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Gender struggles in the
South African mining and
automotive sectors:
A REPORT

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Project Management: Fredson Guilengue, Siviwe Rikhotso and Sikho Luthango

Proofreader: Barbara Hime

Layout and design: Sinikiwe Chakamanga Ndhlovu

Cover image: Upthink Digital

Contributors: Abongile Nkamisa, Anesu Dera, Ariella Scher, Ferron Pedro, Matthew Grant, Ntokozo Mbhele, Trevor Shaku, Vuyolethu Mntonintshi, Zanele Malindi

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2. Abbreviations

BCEA	Basic Conditions of Employment Act 75 of 1997
CALS	Centre for Applied Legal Studies
CCMA	Commission for Conciliation, Mediation & Arbitration
EEA	Employment Equity Act 55 of 1998
GBVH	Gender-based violence and sexual harassment
HR	Human resources
ILO	International Labour Organisation
LAC	Labour Appeal Court
LGBTQI+	Lesbian, gay, bisexual, transgender, queer, intersex, with "+" denoting the many other diverse sexual and gender identities
LRA	Labour Relations Act 66 of 1995, MHSA Mine Health and Safety Act 29 of 1996
MPRDA	Minerals and Petroleum Resources Development Act 28 of 2002
NEET	Statistical term for persons not in any form of employment, education, or training
NUMSA	National Union of Metalworkers of South Africa
OHS Act	Occupational Health and Safety Act 85 of 1993
PPE	Personal protective equipment
RLS	Rosa Luxemburg Stiftung
SAFTU	The South African Federation of Trade Unions
StatsSA	Statistics South Africa

3. Introduction

3.1 Background to the project and study area

Globally, jobs in the mining and automotive industries were perceived as men's work. In South Africa, these sectors evolved against a backdrop of racial and gender oppression. For centuries, the masculine and patriarchal workplace culture of both sectors, including the dangerous and strenuous work of mining, defined workers' experiences, and specifically women's experiences of marginality or inequality. This study unpacks the challenges faced by women¹ and LGBTQI+² workers in the mining and automotive sectors. We focus specifically on these two sectors because we had access to participants of the National Union of Metalworkers of South Africa (NUMSA), which organises in these sectors. Four focus group discussions gave us a snapshot of the obstacles faced by women and LGBTQI+ workers. These issues persist despite efforts by the industry to address them. This study is the product of a partnership between the Rosa Luxemburg Stiftung (RLS), the Centre for Applied Legal Studies (CALS), NUMSA, and the South African Federation of Trade Unions (SAFTU).

Despite some improvements in the mining and automotive sectors, inequality between men and women persists. The sheer number of women workers in these sectors is telling. Roughly 13.2% of the mining workforce are women, still well below other sectors in South Africa (Statistics SA 2022, 75). Women comprise approximately 25% of the automotive workforce (Deloitte 2020). In mining, only in 2002, under the Mining Charter (falling within the Minerals and Petroleum Resources Development Act 28 of 2002 or MPRDA), was a quota introduced stipulating a 10% inclusion of women within 5 years.

Despite these changes, the sector is yet to realise gender equality and equity. The United Nations' Sustainable Development Goal 5 aims to achieve gender equality by 2030. The International Labour Organisation (ILO) reinforces this goal through its various Conventions under its Decent Work framework: the Equal Remuneration Convention (No. 100), Discrimination (Employment and Occupation) Convention (No. 111), Workers with Family Responsibilities Convention (No. 156) and Maternity Protection Convention (No. 183). Of these, South Africa has only ratified Conventions 100 and 111. Importantly, Convention 190 on Violence and Harassment, adopted by the ILO in June 2019, has recently been ratified by South Africa (on 1 December 2021). This is significant for South Africa's mining sector, as it is known for a pervasive sexual harassment culture.

In the recently released study of gender-based violence and sexual harassment (GBVH) in mining, *What Happens Underground Stays Underground*, Keetharuth shows how GBVH continues to be pervasive (Keetharuth 2021). No specific gender-based safety provisions have been made in mine health and safety legislation, including the Mine Health and Safety Act 29 of 1996, to ensure the safety (and health) of women or in other sectors regulated by the Occupational Health and Safety Act 85 of 1993.

Before 1994, South Africa had a significant gender imbalance in the workforce, with men making up the majority of economically active workers in the formal economy (Posel 2000). Many economically active women worked in the informal economy or performed low-skill jobs in the formal economy (Bhorat and Van der Westhuizen). Consequently, many households which were women-led faced higher levels of poverty.

1. We use this term inclusively throughout, incorporating all persons who identify as women.

2. Lesbian, Gay, Bisexual, Transgendered, Queer (or questioning), Intersex, and other gendered and sexual identities, such as asexual, non-conforming, genderfluid, cisgender, etc. We use this term inclusively throughout the Report.

Despite the advent of democracy post 1994 and the promulgation of new labour legislation—such as the Labour Relations Act 66 of 1995, the Basic Conditions of Employment Act 75 of 1997, and the Employment Equity Act 55 of 1998—which all aim to address past inequalities at work, racial and gender inequality persists. Many black workers, especially women, still earn low wages and are in precarious jobs, while only a small proportion of workers earn decent wages (Espí, Francis and Valodia 2019, 44-61). Additionally, 44 out of every 100 employees in South Africa are women who are less likely than men to find work, are less likely than men to find work that pays well, and are usually paid less than men for the same work. A recent study by Mosomi (2019) argues that there is, on average, a 23-25% gender wage gap in South Africa, with women usually earning only 75-77% of what men do.

On the collective bargaining front, demands have historically focused on wages and related benefits, the so-called 'core demands', e.g., pension funds, medical aid, and allowances. Recently, however, more women-centred demands have been incorporated, such as paid maternity leave and workplace childcare facilities, creating a slightly more equitable space for women, though more needs to be done (Mthethwa 2019).

When it comes to LGBTQI+ workers and their needs and challenges, past non-LGBTQI+ focused research has shown a similar trend as with that of women workers, namely some progress, yet significant challenges and inequalities remain.

Some of the known challenges are: (1) the existence of a wage gap between LGBTQI+ and non-LGBTQI+ workers; (2) limited access to employment, or if employed, to training opportunities and promotion; (3) lack of access to dispute resolution for harassment and bullying; and (4) continual animosity, physical and sexual violence from co-workers (Benjamin 2018).

Generally, the challenges faced by LGBTQI+ workers often go unaddressed, with silence usually being the status quo (Ellsworth, Mendy and Sullivan 2020). Additionally, the patriarchal nature of the mining industry globally (and South Africa is no exception) thrives on homophobia (Renders 2015). Likewise, the factory floor of the automotive industry is grounded in historically patriarchal ideas of strength, ability and performance, and attendant worth. The small sample size of the LGBTQI+ community in each focus group—one or two members, almost always identifying as a lesbian woman—was a limitation. As such, we caution that readers should be aware of the attendant risk of relying too heavily on their individual experiences as indicative of a general trend.

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The report is structured as follows: We first consider the legal context for the study. We then move to define our research focus and what previous research reveals, in the following section (Gender and Labour). Thereafter, we report on our research methodology and our findings (In the Field) and follow this with our proposed possible solutions to these challenges, including via collective bargaining (Proposed Solutions to Challenges). Finally, we conclude our report.

We hope that our findings and brief report give you, the reader, an appreciation of the context and challenges these workers face and the mammoth task ahead of us in addressing them and progressing the struggle for equality in all workplaces.

3.2 The legal framework: Labour rights in general

Worker exploitation has been an unfortunate symbol of South African life since the advent of colonialism; apartheid thrived on the back of a cheap migrant labour force, with workers subjected to poverty wages and oppressive, racialised laws. Nevertheless, trade unions remained a major source of resistance, culminating in the 1980s when they organized widespread collective strikes against oppressive labour laws. This established workers and their trade unions as a powerful political force going into the democratic transition.

With the coming into effect of the Constitution of the Republic of South Africa in 1996, a wide range of worker rights were thus guaranteed. The rights afforded to citizens generally also apply to workers, namely, rights to equality, privacy, dignity, and life. However, some sections in the Bill of Rights are specifically intended to protect workers and the issues encountered in the workplace.

Section 23 of the Constitution entitled 'Labour relations', provides *inter alia* for the rights to: fair labour practices; membership of a trade union and participation in its activities; and the rights to strike and to collectively bargain. The provision mandates the government to pass national legislation to further elaborate upon and give content to these rights. The Labour Relations Act 66 of 1995 is one such piece of labour legislation

3.2.1 The Labour Relations Act

The Labour Relations Act 66 of 1995 (LRA) aims to align labour law with constitutional and international law. The LRA recognizes and regulates workers' rights to organize, join trade unions and strike. It ensures that union representatives have access to the workplace and regulates the workers' right to strike and the employers' attendant right to lock out workers. It also concretises the rules around fair dismissal and retrenchment of workers. Notably, and taking its lead from section 23 of the Constitution, the LRA also promotes and provides for collective bargaining, with one of its primary aims being:

To promote and facilitate collective bargaining at the workplace and at sectoral level.
– Preamble to the LRA

The LRA created many important bodies, including the Commission for Conciliation, Mediation and Arbitration (CCMA), the Labour Court and the Labour Appeal Court (LAC), which prefer simple procedures to resolve labour disputes.

3.2.2 Employment Equity Act 55 of 1998 (EEA)

The EEA requires every employer to promote equal opportunity in the workplace and ensure that no person unfairly discriminates,³ directly or indirectly, in any employment policy or practice, on one or more grounds (which include harassment). As of 18 March 2022, the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace⁴ governs issues of both sexual and non-sexual harassment occurring in the workplace. In particular, Section 5.1 provides that:

Sexual harassment of an employee is a form of unfair discrimination and is prohibited on the grounds of sex, gender, or sexual orientation. Same-sex harassment can amount to discrimination on the basis of sex, gender, sexual orientation and gender-based harassment. (Emphasis added.)

The Code outlines a test for sexual harassment in section 5.3.1 as follows:

3. Section 5 of the EEA.

4. Published in terms of the EEA as GN R1890 in Government Gazette 46056 of 18 March 2022.

sexual harassment is unwelcome conduct of a sexual nature, whether direct or indirect, that the perpetrator knows or ought to know is not welcome. Sexual harassment may be offensive to the complainant, make the complainant feel uncomfortable or cause harm or inspire the reasonable belief that the complainant may be harmed. Sexual harassment may interfere with the work of the complainant, although it need not necessarily do so. Sexual harassment violates the rights of an employee and constitutes a barrier to equality in the workplace.

The EEA and the Code intend to curtail the inequalities existing for women and LGBTQI+ persons in the workplace. However, as our research shows—along with many others, as considered in more detail below—such inequalities persist in the daily lives of women and LGBTQI+ persons in South African workplaces.

3.2.3 The Basic Conditions of Employment Act 75 of 1997 (BCEA)

The BCEA gives effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; thereby complying with South Africa's obligations as a member state of the ILO. The BCEA inter alia creates the obligation for workplaces to ensure that pregnant workers are not expected to perform work that is potentially dangerous to their health and safety or that of their foetus, like working underground.

3.3 The legal framework: The mining and automotive sectors in South Africa

Historically, women did not work in the mining sector, except in asbestos mines (McCulloch 2003, 413-432). The South African Minerals Acts of 1911 and 1991⁵ banned women from working underground in the mines. These Acts have since been repealed and replaced by the Minerals and Petroleum Resources Development Act 28 of 2002 (MPRDA).

The Mine Health and Safety Act (1996) lifted the ban on women working underground. South Africa is a signatory to the ILO Safety and Health in Mines Convention (No. 176, 1995) and Occupational Health and Safety Convention (No. 155, 1981). These instruments cover the rights of all workers and:

Contrary to the old approach based on the outright prohibition of underground work for all female workers, modern standards focus on risk assessment and risk management, and provide for sufficient preventative and protective measures for mineworkers, irrespective of gender, whether employed in surface or underground sites (ILO 2005).

Regarding South African common law, employers have a responsibility to ensure that workers are afforded a workplace that is not harmful and must provide safe equipment and tools and a safe method of work.

3.3.1 The Occupational Health and Safety Act 85 of 1993 (OHSA)

The OHSA places a duty on the employer to ensure that the working environment is safe and without risk to workers. While not explicit on GBVH, the general understanding is that it includes workers not being subjected to GBVH. The OHSA covers all workers, not only in the mining sector.

3.3.2 The Mine Health and Safety Act 29 of 1996 (MHSA)

The function and objective of the MHSA is to outline the health and safety guidelines for persons within a mining environment, and to protect the health and safety of persons at mines and associated works. The MHSA provides for the monitoring, inspection and investigation of incidents that threaten the health and safety of workers in the mining sector. Section 49(6) of the MHSA enables the creation of guidelines for mandatory codes of practice on the provision of protective equipment for women in the mining industry.

3.4 The legal framework: International policies and standards

The International Labour Organisation is a United Nations agency with a mandate to advance social and economic justice through setting international labour standards (ILO).

The ILO focuses on gender equality, and its conventions are considered international law standards regardless of ratification. Some of the relevant conventions that the ILO has adopted since 1930 include:

5. South African Minerals Act 50 of 1991.

- Forced Labour Convention (No. 29, 1930)
- Labour Inspection Convention (No. 81, 1947)
- Protection of Wages Convention (No. 95, 1949)
- Equal Remuneration Convention (No. 100, 1951)
- Discrimination (Employment and Occupation) Convention (No. 111, 1958), and
- Maternity Protection Convention (No. 183, 2000)

South Africa has ratified the ILO's Occupational Health and Safety Convention (No. 155, 1981), and its provisions are relevant in addressing sexual harassment in the workplace to the standards set by the ILO. The ILO mandates that all employers must not only provide but also maintain, as far as reasonably practicable, a safe working environment.

More recently, in November 2021, South Africa ratified the ILO's Violence and Harassment Convention (No. 190, 2019). That Convention entered into force for South Africa on 29 November 2022, one year after its ratification.

Such Conventions, despite being ratified by the member countries, are non-binding and depend on the adopting country incorporating the Conventions (which are essentially protocols) into their own laws. Hence, despite the South African government ratifying these Conventions, it does not mean they are necessarily followed—they simply agree that they will be followed. As is known, and indeed from what our research shows, (gender-based) violence, harassment and discrimination against LGBTQI+ persons persist in the South African mining and automotive sectors.

4. Gender and Labour

4.1 Defining the research focus

Women and LGBTQI+ persons are obviously at risk in any traditionally masculine and patriarchal industry. The inclusion of women in the South African mining industry, as currently mandated under the Broad-based Socio-economic Empowerment Charter (or Mining Charter) of the MPRDA,⁶

has transformed the mining workforce in South Africa from one that was exclusively male into one that incorporates approximately 13.2% of the overall workforce (Keetharuth 2021). Other mining countries, like Canada and Australia, have a 16% and 17% female workforce, respectively (Minerals Council 2020).

Regarding the automotive sector, as Teti (2016) reports

Globally, the automotive sector recognises [the need to encourage more female participation in the industry to address gender inequality] and wants to hire more women; however, the experiences of females in male dominated industries are reversing these efforts. Females are leaving male dominated industries (the automotive sector) because of the hostility towards them. It is therefore crucial to understand that filling the automotive pipeline of talent will not do much good for the automotive sector if women are leaving the sector. Consequently, it is important for South Africa to understand the experiences of females in the automotive sector, and the impact of those experiences on their learning, training and absorption into the sector ... (Teti 2016, 5)

We note the efforts of the South African automotive sector in recently promoting and hiring more women, mostly in management positions (Naidu 2021), yet question whether this impacts gender equality and associated dynamics for workers at the plant level. Despite our best efforts, we have been unable to ascertain the number of women and LGBTQI+ persons employed in this industry.⁷ The experiences we have gathered and detailed below paint a chequered and indeed worrying context.

To better understand the context within which our research took place, we looked to South Africa's employment figures. At the time of our fieldwork, the unemployment rate for women stood at 36.8%, with Black African women's unemployment standing at a massive 41% (Statistics SA, 2021, 25). Since the dawn of democracy, South Africa has promoted gender equality, including in the workplace.

6. Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry, published in terms of the MPRDA as GN 1002, in Government Gazette 41934 of 27 September 2018. First instituted in 2002.

7. The National Association of Automobile Manufacturers of South Africa (NAAMSA) does not have these figures readily available on its website. Our attempts to obtain this information have been unsuccessful, with the then acting Chief Operations Officer noting that their industry gender breakdown is still underway.

The mining industry is “increasingly aware of both the business and moral imperative of enhancing the representation of women across all levels” (Minerals Council 2020, 1). The automotive sector also acknowledges this (Turner 2021). We endeavoured to understand better how women themselves experience this context.

There appears to be no reliable, formal and accessible quantitative data about LGBTQI+ persons in the mining and automotive sectors. We highlight this gap and note that, as always, the absence of data does not reflect an absence of lived experiences (Maake 2019, 2023, 1-9).⁸

However, given our access and resource limitations, as stated in the Introduction, we engaged with selected groups who identify as women and/or LGBTQI+ persons.

We describe our methodology and research process in a later chapter. Given some of the known challenges faced by women and LGBTQI+ persons in the workplace, we elected to engage with our participants in a manner that allowed them to speak for themselves and give space to place their experiences on the table.

4.2 The South African labour force context in which women and LGBTQI+ workers are located

Since this report focuses on women and LGBTQI+ persons, it is crucial to give a brief overview of their conditions in the labour force in South Africa. The 2022 South African Census reports that the total population in South Africa is about 62 million individuals. The South African working group is between the ages of 15 and 64, approximately 40.3 million as of quarter 3, 2022 (Statistics SA 2022).

The Labour Force Survey produced by Statistics South Africa (StatsSA) reflects the traditional prejudices that are embedded in society in that it only captures data along heteronormative gendered frameworks of ‘male’ and ‘female’, without including diverse gender identities. It also—for perhaps obvious reasons—does not delineate its data across different sexual identities, other than at a very general and basic level.

Because this is an official statistical body, the disadvantage brought about by this exclusion is that the public is largely not able to make correct detailed estimations on the representation and distribution of heteronormative, cisgender persons as distinct from LGBTQI+ identifying persons in the labour force.

In the context of this deficiency, it is still important to examine the place of women and LGBTQI+ persons in the labour force.

Because the term ‘labour force’ includes both employed and unemployed persons, this section will explain how many women are employed or unemployed and proceed to examine the conditions of those in forms of employment.

4.2.1 Working age population and unemployment

There are 20.3 million women of working age, and only 10.6 million in the labour force (Statistics SA 2022), meaning they are engaged in no other activity and are eligible for work, whether employed or unemployed. However, only around 6.9 million women are employed, amounting to 44% of employed persons (Statistics SA 2022). Even though women constitute a bigger population of the working age group, they form a smaller segment of both the South African labour force (at 45.5% of the 23.5 million individuals in the labour force) and employed persons (Statistics SA 2022). The employment absorption rate in the third quarter of 2022 for women was 34.1%, compared with men at 44.2%, despite an overall 3.2% increase in this rate, year-on-year (Statistics SA 2022). Of the 2022 expanded unemployment rate of 43.1% (or 11.9 million people; Q3: 2022), women constitute 46.9%. This means that more than 6.1 million unemployed people are women (Statistics SA 2022). Although women constitute a minority of the labour force, a high number are unemployed.

As Figure 2 below shows, for young women, the category of persons not in any form of employment, education, or training (NEET) decreased, year-on-year (from 49.6% to 47.5% in 2022). Yet for young men (over the same period), these figures decreased in a more limited manner (from 42.5% to 40.6%) (Statistics SA 2022, 10).

8. We note and appreciate the research of TB Maake at the University of Johannesburg, which focuses *inter alia* on a qualitative analysis of the experiences of homosexual men in the mining industry.

Women remain the larger proportion of the NEET population (at approximately 10.3 million overall) versus men (8.1 million) for quarter 3 of 2022 (Statistics SA 2022, 81). This fact is indicative of how marginalising the labour market is for women. proportion of the NEET population (at approximately 10.3 million overall) versus men (8.1 million) for quarter 3 of 2022 (Statistics SA 2022, 81). This fact is indicative of how marginalising the labour market is for women.

These disparities (along both gender and racial lines) occur in a context of mass economic marginalisation that cuts across the whole of society. This marginalisation is induced by the incapability of South African patriarchal capitalism to sustain and create jobs. According to official statistics regarding unemployment in 2022, 2 million people were unemployed due to job losses, over 3.5 million were new entrants, and 234,000 were re-entrants (Statistics SA 2022, 75).

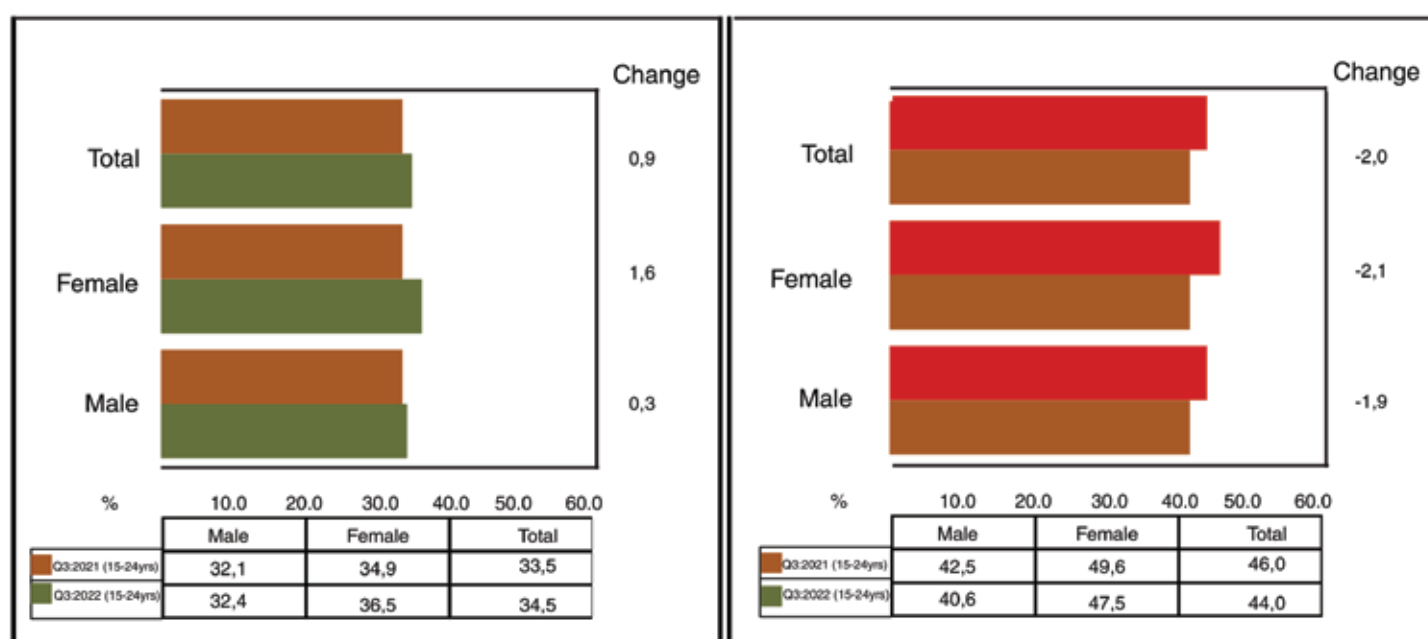


Figure 2a: NEET rates for youth aged 15–24 years by sex; Figure 1b: NEET rates for youth aged 15–34 years by sex. Statistics SA, Quarterly Labour Force Survey: Quarter 3, 2022, 10.

The 2011 South African Census reported that unemployment amongst LGBTQI+ persons was 30.9% in Black LGBTQI+ households, 16.7% in Coloured LGBTQI+ households, and 4.2% in White LGBTQI+ households (Nyeck and Shepherd 2019).

In the third quarter of 2021, being the period during which the workshops forming the basis of this research were conducted, the unemployment rates of Black African women and White women were 41% and 9%, respectively.

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4.2.2 Employment and women

In the third quarter of 2021, during which the workshops forming the basis of this research were conducted, approximately 6.9 million women were employed compared to 8.8 million men (Statistics SA 2022, 22-23). The distribution of employed women in the sectors is reflected in the following diagram. There are no specific numbers given for the automotive sector, but it forms part of the 'manufacturing' grouping.

Overall, the 2022 employment absorption rate for women in South Africa remained below that of men, at 34.1% compared to 44.2% for men (Statistics SA 2022, 22-23). Regarding the construction, mining and transport sectors, women only account for 14%, 18%, and 19%, respectively (Statistics SA 2022, 54). Despite slight increases from the third quarter of 2021, women's employment in these sectors remains low (Statistics SA 2022). As for manufacturing, women account for 33%, a year-on-year decrease in this sector (Statistics SA, 2022). Lastly, women account for 74% of the currently employed persons in private households, the most common occupation being domestic work (Statistics SA 2022).

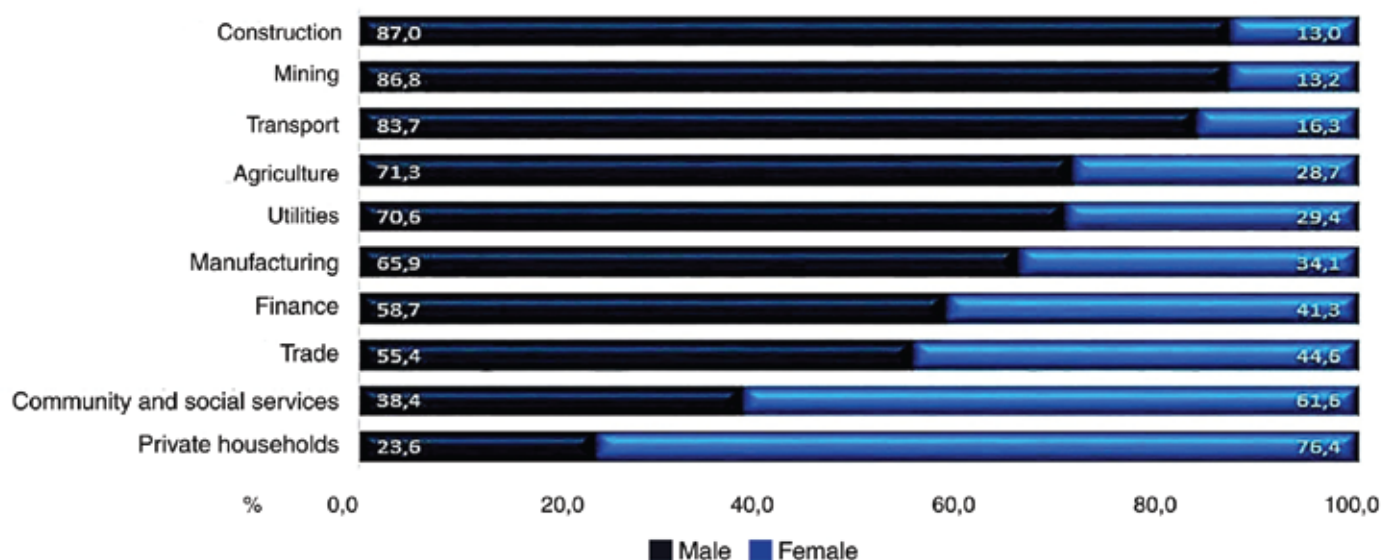


Figure 3 Female and Male distribution across the economy. Statistics SA, Quarterly Labour Force Survey: Quarter 3, 2022, pp22-23

Figure 3 shows few women in the construction, mining, and transport sectors. In contrast, there was a higher proportion of women in community and social services and private households, and a fair share of women in trade. The 2022 World Bank report, *Inequality in Southern Africa: An Assessment of the Southern African Customs Union*, also affirms that women are “overrepresented in severely affected occupations, such as the retail, travel, and hospitality industries” (World Bank 2022, 18).

This imbalanced distribution of women and men workers across the economy is somewhat reflective of the historical legacies of patriarchy and capitalism that variously excluded and included women from certain sectors of the economy. Moreover, the disproportionate distribution of women and men across different sectors of the economy is intimately linked with other factors that act as the midwife of gender inequality, such as geographic location and race.

4.2.3 Remuneration of employed women in the economy

In the capitalist mode of production, the creation of wealth and the maximisation of profits can only be achieved by exploiting labour. In other words, a worker must be overworked, or work unpaid hours, the proceeds of which will be reaped by the capitalists as profits. Inherent, therefore, is the dichotomous relationship between wages and profits.

Such a dichotomous relationship has historically resulted in an increasing share of profits vis the declining share of wages. Oxfam reported in 2020 that it would take 1332 years for the lowest-paid worker at Shoprite to earn what its Chief Executive Officer earned in 2020. Reflecting similar colossal disparities, the report further revealed that it would take 135 years for the lowest-paid worker at mining giant Anglo American to earn what its Chief Executive Officer earned in one year (Oxfam 2020).

The uneven income distribution that traces itself to wages and profits has unfortunately led to the share of wealth held by a few growing disproportionately compared to the rest of the population. The top 10% of the global wealthy own 75.6% of total global wealth, with the top 1% of them owning 37.8% of total global wealth (World Inequality Report 2022). South Africa has become the most unequal society in the world, with 10% of its population owning wealth equal to that held by 80% of the population (World Bank 2022).

Due to the legacies of colonialism and apartheid, patriarchal structures have acted together with racism to designate black women to the lowest rung of the hierarchy of this society, with polarised income distribution.

Hence, a Chief Executive Officer in South Africa earns 149 times more than the average income of a black woman. The median monthly wage for black women is R2,500.00, compared to R3,250.00 for black men, R10,000.00 for white women and R13,100.00 for white men (Oxfam 2020). In addition, the World Bank reports that the gender pay gap in South Africa is 38%. In the sectors which are the focus of our study – namely the mining and automotive sectors – women earn 50% and 21%, respectively, less than men.

Figure 5 below (a copy of a table from the World Bank Report 2022) shows Mincer earnings functions, used to identify factors associated with earning differentials. The table shows how women across the regions below earn around 30% less than men on average, having controlled for personal demographics, location, sector, occupation, education, and formality. Using agriculture as the reference base, the mining sector in South Africa has a 51% higher earnings ratio, and the manufacturing sector stands at approximately 22%.

Table 3.4. Mincer earnings functions

Dependent variable	(1) South Africa	(2) Namibia	(3) Botswana	(4) Lesotho	(5) Eswatini
Demographics					
Gender (male = base)	0.3/8***	0.293***	0.239***	0.321***	0.286***
Age	0.025***	0.075***	0.147***	0.115***	0.092***
Age squared	-0.000	-0.001***	-0.001***	-0.001***	-0.001***
Urban	0.118***	0.184***	0.145***	0.131***	0.195***
Education (no education=base)					
Primary	-0.182**	0.416***	0.403***	0.211***	0.250***
Secondary	0.272***	0.869**	0.733***	0.526***	0.883***
Tertiary	0.822***	1.241***	1.190***	1.206***	1.312***
Industry (agriculture, hunting, fishing = base)					
Mining	0.513***	0.717***	0.619***	1.128***	-0.208
Manufacturing	0.215***	-0.048	-0.064	0.201***	-0.030
Public utility services	0.515***	0.280***	0.363*	0.55/*	0.653***
Construction	0.279***	0.105	-0.223	0.396***	-0.212*
Commerce	-0.010	-0.165**	-0.171	-0.020	0.209**
Transport and communications	0.075	-0.111	-0.052	-0.010	0.207
Financial and business services	0.133**	0.211***	0.068	0.29/	0.405**

Figure 5. Wage differentials in the South African economy, World Bank, 2022. Notes: Standard errors in parentheses *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$. Data are from 2015 for Namibia and Botswana, 2015 for Eswatini, 2017 for Lesotho, and 2018 for South Africa. Controlling for subnational region fixed effects, regional dummies omitted for brevity.

4.2.4 Other conditions of work for women

In South Africa, there are 812,000 women in general employment with a limited contractual span, and 1.2 million women employed on contracts with an unspecified duration. In addition, 882,000 women work less than 29 hours per week, 610,000 women work less than 29 hours, and 212,000 women work less than 15 hours per week. In South Africa, where the minimum hourly wage rate increased in March 2024 to a meagre R27,58, a reduced working week perpetuates impoverishment and contributes to the widening income inequalities between classes, races, and genders. For instance, the monthly income of the 610,000 women who work 29 hours per week for a minimum wage of R27,58 will be about R3,100.

In most sectors, excluding the masculine-dominated ones, trade union density is generally proportional between men and women workers. But this merely reflects the declining trade union density across all sectors of the economy because of the changing nature of work. By quarter three of 2021, 3.5 million women were not members of a trade union, compared to 4.1 million men (Statistics SA 2021). This has resulted in 77% of the workforce remaining un-unionized (Cloete 2021).

This means less worker representation in the workplace, affecting collective bargaining for wage increases, improved working conditions and addressing health and safety issues.

4.2.5 Conclusion

Historically, women were allotted gendered positions in the economy in accordance with the roles that patriarchal structures and attitudes attributed to them, such as domestic work and nursing. The higher proportion of women currently working in private households and community and social service sectors is therefore not surprising. Given this historical context, it merely reflects a sustained lack of transformation in the economy insofar as women workers are concerned.

This is exacerbated when one considers the difficulties faced by women and LGBTQI+ workers in the mining and automotive sectors, as detailed below. Until those sectors are transformed sufficiently to address such workers' rights, preferences and needs, the racially and gender skewed nature of our capitalist economy will endure.

We again highlight the lack of data about LGBTQI+ workers. The data scarcity perpetuates the invisibility of these workers in more masculine workplaces, such as the mining and automotive sectors, precluding the development of targeted solutions to the many challenges they face.

4.3 What is already known: Previous research on the gendered nature and effect of workplaces

Workplaces with high technical skills, like the mining and automotive sectors, have traditionally been gendered workplaces that have for generations depended on the production of skilled male workers. Moreover, such gendered workplaces, in addition to historically excluding women, have developed hostility towards women workers (Harsh, Ambika and Amber 2018) and indeed, generally have more resources and power for men in them, which often enforce discriminatory practices, policies and ideologies (Martin and Barnard 2013, 1-12).

This is true even in the already highly racialized South African context, in which Black women sit below Black men, who are in turn below white men, in the social hierarchy. General labourers in these sectors are lower on the pay scale and make up large sections of the workforce.

Such gendered workplaces, or those with heavy patriarchal structures, become bastions of male privilege, where real workplace gender inequalities become normalised and attributed to 'real' differences between the sexes, such as physical strength. This is important because these workplaces and their surrounding contexts become gendered. From skills development to industrial management is masculine in context.

More than this, aspirations of women, LGBTQI+ persons and all gender non-conforming people are affected. As has been argued

the theory of occupational segregation, which posits that occupations with certain tasks and crafts are treated as male domains, can be used to understand the lack of female workers in jobs involving intensive manual labour. Industrial segregation, which posits that different industries show different patterns of gendered occupational segregation, explains the lack of female labour even across jobs in the automotive industry that require cognitive, or non-intensive manual labour (Cockburn 1986, 173-187 and Bajpai, Tandon and Sinha 2019, 31).

Further, an important consideration in the South African setting is the interwoven social dynamics of race, class, and gender. These overlay in myriad ways, creating both similar and differing experiences for women workers in these sectors, who may also face the dynamics of race and class with their associated challenges individually and as social groups in a workplace (Wedekind 2013). Below is a concise summary of what we found regarding previous research around gender and the mining and automotive sectors.

4.3.1 The mining sector

Even though more women are employed in the South African mining industry, significant challenges remain. Research conducted on women employed in the mining industry since the inception of the MPRDA in 2002 reveals that women mineworkers still face substantial challenges (Botha 2016, 1-12; Botha and Cronje 2015, 1-12; Chamber of Mines 2017; Hancock 2014; Kolisi and Rathaa 2016, 1-11; Mavuzo 2015; and Ntombela 2014, 30-31).

Various research into gender and the workplace has specifically focused on mining as one of the oldest, most dangerous, and most profitable industries. What follows is a set of known challenges women encounter in this sector.

- Women are often seen as sexual objects and experience regular GBVH, including *quid pro quo* harassment or incentivised 'sexual favours', where women are compensated financially or given perks or higher paying jobs in exchange for sexual favours provided to men in positions of power (Mangaroo-Pillay and Botha 2020, 475-483; Keetharuth 2021).

- Personal protective equipment (PPE) was inadequate for women mineworkers.

- Deficient ablution facilities: most underground toilets are poorly designed and equipped for women; they are often located in isolated areas and have insufficient hygiene facilities (e.g., no sanitary pad disposal). (Mangaroo-Pillay and Botha 2020)

- Ill-suited PPE, especially for pregnant women. (Mangaroo-Pillay and Botha 2020, 475-483; Keetharuth 2021) Despite some relatively recent improvements in PPE for women (e.g., see *Guideline for a mandatory code of practice on provision of personal protective equipment for women in the South African mining industry*), suitable PPE for pregnant women is sorely lacking in the industry (Mangaroo-Pillay and Botha 2020).

- Mining workplaces do not sufficiently make accommodation for breastfeeding workers nor accommodate women in general in the placement of required facilities, such as bathrooms, changing rooms, bus stops and lifts, which may place them in precarious locations, vulnerable to GBVH (Keetharuth 2021).

- Physically demanding tasks cast women as ineffective at performing them (such as rock drilling or operating dozers and locomotives), posing higher physiological risks to women (Mangaroo-Pillay and Botha 2020).

Regarding the latter, we ask whether such tasks should be adjusted for women's physiology (this may include different ergonomic design), having been steeped in years of designing, planning, and performing for men's physiology. For instance, with the introduction of more women working underground in the mining sector, it became evident that the mine-procured PPE had to be redesigned and repurposed for women's bodies: "This increase of women in the previously male-dominated environment [of mining] has led to many challenges. One of these is the use of the personal protective equipment (PPE) that has not taken the female anthropometric characteristics into account" (Department of Mineral Resources 2015, 4).

Regarding more general, but by no means less important issues, the following emerge:

- The mining industry is often perceived and experienced by women as an unattractive work environment due to discrimination against women, sexual harassment, and prejudice due to marital status and/or maternity (Mangaroo-Pillay Botha 2020).
- Often, women find it difficult to balance their work and personal lives (especially common family and domestic responsibilities) and the unfriendly working hours (shift work and working off-hours), and the physicality of mine work complicates this picture (Mangaroo-Pillay and Botha 2020).
- Many women are reported to leave the industry due to their perceptions and/or experiences regarding safety; the nature of the mining environment and equipment seem to contribute to a high turnover of women workers, especially when accidents occur, leading to injury and general dissatisfaction (Mangaroo-Pillay and Botha 2020).
- Importantly, women are often inadequately trained and unsupported in their career development (e.g., via bursaries, study leave and mentoring systems) (Mangaroo-Pillay and Botha 2020).

Regarding GBVH specifically, Keetharuth (2021) reports the following:

- There is an inadequate awareness of and education on GBVH among men and women throughout the industry, which may obscure survivors' understanding about their rights and how they seek redress and may also protect and enable perpetrators.

- Mine workers are often inadequately monitored and supervised when the dangerous nature of their workplace and duties is considered. This may embolden perpetrators of GBVH, especially since it is difficult to collect evidence.

- Dominant patriarchal social norms seem to enable cultures of silence and victimisation, and the general economic dependency of women on men exacerbates reporting barriers.

- Available services and resources (e.g., education, health, justice, security and safety, legal advice and counselling) do not adequately prevent, protect and respond to GBVH. Consequently, poor delivery of such services leads to disappointment and broken trust between survivors and those charged with helping them.

- Certain business strategies can deleteriously affect the well-being of women workers. For example, production bonuses that incentivise teams to work faster and harder can lead to male workers seeking sexual or monetary 'compensation' from female team members in exchange for doing 'their share' of the work. Similarly, outsourcing the recruitment of female workers can create the opportunity for sexual exploitation by the gatekeepers of lucrative jobs.

Lastly,

- The mining industry itself is reported to suffer from a slow transformation of the gendered workforce due to a negative work environment for women, who frequently leave their mining jobs (Mangaroo-Pillay and Botha 2020).

We wish to draw attention to a specific research study of women in the South African mining industry. According to Benya (2017), one of the main challenges faced by women in South African mines is sexual harassment (Benya 2017, 517):

One of the biggest challenges facing women in mining, directly linked to mining masculinity and hypermasculinity, is sexual harassment of women above and underground. While figures are not recorded by mines, in all the focus group discussions I conducted, women confirmed that they face sexual harassment daily ... It happened in meetings above ground, inside the cage, in the dark alleys underground, and—ironically—at the safety meetings which took place once a week to take stock of the health and safety records of workers.

Harassment is a reality from the moment women enter the mine shaft, when they are inside the cage going underground, and when they are working underground: **“I hate the cage ... they touch you and you cannot even turn to check who touched you ... it’s dark and we are all pressing against each other ... it’s as if they target your breasts when they touch you.”**

Women reported that inside the cage they feel like “things”, in an objectifying space where sexual touching is normalised ... During discussions, several women also reported finding men ejaculating on their backs during the three-minute-long cage ride from surface to underground. One woman during the focus group discussion said, when exiting the cage, she found her backside wet “... with their white stuff [ejaculate] ... I think he took his thing [penis] out and just used my back side to relieve himself”.

We found Benya's findings particularly interesting since we had the same experience reported to us by a woman in one of our focus groups. Benya (2017) also reports some tragic findings, similar to information we obtained from our participants.

It gets worse, in some cases women have faced more than sexual harassment, they have been raped and in one incident a woman was murdered underground (Masondo 2012; NUM Media Release 2015). These toxic masculine practices are accepted and strengthened by an unwritten code of silence between men, have enabled men to grope women, ejaculate on their backs, rape and murder them underground (Benya 2017, 518).

The findings above provide insight into the dire conditions faced daily by women in the South African mining industry. Moreover, they seem endemic and continuous. Recently, such issues emerged following mining corporation Rio Tinto commissioning an external investigation into its mining operations in South Africa and Australia (News 24, 2022). The ‘macho’ culture within the mining sector also perpetuates racism:

From South Africa’s ultra-deep shafts to the vast iron ore pits of Western Australia, the message from the world’s mines is overwhelming. Women are not safe. Local workers across the board are confronted with blatant and normalised racism, often from their expatriate managers. And a pervasively macho culture in the remote camp sites means that bullying is a normal part of the job (News24, 2022).

Undoubtedly, GBVH towards women workers remains a significant issue in the South African mining industry. Moreover, this devastating and violent reality is not confined to the mining sector.

4.3.2 The automotive sector

When it comes to the automotive sector, the picture appears to be similar for women. According to the McKinsey Quarterly, regarding corporate gender dynamics:

A number of sectors — especially automotive and industrial manufacturing, energy and basic materials, and technology — are unable to attract women for entry-level positions, so women are poorly represented throughout the talent pipeline. This problem usually arises from recruiting challenges or pre-pipeline problems, particularly the low graduation rates of women in industry feeder programs such as engineering, where they receive about 20 percent, 24 percent, and 23 percent of bachelor's, master's, and doctor's degrees, respectively (Krivkovich, Kutcher and Yee 2016, 3).

Despite some gender changes to this sector, which are often publicly touted, the situation on the ground largely seems to privilege men. In many automotive corporations, local management personnel structures have changed in favour of women (Naidu 2021). Additionally, the automotive industry has shown more women being trained and promoted into supervisory positions (Nomoyi 2021). However, this seems to do little to change the everyday work experiences of women employees in this sector, as we detail below.

Regarding women's automotive workplace experiences in South Africa, Teti (2016) argues that the situation for women is compounded by the patriarchal work contexts: novice women workers face a set of gendered challenges on top of having to learn the work.

Teti argues that female workers,

[R]eported that the artisan programme did not treat them the same as their male counterparts. The differences in treatment were more visible in the workshops than in the training academy. Female participants indicated issues of unfair treatment, sexual harassment, not being taken seriously, unequal pay, discrimination, and stereotypes used against them to justify different treatment. These stereotypes include, but are not limited to, their physical strength, family responsibility and pregnancy, which are used as barriers to employment in the industry (Teti 2016, 50).

As stated by one of her participants:

The first challenge is that you are a woman, and as such, you are pushed aside. I just came from an interview, which they told my supervisor I didn't apply for, although I did. And they say you are inexperienced, and they don't take us seriously, the maternity leave works against us, and other challenges ... **I don't think men and women experience the industry similarly, especially when it comes to hiring, the priority is men (Teti 2016, 51).**

Teti (2016) argues that this goes further than a lack of skilled experience of women automotive workers; women are blamed for their 'femininity':

The reason that women's artisans [sic] output is not observed in the labour market, is due to input challenges ... because women have not caught on ... and for reasons of femininity, how many women want to have grease in their hands. Also, in the industry long nails are not acceptable (Teti 2016, 51).

Additionally, Teti's (2016) findings also show an inequality and abusive dynamic when it comes to workplace targets:

[S]enior employee[s], such as the technicians, abuse the system by assigning difficult, time-consuming jobs to apprentices while taking jobs that are easy in order to chase and make their targets (Teti 2016, 45).

Further, Teti (2016) also found that women automotive workers faced many similar challenges in their workplace as those women in the mining sector, such as sexual harassment, discrimination, an inability to fairly manage pregnancy, inadequate protective equipment, and difficulties with shift work (Teti 2016).

What is clear from this study and the sparse information on gender and the automotive sector in South Africa, is that women mine and automotive workers face very similar challenges in their respective industries, and most of these challenges are thus not solely particular to their specific contexts; they are generally faced by women, not only at work but in society too.

4.3.3 LGBTQI+ persons

Regarding LGBTQI+ persons working in South Africa, despite the existence of progressive legislation—section 9 of the Constitution specifically lists that sexual orientation and gender identity are prohibited grounds for discrimination—no mention is made specifically for LGBTQI+ persons.

Rather, the rights for LGBTQI+ persons are included under the broad framework of 'equality', opting instead for the prohibition of 'vertical discrimination'—LGBTQI+ rights are enshrined in the Constitution and thus are to filter downwards from government to the level of citizenship. Yet, for example, the BCEA is still formulated upon a heteronormative framework, granting 4 months unpaid maternity leave to the birth mother and 10 days paid paternity leave to the birth father, but making no allowance to same-sex families, simply the more traditional family form. Hence, the rights enshrined in section 9 of the Constitution for LGBTQI+ persons are essentially negative. This reality permeates into the workplace, too. Some common challenges faced by LGBTQI+ workers in the workplace include (Benjamin 2019):

- Limited access to employment, refusal of employment, dismissals, or denial of training opportunities and promotions, and access social security.

- Evidence of a pay gap between LGBT[QI+] and non-LGBT[QI+] workers, including that same-sex partners rarely enjoy the same benefits as married heterosexual couples.
- Limited avenues for workplace dispute resolution around harassment and bullying.
- Animosity from co-workers and supervisors, e.g., name-calling, and physical and sexual violence.

These challenges are indeed very similar to those women encounter in South African workplaces, which we have reviewed above. However, women who also identify as LGBTQI+ may face complex and layered challenges because of their sex, sexuality, and gender identity. Men who openly identify as or are assumed to fall under the LGBTQI+ banner may side-step certain challenges (due to their social location of privilege, albeit unreliable, as men), and simultaneously face discrimination due to their (actual or assumed) sexual orientation and gender identity. Given the challenges documented above, we engaged with women and LGBTQI+ persons in the South African mining and automotive sectors along our study parameters.

10. International Labor Organization. 2016. PRIDE at work: a study on discrimination at work on the basis of sexual orientation and gender identity in South Africa.

5. In The Field

5.1 Our Methodology

To get a sense of women and LGBTQI+ persons' experiences in the mining and automotive sectors, the authors conducted four focus group workshops

All our participants were NUMSA members and identified as women and/or LGBTQI+. The Tshwane workshop included one participant who identified as a cis-man (a NUMSA regional union representative). Our sampling approach was voluntary, having communicated the intent and programme of the workshops to NUMSA members and requesting volunteer participants. We purposely sought to include only persons who identify as women and/or LGBTQI+, who were either in the mining or automotive sectors and were NUMSA members. We did not require participants to disclose their gender or sexual orientation; however, many voluntarily did so within the focus groups.

With NUMSA, we received participants from three selected mining and one automotive region, respectively: Welkom (Free State), Emalahleni (Mpumalanga), Rustenburg (North West) and Tshwane (Gauteng). All participants in the former three regions were mining workers; in the latter, they were all automotive workers. We held four workshops with 86 participants in total. Each workshop had two to four focus groups with an average of seven participants in each, depending on the number of participants per workshop (see Table 1 below).

Region	Participants	Focus groups
Welkom	15	2
Emalahleni	29	3
Rustenburg	13	2
Tshwane	29	3

Table 1. Workshops conducted

5.2 The Participants

Approximately half of the participants in the three mining area workshops worked underground. Additionally, they varied in age and experience, from novice, young mineworkers (±21 years old) to experienced older mineworkers (±45 years old). The majority worked day shifts, but a few had previously worked night shifts. Their skills and occupations varied, from general labourers to control room operators or smelter workers. Lastly, many held matric level education or below, with some having mining-specific qualifications (e.g., team leader). Additionally, we had seven trade union representatives who worked above ground in the union offices but had previously worked underground.

Most of the automotive workers at the Tshwane workshop only worked on the shop floor and were skilled workers; some assembled automobiles and their components, while others were office administrators. A few were in supervisory positions (team leaders). Most had post-matric engineering diplomas and had worked night shifts and day shifts. On average, the automobile workers participants were young, in their mid-thirties.

5.3 Focus groups

Focusing on gender and sexuality, our focus group discussions explored themes around workplace experiences for women and LGBTQI+ workers, how employers responded to experiences, efforts to change the workplace culture, and what employers and the government can do to make workplaces more welcoming to women and LGBTQI+ persons.

At the end of each focus group session, all groups reported back to the workshop on their discussions and together reviewed the submissions, checking with each focus group if anything needed correction or if additional information needed to be included.

6. Our Emerging Findings

Our participants identified various deficiencies with their workplaces during our discussions. Six themes emerged: lack of gender-sensitive support in performing work duties, patriarchal attitudes dominating the workplace, lack of representation of women and/or LGBTQI+ workers, exclusion from opportunities for advancement, harassment and bullying, preferential treatment, and differences in conditions of employment and workplace relations between women workers. These themes emerged across both study sectors.

6.1 Lack of gender-sensitive support in performing work duties

6.1.1 Practical difficulties with performing duties

Participants highlighted that they experience difficulties with performing their duties in the workplace. For example, many women reported experiencing difficulties carrying heavy tools and operating heavy-duty machinery due to different body strength compared to their male colleagues. These difficulties intensify as the women workers age and their strength diminishes. This was juxtaposed with the perceptions that male colleagues retain their body strength and can perform their duties for a longer duration. Compared to their male counterparts, women workers often find themselves unable to perform the same duties with the same output.

Other participants reflected on the effect of heavy machinery in the workplace. Some women workers felt compelled to trade money or sexual favours with their male colleagues in exchange for assistance with operating machinery. Such participants in the mining sector cited underground machines, such as loaders or locomotives, that are not sufficiently adjusted for their ergonomics and operating comfort.

Some women in the automotive sector reported difficulties operating stationary machines, such as a guillotine cutter. However, other participants (working in either sector) asserted that they could operate machinery just as well as their male colleagues. Disparities are expected, based on an individual's size, strength and duties.

The participants generally reflected that the more petite and stereotypically 'feminine' one appears, the more likely they are to experience these difficulties and the harms that arise from them. Conversely, the women who adopt a more stereotypically masculine appearance found it easier to integrate into the workplace and perform their duties without attracting these harms, in line with a workplace that prefers male bodies.

As our participants reported, women workers feel compelled to meet the performance levels of their male colleagues, which is imposed on the workplace in the guise of 'optimisation'. Such performance rates vary according to the workplace and the particular role of the worker.

This pressure to keep up has a direct (but not obvious) effect of positing male workers as more competent and efficient. By extension, women workers are viewed as less productive and valuable contributors in the capitalist construct governing the workplace. Participants argued that management viewed replacing a woman worker with a man as cheaper and more desirable because he was seen as more productive. Management often prefers replacing women with men rather than altering the workplace culture (or design, as explored below) to cater to women's particular needs.

At a more acute biological level, women's and affected non-binary workers' menstrual cycles are not adequately catered for in the workplace. For example, many women who participated in all four workshops mentioned challenges with their workplace uniform and ablution facilities. This includes such persons' heightened sensitivity to heat; lack of toilets and appropriate opportunities to change and dispose of sanitary towels while at work; only two sets of overalls/trousers being provided despite the possibility of leakages when menstruating; and experiencing heavier menstruation in high heat environments, which exacerbates all the former issues (mentioned by some mining sector participants).

Participants also raised issues with PPE being historically developed for men and accordingly being ill-suited for women and affected non-binary persons' body shapes; most women workers are still being supplied with *inter alia* one-piece overalls and boots that do not properly fit them.

This includes boots that are too big, overalls that do not cater to women's hips or breasts, and gumboots (especially in the mining sector) that do not have space for women's wider calves. This leaves women workers both uncomfortable throughout the working day and further inadequately protected in the workplace, placing them at risk of injury and death and further forcing women to accrue the added financial expense of altering and replacing their own PPE (e.g., cutting the sleeves of their gumboots to make them fit over their calves). When workers are injured due to ill-suited PPE, they are blamed if they have altered their PPE. One participant summed up the issue by saying that "everything is made for men, and it doesn't always suit women".

Conversely, one workplace (a mine) appeared to have women-specific PPE for its workers, making special suits for women and measuring each individually to ensure proper fit.

The difficulties mentioned above are exacerbated by the fact that women workers feel compelled to 'prove' themselves in the workplace to avoid unfavourable comparisons with their male colleagues. They are thus unlikely to highlight any of these issues while at work, fearing that they will be told to return to their 'traditional' environment outside the extractive workplace. Women who raise these legitimate concerns are targeted. For example, some participants reported that supervisors make women sign for work-related errors and thus formally take responsibility, whereas male colleagues are not treated similarly. Women are also seen as lazy or ill-suited for the workplace and are sometimes disciplined via verbal or written warnings for poor performance, discouraging them from raising these grievances.

Most participants expressed that their employers were not taking any active steps to improve the workplace and make the environment welcoming and suitable for women workers.

Participants were, nevertheless, eager to emphasise that they can perform the same duties as their male colleagues but may require some workplace accommodation to perform duties safely and effectively (we address such changes in more detail below).

11. We note that these claims are largely dismissed by scientific literature. We nevertheless repeat these claims as having been consistently reported by our study participants and query whether the relevant scientific studies adopt a male lens, which inappropriately dismisses such claims.

12. Such PPE is designed for the general body dimensions of women (e.g., gumboots are wider at the calves to cater for the generally shorter dimensions of women's lower legs) and differing needs (e.g., the one-piece mining overalls are two-piece to allow for easier and more comfortable use for when women utilise lavatories, thereby not having to leave their chests exposed, as is the case with one-piece overalls).

Certain participants were adamant that they could handle heavy machinery just as well as their male colleagues. Others asserted that with specific engineering changes to their workplaces (e.g., making rock drills and spray-painting apparatus lighter, lowering the height of guillotine cutters), they could perform all their required tasks well. Ultimately, as one participant put it, “women must be considered in all aspects of the running of the [workplace]”. Without these considerations, women workers feel they are being set up to fail.

6.1.2 Family responsibilities & pregnancy

Participants remarked that in some workplaces, the treatment women get during their pregnancy was unacceptable, particularly for women who are contracted to the mines rather than permanently employed. While some mining companies make the necessary provisions and place pregnant workers in alternative jobs in offices without reducing their wages, this is not consistently applied across the mining sector, especially for pregnant contract workers. Some mining participants expressed that they felt punished when having children in close succession. As one participant noted:

It's like they make us choose how many children we can have since they instituted pay cuts; This is part of our life, being in love and making children, but they take it as we must 'pay for it'.

Another participant reported that after her third child, she elected to be sterilised so that she could keep her job. Others also remarked that they were not afforded the same maternity benefits as other first-time parents. Both participants were from the mining sector.

The automotive participants echoed these same experiences. They further added that usually their postpartum body changes were not considered when returning to work (e.g., weight gain, fatigue, incontinence, and various effects resulting from breast-feeding, such as discharge or engorgement). One example of this was a participant being given a warning for ‘taking too many breaks’ when she had to express breastmilk during working hours. Yet, certain automotive workplaces, as reported, were sensitive to such changes and the required adjustments (e.g., specific rooms for expressing breast milk). Notably, for both the mining and automotive women participants, they expressed their reluctance to engage their supervisors on issues relating to pregnancy, including reporting that they were pregnant, since the supervisors were usually men and not trusted to adequately respond to their needs. As one participant noted,

Men don't suffer when they impregnate women; the women deal with it.

Some participants felt that workplace policies on family responsibility leave, across both sectors, do not consider particular family responsibilities, socially and historically borne by women, for example, extended leave when a child is sick. Additionally, as one participant noted, “If you have a stillborn, your maternity leave is cancelled and is converted to sick leave”. Leave was a critical issue for participants, with one participant complaining that culture and family gender roles should be considered. For example, as one participant noted: “When your husband passes on, you only get four days, and this is not enough to bury our loved ones”.

Another participant complained that labour laws do not accommodate customary practices for women who need a mourning period after their husbands pass away. Participants also highlighted that their superiors do not consider women's childcare duties when allocating shifts. When viewed in totality, it was clear that participants feel that specific family responsibilities, which society imposes on women, are not respected by their workplace culture.

6.1.3 Inadequate application of policies in the workplace

Across both sectors, participants indicated that there is little effective training in the workplace on policies which impact and affect women and LGBTQI+ workers (such as policies on PPE for women, maternity leave, transformation, and sexual harassment). The result is that policies and processes are neither well-known throughout the workplace nor properly implemented.

Such policies in these two sectors, as with other sectors, are mandated by law not only to exist but to be implemented and have workers trained on them. Furthermore, employers are required to have specific departments and persons responsible for them, for example, the human resources (HR) department and the department head.

Participants universally expressed a distrust of HR officials in their workplaces. They do not trust that HR officials have the workers' best interests in mind when conducting their duties or that HR officials will apply the necessary sensitivity and confidentiality to workers' matters. Consequently, workers do not rely on HR officials to resolve issues that arise in the workplace, including not following the prescribed processes when there is an issue. One worker reflected that "HR is for management, not for employees".

Sexual harassment policies and the processes mandated therein are often forgone by management in favour of informal processes, such as discussions being encouraged between the survivor and perpetrator.¹³

Survivors of sexual harassment in the workplace, who are mainly women and/or LGBTQI+ workers, are not taken seriously when they report abuses, are not believed when they raise complaints, and are not protected by the processes stipulated in relevant policies and regulations. For example, when such abuses are reported by survivors, as various participants related to us, they are often interpreted by employers as biased inter-personal perceptions that require a 'discussion' with the survivor or between the survivor and perpetrator instead of the employer formally beginning an investigative process based on reported evidence.

A particular complaint raised is that HR officials insist on relying exclusively on video footage when deciding whether and how to discipline a perpetrator in response to a sexual harassment complaint. As such, footage is often non-existent, HR officials appear unwilling to pursue a charge where it is a matter of 'he said, she said'.

Often, there are no witnesses to the harassment, or it occurs out of view of the many security cameras in these organised industries. Survivors having to prove that they have been harassed is a common challenge globally and in these local contexts. Many such complaints accordingly go unpunished, despite legislation and sexual harassment policies empowering the employer to investigate and address instances of sexual harassment.

Participants also highlighted that the policies for sick and incapacity leave do not adequately protect women and LGBTQI+ workers. For example, management and HR officials are more likely to discriminate¹⁴ against a woman who raises a medical issue, such as a chronic condition, so many women elect not to disclose such matters, risking their health in the process. As one participant reported:

13. We note that some harassment policies allow for informal processes as a means of resolving the complaint, but emphasise that the route followed should always be determined by the survivor's preference. The participants raised the issue that one such informal process was imposed on them by HR officials, rather than being offered a choice.

14. See Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, published in terms of the EEA as GN R1890 in Government Gazette 46056 of 18 March 2022

My GP advised me not to work cycle-shifts; I can only work [the] morning shift. When there was a shortage of workers in other shifts, I was supposed to replace some other workers but due to taking chronic medication I had to disclose to the supervisor my condition and he said it does not concern them that I am taking those meds and it is not his fault that I went and slept around ...

Additionally, other participants referred to the company's 'Return to Work' policies, which are intended to assess a worker's general well-being and fitness to return to their duties after an extended absence or recurrent absences.

Where formal reintegration methods are required, participants detailed that such policies are instead applied to penalise and discipline women workers who have taken family responsibility or some other form of leave other than sick leave, which constitutes an expanded use of the policy to circumstances for which it was not intended, and which most often only affect women workers. This discriminatory application then prejudices those women's ability to earn their salaries.

Furthermore, like workplaces, traditional workplace policies, historically geared towards men, do not adequately provide for childcare duties that might require time away from the office. Such duties are often shouldered by women, non-binary persons and those in same-sex partnerships.

This results in those workers being penalised for performing childcare duties that affect their work, while simultaneously being employed.

The non- or misapplication of workplace policies and regulations empowers wayward management and HR officials to bully and discriminate against women and LGBTQI+ workers.

6.1.4 Compromised safety

It is commonplace that women and LGBTQI+ workers are vulnerable to violence in a patriarchal society. This is exacerbated in masculine-dominated workplaces when adequate security is not provided, as appears to be the case in the two industries under examination. Participants highlighted that their workplaces—particularly underground workplaces—are not adequately lit; that everyone shares workplace toilet facilities (i.e., not gender-specific); are located some distance from workers and do not lock. Others noted that the heightened vulnerability of women and LGBTQI+ workers is not considered when allocating night shifts and is evident when women and LGBTQI+ persons commute to and from their workplaces at night.

Notably, some participants reflected that their superiors had used their heightened vulnerability to impose punishments such as placing a woman worker on night shift in retaliation for a perceived slight, thereby depriving her of her ability to meet her caregiving duties and placing her safety at risk.

6.2 Patriarchal attitudes dominating the workplace

6.2.1 Women workers are underestimated, treated condescendingly, and their work is not recognised

Participants universally reflected on the extent to which they are discriminated against and undermined in the workplace, targeted by superiors and male colleagues alike, constantly reminded that they “chose to work here” and must perform their duties without assistance.

This discrimination extends to women workers being overlooked for promotions for purportedly being unable to lead, and women supervisors (where they do exist) being undermined and ignored by their male subordinates, and/or often overruled by male colleagues and superiors. This condescending attitude is both overt and covert, and ultimately serves the patriarchal perspective that women do not belong in the workplace.

A wide-reaching effect of this discrimination is that the women workers themselves are made to feel as though they have contributed less to the performance of their duties or have not performed their duties. Others remarked that the adequate performance of their duties and contribution to the workplace often go unacknowledged by supervisors. This can even lead to disciplinary processes for women workers who are seen as underperforming.

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6.2.2 Lack of consultation with women and LGBTQI+ workers

This subtheme emerged throughout all our workshops. Participants generally expressed concern that management and union officials at all workplaces make decisions that impact and affect women and LGBTQI+ workers without consulting them. These include drafting and implementing policies, selecting candidates for promotion and promotion-generating skills development, and allocating shifts.

Where management does take formal steps to consult with women and LGBTQI+ workers, these measures/efforts are usually not sensitive to disparities in gender and sexuality, and do not serve to establish safe spaces in which those workers can express themselves freely and raise relevant issues. Frequently, spaces include superiors and/or human resources officials, amongst whom these workers do not feel comfortable. Often this is in the form of a single consultation or event around Women's Month (August) and is seen as being performative rather than a genuine attempt at consultation (Benya 2013, 47-62).

The current, albeit limited, manner in which employers attempt to consult women and LGBTQI+ workers is inappropriate and thus unsuccessful from the perspective of workers.

6.3 Lack of representation of women and/or LGBTQI+ workers and exclusion from opportunities for advancement

6.3.1 Representation of women and/or LGBTQI+ workers in the workplace

Participants emphasised that they are not adequately represented in the workplace and highlighted the relatively few women and/or LGBTQI+ persons at senior management levels. Such representation is important for its own sake, but also because it ensures that a spectrum of persons and viewpoints are included in the decision-making, which affects all workers.

6.3.2 Ineffective women's forums

Workshop participants reflected that the forums for women workers are not established in all workplaces. Where forums have been established to focus on workplace issues affecting women workers, they are often ineffective in resolving women's issues. This is because the workers do not trust the HR officials and management members who attend these forums. As a result, they do not consider the forums safe spaces to raise concerns about issues that affect women. Participants believed that many of these forums had been established by management to quell legitimate complaints from women workers in the automotive and mining sectors. They generally comprise representatives of all women workers and some trade union and management representatives, mainly men. The forums usually have no decision-making powers and perform as "complaint chambers" and advisory structures for management, who may utilise them to prove that their workplaces are "gender sensitive".

6.3.3 The promotions system operates to exclude workers who are not cisgender males

Participants noted that supervisors in the patriarchal workplace are more likely to promote male, cisgender workers above women and/or LGBTQI+ colleagues.

This stems from unfair systems of promotion which have developed in the workplace, often where supervisors have absolute discretion over which workers are promoted into acting or substantive management positions. Participants gave examples of supervisors who chose to bring in workers from other teams to act in senior positions rather than promote women/LGBTQI+ workers already in the team.

This discrimination against women and LGBTQI+ persons has a direct financial effect on the overlooked workers, who are not able to access the acting allowances.

Likewise, supervisors often have absolute discretion over which workers are sent for further skills training. Workshop participants reflected that women and LGBTQI+ workers were less likely to be selected for such programmes due to covert discrimination, as outlined above. Ultimately, the more highly skilled workers are chosen for promotions, so women and LGBTQI+ workers who are overlooked are prevented from upskilling, which has a knock-on effect on career development. Barring workers from advancing their skills affects their eligibility for promotion. This is a never-ending vicious cycle.

When a woman worker is promoted, she is held up as an example for all other women workers (i.e. she is tokenised). If she fails, her failure is treated as a reflection of all women or LGBTQI+ workers' weaknesses, discouraging further such promotions.

Participants reflected that the promotion process is not merit-based but depends on a worker's access to skills development at the discretion of their supervisors, rendering it open to exploitation of vulnerable workers seeking further training and promotion. One example of this vulnerability expressed by the participants is that women workers offer sexual favours or financial incentives to their superiors in exchange for further training and promotions.

Participants concluded that there is a general lack of initiative to develop women workers on par with their male colleagues. Participants were confident that, given the opportunity to demonstrate their capabilities and further develop their skills, they would no doubt succeed. These workplaces have failed to institute formal processes that ensure the promotion of women and LGBTQI+ workers, such as mentoring opportunities, access to training programmes and preferential admission to skills development courses, which could assist those workers to attain the skills necessary to achieve merit-based promotion.

6.3.4 Inadequate representation of women and/or LGBTQI+ workers by their unions

Participants were all members of trade unions. They nevertheless indicated a sense that their union representatives were not adequately representing their needs and the issues they sought to raise as women and LGBTQI+ workers in the workplace.

Participants reflected that women union representatives generally occupy administrative roles in the union's office, while core organising responsibilities on the shop floor (such as shop stewards) are reserved for men. This has the effect that workplace concerns affecting women workers are not taken seriously or made the focus of organising campaigns. Union representatives often arrange members' meetings at times that are inconvenient for women who have caregiving responsibilities.

Of particular concern was the treatment by union representatives of sexual harassment matters, which participants noted were not taken seriously if the union representative was close to the perpetrator; in one example, the survivor was pressured not to proceed with the formal claim.

In another example, the union representative outright refused to represent the survivor in her claim. This is similar to—and thus exacerbates—the concerns that participants expressed about how HR officials treat such matters, which we detail above. Without union support, bringing a sexual harassment claim against a colleague or superior proves challenging and even impossible in some workplaces.

Participants expressed that they expect their unions to represent their concerns as women and/or LGBTQI+ workers. There is a perception (although not blatantly expressed) that union representatives are failing their members.

6.4 Harassment and bullying

6.4.1 The exchange of sexual favours for employment benefits

Many participants highlighted that the workplace is highly sexualised. Participants noted that sexual favours are traded between colleagues and with superiors in exchange for both assistance with performing duties and employment benefits. Examples raised included women workers exchanging sexual favours for promotions, permanent contracts, and assistance with operating heavy machinery. Participants reflected feeling too vulnerable to turn down requests for sexual favours or file complaints of sexual harassment against their colleagues.

They further feared retaliation (in the form of general bullying and withholding employment benefits) if they did lodge a formal complaint.

6.4.2 LGBTQI+ specific experiences of harassment

One participant who identified as LGBTQI+ and who was new to the mining industry reflected that she had not experienced any discrimination particular to her identifying as LGBTQI+.

Other LGBTQI+ participants reflected that their male colleagues were fixated on their sexuality. Lesbian women, in particular, were targeted when presenting as 'butch' and 'like men'. They were accordingly told to perform the duties men traditionally undertake. Non-LGBTQI+ participants reflected that gay men are often harassed in the workplace. One LGBTQI+ participant recalled that she laid a complaint of sexual harassment against a colleague and was told by a superior to 'take it like a man' since 'you are a man'.

There was, however, a sense from the non-LGBTQI+ participants in both the mining and automotive sectors that LGBTQI+ persons in the workplace might be continuing to hide their sexual and/or gender identity for fear of discrimination and harassment.

Participants noted that their workplaces do not offer training to sensitise workers to LGBTQI+ issues. Likewise, workplaces did not have gender-neutral bathrooms and changing facilities, aside from one outlier workplace in which gender-neutral changing rooms were being instituted.

6.4.3 Mis- and non-application of anti-harassment policies

In their reflections on other policies, which either did not exist or were not being adequately applied in the workplace, workshop participants emphasised that workplace policies aimed at preventing and disciplining instances of harassment were ineffective. They also highlighted that workers were not trained or familiar with existing harassment policies.

They felt that supervisors, HR officials and union representatives are not adequately trained on the correct application of harassment policies, including how to respond when a grievance is lodged.

Participants recalled that supervisors preferred informal discussions over more formal measures detailed in such policies and/or the institution of grievance mechanisms to address instances of harassment. This is problematic when the survivor and perpetrator are both members of the same union, and the complaint is made to the union; where the perpetrator is an influential union member/representative, it is in that union's best interests that the complaint be resolved as quickly and quietly as possible to avoid any reputational repercussions. Ultimately, therefore, the underlying attitudes and causes of harassment remain unaddressed.

Where formal grievance mechanisms were followed to address a complaint of harassment, participants noted that it often did not resolve the underlying issues we identified in this report.

Participants were quick to note that a woman raising a complaint of sexual harassment—whether formally or informally—was most likely to be targeted and victimised by supervisors, management, and other colleagues. The overall sense was that women and LGBTQI+ workers could not rely on harassment policies—even when they existed—to assist them and hold perpetrators responsible. One participant told of a colleague who had been harassed and wanted to lay a grievance but was told by a male colleague that she should "let [the perpetrator] have what he wants".

6.5 Preferential treatment and differences in conditions of employment

6.5.1 Contractors

Participants reflected that in both the mining and automotive sectors, many vulnerable workers were employed on fixed-term contracts rather than permanently. The contract workers were expected to perform the same duties with the identical inherent dangers, but without the attendant benefits such as medical aid.

Moreover, contract workers are further exploited with offers of a new contract or a 'promotion' to a permanent position in exchange for sexual or financial 'favours' to supervisors. In general, the issues detailed throughout this report are worse for women and LGBTQI+ contract workers due to their heightened vulnerability.

6.5.2 Wages

Participants emphasized the ongoing gender wage gap in the workplace, which is worsened by the additional responsibilities (and, consequently, expenses) that women take on at home. The gender wage gap is not limited to the base salary disparity; participants highlighted that their male colleagues are offered more shifts and given higher allowances than women.

Another participant volunteered that their supervisors have the sole discretion to elect which workers are given overtime shifts, and which shifts come with the added benefits of increased pay. For these shifts, supervisors were most likely to choose male workers. Consequently, in some workplaces, women workers were expected to pay their supervisors up to R200.00 per shift to access overtime shifts. A further participant noted that the gender wage gap is exploited by superiors, who demand sexual favours in exchange for pay increases.

6.5.3 General preferential treatment for male workers

One participant gave the example that a supervisor will make women workers sign for—and thus record in HR documents—a workplace occurrence (problem encountered while performing duties) that male colleagues are not similarly burdened with. This means that any minor missteps by women workers are policed with greater focus than those of their male colleagues.

6.6 Workplace relations between women workers

A notable theme that emerged from participants is that the older/more experienced women in their workplaces were less likely to raise issues about how they are treated, either with their male colleagues or HR officials. These elder colleagues are viewed as being too scared to address the challenges they face in the workplace, and are, therefore, less trusted by their younger, more outspoken colleagues.

This lack of trust between women also emanates from heightened competition between them. One participant noted that women colleagues are unlikely to share tips for more efficient performance of duties, as there is a sense that the women are all competing for the same, limited posts. This could result in a competitive, rather than collaborative, environment between women workers in which they are pitted against one another, should it become a widespread dynamic.

Similarly, participants felt that women in management are particularly harsh to their women subordinates, '[acting] worse than men'. Examples of such conduct include women superiors being more likely to refuse toilet breaks to women workers, pushing the women workers to work harder than their male colleagues, and policing the performance of women workers more intensely than male workers.

Participants reflected on their own internalised patriarchal tendencies, where even women workers do not trust other women to lead and will more readily trust a man. This can result in women doubting one another's ability to achieve a promotion on merit alone, and suggestions that promotions arise through an exchange of sexual favours rather than the competent performance of one's duties. One participant recalled accusations of women "sleeping their way into promotional posts". One participant felt that relations between women in the workplace should be improved for the benefit of all workers, stating that "Women also need to be there for other women ... If we stick together, we can conquer it all".

6.7 Intersectional discrimination

Finally, we note one cross-cutting theme that participants highlighted, and one which is pervasive across South African society, namely, gender discrimination that women and LGBTQI+ workers experience in their workplaces. This discrimination has intersectional overtones, in that black women and LGBTQI+ workers are discriminated against to a greater and more serious extent than their white female colleagues.

One common example raised by participants in the mining sector is that only black women are employed in the more labour-intensive underground positions. This is widely recognised as compounding existing vulnerabilities and rendering the affected workers even more vulnerable to workplace discrimination, GBVH and other social and economic repercussions.

6.8 Conclusion to the workshops: Participants' reflections on the workshops

Despite these seven themes and their iterations occurring for the participants in both the mining and automotive sectors, the latter (as reported by our participants working in that sector) was usually more progressive regarding gender transformation. For example, participants working at the BMW plant reported that their restrooms were in the process of becoming gender neutral. However, these same participants reported very similar challenges of harassment, patriarchy, and the prevention of career advancement to those reported by many of the participants in the mining sector.

Moreover, the effects of the last theme ("Workplace relations between women workers") appeared more pronounced among the participants working in the automotive sector. What is also interesting to note is these participants' awareness of international gender policies and standards. Our participants all worked for transnational automotive corporations (i.e., BMW and Ford) and reported that when it came to South African workplaces, these policies and standards were not having the desired expression, nor were they effectively implemented. In fact, many participants reported that these international gender policies and standards were simply ignored.

All participants were eager to fight the challenges they experienced in their workplaces.

7. Proposed Solutions to Challenges: Concretising Collective Bargaining Demands for Gender Equity

7.1 What is the role of trade unions and collective bargaining in the struggle for gender equity?

One of the main objectives of any trade union is to work towards narrowing the wage gap between the highest and lowest paid workers and between workers of diverse gender and sexual identities. A trade union must balance all the interests of its members, especially those from traditionally marginalised sections of the community, such as women and LGBTQI+ persons.

Collective bargaining can be used to pursue *transformative demands*. Transformative demands change workplaces, including management structures, to achieve social justice, including equity for diverse gender and sexual identities.

The collective bargaining agendas of trade unions have traditionally centred on the priorities of male workers, but with more women and LGBTQI+ persons entering the labour market, in male-dominated sectors such as mining and manufacturing, unions representing these women are beginning to prioritise gender equity and the concerns of women and LGBTQI+ workers, albeit slowly (as reflected above) (Olney, Goodson, Maloba-Caines, et al. 2002). This is also an important element of the unions' strategy to revitalise and reinvigorate the labour movement.

According to the Labour Research Service, trade unions can use collective bargaining, amongst other strategies, to promote gender equality at the workplace by debunking misconceptions about women and LGBTQI+ workers; incorporating those workers' concerns in collective bargaining demands; developing the skills of those workers through training; and tackling gendered work structures and wage discrimination (Twala 2019).

This, however, is not enough. To reach the goal of gender equity, organisations need to transform - "changes in organisational and occupational structures, cultures, practices, norms and value systems in order to accommodate women" and LGBTQI+ persons (Twala 2019). It is not enough to merely tack on a few 'women's issues' to collective bargaining demands. A gender equity agenda must also **fundamentally reconsider gender roles**. For example, provisions targeted at male workers, such as paid paternity leave, could "help foster a greater sharing of social and occupational responsibilities and help challenge the 'male norm' in the organisation of paid work" (Twala 2019).

Gender equity should thus be central to everything trade unions and workplaces do.

NUMSA's scope of organising requires at least 20% women's representation in its collective bargaining structures (NUMSA 2020), but the percentage in the mining sector's collective bargaining structure is lower than this, and the representation of LGBTQI+ workers is not currently quantified. Coupled with limited concrete demands for gender equity, these findings can play a pivotal role in guiding the collective bargaining agenda of NUMSA, SAFTU and other unions.

7.2 Laying the groundwork for gender equity in the workplace

While including gender-specific demands in collective bargaining is important, this is not the only strategy for achieving gender equity in the workplace. Laying the groundwork for gender equity involves training workplace representatives to foster commitment and advocacy for inclusivity and diversity in the workplace and society more broadly.

The employer's and unions' vision and mission statements must emphasize the goal of striving for equity, diversity and a healthy workplace. This environment should be appealing to everyone, prioritize fairness and equitable access to employment, as well as opportunities for upward mobility for all staff members. That means this vision and mission statement should hold everyone accountable, and if made public, be part of the accountability measures that every executive and board member must answer to. As with broad-based black economic empowerment scores, gender equity can also be achieved with more detailed and inclusive targets, which are periodically monitored and evaluated by external and independent experts.

For unions, the questions to ask at every point of collecting and presenting demands to employers are:

- How inclusive are the demands?
- How inclusive was the process of collecting and consolidating the demands?
- How representative is the collective bargaining committee?

The language used in the development of demands is also important, as wage proposals and improved conditions of employment are the first documents the employer is presented with before face-to-face negotiations.

A thorough gender audit will also go a long way in collating demands and sending a message of inclusivity to workers.

Unions and worker representatives must be well-trained in genuine and substantive inclusivity and diversity geared towards equity and have safeguards in place to ensure they do not lose gender equity demands during the bargaining process. It should always be the case that unions and worker representatives know how many workers would benefit from the demands, as well as how their demands make the sector and employer attractive and an employer of choice for women and LGBTQI+-identifying communities.

7.3 Which demands can contribute to gender-related transformation and equity in the workplace?

Through our research, we identified the following priority issues to include in a gender equity bargaining agenda.

- **Parental responsibility leave** should be afforded to all parents, and consideration for a longer leave period should be available, for example, where the child has special needs and/or needs extra care and additional therapeutic support.

- **Pregnancy and childbearing:** There should be no punishment, implicit or explicit, for childbearing, and women should not fear job insecurity or being downgraded when pregnant. Employers and unions need to make sure that women workers are not left behind when reskilling and improving their skills because they were on maternity leave. The workplace skills committee should maintain adequate records to make sure workers on maternity leave benefit from training when they return to work. Workplace childcare facilities—where appropriate and safe for children—including crèches, nursery schools, day-care premises, playgroup premises and after-school centres can support both men and women workers in fulfilling their parental and familial duties by alleviating the pressures of childcare and transport costs. These demands will deal with grievances around inclusivity when it comes to family responsibilities, concerns around job security and progression when pregnant, as well as the gendered burden of childcare.

- **Gender-inclusive infrastructure, facilities and PPE:** Infrastructure and planning in each company and industry should be inclusive, ensuring, for example, that there are adequate bathroom facilities for women as well as gender-neutral facilities. When designing gender-inclusive facilities, employers must take note of the security concerns of workers whose vulnerability to GBVH is heightened by their gender.



Other provisions should include gender-inclusive provisions in the First Aid Box, gender-appropriate PPE, as well as gender-inclusive training of health and safety representatives.

- **Job grading** should be gender-neutral and skills-based. The potential of each worker should be assessed and coupled with training commensurate with the relevant key performance indicators. Job grading is scientific in progressive settings, and a good measure of inclusivity is a willingness to upskill and update the workforce in line with company and industry developments, especially in the mining and automotive sectors. The titles of jobs should reflect their deliverables and impact in the value chain, rather than being gender-specific like 'Chairman' or 'Tea Lady'.

Specific training programmes geared towards upskilling women and LGBTQI+ workers should be developed and implemented.

Demands that deal with **practical difficulties in performing duties** could include:

- Providing better gender-appropriate protection against health and environmental hazards (consider how these hazards are aggravated by ill-suited PPE)
- Inclusion of ergonomics as a key factor when procuring tools and equipment (e.g. machinery designed to accommodate the perceived average ergonomics of male workers could be redesigned, or otherwise assistive machines could be provided to better suit the average ergonomics of women workers).
- **Equal pay for work of equal value** must be enforced in all workplaces, regardless of the gender or sexual identity of the worker.

- **Policies on discrimination, sexual harassment and violence at the workplace and the creation of an enabling and inclusive environment** for both the adoption and proper implementation of such policies can help alleviate safety issues relating in particular to women and LGBTQI+ workers. Grievances that the promotions system operates to exclude workers who are not cisgender males must also be dealt with in the demands to create an enabling environment for women and LGBTQI+ workers.

- **Giving women and LGBTQI+ workers a voice** is essential. As our research indicates, there is often a lack of consultation with women and LGBTQI+ workers on issues that concern them. There is also often inadequate application of policies and regulations in the workplace, with women's forums seen as ineffective. To avoid underestimation and condescension of women and LGBTQI+ workers, collective bargaining demands should include that such workers be represented at negotiating tables; in occupational health, safety and environment committees; as part of grievance handling procedures; as shop stewards and on workers' committees; on company boards; and at all levels of the workplace. Women and LGBTQI+ workers should be trained and retrained to ensure they are well-prepared for these various roles.

- **Collective bargaining agreements should be extended to non-permanent workers**, often women.

- **Gender transformative demands** could include a housing subsidy/allowance that treats all workers equally, where marital status, sexual orientation and grade of worker do not impede accessing benefits. This may resolve some grievances around the gender wage gap and general preferential treatment of male workers.

- **Demands should also focus on the needs of women and LGBTQI+ workers related to caregiving**, not "additive" but rather transformative (e.g., the workplace must have childcare facilities freely available with qualified childminders).

8. Conclusion

Undoubtedly, GBVH and workplace discrimination for women and LGBTQI+ workers persist in both the mining and automotive sectors in South Africa. In a 2022 workplace culture report, Rio Tinto, the second-largest mining company in the world, found that approximately a quarter of its women workers had experienced some form of sexual harassment, and almost half of all its staff had experienced some form of bullying (Bloomberg 2022). Responding to this report, Anglo American Platinum's CEO, Natascha Viljoen, stated that she was not surprised that women felt unsafe working underground (News24 2022). The automotive sector seems to engender a similar stark experience for its women workers. Pertaining to any out or assumed LGBTQI+ workers, this experience likely rings true for them also. Despite the different social conditions and specific circumstances between the global and local realities, women and LGBTQI+ workers in these sectors face significant challenges when trying to perform their work.

From our research findings above, this picture certainly fits. Our participants' experiences echoed, to a large degree, what is known in these industries when it comes to a threatening and discriminatory workplace for women and LGBTQI+ workers, namely:

- Unequal wages and preferential treatment for men,
- Inadequate working conditions, including facilities and PPE,
- Ill-designed workplace uniforms for women's bodies and needs,
- Lack of consultation and an inconsistent application of policies,
- Ineffectual legal protection in the workplace,
- Animosity from and fear of male colleagues,
- Persistent discrimination and GBVH,
- Challenging, complex and changing dynamics of class, race, and gender.

What we find particularly concerning are the experiences participants shared about inadequate representation by their trade unions, with their needs and challenges often neglected. Trade unions in these sectors, it seems, are not immune to the conditions which render the workplace untransformed for women and LGBTQI+ workers, which evidently also generally permeates the trade unions' own functioning.

Challenging such workplace culture, often buoyed by social norms and deeply rooted patriarchy and chauvinism, is a massive task, yet it is unmistakably urgent and necessary. Unfortunately, however, if these sectors seek to employ more women and LGBTQI+ persons without addressing their sexist and discriminatory cultures, they will merely be exposing more workers to harm.

With the above data, trade unions and workers can enter workplace negotiations with sharpened tools. Employers, as with health and safety, *must*, by law, protect their workers. Workplace negotiations, including collective bargaining, are about more than wages and hours of work; they are about ensuring the dignity of all workers, enabling them to present their full selves at the workplace.

These experiences of the everyday struggles of women and LGBTQI+ workers must be brought to the bargaining table and placed squarely in front of both employers and trade union representatives. *Gendered* demands must form part of collective bargaining demands. No workplace will be safe and productive until *all* workers are respected and protected.

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About the Contributors

Abongile Nkamisa is a lawyer at Open Secrets. She completed her articles at the Centre for Applied Legal Studies (CALS) and clerked at the Constitutional Court of South Africa.

Anesu Dera is an attorney at CALS. His areas of specialization include, but are not limited to, business and human rights, and socio-economic rights. Through his work and training with CALS, Anesu has cultivated multiple methods to apply a gender analysis to all of his work.

Ariella Scher is the Head of the Legal Unit at Open Secrets, an NGO which seeks accountability for economic crime. She has practiced as an attorney for over a decade in both the private and public interest sectors, with experience in labour law and policy, socio-economic rights and business and human rights. Ariella has a particular interest in harnessing worker and social movement power to hold corporations accountable through partnerships across the Global South.

Ferron Pedro was the Working-Class Campaigns Coordinator and Educator for SAFTU, linking progressive working-class formations with SAFTU affiliates. She implemented education programmes while at SAFTU. Ferron has a Master's degree in Development Studies with her dissertation focusing on popular education in new social movements. As a labour activist, she was involved in the student-led #feesmustfall and #outsourcingmustfall protest movements in Tshwane and Johannesburg. She considers herself a socialist feminist, a perspective that guides her research and activism.

Matthew Grant graduated from the University of Cape Town with a Master's in Sociology and subsequently completed a Diploma in Occupational Health.

He previously worked for NGOs, focusing on labour issues and health and safety. He has also worked in medical research. Active in the trade union movement since 2016, Matthew joined the South African Federation of Trade Unions (SAFTU) as a Research and Policy Coordinator in early 2021. He currently researches politics, the economy, health, education and the working class.

Ntokozo Mbhele is a trade union activist with over 30 years' experience in various positions within trade unions. Most of her trade union activism involves national and informal sector trade unions. With over 12 years of experience in international trade unions, she served as a project officer for Public Services International in Southern Africa. She worked at Workers College Durban full-time, where later she became a part-time tutor from the late 1990s to 2002. She studied at Ruskin College. She holds an Open University United Kingdom qualification. She obtained a Higher Certificate in Economic Development (University of the Western Cape). Ntokozo has a keen interest in Gender Equality and is anti-GBV. At the time of this research, she was working for NUMSA as its Gender Officer, and is now retired.

Trevor Shaku was the National Spokesperson of SAFTU. He is a Marxist Revolutionary who played a crucial role in the #FeesMustFall and #OutsourcingMustFall campaigns.

Vuyolethu Mntonintshi was based at CALS for 6 years, where he undertook research, advocacy, and litigation in the Gender Justice and Home, Land and Rural Democracy Programmes. In this role, he advanced fundamental human rights for marginalized communities, working on projects about child abuse, evictions, rural democracy, assisting survivors of gender-based violence with access to shelters, and supporting other social justice and community-based organizations. Vuyolethu is a seasoned activist committed to promoting social justice and dedicating his efforts to fulfilling the promise of a quality life for all citizens. He holds an LLB degree from Walter Sisulu University and is currently pursuing a Master's in Disciplinary Human Rights at the University of the Free State.

Zanele Malindi was an attorney at CALS. She attained an LLB from the University of the Witwatersrand. In 2015, she graduated from the University of Cape Town with a BSocSci degree in Politics and Economic History. Zanele is passionate about human rights law and social justice, with an interest in environmental justice and business and human rights.

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ABOUT THE CENTRE FOR APPLIED LEGAL STUDIES (CALS)

The Centre for Applied Legal Studies (CALS) is a civil society organisation based at the School of Law at the University of the Witwatersrand in Johannesburg, South Africa. It is also a law clinic, registered with the Legal Practice Council. CALS connects the worlds of academia and social justice. The Centre's vision is to effect societal change where historical and social justice is manifest through strengthened state institutions, and marginalised actors hold the state and other powerful actors accountable. To this end, its mission is to further Business and Human Rights; Civil and Political Justice; Environmental Justice; Gender Justice; and Home, Land and Rural Democracy.

ABOUT THE ROSA LUXEMBURG STIFTUNG (FOUNDATION) (RLS)

Rosa Luxemburg Stiftung is an international, progressive non-profit institution for civic education. Since its founding in 1990, the Foundation's work has continued the legacy of its namesake, German socialist leader Rosa Luxemburg, furthering democratic socialism with an unwavering internationalist focus. The Rosa Luxemburg Stiftung is committed to radical perspectives, emphasising public awareness, enlightenment, and social critique. It stands in the tradition of the workers' and women's movements, as well as anti-fascism and anti-racism.



ABOUT THE NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA (NUMSA)

NUMSA is the biggest metalworkers trade union in South Africa with more than 339,567 members (January 2014). It was founded in 1987 after the merger of five unions, some established in the 1960s and 1970s. So, NUMSA brings a wealth of experience to trade unionism. It has the highest representation (except at Eskom) in all national bargaining forums in which it operates.

ABOUT THE SOUTH AFRICAN FEDERATION OF TRADE UNIONS (SAFTU)

The South African Federation of Trade Unions (SAFTU) is a radical trade union federation. It was founded in 2017, and is the second largest South African trade union confederation comprising 17 affiliates and 612,000 members. Its core ideology is Marxist or socialist, and it is militant in its approach to organizing and activism.





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