



# **WESTERN CAPE EDUCATION DEPARTMENT**

## **GENDER POLICY**

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The Western Cape Education Department's *Gender Policy* was formulated by Limani Consulting CC.

## 1. Preamble

The Gender Policy should be read in conjunction with the document: *Gender Policy: Reference Document*.

This policy provides gender guidelines

- for all Western Cape Education Department (WCED) employees and learners and the affiliated individuals, structures, bodies and organisations that operate within the parameters of the WCED.
- to ensure that men and women, and female and male learners, are treated fairly and receive equal access to opportunities (personally, socially, economically, politically and culturally).

The following values have shaped the *Gender Policy*:

- The fact that there are biological differences between men and women.
- The Constitution of the Republic of South Africa (Act 108 of 1996) which states that "everyone is equal before the law and has the right to equal protection and benefit of the law".
- The fact that the state may not discriminate directly or indirectly against anyone on the grounds of race, sex, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
- The Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000) which stipulates that the state and organisations should place priority on the elimination of unfair discrimination and the promotion of equality in respect of race, gender and disability, and therefore may implement special measures to achieve equality.
- The requirement that preferential treatment of women (employees) and female learners in certain circumstances must not amount to discrimination against men (employees)

and male learners, provided that these measures do not lead to unequal or separate standards.

## 2. Definitions

**Gender** refers to the economic, social and cultural attributes and opportunities associated with being male and female. It is a set of qualities and behavioural patterns that society requires of a female or a male. A gender perspective distinguishes between what is biologically given and what is culturally constructed.<sup>1</sup> Men and women are raised in specific ways by their societies to adopt particular male and female identities that differ from each other. Class, race, religious beliefs, sexual orientation, and family roles, amongst others, influence these identities. The term *gender* is used to describe these social, cultural and historical differences. Gender not only differs from culture to culture, but also varies over time. All cultures and societies uphold certain traditions whilst also developing new ones. Gender relationships are generally structured hierarchically, where women are subordinate to men, and have less power, opportunity and access to resources.

Explanations are provided for the following definitions:

TERM	EXPLANATION
<b>Discrimination practices</b>	In employment and the education system discrimination occurs when a person is treated less favourably than another because of a characteristic which is irrelevant to his or her capacity to do a job. Such characteristics include membership of a group, sex, marital status, parenthood, race, ethnicity, disability or sexual orientation. Indirect discrimination occurs when a rule or a condition that appears to be neutral, in operation or practice excludes a particular person or group from being considered for a job. For example, seniority as a criterion for promotion may discriminate against women indirectly.
<b>Feminism</b>	The process where women actively engage in challenging their oppression on grounds of race, class and sex.
<b>Gender-based violence</b>	Gender-based violence is a result of unequal power relations between men and women, female and male learners. It occurs when a person is abused (physically or psychologically), assaulted or harassed (physically or verbally) because he or she is male or female. Gender-based violence occurs because of society's ideas on how acceptable versions of femininity and masculinity should be demonstrated. Examples range from sexual harassment, child abuse, spousal abuse, gay and lesbian

<sup>1</sup> Gender and the Private Sector, 1999

TERM	EXPLANATION
	bashing, femicide, killing women who are believed to be witches and <i>jackrolling</i> .
<b>Gender differences</b>	Differences in behaviour and attitudes, constructed through social practice, which are dynamic and capable of challenge and change.
<b>Gender equality</b>	Women and men should enjoy the same socially valued goods, opportunities, resources and rewards. Since value beliefs differ among societies, a crucial aspect of equality of women is the empowerment of women to influence what is valued and to share in decision-making regarding societal priorities. Equality does not mean that women and men are the same, but that opportunities and chances in life will not depend on their sex.
<b>Gender equity</b>	The promotion of equal opportunity and fair treatment for men and women in the personal, social, cultural and economic areas. This entails meeting the needs of women and men and boys and girls in order to enable them to compete in the formal and informal labour market, to participate fully in civil society and to fulfil their familial roles adequately without being discriminated against because of their gender.
<b>Gender mainstreaming</b>	The integration of gender into all the aspects of work in an institution or organisation where the responsibility is located at the highest level of decision-making.
<b>Gender planning</b>	Planning practices which include gender as a fundamental analytical component in planning methodology.
<b>Sexual choice</b>	Choice or preference with regard to life partners. The promotion of equality (as stipulated in the Promotion of Equality and Prevention of Unfair Discrimination Act, (Act 40 of 2000) is based on the premise that people should not be discriminated against because of their sexual choice and should therefore be treated fairly and equally and have equal access and opportunities in all spheres of life, i.e. economically, socially and culturally.
<b>Sex</b>	The biological differences between males and females.
<b>Vicarious liability</b>	The liability of employers (heads of institutions) for their workers' or agents' contravention of the legislation in the course of their work. This principle means that all managers of organisations or those with delegated powers and responsibilities (including educators) are responsible for taking reasonable steps to prevent harassment or discrimination from occurring. Where they are deemed to have done so, they cannot be held liable.
<b>Women's</b>	A strategy which aims to uplift women, such as providing access to

TERM	EXPLANATION
<b>empowerment</b>	resources, redressing the power imbalances between men and women and affording them equal opportunities to realise their full potential in the personal, social, political and economic spheres.

### 3. Objectives

The following are the objectives of the *Gender Policy*:

- To address attitudes and behaviour of individuals and groups and institutional practices that are discriminatory and entrench the traditional stereotyping of males and females which impacts negatively on their growth and development
- To ensure that all decision-making and all practices in the Western Cape Education Department (WCED) are informed by gender considerations which impact proactively on future practices
- To align policies, practices and procedures in all educational institutions, sub-directorates, directorates and programmes with the national legal framework of Government that is signatory to many international declarations
- To provide a framework for the implementation of special measures to ensure equal access and opportunity to advance women and female learners in order to achieve equality. This will include all areas of education, training and development within the WCED.

Ultimately, the aim of the *Gender Policy* is to achieve gender equality for women and men, female and male learners, principally through the empowerment of women and female learners, but not at the expense of men and male learners.

### 4. Authorisation

- 4.1 The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- 4.2 Employment of Educators Act, (Act 76 of 1998) (as amended)
- 4.3 South African Schools Act, (Act 84 of 1996) (as amended)
- 4.4 Skills Development Act, (Act 97 of 1998)
- 4.5 The White Paper on the Transformation of the Public Service, 1995
- 4.6 Labour Relations Act, (Act 66 of 1995) (as amended)

- 4.7 National Education Policy Act, (Act 27 of 1996)
- 4.8 The White Paper on Transforming the Public Service Delivery (Batho Pele White Paper), 1997
- 4.9 The White Paper on Affirmative Action in the Public Service, 1998
- 4.10 Employment Equity Act, (Act 55 of 1998)
- 4.11 Basic Conditions of Employment Act, (Act 75 of 1997)
- 4.12 Public Service Act, (Act 103 of 1994) (as amended)
- 4.13 Public Service Regulations, 2001
- 4.14 Further Education and Training Act, (Act 98 of 1998) (as amended)
- 4.15 Maintenance Act, (Act 99 of 1998)
- 4.16 Domestic Violence Act, (Act of 1998)
- 4.17 Promotion of Equality and Prevention of Unfair Discrimination Act, (Act 4 of 2000)
- 4.18 The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)
- 4.19 The Women's Charter for Effective Equality (1993)
- 4.20 Protocol to the African Chapter on Human and People's Rights on the Rights of Women in Africa

## **5. Scope of application**

The *Gender Policy* applies to all WCED employees and learners and the affiliated individuals, structures, bodies and organisations that operate within the parameters of the WCED. Responsibility and accountability for the implementation of the *Gender Policy* and the mainstreaming of gender equity therefore lie with every public employee or agent of the state within education.

This scope applies to the internal operation of the WCED as employer as well as the external activity of the WCED as a service agency of the government.

## **6. Policy provisions and roles and responsibilities**

- 6.1 Each Education Management and Development Centre (EMDC)/Directorate must have a gender focal person who will be responsible for the monitoring of the mainstreaming of gender within her or his area of responsibility in the WCED.
- 6.2 The head of the EMDC/Directorate must nominate gender focal persons to participate within the area concerned. These persons should at least show an interest in gender issues and gender work must be integrated into their job descriptions. To ensure continuity, the responsibility must be given to a position, and not to a person.
- 6.3 Each EMDC/Directorate is responsible for the implementation of the *Gender Policy* and its own control measures which must be administered efficiently and effectively.
- 6.4 Each EMDC/Directorate must have a representative who will serve on the WCED gender structure located within the Human Resources Directorate.
- 6.5 Each EMDC/Directorate is accountable to the heads and directors of the EMDCs who may request reports on the implementation and monitoring of the *Gender Policy* or any other project or programme related to gender.
- 6.6 Each EMDC/Directorate is responsible for the allocation of the necessary resources in any form (for example training, finances, time and awareness) for the promotion and implementation of gender mainstreaming within the WCED.
- 6.7 The Directorate: Human Resource Development is responsible for co-ordinating gender activities and processes, providing strategic guidance, and monitoring and evaluating the implementation of the *Gender Policy* and other related gender projects and programmes.

The following table sets out the roles and responsibilities of gender focal persons, units or groups and the performance indicators on which monitoring and evaluation are based.

<b>Roles and responsibilities of gender focal persons, units or groups</b>	<b>Performance indicators</b>
Ensure that gender issues are considered as a matter of routine in strategic planning exercises.	The principles of non-discrimination and gender equality are included in the department's vision and mission statements, strategic goals and plans.
Reflect gender considerations in business plans and reconsider them regularly.	Business plans should include specific gender related targets. Appropriate guidelines for recruitment committees should indicate the desired gender mix for affirmative action.
Review policies, projects, budgets and programmes for their gender implications.	All policies, projects and programmes should reflect an awareness of the practical and strategic needs of women and female learners, as well as the following: Sensitivity to gender relations Increased investments in ABET and ECD Specific gender-based expenditure Equal opportunity expenditure for employees Gender mainstreaming budget
Ensure that educational institutions, EMDCs, directorates, subdirectorates and programmes provide and use gender disaggregated data in their work.	All data should be effectively disaggregated according to gender (as well as race and other categories of past discrimination), reflecting how this has been utilized. Gender work (projects, motivations and programmes) is backed up by this information.
Co-ordinate gender awareness, training, education and development for all staff within EMDCs, directorates, subdirectorates and programmes to ensure that gender is integrated into all aspects of work.	Staff receive appropriate and relevant training in gender awareness, gender analysis and gender planning. Such training should result in observable outcomes, such as an increased awareness and sensitivity in the work of staff and the development of capacity for the effective utilization of disaggregated data.
Review departmental policy and planning in line with national and international gender policy frameworks.	Departmental and institutional policies and plans should reflect all key principles contained in this policy.
Ensure that the educational institutions, EMDCs, directorates, subdirectorates and programmes implement the gender policy.	The principles of this policy are implemented effectively and visible changes are made.
Monitor and evaluate projects and programmes to assess whether they are consistent with the gender policy.	Clear and effective mechanisms for monitoring and evaluation are in place and progress reports are readily made and acted upon.
Establish mechanisms to link and liaise with civil society.	Records are kept of the number of civil society organisations consulted. Minutes and reports of consultation are kept. The results of these consultations should be documented.

## 7. Monitoring and evaluation mechanisms

The development and adoption of *Gender Policy* is a major step towards promoting and institutionalizing a process of development in which men and women, female and male learners are equal partners in creating social, political, cultural and economic transformation in South Africa. It is therefore imperative that the implementation and impact of the policy should be monitored and evaluated effectively and efficiently.

Indicators for gender progress

- Ensuring equal access to and completion of basic education
- Improving access to vocational training, science and technology
- Eradicating illiteracy among women
- Developing non-discriminatory learning processes
- Providing safe, healthy and secure learning environments
- Promoting lifelong education and training for women and girls
- Allocating sufficient resources for the implementation and the monitoring of educational reforms

Monitoring and evaluation mechanisms should therefore ensure that

- success is measured.
- strategic information is gathered to assess the impact, relevance and appropriateness of the programmes and or projects.
- the implementation of the policy has a positive impact on the education, training and development of female learners and women, yet does not occur at the expense of the education, training and development of male learners and men. This should cover the indicators listed above.
- female and male learners, women and men have acquired the values, knowledge and skills to undergo the attitudinal and behavioural changes required to bring about the necessary and effective social transformation of society.

## **8. CONCLUSION**

The Western Cape Education Department (WCED) acknowledges its responsibility to uphold the provisions of the South African Constitution, which promises citizens the right to an environment free from discrimination. The WCED *Gender Policy* seeks not only to guide the department into becoming better equipped to deal with problems which emanate from gender discrimination, but also to commit it to developing an organisational culture in which human dignity and cultural diversity are celebrated, honoured, represented, respected and recognised, and, in so doing, ensuring that a culture of human rights becomes deeply embedded within the organisation, as well as within the greater South African society.