INTRODUCTION

The Commission for Gender Equality (CGE) is committed to assessing progress on gender mainstreaming and transformation in all sectors of society. As part of CGE’s annual exercise to monitor this, the Commission chose to focus on the mining sector, beginning in 2015. This annual assessment was informed by in-depth examination and analysis of information gathered on the efforts of the selected mining houses in the promotion of gender mainstreaming in their organisational programmes, systems, processes, and practices. The findings revealed that transformation is at a snail’s pace and mining, as a historically male-dominated sector, remains resistant to meaningful gender transformation despite the existing policy and legislative initiatives in the country. The report examined the factors, challenges and prospects for gender mainstreaming using a selected number of mining companies.

This Policy Brief will identify some of the key findings of the study and highlight important policy implications before presenting the recommendations to address the issues raised.

BACKGROUND

The UN Economic and Social Council’s Agreed Conclusions 1997/2 defined gender mainstreaming as the process of assessing progress of the implications for men and women of any planned action, including legislations, policies and programmes in all areas at all levels of the economy, including the extractive industry. This industry represents a major source of wealth in economies around the world. Extractive mining is often perceived as dirty, dangerous and heavy work, considered fit only for men, and as a result, women’s participation has been minimal.

Furthermore, there is existing evidence that shows that women and girls often suffer from discrimination, and experience disproportionately negative consequences thereof as a result of these practices in the mining sector.

The gender-based stereotypes about men’s and women’s places in the mining sector limit women’s entrance into the sector, despite their experience and educational qualifications. As a result, women represent only a small percentage of total employment in the mining sector, particularly at senior management levels. Based on these considerations, it is important that concrete measures are put in place to ensure that women’s participation, needs and voices are included in decisions relating to the extractive industries operations and the benefits accruing from such operations. Effective gender mainstreaming programmes are therefore necessary to bridge the gender gap and ensure women’s integration into the sector.

While there have been some progressive reforms in the sector that include women, the
introduction of women in mining challenges the prevailing male, macho gender stereotype about the sector and introduces new challenges for mineworkers, mines and unions. This meant challenging legislation that discriminated against women from participating in the mining sector and introducing a new labour legislative framework outlawing discrimination and emphasising gender equality in the workplace. The following Acts feature some of the legislation adopted after the dawn of democracy in 1994:

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

The Department of Minerals and Energy introduced the Broad-Based Socio-Economic Empowerment Charter to achieve the objectives of the Broad-Based Black Economic Empowerment Act within the mining industry. This requires mining industries to actively change the demographic profile of their employees and ensure that they have plans in place to achieve the target of 10 percent participation of women by 2009. The Charter therefore attempts to address the high proportion of male mineworkers and provide opportunities for female miners.

Apart from the above initiatives, South Africa is a signatory to numerous international and regional instruments on gender mainstreaming, which required the country to domesticate these instruments and enshrine them within the domestic laws. The country also has to put systems and mechanisms in place to ensure compliance by state institutions and the private sector, which includes the mining sector.

Despite the changes in policy and legislation over the past two decades, there is strong evidence – including the findings of this assessment – that show that women continue to experience discrimination within the mining sector in South Africa.

**METHODOLOGY AND APPROACH**

This assessment was conducted in the 2015/2016 financial year, and is the sixth assessment since the beginning of this process. It is a largely qualitative approach based on interviews conducted with officials from selected mining companies as well as other knowledgeable independent experts from the sector. The selected mining companies were African Rainbow Minerals (ARM) and Anglo American. The selection was intended to compare the new, black economic empowerment mining groups and the long-

---

3 This target is currently under review, and is being raised to 17%.
standing, well established and largest mining houses in the country, which existed long before the dawn of democracy in South Africa. For each of the two mining houses, three subsidiaries/local mining operations were selected in addition to the corporate head office, for assessment of progress on gender transformation. The ARM assessment included Komani Iron Ore, Two Rivers Platinum and Nkomati Nickel Mines, which are subsidiaries. Anglo American subsidiaries were Kumba Iron Ore, Anglo Platinum and Anglo Coal mines. The reason for this was to determine whether or not the patterns of progress/lack of gender transformation at local mining operations and corporate head office level was similar. In addition, secondary sources, such as official documents, corporate publications (i.e. annual reports, policy documents, programmes, project reports, employment equity plans and any other relevant official company publications) as well as third-party sources of data obtained during the fieldwork phase of the project.

Finally, a five-level Gender Representation Rating Scale was used to rate the performance of the participation of mines with regard to progress made in the numerical representation of women at senior management level.6

The ratings relied on the availability of accurate data provided by the mining houses on their senior staff profiles. As is the case with any research activity, the study faced practical constraints and other limitations outlined in the research study report.7

4.1 AFRICAN RAINBOW MINERALS (ARM)

1. Gender Representation and Participation at Internal Decision-making Level

Despite the claim of ensuring women’s empowerment and greater levels of participation for women in decision-making processes at senior management, ARM high level decision-making structures are predominantly male-dominated.

The corporation is headed by its owner and executive chairman. Both the owner and the CEO of the corporation are male. Out of 14 members comprising the board, only 2 (14%) are females. The steering committee has a total of 26 members, made of 19 (73%) men and 7 (27%) women.

The same pattern of male dominance within the decision-making structures was also found in the business units. For instance, Khumani Iron Ore Mine and Two

---

FINDINGS OF THE STUDY

This section provides some of the key findings of the assessment conducted in 2015 of the two mining companies, focusing on gender representation and participation in decision-making, mainstreaming gender in organisational culture and systems, and measures to create an enabling environment for gender mainstreaming.

6 The rating scale was adapted from Avivah Wittenburg-Cox, ‘One Key to Gender Balance: 20-first Century Leadership’, (http://20-first.com/flipbook/index.html)

Rivers Platinum had a senior management made up of 10 men exclusively. Men occupied 7 of the 8 positions at senior management level at Nkomati Nickel Mine.

In terms of the CGE Gender Representation Scale, ARM’s performance in this regard is rated at Level 1 (i.e. failed gender representation).

2. Mainstreaming Gender in Organisational Culture and Systems

The information provided by the company showed that not much has been done in terms of developing internal organisational practices and systems to promote gender mainstreaming.

The ARM corporate office introduced a leadership development programme framework to develop, empower and strengthen leadership capacity for the future, although this is not necessarily targeting women’s development as a priority. ARM indicated that it was in collaboration with Wits Business School in a project called Future Leaders Development Programme. However, the programme is not necessarily prioritising women’s skills development. The same trend is seen at Khumani Iron Ore where some of the programmes and initiatives currently in place (e.g. internal succession plan) are regarded by the company as evidence of gender mainstreaming, even though they appear not necessarily intended to target and prioritise women. Khumani Iron Ore had also introduced an initiative to scout for girl learners from Grades 10 and 11, as well as an initiative meant as an intervention to improve results in mathematics and science for high school pupils. Learners from these programmes stood to get first preference when the company issues bursary schemes at tertiary level. However, some of the initiatives such as the company participating in the CELL C’s ‘Take a Girl Child to Work’ event, are clearly identified and included in the list, mainly for their symbolic and public relations value rather than as evidence of meaningful gender mainstreaming.

3. Measures to Create an Enabling Environment for Gender Mainstreaming

ARM corporate office and the selected subsidiaries do have a Transformation Unit in place, which is overseen by the human resources executive officer and under which the work of gender transformation apparently resides. It is important to note that the company abides by the various labour relations laws and regulations. However, there is widespread perception among officials from these mining companies that abiding by such legislation is also evidence of gender mainstreaming.

Although the company has listed a number of policies which are geared towards creating an enabling environment for gender mainstreaming, the CGE noted that ARM did not have a gender mainstreaming policy and strategic plan to guide the work of the company in
promoting gender main-streaming / transformation. Some of the programmes and initiatives currently in place are regarded by the company as relevant for promoting gender mainstreaming, even though they are not necessarily intended to prioritise women. It is worthwhile to also note that Nkomati Nickel Mine does not have a sexual harassment policy. It relies on its Disciplinary Procedure and Code to deal with issues of sexual misconduct.

1. Gender Representation and Participation at Internal Decision-making Level

Women’s participation at internal decision-making structures is not rated the same within Anglo American. For instance, the corporate division senior management was made up of 225 members, of which 69 (30.66%) were women, while 156 (69.33%) were men. Therefore, the corporate division was rated at Level 4 (Critical Mass Gender Representation). Kumba Iron Ore mine achieved Level 3 rating (Progressive Gender Representation) with women accounting for 21.48 percent at its senior management level. Anglo American Coal South Africa and Anglo American Platinum have both achieved a Level 2 rating on the CGE Gender Representation Performance Rating Scale, with 17 percent and 12.37 percent of women representation in senior management structures respectively. This is overall a better performance rating compared to ARM and its subsidiaries selected for this study, but overall still lower rates of performance in terms of women’s representation in senior level decision-making structures.

2. Mainstreaming Gender in Organisational Culture and Systems

Anglo American stated that the responsibility for driving gender transformation rests with top and senior managers, with all senior managers’ performance contracts and their performance assessments incorporating the company employment equity targets. However, it should be noted that compliance with the provisions of employment equity legislation do not necessarily equate with promoting gender mainstreaming and transformation. An official responsible for transformation has been appointed within the human resources department, although the focus is on the areas of diversity and employment equity rather than specifically on gender transformation.

Anglo American had developed some initiatives such as Women in Mining, the Harassment Investigation Task Team and the automated drilling system, mostly observed at Kumba Iron Ore, with the aim of embracing diversity and enhancing the performance of women in mining. Nonetheless the company indicates that it relies on the provisions of the Employment Equity Act to create an enabling environment for gender mainstreaming, suggesting limited efforts
in the development of internal policies and programmes in this regard.

3. Measures to Create an Enabling Environment for Gender Mainstreaming

It is worth mentioning that Anglo American policies do not specifically target women, but the company gender transformation agenda considers women. The corporate division has a draft policy framework document, which at the time of the study had not been implemented. The draft policy took into consideration the provisions of a number of international gender mainstreaming instruments is one of the measures put in place to create an environment conducive to gender mainstreaming. Anglo American was also found to have put in place a number of policies and measures in relation to compliance with labour laws. Anglo American regards compliance with the current employment equity legislation as a measure to promote gender mainstreaming and eliminate discrimination in the workplace, including implementation of affirmative action. A childcare subsidy policy and childcare facilities such as a company-owned crèche are worth mentioning for Anglo American Coal South Africa.

**POLICY IMPLICATIONS**

A number of policy implications can be drawn from the findings of this study:

- There is still a limited understanding of what gender mainstreaming means in some of the mining houses. Much of this limited understanding seems to derive from the industry’s slow progress in embracing some of the key national policies and legislation on gender mainstreaming.

- Gender mainstreaming continues to be understood as merely a numerical exercise. This appears to be the unintended consequences of the Employment Equity Commission’s effective implementation and monitoring of employment equity legislation, accompanied by threats of punitive sanctions for failure to meet equity targets.

- There appears to be a widespread lack of knowledge and familiarity with important legislative and policy frameworks on gender mainstreaming, which, in turn, appears to underpin the lack of progress on gender equality and transformation within the sector. In turn, this also implies limited attention to training on gender mainstreaming and lack of resource allocation to develop the necessary programmes, including awareness raising within the sector.

The analysis of our findings on the activities of the companies assessed in this study has led to the conclusion that in most cases there were no coherent gender equality policy documents with clearly defined corporate policy objectives and realistic targets with time frames to guide internal corporate gender mainstreaming and transformation programmes. In other/some instances it is commendable that some companies utilised the gender mainstreaming frameworks and the mining charter as a guide for the drafting of their policies.
• All the mining companies covered in this assessment engage the services of competent, trained and qualified gender transformation experts/specialists to provide advice to company senior management on gender mainstreaming as a strategy to advance gender equality in the workplace. Such trained gender transformation experts/specialists should articulate what gender mainstreaming is, its benefits towards the strategic interests of the company as well as provide advice on best practices, strategies and practical approaches to integrating gender mainstreaming in company strategic plans. A gender transformation specialist should also advise on the best approaches to institutionalising gender mainstreaming in the workplace.

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

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

• The creation of internal consultative corporate processes, led by senior management and facilitated by an external gender policy expert, and involving all key internal stakeholders, including staff, to draft a gender equality policy document which explains what gender equality is, its legislative and policy basis and the need for the integration of gender mainstreaming into broader corporate strategic objectives. This process should lead to a completed draft policy document on gender mainstreaming to be widely disseminated and understood by all employees across the company.
Section 187(1) of the Constitution of South Africa reads: “The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality.” The CGE is a catalyst for the attainment of gender equality. Section 187(2) grants the CGE “the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.”

Our Vision
A society free from gender oppression and all forms of inequality.

Our Mission
The Commission for Gender equality shall advance, promote and protect gender equality in South Africa. This is done through:

- Research
- Public education
- Policy development
- Legislative initiatives
- Effective monitoring and litigation.

Monitoring
To evaluate policies and practices of both public and private bodies, government compliance with international agreements, legislative review, law reform, and research.

Investigation
To investigate any gender-related issues or complaints received from the public or initiated by individuals.

Public Education and Information
To raise awareness through education and information that promotes gender equality and to publicise the activities and services of the Commission for Gender Equality.

Liaison
To develop and maintain relationships and collaborations with a range of like-minded organisations in the Gender sector to promote the objectives of the Commission and gender equality.

VALUES

We anchor our values in the supremacy of the Constitution and the rule of law, and we perform all our functions with an ethos grounded in the following values:

1. Independence – we impartially perform our duties without fear or favour, mindful of the independence of our office.
2. Professionalism – we timeously execute our responsibilities with utmost care and diligence, responsive to the society we serve.
3. Accountability – we always give an account of our actions and decisions.
4. Ethical behaviour – we maintain high standards of
   - Trustworthiness and Honesty,
   - Respect and Empathy, and
   - Integrity.
5. Teamwork – we support and work in collaboration with our colleagues, state organs and civil society to maximise the attainment of our objectives.
In addition to these values, the work of the Commission for Gender Equality is anchored in the eight Batho Pele Principles that were developed to serve as an acceptable policy and legislative framework regarding service delivery in the Public Service, namely:

1. Consultation
2. Setting Service Standards
3. Increasing Access
4. Ensuring Courtesy
5. Providing Information
6. Openness and transparency
7. Redress
8. Value for money

Complaints about discrimination can be made on specific grounds including:

- Race
- Sex
- Pregnancy
- Marital status
- Disability
- Sexual preference
- Age
- Trade union, government and private activity.

**HOW TO LODGE A COMPLAINT**

Complaints can be sent by:

1. Letter to: The Legal Department
   Commission for Gender Equality
   PO BOX 32175
   BRAAMFONTEIN, 2017
   Fax: 011 403 5609 (Legal)
   Fax: 011 403 7188 (general)

2. Email to: Forms can be downloaded from our website: www.cge@org.za

3. Or call, + 27 11 403 7182 for a complaints form.

After a complainant’s letter has been received, the CGE will investigate the complaint. It may not be something that CGE manages and will then need to referred:

If the matter falls within the CGE mandate the following procedure will be followed:

- We will write to you or send you an email asking more question.
- We will let you know what is happening to your complaint.
- We will try to sort out the problem by writing to the respondent.
- We will follow up on the reply
- We will then decide if conciliation is needed. This is when a meeting is organised with all the parties to try to sort it out informally.

Remember: The Commission does not provide legal representation or advocacy to any parties. The Commission for Gender Equality handles complaints as an impartial party to the complaint.

4. Call to 0800 007 709