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**KWAZULU-NATAL**

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# EXPLORING GENDER EQUITY IN PUBLIC SECTOR ORGANISATIONS: UNPACKING THE CHALLENGES AND OPPORTUNITIES

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**AORC**  
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EDGEWOOD CAMPUS



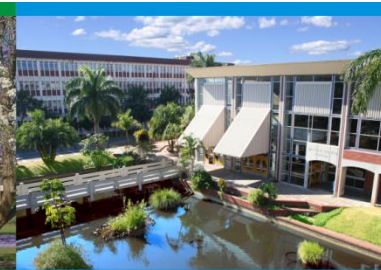
HOWARD COLLEGE CAMPUS



NELSON R MANDELA SCHOOL OF MEDICINE



PIETERMARITZBURG CAMPUS



WESTVILLE CAMPUS

UKZN INSPIRING GREATNESS

# SOURCES:

The World Economic Forum 2024, 'The Global Gender Gap Report'

[https://www3.weforum.org/docs/WEF\\_GGGR\\_2024.pdf](https://www3.weforum.org/docs/WEF_GGGR_2024.pdf)

Department of Labour '24th Commission for Employment Equity Report 2023-2024'

<https://www.labour.gov.za/DocumentCenter/Reports/Annual%20Reports/Employment%20Equity/2024/24th%20Commission%20for%20Employment%20Equity%20Annual%20Report.pdf>

Business Women's Association South Africa 'Women in Leadership Census', 2021

UN Women 2024 'Facts and Figures: Women's Leadership and Political Participation'

<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>

# CONTEXTUAL CONSIDERATIONS

*“The workplace profile at the upper echelons in organisations is mostly white and male. This suggests that SA workplaces remain racialized and gendered.... Unequal treatment at work is the biggest problem facing women in paid working developing economies such as SA.. Equal pay for work of equal value is case in point. Women are still paid less than men during the same work. This becomes an impediment to economic empowerment of women” (CEE, 17<sup>th</sup> Equity Annual Report)*

## **Consider:**

- 1. What are the societal norms that inform and perpetuate gender discrimination?**
- 2. How do these follow women and men into the workplace and impact on women’s participation in the economy?**
- 3. What is the role of ombudsmen in addressing gender transformation failures in the public sector?**

# GLOBALLY: TRANSFORMATION FOR DEVELOPMENT

WEF Global Gender Gap 2024 cites **global gender gap as standing at 31.5% (68.5% closed) - gender parity at this rate will be attained in 131 years**

Progress in closing gender gaps viz **education gap of 5.1% (94.9% closed – literacy, and enrolment in primary and tertiary education): Parity in enrolment** for girls results in lower fertility, lower infant mortality.

**.. And in health gap of 4% (96% closed):** better nutrition and health practices in the household; improvement in access to reproductive health services for women; increased interest health and well being of growing elderly segment of the population, predominantly women

Limited Increase in **women's formal representation** in politics **gap of 77,5% (22.5% closed)**. it will take 169 years to close the gender gap in political representation, with women in 2024 holding 26.9% of parliamentary (lower-house) seats and 23.3% of ministerial positions (UN Women, 2024)

Limited progress viz **women's economic participation and opportunities gap of 39.5% (60.5% closed) - 134 years** before gender parity can be achieved – five generations beyond SDG target for 2030.

# GAP ISSUES...

Relationship between **gender parity and gross national income**— research indicates gender parity can become a key driver of prosperity and national income growth – fundamental to whether and how societies thrive.

Economic gender parity could add an additional US\$1,201 billion to the US GDP.

Globally, **54% of working-age women take part in the in the formal economy**, on average, as compared to 81% of men.

Women make up a larger proportion of **discouraged job seekers** and of those outside the labour force; and, on average, **women's unemployment** rate is nearly 2% higher than men's, globally.

Women work **three times as often as men** as contributing family workers in family enterprises, and are almost twice more likely to work part-time.

Women's **average earnings are almost half those of men**, with average global earned income for women and men estimated at \$10,778 and \$19,873, respectively.

On average **men do 34% of the unpaid work that women do**. Research shows that this imbalance starts early, with girls spending 30% more of their time on unpaid work than boys.

# THE PUBLIC/PRIVATE DICHOTOMY AND LABOUR

Women: main burden of housework & childcare

Female gender identity – altruistic, unpaid. Women's contribution to men's work benefits men

Feminist analysis of labour law: emphasise actual conditions of workers, how social conditions structure people's abilities to participate in paid work. Consider gender wage gap, women's representation, advancement and retention in the workplace, maternity/parental leave issues, and sexual harassment in the workplace.

Gendered employment profile (low wage, temporary, low status jobs e.g. secretarial, cleaning, caring jobs)

Atypical employment (casual, temporary, part-time, seasonal, home-based, out-sourced, informal sector): unrewarding, precarious, no social security, limited access to workplace protection and labour remedies.

# TRANSFORMATION STATISTICS: EMPLOYMENT EQUITY COMMISSION ANNUAL REPORT 2023/24

- Women comprise **51.2% of the population** in South Africa, and **46.8% of the employed population**, yet their representation remains significantly lower than their EAP across all occupational levels
- Women constitute **26.9% of top management** positions overall (men are represented at two and half times that of women); **37.7 of senior management** positions
- Women comprise **48.1% of professionally qualified** posts and **49.9% of those at skilled technical** level (potential...?)
- **White females representation is disproportionately higher** than those for African, Coloured and Indian women – more than total level of representation of these groups in almost all provinces, and in all sectors, particularly private and education sectors
- **Persons with disabilities:** 1.8% of top management positions; 1.4% of senior management; 1.2% of professionally qualified and 1.1% of skilled posts – majority of these are white males

# BWASA WOMEN IN LEADERSHIP CENSUS 2021

- Gender wage gap persists: **Women earn 24% less** than their male counterparts (now outlawed in EE Act as unfair discrimination)
- At all levels in the workplace, women remain significantly **under-represented, and excluded** from key decision-making positions – Women's representation within **private sector** remains the lowest – women constitute **25.8% of top management in private sector; and 35.4% of public sector.**
- **Women constitute 17.3% of CEOs and Chairpersons of Boards of JSE-listed enterprises**
- Males enjoy preference in employment opportunities – **recruitment, promotion and training at SM level privilege white and Indian population groups, given their EAP profile.**
- At the current pace of transformation, SA will take **2-3 decades before gender parity** is reached



# INTERNATIONAL FRAMEWORK

- **ILO Convention (No. 111) concerning *Equal Remuneration for Men and Women Workers for Work of Equal Value*** – Art 2 – requires member states to promote and ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value, by means of national laws, recognised machinery for wage determination, and collective agreements.
- **ILO Convention (No. 100) concerning *Discrimination in Respect of Employment Occupation*** – including access to vocational training and employment – requires member states to pursue national policy to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination.
- **ILO Convention (No. 190) Violence and Harassment Convention** - acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work

# NATIONAL LEGISLATIVE FRAMEWORK

- **Constitution** – s2.9.3 – bans discrimination on the basis of race, gender, sex, ... sexual orientation, age, disability...
- **Broad Based Black Economic Empowerment Act** (2003)
- **Employment Equity Act** (1998)
- **Labour Relations Act** (1995) – Promotes gender equality in the workplace – dismissal of worker on basis of pregnancy automatically unfair
- **BCEA** (1997) – every female employee working for more than 24 hours per month for an employer has right to four consecutive months of unpaid maternity leave, and to job security (right to return to her job)
- **Protection from Harassment Act** (2011)
- Skills Development Act (1998)
- PEPUDA (2000)

# KEY PROVISIONS: EE ACT

- Provides **action plans for transformation**, and guidelines for building capacity in the workplace, including women's representation
- Employers obliged to **prepare equity plans and submit annual compliance reports**
- Transformation **as an imperative** that should cascade to all levels in the organisation
- Recruitment, training and development, promotion and remuneration **policies to be aligned with transformation** and empowerment, at all levels
- **Affirmative action measures** designed to ensure suitably qualified persons from designated groups have equal employment opportunities across all occupational levels
- Creation of a larger pool of suitably qualified people from designated groups through **training and development strategies**, and review of policies to identify barriers to their entry, advancement, promotion and retention in the workplace
- Gender wage discrimination now classified as **unfair labour practice**

# GENDER TRANSFORMATION IN THE PUBLIC SECTOR: ROLE OF THE OMBUDSMAN

Mandate to investigate, report and remedy **improper conduct in state affairs**

Investigate state institutions' **failure to implement the state's obligations** to international conventions, and domestic legislation – Employment Equity Act, PEPUA, Protection from Harassment Act..

Investigate **administrative deficiencies in addressing women's representation in the public sector**, specifically instances of discrimination, sexual harassment and GBV in the workplace.

# TRANSFORMATION STRATEGIES THAT WORK

(BWASA WOMEN IN LEADERSHIP CENSUS 2015)

- 1. Support work-life balance:** Acknowledge domestic/child care burden, and pressure to manage both motherhood and career. Virtual office/technology and flexible working hours can improve productivity and enable women to balance these demands
- 2. Ensure a supportive culture:** Emphasis performance and quantifiable outputs, encouraging motivation and teamwork, through appropriate policies
- 3. Attract and retain the right people:** Ensure leadership comprises suitably qualified women, using mentorship programmes, training and recruitment strategies to bring women into senior management.
- 4. Provide appropriate benefits and support systems:** including child care in the workplace, employee wellness systems, finance and study assistance, parity in progression at management level, pay and equal benefits
- 5. Embed transformation and empowerment in the organisational strategy:** Driven by leadership, through planning, implementation and accountability. Include men in the transformation process.
- 6. Commit to ongoing development:** Provide for learning, development and stimulating work opportunities



# The Role of Ombudsman Offices in Addressing Gender Bias.

Nashieli Ramírez Hernández  
Human Rights Commissioner of Mexico City  
President of the International Ombudsman Institute (IOI)

# Gender Biases



- **Gender biases** are generalized or pre-conceived ideas about the qualities, characteristics or roles that women and men have or should have or perform.

Gender biases perpetuate discrimination and therefore inequalities.

**General recommendation No. 33 on women's access to justice. CEDAW. (2015).**

## Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Article 5. States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the **elimination of prejudices** and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

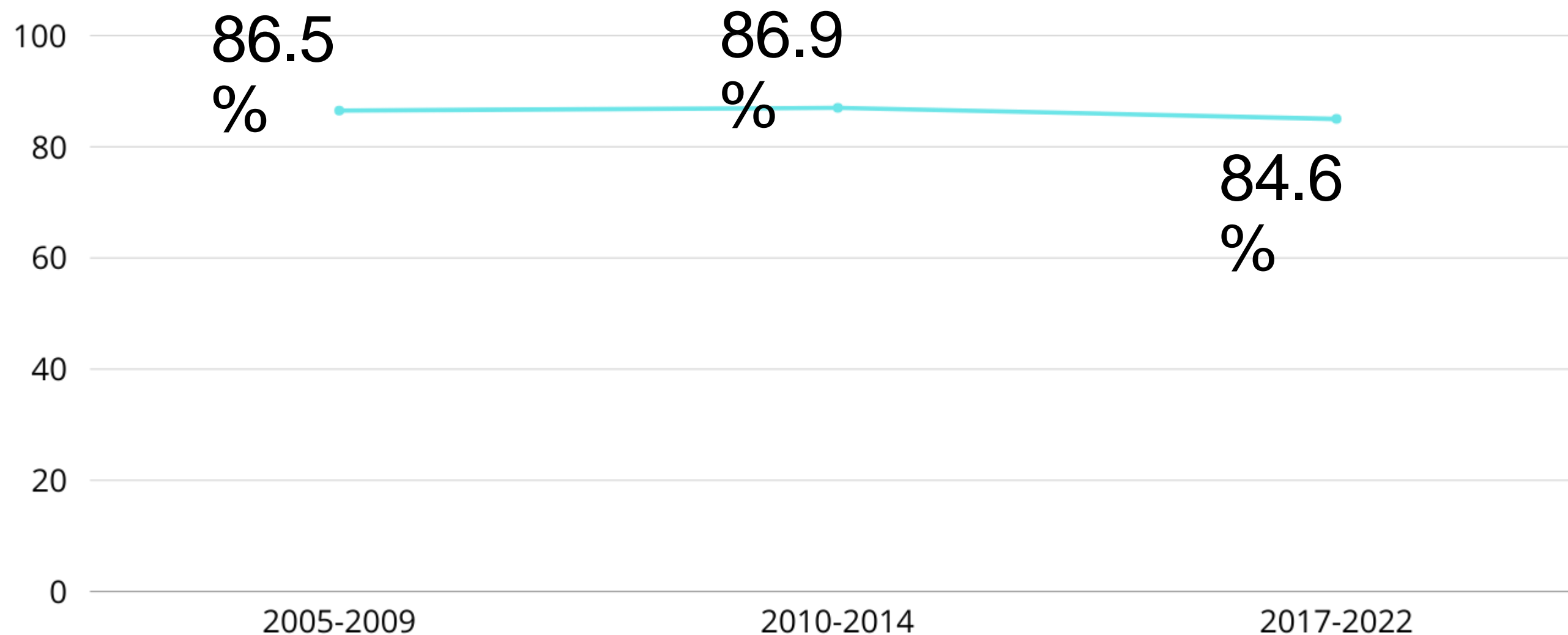
# Gender Biases



**Gender Social Norms Index (UNDP)**. GSNI comprises four dimensions— political, educational, economic and physical integrity. It is constructed based on responses to seven questions from the World Values Survey, which are used to create seven indicators. The core index value measures the percentage of people with at least one bias, and lower value indicates less bias. The GSNI draws upon data from **91 countries**

It has been quantified since 2005 until the results of 2023.

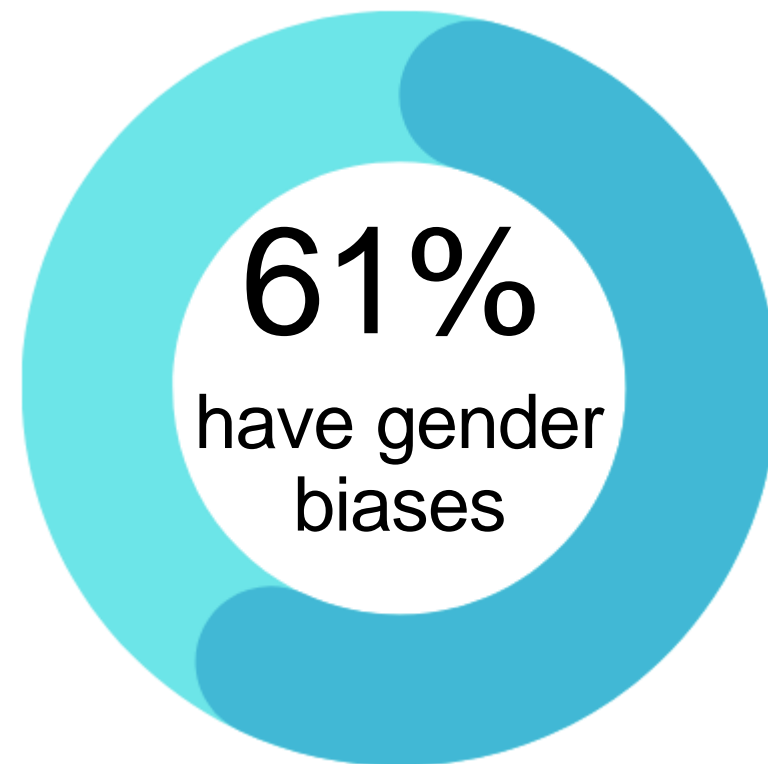
Percentage of population with gender biases





# Gender Biases: Dimensions

## 1. Political Dimension



### Indicators

- Is not essential for democracy that women have the same rights as men.
- Men make better political leaders than women do.

73%

49%

2. Educational Dimension. Gender gaps in education might no longer be linked to gender gaps in income



### Indicator

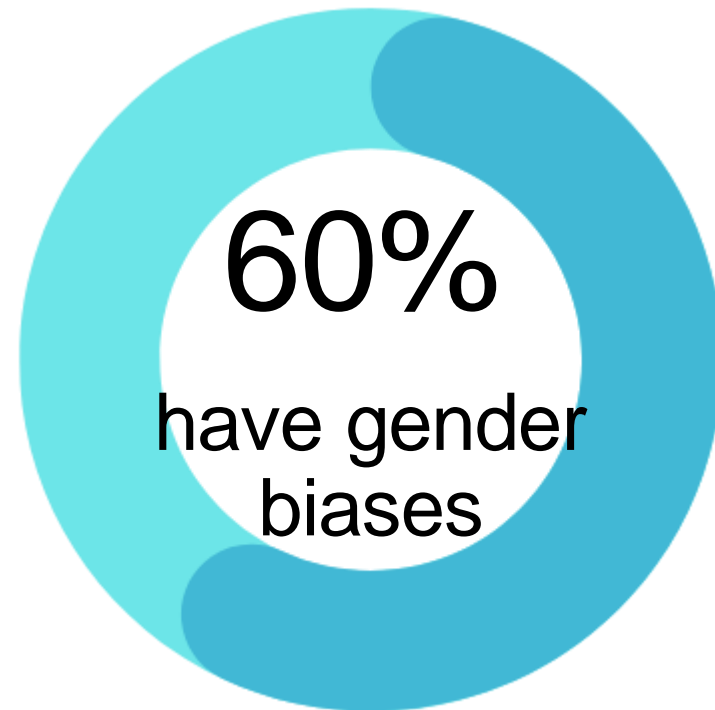
- University is more important for men than for women.

28%

# Gender Biases: Dimensions



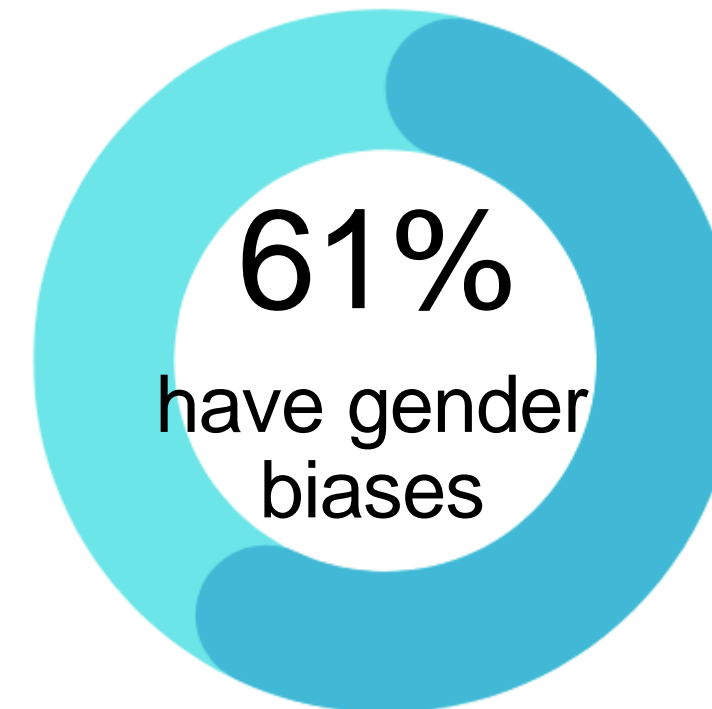
## 3. Economic Dimension



### Indicators

- Men should have more right to a job than women. 46%
- Men make better business executives than women do. 43%

## 4. Physical Integrity Dimension



### Indicators

- Proxy for intimate partner violence. 25%
- Proxy for reproductive rights. 58%

# Gender Biases

Percentage of prevalence of gender bias per Country 2023.



Africa		
1	Morocco	93.67%
2	Kenya	95.49%
3	Tunisia	96.68%
4	Zambia	97.28%
5	South Africa	97.39%
1	Rwanda	99.15%
2	Egypt	99.52%
3	Nigeria	99.58%
4	Mali	99.63%
5	Libya	99.72%

North América		
1	Canadá	41.14%
2	United States	50.22%
1	México	90.09%

Latin america and the caribbean		
1	Uruguay	60.78%
2	Argentina	71.93%
3	Chile	79.74%
1	Ecuador	92%
2	Nicaragua	93.17%
3	Haití	98.91%

Europa		
1	UK	29.60%
2	Netherlands	30.64%
3	Germany	37.45%
1	Slovakia	86.53%
2	Belarus	89.30%
3	Russia	90.68%

Pasific Asia		
1	New Zealand	27.39%
2	Australia	34.83%
3	Singapore	77.14%
1	Thailand	95.80%
2	Myanmar	99.42%
3	Philippines	99.50%

Central Asia		
1	Kasakhstan	93.23%
2	Kyrgyztan	80%
3	Uzbekistán	98.03%
1	Qatar	98.91%
2	Tajikistan	99.2%

# Gender Biases: Tools for addressing the problem

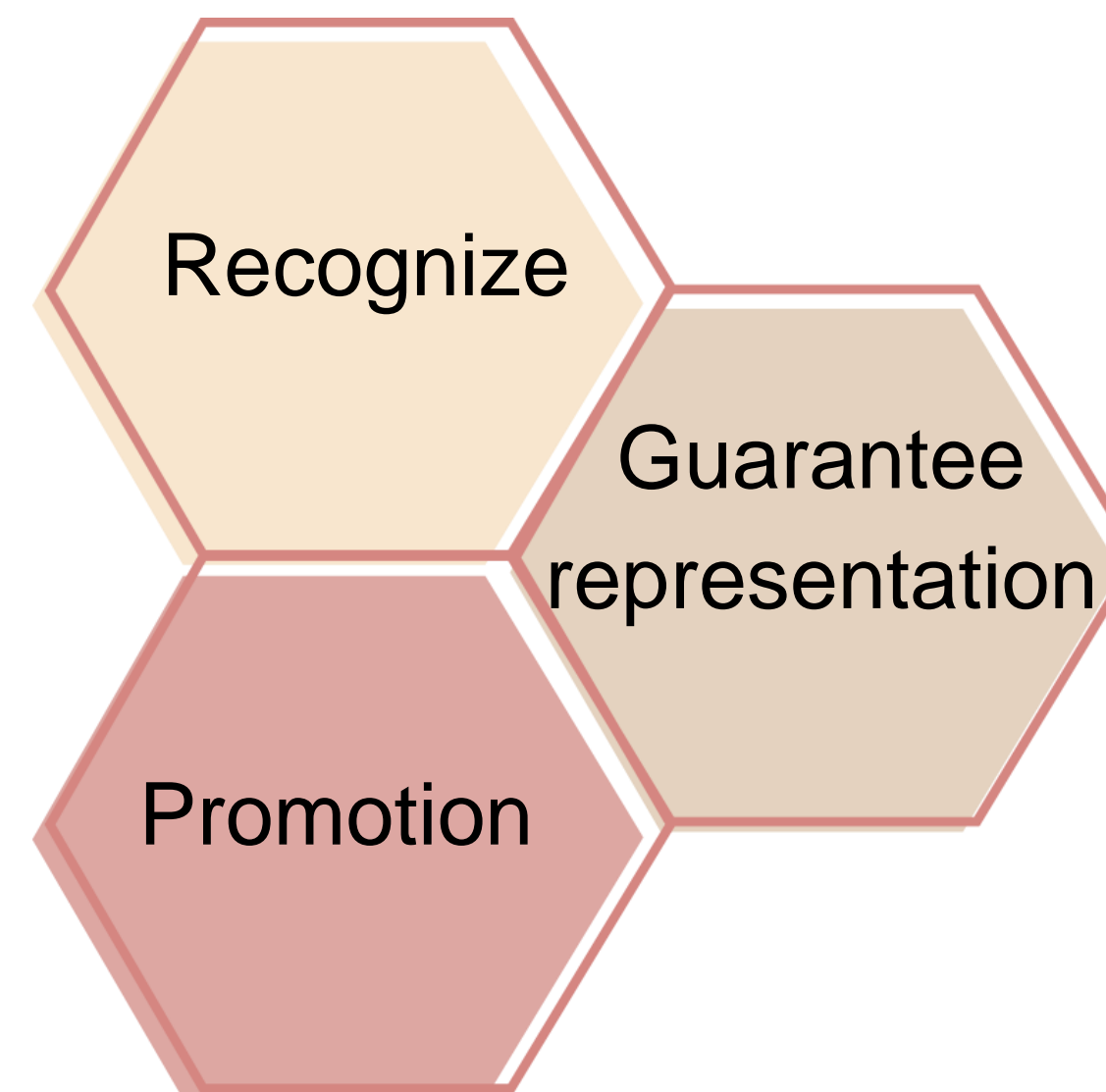


In order to overcome gender biases, it is essential to address the reality from two spheres: institutional and social.

## 1. Political interventions and institutional reforms



## 2. Social context



# The Role of Ombudsman Offices



## 1 Mandate

The Paris Principles (1993)

The Venice Principles (2017)

## 2 Amount and scope

In the IOI, there are 239 Ombudsman Offices (41 from Africa, 33 from Asia, 18 from South Asia and the Pacific, 56 from the Americas and 91 from Europe).

# The Role of Ombudsman Offices



## PROMOTION

- Active role in **divuligation and education** on human rights (through informative material, web pages, workshops, training with other government officials).
- **Work with priority groups**, especially children and adolescents, to break down prejudices.
- **Cooperation with State agencies and civil society organizations** to promote public policies that contribute to dismantle gender biases.
- **Research with a gender perspective.**

## PROTECTION

- Interlocution abilities based on independence in relation to other authorities.
- Direct attention to victims ( privileging the most immediate restitution of their human rights).
- Non-repetition measures as a possibility of structural transformation.
- Cases are analyzed on the basis of guaranteeing human rights analytical methods. This implies prior training within the structure.
- Analysis of norms, regulations or public policies with a gender focus.

GENDER PERSPECTIVE AND INTERSECTIONAL ANALYSIS

PROXIMITY

CONTEXTUAL ANALYSIS

RESTORATIVE JUSTICE



# Thank you

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# ENSURING GENDER EQUALITY: THE ROLE OF THE OMBUDSMAN

## CASE STUDY AND BEST PRACTICES FROM OMBUDSMAN OFFICES

Presenter: Ms Lwandisa Zaula

27 August 2024



# GENDER EQUALITY



- Is basic human right
- Equal opportunities and representation
- Access to high-quality **healthcare** and **education**, **financial resources**, and **political and professional involvement**

# ROLE OF THE OMBUSMAN



# THE WORK OF THE PUBLIC PTOTECTOR



## WORK OF OTHER OMBUDSMAN OFFICES



**PRAVOBRANITELJICA**  
ZA RAVNOPRAVNOST SPOLOVA

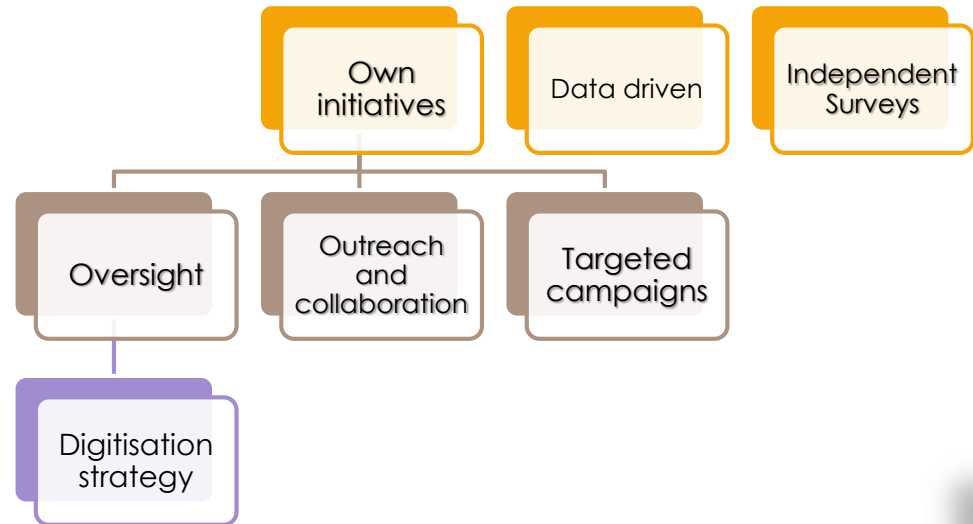
CROATIA



Ombudsman  
for Equality

FINLAND

# BEST PRACTICE



# RECOMMENDATIONS



- Promote Gender Equality in the workplace
- Data driven investigation
- Staff is capacity training
- Success stories
- Outreach and advocacy awareness for all genders

# CONCLUSION

- Encourage collaborative work
- Determine root cause of the complaint



**CONCLUSION**





**THANK YOU**

