicate: Committed by and/or to students and employees?)	Indicate: formal or informal disciplinary process followed	Indicate: investigated by whom?)	Outcome
Sexual harassment: employee against student	Formal	College Labour Relations Officer (initiator)	Dismissal
Sexual harassment: employee against employee	Formal	College Labour Relations Officer (initiator)	Dismissal

3.2.13. Challenges in respect of South African gender legislation/ policies

The college does not have challenges in respect of South African gender legislation/ policies experienced generally in relation to gender transformation.3.2.14. Gender and disability disaggregated data of students that enrolled at the college

All Student Disabilities for 2017-2020

Academic Year	F	M	Totals
2017	4.00	4.00	8.00
2018	3.00	1.00	4.00
2019	3.00	1.00	4.00
2020	2.00	2.00	4.00
Totals	12.00	8.00	20.00

3.2.14. Total Students enrolled in the past three years

Academic Year	Gender	Black	Coloured	Indian	White
2018	F	2,631	568	4	12
	M	1,741	483	8	84
2019	F	4,105	737	14	12
	M	2,563	596	8	80
2020	F	3,344	441	4	3
	M	1,954	334	6	46
Totals	Totals	11,705	2,447	32	174

3.2.15. Graduates produced annually

Year	Study Level	Men	Women	Total
2018	NCVL4	13	82	95
	Report 191 (N6)	77	236	313
	NCVL4	9	52	61
2019	Report 191 (N6)	70	172	242
Total		169	542	711

3.2.16. DHESI Support

The college indicated that it is receiving financial and training support from DHESI. The college needs continuous training and awareness on subject matter, transformation.

3.2.17. Employment policies

The college has the following policies in place:

- Recruitment and selection policy
- Disciplinary and grievance procedure
- Training and development policy
- HIV/AIDS policy
- Sexual harassment policy
- EE forum minutes
- Whistle blower policy
- EE plan

The college does not have the following policies in place:

- Employee wellness policy
- Succession policy/career pathing
- Staff retention policy
- Retirement planning policy
- Promotions and remuneration policy
- Breastfeeding policy
- Flexitime/work balance/workplace parenting policy

The commission reiterated the importance of introducing and developing the outstanding policies to address transformation. The work environment should be conducive in respect of equal pay for work of equal value. Parents with parental responsibilities should be supported to manage their family and work duties.

3.2.18. Creation of a conducive environment for students with different abilities

The college stated that it has ramps for people with physical disabilities. The college does not offer subjects exclusively for deaf or visually impaired students. It is not ready yet to offer such subjects, but hopes that in future no student will be discriminated. Lecturers are not trained in sign language. There are no resources to train lectures on sign language.

3.2.19. Gender and disability disaggregated statistics for students residing in and off campus: students with disability

Year	Disabled Students	Physical Disabled	Blind/Par Blind	Epilepsy	Deaf / Hard of hearing
2018	4	1	3		
2019	4	1	2	1	
2020	4		2		2

3.2.20. Measures are put in place to ensure the use of gender appropriate language

Continuous training of related subject matter is conducted by the college to ensure use of gender appropriate language that addresses gender stereotypes and discrimination in accordance with Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

3.2.21. Gender and disability composition of the College SRC

Year	Men	Women	Ratio of Women
2017	40%	60%	9/15
2018	30%	70%	10/15
2019	40%	60%	9/15
2020	40%	60%	9/15

A total of 15 students are in the SRC.

3.2.22. Leadership programmes offered to the SRC to strengthen women students in the SRC leadership positions

- Leadership training (General)
- Dialogues (Inter Campus)
- Seminars (Gender Sonke)
- Diabetes (Campus, inter campus, inter college, regional, national)

Findings:

1. The Northern Cape Urban TVET College functions under the auspices of Department of Higher Education, Science and Innovation (DHESI), which is part of the DPSA rules and regulations. As such it does not have disaggregated data of remuneration of employees.
2. The college does not have resources to support gender transformation because it is a national competency.
3. The sexual harassment policy of the colleges defines sexual harassment as repeated unwanted sexual advances or obscene remarks of employees, students or suppliers in the workplace or work context is unlawful and will not be tolerated at the college. This definition is not in line with the Code of Good Practice on Handling Sexual Harassment Cases in the Workplace, 2005.

4. The college does not offer subjects for deaf or visually impaired students. Students with disability need to be accommodated.
5. The college lacks representation of persons with disability in the top and senior management.
6. The college lacks essential employment policies that are aimed at addressing transformation in the workplace.
7. The college demonstrated lack of training and education on gender-based violence (GBV) and related topics.

Recommendations:

1. The College should consult the DHESI to compile gender and race disaggregated data for remuneration of employees to adhere to the requirement of equal pay for work of equal value.
2. The college should liaise with DHESI regarding allocation of resources to address transformation, there should be compliant notwithstanding the national competency.
3. The college should ensure that its sexual harassment policy is reviewed and aligned with the Code of Good Practice on Handling Sexual Harassment Cases in the Workplace, 2005.
4. In providing reasonable accommodation, the college must offer subjects for deaf or visually impaired students.
5. The college should include representation of persons with disability in the top and senior management of the college.
6. The college must introduce and improve all employment policies, including leave policy, campus security (with SAPS), HR policies, breastfeeding policy, and sexual harassment policy.
7. The college should undertake a training and education drive to train all staff on GBV and related topics. The commission must be invited to monitor the training.
8. The abovementioned recommendations must be implemented within six months of date of the hearing. Draft policies must be submitted to CGE to make input.

3.3 South West Gauteng TVET College

The South West Gauteng College is situated in Gauteng Province. The college has five campuses, namely: Dobsonville, George Tabor, Roodepoort Campus, Roodepoort West. and Technisa Campus. The head office is situated at Molapo, Soweto.

The college is one of the four entities requested to appear before the Commission for Gender Equality (CGE) and account on gender transformation and the implementation of the EEA.

During the public investigative hearing, a representative from the college appeared before the commission to account on the state of transformation at the workplace. The commission expressed its displeasure at the lack of preparedness by the representatives, including a lack of a detailed presentation to the commission. Handwritten notes were submitted by the TVET college to the commission, and it was expressed that the conduct of the representatives undermines the constitutional mandate of the commission. The college further lacked supporting documents and as such the commission resolved that it cannot engage the college fruitfully. To this end, the college was dismissed from the hearing and was requested to resubmit the information to the commission .¹²

¹² The College resubmitted the hard copies of the information sought by the commission during level 3 of the Covid 19 Restrictions. During this time, all investigators of the commission were working from home including the investigator allocated to deal with South West Gauteng TVET College. Due to ill health, was admitted in hospital for several weeks and was unable to incorporate the resubmitted information by the college into this report. The resubmitted information (hard copies) was in the investigator's house and as such there was no other investigator who had access to the hard copy files. Equally the TVET was not able to resend information to the commission due to various protests in institutions of higher learning.

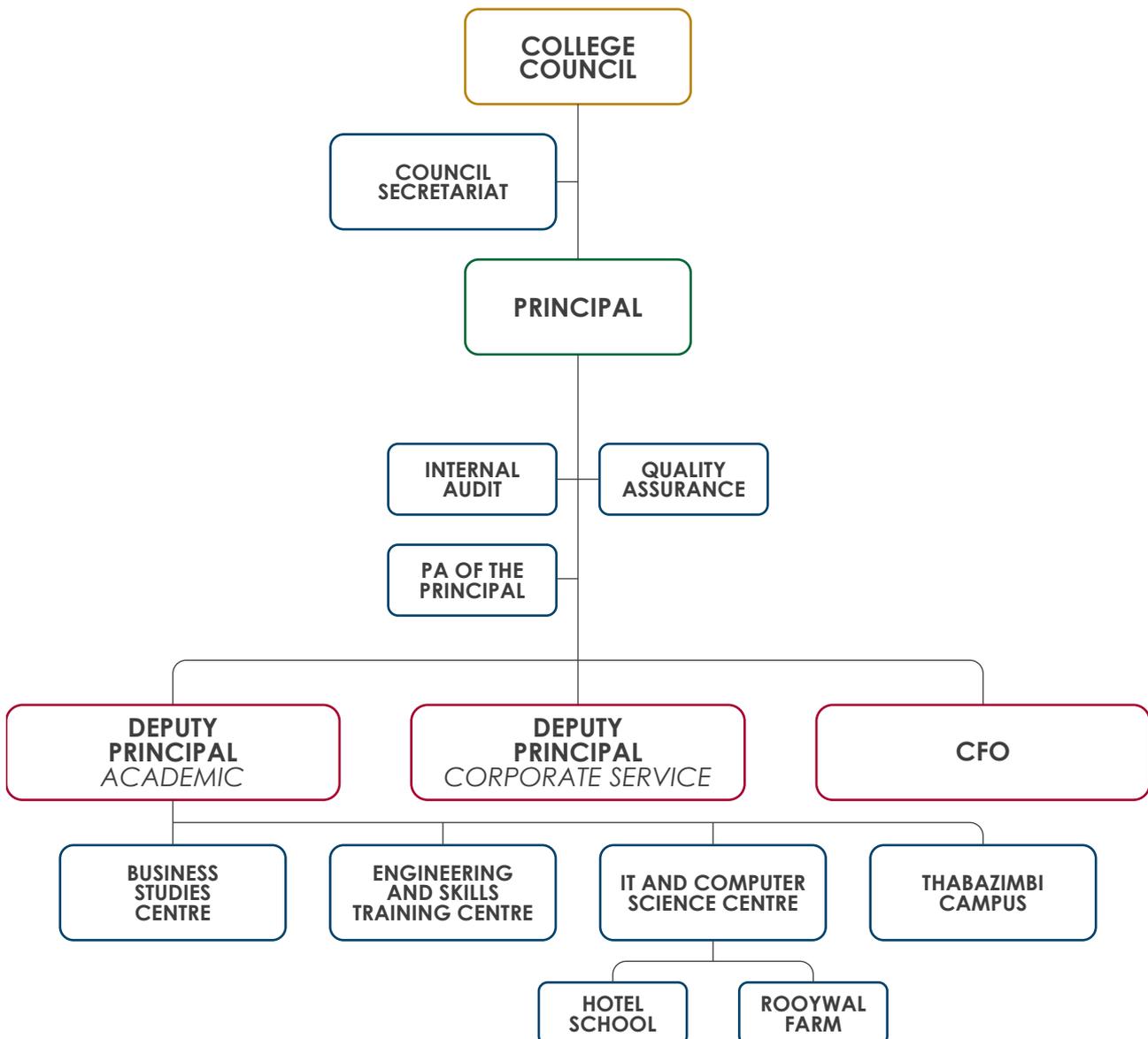
3.4 Waterberg TVET College

3.4.1 Background

The Waterberg College is situated in Limpopo Province. The College has the following campuses:

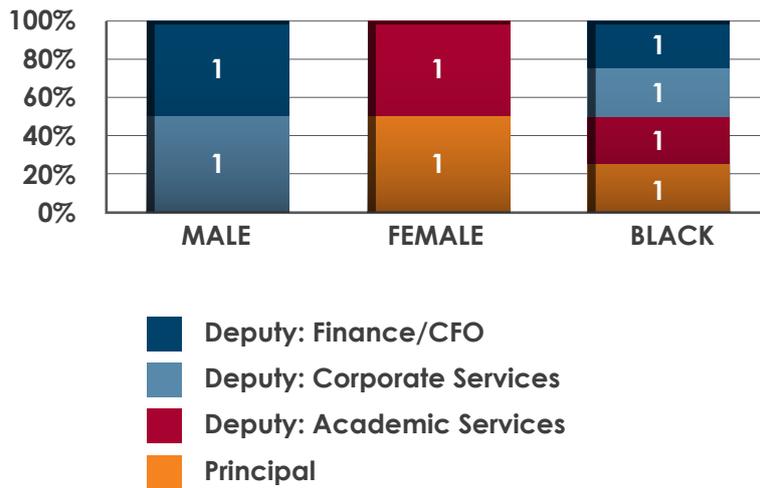
- Central Office (C/o Hooge and Totius Street, Mokopane) Cooperate Centre
- Business Studies Centre (Mahwelereng Township)
- Engineering and Skills Training Centre (Lebowakgomo Township) IT and Computer Science Centre (Mahwelereng Township)
- Hotel School (Mokopane Town)
- Agricultural Centre (Rooywal Farm located at Sterkrivier)
- Thabazimbi Campus (Thabazimbi, Regorogile Township)

During May 2020, a letter with a questionnaire was dispatched to the college. The response was provided to the commission on 30 June 2020. Below is the organogram of the College:



It is submitted that administratively the college is managed through the following:

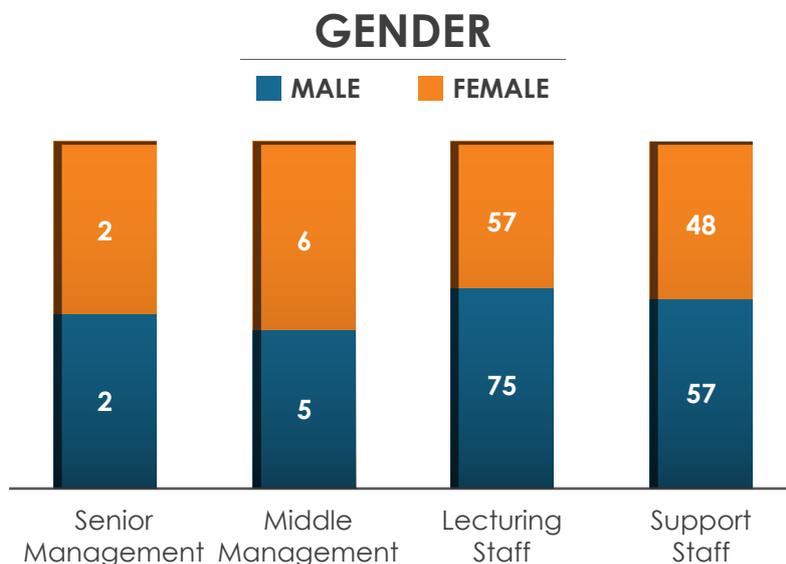
- Principal
- Three deputies:
- Deputy: Academic Services
- Deputy: Corporate Services
- Deputy: Finance/CFO



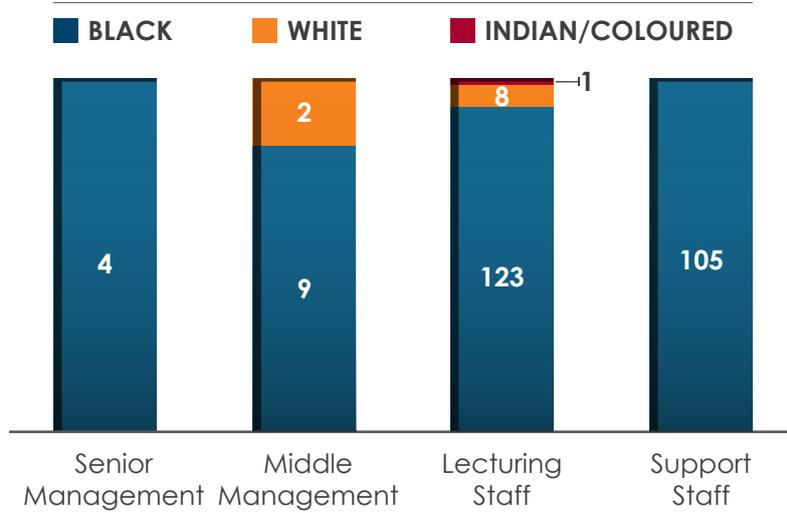
It follows from the above that the principal of the college is a black female, the Deputy: Finance/ CFO is a black male, Deputy: Academic Services is a black female.

3.4.2 Staff component of the college

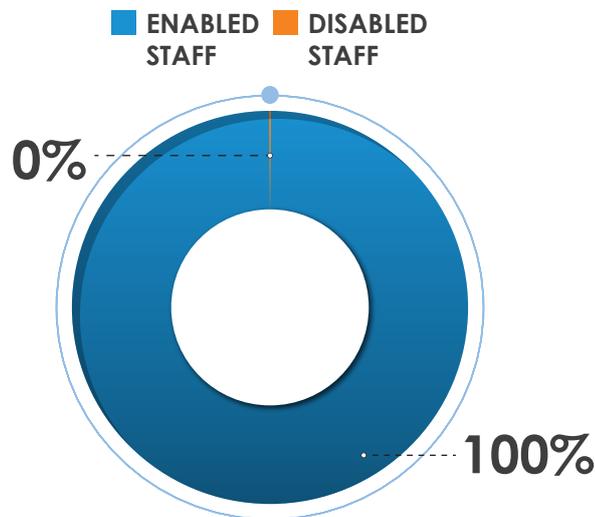
As of 2020, The college had a staff of 252 made up as follows:



RACE



DISABILITY

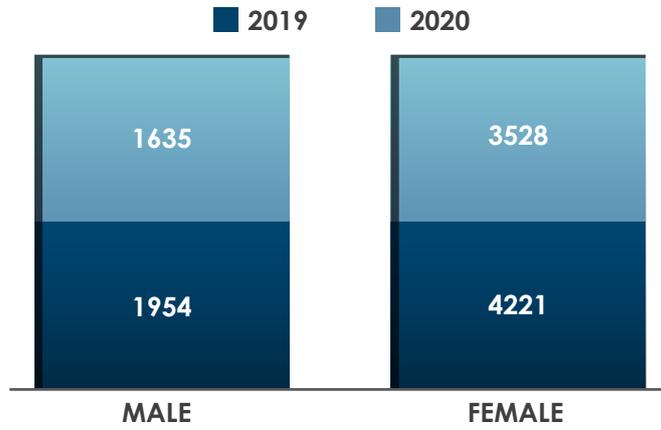


It is evident that the college has equitable representation between males and females at senior and middle management levels. There are more males in lecturing and supportive staff levels. Of concern to the commission, is the lack of representation of persons with disabilities in various occupational levels. The TVET's employment equity (EE) plan has also identified this as a barrier and resolved to headhunt to apply for advertised positions. The EE plan does not indicate the timeframe within which this must be achieved. It is recorded that the EE plan lapsed on 31 August 2020.

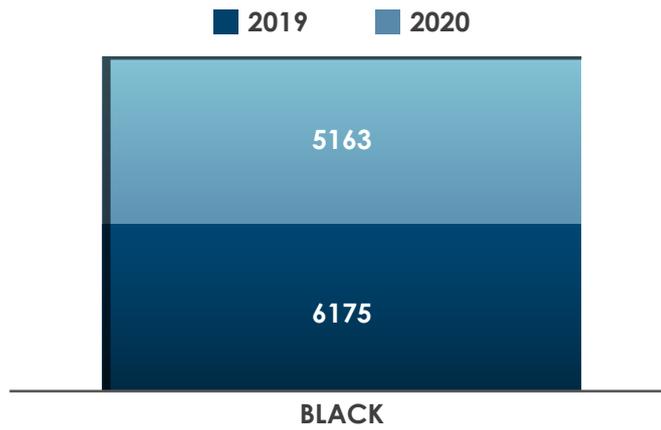
3.4.3 Student population

The college had more students in 2019 than in 2020. In 2019, there were 6175 students and in 2020 there were 5162. In terms of gender, race and age the following tables demonstrate the status quo between 2019 and 2020.

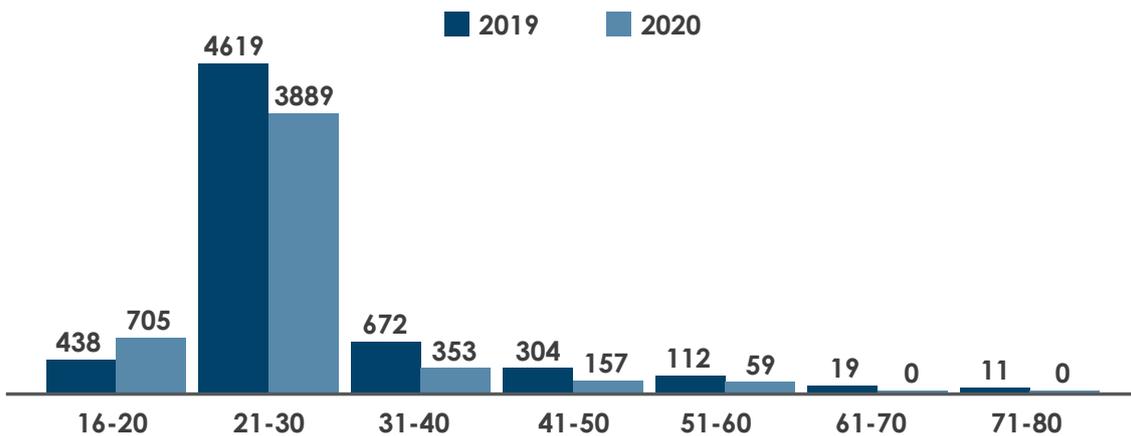
GENDER



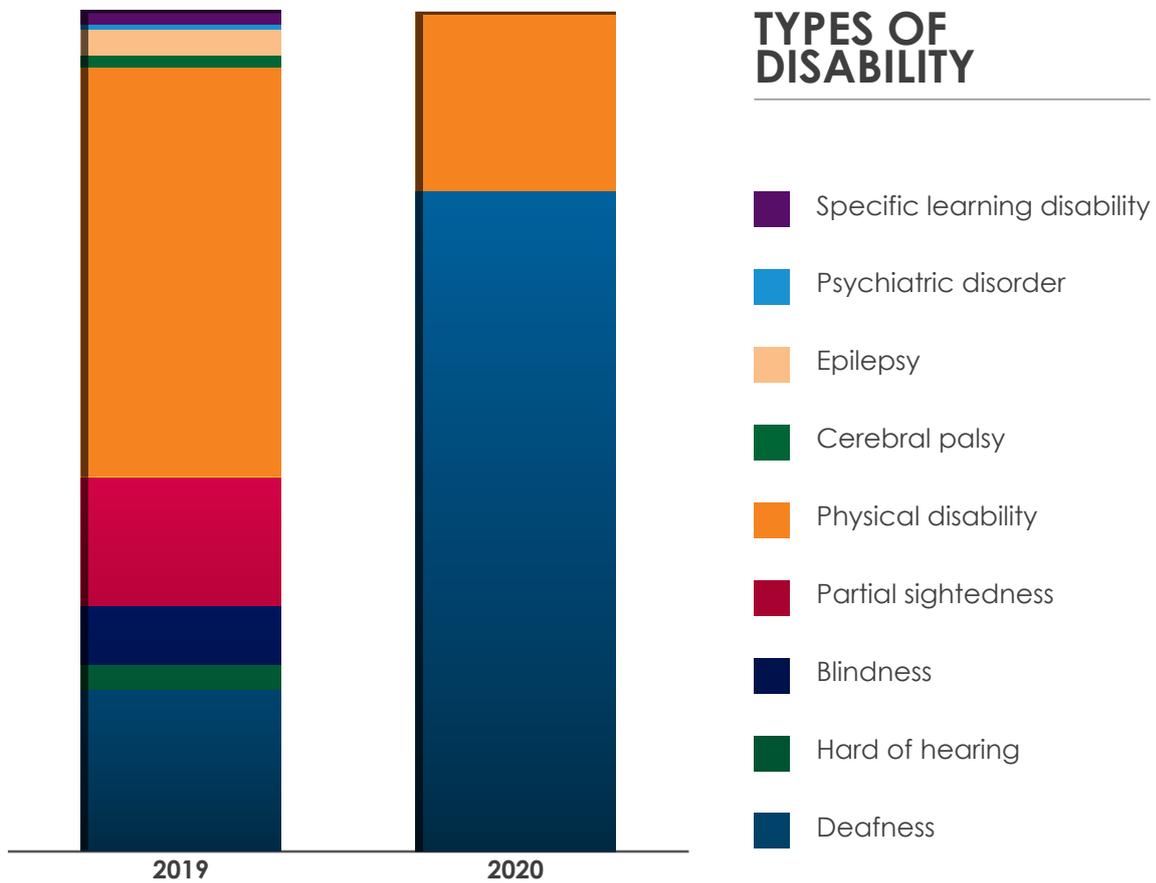
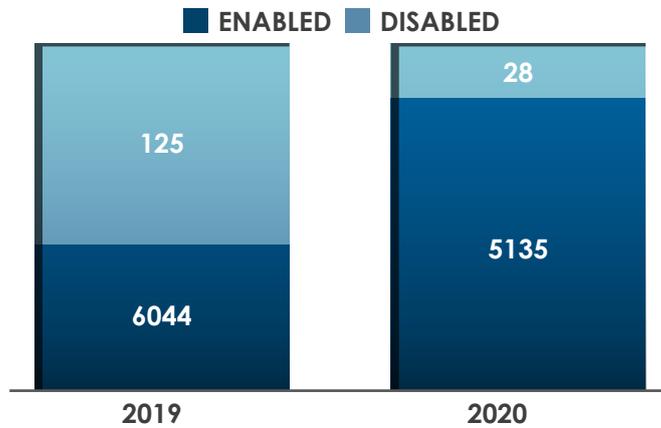
RACE



AGE



DISABILITY STATUS



3.4.4 Measures have been put in place to promote gender transformation at the institution

The Waterberg TVET has a change management strategy to address the social challenges experienced by women and men in the workplace. This includes gender-based violence in the workplace. The plan involves men's forum and Women's Day events. The plan indicates that it was going to be implemented in 2020.

Capacity building and awareness campaigns

- Student orientations (Gender Based Violence (GBV) awareness campaigns, students dialogues)



An example of the campaign held at the campus is “RISE-UP Against GBV” held on 28 February 2020 and was aimed at addressing the issues around GBV and give information to students. At this engagement, South African Police Services (SAPS), National Youth Development Agency (NYDA) and Social Development were invited.

3.4.5 Measures to create reasonable accommodation

In creating reasonable accommodation to all students, the TVET has done the following:

- Appointment of sign language interpreters
- Training of staff on introductory sign language
- Provision of assistive devices through SNE budget
- College residences as support for deaf students (prioritised)
- Partnerships with DeafSA, Office of the Premier special projects units, support from University of Pretoria, member of HEDSA (Higher Education Disability Services Association)

The TVET has acknowledged the following challenges:

- Inadequate staff (PPN model to address the challenge once implemented)
- Continuous capacity building and awareness campaigns, including understanding and implementation of policies
- Increase and intensify partnerships engagements

3.4.6 Creating a safe environment

The commission expressed its concerns that sexual harassment workshops were not adequately cascaded to the entire staff component, such as cleaners. The college is yet to adopt a guideline on how to deal with sexual harassment. Moreover, the sexual harassment policy provisions are still aligned to the 1998 Code of Good Practice on the Handling of Sexual Harassment in the Workplace. This guideline will be adopted in the first quarter in 2021. The TVET submitted that by June 2021, these guidelines may be adopted.

About safety mechanisms to students, it was highlighted that every campus required student cards. It was submitted that where the college offered evening classes, students highlighted that they are harassed and robbed. To avoid this, the TVET issued revised timetable to limit evening classes and schedule them around taxis that pick students up from the gate.

3.4.7 Partnerships established to strengthen gender issues on campuses.

- Higher Health (formerly HEAIDS): through the student support services unit provides support on issues of students health
 - Limpopo Department of Health: referral purposes, provides linkage with campus nurses through local clinics
 - University of Venda: provides support in the shape of student registered counsellors: Roles includes: conducting psychological and preventative interventions that focus on the promotion and enhancement of wellbeing for individuals, families, groups and communities
 - SAPS: Each campus is encouraged to adopt a COP strategy for any emergency needs
- Limpopo Office of the Premier: Special Project Unit: Support for students with disability, DeafSA

Findings

The following findings were made at the hearings.

- The sexual harassment policy is not aligned with the 2005 Code of Good Practice on the Handling of Sexual Harassment in the Workplace.
- The Waterberg TVET policies are not gender sensitive
- Waterberg TVET does not conduct adequate trainings on sexual harassment to students and staff members
- The EE plan has lapsed, and a new EE plan must be submitted.
- Persons with disabilities are underrepresented in various occupational levels.
- Disciplinary processes are not adequate. Steps must be taken by Waterberg TVET
- There is no uniform structure to deal with the transformation programmes initiated by the TVET
- There are no policy frameworks that ensures continuity, accountability, and transparency in the implementation of equality and non-discrimination transformation initiatives
- The TVET does not offer childcare facilities nor have a breastfeeding policy

Recommendations

The following recommendations were made at the hearings.

- The sexual harassment policy must be adopted by June 2021 and be aligned with the 2005 Code of Good Practice on the Handling of Sexual Harassment in the Workplace
- The Waterberg TVET to review policies to be gender sensitive
- Waterberg TVET to conduct trainings on sexual harassment and the CGE to be invited at the trainings
- The disaggregated data demonstrating employees who were generally promoted in various levels in the past three years, from 2017
- TVET to submit a New EE Plan, dress code policy, HIV & Aids Policy, and disability policy
- Share minutes of the committee minutes for the past two years
- Share the model with the commission
- Share example of advertisements that targets persons with disability.
- The college to develop a policy framework that ensures continuity, accountability, and transparency in the implementation of equality and non-discrimination transformation initiatives.

4. Overall observations

- (a) The Department of Higher Education, Science and Innovation (DHESI)'s task team developed a post-provisioning norms implementation policy and procedure manual. The purpose of the policy is to allow TVET colleges to fill new vacant positions and terminate contracts associated with the post provisioning norms model.
- (b) The colleges functions under the auspices of the DHESI, which is part of the DPSA rules and regulations. However, the colleges do not have standardised institutional, employment, and transformation policies.
- (c) The colleges lack access to remuneration information to promote the notion of equal pay for work of equal value. The principle of equal pay for work of equal value is geared towards eliminating a form of discrimination i.e. differentiation in pay on the ground listed in section 6(1) of the Employment Equity Act, 1998 or any other arbitrary ground. To this end, section 6(1) of the Employment Equity Act, 1998 prohibits unfair discrimination in any employment policy or practice on the grounds inter alia race, gender, age, and sexual orientation. The commission embraces the principle of equal pay for work of equal value and is committed to ensure that employers maintain a remuneration practice and policy that is compliant with the Employment Equity Amendment Act 2013.
- (d) The colleges indicated that they do not have resources to support gender transformation because it is a national competency.
- (e) The colleges do not offer subjects exclusively for deaf or visually impaired students. Students with disability need to be accommodated.
- (f) The colleges did not raise any legislative challenges hampering transformation within the sector.

5. Recommendations

- (a) DHESI must introduce standardised employment/transformation policies, including leave policy, campus security, HR Policies, breast-feeding policy, and sexual harassment policy.
- (b) The colleges should consult DHESI to compile gender and race disaggregated data for remuneration of employees to adhere to the requirement of equal pay for work of equal value.
- (c) DHESI should liaise with the colleges regarding allocation and administration of resources to address transformation, there should be accountability and cooperation regarding resource administration.
- (d) In providing reasonable accommodation, DHESI should consider initiating processes to offer subjects for deaf or visually impaired students, that is standard to all TVET colleges.
- (e) DHESI should provide update to the commission regarding implementation of the above recommendations within 12 months.



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