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Why should the interests of women be represented in the restructured NMC?

Women, irrespective of any other affiliations and by mere virtue of their gender, share common interests. It is these interests that should be represented on the NMC. *National Manpower Commission*

As South African women enter the employment market in ever-increasing numbers, representation of their interests on NMC level becomes imperative.

At present, all the members of the NMC are men. Whereas we in no way doubt their bona fides in protecting the interests of both men and women in the workplace, we are convinced that the appointment of women to the NMC would lead to a more balanced approach in employment matters.

Women would presumably be more in touch with the particular needs and problems of women in the workplace and might thus be able to point out difficulties or suggest solutions which might not have occurred to men.

Women would further be able to make valuable suggestions on the protection of the interests of children and young persons in the workplace.

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## A brief discussion of the current position of women in the workplace

The interests of women are protected by legislation to a certain extent:

So, for example, S17(b) of the Basic Conditions of Employment Act 3 of 1983 prohibits the employment of a woman for a period of four weeks prior to and eight following the birth of a child.

However, no guarantee is given that a woman may return to her job after the period of maternity leave has expired.

The lack of child-care facilities, provided by either the State or a private employer, proves to be a stumbling block preventing women from pursuing a career after the birth of their children.

Discrimination on grounds of gender would constitute an unfair labour practice in terms of the Labour Relations Act 28 of 1956.

It should be pointed out that many employees are excluded from even this basic legislative protection. Arguably the most significant exclusion is that of the approximately 862 000 domestic workers, of whom 89% are women.

Whilst legislation does not sanction discrimination against women, it is trite knowledge that discrimination against women occurs in practice. Conditions vary from one employer to the next, but complaints most frequently seem to relate to housing subsidies, pensions, medical schemes, maternity leave and lack of child-care facilities.

One of the biggest factors militating against equality in the workplace is the outdated and legally unfounded sole breadwinner criterion: In terms of the breadwinner criterion, the woman's job is seen to be supplementary to that of her husband. Thus, a married woman often does not qualify for a housing subsidy or membership (for herself and her family) of a medical aid scheme.

### International perspective

An international trend towards protecting the particular interests of women (and children) in the workplace has become discernible.

Many Western countries (including the USA and the UK) have adopted Sex Discrimination legislation in order to promote equality in the workplace. In these countries, the State or the employer usually provides child-care facilities and such other facilities as would assist a woman in coping with both her working and family duties.

These efforts may largely be attributed to the standards set by the International Labour Organisation.

## The position of the International Labour Organisation

The ILO recognises the need for setting standards for the employment of women aimed at protecting them against abuse in the workplace and securing for women workers the same rights and treatment as men.

Issues addressed by the ILO include:

### Equal remuneration

Convention No.100 adopted in 1951 concerned equal remuneration for men and women workers for work of equal value. This Convention provides that ratifying states must promote and, in so far as is consistent with the methods in operation for determining wages, ensure the application of this principle of equality, and that this should be done by means of legislation, collective agreements or wage fixing machinery. Stress is laid, in this connection, on the importance of promoting the objective appraisal of jobs on the basis of work to be performed.

### Maternity protection

Conventions Nos. 3 and 103, of 1919 and 1952 respectively, provide for social security benefits and medical care. In addition, they establish the right to maternity leave of not less than 12 weeks. Convention 3, which applies only to industry, provides that 6 weeks of leave must be taken before childbirth and 6 weeks after. Convention 103, which is of general application, is more flexible and merely specifies that at least 6 of the 12 weeks leave must be taken after childbirth. Under both Conventions the post-confinement leave is obligatory and must be extended in certain cases. These instruments also provide that an employer may not dismiss a woman while she is on maternity leave, or give her notice of dismissal at such a time that it would expire while she is on leave.

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### Employment of women with family responsibilities

The continuing increase in the number of women working outside their homes, and having problems due to their family responsibilities, led to the adoption of Recommendation 123 of 1965. This Recommendation provides that the public authorities should try to help such women to reconcile their dual family and work responsibilities by making available child-care services and facilities, and by facilitating their entry into employment or their re-employment after a comparatively long period of absence.

### Freedom from discrimination

In 1958 the ILO adopted both a Convention (No.111) and a Recommendation (No.111) on discrimination in employment and occupation. Both instruments refer to grounds of discrimination as diverse as race, sex or political opinion. They cover discriminatory laws or acts in very general terms such as 'any discrimination, exclusion or preference ... which has the effect of nullifying or impairing equality of treatment', and which can be the result not only of legislation but also of existing factual situations or practices. They reach into all sectors of employment and occupation, both public and private, and extend to vocational training and access to employment and to particular occupations, as well as to conditions of employment in general. The methods proposed in these texts to combat discrimination range from direct intervention through legislation to educational activities and from action by the State to action by employers' and workers' organisations.

### Night work

Three Conventions prohibiting the employment of women at night have been adopted: No.4 of 1919 was revised by No.41 of 1934, and again by No.89 of 1948. This last Convention, which is more flexible than the earlier ones, prohibits night work by women in industrial undertakings during a period of 11 consecutive hours.

### Underground Work

Convention No.45 adopted in 1935 prohibits the employment of women on underground work in mines of all kinds.

While South Africa complies with certain standards regarding maternity leave, night work and underground work, much may be gained by following other ILO standards as set out above.

### The employment of children and young persons

The ILO has showed a constant and continuing concern for the protection of children.

Conventions aimed at the protection of children in the workplace deal with issues such as minimum age, night work and compulsory medical examinations.