



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

**TOWARDS WOMEN'S
ECONOMIC EMPOWERMENT:**
An overview of challenges,
achievements, legislative
mechanisms and programmes ¹

International Women's Conference,
August 2017

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² Revised Request Due 11 August 2017

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 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

This paper will provide an overview of challenges experienced by women in obtaining economic empowerment, as well as legislation and programmes for women in the South African context. In addition, an overview of women's employment and employment equity is also provided. The role of Parliament in taking forward issues of women's economic empowerment concludes the paper.

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

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.

A study on the prerequisites for sustainable development⁸ 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.⁹ 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.

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

⁸ Johnsson-Latham, 2007

⁹ Appold et al, 1998

2.1 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 cent¹⁰. 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.¹¹ 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 affairs¹².

2.2 Tradition and unfavourable economic structures

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. 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

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. The main constraint experienced by female-owned businesses is the lack of access to finance. Women are generally classified as high-risk debtors (due to their lower earning power) and hence denied access to finance. They often lack start-up capital linked to low personal savings. The lack of a personal asset base and loan collateral requirements further prevent women's participation in the economy.

¹⁰ UNFPA, n.d. Recognising and Promoting Women's Key Economic Roles: A new role for men

¹¹ SADC Gender Protocol Barometer 2011

¹² World Bank, 2001, Engendering Development

¹³ UNFPA, n.d.

2.3 Limited access to education

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 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

The International Labour Organisation indicates that in Sub-Saharan Africa, the labour force participation rate remains almost unchanged from a decade ago, with little change anticipated through 2021. Whilst women in the region have a higher labour participation rate than in any other region, this increased participation rate is as a result of poverty and a lack of access to social protection, i.e. more women are entering the labour force out of necessity. This factor, combined with limited access to education and vocational opportunities has the resultant effect of more women working in vulnerable and non-formal forms of employment with little or no labour protection.¹⁶

2.4 Gender-based violence in South Africa¹⁷

South Africa has extremely high levels of gender-based violence. This violence takes many forms including sexual violence; domestic violence and intimate partner violence; harmful traditional practices including forced/early marriage, bride kidnapping (*ukuthwala*), virginity testing, and female genital mutilation; hate crimes against sexual and gender minorities; trafficking; harassment including sexual harassment; violence against vulnerable women including sex workers, refugees, migrants, and young women; and femicide (the killing of a woman by her intimate partner).

¹⁴ World Bank, 2001, Engendering Development, page 84

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

¹⁶ International Labour Organisation, 2017, World Employment Social Outlook: trends for women 2017

¹⁷ Thorpe, J, 2016, Gender-based violence in South Africa: statistics, legislation, and solutions

Violence is used as a tool to 'keep women in their place'. It is therefore important that incidents of violence against women are not viewed as isolated events, but as an effect of systemic and structural gender inequality. These forms of violence regulate and restrict women's sexuality and ensure that women are confined by patriarchal gender roles. In addition, although South Africa's Constitution provides the right to people to practice their culture, it limits this right to those practices which do not conflict the provisions of the Bill of Rights.

Jewkes, et al (2009) list several reasons why there are such high levels of violence in South Africa. These include:¹⁸

- Poverty and social inequity are key drivers of violence and South Africa is an incredibly unequal society.
- Dominant ideas of manhood: There is an emphasised gender hierarchy and competition between men. Ideas of manhood are founded on the domination of women, and carrying weapons and the abuse of alcohol are part of these ideas.
- Widespread exposure of children to violence promotes anti-social behaviour.
- Widespread abuse of alcohol and drugs. This both increases the likelihood of violence and renders victims vulnerable.
- Guns: legal and illegal guns are still widely used to threaten and kill.
- Social norms that support and legitimise the use of violence are prevalent, and in particular, acts such as sexual harassment and sexual violence are perceived as normal by many South Africans.
- Law enforcement is generally very weak; legislation does not form a deterrent.

2.4.1 Sexual harassment and discrimination in the world of work

Violence and harassment against women and men in the world of work is an abuse of power. Violence and harassment particularly affect workers in the most vulnerable work situations who have poor access to labour rights such as freedom of association, collective bargaining, decent work, non-discrimination and access to justice. Some groups of workers, and particularly women, are disproportionately affected by violence at work, where unequal power relations, low pay, precarious working conditions and other workplace abuses expose them to violence.¹⁹

¹⁸Jewkes et al, 2009, Preventing rape and violence in South Africa: Call for leadership in a new agenda for action. Pretoria, the Medical Research Council.

¹⁹ Pillinger, J, 2015, Violence and harassment against women and men in the world of work

Chicktay (2010)²⁰ notes that evidence has shown that at least 68 percent of women have been subjected to sexual harassment at least once in their place of work. However, given the lack of adequate statistics, research and resistance to reporting, this figure could be higher. The US Equal Employment Opportunity Commission states that while there is robust data and academic literature on sex-based harassment (for example sexual orientation, gender identity, pregnancy), there is very limited data regarding sexual harassment.²¹ In addition, roughly three out of four individuals who experienced harassment never even talked to a supervisor, manager, or union representative about the harassing conduct. Employees who experience harassment fail to report the harassing behaviour or to file a complaint because they fear disbelief of their claim, inaction on their claim, blame, or social or professional retaliation. These factors make it hard to determine the scope of the problem.

Carver (2016) highlights that the incidence of sexual harassment and discrimination creates an obstacle to the integration of women into the labour market in all societies. However, in the case of South Africa, with a large proportion of women being employed as domestic workers or agricultural labourers, this poses a particular threat as women in these sectors are largely left out of unionisation and are often left vulnerable to the discretion of their employers with regards to wages and working conditions.²² Domestic and own-account workers, as well as those in non-formal employment are at particular risk for violence and discrimination in the workplace. Due to their isolation (working alone in a household) and/or the nature of the work (relatively unskilled), women in these sectors are subject to many sorts of unfair treatment and exploitation ranging from long working hours to sub-standard wages. It is very hard for these workers to report such cases, as they work in isolation and it is their word against the perpetrator, with seldom any sympathetic witnesses. Domestic workers also fear being fired if they report any sexual harassment. Due to the work environment (no HR department, trade union protection etc.), sexual harassment in these instances would have to be reported as a criminal offence. However, it is very seldom that this takes place, due to fear of retaliation, fear of job loss and fear of not being taken seriously.

Sexual harassment therefore has an array of effects of the physical and psychological well-being of the victim. In terms of health effects²³ it could result in fatigue, depression, weight loss or weight gain, sleep disturbance and headaches. In addition, the victim could also suffer anxiety, stress, Post Traumatic Stress Disorder (PTSD) and loss of trust in environments similar to where the harassment occurred or in the types of people occupying similar positions as the harasser.

²⁰ Chicktay, M, 2010, Sexual Harassment and Employer liability: A critical analysis of the South African legal position

²¹ U.S. Equal Employment Opportunity Commission, 2016, Report of the co-chairs of the EEOC select task force on the study of harassment in the workplace

²² Carver, A, 2016, Sex Discrimination in South Africa: The need for legislative reform: MSU International Law Review

²³ www.mywage.co.za/sexualharassment

There is also the possibility of violent/abusive retaliation from the harasser, or colleagues/friends of the harasser if a grievance is filed and having one's personal life offered up for public scrutiny.

Vetten in Chicktay (2010) highlights that sexual harassment needs to be restricted in South Africa for two primary reasons, the first being that sexual harassment has a major impact on the economy. She notes that productivity is affected by time lost due to sexual harassment with the victim either spending time avoiding the harasser, staying absent from work or possibly even resigning. Secondly, it must be addressed because it severely infringes upon the victims' constitutionally recognised fundamental rights.²⁴

Legislation is regarded as being particularly important in laying obligations on governments and employers to prevent and address sexual harassment in the workplace. According to UN Women, by 2014, 125 countries had passed legislation on sexual harassment in the workplace.²⁵ In the South African context legislation prohibiting sexual harassment in the workplace exists in the form of the Employment Equity Act (Act 55 of 1998) which obliges employers to take steps to prevent sexual harassment in the workplace. Furthermore, the Code of Good Practice on Sexual Harassment (a regulation under the Labour Relations Act) contains guidelines on how to deal with sexual harassment in the workplace.'

Violence in the world of work, like gender-based violence, is a human rights issue. When sexual harassment occurs, it is seen as a violation of women's (and men's) human rights. To tackle it means exploring the root causes of discriminatory practices and understanding their many different regional, cultural and social contexts.

3. Women and the National Development Plan

The National Development Plan (NDP) sets out a vision where gender equality is both formal and substantive. It is envisioned that by 2030 the conditions will exist that will assist women in developing their full potential. Although there is not a dedicated chapter for women in the NDP, a number of sections make commitments to women. In addition, the section on 'women and the plan' details some key interventions that are required. The NDP suggests that women's issues must be dealt with holistically and recognises that whilst women's rights have certainly come a long way since 1994, discrimination, patriarchal attitudes and poor access to quality education persists.

Notwithstanding the fact that there is no dedicated chapter for women, the NDP recognises that women make up a large percentage of the poor, particularly in rural

²⁴ Chicktay, M, 2010, Sexual Harassment and Employer liability: A critical analysis of the South African legal position

²⁵ UN Women, 2015, Progress of the World's Women. Transforming Economies, Realizing Rights. Available at: <http://progress.unwomen>

areas. The plan takes gender – along with race and geographic location – into account and proposes a range of measures to advance women's equality including that:

- Public employment should be expanded to provide work for the unemployed, with a specific focus on youth and women.
- The transformation of the economy should involve the active participation and empowerment of women.
- The role of women as leaders in all sectors of society should be actively supported.
- Social, cultural, religious and educational barriers to women entering the job market should be addressed. Concrete measures should be put in place and the results should be evaluated over time
- Security of tenure should be created for communal farmers, especially women.²⁶

3.1 Women and the Economy

With specific reference to the economy, the NDP lists the following four actions:²⁷

- A social compact to reduce poverty and inequality, and raise employment and investment
- A strategy to address poverty and its impacts by broadening access to employment, strengthening the social wage, improving public transport and raising rural incomes
- Public infrastructure investment at 10 percent of gross domestic product (GDP), financed through tariffs, public-private partnership, taxes and loans and focused on transport, energy and water
- Boost private investment in labour-intensive areas, competitiveness and exports, with adjustments to lower the risk of hiring younger workers

The NDP notes that this requires both the broadening of asset ownership, and an enabling milestone is to “ensure that skilled, technical, professional and managerial posts better reflect the country’s racial, gender and disability makeup.”²⁸

However, as at the end of 2016, much remained to be done with regards to economic transformation. The 16th Commission for Employment Equity (CEE) Annual Report indicates that men represent the majority of top and senior management in every sector.²⁹

²⁶ National Development Plan, 2015, page 43

²⁷ National Development Plan, 2015, page 34

²⁸ Ibid.

²⁹ Percentages have been calculated using figures as presented in the 16th Commission for Employment Equity report 2015-16

| SECTOR | TOP MANAGEMENT | | SENIOR MANAGEMENT | |
|---|----------------|--------|-------------------|--------|
| | % Female | % Male | % Female | % Male |
| Agriculture | 16.6 | 83.3 | 23.3 | 76.6 |
| Mining & Quarrying | 14.5 | 85.4 | 15.7 | 84.2 |
| Manufacturing | 17.0 | 82.9 | 24.6 | 75.3 |
| Electricity, Gas & Water | 21.6 | 78.3 | 30.4 | 69.5 |
| Construction | 14.2 | 85.7 | 18.6 | 81.3 |
| Retail & Motor Trade & Repair Services | 19.8 | 80.1 | 32.2 | 67.7 |
| Wholesale Trade, Commercial Agent & Allied Services | 20.7 | 79.2 | 33.1 | 66.8 |
| Catering, Accommodation & other trade | 30.4 | 69.5 | 44.7 | 55.2 |
| Transport, Storage & Communications | 23.2 | 76.7 | 30.3 | 69.6 |
| Finance & Business Services | 25.8 | 74.1 | 39.2 | 60.7 |
| Community, Social & Personal services | 31.4 | 68.5 | 43.3 | 56.6 |
| National Government | 35.8 | 64.1 | 42.8 | 57.1 |
| Provincial Government | 35.3 | 64.6 | 39.2 | 60.7 |
| Local Government | 27.1 | 72.8 | 30.4 | 69.5 |
| Private Sector | 20.1 | 79.8 | 30.6 | 69.3 |

The above table shows that women continue to be under-represented in decision-making positions in all sectors with men continuing to dominate top and senior management positions. Women are most poorly represented in the Construction, Mining and Quarrying and Agriculture sectors. Women's representation is slightly better at senior management level, however there is no sector where employment equity has been achieved. According to the data from the CEE report women only represent more than 50 percent of the workforce in the "skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendent", "semi-skilled and discretionary decision-making" and "unskilled and defined decision-making" occupational levels in certain sectors. These include the Catering, Accommodation & other trade; Finance and Business Services; and the Community, Social and Personal services sectors. Women's representation is also above 50 percent at these occupational levels in the National and Provincial government spheres. Given the above figures it is imperative that all transformation and economic goals in the next phase of implementation should be pursued in a manner that mainstreams gender equality and takes into account employment equity.

4. 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.³⁰

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.

Table 1: Women's employment: December 2015 – December 2016³¹

| | 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% |

³⁰ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, E/CN.6/2017/3

³¹ As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

Table 2: Women's unemployment: December 2015 – December 2016³²

| | 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 rate³³ | 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.

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.³⁴

4.1 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.³⁵

³² As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

³³ **Labour force participation rate** is the proportion of the working-age population that is either employed or unemployed.

³⁴ Ibid at 16

³⁵ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

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.³⁶ 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).³⁷

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.”³⁸

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.³⁹ 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

³⁶ Department of Trade and Industry, 2006, Draft Strategic Framework on Gender and Women's Economic Empowerment

³⁷ Aleksynska, M, 2016 http://ilo.org/global/about-the-ilo/newsroom/news/WCMS_538695/lang-en/index.htm

³⁸ <http://ilo.org/global/topics/non-standard-employment/lang-en/index.htm>

³⁹ As recorded in Statistics South Africa Quarterly Labour Force Survey, Quarter 4, 2016

instruments, such as pensions or unemployment compensation and even health insurance.⁴⁰

A recent ILO report on non-standard employment⁴¹ 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.

5. International and Regional Agreements promoting women's economic empowerment⁴²

South Africa is signatory to a number of international and regional treaties and agreements that has the aim of furthering women's economic equality. These are discussed briefly below.

5.1 United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)

- CEDAW refers to discrimination against women, and defines it as including "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any field."

Specific articles are important, and they include:

- Article 3 requires State parties to take all appropriate measures, including legislation, to ensure the full development and advancement of women.³

⁴⁰ Report of the Secretary General, Commission on the Status of women, 61st session, December 2016, **E/CN.6/2017/3**

⁴¹ International Labour Organisation, 2016, Non-standard Employment around the World

⁴² Thorpe, J, 2015, Women in Parliament, The role of women parliamentarians in the economic empowerment of women

- Article 13 requires State Parties to eliminate discrimination against women in areas of economic and social life including the right to bank loans, mortgages and other forms of financial credit.⁴
- Article 14 makes provision for rural women to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform.⁵

5.2 Beijing Declaration and Platform for Action (1995)

In September 1995, the United Nations Fourth World Conference on women was held in Beijing. At this meeting delegates prepared a Declaration and Platform for Action aimed at achieving greater gender equality and increased access to opportunities for women. Several of these commitments focused on the economic empowerment of women. These included:

- Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by **addressing the structural causes of poverty through changes in economic structures, ensuring equal access for women**, including those in rural areas, as vital development agents, to productive resources, opportunities and public services.⁶
- **Ensure women's equal access to economic resources**, including land, **credit**, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancements of their capacities to enjoy the benefits of equal access to resources, inter alia, by means of international cooperation.⁷
- Develop gender-sensitive multi-sectoral programmes and strategies to end social subordination of women and girls and to ensure their social and economic empowerment and equality.

5.3 The African Union Solemn Declaration on Gender Equality in Africa (2004)

- The African Union Solemn Declaration on Gender Equality in Africa recognises that women's economic participation is central to their fulfilment of lived equality. The Declaration establishes an African Trust Fund for Women for the purpose of building the capacity of African women in both urban and rural areas.

5.4 The Protocol to the African Charter on Human and People's Rights on the Rights of Women

- This Protocol provides for special protocols and regulations in support of women's empowerment.

5.5 The Southern African Development Community Protocol on Gender and Development (2008)

The Southern African Development Community (SADC) Protocol on Gender and Development deals with economic empowerment and requires that member states meet commitments by 2015. These include:

- To adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors;
- To review their national trade and entrepreneurship policies to make them gender responsive; and
- With regard to the affirmative action provisions in Article 5, to introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

6. Domestic 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:⁴³

- **B'avumile Skills Development Initiative**

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.

⁴³ http://www.dti.gov.za/economic_empowerment/women_empowerment_programmes.jsp

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.

- **Small Enterprise Development Agency (SEDA)**

The Small Enterprise Development Agency (Seda) is an agency of the Department of Small Business Development.

It is mandated to implement government's small business strategy; design and implement a standard and common national delivery network for small enterprise development; and integrate government-funded small enterprise support agencies across all tiers of government.

Seda's mission is to develop, support and promote small enterprises throughout the country, ensuring their growth and sustainability in co-ordination and partnership with various role players, including global partners, who make international best practices available to local entrepreneurs.

- **Seda's Women Owned Enterprise Development programme**

The Special Projects and Programmes Unit (SPP) within the Programme Analysis and Development (PAD) of Seda, has a mandate which has a special emphasis on projects for women. Lack of information or access to information has been frequently identified as one of the inhibitors of entrepreneurial activity in South Africa. Many women are either not aware of what is available in terms of enterprise development and support, and/ or once they know what is available, the process for accessing such support. As a result, Seda recognised that there is a need for a booklet which will be used to inform women owned enterprises on current support available (financial and non- financial) for women owned enterprises. The booklet identifies opportunities and suitable current support available for women owned enterprises, its requirements and accessing criteria.⁴⁴

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

⁴⁴ <http://www.seda.org.za/MyBusiness/Pages/WomenOwned.aspx>

empowerment and rights. Its aim is to lead, coordinate and oversee the transformation agenda on women's socio-economic empowerment, rights and equality.

7. The role of parliamentarians in the economic empowerment of women⁴⁵

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.”⁴⁶

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

⁴⁵ Taken from J.Thorpe, 2015, Women in Parliament: The role of women parliamentarians in the economic empowerment of women

⁴⁶ IPU (2014). Report of the Ninth Meeting of Women Speakers of Parliament

and to ensure that members of public are aware of their rights. This also extends to public participation opportunities.

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.⁴⁷

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

⁴⁷ IPU (2014) Report of the Ninth Meeting of Women Speakers of Parliament

education, lack of physical security, protection in the workplace, violence, gender roles and traditional norms, and familial responsibilities.⁴⁸ It is critical for 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.⁴⁹

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

⁴⁸ Ibid.

⁴⁹ IPU (2014) Report of the Ninth Meeting of Women Speakers of Parliament

transformation does not occur, Parliament also has an opportunity to conduct oversight in this regard.

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