



PARLIAMENT
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**Women's economic
empowerment: Legislative
mechanisms, programmes
and challenges ¹**

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WOMEN'S ECONOMIC EMPOWERMENT: LEGISLATIVE MECHANISMS, PROGRAMMES AND CHALLENGES²

1. Introduction

*Women's economic empowerment is essential for the full, effective and accelerated implementation of the Beijing Platform for Action and the 2030 Agenda for Sustainable Development. Without it, the global economy will not yield inclusive growth that generates decent work for all, eliminates poverty, promotes equality — foremost, gender equality — and improves wellbeing and livelihoods. Achieving women's economic empowerment and realising women's human and labour rights constitute a sustainable development solution for people, planet and prosperity that equally benefits paid and unpaid, formal and informal workers.*³

The above statement by the United Nations Secretary General Ban Ki-moon highlights that women's equality and socio-economic independence are important for domestic development and growth and are a vital part of sustained development and democracy. Women's access to resources, both social and economic, has implications beyond women as individuals – women's access to education, skills development and economic resources will also result in access to credit, information and technology and benefits society as a whole. The Southern African Gender Protocol Alliance⁴ highlights that economic empowerment for women is not just about spending power – it is about more opportunities and can result in keeping children in school, accessing health care and even having the option to leave unhealthy or violent relationships.⁵

Women in Southern Africa form one of the fastest growing markets with great purchasing power. As such the composition of organisations and institutions involved in supplying, designing, and marketing goods and services should reflect this market. Women invest upwards of 90% of their earnings in their families' health and education as well as in their communities. Yet women continue to be side-lined in accessing opportunities for significant economic empowerment and continue to largely exist on the periphery of economic decision-making.⁶

In 2017, the Commission on the Status of Women at its sixty-first session, will consider “Women's economic empowerment in the changing world of work” as its priority theme. A number of sessions will be held discussing the interlinkages

² Request Due 08 March 2017

³ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**, page 16

⁴ The Southern Africa Gender Protocol Alliance is a regional “network of networks” that championed the adoption of the SADC Protocol on Gender and Development (2008) and its review in 2015

⁵ SADC Gender Protocol Barometer 2011

⁶ SADC Gender Protocol Barometer 2011

between women's economic empowerment and their rights to decent work and full and productive employment, and all factors related hereto.

This paper will provide an overview of the South African context with regard to programmes and legislation addressing women's empowerment, women's employment, and obstacles to women's empowerment.

2. Factors impeding women's access to economic empowerment and sustainable job creation

Transforming the world of work for women requires the elimination of structural barriers and discriminatory laws and social norms to create equal economic opportunities and outcomes. To leave no one behind, economic and social policies should target the elimination of inequalities and gaps related to women's labour force participation, entrepreneurship, pay and working conditions, social protection and unpaid domestic and care work, and strengthen education, training and skills development to enable women to respond to new opportunities in the changing world of work.⁷

Among the barriers which affect women's participation to developmental opportunities are access to education; unfavourable economic structures including limited access to credit facilities and financial skills training, traditions and the disregard of women's unpaid care work.

Women, particularly those in developing countries, generally work longer hours than men as they often bear much more of the household and care responsibilities. This affects women's ability and opportunities to participate in the labour market, as well as earning an independent income. When all of women's work is taken into account, their economic contribution increases dramatically and is generally greater than that of men. In developing countries, women's work hours exceed men's by 30 per cent⁸. Yet this often goes unrewarded as it falls under the ambit of traditional roles and women's unpaid care work. The Southern African Gender Protocol Alliance indicates that women's lack of access to work leads to a lack of public investment in the areas where women are concentrated such as the informal sector, rural subsistence production, domestic reproductive work or the care economy and voluntary community work.⁹ Policies and infrastructure investments that reduce the costs to women and girls of their household roles can therefore free women to participate in other activities, be it income generation or community affairs¹⁰.

⁷ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

⁸ UNFPA, n.d. Recognising and Promoting Women's Key Economic Roles: A new role for men

⁹ SADC Gender Protocol Barometer 2011

¹⁰ World Bank, 2001, Engendering Development

A study on the prerequisites for sustainable development¹¹ highlights the lack of gender equality between women and men as a key challenge in this regard. The study posits the following:

- Women are generally poorer than men.
- Women suffer more from a lack of time than men, i.e. women use more of their own time caring for others than men do, resulting in women suffering greater time poverty than men.
- Women have a limited range of options as a result of women and men's different economic opportunities and rights.
- Women give priority to others while men invest more resources in themselves.

Appold et al (1998) argue that Women offer valuable human resources that can be captured by national economies to achieve macro-economic growth. Yet, despite the advantages to be gained from employing women at their capacities, women continue to be underutilised.¹² Women are more likely than men to be employed in the informal economy and to work without pay, both in the home or in family businesses. This underutilisation of women in the labour force results in a waste of valuable resources as women could make a large contribution to productivity and the economic prospects of a society.

Most existing developmental processes are still dominated by men and there are significant obstacles to women's participation. These structures include networks and achievement criteria based on perceptions and stereotypical expectations of men and women. The "glass ceiling," an invisible but impenetrable barrier that prevents women from rising professionally, regardless of their education and experience, can still be impermeable today. These kinds of biases need to be removed by doing a review of discriminatory practices and inculcating a more gender sensitive culture in the organisations and institutions. Women must have equal access to credit, property and markets, and should not require the consent of a male family member in order to secure this access. Policy changes that place greater value on women's roles within the family, household and informal economy and which ensure that men take equal responsibility for their children and household tasks are required to promote women's participation in the economy.¹³

In countries where tradition and customary laws impede the development of women, and where legislative frameworks for equality are lacking, the girl-child often bears the brunt of inequality. "Female illiteracy and low female education hurt productivity and earnings – for women and the economy...less schooling may also mean more limited capacity to upgrade technical skills (which is vital for

¹¹ Johnsson-Latham, 2007

¹² Appold et al, 1998

¹³ UNFPA, n.d.

sustainable development).¹⁴Notwithstanding the huge leaps that have been made in advancing women and girls' access to education, there are still areas where boys are favoured over girls to receive education and skills training. Restricted schooling for women implies missed opportunities for a better-educated and more productive future generation. United Nations Women indicates that increasing women and girls' education contributes to higher economic growth. Increased educational attainment accounts for about higher economic growth in many countries. This is primarily due to girls having had access to higher levels of education and achieving greater equality in the number of years spent in education between men and women. But, for the majority of women, significant gains in education have not translated into better labour market outcomes.¹⁵

3. Women in the labour force: South Africa

The labour force participation of both women and men has decreased over the last two decades, but women's labour force participation continues to be less than men's worldwide. Women's global labour force participation declined between 1995 and 2015 from 52.4 per cent to 49.6 per cent, and men's from 79.9 per cent to 76.1 per cent. Global averages, however, mask significant variations among regions. In the Middle East, Northern Africa and South Asia, fewer than one-third of women of working age participate, whereas in Sub-Saharan Africa and Eastern Asia, it is nearly two-thirds.¹⁶

In the South African context women constitute approximately 51 percent of the working age population (15-64 years), however only 45 percent of women are employed within the labour force.

The table below indicates that between December 2015 and December 2016 there has been an overall increase of 0.5 percent in terms of women's employment. This is in contrast to the 3.3 percent growth in the female labour force for the same period. The statistics reflect that there was a 1.9 percent growth for women's employment in the formal sector and a 6 percent increase in the agricultural sector. There has however been a decline in informal and private household employment with 41 000 and 29 000 less women being employed in these sectors respectively.

¹⁴ World Bank, 2001, Engendering Development, page 84

¹⁵ <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures#notes>

¹⁶ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

Table 1: Women's employment: December 2015 – December 2016¹⁷

	October – December 2015	October – December 2016	Year on year percent change
Population 15-64 years	18 383 000	18 679 000	1.6%
Labour Force	9 567 000	9 883 000	3.3%
Total Employed	6 995 000	7 031 000	0.5%
Formal Sector (non- agricultural)	4 665 000	4 754 000	1.9%
Informal Sector (non-agricultural)	1 019 000	977 000	-4.1%
Employed in Agriculture sector	288 000	305 000	6.0%
Employed in Private Households	1 023 000	995 000	-2.8%

Table 2: Women's unemployment: December 2015 – December 2016¹⁸

	October –December 2015	October – December 2016
Unemployed	2 572 000	2 852 000
Not economically active	8 816 000	8 796 000
Unemployment rate	26.9%	28.9%
Labour force participation rate¹⁹	52.%	52.9%

Women's unemployment increased between December 2015 and December 2016, with 280 000 less women being employed. This results in an increase in the unemployment rate by 2 percent from 26.9% in December 2015 to 28.9% in December 2016. The national unemployment rate as at December 2016 was 26.5%, indicating that women's employment was at a higher ratio than the national average. Women's labour force absorption rate stood at 52.9 percent at the end of Quarter 4 of 2016, while for men this figure was at 65.7 percent. The national labour force participation rate for the same period was 59.2 percent, indicating that women fared below the average in this regard.

¹⁷ As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

¹⁸ As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

¹⁹ **Labour force participation rate** is the proportion of the working-age population that is either employed or unemployed.

In terms of the occupations that women are employed in, women outnumber men in clerical occupations (women are 1.1 million of the 1.6 million clerks as at December 2016) and dominate the domestic worker occupational field with men comprising only 27 000 out of 993 000 domestic workers or 2.7 percent. In terms of management positions, women only comprise 32 percent compared to men who occupy 68 percent of management positions.²⁰

3.1 Informal or non-standard employment

While women are increasingly engaged in paid labour in both services and manufacturing sectors, increasing the potential for autonomy and independence in many contexts, there has been an entrenchment of women's poverty. These trends are related to the precarious and informal nature of work available to women in the global economy. Even as globalisation has brought millions of women into paid labour, it has also reproduced gender inequalities by concentrating women workers at the bottom of the global value chain - in the lowest paid jobs, in piece-rate, subcontracted work, and insecure forms of self-employment, with little or no access to decent work and social protection.²¹

The Department of Trade and Industry (DTI) highlights in its 2006 Draft Strategic Framework on Gender and Women's Economic Empowerment that following the country's first democratic elections, women now have more freedom and substantial institutional support to actively engage in economic activity and in business. However this progress is insufficient as the majority of women still find themselves in the lower levels of the South African economy.²² The DTI also acknowledges that the support given to women must empower them fully so as to enable them to benefit fully from democratic reforms and recognises that women's political, social and economic empowerment are interwoven and mutually dependent.

Aleksynska (2016) notes that while women make up less than 40 per cent of total employment, globally their share amongst employees working part-time hours is 57 per cent. In 2014, more than half of women worked part-time hours in the Netherlands and Switzerland; similarly high numbers were found in India, Mozambique and Zimbabwe, reflecting the high incidence of underemployment and casual labour in lower-income developing countries - women are also more likely to be found in jobs with very short hours (less than 15 hours per week).²³

²⁰ Ibid at 16

²¹ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

²² Department of Trade and Industry, 2006, Draft Strategic Framework on Gender and Women's Economic Empowerment

²³ Aleksynska, M, 2016 http://ilo.org/global/about-the-ilo/newsroom/news/WCMS_538695/lang--en/index.htm

The International Labour Organisation (ILO) defines non-standard work as “Non-standard forms of employment” which is an umbrella term for different employment arrangements that deviate from standard employment. They include temporary employment; part-time and on-call work; temporary agency work and other multiparty employment relationships; as well as disguised employment and dependent self-employment.”²⁴

The quarterly labour force survey reveals that as at the end of December 2016, 339 000 persons in the labour force were employed in occupations where they worked for less than 15 hours per week. Women comprised 63.4 percent of this total. Women also comprise the majority of those working 15-29 hours per week – 724 000 out of 1 073 000 or 67.4 percent.²⁵ These figures indicate that there is a greater representation of women in casual, temporary and part-time employment. This often results in decreased social protection and benefits for women in these forms of employment. Women face gender-specific barriers to employment and income security because they participate less in the labour market, earn lower wages and enjoy less access to credit and assets than men. They therefore have less access and lower coverage with regard to contributory social protection instruments, such as pensions or unemployment compensation and even health insurance.²⁶

A recent ILO report on non-standard employment²⁷ highlights that gaining access to decent work remains a challenge for women throughout the world and provides some reasons for the disparity in employment between women and men in non-standard/ informal employment. The report indicates that women’s outcomes in the labour market are often a reflection of their position in the home. Throughout the world, women work fewer hours in paid employment, while performing the vast majority of unpaid household and care work - on average, women carry out at least two and a half times more unpaid household and care work than men. In addition, the greater domestic and care responsibilities of women influence their choice of occupations, so that when they do participate in the labour market, their care responsibilities in their family and community impact on the jobs that they can take on. Traditionally, their participation has been “at the margins” of the labour market, often in non-standard employment. The report finds that in the South African context the proportion of women in temporary jobs grew faster than that of men, and in relative terms, women have overtaken men in temporary employment in the past decade. This is evident in the year on year labour force survey data as mentioned above.

²⁴ <http://ilo.org/global/topics/non-standard-employment/lang--en/index.htm>

²⁵ As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

²⁶ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

²⁷ International Labour Organisation, 2016, Non-standard Employment around the World

4. Legislation and Programmes for Women's Empowerment

Since 1994, the post-apartheid Government has prioritised women's empowerment in South Africa. A range of legislation, initiatives, programmes and projects have been implemented to improve the lives of women. South Africa has adopted legislation with specific reference to gender equality and the economic empowerment of women. However, the challenge lies in ensuring that women are well informed to take advantage of the rights accorded to them in the legislation and that they can access opportunities to develop their knowledge and skills. It is important that legislation and programmes change the conditions of women.

The following legislation was passed by Parliament so as to ensure greater economic empowerment of women and to address inequality between men and women in South Africa:

- The National Education Act [No. 27 of 1996];
- Extension of Security of Tenure Act [No. 62 of 1997];
- Basic Conditions of Employment Act [No. 75 of 1997];
- Employment Equity Act [No. 55 of 1998];
- Skills Development Act [No. 97 of 1998];
- Further Education and Training Act [No. 98 of 1998];
- Labour Relations Amendment Act [No. 127 of 1998];
- Land Restitution and Reform Law Amendment Act [No. 63 of 1997 & 18 of 1999];
- Promotion of Equality and Prevention of Unfair Discrimination Act [No. 4 of 2000];
- Preferential Procurement: Policy Framework Act [No. 5 of 2000]
- Broad-Based Black Economic Empowerment Act [No. 53 of 2003]

Parliament has passed a wide range of legislation that empowers women, but the legislation noted above deserves specific mention, because it has a particular focus on the economic empowerment of women.

There are also a number of programmes sponsored by either the Department of Trade and Industry and/or the Department of Small Business Development that focus specifically on providing support for women's economic empowerment.

These include:²⁸

- **B'avumile Skills Development Initiative**

²⁸ http://www.dti.gov.za/economic_empowerment/women_empowerment_programmes.jsp

The B'avumile Skills Development Programme is a women's empowerment capacity-building initiative aimed at identifying talent in the arts, crafts, textiles and clothing sectors. It is a formal training programme to develop women's expertise in the production of marketable goods and the creation of formal enterprises in the creative industry.

- **Technology for Women in Business (TWIB)**

Technology for Women in Business (TWIB) was introduced to accelerate women's economic empowerment and the development of women-owned enterprises through the recognition of technology-based business applications and systems, and to unlock constraints to enterprise innovation and growth as well as global competitiveness.

TWIB targets women entrepreneurs who use enterprising technological innovations to increase the production and enhance the quality of their products. Their business must be a profit-making enterprise that demonstrates diffusion of technology.

- **South African Women Entrepreneurs' Network (SAWEN)**

The Department of Trade and Industry identified and adopted SAWEN to fast-track support provided to women in addressing challenges faced when establishing, strengthening and sustaining their enterprises.

SAWEN is a membership organisation with a mandate to represent and articulate the aspirations of all women entrepreneurs who operate within the South African SMME sector.

Support services under the banner of SAWEN programme include:

- Effective network forums;
- Training and capacity-building programmes;
- The provision of pertinent business information and advice that leads to business opportunities;
- Facilitating trade missions and exposure to the global economy; and
- Maintaining a reliable database of South African women entrepreneurs.

In addition, the **Department for Women** was established in 2014 with the mandate to champion gender equality and the achievement of women's socio-economic empowerment and rights. Its aim is to lead, coordinate and oversee the transformation agenda on women's socio-economic empowerment, rights and equality.

5. The role of parliamentarians in the economic empowerment of women²⁹

There is no simple solution to ensuring that women are economically empowered. It requires a multi-faceted approach that deals with the barriers to entering the labour market, barriers to remaining in secure employment, and addressing structural inequalities at a grassroots and political level. The Inter-Parliamentary Union (IPU) Report of the Ninth Meeting of Women Speakers of Parliament (2014) notes that

“the objective is to enable women to have viable incomes, decent work and be decisive actors who shape the terms and conditions of their participation in economic life.”³⁰

In South Africa parliamentarians have five key functions which are oversight, passing legislation, facilitating public participation, international participation and furthering cooperative governance. An additional realm in which women parliamentarians can play a role is within internal parliamentary caucuses, ensuring that parliamentary environments are gender mainstreamed, and receptive to promoting women’s economic empowerment.

This section will thus discuss some of the ways that parliamentarians can facilitate economic empowerment through performing these functions, as well as exploring some of the recommendations from the IPU.

- *Oversight*

When parliamentarians have the opportunity to conduct oversight over departments responsible for the economic empowerment of women they should ensure that they ask questions about gender mainstreaming, including the use of gender quotas. Where possible, the private sector should face similar scrutiny to ensure that legislation furthering women’s economic empowerment is properly enforced and monitored. In particular, where commitments are made in public hearings, or sectoral parliaments, these commitments should be operationalised into the work of committees so that they are appropriately implemented.

Oversight trips also provide Members of Parliament with an opportunity to publicise and raise awareness of the legislation, policies and programmes of Government and to ensure that members of public are aware of their rights. This also extends to public participation opportunities.

²⁹ Taken from J.Thorpe, 2015, Women in Parliament: The role of women parliamentarians in the economic empowerment of women

³⁰ IPU (2014).

Furthermore, in the interrogation of annual budgets and expenditure frameworks, parliamentarians should ensure that a gendered lens is pursued. Where possible, women's budgeting initiatives should be introduced and sustained in order to instil the commitment to gender responsive budgeting.

- *Passing legislation*

Where gaps in legislation to promote women's economic empowerment or to facilitate their entry into labour markets exist, parliamentarians can identify these gaps with the executive, and Members of Parliament can champion bills when introduced. Another form of legislation that can be helpful is legislation around maternity and paternity leave. Where no paternity leave is provided, it is likely that women will exit the job market to pursue family care. This reinforces gender roles where women are excluded from economic participation. In South Africa Members of Parliament also have the option of introducing legislation that they believe is necessary in the form of a Private Member's Bill.

In addition, where legislative processes have been stymied or have lapsed, parliamentarians can follow up with relevant Departments or executive bodies with regards to the status of bills.

The IPU (2014) further notes that accurate statistics are essential to be able to assess the economic empowerment of women, and thus building national statistical capacity, as well as accessing comparative research to inform the work of Members of Parliament is essential.³¹

Finally, in terms of legislation, Members of Parliament can ensure that appropriate costing is done prior to legislation's introduction, and that appropriate budgets are allocated to implementing necessary legislation during budget consideration periods.

- *Facilitating public participation*

Although legislation exists to promote women's economic empowerment, the lived realities of women that prevent them from becoming economically empowered (such as health, violence, gender norms, poverty) have not been fully addressed and hence women cannot flourish. Public participation forms an opportunity to inform the public of their rights, as well as to gain information about the conditions and experiences of women from different walks of life.

Public participation opportunities should not only focus on economic opportunities but should also address the social factors that disadvantage women including education, lack of physical security, protection in the workplace, violence, gender roles and traditional norms, and familial responsibilities.³² It is critical for

³¹ IPU (2014).

³² Ibid.

parliamentarians to facilitate the access of ordinary women to parliamentary spaces to ensure that women are able to articulate the challenges they continue to face in entering the labour market and securing economic empowerment. By hearing the voices of women faced with these challenges, parliamentarians can receive information about how best to address the challenges and can also ensure that where blanket strategies will not be sufficient, that specific targeted interventions can be introduced.

- *International participation*

Members of Parliament must undertake to monitor international instruments focused on the empowerment of women. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration for Action. In addition, regional instruments including the African Union Solemn Declaration on Gender Equality in Africa and the Southern African Development Community Protocol on Gender and Development must be monitored. Members can ensure that their participation is informed with a gendered lens, and that any discussions are aimed at addressing both the economic sector, as well as becoming cognisant of societal factors that limit women's economic empowerment.

International meetings are a further opportunity to network with other countries, and to learn from best practice that is happening in women's economic empowerment around the world. Finally, international participation is an opportunity to engage with major economic processes and actors, such as the International Monetary Fund, and this avenue of change should be pursued to address the challenges women face in accessing business financing.³³

In addition, Parliament has a responsibility to conduct oversight over the Department of International Relations and Cooperation to assess whether the positions promoted by South African delegations are in favour of women's economic empowerment.

- *Cooperative governance*

Cooperative Governance implies that all spheres of Government work together in a way that is favourable to effective service delivery and the creation of (empowerment) opportunities from local government to the national level. Parliamentarians are strategically placed to ensure that local government bodies include gender mainstreaming as a focus, and pursue policies such as affirmative action in the awarding of opportunities, employment, and tenders. Where transformation does not occur, Parliament also has an opportunity to conduct oversight in this regard.

³³ IPU (2014) Report of the Ninth Meeting of Women Speakers of Parliament

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