

Progress Report:
**TRANSFORMATION IN THE
PUBLIC AND PRIVATE SECTORS**



Commission for Gender Equality
A society free from gender oppression and inequality

Twenty
22/23

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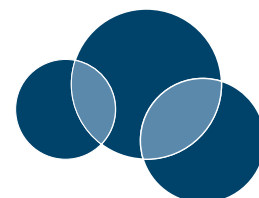
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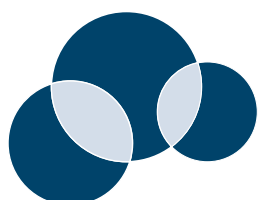
Title of Publications: **Gender Transformation in the Public and Private Sectors 2022/2023**

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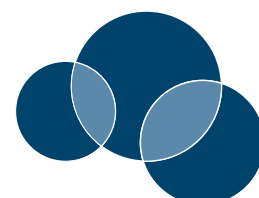
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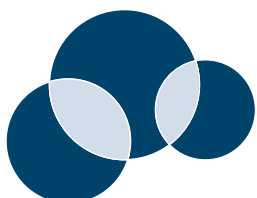


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Acronyms and abbreviations

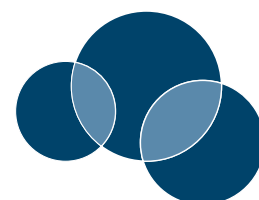
B-BBEE	Broad-Based Black Economic Empowerment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CGEA	Commission for Gender Equality Act, No. 39 of 1996, as amended
COVID-19	Coronavirus Disease 2019
DDG	Deputy Director General
DFFE	Department of Forestry, Fisheries and the Environment
DPSA	Department of Public Service and Administration
DTIC	Department of Trade, Industry and Competition
EE	Employment equity
EEA	Employment Equity Act, No. 55 1998, as amended
EME	Exempt micro enterprises
EPWP	Expanded Public Works Programme
FTE	Full-time employment
KPA	Key performance areas
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
PPPFA	Preferential Procurement Policy Framework Act, No. 5 of 2000
PWD	Persons with disabilities
QSE	Qualifying small enterprise
SANParks	South African National Parks
SCM	Supply chain management
SDG	Sustainable Development Goals
SMME	Small, medium and micro enterprises
SMS	Senior management service
STEM	Science, technology, engineering and mathematics
SVA	Stauch Vorster Architects
WEP	Women Empowerment Principle



1 Introduction

The Commission for Gender Equality is an independent statutory body created under Chapter 9 of the Constitution of the Republic of South Africa, 1996. The Commission is mandated to promote and protect gender equality in government, civil society and the private sector. To this end, the Commission for Gender Equality Act 39 of 1996, as amended ("the CGE Act"), gives the Commission the power to monitor and evaluate policies and practices of organs of state at any level, statutory bodies and functionaries, public bodies and authorities and private businesses, enterprises, and institutions to promote gender equality and make any recommendations that it may deem necessary.

During the 2021/2022 financial year, the Commission embarked on a public investigative process focusing on employment equality and gender transformation within the private and public sectors with the objective of examining compliance with transformation legislation and advancing equality in the employment and economic sector. As such, the Commission conducted transformation hearings on applying, implementing, and reviewing employment equity (EE) and other transformation legislation in the public and private sectors.



2 Rationale

The objective of these transformation hearings was to:

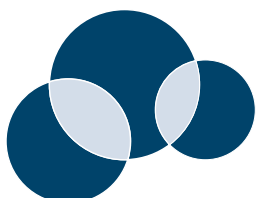
- Assess compliance with EE legislation and its policies
- Assess compliance with other transformation legislation and its policies
- Assess the impact of transformation legislation and policies on persons with disabilities (PWD), women and others previously disadvantaged in the public and private sector
- Address institutional and systematic barriers to economic and gender diversity in the workplace regarding the progress of women and PWD
- Raise awareness of relevant international commitments to gender transformation and the importance of compliance.

1. ArcelorMittal
2. Stauch Vorster Architects
3. SANParks
4. Department of Forestry, Fisheries and Environment

In its process as it pertained to the transformation hearings held, the Commission applied the EE and other transformation legislation as primary sources, among others:

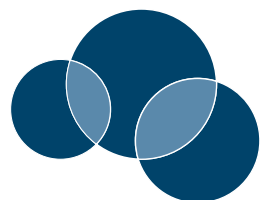
- Employment Equity Act 55 of 1998 (EEA), as amended, and its Regulations
- Employment Equity Amendment Bill September 2018
- Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) and its Regulations
- Broad-Based Black Economic Empowerment Act 53 of 2003 as amended (B-BBEE) and its Regulations
- Skills Development Act 97 of 1998, as amended
- Skills Development Levies Act 9 of 1999, as amended
- Amended Agri BEE Sector Code 2017
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA)
- Labour Relations Act 66 of 1995 (LRA)
- Basic Conditions of Employment Act 11 of 2002 (BCEA).

The above-mentioned statutes bind all employers, ensuring that they create equal employment opportunities for women and PWD, and remove the barriers to entry, advancement, development, remuneration and retention. The process followed by the Commission included sourcing information by way of a questionnaire and conducting public investigative hearings. In its information analysis, the Commission used qualitative and quantitative methodologies and further considered domestic, regional and international legislation and/or prescripts applicable. These prescripts were used as a yardstick to determine compliance by the selected entities. The following prescripts were consulted: the EEA, the CGE Act, as amended, and the Promotion of Equality and Prevention of Unfair Discrimination Act, NO 4 of 2000 (PEPUDA).



The EEA is the foundation for a range of policies, commissions and activities to achieve equitable representation in the workplace as it:

- Promotes skills development for the disadvantaged
- Establishes the Commission for Employment Equity (CEE) to ensure that employers promote equal opportunity and eliminate discriminatory hiring practices
- Makes employers responsible for training and developing women in the workplace
- Removes obstacles to promoting women
- Obliges employers to narrow wage gaps between employees of different sexes who perform similar work
- Promotes flexible working hours, time off during pregnancy and the improvement of maternity and childcare facilities.



3 Purpose of follow-up hearings

During the 2021/2022 transformation hearings, the Commission observed and reported that both the public and private sectors are fraught with challenges, including inter alia the lack of a policy framework to promote the needs and challenges of women in the workplace. To this end, the Commission resolved to conduct follow-up hearings to monitor and evaluate progress made in complying with the recommendations of the Commission and the necessary provisions of law that promote gender equality.

The procedure for determination of any investigation is provided for in terms of Sections 10 to 18 of the CGE Act as amended and regulated in terms of the procedure set out therein, read in conjunction with the relevant Commission for Gender Equality Complaints Manual, a public document gazetted in July 2016. These procedures apply to all persons, including Commissioners and Officials of the Commission, entities and individuals subject to an investigation, and any other person or organisation appointed to assist or participate in an investigation.

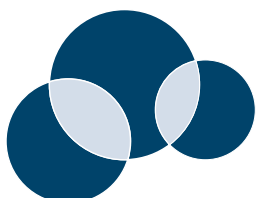
Section 12 (4) (b) of the CGE Act provides that the CGE may:

“Require any person by notice in writing under the hand of a member of the CGE, addressed and delivered by a sheriff, to appear before it at a time and place specified in such notice and to produce to it specified articles or documents in the possession or custody or under the control of any such person: Provided that such notice shall contain the reasons why such person’s presence is needed and why any such article or document should be produced.”

The Commission dispatched letters listing the recommendations made by the Commission and requesting written progress reports from the entities who participated in the initial transformation hearings.

When analysing the information submitted, the Commission considered the level of progress and compliance by the entities, as well as reasons provided for the non-implementation and/or lack of measures to achieve full compliance with the recommendations.

The Commission issued notices to appear in terms of Section 12(4)(b) of the CGE Act to the selected private entities in this report. These entities were invited to participate in follow-up hearings in the 2022/2023 financial year. The entities reported on progress in the implementation of the recommendations made by the Commission and on measures put in place to address EE issues within their respective entities.



4 Legal framework

4.1 International instruments

South Africa follows and has ratified many international treaties, including the following:

4.1.1 International Labour Organisation Convention 100 concerning Equal Remuneration, 1951 (ratified by South Africa in 1997)

Article 2 requires that each Member State shall, by means appropriate to the methods in operation for determining rates of remuneration, promote, and in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

4.1.2 International Labour Organisation Convention 111 concerning Discrimination in Respect of Employment and Occupation, 1958

Article 2 requires the Member States to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation to eliminate any discrimination in respect thereof.

Article 5 states that:

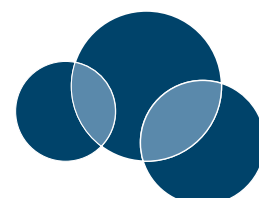
Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

Any Member State may, after consultation with representative employer and workers' organisations, where such exist, determine that other special measures designed to meet the requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

4.1.3 International Labour Organisation Convention 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981

Article 3 states that:

To create effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination, and to the extent possible, without conflict between their employment and family responsibilities. For paragraph 1 of this Article, discrimination means discrimination in employment and occupation as defined



by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

4.1.4 United Nations Convention on the Elimination of All Forms of Discrimination Against Women, 1979

In its preamble, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recognises that “extensive discrimination against women continues to exist”. It underscores that such discrimination “violates the principles of equality of rights and respect for human dignity”. Article 1 defines discrimination as “any distinction, exclusion or restriction made based on sex in the political, economic, social, cultural, civil or any other field”.

In terms of Article 11 of CEDAW, the parties to the Convention are obliged to take all appropriate measures to eliminate discrimination against women in the field of employment to ensure equality. South Africa has ratified and is a party to CEDAW.

4.1.5 Sustainable Development Goals

The United Nations set the Sustainable Development Goals (SDGs), which cover a range of social and economic development issues.

SDG 5 provides for achieving gender equality and empowering all women and girls and seeks to end all forms of discrimination against all women and girls everywhere. It recognises and values unpaid care and domestic work through public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate. It also ensures women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.

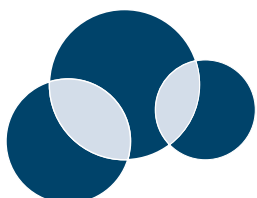
SDG 5 also provides for the adoption and strengthening of sound policies and enforceable legislation to promote gender equality and the empowerment of all women and girls at all levels.

SDG 8 promotes sustainable economic growth, inclusive, complete and productive employment and decent work for all.

4.1.6 Women's Empowerment Principles

Women Empowerment Principle 2 (WEP) provides for equal opportunity, inclusion and non-discrimination, assuring sufficient participation of women (30% or greater) in decision-making and governance at all levels and across all business areas.

WEP 5 provides for enterprise development, supply chain, and marketing practices, and expansion of business relationships with women-owned enterprises, including small businesses and female entrepreneurs.

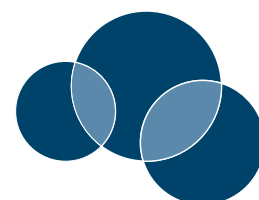


WEP 7 provides for transparency, measuring and reporting by making public companies' policies and implementation plans for promoting gender equality; establishing benchmarks that quantify inclusion of women at all levels; measuring and reporting on progress, both internally and externally, using data disaggregated by sex; and incorporating gender markers into ongoing reporting obligations.

4.1.7 Beijing Declaration and Platform for Action – United Nations Fourth World Conference on Women, September 1995

The 1995 Beijing Declaration and Platform for Action is “an agenda for women's empowerment” signed by all governments as a “necessary and fundamental prerequisite for equality, development and peace”. The platform provides a clear, straightforward and actionable blueprint for women's empowerment. The document includes a gender analysis of problems and opportunities in 12 crucial areas of concern, and clear and specific standards for actions to be implemented by governments, the United Nations system and civil society, including, where appropriate, the private sector.

In addition, the platform provides the first global commitment to gender mainstreaming as the methodology by which women's empowerment will be achieved. The platform states that in implementing the suggested actions, “an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken, an analysis is made of the effects on women and men, respectively”.



5 Instruments

5.1 Regional instruments

5.1.1 Protocol to the African Charter on Human and People's Rights and on the Rights of Women in Africa

Article 2 provides that all State Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures.

Article 13 provides for Economic and Social Welfare Rights. It states that State Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities.

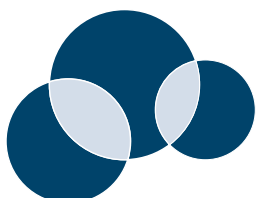
In this respect, they shall:

- Promote equality of access to employment
- Promote the right to equal remuneration for jobs of equal value for women and men
- Ensure transparency in recruitment, promotion and dismissal of women, and combat and punish sexual harassment in the workplace
- Guarantee women the freedom to choose their occupation and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force
- Create conditions to promote and support women's occupations and economic activities within the informal sector
- Establish a protection and social insurance system for women working in the informal sector and sensitise them to adhere to it.

Article 19 provides for the right to sustainable development. It states that women shall have the right to fully enjoy their right to sustainable development.

In this regard, the State Parties shall take all appropriate measures to:

- Introduce a gender perspective into national development planning procedures
- Ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes
- Promote women's access to and control of productive resources such as land and guarantee their property rights
- Promote women's access to credit, training, skills development and extension services at rural and urban levels to provide women with a higher quality of life and reduce poverty among women
- Take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes
- Ensure that the negative effects of globalisation and any adverse effects of implementing trade and economic policies and programmes are reduced to the minimum for women.



5.2 Domestic instruments

5.2.1 Constitution of the Republic of South Africa, 1996

Section 9(1) of the Constitution of the Republic of South Africa states that everyone is equal before the law and has the right to equal protection and benefit from the law. Section 9(3) further states that the State may not unfairly discriminate, directly or indirectly, against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

5.2.2 Commission for Gender Equality, Act No. 39 of 1996, as amended

The Commission for Gender Equality Act ("the CGE Act") was promulgated into law in 1996 and regulates the Commission. The Commission was established to promote respect for and the protection, development and attainment of gender equality. In terms of Section 11(1)(e) read with Section 12, the Commission is mandated to investigate any gender-related issue on its own accord or receipt of a complaint and shall endeavour to resolve the same. The Commission shall determine the procedure to be followed in any investigation in Section 12 of the CGE Act.

5.2.3 Labour Relations Act, No. 66 of 1995

The Labour Relations Act protects all parties in the workplace. It aims to promote economic growth, fair labour practices, peace, democracy and social development.

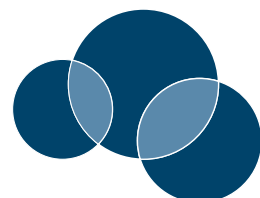
5.2.4 Employment Equity Act, No. 55 of 1998

The Employment Equity Act (EEA) effectively prohibits discrimination. Thus, the purpose of the Act is to achieve equity in the workplace by promoting equal opportunities and fair treatment in employment by eliminating unfair discrimination and implementing measures to redress disadvantages in the workplace.

Section 60 of the EEA provides that if the employer fails to take the steps necessary to deal with unfair discrimination or sexual harassment where it is proven that an employee contravened the relevant provisions, the employer must also be deemed to have violated that provision (*Christian v Colliers Properties* 2005, 5 BLLR 479).

5.2.5 Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000

The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) was enacted in 2000. PEPUDA prohibits gender-based discrimination and provides remedies designed to protect persons who experiences discrimination across the full spectrum of society, including gender-based discrimination. PEPUDA was enacted because of Section 9(4) of the Constitution, which requires the State to pass legislation promoting equality



and preventing unfair discrimination. PEPUDA puts Section 9 of the Constitution into effect and binds the State and all persons. However, PEPUDA does not apply to any person to whom and to the extent to which the Employment Equity Act (EEA) applies.

Neither the State nor any person may unfairly discriminate against any person. No person may unfairly discriminate against anyone on the grounds of race, gender or disability, including engagement in any activity intended to promote or has the effect of promoting exclusivity based on race, gender-based violence, female genital mutilation and the system of preventing women from inheriting family property. No person may fail to eliminate obstacles that unfairly limit or restrict PWD from enjoying equal opportunities. No person may fail to take steps to reasonably accommodate the needs of such persons.

5.2.6 Basic Conditions of Employment Act, No. 11 of 2002

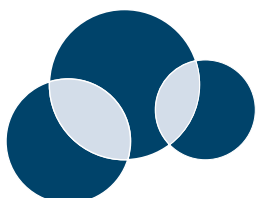
This Act regulates labour practices within the workplace and sets out the rights and duties of employees and employers. The Act aims to ensure social justice by establishing the basic standards for employment regarding working hours, leave (annual leave, study leave, maternity leave), remuneration, dismissal and dispute resolution.

5.2.7 Broad-Based Black Economic Empowerment Act, No. 53 of 2003

The objective of the Act is to facilitate broad-based Black economic empowerment by promoting economic transformation to enable the meaningful participation of Black people in the economy. The objective of the Act is to increase the extent to which Black women are involved and managing existing and new enterprises, and to increase their access to economic activities, infrastructure and skills training.

6 Analysis of follow-up hearings in the private sector

On 23 and 24 November 2021, the Commission conducted its Employment Equity and Transformation Hearings with four entities, namely ArcelorMittal, SANParks, SVA and DFFE. During these hearings, the entities were given opportunities to present these efforts regarding compliance with the above-mentioned legislation. Upon conclusion of all presentations made during the hearings, the Commission made its findings and recommendations where it noted gaps in compliance. These findings and recommendations were to be implemented during the rest of the 2021/2022 financial year and the subsequent 2022/2023 financial year.



7 ArcelorMittal

In the continuance of its monitoring role, the Commission sought a progress report from ArcelorMittal regarding the findings in Tables 1 to 5. ArcelorMittal promptly responded with the required information detailed in this report.

7.1 Findings

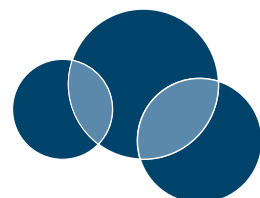
In its findings regarding the hearings held in the 2021/2022 financial year, the Commission found the paucity of PWD at the various occupational levels within ArcelorMittal concerning. ArcelorMittal reported that it had 21 PWD employees. With 6 700 employees, this amounted to a percentage of 0.31% – less than 1% of its staff complement. Given ArcelorMittal's submission that the reported figure may be low due to its voluntary disclosure policy, ArcelorMittal conceded to the need for an evaluation as to whether it had created a conducive and safe environment that allowed for better disability disclosure.

Regarding female representation, the Commission found that the information presented indicated that there was no female representation at the top management level, and at all other levels throughout the organisation the representation was low. ArcelorMittal acknowledged that a significant challenge existed in senior and top management representation. Furthermore, the representation of women in the organisation at 12% was undoubtedly a long way from representing the demographics of the country. Therefore, the Commission needed to satisfy itself as to why that was the case and explored measures to fast track women into management roles. The Commission found that ArcelorMittal had a robust, gender-responsive budget for 2021, which was reportedly aimed at development. Furthermore, 15% to 20% of the budget allocation was typically directed specifically at the development of women, thus showing a positive effort.

The Commission noted that, regarding ArcelorMittal's primary development programmes, men benefitted more from these programmes in previous years than women. From ArcelorMittal's subsequent explanation in this regard, the Commission found that the company significantly enhanced its focus on skills development and succession, specifically with a gender-diversity focus. Although the above plagued ArcelorMittal, the Commission was satisfied that the organisation's primary focus would be to develop an internal pipeline of skills to enable the progression of individuals through succession into higher role levels.

The pipeline philosophy was intrinsically tailored to ArcelorMittal's transformation objectives, and gender diversity and inclusion were prioritised as a particular focus area at the Group level. A Group Diversity and Inclusion Council was established by the Group's Executive Vice President of Human Resources to support and monitor progress on an ongoing basis.

The council comprised executives, predominately women, and actions in support of advancing the representation of women through succession and development. Women with the potential to progress had been identified, especially at the middle, senior and top management levels. The talent pool that was predominantly male in the past was now 50% female. Notwithstanding the above, the Commission noted the challenges reported, including the difficulty of attracting women to the metals industry and the demographic spread within the STEM-ready population of applicants.



Regarding ArcelorMittal's policy on harassment, the Commission found that harassment training and a reviewed policy was absent. Harassment had not been addressed in the last two to three years. The Commission was pleased to hear that training would resume at the management level, cascading down to the rest of the organisation. This approach would be undertaken with the intent that management would be accountable for the environment that ArcelorMittal hoped to establish.

Pertaining to procurement practices, the Commission found that ArcelorMittal acknowledged procurement as an enabler of equal opportunities at various phases through the procurement process. Regarding enterprise development, the Commission found that ArcelorMittal's then Enterprise Development Strategy targeted the development of emerging Black-owned companies' ability to supply products and services. The enterprise development would be expanded to focus more acutely on the development of Black-owned companies in the downstream steel sector.

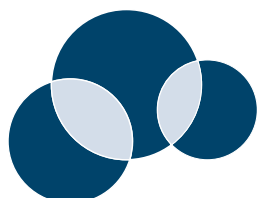
7.2 Recommendations

Considering the above, the following recommendations were recorded during the investigative hearings:

1. The Commission required that ArcelorMittal South Africa review its voluntary disclosure policy to align with its objective of creating a conducive workplace for a free and confident space for voluntary disclosure of disabilities.
2. The Commission required ArcelorMittal to provide the Commission with the outcomes, undertakings and progress relating to actions taken by the Group Diversity and Inclusion Council to advance the representation of women through succession and development.
3. The Commission required ArcelorMittal South Africa to review its Sexual Harassment Policy against the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace of March 2022 and provide the Commission with a copy within 12 months of the transformation hearing.
4. The Commission required ArcelorMittal South Africa to provide copies of the training material used in the training of executives and staff regarding sexual harassment and that attendance registers be included.
5. The following documents were to be submitted to the Commission within seven months of appearing before the Commission:
 - i) A clear description of the pay gap
 - ii) A detailed description of how ArcelorMittal South Africa does the grading per band, as per the Patterson grading system
 - iii) An explanation of any discrepancies.

7.3 Progress report

During the 2022/2023 financial year, the Commission sought progress from ArcelorMittal. Correspondence dated 15 July 2022 was dispatched to ArcelorMittal. A progress report was subsequently submitted to the Commission along with evidence concerning its implementation of the findings and recommendations made by the Commission in November 2021.



The following was submitted as evidence for consideration and review:

- 1) Diversity and Inclusion Council Meeting presentation dated 8 July 2022
- 2) Approved Harassment Policy dated 1 August 2022
- 3) Harassment in the Workplace: The new code of good practice – Cliffe Decker Hofmeyer material
- 4) Evidence of Draft Code Session with CDH – Briefing meeting on Code of Good Practice – dated 1 June 2022
- 5) Progress report in the implementation of recommendations addressed to the Commission dated 15 July 2022.

In its progress report on the implementation of the Commission's 2021/2022 recommendations, ArcelorMittal reported that as ArcelorMittal South Africa aligns with the broader ArcelorMittal Group, it prioritised the need to improve diversity and inclusion within the organisation with a specific focus on gender diversity.

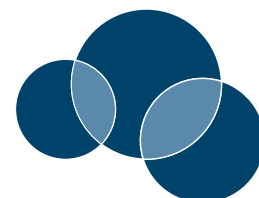
As it pertains to the findings and recommendations of the Commission regarding the activities of the Group Diversity and Inclusion Council (D&I Council), ArcelorMittal reported the following:

“[A Group Diversity and Inclusion Council (D&I Council)] was formulated to drive improvement on diversity globally with the council being sponsored and hosted by the Group HR Executive Vice President. The council is mandated to deliberate on matters that have bearing on the [diversity and inclusion aims of the organisation on a Group level, advise on and formulate global policy and targets and monitor the progress of actions from individual segments.”

In support of the above, a meeting presentation from the last engagement on 8 July 2022 was shared with the Commission for review. Regarding the presentation in Tables 1 to 5, the following was concluded by the Commission:

7.3.1 Focus areas for positive progression respective to diversity and inclusion

As it pertains to the council in terms of ArcelorMittal South Africa, the work of the Group Diversity and Inclusion Council relates to focus areas for positive progression with respect to diversity and inclusion.



The focus areas include the following:

a) The establishment of committees to support transformation: These are equity committees for each of its two regions tasked with facilitating the improvement of diversity and inclusion within the organisation in alignment with the law and improvement aims. The committees comprise employee representatives of all levels and demographics of the organisation and include members of the two recognised unions.

The reported progress of this unit was that the two committees were established, and members were inducted with respect to the aims and responsibilities of the committees. Subsequently, a two-day workshop was held focusing on the identification of barriers to transformation, as well as recommended actions (gender diversity barriers/enablers were a significant focus area). The next engagement will focus on developing numerical targets for the organisation for the next three years.

b) The establishment of a skills pipeline in alignment with national demographics: ArcelorMittal reported that it was decided in 2021 to significantly increase the organisation's skills pipeline primarily focused on university bursaries, graduates (technical and other), engineers, artisans, operator learnerships and administrative interns (more than 700 participants in total which is more than 10% of the permanent workforce). The pipeline approach mitigates the skewness in the general labour pool representation by targeting and cultivating skills internally.

Regarding this particular action, the progress amounted to the planned pipeline being filled as of June 2022, and ArcelorMittal reported that it would commence planning for 2023 intakes in July.

ArcelorMittal additionally partnered with a vocational training institution to support the development of PWD and 80 candidates were enrolled. Furthermore, given a national skills deficit, a proposal was tabled to training authorities that would include the enrolment of 1 000 artisan and operator trainees within the next three years on top of its needs and in support of diversifying representation in technical (trade) skills.

c) Succession planning in support of diversity aims: Narrower succession planning for crucial roles, as well as senior management, emphasising gender representation. Regarding this action, ArcelorMittal reported that the current succession plan now includes 19% female representation, and it aims to improve that with the current cycle. The succession plan further details the individual development plans for identified female successors with the aim of accelerated development.

d) Policy reviews in support of transformation: In terms of this action, it was reported that reviews are done of key policies that support improvement in diversity and inclusion metrics, for example development, recruitment, succession, childcare and harassment. Moreover, in terms of the reported progress, ArcelorMittal stated that the policies generally already include references to transformation given legislative requirements, guard against

exclusion and favour positive discrimination to ensure at least equal opportunities for targeted demographics.

ArcelorMittal is in the process of amending the workplace harassment policy due to amendments in the associated Code of Good Practice (first draft is in circulation for comments). Policy review would also be a standard requirement for the two equity committees as part of their mandate to remove barriers to transformation or constructively enable transformation.

e) Engagement with the local Transformation, Social and Ethics (TSE) Board Committee: It is intended to conduct an interactive workshop with the TSE Committee as part of finalising a three-year plan that includes numerical target setting, as well as substantive, supporting action plans.

The session was planned for June but was postponed due to the impact of the recent industrial action given that the unions form part of the committees required to do preparatory work. No date was yet set, but the intention is to hold the session in the third quarter. The Commission for Gender Equality (CGE) was invited to participate.

f) Metrics and dashboards: Development of metrics and dashboards in support of corrective decision-making and progress tracking. ArcelorMittal reported that there previously was no systematised tool for metrics and tracking, and specific dashboards were developed in Power BI to enable live monitoring of representation and progress examples in Tables 1 to 5.

g) Integration of goals into performance contracts, STIP and LTIP: Diversity and inclusion measures were/are incorporated into performance contracts to some degree, but not consistently and coherently. The 2022 LTIP already includes a diversity and inclusion subcomponent as part of the ESG measure (gender-specific goal). It was reported that once the numerical targets and actions are concluded, they will become a standard feature of exempt performance contracts (with high specificity) (see Tables 1 to 5).

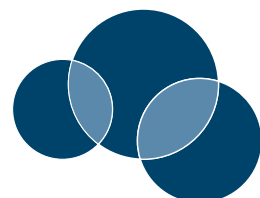


Table 1: Gender matrixes at ArcelorMittal

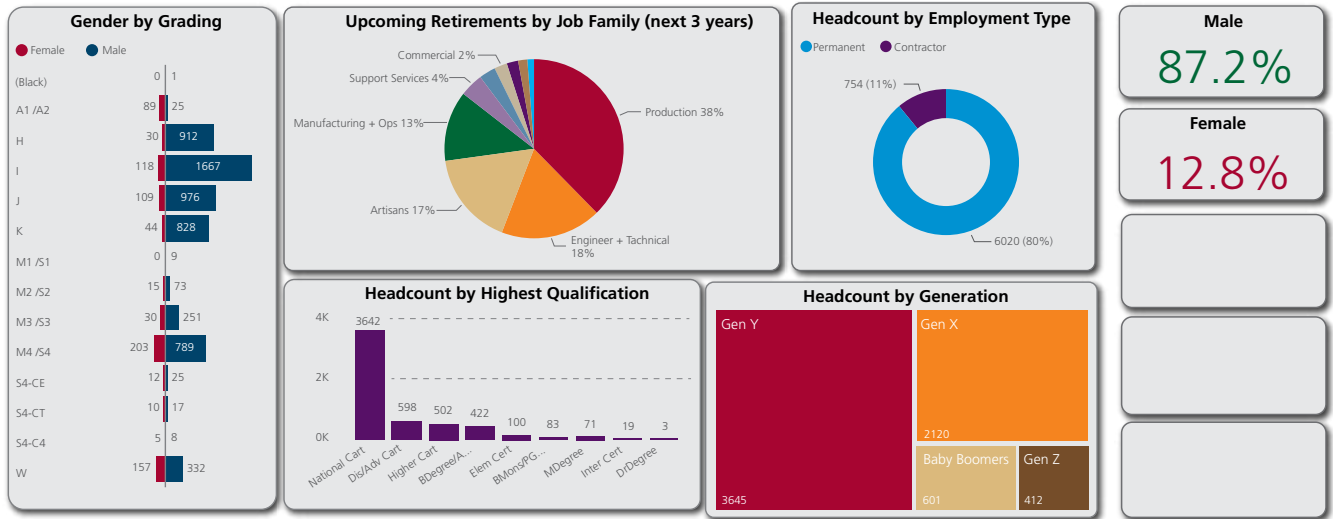


Table 2: Employment equity recruitment statistics

EE Stats Recruitment - Past 12 months

Business Unit	Male A	Male C	Male I	Male W	Total Male	Female A	Female C	Female I	Female W	Total Female	Grand Total
Coke Making	18	0	0	1	19	0	0	0	0	0	19
Iron Making	10	0	0	1	11	0	0	0	0	0	11
Flat Steel	3	1	0	0	4	0	0	0	0	0	4
Long Steel	4	0	2	3	9	0	0	0	0	0	9
Technology and CSS	0	0	0	0	0	0	0	0	0	0	0
Corporate Office	0	0	1	3	4	3	0	0	1	4	8
Saldanha Works	0	0	0	0	0	0	0	0	0	0	0
Thabazimbi	4	0	0	0	4	4	0	0	0	4	8

EE Stats Promotions - Post 12 months

Business Unit	Male A	Male C	Male I	Male W	Total Male	Female A	Female C	Female I	Female W	Total Female	Grand Total
			0	0	1	0	0	0	0	0	1
			0	0	4	0	0	0	0	0	4
			0	1	2	1	0	0	0	0	3
			0	0	0	0	0	0	0	0	2
			0	0	0	1	0	0	0	1	1

Summary Statistics

Total	EE	Non-EE	EE Ratio	Male	Female
100%	95.1%	4.9%	95.1%	54.6%	45.4%

Table 3: Employment equity ratios

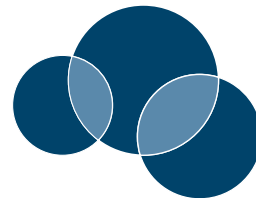
EE_State_Slow
BY OCCUPATIONAL LEVELS DISPLAY LINE COLUMN

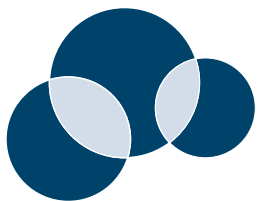
Occupational Levels	Male A	Male C	Male I	Male W	Female A	Female C	Female I	Female W	Foreign N Male	Foreign N Female	Total	EE	Non-EE	EE Ratio	Male	Female
NEAP ratio	42.7%	5.3%	1.7%	4.9%	36.2%	4.4%	1.0%	3.8%	0.0%	0.0%	100%	95.1%	4.9%	95.1%	54.6%	45.4%
Top Management (M1)	1	1	1	6	0	0	0	0	1	0	10	3	7	0	10	0
Current ratio.	10%	10%	10%	60%	0%	0%	0%	0%	10%	0%	100%	30%	70%	30%	100%	0%
Senior Management(M2/S2)	6	2	9	41	3	2	0	9	14	0	86	31	55	0	72	14
Current ratio...	17%	2%	10%	48%	3%	2%	0%	10%	16%	0%	100%	36%	64%	36%	84%	16%
Middle Management(M3/S3)	56	7	12	147	20	0	9	48	19	3	321	152	169	0	241	80
Current ratio	17%	2%	4%	46%	6%	0%	3%	15%	6%	1%	100%	47%	53%	47%	75%	25%
Junior Management(M4/S4)	272	11	42	386	73	7	16	98	23	3	931	519	412	0	734	197
Current ratio...	29%	1%	5%	41%	8%	1%	2%	11%	2%	0%	100%	56%	44%	56%	79%	21%
Semi Skilled(H/I/J/A1/A2)	2395	27	100	947	215	4	12	100	38	5	3844	2854	990	0	3508	336
Current ratio...	62%	1%	3%	25%	6%	0	0%	3%	1%	0%	100%	74%	26%	74%	91%	9%
Unskilled(K)	760	5	6	31	43	0	0	1	2	0	848	815	33	0	804	44
Current ratio...	90%	1%	1%	4%	5%	0%	0%	0%	0%	0%	100%	96%	4%	96%	95%	5%
Total Permanent	3491	53	170	1996	554	13	37	256	97	11	6040	4374	1666	0	5369	671
Current ratio...	58%	1%	3%	26%	6%	0%	1%	4%	2%	0%	100%	72%	28%	72%	89%	11%
Temp Employees	432	13	16	90	162	13	5	18	5	1	755	659	96	0	556	199

Table 4: South Africa: Focus areas for positive progression with respect to diversity and inclusion

South Africa: Focus Areas for positive progression with respect to D&I

Action	Detail	Progress/Status
Policy review in support transformation	Review of key policies that support improvement in diversity and inclusion metric, e.g. development, recruitment, succession, child care, harassment etc.	<ul style="list-style-type: none"> • Policies generally already include references to transformation given legislative requirements, guard against exclusion and favour positive discrimination in order to ensure at least equal opportunities for targeted demographics. • We are in the precess of amending the workplace harassment policy due to amendments in the associated code of good practise (first draft in circulation for comments) • Polly review would also be a standard requirement for the two equity committees as part of their mandate to remove barriers to transformation or enable transformation constructively.
Engagement with the local Transformation, Social and Ethics board committee	It is intended to conduct an interactive workshop with the TSE committee as part of finalising a three year plan that includes numerical target setting as well as substantive, supporting action plans.	<ul style="list-style-type: none"> • The session was planned for June but has been postponed due to the impact of recent industrial action given that the unions form part of the committees required to do preparatory work • No date has been set yet but it is intended to hold the session in Q3 • The Commission for Gender Equality (CGE) has been invited to participate
Metrics and dashboards	Develop metrics and dashboards in support of corrective decision making and progress tracking	<ul style="list-style-type: none"> • There was previously no systematised tool for metrics and tracking and specific dashboards have been developed in Power BI to enable live monitoring of representation and progress (examples on subsequent slides)
Integration of goals into performance contracts, STIP and LTIP	D&I measures were/are incorporated into performance contracts to some degree, but not consistently and coherently so	<ul style="list-style-type: none"> • The 2022 LTIP already includes a D&I subcomponent as part of the ESG measure (gender specific goal) • Once the numerical targets and actions are concluded, they will become a standard feature of exempt performance contracts (with a high degree of specificity).





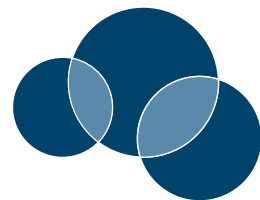
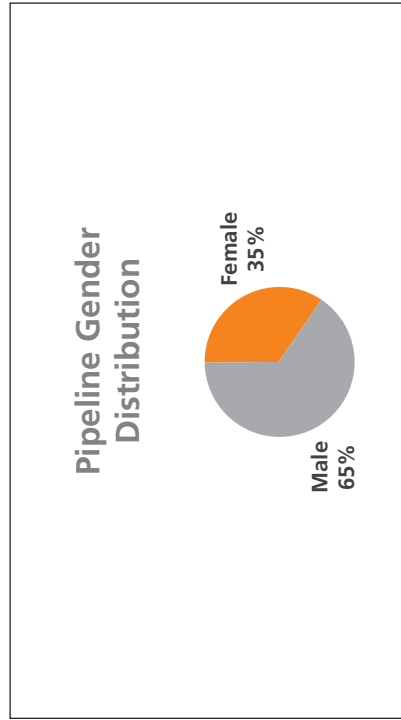
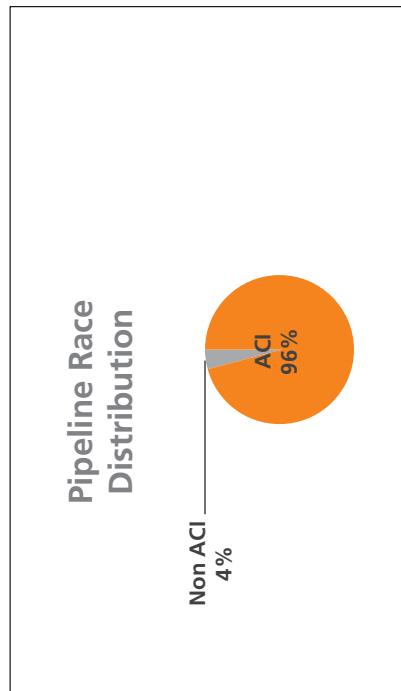
South Africa: Focus Areas for positive progress with respect to D&I

Action	Detail	Progress/Status
Policy review in support of transformation	Review of key policies that support improvement in diversity and inclusion metrics, e.g. development, recruitment, succession, child care, harassment etc.	<ul style="list-style-type: none"> • Policies generally already include references to transformation given legislative requirements, guard against exclusion and favour positive discrimination in order to ensure at least equal opportunities for targeted demographics. • We are in the process of amending the workplace harassment policy due amendments in the associated code of good practice (first draft in circulation for comments) • Policy review would also be a standard requirement for the two equality committees as part of their mandate to remove barriers to transformation or enable transformation constructively.
Engagement with the local Transformation, Social and Ethics board committee	It is intended to conduct an interactive workshop with the TSE committee as part of finalising a three year plan that includes numerical target setting as well as substantive , support action plans	<ul style="list-style-type: none"> • The session was planned for June but has been postponed due to the impact of the recent industrial action given that the unions form part of the committees required to do preparatory work. • No date has been set as yet but it is intended to hold the session in Q3 • The Commission for Gender Equality (CGE) has been invited to participate
Metric and dashboards	Develop metrics and dashboards in support of corrective decision making and progress tracking	<ul style="list-style-type: none"> • There was previously no systematised tool for metrics and tracking and specific dashboards have been developed in Power BI to enable live monitoring of representation and progress (examples on subsequent slides)
Integration of goals into performance contracts, STIP and LTIP	D&I measures were/ are incorporated into performance contracts to some degree, but not consistently and coherently so	<ul style="list-style-type: none"> • The 2022 LTIP already includes a D&I subcomponent as part of the ESG measure (gender specific goal) • Once the numerical targets and actions are concluded, they will become a standards feature of exempt performance contracts (with a high degree of specificity).

Table 5: South Africa: Skills pipeline for ethnic and gender distribution

South Africa: Skills Pipeline ethnic and gender distribution

	Active Pipeline											Current Total	ACI Total	ACI %
	Female					Male								
	A	C	I	Non-ACI	ACI	A	C	I	Non-ACI	ACI				
Extenal Bursary	4	2	0	3	11	0	1	0	3	24	18	75%		
Learner Tachnician	7	0	0	0	25	0	0	0	0	32	32	100%		
Graduate in Training	1	0	0	0	1	0	1	1	1	4	3	75%		
Candidate Technician	6	0	0	0	14	0	0	0	0	20	20	100%		
Candidate Engineer	11	0	0	2	18	1	5	4	4	41	35	85%		
Apprenticeship	33	0	0	0	103	2	3	6	6	147	141	93%		
Production Learnership	53	1	1	1	168	6	5	0	0	235	234	100%		
Differntly-abled Learnership	48	0	0	0	30	2	0	0	0	80	80	100%		
Administrative work experience Opportunity	17	0	0	0	0	0	1	2	2	20	18	90%		
Administration Learnership	16	11	0	3	0	3	1	0	0	34	31	91%		
Total	196	14	1	9	370	14	17	16	16	637	612	96%		



Regarding the presentation in the above matrixes, the following was concluded by the Commission:

7.3.2 Skills pipeline ethnic and gender distribution

The above matrixes illustrate ArcelorMittal's skills pipeline related to ethnic and gender distribution. Specifically, the 'external bursary' illustrates that, 75% of recipients were African, Coloured and Indian (ACI) in terms of its active pipeline external bursary provision. The gender breakdown is 25% female recipients, 50% male recipients and 12.5% non-ACI recipients.

In terms of 'learner technician' input in the matrix, ACI accounted for 100% of the recipients. The gender breakdown is 21.8% female recipients and 78% male recipients.

In terms of 'graduate in training' input in the matrix, ACIs accounted for 75% of the recipients. The gender breakdown was 25% female recipients, 75% male recipients and 25% non-ACI recipients.

In terms of 'candidate engineer' input, ACI accounted for 85% of the recipients. The gender breakdown was 31.7% female recipients, 65.8% male recipients and 14.6% non-ACI recipients.

In terms of 'candidate technician' input, ACI accounted for 100% of recipients. The gender breakdown was 30% female recipients, 70% male recipients and zero percent (0%) for non-ACI recipients.

In terms of 'apprenticeship' input, ACI accounted for 93% of the recipients. The gender breakdown was 22.4% female recipients, 77.5% male recipients and zero percent (0%) non-ACI recipients.

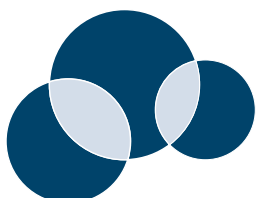
In terms of 'production learnership' input, ACI accounted for 100% of the recipients. The gender breakdown was 28% female recipients, 76.17% male recipients and zero percent (0%) non-ACI recipients.

In terms of 'differently abled learnership' input, ACI accounted for 100% of the recipients. The gender breakdown was 60% female recipients, 40% male recipients and zero percent (0%) non-ACI recipients

In terms of 'administration learnership' input, ACI accounted for 91% of the recipients. The gender breakdown was 88% female recipients, 11.76% male recipients and 9% non-ACI recipients.

7.3.3 Employee tertiary education development profile and the development initiatives

As it pertains to Tables 6 and 7, ArcelorMittal was able to report that in terms of its bursary award programme, 79% of bursaries were awarded to ACI recipients. The gender breakdown is 61% female recipients and 39% male recipients. Additionally, 23 female recipients were placed on accelerated career development plans within the operations environment to fast-track their development for placement in senior technical positions.



7.3.4 Elevating women in leadership

a) Group Leadership Programme – Population: Women in management positions/ Successors for management positions

Under this section, ArcelorMittal reported that the purpose of the Elevating Women in Leadership course is to accelerate the development, confidence and motivation of female leaders and develop a pipeline of women who will inspire, drive results and take on the future. As a global group, the ArcelorMittal Group hosts annual leadership programmes to bridge the gap in the transition to management roles. These programmes include transition to executive and transition to management. Three women will participate in the programme in 2022 and a further four women in 2023.

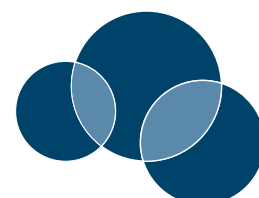
b) Mentoring Programme – Population: High-performing women or women in crucial positions. Women within the organisation were assigned for provision of guidance on navigating their careers, advice on skill development and ongoing support.

c) Sup Development learning path – Population: Female supervisors. All supervisors were placed on a learning path aimed at the top five competencies identified by management as essential for successful leadership.

d) Women of Steel Forum – Population: Women in crucial positions/Successors for crucial positions. The forum aims to build an internal women's networking group where discussions take place acknowledging gender challenges, propelling awareness, improving the working environment and boosting confidence. Participants in the forum have direct and regular access to the CEO through regular meetings.

e) Self Mastery Programme – Population: Women in crucial positions/Successors for crucial positions. The Self-Mastery Programme is a five-month programme based on understanding the Enneagram. The Enneagram assists employees in identifying their personality types and in understanding what mental spaces people hide in when stressed or traumatised, the coping mechanisms they use, and why.

See Tables 6 and 7 for the initiative to develop women through educational opportunities, among others in respect of employee tertiary education development profile and the development initiatives and the elevation of women in leadership as discussed above.



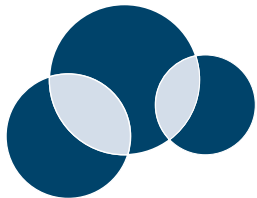


Table 6: South Africa: Employee tertiary education development profile

South African: Employee tertiary education development profile

Employee Bursary	Employee Bursaries										Current Total	ACI Total	ACI%	Field for Study - Females		
	Female					Male								MBA	Post Grad Studies	Higher Certificate
	A	C	I	Non-ACI	ACI	A	C	I	Non-ACI	ACI						
Employee Bursary	14	1	3	5	11	0	1	1	3	38	30	79%		6	14	3

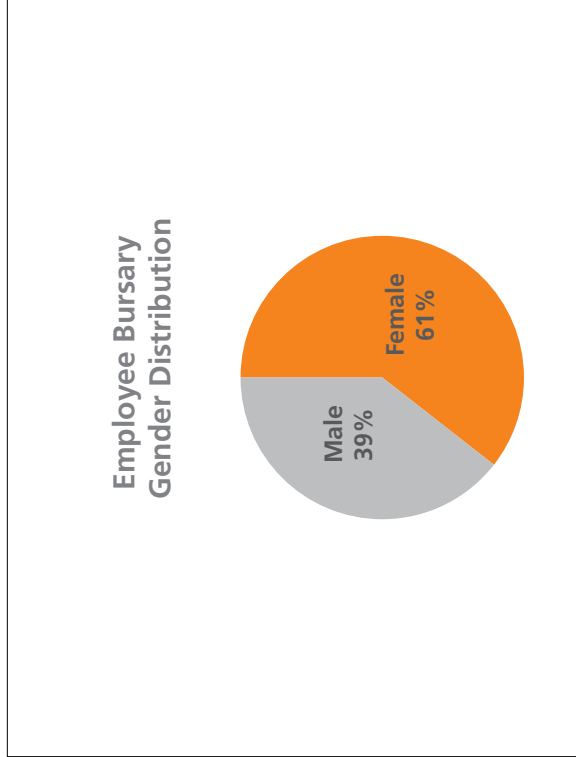
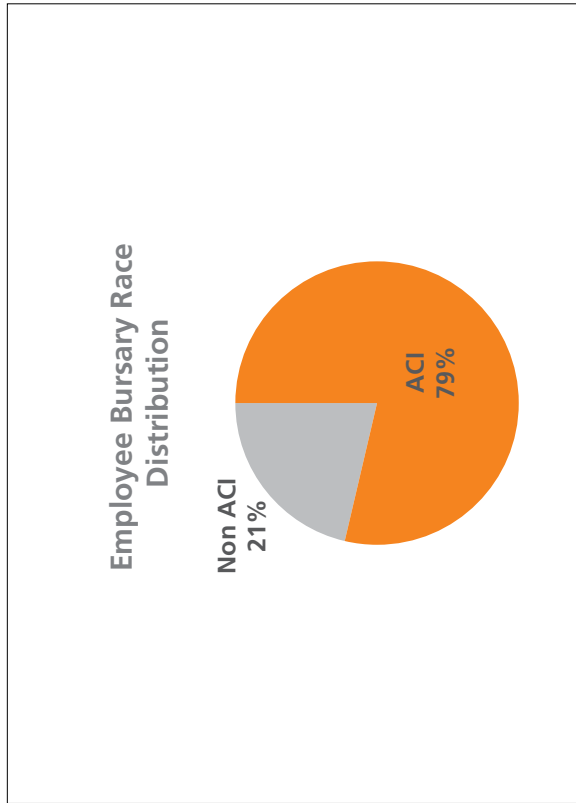
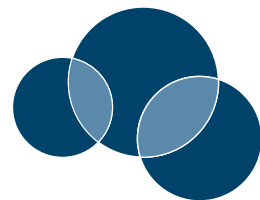


Table 7: South Africa: Initiatives to develop women

South Africa: Female Development Initiatives

Female Development Opportunities



Regarding the Commission's finding and recommendation that ArcelorMittal South Africa review its voluntary disclosure policy to align with its objective of creating a conducive workplace that allows for a free and confident space for PWD to voluntarily disclose disabilities:

7.4 ArcelorMittal report

In its attempt to comply with the findings and recommendations made by the Commission, ArcelorMittal reviewed relevant legislation, the Code of Good Practice, existing policies and how other organisations approached the disclosure-of-disabilities issue. From the review process, ArcelorMittal reported that the difficulty faced in this regard was not unique, as the employees articulated rights that keep their disability status confidential.

Furthermore, at the time of reporting, ArcelorMittal advised the Commission in its report that they were, therefore, engaging their legal team on the formulation of a voluntary disclosure policy. As an alternative, their legal team would develop a mechanism for employees to anonymously disclose their disability status and the nature thereof. At the very least, the latter option would enable the company to collect data that can serve as an input into enhancing their ability to attract, retain and accommodate PWD into their organisation.

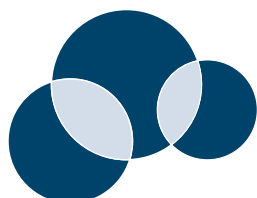
Moreover, ArcelorMittal also expressed that it would appreciate any insights or advice from the Commission on this topic based on what best practices may have been observed from other organisations and that may apply to their company to make positive progress in this regard.

ArcelorMittal reported to the Commission that an update had commenced of their Sexual Harassment Policy based on the given inputs from the Commission on the outdated reference to the previous Code of Good Practice. However, due to the Code of Good Practice's subsequent revision in March 2022, the document created subsequently became outdated. Thus, an entirely new review was initiated in alignment with the new Code of Good Practice. The working draft was not submitted at the time of reporting as it was in progress with their legal department.

In its review of the document provided, the Commission satisfied itself with the efforts taken by ArcelorMittal to seek training and guidance on the new Code of Good Practice from a leading South African law firm. The Commission was satisfied that the draft document covered aspects of the revised Code of Good Practice.

Regarding the Commission's finding and recommendation that ArcelorMittal South Africa provide the Commission with copies of the training material used in the training of executives and staff about sexual harassment and that attendance registers be included, the Commission found:

In its report back to the Commission, ArcelorMittal stated that formal training and awareness had not yet been broadly rolled out to management at the time of reporting, especially given the Code of Good Practice change. However, a workshop with Cliffe Dekker Hofmeyr (CDH) targeted ArcelorMittal HR and ER practitioners on 1 June 2022 as a precursor to the policy change and broader training and awareness campaigns.



In the review of the evidence provided to the Commission, some of the content and workshop invitees were discussed. The Commission satisfied itself with the strategies of ArcelorMittal to fully comply with the 2021/2022 findings and recommendations in this regard.

Furthermore, ArcelorMittal indicated that the decision on a facilitation partner to assist in the intended training and awareness campaign would be finalised shortly, and CDH was also being considered for this purpose. Thereafter, the training will be conducted in a top-down manner during the second half of 2022.

Regarding the CGE's finding and recommendation that the following documents be submitted to the CGE within seven months of appearing before the CGE, namely:

1. A clear description of the pay gap
2. A detailed description of how ArcelorMittal South Africa does the grading per band, as per the Patterson grading system
3. An explanation of any discrepancies.

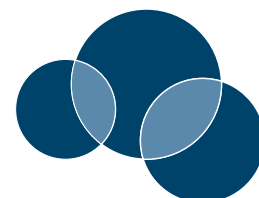
In order to comply with the findings and recommendation regarding the above, the following was reported:

Firstly, as far as a clear description of the pay gap, ArcelorMittal reported that, as of the last benchmark review conducted at the end of 2021, there was no discernible pay gap linked to gender. For the bulk of its employees (bargaining unit), the remuneration structures are rigid and hence disparity on any basis is impossible. For the remaining employees (package category), the parity review and benchmarks showed no remuneration disparity between men and women at the company level.

Secondly, as far as "grading, remuneration and [ArcelorMittal South Africa (AMSA)] employee categories" were concerned, there are two permanent employee categories at the company, namely Bargaining Unit (BU) employees and Package Category (PC) employees. BU employees are 74% of the total permanent employees, and PC employees are 26% of the total permanent employees.

Thirdly, BU employee remuneration and conditions of employment are regulated by a collective labour agreement between the company and the two recognised unions (NUMSA and Solidarity), which require collective bargaining at regular intervals (hence 'bargaining' unit). These employees are typically the operators and artisans involved in the day-to-day operations of the business.

Lastly, the PC employees form part of the specialist and management cadre of the organisation that includes junior to executive management, professionally qualified employees (for example engineers and accountants), as well as the administrative cadre of the company (for example, administrators, clerks, and personal assistants, among others). The remuneration of this group of employees is not covered by the collective labour agreement and is designed and adjusted within bands relative to the evaluated grade levels and market benchmarks for remuneration.



7.4.1 Remuneration levels for the bargaining unit

In its report back to the Commission regarding the remuneration of BU employees, ArcelorMittal stated that remuneration of this particular employment group is very rigidly defined as per Tables 8 and 9. Any employee at a specific grade and competency level is remunerated similarly (thus, the disparity cannot arise on any basis, such as gender). In general, the benchmarks show that ArcelorMittal remunerates bargaining unit employees at above market rates when compared to our sector, as well as other sectors, and includes other benefits and allowances that are not universally prevalent (for example, housing, retention, generous medical aid subsidies, and retirement fund contributions, among others).

Table 8: Remuneration table for technical grades (artisans) within the bargaining Unit

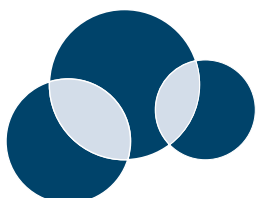
Grade	Basic Salary					Allowances			Standby Allowances	
	EL	25	50	75	FJR	Housing	3 Shift	2 Shift	W/Day	Non W/Day
H1-03	26 670	28 562	30 460	32 355	34 248	4 697	1 948	1 297	223	283
H1-04	24 075	25 808	27 546	29 252	32 252	4 697	1 948	1 297	223	283
H2-03	25 920	27 767	29 617	31 464	33 314	4 697	1 916	1 272	220	280
H3-03	25 304	27 115	28 924	30 733	32 544	4 697	1 885	1 249	215	276
H3-04	23 334	25 017	26 700	28 381	30 065	4 697	1 885	1 249	215	276
I1-03	24 747	26 485	28 224	29 968	31 704	3 971	1 812	1 209	195	245
I2-03	24 493	26 218	27 940	29 663	31 389	3 971	1 792	1 206	174	227
I3-03	24 285	25 997	27 707	29 418	31 122	3 971	1 792	1 206	174	227
I3-04	20 342	21 859	23 345	24 887	26 399	3 971	1 792	1 206	174	227

Table 9: Remuneration table for production grades (operators) with bargaining unit

Grade	Basic Salary					Allowances			Standby Allowances	
	EL	25	50	75	FJR	Housing	3 Shift	2 Shift	W/Day	Non W/Day
H4-03	22 372	23 754	25 139	26 522	27 898	4 697	1 797	1 200	187	250
I4-03	17 488	18 781	20 087	21 382	22 685	3 971	1 489	920	144	187
J4-03	13 596	14 600	15 603	16 607	17 604	3 148	1 287	861	132	175
K4-03	9 715	10 905	12 089	13 275	14 463	2 402	1 101	740	100	126
L4-03					7 072	1 027	685			

In Table 8, the red highlighted values in the basic salary columns illustrate the monthly remuneration of an employee with a Millwright trade (artisan I1-03) at a 50% competency level would be:

- Basic salary of R28 224
- Housing allowance of R3 971
- Three shift allowance of R1 812 OR two shift allowance of R1 209 (if on a two or three-shift pattern)
- Standby allowance per day is R195 for a workday or R245 for a non-workday.



The competency levels referred to are a set of standard competency requirements for a certain role, and as employees progress through the competency levels, their remuneration is adjusted accordingly (from entry-level (EL) to full job rate (FJR) as indicated in Tables 8 and 9). This mechanism is regulated by ArcelorMittal's collective labour agreement.

Thus, as per the example, any employee at a specific grade and competency level will receive the same remuneration, and there is no possibility of a disparity.

7.4.2 Remuneration levels for the package category

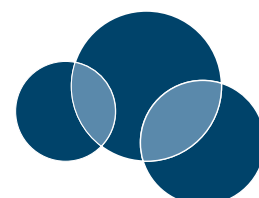
Table 10 illustrates the grading and band formulation based on a Patterson system and Hay points scoring (left half of the table with green border). The internal grading designations and qualification criteria are then highlighted in the right half of the table with a blue border.

Table 10: Grading and band formulation based on a Patterson system and Hay points scoring

Patterson	Patterson	HAY Points	HAY Units	HAY Rewards	JE Points	OLD AMSA	New AMSA Grade levels and Descriptions						
Grades	Bands	Range		Levels	Range	Grade	Management & Specialist	Admin	Operations	Market Qualification requirement	Description		
F3	FU	2141-2550	2328	26	245-254	CEO	M1				Degree/ Diploma	Executive Management	
F2	FL	2141-2550	2328	26	235-244	A							
F1		1801-2140	1960	25	225-234								
E5		1508-1800	1628	24	215-224								
E4	EU	1261-1507	1372	23	205-214								
E3		1056-1260	1142	22	195-204	B							
E2		880-1055	954	21	185-194								
E1	EL	735-879	805	20	175-184								
D5		614-734	677	19	165-174	D	M2/S2				Degree/ Diploma	Senior Management / Principal Specialist	
D4		614-734	677	19	155-164								
D3	DU	519-613	571	18	145-154	E			M3/S3		Degree/ Diploma	Management / Snr Specialist	
D2	DL	439-518	479	17	135-144	F					Degree/ Diploma	Junior Management / Specialist	
D1		371-438	406	16	125-134				M4-A/ S4-A				
C5	CU	314-370	342	15	115-124	G					Degree/ Diploma		
C4		314-370	342	15	105-114				M4-B/ S4-B				
C3		269-313	291	14	95-104		H					Diploma/ Grade 12	Skilled
C2	CL	228-268	252	13	85-94	I							
C1		192-227	208	12	75-84							Grade 12	
B5	BU	161-191	173	11	65-74	J							
B4		135-160	151	10	55-64								
B3		114-134	125	9	45-54								
B2	BL	98-113	104	8	35-44	K							
B1		85-97	90	7	25-34								
A3		73-84	75	6	17-24								
A2	A	63-72	66	5	8-16	L							
A1		54-62	57	4	0-7								
											K	Grade 10-12	
											L	Basic literacy/ Grade 10	Unskilled

In the section of Table 10 with the blue border, the company grade levels can be seen, namely:

- M1 or management level 1 – executive management of the organisation
- M2/S2 or management level 2/specialist level 2 – senior management of the organisation and principal specialists (the highest level for specialists)
- M3/S3 or management level 3/specialist level 3 – middle management and senior specialists
- M4A/S4A – junior management and specialists, specifically at a level of qualification requiring a recognised degree from a university or BTech qualification from a university of technology



(previously 'technikons')

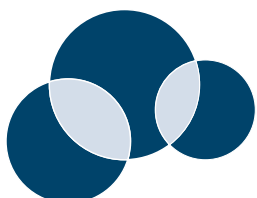
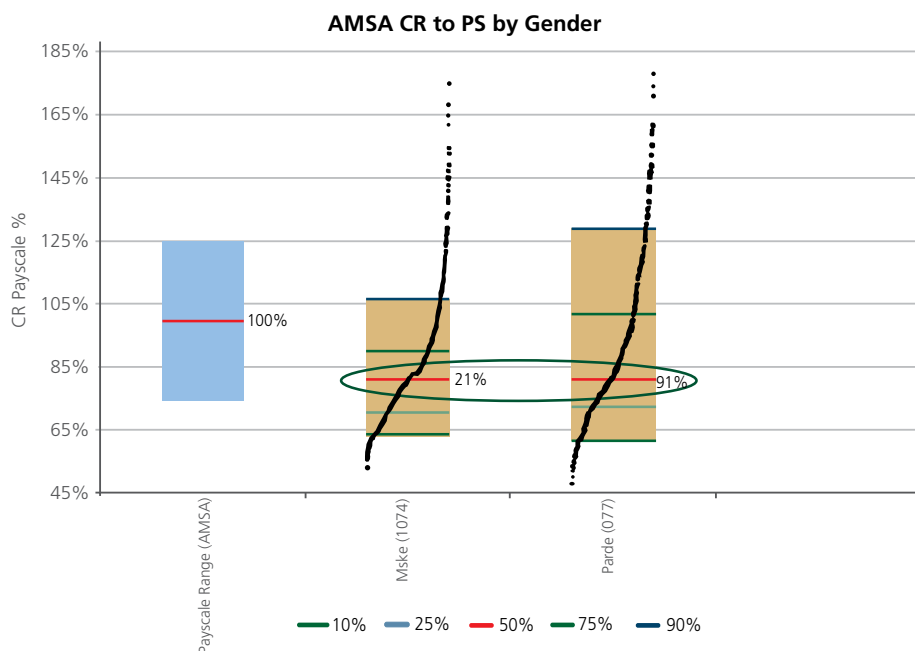
- M4B/S4B – superintendents and specialists who have up to a diploma level qualification
- A1 – senior administrators
- A2 – administrators.

In terms of the ArcelorMittal report, the above-mentioned grades are also distributed into different job families as per normal practice. Job families would include descriptors like information technology, human resources, financial and accounting, among others. This enables banding and remuneration levels to be comparable to market benchmarks across various organisations and/or sectors.

It should be noted that ArcelorMittal's external benchmarking practices are fully aligned with generally accepted methodologies for benchmarking that ensure like-for-like comparisons are made. ArcelorMittal reports using service providers who are specifically qualified and have the requisite level of expertise. This ensures the correct level of integrity and thoroughness of the benchmarking process and is the basis for how ArcelorMittal aligns its internal remuneration levels for the package category to the external market to ensure that it can attract and retain the requisite skills into the organisation.

Figure 1 illustrates the result of the last organisation-level parity assessment based on gender. ArcelorMittal utilises the compa-ratio as a means of aggregating the remuneration data in a way that is easier to view and understand. Compa-ratio is a value derived from comparing the average remuneration to a target value, such as the median or midpoint of a remuneration band. As can be seen, there is no significant difference in the remuneration pattern for men and women. The median compa-ratio for men and women is 81% (highlighted in the green oval in Figure 1).

Figure 1: Parity assessment outcome for remuneration based on gender



Terms of ArcelorMittal's remuneration philosophy for the package category bands is premised on aiming for the market 50th percentile but allows for variation within job families based upon market competition. For example, they may raise the target point for engineers given the market competition for that specific skill set and their attractiveness as a company. However, this does not induce gender disparity as the philosophy is skills-specific and applied universally.

7.4.3 Skills development

Regarding skills development matters, ArcelorMittal reported that it aims to make a broader contribution to skills development in its sector. The company submitted a proposal to the Manufacturing, Engineering and Related Services SETA (merSETA). ArcelorMittal met with the CEO and COO of the merSETA on 4 July 2022 and explained the proposal.

Therefore, ArcelorMittal awaits the response from merSETA to commence with the project. Their proposal intends to develop 600 artisan and 400 metal production learners over 36 months. The internal development pipeline intends to align the participants of the programme with the national demographic of the country. ArcelorMittal shared its interest in supporting the development of higher levels skills as per the Steel Masterplan that may include fields like energy engineering, among others. However, the discussion in this regard is still at a conceptual stage.

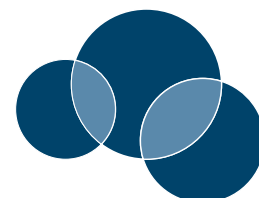
7.5 Conclusion

The Commission is encouraged by ArcelorMittal's progress and its commitment. ArcelorMittal tackled the Commission's findings and recommendations made at the 2021/2022 transformation hearings. The Commission observed the substantial efforts to ensure ArcelorMittal's policies reflect its intention regarding gender transformation.

Notably, ArcelorMittal's external bursary programme reflected promising efforts, as most recipients of this bursary were ACIs. Women represent a smaller percentage of the recipients, which speaks to the difficulty of attracting women to the sector. Another example of this difficulty was evident in the skills pipeline. Men were clearly the main benefactors. However, there were instances within the skills pipeline section where women were the most recipients.

The gender disparity in the bursary recipients is a clear indication of the difficulty the industry experiences in terms of transforming itself. The development of initiatives to attract women to the sector by ArcelorMittal allows conclusions to be drawn regarding the potential for women's upward career trajectory. The number of bursaries awarded to women and the added development plans by ArcelorMittal will ensure that women will be in a better position to hold senior positions in the future.

Notwithstanding the strides made by ArcelorMittal, the Commission does note that regarding its Elevating Women initiatives, ArcelorMittal should provide the Commission with an update regarding the outcome or progress of this initiative during 2023. ArcelorMittal should also provide the Commission with a copy of its revised Sexual Harassment Policy and provide feedback on the sexual harassment training of top and senior management.



8 Stauch Vorster Architects

During the 2022/2023 financial year, the CGE sought progress from SVAI. Correspondence dated 15 July 2022 was dispatched to SVAI. A progress report was subsequently submitted to the CGE, along with evidence concerning its implementation of the findings and recommendations made by the Commission in November 2021.

The Commission made the following findings after the initial submission to the Commission and the SVAI's appearance before the Commission in November 2022.

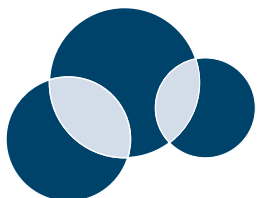
8.1 Findings

In continuing its monitoring role, the Commission sought a progress report from SVAI for these findings.

- The representation of PWD at various occupational levels within SVAI was found to be wanting. At the time of the hearing, SVAI reported it had no PWD employed within its organisation. SVAI reported improved EE representation from 62% to 64%. However, the Commission found that PWD were not included in that improvement.
- Regarding the representation of women within the organisation, the Commission found a history of under-representation in terms of women and PWD. At the time of the hearing, at the senior management level, 31.25% of employees were women, 68.75% were men and 0% were PWD. In addition, at this same level, the racial composition of SVAI was 75% (12/16) White, 18.75% (3/16) Coloured, 0% Indian, and 6.25% (1/16) African.
- The Commission found that although SVAI reported that it continuously identified the retention of designated groups as a barrier to transformation, not much was done to address the barrier because representation remains skewed.
- The Commission found that SVAI's new organisational strategy for 2022 to 2025 was not developed through a gender lens. SVAI does not have policies to enable women entrepreneurs to participate more fully in public procurement markets, nor has it procured more than 40% of its goods and services from women-owned entities during any financial year.
- The Commission further found that SVAI had not developed a Sexual Harassment Policy. Thus, senior management never underwent training, and no workshops on sexual harassment were conducted for employees.

8.2 Recommendations

1. SVAI's new organisational strategy for 2022 to 2025 must be reviewed through a gender lens, and policies must be developed to enable women entrepreneurs to participate fully in procurement markets.
2. The Commission must be provided with the actions and outcomes in support of advancing the representation of women through succession and development during the upcoming financial year.
3. The Commission must be provided with a plan of action and projected outcomes for the



improvement of EE representation at all occupational levels, including PWD.

4. The Commission recommends that SVAI develops a Sexual Harassment Policy, a copy of which must be provided to the Commission within 12 months of the hearing.
5. SVAI must provide the Commission with copies of the material to be used in training executives and staff regarding sexual harassment and include attendance registers.

8.3 Progress report

During the 2022/2023 financial year, the CGE sought progress from SVAI. Correspondence dated 15 July 2022 was dispatched. In correspondence dated 21 October 2022, a progress report was submitted to the Commission along with evidence of its implementation of the findings and recommendations made by the Commission in November 2021.

The following was submitted as evidence for consideration and review:

1. SVAI 2023 to 2025 company strategy implementation plan
2. SVAI Training Data Schedule
3. Employment Equity Data
4. Revised Harassment and Bullying in the Workplace Training
5. Revised Maternity Leave Policy.

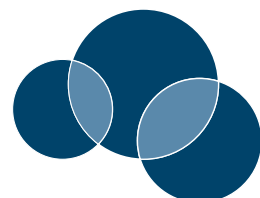
In its progress report on the implementation of the Commission's 2021/2022 recommendations, SVAI reported the following in terms of its progress. First, regarding its 2023 to 2025 company strategy, SVAI is a consulting practice. Thus, as a consultant, its main function is to sell its expertise and not products. Accordingly, considering its business model, SVAI is not in the practice of procurement, nor does it need to procure any products or materials to execute its services. However, in instances where procurement is needed regarding stationery or office supplies, such procurement is done at the group level through GIBB (Pty) Ltd, which is a separate entity. However, this is done to ensure efficiency regarding cost, avoid duplication and ensure the standardisation of certain processes.

In consideration of the above, SVAI does not have a gender-responsive procurement programme as it does not undertake procurement.

SVAI also reported that in terms of the 2023 to 2025 strategy, its main emphasis is on financial stability, followed by growth focusing on specific growth markets rather than the procurement market, as SVAI does not participate in procurement. However, in addressing gender-sensitive measures, SVAI reported that it intentionally procured sub-consulting services from a previous female employee to have more women-owned architectural practices.

8.3.1 Succession and development

In terms of a succession and development plan for the year 2022/2023, in its report back, SVAI stated that it had identified two female employees to be promoted to top management,



specifically the executive level. However, due to the company's restructuring and retrenchment process, SVAI was not able to implement the desired promotions. Notwithstanding the above, SVAI does envisage implementing the two mentioned promotions once the business returns to profitability, especially because SVAI recognises that employee succession and development are essential to ensure long-term sustainability.

8.3.2 Learning and development

Regarding development, SVAI reported continuing its investment in learning and development despite its losses in the 2022/23 financial year. SVAI reported having spent R950 000 regarding its training data:

- R562 716.52 (59.22%) spend on female employees
- R910 799.00 (95.85%) represents EE spend.

Apart from achieving this spending during a financially challenging period, what makes this more remarkable is that these percentages reflected above far exceed the current EE pro rata headcount. Data concerning bursaries and interns include an investment in four internships—three (100% EE representation) female interns, and an investment in two bursaries – one male and one female student (both EE) and one disabled-person learnership (renewed for the current financial year).

8.3.3 Improvement of employment equity representation

Regarding the data in the matrix in Table 8 that illustrates SVAI's EE representation, the data comparison in terms of September 2021 and 2022 highlights a spectrum of both good and poor yields. However, this should be reviewed considering the prevailing negative economic circumstances of both the country and their Industry. Regarding its headcount, SVAI reported having experienced fluctuations and an overall reduction from 81 to 75 employees, with further reductions in October.

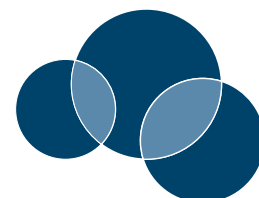
Additionally, the matrix in Table 10 shows that despite industry-reported female employees and fluctuating staff numbers, SVAI still achieved an overall representation of 40% of women. There was an overall increase in EE representation from 64% to 65%, which is an improvement in EE representation at the top management level. There are plans to promote two female employees to this level.

The matrix also illustrates an improvement in senior management, professional level and skill level, all due to recruitment activities. While succession and promotions were on hold during this period, staff turnover continued. However, SVAI were able to continue with some recruitment, which reflects the intention to improve the gender and EE representation, with remarkable success: Of the 18 new employees there are 8/18 (44%) female employees and 17/18 (94.44%) were previously disadvantaged individuals.

Table 10: SVAI representation of women

Grades	GENDER	MALE			FEMALE			I	W	A	FOREIGN NATIONAL		TOTALS
		A	C	I	A	C	MALE				FEMALE		
EE Occ Levels	Race	45,89	5,28%	1,98%	5,61%	39,16%	4,51%	1,10%	4,29%				
	Over by 10%									4,29%			
	National EAP	43,70%	4,80%	1,80%	5,10%	35,60%	4,10%	1,00%	3,90%	N/A	N/A		
LV1	Under by 10%	39,33%	4,32%	1,62%	4,59%	32,04%	3,69%	0,90%	3,51%				
	SVA - Actual Sep 2022	1	1	1	4	0	0	1	0	2	0	10	
	%	10,00%	10,00%	10,00%	40,00%	0,00%	0,00%	10,00%	0,00%	20,00%	0,00%	100,00%	
LV2	SVA - Actual Sep 2021	0	0	0	4	0	0	1	0	2	0	7	
	%	0,00%	0,00%	0,00%	57,14%	0,00%	0,00%	14,29%	0,00%	28,57%	0,00%	100,00%	
	SVA - Actual Sep 2022	1	2	0	7	0	1	0	2	1	0	14	
LV3	%	7,14%	14,29%	0,00%	50,00%	0,00%	7,14%	0,00%	14,29%	7,1%	0,0%	100,00%	
	SVA - Actual Sep 2021	1	2	0	7	0	1	1	3	0	0	15	
	%	5,57%	13,33%	0,00%	46,67%	0,00%	6,67%	6,67%	20,00%	0,0%	0,0%	100,00%	
LV4	SVA - Actual Sep 2022	2	0	D	6	0	0	1	9	1	0	19	
	%	10,53%	0,00%	0,00%	31,58%	0,00%	0,00%	5,26%	47,37%	5,3%	0,0%	100,00%	
	SVA - Actual Sep 2021	1	0	1	5	2	0	1	9	1	0	20	
LV5	%	5,00%	0,00%	5,00%	25,00%	10,00%	0,00%	5,00%	45,00%	5,0%	0,0%	100,00%	
	SVA - Actual Sep 2022	6	1	3	5	4	0	0	5	0	0	24	
	%	25,00%	4,17%	12,50%	20,83%	16,67%	0,00%	0,00%	20,83%	0,0%	0,0%	100,00%	
LV6	SVA - Actual Sep 2021	3	1	0	7	1	1	2	5	1	0	21	
	%	14,29%	4,76%	0,00%	33,33%	4,76%	4,76%	9,62%	23,81%	4,8%	0,0%	100,00%	
	SVA - Actual Sep 2022	1	0	0	0	4	1	0	2	0	0	8	
FR	%	12,50%	0,00%	0,00%	0,00%	50,00%	12,50%	0,00%	25,00%	0,0%	0,0%	100,00%	
	SVA - Actual Sep 2021	2	1	0	0	5	2	0	3	0	0	13	
	%	15,38%	7,69%	0,00%	0,00%	38,46%	16,38%	0,00%	23,08%	0,0%	0,0%	100,00%	
Temporary	SVA - Actual Sep 2021	0	0	0	0	0	0	0	0	0	0	0	
	%	0	0	0	0	0	0	0	0	0	0	0	
	SVA - Actual Sep 2022	0	0	0	0	0	0	0	0	0	0	0	
Totals	%	0	0	0	0	0	0	0	0	0	0	0	
	SVA - Actual Sep 2021	11	4	4	22	8	2	2	18	4	0	75	
	%	14,67%	5,33%	5,33%	29,33%	10,67%	2,67%	2,67%	24,00%	5,3%	0,0%	100,00%	
Key	SVA - Actual Sep 2021	10	4	1	25	8	4	5	20	4	0	81	
	%	12,35%	4,94%	1,23%	30,66%	9,88%	4,94%	6,17%	24,69%	4,9%	0,0%	100,00%	

Under representation by more than 10% Over representation by more than 10% ok - within EAP range (plusminus 10%)



8.3.4 Maternity Leave Policy

In addition, SVAI provided the Commission with its approved and significantly improved Maternity Leave Policy, which will increase payment during maternity leave from 50% to 100% (less UIF payment), meaning there is no income loss.

8.3.5 Sexual harassment policy

In its report back to the Commission regarding its Sexual Harassment Policy, SVAI replaced the previous version to bring it in line with requirements in terms of *the Code of Good Practice on the Elimination of Harassment at Workplaces*, which the Minister of Employment and Labour published in March 2022. As a result, the policy will be a Harassment Policy (not only a sexual harassment policy). As the Code of Good Practice was new at the time of reporting, SVAI indicated that given that the developments in the legislation were still new, it was still in the process of finalising its Harassment Policy. SVAI further reported that it aimed to finalise the policy and approve it by November 2022.

8.3.6 Sexual harassment training

The sexual harassment training intervention started, and the programme and schedule details will be completed in October 2022. After reviewing the supporting document to the above, the Commission satisfied itself with the efforts and strides made by SVAI.

8.3.7 Gender and community-driven developments

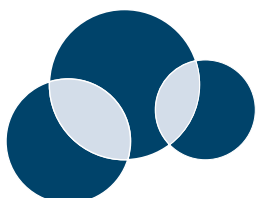
In response to the sponsorship and expansion programme regarding a women's shelter SVAI supports, it reported the following to the Commission:

SVAI indicated that it was securing additional professional teams to complete detailed feasibility and design studies for expanding and constructing a new facility to accommodate approximately 100 women.

Regarding SVAI's TechnoGirls initiative, which is an effective job shadowing initiative that takes female learners' high school from previously disadvantaged backgrounds and exposes them to the working world during their school holidays, SVAI reported the following to the Commission.

The programme creates opportunities for school learners between 15 and 18 years old to follow a structured job-shadowing programme in partnership with companies like SVAI during school holidays. Learners are placed in companies and organisations whose core business activities are focused on scarce science, technology, engineering and mathematics (STEM) career fields and/or occupations where women are under-represented, such as engineering, construction, and forensic sciences, among others. The beneficiaries of the TechnoGirl programme are 100% Black ('Black' includes Indian, African and Coloured) as defined in the South African BBBEE Codes.

In addition, SVAI hosted 15 Grades 9 to 11 female learners in its Johannesburg and Cape Town



offices during the first, second, and third terms, with the fourth and last term earmarked for the end of the year (2022). R31 870 was spent for this first-round initiative. SVAI also reported being excited about the initiative and stated that it intended to extend the programme with the female learners until they reach matric and ultimately university, where if they qualify, SVAI will offer them bursaries in the engineering and architectural fields so that SVAI can address the training and development gaps.

8.3.8 Corporate social responsibility

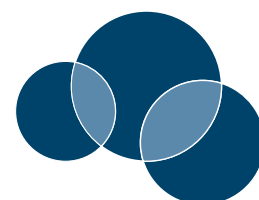
Despite SVAI's financial challenges, SVAI reported having donated furniture and laptops to Thoko Thaba Secondary School and Nasruddin Islamic School, thus demonstrating its commitment to transforming its workplace and the communities in which SVAI works. This commitment is evident, despite the sometimes-overwhelming challenges SVAI faces regarding fundamental country-and-industry skills shortages and ensuring the future longevity of SVAI. With this and its supporting evidence, SVAI showed a sustained effort to embark on gender and PWD transformative initiatives.

8.4 Conclusion

After the Commission's review of all submitted documentation and a progress report, the Commission noted the great strides SVAI made and its willingness and commitment to transforming its workplace. However, the achievement of equity for women and PWD in this sector remains a concern. This concern is premised on the diversity needed within SVAI to improve decision-making by bringing the various perspectives of a diverse group of people to bear on an issue.

SVAI reported obstacles to endure regarding succession and development in terms of two women who were to be promoted to top management, specifically to the executive level. However, the women were not promoted due to the company's restructuring and retrenchment process. SVAI was not able to implement the desired promotions. The Commission notes that SVAI does envisage implementing the two promotions once the business returns to profitability, especially because SVAI recognises that employee succession and development are essential to ensure long-term sustainability. For the achievement of transformation, it is crucial for SVAI not to gloss over the potential of playing a reactive role in addressing the under-representation of women. Instead, SVAI should take on a proactive role to significantly address the under-representation of women, other designated groups and PWD within its business.

Nonetheless, SVAI's additional measures are commended, such as the new paid maternity leave and harassment policy and bullying training.



9 Department of Forestry, Fisheries and Environment (DFFE)

During the 2022/2023 financial year, the CGE sought progress from DFFE . Correspondence was dispatched to DFFE on 15 July 2022. A progress report was subsequently submitted to the Commission along with evidence concerning its implementation of the findings and recommendations made by the Commission in November 2021.

Subsequent to the initial submission to the Commission and the DFFE's appearance before the Commission in November 2022, the Commission made the following preliminary findings.

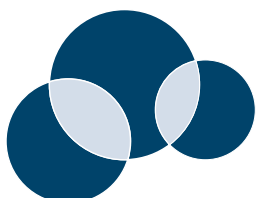
9.1 Findings

- The DFFE's outdated policies were not gender neutral, and therefore gender-blind.
- The DFFE had a lack of PWD at almost all occupational levels at the top and senior management levels.
- The DFFE was to ensure that PWD benefit as much as other categories of employees.
- The DFFE had adequate measures to ensure women were adequately represented at the top and senior management levels.
- The DFFE performed well in terms of gender balance in the workplace. However, balancing the race of employees at all occupational levels remains a challenge. Although the DFFE had EE policies and an EE Manager in place, without management's support, the EE Manager would not be able to succeed.
- The DFFE did well in skills development since both genders were well represented and benefited equally. However, PWD were not benefiting at all.
- The DFFE excelled in terms of community outreach and its achievements exceeded expectations.
- The DFFE's Sexual Harassment Policy was outdated and relied on the Code of Good Practice of 1998 instead of the *Code of Good Practice: Handling Sexual Harassment* of 2005.

Based on the Commission's findings, the DFFE's policies were outdated because they refer to the institution before the merger with the Department of Environment and not to institutions after the merger. Furthermore, the Commission requested that the DFFE's policies be reviewed and submitted to the Commission within six months of the hearing.

The Commission further noted that the DFFE policies were gender blind and did not cater for gender non-conforming persons. Therefore, the DFFE was requested to consider its gender blindness and use a gender lens when reviewing its policies for inclusion purposes.

The Commission noted a lack of PWD representation at the top and senior management levels. The DFFE acknowledged that it would consider including PWD in the future. The Commission further requested that the DFFE provide bursaries for PWD at special schools and recruit PWD from institutions of higher learning. The Commission further requested that the DFFE should ensure that



its policies allow and accommodate PWD disclosing their disabilities.

Regarding skills development, the DFFE performed well, as both genders were well represented and benefited equally. However, PWD are not benefiting at all. PWD are the most discriminated against, and vulnerable groups in society and their needs should be prioritised.

The DFFE should consider PWD in terms of skills development from an early age, including special schools, institutions of higher education and the workplace. Additionally, the Commission commends the DFFE for exceeding its expectations in terms of its outreach and community programmes.

The Commission noted that there were adequate measures to ensure that women are adequately represented at the top and senior management levels. In general, women were adequately represented at all other levels of the DFFE. The DFFE is doing well in terms of gender representation at all levels. However, it experiences inadequate racial representation of Indians and Coloureds. Indians and Coloureds are least represented (both men and women).

During the hearings, the Commission also noted that the DFFE's Sexual Harassment Policy was outdated, as it relied on the Code of Good Practice of 1998 rather than the *Code of Good Practice: Handling Sexual Harassment in the Workplace* of 2005. As a result, the DFFE was asked to review its policies regarding sexual harassment and bring them into line with the Code of Good Practice of 2022.

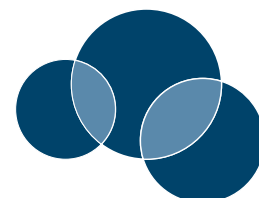
9.2 Recommendations

The Commission requested responses in writing relating to the following:

- In accordance with the department's internal process, policies must be reviewed within six months of the hearing to ensure they are gender neutral.
- The DFFE was required to amend its Sexual Harassment Policy and align it with the revised Code of Good Practice published in March 2022.
- There must be a gender lens applied to the next five-year strategic plan.
- PWD must be well represented at all levels of the workplace by the EE Manager, supported by top and senior management.
- The DFFE must ensure that PWD benefit equally from workplace skills development. A budget must be made available to this end.
- With support from the top and senior management, the EE Manager must ensure that all racial groups are well represented in the workplace.

The following documents (reviewed documents by the DFFE) were to be submitted to the CGE within six months of appearing before the CGE:

1. Learning and Development Policy
2. Resettlement Policy
3. DEA Wellness Management Policy (outdated as it refers to the Department of Environmental Affairs)



4. Policy on Working Hours
5. HIV and TB Management Policy
6. Health and Productivity Management Policy
7. Courtesy Policy
8. Policy on Recruitment, Selection and Appointment
9. Sexual Harassment Policy.

9.3 Progress report

During the 2022/2023 financial year, the Commission sought progress from DFFE . Correspondence dated 15 July 2022 was dispatched to DFFE. A progress report was subsequently submitted to the CGE, along with evidence regarding its implementation of the findings and recommendations made by the CGE in November 2021.

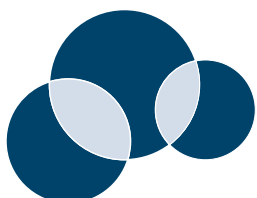
During the November 2021 transformation hearing, the Commission requested that the DFFE submit their draft Sexual Harassment Policy for input by the end of February 2022.

The DFFE submitted its initial draft of its Sexual Harassment Policy to the Commission for comments and input. The Sexual Harassment Policy submitted was not in line with the *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* of March 2022. Subsequently, the Commission received the revised Sexual Harassment Policy and aligned it with the *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* of March 2022.

During DFFE's investigation and appearance, the Commission noted that outdated employment policies were submitted as the department had just completed its integration from being the Department of Environmental Affairs to becoming the Department of Forestry, Fisheries and the Environment. Therefore, it had not finalised its policy review process that incorporated merged branches). DFFE-reviewed policies were then submitted to the Commission six months after the hearing in accordance with the Commission's recommendations.

However, the Commission noted that not all policies submitted for review were drafted with a gender lens. This was communicated to the DFFE for further review and application. The Action Plan (which consists of the B-BBEE report, PPPFA, WEP, Skills Development Act, EEA and Sexual Harassment Policy) was presented to the Commission. In terms of its five-year strategic plan, DFFE indicated that it would apply a gender lens to all its policies.

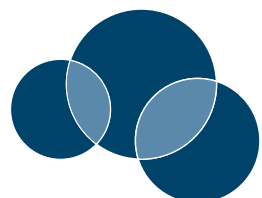
The Commission observed that senior and top management did not adequately support the EE Manager. In turn, this resulted in the EE Manager being unable to carry out the duties of ensuring diversity and representation. As a result, the Commission has not observed transformation for PWD, racial representation, representation of Black unemployed youth or LGBTQIA+ individuals.



9.4 Conclusion

The CGE reviewed all the submitted documentation and the progress report. In addition, the Commission noted the significant strides made by the DFFE and its willingness and commitment to transform its workplace. However, the achievement of racial representation, LGBTQIA+ and PWD inclusion in this department remains a concern. Considering the lack of support from executive management, the EE Manager faces the challenge of ensuring and carrying out all responsibilities regarding PWD, racial representation, representation of unemployed youth and LGBTQIA+ persons.

The DFFE reviewed its policies, submitted them to the Commission promptly, and the policies align with the Commission's recommendations. There are programmes and policies in place at the DFFE that promote racial representation, PWD and LGBTQIA+ representation at all occupational levels. The Commission will continue to monitor compliance with the progressive implementation of the long-term recommendations.



10 South African National Parks (SANParks)

In its continuing monitoring role, the Commission sought a progress report from SANParks regarding the below findings. SANParks promptly responded with the required information detailed in this report.

Subsequent to the initial submission to the Commission and SANParks' appearance before the Commission in November 2021, the Commission made the following preliminary findings.

10.1 Findings

As a result of SANParks' lack of or insufficient information, the Commission noted during the November 2021 hearings that SANParks failed to adequately respond to the questionnaire dispatched in June 2021. The Commission noted a lack of evidence in relation to the questionnaire, which resulted in a violation of Section 18(a) of the CGE Act, as the Commission was unable to establish the state of transformation at SANParks. In addition, the Commission noted that the information presented to the Commission differed from that originally submitted.

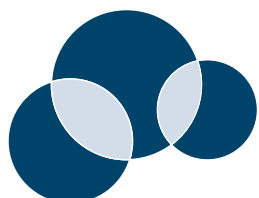
It was concluded that the insufficient information provided by SANParks prevented the Commission from determining the state of transformation at SANParks. Leadership positions were changed several times, and the change of CEOs resulted in a lack of accountability by the accounting officers. Another reason was that SANParks failed to submit the requested information during the Commission's investigation, and the accounting officer shifted the blame to the previous acting CEO.

In light of the discrepancy and inadequacy of the information that SANParks submitted to the Commission in June 2021 presented to the Commission in November 2021, the Commission had to consider Section 18(a) of the CGE Act.

Based on the Commission's analysis, SANParks failed to adequately represent Black PWD and Black unemployed people across various occupational levels for the past three years. At all occupational levels, the EE Manager and the top and senior managerial employees should ensure that women, PWD, youth and racial groups are represented fairly. No action plan was in place to address the challenges of representation of Black PWD and Black unemployed individuals. The lack of data made it difficult for the Commission to determine whether SANParks complied.

The Commission noted that there was no policy or implementation plan promoting gender equality. As a result, SANParks should address that challenge to promote and protect gender equality in the workplace at all occupational levels

The Commission noted that minimal measures were in place to ensure a conducive working environment for parents. Creating a conducive work environment for employees with parenting responsibilities was done to a minimal extent.



Men dominated top management positions (6:2). Coloured and Indian individuals, particularly women, were under-represented in senior management positions. SANParks published its Annual Performance Plan titled *Transformation Charter, and Integration Strategy*. SANParks provided no data or benchmarks that quantify the inclusion of women at all levels, nor does it mention how many women participate in decision-making.

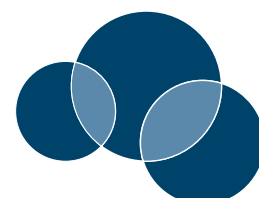
10.2 Recommendations

Due to the absence of or insufficient information submitted by SANParks, the Commission could not establish the state of transformation at SANParks. The CGE Chairperson requested a meeting with the Board of SANParks. In addition, SANParks was to:

- Submit a report on the progress of activities on the procurement budget and the amount spent on members of designated groups
- Submit data on sexual harassment cases reported from 2017 to date and the outcome or status of each case
- Submit minutes of Employment Equity Committee meetings, reflecting gender equality issues under discussion
- Submit an employment survey report from 2017 to date
- Submit a draft procurement policy, budget allocation for transformation per region, and the success of the policy
- Submit a report on issues emanating from women's forums from 2017 to date
- Submit an integrated transformation strategy
- Submit a report on the turnaround time for dealing with policies
- Ensure that SANParks management attends training or a workshop on sexual harassment within six months of the date of the hearing
- Develop a policy that caters for the minimum requirements for PWD and Black unemployed youth to enhance compliance with B-BBEE and Section 2 of the PPPFA of 2000 and Regulations 2007
- Provide documentation on the percentage of women participating in decision-making and benchmarks that quantify the inclusion of women at all levels to enable the Commission to establish compliance/progress
- Enhance recognition of Black PWD and Black unemployed persons
- Put in place policies and implementation plans to promote gender equality
- Implement measures to create a conducive workplace for employees with parenting responsibilities.

10.3 Progress report

During the 2022/2023 financial year, the CGE sought progress from SANParks. Correspondence dated 15 July 2022 was dispatched to SANParks. A progress report was subsequently submitted to the Commission along with evidence concerning its implementation of the findings and recommendations made by the Commission in November 2021.



The following documents were to be submitted to the CGE by SANParks within six months of appearing before the Commission:

1. An action plan for gender equality/women empowerment at SANParks
2. Sexual Harassment Policy
3. Recruitment and Selection Policy
4. Leave Policy
5. Employment Equity Policy: In its submission, SANParks stated that they were still revising their Employment Equity Policy and anticipated that the policy would be finalised by the end of the third quarter of the 2022/23 financial year.

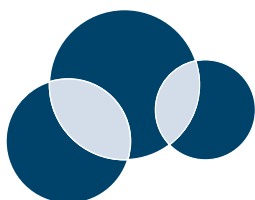
According to the Commission, the submitted Sexual Harassment Policy was not compliant with the *Code of Good Practice on Preventing and Eliminating Harassment in the Workplace* of March 2022. The lack of compliance was also communicated to SANParks, who requested more time in order to make the necessary amendments. SANParks acknowledges that the Sexual Harassment Policy submitted to the Commission in September 2022 was not in line with the revised *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* of March 2022. SANParks' policy was aligned with the DPSA Policy and Procedure on the Management of Sexual Harassment in the Public Service and the *Code of Good Practice: Handling Sexual Harassment* of 2005.

In October 2022, the Commission received the revised Sexual Harassment Policy, and it was found that it aligned with the *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* of March 2022.

The Commission further noted that from the information submitted to the Commission by SANParks in the 2021/2022 financial year during the Commission's investigation, sexual harassment cases were lodged by subordinates against the managers. The cases raise a red flag regarding the handling of sexual harassment cases at the workplace.

SANParks' management was required to attend a sexual harassment workshop within six months of the hearing. The workshop was conducted during the 2021/2022 financial year and the third quarter of 2022/2023. The Commission highlighted that the Employment Equity Policy was under review. The Commission raised issues of sexual harassment sharply with SANParks during the meeting at the Skukuza camp as one of the Commission's concerns regarding the sexual harassment cases at SANParks. Therefore, SANParks reviewed its Sexual Harassment Policy and aligned it with the *Code of Good Practice on Handling of Sexual Harassment in the Workplace* of March 2022.

SANParks was requested to provide minutes of its meetings regarding its Employment Equity Plan, and SANParks submitted its minutes regarding its Employment Equity Plan in October 2022.



The Commission noted that SANParks did submit the documents per the Commission's recommendations after a meeting was held between the Commission's Chairperson and the Board of SANParks. SANParks reviewed its policies and submitted the policies to the CGE timeously after the SANParks Board meeting with the CGE Chairperson on 4 October 2022. The policies and programmes align with the CGE's recommendations (see Table 11).

10.4 Report on the progress of action on the procurement budget spent on members of designated groups

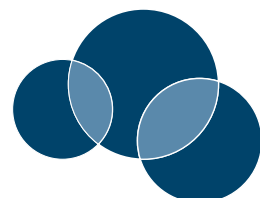
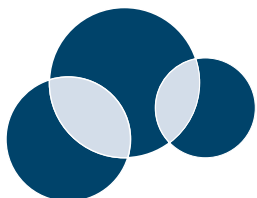


Table 11: Matrix 5 – Summaries spend for above R500k 01 April 2021 – 31 March 2022

Total spend for above R500k	R 400,552,779.42	Total spend above R500k: EME	Number	Rand value	Total spend above R500k QSE	Number	Rand Value
Q1	R 9,201,092.50	Q1	3	R 9,201,092.50	Q1	1	Negotiated
Q2	R 371,402,162.74	Q2	4	R 14,376,347.34	Q2	1	R 53,380,327.55
Q3	R 12,685,804.56	Q3	1	R 12,410,547.00	Q3	1	Bidder rates
Q4	R 9,264,719.62	Q4	15	R 2,185,318.82	Q4	12	R 1,134,002.68
		YTD	23	R 38,173,305.66	YTD	15	R 54,514,330.23

Period	Category	Amount	Percentage	Amount Q4	Percentage
2021/2022: 01 April 2021 to 31 March 2022	Procurement spend from companies who are 100% Black owned (BBEE)	R 262,914,036.50	65.31	R 2,185,318.82	23.59
	Procurement spend from EME's who are more than 50% Black owned	R 18,450,405.85	4.58	R 2,185,318.82	23.59
	Procurement spend from QSE's who are more than 50% Black owned	R 54,514,330.23	13.54	1,134,002.68	12.24
	Procurement spend from companies who are more than 30% Black women owned	R 75,939,098.21	18.86	R 7,578,217.12	81.80
	Black Women	R 131,115,668.77	32.57		
	Black people with disability	R -	-		
	Black youth	R 1,424,602.68	0.35		
	Black people in rural areas	R 194,755,066.56	48.38		
	Black unemployed	R -	-		
	Level 1 and Level 2	R 390,666,282.41	97.05		
				R 8,970,119.62	



SANParks demonstrated significant strides in its procurement practices concerning Black-women-owned, youth-owned and Black-owned companies, as reflected in the above matrix. The zero procurement expenditure for PWD and the complete lack of explanation were of concern. The data shows that 65.31% of procurement was spent on 100% Black-owned companies. Among exempted micro enterprises (EME) with more than 50% Black ownership, it spent 4.8%. Among qualifying small enterprises (QSE) with more than 50%, it spent 13.54%.

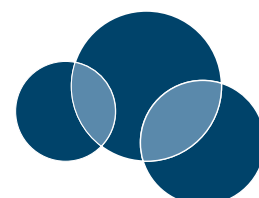
Approximately 18.86% of the company's budget was allocated to women-owned companies, with more than 30% women ownership. From the disaggregated data (race, gender, youth and PWD), it is clear that Black people in rural areas received the greatest part of the expenditure (48.38%). PWD received no part of the expenditure and Black youth received only 0.035%.

The detailed report provided to the Commission by SANParks reveals compliance with Section 2 of the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) and the Regulations to the PPPFA as published in 2017. The data provided in this section determines how SANParks procures in terms of its obligations under the PPPFA and its Regulations relating to vulnerable groups and how to bring people historically disadvantaged by unfair discrimination into the fold. The Commission concludes that SANParks takes its responsibility seriously

A draft procurement policy, budget allocation for transformation per region, and the transformation success data were provided.

10.4.1 Supply Chain Management Policy

The Commission notes that SANParks has a supply chain management policy that ensures that SANParks treats all its vendors fairly, equitably and transparently. There is also monthly and quarterly monitoring through the reports.



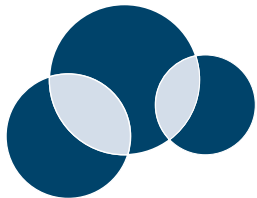


Table 12: Garden Route (GRNP) – Matrix 6

Total spend for below R500k GRNP	R	8,154,916.79	Total spend below R500k: EME	Number	Rand value	Total spend below R500k: QSE	Number	Rand value
Q1	R	-	Q1	0	R	Q1	0	R
Q2	R	-	Q2	0	R	Q2	0	R
Q3	R	-	Q3	0	R	Q3	0	R
Q4	R	1,766,382.49	Q4	12	R	1,771,212.49	Q4	R
			YTD	36	R	5,731,234.77	YTD	R
							1	500,000.00

Period	Category	Amount	Percentage	Amount Q4	Percentage Q4
2021/2022: 01 April 2021 to 31 March 2022	Procurement spend from companies who are 100% Black owned (BBEE)	R 3,688,759.88	45.23	R 1,640,382.49	92.87
	Procurement spend from EME's who are more than 50% Black owned	R 3,313,788.23	40.64	R 1,645,212.49	93.14
	Procurement spend from QSE's who are more than 50% Black owned	R -	-	R -	-
	Procurement spend from companies who are more than 30% Black women owned	R 1,949,358.04	23.90	R 385,025.00	21.80
	Black Women	R 2,290,807.86	28.09		
	Black people with disability	R -	-		
	Black youth	R 982,734.95	12.05		
	Black people in rural areas	R 633,517.99	7.77		
	Black unemployed	R 42,805.05	0.52		
	Level 1 and Level 2	R 6,842,231.83	83.90	R 1,766,382.49	

Table 13: Northern Region – Matrix 7

Total spend for below R500k Northern Region	R	8,907,663.54	Total spend below R500k: EME	Number	Rand value	Total spend below R500k: QSE	Number	Rand value
Q1	R	2,781,412.99	Q1	51	R 1,199,961.21	Q1	21	R 697,796.83
Q2	R	2,750,194.63	Q2	63	R 1,622,427.67	Q2	13	R 445,747.04
Q3	R	1,526,442.91	Q3	43	R 764,070.03	Q3	8	R 102,387.58
Q4	R	1,849,612.01	Q4	35	R 675,897.00	Q4	18	R 536,768.30
			YTD	192	R 4,262,355.91	YTD	60	R 1,782,699.75

Period	Category	Amount	Percentage	Amount Q4	Percentage Q4
2021/2022: 01 April 2021 to 31 March 2022	Procurement spend from companies who are 100% Black owned (BBBEE)	R 2,791,239.31	31.34	R 305,573.07	16.52
	Procurement spend from EME's who are more than 50% Black owned	R 2,810,997.40	31.56	R 319,902.54	17.30
	Procurement spend from QSE's who are more than 50% Black owned	R 873,899.11	9.81	R 227,246.71	12.29
	Procurement spend from companies who are more than 30% Black women owned	R 1,215,483.21	13.65	R 133,749.32	7.23
	Black Women	R 4,531,058.89	50.87		
	Black people with disability	R -	-		
	Black youth	R 871,333.82	9.78		
	Black people in rural areas	R 677,565.75	7.61		
	Black unemployed	R 359,798.55	4.04		
	Level 1 and Level 2	R 6,831,449.74	76.69	R 1,355,114.74	

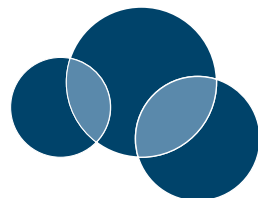


Table 15: Cape Region – Matrix 9

Summary Spend for below R500k 01 April 2021 to 31 March 2022

Total spend for below R500k KNP	R	4,128,994.27	Total spend below R500k: EME	Number	Rand value	Total spend below R500k: QSE	Number	Rand value
Q1	R	-	Q1	0	R	Q1	0	R
Q2	R	-	Q2	0	R	Q2	0	R
Q3	R	-	Q3	0	R	Q3	0	R
Q4	R	-	Q4	0	R	Q4	0	R
			YTD	25	R	3,757,417.51	2	R
						YTD		139,276.08

Period	Category	Amount	Percentage
2021/2022:01 April 2021 to 31 March 2022	Procurement spend from companies who are 100% Black owned (BBBEE)	R 2,874,050.52	69.61
	Procurement spend from EME's who are more than 50% Black owned	R 2,647,176.46	64.11
	Procurement spend from QSE's who are more than 50% Black owned	R 139,276.08	3.37
	Procurement spend from companies who are more than 30% Black women owned	R 380,411.50	9.21
	Black Women	R 388,423.33	9.41
	Black people with disability	R -	-
	Black youth	R -	-
	Black people in rural areas	R -	-
	Black unemployed	R -	-
	Level 1 and level 2	R 3,018,843	73.11

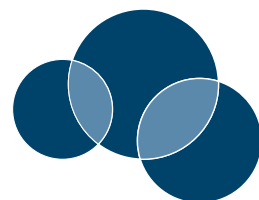
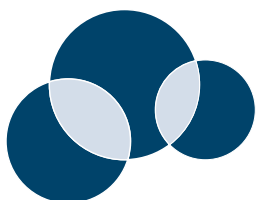


Table 16: Frontier – Matrix 10

Total spend for below R500k Frontier Region	R	15,683,848.77	Total spend below R500k: EME	Number	Rand value	Total spend below R500k: QSE	Number	Rand value
Q1	R	4,216,021.27	Q1	22	R 3,637,058.79	Q1	1	R 77,489.30
Q2	R	2,537,598.06	Q2	16	R 1,329,011.68	Q2	0	R -
Q3	R	2,946,571.55	Q3	22	R 2,346,094.63	Q3	0	R -
Q4	R	5,983,657.89	Q4	23	R 2,635,931.21	Q4	0	R -
			YTD	83	R 9,948,096.31	YTD	1	R 77,489.30

Period	Category	Amount	Percentage	Amount Q4	Percentage Q4
2021/2022: 01 April 2021 to 31 March 2022	Procurement spend from companies who are 100% Black owned (BBEE)	R 6,357,544.90	40.54	R 1,674,187.40	27.98
	Procurement spend from EME's who are more than 50% Black owned	R 7,061,541.97	45.02	R 1,466,531.71	24.51
	Procurement spend from QSE's who are more than 50% Black owned	R 77,489.30	0.49	R -	-
	Procurement spend from companies who are more than 30% Black women owned	R 4,150,971.99	26.47	R 1,601,461.46	26.76
	Black Women	R 5,860,658.69	37.37		
	Black people with disability	R -	-		
	Black youth	R 1,641,412.00	10.47		
	Black people in rural areas	R 24,035.00	0.15		
	Black unemployed	R -	-		
	Level 1 and level 2	R 10,987,868.88	70.06	R 3,891,130.17	



In relation to Tables 11 to 15 (Matrixes 6 to 10), SANParks has a good understanding of where suppliers are located and who should benefit from the procurement spent, which is commendable.

Additionally, the Commission notes that SANParks' Supply Chain Policy states that "SANParks is not obliged to accept or enter into unsolicited agreements". According to National Treasury SCM Practice Note No 11 of 2008/2009, unsolicited bids may be considered in exceptional cases. All unsolicited quotes/proposals/bids follow the route in this policy for signing the contract. Thereafter, SANParks, through its Corporate SCM office, provides a copy of the contract to the Auditor-General and to the CFO for reporting in the annual report.

In this regard, it does raise the question of SANParks position regarding preferential contracting for unsolicited bids from PWD.

PWD are more likely to be unemployed or underemployed, as data shows. Therefore, reducing unemployment of PWD benefits individuals with disabilities and their families, but may also benefit the State by reducing welfare and support costs. Given the ratification of the CRPD, it is imperative that PWD receive preferential contracting. Despite not being explicitly required by the CRPD, preferential contracting was clearly intended by the drafters as a tool to ensure that employment-related provisions of the law are implemented.¹

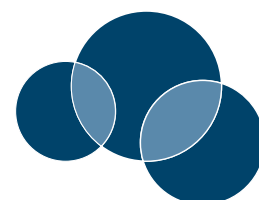
Preferential contracting is a way for governments to implement national development plans and mainstream disability into their development agendas to realise the Sustainable Development Goals. The SDG 10 target emphasises reducing inequalities, while the SDGs 12.7 and 16.6 address government procurement and expenditures. Even though preferential contracting is not explicitly mentioned in the Sustainable Development Goals, its framing implies that governments should promote income growth for those in poverty (SDG 10.1), facilitate social, economic and political inclusion (SDG 10.2), and provide opportunities and eliminate discriminatory practices (SDG 10.3). Recent reports indicate that the SDGs support of procurement transformation is a method for advancing sustainable development and achieving social and economic inclusion.²

10.4.2 SANParks Women's Forum

A report to the Commission addresses issues from the SANParks Women's Forum from 2017 to date. Regarding the request by the Commission regarding women's forum initiatives, SANParks reported that the SANParks Women's Forum (known as Kudettes) is established with members who participate voluntarily based on their interest in women's issues and transformation within the organisation. The SANParks Women's Forum will motivate women to play an active role in organisational transformation issues regarding gender equality and the promotion of the wellness of women.

¹ United Nations Department of Economic and Social Affairs, *Disability and Employment, Fact Sheet 1*. For more recent data specific to European countries only, see also, Geiger, Ben Baumberg, Kjetil A. van der Wel and Anne Grete Tøge (2017).

² United Nations Statistics Division (2021), page 50. The Sustainable Development Goals Report 2021 notes, "As of December 2020, 40 countries had reported on sustainable public procurement policies or action plans (or equivalent legal dispositions), which encourage the procurement of environmentally sound, energy-efficient products, and promote more socially responsible purchasing practices and sustainable supply chains."



Furthermore, the SANParks Women's Forum is mandated, and its objectives are to:

- a) Spearhead the creation of an enabling environment in which women can share without prejudice and receive equal support
- b) Engage the organisation on past imbalances and gender-balanced leadership, gender inequalities, the development and recognition of women and diversity in the workplace
- c) Serve as the voice for all SANParks women and advocate the protection of their rights
- d) Support campaigns that advocate against discrimination, sexism, abuse, oppression and inequality in the workplace
- e) Identify barriers in the workplace that hinder women's empowerment towards gender equality
- f) Make relevant recommendations to EXCO regarding barriers to women's empowerment
- g) Advocate for education, development and promotion of women within the organisation.

The SANParks Women's Forum is recognised as a functional forum within the organisation and will influence policy. The forum's responsibilities are to support women in the parks, report to the Executive Kudettes and ensure that women's issues are heard and addressed. In addition, the forum will determine ways to improve women's lives and promote cohesion among all women in the workplace by creating awareness of development, empowerment and wellness issues.

The responsibilities of the Executive Kudettes are:

- To manage the functioning of all SANParks committees within their respective regions
- To consolidate and recommend all relevant issues reported to EXCO by the camp/park and regional committees
- To communicate EXCO decisions to the committees.

Based on the objective and responsibilities outlined above, the SANParks Women's Forum National Committee comprises representatives from cross-functional divisions and regions nominated by the camp/park.

The SANParks Women's Forum National Committee consists of the following members:

- (i) Chairperson
- (ii) Vice Chairperson
- (iii) Secretariat
- (iv) National Coordinator
- (v) Forum Members.

For consideration and approval, additional membership requests may be tabled at official meetings.

The SANParks Women's Forum has a Chairperson and Vice Chairperson. The Chairperson chairs all National Committee meetings and provides the national coordinator with progress reports on matters handled by the SANParks Women's Forum. In the absence of the Chairperson, a

qualified person takes over the role of chairperson. A Secretariat is reported to be in place for the coordination of meetings and events, as well as for taking minutes and distributing reports. Furthermore, a National Coordinator is in place for liaison with SANParks EXCO.

Currently, there are 789 active members of the SANParks Women's Forum. Members come and go as and when there are pressing issues to discuss. The regions meet quarterly and have two main events each year, one during March for International Women's Day and one during August for National Women's Month. Through coordinated efforts in conjunction with human capital management (HCM) and partnerships with FAMSA, the forum addresses issues such as sexual harassment, cancer affecting women, women's health, financial wellness, outreach to women in distress and women's rights.

10.4.3 Measures to create a conducive workplace for employees with parenting responsibilities

SANParks submitted a Leave Policy that provides employees with leave for parenting responsibilities, including paternal responsibility, family responsibility, maternity, adoption and guardianship. The policy also provides leave for antenatal and postnatal care.

10.4.3.1 Paternity leave

All employees who have completed four months of continuous employment and who work at least four days per week are entitled to ten days of paternity leave.

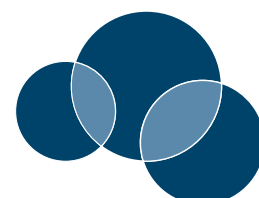
10.4.3.2 Family responsibility leave

Employees who have worked four weeks or more are entitled to ten days of family responsibility leave annually for the following reasons:

- A child is born to an employee
- Sickness of the employee's spouse or child
- Death of the employee's spouse or life partner, parent, adoptive parent, parent in law, grandparent, child, adoptive child, foster child, grandchild or sibling (including step and half siblings).

10.4.3.3 Maternity leave

A fixed-term contract employee (including one who served more than three months but earned less than the applicable threshold) is entitled to six months of paid leave at 100% of their salary. Employees who have completed at least 26 weeks of service are eligible for this. Employees with three months or less of service under a fixed-term contract do not qualify for benefits under the above-mentioned provision. In accordance with labour laws, maternity leave will be regulated.



10.4.3.4 Adoption and guardianship leave

For children younger than one year old, adoptive, foster or guardian parents are entitled to one month of paid leave. Leave days can be taken consecutively or shared by the employee at their discretion. Both parents are permitted to take leave simultaneously if they are both employed by SANParks.

10.4.3.5 Ante-natal and post-natal care

A parent is entitled to a day off once a month to attend an antenatal clinic and class without losing pay for the first six months of pregnancy. SANParks also noted that some of its parks offer childcare facilities to cater to employees with parenting responsibilities, whereas at other parks, there are no childcare facilities because of the nature of the parks and the safety concerns of parents for children.

10.4.4 Employment Equity Policy

The Commission notes that the policy aims to eliminate unfair discrimination and labour practices, create fair recruitment and development practices and create a diverse gender and disability-sensitive workplace for all employees. Affirmative action measures must also be implemented to ensure equal opportunities and equal representation for all employees.

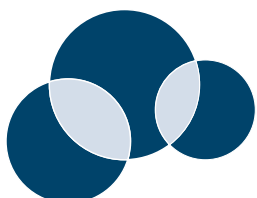
Additionally, the Commission noted that SANParks has an Employment Equity Plan in place and a willingness to achieve equity at work is evident, and the organisation has already achieved gender equality. However, the Commission still needs to monitor SANParks equity action in terms of achieving equal representation in terms of race, PWD and unemployed Black youth. In addition, the action must be accomplished within a specific period.

10.4.5 Recruitment and Selection Policy

According to the Commission, SANParks has a recruitment and selection policy that promotes and protects workplace equity. Also included in this policy are SANParks' commitments to nurturing and maintaining a transformed work environment that includes all employees.

10.4.6 SANParks Meta-Policy

As part of its submission to the Commission, SANParks submitted a meta-policy that covers the development, review and implementation of the organisation's policies, as well as the management and procedure of policy implementation.

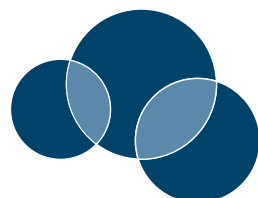


10.5 Conclusion

The Commission reviewed all the submitted documentation and a progress report in the 2022/2023 financial year. The Commission noted the great strides made by SANParks and its willingness and commitment to transform their workplace. However, the achievement of racial representation and PWD in this particular department remains a concern. SANParks reviewed its policies and submitted them to the CGE. The policies and programmes are in line with the CGE's recommendations.

During the Commission's investigation in the 2021/2022 financial year, SANParks submitted the sexual harassment cases lodged by the subordinate against the managers. This raised a red flag on the handling of the sexual harassment cases in the workplace.

There are programmes and policies at SANParks that promote racial representations, PWD and LGBTQIA+ representation at all occupational levels. However, such programmes will not be effective without the commitment of the SANParks senior and top management to ensuring transformation in the workplace. The Commission notes challenges catering for PWD in terms of procurement at SANParks. The Commission will monitor the programmes to ensure that PWD are catered for in terms of procurement of services and goods.



11 Overall conclusion

The Commission will continue to monitor compliance with the progressive implementation of the long-term recommendations. Overall, the Commission observed that both the private sector and public sector entities that came before it experienced major setbacks with respect to transformation.

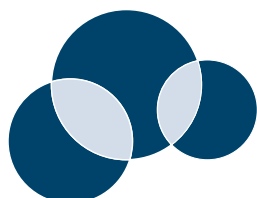
In addition, a polarised approach to the transformation issue occurs. In terms of remedial action related to the Commission's findings and recommendations, the private sector appeared to be taking concerted actions to correct its shortcomings. This conclusion was reached based on an analysis of follow-up reports submitted by both public and private entities.

What was concerning in the public sector was the outdated sexual harassment policies relied upon by the departments. This enabled the Commission's clearer understanding of what departments reported regarding sexual harassment complaints or the failure to take adequate action by departments in this regard. The lack of timely investigations and conclusions regarding investigations related to complainants and the brazen conduct of perpetrators was evidence of this.

In both the private and public sectors, sexual harassment training for staff and management was sometimes non-existent. The Commission cautions entities against failing to eliminate sexual harassment in the workplace. Elimination can only be done proactively. As a result, it is imperative that entities provide employees with adequate and proper training on sexual harassment in order to prevent sexual harassment from occurring. If such training is not provided, employees are not protected. Thus, under Section 60 of the EEA, employers may be liable for vicarious liability.

As far as representation is concerned, it is apparent that neither the public nor private sectors include PWD and PWD recruitment was almost non-existent. The Commission observed that entities do not fully implement the B-BBEE and PPPFA provisions regarding procurement practices. The consequence of such resistance is that progress is hindered for Black women and other designated groups who own and manage existing and new businesses. Representation policies promote black access to economic activities, infrastructure, skills and training. Furthermore, reported data shows that some entities are not meeting their legal obligations to include vulnerable groups in their procurement cycles and to comply with legislation.

Following the hearings and the submission of follow-up reports and evidence, both sectors made great strides toward addressing the Commission's recommendations, and the entities showed a willingness to work with the Commission to slowly improve the trajectory of transformation.



OFFICES AND CONTACT DETAILS

HEAD OFFICE

2 Kotze Street Women's Jail,
East Wing Constitution Hill
Braamfontein, 2017
Tel: +27 11 403 7182

KWAZULU-NATAL

40 Dr A.B Xuma Road
Commercial City, Suite 1219
Durban, 4000
Tel: +27 31 305 2105

GAUTENG

267 Lillian Ngoyi Street
Praetor Forum Pretoria, 0001
Tel: +27 12 341 6090

FREE STATE

49 Charlotte Maxeke Street
Fedsure Building, 2nd Floor
Bloemfontein, 9300
Tel: +27 51 430 9348

EASTERN CAPE

3-33 Phillip Frame Road
Waverly Office Park Chiselhurst
East London, 5247
Tel: +27 43 722 3489

NORTHERN CAPE

143 Du Toitspan Road
NPO Building
Kimberley, 8300
Tel: +27 53 832 0477

LIMPOPO

Cnr Grobler & Schoeman Street
106 Library Gardens Square,
1st Floor Polokwane, 0700
Tel: +27 15 291 3070

NORTH-WEST

38 Molopo Road
Mahikeng, 2745
Tel: +27 18 381 1505

✉ General Enquiries – info@cge.org.za

✉ Media Enquiries – media@cge.org.za

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