



**COSATU**

## **GENDER CONFERENCE**

**“Fight Inequalities, Promote Decent Work  
and Build Economic Alternatives  
for Total Emancipation of Women”**

**27 - 29 MARCH 2012**

## BREAKDOWN LIST OF AFFILIATES

Delegates to are allocated according to the size and membership of the unions as follows.

- Above 200 000 = 6 delegates
- 100 000 to 200 000 = 5 delegates
- 60 000 and above = 4 delegates
- Less than 60 000 = 2 delegates

Affiliate	Number of delegates Expected	Number of Delegates Present
1. NUM	6	
2. NUMSA	6	
3. NEHAWU	6	
4. SADTU	6	
5. FAWU	5	
6. SACCAWU	5	
7. SATAWU	5	
8. POPCRU	5	
9. SAMWU	5	
10. CEPPWAWU	4	
11. DENOSA	4	
12. SASBO	4	
13. SACTWU	4	
14. SASAWU	2	
15. CWU	2	
16. CWUSA	2	
17. SAMA	2	
18. SADNU	2	
19. PAWUSA	2	
20. SAFPU	2	
<b>TOTAL</b>	<b>81</b>	

## COSATU Gender Conference Draft Program for three Days 27 – 29 March 2012



### Day One: 27 March 2012

Opening of the gender conference chaired by Zingiswa Losi (2<sup>nd</sup> Deputy President)

Time	Activity	Responsibility
08h00-09h30	Registration of delegates	Staff & NGCC
09h30-09h45	Opening & Welcome Chair of the session	Zingiswa Losi
09h45-10h00	Apologies & Credentials	Gertrude Mtsweni
10h00-10h15	Outlining of the Program and Adoption	Buyiswa Matika
10h15-10h30	Presentation & Adoption of Minutes 2009 conference	Gertrude Mtsweni
<b>10h30-11h00</b>	<b>TEA</b>	<b>ALL</b>
11h00-11h30	<b>Messages of Support</b>	Alliance Partners
	<input type="checkbox"/> SANCO( President)	Ruth Bhengu
	<input type="checkbox"/> SACP (NEC Member)	Nomonde Rasmeni
11h30-11h45	Reflection on Women Movement(PWMSA)	Baleka Mbethe
11h45-12h00	Reflect on proposal National Gender Council against Gender Based Violence(NGGBV) / DWCPD	David Dlali
12h00-12h30	Keynote Address( COSATU President)	Sdumo Dlamini
<b>12h30-13h30</b>	<b>LUNCH</b>	<b>ALL</b>

### Day one 27 March 2012

Chairperson for the session Freda Oosthuysen

Time	Activity	Responsibility
13h30-14h30	Presentation and Discussion of Gender Report	Gertrude Mtsweni
14h30-15h00	Message of Support – ANCWL President	Angie Motshekga
15h00-15h15	Outlining of Commissions	Mathapelo Mphuti

15h15-15h45	TEA	ALL	
	<b>Presentations of Documents in different Commissions</b>		
15h45-17h00	<input type="checkbox"/> <b>Commission One(Promoting Decent Work &amp; Social Protection)</b> <ul style="list-style-type: none"> <li>- Maternity Protection</li> <li>- Domestic Workers</li> </ul>	Janine Hicks (CGE) Fairuz Mullage (UCT Social Law project)	
	<input type="checkbox"/> <b>Commission Two(Reflection on Gender Machineries)</b> <ul style="list-style-type: none"> <li>- Gender Machinery</li> <li>- PWMSA</li> </ul>	Fundi Nzimande (Naledi)	
	<input type="checkbox"/> <b>Commission Three(Collective Bargaining)</b> <ul style="list-style-type: none"> <li>- Sexual Harassment</li> <li>- Gender Based Violence/Homophobia</li> <li>- HIV&amp;AIDs</li> </ul>	Jane Barrett (COSATU) Saliem Patel (LRS)	
	<b>Developing Cadres for Political Consciousness</b>		
	<input type="checkbox"/> Build quality cadreship <input type="checkbox"/> Capacity building for leaders <input type="checkbox"/> Gender & Politics	Liesl Orr (NALEDI)	
	<b>Commission (FOUR)</b>	<b>Developing Cadres for Political Consciousness'</b> <input type="checkbox"/> Build quality cadreship <input type="checkbox"/> Capacity building for leaders <input type="checkbox"/> Gender & Politics	<b>Chair:Nomvula Hadi(Samwu 1<sup>st</sup> Deputy President)</b> <b>Scribe: Crystal Dicks Mapaseka Sephiri(Nehawu)</b> <b>Lulama Nare</b>

### Day One: 27 March 2012

**MODERATOR – Connie September (former COSATU 2<sup>nd</sup> Deputy President)**

Time	Activity	Responsibility
18h00-20h00	Panel Discussion: <i>Women's activism in COSATU's history: Inspiring women's activism today</i> <ul style="list-style-type: none"> <li><input type="checkbox"/> Panelist presentations on Women's Activism, Campaigns and Organising in COSATU's history</li> <li><input type="checkbox"/> Presentation by Rosa Luxemburg Foundation on the life and legacy of Rosa Luxemburg</li> </ul>	Emma Mashinini Maggie Madlala-Magubela Pregs Govender Jane Barrett Evelin Wittich (Rosa Luxemburg Foundation)
20h00	DINNER	ALL

Time	Activity	Topic	Facilitators	NGCC
09h00-13h00	Commission (ONE)	<b>Promoting Decent Work &amp; Social Protection for All</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maternity Protection</li> <li><input type="checkbox"/> Domestic Work</li> <li><input type="checkbox"/> Sex Work</li> </ul>	<b>Chair:</b> Beauty Zibula ( Sactwu 1 <sup>st</sup> Deputy President) <b>Scribe:</b> Louisa Nxumalo <b>Phillip Mokwena(Fawu)</b>	Buyiswa Matika
	Commission (TWO)	<b>Reflection on gender Machineries</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> CGE</li> <li><input type="checkbox"/> PWMSA</li> <li><input type="checkbox"/> Women Ministry</li> <li><input type="checkbox"/> National Gender Framework Policy</li> <li><input type="checkbox"/> Envisaged Country's Gender Equality Bill</li> <li><input type="checkbox"/> COSATU gender policy review</li> <li><input type="checkbox"/> ANC draft gender policy</li> </ul>	<b>Chair:</b> Angie Pheetle(Saccawu 2 <sup>nd</sup> Deputy President) <b>Scribe:</b> Phindile Kunene <b>Ayanda Nabe(Samwu)</b>	Patricia Letsike

## Day Two :28 March 2012

Time	Activity	Topic	Facilitators	NGCC
	Commission (THREE)	<b>Bargaining Agenda for Gender(BAG)/ Collective Bargaining</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sexual Harassment</li> <li><input type="checkbox"/> Gender Based Violence/ Homophobia</li> <li><input type="checkbox"/> HIV &amp; AIDS</li> </ul> <b>Socio- economic Issues(Wage gap/ Living wage)</b>	<b>Chair:</b> Louisa Thipe (Saccawu 1 <sup>st</sup> Deputy President) <b>Scribe:</b> Theo Steele <b>Dimakatso Monama(Popcru)</b>	Mathapelo Mphuti
	Commission (FOUR)	<b>Developing Cadres for Political Consciousness'</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Build quality cadreship</li> <li><input type="checkbox"/> Capacity building for leaders</li> <li><input type="checkbox"/> Gender &amp; Politics</li> </ul>	<b>Chair:</b> Nomvula Hadi(Samwu 1 <sup>st</sup> Deputy President) <b>Scribe:</b> Crystal Dicks <b>Mapaseka Sephiri(Nehawu)</b>	Lulama Nare

## Day Two: 28 March 2012

Time	Activity	Topic	Presenter
14h00-14h15	Presentation	Human Trafficking	Nozizwe Madlala-Routledge (Embrace Dignity)
14h15-14h30	Presentation	Current status of the South African Law Reform Commission: Project 107(Sexual Offences/Adult Prostitution)	Advocate Dellene Clark(SALRC)
14h30-15h30	Panel Presentation & Discussion  Moderator – Bonny Marekwa (Popcru 2nd Deputy President)	Sex Workers right-based approach on Decriminalisation	Chivuli Ukwimi - OSISA (Open Society Initiative for Southern Africa) Mickey Meji - SWEAT (Sex Workers Education & Advocacy Taskforce) Duduzile Dlamini –SISONKE (organization run by sex workers for sex workers)
15h30-16h00	TEA	TEA	ALL
16h00-18h00	Report from Commissions	Different commissions	Scribes
18h00	CLOSURE		

## Day Three 29 March 2012

Time	Activity	Responsibility
09h00-10h30	Report Back from Commissions continues	Scribes
10h30-11h00	TEA	ALL
11h00-12h00	Presentation & Adoption of Resolutions	Resolution team
12h00-12h30	Presentation & Adoption of Declaration	Declaration team
12h30-12h45	Closing Remarks	COSATU NOB
12h45 -14h00	Lunch & Departure	ALL



**COSATU**

**MINUTES OF THE GENDER CONFERENCE WHICH  
WAS HELD ON THE  
10-11 JUNE 2009 AT BIRCHWOOD HOTEL**

# **MINUTES OF THE GENDER CONFERENCE WHICH WAS HELD ON THE 10-11 JUNE 2009 AT BIRCHWOOD HOTEL**

**The Conference was held under the theme “Putting Gender Equality at Center Stage in COSATU”**

**Proposed Agenda was:-**

1. Opening & Welcome
2. Apologies & Credentials
3. Adoption of the Agenda
4. Presentation & Adoption of minutes
5. Messages of support from the alliance partners
6. Keynote Address
7. Presentation of Gender Report
  - 7.1. Presentation & Adoption of the report
8. Commission Work
9. Cultural Evening
10. Declaration
11. Closure
- 12.

**Day 1: Chaired by Cde Louisa Thipe(NGCC member)**

## **1. Opening & Welcome**

The chair of the session opened the conference through the singing of the National Anthem. She also welcomed everybody attended and made some introductions of guests who were present, from civil society, alliance partners and collaborating partners.

## **2. Apologies & Credentials**

Written apologies were submitted from:

- Cde Mlungisi Rapolile due to prior organizational commitments
- SASBO delegates could not attend because of time-off challenges.

## 2.1. CREDENTIALS

AFFILIATES	Worker	Official	Total
1. Ceppawu	1	2	3
2. Cwu	3	0	3
3. Denosa	0	0	0
4. Fawu	3		3
5. Nehawu	1	1	2
6. Num	0	0	0
7. Numsa	4	1	5
8. Pawusa	0	0	0
9. Popcru	3	1	4
10. Saccawu	2	1	3
11. Sadnu	0	0	0
12. Samwu	3	1	4
13. Satawu	4	0	4
14. Sactwu	2	0	2
15. Sasbo	0	1	1
16. Sasfu	0	0	0
17. Sama	0	0	0
<b>Total</b>	<b>26</b>	<b>8</b>	<b>34</b>

## PROVINCIAL DELEGATION

Province	Worker	Official	TOTAL
1. Gauteng	1		1
2. Free State	1	1	2
3. Western Cape	1	1	2
4. Mpumalanga	1	1	2
5. Kwa-Zulu Natal	1	1	2
6. Limpopo	0	1	1
7. Northern Cape	0	0	0
8. Eastern Cape	0	0	0
9. Limpopo	0	0	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>10</b>

NGCC Members : 6 Workers and 3 Officials

COSATU NOB : 1

COSATU HEAD OFFICE : 3

GUESTS

NALEDI : 2

SHEP : 1

Numsa's concern was about poor attendance of some affiliates and some who are not participating in the structure. Further elaborated that the non attendance of those affiliates raises a concern as to whether the structures exist in their organisation or not.

POPCRU proposed that in future conferences should invite NOB's designated to gender from different affiliates, with the hope of minimizing the continuous non attendance of the affiliates.

### **3. ADOPTION OF AGENDA**

Numsa moved and Fawu seconded

### **4. PRESENTATION AND ADOPTION OF MINUTES**

The minutes were presented to the house acceptance moved by SATAWU seconded by SACCWU.

### **5. MESSAGES OF SUPPORT FROM ALLIANCE PARTNERS**

The house received the message of support from SACP presented by cde Lulama Nare as the gender committee member of SACP. On her presentation she clearly made a linkage between the daily gender struggles and those found within the movement. Unfortunately the other two alliance partners ANCWL & SANCO were not in the position to physically present their messages of support but relayed their messages through the chairperson.

### **6. KEYNOTE ADDRESS**

The keynote address was presented by the COSATU NOB designated to gender comrade Bheki Ntshalintshali , his address was as follows:-

- The federation and the outside world is looking forward at the outcomes of the conference, and hope affiliates would adopt these outcomes as part of their resolution to the national congress of the Federation.
- September Commission called for building a movement of women workers and define its vision as :
- A vision of a future where women would participate equally in the labour market and the world without having to face gender barriers.
- A vision of economic policies that include women emancipation.
- A vision of eradicating apartheid oppression and gender oppression in all spheres of society and in the workplace
- A vision of the trade union movement as a home for women workers , a movement which women know will fight for justice for women in the workplace and the economy
- Delegates must note that the recommendations which will be taken by the conference will not in themselves bring about the desired result, but will require commitment , political will and commitment of significant financial resources from both affiliates and the federation.
- COSATU has deployed comrades to government and they have appointed onto new portfolios- women ministry and economic development , they will need the support of the structure to identify key priority areas for taking forward the struggle of women , those areas are :

- Debate around Reproductive policy
- Debate around sex workers
- Debate around home labour
- How consciously legislation or policy address needs of women
- He emphasise that the structure should act vigorously in policing structure on economic policy and other policies of COSATU, the responsibility of the structure should therefore be to influence responses that are gender sensitive.
- The economic global crisis that affected the country and the world, the vulnerable sectors whose majority are women ; farm, domestic, contract cleaning, hospitality and many more are hard hit.
- Comrades must be politically conscious for not to be used by other comrades for their own interest gain
- Country's elections were the most difficult and comrades must know resolutions taken from the Polokwane conference and be able to interpret and implement them.

## 7. PRESENTATION OF GENDER UNIT REPORT

The report was presented to the delegates and some key issues were raised and discussed.

- The program of capacity building women on collective bargaining issues should not be done once but it must be an ongoing program for the structure as more women are entering the labour market.

The report was therefore moved by Saccawu and seconded by Samwu.

## 8. COMMISSION WORK

The conference break into four commissions

- Women leadership representation and challenges
- Gender, campaigns, organising education and structures
- Women's international and local
- Sex work and options

Attached were the resolutions from the commissions

## 9. CULTURAL EVENING

There was a cultural evening to encourage comrades to write poems and for them to be able to feed the Shop Stewards magazine for it to be able to publish women and gender issues.

## 10. DECLARATION

The conference adopted the declaration (see attached)

## 11. CLOSURE

Comrade Buyiswa Matika an NGCC member thank affiliates for their commitment towards the two days for being discipline and firmly discussing the resolutions that will be forwarded to the coming congress. She also wished all that could have a safe journey home.



**COSATU**

## **GENDER 2009 CONFERENCE RESOLUTIONS**

## COSATU Gender Conference 2009 Resolutions

### 1. On Women leadership, representation and challenges of union organisational culture

**Noting that:**

- The implementation of the long standing women leadership quota resolution is being delayed;
- The lack of a gender break down of membership is being used as a tactic to delay the implementation;
- Very few Unions and the Federation have women leadership in key positions from local to national;
- Women are more often in deputy positions or serving as treasurers;
- There are still very few affiliates that have full time gender co-ordinators employed;
- Very few affiliates and COSATU provinces have strong functioning and activist structures;
- Affiliates and COSATU do not make provision for support or resources to enable gender structures to function;
- Affiliates and the Federation still do not take the struggle against patriarchy, gender inequality and sexism serious and thereby the gender structures;

**Therefore Resolves that:**

- A clause be inserted in the COSATU Constitution that recognises gender structures and identifies their composition, role and powers;
- The gender structures be represented in COSATU constitutional structures;
- the women leadership quota system of 50/50 in COSATU structures and proportional representation in affiliates be implemented and where membership figures are not available the Labour Force Statistics will apply;
- Conference reaffirm that affiliates and the Federation should ensure the establishment and building of gender structures and the employment of gender co-ordinators in full time positions in all affiliates;
- Women should take up strategic leadership positions and should not perpetually be in deputising positions;
- Support and resources for gender programmes and structures should be provided at all levels;
- Quotas should also be applied at all levels from workplace to national level.
- Regular quarterly reports to be submitted by affiliates and provinces to the COSATU Gender Unit.

## 2. On Collective Bargaining, Campaigns and Organising

### **Noting that :**

- Some gains have been made to improve the position of women workers and some affiliates have made progress,  
but we still have a long way to go;
- The current economic crisis has a disproportionate impact on women and may reverse the gains made therefore we need to intensify our struggles and consolidate the gains made;
- Men still see collective bargaining as their exclusive terrain;
- The Cosatu resolutions calling for an increase in the participation of women in the collective bargaining process is not adhered to;
- The representation of women on collective bargaining teams is a huge challenge and often women are not accommodated or accepted on the collective bargaining teams;
- There are huge challenges in terms of promoting the unions' and Federations' understanding and appreciation of women /gender collective bargaining demands for example, parental rights as opposed to only maternity leave;
- Mainstreaming gender on collective bargaining, campaigns and organising as union activities is far from acceptable and therefore marginalised;
- Affiliates are not using the provisions of the EEA effectively to facilitate the process of changing the workplace environment to a gender sensitive one;
- COSATU is not using the NEDLAC processes to fast track gender demands and the ratification of the ILO Convention 183,
- That the BCEA has compressed into one category paternity, compassionate, family responsibility leaves whilst in our collective agreements and demands these are separate rights;
- Women in particular young women are finding themselves more and more employed in aypical forms of work; labour broker agencies are super-exploiting workers and undermining rights of workers;
- The stigma attached to HIV/Aids remains the biggest hurdle to overcome;

### **Therefore Resolves:**

#### **2.1. Parental Rights**

- We reaffirm our commitment to fighting for the implementation of the parental rights campaign and to negotiate agreements;

- Intensify the campaign for ratification of ILO Convention 183 on maternity rights and lobby the Women's Ministry and Minister of Labour to enforce ratification in compliance with International Law;
- That the Childcare campaign should be taken forward through collective bargaining and we should also focus on the provision of childcare in the public sector;
- Affiliates should put into practice childcare facilities at union activities to encourage women to attend and encourage men to also bring their children as part of sharing the load;
- Though NEDLAC amend the BCEA Clause on family responsibility so that paternity, compassionate and family responsibility are given separate distinct paid leave days;
- Include casual workers in the provisions of our collective bargaining agreements;

## **2.2 Organising Women Workers**

- Develop conscious and focused strategies to organise women workers and young women workers;
- Develop and implement campaigns focusing on the organising women, casual and young women;
- Target the month of August to focus on the recruitment of young women workers;
- COSATU and affiliates must support and assist with the organising of Domestic workers and strengthen SADSAWU;
- COSATU should actively campaign for the ratification of the pending ILO Convention for Domestic Workers;

## **2.3. Casual Workers and Labour Brokers**

- Fight for the improvement of the rights of casual and labour broker workers by simultaneously organising these workers and campaigning for an end to labour broking and casualisation;
- Push for legislation to ban labour brokers;

## **2.4. Sexual harassment**

- Unions need to develop approaches to dealing with cases of sexual harassment where both perpetrator and complainant are union members;
- Train more women as sexual harassment officers to assist with dealing with cases of sexual harassment and making members aware of their rights;
- Ensure that all unions and companies have sexual harassment policies and procedures of dealing with cases with the participation of union members and employees respectively;
- Educate and conscientise members about the negative impacts of sexual harassment in order to bring

about concrete organisational changes in how we conduct ourselves as disciplined comrades/cadres of the labour movement;

- COSATU and Affiliates to amend their Sexual Harassment and Procedures policies to be in line with the EEA Amended Code of Good Practice Dealing with Sexual Harassment Cases;

## **2.5. HIV/AIDS**

- Unions should establish HIV/AIDS support groups at the workplaces and in the Unions to inform and make them aware of the global epidemic;
- Combatting stigma must be at the heart of the campaign in affiliates, COSATU and society;
- Mainstream HIV/AIDS issues in the unions activities;
- Engage the new Women's Ministry and other relevant government departments on HIV/AIDS and impact on women;

## **2.6. Gender-based violence**

- Unions and COSATU should provide education on procedures for accessing justice in terms of the Sexual Offences Act and Domestic Violence Act;
- The Gender Based Violence campaign should not be restricted to 16 days of activism but should be an ongoing campaign throughout the year;
- Unions and COSATU should engage in debates to change cultural practices that promote violence against women;
- Unions should develop policies on domestic violence and ensure that companies have measures in place to assist with domestic violence and rape survivors;

## **2.7. Reproductive health**

- Unions and COSATU should campaign for access to safe female contraceptives;
- Unions to negotiate time-offs for women's reproductive health care and COSATU should engage with NEDLAC, government departments to facilitate the time off and access at public health institutions.
- Engage with Department of Health to place Mobile Clinics in Industrial Areas where it can be easily accessible.

## 2.8. Employment of women

- Unions must push for the implementation of employment equity legislation, prioritising the employment of women in traditionally male occupations;
- eliminate barriers to women's employment including childcare and other facilities, resulting in the improvement of facilities for all workers

## 3. On International and local movements and institutions

### Noting that:

- There are many organisations at local, national and international that are engaging in women/gender issues;
- The women's movement is fragmented;
- The women's movement has become institutionalised and lacks grassroots women's activism;
- Little connection/links between labour, women and social movements internationally and nationally around issues affecting working class, rural and poor women;
- The COSATU Resolution on the dissolution of the National Women's Coalition has not been implemented and that individuals are still operating the NWC without the participation of the mass of women or their organisations;
- There is a danger that the SA women's may become an elitist structure and that few women's organisations/movements are engaged in the organisation of the women's movement;
- Employees/representatives on the PWMSA and network structures do not account to their organisations or masses therefore not linked to masses of women;

### Therefore Resolve:

- Conference urges the Federation to continue to build strong civil society linkages with women's movements locally, nationally and internationally;
- All interventions should be done in the spirit of worker control;
- 2010 should be targeted as the year for working women's rights and we should sell this at international forums;
- International women's day (March 08) must be a distinctive mass driven and based COSATU campaign and activity;
- Build a culture of working class and women's solidarity based on workers control, activism and worker-to-worker sharing of experiences;
- Ensure that we have a critical assessment and engagement with the Progressive Women's Movement of South Africa (PWMSA) to build a mass-based, working-class led, campaigning and activist women's movement;

- Build in mechanisms to support employees/representatives to women network structures, gender machinery, labour movement structures;
- Ensure that employees/representatives have mandates and report back to COSATU and affiliates;
- Ensure that COSATU have tripartite/bilateral meetings before engagements with structures such as PWMSA in order to arrive at constructive engagement, consensus or differences of views;
- Ensure that the NWC is dissolved as we cannot have two organisations claiming to represent women of South Africa at the same time;
- Play a leading, productive role and constructive engagement with international labour movement;
- Encourage and support the ITUC/UNI Young Women Workers Campaign;
- COSATU and Affiliates should play leading roles in building the activist roles of women in campaigns such as the Decent work, Decent Life campaign and others.

#### **4. On Sex Workers**

##### **Noting:**

- The National Gender Conference on 10 &11 June 2009 at Birchwood Hotel deliberated on the proliferation of sex workers or prostitution as it is commonly known and the devastating impact it has on those sex workers, their families and the community at large.
- Sex work is on the increase due to increasing levels of poverty and other negative socio-economic factors that is prevalent in society. Unemployment and underemployment levels in our country are very high, offering little chance of earning an income to sustain families.
- Women and children are more often forced to engage in this kind of work because they do not have any alternatives. More than often, we witness young girls walking the streets or working in brothels or escort agencies. It is noted a few men are also sex workers .
- Globalisation has resulted in the increase of trafficking of women and children. Globalisation has offered opportunities for unscrupulous businesses to run a slave trade.
- 2010 and financial crises will result in an even greater proliferation of sex work resulting in greater amount of vulnerable workers needing protection.
- We note that sex work is also an organised business and some sex workers are working in a formal employment relationship for example escort agencies, brothels, bars, etc.
- Sex work is illegal and workers are not protected. They are often at the mercy of the police whilst the buyers (men) of their services get away free. Communities look negatively at these workers whilst not passing judgment on those who buy their services.
- We note that the South African Law Reform Commission has released a Discussion Paper on Adult Prostitution in May 2009.

- Noting that there is a belief that sex workers are blamed for drug trafficking the spread of HIV/Aids and destroying families.

**Believing:**

- A worrying factor is the increasing use of children in sex work and this has severe implications – these children could be our sisters, daughters and nieces.
- Sex work is dangerous and a high risk activity and these workers suffer from abuses and are vulnerable to HIV/Aids.
- Sex workers are a reality and we cannot wish them away. As concerned citizens, activists and trade unionists, it is our responsibility to act on this.
- Sex workers are marginalized and exploited by clients, the legal system, the community and society in general.
- The struggle for sex workers rights is part of broader worker and gender struggles.

**Therefore resolves:**

- Support organisations like Sex Workers Education and Advocacy Taskforce (SWEAT) who are trying to educate and organise sex workers.
- Put the proliferation of sex work as part of the broader campaign of job creation, Basic Income Grant, etc. to alleviate poverty.
- Organise workers who are working in a formal employment relationship (escort agencies, etc.)
- Support and join campaigns to eliminate the trafficking of women, men and children.
- That sex work should be decriminalised.
- That COSATU and its affiliates should add their voice to the current Law Reform Commission Discussion Paper and adult prostitution.
- COSATU and its affiliates should do education work and raise awareness to do away with stigma and change perceptions about sex workers.
- In the long term the struggle for socialism to change social and economic conditions as well as mind sets will eliminate the excesses of sex work and in the long run eliminate sex work in our society.



**COSATU**

## **National Gender Conference Declaration 10-11 June 2009**

## National Gender Conference Declaration 10-11 June 2009

We, the delegates to the COSATU National Gender Conference gathered at Birchwood Hotel in Boksburg from 10-11 June 2009, with the theme "Putting Gender Equality at Centre Stage in COSATU".

The current global economic crisis places increasing pressure on the working class, in particular women and their labour, both paid and unpaid. We are deeply concerned about rising unemployment, declined social expenditure and the ongoing poverty and inequality in our country. While all this is happening, employers are likely to call for wage freezes, short-time, retrenchments and closures. At the same time, food prices are on the rise, and petrol, paraffin and electricity rates are increasing. The vulnerable sectors, whose majority are women - including contract cleaning, hospitality, retail, farm workers and domestic workers amongst others - will be hardest hit.

Conference noted that women continue to be faced with the ravages of patriarchy, including violence, rape, the unequal burden of household labour and discrimination, such as low pay and sexual harassment at the workplace. We further recognise that sex workers are at the receiving end of the most vicious forms of abuse stemming from the combined effects of patriarchy and capitalist exploitation.

Conference identified opportunities to make real change in favour of working class women and towards gender equality. These include, amongst others:

- The Election of a new government in April with increased emphasis and commitment to confronting inequality and poverty, advancing decent work and promoting gender equality.
- The Five Priority Areas adopted by the ANC Election Manifesto, namely Decent Work, Education, Health, Crime and Rural Development
- The establishment of a new Ministry to focus on women's issues and gender quality, youth, children and disability.
- The coming COSATU Conference, at which we will put forward resolutions around these areas
- The Law reform commission process of reviewing legislation on sex work

Conference re-affirmed the COSATU Gender Policy and Implementation Strategy and the 2006 Gender Conference Resolutions. We further re-affirmed the vision outlined by the September Commission on "Building a Movement of Women Workers". This vision includes the following:

- A vision of a future where women participate equally in the labour market and the world of work without having to face gender barriers
- A vision of economic policies that include women's emancipation
- A vision of eradicating apartheid oppression and gender oppression in all spheres of society and in the workplace
- A vision of the trade union movement as a home for all women workers, a movement which they know will fight for justice for women in the workplace and the economy

- A vision of a trade union movement that plays a crucial role in empowering women and in challenging the unequal power relations between men and women

Along these lines, the conference also re-affirmed our long-standing vision of "Trade Unions for Women and Women for Trade Unions". This highlights the urgent need to rebuild gender activism and raise the voices of women within the union movement, and ensure that unions are able to genuinely advance the interests of women workers.

We identified the reality that male leaders hide behind the banner of gender to continue to oppress women and committed ourselves as gender structures and activists to strongly challenge patriarchal leadership styles and practices in our unions.

Some of the key issues on which Conference resolved include the following:

### **On Women leadership, representation and challenges of union organisational culture**

- To ensure that COSATU Congress resolves to enforce the implementation of the quota system of 50/50 in COSATU structures and proportional representation in affiliates (and that where affiliate gender breakdowns of membership figures are not available Labour Force Statistics will apply).
- To ensure the establishment and building of gender structures and employment of gender co-ordinators in all affiliates.
- To campaign for women to take up strategic leadership positions, as they can not perpetually be in deputising positions.

### **On Collective Bargaining**

- Unions to push for the implementation of employment equity legislation, prioritising the employment of women in traditionally male occupations; eliminating barriers to women's employment including parental rights, childcare and other facilities, resulting in the improvement of facilities for all workers.
- Develop conscious and focused strategies to organise women workers and young women workers.
- Campaigns and collective bargaining on issues that affect women such as gender-based violence, sexual harassment, reproductive health and HIV/AIDS, amongst others.

### **On Labour Brokers**

- Fight for the improvement of the rights of casual and labour broker workers by simultaneously organising these workers and campaigning for an end to labour broking and casualisation.

### **On International and local movements and institutions**

- Urge the federation to continue to build strong civil society linkages with women's movements locally, nationally and internationally.
- Build a culture of working class and women's solidarity based on workers control, activism and worker-to-worker sharing of experiences.
- Ensure a critical assessment and engagement with the Progressive Women's Movement of South Africa to build a mass-based, working-class led, campaigning women's movement.

## On sex workers

- Organise workers who are working in formal employment relationships (e.g. escort agencies, etc).
- Campaign for the decriminalisation of adult sex work in order to protect and uphold the rights and dignity of sex workers.
- COSATU and its affiliates should add their voices to the current Law Reform Commission Discussion Paper on adult prostitution.
- COSATU and its affiliates to raise awareness amongst its members and the broader community in order to challenge the stigma against sex workers.

The Gender Conference thus commits itself to take forward all of these resolutions in the spirit of building a strong and vibrant movement of women workers in COSATU.



## **GENDER REPORT TO THE COSATU NATIONAL CONFERENCE MARCH 2012**

# GENDER REPORT TO THE COSATU NATIONAL GENDER CONFERENCE HELD ON 27-29 MARCH 2012 AT ST.GEORGES HOTELS

## Acknowledgements

It would be not fair for this structure to continue this conference without expressing its gratitude to the members of the National Coordinating Committee for their unwavering support, concerted efforts and co-operation that they have rendered to the desk throughout the years. The experience and commitment they have brought to COSATU for the advancement of gender equality, demonstrate that women in trade union have a vital role to play.

The unwavering and tireless support they have put in making sure that gender issues are discussed in detail by not only the structure but also the Federation as a whole. Not only do they drive the structure but they complemented the vacuum that exists in terms of human resources. This conference is a testimony to that it would not have happened without their concerted efforts and co-operation they have rendered to the desk throughout the years!



## National Office Bearers

Our special appreciation goes to our Political proletarian liberators especially those responsible for this desk; Cde Zingiswa Losi and Bheki Ntshalintshali who have always demonstrated their commitment and dedication to this structure, by bringing Political consciousness not only to the development of the structure but also being considered of the political empowerment. Comrades you are the pillar and strength of this structure



### Gender Co-ordinator's expression

Comrades workers struggles in the fight against the brutal face of capitalism and gender inequalities in society at large need real cadres and revolutionaries. Of course, courage is needed for us to soldier on. On behalf of the COSATU National Gender Conference, I would like to extend our revolutionary message to you all.

The journey that we are travelling is not an easy and smooth one as it has got its ups and downs. Like any other gender structure, the desk has its strengths and weaknesses including challenges. One of the strengths has been noted above in the form of a supportive structure (NGCC members). On a daily basis,

of course there is always our internal Cosatu Organising team to back this structure and of course they excelled to execute the collective and guidance to the structure.

## **Our Partners**

The structure like any other formation would not function without external forces. Human resources support has also been rendered through research institutes like **NALEDI, UCT-Social Law Project, Commission for Gender Equality, Labour research Services, South Africa Chapter of the Global Labour University at the University of the Witwatersrand** popularly known as “GLU”.

To this end, I would like to inform the participants of this conference that discussion documents in line with our past resolutions have been drafted for delegates to engage and derive programmes, campaigns or draft resolutions to be tabled at the Federation's National congress in September 2012. Economic challenges have been faced at some stages but thanks to the donor community and our partners for their steadfast support. A special thank you goes to the following:

- Solidarity Center (AFLO-CIO), South Africa and
- The International Labour Organisation (ILO) South Africa for the financial support towards this conference.

In conclusion, I would like to welcome you all to this conference. Let's read, learn from each other, share and above all participate and engage fully in commission work as we value your input to feed within the Federation!

## **A brief note about COSATU**

The Congress of South African Trade Unions (COSATU) was launched in December 1985 under the principle of:-

- Paid up member
- Workers control
- One Union , one Industry
- One Country one Federation
- Non-Racism
- Non-sexism
- International Worker Solidarity

The federation has more than two million paid up members. COSATU continues to be amongst the fastest growing trade union movements in the world, in spite of the membership loss experienced by the trade union movement globally. COSATU's broad strategic objectives are:

- To improve material conditions of its members, the working class and poor people in general.
- To ensure that the unorganised become organised

- To ensure worker participation in the struggle for peace, equality and democracy

The COSATU logo has a wheel which represents the economy, which is driven by workers. The **“woman with a baby represents the triple challenges of economic exploitation, racial and gender oppression.”** It also symbolises men and women working harmoniously together.

## **Vision and Mission of COSATU Gender Desk**

COSATU and its affiliates are guided by a vision of an egalitarian society free of sexism, racism, class exploitation and other forms of oppression and strive to realize a socialist society. The Federation has a long-standing commitment to the elimination of women's subordination; the transformation of gender relation, and the empowerment of women in terms of their participation, representation, leadership and cadre ship.

The issue of gender equality has been on our agenda since the formation of the Federation. We will always be engaged in relentless efforts to fight discrimination and subordination in the Federation, affiliates and in the workplace. Ultimately, we endeavor to make our Federation and affiliate unions a home to working class women so that enjoy the fruits of our democracy as enshrined in the country's constitution!

## **Introduction**

The aim of this report is to reflect on progress made by the Federation and affiliates in implementing the Gender Policy since its adoption in 2000. Indeed, we need to evaluate our gender work against the Federation's existing gender framework, and therefore make policy recommendations to affiliates and the 11<sup>th</sup> COSATU Congress. Notable strides have been made by the Federation and some affiliates in ensuring greater participation and representation of women in the movement.

On this note, the report shall cover key areas like gender resolutions of the Federation since its inauguration, development of gender policy by affiliates, work done between the last COSATU Gender Conference taking into account achievements, challenges in line with the Implementation Strategy

At its inauguration the Federation took a resolution on fighting all inequalities and discrimination of women at work, society and in the Federation. Also, it committed itself to establish worker control women sub-committees to monitor implementation of equal work for equal pay, sexual harassment and maternity benefits.

## **COSATU Resolutions from inauguration to date**

Below is an outline of the Federation's resolutions, which have been improved and developed over years in terms of women participation and representation in decision-making structures of the Federation and affiliates. Our hope is to ensure that we do not replicate resolutions time and again but derive programmes and implement what has been resolved.

<b>Congress</b>	<b>Resolution</b>
Inaugural	To actively promote the necessary confidence and experience amongst women workers so that they can participate fully at all levels of the Federation
3 <sup>rd</sup> Congress	To attempt to break down all practical barriers to the full participation of women leadership in our structures.
5 <sup>th</sup> Congress	Special measures will be put in place to ensure that women are effectively represented in all the decision making structures of the federation. The CEC will be empowered to ensure that in this regard, office bearers at a national, regional and local level will be assigned to build women's leadership and ensure proper representation of women in all structures of the Federation
6 <sup>th</sup> Congress	The CEC should develop a broad political programme with specific focus to develop and deepen the consciousness of our members on gender issues, building women leadership, their capacity in the Federation and affiliates and to promote their participation in structures as well as eliminate gender imbalances and all form of gender discrimination. The CEC should develop measurable targets to assess the achievement of programme
7 <sup>th</sup> Congress	
8 <sup>th</sup> Congress	<p>The NALEDI study on gender in unions should proceed and the report should be tabled at the National Gender Conference (NGC). The NGC should develop a project plan on aspects of our gender policies and resolutions with clear time frames and benchmarks. Affiliates should determine whether to appoint gender co-ordinator's, as long as there is provision for this area of work with clear lines of responsibility.</p> <p>Affiliates should develop gender policies and reflect on their gender programmes. They should submit a detailed report for discussion concurrently with the NALEDI Report. Affiliates should <b>define gender issues for collective bargaining and strategies to achieve them</b>. Gender work must be linked to the Education Department. Gender co-ordinator should be trained in project management skills and other important competencies, such as gender methodology.</p> <p>The NGC must develop guidelines to serve as a beacon for gender co-ordinators in their daily work. The gender support structure-the office bearers designated to gender, the Head of Departments, and Vice President and the Committee-should have a programme to ensure its effective utilization. The quota system applicable to the Federation shall be set by the CEC, and quota systems applicable to affiliates shall be set by affiliates. Quotas shall be based on the share of women in membership and the need to rapidly develop women leadership.</p>
9 <sup>th</sup> Congress	<p>Re-affirmation of empowerment of women in the Federation policies. To provide an assessment on achievement of balanced gender representation, taking into account the proportion of women members in the union. By 2015, where applicable, all affiliates should have a 50% quota of women at all leadership levels.</p> <p>Women workers must be encouraged to participate in all decision-making structures of the Federation, taking into account sectoral dynamics. Affiliates and COSATU should develop a guide to report with regard to women development through scorecards and an annual audit. Capacity building programmes for women workers to be implemented. COSATU must take practical measures and steps, through the production and running of a national gender programme, to instill in all members a working class and scientific Marxist-Leninist attitude to the question of gender.</p>

<b>Congress</b>	<b>Resolution</b>
10 <sup>th</sup> Congress	<p>Re-affirm the 9<sup>th</sup> Congress and previous resolutions on achieving balanced gender representation within the Federation and affiliates and in particular:-</p> <ul style="list-style-type: none"> <li>• Encouraging affiliates to elect women to leadership levels in office bearer and national structural positions. This should include women representation in bargaining forums.</li> <li>• Maintaining statistics on the gender composition of meetings.</li> <li>• Introducing programmes to support childcare facilities and strive to do so at union meetings.</li> <li>• COSATU must develop material that talks to a holistic approach to gender development, including a political education programme focusing on women comrades in employment and outside employment, taking into account their daily realities and responsibilities; and ensuring women are capacitated at factory level.</li> <li>• Ensuring that at least 60% of the total number of shop stewards on affiliates training courses should be women.</li> <li>• COSATU locals must link up with community based organisations to conscientise them about working class struggles to overcome patriarchal tendencies.</li> <li>• Affiliates national structures should set policy guidelines around recruitment of women organizers, aiming to increase the number of women organizers to at least one third.</li> </ul> <p>b) Concrete affirmative action measures and strategies must be developed and implemented ensuring that women in leadership positions are effective, that they are linked to programmes of empowerment, and that decision making structures are transformed.</p> <ul style="list-style-type: none"> <li>• Gender coordinators must be full time workers in all affiliates, with national regional/provincial leadership taking responsibility for effective co-ordination and running of gender structures within their respective regions and locals.</li> </ul> <p>COSATU through its affiliates to target a group of women comrades that can form part of dedicated women's development programme after Congress.</p> <ul style="list-style-type: none"> <li>• The issue of women holding senior positions in the trade unions be addressed by sharing experiences with international trade unions.</li> <li>• COSATU should develop a strong presence in gender struggles, including National Women's Day and the campaign of activism on gender issues. COSATU should propose that women icons in worker struggles be honored with an annual award, to ensure that due recognition is given to working class women in the celebration of National Women's Day.</li> <li>• COSATU and its affiliates should identify and lead campaigns to promote gender equity, and to ensure that the contributions that women can make to the union movement, the economy and society is enhanced, and that opportunities to deepen women's participation are actively created.</li> <li>• Collective bargaining and employment equity promotion should be used to ensure gender equality at the workplace. COSATU and affiliates must keep statistics on the progress in promoting women into senior positions at the workplace.</li> <li>• COSATU affiliates must engage various SETAs to avail budgets for training employees with preference given to women on technical skills like welding, boiler etc.</li> <li>• The federation should launch a campaign for ratification of the package of ILO Gender Conventions by the SA government.</li> <li>• COSATU to develop a coherent programme and should work together with the MDM formations and NGOs in making this programme a reality.</li> </ul>

## Socio-economic situation

This conference is taking place after the 2009 Global Economic Recession which left many workers jobless especially women. The fact is since 2001, women have been losing jobs therefore depriving them of their socio-economic rights as enshrined in the Bill of Rights.

The latest official unemployment statistics according to the latest Labour Force Survey demonstrate that 28% women are unemployed as compared to 22.5% unemployed men. Of the approximately 13 300 000 employed workers in the country, women make up 43.6% whilst men comprise 56.4%.<sup>1</sup> It is also fundamental to state that most women are employed in the service industry, domestic work or home-based care givers through the Empowerment Public Works Project (EPWP). The reality is that these sectors have always been stereotyped as the 'best place' for women to work which further entrenches the inequalities found within the labour market.

Earlier this month, on the **7th of March 2012**, the Federation and affiliates embarked on a very massive national strike against **labour brokers** and **e-tolling system**. Indeed, labour broking affects women mostly as we find the majority of them working in the service industry like call centres where this system is rampant. We cannot continue to tolerate this as this further perpetuates the socio-economic inequalities already existing in society.

We are happy to note that women played a leading role and the participation in the march was almost 50/50 in terms of gender balance, young and old. We are glad that one of the key **campaigns launched in 2011** by the federation is on the **Living wage** and the need to address the wage gap problem based on gender disparities. Also attached to that is COSATU's long-standing policy of "Equal pay for Equal work"

Through our interaction with provinces, we have been constantly reminded that prices have escalated a lot! Issues of economic growth move along with women specific issues like maternal health issues whereby there are so many economic implications for nursing working mothers that have financial burdens. As a gender structure, what are we saying about Polokwane resolutions and the **New Economic Growth Path**? The content of the 2<sup>nd</sup> edition of the New Growth Path Framework, printed on November 2011, does not say anything on women, but women are only captured on the pictures as cosmetics and window dressing.

Surely, any economic growth should be favorable to the women and working class through job creation. But what we have experienced in the last three years is actually the opposite; job losses and an increase in unemployment rate in the country. Youth and women have been greatly affected. Yet, capital accumulation has increased with capitalists making more and more profits at the expense of the working class poor.

One of the packages for the new Growth path is that of job creation and skills development. We recommend that this should be an engendered process where 50% of the jobs should be channeled towards women. Women should also have an equal opportunity for skills development just like their male counterparts. Learnership opportunities should also be provided in those sectors that are predominantly male so that more women can also work there.

Again, the informal sector comprises predominantly of women and we are saying more women should be absorbed into the formal economy through the government funded Expanded Public Works Programme (EPWP) or through co-operatives that are financed by the state. Nevertheless, the type of jobs offered to women should be abided by the Decent Work Agenda and principles.

It is upon us as the working class to unite and continue fighting capitalism and advance towards socialism!

## **COSATU Gender policy review**

Our gender policy document has been adopted in 2000, it is seriously 13yrs old outdated in terms of facts and statistics. We should work towards amending it to have clear mechanisms for monitoring and evaluation including how to deal with the outcomes. The issue of what will happen in cases of poor performance or even non-performance in terms of its implementation by COSATU and its affiliated unions? And it need us to also address the Human resource capacity of the gender departments.

This is necessary as it requires us to look back at what we have achieved and move forward accordingly. It also allows for space for amendments where necessary to suit the needs of the current workforce and legislations targeting workers, women in particular the young women.

We would greatly value the Conference's input which would give mandate towards review or amendment of this gender policy. We hope to undertake this process through the NGC, NGCC, federation constitutional structures and at the affiliate's level.

## **Coordination of Gender at the National, Provincial and Affiliates**

The issue of appointment of gender coordinators for affiliates has been emphasised time and again in all the conferences and congresses that have taken place. There has been an improvement but unfortunately, not all affiliates have managed to appoint full-time gender coordinators. Most of the affiliates have NOBs designated to gender that we take it as a positive sign as it demonstrate recognition of the gender structure

## **National Gender Coordinating Committee (NGCC)**

The Gender Co-ordinator, Cde Gertrude Mtsweni was appointed in 2009. Since her appointment , she and the NGCC collectively has been working tirelessly to catch up with gaps that had emerged due to the vacuum of not having a gender coordinator for quite some time to ensure sustainability and viability of the desk.

The NGCC has lost most of its members, some due to shop stewards elections, have to take managerial positions, have to serve in other structures internal and external of the federation. It is quite a thrashing for the structure loosing such dedicated comrades but hopefully wherever they are going to serve, they will always remember the structure and be able to assist whenever they are requested.

The following comrades are as follows:-

- Zweli Zungu (SAMWU),
- Mlungisi Rapolile(UMSA),
- Mathapelo Mphuti(CWU),
- Elizabeth Nthantsa(SADNU),
- Dimakatso Sebopa(DENOSA).

The comrades are definitely going to be missed by the Federation, their experience which captivated the structure and the whole Federation. One thing these comrades had is that they have worked very hard for the structure to be where it is today, some have to fight very tough battles with their employers and their unions to attain dreams for the emancipation of women. We all know that it has been a pain for these comrades to lead the structure without any resources but they made it possible for everyone. Wherever they are going we say " Aluta Continua"



***Domestic workers attending the Summit listening attentively on the report: Convention 189 (Decent***

The committee is now left with cde Matika Buyiswa(POPCRU), Louisa Thipe and Patricia Letsike (NUM). How can we forget our Beloved Co-opted comrade Patricia Nyman who is always will to assist. The National Gender Committee(NGC) will have then to elect.

Below are some of the activities that the structure has undertaken between the periods 2009 to date:

- Induction of Provinces on Collective Bargaining Issues
- Negotiations and Campaigns for Domestic Workers
- National Consultative workshops on Maternity Protection
- Support to Provinces on thematic campaigns
- Building of gender structures at Provincial
- Representation of Federation at Alliance level
- Representation of Federation at Government level
- Forging relations and identifying the progressive NGO's that COSATU can partner with.
- Networking with other civil society organisation
- "Decision for Life" Project ITUC on recruitment of young women

## Work for Domestic Workers)

### Provincial Gender Committees

COSATU Provinces just like affiliates should have gender committees that are functional to coordinate and drive gender programmes. Below is a list of provincial Gender Committees per province:

#### Gauteng

Portfolio	Names	Affiliate
Chairperson	Pinky Mnguni	Nehawu
Deputy Chairperson	Oscar Khala	Popcru
Secretary	Teboho Masilo	Fawu
Deputy Secretary	Tabia Kgadimane	Saccawu
Treasurer		
Gender Coordinator	Natalia Mothapo	

#### Western Cape

Portfolio	Names	Affiliate
Chairperson		
Deputy Chairperson	Tomsana Susani	Sasbo
Secretary	Susan De Vos	Denosa
Deputy Secretary	N/A	N/A
Treasurer	N/A	N/A
Gender Coordinator	Elma Geswindt	COSATU
Additional Member	Sharon Linnert (POB)	Numsa

#### North West

Portfolio	Names	Affiliate
Chairperson		
Deputy Chairperson		
Secretary		
Deputy Secretary		
Treasurer		
Gender Coordinator		

#### Limpopo

Portfolio	Names	Affiliate
Chairperson	Thando Ndaba- Makitla	SADTU
Deputy Chairperson	Tebele Rakhutso	DENOSA
Secretary	Thulasizwe Legodi	NEHAWU
Deputy Secretary	Makhadzi Mphelo	CWU
Treasurer	N/A	
Gender Coordinator	Toekie Kgabo	COSATU

## Mpumalanga

Portfolio	Names	Affiliate
Chairperson	Abigail Mathebula	Sadtu
Deputy Chairperson	Funeka Magadla	Nehawu
Secretary	Fikile Makua	Sasfu
Deputy Secretary	Sophie Maseko	Sactwu
Treasurer	Constance Ghuenyane	Sadtu
Gender Coordinator	Phindile Sindane	COSATU
Additional Member	David Mngwevu	Sadtu
Additional Member	Sophie Nxumalo	Samwu
Additional Member	Vuyiswa Lithale	Num
Additional Member	Lindiwe Mndawe	Nehawu

## Free State

Portfolio	Names	Affiliate
Chairperson	Lucy Mapena	Nehawu
Deputy Chairperson	Cynthia Scheepers	Saccawu
Secretary	Emma Sikosana	Sadtu
Deputy Secretary	Esther Sisedinyane Mathosi	Sactwu
Treasurer	-	-
Gender Coordinator	Ntsiki Mdebuka -Mgudlwa	COSATU
Additional Member	Montsheng Tsiu	Nehawu
Additional Member	Poppy Badise	Numsa
Additional Member	Kate Sanyani	Satawu
Additional Member	Nozi Hadebe	Saccawu
POB employee	Tselane Lipali (Treasurer)	Sactwu

## KwaZulu Natal

Portfolio	Names	Affiliate
Chairperson	Sbongile Nhlapo	SADTU
Deputy Chairperson	Mabongie Mdlalose	NUMSA
Secretary	Lindiwe Ngilande	POPCRU
Deputy Secretary	N/A	N/A
Treasurer	Mbali Blose	SACCAWU
Gender Coordinator	Nokwezi Buthelezi	COSATU

## Eastern Cape

Portfolio	Names	Affiliate
Chairperson	Nomonde Mtembu	Num
Deputy Chairperson	-	-
Secretary	Nomxolisi Makayi	Sadtu
Deputy Secretary	-	-
Treasurer	Nyameka Ngejane	Nehawu
Gender Coordinator	Thokozani Mtini	COSATU
Additional Member	Noncebo Kontsiwe (POB)	Nehawu

## Northern Cape

Portfolio	Names	Affiliate
Chairperson	A. Ndubula	NEHAWU
Deputy Chairperson	Resigned (work for Edu Dept)	SAMWU
Secretary	P. Mohosh	SACCAWU
Deputy Secretary	L. Monei	SADTU
Treasurer	NONE	
Gender Coordinator	Thandi Makapela	COSATU

## Gender Programmes

Most affiliates reported that they are implementing gender programmes but still the major challenge is the poor allocation of resources or in worst cases no budget at all. Actually affiliates are doing better than COSATU in the women leadership development. Affiliates like Gender programmes can only be run successfully if there are programs, plans of action and Gender Coordinators to run them.

**Below is a table that shows how affiliates have responded to call for development of policies and appointment of full time gender coordinators.**

Affiliate	Gender Coordinators	Gender Policy	NOB designated to gender
CEPPWAWU	x		No
CWUSA			
CWU	x		x
DENOSA	x		x
FAWU	x	x	x
NEHAWU	x		
NUM		x	
NUMSA	x		x
PAWUSA			
POPCRU	x	x	x
SACCAWU	x	x	x
SACTWU			
SAMWU	x		
SADTU	x		
SADNU			
SAMA			
SASAWU			
SASBO			
SAPFU			
SASFU			
SATAWU	x		

## Gender –based violence / Homophobia

The issue of homophobia has affected our communities especially in Black townships where cases of violence against people from the LGBTI community (corrective rape) have escalated. Most have also complained that they have been excluded and discriminated against in terms of access to the labour market and employment, which is a contravention of the Employment Equity Act (EEA).

One is forced to renounce their sexual orientation for them to be accepted for certain jobs. Yet, our constitution is supposed to protect all its citizens indiscriminately. We denounce such violence and evil acts and encourage our members to play an exemplary role in their communities to curb this problem. To play a leading role, we have invited participants from LGBTI communities (Forum for women Empowerment [FEW] and AMSHER) to participate in this conference and provide their views and assist as we seek solutions to the challenges facing them.

The Federation and affiliates in collaboration with Alliance partners and other civil society organisations has continuously and diligently hosted annual campaigns such as 16 Days of Activism against Violence on Women and Children. Despite, advancements brought about by the South African laws in the attempt to address gender parity, it is sad to note that rape cases have increased. Worse, to note is the fact that most of the perpetrators go by with impunity. In the same veins, murder cases against partners especially females have been noted. The same has been reported also amongst the LGBTI community.

## Women Representation in the Federation and Affiliates

There has been an improvement in terms of women taking up leadership positions especially as shop stewards. COSATU national and its provinces, failed to run **development programs for female cadres and leaders development programmes on political consciousness** and political economy which is a cause for concern as political direction is at the core of trade unions. We cannot completely separate general politics from the economy or trade unions as the former always provides direction on where we should go as a movement. Leadership is all about political consciousness.

Free State province has been in the forefront on building consciousness on gender activities by encouraging political discussions in all of their gender meetings. It has also has run a program of encouraging women workers to be members of the alliance formation. Gauteng Province has run a two days gender political workshop. The Western Cape had identified women from affiliates and have a **women leadership training** which is accredited with University of Western Cape (UCT) on women leadership training.

It would be very useful for this National Conference to identify challenges and come out with strategies on how the Federation and affiliates can take up **Political Education** as a matter for serious concern. As such, a paper has been prepared for this conference and a commission on gender and politics is in place for delegates to engage in three days and come out with clear program of action of cadreship development. We do acknowledge the unions who are making it possible for gender activities to attend training of leadership to mention but the few POPCRU women graduated , FAWU arranged with Khanya College.

Chairperson of ANCWL in Free State preparing Provincial Coordinator of COSATU in blouse wearing ceremony – women from NUM holding their blouses waiting patiently for their turn to swell ranks of the ANCWL



### Gender breakdown of key COSATU National Leadership Positions

Position	Female	Male
president		x
1 <sup>st</sup> Deputy President		x
2 <sup>nd</sup> Deputy President	x	
Secretary General		x
Deputy General Secretary		x
Treasurer	x	
<b>Total</b>	<b>2</b>	<b>4</b>

**Table 1: Gender Breakdown of National Leadership**

The above results demonstrate that women constitute one third or 33, 3% of the total Leadership for COSATU. We need to measure this against the Federation's policy on quotas as we move towards the next Congress. What this means is that women should not contest each other but work towards achieving a 50-50 representation.

The table below shows a gender breakdown of COSATU leadership at provincial level. The results indicate that gender disparities still exist, whereby men still dominate and occupy the most powerful positions of the Federation. We are still far short of the 50/50 quota. There is still sort of like sexual division of labour whereby most treasurer positions are occupied by women. This is informed by societal thinking that regards women as more honest and responsible with financial matters. Women are also deputizing and this "at least" attitude should come to an end.

### Gender breakdown of key COSATU Provincial Leadership Positions

Province	Chairperson	Deputy Chairperson	Provincial Secretary	Treasurer
Western Cape	M		M	
Gauteng	M		M	
North West	M		M	
Limpopo	M		M	
Mpumalanga	M		M	
Free State	M	F	M	F
KwaZulu Natal	M		M	
Eastern Cape	M		M	
Northern Cape	F		M	
<b>Total Female</b>	<b>1</b>		<b>0</b>	
<b>Total Male</b>	<b>8</b>		<b>9</b>	
<b>Grand Total</b>	<b>9</b>		<b>9</b>	

M= Male ; F=Female

Affiliates have also made strides in women inclusion in their leadership structure with NEHAWU, one of the largest affiliates having elected a woman as a Deputy General Secretary. This is the very union that was the first one to elect a woman as their President. However, it is still a worrying factor that some affiliates that are predominantly female still have male leaders occupying the most powerful positions.

## **Gender and Trade Union Research**

A research on Gender and Trade Unions is currently taking place which is led by a team comprising of researchers from **Ruskin College, Oxford, UK; GLU South Africa, Witwatersrand University and NALEDI (COSATU Research Institute)**. We hope the outcome of the research is going to go a long way in assisting COSATU and affiliates in addressing the issue of gender parity including empowerment in our unions.

## **Panel of women trade union leaders and activists**

As part of the Conference, there shall be a session tonight to acknowledge past and current women trade union leaders as part of the centenary celebrations amongst COSATU, affiliates and Alliance partners. This event will go a long way in reviving political consciousness, women activism and inspiring the current layer of trade union leadership on how they can transform sexist workplace as individuals and as a collective.

## **Quota system**

The 8<sup>th</sup> COSATU Congress had a clear Resolution on quotas. Accordingly, it stated that “The quota system applicable to the Federation shall be set by the CEC, and quota systems applicable to affiliates shall be set by affiliates. Quotas shall be based on the share of women in membership and the need to rapidly develop women leadership”. Nine years down the line, it is important to reflect on the progress made by affiliates to guarantee women’s full participation in trade unions through the quota system.

## **Collective bargaining, strategies and achievements**

Collective bargaining is at the core of any trade union business and is one of the major reasons why members would want to join or retain their union membership as “bread and butter” issues form part and parcel of their lives. Acknowledging the fact that women workers have been suppressed and that the existing labour laws have gaps (for instance on maternity protection), they can only seek a “safety net” through collective bargaining processes by unions.

Though strides have been made, we are sad to note that women still constitute a very small percentage of negotiators and their level of participation in collective bargaining processes is also low. This impacts negatively on the outcomes of certain collective bargaining agreements as most gender related matters are always thrown to the periphery. Some are shut down because they are posed as an expense to the employer e.g. maternity issues.

Collective bargaining demands as from affiliates:

- Ensure that all collective agreements have Occupational Health and Safety
- Workplace Child care facilities / Parental Rights Policy
- Paid maternity leave and paternity leave
- Sexual harassment
- Menstruation leave should be part of the reproductive rights of women.
- Job security and Decent Employment

- Safe transport especially for those working late hours/shifts
- Employment Equity Agreements must be implemented and seriously monitored by DoL
- Equal access to Promotions, Training and Skills Development
- Equal Pay for work of Equal Value
- Compassionate Leave
- Confinement Leave

## **Women Development / Empowerment Programmes**

In terms of Education and training we need to acknowledge the racial, class and gender disparities that still exist in SA society and that lack of skills within the working class can only be addressed by trade unions through enforcement of the Employment Equity and Skills Development Act.

During the last global economic recession, most women especially in the manufacturing sector lost jobs due to lack of skills. However, most affiliates reported that it is difficult to monitor if EEA is being implemented within a company especially big companies. More so, this problem is common amongst male dominated sectors where there is usually less female shop stewards and office bearers to fight for women's skills empowerment.

### **Training needs for affiliates**

- Need special training on collective bargaining issues & negotiation
- Need training and education on sexual harassment (case handling) through CCMA and SHEP
- Political education training to target newly elected shop stewards, female NOBs, young workers and negotiators
- Women Leadership Capacity building
- Training on Transformative Leadership
- Gender and Labour Course
- HIV and Gender Course
- Shop stewards induction courses especially on Skills Development and Employment Equity and how to align this with workplace collective agreements.
- Study Tours and Team building activities to strengthen women leaders in unions (CCMA, Nedlac or Bargaining Councils)
- Capacity building for gender coordinators on collective bargaining as Recommended by the NALEDI study of 2009.
- Training of Women in global and international gender issues
- Financial training especially on debts and how to overcome them.
- Training on project management
- Training on Gender Participatory Audit
- Gender and Political Economy training
- Budgeting and drafting of funding proposal
- Training on International Conventions

## Sexual Harassment Education Programme

The programme at the moment seems to have taken a lull period. We understand the project has been affected by a crisis in both financial and human resources. This is very unfortunate as COSATU and its affiliates are attempting to lure and win the hearts of young workers. Sexual harassment education programmes should form part of the everyday and on-going union work and responsibility. To emphasise the seriousness of this matter, the Federation has noted with great sorrow and disappointment on the rape and murder of a young mineworker in February this year. May her soul rest in peace!

We have requested affiliates to provide us with the below information which is very fundamental in advancing the SHEP programmes in unions. The results basically point to the lack of commitment by affiliates to the issue of sexual harassment in the workplace today! Surely, if affiliates fail to provide this crucial information, it means they are doing nothing on that particular area.

**Table 1: An Audit of Affiliates on Sexual Harassment Policy**

Affiliate	Possession of Sexual Harassment Policy	Availability of Workplace SH empowerment programmes/ Education	No. of SH cases recorded so far	No. of disciplinary hearings handled so far
CEPPWAWU	No	Yes but not implemented	None reported	None reported
POPCRU			x	x

## Campaigns

The 10<sup>th</sup> COSATU resolution called for the Federation and affiliates to **“identify and lead campaigns to promote gender equity, and to ensure that the contributions that women can make to the union movement, the economy and society is enhanced, that opportunities to deepen women’s participation are actively created”**. In an attempt to address this between 2009 and 2012 Conferences, the following campaigns have taken place amongst COSATU and its affiliates:

- May Day Celebrations
- Mandela Day
- Women’s Months Recruitment campaigns targeting young women
- 16 Days of Activism of No Violence against Women and Children
- World Aids Day
- International Day of Children (June Month). Workplace Child Care Campaign
- Decision-for-Life Campaign (Recruiting young women workers)
- RED October Campaign
- 7<sup>th</sup> September World Day on Decent Work (Anti-Labour Broking)
- Friends of Cuba Campaign
- ANC Centenary Celebrations Campaign



*March in support of the victims of racism, abuse and discrimination Reitz*

## Climate Change Climate Change

As COSATU gender structure, we acknowledge the efforts being made by trade unions globally to avert further climate damage by multinational companies including fighting the effects of climate change. We know very well that the negative effects of climate change disproportionately affect communities and will bear a huge burden on women and the poor working class.

It is women who have to undertake social reproduction for family members to be able to undertake productive work for the same capitalists who exploit them and damage their environment. In this regard, we demand that of the projected 1million Green Jobs claimed and expected to be created from the climate change deal, 50% should be allocated to women.

Gauteng Provincial Workshop on Climate Change on the 23<sup>rd</sup> of March 2012, Gauteng province hosted special workshop on climate change as part of commemoration of the International Women's Day. The theme of the Workshop was "Climate Change, Its Effects on Women and COP 17 Outcome" and was attended by delegates from affiliates. Unfortunately, all delegates to the workshop unanimously agreed that the recent COP17 Conference was just as good as a "talk show" and really a waste of time and resources as they did not benefit anything out of it.

Actually, as a country, we did not gain anything yet our people in the townships are suffering and deprived of education, health services and clean sources of energy. This is even worse for our rural communities which are in dire need of development. They complained that "South African government just loves to host and is

sort of a trademark or playground" for the West to come and conduct their experiments. The biggest question was "Moving forward how is the next COP 18 going to assist us before we waste more resources?" COSATU and affiliates proposed that South Africa needs binding agreements with developed countries so that we can put to account whoever comes along with their proposals. For instance, the Kyoto Protocol is about to expire and it looks like there is no agreement in place to indicate whether it can be renewed or not.

To this end, we would like to commend COSATU and affiliates for playing a leading role in an attempt to shape policy on climate change at both national and international levels as evidenced by their massive participation at the just ended COP 17, hosted by South Africa in December 2011.



**Gauteng climate change women workshop**

### International Solidarity

The following international solidarity work has taken place amongst COSATU and affiliates;

- ILO Convention for Decent work for Domestic Workers Campaign. COSATU alongside with SADSAWU have played an instrumental role in the realization and adoption of this Convention.
- Decision-for –Life Campaign (International Trade Union Congress-ITUC)
- ILO Research
- ILO –Women's Entrepreneurship Development and Gender Equality Project (WEDGE)
- ILO & LO Norway Project "Basic Gender Equality in the World of Work
- ILO Child Labour Project
- ITUC- Human & Trade Union Rights (HTUR)
- ILO- women Entrepreneur Development

### Budgets allocated to gender

The first key step that needs to be taken and addressed by both the Federation and affiliates is to constitutionalise the gender structure so that it would be allocated its own budget like any other constitutional structures. This issue has been reiterated time and again and we hope this time it shall be addressed.

However, we would like to exalt SADTU and NUM for having constitutionalised their gender structures. Tribute should also go to DENOSA, NUMSA and SATAWU for having made submissions towards achieving this. The very same affiliates have also reported that also they receive ample resources towards the gender structure activities.

Through our engagement with provinces, we have noted that sometimes gender units do not prepare programmes of actions which include budgets gives unions a 'scapegoat' not to allocate them budgets. We would like to advise affiliates' gender structures to ensure that programmes of action which include budgets

are prepared and tabled in the main budget of the unions' financial year and submitted on time.

It is regrettable that even up to now the issue of budget designated to gender is still a contested terrain and major barrier to implementation of programmes. We therefore remind those affiliates that are still lacking in this area to make an improvement. Below is a table indicating affiliates performance on gender budgeting:

**Affiliates and availability of gender budgets in their unions:**

Denosa	Yes		
Fawu	Yes	Ceppawu	No
CWU	No	Nehawu	-
NUM	No	Numsa	-
Popcru	Yes	Saccawu	Yes
Sactwu	Yes	Samwu	Yes
Sadtu	Yes	SAMA	-
Sadnu	-	Sasawu	-
Pawusa	-	CWUSA	-
Sasbo	-	Sasfu	-
Satawu	-	Safpu	-

**Provincial Consultative Workshops**

The national gender office has managed to go out on an outreach consultative programme in the pre-conference phase to familiarize affiliates with the prepared conference documents and seek mandate on the drafting of the overall draft resolutions on gender to be tabled at the National Congress of COSATU in September 2012. Generally, provinces did very well in terms of organising and co-ordination.

Of all the provinces consulted, we were delighted to note the tremendous support rendered to the gender structures. Not only did the Provincial Secretaries welcomed and blessed the seminars through political education to participants but the most applaud-able move is that of availing resources for the running of the workshop at short notice. Unfortunately, poor attendance has been noted and that there is a disproportionate number of male participation in these structures.

**Discussion Documents for Conference**

One of the resolutions of the last 10<sup>th</sup> COSATU Congress resolved on the need to ratify key ILO Gender Conventions which include among them ILO Convention 183 and Recommendation 191 on Maternity

Protection. As such, discussion documents pertaining to maternity protection/domestic workers have been prepared for this Conference.

A special document has been prepared as a follow-up to recommendations of the previous congress to further lobby affiliates on the subject on sex work. Other documents have been drafted that form part and parcel of union business such as sexual harassment, gender machineries, gender & politics, collective bargaining, gender-based violence/homophobia, HIV/Aids. These papers are meant to reflect on previous resolutions adopted by the Federation and develop campaigns moving forward. As for those areas without passed resolutions, we need to ensure we develop such.



Western Cape workshop on sex workers

## Sex Workers

The sex work discourse and campaign among Cosatu affiliates for the decriminalization was tabled at the Federation's 10<sup>th</sup> Congress in a form of a resolution but was deferred because of contestation and opposition, not understanding and of ignorant to the subject amongst delegates. Affiliates had the responsibility to go back and make further consultations, sensitization with their structures and open up a discussion at the level of the COSATU Central Executive Committee. In 2009 COSATU drafted discussion document to assist affiliates to engage further and have more understanding on the issue.

The NGCC noted the lack of discussion of affiliates and updated the discussion document. The draft discussion document aims to resuscitate the debate and ensure that COSATU and its affiliates further engage within structures, alliance, non government organizations and with the Government on the decriminalization of Sex Work. Indeed, it is high time that the debate on decriminalization should be concluded and that sex work be recognized as work. On the 2<sup>nd</sup> day of the conference we will have a panel discussion on Sex Workers.

## Monitoring and evaluation of gender programmes

This is still weak amongst affiliates and no clear mechanisms have been put in place. Lack of ample resources to undertake such has also been attributed to the failure and non-existence of such instruments and activities in unions.

COSATU has two reporting mechanisms for gender structures in place; through the provinces and the National Gender Committee (NGC). Lack of reporting of activities undertaken by affiliates is a major problem faced by all provinces, with an average of 5 affiliates sending in their reports per province and is always the usual unions like SACCAWU, SADTU, SATAWU, POPCRU, CEPPWAWU and NEHAWU. This failure to report impacts negatively on the provincial reports and interventions that are supposed to be done by the Federation. However, through the NGC, most affiliates with gender co-ordinator are able to send in their reports through the National Gender Coordinator's office.

Unfortunately, there are weak monitoring and evaluation mechanisms for the gender programmes from local, provincial and national level. This is an area that needs improvement. However, we would like to commend SATAWU for having done a gender review for the period 2007-2011. Also are

## Opportunities

- We have formed strong Alliances with Progressive gender formations meant to address and fight gender inequalities in society most notably the Commission for Gender Equality (CGE); Progressive Women's Movement of South Africa (PWMSA); ANC Women's League (ANCWL); Department of Women, Children Person Living With Disabilities(DWCPD)
- As a structure getting support from the academic institutions like UCT Social Law project, Wits University through GLU
- Also support from Labour Research Services
- Gender report forms part of the Secretariat report to the Central Executive Committee (CEC)
- In provinces, Gender Chairpersons and Secretaries form part of the Provincial Executive Committees (PECs) with full participating rights
- Capacity building/ gender development programmes for shopsteward

## Challenges

- Poor attendance to Provincial Gender Meetings has been observed in almost all provinces. However, it is important to acknowledge those unions that are always actively participating in gender structure meetings and workshops in their provinces. These are SATAWU, NUMSA, NEHAWU, SADTU, POPCRU, SACCAWU, NUM, CEPPWAWU and CWU.
- Still some affiliates stereotype gender in constitutional meetings and have not taken this structure seriously; no gender policies have been put in place or coordinators appointed to drive the programmes until today. We would like to advise those affiliates to address such gaps.
- Meager resources still allocated which might hinder implementation.
- High leadership turnover which impacts negatively on sustainability of structure
- Poor communication and inadequate information dissemination amongst provincial gender structures.
- Lack of support from the union
- Difficult to get time-offs for members of the gender committee
- Sometimes programmes are developed but not implemented due to lack of resources

## Recommendations

- COSATU and its affiliates should make an effort to constitutionalise the gender structure as recommended over the years.
- It is good to note that all provinces have provincial gender structures but emphasis should be placed on efficiency and vibrancy in terms of programmes.
- Affiliates should submit the gender reports as guided by the Federation's policy on reporting. They should also be send in time prior to meetings.

- Attendance to meetings by affiliates needs to be improved and consistency is also required. It is difficult to make follow-ups of issues if participants' attendance is irregular.
- Having noted that sometimes gender units do not prepare programmes of actions which include budgets gives unions a scapegoat not to allocate them budgets, we recommend that affiliates gender structures should ensure that programmes of action which include budgets are prepared and tabled in the main budget of the unions' financial year.
- Child Labour issues should be included in collective bargaining for companies to adopt a school or children for bursaries



**Special gratitude to the two admin team Nelisiwe Steele(COSATU) and Nelisiwe Ntutu(Solidarity Center /AFL-CIO): pictured in the Collective Bargaining training for Provincial Gender Office Bearers 2010**



**COSATU**

**TAKING THE DECISIONS FOR LIFE  
TRADE UNION CAMPAIGN FORWARD!**

## Appendices

# **TAKING THE DECISIONS FOR LIFE TRADE UNION CAMPAIGN FORWARD!**

### **Introducing the DFL Campaign**

The 'Decisions for Life' (DFL) Trade Union Campaign was initiated by the International Trade Union Confederation in 2008 in cooperation with UNI Global Union, the University of Amsterdam and the NGO Wage Indicator. For the past 3 years the campaign targeted young women between the ages of 15-29 in the service sector. The Campaign includes federations and service sector unions in South Africa, Angola, Mozambique, Zambia, Zimbabwe, Brazil, India, Indonesia, Azerbaijan, Belarus, Kazakhstan and Ukraine.

In March 2009 representatives from the 4 South African trade union federations together with service sector unions affiliated to UNI met to officially launch the Decisions for Life Trade Union Campaign. For the representatives at the March workshop there was a sense of excitement and anticipation. "Decisions for Life" to most of us seemed an unusual name for a trade union campaign – but a name that seemed to offer the possibility of connecting to all the aspects of our lives as women –as throughout our lives we are making decisions, some positive and affirming but many others that we often wish we could later change.

The Decisions for Life Trade Union Campaign's focus on young women workers in the service sector between the ages of 18 and 29 (in S.A we shifted the age from 15 to 18) offered us, the more middle age, Gender Coordinators an exciting opportunity to connect with a largely neglected layer in the trade unions i.e. young women workers and young women seeking employment. Targeting young women in the service sector also meant that with this campaign we could connect with women in some of the most vulnerable and exploited forms of employment e.g. call centres, retail stores, shopping malls, house-keepers from hotels, young women involved in informal service related work etc.

After a few campaign team meetings of representatives from all 4 federations, the DFL had a public launch in Johannesburg in August 2009 and since then launches have taken place in the cities of Cape Town in the Western Cape, Polokwane in Limpopo and Durban in Kwa-Zulu Natal. Each of the 4 Provinces participating in the campaign has a Campaign Coordinating team made up of young women workers and officials from affiliates of the 4 federations. The Campaign Coordinating teams acts as the engine of the Campaign and organises meetings, workshops, workplace events and recruitment, awareness raising, mobilising and organising activities. The Labour Research Service assists with the coordinating of the campaign.

Over the past 3 years we have actively engaged with young women in the workplace, in tertiary institutions, in public spaces like the public libraries and clinics and with unemployed young women in community based organisations. Our focus has been to assist young women make decisions in both their private and public lives - decisions about their bodies, their relationships, their home lives, their workplaces and their roles in the trade union.

We have conducted a number of awareness-raising and empowerment campaigns and activities for e.g. "knowing your rights when signing a contract", "your rights as a causal or contract worker", "your right to choose to use a femidom". We have also organised a number of successful programmes for e.g. "young women and wellness in the workplace", "choosing to be a mother –now, later or never", "young women and skills development etc. Some of our activities have included road shows, workshops, information stalls in shopping malls and tertiary institutions, workplace visits, community visits etc. All our activities are focussed on "making the trade union a home for young women".



**Saccawu young organizer and shop steward leading the DFL campaign "Your right to choose to use Femidom campaign"**

### **Taking the DFL Campaign forward**

In December 2011 the DFL Campaign was reviewed. The initial financial grant that ITUC had secured for the Campaign had come to an end. In the review meetings representatives from all the participating countries agreed that the Campaign had thus far been hugely successful and that a number of important lessons about organising young women had been learnt through the campaign. The name "Decisions for Life" has also in some ways become a "brand name" that young women can identify with. It was therefore agreed that participating federations would continue and extend the campaign beyond the service sector to young women working in all sectors.



The campaign would also continue the focus on young women seeking employment. The website [mywage.com](http://mywage.com) would continue to support the campaign by publishing articles by and for young women. So, even though ITUC cannot continue providing the same level of resource support, participating federations agreed that there would be an intensification of the campaign.

## Our proposals for taking forward the campaign

In November 2011 representatives from UNI affiliates and federations participating in the 4 provincial campaign teams met to plot a way forward.

### ***Extending the Campaign***

- The DFL campaign will be extended to young women in all sectors and in all provinces

### ***DFL Campaigns***

- Labour Laws and the protection of young women
- Young women accessing the right to education, training and skills
- Promoting the choice of using a femidom – Young women taking control of their bodies
- Removing all forms of sexual harassment in the workplace
- Anti – Walmart Campaign with a focus on the impact on young women

### ***DFL Women empowerment programmes***

- Building our self-esteem and valuing our reproductive work
- Taking control of our bodies
- Special focus on young unemployed mothers
- Working with young women in precarious forms of employment
- Young women and the “debt trap”

### ***Building a DFL young women’s network***

- Key focus on young women in rural workplaces and communities – building relations and assisting with campaigns
- Extending and strengthening the existing network of young women – who have emerged from the past 3 years of the campaign
- Sharing and developing joint approaches to young women and collective bargaining
- Creating young women worker exchange programmes
- Extending the campaign to more precarious sectors e.g. young women doing domestic work

### ***Social networking and media***

- Strengthening and extending the local social networking processes
- More use of the cell phone
- Continue using the mywage website for campaign building.



## TERMS OF REFERENCE FOR COMMISSIONS

# TERMS OF REFERENCE FOR COMMISSIONS

## The Presenter / Resource Person

1. Summarise the relevant documents
2. Provide Critical information on existing legislations and policies pertaining to the issues for discussions
3. Assist on drafting of the outcome of the discussions

## The Chairperson

1. Summarise key points of the presentations and Facilitate discussions
2. Introduce the questions
3. Summarise the discussions for a commission to be able to reach consensus
4. Work closely with the scribe to ensure that the outcome of the commission is drafted and presented in a resolution form.
5. Provide information on the adopted Federations decisions, programs, resolutions and policies
6. Bear in mind resolutions taken on previous congresses, what achieved and what still need to be achieved
7. Read and understand documents of the commission

## The Scribe

1. Capturing of critical information under discussion
2. Take into consideration the discussions that emanated from the plenary discussions
3. Compile all the information for presentation
4. Select relevant information for resolutions
5. Draft report from the commission in a form of a resolution
6. Allow the chair to comment before presented to the plenary
7. Bear in mind resolutions taken on previous congresses, what achieved and what still need to be achieved
8. Read and understand the documents
9. Present the overall outcome of the commission
10. Provide information on the adopted Federations decisions, programs, resolutions, policies

<b>Commission (One)</b>	<p><b>PROMOTING DECENT WORK &amp; SOCIAL PROTECTION FOR ALL</b></p> <ul style="list-style-type: none"> <li>• Maternity Protection</li> <li>• Domestic Workers</li> <li>• Sex Workers</li> </ul>
	<p><b>PRESENTERS/RESOURCE PERSONS</b></p> <ul style="list-style-type: none"> <li>• <b>Janine Hicks(CGE)</b> : Maternity Protection &amp; Sex Workers</li> <li>• <b>Fairuz Mullage(UCT Social Law Projects)</b> : Domestic Workers</li> </ul> <p><b>CHAIRPERSON</b></p> <ul style="list-style-type: none"> <li>• Beauty Zibula ( SACTWU 1<sup>st</sup> Deputy President)</li> </ul> <p><b>SCRIBES</b></p> <ul style="list-style-type: none"> <li>• Louisa Nxumalo</li> <li>• Phillip Mokwena (FAWU gender coordinator)</li> </ul>
<b>Commission (Two)</b>	<p><b>REFLECTION ON GENDER MACHINERIES</b></p> <ul style="list-style-type: none"> <li>• Commission for Gender Equality(CGE)</li> <li>• Progressive Women of S.A.(PWMSA)</li> <li>• Department of Women,Children &amp; Person living with Disabilities(DWCPD)</li> </ul>
	<p><b>PRESENTERS/RESOURCE PERSONS</b></p> <ul style="list-style-type: none"> <li>• <b>Fundi Ndzimande</b>(NALEDI Researcher/Educator)</li> </ul> <p><b>CHAIRPERSON</b></p> <ul style="list-style-type: none"> <li>• Angie Pheetle (SACCAWU 2<sup>nd</sup> Deputy President)</li> </ul> <p><b>SCRIBES</b></p> <ul style="list-style-type: none"> <li>• Phindile Kunene</li> <li>• Ayanda Nabe (SAMWU gender coordinator)</li> </ul>
<b>Commission (Three)</b>	<p><b>COLLECTIVE BARGAINING/ BARGAINING AGENDA FOR GENDER(BAG)</b></p> <ul style="list-style-type: none"> <li>• Socio-Economic Issues(wage gap/living wage)</li> <li>• Sexual Harassment</li> <li>• Gender Based Violence/Homophobia</li> <li>• HIV &amp; AIDS</li> </ul>
	<p><b>PRESENTERS/RESOURCE PERSONS</b></p> <ul style="list-style-type: none"> <li>• <b>Jane Barret</b> – (COSATU) Issues for bargaining(wage gap/living wage)</li> <li>• <b>Saliem Patel</b> – (LRS)</li> </ul> <p><b>CHAIRPERSON</b></p> <ul style="list-style-type: none"> <li>• Louisa Thipe (Saccawu 1<sup>st</sup> Deputy President)</li> </ul> <p><b>SCRIBES</b></p> <ul style="list-style-type: none"> <li>• Theo Steele</li> <li>• Dimakatso Monama (POPCRU gender coordinator)</li> </ul>

<b>Commission (Four)</b>	
<b>Developing Cadres for Political Consciousness</b> <ul style="list-style-type: none"> <li>• Build quality cadreship</li> <li>• Capacity building for leaders</li> <li>• Gender &amp; Politics</li> </ul>	<p><b>PRESENTERS/RESOURCE PERSONS</b></p> <ul style="list-style-type: none"> <li>• Liesel Orr – NALEDI Senior Researcher</li> </ul> <p><b>CHAIRPERSON</b></p> <ul style="list-style-type: none"> <li>• Nomvula Hadi (SAMWU 1<sup>st</sup> Deputy President)</li> </ul> <p><b>SCRIBE</b></p> <ul style="list-style-type: none"> <li>• Crystal Dicks</li> <li>• Mapaseka Sephiri( Nehawu gender coordinator)</li> </ul>

## QUESTIONS FOR COMMISSIONS

### COMMISSION ONE (Promoting Decent Work & Social Protection for All)

#### Maternity Protection

1. *What maternity benefits are available for working women? Are there adequate provisions to access such benefits? In what way does this impact on them?*
2. *Who should pay for maternity benefits for working women?*
3. *How best can we ensure maternity protection for ALL women as enshrined in ILO Convention 183?*
4. *Would we support the creation of a distinct Maternity Fund? Who should pay?*
5. *What percentage of workers' salaries should maternity fund contribution comprise?*
6. *What are the key areas of action that should be taken by COSATU and its affiliates to ensure maternity protection for women and ratification of C183? (N.B. Commission to come up with a programme of action for advocacy purposes)*
7. *What are the opportunities and possible challenges that could be faced in ensuring maternity protection for ALL women?*

#### Domestic Work

1. *What measures / strategies are required to ensure better organizing of and representation of issues impacting on domestic workers? What support can COSATU and its affiliates can provide to this end?*
2. *What steps are required to ensure effective implementation of the provisions of Sectoral Determination 7 on Domestic Work? What interventions are needed to ensure effective monitoring of and compliance with these provisions?*
3. *Considering **deregistration** of SADSAWU in 2011, what kind of support can Cosatu provide to the organisation to ensure its continuous fight for the vulnerable domestic workers?*
4. *What are the key areas of action that should be taken by government, business and labour to ensure protection and adherence to the 'spirit' of the ILO Convention on Decent Work for Domestic Workers and the **ratification of the convention by government?***  
(N.B. Commission to come up with a programme of action for advocacy purposes)
5. *One of the major challenges faced by SADSAWU is that of **securing bargaining partners for collective bargaining purposes in accordance with the LRA**. How can the organisation solve this problem?*

## **Sex Workers**

1. *What steps can we take to ensure the rights of sex workers are not violated?*
2. *What support could our affiliates provide to address the exploitation of this category of workers?*
3. *How best can we deal with the issue of criminalisation of sex work as it is in South Africa today?*

## **Commission Two: Reflection on gender Machineries)**

### **(a) National Gender Machineries**

1. *What role should COSATU and its affiliates as key stakeholders play in monitoring the effectiveness of the National Gender Machinery?*
2. *How can COSATU and its affiliates strengthen their engagements with stakeholders within the National Gender Machinery, to ensure gender issues impacting on the working class are fed into their programmes of action?*
3. *What are the common challenges faced by the National Gender Machineries? How can the NGMs overcome these problem ?*

### **(b) COSATU Gender Policy**

4. *How can we engage with COSATU's draft gender policy in order to review and update it?*
5. *Identify broad areas that need to be updated.*
6. *What measures do we need to put in place to ensure that the policy is fully implemented?*
7. *What potential challenges are we likely to face internally, and how can we overcome these?*

## **Commission Three: Collective Bargaining / Bargaining Agenda for Gender (BAG)**

### **(a) Collective Bargaining Process**

1. *How can we ensure that women and gender activists participate and engender the negotiations process (from the mandate taking stage to the signing stage) in order to push for gender demands to be negotiated.*
2. *What kind of measures can be put in place to ensure that more women activists / leaders are represented on the negotiations teams/bargaining councils/ Employment Equity committees etc.*
3. *What are the strategies which could be used to mainstream gender in collective bargaining, in the workplace and in trade unions?*
4. *Identify those obstacles in unions which prevent gender issues being realized in collective bargaining.*

### **(b) Equal Pay For Work Equal Value**

1. Discuss your understanding of this collective bargaining demand?
2. How can we push for the implementation of this demand at the negotiation table?
3. What measures should be put in place to monitor compliance by companies through the EEA?

### **Sexual Harassment**

1. There seemed to have been a **great silence** with regard to Sexual Harassment in the workplace. What could be the **major** reasons for this?
2. What mechanisms can be put in place to improve **reporting and handling** of Sexual Harassment cases in the workplace? *What additional measures are required to ensure these are effectively implemented?*
3. *Are unions negotiating Collective Bargaining Agreements on the Elimination of Sexual Harassment Policy and Procedures with employers?*
4. *What role should Cosatu and its affiliates play to ensure resuscitation and continuation of the Sexual Harassment & Empowerment Programme?*

### **HIV & AIDS**

5. *What steps should we take to ensure we engage with Employers on issues relating to the health needs of and burden of care imposed on workers infected with or affected by HIV and AIDS?*
6. Identify in respect of each of the sub-objectives mentioned in the paper what needs to be developed in the plan to be implemented in the affiliates, provinces and the entire federation.

### **Commission Four: Developing Cadres for Political Consciousness**

1. What is meant by building the activism and political consciousness of women cadres? and how do we do this?
2. How do we incorporate young women into our programmes to develop them into a layer of politically conscious activists?
3. What kind of programmes/campaigns/activities should we develop and implement to build the cadres? Would this include mentorship and what kind of mentorship programmes should be implemented?
4. How do we deepen our perspectives and develop campaigns to challenge capitalist patriarchy and build a left platform of gender conscious activists?
5. How do we integrate lessons from the attempts to transform gender relations in socialist countries to develop our campaigns and programmes in a South African context?



**COSATU**

## **Summary of Discussion Documents**

## Summary of Discussion Documents

### Introduction

In preparation for the Cosatu Gender Policy Conference scheduled for the 26<sup>th</sup> -28<sup>th</sup> of March 2012, some discussion documents were prepared to stimulate robust debate. The papers aim to assess progress made on the last congress resolutions (if any), policies relating to gender including women empowerment. Below is a summary of the key documents drafted for four commissions, whose input is envisaged to generate draft resolutions for adoption at the Cosatu Elective Conference to take place in September 2012.

### Maternity Protection

One of the resolutions of the last 10<sup>th</sup> Cosatu Congress resolved on the need to ratify key ILO Conventions that speak to gender which includes among them ILO Convention 183 and Recommendation 191 on Maternity Protection. As such, a discussion document pertaining to maternity protection has been prepared for Cosatu's 3<sup>rd</sup> National Gender Conference.

This discussion document has arisen as a result of the research which was commissioned by Commission for Gender Equality (CGE) and conducted by Legal Resources Centre (LRC) in relation to South African legislation on Maternity Protection.

The CGE in partnership with Gina Barbieri Attorneys (the initiator of this campaign), LRC, South African Self-Employed Women's Association and the South African Business Women Association undertook a series of Provincial consultative dialogues based on the research, with a range of categories of self employed and working women to determine its prevalence and impact and inform the CGE's response and engagements with government and key stakeholders in the sector.

The provincial dialogues revealed that a broad range of working women is affected by the lack of access to maternity benefits. These include women informal traders, self employed, informal economy, artists, women run cooperatives, women contractors with the state's Extended Public Works Programme.

Practical challenges such as: some companies require workers to have been employed for two-year period before they are deemed to qualify for maternity leave; those working in informal sector are forced to return to streets with their new-born babies, compromising the health of both the mother and the baby. Those in Public Works Programmes have to work longer into their pregnancy some suffering health problems and even end up suffering miscarriages.

Of great relevance in all these consultations, self employed women indicated that they would be willing to register and contribute 1% of their income towards a maternity benefit fund if one was to be established.

After these Consultations, CGE met with COSATU and has accordingly joined forces to raise awareness around this issue, and engage with policy-makers to address this Lacuna in South African Law.

The maternity protection discussion paper therefore argues that though women workers are covered to some extent by existing labour laws (Constitution, Labour Relations Act(LRA) and Basic Conditions of Employment Act(BCEA) or UIF), there is still a **huge gap** as there is **no specific labour law addressing the issue of maternity protection and benefits**.

Working **women** are obliged to draw on their **unemployment** contributions to the **Unemployment Insurance Fund**(UIF) to **cover maternity leave**, should they at the later stage become unemployed, their 'pot' of **unemployment funds** on which they can draw has been **diminished**. The sense is that it is discriminatory to force women to draw on unemployment funds to cover maternity leave- this is in effect penalizing these women for giving birth. As such, some aspects of the South African national labour laws need to be amended or additions made to ensure employment protection and non-discrimination for pregnant women especially those working in the informal sector and self-employed.

The paper also aims to raise concerns in relation to **discrimination** against working women, their limited or **lack of access** to adequate and **paid maternity benefits** for **all classes** of working women, and also the state practice and non-compliance with international obligations concerning access to maternity benefits for all classes of working women.

The situation is further exacerbated by the constrained definition of "employee" and the industrial relations thereof stipulated in these different legislations.

The paper **noted** that the **blind eye** paid by the **government** denotes not only to **workplace discrimination** but to **undervaluing of women's contribution** to the countries overall **Gross Domestic Product (GDP)** and the entire economy.

It also calls for South African Government as a member and signatory to the ILO, to respect the international law and ratify Convention 183 and its Recommendation 191.

**N. B.** The ILO Convention 183 and Recommendation 191 of 2000 are some of the protective measures established to cater for the gaps noted at international level. But unless a member state ratifies the Convention, they are not obliged to comply.

Overall, the paper seeks to **lobby COSATU to resuscitate the debate** for the ratification of ILO Convention 183 at NEDLAC level acknowledging the prior efforts made by the federation previously. Further, it is the hope of this paper to see the Federation taking a lead at national level on advocacy/ campaign for adoption of the international instrument which would compel the state to comply and recognise the great work (productive and social reproduction)done by women for both business and the nation.

The CGE and COSATU convened a consultative dialogue in a form of a round table discussion at the national level with a broad spectrum of stakeholders in this sector, to address this issue, and develop recommendations for our government to make good on its obligations to ensure that women have equal access to work, career advancement and social security.

#### **Key Recommendations emerged from this process which include the following:-**

- The need to separate maternity benefits from UIF measurers
- The need to establish a maternity benefit fund, to which women and men can contribute and draw on.
- The need for further legal research on this matter to inform the development of concrete policy proposals.
- The need for the CGE and COSATU to join forces with the ILO and the Department for Women, Children and People with Disabilities to develop policy recommendations and table these before decision-makers for enactment.

- The need for COSATU to facilitate deliberation on this matter with employers through existing bargaining council structures.
- The need for extensive awareness – raising and mobilization interventions among all classes and categories of working women and men.
- A call to the state to ratify the ILO Maternity Convention 183 with its Recommendation 191.

## **Domestic Work**

### **Introduction**

This paper has arisen as a follow-up of the commitment made by Cosatu on the Summit held between 27-28 August 2011 which the federation hosted in partnership with the South African Domestic Services and Allied Workers Union (SADSAWU) and the South African Office of the ILO.

The Federation committed itself to ensure that it works collectively with other progressive forces<sup>1</sup> to ensure that the South African Government ratifies ILO Convention 189 (C189) on Decent Work for Domestic Workers and Recommendation 201 (R201) adopted on 16 June 2011 by the 100th session of the International Labour Conference (ILC). Acknowledging the significant role played by South African Government in supporting and advocating for the adoption of the Convention. This was a follow-up of the adoption of the first ever International Domestic Workers Convention and its Recommendation. The paper therefore calls for the country to play a leading role again in the ratification and domestication of C189 & R201. Conventions are legally binding and would compel ratifying member states to comply and be abide by the expectations of such instruments.

The discussion paper on domestic work prepared for the Cosatu Gender Conference provides an overview on the gaps between the South African Law on domestic workers and Convention 189 on decent work for domestic workers. South Africa as a country does have a framework that regulates this sector but there is poor level of compliance and monitoring.

The adoption of ILO Convention 189 (189) and Recommendation (R201) on decent Work for Domestic Workers was an important development for this vulnerable sector. A number of areas are identified covered by C189 and R201 but not provided for in SD 7 such. These include amongst them exclusion from Occupational Health and Safety (OHS) cover, violation of human and trade union rights, no maternity protection coverage, lack of protection of migrant workers, right to repatriation, right to privacy, right of a domestic worker to education, abolition of child labour, and right to collective bargaining.

The paper acknowledges the “significant contribution of domestic workers to the global economy” and that domestic work is “undervalued, invisible, underpaid; unprotected by the legislations and mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities”.

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<sup>1</sup> In support of the summit were delegates from the following labour federations, government, civil society organisations; National Council of Trade Unions (NACTU), Federation of Unions of South Africa (FEDUSA) , International Labour Organisation (ILO), Social Law Project (SLP), Labour Research Service (LRS), African National Congress – Women’s League (ANCWL), and Progressive Women’s Movement of South Africa (PWMSA).

There is an extensive discussion on South Africa's Sectoral Determination 7 (SD7) (which formed the basis of C189) on domestic work which provides standards for conditions of employment, minimum wages, and Unemployment Insurance Fund (UIF) benefits, among others. Overall, the paper recognises the need to align SD7 with C189 and R201 by including these provisions.

The paper also acknowledges the massive and significant contribution of domestic workers to the economy of South Africa and globally it also points out the difficulties of organizing domestic workers and also the challenge of not having bargaining councils for the vulnerable sector.

**Organizational weaknesses** have been noted as a hindrance to successful organizing and this has been raised in light of the **De-registration of SADSAWU**. Such weak organization of domestic workers and **poor support** by the **trade unions** make it **impossible to challenge** whoever is assigned to account on the **improvement of the working conditions** of this mostly vulnerable workers.

Further, the paper also advises worker organisations on the significance of them to comply with laws that regulate them for the sake of poor vulnerable workers and calls and urged unions to devise strategies to overcome the challenges faced by the vulnerable sectors.

In light of the above, it is important to ensure that domestic work discussions find space at the Cosatu Gender Conference to enable affiliates to debate and seek ways to support domestic workers and their organisations.

## Conclusion

With C189, domestic workers are envisaged to enjoy protection equivalent to any other workers and ought to enjoy the benefits such as working hours, minimum wages, overtime compensation, weekly rest period, social security and maternity protection.

However, it is up to South African government to ensure that these rights find expression in the South African Labour Law, through ratification and integration to the existing national legislations. Trade unions have the huge obligation of ensuring implementation and monitoring of such protective laws on behalf of the working class.

With regards to accommodating, supporting and capacitating SADSAWU, the Federation has to be flexible with its requirements for a union's acceptance as an affiliate in order to accommodate smaller or 'poor' unions. The 'one -size -fits all strategy is exclusionary to marginalized groupings of workers especially women and those working in vulnerable sectors. Cosatu should continuously support SADSAWU in the very same manner it did towards the adoption of the ILO Convention on Decent Work for domestic workers.

## Recommendations

- Domestic Workers Summit called upon the South African Government to be the first country to ratify Convention 189 on Decent Work for Domestic Workers.
- Domestic workers should be empowered by trade unions, government and non - governmental organizations.
- Government policies should recognize the contribution of domestic workers to the economy.
- There is a need for reliable data for effective monitoring and measuring levels of compliance.

Universities, research organization and academics to put resources and commission a research with an accurate data of domestic workers registered with the Department of Labour but also document the plight of domestic workers.

- Viable organizing models or strategies should be devised organizing them and a bargaining council established vulnerable sector.
- Campaign for trade union federation affiliates' members to allow their domestic workers to join trade unions.
- Encourage trade union federation affiliates' to invite domestic workers trade unions to their educational programmes.
- Government should provide skills development systems that would empower workers beyond domestic work.
- There is need for relaxation of trade union registration requirements for domestic workers' organizations and other vulnerable sectors.
- Campaigns should be done to advocate for stronger compliance and enforcement measures through, among other, inspectorate systems.
- Organize a 'domestic workers parliament' so that domestic workers views could be heard by politicians.
- Convene an annual domestic workers' summit to evaluate progress and develop new strategies
- Establish domestic workers' watch programs in the areas where they are working
- Unions to ensure that domestic workers earn a living and decent wage.
- Use the national days to blitz and raise awareness on domestic workers legislations
- Migration laws and procedures should be amended such that immigration officials should not be involved in labour disputes
- Ensure that domestic workers are not be deported whilst their labour case is still in dispute and unresolved.

### **Gender Machineries**

The Gender Machineries which include the Commission for Gender Equality (CGE), PWMSA and the ministry for Women and Children and People with Disabilities were established as a means to improving the lives of the most disadvantaged namely the working class, poor, disabled and rural women.

The paper interrogates to what extent the machineries have addressed poor working women's problems. It argues that Cosatu as one of the founders of the GM should play a central role in monitoring and ensuring that the GM serve the purpose of which they were designed and established for. Again, the federation is expected to strengthen and guarantee a working class bias within the GM. The paper also presents some opportunities and challenges that might facilitate or hinder progress and articulating of issues meant to be addressed.

The paper that deals with South African gender machinery highlights the role of COSATU in the development of national gender machinery in South Africa. The history and discussions that were a precursor to the setting up of national gender machinery are included in the paper. Key in these important discussions was the Women's National Coalition (WNC) which initially fought for the inclusion of women and women's issues in the process of negotiations for South Africa's transition from apartheid to democracy.

The Women's National Coalition was very pivotal in ensuring that this process is taken beyond the negotiations to the drafting of the constitution which contains clauses pertaining to women's rights such as the right to equality; the right to safety and protection; the rights to access social services; the rights to employment and a provision contained in Chapter 9 of the constitution for a Commission on Gender Equality. Other institutions

provided for in Chapter 9 also cater for women's interests.

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### **The Office on the Status of Women**

The Office on the Status of Women (OSW) was established in 1996 and was located in the Presidency.

The broad mandate of the OSW included:

- To ensure that government lives up to its constitutional and political mandate as well as its international commitments of making a non-sexist, equitable and equal society a reality;
- To develop and advance national policy on women's emancipation and gender equality;
- To advise the Presidency and work with different departments on all matters pertaining to women's emancipation and gender equality;
- To consult and liaise with civil society on gender issues;
- To provide a framework for the effective implementation of the gender programme at the national, provincial and local government levels.<sup>2</sup>

### **The SA National Framework Policy for Women's Empowerment and Gender Equality**

The National Framework Policy for Women's Empowerment and Gender Equality, popularly known as Gender Policy Framework (GPF) was adopted in 2000. The GFP deliberately chose a "basic needs" approach as its foundation.

This was in spite of the fact that South Africa is considered to be a middle-income country. Whilst this may be true, the majority of people in South Africa, mainly women live in abject poverty or in fear of poverty. This approach is still relevant today when we consider the current economic crisis that started in 2008 where South Africa lost over 1 million jobs.

The Minister of Economic Development said that the global economic collapse in the second half of 2008 had resulted in the loss of 1.1 million jobs in South Africa, with a further 739 000 people joining the ranks of discouraged work-seekers (between the last quarter of 2008 and the second quarter of 2010) and where 4 in 5 jobs lost were women's jobs.

The Gender Policy Framework was not merely an academic exercise; but it emerged from a very lengthy and hopefully meaningful consultative process which started in 1990.

The Gender Policy Framework also proposed measures, processes and mechanisms to indicate progress towards gender equality. These included legislation and policies; establishment of a focal point for women parliamentarians; gender mainstreaming across all levels of government; the development of provincial gender action plans and the monitoring of policy implementation.

2 Adapted from: [www.afdevinfo.com](http://www.afdevinfo.com)

## The Commission on Gender Equality (CGE)

The CGE is an institution established in terms of Chapter 9 of the SA Constitution. Its constitutional mandate is contained sections 119 of the 1993 Constitution, section 187 of the 1996 Constitution.

The Commission on Gender Equality Act, in line with the Constitution, clarifies the independent status of the CGE. The role of the CGE can be split into five categories, according to the above-mentioned report namely: "monitoring and evaluation, investigations, education and information, research and liaison." (p148, *ibid*)

The tasks of the CGE have been highlighted in detail in the GPF.

## Mainstreaming of Gender and Gender Focal Persons

The major motivation for instituting gender focal persons resides in the need for gender mainstreaming, i.e. to ensure that gender concerns and gender sensitivity are infused into all programmes of government. The GFP as developed by the Office of States for Women (OSW) gave several responsibilities to government departments, Parliament and the Cabinet. For the gender policy to be effectively implemented and monitored, gender focal persons became critical.

The OSW reported that they have done trainings to build capacity for gender focal persons on gender mainstreaming. There could be more useful reports that the OSW or another structure of government has on the question of gender mainstreaming and the impact thereof; however this was not available to the researchers.

It is recommended, therefore that more research needs to be conducted on the whole issue of gender mainstreaming and gender focal persons so that data on the initiative can be publicly available and more reliable knowledge on the question of gender mainstreaming and gender focal persons is more readily available.

## Gender Machinery in Parliament

Initially Parliament set a Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women.

Many of the products such as the gender policy framework and the gender machinery were influenced by this committee.

This committee has gone through a transition. Today its equivalent is known as the Portfolio Committee on Women Children and Disabled Persons, which is aligned to the new Ministry of Women Children and Disabled Persons.

## National Ministry of Women Children and Disabled Persons

The call for this Ministry began in 2004. The Ministry is still relatively new as it was established after the 2009 elections. COSATU should be seeking to work together with it. The paper proposes that COSATU work with this Ministry should seek to:

- a. Review the National Gender Policy Framework. The policy has been in place since 2000, but it may need to be aligned with current realities.
- b. Build a consultative forum that allows for co-ordination of the gender programme, GAP and the

implementation of the gender policy in government and society at large.

- c. Lobby for research which looks at how far the gender policy has come covering; gender audit as well as the improvement of the lives and the status of women in society.
- d. Lobby for a co-ordinating structure for all gender machinery to ensure effective implementation of the gender policy, GAP and the gender programme.

## **COSATU Gender Policy**

The paper reflects that the COSATU Draft Gender Policy is comprehensive; however, affiliates need to engage with the policy in more detail. There may be a need, in the review to consider updating the statistics that the initial document relied and to indicate comparatively how this has changed in the last twelve years.

In the review, there need to be an assessment of the consistency or mobility of women within the labour movement and what factors affect this phenomenon. The policy needs to indicate whether the time period between 2000 and 2012 has registered an improvement in the socio-economic situation as well as the status of women in society including where most of the gains have been made and what still needs to be done in the federation and in society to improve women's socio-economic conditions as well as their status in society and in the federation.

There is a need to consider how internal factors such as attitudes, values and processes within COSATU trade unions and external factors such as the political landscape and socio-economic factors have impacted on the development, maturation and implementation of gender policy across the federation.

## **Conclusion**

This paper concludes by recommending areas on which COSATU could work with the Ministry of Women Children and People with Disabilities. It makes recommendations on how COSATU could take forward recommendations from the ad hoc Committee on Chapter 9 institutions. It makes recommendations on how COSATU could review the COSATU Draft Gender Policy and on what could be done on gender focal persons in departments as well as how COSATU could build a relationship with the Portfolio Committee on Women, Children and Persons with Disabilities.

## **Gender Based Violence (GBV)**

The paper focuses on GBV in South Africa. It reflects on GBV and its impact on women, children and LGT. It also reflects on the costs of GBV in relation to production, increased demand for public services, and the delay in the achievement of the MDGs. The paper indicates the interplay between patriarchy, culture and the economy in the prevalence of GBV. The paper recommends support for the proposed Commission on Gender Based Violence; the need for collective and inter-agency action on GBV and the need for COSATU to play a meaningful role in GBV interventions.

## **Sexual Harassment**

The aim of this paper is to reflect on the extent to which affiliates have taken forward sexual harassment matters since Cosatu and its affiliates adopted a Code of Good Practice on Sexual Harassment in May 1995 to ensure a safe working environment for women workers. It argues that there is little or no data at all about cases and disciplinary hearings recorded on SH in the workplace so far, which is a cause for concern as to whether unions are taking this subject seriously.

The government has played its part through amending the Labour relations Act (LRA) 66 of 1995 and the Employment equity Act 55 of 1998 code of Good Practice. It is the obligation of trade unions to ensure that such laws are beneficial to the beneficiaries in the workplace.

Unfortunately, there has been a huge silence with regard to sexual harassment and the paper seeks ways to resuscitate the project taking note of the fact that **more young women are entering the labour market and could be suffering silently**. Finally, the paper provides recommendations that are meant to contribute towards the adoption of a draft resolution on sexual harassment in the forthcoming gender conference.

### **HIV/AIDS**

The paper focuses on the link between gender and HIV arguing that where families are affected or infected by HIV/AIDS, women and girls bear the brunt because of the inequalities that exist in society. At the same time, women lose their jobs (due to extension of family responsibility leave) and girls miss or drop-out of school to care for their beloved ones which ultimately limits their autonomy in their economic and social lives. Girls will end up having sex at an early age and are subjected to contracting HIV as they are not empowered to negotiate safe sex.

The paper proposes for strategies that could be engaged to prevent the loss of jobs by women as a result of "caring for the terminally ill" family members. Again, it touches on one of the fundamental responsibilities of unions; *Access to treatment and care services*:

This deals with unions advising the employer on medical aids that have reduced the price of treatment (e.g. PEP, ARVs etc.) and also about insurance programmes that cater for HIV positive employees / dependants. The affiliates should continuously engage service providers on providing such services at rates that can be met by all employees.

HIV/AIDS remains a social problem and a reality that should form part of the 'daily bread of unions'. The paper concludes that though strides have been made in terms of ensuring parity for girls and boys, the education system still needs transformation to make it more inclusive to avoid future economic over-reliance by women.

### **Sex work**

The sex work discourse and campaign among Cosatu affiliates for the decriminalization was tabled at the Federation's 10<sup>th</sup> Congress but was deferred because of contestation and opposition amongst delegates. Affiliates had the responsibility to go back and make further consultations, sensitization with their structures and open up a discussion at the level of the COSATU Central Executive Committee.

The draft discussion document aims to resuscitate the debate and ensure that COSATU and its affiliates further engage within structures, alliance, non government organizations and with the Government on the decriminalization of Sex Work.

Indeed, it is high time that the debate on decriminalization should be concluded and that sex work be recognized as work as Arnott and Crago (2009) argue that:

"The criminalisation of sex work has precluded the enforcement and protection of sex workers' Labour rights. This disregard for sex workers as workers has left many of those employed in brothels in South Africa vulnerable to labor abuses such as withheld wages, arbitrary fines, restrictions on mobility, and confiscation of belongings including medication. Sex workers on the street or working in brothels and other agencies have

no recourse if customers refuse to pay them”<sup>3</sup>

The decriminalization of sex work means that sex workers would be protected against sexual harassment, violence, rape and unfair working conditions. Sex workers would be able to access non-discriminatory health care services, more empowered and brings sex work into the ambit of protective labour and occupational health & safety laws.

As a trade union movement, COSATU has an interest in the debate about sex work, from the point of view that sex work targets mainly the working class and the poor, predominantly black women. High levels of unemployment, poverty and gender inequality are key factors driving sex work. The global economic crisis has aggravated the situation for the poor majority through job losses, casualisation and feminisation of employment and poverty.

This situation has deepened the vulnerability of black working class women, who find themselves already disadvantaged by unequal life chances and opportunity for income and rewarding work because they lack the educational and job skills required by the labour market.

COSATU recognizes that high levels of unemployment and gender based violence increase the vulnerability of working class women and as such they are left with no option but to resolve to sex work.

Under conditions of inequality those engaged in sex work are not entering into free contracts out of their own free will. As breadwinners, they have socio economic responsibilities to feed their families and sending their children to school.

COSATU’s historical mission, as represented in its logo, is founded on the principle that workers drive the economy but they are not the ultimate beneficiaries. In their daily struggles, workers face the triple challenges of economic exploitation, racial and gender oppression.

COSATU has since its formation worked hard to unite the working class and to defend workers from exploitation. The sex industry is by nature exploitative and inherently dangerous. Women in the industry experience different degrees of abuse, coercion and violence, but all of them are harmed physically and psychologically. It would therefore be expected that COSATU would take the lead in finding workable solutions to the plight of the most vulnerable people in our society who find themselves with no choice but to engage in Sex Work.

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<sup>3</sup> See Arnott, J. and Crago, A (2009). Rights Not Rescue: A Report on Female, Male, and Trans Sex Workers’ Human Rights in Botswana, Namibia and South Africa. Johannesburg : Osisa



## NOTES



**COSATU**