

TRACK 7: GENDER AND WORK

QUESTION: What are the continuities and discontinuities of unequal treatment of women in work

TITLE: CONSEQUENCES FOR THE HAND THAT ROCKS THE CRADLE

ABSTRACT

The hand that rocks the cradle, rules the world. Is an ancient poetic interpretation of the powerful role that women play in influencing the way in which society is shaped by the contributions of her child, the child — she — raised. The role of mothering, and the rest of the duties of the private sphere, was assigned to her because of — her — biological predisposition to conceive and birth a child. Since the slow but steady introduction of women into the world of work — during the period 1930 to 1970 — women have been subjected to inhumane treatment and generally, inequality. It is argued that the world of work was not designed for her and thus required architectural changes and a reimagination to allow her entrance. With the advent of equality legislation — protective legislation — for her, she can enter. Whether she can stay in a masculinised world — a man's world — is the rhetorical question. It will be argued that section 25 of the BCEA and its amendments, considering literature from the social sciences, have unintended consequences, are counterproductive and counterintuitive in context of section 9 of the Constitution.

I. INTRODUCTION

Gender and sex-based discrimination — against women — have caused them disadvantage, in context of, professional success and social mobility.¹ This was largely resultant of segregation of household labour and labour market participation, divided along gendered lines.² Women had to withdraw from the labour market after becoming mothers, decreasing the number of children, and delaying childbearing.³ Those in employment, are consigned to low-paid/unpaid jobs, usually in the informal sector, which are influenced by national and organisational culture.⁴

This paper will, therefore, focus on how legislation — deemed substantive — are to women's detriment and result in their subjugation as opposed to their liberation. This will be viewed through the lens of the transformative agenda of the Constitution of the Republic of South Africa, No. 108 of 1996.⁵ First, a discussion of the law. Second, a focus on the unintended consequences — *for the hand that rocks the cradle* — will be discussed by drawing on the literature of the social sciences. Third, a high-

¹ Manzi "Are the processes underlying discrimination the same for women and men? A critical review of congruity models of gender discrimination" 2019 (10) *Frontiers in Psychology* ; Heilman & Caleo "Gender discrimination in the workplace" 2018 ; Welle & Heilman "Formal and informal discrimination against women at work" 2007 *Research in social issues in management: Managing social and ethical issues in organizations*

² Cunningham "Changing attitudes toward the male breadwinner, female homemaker family model: Influences of women's employment and education over the lifecourse" 2008 (87) *Social forces* ; Borrowman & Klasen "Drivers of gendered sectoral and occupational segregation in developing countries" 2020 (26) *Feminist Economics* ; Guy & Newman "Women's jobs, men's jobs: Sex segregation and emotional labor" 2004 (64) *Public administration review*

³ Martínez, Carrasco, Aza, Blanco & Espinar "Family gender role and guilt in Spanish dual-earner families" 2011 (65) *Sex Roles* ; Mayer & Le Bourdais "Sharing Parental Leave Among Dual-Earner Couples in Canada: Does Reserved Paternity Leave Make a Difference?" 2019 (38) *Population Research and Policy Review*

⁴ Lortie "Gender differences in employment: Why they matter... for rural women" 2012 (12) *Global Social Policy* ; Socratous, Galloway & Kamenou-Aigbekaen "Motherhood: an impediment to workplace progression? The case of Cyprus" 2016 *Equality, Diversity and Inclusion: An International Journal*

⁵ "The Constitution of the Republic of South Africa," (Republic of South Africa 1996).

level overview of *Harksen v Lane*,⁶ for purposes of a substantive equality assessment. Last, provide a succinct conclusion, with a position on the way forward.

II. THE LAW IN CONTEXT

a) International Instruments

South Africa is a member to both the United Nations (UN) and the International Labour Organisation (ILO)⁷, amongst others. They have ratified the following international instruments, relevant to this paper.⁸ From the UN: the Universal Declaration of Human Rights (UDHR);⁹ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);¹⁰ the International Covenant on Civil and Political Rights (ICCPR);¹¹ the International Covenant on Economic, Social and Cultural Rights (ICESCR);¹² the Proclamation of Teheran (Proclamation);¹³ and, the Declaration on Social Progress and Development (DSP).¹⁴ In terms of the ILO, South Africa ratified: ILO Declaration on Fundamental Principles and Rights at Work (ILO Declaration);¹⁵ Convention 111 Discrimination (Employment and Occupation) (C 111);¹⁶ the Convention 156 Concerning Equal Opportunities and Equal Treatment for Men and Women: Workers with Family Responsibilities (C 156).¹⁷

⁶ *Harksen v. Lane NO and Others* 1998

⁷ A specialised body of the UN

⁸ Ratification of these said instruments as per section 213 of the Constitution, are binding

⁹ "The United Nations Universal Declaration of Human Rights," (1948).

¹⁰ "Convention on the Elimination of All Forms of Discrimination against Women," International Labour Organisation (1979).

¹¹ "International Covenant on Civil and Political Rights," United Nations (1966).

¹² "International Covenant on Economic, Social and Cultural Rights," United Nations (1966).

¹³ "Proclamation of Teheran," United Nations (1968).

¹⁴ Assembly "Declaration on Social Progress and Development" 1969 (2542)

¹⁵ Organization *ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up: Adopted by the International Labour Conference at Its 86th Session, Geneva, 18 June 1998* (1998).

¹⁶ "Convention No. 111 Discrimination (Employment and Occupation)," International Labour Organisation (1958).

¹⁷ "Convention Concerning Equal Opportunities and Equal Treatment for Men and Women with Family Responsibilities," International Labour Organisation (1981).

a) Domestic Law

Chapter 14 of the Constitution, as outlined in section 231, speaks of the binding nature of international agreements, by stating that any international agreement, ratified by South Africa, becomes national law. Further to this, section 233 of the Constitution notes the consideration of international law as cardinal when interpreting any piece of legislation. Section 9 of the Constitution speaks to the right to equality. It is trite that this right — in context of South Africa — is substantive.¹⁸ Substantive equality, is equality with an appreciation for difference and a need to accommodate the differences.¹⁹ Emanating from S 9 of the Constitution is the Employment Equity Act, No. 55 of 1998 (EEA).²⁰ The EEA sets the scene for equal treatment — substantive equality — for all in the workplace.²¹ It affords every worker; inter alia, the right not to be unfairly discriminated against on a list of grounds and arbitrary grounds.²² This is furthered in *Harksen v Lane*.²³ An important piece of legislation, for purposes of this paper, is the Basic Conditions of Employment Act, No. 11 of 2002 (BCEA).²⁴

¹⁸ Albertyn "Contesting democracy: HIV/AIDS and the achievement of gender equality in South Africa" 2003 (29) *Feminist studies* ; Smith "Equality constitutional adjudication in South Africa" 2014 (14) *African human rights law journal* ; Klare "Legal culture and transformative constitutionalism" 1998 (14) *South African Journal on Human Rights* ; *National Coalition for Gay and Lesbian Equality and Another v. Minister of Justice and Others* 1998 1998

¹⁹ Sloth-Nielsen, Wakefield & Murungi "Does the Differential Criterion for Vesting Parental Rights and Responsibilities of Unmarried Parents Violate International Law-A Legislative and Social Study of Three African Countries" 2011 (55) *J. Afr. L.* ; Pretorius "Ngwena Employment Equity Law" 2012 *Pretorius JI, Klinck ME and Ngwena CG Employment Equity Law* ; *Brink v. Kitshoff* NO 1996 1996
²⁰ "Employment Equity Act," (1998).

²¹ Pretorius "Ngwena Employment Equity Law" ; Heaton "Striving for substantive gender equality in family law: Selected issues" 2005 (21) *South African journal on human rights* ; Jagwanth & Murray "Ten years of transformation: How has gender equality in South Africa fared" 2002 (14) *Can. J. Women & L.*

²² "Employment Equity Act."

²³ "Harksen v. Lane NO and Others." Additional landmark cases are *Prinsloo v. Van der Linde and Another* 1997 1997 ; *President of the Republic of South Africa and Another v. Hugo* 1997 1997

²⁴ "Basic Conditions of Employment Act," (1997).

More specifically, section 25 of the BCEA, afford women maternity protection.²⁵ The comparison for the 'other' partner is found in the Labour Law Amendment Act, No. 10 of 2018 (LLAA).²⁶ It is from this premise that it will be argued that the law — in its current state — is a key to relegating women into the primary caregiver role — unintentionally — with little to no regard for their right to equality.²⁷ It is the starting point of their subjugation, in and out of the workplace. It will also be proven that these legal prescriptions are so gross that it transforms the workplace into a man's world — a world — where she is — out of legal necessity — welcomed, but not able to stay.

III. UNINTENDED CONSEQUENCES FOR THE HAND THAT ROCK THE CRADLE

For purposes of this paper — unintended consequences — are those that are not reasonably foreseeable with adverse effects. It is so termed, as the legislature had good intent, by affording women the desired relief from the social injustices, but if the consequences were reasonably foreseeable, the legislature would have decided otherwise.²⁸

It is trite that the transition to parenthood has differential outcomes for mothers and fathers or primary and secondary caregivers, respectively.²⁹ For mothers, this results in an increase in family labour followed by a decrease in paid labour, and more

²⁵ Section 25 of the BCEA: (1) An employee is entitled to at least four consecutive months' maternity leave. (2) No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so. It is trite that maternity protection is for women (mothers) only or at least those with the capacity to conceive and birth a child

²⁶ "Labour Law Amendment Act," (2018). The 'other' parent is allowed 10 days parental leave.

²⁷ It was established in the case of *MIA v. State Information Technology Agency (Pty) Ltd* 2015 36 that the law requires revision to allow men to care for their children. To unburden women and to realise that the act of parenting does not equate to mothering. The judge also urged the legislature to revise this legislation to inform the best interests of the child ie section 28 (2) of the Constitution.

²⁸ See for example Sachs "Towards a Bill of Rights in a democratic South Africa" 1990 (6) ; Malherbe "Advancing social change: recent human rights developments in South Africa" 2003 (2003)

²⁹ It is argued that S 25 of the BCEA makes women the primary caregivers and thereby the 'other' parent, the secondary caregiver ie a supportive and not parenting role.

so an engagement in part time work to cater for familial obligations, and earnings whereas the opposite is true for fathers.³⁰ Mothers tend to prioritise parenting and family, over all other activities, compromising their engagement in other areas, which is exacerbated by institutional context advocating for a gendered division of family labour.³¹ This notion is akin to the concept of — intensive mothering — where mothers are — expected — to prioritise the needs of their children above their own and that they should be involved in nurturing them on a daily basis.³² The fact that men are rarely expected to perform communal roles — on part of society — reinstalls stereotypical gendered expectations.³³ Mother's additional role expectations also deprives them from having leisure time.³⁴ This explains why mothers — the hand that rocks the cradle — as opposed to fathers, experience mental spill over.³⁵

With the above in context follows a discussion of the unintended consequences categorised as: career progression, role conflict, career goals, role strain, role proliferation, conflict over the division of family labour, and other related issues.

a) Career Progression

³⁰ Baxter, Buchler, Perales & Western "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor" 2015 (93) *Social Forces* ; Stam, Verbakel & de Graaf "Do values matter? The impact of work ethic and traditional gender role values on female labour market supply" 2014 (116) *Social indicators research*

³¹ Baxter et al. "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor" ; Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families" (paper presented at the Sociological Forum, 2014).

³² Christopher "Extensive mothering: Employed mothers' constructions of the good mother" 2012 (26) *Gender & Society*

³³ Croft, Schmader & Block "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles" 2015 (19) *Personality and Social Psychology Review*

³⁴ Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families."; Deding & Lausten "Gendered time-crunch and work factors in Denmark" 2011 (101) *Social Indicators Research*

³⁵ Offer "Free time and emotional well-being: Do dual-earner mothers and fathers differ?" 2016 (30) *Gender & Society*

In terms of career progression and resultant of legislation such as section 25 of the BCEA, women have been subject to a detriment in career progression — as having children — with the number being paramount ie the more children the greater the effect, would result in slow and low wage career progression.³⁶ With the strides made, in context of sex and gender equality — mothers — still struggle to have careers, more so in male dominated occupations such as engineering and technology.³⁷ The leading causes are women having to leave their careers, temporarily, or indefinitely, when becoming mothers. In addition is the masculinisation of the organisation, with reference to, work values and organisational culture.³⁸ Motherhood thus compromises women's careers as they end up working shorter hours, earning lower salaries, to accommodate for the child's first year of life.³⁹ It is thus evident that there exists a correlation between the age of the child and the impact on the mother's career.⁴⁰

Longer maternity leave can undermine women's career progression.⁴¹ This is problematic for institutions of work as it infers that well intended legislation could be

³⁶ Mayer et al. "Sharing Parental Leave Among Dual-Earner Couples in Canada: Does Reserved Paternity Leave Make a Difference?" ; Galtry & Callister "Assessing the optimal length of parental leave for child and parental well-being: How can research inform policy?" 2005 (26) *Journal of Family Issues* ; Colaner & Giles "The baby blanket or the briefcase: The impact of evangelical gender role ideologies on career and mothering aspirations of female evangelical college students" 2008 (58) *Sex Roles*

³⁷ Herman & Lewis "Entitled to a sustainable career? Motherhood in science, engineering, and technology" 2012 (68) *Journal of Social Issues*

³⁸ Clark Blickenstaff* "Women and science careers: leaky pipeline or gender filter?" 2005 (17) *Gender and education* ; Barnard, Powell, Bagilhole & Dainty "Researching UK women professionals in SET: A critical review of current approaches" 2010 (2) *International Journal of Gender, Science and Technology*

³⁹ Herman et al. "Entitled to a sustainable career? Motherhood in science, engineering, and technology" ; Croft, Schmader & Block "Life in the balance: are women's possible selves constrained by men's domestic involvement?" 2019 (45) *Personality and Social Psychology Bulletin* . Psychological and Psychiatric literature dictates the presence of both parents for best child outcomes.

⁴⁰ McIntosh, McQuaid, Munro & Dabir-Alai "Motherhood and its impact on career progression" 2012 *Gender in Management: An International Journal* ; Uzoigwe, Low & Noor "Predictors of work-family role conflict and its impact on professional women in medicine, engineering, and information technology in Nigeria" 2016 (28) *Asia Pacific Journal of Public Health*

⁴¹ Hideg, Krstic, Trau & Zarina "The unintended consequences of maternity leaves: How agency interventions mitigate the negative effects of longer legislated maternity leaves" 2018 (103)

harmful to women's careers.⁴² Taking shorter maternity leave could signal high career-orientation and dedication, which would portray women as assertive, independent, and having a strong determination.⁴³ This is also noted in signalling theory in that current observed behaviours by managers of their employees dictates future achievements and behaviours, in the sense that shorter maternity leave might indicate a strong signal of agency, or that early return from maternity may be indicative of dedication and commitment to job, as an indicator of success.⁴⁴

Gendered organisational theory explains this phenomenon of mother's experience of systematic disadvantage in male centred organisational values and cultures.⁴⁵ Resultant of organisational and societal architectural factors, career progression for men and women are different.⁴⁶ Role congruity theory dictates that the reason women are less suitable for leadership roles is resultant of incongruence between leadership roles and women's gender roles.⁴⁷ Motherhood with its concomitant policy implications and prescripts allowing for work-family balance is seen as a hinderance to career progression.⁴⁸ The allowances afforded by such policy

⁴² Hideg et al. "The unintended consequences of maternity leaves: How agency interventions mitigate the negative effects of longer legislated maternity leaves"

⁴³ Hideg et al. "The unintended consequences of maternity leaves: How agency interventions mitigate the negative effects of longer legislated maternity leaves"

⁴⁴ Paustian-Underdahl, Halbesleben, Carlson & Kacmar "The work-family interface and promotability: Boundary integration as a double-edged sword" 2016 (42) *Journal of Management* ; Leslie, Manchester, Park & Mehng "Flexible work practices: a source of career premiums or penalties?" 2012 (55) *Academy of Management Journal* ; Hideg et al. "The unintended consequences of maternity leaves: How agency interventions mitigate the negative effects of longer legislated maternity leaves" . All of which is contrary to the best interests of the child.

⁴⁵ Herman et al. "Entitled to a sustainable career? Motherhood in science, engineering, and technology"

⁴⁶ Geldenhuys & Henn "The relationship between demographic variables and well-being of women in South African workplaces" 2017 (15)

⁴⁷ Eagly & Karau "Role congruity theory of prejudice toward female leaders" 2002 (109) *Psychological review* ; Hideg et al. "The unintended consequences of maternity leaves: How agency interventions mitigate the negative effects of longer legislated maternity leaves"

⁴⁸ Herman et al. "Entitled to a sustainable career? Motherhood in science, engineering, and technology"

contradicts the gendered organisational culture.⁴⁹ A study found that more women, as opposed to men, find promotions undesirable, contemplating career-family conflict.⁵⁰ Motherhood is therefore argued to bring about a penalty for women who engage in mothering, and that these career breaks prove to hinder career progression and have negative effects for future career aspirations.⁵¹

Gender stereotyping plays a major role in women's career progression ie, either the existence of motherhood or the anticipation of motherhood. The problem is that it reinforces boundaries between men and women, causing differentiation akin to social inequality, which can be sent on throughout generations via modelling.⁵² Sociologist found that women and men, due to these hegemonic ideologies tend to conform.⁵³ On an individual level, gender stereotyping hinders agency and promotes conformity, which can undermine performance and impair life outcomes.⁵⁴ These ideologies originated from white middleclass families during the industrial revolution.⁵⁵

It is where management have the preconceived notions of how parenthood will affect the work ethic of mothers.⁵⁶ Social psychologists, sociologists and economists

⁴⁹ Herman et al. "Entitled to a sustainable career? Motherhood in science, engineering, and technology" . These include policies related to family responsibility. See Fuwa, Ito, Kubo, Kurosaki & Sawada "Gender discrimination, intrahousehold resource allocation, and importance of spouses'fathers: evidence on household expenditure from rural india" 2006 (44) *The Developing Economies*

⁵⁰ Gino, Wilmut & Brooks "Compared to men, women view professional advancement as equally attainable, but less desirable" 2015 (112) *Proceedings of the National Academy of Sciences* ; Croft et al. "Life in the balance: are women's possible selves constrained by men's domestic involvement?"

⁵¹ McIntosh et al. "Motherhood and its impact on career progression" ; Davey, Murrells & Robinson "Returning to work after maternity leave: UK nurses' motivations and preferences" 2005 (19) *Work, employment and society*

⁵² Ellemers "Gender stereotypes" 2018 (69) *Annual review of psychology* ; Croft et al. "Life in the balance: are women's possible selves constrained by men's domestic involvement?"

⁵³ Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood" 2016 (78) *Journal of Marriage and Family* ; Riggs "Mandates for mothers and fathers: Perceptions of breadwinners and care givers" 1997 (37) *Sex Roles*

⁵⁴ Ellemers "Gender stereotypes" ; Eagly et al. "Role congruity theory of prejudice toward female leaders"

⁵⁵ Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood"

⁵⁶ MacNell, Driscoll & Hunt "What's in a name: Exposing gender bias in student ratings of teaching" 2015 (40) *Innovative Higher Education*

have referenced the impact that stereotypes have in constraining women's careers.⁵⁷ These include the division of labour in the home and the allowances for women in heterosexual couples with reference to pursuing their careers.⁵⁸ It is thus that societal expectations related to the fathers family role mediates mothers involvement and advancement in their careers.⁵⁹ Mothers prefer work arrangements that suit their family life and associated responsibilities.⁶⁰

Even though women have been entering the labour market in great masses — resultant of policy prescripts relegating them to family responsibilities — they will never be able to compete equally with men.⁶¹ Organisational culture, work-family conflict, and policy prescripts are notorious for the lack of women's career progression.

b) Role Conflict

In terms of role conflict, a common attribute to women's labour market disadvantages is in part women's great share of responsibilities, with reference to,

⁵⁷ Ceci & Williams "Understanding current causes of women's underrepresentation in science" 2011 (108) *Proceedings of the National Academy of Sciences* ; Diekman, Brown, Johnston & Clark "Seeking congruity between goals and roles: A new look at why women opt out of science, technology, engineering, and mathematics careers" 2010 (21) *Psychological science* ; Park, Smith & Correll "The persistence of implicit behavioral associations for moms and dads" 2010 (46) *Journal of Experimental Social Psychology*

⁵⁸ Kroska "Divisions of domestic work: Revising and expanding the theoretical explanations" 2004 (25) *Journal of Family Issues* ; England "The gender revolution: Uneven and stalled" 2010 (24) *Gender & society* ; Offer & Schneider "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families" 2011 (76) *American Sociological Review*

⁵⁹ Croft et al. "Life in the balance: are women's possible selves constrained by men's domestic involvement?"

⁶⁰ McIntosh et al. "Motherhood and its impact on career progression" ; Gash "Preference or constraint? Part-time workers' transitions in Denmark, France and the United Kingdom" 2008 (22) *Work, employment and society* ; Whittock "Women's experiences of non-traditional employment: is gender equality in this area a possibility?" 2002 (20) *Construction Management & Economics* ; Blair-Loy & Jacobs "Globalization, work hours, and the care deficit among stockbrokers" 2003 (17) *Gender & Society* ; Mirick & Wladkowski "Pregnancy, motherhood, and academic career goals: Doctoral students' perspectives" 2018 (33) *Affilia*

⁶¹ Webber & Williams "Mothers in "good" and "bad" part-time jobs: Different problems, same results" 2008 (22) *Gender & Society* ; Schwartz "Management women and the new facts of life" 1989 (67) *Harvard business review*

family and children.⁶² Multiple conflicting roles were highlighted as one of the reasons for women's decline in productivity versus their male counterparts.⁶³ People in general, play several roles ie, mother, worker, wife et cetera. It is when the one role becomes too demanding and impact on the other, that the person is said to be experiencing inter-role conflict.⁶⁴ Motherhood combined with work-life is a good tender for such conflict.⁶⁵ Research shows that parental expectation combined with heavy workloads cause major conflicts and has negative repercussions for parents' well-being.⁶⁶ Spillover occurs when issues related to one domain gets transferred to another ie, when aspects of work-life tend to spillover to family-life.⁶⁷ It is the idea of competing interests of paid and unpaid work demands at home and work for time and attention.⁶⁸ It has been found that stressful work conditions result in bad parenting styles, conflict with adolescents, punishing behaviour and low levels of interest in familial life.⁶⁹ This is resultant of the unequal divide of household labour and work.⁷⁰ Spillover can affect each gender separately given that work and family roles are divided along gendered

⁶² Halldén, "What's Sex Got to Do with It? Women and Men in European Labour Markets," Swedish Institute for Social Research (Stockholm: Department of Sociology, Stockholm University, 2011).

⁶³ Halldén, "What's Sex Got to Do with It? Women and Men in European Labour Markets."

⁶⁴ Socratous et al. "Motherhood: an impediment to workplace progression? The case of Cyprus"

⁶⁵Minnotte, Minnotte & Thompson "The life satisfaction of dual-earner mothers and fathers: Does flexible scheduling matter?" 2016 (17) *Journal of Happiness Studies* ; Socratous et al. "Motherhood: an impediment to workplace progression? The case of Cyprus"

⁶⁶ Offer et al. "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families" ; Nomaguchi, Milkie & Bianchi "Time strains and psychological well-being: Do dual-earner mothers and fathers differ?" 2005 (26) *Journal of Family Issues* ; Pedersen "Spillover and crossover of work-to-family conflict and the health behaviors of dual-earner parents with young children" 2014 (47) *Sociological Focus*

⁶⁷ Bass, Butler, Grzywacz & Linney "Do job demands undermine parenting? A daily analysis of spillover and crossover effects" 2009 (58) *Family Relations* ; Edwards & Rothbard "Mechanisms linking work and family: Clarifying the relationship between work and family constructs" 2000 (25) *Academy of management review* ; Uzoigwe et al. "Predictors of work-family role conflict and its impact on professional women in medicine, engineering, and information technology in Nigeria"

⁶⁸ Uzoigwe et al. "Predictors of work-family role conflict and its impact on professional women in medicine, engineering, and information technology in Nigeria"

⁶⁹ Bass et al. "Do job demands undermine parenting? A daily analysis of spillover and crossover effects"

⁷⁰ DiGirolamo & Salgado de Snyder "Women as primary caregivers in Mexico: challenges to well-being" 2008 (50) *salud pública de méxico* . Aspects hereof will be discussed later in this paper.

lines.⁷¹ Studies found that mothers tend to experience, more often than fathers, feelings of distress such as guilt, with reference to, working and parenting.⁷² This is resultant of the rapid influx of women into the labour market — without adequate policy adjustments — and also household arrangements.⁷³

Family responsibilities are said to disrupt careers, especially for women, when they are unable to reconcile the two.⁷⁴ When role conflict results in incompatibility, mothers are often required to reconsider their decision to work.⁷⁵ Role conflict for mothers becomes apparent when social influences and expectations such as intensive mothering are combined with employment.⁷⁶ It is noted that role conflict is mitigated by reward within the work domain.⁷⁷

Role conflict and ambiguity are said to differ by gender as it is dependent on societal expectations.⁷⁸ Society holds women more responsible for family labour than

⁷¹ Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families."

⁷² Martínez et al. "Family gender role and guilt in Spanish dual-earner families"

⁷³ Christopher "Extensive mothering: Employed mothers' constructions of the good mother" ; Elvin-Nowak "The meaning of guilt: A phenomenological description of employed mothers' experiences of guilt" 1999 (40) *Scandinavian journal of psychology* ; Guendouzi "'The guilt thing': Balancing domestic and professional roles" 2006 (68) *Journal of Marriage and Family* ; Mazerolle & Eason "Perceptions of National Collegiate Athletic Association Division I female athletic trainers on motherhood and work-life balance: individual-and sociocultural-level factors" 2015 (50) *Journal of athletic training* ; Lee, Vernon-Feagans, Vazquez & Kolak "The influence of family environment and child temperament on work/family role strain for mothers and fathers" 2003 (12) *Infant and Child Development: An International Journal of Research and Practice*

⁷⁴ Fuwa & Cohen "Housework and social policy" 2007 (36) *Social science research* ; Miller "The effects of motherhood timing on career path" 2011 (24) *Journal of population economics*

⁷⁵ Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood"

⁷⁶ Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood" ; Waldron, Weiss & Hughes "Interacting effects of multiple roles on women's health" 1998 *Journal of health and social behavior* ; Boles, Wood & Johnson "Interrelationships of role conflict, role ambiguity, and work–family conflict with different facets of job satisfaction and the moderating effects of gender" 2003 (23) *Journal of Personal Selling & Sales Management*

⁷⁷ Boles et al. "Interrelationships of role conflict, role ambiguity, and work–family conflict with different facets of job satisfaction and the moderating effects of gender"

⁷⁸ Boles et al. "Interrelationships of role conflict, role ambiguity, and work–family conflict with different facets of job satisfaction and the moderating effects of gender" ; Mirick et al. "Pregnancy, motherhood, and academic career goals: Doctoral students' perspectives"

men, thus women tend to experience role conflict more often than men.⁷⁹ Mothers also tend to experience role conflict when they feel unable to live up to; societal expectations of being a mother; and organizational expectations of being a good worker.⁸⁰ These are the issues that prevent mothers from entering, and staying in the labour market.⁸¹ It is noted that cultural processes, organizational and institutional arrangements through policy construction and prescription perpetuate inequality thus increasing role conflict for mothers.⁸²

c) *Career Goals*

In terms of career goals, prescripts that put women in a position of primary caregiver denies them the achievement of career goals and on the other end afford men the opportunity to pursue theirs.⁸³ Fine, studied 100 families of doctors wives, and found that a high percentage of the wives defined their spouses success as their own, in that their sacrifice was being viewed as an investment.⁸⁴ She also found that once these husbands got more established, women were often pressured into ending their careers

⁷⁹ Gilbert *On social facts* (1992); Marsiglio "Contemporary scholarship on fatherhood: Culture, identity, and conduct" 1993 (14) *Journal of Family Issues* ; Eagly "Reporting sex differences" 1987 ; Abele "The dynamics of masculine-agentive and feminine-communal traits: findings from a prospective study" 2003 (85) *Journal of personality and social psychology* ; Raddon "Mothers in the Academy: positioned and positioning within discourses of the 'successful academic' and the 'good mother'" 2002 (27) *Studies in Higher Education*

⁸⁰ Socratous et al. "Motherhood: an impediment to workplace progression? The case of Cyprus"

⁸¹ Uzoigwe et al. "Predictors of work-family role conflict and its impact on professional women in medicine, engineering, and information technology in Nigeria"

⁸² Collins "Who to Blame and How to Solve It: Mothers' Perceptions of Work-Family Conflict Across Western Policy Regimes" 2020 (82) *Journal of Marriage and Family*

⁸³ *ibid* note 16

⁸⁴ Fine C 'Married to medicine' New York: *Atheneum* 1981 (as cited in Microys "Women as doctors, wives, and mothers" 1986 (32)

to pursue a traditional role.⁸⁵ This obviously was not the case when the doctor was the wife.⁸⁶

Mothers are often identified as the ones who sacrifice their careers, by working fewer hours, opting for part-time as opposed to full-time work, for purposes of parenthood.⁸⁷ These are resultant of what sociologists' term 'hegemonic ideologies that influence women's work and family decisions' such as mothers need to nurture whereas fathers are responsible for providing.⁸⁸ As a result of the impact of parenthood on women's performance, it dictates the type of work that women can occupy or prefer to occupy.⁸⁹ Mothers career advancement is also subject to socio-cultural perceptions and cultural constraints such as being responsible for the well-being of the family.⁹⁰ It is the idea of good mothering, not necessarily being a mother, that impacts negatively on women's career motivation.⁹¹ Goal-framing theory thus forwards the notion that women tend to engage in 'boundary work' as a means of getting approval from both the private and public spheres ie being a good mother and worker, which is often

⁸⁵ Fine C 'Married to medicine' New York: *Atheneum* 1981 (as cited in Microys "Women as doctors, wives, and mothers")

⁸⁶ Fine C 'Married to medicine' New York: *Atheneum* 1981 (as cited in Microys "Women as doctors, wives, and mothers")

⁸⁷ Herman et al. "Entitled to a sustainable career? Motherhood in science, engineering, and technology" ; Hakim "Women, careers, and work-life preferences" 2006 (34) *British Journal of Guidance & Counselling*

⁸⁸ Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood" ; Blair-Loy et al. "Globalization, work hours, and the care deficit among stockbrokers"

⁸⁹ McIntosh et al. "Motherhood and its impact on career progression"

⁹⁰ Legault & Chasserio "Professionalization, risk transfer, and the effect on gender gap in project management" 2012 (30) *International Journal of Project Management*

⁹¹ Benschop & Verloo "Sisyphus' sisters: Can gender mainstreaming escape the genderedness of organizations?" 2006 (15) *Journal of Gender Studies* ; Himmelweit & Sigala "Choice and the relationship between identities and behaviour for mothers with pre-school children: Some implications for policy from a UK study" 2004 (33) *Journal of Social Policy* ; Stone "The rhetoric and reality of "opting out"" 2007 (6) *contexts* ; Pas, Peters, Doorewaard, Eisinga & Lagro-Janssen "Supporting 'superwomen'? Conflicting role prescriptions, gender-equality arrangements and career motivation among Dutch women physicians" 2014 (67) *human relations*

overlooked and perceived as women being less motivated as opposed to being well-rounded.⁹²

When mothers opt for part-time work — as a means of flexibility for considering family well-being by means of childrearing — it has a negative impact on their career goals. When they decide to return to full-time work, they are unable to make-up for the time lost ie issues related to tenure and experience.⁹³ Therefore, there is a gender dimension, as men do not experience the same career penalties.⁹⁴ The legislation and policy prescriptions were designed to give women an equal opportunity and a means to bring about work-family balance for women, but also impacts women's career goals.⁹⁵ This raises the issue of women having to be characterised as requiring concessions in order to pursue career goals.⁹⁶

Studies have found that women who delay motherhood during their twenties and thirties tend to reduce their career penalties significantly.⁹⁷

d) *Role Strain*

Role strain is the disparity between real and ideal expectations.⁹⁸ Walker surveyed medical students to find sex differences in career and family plans and found that;

⁹² Pas et al. "Supporting 'superwomen'? Conflicting role prescriptions, gender-equality arrangements and career motivation among Dutch women physicians" ; Lindenberg & Frey "Alternatives, frames, and relative prices: A broader view of rational choice theory" 1993 (36) *Acta sociologica*

⁹³ Wise & Bond "Work-life policy: does it do exactly what it says on the tin?" 2003 *Women in management Review* ; Oesch, Lipps & McDonald "The wage penalty for motherhood: Evidence on discrimination from panel data and a survey experiment for Switzerland" 2017 (37) *Demographic Research*

⁹⁴ McIntosh et al. "Motherhood and its impact on career progression"

⁹⁵ Pas et al. "Supporting 'superwomen'? Conflicting role prescriptions, gender-equality arrangements and career motivation among Dutch women physicians"

⁹⁶ Ely & Meyerson "Theories of gender in organizations: A new approach to organizational analysis and change" 2000 (22) *Research in organizational behavior*

⁹⁷ Miller "The effects of motherhood timing on career path"

⁹⁸ Walker BJ, Watson JA, Sanford Koester L 'Sex differences in career and family plans of medical students' *J AM Med Assoc* 1982; 37:300-8; Microys "Women as doctors, wives, and mothers"

women experience more role strain, marriage and occupation; more than two-thirds of women expected to have their careers interrupted by childcare; men expected a traditional division of labour; women will feel the psychological responsibility for the home and children.⁹⁹ Women's recovery from work stress and struggling to balance multiple roles and not being able to recover from it fully, due to its unending nature, result in work-family conflict as a negative consequence, which can affect women's overall wellbeing.¹⁰⁰

In developed nations, most individuals have multiple roles, for adults, the most important and common ones are family and work.¹⁰¹ Parents in dual-earner families, who engage in full-time work, experience greater time pressures and role strain.¹⁰² Role strain is also caused by the spillover effect. Spillover is when work and family issues tend to mix.¹⁰³ This occurs more often for working mothers as they tend to take greater responsibilities in the family domain.¹⁰⁴ The entire issue is escalated in context of single-mothers.¹⁰⁵ Studies found that work hours and marital quality had a direct impact on women's experience of role strain.¹⁰⁶ According to the parental role strain

⁹⁹ Walker BJ, Watson JA, Sanford Koester L 'Sex differences in career and family plans of medical students' *J AM Med Assoc* 1982; 37:300-8; Microys "Women as doctors, wives, and mothers"

¹⁰⁰ Walker BJ, Watson JA, Sanford Koester L 'Sex differences in career and family plans of medical students' *J AM Med Assoc* 1982; 37:300-8; Microys "Women as doctors, wives, and mothers"

¹⁰¹ Zedeck *Work, families, and organizations* (1992).

¹⁰² Roxburgh "Parental time pressures and depression among married dual-earner parents" 2012 (33) *Journal of Family Issues*

¹⁰³ Pleck "Paternal involvement" 2010 (58) *The role of the father in child development* ; Van Gasse & Mortelmans "Single Mothers' Perspectives on the Combination of Motherhood and Work" 2020 (9) *Social Sciences*

¹⁰⁴ Bass et al. "Do job demands undermine parenting? A daily analysis of spillover and crossover effects" ; Barnett, Marshall & Singer "Job experiences over time, multiple roles, and women's mental health: A longitudinal study" 1992 (62) *Journal of Personality and Social Psychology* ; Moen & Dempster-McClain "Employed parents: Role strain, work time, and preferences for working less" 1987 *Journal of Marriage and the Family* ; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law" 2013 (20)

¹⁰⁵ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work"

¹⁰⁶ Keith & Schafer "Role strain and depression in two-job families" 1980 *Family Relations* ; Voydanoff & Kelly "Determinants of work-related family problems among employed parents" 1984 *Journal of Marriage and the Family* ; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law"

hypothesis, the age of the child/ren mitigates the extent of the role strain experienced.¹⁰⁷ It is also found that child characteristics only predicted mothers' role strain.¹⁰⁸ As a result of the importance of both work and family to parents, role strain is inevitable.¹⁰⁹ Role strain or more so conflict between the roles deemed important can result in depression and other health related issues as well as a decrease in job satisfaction.¹¹⁰ Such effects, affect both the parents' family and work.¹¹¹ A correlation between work pressure and psychosocial functioning exists, as an increase in the former causes a decrease in the latter.¹¹²

Researchers found that a supportive work culture, mitigate the risks associated with role strain. It is thus contended that several policies and prescripts have been enacted to protect women and alleviate the envisaged role strain. It is also these said policies and prescripts that cause women the role strain experienced, as it relegates women to the home and makes it difficult for the other spouse to equally partake in

¹⁰⁷ Waldron et al. "Interacting effects of multiple roles on women's health" ; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law"

¹⁰⁸ Lee "Address: Creating New Features for All: The Promise of International Human Rights Law" ; Voydanoff "Work role characteristics, family structure demands, and work/family conflict" 1988 *Journal of Marriage and the Family*

¹⁰⁹ Ransford, Crouter & McHale "Implications of work pressure and supervisor support for fathers', mothers' and adolescents' relationships and well-being in dual-earner families" 2008 (11) *Community, Work and Family* ; Boles et al. "Interrelationships of role conflict, role ambiguity, and work-family conflict with different facets of job satisfaction and the moderating effects of gender"

¹¹⁰ Ransford et al. "Implications of work pressure and supervisor support for fathers', mothers' and adolescents' relationships and well-being in dual-earner families" ; Barnett & Brennan "Change in job conditions, change in psychological distress, and gender: A longitudinal study of dual-earner couples" 1997 (18) *Journal of Organizational Behavior: The International Journal of Industrial, Occupational and Organizational Psychology and Behavior* ; Wickrama, Lorenz, Conger, Matthews & Elder Jr "Linking occupational conditions to physical health through marital, social, and intrapersonal processes" 1997 *Journal of Health and Social Behavior* ; Boles et al. "Interrelationships of role conflict, role ambiguity, and work-family conflict with different facets of job satisfaction and the moderating effects of gender" ; Gangl & Ziefle "Motherhood, labor force behavior, and women's careers: An empirical assessment of the wage penalty for motherhood in Britain, Germany, and the United States" 2009 (46) *Demography* ; Uzoigwe et al. "Predictors of work-family role conflict and its impact on professional women in medicine, engineering, and information technology in Nigeria"

¹¹¹ Ransford et al. "Implications of work pressure and supervisor support for fathers', mothers' and adolescents' relationships and well-being in dual-earner families" ; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law"

¹¹² Ransford et al. "Implications of work pressure and supervisor support for fathers', mothers' and adolescents' relationships and well-being in dual-earner families"

such activities.¹¹³ According to role strain theory, parental role strain is exacerbated by 'the inability to achieve positively valued goods'.¹¹⁴ It is argued that men, as women, also experience role and financial strain as the workplace is more acceptant of women requesting leave for family responsibility.¹¹⁵

It is argued that, in addition to gender, role strain is also impacted by other factors such as class and ethnicity.¹¹⁶ With those marginalized experiencing much higher levels of role strain.¹¹⁷

e) *Role Proliferation*

Role proliferation is defined 'as the feature of which is the coterminous, continuous and additive combination of two or more disparate, high commitment activities'.¹¹⁸ Role proliferation leads to role overload, of which in one study of female physicians it is described as a frequent sense of failure and guilt and expressed concern about performance both at home and on the job.¹¹⁹ A psychiatrist reported on 16 female physicians — whom he tended to in his practice — and reported that these added pressures leading to role strain and overload lead to depressive disorders and suicides.¹²⁰ The final hopelessness of the few troubled individuals include; role conflict and role overload as significant causes.¹²¹

¹¹³ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work"

¹¹⁴ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work"

¹¹⁵ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work" ; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law"

¹¹⁶ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work"

¹¹⁷ Van Gasse et al. "Single Mothers' Perspectives on the Combination of Motherhood and Work"

¹¹⁸ Johnson AF, Johnson CL 'Role strain in high commitment career women.' *J AM Med Acad Psychoanal* 1976; 4:13-36 (as cited in Microy's "Women as doctors, wives, and mothers")

¹¹⁹ *ibid*

¹²⁰ Meyers MJ 'Overview: the female physician and her marriage' *AM J Psychiatry* 1984; 141:1386-91 (as cited in Microy's "Women as doctors, wives, and mothers")

¹²¹ Sakinofsky I 'Suicide in doctors and wives of doctors' *Can Fam Physician* 1980; 26:837-44

Resultant of heavy workloads, working parents experience severe time squeezes that are detrimental to their health and well-being.¹²² Role proliferation is gendered in that mothers tend to experience it more than fathers, resultant of societal, cultural, work and self-expectations.¹²³ Spill over thus play a major role in role proliferation, with societal and cultural expectations of parenting and more so motherhood.¹²⁴ It is the expectation of an economically independent woman with the ideals of intensive mothering in a well-balanced fashion.¹²⁵ This causes mothers to feel guilty when their children are suffering, and tend to blame it all on them engaging in work.¹²⁶

One of the main causes of role proliferation for mothers is the ideals of intensive mothering, the expectation of being a full-time/hands-on mother and worker.¹²⁷ It is found that the individuals personal needs can mitigate their experience of role proliferation, such as, their need and preference to spend more time with family.¹²⁸

¹²² Offer et al. "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families" ; Webber et al. "Mothers in "good" and "bad" part-time jobs: Different problems, same results" ; Nomaguchi et al. "Time strains and psychological well-being: Do dual-earner mothers and fathers differ?" ; Collins "Who to Blame and How to Solve It: Mothers' Perceptions of Work–Family Conflict Across Western Policy Regimes"

¹²³ Hochschild "When work becomes home and home becomes work" 1997 (39) *California Management Review* ; Nomaguchi et al. "Time strains and psychological well-being: Do dual-earner mothers and fathers differ?" ; Schor "Global equity and environmental crisis: an argument for reducing working hours in the north" 1991 (19) *World Development* ; Glass & Fujimoto "Housework, paid work, and depression among husbands and wives" 1994 *Journal of health and social behavior*

¹²⁴ Bass et al. "Do job demands undermine parenting? A daily analysis of spillover and crossover effects"

¹²⁵ Martínez et al. "Family gender role and guilt in Spanish dual-earner families" ; Barnett "Home-to-work spillover revisited: A study of full-time employed women in dual-earner couples" 1994 *Journal of Marriage and the Family* ; Dow "Integrated motherhood: Beyond hegemonic ideologies of motherhood"

¹²⁶ Martínez et al. "Family gender role and guilt in Spanish dual-earner families" ; Mannino & Deutsch "Changing the division of household labor: A negotiated process between partners" 2007 (56) *Sex Roles* ; Deutsch "Equally shared parenting" 2001 (10) *Current directions in psychological science*

¹²⁷ Hays *The cultural contradictions of motherhood* (1996); Roxburgh "Parental time pressures and depression among married dual-earner parents"

¹²⁸ Dixon & Bruening "Work–family conflict in coaching I: A top-down perspective" 2007 (21) *Journal of Sport Management*

Working mothers are prone to having less time available for leisure as they combine this with other household activities, such as childrearing.¹²⁹ The problem is that leisure time is a prerequisite for an individual's well-being.¹³⁰ This phenomenon is exacerbated by the different social expectations projected on men and women, with reference to, their social roles.¹³¹ Resultant of gender stereotyping, working mothers experience increased levels of depression.¹³² In addition, motherhood is argued has both beneficial and harmful effects on women.¹³³

f) *Conflict over the Division of Family Labour*

In context of conflict over the division of family labour, Hyde, Essex, Clark and Klein, in their review of the transition to parenthood and marital quality, note that studies done — to predict marital quality during transition to parenthood — concluded, when partners experience an unfair distribution in family labour, the quality of marital status declines.¹³⁴ There is a negative correlation for mothers, in terms of, time spent on child care and marital quality whereas for fathers it was insignificant.¹³⁵ The decline in

¹²⁹ Offer "Free time and emotional well-being: Do dual-earner mothers and fathers differ?" ; Nomaguchi "Change in work-family conflict among employed parents between 1977 and 1997" 2009 (71) *Journal of Marriage and Family* ; Jacobs & Gerson *The time divide* (2004).

¹³⁰ Offer "Free time and emotional well-being: Do dual-earner mothers and fathers differ?" ; Nomaguchi et al. "Time strains and psychological well-being: Do dual-earner mothers and fathers differ?"

¹³¹ Risman "Gender as a social structure: Theory wrestling with activism" 2004 (18) *Gender & society* ; Offer "Free time and emotional well-being: Do dual-earner mothers and fathers differ?"

¹³² Roxburgh "Parental time pressures and depression among married dual-earner parents" ; Offer "Free time and emotional well-being: Do dual-earner mothers and fathers differ?" ; Eagly & Steffen "Gender stereotypes stem from the distribution of women and men into social roles" 1984 (46) *Journal of personality and social psychology*

¹³³ Waldron et al. "Interacting effects of multiple roles on women's health"

¹³⁴ Hyde, Essex, Clark & Klein "Maternity leave, women's employment, and marital incompatibility" 2001 (15)

¹³⁵ Ozer EM, Barnett RC, Brennan RT, Sperling J 'Does child care involvement increase or decrease distress among dual-earner couples? *Women's Health*, 1998, 4, 285-311 (as cited in Hyde et al. "Maternity leave, women's employment, and marital incompatibility")

marital quality is more prevalent for mothers than fathers.¹³⁶ In addition other studies find that there are related variables that moderate the relationship between women's employment and marital quality, those include; rewards obtained from work; occupational status; work-role overload; and, gender role attitudes.¹³⁷ Hyde et al, in focused on the following theoretical frameworks in answering the question of role overload and its impact on marital quality, these include; scarcity hypothesis, the belief that one has a set amount of energy and if roles get added it causes stress and overload that results in negative psychological consequences for the individual and their marriage; stress perspective, where the stress results in psychological distress and efforts to cope, the importance is the appraisal of the event; and, identity theory, that recognises that an individual could have multiple identities, for example, wife, mother, doctor et cetera.¹³⁸

It is understood that parenthood can affect the quality and outcomes of the relationship and can result in separation and divorce.¹³⁹ Parenting is a life event that makes parents aware of the gender division of labour, thus highlighting gender inequities in the household.¹⁴⁰ Institutional and political contexts are said to influence gendered division of labour within the household.¹⁴¹ Both men and women are now engaging in childcare, however, institutional and organisational context seems to

¹³⁶ Belsky J, Pensky E 'Marital change across the transition to parenthood' *Marriage and family Review*, 1988, 12, 133-156 (as cited in Hyde et al. "Maternity leave, women's employment, and marital incompatibility")

¹³⁷ Belsky J, Pensky E 'Marital change across the transition to parenthood' *Marriage and family Review*, 1988, 12, 133-156 (as cited in Hyde et al. "Maternity leave, women's employment, and marital incompatibility")

¹³⁸ Belsky J, Pensky E 'Marital change across the transition to parenthood' *Marriage and family Review*, 1988, 12, 133-156 (as cited in Hyde et al. "Maternity leave, women's employment, and marital incompatibility")

¹³⁹ Baxter et al. "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor"

¹⁴⁰ Baxter et al. "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor" ; Weigert, Teitge & Teitge "Society and Identity. Toward a Sociological Psychology. Cambridge" 1986 *Přejít k původnímu zdroji*

¹⁴¹ Folbre *Valuing children: Rethinking the economics of the family* (2008).

discourage men's involvement by forcing the gendered division of labour agenda.¹⁴² A study found that three factors are evident after the birth of the first child; first, parents tend to follow the traditional division of labour, by expecting the mother to withdraw from the labour market and engage in intensive mothering; second, men have a greater attitude change than women, by supporting mothering by means of gendered division of labour; and lastly, that these attitudinal adjustments are not stable over the life course and thus malleable.¹⁴³ According to role theory, social roles are dictated by norms and expectations of how one should behave pending the situation.¹⁴⁴ It is thus that culture and society influence norms and behaviour, the same reason why men internalise from these stimuli, how to act based on his formulation of a paternal role.¹⁴⁵ Role rigidity in the case of men was found to affect their involvement in household labour.¹⁴⁶ Institutional arrangements offset by policy and legislative initiatives can encourage progressive views of fathering, as father involvement in caregiving is found to encourage the division of family labour positively.¹⁴⁷ Even though men have shown a great increase in efforts of involving themselves in family labour, women are still found to be doing the most, as men prefer child play to actual housework.¹⁴⁸ It is thus

¹⁴² Baxter et al. "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor" ; Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families."; Fuwa et al. "Gender discrimination, intrahousehold resource allocation, and importance of spouses' fathers: evidence on household expenditure from rural india" ; Riggs "Mandates for mothers and fathers: Perceptions of breadwinners and care givers" ; McIntosh et al. "Motherhood and its impact on career progression"

¹⁴³ Baxter et al. "A life-changing event: First births and men's and women's attitudes to mothering and gender divisions of labor"

¹⁴⁴ Coltrane *Family man: Fatherhood, housework, and gender equity* (1996); Heiss *The social psychology of interaction* (1981).

¹⁴⁵ Bonney, Kelley & Levant "A model of fathers' behavioral involvement in child care in dual-earner families" 1999 (13) *Journal of family psychology* ; LaRossa & Reitzes "Continuity and change in middle class fatherhood, 1925-1939: The culture-conduct connection" 1993 (55) *Journal of Marriage and Family*

¹⁴⁶ Russell "The father role and its relation to masculinity, femininity, and androgyny" 1978 *Child Development* ; Bonney et al. "A model of fathers' behavioral involvement in child care in dual-earner families"

¹⁴⁷ Bonney et al. "A model of fathers' behavioral involvement in child care in dual-earner families"

¹⁴⁸ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles" ; Perry-Jenkins & Folk "Class, couples, and conflict: Effects of the division of labor on assessments of marriage in dual-earner families" 1994 *Journal of Marriage and*

that mothers are often found delegating tasks to fathers as opposed to sharing responsibilities.¹⁴⁹ Women who value traditional gender division of labour, are less likely to look for employment and more likely to exit employment when becoming mothers.¹⁵⁰

An impediment to non-traditional division of family labour is social sanctions of gender stereotyping, which seemingly impacts men more than women.¹⁵¹ These are cultural norms that calls male masculinity into question, thus men protest this by steering traditionally.¹⁵² It is due to men and women being reared differently, resultant of gender ideology, and moulded into these expected socially and culturally accepted norms.¹⁵³ Gender ideology is thus hugely responsible for conflict related to the division

the Family; Pleck *Working wives, working husbands* (1985); Thompson & Walker "Gender in families: Women and men in marriage, work, and parenthood" 1989 *Journal of Marriage and the Family*; Blair & Johnson "Wives' perceptions of the fairness of the division of household labor: The intersection of housework and ideology" 1992 *Journal of Marriage and the Family*; Offer et al. "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families"; Newkirk, Perry-Jenkins & Sayer "Division of household and childcare labor and relationship conflict among low-income new parents" 2017 (76) *Sex roles*; Poortman & Van Der Lippe "Attitudes toward housework and child care and the gendered division of labor" 2009 (71) *Journal of Marriage and Family*; An "Economic Dependence, Gender-Role Beliefs, and Housework Hours of Husbands and Wives in Contemporary Korea" 2020 (49) *Journal of asian sociology*; DiGirolamo et al. "Women as primary caregivers in Mexico: challenges to well-being"

¹⁴⁹ Craig "Does father care mean fathers share? A comparison of how mothers and fathers in intact families spend time with children" 2006 (20) *Gender & society*; Meteyer & Perry-Jenkins "Dyadic parenting and children's externalizing symptoms" 2009 (58); Coltrane *Family man: Fatherhood, housework, and gender equity*.

¹⁵⁰ Stam et al. "Do values matter? The impact of work ethic and traditional gender role values on female labour market supply"; Gangl et al. "Motherhood, labor force behavior, and women's careers: An empirical assessment of the wage penalty for motherhood in Britain, Germany, and the United States"; Dush, Yavorsky & Schoppe-Sullivan "What are men doing while women perform extra unpaid labor? Leisure and specialization at the transitions to parenthood" 2018 (78) *Sex Roles*; Oesch et al. "The wage penalty for motherhood: Evidence on discrimination from panel data and a survey experiment for Switzerland"

¹⁵¹ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"; Bosson, Vandello, Michniewicz & Lenes "American men's and women's beliefs about gender discrimination: For men, it's not quite a zero-sum game" 2012 (1) *Masculinities & Social Change*

¹⁵² Funk & Werhun "'You're such a girl!' The psychological drain of the gender-role harassment of men" 2011 (65) *Sex Roles*; Manzi "Are the processes underlying discrimination the same for women and men? A critical review of congruity models of gender discrimination"; Minnotte et al. "The life satisfaction of dual-earner mothers and fathers: Does flexible scheduling matter?"

¹⁵³ Wood & Eagly, "Gender: Handbook of social psychology," (John Wiley & Sons, Inc, 2010); Manzi "Are the processes underlying discrimination the same for women and men? A critical review of congruity models of gender discrimination"; Broverman, Vogel, Broverman, Clarkson & Rosenkrantz "Sex-Role Stereotypes: A Current Appraisal 1" 1972 (28) *Journal of Social issues*; Kite, Deaux &

of labour.¹⁵⁴ Father involvement is expected to have a great impact on mothers' agentic pursuits.¹⁵⁵ Gendered division of labour is argued to be associated with the respective gender's inherent propensity and abilities.¹⁵⁶ Further to this is the argument of men and women's biological dispensation, equipping them for their stereotypical role in the family.¹⁵⁷ A study, however, found that men who spend more than three hours a day minding children has a markedly reduced level of active testosterone.¹⁵⁸

With reference to mental labour, mothers are found to engage more than fathers.¹⁵⁹ Therefore, the division of labour between men and women are inequitable.¹⁶⁰ Social exchange and equity theory offers differing explanations for the division of labour ie, the former notes that the one doing less work will be better off than the other; where the latter, notes that inequity in the division of labour will cause

Haines *Gender stereotypes* (2008); Offer et al. "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families" ; Nordenmark "Disagreement about division of household labour and experiences of work-family conflict in different gender regimes" 2013 (2) *Multidisciplinary Journal of Gender Studies* ; Bauer "Gender roles, comparative advantages and the life course: the division of domestic labor in same-sex and different-sex couples" 2016 (32) *European Journal of Population*

¹⁵⁴ Nordenmark "Disagreement about division of household labour and experiences of work-family conflict in different gender regimes"

¹⁵⁵ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"

¹⁵⁶ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"

¹⁵⁷ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles" ; Buss & Kenrick "Evolutionary social psychology" 1998 ; Trainor & Marler "Testosterone, paternal behavior, and aggression in the monogamous California mouse (*Peromyscus californicus*)" 2001 (40) *Hormones and behavior* ; Becker "Altruism in the Family and Selfishness in the Market Place" 1981 (48) *Economica* ; Dush et al. "What are men doing while women perform extra unpaid labor? Leisure and specialization at the transitions to parenthood"

¹⁵⁸ Gettler, McDade, Feranil & Kuzawa "Longitudinal evidence that fatherhood decreases testosterone in human males" 2011 (108) *Proceedings of the National Academy of Sciences*

¹⁵⁹ Offer, "The costs of thinking about work and family: Mental labor, work-family spillover, and gender inequality among parents in dual-earner families."; Lee "Address: Creating New Features for All: The Promise of International Human Rights Law"

¹⁶⁰ Offer et al. "Revisiting the gender gap in time-use patterns: Multitasking and well-being among mothers and fathers in dual-earner families"

distress for both partners.¹⁶¹ In both these theories the perception of equity is more important than the actual equity.¹⁶²

Women who perform more child labour perceives the division of labour as inequitable.¹⁶³ This is especially evident when children are under the age of 18, where wives' experience marital satisfaction when husbands are more involved and the opposite in the case of husbands.¹⁶⁴ Husbands who performed more childcare duties were found to experience marital burnout.¹⁶⁵ Husbands spend more time in parenting when the wife is involved in paid work.¹⁶⁶ Wives' workload increased by 64% and husbands by 37%.¹⁶⁷ It is found that social class plays a role in the division of labour where working and middle class couples require women to contribute to family income.¹⁶⁸ According to neo-classical economic theory, the spouse with the most resources has the most bargaining power and can thus avoid household labour.¹⁶⁹

¹⁶¹ Newkirk et al. "Division of household and childcare labor and relationship conflict among low-income new parents" ; Ruppner & Treas "Working weekends: Changing European time regimes and gender inequality in household labor" 2015 (36) *Journal of Family Issues*

¹⁶² Newkirk et al. "Division of household and childcare labor and relationship conflict among low-income new parents" ; Huffman, Matthews & Irving "Family fairness and cohesion in marital dyads: Mediating processes between work-family conflict and couple psychological distress" 2017 (90) *Journal of Occupational and Organizational Psychology*

¹⁶³ Claffey & Mickelson "Division of household labor and distress: The role of perceived fairness for employed mothers" 2009 (60) *Sex roles* ; Kluwer, Heesink & Van De Vliert "The division of labor across the transition to parenthood: A justice perspective" 2002 (64) *Journal of Marriage and Family*

¹⁶⁴ Stevens, Minnotte, Mannon & Kiger "Examining the "neglected side of the work-family interface" Antecedents of positive and negative family-to-work spillover" 2007 (28) *Journal of Family Issues*

¹⁶⁵ Pedersen, Minnotte, Mannon & Kiger "Exploring the relationship between types of family work and marital well-being" 2011 (31) *Sociological Spectrum* ; Newkirk et al. "Division of household and childcare labor and relationship conflict among low-income new parents"

¹⁶⁶ Martínez et al. "Family gender role and guilt in Spanish dual-earner families"

¹⁶⁷ Gjerdingen & Center "First-time parents' postpartum changes in employment, childcare, and housework responsibilities" 2005 (34) *Social Science Research* ; Coltrane *Family man: Fatherhood, housework, and gender equity*.

¹⁶⁸ Deutsch "Equally shared parenting" ; Shows & Gerstel "Fathering, class, and gender: A comparison of physicians and emergency medical technicians" 2009 (23) *Gender & Society* ; Perry-Jenkins et al. "Class, couples, and conflict: Effects of the division of labor on assessments of marriage in dual-earner families" ; Dush et al. "What are men doing while women perform extra unpaid labor? Leisure and specialization at the transitions to parenthood" ; DiPrete & Buchmann *The rise of women: The growing gender gap in education and what it means for American schools* (2013).

¹⁶⁹ An "Economic Dependence, Gender-Role Beliefs, and Housework Hours of Husbands and Wives in Contemporary Korea" ; Bauer "Gender roles, comparative advantages and the life course: the division of domestic labor in same-sex and different-sex couples" ; Dush et al. "What are men doing while women perform extra unpaid labor? Leisure and specialization at the transitions to parenthood"

Systemic discrimination thus dictates that women will in most cases be the least powerful due to a lack of resources and thus burdened with household labour.¹⁷⁰ In addition, time availability theory forwards the notion that spouses allocate household duties based on time availability.¹⁷¹ Further to this it is said that market labour involvement on part of both spouses assists in dividing the household work gender-neutrally.¹⁷²

Fathers' involvement in household activities have benefits for child development and mothers career development, growth, and mental well-being.¹⁷³ Parental leave plays an important role in fathers' involvement in household labour.¹⁷⁴

g) Other

Employment variables such as length of leave and work hours predicted dissatisfactions with division of household labour, work status, a proxy for dissatisfaction.¹⁷⁵ This echoed women's sense of role overload. Lower perceptions of women's agency mediated the negative effects of a longer maternity leave and on the job commitment; providing agency related information about a woman mitigates

¹⁷⁰ Fuwa et al. "Gender discrimination, intrahousehold resource allocation, and importance of spouses'fathers: evidence on household expenditure from rural india" ; Croft et al. "Life in the balance: are women's possible selves constrained by men's domestic involvement?" ; Dush et al. "What are men doing while women perform extra unpaid labor? Leisure and specialization at the transitions to parenthood" ; Ruppanner et al. "Working weekends: Changing European time regimes and gender inequality in household labor"

¹⁷¹ An "Economic Dependence, Gender-Role Beliefs, and Housework Hours of Husbands and Wives in Contemporary Korea" ; Fuwa et al. "GENDER DISCRIMINATION, INTRAHOUSEHOLD RESOURCE ALLOCATION, AND IMPORTANCE OF SPOUSES'FATHERS: EVIDENCE ON HOUSEHOLD EXPENDITURE FROM RURAL INDIA"

¹⁷² An "Economic Dependence, Gender-Role Beliefs, and Housework Hours of Husbands and Wives in Contemporary Korea" ; Spitze "Women's employment and family relations: A review" 1988 *Journal of Marriage and the Family*

¹⁷³ Glass "Gender liberation, economic squeeze, or fear of strangers: Why fathers provide infant care in dual-earner families" 1998 *Journal of Marriage and the Family* ; Friedan *Beyond gender: The new politics of work and family* (1997).

¹⁷⁴ Fuwa et al. "Gender discrimination, intrahousehold resource allocation, and importance of spouses'fathers: evidence on household expenditure from rural india"

¹⁷⁵ Mark-Lawson & Witz "From 'family labour'to 'family wage'? The case of women's labour in nineteenth-century coalmining" 1988 (13) *Social History*

unintended negative consequences of long maternity leave on job commitment; and a maternity programme that allowed the woman to stay in touch with the organisation during maternity leave, the sense of agency perceptions and that of job commitment were enhanced.¹⁷⁶

Factors associated with fatal accidents and violence among children, adolescents and young people include family conflicts; mother's role overload; depressions; teenage parenthood; and death.¹⁷⁷ The direct impact and effect of parents experiences, in terms of, conflict, emotional stress, frustration, tension and insecurity, on children exposed hereto, which increases the possibility of aggressive behaviour, given that violence is perceived as a solution to conflict management.¹⁷⁸

This expectation of women to fulfil the additional role of primary caregiver, because of their unique ability to conceive and birth a child, which is perpetuated by the granting of maternity leave, not only for recovering from birth, but also for childrearing and bonding, is what leads to work-family conflict for women. Work-family conflict is defined as 'a form of inter-role conflict, in which the demands of work and family roles are incompatible in some respect, so that participation in one role is more difficult because of participation in another role'.¹⁷⁹ This goes hand-in-hand with the understanding of role proliferation, where women need to toggle careers, housework and child care, and on top of that, equally well, which generally leads to having to

¹⁷⁶ Lortie "Gender differences in employment: Why they matter... for rural women" ; Riggs "Mandates for mothers and fathers: Perceptions of breadwinners and care givers" ; Socratous et al. "Motherhood: an impediment to workplace progression? The case of Cyprus"

¹⁷⁷ Long "Statutory Parental Leave and Pay in the UK: Stereotypes and Discrimination" 2012 (9) *The Equal Rights Review*

¹⁷⁸ Taquette SR, Ruzany MH, Meirelles Z, Ricardo I 'Relacionamento violento na adolescência e risco de DST/AIDS. *Cadernos de Saúde Pública*' 2003,v. 19, n. 5, p. 1437-1444 (cited in Baccarat de Godoy Martins & Prado de Mello Jorge "Cases of fatal accidents and violence among children, adolescents and young people: perception of the family and associated factors" 2014 (36))

¹⁷⁹ Greenhaus JH, Beutell NJ 'Sources of conflict between work and family roles' 1985 *Academic of Management Review*, 10, 76-88. <https://doi.org/10.5465/AMR.1985.4277352> ; Geldenhuys et al. "The relationship between demographic variables and well-being of women in South African workplaces"

choose one over the other at certain times which causes a lot of strain. One of the major reasons for women's disadvantage in the labour market as compared to men, is their greater family responsibilities.¹⁸⁰ In this spirit it is advocated that an equal division of caretaking responsibilities should ensue between men and women to attain gender equality within the labour market.¹⁸¹

Another unintended consequence is the forwarding of stereotypical notions that women are more communal as opposed to agentic and vice versa for men.¹⁸² Placing women at the center of caregiving, deprives men from a sense of community, which results in removing the value of adding meaning to their lives.¹⁸³ Allowing men to assume more of a communal role benefits children socially and cognitively.¹⁸⁴ Father involvement has also been identified as a mitigator for gender stereotypical tendencies in children. The involvement of men in family labour is also proven to increase women's employment absorption and career development.¹⁸⁵ A hindrance to men's absorption in communal roles are gender stereotypic beliefs.¹⁸⁶

¹⁸⁰ Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families."; Deding et al. "Gendered time-crunch and work factors in Denmark"

¹⁸¹ Offer, "The costs of thinking about work and family: Mental labor, work–family spillover, and gender inequality among parents in dual-earner families."; Deding et al. "Gendered time-crunch and work factors in Denmark"

¹⁸² Manzi "Are the processes underlying discrimination the same for women and men? A critical review of congruity models of gender discrimination" ; Eagly et al. "Gender stereotypes stem from the distribution of women and men into social roles" ; Riggs "Mandates for mothers and fathers: Perceptions of breadwinners and care givers"

¹⁸³ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"

¹⁸⁴ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles" ; Aldous & Mulligan "Fathers' child care and children's behavior problems: A longitudinal study" 2002 (23) *Journal of family issues* ; Carlson "Family structure, father involvement, and adolescent behavioral outcomes" 2006 (68) *Journal of marriage and family*

¹⁸⁵ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"

¹⁸⁶ Croft et al. "An underexamined inequality: Cultural and psychological barriers to men's engagement with communal roles"

In addition, women's labour market participation aids in reducing poverty, higher level of welfare and it helps to avoid future issues related to old age pension, decreased fertility and mortality as well as labour market supply shortages.¹⁸⁷

IV. HARKSEN VS LANE IN CONTEXT

For brevity, *Harksen v Lane* denotes the test for fairness, devised by the Constitutional Court. The test starts off by assessing whether an Act or provision differentiates; then, whether there is a rationale connection to a legitimate governmental purpose; whether the differentiation amounts to discrimination; and if so, whether the discrimination amounts to unfair discrimination; and lastly, a test by means of S 36 of the Constitution — the limitations clause.¹⁸⁸ In addition, the case of *Minister of Finance v Van Heerden*¹⁸⁹ highlights important lessons, with reference to, affirmative action, substantive equality and unfair discrimination.¹⁹⁰ This includes the understanding that programmes such as affirmative action are permissible when they are geared towards the protection and advancement of persons previously disadvantaged and discriminated against.¹⁹¹ It is the acknowledgment that these remedial and restitutionary measures are required for the achievement of substantive equality.¹⁹²

V. CONCLUSION

¹⁸⁷ Stam et al. "Do values matter? The impact of work ethic and traditional gender role values on female labour market supply"

¹⁸⁸ Rautenbach "Gender equality and religious family laws in South Africa" 2003 (3) *Queensland U. Tech. L. & Just. J.* ; Govender "The developing equality jurisprudence in South Africa" 2008 (107) *Mich. L. Rev. First Impressions* ; Small & Grant "Equality and Non-Discrimination in the South African Constitution" 2000 (4) *International Journal of Discrimination and the Law*

¹⁸⁹ *Minister of Finance and Another v. Van Heerden* 2004 2004

¹⁹⁰ Govender "The developing equality jurisprudence in South Africa"

¹⁹¹ Andrews "Striking the rock: confronting gender equality in South Africa" 1997 (3) *Mich. J. Race & L.*

¹⁹² Govender "The developing equality jurisprudence in South Africa"

In conclusion, the ancient poetic interpretation — *the hand that rocks the cradle, rules the world* — has become the modern-day interpretation/translation for women's oppression and subjugation. For centuries women have been overburdened by care duties to the detriment of their marriages, family, and personal well-being, resulting in spill over. This has been argued because of their predisposition to conceive and birth a child.

The following consequences were highlighted: career progression, role conflict, career goals, role strain, role proliferation, and the conflict over the division of family labour. These are gendered, women, tend to experience these when they enter parenthood. The same cannot be said for their male counterparts, resulting from stereotypes and societal gendered expectations. It was said that section 9 of the Constitution, and in furtherance the EEA with the applicable case law, has outlined the test for fairness ie the right not to be unfairly discriminated against. A superficial interpretation of *Harksen v Lane* demonstrates how section 25 of the BCEA and its amendments do not pass constitutional muster, in terms of, section 9 of the Constitution, and not mentioned in this paper but also important to note is section 28 (2) of the Constitution.

Section 25 of the BCEA and its amendments — said substantive legislation — are counterproductive and counterintuitive. It allows women entry — into a man's world — but without reengineering, does little to make them stay.¹⁹³ It unfairly discriminates by forcing mothers to take primary responsibility for care duties. Fathers are thus only necessary in a supporting role. A revised version of this legislation — truly substantive legislation — will give women back their agency, and the family as a unit, by allowing

¹⁹³ This is evident by the consequences for the hand that rocks the cradle.

the family to make decisions, in context, of childrearing. Further, would be the adoption of a parental leave policy that is viewed through the lens of section 28 (2) of the Constitution.¹⁹⁴

¹⁹⁴ Section 28 (2) Constitution: Notes that any decision that involves the child, should consider the child's interests as paramount. This means that one should revise this legislation by considering the child's best interests ie that both parents are essential in the child's first year of life, for best child outcomes.

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