

POLICY : GENDER

Item B-HR (6-2003) GENDER POLICY
mc 30.06.2003

RESOLVED:

1. **That** the following, **BE NOTED**:
 - (a) The report regarding the Gender Policy agreed upon between the parties at the Local Labour Forum.
 - (b) Item referred from (A — HR 11-2003).
2. **That** the Induction and Gender Policy attached as **Annexure “A”** to the report **BE ADOPTED** and **IMPLEMENTED** immediately.
3. **That** all existing policies of the erstwhile Councils dealing with Gender Training **BE RESCINDED**.
4. **That** the policy **BE CIRCULATED** to all Departments for implementation.



Ekurhuleni
METROPOLITAN MUNICIPALITY

**POLICY
GENDER**

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GENDER POLICY FOR EKURHULENI METROPOLITAN MUNICIPALITY EMPLOYEES

1. DEFINITIONS

"Gender"	social roles allocated respectively to women and men in particular societies and at particular time.
"Sex"	means description of people according to their biological and physical characteristics. It is the biological differences between males and females.
"Sexual Orientation"	Sexual preferences
"Sexual Harassment"	means any unwanted sexual advances
"SDR"	Service Delivery Region
"Municipality"	Ekurhuleni Metropolitan Municipality
"Patriarchy"	means a social system of male domination that oppresses women through its social, political and economic institutions and is based on beliefs of men's superiority that gives them decision-making power.
"Gender Equality"	means the equal employment by men and women of socially valued goods, opportunities, resources and rewards by identifying and removing underlying causes of discrimination to give men and women equal opportunities.
"Gender Equity"	means fair treatment to men and women whose human potential has to be developed to the full.
"Gender issues"	important subjects of debate with regard to gender
"Gender Committee"	means a committee that will monitor and evaluate implementation of gender policies
"Parity"	means equality with regard to status and numbers
"Victims"	means any person harmed as a result of gender/sexual discrimination
"Perpetrators"	means any person committing crime of gender/sexual discrimination
"Imbalances"	means disproportionate discrimination based on Sex
"Discriminatory Practices"	means any discriminatory practices on the basis of sex.
"Hazardous conditions"	means life threatening and dangerous conditions
"Employment Equity Act"	means Employment Equity Act of 1998
"Conditions of Services"	means the basic Conditions of Employment Act of 1997
"Constitution"	means the constitution of the Republic of South Africa of 1996

"Employers"	means Ekurhuleni Metropolitan Municipality
"None-employees"	means any person who is not in the employment of Ekurhuleni Metropolitan Municipality
"Employee"	means any person, excluding an Independent contractor, permanently appointed by the Ekurhuleni Metropolitan Municipality and who receives, or is entitled to receive any remuneration
"Person"	means employees, non-employees and Councillors of Ekurhuleni Metropolitan Municipality
"E.M.M."	means Ekurhuleni Metropolitan Municipality
'Disaggregated data'	means statistical data that is collected, analysed and made available to reflect women's particular experiences in a particular society.
'Special Measures'	may include Affirmative Action and any related programmes to ensure women empowerment

2. PREAMBLE

We, the Ekurhuleni Metropolitan Municipality recognises that -

- (i) Gender discrimination is a historical and present fact
- (ii) The provision of all services will conform to the principles of gender equality enshrined in the Constitution.
- (iii) Employment and conditions of service within the Municipality must conform to the principles of gender equality.
- (iv) Various practices of gender discrimination have served to perpetuate the subordination and oppression of women relative to men.
- (v) This policy is directed at redressing the imbalances of the past
- (vi) We will promote the process of women's advancement and empowerment. This will involve basic changes in those customs and traditions, which presently entail and reinforce discriminatory practices.
- (vii) There is an economic need for better utilization and development of human capital.
- (viii) Many people especially women, in informal settlements, live under hazardous conditions and spend hours everyday fetching water from communal taps and cooking with paraffin stoves.
- (ix) A public investment in improved provision of water, housing and development of skills in this area holds prospects of liberating women from such inefficient and unrewarding labour. this will provide time for more productive and fulfilling activities.

3. GENDER GOALS

EXTERNAL GENDER GOALS

External gender policy refers to the Municipality's external responsibilities to the communities at large in promoting gender equality in all its activities. In the provision of all services, programmes and projects within the Ekurhuleni Metropolitan Municipality, the main goals are to:

- (i) identify all relevant gender issues, so that all projects and programmes recognize and address issues of gender difference and inequality
- (ii) indemnify and take into account the different gender roles of women and men in a community affected by services and programmes
- (iii) Ensure equal participation and involvement of women and men in decision — making on all projects undertaken by the Municipality.
- (iv) put a priority focus on improving the material position and status of women who have borne and still continue to bear the brunt of past inequalities

INTERNAL GENDER GOALS

Internal gender policy refers to the Municipality's responsibilities to increase the representation and affirm the value of women in the Municipality' employ.

Within the Ekurhuleni Metropolitan Municipality, the main Gender goals are to:

- (i) Work towards gender parity at all levels of management and specialization.
- (ii) Introduce administrative procedures to ensure that there is no discrimination against women in recruitment, placement, promotions and conditions of service and;
- (iii) Introduce all necessary measures and facilities to provide for the different biological and gender role of both men and women

4. PURPOSE AND OBJECTIVES OF THE POLICY

The principle of gender equity has been stated in various policy statements of the disestablished Municipalities over the previous years. This entails identifying major gender issues affecting Ekurhuleni Metropolitan Municipality and setting out the goals and objectives for addressing these issues. It also entails establishing the institutional machinery and authority within the Municipality to ensure a continuing management capacity to recognize and address gender issues. This is an essential contribution towards the larger process of national transformation.

4.1 Purpose

- (i) To make sure that there is Gender Equity between men and women
- (ii) To redress the imbalances of the past in the Ekurhuleni Metropolitan Municipality by promoting the process of women advancement, development and empowerment in an ever changing society.
- (iii) To ensure that the Municipality is committed and willing to address gender issues.
- (iv) To eliminate all forms of harassment and gender discrimination.

4.2 Objectives

Internal Objectives

- (i) Promote gender equity in recruitment, placement, promotion and conditions of service.
- (ii) Eliminate all forms of gender discrimination from Municipality's regulations and administrative practices;
- (iii) Ensure the elimination of all forms of sexual harassment within the workplace
- (iv) Develop administrative rules and procedure to enable affirmative action to achieve gender parity employed in all occupational categories and personnel levels.
- (v) Positively encourage and enable recruitment of women into technical and engineering fields within the Municipality.
- (vi) Organize in-house training to fast track development to enable the promotion of women.
- (vii) Provide flexible working hours to accommodate family commitments.
- (viii) Provide a gender sensitive working environment and provide work place forums and various forms of in-house education, to promote increased gender awareness and sensitivity.
- (ix) Develop, facilitate 2nd support day-care centres for infants and young children of the Municipality's employees.
- (x) Ensure that the EMC budget is engendered

External Objectives

- (i) Provide various forms of in-house training on gender relations.
- (ii) Base all planning on gender desegregated data.
- (iii) Pay special attention in all programmes to the needs of women who are amongst the poorest segment of the population and are heads of households or single parents.
- (iv) Ensure adequate participation by women in the planning, operation and maintenance of service delivery systems.
- (v) Provide technical training to both women and men of the community in order to enable their participation in project planning and implementation.
- (vi) Making sure that the budget for all programmes has been engendered

5. PRINCIPLES

In order to follow the Constitutional Principle of gender equality, the Ekurhuleni Metropolitan Municipality commits itself to recognizing the current conditions that mitigate against woman participating fully in society.

Therefore the Municipality is committed to a programme of action, which recognizes present gender roles and endeavour to counteract and eliminate the gender inequalities of the past.

This entails ending discriminatory practices and according special recognition and treatment to women as means towards redressing the imbalances of the past.

The Ekurhuleni Metropolitan Municipality further recognizes that:

1. A healthy environment in which team work and cooperation are possible is one in which all persons treat each other with mutual respect, dignity and courtesy therefore, employees should be protected from all forms of gender discrimination.
2. A productive environment is one in which employees are able to exercise their full potential without fear of victimization, harassment or abuse; there should be no discrimination in recruitment, placement, promotion or conditions of service on the basis of gender or sexual orientation.
3. It is a fundamental right of all individuals to be treated with dignity and no form of gender discrimination will be permitted or condoned. Employees have a right to complain, should it happen.
4. There should be affirmative action to promote gender equality in numbers employed in the Municipality, across all areas of specialization and at all levels of management.
5. There should be special measures to ensure that women in the Municipality are given the support, training and capacity building, in order to fulfill their work requirements. Special measures should also ensure that Municipality's structures and requirements of time and travelling are sensitive to the needs of women who are primary caregivers.
6. There should be an affirmative component in all expenditure on basic and further education, training and development.

6. SCOPE OF APPLICATION AND GENDER ISSUES

6.1 Scope of Application

This policy applies to employees, non-employees and Councillors of E.M.M.

6.1.1 Application of the Code

Although this code is intended to guide employers and employees, the perpetrators and victims of gender discrimination may include:

- a) Owners
- b) Employers/Councillors

- c) Managers
- d) Supervisors
- e) Employees
- f) Job applicants
- g) Clients
- h) Suppliers
- i) Contractors
- j) Others having dealings with the E.M.M.

6.2 Gender Issues

In dealing with gender issues, it is important to compare the systems that lead to gender discrimination;

- (a) Sexism uses people's biological make-up to establish and maintain unequal power relations between men and women,
- (b) Racism uses people's racial origins.
- (c) Apartheid is a system of racial domination
- (d) Patriarchy is a system of male domination.

There are a lot of similarities between racism and patriarchy as systems, the former favours whites the latter favours males. In both systems, discrimination becomes part of the attitudes of the oppressor and the oppressed. Black South African women were not only oppressed as blacks, they were oppressed as women and as workers. As a social group, women do not have the same experiences due to their geographical location (rural/urban) and opportunities in education, most are illiterate. Women with disabilities tend to be marginalised in mainstreaming activities

Despite the variations and in addition to some of them, Gender Issues that pertain to E.M.M. are the following:

6.2.1 Internal Issues and External Issues

6.2.1.1 Gender issues affecting the employees

- (i) Gender discrimination in recruitment, placement and promotions
- (ii) Conditions of service which take insufficient account of the special needs of women arising from their biological and gender roles.
- (iii) Sexual Harassment of employees
- (iv) Non-availability of child—care facilities for employees
- (v) Men are still the decision-makers, even on issues affecting women.

6.2.1.2 Gender issues affecting non-employees

- (i) Inaccessibility to resources by women e.g. water, clinics, libraries, etc.
- (ii) Economic Development that is not geared towards women upliftment e.g. allocation of tenders should give preference to women

- (iii) Inaccessibility of information about latest legislation and bills e.g. Domestic Violence, Maintenance Act, etc.
- (iv) Time for meetings is made to suit man's needs.,

7. LEGAL REQUIREMENTS

The EMC in its endeavours, acknowledges the used labour laws of the country which includes:

7.1 Statutory and other relevant documents

7.1.1 Statutory requirements

- (i) Constitution of the Republic of South Africa.
- (ii) Labour Relations Act 1996.
- (iii) Employment Equity Act, 1997.
- (iv) Basic Conditions of Employment Act 1997.

7.1.2 Further relevant documents

- (i) The Reconstruction and Development Programme, White Paper. Government of the Republic of South Africa, 1994
- (ii) White Paper on the transformation of the Public Service, November 1995,
- (iii) Women's Charter for Effective Equality, adopted by the Women's National Coalition in February 1995.
- (iv) Protecting the rights of women, as set out in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified on 15 December 1995
- (v) Protecting children from gender discrimination, as provided for in Article 2 of the Convention on the Rights of the Child (CRC) ratified on 16 June 1995.
- (vi) Promoting women's advancement and empowerment, as set out in the Beijing Declaration and Platform of Action, the Conference Report of the Fourth World Conference on Women held in Beijing in September 1995.
- (vii) Gender orientation of environmental policy, in the Report of the United Nations Conference on Environment and Development the "Earth Summit", 1992. The resulting international agreement for action known as "Agenda 21" includes a chapter on "Action for Women".

8. ORGANISATIONAL RESPONSIBILITIES AND COMPOSITION OF THE COMMITTEE

8.1 Organisational Responsibilities

The main functions of the Gender desk will be:

- (i) In co-operation with SDR's, draw up a strategic plan which will provide the framework for implementation of the gender policy

- (ii) Ensure that attention to gender issues is mainstreamed within all the Ekurhuleni Metropolitan Municipality activities and services.
- (iii) Ensure that action on gender equality is an integral component of all aspects of transformation process.
- (iv) Coordinate the work of all SDR's for the comprehensive implementation of the gender policy.
- (v) Monitor and evaluate progress in gender policy implementation.
- (vi) Collaborate with the Office of the Status of Women, to ensure that the Ekurhuleni Metropolitan Municipality' gender policy implementation contributes towards coordinated national efforts for women improved welfare and increased empowerment:
- (vii) Coordinate and facilitate the Municipality's gender training, for increased understanding of gender issues and improved implementation of the gender policy
- (viii) Produce periodic reports on Municipality's progress in implementing all aspects of the gender policy.

8.2 Composition of the Gender Committee

The Committee will consist of the following partners :

1. Municipality or representatives
2. Union representatives
3. Gender Coordinator
4. Women representatives — from SDR's

THE GENDER STRUCTURE (see SCHEDULE 'A')

As per the above committee, the reporting of gender discrimination incidents will be done according to the gender structure (see **Schedule A'**).

The location of the Gender Office will be in the Office of the Mayor or delegated in the Office of the Speaker as stipulated in Section 32(d) of Municipal Structures Act.

9. COMMUNICATION. MONITORING AND EVALUATION

9.1 Communication

The E.M.M. shall build an information centre on gander issues so that all people can be made aware of gender issues through:

- (i) E.M.M. newsletter, notice boards, workshops, and various forms of media.

- (ii) Building a database on gender issues so that all people can have access to it.
- (iii) Produce information in a way that is appropriate and accessible to all. For example written pamphlets may not be useful to those who cannot read.
- (iv) Facilitate training and gender awareness sessions. Gender may be built into programmes such as diversity training:

9.2 Monitoring and Evaluation

- (1) The Gender Committee will be responsible for the monitoring and evaluation of the Gender Policy and programmes of the E.M.M.
- (ii) Regular surveys involving external partners should be conducted on monitoring and evaluation of the progress.
- (iii) Quarterly reports on qualitative and quantitative indicators for assessing change and effectiveness shall be submitted to the Mayoral Committee.

NB: It will be Important for the E.M.M. to timeously evaluate its progress in dealing with the above issues. a checklist for a gender sensitive manual is one of the tools to evaluate the progress. (see **Schedule 'B'**)

10. DISPUTE PROCEDURE

10.1 FOR SETTLING COMPLAINTS OR GRIEVANCES RELATING TO ALLEGATIONS OF GENDER DISCRIMINATION

The Gender discrimination complaints shall be reported to the Gender Coordinator who should refer them to the Gender Desk. All matters which could not be finalised by the Gender Desk will be referred to the Gender Committee.

The composition of the Gender Desk.

10.1.1 Gender Desk

SDR Assistant Coordinator
 Gala Gender Councillors representative at E.M.C.
 Gender Coordinator

10.2 Structural Reporting of Gender Discrimination offences (See Annexure "A")

10.2.1 Reporting by non-employees

In cases where there is a complain about Gender discrimination in the Municipality, the complainant can:

- (i) Report to the Assistant Coordinator in the SDR.
- (ii) Report to his/her Ward Councillor the Chief Whip Cr any member of the Mayoral Committee who should take the matter to the Gender Co-ordinator

10.2.2 Reporting by Councillors

Any Councillor who is a complainant of Gender Discrimination can report the matter to:

- (i) The Chief Whip
- (ii) Any member of the Mayoral Committee
- (iii) Any Councillor serving on the Gender Committee
- (iv) Municipal Manager

10.2.3 Reporting by employees

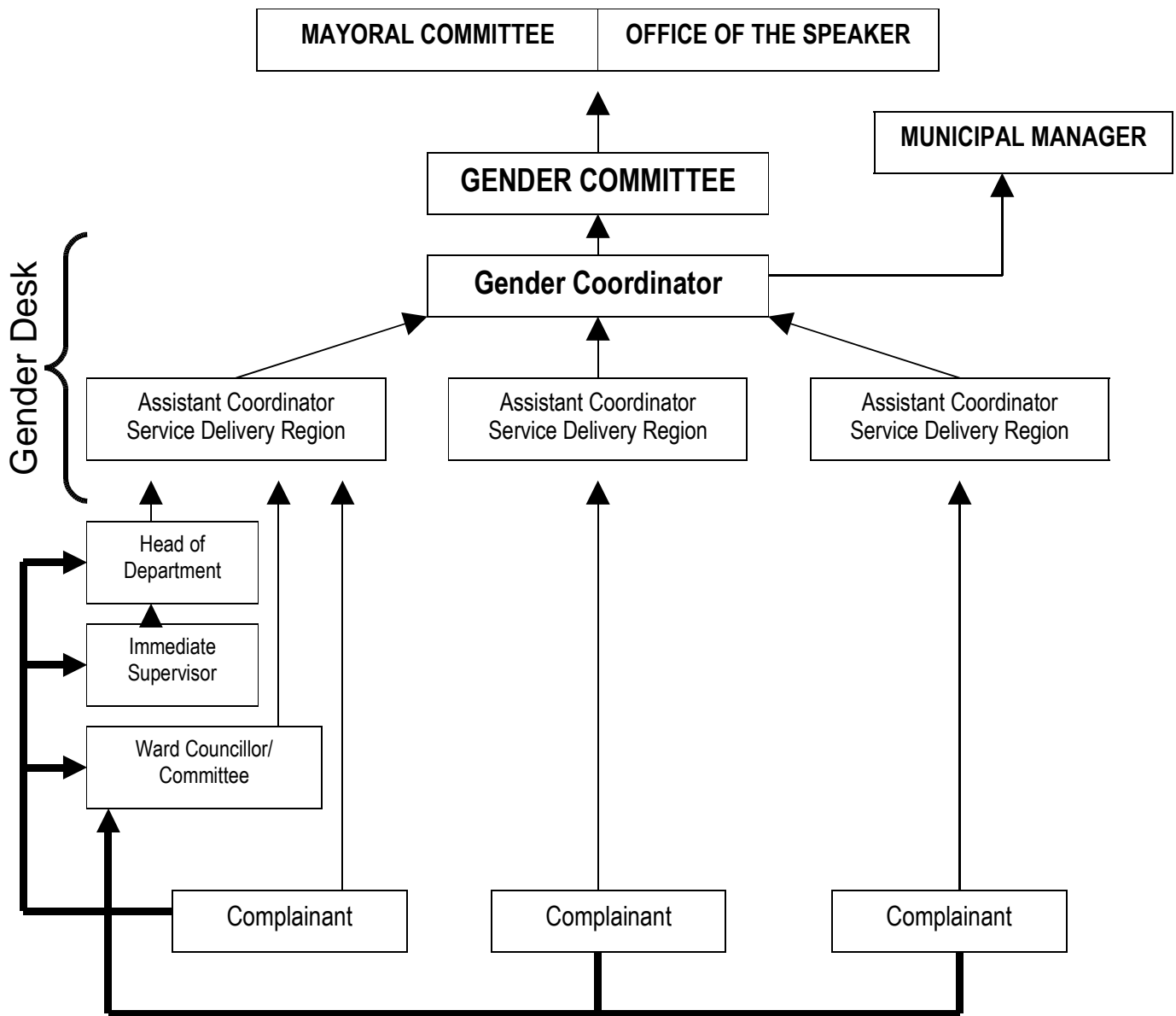
An employee who is a complainant of Gender Discrimination can report the matter to:

- (i) His/her immediate supervisor who should inform the Assistant Coordinator at SDR
- (ii) Head of Department who should report to the Assistant Coordinator at SDR
- (iii) Assistant Coordinator in the SDR

10.2 GRIEVANCE PROCEDURE

- (i) The existing grievance procedure applicable to E.M.M. will deal with any disputes.
- (ii) Any dispute which arise in the interpretation of the policy will be dealt with at the Bargaining Council.

THE GENDER REPORTING STRUCTURE



————— Direct reporting by the victim

————— Optional reporting by the victim at their Service Delivery Region

SCHEDULE 'B'**A CHECKLIST FOR A GENDER-SENSITIVE MUNICIPALITY**

- Does the Municipality consist of at least 30% Women
- Do all political parties take responsibility for ensuring that at least 30% of their Councillors are women.
- Are women equitably represented in Executive positions of council such as EXCO member, Chairperson or Treasurer.
- Does the Municipality have an Affirmative Action policy and programme which actively promotes women's representation on at all levels, including management and throughout all departments in the Administration.
- Does the Affirmative Action policy and programme identify women as a key target group.
- Does the municipality have a policy on internal career pathing for its employees, particularly women, to support their upward mobility within the institution.
- Do job descriptions include a reference to employees responsibility for gender transformation, particularly for those who are tasked with driving this process.
- Has Council adopted a Gender Policy which states its commitment to the promotion of gender equality
- Has Council adopted a Gender Policy, which states its commitment to the promotion of gender equality
- Has Council adopted a Sexual Harassment Policy with specified disciplinary and appeal mechanisms
- Has information about relevant Council policies, such as a Gender Policy or Sexual Harassment been disseminated to all employees and to the community.
- Does Council provide temporary or permanent child-care support for all Councillors and employees, regardless of sex.
- Does Council organise transport or provide a transport subsidy for those who are dependent on public transport or those with limited resources to pay for transport.
- Does the municipality allocate a reasonable percentage of its training budget to knowledge and skills training for women (for example, ABET or technical skills training)?
- Does the municipality organise Diversity Training and Gender Sensitivity Training for all Councillors and employees.
- Does the municipality have a detailed profile of the community, with relevant figures such as employment and income further desegregated on the basis of race and gender
- Do municipal planners receive training in gender analysis and gender planning
- Does the municipality ensure that targeted (gendered) planning and service provision takes place
- Do key Performance Indicators enable the municipality to assess how service delivery impacts on men and women from different backgrounds in the community.
- Has the municipality adopted targeted community participation strategies to facilitate the involvement of marginalised groups, particularly women, in community decision making
- In organising community meetings does the Council ensure that the meeting venues are accessible, and that transport is provided to protect safety of women.
- Does Council ensure that women are equitably represented on community structures such as ward committees and RDP Forums.
- Does Council's Local Economic Development Programme target women entrepreneurs as key beneficiaries.