

Supplementary Employment Equity Hearings on Gender Transformation in the Workplace

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Commission for Gender Equality

A society free from gender oppression and inequality



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irreversible reality.

ABBREVIATIONS AND ACRONYMS

ACSA	Airports Company South Africa
AFDA	SA School of Motion Picture and Live Performance
AIDS	Acquired Immune Deficiency Syndrome
B-BBEE	Broad-Based Economic Empowerment
BEE	Black Economic Empowerment
CCMA	Commission for Conciliation Mediation and Arbitration
CGE	Commission for Gender Equality
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CRF	Consolidated Retirement Fund
CSC	Corporate Services Centre
DID	Department of Infrastructure Development
DDG	Deputy Director General
DG	Director General
DoL	Department of Labour
DPSA	Department of Public Service and Administration
DRPW	Department of Roads and Public Works
EAP	Employment Assistance Programme OR Economically Active Population
ECHD	Early Childhood Education
EE	Employment Equity
EEA	Employment Equity Act
EPWP	Expanded Public Works Programme
EXCO	Executive Committee
FET	Further Education and Training
GDE	Gauteng Department of Education
GEYODI	Gender, Youth and People with Disabilities
GFP	Gender Focal Person/Point
GIBS	Gordon Institute of Business Science
GYDM	Gender, Youth and Disability Mainstreaming

HET	Higher Education and Training
HoD	Head of Department
ILO	International Labour Organization
KPA	Key Performance Area
KPI	Key Performance Indicators
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersexed
MEC	Member of the Executive Council
MM	Municipal Manager
MMC	Member of the Mayoral Committee
NDP	National Development Plan
OHS	Occupational Health and Safety
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PMS	Performance Management System
POWA	People Opposing Women Abuse
PSC	Public Service Commission
PWDs	Persons with Disabilities
SADC	Southern African Development Commission
SALGA	South African Local Government Association
SALGBC	SA Local Government Bargaining Council
SAPS	South African Police Services
SETA	Sector Education and Training
SGB	School Governing body
SME	Small and Medium Enterprises
SMS	Senior Management Services
SSIP	Secondary Schools Improvement Programme
SPU	Special Programmes Unit
TVET	Technical Vocational Education and Training
UIF	Unemployment Insurance Fund
UN	United Nations
UNICEF	United Children's Fund
ULWASA	University of Limpopo

INTRODUCTION

This hearing was supplementary to the original Employment Equity Hearings on Gender Transformation in the Workplace for the Western Cape, which took place on 24 May 2012.

At the initial hearings, public and private entities were invited to give an account of their activities within the gender arena in order for the Commission to conduct a thorough investigation into gender transformation in the respective workplaces.

The initial public investigative hearing intended to:

Assess the impact of the Employment Equity Act (EEA) on women in both the public and private sectors, and address institutional and systematic barriers to their economic progress. Hold public and private sector directors accountable for non-compliance with the Act. Raise awareness of relevant international commitments and the importance of compliance.

Assess what measures have been put in place in the workplace to bring about transformation in terms of gender and disability.

Share experiences and identify challenges faced by Chief Executive Officers (CEOs) and Director-Generals (DGs) in the implementation of the Act.

Strengthen the working relationship between constitutional bodies and civil society in raising awareness about South Africa's compliance with international instruments, and about support and capacity interventions provided in this regard.

Following the initial hearings, the Commission made comments and recommendations to the various entities. These entities were thus invited to report on progress against these recommendations at the follow-up hearings. In the Western Cape. The entities called to account were:

- Department of Agriculture
- Sekunjalo Investments Limited
- Vida E Café
- Department of Human Settlements
- Distell Ltd
- Shoprite Holdings Limited
- Department of Local Government
- City of Cape Town Metropolitan Municipality
- Department of Health.

Commissioners Wallace Mgoqi, Nondomiso Maphazi and Pinkie Sobahle presided. Also present were Legal Officers Kerry Oosthuysen (Eastern Cape), Veronika Govender (Northern Cape) and Taryn Powys (KwaZulu-Natal). The proceedings were facilitated by Provincial Co-ordinator Thabisa Ngada.

OVERVIEW

In reflecting on the initial hearing and recommendations, the Commission sketched the legislative backdrop, international frameworks and Constitutional provisions from which the CGE derives its powers. It also highlighted that employers have a legal obligation to advance employment opportunities for women and the disabled by removing barriers to their entry, advancement, development and retention.

It noted that all nine entities in the Western Cape had participated willingly in the first round of hearings, during which they had presented their transformation and Employment Equity (EE) plans along with the required policies.

Among the points raised by the Commission following the initial hearings were the following:

- There was a need for accountability for gender transformation to be located at senior management and directorate level with targets for gender, race and disability cascaded to all levels of responsibility with proper grading and weight for performance agreements and management.
- Senior positions for EE-designated groups should be ring-fenced along with composite indicators for meeting targets. This could require creative recruitment, including partnerships and targets for identified groups.
- There was a need for a substantive review of core and transversal Human Resources (HR), including those that governed sexual harassment, recruitment and promotion in line with the EEA. To this end the Commission would have to engage with the Corporate Services Centre (CSC) of the Department of the Premier, where these transversal policies originated.
- There was a need to look at obstacles and barriers and how to create an enabling environment for women and people with disabilities.
- Employers needed to look at the provision of childcare facilities, and assess needs and gaps.
- Employees with disabilities required ongoing dedicated support from managers and office, and awareness among fellow employees. Staff with disabilities should also be encouraged to disclose their status.

- The private sector needed to escalate transformation initiatives from middle and senior management to bring about greater representation in top management.
- Employers needed to put effective monitoring mechanisms in place to ensure the implementation of gender transformation in the workplace, in keeping with Constitutional and legal obligations.
- The CGE, in collaboration with the Commission for Employment Equity, Department of Labour and the Department for Women, Children and People with Disabilities, should devise effective measures, including training programmes that were capable of assisting as well as enforcing compliance with the relevant gender equality policies and legislation.
- Most of the entities that presented had indicated that sexual harassment and related cases were scarce. This begged the question as to whether internal measures were adequate to encourage staff to report sexual misbehaviour, and whether the lack of prompt investigation and resolution of reported cases served as a deterrent to potential complainants.

PRESENTATIONS

There follows a summary of the oral presentations by representatives of the various entities that testified before the CGE, as well as follow-up comments and questions raised in response. All entities were advised to submit all outstanding policies, statistics and annexures.

1. DEPARTMENT OF AGRICULTURE

Representatives: Floris Huyshamer, acting HoD, and Rashidah Wentzel, HR Manager

1.1 Findings from initial hearing

The Department had a five-year EE Plan and was in the process of drafting another. With its stable employment environment, there was not much movement of senior management. It had childcare facilities at its head office and on seven research farms. It also offered flexitime for women returning from maternity leave. Its transformation management unit now fell under the Premier's office, but it had had a gender and youth budget for the three years prior to the hearing. Statistics showed predominantly white senior managers with predominantly coloured staff at a lower level. Its EE deliverables were incorporated into the Key Performance Indicators (KPIs) of managers.

1.2 Update

The Department reported a total female population of 43.2% with targets reached on all levels except for post levels 9 to 12 (middle management level), where the figure stood at 31%. Here the Department was experiencing little natural attrition, and these positions required technical skills (this is where their engineers, vets, soil scientists, etc. were located).

It had made considerable progress on Senior Management Service (SMS) level (where it had started out with only 10% representation), and now had 43% women. Disability, however, remained a challenge as declaration was not compulsory.

The Department had concluded a new organisational structure and was filling posts incrementally, following a brief pause in recruitments due to a cabinet instruction to freeze positions.

Transformation within the Department was being taken seriously and EE was devolved down to programme level (directorates or chief directorates), while being monitored at monthly senior management meetings and through the recruitment processes. Each programme not only had an EE Plan, but also engaged in succession planning to ensure availability of rare and critical skills.

The Department now had a Gender, HIV/Aids and Disability Plan in place, although this, too, fell under the Office of the Premier.

In terms of activities, it had conducted a Men's Week in December, and observed Women's Month both internally and externally. It also observed the Head of Department's (HoD) Eight Principle Action Plan every year.

Its current EE Plan was valid until 2017, and targets had been set using natural attrition and newly funded posts.

Human capital was instrumental in creating a diverse pool of future qualified employees for the sector, and so it encouraged staff to pursue study opportunities. It had an internship programme with 178 participants, of whom 103 were women. The intention here was to encourage young people to become involved in agriculture. All matriculated interns were put through a maths and science programme again. Of these interns, it placed more than 50% in the workplace or in further studies.

An expanded Masters programme was proving fruitful. By way of an example, the Department pointed out that the new Head of Agricultural Economics was an African woman who was a product of this initiative.

It also had a scholarship programme for rural high school students (7 awardees, 4 of them female) and an external bursary programme that had supported more than 30 girls out of a total of 67 bursary holders.

An external partnership for rural youth development focused on farmworkers' children, and the Department offered Further Education and Training (FET) and HET (Higher Education and Training) learnerships, short courses and degree, diploma and certificate courses. All of these required 50% participation by women.

Looking at retirement, the Department had established that over the next three years, around 150 people in post levels 9 to 16 were due to retire, including around 87 women. Plans were in place to deal with this.

It had had childcare facilities on its farm, but this was no longer proving to be cost effective as there was only one child in the creche at one point. It still had private facilities on the other farms, and at its headquarters at Elsenburg.

1.3 Questions and comments

The Commission commended the Department on its progress but wanted to know what percentage of women managers were reporting to the HoD.

The Commission noted it had a good internal programme but was concerned about their outreach programme, as this Department could play a very effective role in poverty alleviation by empowering women in the agricultural sector. The Commission asked for more detail on the Department's efforts to employ disabled people.

The Commission also wanted to know if transformation targets formed part of the Department's KPIs. It noted that 70% of food production was handled by women and wanted to know what the Department was doing in relation to facilitating access to land, control and ownership, citing the example of a campaign known as One Woman: One Hectare of Land.

The Commission said it was encouraged that transformation was a standing agenda item, but it queried the "funds permitting" rider added onto the racial and gender targets in the new EE Plan. It wanted more clarity on ring-fencing of posts and asked for a copy of the new EE Plan.

The Commission asked for sexual harassment statistics, which had not been included in the presentation, and also requested more information in terms of diversity workshops and supporting materials. It also wanted statistics on women participating in executive programmes.

The Commission also wanted more clarity on how many women were in acting positions.

1.4 Response

The Department responded that until recently, all SMS posts had reported directly to the HoD, but now there were two branches with acting Deputy Director-Generals (DDGs) who, in turn, reported to the HoD.

In terms of development, there were specific programmes that supported farmers and rural development, particularly the youth and stakeholder councils. The Western Cape was the only province in the country that had a farmworker sub-directorate. There was also a directorate under Farmer Support and Development that looked at food security and food gardens.

Where it had been able to attract people with disabilities it had put measures in place and had, for instance, renovated accommodation for an employee with specific needs. It had also helped with a motorised vehicle for someone with a walking disability. It had also asked people to declare their disabilities again via an Employee Assessment Form.

On the question of women and land, the Department pointed out that agriculture did not deal with land restitution directly, but would help people once they were in possession of land through skills development.

It also had a comprehensive Agricultural Support Service, which had a framework requiring at least 50% of women, and where food gardening was encouraged.

There were 3 acting SMS managers, 2 of whom were female.

The Department said it had taken cuts of between R9- and R15 million per year, which had meant it had had to streamline the top structure.

With regard to ring-fencing, the Department stressed that no posts were filled without the EE Manager seeing the appointments before a referral to the HoD. It was also alert to potential barriers (e.g. length-of-service requirements noted in job advertisements).

The Department undertook to submit the EE Plan to the Commission, and check that all documentation was in order.

1.5 Analysis

The Department of Agriculture has made some commendable progress with the previously issued recommendations. The Department has taken positive steps in ensuring that women are skilled within the agricultural sector by running an internship programme, where more than 50% of the participants were women. They also reported a success story of a female recipient of a Master's scholarship now heading the Agricultural Economy division.

Accountability for EE has been moved from the Premier's office to the chief directorate level, in line with the recommendations.

The Department also conducted an awareness programme in December 2013, focused on sensitising men on gender issues.

What is still outstanding from the Department is the ring-fencing of senior posts for EE designated groups.

2. SEKUNJALO INVESTMENTS LTD

Representative: **Cherie Hendricks, Corporate Affairs and Sustainability Director**

As a former employee of Sekunjalo, Commissioner Mgoqi recused himself from this portion of the hearing.

2.1 Findings from initial hearing

Sekunjalo presented as a majority black-owned and controlled investment holding company with international partners. The group had strategic investments in marine, technology, health and biotherapeutics, private equity and enterprise development, supporting broad-based black economic empowerment (BBBEE) and small, medium and micro enterprises.

As a holding company, it did not qualify under the EEA but some of its subsidiaries did. Challenges that it faced included a lack of career pathing, low turnover, and therefore a shortage of positions for entry-level candidates.

2.2 Update

Sekunjalo said the holding entity still did not qualify under the EEA but was in discussions with the DG about this. Some of the subsidiaries qualified, however; these were Premier Fishing, Health System Technologies, and Events, Social Marketing and Productions Africa (espAfrika).

It had been informed that its recruitment policy was inadequate with regard to recruiting women and disabled people. This policy had been updated and implemented across the group.

The building it currently occupied was not properly equipped for persons with disabilities, as it was a factory environment. It did not own the building, but it was a heritage site and the landlord refused to make changes, she said.

Its target for 2015 was to employ 4 disabled people within Premier Fishing. In terms of its recruitment policy, in 2013 it had 36 vacancies with 22 women appointed. In 2014, 16 posts had become available and 10 women were appointed.

Top management aimed for the national demographic. Women employees were as follows:

espAfrika – 78.57%; Health System Technologies – 38.89% and Premier Fishing – 23.52%. Overall staff ratios showed that 32% were female employees, bearing in mind that 50% of total staff were seagoing.

Its Social and Ethics Committee had reviewed all its policies, as did an independent internal auditor with regard to black economic empowerment (BEE). Its subsidiaries had elected EE Committees. The company had a Level 1 BEE Certificate, and had received several awards in 2014.

The company was aware of a need for women to have flexitime and working from home, but not all work environments could accommodate this due to operational requirements. It had done an analysis but did not have a formal policy in place; the staff was accommodated where they could be.

At the request of the Commission, Sekunjalo had provided a file on two sexual harassment cases. There was currently only one case under investigation.

In terms of bursaries and learnerships, 454 employees underwent training in 2013, and 324 in 2014.

Gender equality and awareness had been prioritised since the last hearing, and targets had been set against national demographics. Diversity training had been an inherent part of the company culture since its inception in 1997, and the company was more than 80% black-owned. The only area where gender was restricted was in the seagoing division, because some of the vessels would go out to sea for four or five months at a time and conditions were not conducive for women.

As far as childcare was concerned, it was unable to accommodate children due to the nature and location of the business on a quayside in a harbour, with vessels and container trucks operating here.

With regard to the Board and staff, there was an additional woman appointed to the board during 2013. It had reviewed its executive management, as well as middle and upper-skilled management. In the previous calendar year it had another female appointee to the board, bringing the number to 3 out of 9.

A formal succession plan had been approved and implemented by the Social and Ethics Committee, and subsidiaries had been instructed to implement the new policy.

2.3 Questions and comments

The Commission asked for more detail on learnerships. It also noted a contradiction in the presentation about childcare. Initially it was asserted there were no requests, but the presentation seemed to suggest the facilities were not suitable. Also, the executive management level had only 3 women. What plans were in place to change this?

The Commission asked for clarity about women going to sea, asking what was hazardous to women as opposed to men being out at sea for five months. It also wanted an update on the sexual harassment matter still under investigation (the file was two years old).

The Commission asked a question about succession planning, saying the previous round had indicated that it was partly covered in the Reward, Philosophy and Strategy Charter and that there was an independent charter being written. What was the progress there?

The fact that the workplace didn't cater for disabled people closed the door on a large number of potential employees. The Commission said the plans for reasonable accommodation were essential. This was a priority area and needed addressing, so it wanted to know how the company would prioritise this.

2.4 Response

In reply to the above, Sekunjalo said it had not had any childcare requests in the preceding two years.

With regard to the executive management, it was grooming some of the younger staff for training and further study, so that they would be eligible for positions that came up.

It said the seagoing vessels were mainly lobster, pelagic and squid vessels, with bunk accommodation below deck. Lobster fishing meant they were at sea for four to five months at a time, and pelagic for a month. It was heavy-duty work that would be difficult for women. However, women could be accommodated in the factories once the product was landed. Here it had 90% female employees.

It had a Reward Charter for succession planning. Previously it had only had a plan at Board level, but now the subsidiaries were also involved.

With regard to non-compliance in the workplace, it was attempting to get out of its lease – but it had bought into the company where it was based and had a 50-year lease. Its subsidiaries, however, would target disabled people.

The sexual harassment case was ongoing but once finalised, information would be sent to the Commission. It would also send through the Succession Plan and training details.

2.5 Analysis

The submissions by Sekunjalo lacked specific details; this may be attributed to the fact that it is a holding company of diverse subsidiaries. There was no clarity on their learnerships and bursaries, as well as their obstacle in employing disabled persons in other subsidiaries that are not factory-based.

What is commendable is that since the first hearing Sekunjalo changed their recruitment policy and as a result had more women than men being recruited to vacant posts.

In terms of gender representation in their staff, the numbers vary from one subsidiary to the next depending on the core operations. In their office and factory-based subsidiaries women are well represented. However, their submission that seagoing work is not suitable for women is not convincing. They are effectively barring women from participating in an industry that sustains most coastal towns in the province.

3. VIDA E CAFÈ HOLDINGS (PTY) LTD

Representatives: **Grant Dutton, CEO, and Nortion Mushweshwe, Director: Human Resources**

3.1 Findings from initial hearing

Vida e Cafè was presented as a family-owned company with a total of 420 employees, with 27 staff based at head office. A complaint had been lodged against Vida e Cafè at CGE's Durban Office, alleging that it failed to proactively employ female staff within its shop fronts. The Commission had found it hard to believe the company had never received applications from women, as seemingly only men were visible in most stores.

The CGE resolved to report the company to the Department of Labour to propose that it go under DG Review, as it appeared not to be complying with the EEA and other relevant labour legislation.

3.2 Update

Mr Mushweshwe said the company's aim was to provide the best espresso or espresso-based coffee, as well as offer "the best atmosphere and food on the planet". It did this by "delighting customers, developing professionals and delivering results".

The company believed that all people were entitled to EE opportunities and did not discriminate against qualified/non-qualified employees or applicants based on race, colour, religion, gender, pregnancy or disability.

It had a progressive HR policy that was constantly reviewed and updated. It had active policies in place to identify potential employees and assist them in acquiring the skills required for senior management and other administrative positions.

It actively promoted from within or employed externally based on ability. It carried out periodic reviews, and HoDs were mandated to find female employees.

Since 2012 it had grown the percentage of women in the company from 2% (only 9 individuals) to 25% (165 women compared to 502 total workforce). In senior management, it now had 41% women and 1 in 4 general managers in-store were now female.

It had formed an EE Committee that looked at matters of gender equality and was engaged with its franchisee network to raise awareness of the importance of gender equality within the group. It was planning to hold workshops with them in the near future.

It had a committee that met frequently around skills development and EE. This eight-member committee had four women on it, and was made up of all racial groups.

In its partnership with Shell, it had 47 women out of 75 staff (63% female). Its new concept store – COLD PRESS – employed over 50% women, with a female general manager in-store and a female brand manager at head office.

In the year ahead, it would be reviewing its EE Plan, adjusting its yearly targets to increase the proportion of female employees, getting its EE and Skills Development Committee to identify areas for development, and implementing new policies and procedures with recruitment, performance management and training and development identified as priority areas.

The company said it accepted equality as an ongoing and long-term process, and it was fully committed to promoting the Constitutional rights of individuals, eliminating unfair discrimination, ensuring implementation of EE, and promoting economic development and efficiency in its workforce.

3.3 Questions and comments

The Commission said it was very encouraged by the progress the company had made since 2012. It asked whether it now had a sexual harassment policy and, if so, asked for it to be given to the Commission.

The Commission further wanted the minutes and schedule of the EE Committee's meetings, and requested a copy of the EE Plan.

3.4 Response

The company thanked the Commission for its positive comments. It said it only had a draft sexual harassment policy, but would forward the EE Committee meeting minutes and EE Plan.

In response, the Commission remarked that it was unacceptable for the company not to have a sexual harassment policy in place, given its size and with an increase in female staff. It asked that this be finalised as a priority, and popularised among staff.

The Commission thanked the company for the presentation and the progress made, and encouraged it to continue making progress. It said the increase in women staff also involved an overall increase in staff, so it should continue to strive towards the 50/50 ratio.

3.5 Analysis

The strides made by Vida since the 2012 hearings are praiseworthy. However, they are marred by the fact that the company is taking a long time to finalise its sexual harassment policy. It is hoped that they will continue their impressive progress towards gender equity.

4. DEPARTMENT OF HUMAN SETTLEMENTS

Representative: **Thando Mguli, HoD**

4.1 Findings from initial hearing

Prior to 2010, this was the Department of Local Government and Housing, but the provincial government embarked on a modernisation exercise in 2009/2010.

As of March 2012, the recorded statistic at SMS level was 46% female. The Department had no disabled persons at SMS level, but it was noted that some employees were reluctant to declare or disclose a disability at this level.

Its recruitment and selection policy was guided by the Office of the Premier and the CSC, and was not effective in addressing gender equality or even disability in the Department.

It had adopted a system of flexitime, but there were no childcare facilities provided for within the Department or physically on site. All employees had access to the Employee Health and Wellness Programme.

They also used the transversal sexual harassment policy implemented in 2010, and had a designated sexual harassment officer.

4.2 Update

The Department confirmed it had been divided into two: Local Government and Human Settlements, and the presentation was made by the latter.

As part of streamlining, all support functions and resources, including HR, were now located within the CSC. These services were rendered to the Department via a signed Service Level Agreement.

The Department had a consulted and implemented EE Plan, as well as an EE Consultative Forum that included organised labour and designated groups. This forum monitored implementation of the EE Plan. It also had an established Institutional Management and Labour Committee, which included looking at gender issues.

The HoD was accountable, with an EE Manager who had delegated responsibility to manage the EE Consultative Forum, which in turn was chaired by a woman at post level 14. The EE Manager was required to sign off all appointments and promotions. Senior managers were held responsible for EE requirements when making appointments.

All HR-related matters were the responsibility of the executive authority (the Member of the Executive Council (MEC), who delegated it to the accounting officer and to the next levels. Activities around employment of personnel were delegated to predominantly level 14.

Within the Department, the current gender status had 51% female and 48% male out of 464 employees. However, in senior management it had only 38% female. A further breakdown showed a relatively even balance between men and women.

Achieving EE targets was a priority for the Department, thus these targets and "fit for purpose" were taken into account within the recruitment and selection processes when filling vacancies. The majority of posts in the fixed approved establishment were filled with permanently appointed employees, however, and all SMS posts were also currently filled. The CSC was looking into the organisational structure of the Department.

The total number of people with disabilities was only at 0.9% but this had come off a base of 0% in 2011. There were 4 disabled persons at salary levels 1 to 12, but none at SMS. The target was for 2% (or 9 people).

Among the challenges here were that people with disabilities did not apply for posts. It also had difficulty attracting suitably qualified and skilled persons with disabilities in certain

specialised occupations, or where the posts attached to occupations had specific physical demands associated with them. Persons with disabilities were also reluctant to disclose their status as a result of fears of stigmatisation and victimisation.

On the gender transformation front, it had appointed an EE Manager, an EE Consultative Forum and an internal and external bursary programme. It had a budget and also adequate financial resources for training and development. All parties were involved in gender transformation, although there was no specialised unit.

With regard to mentorship, it had several programmes, including the following: Introduction to Junior Management, Junior Management Development Programme, Middle Management Development Programme, Strategic Leadership, Management and Planning. It also had a Women in Management Programme to equip women in middle and senior management, as well as a Short Executive Programme.

It still did not have childcare facilities in place. The Provincial Policy on Working Hours provided for family responsibility and flexitime arrangements, offering the option of different starting times. The Employee Health and Wellness Programme was available to all employees to help them with family matters.

A transversal sexual harassment policy was implemented in May 2011 and the Department had trained Sexual Harassment Contact Officers. The CSC also regularly facilitated training sessions and all new employees would be exposed to the policy during their induction process. They had had no official reports of sexual harassment.

In terms of policies and plans, it had the following in place: transversal recruitment and selection and related HR policies, disciplinary and grievance procedure, human resource development plan and gender equality plan, as well as job access disability plan for the Department (2013-2016), staff performance management system (levels 1-12) and performance management and development system (SMS) and workplace skills plan, as reported in its Annual Report.

Gender mainstreaming had been integrated into all policies and plans within the Department (including procurement). It also observed the Public Service Women Management Week, during which meetings were held to discuss the HoD's Eight Principle Plan of Action for Gender Equality and Women's Empowerment. Minutes of these meetings were available.

Outstanding needs included the establishment of a special unit with permanent capacity within the Department, and the development of a programme to include succession planning and development for women middle managers in readiness for more senior positions.

It also wanted a transversal recruitment and retention policy (this request had been submitted to CSC) as it often had its most competent women staff poached. Due to the absence of such a unit, the Department relied on guidance from the Department of Public Service and Administration (DPSA), CGE, Department of Labour and CSC, as well as non-governmental organisations (NGOs) concerned with persons with disabilities.

The Department said that the MEC himself and senior management within the Department were fully committed to enhancing and addressing gender and disability needs in the workplace on an ongoing basis.

4.3 Questions and comments

The Commission asked for comment on why statistics for women in senior management were so low, as well as the relative lack of disabled employees. It said it needed to work with NGOs working in this field to find staff, and suggested it establish a timeframe for these targets.

The Commission also wanted to know how much of the programme engaged Women in Construction with regard to procurement. It took note that help had been requested with regard to the establishment of a gender unit within the Department.

The Commission also suggested active recruitment of persons with disabilities. It also questioned the Department's satisfaction with the fact that there had been no reported cases of sexual harassment. This was hard to believe given that gender-based violence was rife in South Africa. It suggested a staff satisfaction survey might help to establish what barriers prevented reporting of cases.

It wanted to know whether the CSC was attending to the outstanding recruitment and selection policy, and also whether the Department was moving away from the DPSA framework on the HIV/AIDS policy to implement its own framework.

The Commission noted the previous barriers to recruitment were cited as being language and that newspapers were not an effective avenue of advertisement. It asked what had happened to a proposed agency agreement with the Development Bank of South Africa with regard to recruiting women, specifically those with scarce skills.

4.4 Response

In reply, the Department said a number of women within the Department, particularly at SMS level, were predominantly those with scarce skills (such as town planners, engineers, etc.) Below this level, there were more women but the figures were not as impressive as it would like them to be. The issue was that the Department needed critical mass to take it forward.

It had managed to recruit predominantly disadvantaged professionals via the Development Bank of South Africa, and this relationship continued.

The Department acknowledged that it needed to do better on disability, and its numbers in this regard were disappointing and unacceptable. It expressed the hope that the new organisational structure would help it to achieve its targets.

In terms of Women in Construction there were procurement targets and the Department had identified and worked with all the known women who were in the industry in the Western Cape. It had also asked all built sector professionals to register themselves on the system, and had mentioned that the issue of gender was a priority. At a national level, the target was 50% women in construction, which was a tall order but the Department was working towards it.

The Department refuted the notion that the lack of sexual harassment cases was a problem, arguing that “when there are good men, give good men credit” for the way in which they behaved. Nevertheless, the sexual harassment policy was being popularised through emails and discussions.

On the question of relying on DPSA policies, the Department said it would look into the areas where it was allowed to develop its own policies.

4.5 Analysis

Since the 2012 hearings the Department of Human Settlement had achieved just over 50% representation of women on their staff, and achieved 38% in senior management. Their progress is laudable. With their management training that is solely focused on women in junior ranks, it appears that the Department is on the right track.

The Department could do more in employing persons with disabilities, conducting a needs analysis on the issue of work-based childcare and the staff knowledge and effectiveness of its sexual harassment policy.

5. DISTELL LTD

Representatives: **Vernon de Vries, Director: Corporate and Regulatory Affairs, Heidi Bartis, Group Manager: Transformation and Diversity, and Nichole Solomons, Transformation Manager**

5.1 Findings from initial hearing

At the time of the first hearing, this Stellenbosch-headquartered company had 4 500 employees in South Africa, and its transformation programme was driven by the Group Managing Director and CEO.

It had a five-year EE Plan which was due to expire in June 2012. In top management it had 32 women in total, 65 in senior and 385 in middle management.

In 2000, Distell experienced a sudden exodus of mature employees, resulting in a fairly young management team remaining. Distell attributed its high rate of attrition to not meeting its EE vision and goals at the top levels.

Management had deemed the company's original targets for employing members of the targeted groups as too high and unachievable, so there had been a lack of compliance.

There were also operational pressures to fill vacancies within a short space of time to broaden the range of candidates. The pool for key talent was small and expensive.

The company was historically white, and its Afrikaans culture had made it difficult for black employees to assimilate. Between 2004 and 2011, the company had identified and trained 758 key individuals in the organisation, including 239 women (of whom 132 were black).

5.2 Update

The company pointed out that this was the fourth interaction with the Commission, and it was happy to be invited back as the concerns originally raised by the Commission had given it momentum for change, along with learning from presentations by other organisations.

After the first interaction, it realised it needed to establish a dedicated Transformation and Diversity Department along with a Transformation Council, to oversee monitoring and governance. This department now had a female head, with a female Transformation Manager in place.

The company had also expanded its business internationally (in Nigeria, Scotland and Taiwan) and this had also raised the question about global diversity. Because of this, it had had to redesign the organisation from proudly South African to a proudly African company.

The company had decided that transformation was a business imperative and its corporate strategy now had six significant strategic themes, with transformation built into the theme "Shaping the Future".

It had realised that it could not expect to improve its targets without changing the corporate culture and making it more conducive. To this end, it had developed a two-pronged strategy that had been presented to senior managers, and was endorsed and led by line managers.

It now had a new EE Plan that would take it to 2017, and was able to show progress against this. It had also undergone restructuring and was in the process of reviewing the plan again so as to be able to adjust it by January 2015.

It had held around 100 transformation workshops which reached around 1700 employees. In these workshops it had looked at language, history, gender, age, race, sexuality and culture to encourage cross-cultural conversations. They also promoted social gatherings, focusing on product brand launches with a diverse group of people focusing on a mix of race, gender and culture.

It was working hard to create a diverse workforce – and showcased a few individuals working behind the scenes with some of its brands, such as Zonnebloem wines.

It also celebrated its successes through the company magazine and included a special insertion on its transformation report, so that the entire company knew where it stood with regard to appointments, promotions and its vision.

Its integrated annual transformation roadshow saw it visit branches across the country, where they had spoken to more than 800 employees and which had helped them better understand the transformation objectives.

To ensure that the EE Forum members were capacitated, it had trained the chairpersons in influential communication, the constitution of the forum, and they also attended history and diversity workshops.

Senior managers in Gauteng had also been taken on a diversity experience to Soweto, to expose them to economic and historic realities outside of their own environments.

In terms of numbers it reported the following: since 2012, it had doubled the number of women in top management from 3 to 6. Female senior managers had grown from 14 to 17, middle management from 121 to 148, and junior management from 464 to 533. It also supplied a breakdown reflecting race.

Internships were an important way of fast-tracking diversity: it had had 118 interns, of whom 49% were female, and 72% African. Its mentorship programmes had had 40% females in a group of 15 mentors and 15 protégés.

In its Leadership Development Programmes, it had had 44 candidates, of whom 41% were female. The Employee Bursary Scheme had catered for 59 employees, of whom 46% were granted to women, and in a Talent Review Forum, the company had identified 55 high-potential women. In addition, two black women would be joining Distell in 2015 to complete their articles towards becoming chartered accountants. Over the previous two years, promotions had equated to a 50/50 gender split.

With regard to reasonable accommodation, it had focused on flexitime, which was working well as it made it easier for women with families. It also had retention strategies in place for key women. It had targeted recruitment efforts towards people with disabilities, and had assessed the environment with regard to accessibility.

The HR Manager had issued a firm directive to senior and line management around the filling of positions with EE candidates. All line managers had EE targets linked to their KPIs, and the highest weighting was given to black females.

Among the challenges was a low turnover of 8% per annum, especially at senior levels, where 90% of positions were located in Stellenbosch. Operational pressures also required positions to be filled. It was talking to other JSE-listed companies for ideas.

The work profile in 2012 was a total of 4 297 employees. In October 2014, the company now had 4 457 employees. These additional 160 positions had been leveraged across race and gender.

The company had decided to set stretch targets in its new EE Plan to “push the envelope” and was identifying flagship projects, with women and persons with disabilities as two possibilities.

On the governance side, stricter control measures were being implemented by the Transformation Council which had the group MD and other directors on board. Here it looked at EE and triple BEE with a serious commitment to accountability.

It was also looking at standardising policies in terms of the value proposition for EE talent.

5.3 Comments and questions

The Commission asked whether a liquor-based company such as Distell produced a non-alcoholic wine, as this might provide good business opportunities.

The Commission commended the company on the presentation. It asked for a copy of the revised EE Plan. It also wanted some comment on the company’s sexual harassment policy.

The Commission noted that the number of employees had increased along with their statistical representation. Previously there had been an issue with race representation at top and senior management, it was dominated by white males. There were no Indian, Coloured or African employees at that level. It noted that in the previous hearing, the company had only anticipated one retirement in top management. Would it ring-fence these posts at the top level? It also wanted to know what the outcome of training had been.

5.4 Response

The company replied to the first question, saying that the cellarmaster at JC Le Roux now produced two versions of non-alcoholic sparkling wines, called La Florette (red) and La Domaine (white). Not only was this a woman-driven initiative, but also produced by women. Another product called Chandor, a red grape juice, was doing well in Nigeria. The company's product also involved educating women who were pregnant never to drink as Foetal Alcohol Syndrome was preventable, but irreversible.

The company said the new EE Plan was under review due to restructuring and the new numerical targets would be set by 15 January 2015, when the company's EEA2 was due to be delivered to the Department of Labour. This plan would go through to 2017.

It said there was a sexual harassment policy in place and it was aware of a number of cases that had resulted in dismissals (this information would be supplied to the Commission).

It said staff growth had to be separated out for Southern Africa, the rest of Africa and internationally. Growth in Southern Africa was not significant.

Among the female promotions that had taken place included the appointment of a new female Company Secretary, two female Marketing Directors and a new female Director of Corporate Development. It was pleasing that the gender requirements were met with the merit needs of the position.

It was, however, concerned about race representation and the EE directive was focused on this. Pressure was being put on decision-makers and those responsible for recruitment to re-examine their advertising practices, and to justify their decisions.

Finally, on the training level, it had employed 28 of its interns, of whom 11 were women. It would be able to give feedback on internal senior and middle management progress over time. At junior management level, there had been a significant increase in numbers of women.

Through the Gordon Institute of Business Science it also had a mentorship and protégé programme, to prepare women for senior management roles.

Some jobs would be ring-fenced, although this was not happening successfully. It sometimes went through significant and long searches without finding candidates. The new HR Director had, for instance, had to sign a commitment to identify a successor from designated groups.

5.5 Analysis

Since the 2012 hearings Distell has made some admirable strides in gender transforming their workforce. They have put in place programmes, from internships to earmarking women with potential for management, which have ensured incremental escalation towards gender parity.

The race issue, with the company being predominantly Afrikaner, was not addressed properly as a barrier in diversifying the senior management level. Improvement has been made in that a one African male, one Coloured male and one white female now form part of top management as of January 2015.

6. SHOPRITE HOLDINGS LTD

Representatives: **Janine Truter, Group Resource Manager, and Mariette Mentz, Group Training Manager**

6.1 Findings from original hearing

Shoprite underwent a DG Review process and the company's five-year EE Plan was approved by the Department of Labour through to 2015.

At 30 June 2011, the company had a total of 380 females in senior management, representing 31%, and 74 female employees in top management (only 16%). By comparison, in 2001 there had been 168 females in senior management (21%) and 20 females in top management (only 6%).

The company had held sensitisation workshops for managers and staff who worked directly with persons with disabilities, specifically those with hearing impairments. It also had a sexual harassment policy that formed part of its induction process, and complaints and grievance manual.

During the financial year of the first hearing, it had investigated 14 cases of sexual harassment, 12 of which resulted in dismissals. One case was thrown out and one was referred for counselling.

Shoprite directly employed more than 100 000 people. In its distribution centres employment agencies were utilised when specialised skills needed to be sourced.

Although Shoprite was a listed company on the JSE, there were no females represented on the Board. At the top management level it reported a very low rate of attrition and staff turnover. Succession planning was implemented, so that positions were in alignment with equity targets.

6.2 Update

Shoprite reported that it now had 127 000 employees working in 1 240 corporate stores and 270 franchise stores, and trades in 17 countries in Africa and the Indian Ocean islands. It had recently opened stores in the Democratic Republic of the Congo.

Around 15 000 of its employees lived outside South Africa, and 20 990 new positions had been created between June 2012 and June 2014.

It also had 20 business brands or identities, and was constantly looking for new opportunities. In terms of its retail status it had won several awards over the past few years, including the Retail Grand Prix Award for four years in a row.

Its stance on employment equity was that it was an equal opportunity employer and it had a five-year plan aligned to the EEA that had been approved by the Department of Labour.

Overall, it had 67% female employees and 33% male. However, at top management, it had only moved from 16% to 17% female representation (but this was significantly up from the 6% figure it stood at in 2011).

Senior management had moved from 31% to 34%, while middle management for women now stood at 45%. These figures represented numerical growth of 29.72% in top management, 25.26% in senior management and 27.43% in middle management respectively.

The overall increase in women in management was 21.71% between 2011 and 2014 (from 350 individuals to 426) but progress within the two top tiers was slower. Shoprite had a policy of promoting individuals from within its own ranks, and so results would only be seen over time.

Female representation at assistant manager level had increased by 14.9%. However, in branch management, the number of women had dropped by 24.32%. This was ascribed to the retail environment, which required irregular hours that impinged on family time. Female representation at regional management level had increased by 7.32%.

The company had spent more than a million hours on training in the previous year (much of which took place in-store). Of those who were trained, 49 000 beneficiaries were female and this was close to the 50/50 split.

Its objective was to be the most cost-efficient retail varsity in the world. It had several projects running at school level, FET colleges (where it had a project to create simulated stores), the unemployed (it had a target to train and employ 1 000 people in this category per year), and even among retirees. It also had a strategy to offer life-long learning for staff

and wanted to establish Shoprite as the employer of choice. It was developing a curriculum for each job in the business.

It had trained rural black women as bakers so that they could operate a self-employed model where they sold their products back to Shoprite, and had established a trust with a strong focus on women.

It had a total of 1 405 trainee managers, of whom 676 were female. There was a sought-after training programme for chartered accountants, which now had 55% female representation (an 8% increase).

There had also been increased interest on the part of women (23.58%) to take up free study loans within the company and the number of bursaries that had been awarded to women had increased by 35.85%.

The company also showcased a project called the Decade of the Deaf, which aimed to establish a series of deaf-friendly stores in South Africa. The plan was to place between 10 to 20 deaf employees in one branch. To this end, it was aiming to recruit 400 deaf learners within the next four years. This project included the sensitisation of all store, regional and support staff, the training of coaches, and formal sign-language training. The deaf learners worked in customer-facing jobs such as delis, kiosks and front end, and were given identifying waistcoats.

Shoprite acknowledged the following challenges:

- Working conditions within the retail environment were physically tough and often required extended working hours in remote locations.
- There was a low staff turnover, particularly in top and senior management. Also, its employees valued different aspects which meant that not all opportunities were accepted by the different genders, and belief systems had an impact on attitudes.
- Transformation had to be driven and supported by government and the private sector.

6.3 Comments and questions

The Commission complimented Shoprite on its progress, but expressed concern about the low level of female representation in top management. It suggested the company focuses on this area going forward.

It asked how Shoprite could make the tough retail environment more accessible to women.

It also asked about childcare facilities, and whether an audit had been done on this need, as well as safe transport. It was noted there were no women on the Board at the original hearing. Had this changed?

6.4 Response

In reply, Shoprite said the retail work environment was challenging, as people wanted to shop from 8am to 8pm and managers tended to take personal responsibility for their stores, making for long hours. Women did not always want to take this on due to their family commitments. The other aspect was the physicality of the job, e.g. packing and hands-on work. It said it was open to recommendations on this, but these elements were synonymous with the retail industry. The company said it did have a "shadowing" programme, which might help female candidates to experience this working environment.

It had not done an audit on childcare but its main challenge was that the stores weren't all equal. For instance, it was possible at head office but not in remote areas. It consequently supported private childcare facilities within the community. It had done a climate survey and childcare had not cropped up as a reason why people left. Issues such as hours and travel were more likely reasons for resignations.

It had appointed 1 new Board member since 2012, and there were now 4 female members on the Shoprite/Checkers (Pty) Ltd board.

Transport was not mandated from the top but the store managers were directed to address issues around transport and safety appropriately, the company added.

6.5 Analysis

With 127 000 employees across all their operations, Shoprite is an employer of note in the country. Gender parity in its management levels is, however, appalling; an increase of 1% in top management and 3% in senior management since the 2012 hearings shows a lack of commitment by the company that has a vast number of employees to draw from.

The company is well aware of barriers to progression faced by female staff but has not implemented any measures to curb the 24% decrease of female managers in their stores. The company mentioned a number of training programmes in their procurement base, social responsibility initiatives but more is needed inhouse to ensure change in the management levels.

Shoprite has acted positively in recruiting persons with disabilities and sensitising staff on disabilities.

Overall, gender transformation at Shoprite is a challenge that is not being addressed with the aggression and commitment it deserves.

7. DEPARTMENT OF LOCAL GOVERNMENT

Representative: **Dr Hildegarde Fast, HoD, and Nozuko Zamxaka, Employment Equity Manager**

7.1 Findings from initial hearing

Prior to the modernisation exercise that saw the split of Local Government and Housing in 2010, the Department had 698 staff. After the split, Local Government retained 395 staff, with a total of 21 SMS members for Human Settlements and 12 for Local Government. The department had a designated EE Manager and established EE Consulting Forum, where EE trends were monitored and reported on a monthly basis to inform recruitment and development decisions.

As per gender disaggregated statistics, the Department stood at 58% female and 41% male. At SMS level the statistics were 64% males and 35% females. Persons with disabilities as at April 2011 stood at 5.2%. The EE Manager was employed at Chief Director level, so as to give more weight to the decision-making processes.

The Department had no childcare facilities, but a flexitime system was in place. One of its challenges was retaining skilled women, particularly in the field of engineering, as it was unable to provide competitive remuneration packages compared to the private sector, which resulted in the poaching of its skilled female labour force.

7.2 Update

The Department highlighted that gender transformation required a concerted effort on the part of all stakeholders, and was consequently a consistent and challenging process. Its presentation focused on developments since 2012.

The total number of employees in the Department was 357 in 2013, and now stood at 369. SMS numbers had risen from 16 to 17. Out of the total employees, 218 were women (59%). In terms of meeting its legal requirements, the Department was registered as an employer with the Department of Labour and had developed an EE Plan that was implemented in 2011 and reviewed periodically for progress. It had also appointed an EE Manager at Chief Director level.

An active EE Consultative Forum had been established and the chair was at Director level. This forum met quarterly and training had been provided to the EE Manager and EECF members, via the province's CSC and the Department of Labour.

EE trends were being monitored and reported on a monthly basis and taken into account when filling all positions.

Looking at the breakdown at the different levels, the position was as follows: On the SMS level, females were at 35.29%. The percentage of persons with disabilities within the Department stood at 3.52%, which significantly exceeded the target. The racial split was on target, except for coloured people, who were slightly overrepresented.

At SMS level, in the period under review, it had only had one vacancy but it was for an engineer, and it had been unable to shortlist a woman.

With regard to training and development, it had 4 women attending an MMC training intervention (Member of the Mayoral Committee) that was at a very high level. All 6 women at SMS level also had had formal coaching, along with 1 woman at the MMS level.

Its bursary programme also had a points system that scored higher for designated groups. In 2014 it had 7 women and 3 men, and in 2015, 7 women and 7 men had been awarded bursaries.

With regard to sexual harassment, it had a transversal policy. It had a person who was appointed into this position at a Deputy Director level, but she had left recently. It had now decided to appoint two sexual harassment officers at Director level (one male and one female). The previous incumbent had held a number of awareness sessions with staff as part of the Employee Health and Awareness Programme.

Among the policies it had in place were the following: Code of Good Practice, Employee Assistance Programme, disciplinary code and procedures, succession/retirement planning.

Among the challenges facing the Department was that the field of infrastructure delivery was male-dominated, making it difficult to ring-fence these vacancies for women.

It said there needed to be an understanding that the transformation process was slow, and should be evaluated over the longer term rather than a year-on-year basis. Also, in this environment certain job categories are historically gender skewed, for instance in engineering, construction, project management, technicians, social work, nursing, etc.

7.3 Comments and questions

The Commission said it appreciated the Department's progress, and also that its representation of persons with disabilities was above the national requirement.

It asked whether gender was in the KPIs of the HoD. Also, had there had been any reported cases of sexual harassment? It also asked what the programme was for gender mainstreaming within municipalities that reported to the Department, as well as whether ward committees had a gender portfolio requirement.

The Commission asked whether the Department had any ideas about retention of staff (as it had highlighted the revolving door as an area of concern). It wanted to know what the statistical data was on sexual harassment, and what had been done to raise awareness. It also wanted to know what progress had been made regarding childcare facilities, as this had previously not been in the budget. It further asked for disaggregated statistics for technical internships.

7.4 Response

The Department said it welcomed questions about its work, rather than just the departmental operations. It assisted with a Public Works Community Works Programme, of which 72% of the beneficiaries were women.

Gender, specifically, was not addressed in the KPIs for the HoD, although transformation was.

There had been allegations of sexual harassment two years prior but no charges had been laid. The sexual harassment officer was consequently asked to engage staff to see if there was a full understanding of sexual harassment. As an outcome, it had had a series of workshops for nine months to address these issues.

Staff retention was difficult as the Department did not have the authority to give financial incentives and better benefits of service.

There was still no provision for childcare as the budget was extremely constrained, and 73% went towards salaries. However, there was a provincial pilot programme but the Department was probably too small and dispersed to benefit from this.

With respect to scarce skills, the technical internships had worked really well as many had been converted to staff members, but it did not have the statistics to hand. The programme had paused for two years but had just been revived.

Answering the question about gender mainstreaming, the Department said there were 30 municipalities in the Western Cape in total. These were made up of 24 local and five district municipalities, and the Metro. There was a unit that looked at external human rights and part of its function was looking at gender mainstreaming and focusing on disability. They had started small and targeted 4 municipalities, but the Department wished to build on this.

Ward committees were a work in progress, especially when it came to sectoral representation. It said about 75% of ward committees were functional, but some committees were not reporting back and this was an area of concern. The Department of Co-operative Governance was starting a process of looking at ward committees, and would be holding a conference within the next year.

The Commission concluded by formally requesting the gender disaggregated statistics for the technical internships.

7.5 Analysis

The Department has made considerable progress since 2012. Its success can be attributed to its programmes for bursaries, recruitment and training. The Department has an effective sexual harassment policy, having two opposite sex officer is good practice.

Retention of skilled female staff and their progression into senior management remains a challenge. However, the Department is aware of issues impacting on these, i.e. competitive remuneration amongst other factors.

What is also lacking is analysis of other measures that can create a conducive environment for women, such as childcare facilities.

8. CITY OF CAPE TOWN

Representative: **Nkosinathi Siyolo, Employment Equity Manager**

8.1 Findings from initial hearing

The city had had an established Gender Department since 2002, with 3 facilitators focused on training, and a Head of Disability with 3 staff members on board. The city as a whole had a total of 25 000 employees and 12 directorates. The five-year EE Plan, effective until January 2015, used the Western Cape benchmark of 46% for female employees.

Some directorates remained male-dominated, especially in the technical areas. At the time of the hearings, the city had 22 vacancies in senior management positions, all of which had been earmarked in line with the EE Plan.

Records for all sexual harassment claims were kept but concern was raised about how long it took for these to be investigated and resolved.

The demographics showed that the city was employing more coloured workers, followed by African people, and in higher numbers at the lower levels. The city had embarked on a self-disclosure campaign to identify persons with disabilities, and had identified 188 employees in total.

8.2 Update

The city said it was committed to promoting gender equality and transformation, and was grateful for the opportunity to present.

The city had a disability target of 2%. Based on its current staff complement of 26 400, that would equate to 528 employees. It fell short of that target as it stood only at 1.35%, which equated to 357 people.

In terms of women, their target was 46.1%, based on the Western Cape demographics, but it only had 33.2% women (or 8 764). Its male target was 53.9%, but they had 66.8% male employees (or 17 636). This was a huge imbalance, it conceded. The representation of women had increased from 27% in 2008 to 31.7% in 2012, to its current rate.

Among the plans it had in place included the targets in a new five-year EE Plan, which included disaggregated targets for women, men and persons with disabilities.

In many areas of the city it was still failing to reach these targets.

At level 1 (the City Manager and direct reports) there were 13 positions, with 5 held by women. At level 2, which was mainly Directors, there were 24 females and 44 males. At level 3 (senior managers and managers) they had 73 women and 149 men.

Female representation at level 1 had improved from 29% to 38%. At level 2 it had gone from 32% to 35%.

There were initiatives for improvement at level 3. This included training and development with the University of Stellenbosch, and training and multiskilling in the technical fields. They also had targeted fast-tracking programmes in areas of scarce skills for the designated groups (e.g. engineering, which was a challenge).

Between June 2012 and October 2014 there had been 4 896 new appointments (with disaggregated figures in place). In the occupational levels, there had been 701 African females, 1 052 coloured females, 14 Indian females and 147 white females appointed. This was in line with the Western Cape demographics (where the highest percentage was coloured females).

In terms of promotions (staff moving from one tier to a higher tier) it followed a similar plan in place). It also had a system of promotions that allowed staff to advance through the system using a task evaluation system. It had a Workplace Skills Plan in place to this end. Organised labour with the city had also expressed concern about external recruitments, hence the push to "grow our own timber".

With regard to sexual harassment cases, it had improved its SAP system to track cases. It was working on information and awareness sessions, which were well attended.

It had also appointed a new gender officer and had a sexual harassment hotline for council staff. These matters were also addressed in a blog and newsletter articles.

Other interventions included establishing a Men's Forum to look at gender issues, as it was recognised that this should not only be driven by women.

It also had a city-wide Gender Forum, internal staff-led projects and gender awareness-raising sessions. The new gender officer had developed a gender manual as well. Presentations were also made to senior staff on a quarterly basis. It also observed the 16 Days of Activism campaign.

It had been asked about crèches and aftercare facilities for staff, and was doing a feasibility study. The city had many different workplaces, and did not want to provide this only in the Civic Centre.

It was committed to transformation in the workplace, which was in line with its strategies for an inclusive and well-run city. It wanted to create an enabling environment for the provision of services that were gender sensitive, and to include the skills and knowledge of officials and politicians.

The compliance requirement for the EE Plan had also been moved from 80% to 90%.

8.3 Questions and comments

Referring to the previous presentation, the Commission said a critical area that was raised was that women were not specifically targeted in the city's recruitment and selection processes. Had this changed?

It also wanted to know whether the Gender Forum now had more senior representatives. While there had been an increase in the number of women, it was concerned that the increment was only 1.5%. A vigorous programme had to be in place to achieve gender targets.

The Commission commended the establishment of a Men's Forum similar to one that had been established in KZN. It asked for evidence to show that training programmes had yielded positive results. It also wanted to know how the fast-tracking programme in scarce skills and multiskilling had translated into growth in designated groups. Once again, there needed to be some data to support this.

The Commission noted that previously, departments had been asked to present plans on how they would achieve diversity over the next five years. It wanted to know how many plans had been submitted, who presented these, and what the specifics of these plans were.

It wanted to know what had been done about gender budgeting. It also asked for a copy of the new EE Plan with designated target groups. It noted that there had been talk of a childcare study in 2012, and there appeared to have been little movement on this.

The Commission raised the aspect of scarce skills. It wanted to know what had happened around the 22 vacancies that there had been in 2012. Out of the 18 positions that had been filled, how many women had been appointed?

8.4 Response

In its reply, the city said it had adopted a new selection and recruitment process, and had taken disaggregated gender, race and disability into account in its new EE Plan.

Almost all of the 12 directorates now had Gender Forums, along with an overarching city-wide forum (representation varied from levels 2 to 4, which included more senior members of staff). Minutes were available for these meetings.

Although it had only improved by 1.5%, it was optimistic that it would achieve the 46% women representation target, even though progress had been slow in the past year.

The fast-tracking initiatives as well as internal and external bursaries, some of which were aimed at women and persons with disabilities, would help to accelerate matters.

On the Men's Forum, it would try to liaise with KZN.

The city said there was data available to show more detail on training, which it could submit to the Commission.

The new 2015 to 2019 EE Plan was being presented to the mayoral committee on 18 November and then to consultative forums within the Bargaining Council and once this had been agreed it would be made available to the CGE.

With regard to gender and disability budgeting, the city did not differentiate between men and women with regard to training. All applications would be looked at by line managers who decided their operational needs. However, it did have a focus on women and people with disabilities, so they were given preference in applications.

The childcare study had been taken through the city's structures – firstly to the city-wide Gender Forum, where recommendations were made. The Portfolio Committee had also considered it. A Mayoral Committee member and 2 of the female politicians were now looking at implementation. It was, therefore, still a work in progress.

On scarce skills, the city pointed out that previously women had rarely been appointed in water services, but this had now changed. It could make more detailed departmental information available around this point.

It said there had been more than 22 vacancies filled between 2012 and 2014, but a flaw in the EE Plan was that each position had not been ring-fenced and departments were not required to do so. However, in the interim it had interacted with the Department of Labour and it had been asked to identify positions specifically. However, budgetary constraints and restructuring might impact on this.

8.5 Analysis

When considering all staff employed by the City, only a third are women, and the trend continues into management positions. In its presentation, the City makes no mention of how it is acting to change this. Even on the racial demographics of the province, their evidence shows that the dominant races are only in numbers on the lower level positions.

The pace at which the City is looking at offering childcare facilities is slow; more can be done.

9. DEPARTMENT OF HEALTH

Representatives: **Keith Craig Househam, HoD, and Bernadette Aries, Chief Director: HR. Also present was Dr Beth Engelbrecht, incoming HoD.**

9.1 Findings from initial hearing

The Western Cape Department of Health supported international regional protocols for gender equality and gender mainstreaming, with a focus on the Millennium Development Goals (MDGs) and the Negotiated Service Delivery Agreement (NSDA) focusing on three areas, namely improving women's access to affordable healthcare, reducing child maternal mortality rates and improving gender-sensitive initiatives relating to HIV/AIDS and TB.

The Department's five-year EE Plan was due to expire in 2012 and was being reviewed for a further five years.

The goals of EE and related initiatives were integrated into the overall mission of the Department, establishing a representative, competent workforce. One of the major challenges was recruiting persons with disabilities.

It had reviewed its recruitment policy and in certain areas identified a reverse need to employ and promote more men in the field of nursing. In technical areas, such as physiotherapy, occupational therapy and radiology, men still dominated but the Department was having some success in recruiting women in the allied health professions, which had a bearing on this.

The Department had a zero-tolerance policy for any form of sexual harassment and in many cases the result had been dismissal. If not, the offender had either been demoted or relocated.

9.2 Update

The Department reiterated that it supported international and regional protocols for gender equality and gender mainstreaming, and was committed to achieving the MDGs and NSDA, focusing on:

- Improving women's access to affordable healthcare (primary business)
- Reducing child and maternal mortality rates (major goal)
- Improving gender-sensitive initiatives relating to HIV/AIDS and TB.

This went beyond increasing women's involvement but focused on total healthcare for employees, the community and broader society.

The Department was dedicated to creating a culture where gender issues could be addressed and where all forms of abuse in the workplace were dealt with efficiently and effectively.

The Department said the Health Care 2030 Plan had been approved by provincial cabinet which set out the Department's strategy for the next 16 years. It had two main focus areas, particularly access to person-centred quality care. In the Western Cape there was access to health care across the province in 650 widely distributed facilities, and home-based care in communities.

It said it wished to move to another level, which was to firstly improve the patient experience, with the vast majority of patients being mostly women and children, and secondly, provide healthcare services on a sustainable basis.

This encompassed the principles of person-centred, quality care, an outcomes-based approach, a commitment to primary healthcare, the strengthening of the district health model, promoting equity and developing strategic partnerships.

It also subscribed to the HoD's eight-point action plan, which underpinned the departmental gender mainstreaming strategic framework.

The current EE Plan now stretched to 2017, with the goal of creating a work environment that was free of discrimination with regard to all policies, practices and procedures.

The plan's objectives were to integrate EE initiatives into the overall vision and mission of the Department (it was part of the HoD and his senior managers' KPIs), to establish a representative, diverse and competent workforce, to establish a non-discriminatory working

environment, to ensure equal employment opportunities and equitable representation, and to implement a diversity management programme.

In 2002, there were only two senior women. There were now 32 women between levels 13 and 16 (which equated to 50.79%).

The HoD position was in a process of measured transition and the HoD-designate would be the first woman to head a health department in the Western Cape. With her appointment, it would exceed the 50.79% in the senior manager cadre.

In terms of the breakdown for the Department, it pointed out that because of the nature of its work it had an overwhelming number of women employees (72% out of 30 000 staff). Nurses were the majority of staff (over 10 000), and most were women. The challenge was to get male nurses as there were areas where male nurses would be useful. In 2008, the Department created the post of Head Nurse, which was also occupied by a woman.

The Department had difficulty retaining black African managers in the Western Cape – and the numbers were relatively lower than they should be and did not address the provincial targets, let alone the country. The level for disabilities was 0.4%, which was well below the 2% target.

The Department had looked at internships for persons living with disabilities, which had been quite successful, but the numbers in terms of 30 000 overall staff were small. He said he had a clerk in his own office who was an amputee and whose performance indicated he would move up the ladder rapidly. Nevertheless, it remained a challenge. Also, a number of employees did not wish to declare their disabilities.

They had a fully functional Transformation Unit, gender focal persons serving all their institutions. Training and coaching flowed from priorities identified by the gender focal persons.

There were several mentorship and capacity programmes, such as the following: Introduction of Junior Management; Junior Management Development Programme; Middle Management Development Programme; Strategic Leadership, Management and Planning; Women in Management; Short Executive Programme and a Coaching Programme. Attendance of these programmes was linked to staff performance management systems.

He said it had a very influential force of senior women within the Department, and the culture of the management team that was evenly balanced produced a very different dynamic from an all-male management team.

There were childcare facilities at all major hospitals. There were issues around this. Questions that arose were whether childcare was a core function of the Department or whether it should be outsourced and who should be the primary provider. With the majority of employees being women and a large number of younger women with family responsibilities, it was an increasing challenge that it had to meet as a department. The workload for staff was very heavy, particularly for women, and the balance between the demands of home and work was something they had to consider.

It had had a series of awareness programmes, including a pilot programme on intimate partner violence. This had created challenges because once a participant had declared their situation, if there was not adequate protection, the situation could get worse. It was in the process of evaluating this.

The Department continued to have a zero-tolerance attitude towards sexual harassment. It had identified 9 cases, 6 of which had led to dismissals. There had also been one not-guilty verdict and two final warnings. One of these individuals had had the finding and dismissal reversed following arbitration.

However, the Department conceded that this was a relatively small number of cases, and sexual harassment was likely to be far more common in the workplace, so it continued to raise awareness among staff.

Overall, the following was highlighted:

- There had been political buy-in and support from the MEC for Health.
- There was top management support and buy-in from the HoD.
- HR indicators were monitored through a dedicated HR Committee chaired by the HoD.
- There was an increased number of female SMS members at 50% (2014), all of whom were appointed on merit.
- It had ongoing advocacy and awareness programmes for gender and disability within the Department.
- There was an Employment Strategy Policy linked to EE targets.

9.3 Questions and comments

The Commission said the issue of race within the Department had to be dealt with as a matter of urgency, especially as this had a bearing on providing services to communities where language in particular was an issue.

With regard to male nurses, it suggested an outreach programme in schools to encourage boys to enter the nursing profession. It also asked a question around the contraceptive implant (Implanon), which had been an issue in KwaZulu-Natal.

9.4 Response

The Department agreed that the main issue concerned was supplying services in isiXhosa. It also indicated that the Department also served areas with predominantly Somalian and French-speaking refugees from Francophone Africa, which also created a language challenge. It had developed a telephonic interpreter system that had worked well, especially in mental health institutions. This was costly but effective.

With regard to males in nursing, it said it actively tried to recruit men into nursing but there was a social stigma as it was seen as primarily a woman's profession. It was important to raise the profile of men in nursing.

As far as Implanon was concerned, the Western Cape was implementing its use and training nurses to do the subcutaneous implant. It was popular with women, had few side-effects, and did not require daily tablets, but there had also been some challenges.

The Department highlighted that it wasn't simply a case of training the nurse to do the procedures, but also to create an understanding of all the choices available to women. It said research had shown that the effectiveness of the implant might also be affected for women who were on HIV therapy (it does not last as long), so this was also being researched.

In conclusion, the Commission thanked the presenter for the service he had provided to the province for the past 40 years, and welcomed the new HoD.

9.5 Analysis

The Department employs mostly women but has taken the challenge to attract males into their field. It has achieved 50% representation of women in its senior management. It is, however, lagging behind in its employment of persons with disabilities. Of note is that it has a programme in place to train persons with disabilities, continuation of this internship might see the Department move closer to the national target.

The Department, as an employer of mostly female staff, must be commended for offering awareness and training on the scourge of domestic violence that plagues our country. Furthermore, it has set good practice standards by providing childcare facilities in all its hospitals.

The Department of Health is responsive to issues that affect women; hopefully the positive trend will continue under its new leadership.

CONCLUDING REMARKS

The Commission said there was incontrovertible evidence of quantitative and qualitative progress on the part of the participants who had appeared before them.

The CGE was dealing with a very limited number of role-players in both the public and private sector. For that reason it would be impossible to deal with all the role-players at the same time.

Consequently where participants were making good progress, the Commission believed it was incumbent upon them to share best practice with others, so that they are not “an island of success” on their own in what was termed “an ocean of underperformance in gender equality”.

The Commission was grateful to those who were raising the bar. Promoting and protecting gender equality and equity, as one of participants mentioned, was a business imperative, as were issues of diversity.

It noted, on the down side, that disability was still a Cinderella issue across the board. Clearly parties needed to pay heed to this and make sure this situation was reversed.

It noted that there was a solid foundation in terms of policies as a substratum for protecting and promoting gender equality, but implementation was the issue. Here, creativity and innovation was needed for forward movement to continue. Going forward, the focus needed to be on the outcomes and impact of policies that had been adopted.

It was encouraging that Men's Forums were coming onto the radar screen because it was imperative that the process of driving the gender agenda was an inclusive one. It would be a grave mistake to exclude men.

The Commission said while it might appear at times that the Commission was being adversarial, this was not the case. As a Chapter 9 institution its role was to monitor compliance, but it was everyone's responsibility to drive this agenda forward.

“Do everything you can, whatever it takes, whenever you can, wherever you are,” the Commission concluded, citing Kofi Annan, who said that there was “no tool for development more effective than the empowerment of women”.



Commission for Gender Equality

A society free from gender oppression and inequality

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