

# Supplementary Employment Equity Hearings on Gender Transformation in the Workplace

Kwazulu-Natal • Commercial City Convention Centre  
28 August 2014



**Commission for Gender Equality**

A society free from gender oppression and inequality



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## ABBREVIATIONS AND ACRONYMS

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

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

## INTRODUCTION

This hearing was supplementary to the initial Employment Equity Hearings on Gender Transformation in the Workplace for KwaZulu-Natal, which took place in Durban on 17-18 November 2011.

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 had 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. The entities called to account in KwaZulu-Natal were the following:

- University of KwaZulu-Natal
- KwaZulu-Natal South African Police Service
- Ethekewini Municipality
- KwaZulu-Natal Legislature
- KwaZulu-Natal Department of Education
- Unilever
- Transnet Port Terminals
- Engen Refinery

Commissioner Janine Hicks presided over the proceedings. Commissioner Pinkie Sobahle and another designated Commissioner were unfortunately unable to attend the

proceedings. Also present were Legal Officers Taryn Powys (KwaZulu-Natal), Veronika Pillay (Northern Cape) and Dennis Matotoka (Limpopo). The Provincial Co-ordinator, Makhosazana Nxumalo, was the director of the proceedings.

## OVERVIEW

The Commission welcomed back the participating entities. One of the Commission's focus areas was gender transformation in the workplace. The Commission had started by reflecting how much progress had been made in achieving this, but moving beyond the mere attainment of targets to see how employers were creating an enabling environment in which transformation could take place, in particular for the advancement of women and persons with disabilities.

The Commission had been made aware of very real challenges that employers were experiencing in trying to meet targets and address obstacles to recruitment and promotion, particularly of women.

In the case of KwaZulu-Natal, the Commission had followed its legal investigations, but was more interested in continuing this conversation with the entities before it; many had generated best practices, which it would amplify and hold up as examples to others. The purpose of this hearing was to bring everyone back together, following the initial hearing in 2011. The Commission had followed up with them and obtained progress reports, and wished to identify obstacles and best practices.

The Commission then led the audience through a detailed explanation of its work, including its purpose, mandate, powers and the kinds of matters with which it concerns itself.

Three key levers to bring about transformation included promotion, capacity building and recruitment. The EEA required employers to identify and enable people with potential. Yet black women and women with disabilities were still not climbing the ranks, and employers that complained of a lack of women candidates were not providing opportunities to their own employees. The Commission wished to know from the entities present, what the blockages to transformation were.

Nationally, the private sector had in the main showed very low representation of women in senior and top management, there was a tendency to focus on increasing black representation, but gender and disability less so. There had not been a business-like approach to transformation, and it was a junior HR function, not something owned by leadership.

Companies were still not reporting sexual harassment – but to the Commission that suggested there were not effective measures in place, or women lacked confidence in

them, and cases went unreported. Regarding scarce skills, the Commission was not seeing women being included, nor were innovative measures being applied to ensure this.

The Commission was seeing greater improvement in the public sector, but government was not achieving its own 50/50 gender balance and 2% disability targets. Transformation and gender issues were being relegated to HR, budgets were not allocated, people with these functions were not given authority to do their jobs, and the argument that women with scarce skills were hard to find was also made by government employers.

In KwaZulu-Natal, the Commission had noticed proactive efforts to address the scarce-skills issue, through encouraging girls to study in particular directions and employing them – a long-term view to solving the problem. Also, it had seen professional coaching for women in management, apprenticeship and learnership programmes, investing in leadership training, mentorships and career pathing, as well as Women's Forums.

Some entities had taken the EEA requirements very seriously, putting plans and targets in place, ring-fencing posts for black women, and finding candidates. The Commission wished to know how these actions had been received, as well as initiatives to transform senior management. It noted there was monitoring and tracking in place, to measure and manage progress. It was also impressed by gender awareness measures, to bring colleagues along on the transformation journey and avoid a backlash from male employees, but management needed more training on diversity.

The Commission was particularly impressed with the University of KwaZulu-Natal, which had made transformation one of the Key Performance Areas (KPA) in executive members' job descriptions; it absorbed graduates into its structures, and it met EE targets. It was the one institution that had childcare facilities in place, and offered study support to women.

The Commission had put forward a range of measures it recommended at a policy level, ranging from supporting enforcement measures such as financial penalties, the Director General Review process was working, and getting employers to meet targets. The Commission was saying to municipalities and government departments to not award tenders to entities that failed to meet EE and workplace transformation requirements.

It called on all employers to make gender equality, sensitivity and transformation part of senior managers' performance requirements; make and meet targets; address recruitment policy; and ensure mechanisms are in place to deal with discrimination and sexual harassment. It wanted wage discrimination abolished, and called for flexitime and childcare. It supported the establishment of workplace forums, and encouraged far greater use of the Commission for Conciliation Mediation and Arbitration (CCMA) and the labour courts to advance EE compliance.

The Commission said the entities present were probably asking why they were there, having already interacted with it in 2011 (and in 2013). The Commission was seeking to work with

them, to strengthen compliance and their capacity. One of the entities present had been asked by others in the private sector to present to them on what it was doing. The Commission believed that the entities should engage with other companies around what they are doing to achieve gender transformation, and also perform advocacy work both within their organisations and cross-sectorally.

The Commission also wanted to ensure that the various entities were complying with the latest legislation, but also to understand the attendant legal implications; it wanted them to share best practices.

The Commission's specific findings for KwaZulu-Natal following the previous hearing were:

- The Commission was hugely impressed by the entities' commitment to gender transformation, and the actions they were taking.
- Some had made significant strides, but others were not performing well in getting women into senior management, with many falling far short of the 50/50 target; Unilever was an exception at 51% women representation.
- The same held for Persons With Disabilities (PWDs), who were underrepresented. The KZN Legislature exceeded the 2% target with 3% representation, but all others were performing poorly, such as the South African Police Service (SAPS), at 0.8%, and 1% on average.
- There were a number of issues, such as the retention of women in an environment of high turnover of female employees.
- Sexual harassment was still a scourge in the workplace; more than policy, it had to be ensured that women lodged complaints, and not be subjected to reprisal. The sexual harassment policy needed to be truly acknowledged in the workplace, not simply complied with.
- The entities were not taking enough action around stereotypes of certain jobs being for men only, which were being perpetuated.
- Direct and indirect racism was still prevalent in the workplace.
- The Commission wanted to see more diversity in the workplace.
- Government was failing to do enough to monitor compliance and offer support to achieve it.
- Senior managers are not attending gender transformation training events; such events should be compulsory in management training.
- The Commission wanted to see more action on policies, which needed to be regularly reviewed and audited. Statistics are needed to better manage diversity.
- The benefits of gender equality included that it attracted top talent, could reduce expenditure in terms of staff turnover, companies performed better, and improved productivity and competitiveness.

## 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 within seven days of the supplementary hearing.

### 1. DEPARTMENT OF EDUCATION

Representative: Patsy Peterson, Deputy Manager: Public Participation and Community Liaison.

#### **1.1 Findings from initial hearing**

At the 2011 hearing the Commission was critical of the Department, as there were discrepancies between its answers to the Commission's questionnaire and its presentation at the hearing.

It said it had a 2009-2014 EE Plan in place. Sex and disability disaggregated data for top and senior management was as follows:

- Top management: one African female, and three African males
- Senior management: 21 African and two Indian females, 36 African males, one coloured male, six Indian males and four white males
- There were no disabled personnel in top and senior management.

The Department testified that five separate, racially divided departments had had to be merged in 1996. Each had its own baggage, but the common factor was that management was predominantly male.

The KZN Department of Education was the biggest Department of Education in South Africa, and was unique in that there was community participation in the selection of employees (through School Governing Bodies (SGBs)).

In addition to its EE Plan, the Department had developed an EE Implementation Plan (copy provided). There was also a programme known as the Women in Management Programme. The Directorate: Human Resources was responsible for gender transformation. Transformation did not form part of senior managers's performance reviews, and no resources had been allocated to gender transformation.

The Directorate: Human Resources compiled a Quarterly Employment Equity Report, which showed the movement of employees in the Department, including the movement of women and women with disabilities to senior or top management positions. The recruitment

policy, in conjunction with the EE Plan, provided for the recruitment of women and women with disabilities to senior positions.

There were no mentorship or capacity-building programmes aimed at accelerating women and PWDs into senior and top management positions. The Department also did not provide childcare facilities, flexitime or working from home options.

Gender equality and discrimination awareness was done via policy trainings and advocacy to management and employees from other offices in the department. Not all employees could be reached for such training. Training on gender-based violence and sexual abuse, as well as awareness programmes about teenage pregnancy, was presented to learners. School nutrition programmes were run by women co-operatives and women-owned companies were used to build new classrooms.

The Department did not have gender discrimination and sexual harassment policies, but some provision was made in other policies such as the affirmative action policy and relevant legislation.

Challenges to gender transformation included that employees from designated groups were not adequately trained to compete for higher posts. There was no succession planning, or mentoring and coaching strategy. There was an insufficient pool of qualified applicants from tertiary and other training institutions from designated groups.

Cultural and socio-economic attitudes in some communities favoured the employment of males in positions of authority. In addition, certain positions were perceived to be reserved for certain genders. Recruitment and training policies were not implemented consistently with regard to the targets set out in the EE Plan.

The lack of proper infrastructure militated against the employment of persons with disabilities. The non-availability of essential services, especially at institutions in rural areas, impacted on the availability of eligible applicants. The employment of persons with disabilities had financial implications, e.g. the provision of Braille equipment for blind persons. There was no budget for this.

The Commission noted there was a lack of knowledge and understanding of the provisions of the EEA. The Department had presented barriers and challenges to gender transformation.

The Department said it needed funds to provide training and advocacy for all employees and to provide support staff and assistive devices to employees with disabilities.

**Additional information:**

The Commission requested the following additional information:

- Gender statistics for senior management and top management levels at the Department.
- In terms of Head of Department (HoD) Principle 7, departments have to have in place adequate plans for gender transformation; a copy should be provided to the CGE.
- The Department does not have in place measures for disability, which is in conflict with the HoD Principles. What proactive measures and strategies does the Department intend to pursue to recruit people with disabilities?
- The Department's Employment Equity report has a good analysis of barriers to Employment Equity. However, there seems to be inadequate training as well as inadequate provision for family responsibility. Have you put in place plans to progressively address these issues?
- Submit all policies that your Department failed to provide in terms of question 13 of the initial questionnaire furnished by the CGE.
- The Department identified family responsibility as a barrier to employment equity. Why has this been categorised as a barrier that impinges on the implementation of employment equity?
- Does the Department assess its service providers to ensure that they comply with the prescripts of employment equity?
- What mechanisms does the Department have in place to ensure that females progress within the Department to top and senior management levels?
- Provide the CGE with further details on the barriers and challenges faced by the department pertaining to Employment Equity.
- The Commissioners noted that your verbal submissions and your written submissions seemed to be disproportionate and not aligned to each other. It was therefore suggested that the Department update your responses accordingly. Provide the CGE with updated responses to questions in the questionnaire.
- The Department submitted that it has a mentorship programme in place. Provide the CGE with proof thereof.

The KwaZulu-Natal Department of Education did not provide the abovementioned information to the Commission by 9 December 2011, as required.

## **1.2 Update**

The Department of Education began by saying that the Public Participation & Community Liaison sub-directorate in the office of its HoD had oversight over issues of EE and gender transformation. The department tendered an apology on behalf of the HOD who had been intended to make the presentation. Despite the absence of the HOD, the Deputy Manager: Public Participation and Community Liaison was permitted to make the presentation on behalf of the department.

It said what it was presenting was not what it had hoped to achieve by that point; it was one of the largest provincial government departments, with around 109 000 employees,

and therefore had a larger share of challenges. Advertisements for senior managers had been withdrawn, and it was seeing a reversal of its EE position, with 12 managers having resigned, and female representation standing at 46%. It was hoped the posts would again be advertised and women would fill them.

A problem was a lack of budget for social cohesion and gender equity programmes; for the first time, a budget for gender sensitivity had been planned by the HoD, but the allocation was not forthcoming.

The Department had instituted a mentorship programme for senior managers. Sixty-seven percent of recruits into internship programmes were women, and a training programme has been developed for them; in the previous year, the Department had absorbed about 40% of interns. All districts, for the first time, had Youth and Gender Co-ordinators, and it was hoped to see programmes come out of this development. A decision had been taken to take the gender budget from the Department's skills development funding. Also, the Department undertook job shadowing for girl learners at private companies, and was encouraging them to obtain bursaries in mining, engineering and technology.

The Department was proud to have established Men's Forums, understanding that without the co-operation of the people filling the spaces needed for transformation, it would not succeed. It also has a female principals' programme under HR, where 50% of principal posts and training were budgeted for. The Department had promising programmes, and for the first time also an EE Committee.

In 2015/16 the Department hoped to meet the Millennium Development Goals it had set for itself.

### **1.3 Questions and comments**

The Commission asked for percentages of representation of women and persons with disabilities at senior management level.

The Commission said it had received a formal complaint that teachers were not being appointed because they were disabled; schools did not have disabled-friendly facilities, and teachers were being denied jobs. The Department was in an invidious position, as it was exposing itself to litigation in the Equality Court for discrimination.

The Commission asked about sexual harassment: what measures were in place; how many cases had been reported? It was aware of sexual harassment of learners, and of learners by other learners, and wanted to know the Department's response.

#### **Response:**

The Department repeated that there had been a reversal in the numbers of women at

senior management level. In 2013 it had been close to 50%, but it was now 46%. The tally for persons with disabilities in senior management was 0.1%, but there was a programme targeting persons with disabilities. Four or five interns had been identified out of this programme.

It noted that teachers were reluctant to disclose disability, for fear of losing their jobs. It acknowledged a lack of infrastructure to accommodate persons with disabilities, particularly at older schools, but this was integrated into planning of new schools. It hoped to address the situation, but it only had "sort of a plan".

It admitted that sexual harassment was rife, despite advocacy and training, but the majority of sexual harassment happened in homes. Lines of reporting were difficult, but sexual harassment by teachers was not condoned. The Department had a list of persons fired from schools and the Gender Desk intended to publish this list but this had not happened. Teachers were also deregistered, but there was no formal system to end harassment; sometimes perpetrators found jobs in other districts, which showed flaws in the Department's system.

The Department of Education stated that the majority of sexual harassment occurs in the home. The Department has a list of persons fired from schools and the Gender Desk intends to publish this list, which so far has not been done. The Commission is not satisfied with the lack of action to bring perpetrators to account for their actions. The Department stated that it wants the perpetrators to be dismissed. The Commission is concerned that despite this, perpetrators are still being employed and there seem to be major flaws in their system. The Department stated that it would also prefer that the unions be part of the process of empowerment and that they too must truly understand what is required as they represent clients at the disciplinary hearings. The Department needs to empower all its staff from within, including trade union representatives.

## **2. TRANSNET PORT TERMINALS**

Representative: Linda Chonco, Head: Human Resources

### **2.1 Findings from initial hearing**

At the 2011 hearing, Transnet Port Terminals failed to provide answers to the questions posed in the initial Commission questionnaire, either before the hearings or in its presentation at the actual hearing. Despite being requested to do so; the Commission was unsuccessful in securing its formal responses to the questions posed in the questionnaire before 9 December 2011.

The information Transnet provided at the hearing centred on EE, strategies and interventions to increase representation of persons with disabilities at all levels, and strategies and interventions to increase the representation of females at all levels.

Its EE figures (as at 31 October 2011) among permanent employees included top management (90% black, 40% female, no persons with disabilities) and senior management (69% black, 22% female, one person with a disability).

Transnet aimed to employ 70% black employees and 25% female employees at all levels, but it noted that the employment of females in the senior management, skilled technical, semi-skilled and unskilled categories remained a challenge. A three-year EE Plan was in place to achieve Transnet's targets by 2013.

Transnet's target was to have 1.5% of its workforce comprising PWDs, but the actual percentage was 0.7%. Completed initiatives to address this included accessibility audits at all terminals to establish the type of disabilities that could be reasonably accommodated, communication on the reasons for disclosing disability, and awareness through plasma screens and road shows at all terminals.

Current and forthcoming initiatives included four disabled learnerships in its call centre, recruitment of at least one person with a disability at each terminal (resulting in 12 additional appointments), and considering where persons with disabilities could be reasonably accommodated in recruitment processes.

Regarding increasing female representation, normal recruitment was driven by EE Plans and was strictly monitored for adherence, and 11 women in Operations were on a two-year programme with the aim of equipping female operations managers with succession planning, in order to move them into Senior Operations Manager roles within five years. Also, female numbers had increased at entry levels and the plan was to increase them further. Women were also targeted as apprentices, engineers in training, full-time students, learners, graduates in training, interns and trainees. Of the total of 219 people involved in such initiatives, 100 were female, of which 96 were black females.

The Commission requested additional information from Transnet, which was provided as follows:

- The Commission's initial questionnaire was still not completed and provided, despite a further request to do so.
- Transnet repeated its intention to employ 75% black and 25% female staff at all levels, with 1.5% of employees comprising persons with disabilities.
- Targets included for top management (82% black, 30% female), senior management (75% black, 25% female), professional (75% black 30% female), skilled technical (70% black, 25% female), semi-skilled (80% black, 25% female) and unskilled (90% black, 15% female).
- Transformation was managed at Group and divisional levels by National Employment Equity Committees, and Local EE Committees at terminal level.

- On monitoring the movement of female employees, the EE Manager on a quarterly basis evaluated each terminal on how it had performed against targets, and how to remedy areas of concern
- The gender breakdown at port terminals showed 90% black and 40% female representation in top management (the targets were 82% and 30% respectively), 70% black and 23% female representation in senior management (targets were 75% and 25%), 75.2% black and 36% female representation at professional level (targets were 75% and 30%), 74% black and 23% female representation at skilled technical level (targets were 70% and 25%), 84% black and 18% female representation at the semi-skilled level (targets were 80% and 25%), and 81% black and 20% female representation at the unskilled level (targets were 75% and 25%)
- Transnet addressed the lack of targeting women in recruiting by strictly adhering to, and monitoring monthly, its EE Plans.
- Any female employee who had worked for Transnet or its predecessor for a continuous year was entitled to 80 working days' leave on full pay. Males whose spouse or life partner had given birth, were allowed three working days' paternity leave per year.
- Transnet had carried out a workplace analysis to identify the types of disabilities that could be reasonably accommodated, and recruited according to which disabilities could be accommodated in particular areas of the business. Posters and plasma screens continuously provided information for employees with disabilities, to create awareness and to encourage employees to disclose their disabilities.
- Transnet had no childcare facilities in place, but this was an avenue to further explore, as it was in the process of increasing female numbers.
- Regarding how Transnet would employ more women in skilled, semi-skilled and unskilled categories and the shop floor, and how it intended to address this issue, it said that historically, unskilled positions were occupied by African males. Those females who did apply and were employed, were fast-tracked and promoted in a short space of time due to their qualifications. Not many vacant positions were available – only natural attrition would address this issue in time, and more females would be introduced at this level.

## 2.2 Update

Transnet welcomed the opportunity to report on its progress regarding transformation. Regarding the four pillars of empowerment, it reported as follows:

- The percentage of black employees was 82% in July 2013, and the 2014/15 target was 80%.
- Employees with disabilities stood at 1.4% in July 2014, and the 2014/15 target was 2%.
- Women representation in Executive Committees (Exco) was 0% in July 2012 and 36% in July 2014, and the 2014/15 target was 50%.
- Women representation below Exco was 24% in July 2014, and the 2014/15 target was 35%.

The problem areas, therefore, were in the representation of women and persons with disabilities.

Every year it brought in graduates for training; it required 50% of them to be persons with disabilities, and 50% must be women. A total of 67% of its graduates were women. Its technical area had increased representation of women from 30% to 47%. The TechnoGirl programme was also used to expose female learners to the technical environment; a total of 52 girls were being reached in the three provinces where it operated. Learnerships were a key strategy: 68% of current learnership recipients were women and 29% persons with disabilities.

The Women in Operations Programme had seen all seven candidates complete their training and offered Operations Manager positions. A similar, three-year Women in Engineering Programme would feed the technical area of the business.

Executive Leadership Programmes were working well. Currently, 50% of a programme run through the Gordon Institute of Business Science (GIBS) was women. Forty-four percent of bursaries (with a budget of R7-million) had gone to women. Eighty-two percent of attendees on international study tours were women.

Transnet's biggest challenge around representation by black people and women lay with at junior management level; there was lower representation but it had crafted clear programmes to turn this around.

Other measures to address transformation included ongoing disability awareness campaigns, recognition of prior learning assessments, and partnerships with organisations such as QASA Disabled People SA and the Department of Labour to find learners with disabilities. Accessibility audits had been done in all three of its regions, and Transnet aimed to budget in the next cycle for improving accessibility.

All skills development initiatives were integrated with EE strategies, and there was a flexitime policy.

For the development of women, the company had:

- Committed R5 million to the junior management level (National Qualifications Authority levels 4, 5 and 7) – 150 women were currently enrolled in 12-month programmes.
- A slow progression on Broad Based Black Economic Empowerment (BBBEE), from a score of 10.59 in 2011/12 to a projected 12.00 in 2013/14, due to its initiatives.

Business targets included representation of persons with disabilities at 3%, of women at 40%, and a minimum of 80% black people in 2015/16.

Transnet had fully fledged EE Committees in all three regions, as well as regional targets that were monitored centrally.

It concluded that its main agenda entailed persons with disabilities and women, and a lot of initiatives were beginning to bear fruit; it anticipated a much better picture two to three years' hence. Over 1 000 women had been employed since March 2012. All senior managers and executives had EE targets on their scorecards, to enforce accountability. On the day of the hearing, five women General Managers were attending women empowerment workshops. It reiterated that regional targets were monitored.

### **2.3 Questions and comments**

The Commission commended Transnet for its comprehensive and complementary strategies, which were bearing fruit. But it wanted to know why the company had a 40% target for women representation for 2014/15, and not 50%, and why it was not able to reach a 50% target.

CGE Limpopo's Legal Officer, Dennis Matotoka, asked about a 2009 sexual harassment case, in which the repeated harassment of a female employee went unreported until she was undressed in front of others. It asked what measures Transnet had taken to ensure women could report cases with fear of reprisal.

#### **Response:**

The company said it had committed to achieving 50% women representation in 2017. Its top executive was at 50% already, but below that the operational nature of the business meant aiming for 50% by 2017.

It said regarding the sexual harassment case which had been referred to, the company had a sexual harassment policy that had been acknowledged nationally by trade unions, which could be advocates of such policies. At least once a year, sensitive policies such as this were highlighted to employees. It had not yet done training, as opposed to awareness campaigns. The number of incidents of sexual harassment had declined, and two incidents had been reported in the past year: in the first the perpetrator was dismissed, and the second disciplinary process was still under way.

It is evident that progressive and productive targets have been put in place. However, the Commission had some concerns around the company setting such a distant target for 2017. When asked about this, the company committed to reach the target by 2015. The Commission stated that the company has to do more focused training on sexual harassment and must undertake more awareness campaigns.

### **3. UNILEVER**

Representative: Antoinette Irvine, Vice-President: Human Resources for South Africa and Africa

#### **3.1 Findings from initial hearing**

Regarding whether or not Unilever had an EE Plan, it said it had a global Diversity Scorecard, which covered each country in which it operated. It included gender targets for 2012 and 2015, the number of females being mentored, the number of female candidates shortlisted for senior management positions, the percentage of the management population that made use of the flexible working policy, the number of females involved in networks, the number of females considered having high potential for promotion, and the percentage of females at each management level. In South Africa, the target is race, as well as gender diversity, said Unilever.

Disaggregated gender statistics for top and senior management included senior management (38% female, 62% male), and top management (27% female, 73% male). Unilever aimed to achieve 55% female managers by 2015. Data on persons with disabilities was not available.

Measures put in place to promote gender transformation included KPIs in some senior and top management, that performance targets include diversity, flexible working conditions, IT support, sabbaticals, teleconferencing to enable work from home, an agile working policy, identifying high-potential female achievers and individual development plans for these individuals, personal leadership coaching for top female talent, ongoing female mentoring programmes, and external and internal networking events.

Flexible working policies included job sharing, flexible working hours, a focus on technology and output, working from home and part-time work.

Different individuals were responsible at different levels for implementing and overseeing gender transformation at Unilever, the company said.

Gender diversity was a significant portion of delivery with the Human Resources function, the company said, leading the Commission to remark that gender equality was not a Human Resources function, and should form part of every executive's KPAs.

Regarding resources allocated to support gender transformation, Unilever said budget had been given to the following initiatives: networking events (R60 000), HR driving diversity (R350 000) and high-potential courses (R550 000). Certain positions had been earmarked for females and additional investment was allocated during recruitment and selection. It used agile working equipment, and it paid for surveys and other resources to track success.

Mechanisms in place to track the movement of women and women with disabilities to senior management or top management positions included the Global Diversity Scorecard. Also, Unilever had Functional Resource Committees, where the senior management of each function discussed succession planning and the progress of each employee, with a focus on diversity. Employee movement was reported monthly to enable the company to analyse attrition and the appointment of females.

Unilever's recruitment policy was a global one, within which each country took into consideration that country's legislative needs. In South Africa, Unilever's diversity policy stipulated the need to recruit, develop and utilise the full spectrum of human resources available.

There were formal and informal mentorships within the company, and the majority of women employees benefited from coaching and mentorships. Formal mentorships were implemented in Research & Development and Marketing in 2011.

Unilever also had extensive online learning facilities for all employees. In 2011, 265 employees graduated with various qualifications. Developmental gaps were identified through performance discussions with line managers.

There are special readiness programmes for high-potential employees. A group of 10 had been chosen by the CEO for a new course called Talent-eXcelerator. This group, of whom 50% were female, was being groomed for senior management.

In terms of childcare facilities and/or flexitime, Unilever said it did not provide childcare facilities, but was investigating home services at work to assist working mothers. It also encouraged flexible working hours.

With regard to initiating awareness on gender equality and discrimination in the workplace, the company said internal network events were held each quarter for current and future women leaders to engage with one another and outside experts, on a variety of issues that women faced.

Unilever had partnered with the African Women Chartered Accountants to create a forum to accelerate the advancement of qualified and aspiring African women chartered accountants. The International Women's Forum of South Africa event was hosted by Unilever in 2011.

Senior Unilever management held influential positions in external networks that promoted gender diversity. All employees received training on inclusion and diversity, as well as the Code of Business Principles. Unilever also conducted a Global People Survey, with specific questions on how employees feel about diversity.

Supply Chain top management held a breakfast with the entire team to present plans to raise the representation of women, including strengthening Unilever's relationship with an external forum for women engineers.

Unilever confirmed that it had gender discrimination and sexual harassment policies in place, which were core to the company's Code of Business Principles, a copy of which it provided to the Commission. It was mandatory for management in Unilever to annually sign that they had viewed and understood the code, and presentations were conducted to bring these policies to life.

Successes in gender transformation in the workplace included that the results for the Diversity section of Unilever's annual Global People Survey for 2010 and 2011 showed an overall increase in scores, illustrating success in gender awareness and transformation drives. The results also indicated that female employees did not feel discriminated against, and that they were treated with respect and dignity. Statistics from 2007 to 2011 show that the attrition rates of female managers were declining compared with males.

Unilever had recently been awarded certification by the Consolidated Retirement Fund (CRF) Institute as a Best Employer in South Africa. One of the five HR policies and practices considered was diversity management.

Challenges, however, included that female attrition remained a focus, despite the decline in recent years. Some females stopped pursuing their careers due to family commitments. Geographic mobility was sometimes constrained by family commitments, limiting opportunities in a global organisation. In a family with dual careers, there is often conflict in managing both careers. While two female board members were appointed in 2011, this remained a challenge and a focus across the management levels.

Disability was also still a challenge. Unilever had recently appointed a company doctor to address this in the future.

Unilever said it would welcome the sharing of best practices to help facilitate gender transformation in the workplace, additional networking opportunities to initiate relationships with gender transformation organisations, and encouraging a partnership with women in senior positions to act as role models/coaches for future female leaders. It would appreciate advice on creating a diverse workforce that included employees with disabilities.

**Additional information:**

Additional information was requested by the Commission, with a summary of Unilever's responses below:

- It submitted its 2010-2012 EE Plan to the Commission, as well as its EEA submission to the Department of Labour and Diversity Scorecard.
- On who was eligible for flexible working, it was applicable to all permanent employees in Unilever South Africa. Agreement to flexible working conditions for individuals would always be dependent on the requirements of their role in the business and their ability to deliver them.
- Regarding what was in place to ensure that women progressed to senior management, diversity was included in the Key Performance Indicators (KPIs) of some senior and top management's performance targets. Measures to facilitate work/life balance included flexible working conditions, IT support, sabbaticals, greater use of teleconferencing and an agile working policy. High-potential individuals had been identified and there were individual development plans in place for each female. Female candidates were targeted for Unilever's High Potential Programme. Personal leadership coaching was given the company's top female talent. There were informal and formal mentoring programmes, and the company had implemented external and internal networking events
- Asked if any disciplinary actions against 48 male employees included incidents of sexual harassment, Unilever replied that a male employee had been given a final written warning after trying to make unwanted conversation with a female employee – who, it turned out, had broken off a relationship with him – and sent for psychological counselling through the Employee Assistance Programme. In December 2008 Unilever had taken steps against a male manager for sexually harassing a female employee of a company to which it outsourced work; he was given a final written warning for sexual harassment, and dismissed for dishonesty.
- The racial breakdown of senior management was as follows:
  - \* Top management: three white females, one African male, five white males and two male foreign nationals
  - \* Senior management: one African female, two coloured females, 13 Indian females, 29 white females, five African males, one coloured male, 17 Indian males, 38 white males and 28 foreign nationals (six females, 22 males)
- It provided the Commission with a set of minutes and agenda of Functional Committee meetings.
- Regarding a maternity and paternity leave policy at Unilever, all permanent employees were entitled to a maximum of six months maternity leave, at least four weeks of which had to be taken prior to confinement and at least eight weeks after confinement. This was also applicable in the event of a legal adoption of a newborn baby. An employee who had a miscarriage during the third trimester of pregnancy or who bore a stillborn child was entitled to maternity leave of six weeks after the miscarriage or stillbirth. Remuneration while on maternity leave ranged from 50% to 60% of basic salary, according to different grades. Employees who took maternity leave were guaranteed re-employment, provided that the employee was in good health as determined by a company-initiated medical examination at the end of the maternity leave period. On successful completion of the medical examination, the employee would be offered similar employment in the company as close as

possible to that held prior to maternity leave. Employees were entitled to up to three days' paid family responsibility leave during each annual cycle in the event of the birth of a child, when the employee's child was sick, or any other family-related emergency.

- Unilever provided copies of its recruitment and selection, disciplinary and grievance procedure, Code of Good Practice, uniform and protective clothing, training and development, employee wellness, HIV/AIDS, succession/career pathing, staff retention, retirement planning, sexual harassment, promotions and remuneration, as well as its EE Forum's minutes. In June 2011, a company audit was held by the Global Management Team and a "satisfactory" result was achieved, indicating that all risks were being managed. Unilever failed to provide the Commission with a policy pertaining to employees with disabilities

### 3.2 Update

Unilever began its presentation with its EE targets:

- Female representation stood at 51.8% overall in management; top management had recently seen two women appointments, improving Board-level representation to 60% women (six of 10).
- Eighty-five percent of hires in 2014 were women.
- Women made up 61% of promotions.
- Women leaving the company made up 50% of exits.

It said it might have to look at slowing its targeting of women, having achieved nearly 52% representation. Greater representation meant the company also having to change its practices as more women were going on maternity leave.

Unilever's overall strategy included accelerating gender and racial diversity as a top priority, and its stated intention was to create a brighter future for all. Regarding best practice, accelerating diversity required interventions to drive inclusivity, policies, behaviours, male colleagues' acceptance, or women would leave the organisation. Unilever's moral of the story was to drive both axes of representation and inclusivity.

Unilever had a National EE Forum – for which it acknowledged best practice by Transnet – consisting of a group of directors bringing about change. It formulated policies and practices, and nurtured talent. It also had a five-pillar strategy for achieving diversity, comprising:

- A proposition of embracing South Africa's rich diversity and delivering business growth – a business case was necessary.
- Visual representation of diversity – and despite attrition because Unilever was a targeted company, it had promoted 26 women to management positions.

- Development of staff, including network events, transformation and empowerment workshops for men and women, and a gender inclusivity workshop with the Africa leadership team.
- Retention, including flexible work provisions and a six-month maternity leave policy; top management support is necessary for strategies to retain key female staff to succeed. Its premises and factories have nursing rooms. It put staff through intensive inclusive culture programmes.
- Communications and engagement included a gym and salon at its premises, external partnerships with African Women Chartered Accountants, the Business Women's Association and Women in Engineering.

Unilever was ranked South Africa's number one employer in October 2014, which spoke to its practices around transformation. Continued focuses, however, included improving African and coloured female representation in leadership roles with specific targets, and making progress with a disability strategy in partnership with a third-party consultant, who was herself living with a disability. Its biggest challenge was disclosure of disabilities by employees, and that was its focus.

### **3.3 Questions and comments**

The Commission said it would engage more with Unilever later when it discussed best practice, but it asked what Unilever struggled with.

#### **Response:**

Unilever responded that it struggled with increasing representation of persons with disabilities.

Unilever acknowledged its weakness around recruitment of disabled employees and undertook to make more concerted efforts to rectify this. The Commission was very satisfied with the progress that they have made and their commitment to transformation in the workplace.

## **4. ENGEN REFINERY**

### **4.1 Findings from initial hearing**

Engen presented a detailed summary of its EE and gender transformation activities. It was praised for its commitment and its initiatives, but it still fell short of meeting the required targets.

In its presentation it said that in terms of an EE Plan, it was currently undergoing a Department of Labour Director General (DG) Review. The EE Plan provided to the Commission was pending the DG Review and approval.

A total of 26.5% of Engen's workforce was female. Engen's board was 33% female. In top and senior management, disaggregated data on gender and disability was as follows:

- Top management: 10 men, three women, no persons with disabilities.
- Senior management: 75 men, 30 women, two persons with disabilities (both male).

During oral presentations, Engen noted that it had the first female CEO in Africa. Disability was a challenge, as some employees were reluctant to disclose disability. Engen employed a total of 45 persons with disabilities, which was 1.6% of the workforce. But it emerged under questioning by the Commission that the company's figures were out of date, and the Commission questioned why there were not more women in top management.

To promote gender transformation, Engen had six EE and Skills Development Committees – five regional committees and the Engen EE Committee – that monitored transformation. The Engen EE Committee was chaired by the CEO and included the chairpersons of the regional committees, and employee and union representatives.

The BEE Task Team consisted of eight cross-functional senior managers. It reviewed Engen's BEE status and developed transformation recommendations that went beyond compliance.

The Engen Talent Management Programme was introduced in 2008. All Engen divisions held annual Talent Forums to discuss the company's talent risks and the future movement of employees in different groups, in line with the EE Plan.

The company noted that there was a need to develop women to take up senior positions. Sixty-five percent of employees in leadership training were women, with a focus on developing African women. Black men also lagged in terms of development.

A number of senior managers drove transformation at Engen. These included five black females.

EE was measured as an independent KPI within the People Management element of line managers' performance contracts. A Task Catalogue had been introduced to assist line managers and EE Committees to implement transformation.

Engen's transformation plans did not refer to gender transformation as a separate process, leading the Commission to remark that in its experience, transformation plans did not "naturally" prioritise women.

Regarding EE budgeting, Engen said that following its annual EE Report, a detailed statistical analysis of the workforce profile was circulated to all senior managers and EE Committees to illustrate progress, and identify gaps and priorities. It was also active in the Leadership in Oil and Energy programme, which targeted women. The company's Talent Management programme prioritised the development of women.

The company noted additionally that it provided bursaries targeting African women, and resources for the development of Maths and Science at three schools in Durban.

Its recruitment policy is aligned to the company's EE agenda, but did not specifically target women or persons with disabilities.

Through Engen's Talent Management programme, a number of women in senior management have been identified for accelerated development to enable them to progress to executive positions. Engen's new Mentorship and Coaching Academy would also institutionalise the mentorship programme within the company.

Engen did not offer childcare facilities, flexitime or working from home to female employees, but would in 2012 introduce its Work/Life Balance programme.

In 2010/2011 Engen introduced Diversity Awareness and Sensitisation workshops, targeting one influential group in each of the company's divisions. These would be used to develop a customised Engen Diversity Management programme, to be implemented in 2012. Engen had also adopted the Dinokeng Scenarios model to facilitate employment dialogue and workplace transformation. The Commission praised Engen for allocating such substantial resources to awareness.

It provided the Commission with its sexual harassment policy, and there was adequate adherence. Where transgressions were identified, the Engen Disciplinary Procedures were applied. It was noted that there had been no sexual harassment cases in the preceding two years.

Turning to successes and challenges in gender transformation, Engen said it had embraced gender transformation and improved gender representation. In the past six months, a black woman had been appointed to the executive team and it now had three female general managers. It also had nine female bulk truck operators, which was traditionally male territory.

**Additional information:**

Additional information was requested by the Commission, with a summary of Engen's responses below:

- Engen was still awaiting the final response from the DG Review by the Department of Labour of its EE Plan. The last document review was completed on 17 November 2011.
- While its recruitment policy did not explicitly refer to targeting women and persons with disabilities, its recruitment procedure had been amended to integrate transformation plans of the Human Development Index Is in line with the respective divisional EE plans.

- No sexual harassment cases have been brought forward or recorded for the audited timeline provided. Engen's sexual harassment policy was last reviewed in 2004, and the examples provided in the policy were merely used for policy implementation guidelines. The policy was currently under review.
- Regarding cases at Engen involving pornography, its portable computing policy provided that "use of private portable computing devices is permitted on Engen premises provided that the device is not used to store or transfer any unlicensed software and unacceptable material including, but not limited to: pornography, jokes, hacking software, etc."
- Disaggregated gender figures for top and senior management included:
  - \* Top management: three African males, one coloured male, four white males, and one African and one Indian female each.
  - \* Senior management: 12 African males, 13 coloured males, eight Indian males, 35 white males, nine African females, 10 coloured females, three Indian females and eight white females.
- Maternity and paternity leave included six months' maternity leave, of which at least four weeks must be taken prior to the birth of the child. Three months' full pay and 33% for the next three months. In the event of a stillbirth, six weeks' maternity leave from date of the stillbirth. In the event of a legal adoption of a child 12 months or younger, the mother adopting the child will be granted five months' maternity leave. For a legal adoption of a child who is older than 12 months and younger than 24 months, the mother adopting the child will be granted four months' maternity leave. No employee's services will be terminated on the grounds of pregnancy or any reason connected to her pregnancy. No employee shall be made redundant while on maternity leave. Pregnancy shall not be used as a criterion for redundancy. The employee will be allowed a maximum of six days off on full pay to attend post and antenatal clinics. An employee will not be under any obligation to work overtime within the three-month period prior to the expected date of confinement. In the event of an employee normally doing night work, the employer shall make an effort to find suitable alternative employment for the employee during pregnancy and for a period of six months thereafter. The employee will be placed in the same or a similar job on returning to work and will receive the same benefit base as she was formerly receiving, together with any increases awarded during her absence. Up to three working days' paternity leave will be granted to a male employee during an annual leave cycle on the birth of a child of which he is the father.
- Engen's recruitment policy was last revised on 1 March 2004, leading the Commission to suggest that it address the matter urgently. Its policies also needed to take account of the EE Plan. Engen said the policy was under review, in line with extensive and consultative approval protocols.

## 4.2 Update

Engen was absent from the hearing. The Commission, resolving that it would have to be issued with a notice to appear before it, moved immediately to the next entity. It noted that

while entities were invited to appear, the hearing was a legal investigation and they were required to provide the information it requested of them.

The Commission later stated for the record that Engen had been in contact with it, and had confirmed its attendance. However, the day before the hearing the presenter contacted the Commission to say that Engen's presentation had not been prepared to his satisfaction, and he did not feel confident presenting it to the Commission. He expressed his willingness to present to the Commission at a later date.

## **5. KWAZULU-NATAL SOUTH AFRICAN POLICE SERVICE**

SAPS was represented by Brigadier Katlego Seabi, Head of Equity of the SAPS, Elona Njukela, Head of the Gender Desk, and Colonel Gavin Coetzer, SAPS Human Resources in KZN.

### **5.1 Findings from initial hearing**

The KwaZulu-Natal SAPS confirmed that it had an EE Plan in place, and provided the Commission with a copy. It testified that since SAPS is a national competency, the information provided was national and not restricted to KwaZulu-Natal. The current SAPS had emerged from a "torturous journey", which had required the merging of 11 diverse entities into one agency.

Sex and disability disaggregated data provided for top and senior management included:

- Senior management: male 73.8%, female 28.2% (2014 target 50/50)
- Middle management: male 70.33%, female 29.67% (2014 target 50/50)
- Persons with disabilities currently constituted 0.6% of the workforce. The target was 2%.

There were no women in SAPS management until 1994. Today, the CEO was a female, and two Deputy National Commissioners and four out of nine Provincial Commissioners were women. The percentage of women in top management had increased from 14% two years previously to 28%. There were 14 women in the SAPS Special Task Force and 12 young women pilots.

In terms of gender representation, SAPS had the best representation of all police services in the world, followed by Israel.

Disability was a challenge. Seventy percent of SAPS's approximately 193 000 staff were in uniform and fighting crime. The SAPS had a unit dedicated to supporting those who became disabled in the course of duty. They tried to remodel the environment to retain these officers. The SAPS was in dialogue with the Department of Public Works to improve accessibility not only for staff members, but also for members of the public.

Gender transformation policies were developed in line with legislation such as the Promotion of Equality and Prevention of Unfair Discrimination (PEPUDA), EEA, etc. A Women's Network had been established as a positive pressure group to advocate for and monitor women's empowerment. A Men for Change structure had been set up to ensure the participation of men in transformation and gender mainstreaming. An Affirmative Action programme was implemented to ensure gender representation in specialised units. Numeric targets had been set – 50/50 from junior management to senior management. SAPS were also due to host an International Conference of Women in Police in 2013.

The Men for Change programme involved men talking to men to raise awareness and promote advocacy around women's empowerment.

The Divisional Commissioner: Human Resource Utilisation was responsible for overseeing and implementing gender transformation.

There was a KPA for senior management, a performance agreement strictly dealing with employment equity, which included gender representation.

Resources allocated to support gender transformation included 50% of bursaries going to women, and 70% of development training being reserved for women. Women's Network programmes were allocated an annual budget of R1 million.

Mechanisms in place to track the movement of women and women with disabilities to top or senior management included quarterly feedback by Business Units, a Section 21 Report and the HR Plan.

SAPS's recruitment policy specifically targeted women and women with disabilities for recruitment to senior positions, and it provided a copy of the policy. Regarding mentorship, 500 women and men were trained and mentorship booklets were distributed to all provinces and divisions.

SAPS did not provide childcare facilities, flexitime or working from home. However, there was a proposal on the table, to be finalised by top management.

SAPS had established Women's Networks and Men for Change structures to raise awareness of gender equality and discrimination in the workplace. Stereotypes were gradually changing.

SAPS confirmed it did have gender discrimination and sexual harassment policies in place. It added during the hearing that pregnant women were put in alternative placements. The Commission asked how many sexual harassment cases had there been and what the outcomes were. If none, what did this suggest?

Gender transformation challenges included understaffing with regard to people designated or assigned to drive transformation. There was resistance to change due to a lack of understanding on the part of senior managers on how to implement EE. SAPS said it desired compliance with government mandates in terms of levels/positions of Gender Focal Points/Units.

### **Additional information:**

Additional information was requested by the Commission, with a summary of SAPS's responses below:

- From 2010-2012 there had been a total of 44 sexual harassment cases. Sixteen persons were found not guilty, 3 were dismissed, 3 cases were pending, 3 had been withdrawn, and the remainder had resulted in written warnings, fines, counselling and suspension.
- To illustrate the role the Women's Network played in the promotion and placement of women in SAPS, it provided copies of the Women's Network Action Plan and Women's Network Constitution.
- SAPS did not respond to a query about officers failing to respond to domestic violence and gender-based violence cases, and what training was provided in this regard.

## **5.2 Update**

SAPS said it was committed to gender equity. Its presentation included detailed information about gender and disability representation, skills development, recruitment, promotions and bursaries, with targets and actual numbers over several years.

In senior management, male representation since June 2009 had reduced from 85% to 70%. At top level, 4 out of 9 provinces were headed by females, one of two Deputy National Commissioners was a female, and, with the National Commissioner, this meant a more than 50% representation of females.

Regarding the progress of women in specialised environments and scarce skills areas, 13 affirmative action programmes had been developed, all gender-focused. This included posts such as aircraft engineers, pilots (there were a number of very young female pilots), in the forensic science laboratory (DNA experts), internal auditors (mostly female) and clinical psychologists. These were posts not readily available in the labour market, and government could not compete with private-sector salaries. It was therefore a challenge to retain them, because they were young and job-hopped. It had tried to put contracts in place and implement incentives, but could not match the private sector. An example was a young pilot being offered a R72 000 monthly salary, but SAPS could only afford R20 000 plus a R15 000 scarce skills allowance. It thus suffered from a revolving-door syndrome, where it recruited as fast as it was losing people. It was impossible to retain people.

Regarding disability, SAPS had a framework. It had been tabled at its Bargaining Council, and approval was awaited. An implementation plan has been approved in top management. But it had to be remembered that 80% of the police service were uniformed officers on the beat; physical fitness was therefore a requirement of the job. Officers were being targeted, and six officers had been killed in recent weeks; it was a matter of life and death.

It had successfully implemented a sexual harassment policy, and had reviewed it in 2010. Issues addressed included shifting the burden of proof from the accuser to the alleged harasser; previously, the victim had to endure a “double jeopardy” situation of being harassed and having to prove it. Also, sexual harassment had, in co-operation with the SAPS Women’s Network, been reclassified to make it a dismissible offence. Previously, guilty parties would be given slaps on the wrist and their convictions were expunged after a year, leading to repeat offenders.

In senior management, women representation from 2011 to 2014 had increased from 28% to 34.5%. Reasons why it had not grown further included that SAPS was at its designed level of 198 000 officers, and meeting gender equity targets depended on staff movements and natural attrition. The senior management attrition rate had reduced from 5% to 3.4%.

Sixty percent of bursaries were allocated to women. All training slots, in all units, were being monitored to reflect 50/50 gender representation. Special interventions for women in leadership included the graduation of 52 women the previous week following senior management training; mentorship by the Women’s Network involved women in senior management taking younger women under their wings; and youth development programmes, specifically Take a Girl Child to Work.

SAPS did have a Code of Conduct, which it had supplied to the Commission. Anyone who contravened it was arrested and dismissed; people in uniform were expected to behave in a certain way.

Succession planning, retention and retirement planning all fell under SAPS recruitment to retirement strategy, of which a final draft was with the new Minister of Police (it had also been given to the previous minister), and would be tabled at the Safety and Security Bargaining Council for consultation.

Where there had previously not been childcare facilities, this had now been piloted in one province. It had revealed concerns around municipal health and safety and supervision issues. But it was being worked on by the Women’s Network, and progress was being made.

### **5.3 Questions and comments**

The Commission said it was encouraged when it saw its recommendations being acted upon.

It asked for more details about the childcare pilot project: in which province it had been attempted, and why it had not worked.

**Response:**

SAPS said the pilot project had been undertaken through the Women's Network in Gauteng (there had also been an informal initiative in the Western Cape.) The first priority was to young women who worked the streets, and who worked night shift. It looked at a Central and Sunnyside police stations in Pretoria, as they were large and many young women worked there. The reason women were not found in operational jobs was also identified by the Women's Network, was because of issues such as childcare. Safety regulations such as fire escapes were being investigated by a task team.

An entity present said that it had learned that police stations in KwaZulu-Natal were resisting having one-way glass installed to allow rape victims to anonymously identify their assailants, and appealed for this matter to be investigated. SAPS responded by saying that it was not sure about this matter, but two days previously, its entire senior management had met with women to discuss such issues. If true, this was unacceptable as there were standard operating procedures and the rights of the victim enjoyed priority; she could not be traumatised again by the police, who were supposed to protect her. It said police stations, under the Department of Public Works, were restricted in terms of accommodation, including identification rooms. SAPS would address this through the office of the Commissioner.

The Commission called on SAPS in KwaZulu-Natal to undertake an audit of its facilities, to see if it had sufficient facilities for identifications. It noted that Unilever had offered to assist as a corporate support partner.

**Analysis by the Commission**

The Commission was encouraged to see the synergy between various entities present. For example, Unilever stated that it works with the Business Women's Association and that SAPS are resisting the installation of one-way glass for the rape victims. It was stated that some of the police stations such as Hillcrest are not keen to implement this. SAPS stated that the issue needs to be reported. Police stations fall under the Department of Public Works and admittedly there are certain limitations. SAPS KZN noted that they will look into the matter and Unilever committed to possibly coming on board as a strategic partner to help fund the SAPS programme.

**6. ETHEKWINI MUNICIPALITY**

Representative: Dumisile Nene, Deputy City Manager: Human Resources

## 5.1 Findings from initial hearing

The Ethekwini Municipality had to be subpoenaed to submit the information requested and to appear before the Commission. It was apparent that this municipality was failing to comply with EE measures with regard to race, gender and disability, despite the existence of an EE Plan and the inclusion of transformation as a KPA for all senior managers. Women comprised a mere 20% of senior and top management, and the CGE was concerned to note that the municipality has set a five-year target to increase this to only 30%, despite legislative requirements of 50/50.

The municipality acknowledged that it had been placed under DG Review by the Department of Labour for failing to comply with the EEA. The CGE signalled its intent to file a formal complaint with the South African Local Government Association (SALGA) in relation to lack of compliance. Ethekwini had also exhibited a failure to understand instances of sexual harassment in the workplace, and to apply its own policy to eradicate instances of gender abuse.

In its answers to the Commission's questionnaire, Ethekwini submitted a copy of its EE Plan, on which it was then engaging with the DG review.

Sex and disability disaggregated data of top management and senior management positions were for both levels, male 79%, female 21% (five-year target 68% male, 32% female). During the hearing, the municipality said 44 local authorities had been merged to form Ethekwini in 1996. Each authority had its own conditions of service. Legislation had changed on an ongoing basis. It took a decision to absorb all staff, meaning that there were few openings.

Ethekwini had 18 000 employees in 2000 and currently employed 23 000 people. The municipality faced "issues of reality". Persons with disabilities experienced transport difficulties. It was providing vehicles to collect them from taxi ranks. The Commission expressed concern that Ethekwini was not meeting racial and gender targets, and that women made up only 20% of the workforce.

Ethekwini said its EE Plan provided for the promotion of gender transformation. A race and gender profile was drawn up for each level and considered by all interview panels before any appointments were made. A gender policy had also been drafted (copy supplied). The City Manager, Deputy City Managers, Heads and Deputy Heads were responsible for gender transformation. Compliance with EE targets was a requirement in the performance plans of all senior managers. A Manager: Employment Equity had been appointed to support and ensure compliance with the EE Act and Plan.

All appointments were monitored and reported on a monthly basis. Monthly EE statistics were produced for each unit, cluster and for the overall municipality. The municipality's employment practices policy (copy provided) aimed for an employment profile reflecting

the city's population demographics within. The EE Plan included a disability policy and included targets for the empowerment of women.

Capacity building programmes were in place for the development of designated employees. The EE Plan contained a Skills Development Management clause.

No childcare facilities were available in-house, but these facilities were available in all communities. Flexitime working arrangements were provided. The municipality told the Commission that given the geographic spread of the municipality, it would be logistically impossible to provide childcare in the workplace. The municipality's Grants-in-Aid programme assisted childcare centres in communities.

Programmes had been run to sensitise staff to issues concerning gender equality and discrimination challenges.

The municipality had gender and sexual harassment policies in place (copies provided). Challenges to gender transformation had been most acutely experienced in engineering and built environment units, where the supply of applicants from all designated groups was extremely limited. Existing employees with those skills were attracted by offers from companies willing to pay a premium for them. Ethekwini requested state-sponsored programmes to attract women into the technical and engineering fields.

**Additional information:**

Additional information was requested by the Commission, with a summary of Ethekwini's responses below:

- Policies that were requested in terms of question 13 of the questionnaire were to be resubmitted, and most importantly all policies had to be signed.
- The sexual harassment policy had been adopted and implemented to deal with all issues relating to sexual harassment. This policy provided its ambit of application, defined sexual harassment, listed guiding principles, and gave advice and assistance for victims.
- The draft gender policy was provided to the Commission, and it was due to be adopted in the first quarter of 2012.
- The disability policy was part of the EE Plan, where targets were provided, and monitoring and review was undertaken.
- Ethekwini's Gender Co-ordinator was responsible for ongoing gender awareness programmes. Furthermore, the Office of the Ombudsperson and Head of Investigations also provided ongoing gender awareness programmes as part of their human rights presentations on socio-economic rights, equality and sexual harassment. The programme was ongoing, and Ethekwini provided the dates of presentations.

- The City Manager had assembled a Policy Technical Forum to standardise, consolidate and rationalise all policies within the city. This review is ongoing. The forum would be requested to prioritise the policies identified by the Commission.
- Appointments were being made in compliance with the EE Plan and targets, and within the constraints of the labour turnover of the organisation. Special programmes had been implemented in the engineering and technical fields, in which a national scarcity of skills was being experienced
- Gender targets for top and senior management were considered to be realistic in terms of the current profile, rates of turnover and skills shortages. However, these were minimum targets, and every effort was made to exceed them
- Ethekwini's response to a request for the Department of Labour's report into its DG Review, was to refer the Commission to the Department.
- The municipality's Preferential Procurement Policy Framework Act regulated the conditions of tender, especially in respect to BEE compliance. It had adopted a policy that complied fully with supply chain regulations. Bid committees ensured that this requirement was specified in tender documents and that contractors complied with the Supply Chain Management policy.

## 6.2 Update

The Ethekwini Municipality said its EE activities had previously lacked purpose and had not involved stakeholders. It said its racial diversity had adjusted incrementally in the past five years (2009-2013). Gender representation showed that it was below the 50/50 target, and not meeting its targets in the top and senior management levels, but exceeding them in the Professional Qualified and Middle Management category.

It was faring well regarding targets, but the lower employment levels did not require much in the way of skills. African staff were centralised around the lower levels, and not properly represented in senior management. Coloured staff representation remained static; Indian staff were more to the upper middle and lower employment levels, and white staff tended to be more towards the upper middle levels.

Women represented 34% of the population, and the municipality struggled to meet this in the top, senior and professionally qualified categories. Things were better in the technical specialist category, at 34.97%.

It presented a numerical target summary of its EE Plan, pointing to the projection for 2018 that showed 61.22% male and 38.78 % female representation; this illustrated its challenges to reach a 50/50 split. Also, said that it currently employed 108 persons with disabilities (0.58% of the workforce), and its target for 2018 was 503 (the required 2%) – meaning it had to find 310 persons with disabilities in the interim; nevertheless, the Mayor had instructed that this be achieved sooner, within 18 months.

Appointments in the past year had been reviewed, showing 1 371 males and 1 146 females had been hired. This was a challenge, because the levels at which male and female

appointments were made also mattered. It had adopted an integrated approach to talent management; equity could not be achieved in a vacuum. But a lot of work remained in this regard. There was also a challenge in the scarce skills areas in terms of recruiting women.

Workplace skills development included trainee programmes, assisted education and a Leadership Development Programme. But these and other interventions were not aligned with its EE Plan, and not specifically targeting females. This would be addressed when the EE Plan was implemented in the following month.

Bursaries were offered to scholars, and management development programmes would target females. It had celebrated Women's Day since 2014, which motivated women; female councillors now also wanted to be accommodated. It had used Women's Month to formalise a Women's Forum, and it was investigating what format it should have. Four external and 28 internal gender awareness workshops had been held. It had presented adult education (188 females of 217 students), skills training (539 females of 1 274 trainees), learnerships (38 females of 72 learners) and work experience (257 females of 535 employed); where it struggled was with apprenticeships (7 females of 44 apprentices). Overall, however, 48% of trainees were women.

In the past year there had been five cases of sexual harassment: one was found not guilty, three were in progress, and the remaining one resulted in a dismissal.

Challenges included:

- Attraction and retention of females in top and senior management
- Likewise for all scarce-skill posts, particularly in engineering
- Difficulty in attracting white persons at the basic skill occupational level
- Its pending Department of Labour DG Review, on which there was no movement.

It highlighted the following among its interventions for the way forward:

- Implementing its several EE strategies
- Bringing recruiting in line with EE targets
- Embedding EE in its business processes
- Intensifying its strategy around persons with disabilities, ring-fence positions to meet the target of 310 appointments, and work with organisations for persons with disabilities
- Consider flexible remuneration packages to compete with the private sector.

The municipality's EE Plan targeted women as well as persons with disabilities. That would be its sole focus for the next four years.

Its EE and sexual harassment policies were in the consultation stage.

It conceded it still had a lot of work to do, but it was ready for the challenge.

### **6.3 Questions and comments**

The Commission had two areas of concern, and two recommendations.

Ethekwini had set EE targets but then appointed against itself. It was pleased to see improvement in the graphs, but it needed to align targets, recruitment processes and appointments. Secondly, it still had its EE and sexual harassment policies in draft form and under review, despite the Commission flagging this in earlier interventions. This needed to be made a priority issue.

The Commission recommended that in terms of attracting scarce skills and persons with disabilities, as well as researching Women's Forums, Ethekwini looks to the entities in the room for assistance. It further recommended that it look to best practice, as the work there had already been done for it.

#### **Response:**

The municipality responded that the City Manager had the previous day reiterated that Ethekwini would henceforth stick to its EE Plan, or risk losing ground. It was already lagging, so it needed to exceed the plan's projections.

It had consulted widely on the plan, to obtain buy-in. Appointments would be reviewed in line with targets, and rejected if they fell short. Line managers had been instructed to find females for posts.

The municipality admitted it had taken a long time, but its policies were nearly finalised. It had consulted with all stakeholders, and hoped to complete the policies in a month or two.

It added that it had realised it had good plans, but did not implement them. Its latest plan had a project plan to be in line with its implementation period, to achieve targets within that timeframe. Its Impact Committee (which it likened to Parliament's Standing Committee on Public Accounts) was monitoring the process.

## **7. UNIVERSITY OF KWAZULU-NATAL**

### **7.1 Findings from initial hearing**

The University of KwaZulu-Natal (UKZN) was praised by the Commission for its efforts to enable persons with disabilities, and promote gender equality, with a few areas of concern noted. It was also the only entity at the KwaZulu-Natal hearings to have implemented childcare facilities and flexitime.

In response to the Commission's questionnaire, UKZN said that its five-year EE Plan was approved in 2010 (copy provided). UKZN was born out of a merger between the universities of Durban-Westville and Natal in 2004. The university had 4 000 employees (including fixed-term and short-term contracts), of whom approximately 3 500 were permanent staff. The merger had presented challenges in the form of bringing diverse groups together. All policies had a three-year cycle for review.

UKZN's sex and disability disaggregated data of top and senior management included:

- UKZN had a total of 13 executive members. Top management consisted of one individual (an African male).
- Senior management comprised 12 individuals as follows: two African, two Indian, and three white males, and one African, Indian and white female each, as well as two foreign nationals who were men.
- In executive management, there was one white male with a disability.

The college reorganisation, which got under way in 2011, had provided an opportunity to improve gender representation, as all leadership positions in the colleges were being re-advertised.

The university was consulting with unions on a total remuneration package, which would harmonise conditions of employment inherited from the former Universities of Durban-Westville and Natal. This would enhance the achievement of equal pay for work of equal value.

More than 56% of UKZN's academic staff was African, and 47% of academic staff was female. The university's students were truly representative of South Africa's demographics. The graduation statistics for 2010 showed that the majority of graduates were female. Female students were, however, overrepresented in the Humanities and underrepresented in Science and Engineering.

UKZN was committed to increase the ratio of employees with disabilities. A learnership programme was being introduced, in terms of which 30 people with disabilities would be appointed, with a commitment to absorb them into the university. This would also involve workplace sensitisation and an assessment of facilities.

Support for research capacity development to advance women's academic profile, and thereby improve their eligibility for top management positions, was provided through the Research Office (e.g. the Women in Research Academy) and the various colleges, faculties and schools.

Following the Governance and Academic Freedom Committee investigation in 2006, UKZN adopted a Transformation Charter.

All university leaders and managers were responsible for implementing and overseeing gender transformation, as part of their portfolio. Transformation, which included gender transformation, is part of the key KPAs for senior managers and leaders.

The various programmes that targeted women were funded through UKZN-allocated strategic funds, as well as through external grants for specific programmes (e.g. Women in Leadership and Leverage and the Leadership and Equity Advancement Programme. This had been funded to the tune of R60 million for each three-year period. Fifty percent of the participants were female. Eighty percent of the participants had been mainstreamed, with the remaining 20% taking up positions at other higher education institutions.

Regarding mechanisms to track the movement of women and women with disabilities to top or senior management, the university said equity plans and reports had been considered by the University Executive Committee, the Executive Deans Forum and the Executive Leadership Forum (comprising both academic and support staff).

Its recruitment policies specifically targeted women and women with disabilities for recruitment to senior positions, and it provided the Commission with a copy of its recruitment and selection policy. Advertisements for positions stated the University's recruitment criteria. If a female or African female is required, this can be stated in the advertisement. Employees were also encouraged to use their networks to seek out suitable candidates.

Each school had its own EE Plan. Once a suitable candidate was found, they were ranked according to this plan. Deviations had to have the written authority of the college Deputy Vice-Chancellor.

Provision was made for accelerated promotions in the promotions policy, as well as for development – for example, the Leadership and Equity Advancement Programme.

Childcare facilities were available on three out of the five campuses. Academics also had flexible working hours.

All new staff underwent induction programmes, through which they became aware of policies and programmes related to gender awareness and discrimination. Several academics were also scholars in the broad areas of gender and forms of discrimination. They draw attention to these and related matters in the university community through their research, presentations, community engagement activities, seminars and lectures.

Institutional surveys (involving staff and students) also provided a means of raising awareness and tracking gender-related awareness.

UKZN had gender discrimination and sexual harassment policies (copies provided). There were ongoing discussions in the residences on this issue. The Student Representative

Councils (SRCs) had also been challenged to confront gender issues. Women were currently not well represented on the SRCs.

Two recent cases of sexual harassment had resulted in the dismissal of a Leadership candidate and a deputy director. The registrar, who is female, chaired both cases. The university had 20 counsellors and an HR Wellness Team who provided support to victims.

Any opportunities and advances had been made in supporting women staff and students, both in terms of policy and programmes. The university had a majority of women students in undergraduate programmes. Women were also in the majority in successfully graduating, but not to the same extent in the higher postgraduate degrees (Doctoral degrees) and in some disciplines such as Science and Engineering.

Similarly, women were well represented at the lecturer and senior lecturer levels, but not in the professoriate and also not in some of the science and engineering disciplines.

The University said it wanted support in addressing the challenges of a still deeply patriarchal society, which made it difficult for women to succeed – for example, in supporting women in the home, and building confidence to apply for leadership positions. It wanted research and a deeper understanding of the difficulties South African women faced in breaking the glass ceiling in higher education leadership and academia.

#### **Additional information:**

Additional information was requested by the Commission, with a summary of UKZN's responses below:

- It provided the Commission with a copy of its 2010 Annual Report.
- A total of 8 156 students graduated in 2010, 59% of them women. Fifty-four percent of the graduates were African, 29% were Indian and 14% white. Sixty-five percent of the students who graduated cum laude or summa cum laude were women.
- Student enrolment was:
  - \* Undergraduate: 13 016 African, 480 coloured, 5 613 Indian, 1 025 white and 43 “other” females; 8 672 African, 235 coloured, 3 534 Indian, 952 white and 30 “other” male students.
  - \* Postgraduate: 2 213 African, 130 coloured; 1 415 Indian, 725 white and 24 “other” females; 2 331 African, 84 coloured, 903 Indian, 676 white and 44 “other” male students.
- Regarding family responsibility leave at UKZN, an employee who had been employed for longer than four months and who worked at least four days a week, was permitted to take three days’ paid family responsibility leave per annual leave cycle. In accordance with the provision of the Basic Conditions of Employment Act,

family responsibility leave was not accumulative and the purpose of this leave was to attend to the following family issues: the birth of the employee's child; the illness of the employee's child; the death of the employee's spouse or domestic partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. Approval of family responsibility leave was dependent on provision of sufficient supporting documentation.

- Residence students who were pregnant on entry, or who fell pregnant during the academic year, were requested to notify the Student Housing Office and the Campus Health Clinic of their condition, which would be kept confidential. This would assist the residence and the clinic to be ready for any emergency that may arise. The campus clinics did not provide antenatal care, but referred students to the nearest government clinic for free antenatal care. Pregnant students remained in residence until the 36<sup>th</sup> week of their pregnancy and would be given such support as was possible by the Campus Health Clinic, unless an early departure from residence was recommended by the Sister in charge of the clinic.

## **7.2 Update**

Despite the University of KwaZulu-Natal confirming that it would attend the hearing, it was absent on the day.

## **8. KWAZULU-NATAL LEGISLATURE**

The Legislature was represented by Bongani Sibisi, the Chief Operations Officer.

### **8.1 Findings from initial hearing**

The KZN Legislature demonstrated great success in its transformation drive, with women comprising 42% of top management and dominating overall employment statistics.

The CGE heard that the KZN Legislature was in a process of organisational restructuring and policy review.

However, from the available evidence, there seemed to be a clear commitment to the achievement of gender equality, with the legislature having attained at least 50% representation of employees overall and at least 42% female leadership in senior management. However, there were only three people with disabilities out of 191 filled posts. Employment of disabled persons had to be encouraged, as the legislature had to be seen to be accessible to all sectors of society. The question in the wider ambit was what measures the KZN Legislature had in place to ensure compliance with EE. The Institutional Transformation Unit required more capacity and resources and the legislature had to amend reporting lines from the accounting officer to that of the HR manager.

The KwaZulu-Natal Legislature admitted that it did not have an EE Plan, saying that it had experienced a number of senior management changes. While a draft EE Plan had been

prepared by the former Human Resources Manager, its implementation was delayed partly due to these management changes. Management remained committed to complying with the requirements of the Employment Equity Act, however.

A consultant had been appointed to run workshops with staff on matters relating to institutional transformation, including EE. The process was driven by the Institutional Transformation Unit.

Sex and disability disaggregated data of top and senior management showed that at the top three levels, the gender representation was approximately 42% women and 57% men. The Legislature had 217 established posts; 191 posts were filled, with 96 women and 95 men. There were three persons with disabilities, one of whom was a manager. The Legislature also had the only female Secretary of the Legislature in South Africa (since 2005), and the Institutional Transformation position was held by a woman.

The Legislature was currently reviewing a number of its policies and business processes, including the implementation of a performance management system that would ensure gender transformation at all levels was taken into account and prioritised during the appointment of senior management. Instructions had been issued in the current financial year to prioritise the appointment of women at such levels.

The accounting officer, assisted by the Institutional Transformation Unit, was responsible for implementing and overseeing gender transformation.

The Legislature was in the process of establishing a performance management system, which was expected to be operational from 1 April 2012. All staff members attended workshops on the proposed policy on performance management.

A unit has been established to deal exclusively with institutional transformation. A practitioner who fell within the disability category of People with Disabilities had been appointed to assist in this regard. The unit had a budget of just over R1-million and time had been allocated in the legislature's calendar for promotion of gender issues through empowerment sessions.

The Legislature was reviewing its business processes and policies, and all matters relating to transformation, including measurement, would be taken into account. Part of this process involved a policy on career pathing and progression.

Regarding capacity building for women and employees with disabilities, one of the Legislature's female employees, who fell into the disability category, was being sent to an International Gender Academy in Italy. The two-week course will expose the employee to advanced international knowledge and best practice in the areas of gender and workplace transformation.

The Legislature had also taken a conscious decision to skill staff by supporting higher education through funding tertiary qualifications relevant to their functions. This would ensure that EE results were addressed in due course with adequately skilled personnel.

There was a general policy on flexitime for work done after 2pm on Fridays. As part of its future relocation to new premises, provision of childcare facilities was included in the legislature's requirements.

With respect to awareness, in addition to the workshops already noted, the legislature had allocated time for empowerment sessions for both male and female staff. Twelve sessions had been held in the recent past. The legislature had not yet developed a tool to measure its successes and failures. However, it was envisaged that through the implementation of the Maturity Capability Model and staff surveys, it would be able to score itself and measure the success of the implementation of all its policies.

The Legislature was considering a leadership development programme for women. It convened a Parliament for persons with disabilities to voice their views.

The Legislature had a sexual harassment policy (copy provided). While there was no tool to measure the effectiveness of the implementation of policies, no cases of sexual harassment have been reported. This led the Commission to remark that just because no complaints had been lodged, did not infer that there was no sexual harassment taking place.

General successes around gender transformation included that the balance of male and female staff in senior management and management positions was near the required 50/50 representation and it was envisaged that it would soon be achieved. Also, empowerment sessions had been well received and probably contributed towards improved awareness of gender-related issues, judging by the attendance of staff at the sessions.

General challenges included that the Legislature had not really developed a transformation strategy that captured both the requirements and vision of the political and administration wing. This had meant that efforts aimed at transforming the institution had not been as effective as one would have hoped. However, the compilation of this strategy was a priority and would be a priority agenda item at the Legislature's next strategy session. Also, the matter of persons with disabilities remained a challenge. It had proven difficult to appoint people who fell within the category, as applications for advertised positions from this category had not been received. Part of the strategy in the short term was to come up with means of ensuring that persons with disabilities found their way into the organisational structure of the legislature. Many posts required a great deal of travelling, which was a challenge to persons with disabilities.

The Legislature said it would like guidance and stakeholder participation to ensure that it compiled a realistic and achievable transformation strategy.

### **Additional information:**

Additional information was requested by the Commission, with a summary of UKZN's responses below:

- It provided a copy of its Gender Operational Policy, as well as its Strategic Plan 2010-2014, a copy of the Annual Performance Plan and a training plan for the last financial year.
- Family responsibility leave encompassed four months' maternity leave. Unemployment Insurance Fund (UIF) contributors received 33% remuneration from the legislature and 66% from UIF. Non-UIF contributors receive four months' remuneration from the Legislature. Employees' benefits were protected during maternity leave. Employees with at least four months' service were granted family responsibility leave in accordance with section 27 of the Basic Conditions of Employment Act.
- The Legislature's Transformation Workshop had been postponed until January 2012. Disaggregated statistics of male and female employees at the legislature included:
  - \* Male: 92 African, one white and five Indian
  - \* Female: 92 African, six white and one Indian.
- The Commission identified that there was a clear need for conversation on sexual harassment and gender-based violence, and that a review of policies and processes relating to reporting and responding to harassment should be prioritised by the legislature.
- It noted that the consultant drafting policies must be informed that policies were to be audited and duly addressed to specifically adhere to the EEA.

### **8.2 Update**

The Legislature indicated that figures at the end of its presentation would be ignored, as the approved structure would no longer be funded by the provincial treasury. Its plan would therefore have to be revised. It would thus only speak on revision of the plans that affected gender mainstreaming.

The first was a Women's Parliament, which had been seen as a talk-shop because it only met once a year. This was being changed: the four clusters of the Provincial Executive – its cabinet – were invited to sit with women and talk on issues and government programmes that would impact on women; this resulted in influencing programmes through adopted resolutions. An innovation was that resolutions would be referred to the Quality of Life Committee and tabled in the legislature, and report-backs would be made to the legislature.

The Office of the Premier had adopted a Men's Forum, but in 2014 this had changed to a Men's Parliament. It was hoped that this development would close the gap and

encourage discussion about men. The Legislature also had an Older Persons' Parliament, and a people with Disabilities Parliament; all followed the same structure, sitting with the four Provincial Executive clusters.

Regarding capacity building, a programme was run through the Legislative sector, involving all nine Provincial Legislatures and Parliament. In the province, 14 female Parliamentarians had started a programme that it was hoped would culminate in a Master's programme in 2017; the majority of participating Members of the Provincial Legislature (MPLs) happened to be women. It had also entered into a partnership with the University of KwaZulu-Natal to run a capacity-building programme involving a sector oversight model: 32 staff members (17 female) would embark on the programme in the following week. It had a bursary scheme that staff who stayed did not have to repay; most participants were female.

The Legislature pointed out that in the House, 24 of 52 ANC MPLs were women; only 2 of 10 DA MPLs were women, and only 2 of 9 IFP MPLs were women, one of two EFF MPLs were women, and the sole Minority Front MPL was female. The Women's Caucus, previously a standalone committee, had become a sub-committee of the Quality of Life Committee. The Legislature belonged to the Commonwealth Parliamentarians' Association, where representation was skewed towards women; also an African regional body, where 4 of 6 representatives were women.

Turning to programmes that promoted gender equality, the Legislature said its Public Participation Standing Committee had been involved in workshops around the province about trafficking in women and children, and cultural issues such as forced marriage; it was hoped these workshops raised awareness and educated women and children about their rights, and what recourse they had in law.

The Legislature said regarding its planned day-care centre, it had been unable to move to new premises in 2008 for financial reasons. This plan had been revived and it included a day-care centre, but it was uncertain when it would be executed. In the interim, in the current financial year, the legislature wanted to partition an area for a day-care centre.

### **8.3 Questions and comments**

The Commission said despite the Legislature's preface about numbers, it did want to discuss numbers. It wanted figures around women representation among all employees, and top and senior management. Despite budgetary restraints, it was still required to draft and implement an EE Plan. It wanted to know where the Legislature was regarding targets, strategies, its EE Plan, and its EE Forum.

The Commission asked about the status of workplace policies, including recruitment, retention and sexual harassment.

**Response:**

The Legislature said it had made no progress in terms of numbers; nothing had changed since 2011, barring a recent resignation at top management level. It would do its planning, regardless of whether the provincial Treasury agreed or not; it would restructure its EE Plan according to its budget. The Commission reiterated that the Legislature had to find funding for EE from within its own approved budgets.

It conceded it had been in the news regarding a particular sexual harassment case, which made it realise that its policies were outdated. It had met the majority trade union in the legislature, which agreed that it would comment on six of the policies – including sexual harassment – by the month following the Commission's hearing. Policies were now approved by the Provincial Secretary and not by a political body, speeding the process up. The Commission said it would monitor the Legislature to get plans, policies and targets working. It would also follow up with the Legislature.

The Legislature concluded by requesting detail on the Commission's alternative reporting mechanisms, so that its sexual harassment policy was not a policy but was properly implemented. It requested measures for getting women to report sexual harassment cases. The Commission replied that the Legislature had appeared before it in 2011, 2013 and at this hearing, and asked how it was dealing with sexual harassment cases if its policy was still in draft form. It was still telling the Commission that the policy was still being negotiated with the union. The Legislature was rather supposed to be setting an example to others, yet had to show that it had done something progressive regarding the policy.

It said the Legislature had framed the moving of policy decisions from a committee to the Provincial Secretary as a strength, but still nothing had been finalised, and the objectivity of a group of people considering policy instead of a single person, was being lost; this was particularly so regarding sexual harassment. This shift was rather a weakness.

The Legislature responded that multiparty committees would consider policies, which would then go to caucuses, which would inevitably ask for more time. This was an improvement, as the Provincial Secretary would finalise a policy that had already been through consultative processes. The Legislature clarified that it had a sexual harassment policy in place; the recent case had showed the Legislature that its policy had shortcomings, and it was currently changing the policy to close loopholes.

The Commission said the integrity of the sexual harassment disciplinary process was crucial, and the person who drew up the policy could not be the person who presided over disciplinary proceedings. This would have to be clarified. It noted concern about the slow pace of transformation, and a lack of vigour in this regard.

## DISCUSSION

The Commission thanked the entities for their feedback, and was pleased at the networking that had gone on between them. It paraphrased the key challenges and best practices identified by the hearing.

Challenges included:

- Reversals in progress through loss or resignation, and a lack of processes to address the situation.
- There were budgets for social cohesion, but some struggled to obtain funding for this purpose.
- Disability remained a critical area, from accessibility to persons with disabilities.
- There was non-compliance with meeting disability targets; there was a sense of discrimination in the appointment process.
- Sexual harassment remained an issue, and there were challenges around reporting matters, as some victims were reluctant to come forward. Convicted harassers should be listed and struck off, but the problem was that sometimes they were moved around and did not have their employment terminated. Unions also wanted to protect perpetrators.
- Still a greater level of women in junior and middle management levels, but not senior management. The Commission had heard that when there were more women in the workplace, companies had to gear up to accommodate them.
- More women in the workplace meant more maternity leave, and new measures were required to deal with this.
- There were challenges with attrition and retention, and some entities could not compete with the job market. This meant slow transformation, especially in top management.
- Where disabilities were concerned, there was reluctance among employees to disclose disability.
- There was slow turnaround with the DG Review process.
- Institutions set targets, but then fail to employ people against the set targets; there had to be high-level accountability for that.
- Some entities struggled with managing talent, but others had great interventions; some also battled with scarce skills.
- Some interventions put in place were not in line with EE Plans – a disjuncture between planning and implementation.

Best practices included:

- Visible budgets and programmes for transformation: women interns, women on training programmes, ring-fencing, job learning and bursaries.

- Co-ordination of gender-focused activities being cascaded down into regions and districts.
- Working with men to obtain buy-in and raise awareness: Men's and Women's Forums, Men's and Women's Parliaments.
- More and more EE Committees, and responsibility being taken at HoD and leadership level; if transformation was not anchored at top level, there was no commitment or response.
- More women being appointed to Executive Committees.
- Graduate programmes resulting in more women and persons with disabilities being appointed; up to 50% of positions were being ring-fenced for the latter.
- Programmes such as TechnoGirl, learnerships, Women in Engineering, Women in Leadership, executive coaching, study tours and mentorships enabled the support and retention of women in the workplace.
- Planning for succession, partnering with other organisations to find suitable candidates with disabilities, and career pathing.
- Skills development and EE measures being integrated, showing EE activities were maturing, for example, executive scorecards and accountability.
- Positive interventions around sexual harassment. That policy had to be embedded in the workplace, unions had to be involved, and training and awareness had to be done. The matter of impunity for offenders should be addressed by making sexual harassment a dismissible offence; it applauded the practice of shifting the burden of proof onto the perpetrator.
- More importance being attached to managing diversity; inclusivity needed to be coupled with a strategy and representation, driven with targets and a roadmap by change agents.
- Good, progressive policy on maternity leave, with six months being granted to women and five days to men; paternity leave was a challenge that it would follow.
- Flexibility in the workplace environment, and having an enabling workplace for maternity, such as nursing rooms.
- Conscious transformation in top and senior management, with percentages shifting and women being appointed in meaningful positions.
- Childcare facilities being piloted.
- The use of Women's Forums to champion workplace issues for women.
- A lesson learned about co-operation and collaboration for transformation to work: cultural and institutional transformation needs buy-in, consultation and leadership support to be effective.
- EE being treated as a business plan, with project plans, timeframes, accountability, reporting, and measurement and monitoring.
- Recognition of the need to involve men in gender equality or transformation and discussions.

## **Tips from Unilever**

Unilever then shared a series of tips around gender transformation in the workplace. In the matter of not getting policies fulfilled, or female representation, it was very important that senior male stakeholders were on board. This was Unilever's most critical success factor; when inclusivity worked, male leaders were driving it. Also, good women in senior roles was important, who were objective and would not alienate men, to achieve balance.

Regarding sexual harassment, it was critical to have women involved in the enquiry. It was important to have someone senior in that role, as there were levels of prejudice in sexual harassment cases and sometimes acts were not regarded as sufficiently serious.

Inclusivity did not mean programmes for women – it meant women talking in forums with other, senior women to discuss their challenges and how to address them. Sending women to workshops was pointless – both men and women should attend them.

## **Ethekwini comments**

The Ethekwini municipality raised the challenge it faced in implementing its EE Plan. It had been approved the previous day, but how would it make it work, as it had to be driven by line managers?

Its HR team, too, needed to experience radical behavioural change, as they harboured many stereotypes – but they were supposed to be the change agents for transformation. How would they persuade line management?

It already planned to send the HR team on a workshop on their roles and change agent management, to obtain their buy-in, which had to be stressed; in the past EE had been seen as an HR issue and responsibility was not taken for it.

From there interventions were needed for management buy-in, particularly in technical areas, where there was more resistance to change. It was considering change management interventions with them, as they were not making sufficient effort to transform.

It was determined to engage with its stakeholders, to make them understand what needed to be done, but it was a long process within an organisation of 24 000 employees and 170 executives with whom to consult. There was much resistance when dealing with serious issues.

## **University of Zululand comments**

The University of Zululand (Unizulu), an observer at the hearing, commented that what was missing from what it had seen was a culture of nurturing; one would nurture a child, not just have it, for example. Monitoring and evaluation was thus extremely important.

Regarding Unizulu's transformation plan, it had been a struggle to get stakeholders to buy into the plan. If a decent process was not followed, one could forget about implementing the plan; stakeholders, particularly unions, would disagree with it, no matter how good its content.

A proper monitoring and evaluation system was important, where people presented evidence when they reported. A budget had to be in tune with needs. Alignment of policy to EE strategies and plans was important.

### **SAPS comments**

SAPS said that it had recently revised its sexual harassment policy, but there was a great debate raging about the issue of respecting the confidentiality of the victim and the harasser – because if the matter was kept confidential, how could others be encouraged to report, and how could perpetrators be identified? When people were traumatised, they sometimes blamed themselves. It would appreciate guidance from the Commission: should it sacrifice increased reporting on the altar of confidentiality?

Secondly, with regard to disability and the operational nature of SAPS's work, it had approached the Department of Labour and the Employment Equity Commission to look into operational support positions, and perhaps reconsider the 2% disability representation requirement, as a realistic balance needed to be struck.

### **Unilever comment**

Regarding the issue of buy-in for transformation, Unilever said certain things needed to be done correctly. One of them was myth-busting; for example, if HR said it could not find a woman for a post, one should examine the short-listing process, and how women candidates had been sought. Also, one should work with relevant bodies to address shortcomings in finding women candidates.

### **Transnet comments**

Transnet shared a tried and trusted practice: when it began receiving graduates with disabilities, it placed them in various sites and managers began to see they were capable; they changed mindsets themselves and created an appetite for employing persons with disabilities.

An unidentified speaker commented that if a person disclosed their disability but it did not qualify as a workplace disability, their confidentiality was lost; people would not report disability and statistics would be affected. Training was needed for managing disability in the work context. Disability in work such as SAPSs, which had operational requirements, could be addressed through the rank structure, with disabled employees in support roles enjoying similar ranks to colleagues in operational jobs. Also, innovation was required to

make accommodation of disability more achievable in the workplace. A mindset change was required to achieve balance.

*Key points:*

The Commission summed up key points on the issue of buy-in:

- \* Process was important and consultation was required.
- \* Stereotypes that perpetuated discrimination had to be challenged.
- \* Persons with disabilities could prove by doing.
- \* Managers should be trained on inclusivity and diversity.
- \* Accountability and implementation should be monitored.

Unizulu also advised engaging with managers on a one-on-one basis to achieve buy-in, rather than as a group. Also, the EE Plan had to link to the entity's mission and vision, and show how it would advance the organisation.

An unidentified speaker commented that a CEO signed an EE Report; any fine of a percentage of the business's turnover was a constant reminder to be compliant. Consequences also needed to be pointed out.

### **Disability discussion**

The Commission initiated discussion around the accommodation of disability and concerns about balancing the inherent requirements of the job, versus innovating and finding room in support and operational support for employing persons with disabilities.

Transnet commented that employers needed to be bold change agents. Many issues boiled down to being scared to being seen on the wrong side of the law; change required boldness, to get down to work and do it. Transnet continued that it was important to obtain the support of labour for change, to make the labour force part of it.

SAPS commented that in its environment, there is a lot of litigation and disability could lead to claims. It had recruitment requirements, such as a physical assessment. When measuring EE and the 2% disability target, is the target also measured against operational staff that had to pass the physical assessment? Would it not be more effective applying only to posts where persons with disabilities could be employed?

The Commission responded that it felt the requirements for jobs needed to be reassessed objectively; we may all carry inherent prejudices about what we believe persons with disabilities are capable of doing. A shift in mindset was needed.

SAPS clarified that it did not exclude persons with disabilities from its recruitment process. But they had to pass the physical assessment to be employed as police officials. Hearing impairment, for example, did not necessarily exclude a person from being employed.

Declaration of a disability was an issue for SAPS, as it knew people withheld information that would register them as disabled on its system.

The Ethekwini municipality said it needed to do a reclassification process with all its staff, as part of its EE Plan, in order to identify more persons with disabilities. But some would declare, and others would not; it had also discovered that many people had wrongly stated they had disabilities. Its major concern, however, lay with finding persons with disabilities who were skilled.

An unidentified speaker said that too often, discussion around disability excluded persons with disabilities, which hampered progress.

#### *Key points:*

The Commission summed up key points on disability issues:

- \* Engagement with disability organisations had been highlighted.
- \* Doing accessibility audits and accommodating persons with disabilities were needed.
- \* Drives were needed to raise awareness of disability and provide support where necessary.
- \* Building support within the union, as a critical stakeholder, was needed.
- \* Making a business case for diversity and disability to attain leadership support.
- \* There was a real recommendation that job requirements be re-assessed, as people may be excluded because of assumptions about what they can or cannot do.
- \* Include persons with disabilities in decision-making concerning jobs.
- \* The problem lay not with persons with disabilities, but with others, who needed to learn how to manage disability.
- \* It was essential to take risks and be bold.

### **Sexual harassment discussion**

The Commission raised the matter of sexual harassment, asking how awareness could be raised, and how people could be encouraged to report, while protecting confidentiality. SAPS said in a paramilitary institution, sexual harassment goes with power relations – the harasser always has power. But if no one knows what is going on, no one is brave enough to speak out; few women are brave enough to report, and some felt powerless because men controlled the lines of reporting.

The Commission said Wits University had also experienced the issue of power relations in sexual harassment, and also, most sexual harassers were serious sexual harassers.

An unidentified speaker said the person dealing with sexual harassment cases should be of sufficient seniority that he or she would not be reporting to the harasser. Similarly, those offering training should also be senior.

The KZN Legislature said its policy also protected the identities of the victim and harasser, and asked if a policy shift was being contemplated so that the name and deed of the perpetrator was made known if it was possible to do so.

The Ethekewini municipality said all sexual harassment cases were reported to its version of an Ombudsperson, a neutral office. In many instances harassers were in positions of power and were found not guilty, leading to staff unhappiness. In this way, cases were handled impartially.

Unilever said it also had an independent investigation of sexual harassment cases, and senior staff were involved in them. Word spread after one or two big cases, but commitment was needed from leadership.

The Ethekewini municipality questioned why perpetrators could not be identified.

An unidentified speaker said the employer was in a predicament: the victim needed protection, and the perpetrator needed to be punished and not further humiliated.

SAPS concurred, saying a person taken through a disciplinary process may be found not guilty but will have been identified, leading to a defamation problem.

An unidentified speaker said these topics indicated that a need for special workshops, and asked the Commission if it could organise such workshops.

SAPS concurred. It then referred to a sexual harassment case where the victim committed suicide before the case was concluded, because the harasser was being protected. It was an issue that could not be glossed over.

#### *Key points:*

The Commission summed up key points around sexual harassment:

- \* Strong, clear leadership was needed that said sexual harassment was serious misconduct, and a dismissible offence. People with confidence in the institution would then come forward. The Commission would assist entities to review and strengthen their policies.
- \* The reporting and investigating mechanisms had to be independent and senior – the bosses could not decide on cases.
- \* Both men and women should serve on such structures.
- \* There was a need for awareness-building, to raise knowledge and confidence.

Regarding training by the Commission, the entities, as employers, had to fit training into their resources and budgets. It could assist, and did what it could, but could not undertake large-scale training in the private and public sectors. It could monitor training, find service providers and advise on curriculum.

A representative of the Durban Chamber of Commerce told the audience that it has a Non-governmental Organisation Forum with members that would readily assist the entities in sourcing persons with disabilities.

## **CLOSING REMARKS**

In closing, the Commission said it would compile a report of the hearing, a legally constituted proceeding. The two entities that did not make an appearance – Engen and the University of KwaZulu-Natal – would be issued with notices to appear before the Commission. The presentations would be circulated, and form part of a national report.

### **FURTHER HEARING, 16 OCTOBER 2014**

The two entities that failed to appear on 28 August 2014, Engen Refinery and the University of KwaZulu-Natal, were present at the Commission's offices on 16 October 2014.

### **1. ENGEN REFINERY**

Representative: Thabani Zondi, Manager: Human Resources

#### **1.2 Presentation**

Engen said its goal was to defend, grow and achieve operational excellence in relation to risk management. Its aim was to employ black employees with disabilities and to have them reflect as 20% of the total permanent workforce. Twenty percent of skills development expenditure had been set aside for black people.

#### *Engen's BBBEE journey*

There had been an improvement in black representation, from 55.1% in 2011 to 81.5% in 2014. Its BBBEE level had improved from a 5 to a 3. At its initial appearance at the EE hearings, 23% of top management positions were held by African people; this had increased to 28%.

#### *Current activities*

Engen was under DG Review. Its EE Plan had been reviewed and approved by the DG. In April 2014 there had been a further review and a follow-up assessment on the approved EE Plan. In June 2014, the office of the DG conducted a visit to Engen to review progress, and a further meeting was to take place on 14 November 2014.

Engen was in the process of reviewing the EE Plan for the next five years. It admitted that the progress is not at the pace it would have liked. Recommendations from the DG, as well as the Commission, would assist it greatly.

### *EE Planning*

Key dependencies:

- \* Align and consider EEA Act amendments.
- \* A culture survey in 2013 which allocated certain areas for transformation).
- \* EE forums are split (Main Engen EE Forum and Divisional EE Forums).
- \* Revised BEE codes and their impact.

### *Quantitative divisional analysis*

A toolkit was developed for divisions to assess female representation and in terms of persons with disabilities, as well as Employee Assistance Programme dynamics. The three-year trend analysis per division revealed over- and under-representation in terms of certain categories per division. This analysis was linked to revised BEE codes, which became effective in April 2015. Gender and disability measures were key considerations during the planning phase, as well as African female representation across all levels including black disability representation, the latter being a continuing challenge.

### *Qualitative analysis*

Engen had engaged an external consultant to look at the practices hindering progress and the enabling nature of its policies. It had been working with the consultant for three months, as it wanted to achieve meaningful progress.

### *Observations on race and gender*

There had been a 2.46% increase in female representation across all occupational levels at Engen since 2011. It had seen progress with African female and African male appointments. With top and senior as well as middle management, it had seen a 3% increase in female representation over the same period.

### *Disability integration*

Engen had established an academic and financial support (bursary) programme for students with disabilities, commencing in February 2015.

### *Follow-up questions to Engen*

- \* Were the employees from the graduate programme absorbed into employment permanently?
- \* Had Engen looked to other entities to attract employees with disabilities?
- \* Issues from the DG Review: what gender equality issues were raised?
- \* POCS (culture survey)- what were objectives and findings of the survey?
- \* Toolkits for divisions: what authority was there at divisional level for buy-in? Why were they not reaching targets?
- \* Regarding ownership of franchises (petrol stations) and women's empowerment in terms thereof, why did women not own petrol stations?

### *Responses from Engen*

- \* Engen had links with organisations such as Disabled People South Africa, but the

links were not strong. It had used recruitment agencies for supply, therefore had started to create links to grow talent itself. Environment, buildings and the issue of reasonable accommodation was a massive challenge; it currently had experts looking at space optimisation, and it was also struggling to get employees to accept persons with disabilities.

- \* Regarding specifically gender equality issues raised by the DG Review, Engen undertook to make these available to the Commission.
- \* The culture survey looked at the issue of trust relationships within the organisation. This also included the issue of EE and transformation. There was still a gap that needed to be addressed.
- \* Regarding toolkits, divisions had the requisite authority to make the necessary changes. This needed a strict approach; change was more difficult if divisional heads failed to adhere to the plans.
- \* Engen stated that it did not have enough information to answer the question regarding women ownership of franchises.

## **2. UNIVERSITY OF KWAZULU-NATAL**

Representative: Busisiwe Ramabodu, Human Resources Manager

### **2.1 Presentation**

The University said transformation was underway in terms of physical environment and cultural transformation. It had a specific target for recruiting African females. It had discovered that in order to achieve true transformation, it had to change the quality of human relations. Talent retention was inimical to the achievement of transformation. Transformation also extended to expanding and developing academic talent, so it had decided to cut at least 50% of administrative support roles in order to make the University a truly academic institution.

It stated that the percentage statistics needed to be disaggregated to indicate foreign nationals who were studying at the university. It also needed statistics to indicate top and senior management level posts.

It submitted further that policies were not necessarily reviewed every five years, and that a recommendation could be made to change this should it act as a barrier.

The University had a programme for staff that challenged individuals to deal with their non-inclusive attitudes.

Female researchers received mentoring, and workshops were hosted to improve research profiles.

LEAP was an academic accelerated development programme that sought to appoint females as developmental lecturers, and the university was hoping to see more females

promoted to the level of professors. It had a talent management system that saw personal development plans aligned with conversing with a mentor regarding one's career at the University.

*Follow-up questions to the university*

- \* Through scholarships, did the University try to encourage change in terms of enrolments for PhD qualifications?
- \* It was asked to provide maternity/paternity information.
- \* When it previously appeared before the Commission, it had draft policies. Were these now finalised?
- \* When would the sexual harassment policy be finalised?
- \* BBBEE had been amended and therefore one could not lump black (African, Indian, coloured) together any longer. Had this been disaggregated?
- \* Was there any indication of resistance in a survey of findings regarding diversity?

*Responses from the University*

- \* The University undertook to furnish the Commission with further information on maternity/paternity.
- \* Most policies, including sexual harassment, would be finalised by the end of 2014, but it would provide further feedback.
- \* Regarding equal pay for equal work, it had drafted a proposal and was looking at ways to address this. When it remunerated it looked at the entire package, as well as the efficiency of projects. For example, cleaners at UKZN were paid three times what the market paid. Bonuses were paid according to the total package of the employee, with performance bonuses paid at mid-point.
- \* It would revert with further information regarding disaggregated statistics on race.
- \* It would revert with feedback regarding its diversity survey findings.

## CONCLUSION

In conclusion, it must be noted that even though progress has been slow, some entities have made very good progress from 2011 and their endeavours are noteworthy.

It was emphasised, however, that entities must continue to do the following to ensure that the changes that are being made are lasting changes:

- \* Challenge the stereotypes.
- \* Train managers to manage diversity.
- \* Monitor accountability and implementation.
- \* Buy in and consultation needs to be done.
- \* Management needs to be talking about that specific issue and then that needs to filter into the working environment.
- \* Link the EE plan to the vision and mission, and show that the plan is going to enhance the organisation rather than only achieving representation in numbers.

The Commission has been encouraged to witness and journey with entities along this road to gender transformation in the workplace.





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A society free from gender oppression and inequality

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