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The SABPP Women's Report 2012

Anita Bosch (Editor)
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Women's Report 2012

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The SABPP Women's Report 2012

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I wish to extend my gratitude to the contributors to the 2012 Report for the professional manner in which they approached their task. Each chapter is filled, not only with helpful recommendations, but also with insights that stem from the authors’ own life experiences and interpretations. Due to the broad spectrum of contributions, the Report is increasingly becoming more thought-provoking, drawing attention to multiple ways in which to view gender in the workplace.

Often, the people who work in the background of a publication are easily forgotten; however, without the dedication of the language editor and typesetter, this Report would not be of such a high quality. My sincere thanks to both Teresa Kapp and Lauren Smith.

Finally, I am proud to be associated with the SABPP’s HR Research Initiative under the leadership of Penny Abbott. Penny has, together with the SABPP CEO Marius Meyer, provided a platform for us to engage with HR practitioners in South Africa and other parts of the world. I look forward to a lasting partnership that brings evidence-based thinking to HR practitioners.

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Foreword

The workplace gender debate is often silenced by our preoccupation with immediate bottom-line results and our propensity to place 'practical' solutions on the table. We tend to deal with issues such as equality and fairness either when a crisis presents itself or when time and funds permit. In essence, workplace diversity, equality, and inclusion, especially from a gender perspective, represent an add-on or a compliance issue for most HR practitioners.

Since gender diversity and inclusion are fundamental principles of a healthy workplace, the Women's Report is produced in order to bring HR practitioners evidence-based information that they can apply to their organisations. This Report contains six chapters, ranging from informative to stimulating topics that make us reconsider how we take up our HR responsibilities.

For the first time in the Report, we have a contribution from another African country, namely Ethiopia. The topic of child care, which is a universal struggle for working women and primary caretakers, highlights the impact of poor attention to the realities of women's lives in Africa. Abeba also hints at child care benefits becoming a sought after attractor that HR practitioners need to consider when dealing with female employees. Louise du Toit brings us a captivating account of sexuality in the workplace and how we can rethink our stance towards equal treatment and fairness. Both these chapters deal with the differences that exist for women and how we may influence policy through alternative assumptions.

The chapter dealing with the representation of women in South African academia once again highlights the glass ceiling phenomenon. The data in this chapter are presented and interpreted by Nelius Boshoff, our first male contributor to the report, utilising the CREST database, which contains the most comprehensive statistics on higher education in South Africa. The glass ceiling cannot be rectified or addressed without focused and sustained interventions to balance the career impact of the natural occurrence of women's reproductive years. Penny Abbott's contribution on the retention of women in the workplace complements the contribution on women in academia with thoughts on how retention might be championed by HR practitioners.

Maternity leave pay remains an area where many women are exploited and, in turn, where many women attempt to exploit employers. The chapter by Jenni Gobind explains how HR practitioners should keep abreast of case law and judge each labour dispute in its own context and on its own merits. The Report is concluded with the reflections of Stella Nkomo, one of South Africa's most esteemed gender researchers. In her chapter, Stella presents the waves of macro-level research on women in management and gives her thoughts on what may come next.

We invite you to join us in reading the chapters that follow.



CHAPTER ONE

Child care in Addis Ababa, Ethiopia

Abeba Beyenne Mengistu

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Introduction

Working parents with preschool children in Addis Ababa, Ethiopia, face multiple work demands in conjunction with child care responsibilities at home. One working parent summarises the problem as follows:

The critical shortage of live-in nannies in our city, the absence of extended family members to assist us in raising up our dependent children, the expensiveness of the existing private day care centres, and the absence of supporting national and organisational family-friendly policies are the headaches of our lives and the heart of our problems in our professional and personal lives¹.

In Ethiopia, child care is primarily the responsibility of the wife, and the onus is on her to ensure that there is appropriate care for the children in her absence. Child care has become a critical issue since there is a serious shortage of traditional live-in nannies and housemaids, who are the main sources of assistance in the family responsibilities of working parents in Ethiopia.

Nowadays, most of the lower-skilled female workers prefer not to work in private family homes as child minders because current government policy has created several improved work and educational opportunities. As a result, many unskilled workers who used to migrate to cities in order to attend evening classes at educational institutions now have the opportunity to attend such institutions in their villages. In addition, thousands of unskilled female workers are migrating to various Arab countries to work as baby-sitters and housemaids, where they earn a higher income. Unskilled workers remain in Ethiopia and opt for jobs on construction sites, in city development or road projects, horticulture, parking lot attendance, and city sanitation (e.g., street-sweeping), with child care work being the least favourite. The Ethiopian government, having created alternative work opportunities, is a positive force that seeks to develop skills and provide options for citizens. A great majority of the unskilled female workers traditionally only had the option of child care and housework. With all the new opportunities, a new scarcity of baby-sitters in the city was created. The problem has now reached a critical stage, with some working mothers quitting their jobs for the sake of rearing their children.

¹ Statement made by a working parent with preschool children in Addis Ababa, Ethiopia.

While the created alternative job opportunities have empowered the previously low-skilled groups in society, alternative family support programmes were not thought of at either a national or an organisational level. Although the government of Ethiopia usually takes several affirmative action measures to empower women and has increased the length of maternity leave from 45 days to 90 days, other child care mechanisms, such as publicly owned day-care centres, have not been put in place. Only a few business-minded individuals have opened day-care centres at very high prices. Hence, only highly paid non-governmental and private sector employees are able to use the services of these day-care centres. The majority of the working parents rely on inexperienced babysitters who come from villages to work in Addis Ababa as a stepping stone in accumulating work experience in the process of progressing to Arab countries or other work that pays better. The low prestige of babysitting in the Ethiopian community and employees not wanting to lead a life regulated by private family employers are also causes of the scarcity of baby-sitters in the city.

The favourable policy formulated by the government of Ethiopia with regard to free movement of citizens for work has benefited many. The gap created by these policies, however, needs to be addressed. Working parents, especially those who work in the public sector, cannot afford to pay competitive salaries for the services of experienced baby-sitters and housemaids. Even inexperienced baby-sitters in the city are commanding high salaries for inferior service, due to their scarcity.

The growing need for child care benefits for working parents

Child care is defined as a broad term that describes any situation in which children are provided with supervision, support, and sometimes training by individuals outside the child's immediate family². Child-care programmes began in the USA when many women left their homes to work in factories to build defence equipment during World War II. At that time, the national government and defence factories created child-care centres to care for the children of employed women.

Today, the need for child care is ever-increasing due to the need for a greater family income, changes in family structures such as single-parent families, and a greater focus on careers. An increasing number of children have mothers in the labour force, and this number is expected to continue to rise³.

One could argue that children can be raised in the care of their own families (parents, grandparents, aunts, siblings) or by non-family members such as nannies, childminders, or professionals at child-care centres. In the absence of a family member to look after a child, non-family care is required. Traditional family support in child care is becoming rarer due to changes to the family structure, which include the replacement of extended families by nuclear and single-parent households and the migration of people to cities and overseas. As a result, many working parents in both industrialised and developing countries are dependent on non-family care for both preschool and school-age children⁴.

Child-care benefits is one way through which human resource managers allow their employees to balance work-life requirements⁵, and child-care benefits will soon be the most-demanded benefit, as there are increasing numbers of dual-career couples. Even though employers are concerned with reducing costs, some still display a positive attitude towards family-orientated benefits⁶. As a result, companies are increasingly offering child-care services to their employees as a paid benefit. A US report showed that 69% of full-time working women have children under the age of three, and that these women, on average, contribute 41% of the household income⁷.

Labour welfare theory, or betterment of work for employees, supports the provision of child-care benefits for working parents. The International Labour Organization has defined labour welfare as "a term which is understood to include such services, facilities and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to perform them with amenities conducive to good health and high morale."

² Stephens, K. (1996). *The Child Care Professional*. New York: Lencoe McGraw, pp. 17-19.

³ Walker, J.R. (1998). *The Demand for Child Care Quality*. *Journal of Human Resources*, 33(3), pp. 683-684.

⁴ Hein, C, & Cassirer, N. (2010). *Workplace Solutions for Child Care*. Geneva: International Labour Office, p. 6.

⁵ Armstrong, M. (2006). *A Handbook of Human Resource Management Practice*, 10th edition. London: Cambridge University Press, p. 730.

⁶ Henderson, R.I. (2005). *Compensation Management in a Knowledge-Based World*, 10th ed. New Delhi: Prentice-Hall, pp. 454-466.

⁷ Milkovich, G.T. & Newman J.M. (2005). *Compensation*, 8th ed. New Delhi: Tata McGraw-Hill, p. 451.

In addition to removing the dissatisfaction and frustration of employees, welfare facilities help to motivate and retain employees; the benefit builds employee loyalty, and enhances organisational reputation and image. The two broad categories of welfare measures are: welfare measures inside the workplace and welfare measures outside the workplace. Welfare measures inside the workplace include the provision of crèches or child care⁸.

The importance of child care

Organisational child-care services benefit the employees, their employers, and society at large. Creating caring and educational environments for children give parents confidence in their children's well-being. When parents are satisfied that their children are taken care of, they do not worry about their children and are therefore present at work, are able to concentrate on their work, and are able to discharge their work responsibilities with full focus and peace of mind⁹. Organisations can minimise the loss of productivity by assisting their employees to find quality child care, which is suffering a critical shortage in Ethiopian cities. The success of such assistance is illustrated in the case of a company in the USA that decreased the turnover rate of its female employees and saved \$250 million in hiring and training costs by designing and implementing policies that promote a balance between work and home life for both male and female employees¹⁰.

Consequences of the child-care dilemma

If working mothers do not have access to reliable child-care arrangements, they might become tardy, be absent from work, or become distracted and inattentive in their jobs. Such behaviours directly affect organisational performance. In situations where the human resource policies in Ethiopian companies are not supportive, working mothers may be subject to several types of reprimands and salary deductions, which in turn affect their performance evaluations and further development in their professional lives.

At the extreme, more and more working mothers may decide to quit their jobs to take care of their preschool children. Although the children may prefer the care of their own mother, it is not without consequences. The family now has to depend on the income of a single breadwinner, which may result in a compromise in the quality of the family's life and other opportunities. By quitting her job, a mother sacrifices her professional career. Employers are affected as they lose an experienced employee and incur recruitment and training costs, and the nation lacks the benefits it should get from the contribution of female employees.

Conclusion

Organisations are created for a purpose by people, with people, and for people. Of all the resources required to achieve organisational objectives, human resources are the most valuable, since it is through people's ability to create, innovate, and implement ideas that organisations are able to realise their vision, achieve their objectives, and run profitable operations by producing goods and services that solve human problems.

Hence, human resource policies should include the concepts of equity, consideration, organisational learning, performance through people, work-life balance, quality of work life, and supportive working conditions¹¹. In addition, the total philosophy, culture, and orientation of modern organisations reflect that the growth, prosperity, and health of their organisation depend on an optimum return on their investment in human and non-human resources¹².

Human Resource Managers should devise a mechanism for assisting and motivating working parents to be productive in their work. The problem of working parents not having access to child-care facilities should not be seen as a personal problem. Once the personal problem goes beyond the control of the person and starts to spill over into the workplace and affect job performance and productivity, it becomes a personnel problem¹³. Since extended family members are rarely available to assist

⁸ Aswathappa, K. (2002). *Human Resource and Personnel Management: Text and Cases*. 3rd edition. New Delhi: Tata McGraw-Hill, pp. 401-405.

⁹ *Harvard Business Review*. Feb. (2001), pp. 51-54. *How we built a strong company in a weak industry*.

¹⁰ *Harvard Business Review*. Nov.-Dec. (2000), pp. 160-167. *Winning the talent war for women: Sometimes it takes a revolution*.

¹¹ Armstrong, M. (2006). *A Handbook of Human Resource Management Practice*, 10th edition. London: Cambridge University Press, p. 149.

¹² Ivancevich, J.M. (2004). *Human Resource Management*, 9th Edition. Boston: McGraw-Hill, pp. 1-5.

¹³ Kallaus, N.F. & Keeling, B. L. (1988). *Administrative Office Management*, 9th ed. Cincinnati: South-Western, p. 328.

working parents in Addis Ababa, the majority of these working parents depend on live-in nannies and nursery schools to take care of their preschool children.

The findings of a study¹⁴ on child care and parental satisfaction in Addis Ababa show that the lack of proper child-care arrangements has become critical. This situation has been described as the heart of their problems and the headache of their lives. Others have ironically labelled the lack of babysitters as the “birth control” of the era, as significant numbers of working parents are not motivated to bear children due to the critical shortage of dependable live-in nannies. However, while the services of baby-sitters are not dependable, of poor quality, expensive, and with no guarantee of continuity, most working parents have no choice but to rely on them, due to a lack of feasible alternatives.

In addition, the majority of the working parents using the services of nursery schools or day-care centres are not satisfied with their level of service. Most working parents feel that the service is inadequate, inaccessible, and expensive due to a lack of regulation, and that their operating hours are incompatible with office hours. The lack of nannies is also unlikely to change, due to experienced live-in nannies leaving the country for better work opportunities and the position being perceived to be one of low status. The situation is further exacerbated by a lack of company awareness of the significance of high-quality childminding.

Many working mothers have disclosed their frequent absenteeism, tardiness, and inattentiveness in their work until they obtain the services of a childminder. This has a counter-productive effect on their job performance and, ultimately, company performance. Many working mothers would like to quit their jobs until their children start attending school, but cannot do so for economic and professional reasons. However, there have been many instances where working mothers have opted to stay home to take care of their young children. The findings show a low level of awareness of the interviewed government and Labour Union officials. Similarly, the level of awareness and managerial commitment of the majority of the Human Resource

Managers was also found to be inadequate. The lack of child-care facilities is considered a personal problem rather than a personnel, citizen or community problem. The reality, however, is that working parents cannot perform optimally when they do not have peace of mind regarding the care their children receive in their absence. There is an urgent need for regulated day-care centres in the city and in work places to significantly minimise the existing problems in child-care arrangements.

The Ethiopian government should take the initial step to apply the welfarist approach to assist working parents to balance the demands of their jobs and their parenting responsibilities. Collaborative efforts to provide adequate child care should be initiated without delay to prevent any more educated and experienced mothers quitting work at the expense of their professional growth, income, the welfare of their family, and their significant contribution to our national development.

It is a strong belief of the researcher that working parents in most African countries face similar problems in balancing the demands of their work at job and their child-care responsibilities. As all African countries are striving towards improved female participation and empowerment in all economic and political spheres, work-family issues need to be given priority. To this end, employers, labour unions, communities, non-governmental organisations, and other development partners in Africa should play a role in balancing the work- and family lives of each nation’s human resources in order to raise the future generation of Africans.

¹⁴ Abeba Beyene Mengistu (2011). *Provision of Childcare Benefits to Working Parents in Addis Ababa, Ethiopia, Unpublished Research Paper Presented at the 2011 Africa. Academy of Management (AFAM) Inaugural Conference, August 11, 2011, San Antonio, Texas.*



CHAPTER TWO

Sexuality and the workplace

Louise du Toit

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Introduction

The dominant framework for thinking about women's rights in South Africa has been the liberal framework. In terms of this framework, all human beings are essentially the same, and noticeable differences amongst people are superficial and accidental. According to this thinking, underneath all the human differences, such as colour, sex, mother tongue, ethnicity, religion, and so on, is an essential human nature. Subconsciously, then, socially dominant groups within liberal contexts tend to equate equal treatment with the inclusion of previously excluded groups into the dominant or powerful in-group. This inclusion is done on the basis of the minority's claimed 'sameness,' and thus their acceptability, to some form of 'us.' For some claims to equal treatment, an assumption of sameness, and a strategy of inclusion work well, for example, when women claim equal pay for equal work.

However, and that is the theme of this chapter, for some other claims to equal treatment, the assumption of sameness, and the response of inclusion do not work well, and may in fact result in a different form of unfairness in the workplace. Sexual differences that result from biological differences between women and men, rather than from a history of exclusion or exploitation, are a good case in point. Consider women's inestimably larger physical (rather than cultural) investment in human reproduction – the fact that the unborn is always carried in the woman's body is a biological difference and not the result of oppression.

Moreover, this bespeaks a basic asymmetry between the sexes, as there is no male equivalent of female pregnancy. The liberal response to sexual differences has been to ignore or repress the difference, with the dominant group (men, in this case) taken as the human norm. This chapter shows why the ethics and politics of sexual difference are preferable over the liberal assumption of sameness.

The case for diversity

It stands to reason that the diversity of society will manifest in the workplace, together with expectations of fair treatment. Human resource management practitioners (HR) should, however, take note that fair treatment does not always rest on the familiar ideas of sameness and inclusion. When HR practitioners acknowledge that sexual difference, or rather sexual specificity, is a core aspect

of being human, a completely new way of thinking about claims to fair treatment of workers emerges.

Acknowledging sexual difference will, furthermore, greatly enhance HR practitioners' impact on their organisational culture where they can cultivate an organisation with respect for, rather than a tolerance of, sexual and other differences. Being female is not in itself a handicap, yet organisational cultures are often more or less subtly treating it as such.

A pregnant body in the workplace is possibly the most concrete manifestation of this difference, but it is important to realise that she also simultaneously serves as a mirror for the organisation's culture. She appears so obviously and immediately different only because the organisational culture is so obviously masculine that it normalises bodies that cannot become pregnant.

The pregnant woman in the workplace does thus not only insist on her own sexual difference, but also on the sexual difference of the male majority. Instead of implicitly viewing women's sexualities and roles in society (for example, as mothers) as an obstacle to the organisation's business as usual, organisations should cultivate internal diversity and complexity, including sexual differences.

The first obvious advantage of cultivating sexual difference within an organisation is a better integration of female employees' private and work lives, resulting in a productive dove-tailing of their personal aims and values with those of the organisation, ultimately leading to confident women workers with strong work identities. Secondly, sexual differentiation within but also of the workplace (allowing for different daily rhythms and career trajectories more in line with women's concrete lives) will allow strong female leadership to emerge. Drawing on Peter Allen's idea of the 'law of excess diversity'¹, one could predict that organisations with more internal diversity than is strictly required for coping with a complex environment will, in the longer run, be more adaptable, resilient, innovative, and robust than more homogenous organisations.

We are sexual beings

There is a long and persistent tradition in western philosophy and religion that tends to deny our bodiliness and repress the deep knowledge that we are

thoroughly sexed and gendered beings. This does not exclusively relate to what we normally designate as the sexual aspects of ourselves, such as our reproductive capacities or organs, or even of the sexual act as part of our lives. Our sexual nature is not a relatively trivial aspect of our identities that we casually tick off on some official application form together with eye-colour and height. A sexual nature means that no human is without sexuality, in the radical sense that every person's humanity is indelibly marked by a specific sexual form.

This is true of every human being, whether gay or straight, woman or man, inter-sexed, or transgender. French philosopher Luce Irigaray makes this point when she says that it is part of human nature that we are always and inevitably partial beings², in the sense that nobody represents the human as such, but always only a part of what it means to be human, or a part of the human condition. Our sexual nature is our partiality, and our partiality is our sexuality. This means that no single person alive can know what it is like not to be sexed at all, or to be sexed differently from how they, in fact, are. This is because our bodies, including their capacities, strengths, and vulnerabilities, and their culturally attached meanings, to a large extent underlie our lived realities.

Research on sexual differences and their effects tends to be very controversial. This is because of the deep ideological divide between those who argue that sexual differences are inherent or greatly predetermined by evolutionary processes and those who view sexual differences as socially constructed through ages of patriarchal oppression of women. One can see how these two opposing views of sexual difference may lead to two very different stances on how noticeable (bodily differences) or provable (statistically generalised) differences between the sexes should be treated. If one views sexual difference as an evolutionary inheritance, one would likely treat it as a given or a fact that cannot be changed or modified through social organisation or policy.

On the other hand, if one views sexual difference as purely the result of social organisation, one may try to change it through radically new approaches and an overhaul of our symbolic universe. *For instance, if one views women's nurturing role as biological, one would likely not try to change the social arrangement that women have primary responsibility for childcare, but rather want*

¹ Allen, P.M. (2001). *A complex systems approach to learning, adaptive networks. International Journal of Innovation Management*, 5 (2), pp. 149-180.

² Irigaray, Luce (1996). *I love to you: Sketch of a possible felicity in history. (Transl. Alison Martin). New York: Routledge*, p. 106.

to acknowledge and support women's childcare activities. If, on the contrary, one regards women's nurturing role as purely social, one may want to relieve women of that primary responsibility by supporting the provision of crèches or encouraging a greater involvement of fathers in childcare.

However, as with most academic dichotomies, the most sophisticated analyses on both sides of the divide are currently moving closer together. Nuanced thinkers within the evolutionary school on sexual difference are saying that evolution does not predetermine human behaviour, but instead leaves much room for creativity, change, the use of human reason, and the role of morality.

Among those who emphasise the extent to which our understanding of the content and limits of sexual difference is socially constructed and influenced by patriarchal thinking, there are also those thinkers who realise that human beings are not clean slates but are born with a genetic and evolutionary pre-history; that we are human animals, and that instincts play a larger role in our lives than is fashionable to admit. The same is true of human sexuality.

Although the field of sexuality is open for human improvisation, change, play, and creativity, as well as for human morality, we are also the products of a long process of evolution that created a sexual dimorphism in humans. Sexual dimorphism means that men and women are very different, and our life chances are asymmetrically affected because of these inherited differences. It is important when developing an ethic of sexual difference³ for the workplace that we acknowledge both what women and men, in fact, are and what they may still become.

The limitations of sameness and inclusion approaches

If we agree with Irigaray that humans come in fundamentally two different forms and that our sexual natures are inextricably intertwined with our life chances and experiences, then we must be struck by the extent to which this has been denied in many human cultures throughout the ages. It is not that cultures did not codify or give significance to human sexuality; all human cultures have done this. The concern is the extent to which western culture, in particular, has equated the human, the worthy, the citizen, the worker, the hero, the warrior, and the businessman with the

masculine. Masculine lives were historically elevated to the norm of human existence, while whatever was specific to feminine existence has been culturally turned into deviance, lack, or obstacle. For instance, we do not normally or traditionally think of the worker as pregnant or as primarily responsible for caring for the young, the ill, or the elderly.

Western institutions are traditionally dominated by men and male leadership, whether in industry, business, war, religion, the law, education, entertainment, government, or sports. The effect of this masculinisation has been that organisational culture has over centuries become mono-sexual in nature, taking shape around the typical male body and male lives, interests, emotions, and rhythms. For Irigaray, western culture was built on the symbolic murder of the feminine and the feminine difference⁴.

The masculine bias in organisational culture has meant that women have had to 'become men' if they wanted to leave the so-called private sphere of family and reproduction and enter these public arenas. There are examples of women in history who have had to, quite simply, hide their femaleness in order for them to enter the public world, like Joan of Arc, who wore men's clothing and cut her hair short before driving the English army out of France, Mary Anne Evans, who wrote novels under the masculine pseudonym of George Eliot, and Hildegard of Bingen, whose spiritual insight made everyone around her suspect her of really being a man in a woman's body. In light of this history, the opening up of public institutions to women and the formal acknowledgement of women's equal access to all opportunities in society are important milestones reached in many countries during the course of the twentieth century. In his bestseller, *Blink*, Malcolm Gladwell describes how, in the United States, the number of women in the top orchestras has increased fivefold over thirty years after screens were put up during auditions to hide the candidates' sex⁵.

However, in many organisations, women still experience the culture and organisation as male-biased, and feel as if they must leave their femininity at home when they go to work. Women feel this most particularly when they become pregnant, while they are mothering, or if they have other care relationships in which they function as the primary caregiver. The experience of a clash or tension between family and work can vary from chronic or periodic mild tensions to acute clashes of obligations.

³ Irigaray, Luce (1993). *An Ethics of Sexual Difference*. (Transl. Carolyn Burke and Gillian C. Gill.) Ithaca, New York: Cornell University Press.

⁴ Whitford, Margaret (1991). *Luce Irigaray: Philosophy in the Feminine*. London and New York: Routledge, p. 75.

⁵ Gladwell, Malcolm (2005). *Blink: The Power of Thinking without Thinking*. England and USA: Penguin, p. 250.

This can and does, of course, also happen to men and fathers, but in general men experience less tension between work and family. This relates to mainly two features of contemporary society: women are still seen by themselves and others as the primary caregivers, whether of children, the sick or the elderly, and organisations are still run largely by and thus (subconsciously) for men, covertly defined as non-care-givers.

American philosopher Catherine MacKinnon argues that when organisations treat women and men the same in situations where there are real and systematic differences between women and men, such as their asymmetrical involvement in procreation, then it is patently unfair, and a matter of women's equality being denied⁶. HR practitioners should take note of the two forms in which equality claims to fair treatment may present: either a minority can insist on being treated the same as the dominant group, or they can insist on the recognition of relevant differences between themselves and the dominant group. MacKinnon says that, in general, courts and other institutions have much less trouble granting the first than the second claim⁷.

This is because we are not used to thinking of the value of equality as demanding differential treatment. MacKinnon explains this by saying that when women ask for equal treatment, there is the assumption that there must be some male equivalent with which their treatment can be compared. However, in the case of pregnancy, for instance, there simply is no male equivalent⁸. It would thus not make sense for women's equality claim to imply that they must be treated the same as men in case of pregnancy if they are to be treated fairly. Drucilla Cornell offers a solution by stating that sexual difference be *equivalently valuated*⁹. In other words, sexual differences should not be denied. Instead, when the sexes are equivalently valuated, nobody's right to be anybody's moral equal may be infringed upon. If we work with equal moral worth, then, in concrete instances, this may imply very different treatment of a pregnant or breastfeeding woman from the treatment of an adult man.

To treat women as men's moral equals and gays as straights' moral equals means that we make sure that everybody's conditions for becoming a person (a fully functional, autonomous worker and citizen, with the same rights and responsibilities as all other persons) are equally respected and protected. One could

interpret Cornell's theory as also involving respect for persons' being as well as their becoming. She says that everybody's physical (including sexual) integrity must be equally protected (with different treatment for pregnant, breastfeeding, and care-giving women and adult or older men) as well as everybody's freedom to give content and expression to (to craft as well as revise) their own sexual and other identities.

In other words, for Cornell, it is also very important that we never assume to know the meaning of other people's sexuality. We should always allow others to express their sexual identities as they see fit and accord nobody less of a chance to become a person and live a fulfilled life than anyone else, purely on the basis of what meaning they choose to give to their sexuality.

Implications of respect for sexual difference in the workplace

When incorporating an acknowledgement of sexual difference into the workplaces, the following pitfalls need to be borne in mind:

1. *Sexual differences that are experimentally 'proven' through research are often gross generalisations, so that it would be unethical to simply assume that sexual stereotypes are true in any individual case. This creates the need for constant dialogue about career paths and work identities. It would, for instance, be unfair to an individual female employee if the HR practitioner were to paternalistically assume that she would at some point in her life want children of her own, just because women in general want their own children. Whether this ideal forms part of any individual woman's life and career plan is something only she can answer, and her answer may change over time.*
2. *Human cultural evolution has, throughout human history, far outstripped physical evolution. This is why, although we might identify generalised sex-specific natural tendencies, such as a greater emotional investment in children by their mothers, we can never assume that because something is a natural tendency it must also be right or normative. There are, in fact, many human behaviours that we tend to regard as natural and nevertheless highly immoral, and which we consequently routinely punish as unacceptable to human societies, such as jealousy leading to violence.*

HR practitioners who respect sexual difference would, thus, also allow fathers to actively centre or

⁶ MacKinnon, Catherine (2005). *Women's Lives, Men's Laws*. Cambridge, Massachusetts, and London, England: The Belknap Press of Harvard University Press, p. 122.

⁷ *Ibid.*, p. 119.

⁸ *Ibid.*, p. 126-7.

⁹ Cornell, Drucilla (1995). *The Imaginary Domain: Abortion, Pornography & Sexual Harassment*. New York and London: Routledge, p. 19.



craft their careers around their children and families. We should always acknowledge the tentative and partial nature of research into sex differences, as well as the possibility of bias creeping into our interpretation of the findings. Moreover, some pertinent issues might simply not be addressed through this research because they have not yet emerged as issues.

3. *HR practitioners should take care that they simultaneously respect a person's being and their becoming. This means that the life story that has led a person to become who they are should be respected. This individual life story underlies the limitations of the person at any point in time. At the same time, the life story contains the possibilities for change, growth, development, and transcendence.*

All individuals can and do constantly change their own past through the reinterpretation and re-imagination necessitated by new challenges and perspectives. The past is never past, yet it is never just one thing or simply a straight-jacket for the present self. Respect for persons entails respect for who they have become so far, as well as respect for the process of their becoming, which implies that they can always be more than they presently are. In practice, this means that one can never write anybody off. All of this is also true of our sexual natures: we are becoming, changing sexual creatures, and one's sexual adventure is not over until one's life is over. An HR practitioner will respect sexual processes in persons' lives, whether they have to do with sexual maturation, processes around reproduction, pregnancy, becoming parents or grandparents, or of negotiating sexual orientation. Such respect must be rooted in an understanding of the extent to which our sexuality lies at the core of our humanity.

4. *Respect for a person's sexual being and becoming also, importantly, implies that an HR practitioner may not assume to know the 'content' of another's sexuality. Our own sexuality is a limitation to knowing or understanding the lives of those who are differently situated from us. Although being similarly sexed may create in an HR practitioner an instinctive or near automatic empathy, such as when both practitioner and worker are first-time mothers or fathers, it is very important that the shadow side of this phenomenon be clearly recognised: namely, that empathy and understanding of the situation and lives of those differently situated may be significantly limited.*

Irigaray underlines the need for dialogue: it is only by speaking to first-time mothers who are also workers that HR practitioners who will never have to face that situation can find out about the concerns of workers so positioned. Even female HR practitioners with grown children may need to be reminded of certain practicalities.

5. *HR practitioners should be sensitive to the difference between claims to fairness coming from an insistence on similar treatment (the conventional view of fairness) and those coming from an insistence on recognition of relevant difference. The latter does not always amount to special pleading, especially when based in female difference, seeing that femaleness is one of two basic human life forms.*

In this regard, HR practitioners should take the mono-sexual history of public organisations into account, and become aware of the extent to which organisational cultures are not yet expressive of the simultaneous existence of two sexes and variations thereof. To the extent that organisational cultures still implicitly or subconsciously treat the sexual specificities of femaleness, such as pregnancy and the interdependency of mother and infant, as aberrations or as deviations from the norm, they are still hostile towards women, do not treat them as everyone else's moral equals, and cannot possibly gain the full advantage of the heightened internal diversity that comes with employing women on a large scale and on higher levels within the organisation.

Conclusion

From this chapter, it is clear that to view women's claim to fair treatment in the workplace as limited to a claim to same treatment based on an assumed sameness as men, who traditionally dominate all western public organisations, is an oversimplification of fair treatment.

By viewing women's sexual differences, whether in temperament, emotional attitudes, moral approach, or cognitive tendencies, as an asset of diversification within an organisation rather than as obstacles to be overcome, repressed, denied, tolerated, or excused, an organisation can enhance its own internal complexity and, thus, its adaptability and resilience. Although an insistence on fairness as similar treatment has its place, especially within contexts where there is still formal and open discrimination against women, an insistence on fairness as differential treatment also has a place within the contemporary organisation. This is most pertinently the case when we consider those aspects of human sexuality that have to do with the drastic asymmetry or sexual dimorphism within the human species.

In this context, there is often no male equivalent with which the treatment of female workers may be compared, leading to HR practitioners being tempted to deny that the issue is one of equality, fairness, or non-discrimination. However, it has been pointed out that a demand for the recognition of the sexual specifics of female embodiment does not thwart the ideal of equality, but rather strengthens and broadens it by demonstrating that people differently situated and differently embodied and differently sexed may need different things in order to be equally respected as moral beings and becoming persons.



CHAPTER THREE

Women in South African academia – A statistical profile

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Introduction

The South African higher education system has undergone significant changes since 1994, with the most important of these probably being the restructuring of the institutional landscape around 2004, resulting in the 23 institutions that we have today. Within these institutions, gender equity, together with racial equity, is seen as part of a transformative agenda. The agenda has its roots in the White Paper on Higher Education, published in 1997, which stated that “*the composition of staff in higher education fails to reflect demographic realities. Black people and women are severely underrepresented, especially in senior academic and management positions*”¹.

The purpose of this chapter is to provide a statistical profile of the representation of female academics in higher education. The data sources are different subsets from the HEMIS staff database of the Department of Higher Education and Training (DoHET), which CREST² has studied over the relevant years.

Analyses of the subsets were conducted by the first author. In some cases, the subsets consisted of micro-level data in MS Access and, in other cases, Excel-file data that the DoHET publishes annually on its website.

Importance for HR practitioners

South African academic institutions are an important source of qualified and capable people entering the world of work. Higher education institutions serve the needs of society by employing academics who teach and educate both young and mature students. Furthermore, these academic staff members assist the country to increase its research capabilities and output. Postgraduate students are taught how to conduct research, academics develop new knowledge, and institutions commercialise research outputs. The ability of South Africa to innovate and compete globally is fundamentally influenced by the quantity and quality of academics in the higher education system.

Additionally, the gender composition of academia influences a number of aspects that eventually shape our society. For example, research can be conducted and interpreted utilising various,

¹ Department of Education. (1997). *Education White Paper 3: A programme for the transformation of higher education (Notice 1196 of 1997)*. Pretoria: Department of Education, South Africa. p. 20.

² CREST: Centre for Research on Evaluation, Science and Technology. University of Stellenbosch.

sometimes conflicting, worldviews. Worldviews are not specific to the sex of an academic; however, proponents of the feminist approaches to research would argue that the predominant form of science reflects the life world and needs of men and therefore excludes the views of women, who constitute approximately 50% of the South African population.

Research influences the decisions we make and the actions we take, thereby building a society that is structured and formed predisposed to maintaining male norms. Secondly, there are certain academic disciplines where women are, and remain, underrepresented. In these areas, for example science, engineering, and technology, there are very few female academics and very few women who enter the job market. Girls who are making their career choices therefore do not have many role models and continue to not choose these occupations, which perpetuates the trend of low numbers of women in these fields.

Increased participation of women in academia, especially in senior decision-making roles, will therefore have an impact on our future society, the workforce composition, and the norms that shape the way we work and the structure of our organisations. The gender profile of academic employees in South African higher education will now be discussed in more detail.

The broader gender picture

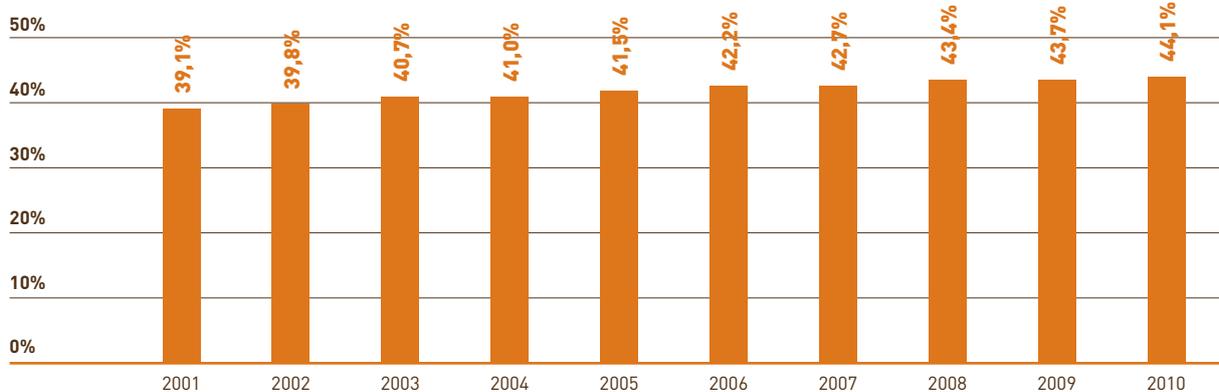
On average, the number of female academics grew by about 182 individuals per year over the period 2001-2010, from 5 560 in 2001 to 7 353 in 2010. The number of men, on average, grew by only 49 individuals per year, from 8 674 in 2001 to 9 331 in 2010. Thus, both genders

demonstrated positive growth over the 10-year period. However, the average annual growth rate in the number of women, 2.8%, is markedly higher than that of men, which is 0.5%.

The relatively faster growth rate of the number of female academics does not mean that women’s representation has now sufficiently improved, thereby making the need for a transformative agenda redundant. Firstly, overall gender parity (50/50) has not yet been achieved. As shown in *Figure 1*, women currently comprise 44% of the total academic population. Although this signals an improvement over the 39% recorded in 2001, the figure is still far from the desired 50%. It had taken almost 10 years for the figure to rise by 5%; it is therefore quite realistic to expect that it would take another 10 years before this figure reflects gender parity.

Secondly, though system-wide gender representation can be interpreted as positive and growing, it does not mean that the same applies to gender representation at different levels within the system. This point is illustrated through a breakdown by rank, which is reported in *Table 1*. The headcounts show that the majority of female academics are concentrated in only two ranks, namely lecturer and senior lecturer. The same two ranks are also well occupied by men. Men, in addition, also seem to be well represented in the more senior ranks of associate professor and professor. *Figure 2* visualises these observations by showing the percentage distribution of ranks according to gender. In terms of percentages, lecturers comprised more than 50% of all female academics in 2010, compared to only about 37% of all male academics in the same year. This clearly points to an over-concentration of women in the rank of lecturer.

Figure 1: Women as % of academics (2001-2010)



Note: Academics in HEMIS correspond to permanent instructional and research staff.



Table 1: Headcount of academics by gender and rank (2002, 2006 & 2010)

Rank	2002			2006			2010		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Professor	292	1,670	1,962	383	1,658	2,041	480	1,601	2,081
Associate professor	313	917	1,230	517	1,137	1,654	594	1,186	1,780
Senior lecturer	1,422	2,404	3,826	1,680	2,458	4,138	1,867	2,437	4,304
Lecturer	3,070	3,032	6,102	3,134	3,020	6,154	3,547	3,333	6,880
Junior lecturer	444	377	821	491	412	903	482	366	848
Total	5,541	8,400	13,998	6,205	8,685	14,974	6,970	8,923	15,893

Figure 2: Rank breakdown (%) of female and male academics (2002, 2006 & 2010)

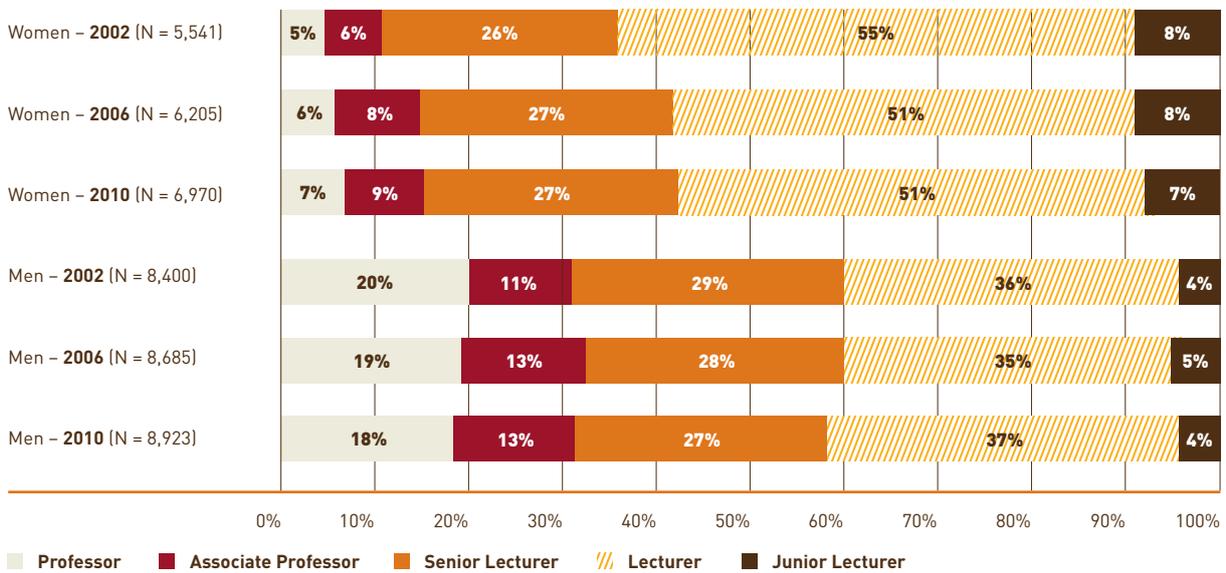
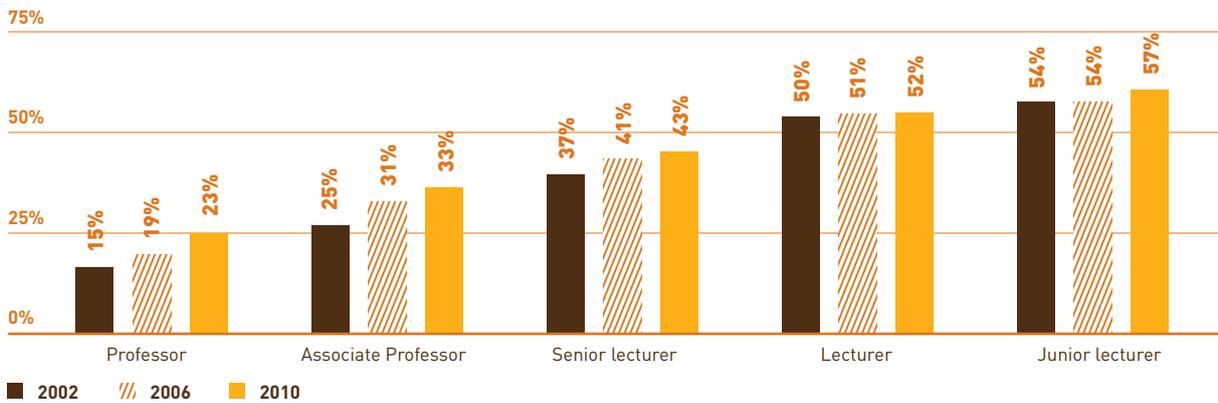


Figure 3: Women as % of each rank among academics (2002, 2006 & 2010)



Moreover, *Figure 3*, which is also based on the data in *Table 1*, shows that gender parity only exists with regard to the ranks of lecturer and junior lecturer. In fact, as the seniority of the rank increases, the number of women decreases. In 2010, only 23% of all professors were women.

One could argue that some factors prevent women's upward mobility into higher ranks. Before mentioning some of the factors, the validity of the statement "preventing women's upward mobility into higher ranks" needs to be reflected upon. The statement does not refer to the number of female academics in the higher education system.

According to *Table 1*, the headcount of female academics has persistently increased over time. For instance, in 2001 there were 1 422 female senior lecturers, which increased to 1 680 in 2004, and to 1 867 in 2007. The same also applies to the female headcounts in the ranks of lecturer, associate professor, and professor. However, as far as the proportional representation of female academics is concerned, specifically compared to the proportion of male academics, the upwards mobility of women appears to be hampered. It must be remembered though that the shape of the academic hierarchy in South Africa is more pyramid-like than rectangular.

Fewer positions exist in the higher ranks. Differently put, there are fewer professorships than senior lectureships, and fewer senior lectureships than lectureships. It is within this context of the 'thinning' of positions at the higher ranks of the pyramid (which is predominantly male-populated) and significantly large numbers of male academics competing for promotion at the lower ranks of the pyramid that the proportional representation of women is adversely affected.

Turning again to the question of factors that possibly prevent the upward mobility of women into higher ranks, two criteria for advancement immediately come to mind. They are research publication outputs and highest qualification obtained (specifically a doctoral degree).

As far as research publication outputs are concerned, women scientists in South Africa are currently at a disadvantage. They account for only small percentages of the total article output, according to the figures in *Table 2*. Scientific research publishing is therefore very much male-dominated. Exceptions do occur, but as the table shows, these are located in fields that are traditionally associated with larger female participation, such as education, community health, and language/linguistics.

Table 2: Women's share of article output by scientific field, 1990-1992 and 2002-2004

Field	1990-1992	2002-2004
Agricultural sciences	14%	24%
Biological sciences	15%	25%
Chemical sciences	10%	19%
Earth sciences	15%	25%
Mathematical sciences & ICT	9%	13%
Physical sciences	5%	7%
Multidisciplinary sciences	13%	22%
Engineering & applied technologies	6%	11%
Basic health	20%	30%
Clinical health	14%	27%
Public/community health	26%	50%
Economic & management sciences	11%	21%
Education	27%	50%
Psychology	29%	26%
Sociology & related studies	27%	34%
Other social sciences	32%	33%
Language & linguistics	29%	38%
Law	24%	29%
Religion	4%	9%
Other humanities & arts	21%	26%

Source: Table 1.7, p. 64 in Mouton, J. & Gevers, W. (2010). *Introduction (Chapter 1, pp. 39-67) in: The state of science in South Africa*. Pretoria: Academy of Science of South Africa (ASSAf), South Africa.

A more positive reading of the table is that women’s share of article output is nevertheless improving. Unfortunately, more recent figures are not yet available. That being said, it is important to highlight some explanations for the lower publication activity of female academics, as it could partially explain women’s entry, or non-entry, into higher ranks. Prozesky (2006) discusses three sets of explanations for the gender gap observed with regard to research publication outputs.

- Applying insights from the so-called “difference model,” it is argued that there are deep-rooted differences between men and women with regard to behaviour, outlook, and goals. For instance, women are said to conduct research because of personal interest and fulfilment rather than for promotion and academic status.

A similar stance by the difference model is that women find more satisfaction in teaching than in research. A certain re-orientation is thereof demanded in order for women to value the importance of research, as it is currently favoured, for an academic career, especially in cases where women lack the necessary confidence to conduct and publish research.

- The difference model suffers from gender-implicit stereotyping assumptions and completely ignores structural deficits in the

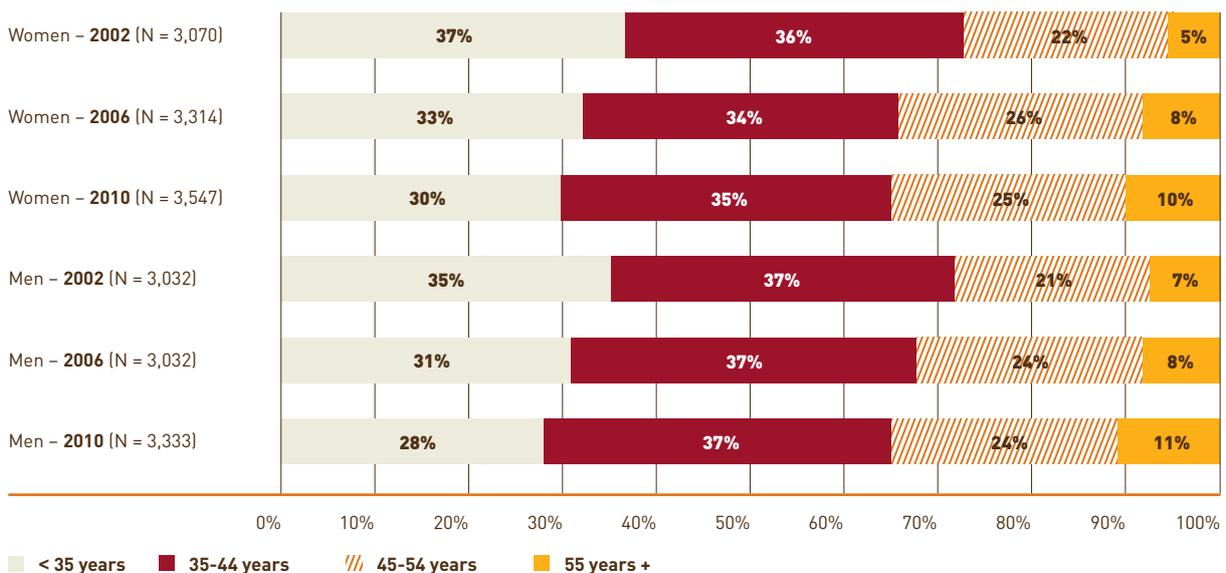
employing organisations³. The latter are best addressed by the “deficit model,” which emphasises women’s unequal access to resources as well as their exclusion from research networks and research practices, which are largely male-dominated.

- External, non-workplace factors also constitute a set of reasons for women’s lower participation in research publication. These primarily pertain to child-bearing, caretaking, and domestic duties, often resulting in disrupted careers and women’s reluctance to travel too far from home for research purposes or to frequently be away from home.

Another steppingstone to promotion is having the relevant higher qualification. The qualification level of female academics, compared to that of their male counterparts, will therefore subsequently be highlighted. This will be done as part of a special focus on two ranks. Firstly, the pool of lecturers will be closely examined in terms of their highest qualification and age, and figures disaggregated in terms of gender.

The objective is to determine whether any gender difference exists that could influence female lecturers’ uptake into the next, higher rank of senior lecturer. Secondly, professorships – being the most prestigious and sought-after academic rank – also deserve special

Figure 4: Age breakdown (%) of female and male lecturers (2002, 2006 & 2010)



³ Prozesky, H. (2006). Gender differences in the journal publication productivity of South African academic authors. *South African Review of Sociology*, 37(2), 87-1122.

attention. The analytical approach followed was to segment all permanent academic staff with doctorates into age groups. The segmentation was done separately for men and women. It was then determined what percentage of staff in each segment occupies the rank of professor, to establish whether any bias exists with regard to the promotion of women to professorships. The age profiles of male and female professors are also compared.

A focus on lecturers

It is clear from *Table 1* that the number of female senior lecturers is increasing. However, candidates for senior lectureships are drawn from the pool of current lecturers. It is therefore instructive to examine the pool of lecturers in terms of two key variables, namely age and highest degree obtained, to determine whether current female lecturers are significantly older/younger and less/more qualified than male lecturers, because such differences could affect women’s chances to enter the rank of senior lecturer.

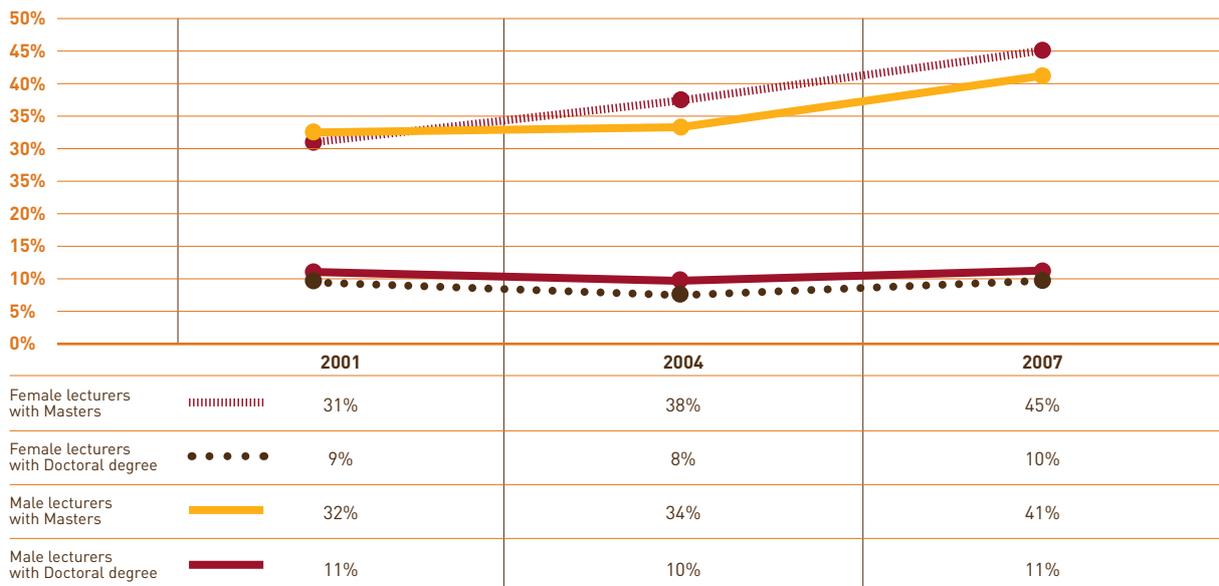
Already in *Table 1* it was seen that more or less even numbers of men and women occupy the rank of lecturer. In addition, *Figure 4* shows that there are only marginal differences between the age profiles of male and female lecturers. Also, both genders appear to be more or less equally affected by the phenomenon of the ageing of

lecturers. This can be seen in the decreasing proportion of lecturers younger than 35 years over the different year periods. Various explanations could be formulated for the ageing, but until further research has been conducted, these remain only speculative. For instance,

- (1) lecturers, both male or female, have limited opportunity to move into senior lectureships because the number of positions are limited, meaning that the entire pool of lecturers will age as the individual lecturers mature;
- (2) senior lectureships are filled by candidates from outside the South African higher education sector and not necessarily by candidates currently occupying the rank of lecturer;
- (3) more mature people are being appointed as lecturers, thereby increasing the average age profile of the rank; and
- (4) there is a delay in moving from junior lecturer (or lower, temporary positions) to lecturer, so that individuals are already mature when they are eventually appointed as lecturers.

The fact that the mean age at doctoral graduation is about 40 years⁴ also serves to underscore that lecturers, who are often enrolled for doctoral studies, are also becoming relatively mature. In terms of the highest qualification of lecturers (*Figure 5*), only marginal

Figure 5: Percentages of female and male lecturers who are in possession of a master’s and doctoral degree respectively (2001, 2004 & 2007)



⁴ CHE (2009). *Postgraduate studies in South Africa: A statistical profile. HE Monitor No 7*, Pretoria: Council on Higher Education, South Africa.

differences between the genders can be observed. In 2007, for instance, 10% of female lecturers versus 11% of male lecturers had a doctorate. Thus, given that male and female lecturers are similar in terms of headcount, age profiles, and number of doctorates, one would expect – at least in an ideal world – for equal proportions of male and female lecturers to be promoted to the position of senior lecturer.

However, an even and proportional flow of female and male lecturers to senior lecturer would significantly undermine gender parity at the rank of senior lecturer, given that, already, more men than women are currently in that rank. Should the senior lecturer rank be even further skewed towards men, it will eventually also impact negatively on female representation in the ranks of associate professor and professor.

Figure 6: Age breakdown (%) of female and male professors (2002, 2006 & 2010)

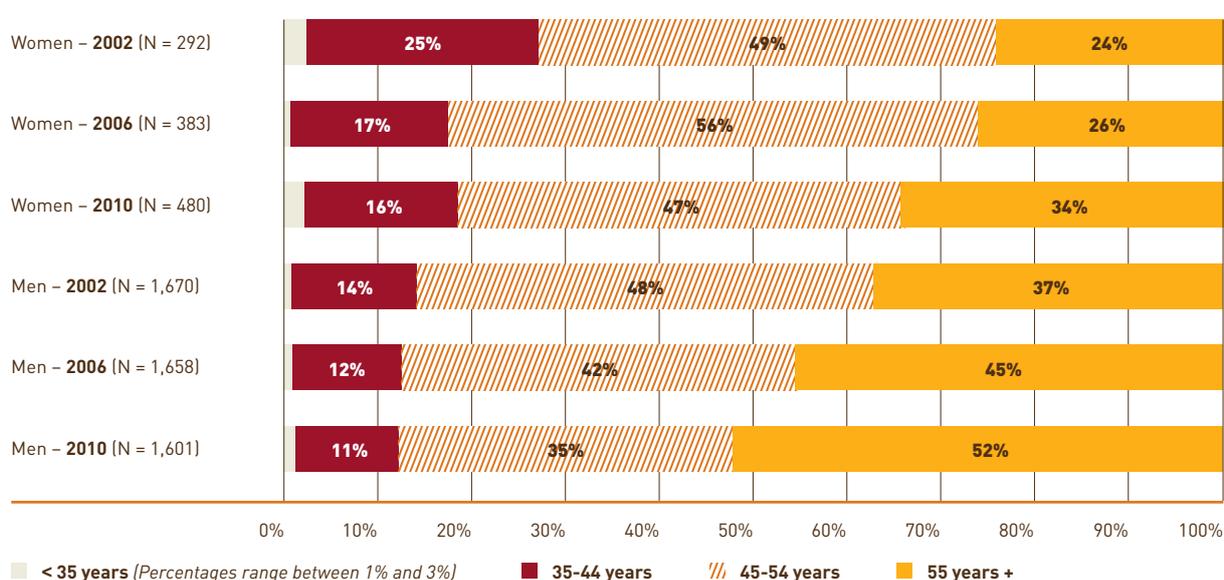


Table 3: Percentage of doctorate academics (in a particular age segment) who are professors, by gender (2001, 2004 & 2007)

Segment	% of women in segment who are professors	% of men in segment who are professors	Number of men for every single woman in segment
2001			
Doctorate, younger than 35 years	3%	5%	1.7
Doctorate, between 35 and 44 years	13%	21%	1.9
Doctorate, between 45 and 54 years	24%	38%	2.1
Doctorate, 55 years and older	35%	50%	3.2
2004			
Doctorate, younger than 35 years	1%	2%	1.2
Doctorate, between 35 and 44 years	14%	21%	2.0
Doctorate, between 45 and 54 years	29%	46%	2.3
Doctorate, 55 years and older	33%	61%	3.8
2007			
Doctorate, younger than 35 years	1%	2%	1.1
Doctorate, between 35 and 44 years	9%	17%	1.8
Doctorate, between 45 and 54 years	26%	42%	2.1
Doctorate, 55 years and older	32%	62%	3.3

Thus, a disproportionately larger flow of women from lectureship to senior lectureship is needed in order to achieve gender parity throughout the upper ranks of the system.

A focus on professors

Professors are at the top of the academic hierarchy and, for that reason, some maturity in terms of age is expected. However, about a third (34%) of the relatively small pool of female professors is currently above 55 years, and the corresponding figure for the significantly larger pool of male professors is 52% (Figure 6). What makes the picture more worrisome is that the percentage distribution of professors in the younger age categories for both men and women is systematically decreasing.

Seen together with the age profile of lecturers presented in Figure 4, it starts to become clear that the academic corps is in the process of moving towards an ageing workforce. Table 3, which considers all permanent academic staff with doctoral degrees, shows that just below two thirds (62%) of all male doctorates in the 55+ age groups are professors. In contrast, only about one third (32%) of women in the same age groups are professors.

Moreover, in every age category, larger proportions of doctorate men than doctorate women are in a professorship. This implies that, given a group of female and male candidates of similar age and with the same level of qualification, men are more likely to be in a professorship. Of course, there are also other considerations for promotion to a professorship that have not been examined here, such as successful postgraduate supervision, research experience and performance, and community engagement, etcetera.

Lastly, assuming that professors are the ones largely responsible for the supervision of doctoral students, it would be of interest to also determine their supervisory load. An indication of supervisory load can be obtained by computing the average number of enrolled doctoral students per professor. The ratios are as follows: 3.9 doctoral students per professor in 2002, 4.8 in 2006, and 5.6 in 2010. However, associate professors share the supervisory load and therefore need to be incorporated into the picture. By doing so, the figures change as follows: 2.4 (2002), 2.7 (2006), and 3.0 (2010). However,

the point to be made remains the same: with a professor workforce that is increasingly ageing, the burden of supervision also appears to be accumulating.

Conclusion and practical application for HR practitioners

The chapter looked at progress made towards the attainment of gender parity across the higher education system as well as within certain ranks. Although significant progress has been made in this regard over the past decade, women are still under-represented in the higher ranks of academia. We conclude this chapter by highlighting a number of trends that emerged from the data and discuss these together with suggestions on how HR practitioners may intervene.

- *We argue that gender parity at the higher ranks, starting with the senior lecturer category, can probably best be accomplished if disproportionately more women from the rank of lecturer are promoted to senior lectureships. This should create a larger pool of female professorial candidates.*
- *At the rank of professor, women are at a disadvantage, both in terms of headcount and the probability of being awarded a professorship if they have a doctorate and are of the same age as the men. The figures illustrate that women reach a glass ceiling at senior lecturer level. Many reasons can be cited for this barrier to advancement, such as:*
 - *Performance criteria and work allocation: The criteria according to which professors are appointed reward research output over teaching and organisational citizenship efforts. Women are very often likely to work towards, or be allocated tasks relating to, the improvement of qualifications and related circumstances for students. This results in time being spent on curriculum development, teaching improvements, and the management of programmes, all of which do not significantly contribute towards promotion.*
 - *Career breaks and career plateau⁵: For those in academia, a doctorate qualification signifies the beginning of a research career. Overall, we know that roughly equal percentages of male and female academics have a doctorate. However, when we look at Table 3, the age at which these doctorates are attained does differ for men and women.*

⁵ A career plateau is defined as: "The point in a career where the likelihood of additional hierarchical promotion is very low." Ference, T.P., Stoner, J.A.F. & Warren, E.K. (1977). *Managing the career plateau. Academy of Management Review*, 2, pp. 602-612.

When women are at child-bearing age, they often take a career break or experience career plateau, remaining on the same hierarchical level for a number of years. Their efforts are split between fulfilling their teaching and other occupational obligations and caring for a family. At the same time, men attain doctorates and immediately start producing research outputs, leading to strengthened research careers and networks.

From the data in Tables 2 and 3, one can deduce that women are not re-entering the research track with such vigour as they might have, had they commenced with focused research at a younger age. It would seem that once research momentum is lost, it is difficult to regenerate impetus at a later stage.

HR practitioners may consider career-boosting strategies, where they assist female employees who took a career break or experienced a career plateau, to once again achieve research impetus in their careers. One such strategy could include bounded task delegation, where female academics are provided a break from some teaching and all curriculum development and managerial roles for a number of years, e.g., five years, as this should be sufficient to see a return when one starts from a zero base of research output. In return, these women should focus on producing research outputs, applying for research grants, and building a solid network of research collaborators.

- *A worrying trend is the ageing cadre of professors, both male and female, whose supervisory load also appears to be increasing. Academia does not seem to be a likely or attractive career choice for those under the age of 35.*

HR practitioners should consider how they could make academia more attractive to students and other prospective candidates. The benefits of academia, such as autonomy when considering place of work and task planning, should be highlighted. Other benefits may be found in the context of a specific discipline and institution, e.g., working with a highly gifted team and consistently learning.

The knowledge and skills of ageing professors should be tapped into by extending the retirement age, as suggested by the Minister of Higher Education, or hiring retired professors to assist with research supervision and the mentoring of younger staff members. Greater effort should also be made to fast-track the research momentum of staff at senior lecturer level so that they may gain research experience over a shorter period of time. This should ensure a bigger pool of available expertise once the mass retirement of older staff commences. In this instance, time is of the essence, as solid research skills can only be acquired over a number of years.

CHAPTER FOUR

Retention of women in the workplace – What HR practitioners can do

Penny Abbott

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Introduction

Each year, the Employment Equity Commission reports that the advancement of women into senior managerial and board positions is not as rapid as it needs to be to achieve gender parity in organisations. This is despite women of all races having been designated as previously disadvantaged in terms of the Employment Equity legislation. One of the reasons for the slow of advancement of women could be the lack of attention to the retention of talented women in junior and middle management ranks. This chapter will examine some issues that impact on the retention of women, both within a specific organisation and in the workplace in general. Some relevant research will be referred to and conclusions drawn regarding good HR practices.

Background

HR practitioners play a major role in several important processes that influence the retention of women. Firstly, they consult to line managers in the design of jobs and workplace practices such as working hours, location of work, remuneration, and benefits. Thereafter, they match job seekers and job vacancies, paying careful attention to the fit of values, styles, and preferences of the organisation and the individual.

HR then ensures that processes such as performance management and personal/career development are aligned to both the employee's and the organisation's goals. HR is the port of call when things go wrong between manager and employee, and HR is increasingly called in to consult when measures of employee engagement (directly related to organisational success) indicate that problems are arising.

The employees of any organisation are not a homogenous group – generally, there is a wide range of demographics and personal needs to consider. HR managers need to establish what the different segments of the employee population are, including their needs and potential difficulties. For example, one segmentation could be 'breadwinner or family responsibilities.' Another could be 'distance between home and work.' The segment that will be focused on in this chapter is that of gender – what are the special issues affecting women that could influence their retention?

Experiences of women at work

The majority of women in the workplace are black, unskilled, and on temporary contracts, earning less than R2 000 per month¹. Their experience of the workplace is that of insecurity, exclusion, and a lack of opportunities. The main aim for this large group of women is to obtain permanent work with development opportunities so that they can increase their job security and earning power. The focus of this chapter, however, is not on these women, nor on the large numbers of girls and young women who are seeking work or entering the workplace at the semi-skilled level. Unfortunately, these women are in a category where the supply of labour exceeds the demand, due to structural deficiencies in our labour market. This chapter will rather look at the minority of women – those with higher-level skills or the qualifications base with which to acquire those skills, who could potentially fill the skills gap that South Africa is currently experiencing.

A study of professional women in Cape Town in 2003² explored their experiences at work and their reasons for having left their employers, usually to set up their own businesses. These were high-level employees who worked for reputable corporate employers. The study noted that differences in cultural background played no role in women's experiences of pressures and challenges. A significant finding of this study was that all the participants, who had been in full-time positions (regardless of whether their employer was in the private, public or NGO sector), reported that they had experienced a complete lack of support and understanding from their organisation.

It would appear that most of the women in the study accepted this state of affairs, implying that they accept themselves as different yet organisations do not deem them worthy of differentiated treatment. However, where a proactive, assertive approach was taken by the woman (for example, negotiating specific working hours up front as part of the employment negotiations), ways to accommodate their needs were found. The same study found that there was a "male base of performance" within organisations, that is, that the pace and working hours of men were taken as the norm against which women's performance was compared. Similarly, the career trajectory of men was taken as the model for all employees.

A study of women graduates entering the South African mining industry as trainees³ illustrated some of the difficulties faced by women, specifically women who are members of Generation Y. Due to the fact that the universities that train engineers in mining and related disciplines are situated in the cities, as are most of the schools that provide a high quality of maths and science education, young women who enter graduate trainee programmes are city dwellers. They are used to the amenities of a large city including coffee shops, fast internet access, shopping centres to buy their gadgets, and personal services such as hairdressers and beauty salons.

These women are then posted to mines in rural areas where such amenities do not exist, and are expected to develop in a strict, hierarchical organisational climate. The clash of cultures is aptly illustrated in the clash between the protective clothing regulations (overalls, hard hats) and their desire to express their personalities in hair braids and fashion accessories. Furthermore, the men who are allocated as their mentors can find no point of commonality from which to build a developmental relationship. Not surprisingly, these young women do not perform well in their training programmes, and most of them leave the company.

An interview with the HR Director of a large manufacturing company⁴ also gives evidence of the difficulty of integrating women into a manufacturing environment. The HR Director asked: "What does it mean for a young, pregnant lady to work in a factory full of dust and noise. The production manager wants her to do her job, but she's likely to kill her baby and she doesn't want to do that – what does that mean?" Furthermore, such an environment is likely to contain people that are hostile – *"It's a male-dominated environment, firstly, and they [women] are just not accepted. One group just hates the sight of them, your traditionalists. There's another group that has no objections, they think they're going to have some fun here, some nice-looking girls here."*

Looking at the one issue of balancing work and family/personal issues, which looms large for many women in the workplace, a review of the Best Companies to Work For Report of 2007 showed that, of the 38 companies profiled, only 12% mentioned work-life balance issues. Of the 6 companies that did mention it, most provided

¹ 2011 SABPP Women's Report. Bosch, A. [ed.] SA Board for People Practices; Quarterly Labour Force Survey and Earnings Report, (2010). Statistics SA.

² Whitehead, T. (2003). Career and life balance of professional women in a South African context. Unpublished dissertation. Rand Afrikaans University.

³ Clutterbuck, D., Poulsen, K.M. & Kochan, F. (2012). Developing Successful Diversity Mentoring Programmes – An International Casebook. UK, Open University Press.

⁴ Abbott, P. (2012). HRM in the South African socio-economic context. Unpublished doctoral dissertation. University of Johannesburg.

flexible working hours or support services such as a concierge, homework centres for children, and access to financial/legal advice. One small company stands out as an exception: Missing Link, whose (male) CEO personally drives the work-life balance approach. Employees are assessed on their work-life balance during their performance reviews and could forfeit some of their bonus if they have neglected the balance.

There is a well-known case study of reverse mentoring that took place at Procter and Gamble, the large, US-based, consumer goods multinational company, in the mid 1990's⁵. The company conducted a survey of promising young female managers who had left the company ("regretted losses") and found that they had not left for promotion or better pay, but because they had not felt valued by the company – they had not received explicit feedback of their value, they hadn't had their contribution verbally acknowledged, and they hadn't had their career options openly discussed. The company called in the help of a non-profit organisation that helps organisations to understand the issues faced by female managers and develops programmes to address them in order to improve the satisfaction, retention, and advancement of women. One of the interventions in this case was a reverse mentoring programme, where male senior managers were assigned a relatively junior female mentor. In this mentoring relationship, the male managers could receive informal, non-threatening feedback on how to manage issues specific to women, and could have a sounding board for their thinking on these issues. The programme also provided a vehicle for junior women to develop quality relationships with senior management, thus circumventing the 'old boys club'.

Practical application for HR practitioners

It can sometimes be difficult for HR practitioners to raise the 'gender agenda' if they are women in a male environment, because they themselves are striving for acceptance and may have chosen a strategy of 'fitting in.'

Similarly, male HR practitioners may feel they have no right to speak on behalf of women, or that they do not sufficiently understand the issues. But, as one (male) HR Director put it, "My challenge to all the HR managers is firstly, what do you think about gender issues; do you accept that women cannot be treated in this way in this organisation? At a plant meeting with the GM, if you don't raise the subject there, who exactly is going to do

it? Because I expect you to talk about it, and I want a report. This is the stuff I want to hear about; I want you to tell me that, 'last week, we went to watch the Sharks, the rugby, and we took three of our female production people.' That's what I want to hear about. Because I'll be sitting here and saying, 'We are beginning to make a difference to this organisation.' *The HR people must come in with the right attitude, the right value system, and that's what's going to take us forward.*"

Debra Myerson, in her book *Rocking the Boat*⁶, talks about how small, courageous stands against a prevailing culture can begin to make a difference to that culture. She examines how organisational change happens, and believes that change from a multitude of small efforts can be as effective as a large-scale change effort. HR practitioners could combine small and large-scale change efforts in steering the organisation towards policies and practices that are likely to result in better retention of women. From an individual perspective, it is important that HR practitioners themselves have the right attitude and value system, and that they are role models for the changes they want to bring about.

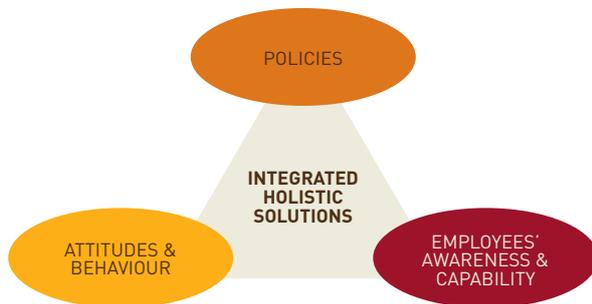
When considering interventions, HR first needs to establish the business case for doing anything at all. Is retention of women, or more proactively, better engagement of women, a challenge in the organisation? What are the actual levels of turnover (regretted, avoidable losses) in the various departments and at different levels of the organisation?

What impact does the turnover or lack of engagement have on the business? What are the strategic goals and current strategic programmes of the organisation, and how could these be reached more quickly or more effectively if the retention and engagement of women were to be improved? If the only employment driver is compliance with the Employment Equity Act, it is unlikely that significant change can be driven inside the organisation to make it women-friendly.

Having established the business case, HR should consider what might be realistic targets for improvement over a given time period. The potential business improvement (more revenue and/or less cost) can then give some idea of the resources that could be requested to perform interventions that will yield an attractive return on investment.

⁵ Clutterbuck, D & Ragins, B.R. (2002). *Mentoring and Diversity*. Oxford: Butterworth Heinemann.

⁶ Myerson, D. (2008). *Rocking the Boat – How to effect change without making trouble*. Boston: Harvard Business Press.



A review of the organisation in the three areas namely *policies, attitudes and behaviour*, and employees' awareness and capability, shown in the figure above, would be best conducted through focus groups or forums of people in the groups targeted for retention – most probably the high value adding and difficult to replace groups. A questionnaire-based survey could be carried out to highlight areas of general concern, and then focus groups can be conducted to explore these in more depth. But, as with any type of attitude survey, it is critical not to open up a subject for exploration and discussion unless there is a willingness to change at top management level. Employees become very cynical when attitude surveys are run and they see no change occurring afterwards.

If the guidelines for implementing Employment Equity have been properly followed, there should have been an analysis carried out of practices within the organisation that constitute barriers to the advancement of women. It might be worthwhile to revisit this analysis and consider what, if any, progress has been made in relation to the advancement of women.

Once areas for intervention have been identified, methods of intervention need to be considered. Some options might include:

- *Setting up reverse mentoring, as outlined in the Procter and Gamble example above. Male mentees who are the most likely to advocate cultural change at the top should be chosen.*
- *Setting up women's support groups and/or peer mentoring for specific sub-groups of women, such as maternity mentoring, women with small children, or women on fast-track programmes. The effect of these support mechanisms is to 'normalise' the issues that women are experiencing, as well as to provide practical and emotional support. It has also been found that suggestions put forward from such groups to senior management carry more weight than individual presentations.*

- *Affiliating the organisation with an industry programmes such as Women in Mining, Women in Construction, Women in IT, or the Business Women's Association. These programmes offer educational events, career support mechanisms, and mentoring, which can be especially helpful to small organisations.*

As a general principle, any intervention should be driven by the women targeted as those whom the organisation wishes to retain. Interventions done for women, rather than by women, could be viewed with resentment by the women, and are less likely to garner the support required for success.

Conclusion

Women, if given equal chances in the education system and the workplace, would form the majority of the workforce because they constitute the majority of the working-age population. In today's world where economic circumstances make it difficult to remain outside the workforce whilst raising children, women need to work and build a career.

Furthermore, having a compelling vision of the future organisation where women enjoy equal respect and influence is a prerequisite to personal and organisational change in order to create a truly women-friendly workplace.

Not all solutions might be workable in every organisation – it is up to each HR practitioner and HR team to consult to the organisation as to what is more or less likely to work and bring change in that specific organisation. And in order to be influential advocates for appropriate change, the HR team itself needs to be a role model. HR practitioners need to ask themselves how sensitive the HR team is to gender issues; whether work practices within the HR department promote or hinder retention of women within the HR team; and how active the HR practitioners are in raising important issues with line management.

While the efforts of HR practitioners in isolation cannot bring about improved retention of women to the benefit of both the women and the organisation, if HR practitioners are not role models and are not actively driving it, change is unlikely.

CHAPTER FIVE

Mitigation of maternity leave pay

Jenni Gobind

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Introduction

Maternity protection has been a concern of the International Labour Organization (ILO) since the first year of its existence, when the Maternity Protection Convention of 1919 (No. 3) was adopted. The primary concerns of the ILO with respect to maternity protection remain the same: to enable women to successfully combine their reproductive and productive roles, and to prevent unequal treatment in employment due to their reproductive role. The ILO refers to pregnancy as a condition that requires differential treatment to achieve genuine equality for women and, in this sense, it is more of a premise of the principle of equality than a special consideration. Therefore, special maternity protection measures should be taken to enable women to fulfil their maternal role without being marginalised in the labour market¹.

This chapter discusses, amongst others, maternity leave legislation and some of the methods with which employers attempt to evade paying maternity leave. Case law is utilised as a lens through which to observe these unsavoury practices and highlight issues of which HR practitioners should be aware.

Equality even though women fall pregnant

The Constitution of South Africa² contains an equality clause that enshrines the right of all people to equal protection and benefit of the law and full and equal enjoyment of all rights and freedoms. It further ensures everyone the right to fair labour practices³, and states that no person may be unfairly discriminated against.

Pregnancy and the Basic Conditions of Employment Act, 1997⁴

Pregnant employees are soundly protected under existing South African labour law. There are no fewer than six pieces of legislation that require employers to treat pregnant and post-pregnancy employees fairly. One of these is the Code of Good Practice on the *Protection of Employees During Pregnancy and After the Birth of a Child*⁵.

¹ International Labour Organization. (1996). *Equality in employment and occupation. Report III (Part 4B), p. 42, International Labour Conference, 83rd Session, Geneva, 1996 (Geneva).*

² Republic of South Africa Constitution Act No 108 of 1996. Government Printers: Pretoria.

³ Republic of South Africa Constitution Act No 108 of 1996 Section 23 (1). Government Printers: Pretoria.

⁴ Republic of South Africa The Basic Conditions of Employment Act No 75 of 1997. Government Printers: Pretoria.

⁵ Republic of South Africa The Basic Conditions of Employment Act No 75 of 1997 Section 23. Government Printers: Pretoria.

The code, issued in terms of the Basic Conditions of Employment Act (BCEA), is aimed at protecting pregnant and post-pregnancy employees. The code obliges employers to:

- *Encourage female employees to inform the employer of their pregnancy as early as possible, so that the employer may assess and deal with the associated risks.*
- *Evaluate the situation of each employee who has informed the employer that she is pregnant.*
- *Assess risks to the health and safety of pregnant or breast-feeding employees within the workplace.*
- *Implement appropriate measures to protect pregnant or breast-feeding employees.*
- *Supply pregnant or breast-feeding employees with information and training regarding risks to their health and measures to eliminate and minimise such risks.*
- *Maintain a list of jobs not involving risk, to which pregnant or breast-feeding employees could be transferred.*

The BCEA lays down certain minimum standards with which a contract of employment must comply. It also imposes a statutory duty on an employer to provide leave, and an employer is also compelled by law to provide for maternity leave in contracts of employment. The employee must, however, notify the employer in writing when the intended maternity leave will commence and when the employee intends to resume work.

Section 25 of BCEA provides that an employee is entitled to at least four consecutive months' maternity leave, which may commence at any time from four weeks before the expected date of birth. However, when a midwife or medical practitioner certifies that it is necessary to commence with the leave due to poor health of the employee or the unborn child, this period may exceed the four months, provided the employer agrees to such an extension.

The BCEA stipulates that no employee may be expected to work for the first six weeks after giving birth.

However, a medical practitioner or midwife may certify that the employee is fit to work. An employee who has a miscarriage during the third trimester or who bears a stillborn child is entitled to a maximum of six weeks' maternity leave after the miscarriage or stillbirth.

Paid maternity leave

The BCEA does not require that maternity leave be *paid* leave, and the employer is not under any obligation to provide paid maternity leave. Some employers do, however, provide paid maternity leave, specifying such in their policy on pregnancy and related matters. Should the employer not provide paid maternity leave, the employee may claim from the Unemployment Insurance Fund (UIF), as stipulated in the Unemployment Insurance Act (UIA)⁶.

Although the BCEA does not provide for maternity pay, maternity benefits continue to be regulated by the UIA. A pregnant employee who is a contributor to the UIF⁷ is entitled to receive maternity benefits from the Fund. Any maternity benefit paid to the employee from another source, including benefits specified in a contract of employment, must be deducted from the statutory benefit. Maternity benefits can be paid up to a maximum period of between 17 - 32 weeks⁸. Unlike the previous UIA, which set benefits at a fixed rate of 45% of earnings, the new system favours lower-paid workers by following a sliding scale of benefits, based on monthly remuneration.

Mitigation of maternity leave

Mitigation of maternity leave is when employers shirk their legal obligation to provide maternity leave. Cases where mitigation of maternity leave occurred often result in HR practitioners being tested for the fairness with which they dealt with the situation. An enquiry regarding fairness would often involve a moral or value judgment, based on a balance of probabilities. Following the constitutional paradigm, the first step is to examine the extent to which the alleged discrimination impacted negatively on the rights or interests of the complainant.

In the *Whitehead* case⁹, the Labour Court, in dealing directly with the issue of fairness, held that there was room for fairness to be judged in an uncomplicated and

⁶ Republic of South Africa. *The Unemployment Insurance Act 63 of 2001*. Government Printers: Pretoria.

⁷ Republic of South Africa. *Unemployment Insurance Contributions Act No 4 of 2002*. Government Printers: Pretoria.

⁸ If you have been contributing to the UIF for four years or more, you can claim for up to 238 days. If you have been contributing for a shorter period, you can claim one day for every six days that you worked while you were contributing to the UIF. If you take maternity leave, you can only claim up to 121 days.

⁹ The UIF pays a percentage of the wage/salary that you earned while you were contributing to the fund. The highest amount that can be paid is 58% of what you earned per day.

more general manner, as outlined below. In determining unfairness, the court relied on the following:

- *the impact of the discrimination on the complainant;*
- *the position of the complainant in society;*
- *the nature and the extent of the discrimination;*
- *whether the discrimination had a legitimate purpose, and to what extent it achieved that purpose;*
- *whether there were less disadvantageous means to achieve the purpose; and*
- *whether and to what extent the respondent took reasonable steps to address the disadvantage caused by the discrimination or to accommodate diversity.*

The consideration of fairness is, however, not limited to the factors mentioned above. HR practitioners are encouraged to rely on further reading, case law, experience, and ethics when determining fairness.

Pregnant job applicants

Job applicants have expressed fear of disclosing the fact that they are pregnant during a job interview for fear that this could sway the employer to decide against appointing them. This matter is difficult to determine since the court has two interpretations regarding the time at which an applicant is regarded as an employee. Each interpretation is based on the context and facts of a specific case. In the first instance a job applicant may be deemed an employee the moment an offer of employment is made and accepted. In *Wyeth SA (Pty) Ltd v Manqe*¹⁰ the Labour Court found that, as a party to a valid and binding contract of employment, Manqe was an employee for the purposes of the LRA even though he had not yet started work when the employer revoked the contract. In the second instance, there have been rulings that despite the existence of a contract of employment, an applicant only becomes an employee enjoying protection under the LRA once work has commenced, at least, when due performance is tendered and refused and, in addition, when the person receives or is entitled to receive remuneration for work done or tendered to be done. When considering the second interpretation,

if a complainant had not yet commenced work, it is regarded that there was no employment under the LRA.

*Mashava v Cuzen and Woods Attorneys*¹¹ addressed the issue of non-disclosure of pregnancy. In this case, the respondent dismissed the complainant, who was on probation, after it was discovered that she was pregnant. The complainant claimed that the respondent had accused her of lying about her pregnancy. Since the complainant was already employed, the Labour Court held that the respondent had unfairly dismissed the complainant, and was ordered to pay compensation.

Maternity leave and foreign nationals

Prior to 2010, foreign nationals with valid work permits were not allowed to claim maternity leave pay from the UIF. Some employers are unaware that this legislation has been amended. Kanhema¹² relates the case of Anna Chitsuwi, a Zimbabwean chain store worker. Anna was forced to take a polygraph test along with other employees as part of an internal investigation. When her employer found out that she was pregnant and could not take the test due to possible interference from her baby's heartbeat, she was accused of getting pregnant to avoid the polygraph test.

Anna soon after tried to claim paid maternity leave, and found that her employer refused to pay her. She then turned to the UIF, and was informed that the fund would pay benefits to her because, although she is a foreign national, as she was legally working in South Africa. "Faced by the fact that I was not going to be paid whilst on my four months of maternity leave, I was forced to stay at work until the baby was almost full term, which was risky," she said, adding, "I was also forced to go back to work early since I needed the money. That means I had less time with my child"¹³. Chitsuwi is a Zimbabwean immigrant, but said her South African friends do not have it any better when it comes to maternity protection in the workplace, especially single mothers, some of whom have resorted to abortion after failing to secure maternity benefits from their employers or the fathers of their babies.

A combination of low wages, failure by employers to comply with labour regulations stipulating the benefits to which employees are entitled, and complications

¹⁰ *Whitehead v Woolworths*. [1999] 20 ILJ 2133 [LC]; [1999] 8 BLLR 862 [LC]. 1. CCMAil December 2007. Available: <http://www.ccma.org.za/Display.asp?L1=45&L2=153>.

¹¹ *Mashava v Cuzen & Woods Attorneys* [2000] 9 LC 8.29.1 CCMAil December 2007. Available: <http://www.ccma.org.za/Display.asp?L1=45&L2=153>.

¹² Kanhema, T. [2010] *Maternity Leave: African Women Fight Not Alone Anymore*. Available: www.wageindicator.org.

¹³ Kanhema, T. [2010] *Maternity Leave: African Women Fight Not Alone Anymore*. Available: www.wageindicator.org.



in the process of obtaining maternity benefits from government-funded programmes have led to many women either losing their jobs after giving birth or risking their health to retain their jobs. As of 2010, foreign nationals can claim unemployment insurance, provided they have a valid work permit and contribute to the UIF¹⁴.

Dismissal due to pregnancy

In *Wallace v Du Toit*¹⁵, the applicant was appointed as an au pair to care for her employer's two young children. After two years, the complainant fell pregnant, and her employment was terminated. The respondent claimed that he had made it clear at the pre-employment interview that the complainant would no longer qualify for employment if she had children of her own, as her loyalties to his children would be divided. He claimed that the employment relationship had lapsed by virtue of a resolutive condition of the contract having been satisfied.

The complainant admitted that she and the respondent had discussed her marital status before she commenced employment, but denied that she had been told that being childless was a condition of employment. The presiding judge ruled that the dismissal was related to the complainant's pregnancy and that such a dismissal is automatically unfair in terms of section 187(1)(e) of the Labour Relations Act¹⁶.

According to the judge, the respondent's justification that this was an inherent requirement of the job, even if it were practicable, does not provide legal justification. Employers are therefore cautioned that any clause in an employment contract that relates negatively to an employee's pregnancy would be considered null and void.

Section 187(1) (e) of the Labour Relations Act No 66 of 1995 prohibits the dismissal of an employee for any reason related to her pregnancy. In fact, this section makes such a dismissal automatically unfair.

This effectively means that such a dismissal:

- *breaches a basic right of the employee,*
- *can never be justifiable, and*

- *merits compensation to be paid by the employer up to an amount equivalent to 24 months' remuneration.*

In practice, this means that a pregnant employee or an employee with a new-born baby has an inherent right to her job, provided that:

- *She behaves and works according to the employer's standards, and*
- *She has not been so incapacitated due to illness or injury that she is unable to perform her duties.*

In *Mnguni v Gumbi*¹⁷, Mnguni, a receptionist at a medical practice, claimed that she was dismissed because she complained that she felt tired while in the advanced stages of pregnancy. The respondent claimed that the complainant had not been dismissed but only sent home. However, the presiding judge noted that the respondent had employed a new receptionist the very next day, and had not called on the complainant to return to work when the opportunity arose. This indicated that the complainant had, in fact, been fired. The dismissal was ruled automatically unfair, and the respondent was ordered to pay the complainant 24 months' remuneration plus costs.

In *Lukie v Rural Alliance cc*¹⁸, Lukie was dismissed when she told the respondent that she required maternity leave. Initially, her manager agreed to the maternity leave, but later changed his mind and told her that she need not return to work after her maternity leave.

As with the Mnguni case above, the employer denied that the employee had been dismissed, saying that the employee had left her employment of her own accord. Neither the employee nor the manager had any corroborating evidence, and the court rule in this case on a balance of probability. The judge found that the employee was dismissed and that it was automatically unfair, and ordered the employer to pay the employee 18 months' remuneration.

These cases suggest that even where evidence of dismissal is not clear, if there is any evidence of an employee being dismissed due to pregnancy, employers cannot expect leniency from the courts.

¹⁴ UIF4U (2010) Maternity Benefit Applications. Available: http://www.uif4u.co.za/index.php?option=com_content&view=article&id=39&Itemid=41.

¹⁵ *Wallace v Du Toit*. (2006) 8 BLLR 757 (LC) CCMAil December 2007. Available: <http://www.ccma.org.za/Display.asp?L1=45&L2=153>.

¹⁶ Republic of South Africa. Labour Relations Act No 66 of 1995. Government Printers: Pretoria.

¹⁷ *Mnguni v Gumbi*. (2004) 6 BLLR 558. Available <http://www.labourlawadvice.co.za/>

¹⁸ *Lukie v Rural Alliance cc*. (2004) 8 BLLR 769. Available <http://www.labourlawadvice.co.za/>

Difficulties when identifying the true reason for dismissal

Section 187 (1)(e) of the LRA, as stated above, provides that a dismissal is automatically unfair if the reason for dismissal is related to the employee's pregnancy, intended pregnancy, or any reason related to pregnancy. Note, however, that the LRA does not stipulate the rights of job applicants.

Grogan¹⁹ indicates that the phrase "intended pregnancy" could create some difficulties when identifying the true reason for dismissal. Complainants seem quick to cite pregnancy as a defence. An HR practitioner needs to evaluate each case based on its own merit.

An example where a complainant raised a defence based on pregnancy, claiming automatically unfair dismissal, is the case of *Uys v Imperial Car Rental (Pty) Ltd*²⁰ illustrating the effect of section 187 (1) (e). Three days after being appointed to a post in the office of the respondent's national credit manager, the complainant informed her superior that she was pregnant. The superior became angry, but told her to sign her letter of appointment because she was already employed by the respondent. About two weeks later, the complainant was called to a disciplinary inquiry and charged with gross negligence for losing a number of debtors' files, inflating the salary she claimed to have earned from her previous employer, and with unsatisfactory work performance. She was found guilty of the charges and was subsequently dismissed. She claimed that she had been dismissed due to her pregnancy, and that her dismissal was automatically unfair.

The judge rejected the view that the loss of the files was concocted by the respondent to provide justification for dismissing the complainant because of her pregnancy. It was noted that the more probable cause of the breakdown was the manager's discovery that the complainant had inflated her salary. The judge, while accepting the evidence of negligence and poor performance held that the complainant's dismissal was substantively unfair as there was an opportunity to rehabilitate the complainant within the company. The complainant was awarded 6 months' remuneration.

Implications for HR practitioners

While HR practitioners should be aware of updated legislation pertaining to maternity leave, when in doubt, they should rely on the Constitution as a compass. It is also important that HR practitioners keep abreast of the latest case law, which provides specific interpretations of legislation. Obtaining the advice of a reputable labour law expert when in doubt may prevent costly litigation.

Conclusion

Legislators assume that maternity benefits are being delivered to the female workforce, yet extrinsic factors allow for the mitigation of maternity leave pay at the cost of the beneficiary. Case law advises us that the fault may not lie with the employer but also with the employee who relies on the defence of pregnancy or intended pregnancy when the need arises. The responsibility lies with HR practitioners to ensure that relevant legislation is always upheld.

¹⁹ Grogan, J. (2003) *Workplace Law*, 7th Ed. Juta Law: Lansdowne. Cape Town, p. 137.

²⁰ *Uys v Imperial Car Rental (Pty) Ltd*. (2007) 3 BLLR 270 (LC) CCMAil December 2007. Available <http://www.ccm.org.za/Display.asp?L1=45&L2=153>.

CHAPTER SIX

Research on women in management: Triumphs, progress and pitfalls

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Introduction

The purpose of this chapter is to provide an overview of what we have learned about the progression of women in management careers. It traces the issue of women in management through history and reviews the status of women in management today – globally and in South Africa.

The journey of women into a traditionally male domain has been one of slow progress with stubborn pitfalls, but has also achieved some triumphs. However, women continue to face a different climb to reach the top of organisations and to be accepted as managers and leaders.

Historical perspective: Think manager, think male

Since its inception as a discipline, the concept of leadership has been conflated with men and masculinity. The first theory that attempted to explain effective leadership was known as the *Great Man Theory of Leadership*¹. Leadership effectiveness was thought to reside in the attributes and characteristics of the individual. However, men were believed to be the only gender with the right characteristics. The idea that women might possess leadership characteristics was not entertained. A *Harvard Business Review*² article published in 1965 surveyed readers to get their response to what today might be thought an absurd question: **Can women be managers?**

To the extent that men have historically dominated leadership positions in the workplace and continue to do so in most regions across the globe, the male leader and manager prototype has been reinforced over the years. Images in the popular arena also associate effective leadership primarily with men. One does not have to be a social scientist to make this observation. Just look at the covers of popular books on leadership in the business section of major book stores.

The historical association of leadership with men and masculinity has been difficult to interrupt. This rather stubborn association has been captured in what scholars refer to as the “think manager, think male” phenomenon. The existence of this phenomenon has been verified by numerous empirical studies around the world. These studies consistently showed a stronger correlation between

¹ The origins of this theory can be traced back to the writings of Thomas Carlyle, a Scottish historian.

² Bowman, G., Worthy, B.N. & Greyser, S.H. (1965). Are women executives people? *Harvard Business Review*, July-August.

leadership characteristics being attributed to men, rather than women, although in varying degrees of strength across countries. It is important to note that during the 70s and 80s, both men and women held the “think manager, think male” view.

However, the mid-1990s saw a change in the attitude of women – a recent study in South Africa showed that this view is still strongly held by men but not by women in this country³.

The glass ceiling phenomenon

The discrimination against women in management careers became known as the *glass ceiling* phenomenon. Scholars describe the glass ceiling as an invisible barrier that keeps women from rising to the upper rungs of the corporate ladder, despite holding the requisite qualifications⁴. A great deal of research has been conducted in an effort to explain the gap between women’s and men’s participation in managerial positions⁵. Gender role stereotyping has been identified as a root cause of the challenges women face as managers and leaders. Traditionally, a woman’s place was perceived to be in the home or in traditionally ‘female’ jobs, not in the boardroom or executive suite.

Yet, women have been able to not only access managerial positions but also to breach the senior ranks of organisations. However, extensive research unequivocally indicates that women have a different climb to the top of organisations⁶. A number of studies have shown that women in management experience slower career advancement compared to men⁷. Gaining promotions to higher positions require women to overcome presumed incompetence⁸.

Recent studies have also revealed what is known as the glass cliff – where women are more likely to be promoted or hired for top management positions in firms that are experiencing decline⁹. Women find it harder to gain access to quality mentors, and furthermore, studies suggest they are also more likely to be over-mentored and under-sponsored¹⁰.

Sponsorship, where the sponsor takes responsibility for the success of the women being supported, is often the key to internal promotion. Gender stereotypes become much more salient in promotion decisions because they are at the discretion of those holding power. Exclusion of women from male-dominated informal networks and overrepresentation in staff- rather than line positions are also often cited as impediments to women’s upward mobility.

Women are also less likely than men to exercise managerial authority once they do reach the top. Once women have risen to the top, they may be solos (i.e. the only woman on that level) or perceived as tokens of female representation or affirmative action. Women also continue to suffer negative career consequences because of conflicts between work and family life, and they face difficult choices because of multiple demands on their time.

The female advantage or leadership paradox

Leadership scholars are increasingly defining leadership for the 21st century in more relational and communal terms, and organisations are also recognising that leaders in today’s complex environment require a different set of skills and competencies, including emotional intelligence, and the abilities to lead a diverse workforce, foster collective action, and communicate. These are all feminine qualities of connectedness, empathy, emotional sensitivity, and vulnerability¹¹.

Empirical research has also shown that female leaders exhibit more transformational behaviours compared to men¹². Thus, female managers and leaders are said to possess the kinds of skills needed to lead organisations in the 21st century. But, if women indeed have the qualities needed in today’s complex organisations, why do they continue to face glass ceilings and glass cliffs? This situation is best explained by what is referred to as the double bind women encounter. Most characteristics traditionally associated with leaders are typically masculine: dominance, authority and assertiveness – basically, agentic characteristics, while the female

³ For example, see Schein, V.E. (2007). “Women in management: Reflections and projections,” *Women in Management Review*, Vol. 22, No. 1, pp. 6-20; Booysen, A.E. & Nkomo, S.M. (2010). *Gender role stereotypes and requisite management characteristics: The Case of South Africa. Gender in Management: An International Journal*, 25(4), pp. 285-300.

⁴ This term first appeared in a *Wall Street Journal* article by Carol Hymowitz and Timothy Schellhard, “The corporate woman: A special report,” *Wall Street Journal*, 24 March 1986. Research has documented the glass ceiling effect in South Africa. For example see, Mathur-Helm, B. (2006). *Women and the glass ceiling in South African banks: An illusion or reality? Women in Management Review*, 21(4), pp. 311-326.

⁵ Ely, R. and I. Padavic. (2007). A feminist analysis of organizational research on sex differences. *Academy of Management Review*, 32(4), pp. 1121-1143.

⁶ Eagly, A.H. and Carli, L.L. (2007). *Through the labyrinth: The truth about how women become leaders*. Harvard Business School Press: Boston, MA.

⁷ Catalyst. (2011). *Statistical Overview of Women in the Workplace*. Retrieved April 25, 2011 from http://www.catalyst.org/file/541/qt_statistical_overview_of_women_in_the_workplace.pdf.

⁸ Kellerman, B. & Rhode, D. (2007). *Women and leadership: The state of play and strategies for change*. New York: Wiley. Lyness, K.S. & Heilman, M.E. (2006). *When fit is fundamental: Performance evaluations and promotions of upper-level female and male managers. Journal of Applied Psychology*, 91, pp. 777-785.

⁹ Haslam, S.A. & Ryan, M.K. (2008). *The road to the glass cliff: Differences in the perceived suitability of men and women for leadership positions in succeeding and failing organizations. The Leadership Quarterly*, 19, pp. 530-546.

¹⁰ Ibarra, H., Carter, N. & Silva, C. (2010). *Why men still get more promotions than women. Harvard Business Review*, September.

¹¹ Eagly, A.H. & Carli, L.L. (2003). *The female leadership advantage: An evaluation of the evidence, The Leadership Quarterly*, 14(6), pp. 807-834.

stereotype is communal and relationship-orientated. Because stereotypes operate at an automatic, subconscious level when individuals think about women as leaders, objective thought requires a combination of two somewhat different sets of expectations about behaviours – those of leaders and those of women.

In contrast, in thinking about men as leaders, people hold largely similar expectations. The mismatch between beliefs about women and the ideal leader prototype underlies the double bind often faced by women in management positions¹³. When people have to combine their expectations of women to be community- and relationship-orientated with a view of leaders as agentic and assertive, there is an incongruity. In trying to comply with pressures to be both agentic and communal, women in leadership roles face a difficult balancing act. A female leader's path to success is a tightrope. People generally also experience difficulty in encoding counter-stereotypical behaviour, such as when women display assertive leadership behaviour. In other words, if women display more assertive behaviour, it can be interpreted as being out of character¹⁴.

A review of more than 100 studies found that women are rated lower on leadership when they adopt authoritative, masculine styles, particularly when the evaluators are men¹⁵. Furthermore, when women achieve in distinctly male arenas, they are seen as competent but are often less liked and more readily devalued personally than their equally successful male counterparts¹⁶. Psychologists attribute this to ambivalent sexism causing women to trade off warmth for perceived 'hard' competence¹⁷.

Research on women in management in Africa documents the unique barriers to their advancement. Women's advancement into leadership roles is hampered by early

socialisation of girls for domestic roles, limited access to education, male-dominated cultures, gender role stereotyping, and gendered organisational practices and policies that operate to the disadvantage of women¹⁸.

The current progress of women in management

Despite the obstacles women continue to face, there is little doubt that women's representation in management and leadership positions has improved since the 1960s when the Harvard Business Review article triggered a debate about the suitability of women for management. Statistics from various countries around the world support this observation (although reported gains are uneven across regions).

A 2011 UN report titled *The World's Women 2010: Trends & Statistics* concluded that, while there has been some progress in women attaining leadership positions around the world, relative to their overall share of total employment, women are still significantly underrepresented among legislators, senior officials, and managers.

The proportion of women in this occupation group ranges from a low of 10 per cent in Northern Africa to between 30 and 40 per cent in sub-regions of Latin America and the Caribbean, but remains at less than 30 per cent in Northern and Eastern Africa and Asia. Studies of detailed occupations in less developed countries show that women are rarer in occupations with the highest degree of power and influence (i.e. chief executive officers), and furthermore, this phenomenon is true across all regions, all cultures, and all levels of economic and social development. For example, only 13 of the 500 largest corporations in the world have a female CEO.

¹² Eagly, A.H. & Sczesny, S. (2009). Stereotypes about women, men, and leaders: Have times changed? In Barreto, M., Ryan, M.K., and Schmitt, M.T. (Eds). *The glass ceiling in the 21st century: Understanding barriers to gender equality. Psychology of women book series. American Psychological Association, Washington, D.C.*, pp. 21-47.

¹³ Eagly & Carli, *ibid*.

¹⁴ Scott, K.A. & Brown, D.J. (2006). *Female first, leader second? Gender bias in the encoding of leadership behavior. Organizational Behavior and Human Decision Processes*, 101, pp. 230-242.

¹⁵ Kellerman & Rhode, *ibid*.

¹⁶ Heilman, M.E., Wallen, A.S., Fuchs, D. & Tamkins, M.M. (2004). Penalties for success: Reactions to women who succeed at male gendered-typed tasks. *Journal of Applied Psychology*, 89, pp. 416-427.

¹⁷ Glick, P. & Fiske, S.T. (2001). An ambivalent alliance: Hostile and benevolent sexism as complementary justifications of gender inequality. *American Psychologist*, 56, pp. 109-118.

¹⁸ Ibeh, K. & Debrah, Y.A. (2011). Female talent development and African business schools. *Journal of World Business*, 46 pp. 42-49; Nkomo, S. & Ngambi, H. (2009). African women in leadership: Current knowledge and a framework for future studies. *International Journal of African Renaissance Studies*, 4(1), pp. 49-68; April, K., Dreyer, S. & Blass, E. (2007). Gender impediments to the South African executive boardroom. *South African Journal of Labour Relations*, 31(2), pp. 51-67; Kargwell, S. (2008). Is the glass ceiling kept in place in Sudan? Gendered dilemma of the work-life balance. *Gender in Management: An International Journal*. 23(3), pp. 209-224; Mordi, C. & Ojo, S.I. (2011). Work-life balance practices in the banking sector: Insights from Nigeria. *IFE Psycholgia*, 19(2).

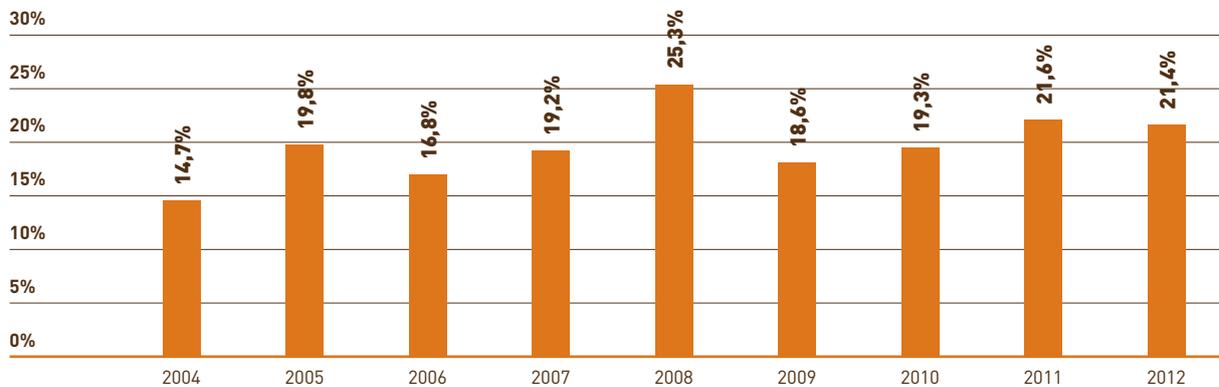
The *World Economic Forum Global Corporate Gender Gap Report* published in 2010¹⁹, which was based on data collected from the 100 largest employers in 20 countries, revealed that female employees tend to be concentrated in entry- or middle-level positions, and the more senior the position, the lower the percentage of female employees. At the time of the report, the average number of women holding the position of CEO was less than 5 percent.

Statistics on women in management in Africa are difficult to locate, except for South Africa, which obtains some information through an annual Women in Leadership

census. Other than the data contained in this report and despite the relative progress made in South Africa in respect of women’s representation in leadership roles in parliament and government, data on the status of women in the private sector is generally absent.

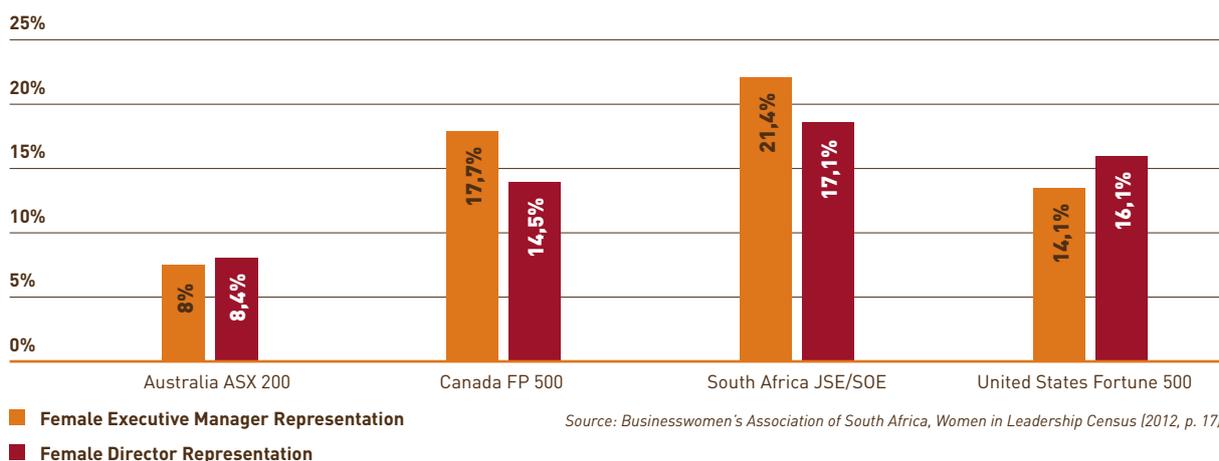
The availability of the annual census conducted by the Business Women’s Association of South Africa provides a comprehensive picture of the status of women in corporate and government leadership in the country. The census, which has been conducted annually since 2004, collects data from all the companies listed on the Johannesburg Stock Exchange as well as state-

Figure 1: Yearly overview of female executive managers in South Africa since 2004



Source: Businesswomen’s Association of South Africa, Women in Leadership Census (2012, p. 7)

Figure 2: South Africa is faring better than select overseas countries, in terms of women who are directors and executive managers



Source: Businesswomen’s Association of South Africa, Women in Leadership Census (2012, p. 17)

¹⁹ Zahidi, S & Ibarra, H. (2010). *The corporate gender gap report*. World Economic Forum, Cologny, Geneva.



owned enterprises, and shows a small incremental increase in the number of women executives in private sector organisations.

According to the 2012 census report²⁰, women occupy only 21.4 percent of executive management positions (Figure 1). Nevertheless, female executives in South Africa are faring better than their international counterparts (i.e. in the United States of America, Canada, and Australia, illustrated in Figure 2), but are perhaps not faring so well when viewed from the perspective of South African transformation expectations and legislative intentions. The presence of female CEOs in South Africa continues to be very low at a meagre 3.6 percent (Figure 3). South African women have made the greatest progress to leadership roles in government, where they hold 40.7 percent of management positions.

Future prospects for improving the status of women in management

Two forces are shaping the status of women in management in the near future. One is the golden skirts phenomenon. Several research studies published by academic researchers and well-respected think tanks have demonstrated a positive relationship between the presence of women in management teams and boards and outstanding financial performance²¹. In other words, there is sound evidence that having women in leadership contributes to an organisation’s performance. The second force is legislative intervention prescribing gender quotas. Several countries around the world have either enacted legislation setting gender quotas or are currently debating the merits thereof.

Norway has been the trailblazer in demonstrating that quotas do change the numbers of women in management.

In 2002, Norway passed a law that all publicly traded companies should have representation of at least 40 percent of each gender as board members, and that target has been reached.

Most recently, the South African Ministry for Women, Children and People with Disabilities drafted a comprehensive gender equity bill that will enforce gender parity across all sectors of South African business and government. It will be interesting to see how these two forces combine to affect the numbers and status of women in management in the years to come.

The golden skirts phenomenon ought to be sufficient to alert organisations to the real value of attracting and retaining women in leadership. However, it appears that governments may not wait for organisations to take the lead in gender transformation. Instead, some countries appear prepared to assert pressure to effect change in the status of women in leadership and management through quota systems.

One would like to believe that a country like South Africa, which faces a dire skills shortage, as well as the need to enhance competitiveness and improve the socioeconomic status of millions, will realise the folly of squandering female talent.



²⁰ BWA. (2012). *South African Women in Leadership Census 2012*. Johannesburg: Businesswomen's Association of South Africa.
²¹ See for example, Nielsen, S. & Huse, M. (2010). *Women directors' contribution to board decision-making and strategic involvement: The role of equality perception*. *European Management Review*, 7, pp. 16-29; Desveaux, G., Devillard, S. & Sancier-Sultan, S. (2010). *Women Matter*. McKinsey & Company.

Epilogue

I received more contributions than could be accommodated in this year's report, which indicates that the topic of women in the workplace is relevant and applicable to the work of HR practitioners, managers, and academics. The main message of this year's report centres on how we conceptualise our responsibility as HR practitioners. Are we merely workers inside a larger system where we have little power, or are we able to influence the mindsets and practices of managers by refocusing our own assumptions? Can we play the role of both strategic partner and employee advocate?

The SABPP knows that HR practitioners can make a fundamental difference in the attainment of optimal functioning of organisations. To this end, the SABPP Women's Report brings fresh perspectives on a complicated topic. It is now up to the SABPP membership to give effect to focused and responsible gender practices in their organisations.

The editor

August 2012





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- Source skilled HR researchers & develop young research talent;
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- Facilitate knowledge sharing and networking opportunities between various industries, businesses and academic stakeholders;
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