

The SABPP Women's Report 2011



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Women's Report 2011

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The SABPP Women's Report **2011**

Dr. Anita Bosch (editor)



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introduction

THE SOUTH AFRICAN BOARD FOR PEOPLE PRACTICES recognises the importance and value of diversity in the workplace. More specifically the SABPP brings you the first annual Women's Report reflecting topical issues and data concerning women in the workplace.

Human Resource practitioners play a pivotal role in being the custodians of equality in the workplace. Unfortunately, gender difference is often mistaken for a right to treat women, and other diverse groupings, inequitably. For women in the workplace, inequality is evident on various levels, many of which relate to human resources (HR), such as recruitment and promotion, career progression, sexual harassment, skills development, and "... the sense that men are taken more seriously and women have to 'earn their stripes.'"¹ As a nation, we are not utilising available talent optimally when considering that women constitute 50.9% of the South African population, yet low representation of women in decision-making roles persists.

This first SABPP Women's Report draws on a number of issues and reflects broad topics that have bearing on HR practices that promote diversity. As

¹ Commission for Gender Equality. 2010. A gender review of South Africa's implementation of the millennium Development Goals, p. 62.

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such, the first chapter of the report provides demographic data pertaining to women in the South African workplace. The SABPP recognises that gender and race are inextricably interwoven, however, given that gender as an issue continues to be overlooked or side-lined, irrespective of race, this first report focuses on women in general and does not provide racial delineation or specific cultural information.

The tongue in cheek topic of the second chapter provides clear examples of the manifestation and repercussions of gossip in the workplace. The chapter outlines what HR practitioners should do when dealing with cases where gossip becomes destructive. Chapter three provides a snapshot of South African studies on women in the workplace. The disparate and diffuse nature of research, as is evident from the data in the chapter, gives rise to a need for focused attention on research in this important area of social redress.

Labour pains, the title of chapter four, illustrates the intricacies of the rights and responsibilities of women with regard to reproduction and pregnancy.



The work identity of South African women, presented in chapter five, highlights how HR practitioners may be able to understand how women can be authentic in the workplace. The chapter also explains how HR practitioners can assist women in developing a clear work identity and sense of self. Chapter six, focuses on gender pay differentials and the question whether women are, in fact, paid less than their male counterparts. The chapter provides a reflection on South African pay gaps based on data obtained for six employment sectors. The report is concluded with a reflection on insights gained and recommendations for HR practice in Chapter seven.

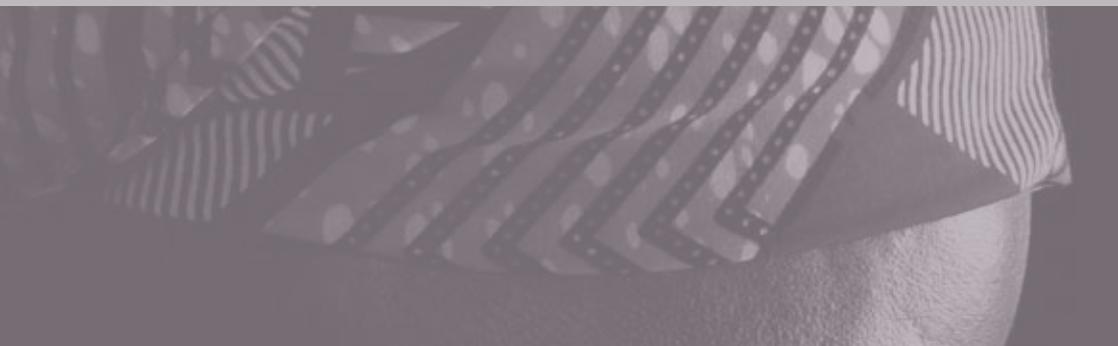
A report of this nature is always enriched by the unique contributions of different authors. A word of special thanks goes to the all-female cast of contributors who provided their time and expertise in writing the different chapters. All the authors are affiliated with the *Women in the Workplace research programme* at the University of Johannesburg (UJ). The research programme endeavours to study workplace issues facing women in order to provide people practice solutions for both men and women. I wish to thank

the Faculty of Management and the Department of Industrial Psychology and People Management at UJ for their financial contribution related to the report. I also wish to thank 21st Century Pay Solutions for the pay dataset and Mark Bussin for his insight and assistance. Also, our heartfelt thanks go to the Board and CEO of the SABPP for their progressive stance and support of this project.

Lastly, the SABPP wishes to invite practitioners and researchers who would like to make a positive contribution to next year's report to make contact with the SABPP at hrri@sabpp.co.za. The aim of the report is to inform HR practitioners about issues pertaining to women in the workplace, thereby promoting sustainable workplace transformation.

Dr. Anita Bosch
Editor

November 2011





chapter one

Demographics of women in the workplace:
A South African perspective

Madelyn Geldenhuys

WORK PLAYS A MAJOR ROLE in the empowerment of women¹. Women have become earners in the workplace, resulting in them integrating into economic societies and a boost to their self-worth. Having a high-quality job can result in an increase in a woman's wellbeing and improved family welfare. However, according to Jutting and colleagues, women have been facing barriers to good jobs, especially in developing countries. Women have not benefitted from formal work opportunities the way men have².

Historically, women the world over often found themselves subject to several kinds of discriminatory behaviour, attitudes, and policies. Whether this was intended or not, discrimination still hampered their full integration into the work environment. South Africa shared in this phenomenon. Although numerous policies and campaigns have been implemented to ensure equal and fair access for women to the workplace, access to quality jobs³ is still limited. There is no clear-cut evidence that women are more likely to be in an informal work environment; however, there is evidence suggesting that women are over-represented in lower tiers of informal employment⁴.

Furthermore, many developing countries that underwent, and are still undergoing, an industrialization process have created new jobs. These new jobs are often characterized by poor working conditions, low pay, no sense of security, and limited opportunities to climb the corporate ladder. Unfortunately, most of these jobs have been taken up by women. The over-representation of women in these low-paying positions with poor working conditions emphasises the lack of equal opportunities.

Due to South Africa's economic growth after Apartheid, various jobs were created to aid in the country's racial and gender transformation⁵. Related to the global problem, these jobs were insufficient due to the high volume of entrants into the workplace in the last few decades. The creation of more jobs is important, firstly, from a constitutional perspective, and, secondly, because of the fact that many households are to some extent dependent on a second income. This chapter will look at recent demographic trends relating to women in

¹ Kucera, D., & Xenogiani, T. Women in informal employment: What do we know and what can we do? 2010 OECD.

² Jutting, J., Luci, A., Morrison, C. (2010). Why do so many women end up in bad jobs? A cross-country assessment. OECD Development, 287.

³ Women in the South African labour market (1995-2005). Department of Labour.

⁴ Kucera, D., & Xenogiani, T. Women in informal employment: What do we know and what can we do? 2010 OECD.

⁵ Jutting, J., Luci, A., Morrison, C. (2010). Why do so many women end up in bad jobs? A cross-country assessment. OECD development, 287.

the South African workplace in order to serve as a point of reference for HR practitioners to inform and plan gender-based interventions and policies.

South Africa

The South African government introduced a number of initiatives as well as legislation to specifically support women post Apartheid. However, gender and race discrimination is still an issue⁶. As women worldwide are being exposed to better educational opportunities, the role of women in the workplace is also changing dramatically⁷, resulting in more women participating in the workplace⁸. Unfortunately, high unemployment rates are also evident for women⁹, and will persist. A global survey reported South Africa's unemployment rate is the highest when compared to developed and semi-developed countries such as the United Kingdom, the USA, Australia, New Zealand, Canada, and Poland¹⁰. Interestingly, this global survey indicated that female employment was less affected than male employment during the global economic downturn.

Table 1 provides basic demographic information on the status of South African women.

Table 1: Demographics of women in South Africa (OECD, 2010; Stats SA, 2010)

Item	Number
Total Population	47 850 700
Female population	50.9 %
Women's life expectancy	52 to 55.2 years
Fertility rate (average births per female)	2.7 children
Female literacy	87%
Women in parliament	33%

⁶ Atlas of gender and development: How social norms affect gender equality in non-OECD countries. 2010 OECD.

⁷ Lee, D. E., (2005). Feminisation: A period of labour market changes in South Africa. Unpublished dissertation, Faculty of Economic Sciences, University of Port Elizabeth.

⁸ Lee, D. E., (2005). Feminisation: A period of labour market changes in South Africa. Unpublished dissertation, Faculty of Economic Sciences, University of Port Elizabeth.

⁹ Lee, D. E., (2005). Feminisation: A period of labour market changes in South Africa. Unpublished dissertation, Faculty of Economic Sciences, University of Port Elizabeth.

¹⁰ Barnard, G (2009). Realising South Africa's employment potential. Economics Department Working Paper, 662, OECD Publishing.

Table 1 indicates that 50.9% of the South African population consists of women. Furthermore, 87% of females are literate, suggesting that a good proportion of women have the opportunity to attend school, and, possibly, attain some form of tertiary education. This figure, however, indicates that literacy levels are still quite low in comparison to developed nations and that 13% of the female population are illiterate. Sound schooling and higher education are required to build on existing literacy rates amongst South African women. It is estimated that, according to the average births per female, the South African population will increase threefold in the next generation. From an economic and job creation perspective, the demand for jobs will continue to outstrip what South African business can offer if every child has at least one child of their own. An average economic growth rate of 1.1%¹¹ was estimated from mid-2010 to mid-2011 for South Africa. In the previous year, the economic growth was estimated at 1.2%¹². If this trend persists, we can expect an additional growth rate in the next few years of 1.2% to 1.5%¹³. The demand for jobs will further increase with the influx of immigrants into South Africa. On the positive side the survey indicated that gender transformation has been achieved to a great extent in the South African parliament, with 33% women parliamentarians, while the world average of women in parliament is 19.3%.

General characteristics of South African women in the workplace¹⁴, presented in table 2, suggest annual growth, year-on-year, from 2010 to 2011 in various reported areas for women.

Table 2: Statistics on women in the South African workplace

	2011	% increase from 2010-2011
Unemployed women	2 237 000	3,2%
Total number of women working	16 642 000	1,3%

¹¹ Sguazzin, A (June, 2011) South Africa's growth rate slows to 1,1%, HIV prevalence rises. Bloomberg News

¹² Sguazzin, A (June, 2011) South Africa's growth rate slows to 1,1%, HIV prevalence rises. Bloomberg News

¹³ Sguazzin, A (June, 2011) South Africa's growth rate slows to 1,1%, HIV prevalence rises. Bloomberg News

¹⁴ Statistics SA, Quarterly Report, 2011

<i>Detail for Employment sectors</i>		
Labour Force (see note*)	7 926 000	0,6%
Formal Sector	3 703 000	0
Informal Sector	915 000	4,1%
Agriculture	208 000	-14,4%
Private households	863 000	-2,4%

Employment by industry		
Mining	37 000	8,8%
Manufacturing	629 000	11,1%
Utilities	31 000	158,3%
Construction	108 000	-13,6%
Trade	1397 000	-0,4%
Transport	130 000	-26,1
Finance	662 000	-5,0%
Community and Social	1 621 000	3,3%
Employment by occupation		
Manager	361 000	26,2%
Professional	328 000	2,2%
Technician	811 000	-1,1%
Clerk	931 000	-9,3%

Sales and Services	826 000	-3,5%
Skilled Agriculture	22 000	15,8%
Craft and related trade	203 000	0,5%
Plant and Machine	178 000	23,6%
Elementary	1 188 000	-0,2%
Domestic worker	842 000	-0,2%
Status of employment		
Employee	4 870 000	-0,7%
Employer	173 000	11,6%
Own-account worker	581 000	1,9%
Unpaid household member	65 000	-19,8%
Working hours per week		
15 or less	134 000	-6,9%
15-29	498 000	-3,9%
30-39	565 000	-6,9%
40-45	3 123 000	3,9%
45 or more	1 369 000	-4,6%

*Notes**Figures reported in the table are rounded off*** Women that are willing and able to work and are actively seeking employment*

Table 2 indicates a 3.2% increase in the unemployment rate of women from 2010 to 2011. There are currently 2 237 000 South African women without any form of employment and who are not actively seeking employment. The increase in the unemployment rate of women echoes the global unemployment crisis. It was, however, noted that females

were less affected than men by unemployment during the recent economic downturn. Despite high levels of unemployment in South Africa, there was still a 1.3% increase in female employment from 2010 to 2011. Women are currently working in informal and formal sectors, as well as private households. A significant increase in women in the informal sector is evident, and it would seem that women are finding ways of earning an income through entrepreneurial activities in the informal sector and work that is flexible in accommodating family and care-taking responsibilities. This emphasises the fact that women show high representation in work with low skills requirements. There was also a decrease of 14.4% in women in the agricultural work environments and the domestic work environment (2.4%). Women from an African heritage dominate the domestic work environment due to a lack of educational opportunities in the past. However, an increase in education and financial aid due to improved opportunities has resulted in increased employment in professional work for African women. More stringent labour legislation as well as the attached to domestic and agricultural work might be reasons that are, in addition to economic factors, driving lower employment rates in the domestic and agricultural spheres. Overall, it is evident that women's jobs are migrating to especially the Informal Sector category which shows that women setting up their own businesses in order to earn income.

There was an astonishing 158.3% increase in women in the utilities industry (the practical application of fields such as economics, electrical, energy, information technology, solar power, and engineering). In an attempt to replace older workers, jobs are being made available on all levels¹⁵. Women are highly represented within the communal and social industries. As noted, women are overly represented in informal work, and it seems that formal work occupied by women is mostly in the communal and social industries. The communal and social industries are usually also lower paid than other industries that require formal training or training of a technological nature. Increases in employment of women of 11.1% in manufacturing and 8.8% in mining prove that women are now getting opportunities in male-dominated work environments. However, their baseline participation used to be incredibly low, and these percentages should therefore be viewed with caution.

¹⁵ Kecskes, A. A. (June, 2011). Growing opportunities for minorities and women in the utilities industry. Utilitiesjobs.com

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Women are well represented in elementary level positions (1 188 000). This further highlights that women dominate lower level jobs. However, there was a 26.2% increase in women in leadership roles. There are 328 000 women in professional roles, indicating a 2.2% increase in this category and, together with the 15.8% increase in skilled agriculture and 23.6% increase in plant and machinery, it seems as though female skills levels are on the increase. Fewer women are working in the sales and services and clerical positions in 2011, which could be due to a decrease in the availability of these positions or gender transformation, where more men are employed in these categories in order to balance gender representation in work categories traditionally dominated by women. With nearly 5 million women indicated as being employees, it is evident that most women are taking up employment and are still not active in being employers. However, there was an 11.7% increase in women becoming employers, and a 1.9% increase in women who are own-account workers or entrepreneurs, as measured in the formal sector.

Women's work hours have increased in the 40-45 hour work category. Most women work 40-45 hours per week, which is on par with the average South African work week. There was a decrease in the amount of working hours in the 15 hours or less, 15-29 hours, 30-39 hours, and 45 hours and more categories. The decreases could imply that women who traditionally worked shorter hours have now taken up a 40-45 hour work week. 1 369 000 women work longer hours than is legislated in the Basic Conditions of Employment Act which could be attributed to the type of work that she does e.g. essential services. In addition, families often need both parents to work for economic purposes, and working extra hours should result in overtime payment except for specific legislated types of work.

In addition to the time spent at work, women still tend to bear the brunt of household responsibilities. According to the OECD (2011), women do more unpaid work than men in all countries across the globe. Unpaid work includes household tasks that take up time that could have been spent on paid work or leisure. Although women have recently become increasingly active in the paid labour market, consequently decreasing their unpaid working time¹⁶, they are still spending more time on unpaid work than men as is reflected in Table 3.

¹⁶ Society at a glance, OECD (2011).

Table 3: Unpaid work hours

South African women	180 minutes per day (3 hours)
South African men	80 minutes per day (1 hour 20 minutes)

Women in leadership

When women formally started entering the workforce, little attention was given to the potential of women in management and leadership. Women are supported by the Employment Equity Act and social drives to increase their participation in leadership¹⁷. Due to socio-cultural stereotypes, women's abilities to be leaders and managers are being undermined¹⁸. The concept of female leadership is often referred to as possessing a 'soft power'. Characteristics generally attributed to women in leadership include the ability to respond positively and with empathy, a willingness to speak out, honesty, the ability to get support, a strong belief in the power of groups and collectives, and the ability to stay in power¹⁹. It is also noted that having character and confidence is what some researchers regard as what sets female leaders apart from their male counterparts. Though there is insufficient research on these purported leadership differences for South Africa, it is important that the aforementioned characteristics are evident in the workplace; thus, having women in leadership may prove to be a much needed advantage in the workplace. Women have a willingness to reinvent the rules, an ability to sell their visions, the determination to turn challenges into opportunities, and a focus on a 'soft touch' in a high-tech business world²⁰.

Table 4 indicates the percentage of women in leadership roles.

¹⁷ Chin, J. L., Lott, B., Rice, J., & Sanchez-Hucles, J. (2007). *Women in leadership: Transforming visions and diverse voices*. Malden, USA: Blackwell Publishing.

¹⁸ Kanjere, M. M (2008). *Challenges faced by women leaders as school principals in rural areas*. University of Limpopo, SA

¹⁹ Sguazzin, A (June, 2011) *South Africa's growth rate slows to 1,1%, HIV prevalence rises*. Bloomberg News

²⁰ Wachs, E. (2000). *Why the Best Man for the Job is a Woman: The Unique Female Qualities of Leadership*. Esther Wachs Book.

Table 4: Women in leadership in South Africa²¹

Item	2011
CEO/MD	4,4%
Chairperson	5,3%
Directors	15,8%
Executive Managers	21,6%

** Total sample size as received from JSE, N=339 companies' managerial positions*

Table 4 indicates that 4.4% of the women in the workforce population currently fulfil the role of Chief Executive Officer or Managing Director, while only 5.3% hold the position of Chairperson of a board. Of the total number of women in leadership, more populate lower management roles. The percentages of women Directors (15.8%) and Executive Managers (21.6%) are visibly higher, but percentages should once again be read with caution due to the low baseline headcount. Men continue to take the lead in the number of corporate leadership positions occupied; however, over the last decade there has been a slow but steady increase in female representation in leadership positions in South Africa. It is therefore estimated that women will increasingly enter the leadership work environment in years to come. Furthermore, the Cranfield FTSE Female 100 Index indicated a 12,5% representation of women in directorship positions and 5,5% in executive directorship positions in the United Kingdom. This 2010 census included 16 companies with female executive directors, 79 companies with at least one female director, 39 companies with multiple female directors, and 21 companies with no female directors²².

Conclusion

Parallel with the global trend, South Africa has shown a dramatic increase in women entering the labour market since mid-1990 and especially after the abolishment of

²¹ Business Women's Association, South African women in Leadership census, (2011).

²² FTSE Female 100 Index. (2010). Cranfield School of Management.

Apartheid. Although male participation has also increased during the same period, it was at a much slower pace, aiding the influx of women into the labour force. It is evident that a woman's household and care-giving circumstances, i.e. the presence of children and/or elderly family members, are determining factors with respect to whether and how she participates in the labour market²³. Irrespective of this, women in the workplace still devote themselves to their family and care-giving responsibilities, spending considerably more time on unpaid work in comparison to men. Women with a stronger support structure at home (e.g., grandparent looking after the children) may advance more rapidly in the corporate world. However, some women continue to prefer being the homemaker, and will, in exchange, settle in a lower position or not participate in the labour market at all.

The influx of women into the South African labour market has been associated with economic need, suggesting that these women have been 'pushed' into the labour market, and as such, have simply altered their status for census purposes from 'not economically active' to 'unemployed'²⁴. Women have received opportunities equal to those of men with regard to especially education, putting them in competition with men for jobs, and have with great success entered male-dominated fields of work such as mining and machine operating.

Although there is evidence of increased gender diversity in the South African workplace context, it would seem that women are still occupying lower skilled and lower paid jobs in the economy. Furthermore, women are underrepresented in management and leadership positions. South Africa is known as a country with a high unemployment rate for both males and females when compared to developed and semi-developed countries. For the nation to increase its employment rate, more jobs have to be created for both men and women, and increased entry of women into the South African workplace will continue as long as quality job creation remains a national priority.

²³ Lee, D. E., (2005). *Feminisation: A period of labour market changes in South Africa*. Unpublished dissertation, Faculty of Economic Sciences, University of Port Elizabeth.

²⁴ Lee, D. E., (2005). *Feminisation: A period of labour market changes in South Africa*. Unpublished dissertation, Faculty of Economic Sciences, University of Port Elizabeth.



chapter two

Can idle gossip result in dismissal?

Jenni Gobind

EMPLOYEE RELATIONS, ACCORDING TO BRYANT, involves the behaviour of two or more individuals, as well as the effects of the organization's rules and culture, bureaucratic structures, and external influences and pressures¹. It is also concerned with anticipating, addressing, and diffusing workplace issues that may interfere with the organization's business objectives, and with resolving disputes between and among management and employees. Sound industrial relations and effective social dialogue are a means to promoting better working conditions as well as peace and social justice within the workplace².

Conversely, negative social dialogue, for example gossip, could result in increased staff turnover, premature resignations, resulting in the loss of valuable employees. Furthermore, gossip could also undermine an individual, a group or organisation, break down trust between employees, and strain ethical values such as openness, transparency, and honesty. Consequences such as these decrease staff morale, motivation, and interpersonal respect³.

Can idle gossip result in dismissal?

Gouveia quotes Kurland and Pelled (2000), who propose three dimensions for making distinctions between types of gossip, namely the sign, credibility, and work-relatedness⁴. The sign refers to positive or negative information, for example, "my wife has given birth to a baby boy" would be positive, while "my dad passed away this morning" would be negative. Credibility is the extent to which gossip is seen as truthful or accurate and believable, for example, "the head of the department mentioned in passing that Dr Smit would be resigning." Work-relatedness or work-related gossip refers to information that focuses on an employee's work life, job performance, and career progression, while non-work-related gossip focuses on topics such as marriage, illness, or children.

Literature has indicated that women tend to gossip more than men; however, Foster (who is in the minority) claims that there is merely a slight variable between the number of

¹ Bryant, M.R (2008). Introduction to Human Resource Discipline of Employee Relations, Society of Human Resource Management, www.shrm.org retrieved 22/07/11

² Industrial and Employment Relations, (2011) www.ilo.org/public/english/dialogue/ifpdial/areas/relations.htm retrieved 22/07/11

³ Gouveia, C., Vuuren .L, Crafford. A (2005). Towards a typology of gossip in the workplace. SA Journal of Human Resource Management, 3 (2), p.56

⁴ Gouveia, C., Vuuren .L, Crafford. A (2005). Towards a typology of gossip in the workplace. SA Journal of Human Resource Management., 3 (2), p. 57

women and men who gossip⁵. The question that has to be addressed is whether gossip can result in dismissal and whether women should be cautioned regarding the threat that this type of dialogue presents.

The code of Good Practice

The Code of Good Practice: Dismissal Labour Relations Act 66 of 1995 schedule 8 (Code) states that the Code is not intended as a substitute for the employer's disciplinary code. However, the key principle set out in the Code is that employers and employees should treat one another with respect. While employees should be protected from arbitrary action, employers are entitled to satisfactory conduct and work performance from their employees. The practice of gossip in the workplace, if malicious and intended to do harm, would amount to a contravention of this schedule and therefore be equivalent to misconduct. The sanction for misconduct may be a warning, or even dismissal in the event of gross misconduct.

Section 3(4) of the Code states that it is generally not appropriate to dismiss an employee for a first offence. For a first infringement, the employee should receive a written warning, and for more serious infringements, a final warning. Dismissal should be reserved for cases of serious misconduct or repeated infringement of disciplinary rules that makes a continued employment relationship intolerable. Gross dishonesty or wilful damage to property, wilful endangering of other persons, physical assault, and gross insubordination are examples of serious misconduct. South African case law and matters heard by the Council for Conciliation Mediation and Arbitration (CCMA) show that most cases pertaining to gossip in the workplace result in dismissal. The following cases relating to gossip resulted in the respondent being dismissed for misconduct.

*Thekiso, S Poonyane v Metal & Engineering Industries Bargaining Council (MEIBC) (Thekiso)*⁶. The case of Poonyane, the applicant (the person bringing the action) was dismissed for gross misconduct.

⁵ Gouveia, C., Vuuren .L, Crafford. A (2005). Towards a typology of gossip in the workplace. SA Journal of Human Resource Management, 3 (2), 56-68

⁶ Thekiso, S, Poonyane v Metal & Engineering Industries Bargaining Council (MEIBC) www.legalinfo.co.za

On 16 July 2008 he circulated an email that defamed members of management and used extremely racist language, thereby directly or indirectly inciting other members of staff against the MEIBC. The e-mail, directed at particular employees, contained words like “black puppets,” “stooge,” “puppet master,” and “baas.” This case is a clear example of the spread of gossip or rumour through an electronic medium.

Human Resource (HR) practitioners should take note that the communication medium is irrelevant; it is the content of these communications that determine the ill effect. Further, the methodology used in intercepting such communication should be ethical and conform to statutory procedure.

*Warner v Value Sales (ARB)*⁷. On 9 November 2009, the employer advised the employee of the termination of her contract of employment on the basis that she defamed the character of a member of management by accusing him of being the father of her unborn baby. The applicant was upset and lashed out against her employers in retaliation to their decision to terminate her services. The applicant tried to engage other employees in the organisation to agree with the rumours she was spreading.

As in criminal law, one needs to question the motive and context of the gossip in order to determine the sanction, which should be based on the intention of the perpetrator, not just the action. The HR practitioner needs to analyse every action individually, based on the evidence presented and the context of such evidence.

*De Burger v Heldi Kleuterskool (ARB)*⁸. In this case, the applicant, De Burger, had passed a comment that one Linda Van Wyk had a

⁷ Warner v Value Sales (ARB) www.legalinfo.co.za

⁸ De Burger v Heldi Kleuterskool (ARB) www.legalinfo.co.za

Nigerian boyfriend with a large sexual organ. According to De Burger, the physical condition was not confidential because two of her friends, Ursula Jong and Erika Van Dyk had stated that they were aware of the boyfriend's condition. The hearing resulted in De Burger's dismissal. The chairperson held that confidential information of an embarrassing nature had been disclosed, thus defaming van Wyk.

The following three organisations, interlinked either through association or interactions of their employees, had shared in the gossip that first originated at the Haldi Kleuterskool. This is an example of the repercussions of gossip in the workplace. The cases set out below establish the following:

- Gossip has the ability to transcend the workplace,
- destroying all the individuals that participated in the gossip, and,
- if not curtailed by individuals responsible for disciplinary procedure,
- such inaction would reflect negatively on the HR practitioner of that organisation.

*Smit W. v South African Airways (SAA)*⁹. The facts of this case originated from the conversation investigated at the Haldi Kleuterskool. The applicant had been in a conversation with another employee over a conversation overheard at the Haldi Kleuterskool concerning Ms Linda Van Wyk and her boyfriend. In his defence, the applicant implied that the facts of the conversation regarding Linda Van Wyk's boyfriend were common knowledge. In support of his defence, the applicant relied on the fact that friends of Linda Van Wyk knew of the rumour, thereby supporting his claim that he was not guilty of defamation but was just stating what he believed to be common knowledge.

⁹ Smit W. v SAA www.legalinfo.co.za

*Mdlalose & 86 others v SA Ladder (ARB)*¹⁰. The facts of this case are similar to those of Smit. W v SAA. The chairperson in the Mdlalose case had to consider the facts and the testimonies of Ms Linda Van Wyk, Ms Felicity Jersey Sekoto, and Mr Joseph Kamwaza, all witnesses for the respondent, and Mr Mdlalose, the applicant. Mdlalose presented a defence similar to that of the applicant in the previous case, stating that the facts of the rumour regarding Linda Van Wyk's boyfriend were not confidential and that other employees within the organisation were familiar with the information.

*Xulu v Mama She's Meats Wholesalers*¹¹. The Chairman found that Xulu, the applicant in this case, was guilty of failing to protect the confidentiality of information provided by Linda Van Wyk, thereby defaming and injuring van Wyk. The Chairman found Xulu guilty of gross misconduct. The preceding cases of Smit, Mdlalose, and Xulu resulted in arbitration proceedings, each implicating a different organisation and several employees.

Conclusion

This chapter serves three purposes. Firstly, it illustrates the fact that gossip in the workplace should be taken seriously and, in most instances, will result in dismissal. Secondly, gossip can transcend the workplace through the use of various available communication media. Thirdly, the facts of each case should be evaluated on the merits and the context of the case.

HR Practitioners are advised to:

- Inform employees on company policy regarding gossip in the workplace, just as one would do with any other code of conduct

¹⁰ Mdlalose & 86 others v SA Ladder (ARB) www.legalinfo.co.za

¹¹ Xulu v Mama She's Meats Wholesalers www.legalinfo.co.za

- Address gossip the instance it occurs or is revealed
- Inform parties involved regarding the consequences should the transgression continue
- Investigate the transgression in the event of repeated transgression, document evidence, and record any further communication by the parties under investigation
- Ensure that the investigation and disciplinary actions are substantively and procedurally fair.

HR practitioners are advised that there is no set formula or one-size-fits-all approach to dealing with matters such as these. The practitioner has to rely on his or her expertise to skilfully address the misconduct in an impartial and ethical manner whilst not contributing to the gossip.



chapter three

Themes in South African studies on women
in the workplace

Karolina Łaba

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IN THIS CHAPTER WE PROVIDE a snapshot of studies done on women in the workplace in South Africa as searched via the web and select databases. The focus of this chapter is to report on themes emerging from South African studies, based on the keywords: women, work and life balance. The chapter provides an overview of research per theme, which should provide HR practitioners with a sense of existing knowledge, or lack thereof, on particular topic areas.

Barriers preventing women entering or fully participating in the workplace

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There is a perception that South Africa's social revolution, current organisational structures, and cultural, racial, and gender and personal beliefs prevent women from excelling in the workplace.

Personal beliefs on gender

The barriers faced by women relate to: prejudice, stereotyping, cultural beliefs, and religious orders. All these barriers have the effect of maintaining women submissiveness¹. Male managers display negative attitudes toward the advancement of women in the industrial context, where white male managers exhibit a particular preference for hierarchical advancement, whilst black male managers show differing attitudes regarding white versus coloured and Indian versus coloureds². Further research is therefore required to determine whether there are personal beliefs that may be located within cultural groupings that encourage prejudice in the treatment of women in the workplace.

Race and gender

Managerial leadership development programmes need to bear in mind that the race and gender dynamics in South Africa extend beyond blacks and whites, and need to be more inclusive of all diverse groups³.

¹ Damons, M.H. (2009, March 31). The performance of female principals in the management of selected secondary schools in the Gauteng Province. Melvin Harold. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/237>

² Van Aarde, W.A., Schepers, J.M. (1998). Die houdings van manlike bestuurders teenoor die vordering van vroue binne die bedryfskonteks: 'n kultureel vergelykende studie. *Journal of Industrial Psychology*, 24(2), 62-73.

³ Littrell, R. F., & Nkomo, S. M. (2005). Gender and race differences in leader behaviour preferences in South Africa. *Women in Management Review*, 20(8), 562-580. DOI: 10.1108/09649420510635204

Social revolution, cultural prejudices, and gender bias

Due to Apartheid and international isolation, the gender-based social revolution that took place in the west during the same timeframe escaped South Africa. In South Africa, racial discrimination tended to overshadow other forms of discrimination. Due to this, a rift was created between white and non-white females, preventing them from uniting and acknowledging the existence of gender bias against them⁴. Furthermore, cultural prejudices resulted in discrimination against women by members of their own culture⁵.

Organisational structure

Aside from barriers relating to race and gender bias, there is a strong indication that the glass ceiling (an unofficially acknowledged barrier to advancement affecting women and members of minorities) does exist in South Africa⁶. Limited support structures and networking opportunities hinder women's career advancement⁷. A low salary average, and corporate culture and structure continue to pose a barrier to the advancement of female employees in the form of out-dated company policies regarding programmes such as part-time and flexi-time work options, job-sharing, and telecommuting⁸. Only a decentralized organization, characterized by a culture that supports women's leadership positions, will help in breaking down the glass ceiling, along with women's own efforts to grow, develop, and empower themselves through academic and career development⁹.

In conclusion, barriers relating to personal beliefs, racial bias and discrimination, gender bias and discrimination, cultural prejudices, and organisational structures will need to be addressed if equality and empowerment of women are to be achieved.

Women in high-ranking positions

This theme addresses research on women in South Africa holding top-level positions where they have the ability to influence the environment they find themselves in.

⁴ Mathur-Helm, B. (2002). Expatriate women managers: At the crossroads of success, challenges and career goals. *Women in Management Review*, 7(1), 18-28. DOI: 10.1108/09649420210416813

⁵ Tabudi, S. A. T. (2010, October 26). Rose or thorn? : a black South African woman's account of working in a male-dominated environment. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/3450>

⁶ Tokarczyk, T.D. (2008, June 26). A sociological study of the attitudes of women managers towards whistleblowing. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/733>

⁷ Rowe, T., & Crafford, A. (2003). A study of barriers to career advancement for professional women in investment banking. *SA Journal of Human Resource Management*, 1(2), 21-27.

⁸ McCammond, J. (2008, June 12). The professional recognition of female public relations practitioners: a South African pilot study. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/611>

⁹ Mathur-Helm, B. (2006). Women and the glass ceiling in South African banks: an illusion or reality? *Women in Management Review*, 21(4), 311-326. DOI: 10.1108/09649420610667028

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Women as leaders

Women believe they have the skills needed to be an entrepreneur¹⁰. Examples in studies show that women principals in secondary schools are competent and possess the necessary skills to manage secondary schools effectively. With the necessary support to develop and enhance their management and leadership styles, women can become successful partners in transforming schools into institutions of learning¹¹. Incongruity exists in that women form the majority of the work force in education, yet they are underrepresented in its management¹². Another example, demonstrated by Poee¹³, is that there is not a significant number of professional women in the corporate communication environment occupying senior strategic roles, despite the fact that they possess the necessary abilities and skills.

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Government legislation and policies

As in the government and public sector, women reaching top-level positions is still uncommon in the corporate and private sector¹⁴. In conclusion, despite women having the personal belief, professional skills, abilities, and experience necessary to be effective, women leaders are still held back.

Family-Work, Work-Family balance

The definitions of the two concepts are as follows:

Family-work conflict:

Recognize the role of family demands and how these demands affect work performance. Personal demographics, such as having children, predict family-work conflict.

Work-family conflict:

A form of inter-role conflict in which family and work demands are incompatible in some way. Organizational stressors predict work-family conflict. The conflict therefore originates in the organisation or work itself.

¹⁰ Urban, B. (2010). A gender perspective on career preferences and entrepreneurial self-efficacy. *SA Journal of Human Resource Management*, 8(1), Art. #293, 8 pages. DOI: 10.4102/sajhrm.v8i1.293

¹¹ Damons, M.H. (2009, March 31). The performance of female principals in the management of selected secondary schools in the Gauteng Province. Melvin Harold. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/2370>

¹² Klaas, M.C. (2008, August 25). Challenges associated with the selection and recruitment of women as school managers in Ekurhuleni East high school. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/920>

¹³ Poee, D. (2008, June 26). The perceptions of professional women regarding the roles of females in the corporate communication environment. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/736>

¹⁴ Mathur-Helm, B. (2005). Equal opportunity and affirmative action for South African women: a benefit or barrier? *Women in Management Review*, 20(1), 56-71. DOI: 10.1108/09649420510579577

Family-work conflict

Married women reported significantly higher family-work conflict than unmarried women. Working, married women, however, tend to view paid work as more important than their household work, and reported that their working had a positive impact on their families¹⁵. These women furthermore show a significant tendency to continue academic and professional development and embark on second careers once they return to work from maternity leave¹⁶.

Work-family conflict

Women view motherhood as their central life interest^{17 18}, and this priority could lead to greater conflict between work and family demands. Quality time spent with children and family, structure and planning, coping with guilt, support structures, and self-reliance could balance mothers' dual roles¹⁹. Naidoo and Jano²⁰, however, found that women may experience work and home as complimentary rather than conflicting. Whitehead & Kotze²¹ hold that if a woman is to balance her multiple life-roles, she needs to be physically and mentally healthy. Balance is a life process with a cyclical nature, and is a useful tool for achieving personal growth.

In conclusion, both family-work conflict and work-family conflict need to be reconciled to maintain life balance and personal empowerment.

Career Development

Career development is a process in which individuals manage their careers within and between organisations, and also relates to how organisations structure the career progress of their employees.

¹⁵ Patel, C.J., Govender, V., Paruk, Z., & Ramgoon, S. (2006). Working mothers: Family-work conflict, job performance and family/work variables. *SA Journal of Industrial Psychology*, 32(2), 39-45.

¹⁶ Geber, H.M. (2000). Career development of SA professional women who take career breaks. *SA Journal of Industrial Psychology*, 26(2), 7-13

¹⁷ Wallis, T. & Price, L. (2007). The relationship between work-family conflict and central life interests amongst single working mothers. *SA Journal of Industrial Psychology*, 29(1), 26-31.

¹⁸ Franks, K.M., Schurink, W.J., & Fourie, L. (2006). Exploring the social construction of life roles of career-oriented women. *SA Journal of Industrial Psychology*, 32(1), 17-24.¹⁹ McLellan, K., & Uys, K. (2009). Balancing dual roles in self-employed women: An exploratory study. *SA Journal of Industrial Psychology*, 35(1), Art. #416, 10 pages. DOI: 10.4102/sajip.v35i1.416

²⁰ Naidoo, A. V., & Jano, R. (2002). Role salience of dual-career women managers. *SA Journal of Industrial Psychology*, 28(3), 69-74.

²¹ Whitehead, T. Kotze, M.E. (2003). Career and life-balance of professional women: a South African study. *SA Journal of Human Resource Management*, 1(3), 77-84.

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Managing your career

Now more than ever in South Africa, legislated opportunities favour women in industry. We can predict, with confidence, that there will be an increase in the number of successful women if career management strategies²², mentorship²³, and personal ownership and control²⁴ are in place. Furthermore, self-directed learning (where the individual takes the initiative and responsibility in educating themselves) leads to job satisfaction²⁵. Mentorship is key²⁶ in creating a supportive infrastructure to further women in their careers.

In conclusion, both organisations and individuals are accountable for putting effective strategies in place to promote the empowerment of women, thereby positively influencing the productivity of the labour market.

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Stressors

Stressors are the physical, psychological, or social forces that put real or perceived demands on the body, emotions, mind, or spirit of an individual in the work context.

Stress at work

Long²⁷, in her research, showed that that there are no overall significant differences in the way in which men and women (a) perceive occupational stressors and (b) utilize coping resources. Another study indicated that women view “service” as being their most important career anchor²⁸, however, if there is a lack of infrastructure and resources in the environment, it can become stressful to fulfil a job role²⁹. Furthermore, mergers, increasing job demands, and role conflict, the latter, according to Bezuidenhout and Cilliers, being inherent in the female work experience, contribute extensively to the manifestation of stress³⁰.

²² Riordan, S. & Louw-Potgieter, J. (2011). Career success of women academics in South Africa. *South African Journal of Psychology*, 41(2), 157-172.

²³ McCammond, J. (2008, June 12). The professional recognition of female public relations practitioners: a South African pilot study. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/611>

²⁴ O'Leary, E. (2006, December/January). Change at the right time. *Women and the construction sector*. Building Women, p. 4.

²⁵ Yiannakis, C. (2010, October 25). The moderating role of self-directedness in a Job Demands-Job Resources model for working women. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/3439>

²⁶ Lewis-Enright, K., Crafford, A., & Crous, F. (2009). Towards a workplace conducive to the career advancement of women. *SA Journal of Industrial Psychology*, 35(1), Art. #832, 9 pages. DOI: 10.4102/sajip.v35i1.832

²⁷ Long, S.I. (2008). Occupational stress in men and women: a comparative study of coping resources. Unpublished thesis or dissertation, University of Johannesburg. Retrieved from <http://hdl.handle.net/10210/1541>

²⁸ Erwee, R. (1990). Career anchor profiles of a sample of business and professional women. *SA Journal of Industrial Psychology*, 16(1), 5-12.

²⁹ van den Berg, H. S., & van Zyl, E. S. (2008). A cross-cultural comparison of the stress experienced by high-level career women. *SA Journal of Industrial Psychology*, 34(3), 17 - 21.

³⁰ Bezuidenhout, A., & Cilliers, F.V.N. (2010). Burnout, work engagement and sense of coherence in female academics in higher-education institutions in South Africa. *SA Journal of Industrial Psychology*, 36(1), Art. #872, 10 pages. DOI: 10.4102/sajip.v36i1.872.

In conclusion, the stressors faced by women in the world of work need to be addressed (through e.g., mentorship programmes or career management strategies) to minimise the role conflict, both at work and at home, experienced by women.

Conclusion

Human nature is instinctively critical. As humans we see the obstacles before we realise what the opportunities are. The barriers against women entering and fully participating in the workplace come from various sources: negative attitudes from male managers when women advance, the exclusion of certain race groups, discrimination within and between cultural and gender groups, organisational structures preventing women from advancing, and conflict between family and work demands.

From chapter one of this report it is evident that employment of women has grown and increased in pace. This implies that there is an upward trend of women entering and remaining in the workplace, which necessitates a clearer understanding of how to empower, harness, and strengthen what women can offer and bring to the workplace. The research and studies that have been reflected on in this chapter are disparate and uncoordinated, and therefore lack impact in the workplace. To create awareness of the issues facing South African women in the world of work today, more energy and focus are required in this important area of research.



chapter four

Labour pains related to pregnancy

Jenni Gobind

SOUTH AFRICAN LABOUR LEGISLATION PROVIDES substantial protections for pregnant employees. The Constitution of South Africa Act 108 of 1996 (Constitution), the Employment Equity Act of 55 of 1998 (EEA), the Unemployment Insurance Act 63 of 2001 (UIA), the Basic Conditions of Employment Act 75 of 1997 (BCEA), the Labour Relations Act 66 of 1995 (LRA), and the Code of Good Practice on the Protection of Employees During Pregnancy and After the Birth of a Child (The Code) protect the rights of the employee from the day she falls pregnant until well after the birth of the child.

The following is a useful guideline to identifying significant legislation related to pregnancy:

- Sections 9(3) and 9(4) of the Constitution of South Africa states that no person may be discriminated against or dismissed on account of pregnancy
- Section 6 of the Employment Equity act reiterates the Constitution's prohibition against discrimination on the grounds of pregnancy
- Sections 34 and 37 of the Unemployment Insurance act (UIA) provide for the payment of maternity benefits to the employee by the Unemployment Insurance Fund 63 of 2001(UIF) during the period of maternity leave
 - An employee can claim 121 consecutive days (four months) maternity leave from the Department of Labour, depending on length of employment. The Department of Labour calculates how many credit days the employee has available based on the last 4 years of work. In short, for every 6 months that an employee has worked, the employee will receive 1 month's benefits, to a maximum of 4 months
 - The UIF benefit is between 38% to 58% of an employee's salary (to a maximum of R12 478 per month), for example:
 - If an employee earns R12 478 or more per month, the employee will receive R155.89 per day (about R4676 p/m). An employee cannot receive more than this amount from the UIF

- If the employee earns R5000 p/m, the employee can expect about R72.96 per day (R2188 p/m)
- If the employee earns R 3000 p/m the employee can expect about R47.62 per day (R1428 p/m)
- Approval of an application and payment of the first instalment of the benefit take between 6-8 weeks from the date of submission. The employee is paid for each proven day of maternity leave. After the application has been approved, the employee has to pay monthly visits to the Department of Labour to submit proof that she is still on maternity leave
- Since 2010, foreign workers are allowed to claim UIF from the Department of Labour if their employers pay UIF levies and they have a valid work-permit. These applications take longer to approve because they are sent to the Department of Labour's head office for approval¹.
- Section 25 of the Basic Conditions of Employment Act (BCEA) requires employers to give pregnant employees four months unpaid maternity leave
 - This leave would normally commence four weeks before the expected date of the birth, but may start earlier if a medical practitioner or midwife requires it
 - The employer may not allow or require the employee to resume work before 6 weeks after the birth, unless a medical practitioner or midwife certifies that she is fit to do so
 - An employee who miscarries during the third trimester or bears a stillborn child is entitled to six weeks maternity leave
 - According to section 26, no employer may require or permit a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or the health of her child
 - During an employee's pregnancy (except while on maternity leave) and for a period of six months after the birth of her child, the employer must offer her suitable alternative employment on terms and conditions that are no less favourable than her normal terms and conditions of employment.

¹ UIF for Moms, <http://www.uif4moms.co.za/maternity.html> retrieved 28 July 2011.

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- Section 27(2) of the BCEA grants a total of three days paid paternity leave/family responsibility leave per annum in the event of the birth or illness of an employee's child. This only applies to an employee who has been in the employer's employ for more than four months and who works at least four days per week
 - Subject to subsection (5) of the BCEA, an employer must grant an employee a day's family responsibility leave and pay the wage the employee would ordinarily have received for work on that day, which amount is payable on the employee's usual pay day
 - An employee may take family responsibility leave for a whole day or part thereof. Before paying an employee for leave in terms of this section, an employer may require reasonable proof of the event, contemplated in subsection (2) of the BCEA, for which the leave was required
 - An employee's unused leave entitlement in terms of this section lapses at the end of the annual leave cycle in which it accrues.

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The code of good practice regarding the protection of employees during pregnancy and after the birth of a child

The Code, issued in terms of the BCEA, is aimed at further protecting pregnant and post-pregnancy employees and the employee's new-born child. The Code obliges employers and employees to do the following:

- Work in collaboration with employee-elected representatives to identify and assess hazards to the health and safety of employees and, in particular, risks to pregnant or breast-feeding employees within the workplace
- Further implement appropriate measures to eliminate or control hazards, and, in particular, measures to protect pregnant or breast-feeding employees
- Supply employees with information and training regarding risks to their health, and measures for eliminating and minimising such risks, as it pertains to pregnant or breast-feeding employees

- Health representatives are required to maintain a list of jobs not involving risk, to which pregnant or breast-feeding employees could be transferred
- Pregnant employees or employees intending to fall pregnant should be encouraged to inform their employer as early as possible in order to ensure that the employer can assess risks and deal with them
- Employers should evaluate the situation of each pregnant employee individually².

Dismissal on the grounds of pregnancy

Section 187(1) (f) of the Labour Relations Act 66 of 1995 (the LRA) deems the dismissal of women on the ground of pregnancy to be automatically unfair. [*Note: The relevant provisions establishing this right are contained in Section 9(3) and (4) of the Constitution, Section 187(l) of the Labour Relations Act 66 of 1995, and Section 6 of the Employment Equity Act of 1998.*] However, this type of protective legislation may not afford women protection against a range of other detrimental treatments short of dismissal³, such as being denied employment based on continuity of employment, concealment of pregnancy, poor performance, or reproductive and health reasons. According to Section 6 (1) of the Employment Equity Act 75 of 1997, these forms of treatment may be construed as unfair discrimination. The onus is on the applicant to prove that the unfair treatment relates to her pregnancy.

Continuity of employment

South African case law provides a sound guideline for dealing with matters of discrimination related to pregnancy. *In the case of Woolworths (Pty) Ltd v Whitehead Ltd [1999] 8 BLLR 862⁴*, Whitehead was denied employment based on the argument that the continuity of her employment would be disrupted due to her pregnancy. Judge Waglay concluded that no employer can receive

² Israelstam, L.(n.d). Employers: Beware Breaching Pregnancy Rights <http://www.labourlawadvice.co.za/>, retrieved 22 July 2011

³ Grogan, J. (2010). Employment Rights, Juta Law: Lansdowne. Cape Town. South Africa

⁴ Woolworths (Pty) Ltd v Whitehead Ltd (1999) 8 BLLR 862, www.legalinfo.co.za

any guarantee that an incumbent will remain in his or her employ for an uninterrupted period of time. The judge ruled that the matter did in fact relate to the pregnancy and that Whitehead had been discriminated against on said grounds.

No employee can guarantee a prospective employer continuity of employment as this guarantee contravenes labour legislation.

Concealment of pregnancy

*Mashava v Cuzen & Woods Attorneys [2000] 6 BLLR 691 (LC)*⁵. Mashaya, an article clerk, concealed her pregnancy due to the fact that she had been newly appointed as an article clerk and was serving her probation period. Mashaya was dismissed on the grounds that the trust between her and her principal had been compromised due to the concealment of her pregnancy. The judge ruled in favour of Mashaya, holding that her dismissal was based on her pregnancy and not her performance as an article clerk.

Concealment of pregnancy is not a ground for dismissal; however, it is advisable that employees inform their employers of their pregnancy as early as possible as to ensure that employers can assess risks and deal with them accordingly. In the case of Mashaya, the employer lost the case based on the fact that the applicant did not conceal her pregnancy to the detriment of the company. The presiding judge reiterated that the employee had the right to conceal her pregnancy for personal reasons, and that such concealment did not impact on her ability to perform her tasks. Relying on such a defence requires an understanding of the relevant legislation and the application thereof. The Code sets out the rule as a precautionary measure to guide the behaviour of employees and as a guideline to employers in handling such matters.

⁵ Mashava v Cuzen & Woods Attorneys (2000) 6 BLLR 691 (LC), www.legalinfo.co.za

Reproductive and health rights

*Wallace v Du Toit (2006) 8 BLLR 757 (LC)*⁶. Wallace's services were terminated after the respondent discovered that she was pregnant. Wallace referred the dispute to the Labour Court, claiming that she had been unfairly discriminated against due to her pregnancy, and sought compensation under the LRA. Du Toit claimed that, during the pre-employment interview, it had been agreed with Wallace that her services would be terminated if she fell pregnant. Wallace denied having entered into such an agreement. The Labour Court held that, since it could not be accepted that not being pregnant or a parent was an inherent requirement of the work, her dismissal constituted unfair discrimination. The law of contracts is clear that an unlawful clause in a contract is null and void. Simply put, one cannot enter into a contract that conflicts with an individual's human rights or the law, for example, entering into a contract agreeing to enslavement. These types of agreements infringe on the constitutional right to freedom. Agreeing to not falling pregnant conflicts with the right to reproductive health. Based on the above, the judge ruled in Wallace's favour.

The right to reproductive health is a human right that every woman is entitled to, whether she is young or old, living with HIV or not, differently-abled, heterosexual or lesbian. Reproductive health rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly about the number, spacing, and timing of their children, and to have the information and means to do so. This includes the right to make decisions concerning reproduction that is free of discrimination, coercion and violence. Employees lack correct and accurate information regarding these rights, which diminishes their decision-making capacity⁷.

⁶ Wallace v Du Toit (2006) 8 BLLR 757 (LC), www.legalinfo.co.za

⁷ Reproductive Health Womensnet (n.d) (www.womensnet.org.za/theme/reproductive-health-amp-rights) retrieved 22 July 2011

Related to pregnancy

It may be argued that case law is quite supportive of women who have been discriminated against for factors relating to their pregnancy. The following two cases have been included to advise Human Resource practitioners to not rely on hard and fast rules, but to be conscious that, in certain instances, these rules could be exploited.

In the case of *Wardlaw v Supreme Mouldings (Pty) Ltd (2004) 13 LC 8.29.1*⁸ the applicant was charged with negligence and dismissed following a disciplinary hearing on her return from maternity leave. A separate disciplinary hearing was held prior to her leave, based on an incident unrelated to her pregnancy. Her maternity leave coincided with the disciplinary sanction of the first disciplinary hearing, which could not be implemented due to the pregnancy leave. Had the applicant not gone on leave, the sanction would have been implemented immediately. The applicant claimed that the reason for her dismissal was related to her pregnancy. The Labour Court held that, given the respondents detailed evidence relating to the applicant's negligence and incompetence submitted during the first disciplinary hearing, the reason for her dismissal was not related to her maternity leave.

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The lesson to be learnt is that practitioners need to be able to differentiate between incidences that relate to pregnancy and incidences that result from the normal functioning of the workplace.

*Violet Mokone v NUM, NW6778-06*⁹. Mokone presented her case based on the fact that her daughter would be delivering her grandchild within seven or eight months. As a responsible mother, she felt that she could not desert her daughter in her state of pregnancy, and wanted to assist her until the child was at least six months old, upon which

⁸ *Wardlaw v Supreme Mouldings (Pty) Ltd (2004) 13 LC 8.29.1*, www.legalinfo.co.za

⁹ *Violet Mokone v NUM, NW6778-06*, www.legalinfo.co.za

she could take her grandchild with her to Klerksdorp. She based her claim of unfair dismissal on the defence of “relates to pregnancy.” The Commissioner held that Mokone had insufficient supporting evidence of such relatedness, and dismissed her claim.

This case has been included to illustrate that employees may attempt to abuse the protection granted by the rule. Therefore, the practitioner is advised to establish the grounds of “related to pregnancy.”

Conclusion

HR practitioners should be aware of the flexibility of the application of the legal rule of “related to pregnancy.” Applicants may be adamant in their interpretation of the rule, but it is up to an HR practitioner to address each case based on merit and relevance. South African labour legislation affords pregnant women substantial protection; however, it is the duty of practitioners not to open the flood gates of interpretation. The Code is exhaustive in its explanation of the duties of an employer with regard to a pregnant employee. If this code is adhered to, the possibility of encountering this type of action would be remote.



chapter five

The South African woman's work identity

Roslyn De Braine

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THE SOUTH AFRICAN WORK ENVIRONMENT is filled with women from different walks of life. Each woman works for reasons that include: economic gain for both herself and her family, interaction with others, gaining enhanced status within a greater community, and, to a large extent, to gain a “source of identity”¹, self-esteem, and self-actualisation². From the highly powerful woman executive in a board room to the woman in a little rural village embroidering beads on a piece of jewellery, each of these women have a work identity, a way of expressing and addressing their “*me*” in their work.

In this chapter, we will take a look at the theoretical underpinning of the work identity of South African women. We will firstly discuss what work identity is and how it is developed. We will also use an identity formation framework³ to briefly outline factors that influence work identity development amongst women within the broader South African, organisational, and individual context. Thereafter, we will provide recommendations on how organisations and HR practitioners can strengthen the work identities of their employees, specifically their female employees. When HR practitioners understand work identity, they will be able to adopt organisational practices that could strengthen work identity and ultimately lead to greater work engagement.

RDB

Work identity

What exactly is work identity? It is a “self-concept, constituted of a combination of organisational, occupational, and other identities that shape the roles a person adopts and the corresponding ways he or she behaves when performing his or her work.”⁴ It is also defined as “a multi-identity, multi-faceted and multi-layered construction of the self (in which the self-concept fulfils a core, integrative function), that shapes the roles individuals are involved in, within their employment context.”⁵ These definitions highlight two important facets of work identity for organisations, which are (a) the *roles that individuals fulfil* and (b) their corresponding *behaviour*.

¹ Gini, A. (1998). Work, identity and self: How we are formed by the work we do. *Journal of Business Ethics*, 17(17), 707-714

² Steers, R. M. & Porter, L. W. (1991). *Motivation and work behaviour*. (5th ed.). New York: McGraw-Hill.

³ Kirpal, S. (2004). Work identities of nurses. *Between caring and efficiency demands*. *Career Development International*, 9 (3), 274 - 304

⁴ Walsh, K. & Gordon, J.R. (2007). Creating an individual work identity. *Human Resource Management Review*, doi:10.1016/j.hrmr.2007.09.001

⁵ Lloyd, S., Roodt, G. & Odendaal, A. (2011). Critical elements in defining work-based identity in a post-apartheid South Africa. *South African Journal of Industrial Psychology*

What is also important for organisations to understand is how work identity is developed. The understanding of its development will help organisations to assist employees to develop stronger work identities, so as to fulfil their work roles more effectively, and to enhance work engagement. Work identity is developed as a result of the interplay between an individual's personal resources (demographic and biographical characteristics, attitudes) and work characteristics⁶. Work characteristics can be divided into two broad categories: *job demands* and *job resources*, as postulated in the Job Demands-Resources model, abbreviated as the JD-R model in the prediction of work engagement⁷. This model predicts work identity⁸. Furthermore, individuals may increase or decrease their job demands and increase their job resources through the process of job crafting, through which they are able to make their jobs easier or more exciting⁹. Job crafting, defined as “the physical and cognitive changes individuals make in the task or relational boundaries of their work,” helps to revise individual work identities¹⁰. People are therefore able to shape their work to reflect their identities through job crafting.

Job demands are those physical, psychological, social, or organisational aspects of a job that require sustained physical and/or psychological (cognitive and emotional) effort or skills, and are therefore associated with certain physiological and/or psychological costs¹¹. Job demands can further be grouped into quantitative and qualitative job demands. Quantitative job demands include lack of job control, time pressure, and work overload. Qualitative demands include emotional demands, role ambiguity, role conflict, lack of social support from supervisors and colleagues, lack of feedback, and an unfavourable physical work environment¹².

In terms of gender and job demands, it was found that gender moderated job insecurity; males experienced higher levels of job insecurity than women¹³. With regards to work-family conflict, another job demand, female participants who had high levels of family role salience experienced higher work-family conflict than their male colleagues¹⁴.

⁶ Kirpal, S. (2004). Work identities of nurses. Between caring and efficiency demands. *Career Development International*, 9 (3), 274 - 304

⁷ Xanthopoulou, D., Bakker, A.B., Demerouti, E., & Schaufeli, W.B. (2007). The role of personal resources in the job demands-resources model. *International Journal of Stress Management*, 14, 121-141

⁸ De Braine, R., & Roodt, G. (2011). The Job Demands- Resources model as predictor of work identity and work engagement: A comparative analysis. *SA Journal of Industrial Psychology*, 37(2), Art. #889, 11 pages. doi:10.4102/sajip.v37i2.889

⁹ Tims, M., & Bakker, A.B. (2010). Job crafting: Towards a new model of individual job redesign. *SA Journal of Industrial Psychology*, 36(2), Art.# 841, 9 pages. DOI: 10.4102/sajip.v36i2.841

¹⁰ Wrzesniewski, A., & Dutton, J.E. (2001). Crafting a job: Revisioning employees as active crafters of their work. *Academy of Management Review*, 26, 179-201.

¹¹ Bakker, A.B. & Demerouti, E. (2007). The job demands-resources model: State of the Art. *Journal of Managerial Psychology*, 22, 309-328

¹² Bakker, A.B. & Demerouti, E. (2007). The job demands-resources model: State of the Art. *Journal of Managerial Psychology*, 22, 309-328

¹³ Buitendach, J.H., Rothmann, S. & De Witte, H. (2005). The psychometric properties of the job insecurity questionnaire in South Africa. *SA Journal of Industrial Psychology*, 31 (4), 7-16

¹⁴ Biggs, A. & Brough, P. (2005). Investigating the moderating influences of gender upon role salience and work-family conflict. *Equal Opportunities International*, 24, 2, 30-41

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A study conducted by Mannheim, Baruch, and Tal¹⁵ revealed that the work centrality of women was lower than that of men. This may be attributed to the female identity having strong associations with the family role¹⁶.

Job resources, on the other hand, are those physical, psychological, social, or organisational aspects of a job that (1) may reduce job demands and the associated physiological and psychological costs, (2) are functional in achieving work goals, and (3) stimulate personal growth, learning, and development¹⁷. According to Bakker and Demerouti¹⁸, job resources are located at:

- “an organisational level (examples include salary, career opportunities, access to resources, job security),
- an interpersonal and social relations level (examples include supervisor and co-worker support, team climate),
- the level of organisation of work (examples include role clarity, participation in decision making), and
- the level of tasks (examples include skill variety, autonomy, performance feedback, task significance).”

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Job resources are stronger predictors of work identity than job demands¹⁹.

An individual's work identity cannot be fully understood outside of the context in which an individual finds him- or herself in. Kirpal's²⁰ perspective on the dimensions that influence identity formation processes will be used as the framework to understand the impact of structural (broader South African context), social (organisational social factors), and individual psychological factors that influence the work identities of women.

¹⁵ Mannheim, B., Baruch, Y. & Tal, J. (1997). Alternative models for antecedents and outcomes of work centrality and job satisfaction of high-tech personnel. *Human Relations*, 50 (12), 1537 - 1562

¹⁶ Hill, E.J., Yang, C., Hawkins, A.J., & Ferris, M. (2004). "A cross-cultural test of the work-family interface in 48 countries." *Journal of Marriage and Family*, 66, pp.1300-1316

¹⁷ Schaufeli, W.B. & Bakker, A.B. (2004). Job demands, job resources, and their relationship with burnout and engagement: a multi-sample study. *Journal of Organisational Behaviour*, 25(3), 293-315

¹⁸ Bakker, A.B. & Demerouti, E. (2007). The job demands-resources model: State of the Art. *Journal of Managerial Psychology*, 22, 309-328

¹⁹ De Braine, R., & Roodt, G. (2011). The Job Demands- Resources model as predictor of work identity and work engagement: A comparative analysis. *SA Journal of Industrial Psychology*, 37(2), Art. #889, 11 pages. doi:10.4102/sajip.v37i2.889

²⁰ Kirpal, S. (2004). Researching work identities in a European context. *Career Development Journal*, 9(3), 199-221

The structural dimension

This dimension considers individual and societal paradigms of work that are influenced and shaped by how work, training systems, and patterns of employment are embedded within a country's current and historical culture²¹. The South African workplace was previously distorted, with access to education, skills, managerial, and professional work based on ethnicity. Labour law reforms have occurred, but Apartheid has left the majority of the economically active population of South Africa inadequately trained and economically disempowered, with the attendant effects of historical discrimination still evident today. Race and class have thus influenced the way women experience their gender²².

Academic institutions and parents often create barriers for female participation in more male-dominated professions such as engineering. Girls develop negative, self-fulfilling prophecies that become ingrained in their work identities²³. This socialization of gender work identities is explained in the gender model. According to the gender model, women's professional identities are developed around their interdependent relationships with others and family roles, whereas men are socialized to take on a work identity that is more independent and goal-directed²⁴. However, the younger generation of black South African females from working and middle-class backgrounds are breaking away from traditional roles that are associated with women and are opting for more male-dominated careers²⁵.

Another important point to consider under this dimension is that most South African organisations have been created by and for men. These organisations ultimately display a more masculine management style²⁶, which may lead to prejudice against women through the patriarchal values associated with this management style²⁷. This may affect women's organisational identification, which is part of work identity²⁸. Organisational

²¹ Kirpal, S. (2004). Researching work identities in a European context. *Career Development Journal*, 9(3), 199-221

²² Kiguwa, P. (2004). Feminist critical psychology in South Africa. In: Introduction to critical psychology. Hook, D. (Ed.). Langsdowne, Cape Town: UCT Press.

²³ Buche, M.W. (2006). *Gender and IT Professional Work Identity*. USA: Michigan Technological University.

²⁴ Dick, G. & Metcalfe, B. (2007). The progress of female police officers: An empirical analysis of organisational commitment and tenure explanations in two UK police forces. *International Journal of Public Sector Management*, 20(2), 81-100.

²⁵ Gaganakis, M. (2003). Gender and future role choice: a study of black adolescent girls. *South African Journal of Education*, 23(4): 281-286.

²⁶ Ely, R.J. & Meyerson, D.E. (2000). Theories of gender in organisations: A new approach to organisational analysis and change. *Research in organisational behaviour*, 22, 103-151.

²⁷ Moorosi, P. (2007). Creating linkages between private and public: challenges facing women principals in South Africa. *South African Journal of Education*, 27(3), 507-521

²⁸ Dutton, J.E., Dukerich, J.M. & Harquail, C.V. (1994). Organisational images and member identification. *Administrative Science Quarterly*, 39, 239-263

²⁸ Dutton, J.E., Dukerich, J.M. & Harquail, C.V. (1994). Organisational images and member identification. *Administrative Science Quarterly*, 39, 239-263

identification is derived from the organisational identity. Consequently, organisational identification has a direct influence on an organisation's performance, employee well-being²⁹, cooperation amongst organisational groups, and behaviours that are associated with organisational citizenship³⁰ and affective commitment³¹.

The social dimension

This dimension refers to the social interaction that individuals engage in with other individuals (i.e. colleagues, supervisors), groups (i.e. communities of practice, work-units, occupational groups) and institutional bodies (i.e. trade unions, professional bodies)³². Within the social dimension, the self is seen from an "individual relational orientation" and a "collective identity orientation."

The social interaction that both women and men have with their supervisors and peers influences the development of social identification within an organisation³³. One problem that is evident in organisations is the lack of female mentors and role models³⁴. Many executive women are not willing to help and promote younger women in their careers³⁵. This is directly attributed to the "queen bee syndrome,"³⁶ where executive women are sometimes reluctant to help other women advance in their careers and instead surround themselves with men. Mentoring is regarded as an important tool for employee development³⁷, and would thus enhance a woman's work identity.

Workers in the 21st century workplace have also become more "entrepreneurial," which greatly contrasts with the classic type of worker³⁸. More women are opting to become entrepreneurs to allow them more flexibility to balance work and family responsibilities. Women are also setting up more social and work networks in order to ensure their continued employment.

²⁹ Rousseau, D.M. (1998). Why workers still identify with organisations. *Journal of Organisational Behaviour*, 19, 217-233

³⁰ Dutton, J.E., Dukerich, J.M. & Harquail, C.V. (1994). Organisational images and member identification. *Administrative Science Quarterly*, 39, 239-263

³¹ Rousseau, D.M. (1998). Why workers still identify with organisations. *Journal of Organisational Behaviour*, 19, 217-233

³² Kirpal, S. (2004). Work identities of nurses. Between caring and efficiency demands. *Career Development International*, 9 (3), 274 - 304

³³ Witt, L.A., Patti, A.L. & Farmer, W.L. (2002). Organisational politics and work identity as predictors of organisational commitment. *Journal of Applied Psychology*, 32(3), 486-499

³⁴ April, K., Dreyer, S. & Blass, E. (2007). Gender impediments to the South African executive boardroom. *South African Journal of Labour Relations*, 31(2), 51-67

³⁵ April, K., Dreyer, S. & Blass, E. (2007). Gender impediments to the South African executive boardroom. *South African Journal of Labour Relations*, 31(2), 51-67

³⁶ Staines, G., Tavis, C. & Hayagrante, T. (1973). *The Queen Bee syndrome, in The Female Experience*, edited by C Tavis, California: CRM Books

³⁷ Noe, R.A. (2010). *Employee training and development*. 5th ed. New York: McGraw-Hill/Irwin

³⁸ Kirpal, S. (2004). Researching work identities in a European context. *Career Development Journal*, 9(3), 199-221

The individual-psychological dimension

This dimension focuses specifically on the individual's personal identity orientation. It examines the career history and professional development of individuals, as well as how an individual perceives his or her work³⁹. Depending on their family role salience, some women choose to pursue career avenues that allow them greater flexibility and time to balance their work and family responsibilities, such as becoming an entrepreneur. They engage in "cognitive acrobatics to manage the tension between intensive mothering and worker identity." In a study by Johnson and Swanson⁴⁰, it was shown that mothers who are employed full-time did not change their work identity roles but rather changed their work schedules and practices to accommodate and fulfil both roles, those of mother and worker. In the process, they became better workers. Many women with a strong work role salience opt to advance their careers in a male-dominated management system by using their support systems to take care of their children. These support systems include parents, grandparents, and cousins⁴¹. This is especially prevalent in black cultures, although these women also express that it requires sacrifice based on "implicit gendered definitions of 'seriousness of the job' and 'ideal worker' (which) have a significant impact on the use, and frequency of use, of work-life programs and initiatives of executive women⁴²".

Based on the discussion above, it is recommended that human resource practitioners:

- Develop strategies to influence and direct work identities and help to improve performance by:
 - Assisting line managers to provide enough job resources to their women employees to buffer the negative effects associated with job demands, such as work-family conflict, by creating flexible work patterns for both men and women
 - Providing women with equal opportunities alongside men to achieve their career goals
 - Providing diversity training and interventions that deal with stereotypes associated with both men and women and their career and traditional roles

³⁹ Kirpal, S. (2004). Researching work identities in a European context. *Career Development Journal*, 9(3), 199-221

⁴⁰ Johnson, D.D. & Swanson, D.H. (2007). Cognitive acrobatics in the construction of worker-mother identity. *Sex Roles*, 57, 447-459

⁴¹ Laungani, P.D. (2007). *Understanding cross-cultural psychology*. London: Sage.

⁴² April, K., Dreyer, S. & Blass, E. (2007). Gender impediments to the South African executive boardroom. *South African Journal of Labour Relations*, 31(2), 51-67

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- Encouraging more experienced women executives to become role models and mentors within the organization
- Employing policies and practices that enhance the professional identities of employees⁴³. This can be achieved through providing more educational opportunities for women, which will ultimately influence organisational identification and help to build organisational commitment.

Conclusion

Gender work identities need to be renegotiated and changed because the world of work requires it⁴⁴, and also to fully utilise the potential that lies within women. This is not an easy task. Women face unique challenges in the workplace such as work-family conflict, motherhood issues, female acceptance, and the paucity of female role models and mentors⁴⁵. Gender discrimination is still evident, and glass ceilings still exist for women who aspire to top management positions⁴⁶. These factors will inevitably affect the level of identification that female employees experience in the workplace. Organisations need to assist the advancement of women and the development of their work identities by providing education and management skills to women and shifting from a predominantly male-managed organisation to one in which both men and women influence the culture of the organisation. These steps should contribute towards the removal of the glass ceiling that is still evident in many organisations.

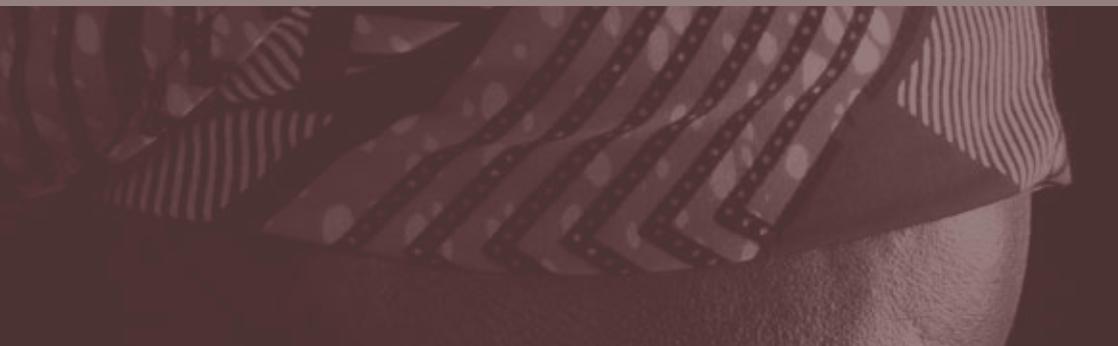
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⁴³ Lee, K., Carswell, J.F. & Allen, N.J. (1999). A meta-analytic review of occupational commitment. Paper presented at the annual meeting of the Society of Industrial and Organisational Psychology, Inc., Atlanta, GA

⁴⁴ Abrahamson, L. (2006). Exploring construction of gendered identities at work. In S. Billet, T. Fenwick & M. Somerville (Eds.). *Work, Subjectivity & Learning*, 105-121, Springer

⁴⁵ Buche, M.W. (2006). *Gender and IT Professional Work Identity*. USA: Michigan Technological University

⁴⁶ Grobler, P., Warnich, S., Carrell, M.R., Elbert, N.F. & Hatfield, R.D. (2006). *Human Resource Management in South Africa*. (3rd Ed.). London: Thomson Learning





chapter six

Investigating the South African gender
pay gap

Anita Bosch

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IN MOST GENDER EQUALITY DISCUSSIONS, the question of pay discrepancies will inevitably be raised. The commonly held perception is that women are paid less than men and that pay inequality, favouring men, is found throughout an organisation's Salary Structure. This chapter reports on aggregated pay data for six different employment sectors in an attempt to determine whether gender pay differences exist and what the trends per sector are. The chapter starts with a general explanation of the factors that influence pay and the broad concepts that underpin the data, followed by the data for each of the sectors, accompanied by a brief description of trends. The chapter concludes with themes that feature across employment sectors.

Factors that influence pay differences

The gender pay gap is not a new phenomenon. Women have traditionally been regarded as secondary household income earners. Therefore, women in the US who entered the paid workforce in the late 1800s¹ were paid less than their male counterparts, for the same work, from the onset. The International Labour Organisation (ILO) and the European Union (EU) indicate that gender earnings differences occur across the globe, in most occupations, and "... women's wages represent between 70 and 90 per cent of men's wages, with even lower ratios in some Asian and Latin American countries²." The EU wage gap for 27 member states during 2008 was an average of 17.6%³. One could argue that a 10-15% pay difference is not significant, given a number of other differentiating factors that influence pay outcomes; however, the EU has actively engaged policies on gender equality for the past 50 years⁴, which means that little has changed in half a century in spite of an active focus on gender equality.

At a macro level, differences in educational levels, amount of time spent at work, and types of employment and occupations⁵ seem to contribute to pay differences. At organisational level, Salary Structures are designed utilising job evaluation systems, such

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¹ 1870 United States Census

² International Labour Organisation (ILO), 2009: Global Employment Trends for Women. http://www.ilo.org/wcmsp5/groups/public/---dgreports/-/dcomm/documents/publication/wcms_103456.pdf

³ Foubert, P. 2010. The gender pay gap in Europe from a legal perspective. Luxembourg: Publications Office of the European Union, 2010. ISBN 978-92-79-16253-4

⁴ Foubert, P. 2010. The gender pay gap in Europe from a legal perspective. Luxembourg: Publications Office of the European Union, 2010. ISBN 978-92-79-16253-4

⁵ Gender pay gap. 23 May 2011. European Welfare States. <http://euwelfarestates.blogspot.com/2011/05/gender-pay-gap.html>

as Paterson, which analyse the relative worth of work and job roles, not the people in jobs. Salary Structures are therefore designed to provide organisations with a logical, non-biased framework on which to base remuneration decisions⁶. A pay progression policy, through which employees are able to increase their salaries once employed by a company, is applied through managerial judgement on: years of experience, skill acquisition, and performance⁷. A company's Salary Structure is therefore designed to be non-biased; however, pay increases rely on the judgement of managers and leaders. Wherever human judgement enters, there is opportunity for inequity and bias.

Concepts that underpin the data

The data set utilised in this chapter contains aggregated salaries for six employment sectors of over 5,000 employees as at 30 June 2011⁸. The six employment sectors are classified in Table 1.

Table 1: Employment sector classification

Extractive	Agriculture, forestry and paper, mining, oil and gas.
Transformative	Construction and building, utilities and energy, manufacturing (food, textiles, metal, electrical, machinery, chemicals, pharmaceutical, automobile manufacturing, and miscellaneous manufacturing)
Distributive Services	Transport and logistics, communication, wholesale, and retail.
Producer Services	Banking and financial services, insurance, real estate/property, engineering, accounting, consulting, legal services, research, IT, and miscellaneous business services.

⁶ Bussin, M. 2011. 21st Century Pay Solutions.

⁷ Bussin, M. 2011. 21st Century Pay Solutions.

⁸ 21st Century Pay Solutions

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Social Services	Medical and health services, hospitals, education, welfare and religious services, non-profit organisations, postal services, government, state owned enterprises and parastatal regulators, SETAs, and miscellaneous social services.
Personal Services	Domestic services, hospitality, food and beverages, repair services, Laundry services, hair and beauty, entertainment and leisure, media and advertising, and other miscellaneous personal services.

Data is reflected in *Paterson bands* that give an overview of the lowest to the highest pay rates in every industry (refer to Table 2 for descriptions of the bands).

Table 2: Explanation of Paterson bands⁹

F	Strategic instent/signs off policy Usually board of directors E.g. Managing Director, CEO, Chairman
E	Strategy execution/long term planning Senior Management E.g. General Manager, Business Unit Manager
D	Middle Management/Professional Interpret long term plan. Outcomes are probabilistic Make rules and procedures (e.g can change shift times) E.g. Financial analyst, engineer
C	Advanced Operational (skilled) Understand theory/principles behind a process/system Decisions are deterministic E.g. Recruitment officer, bookkeeper, artisan

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⁹ 21st Century Pay Solutions

<i>B</i>	<p><i>Operational (semi-skilled)</i></p> <p>Understand sub-systems, not processes or under pinning theory</p> <p>Problem solving is based on past experience</p> <p>E.g. Clerk, receptionist, operator</p>
<i>A</i>	<p><i>Basic Skilled, primary</i></p> <p>Can be trained quickly (hours to days)</p> <p>Task-based</p> <p>E.g. Cleaner, tea person</p>

For each Paterson band, the 10th, 25th, 50th, 75th, and 90th percentile compa-ratios are provided in the data set. Percentile categories indicate the following¹⁰:

- 10th percentile – 90% of the sample earns more and 10% earns less than this salary level
- 25th percentile – 75% of the sample earns more and 25% earns less than this salary level. This percentile is considered an equitable rate of pay for promotions, and is also suitable for employees who meet only the core job requirements in terms of competence and performance
- 50th percentile – 50% of the sample earns more and 50% earns less than this salary level. Employees who are deemed competent should be paid a salary calculated around this midpoint
- 75th percentile – 25% of the sample earns more and 75% earns less than this salary level. This percentile of pay is applicable to an employee who has sustained an above-average performance over a long period of time, and who always exceeds the requirements of the position
- 90th percentile – 10% of the sample earns more and 90% earns less than this salary level. Employees are paid at this level when their achievements are seldom equalled and their performance is consistently rated as excellent.

¹⁰ Bussin, M. Salary Structuring

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Differences between pay percentiles within organisational Salary Structures are driven by, amongst others, skills scarcity, strategic decisions regarding the appointment of employees with attributes that are difficult to find or replace, compensation for dangerous work, relevant work experience, as well as performance ratings. For example, managers that value face-time at the office will evaluate an employee's performance according to company guidelines but will also reflect their preference for employees that are visibly present at the office in their performance review scores. Since the majority of managers in the South African context are men¹¹, it stands to reason that performance reviews, amongst other tools that influence pay, could reflect bias, where male managers prefer masculine traits and behaviours over female interpretations.

The *compa-ratio* is a statistic that assists in simplifying comparisons such as the contrast between the salaries of men and women. The *compa-ratio* expresses the relationship between the base salary and midpoint, and is calculated as follows:

$$\frac{\text{Incumbent salary}}{\text{Midpoint}} \times 100$$

The midpoint, where the salaries of men and women are equal, is 100. Where the *compa-ratio* is below 100, the salaries of women are higher than those of men. When the *compa-ratio* is larger than 100, the converse is true. The graphs that follow should therefore be viewed from the 100 *compa-ratio* midpoint as the ideal state, where men and women earn the same salary.

In the next section, I reflect on the data per employment sector, utilising graphs to highlight key trends.

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¹¹ Corporate Leadership Census, Business Women's Association, 2011

Making sense of the data

In the Extractive Sector (Figure 1), women earn more than men in some of the percentile categories in the B and E Paterson bands. However, men's salaries throughout the remainder of the Paterson bands, excluding the B band and some of the E bands, are higher than those of women. This could be attributed to the fact that this sector is predominantly male-orientated due to the harsh working conditions characteristic of the sector. At C and D Paterson levels, there are a number of male individuals who are willing to work at night and under dangerous circumstances, such as the position of Mine Overseer at level D1, the most senior manager in a shaft at night. Higher salaries are therefore paid to these individuals as compared to women in the same bands in the sector. The F band's *compa-ratios* indicate highly inequitable salary ratios, with men earning in excess of 65% more than women.

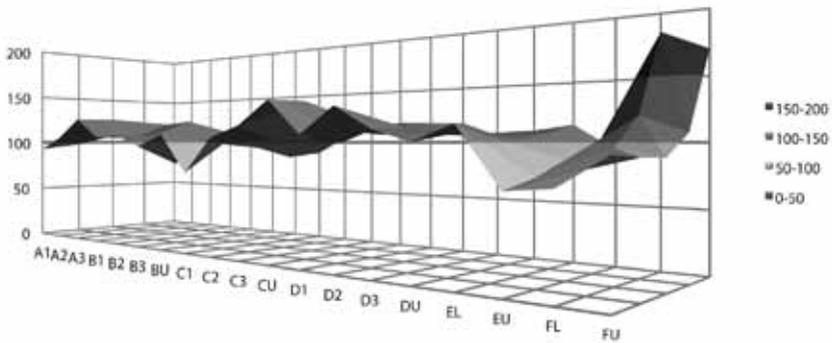


Figure 1: Extractive - agriculture, forestry and paper, mining, oil, and gas

Figures 2 and 3 indicate the difference between men's and women's salaries in the Transformative Sector and the Distributive Sector respectively. While women earn more than men, the difference is quite flat and insignificant. Men are earning a lot more than women in the strategic intent (F) band. The F-band earnings difference is less marked for the Distributive Sector. Women are more active in the agriculture and forestry and paper employment sectors as there is utilisation of semi-skilled labour and many women are willing to participate in manual labour to earn an income. Though there are a few Paterson bands where women earn more than men in the lower percentiles, such as the B, C, and E bands, men are paid more than women in most of the Paterson bands in the middle to higher percentile categories.

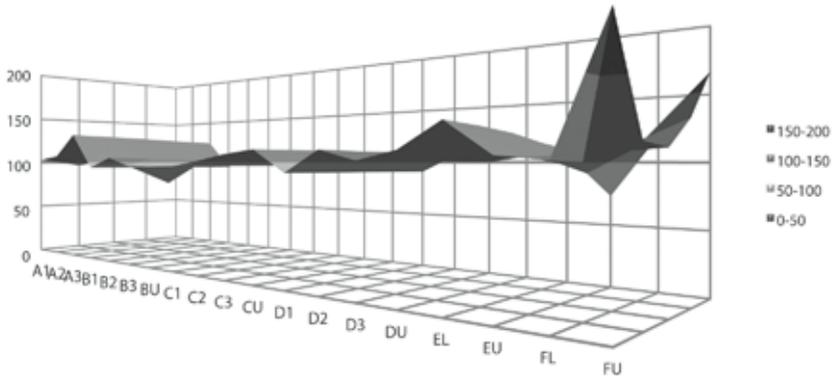


Figure 2: Transformative - construction and building, utilities and energy, and manufacturing

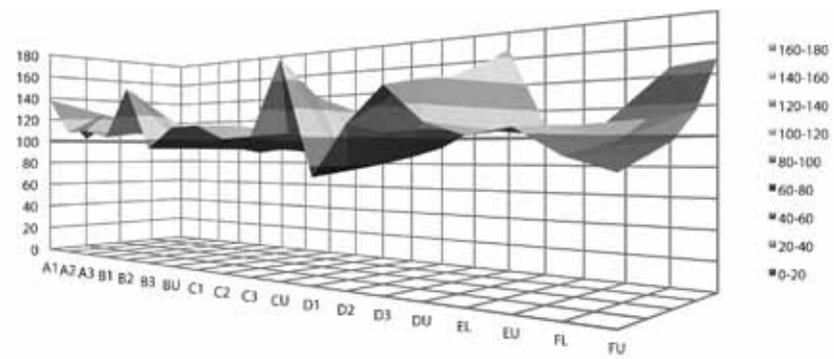


Figure 3: Distributive - transport and logistics, communication, wholesale, and retail

The Producer Services Sector shows the most incidences of higher earnings by women. This sector employs predominantly professional services people. Figure 4 illustrates that, in the A to C Paterson bands, there are some percentiles where the earnings of women are higher than that of men. Women occupying positions in the B band earn more than men in jobs that are typically administrative. It should be noted that women earn between 2-10% more than men in this band. Women are not paid equally to men in the D band, and only in the E and F bands, in the 50th percentile and lower, are women in strategy execution roles earning more than their male counterparts, to a maximum of 9%. Similar to the previous findings in other sectors, men overshadow women's earnings in the F band by 40-50%.

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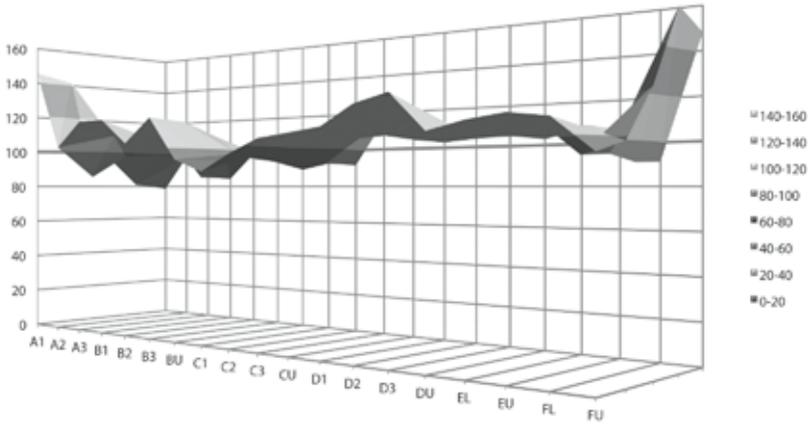


Figure 4: Producer Services - banking, financial services, insurance, real estate, accounting, legal services, research, IT, and miscellaneous business services

The Social Services Sector offers a great deal of salary parity between men and women, except, yet again, in the F band, where men are paid more than women in every percentile category. This implies that women employed in medical and health services, hospitals, education, not-for-profit institutions, postal services, government, and SETAs experience a glass ceiling in terms of salary and potential participation at executive and board level (refer to Figure 5).

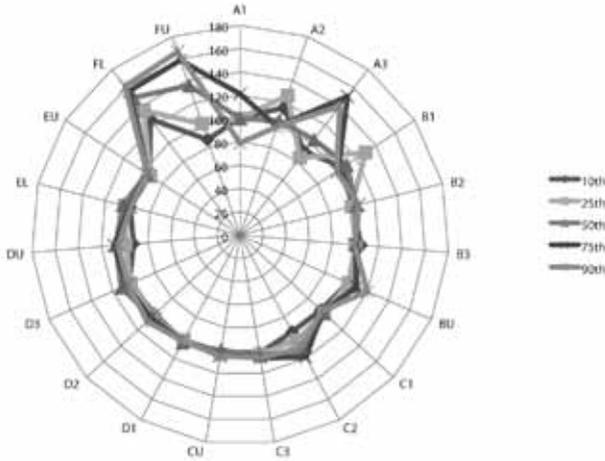


Figure 5: Social Services - medical and health services, hospitals, education, not-for-profit organisations, postal services, government, and SETAs

Data from the Personal Services Sector (refer to Figure 6) show that women in both the basic skills and the strategic intent bands are earning considerably less than their male counterparts. The rest of the bands between the A and F poles display instances where women earn more than men.

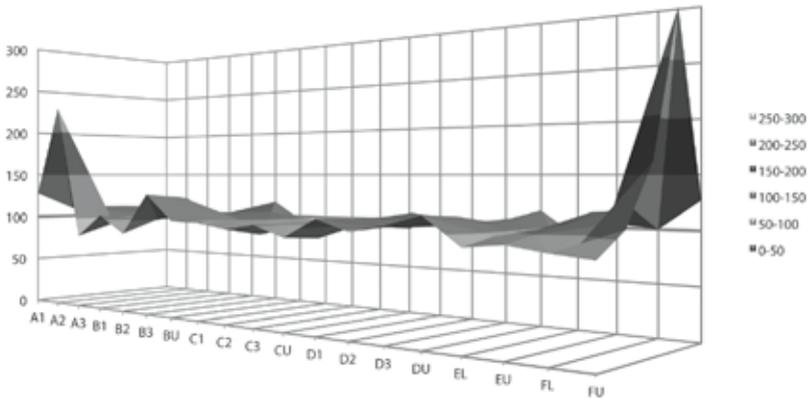


Figure 6: Personal Services - domestic services, hospitality, food and beverage, repair services, laundry services, hair and beauty services, entertainment and leisure, and media and advertising

Overview of themes

From the South African employment sector pay data presented, the following themes can be noted:

- There are instances where South African women earn more than men,
- Though women earn more than men in some percentile and Paterson band categories, the effect is negated by the overall discrepancy in gender pay, with men overall earning more than women. On average, therefore, South African men earn more than South African women,
- Where women earn more than men in the F Paterson or strategic intent band, they do so in the 10th, 25th, and 50th percentile categories,

- The F band is the most inequitable band in terms of pay parity between genders. Men consistently earn more than women in this band, with excessive differences in the 75th and 90th percentile categories. Men earn up to 70% more than women in this band, with one outlier example of 194% greater earnings for men than women,
- Women in the Producer Services Sector earn more than men throughout the percentile categories in the B upper and C lower bands. Their salaries are in the range of 2-10% higher than those of men,
- The Extractive Sector continues to be male-dominated, and salary differences favouring men are marked in nearly every Paterson band except for the B and lower C bands as well as the low percentile categories in the E band. The 50th percentile shows that women earn 10% more than men in the F band, possibly indicating that the sector is attempting to retain women in executive-level positions; and
- The Social Services Sector shows relative pay parity throughout the Paterson bands and percentile categories; however, women encounter a glass ceiling in the F band where the pay differences favouring men are glaring, with men earning up to 66% more.

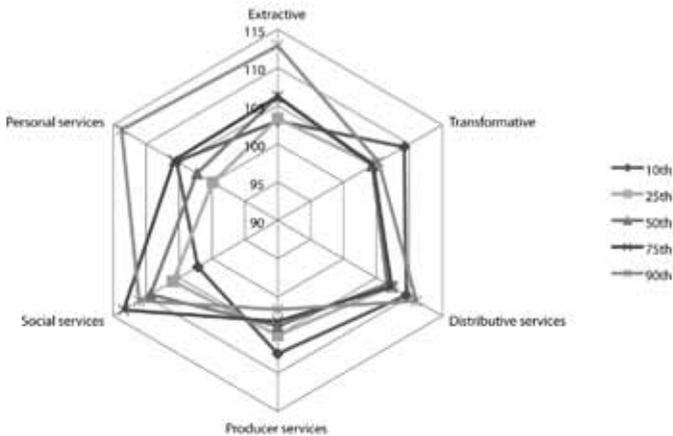


Figure 7: Averages per sector¹²

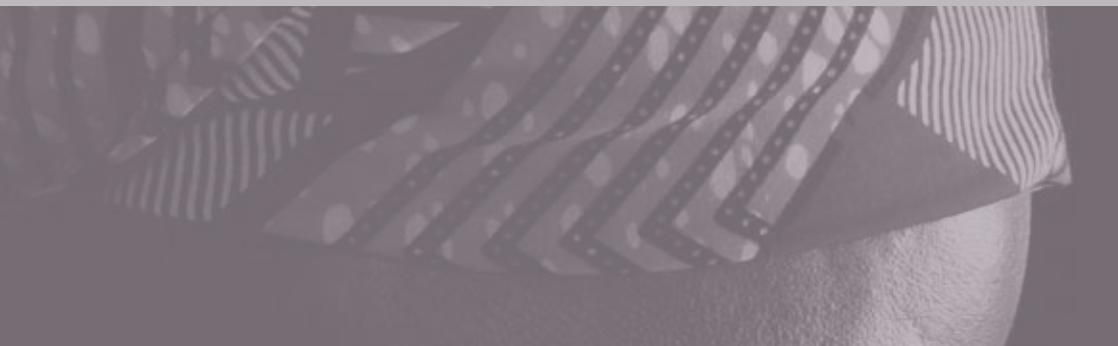
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Figure 7 provides insight through aggregation of sector data across Paterson bands. It is evident that, overall, men do earn more than women in every percentile category and employment sector. Based on the data set reflected in Table 3, on average, and considering all the percentile categories, men earn 2-14% more than women. The Producer Services Sector shows the least difference in pay between men and women.

Table 3: Average per sector (compa-ratio)

Sectors	10th	25th	50th	75th	90th
Extractive	103	103	106	106	113
Transformative	109	105	104	104	105
Distributive Services	110	107	107	107	111
Producer Services	107	105	104	103	102
Social Services	102	106	109	113	111
Personal Services	105	100	102	106	114

In conclusion, from the data set on which this chapter is based, it is clear that, overall, men earn more than women. However, in certain Paterson bands that differ per sector, there are instances where women earn more than their male counterparts. Where this is the case, the salary gap is generally smaller than in those instances where men earn more than women.





chapter seven

Reflections on the Women's Report

Jean Grundling and Anita Bosch

THE PRIMARY PURPOSE OF THIS first Women's Report published by the SABPP is to create awareness about the current status of gender equality and gender-related issues in the South African workplace. Furthermore, this report aims to support and guide Human Resource (HR) practitioners and teams in their roles as champions of equality and diversity in the workplace.

This report consists of six chapters with each chapter focusing on a relevant and specific issue(s) that impact on women in the workplace. In this seventh chapter we reflect on the lessons learned from the information and data provided in the different chapters. We also share a number of recommendations that should assist and guide women as well as HR practitioners and teams to address issues related to being a woman in the South African workplace.

Reflections

This SABPP Women's Report highlights the fact that there is still a long way to go when considering the full inclusion of women in the South African workplace. Key themes from this report are provided below.

- *Theme 1:* Demographic status and discrepancies between the salaries of men and women in the South African workplace
- *Theme 2:* Workplace responsibilities and rights of South African women
- *Theme 3:* Factors that influence the effective functioning of South African women in the workplace

Theme 1: Demographic status and discrepancies between the salaries of men and women in the South African workplace

Chapters 1 and 6 presented quantitative data indicating the current status of South African female representation and reflecting the salary gap that still exists between the sexes. These chapters revealed that, in general, women are still not sufficiently participating at senior levels and, when they do, they are often paid less than their male counterparts. Insights gained from chapters 1 and 6 are stated below.

- An increasing number of women are entering the labour market
- Women continue to occupy lower-skilled jobs offering lower pay in comparison to men
- Women are over-represented in the informal, communal, and social industries
- Women still tend to become employees rather than employers
- On average, women still spend 100 minutes per day more on unpaid work than their male partners
- Women's abilities to function as effective managers and leaders are still undermined or not recognised. Although there has been an increase in women in management and leadership positions, they remain underrepresented in senior management positions
- Remuneration (including rewards) is a specialised HR function that is informed by well-researched models and benchmarks. However, pay increases are often determined by managers and leaders, and may therefore be based on inequitable and biased judgements
- Worldwide, organisations and their cultures have been built by men, for men. The typical organisation therefore reflects and accommodates masculine traits and behaviours. In many cases, leaders are still selected and evaluated according to the prevailing preference for masculine traits and behaviours
- The abovementioned preoccupation with masculine modes of being can have a negative impact on aspects that influence women's career progression, and consequently their salaries, such as years of experience, skill acquisition, performance reviews and ratings, critical and scarce skills, and suitability of candidates for dangerous work
- Women are steadily moving into traditionally male-dominated work environments such as mining and manufacturing
- There is an increase in the number of women entrepreneurs in the informal sector
- There are sectors and salary bands where women earn more than their male counterparts. However, where this is the case, the overall effect is negated by the discrepancy in gender pay, with men overall still earning more than women.

Theme 1 - Recommendations for HR practice

- Organisations should provide women with opportunities to develop and build the relevant technical/functional knowledge and skills. Women in possession of solid functional skills have an increased chance of being considered valuable employees, whereas token female appointments perpetuate the negative stereotypes about women in the workplace
- HR practitioners should investigate which assumptions and practices underpin leadership training and development. It is inappropriate to aim to develop women's leadership skills in the mould of masculine traits and leadership behaviours. Instead, leadership development programmes should enable women to give expression to their own style of leadership
- Women should not be solely responsible for gender equality in the workplace as it reinforces the notion that gender is a women's issue when, in fact, it is a social issue to be addressed collectively by both genders
- The increased uptake of employment in the informal sector suggests that women are keen entrepreneurs. Conversion of women from the informal to the formal sector and from employee to employer should be a key focus of social responsibility programmes of South African organisations
- The changes in the world of work necessitate a review of organisational policies and procedures by HR practitioners. Amendments to policies should accommodate the needs and requirements of both men and women in the workplace today
- There is a need to design, develop, and facilitate practical opportunities and interventions for women with potential to move into management and leadership positions. Such interventions should be supported by the sponsorship of a senior male executive
- A supportive environment should be created that is conducive to women in management and leadership positions acting as role models for junior female colleagues
- A change is required in the perceptions and stereotypes about women, especially females in leadership positions. This can be accomplished by sharing, amongst others, relevant information and research findings with stakeholders that have decision-making powers.

- An organisation's Salary Structure should be scrutinised for hidden indications of pay disparity. The assumptions that drive pay progression should also be identified, and this information should be communicated to executive teams. Salary should be expressed as an exchange for output and labour, not face time. A strategy should then be formulated to address gender bias in remuneration
- Male managers and leaders in organisations should be guided and supported to understand the importance of valuing diversity and, especially, the value that women bring to a team, department, and the organisation as a whole.

Theme 2: Workplace responsibilities and rights of South African women

Chapters 2 and 4 dealt with gossip and pregnancy as two aspects that can impact on a woman's workplace relationships. Both chapters indicated the roles and responsibilities of both parties in the employment relationship, namely the organisation and the female employee. A clearer understanding of each party's responsibilities and rights will enable HR practitioners to better manage the employment relationship.

Effective communication plays a critical role in the successful management of organisations. However, gossip as a form of communication between individuals and groups in an organisation usually has a negative impact on relationships in the organisation. Although the aftermath of gossip can be managed, gossip cannot be stopped or controlled. Chapter 2 highlighted how gossip can lead to a number of negative personal reactions such as low staff morale, low motivation, attrition of valuable employees, and lack of trust, to name a few. All these reactions may lead to poor organisational outcomes such as lowered productivity, and poor job performance and service delivery, which will ultimately have a negative financial impact on the organisation.

Women's reproductive rights cannot be controlled or manipulated by an organisation, which implies that pregnancy is a natural occurrence for which organisations should plan and prepare. Research indicates high levels of conflict between the aspirations of women to have a career and a family. Chapter 4 indicated that working women who plan to balance family and career are protected by a number of Acts and specifically the Code of Good Practice on the Protection of Employees during Pregnancy and after the Birth or Adoption of a Child.

Chapters 2 and 4 shared specific case studies of incidences of gossip in the workplace and unfair treatment of pregnant women. These cases should create awareness of the legal and social implications of gossip mongering and unfair treatment of pregnant female employees.

Theme 2 - Recommendations for HR practice

- All women and HR practitioners should understand their organisation's code of conduct and related policies and procedures. Organisations should ensure that female employees are informed of any changes to legislation or policy that affect them directly
- Gossip, which is not solely perpetrated by women, should be proactively and decisively managed, providing clarity on acceptable behaviour
- Every organisation should have a code of conduct, supported by relevant policies and procedures that enable its management teams and employees to manage discipline in the organisation. The purpose of a code of conduct is to outline acceptable behaviour and rules of conduct for employees of the organisation. This document should be an important part of the induction process of an organisation, and existing employees should be periodically reminded of its implications
- The effect of gossip can be shared with employees through creative mediums such as communication media, networks and information bites. HR practitioners should plan, organise, and facilitate learning and information sessions to create awareness about the impact of gossip on employees and the organisation's business outcomes. These sessions should also inform management on how to deal with gossip in a proactive, decisive, and effective manner
- HR practitioners should include employee reproductive rights when developing talent pipelines and strategies. A baseline acceptance of pregnancy as a natural occurrence in people's lives could assist more proactive HR planning
- Both paternal and maternal rights should be established in the organisation's code of conduct
- The HR team should be objective and act as custodians of both the organisation and its employees. This implies that the HR team should guide and support management teams and employees in dealing with labour issues such as gossip and pregnancy. HR should ensure fairness and prevent misunderstandings through the correct interpretation of legislation.

Theme 3: Factors that influence the effective functioning of South African women in the workplace

Chapters 3 and 5 dealt with factors that influence the effective functioning of women in the workplace. Chapter 3 provided an overview of South African studies on women in the workplace under the key words: women, work and life balance. Table 1 provides an overview of major themes from research literature. The chapter's information is not exhaustive but serves as a synopsis of available research literature on this often fragmented area of study.

Figure 1: Summary of aspects that can influence women in the workplace

Barriers	Women in high-ranking positions	Family and work balance	Career development	Stressors
<ul style="list-style-type: none"> • Personal beliefs and gender • Race and gender • Social revolution, cultural prejudices and gender bias • Organisational structure 	<ul style="list-style-type: none"> • Women as leaders • Government legislation and policies 	<ul style="list-style-type: none"> • Family-work conflict • Work-family conflict 	<ul style="list-style-type: none"> • Managing your career 	<ul style="list-style-type: none"> • Stress at work

Women's work identity, covered in Chapter 5, provides HR practitioners with an overview of the main concepts of work identity. High levels of work identity ultimately lead to work engagement. Figure 1 provides a diagram of the main points discussed in Chapter 5. Work identity is therefore embedded in the context of those aspects that may influence women in the workplace, as summarised in Table 1. For women, the formation of work identity is a complex process that is influenced by many barriers and balance issues.

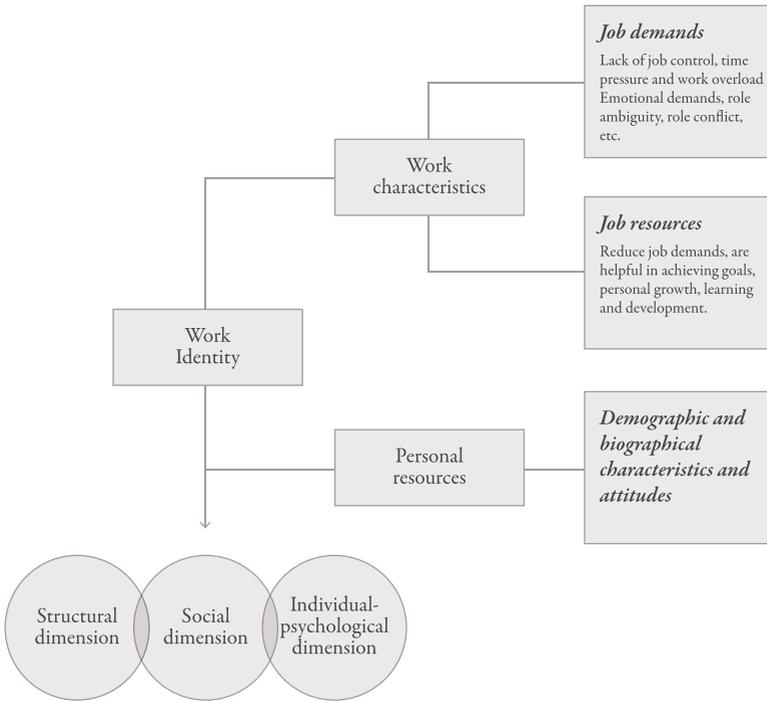


Figure 1: Aspects related to women's work identity

Theme 3 - Recommendations for HR practice

- Research on women in the workplace has highlighted the barriers that women face. Most of these barriers are underpinned by personal and organisational values, and baseless assumptions
- Organisational structures and practices are influenced and formed by the barriers identified in research, such as prejudice and bias, and through untested assumptions about the management of people. HR practitioners should challenge the assumptions on which people decisions are made
- Legislation is aiding the entry of women into the South African workplace. Whilst there are many positive effects, such as an increase in the number of women in the labour force as well as a slight increase in female organisational leaders, the unintended consequence of legislated, compliance-based change is a compounding of the stereotype. HR practitioners should be mindful of this and support women's appointments by, for instance, publically sharing their credentials and qualifications¹
- All employees should be given an equal opportunity to develop as leaders. When considering the notion of equal opportunity, HR practitioners should factor in gender differences such as the time that women spend on unpaid work and family commitments
- Impact-driven diversity management sessions can address a variety of workplace dynamics. These workplace dynamics could focus on a greater understanding of personal and cultural beliefs and their impact on relationships in the workplace. Diversity awareness should be on-going and not a once-off intervention
- There should be a review, renegotiation and consequent advising of organisations of the most appropriate work practice options for women in the workplace in order to manage women's family-work and work-family conflicts. Similar arrangements should also be made available to male employees who fulfil the role of primary caregiver
- Research, review, and redevelopment of strategies that will support women in the workplace are required. These strategies should include:
 - Career development;
 - Succession planning;
 - Performance management;

¹ Powell, G.N. (2010). The gender and leadership wars. *Organizational Dynamics*, 40, 1-9

- Coaching and mentorship; and
 - Adapted leadership and management development programmes.
-
- Job demands and resources at different levels of the organisation should be reviewed and revised to ensure that the demands do not outstrip the resources, and that resources support and assist employees on all levels to be productive, motivated, and satisfied. These changes and support structures should be regarded as long-term investments
 - The assumptions, values, and beliefs that underpin existing HR policies and practices should be examined in order to eliminate bias and to level the playing field
 - The context and systems should be created to enable employees to craft alternative career pathways that are not solely based on traditional male-dominated career patterns where progression is determined by linear advancement in the organisational hierarchy, and status is predominantly afforded to the highest positions in the hierarchy
 - Men and women should be encouraged to influence workplace practices in such a way that organisations recognise and accommodate the needs and requirements of women without sacrificing fairness. The message here is that difference should not be confused with inequality
 - There should be support for programmes where women can act as role models and mentors. Positive role models provide an example to the younger generation, which results in the transfer of knowledge, skills, and appropriate behaviours. Mentorship could strengthen the female talent pool to ensure that candidates are ready to fill management and leadership positions at all levels in the organisation.

Conclusion

The South African government has created an enabling environment for promoting female development, both in the workplace and in communities. However, women also have to take ownership of the process and accept the challenge to develop and promote themselves. This is confirmed by the National Gender Policy Framework developed and adopted by National Government. The development and adoption of such a policy on women's empowerment and gender equality is a major step in the process of social, political,

and economic redress in South Africa. It is envisaged that the policy, once implemented, will promote and institutionalise a process of development in which women and men are equal partners in the creation of a vibrant economy and a society where gender and racial equality is the norm. The future prosperity of South African society will depend, among other things, on the extent to which South African women are able to fully participate as equals in all sectors of society².

The SABPP, through its registered members, recognises the important role of the HR community as a catalyst for positive gender change. As such, the Women's Report, which focuses on evidence-based information sharing and advice, will appear annually as a service to our members. From the first of these reports it is evident that progress in gender equality has been made, but also that a lot still needs to be done.

² South Africa's National Policy Framework for Women's Empowerment and Gender Equality. Prepared by: The Office on the Status of Women. n.d.

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