



# ILERA AFRICA 9<sup>th</sup> Regional Congress

26 - 29 September 2021



# **GENDER EQUITY IN THE WORKPLACE**

## **South Africa Moving Forward or Backwards?**

**Presented By:**

**Ms. Sharlaine Oodit \_ GPSSBC**

## HISTORICAL BACKGROUND

- The apartheid laws in South Africa from 1948 and the previous periods of colonialism held all South African women in a subordinated position.
- Numerous laws passed by the government promoted and legalised discrimination across race groups.
- During the apartheid years, all women were considered second-class citizens
- Under customary law, women remain perpetual minors under the guardianship of their father before marriage, and of their husband upon marriage

# LEGISLATIVE FRAMEWORK TO END GENDER INEQUALITY

- The right to gender equality - section 9(3) of the Constitution
- Both the *Employment Equity Act, 1998 (EEA)*,
- The *Labour Relations Act, 1995 (LRA)*, contain forceful provisions to protect employees from unfair discrimination due to gender, and other grounds, in the workplace.

# LEGISLATIVE FRAMEWORK TO END GENDER INEQUALITY

- Employment Equity Act, 1998
- Aims to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination ; and the implementation of affirmative action measures
- Section 6 prohibits unfair discrimination, directly or indirectly on **gender**, sex, pregnancy, marital status, family responsibility, or on any other arbitrary ground
- Equal pay for work of equal value
- Income differentials

# LEGISLATIVE FRAMEWORK TO END GENDER INEQUALITY

## The Labour Relations Act, 1995

- S186(1) – Dismissal means
- (c) An employer refused to allow an employee to resume work after she
- (i) took maternity leave in terms of any law, collective agreement or her contract of employment.
- S187(1) – A dismissal is automatically unfair if the reason for the dismissal is
- (e) The employee's pregnancy, intended pregnancy, or any reason related to her pregnancy
- (f) That the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to gender, sex, marital status or family responsibility.

# WOMEN PARTICIPATION THE ECONOMY

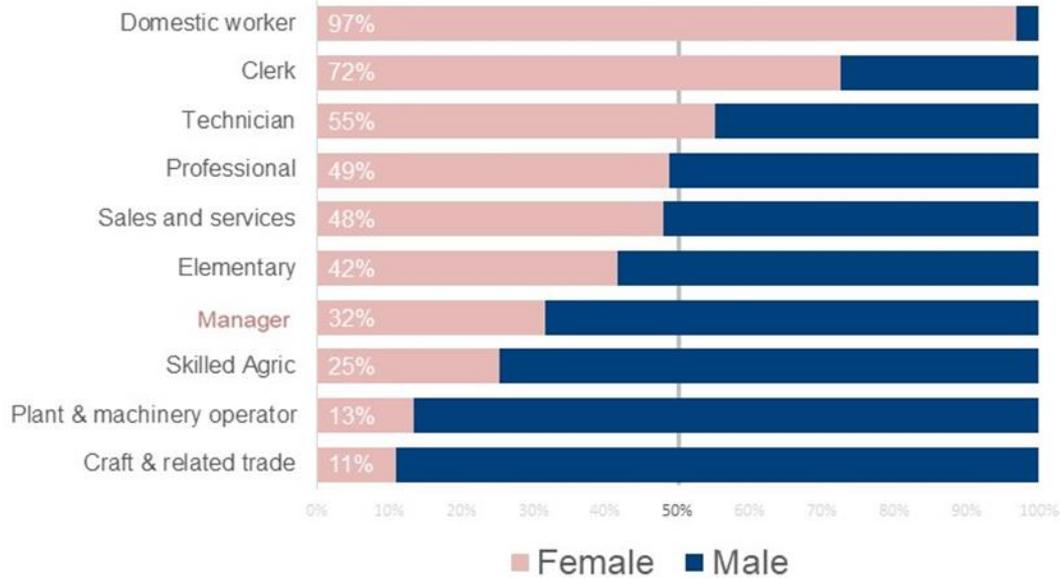
- South Africa's mid-year population is estimated to have increased to 59, 6 million in 2020, according to the report released by Statistics South Africa.
- Approximately 51, 1% (30, 5 million) of the population is female.
- According to the Quarterly Labour Force Survey (2018) released by Statistics South Africa, Women accounted for just 43,8% of total employment
- Given the breakdown on gender statistics in South Africa, we have found that women are underrepresented in the labour force.

# WOMEN PARTICIPATION IN THE ECONOMY

## Employment of women across sectors

Women occupied 1 in 3 managerial positions

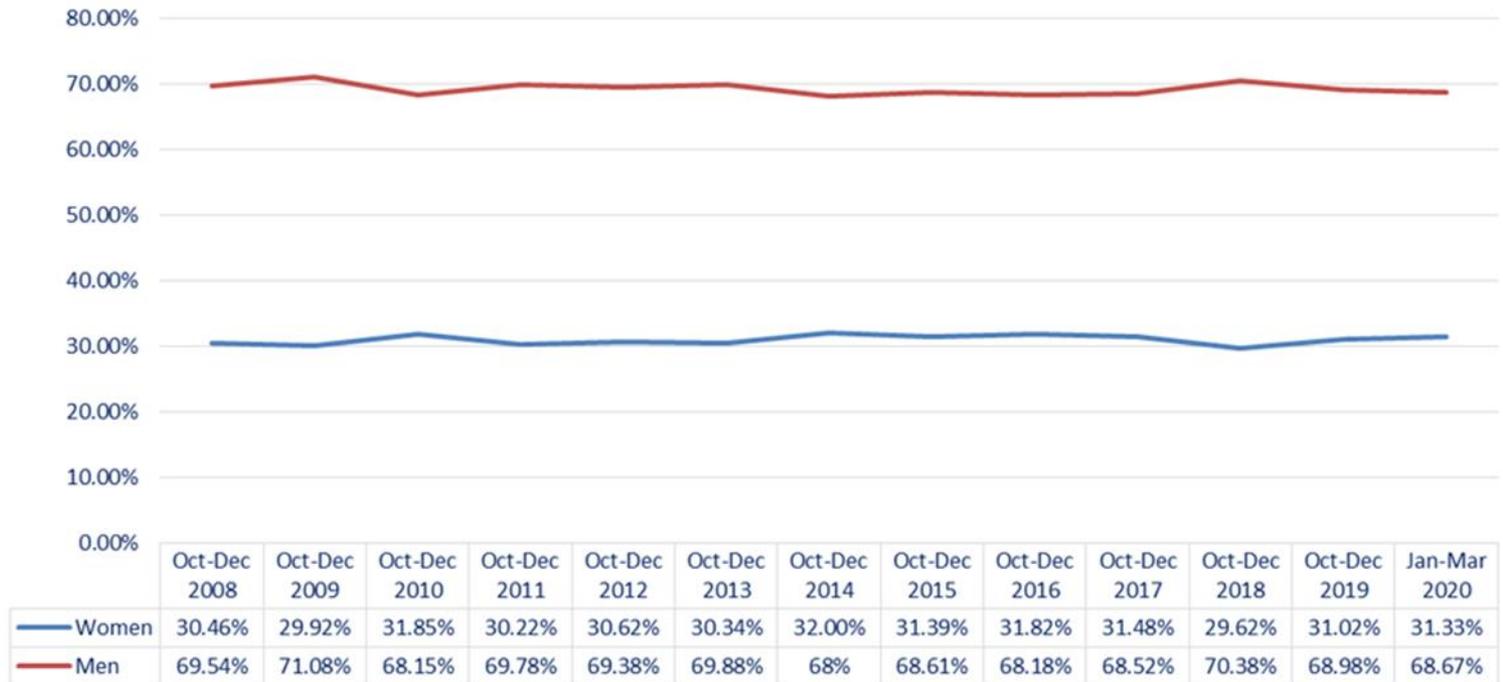
*Employment shares by occupation and sex, Q2:2018*



# WOMEN PARTICIPATION IN THE ECONOMY

## Senior Positions / Managerial Posts

Comparison of employment by gender in Senior Management



— Women — Men

Data provided by StatsSA - 2020 Q1 QLFS

# WOMEN PARTICIPATION IN THE ECONOMY

Figure 9: Workforce profile at Senior Management level for Public and Private Sectors by Gender

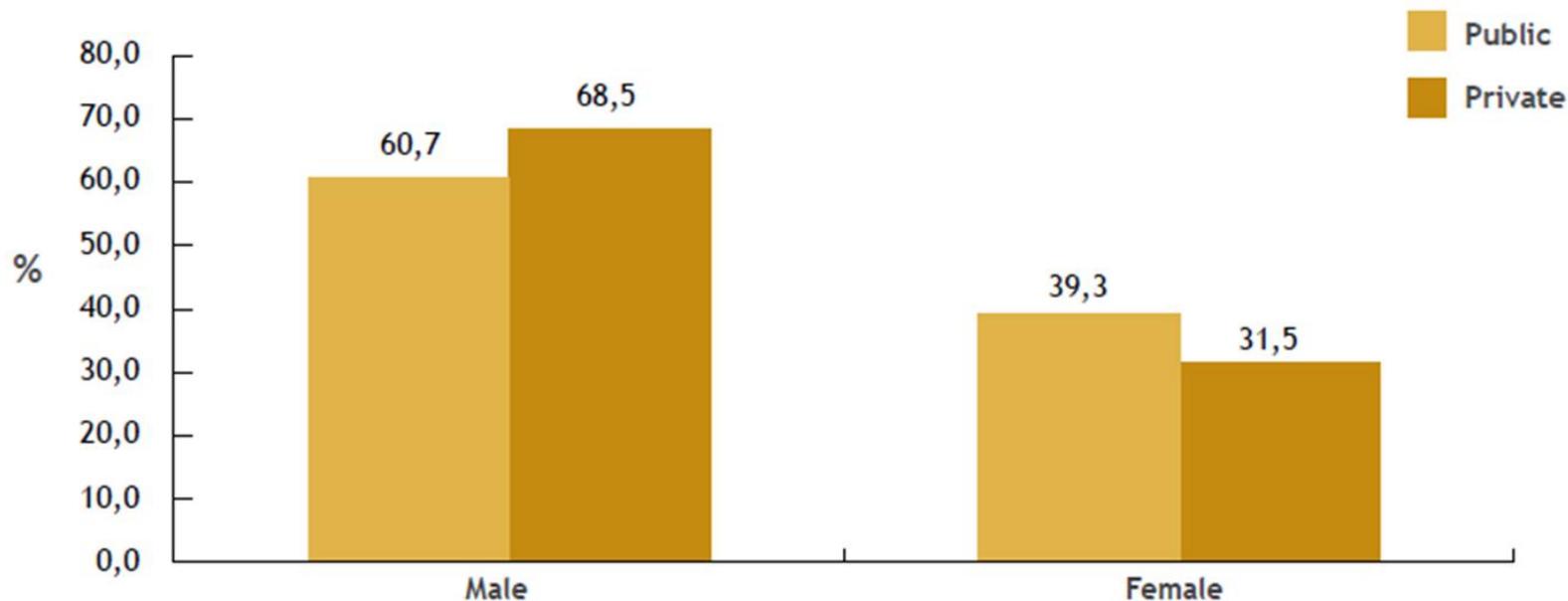


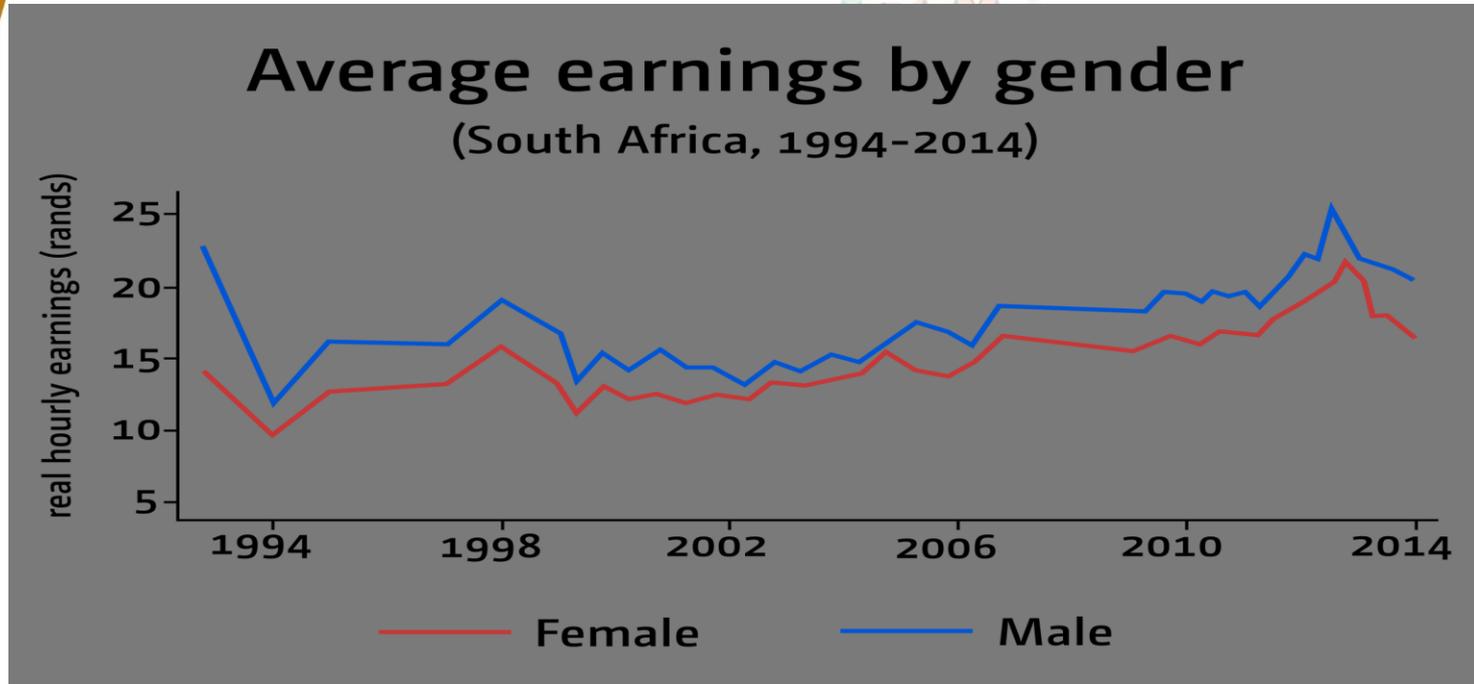
Figure 9 shows that the same as with Top Management, both the Public and the Private Sectors have a higher concentration of Males at the Senior Management Level with 68.5% in the Private and 60.7% in the Public Sectors respectively. It is worth noting that the Public Sector continues to do better in affirming Females as opposed to the Private Sector.

# GENDER WAGE GAP

- South Africa is ranked 19 in the 2020 Global Gender Gap Index on gender inequality as reported by the World Economic Forum (WEF).
- In Africa, South Africa is ranked first on the Africa Gender Equality Index.
- According to ILO South African has a stagnant median gender pay gap of between 23% and 35%. The average global gap is about 20%.
- This means that, although gender equality and women's empowerment is a prime focus in the South African, the gender pay gap is still remains a challenge

# GENDER WAGE GAP

## The South African Pay Gap Picture



The United Nations report on Distributional changes in the gender wage gap in the post-apartheid South African labour market published the above graph, showing how little changed in 20 years in addressing the wage gap.

More recently, the International Labour Organization (ILO) reported that, in 2017, the median gap has increased by 28.8% based on hourly wages, and 30.3% based on monthly earnings.

# GENDER WAGE GAP

## Mechanisms currently used in South Africa to curb the GAP

- Guidance on fair remuneration is provided in the Constitution.
- The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA – promoting ‘equal pay for equal work’, saying the state has a duty to intervene in the case of unfair practices).
- The Employment Equity Act (EEA)
- There is also the King IV Report on Good Governance, which requires a company’s board to approve reports on and the implementation of its remuneration policy, which should reflect that ‘the organisation remunerates fairly, responsibly and transparently’. The King Report is mandatory for JSE-listed companies.

## CONCLUSION

- In concluding the paper recognises that if South Africa is to address gender equality in the workplace and dislodge its stagnant gender pay gap,
- Organisations must make gender equality a strategic objective and priority in order to have any kind of influence on change, laws in itself are simply not sufficient, organisational action is needed.
- This involves making it a priority to consciously hire and promote women, assess them on an equal footing as men, provide the same opportunities, and remunerating and rewarding women on an equitable basis, this may require strengthening of current laws and policies especially in respect monitoring and enforcing compliance.

## CONCLUSION

- Globally the World Economic Forum estimates that it may take another 202 years before the gender economic gap is closed. Embedded in this gap is the gender wage gap.
- South Africa has made great strides towards addressing gender inequality, however what we found is purposeful momentum towards this goal has declined.
- This paper seeks to refocus the debate and motivate action to take South Africa Forward and not Backward in attaining gender equality in the workplace.

WOMEN CAN NOT  
WAIT 202 YEARS  
FOR EQUALITY!

**Thank you!!!**