



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

**SUBMISSION: RULES FOR THE MANAGEMENT OF IMPROPER CONDUCT MATTERS
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Commission for Gender Equality Comments

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Table of Contents

1.	Introduction	3
2.	Background	3
3.	The CGE's submissions	3
4.	Conclusion	6



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A society free from gender oppression and inequality

1. Introduction

The Commission for Gender Equality (CGE) welcomes the opportunity to make submissions regarding the Rules for the Management of Improper Conduct Matters issued by the Engineering Council of South Africa (ECSA).

This submission is made in terms of the CGE's constitutional mandate under section 187 of the Constitution of the Republic of South Africa, 1996, to promote respect for gender equality, and to monitor, evaluate, and make recommendations on legislation, policies, and practices affecting gender equality.

2. Background

The CGE acknowledges ECSA's regulatory mandate to uphold professional standards within the engineering profession. However, it is necessary that the regulatory framework be further strengthened to explicitly address gender-based violence and harassment, including sexual harassment, within professional engineering practice.

3. The CGE's Submissions

3.1 *Inclusion of harassment and sexual harassment as improper conduct*

The CGE is of the view that there is a need to expressly include harassment and sexual harassment as improper conduct in the Rules. The current Rules for the



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Management of Improper Conduct Matters do not explicitly classify harassment and sexual harassment as forms of improper conduct.

The CGE recommends that the Rules be amended to explicitly include harassment, sexual harassment, and gender-based violence (GBV) as defined categories of improper conduct. Furthermore, the definitions of same should align with the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace (2022) issued under the Employment Equity framework.

The Code defines harassment broadly, including sexual harassment and gender-based violence. It also requires employers and regulatory bodies to adopt preventative and responsive mechanisms and emphasises zero tolerance for harassment in professional environments.

It is particularly necessary to ensure that harassment is understood broadly to include verbal, non-verbal, physical and psychological forms of conduct. The inclusion of harassment within the scope of what is considered improper conduct is critical to ensure regulatory certainty, accountability, and alignment with national labour and equality standards.

ECSA's disciplinary framework should therefore be aligned with the Code to ensure coherence with national employment and equality policy standards.



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3.2 *Mandatory cancellation of registration for sexual harassment and GBV-related conduct*

The CGE further proposes that the disciplinary framework be strengthened to allow for the mandatory cancellation of registration of registered persons found guilty of severe or repeated acts of sexual harassment or gender-based violence committed in the workplace or in professional contexts. This should include clear criteria for distinguishing between rehabilitative sanctions for less severe or isolated misconduct and protective/public-interest sanctions, including deregistration, for serious violations.

Given the fiduciary and public safety responsibilities attached to engineering practice, conduct involving GBV and sexual harassment fundamentally undermines trust, professional integrity, and workplace safety.

3.3 *Alignment with national GBVF priority framework*

South Africa has formally classified gender-based violence and femicide (GBVF) as a national crisis and disaster-level priority. Accordingly, professional regulatory bodies, including ECSA, have a constitutional and statutory obligation to ensure their frameworks actively contribute to prevention, deterrence, and accountability in relation to GBVF. The failure to explicitly regulate harassment and sexual harassment within professional conduct frameworks risks undermining national efforts to eradicate GBVF.

The inclusion of these provisions within ECSA's disciplinary regime will strengthen institutional responsiveness to GBVF and ensure that professional spaces are not exempt from accountability.



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A society free from gender oppression and inequality

3.4. *Gender-inclusive language and constitutional alignment*

The CGE notes that the current Rules predominantly utilise binary gendered language ("he or she"). It is recommended that the Rules be amended to adopt gender-inclusive and non-binary language. This is consistent with:

- The right to equality contained in section 9 of the Constitution;
- South Africa's commitment to dignity, equality, and non-discrimination; and
- best practice in administrative and regulatory drafting.

The CGE proposes that revisions include the use of terms such as 'the Registered Person' (preferred neutral form throughout), they/them/their' where pronouns are unavoidable and removing unnecessary gendered distinctions in procedural descriptions. These changes are not merely stylistic but substantive, ensuring inclusivity of all persons regulated under the Act.

4. **Conclusion**

The CGE submits that the proposed amendments are necessary to strengthen ECSA's disciplinary framework, ensure explicit accountability for harassment and sexual harassment, align regulatory practice with national GBVF priorities, promote gender equality and constitutional compliance and modernise language to reflect inclusivity and non-discrimination.

THE END