



Commission for Gender Equality

## INVESTIGATIVE HEARING ON EMPLOYMENT EQUITY AND TRANSFORMATION

### Part 1: Department of Forestry Fisheries and the Environment

### Part 2: South African National Parks

# PART 1



Commission for Gender Equality

## Department of Forestry Fisheries and the Environment

# BACKGROUND



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- **The Commission for Gender Equality (CGE) initiated its investigation into employment equity and transformation with the Department of Forestry Fisheries and the Environment (DFFE) in 2021, The Commission dispatched correspondence dated the 04th June 2021 to the DFFE, inviting DFFE to participate in the investigative hearing. A questionnaire was sent and on the 23rd of July 2021 the DFFE responded and further provided copies of the supporting documents and its policies.**

# ANALYSIS OF INFORMATION SUBMITTED



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## Workforce information (information submitted in 2021)

- **At the top management level 16, there were 3 employees and represented as 2 African women (66%) and 1 White women (34%). There is no representation of coloured and Indian persons.**
- **At level 2 there are 655 employees and represented as 364 African women (55.5%), 5 Coloured women (0.7%), 0 Indian women (0%) and 0 white women (0%). There are 283 African men (43.2%), 3 Coloured men (0.45%), 0 Indian men (0%) and 0 white men (0%).**
- **The total number of representations on all the levels is 4214 and represented as 1883 African women (44.6%), 124 Coloured women (2.9%), 44 Indian women (1.0%) and 108 white women (2.5%). There were 1708 African men (40.5%), 181 Coloured men (4.2%), 37 Indian men (0.87%) and 129 White men (3.06%). This clearly indicates that Indian men and women are the least represented and African women and men are over-represented.**

# MEASURES IN PLACE TO PROMOTE GENDER TRANSFORMATION AND TO INCREASE WOMEN'S REPRESENTATION AT TOP AND SENIOR MANAGERIAL POSITIONS



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- The DFFE's approach regarding the employment and/or promotion of employees at all levels was based on the principle of equal opportunity for all and no one must not be discriminated unfairly.
- The DFFE applied the Employment Equity Act in order to ensure that all the racial groups were well represented at all levels of the DFFE.
- Preference was given to designated groups in enabling equality and just representations at the workplace.
- At the time, the DFFE had set a target greater than 30% of assuring sufficient participation of women in decision making which is currently at 50% at the Senior Management Level.
- That was the target in the Employment Equity Plan 2017-2022.

# GENDER RESPONSIVE BUDGETING



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- **There was no plan that had been established to develop, implement and track gender-responsive procurement programmes.**
- **There was no policy that had been developed to enable women entrepreneurs to participate more fully in public procurement markets. The DFFE procured less than 40% of its goods and or services from women owned entities during any financial year.**

**Percentage of goods and services, and tenders awarded to women in 2019 was 11%, in 2020 it was 29% and in 2021 it was 27% , the difference over years were influenced by Covid19 regulations and challenges.**

# CONDUCTIVE WORKPLACE



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- **In terms of the Basic Conditions of Employment Act 75 of 1997 the DFFE did not provide for childcare facilities at the workplace due to nature of the services and goods provided by the DFFE, however, the DFFE has Flexi-Time Work Policy to employees in order to balance family responsibilities with work responsibilities particularly for women.**
- **There were other measures in place to create a conducive workplace for employees with parenting responsibilities such as the Employee Health and Wellness Programme (the DFFE was at the time implementing a combination model with internal practitioners and external wellness service providers.)**

# SEXUAL HARASSMENT AT THE WORKPLACE



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- The DFFE conducted workshops on sexual harassment to employees and the attendance registers were provided.
- The DFFE was conducting the sexual harassment workshops once quarterly, but due to the Covid19 pandemic the said sessions could not take place.
- There were three (3) sexual harassment cases reported at the workplace from January 2019 until the time of the hearing, and two were pending finalization then.



# PAY GAP



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**The DFFE's remuneration at the time was informed by the Department of Public Service and Administration (DPSA) which administers remuneration matters for government departments through issuing of circulars on improvement in conditions of service or adjustments.**

# SKILLS DEVELOPMENT



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- **The DFFE's total budget was R18 914 190. 00 as per section 30 of the Skills Development Act 97 of 1998 as amended and which requires the organs of the state to allocate at least one (1) percent of its payroll towards skills development.**
- **A total of one (1%) percent personal budget was spent on training of employees in the previous year and it was allocated as follows; for gender it was men 35, women 32, African 62, White 5 and there was no budget for persons with disability.**

# PROCUREMENT PRACTICES



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**The DFFE did not have an effective gender-responsive procurement programme. No plans had been established to develop, implement and track gender-responsive procurement programmes.**

**The DFFE did not have any policies that had been developed to enable women entrepreneurs to participate more fully in public procurement markets.**

**The DFFE procured less than 40% of its goods and or services from women owned entities during any financial year.**

**Percentage of goods and services tenders awarded to women in the 2019 it was 11%, in the year 2020 it was 29% and in the 2021 it was 27% this differs due to the Covid19 regulations and challenges.**

**As a success, in 2020 the DFFE gave business to African women owned companies at the total value of R637 270 021. 25 which was 29%.**

**The challenges in general cited was that there are limited number of African women-owned businesses and limited financial resources to execute massive project upon award of a tender.**

# WOMEN EMPOWERMENT PRINCIPLE (WEP)



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- **Women Empowerment Principle 2 (WEP) provides for equal opportunity, inclusion and non-discrimination; Assure sufficient participation of women 30% or greater in decision-making and governance at all levels and across all business areas.**
- **The DFFE set a target greater than 30% of assuring sufficient participation of women in decision making which is currently at 50% at the Senior Management Level.**
- **That was articulated as the target in the Employment Equity Plan 2017-2022.**
- **The DFFE expanded the relationships with women owned enterprises including small business and women entrepreneurs.**
- **The DFFE spent R 2 016 657,86 on the Black Economic Empowerment and spent R 8 543,28 on Women Equity under Supply Chain Management in expanding the relationships with women-owned enterprises, small business and women entrepreneurs.**

# WOMEN EMPOWERMENT PRINCIPLES (WEP)



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**The DFFE had not established benchmarks that quantify the inclusion of women at all levels.**

**The DFFE advised that it measured and reports on progress, both internally and externally, using data disaggregated by sex.**



- **The DFFE indicated that it incorporates gender markers into ongoing reporting obligations/Performance contract/KPA's. The supporting documents will be documents such as DDG's Performance Contracts e.g. DDG: CMS.**
- **There was a designated board-level individual who champions the organization's gender equality policies and plans and there are trainings, including for men leaders, on the importance of women's participation and inclusion.**
- **The DFFE's annual report or sustainability report include leadership statements on reaching gender equality goals.**
- **The DFFE never requested information from current and potential suppliers on their gender and diversity policies and to include these in criteria for business selection as envisaged by the WEP.**

# FINDINGS



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**Following the DFFE's appearance in November 2021 the Commission made the following findings**

- **The DFFE had outdated policies which were gender blind.**
- **The Commission noted a lack of PWD at top and senior management levels, and in fact in almost all occupational levels.**
- **There were adequate measures in place ensuring that women are adequately represented at top and senior management levels and in general in all other levels of the DFFE.**
- **It was noted that the DFFE was doing well in terms of gender balance in the workplace. However, balancing the race of employees in all occupational levels remains a challenge.**

# FINDINGS



Commission for Gender Equality

- **The DFFE had EE policies and an EE Manager in place, however, without the assistance of management in ensuring that the EE Manager effects those policies, there will not be any success in overcoming these challenges.**
- **In terms of skills development the DFFE was doing well as both genders are well represented and benefited equally. However, PWD were not benefiting at all.**
- **The DFFE excelled in community outreach programmes and its achievements went beyond expectation.**
- **The DFFE's Sexual Harassment Policy was outdated and relied on the Code of Good Practice of 1998 instead of the 2005 Code of Good Practice: Handling of Sexual Harassment. Currently at 2023, the Code of 2022 is in place.**



# RECOMMENDATIONS



Commission for Gender Equality

**In line with the findings the Commission made the following recommendations:**

- **Policies were outdated and had to be reviewed to ensure that they were gender neutral. This had to be done within 6 months of the hearing in line with the department's internal process.**
- **The DFFE had to amend its Sexual Harassment Policy and align it with the Code of Good Practice of 2005. However currently the 2022 Code is in place.**
- **A gender lens must be applied during the formulation of the next 5-Year Strategic Plan.**
- **The EE Manager, with support from top and senior management, had to ensure that PWD are well represented at all levels in the workplace.**

# RECOMMENDATIONS



Commission for Gender Equality

- **The DFFE had to ensure that PWD benefit equally from workplace Skills Development. Budget must be made available to this end.**
- **The EE Manager, with support from top and senior management, had to ensure that all racial groups are well represented in the workplace.**

# PROGRESS REPORT



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- Subsequent to DFFE'S initial appearance, progress regarding the recommendations made at he hearing was then sought by the Commission in July 2022, the DFFE then submitted the following information:
- 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.

# PROGRESS REPORT



Commission for Gender Equality

- **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 finalized 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.**

# PROGRESS REPORT



Commission for Gender Equality

- **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.**

# PROGRESS REPORT



Commission for Gender Equality

- **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 African, unemployed youth or LGBTQIA+ individuals.**

# CONCLUSION : DFFE



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- 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 remained a concern then.
- Considering the lack of support from executive management, the EE Manager faced 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 were programmes and policies in place then that promoted racial representation, PWD and LGBTQIA+ representation at all occupational levels. The Commissions' monitoring is a continuous process.



# PART 2



# PART 2



Commission for Gender Equality

# South African National Parks

# INTRODUCTION



Commission for Gender Equality

**SANParks is a State-owned enterprise, responsible for managing 22 South African National Parks. It is an entity accountable to the Department of Forestry, Fisheries, and the Environment, established in terms of the Protected Areas Act, No. 57 of 2003, to oversee the conservation of South Africa's biodiversity, landscapes, and associated heritage assets through a national parks system.**

**SANParks' mission is to develop, protect, expand, manage, and promote sustainable national parks that represent natural and cultural heritage assets through innovation, excellence, responsible tourism, and just socio-economic benefit for current and future generations.**

# INTRODUCTION



Commission for Gender Equality

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# INTRODUCTION



Commission for Gender Equality

**A questionnaire on gender transformation within the public and private sectors was dispatched to SANParks during June 2021 and was returned to the Commission in August 2021. SANParks submitted two (2) completed questionnaires, one being an amendment to the initial one returned, together with supporting data..**

# FINDINGS...



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- 1. Due to the lack of, or insufficient, information submitted by SANParks, the Commission was unable to establish the state of transformation at SANParks.**
- 2. SANParks violated Section 18(a) of the CGEA by failing to provide the Commission with the requested and required information. The information presented before the Commission then differed from the information originally submitted to the Commission.**
- 3. There was no enhanced representation of African persons with disability or African unemployed persons for the past three years at various occupational levels.**
- 4. Top management positions were men dominated at a ratio of 6:2. There was a low representation of Coloured and Indian persons, specifically women, in senior management positions.**

# FINDINGS



Commission for Gender Equality

**5. SANParks submitted its Annual Performance Plan, titled Transformation Charter, and Integration**

**Strategy. However, in response to the questionnaire SANParks referred to page 49 of the**

**Document that was silent on the number or percentage of women participating in decision**

**making and did not establish benchmarks that quantified the inclusion of women at all levels.**

**This made it difficult for the Commission to determine whether SANParks complied in these**

**respects or not.**

**6. There were no policies or implementation plans of promoting gender equality.**

**7. There were minimal measures entrenched to create a conducive workplace for employees with**

**parenting responsibilities.**

# RECOMMENDATIONS



Commission for Gender Equality

**Due to the absence of, or insufficient information submitted by SANParks, the Commission was unable to**

**establish the state of transformation at SANParks. As a result, SANParks was required to:**

- 1. Submit to the Commission a report on the progress of action on procurement budget spent on members of designated groups.**
- 2. Submit to the Commission data on sexual harassment cases reported from the year 2017 to date, and the outcome or status of each case.**
- 3. Submit to the Commission minutes of Employment Equity Committee meetings, reflecting gender equality issues under discussion.**

# **RECOMMENDATIONS**



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- 4. Submit to the Commission an employment survey report from 2017 to date.**
- 5. Submit to the Commission a draft procurement policy together with the budget allocation for transformation per region and the success thereof.**
- 6. Submit a report to the Commission that addresses issues emanating from women's forums from the year 2017 to date.**
- 7. Submit to the Commission an integrated transformation strategy.**
- 8. Submit a report to the Commission on SANParks turnaround time for dealing with policies.**



# RECOMMENDATIONS



Commission for Gender Equality

- 9. Ensure that SANParks management attends training or a workshop on sexual harassment within six (6) months of the date of the hearing;**
- 10. Develop a policy that caters for the minimum requirements for PWD and for unemployed youth, in order to enhance its compliance with B-BBEE and Section 2 of the PPPFA of 2000 and Regulations 2007;**
- 11. 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.**

# RECOMMENDATIONS



Commission for Gender Equality

- 12. Enhance recognition of African persons with disabilities and unemployed African persons.**
- 13. Put in place policies and implementation plans to promote gender equality.**
- 14. Implement measures to create a conducive workplace for employees with parenting responsibilities.**

# PROGRESS REPORT



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**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.**

# PROGRESS REPORT



Commission for Gender Equality

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.

# CONCLUSION



Commission for Gender Equality





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 at SANParks remains a concern. SANParks reviewed its policies and submitted them to the CGE. The policies and programmes were in line with the CGE's recommendations.

# THANK YOU

HAVE A GENDER RELATED  
COMPLAINT ?  
REPORT IT TO  
**0800 007 709**

FOR MORE INFORMATION  
VISIT OUR WEBSITE  
**[www.cge.org.za](http://www.cge.org.za)**

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