

THE HISTORY OF PROFESSIONAL AFRICAN WOMEN: A SOUTH AFRICAN PERSPECTIVE

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Abstract

This article reviews the perspectives on the rights, roles and endeavours of women in the South African work environment. In an attempt to achieve this objective, the article commences with a holistic approach on the evolution of women's rights and roles. The remainder gives perspectives on the South African labour force and finally outlines the importance of South African legislation on the advancement of women. The situation of African women is, in particular referred to, as it was evident during 1995 and earlier that African females were considerably under-represented in various sectors of the workforce. African women were, for example, introduced into the management environment as recently as the 1980s, while supportive legislation only came into place in the 1990s.

Keywords: African women, advancement, legislation, labour.

1. INTRODUCTION

African¹ women in South Africa have been oppressed both sociologically and economically for decades (Flood, Hoosain & Primo, 1997). African women who find themselves in jobs as domestic workers (\pm 80% of all domestic workers are African women), while simultaneously acting as heads of their households, are particularly disadvantaged, because they earn far less than African men (Ministry for Welfare and Population Development, 1998; Forgey, Dimant, Corrigan, Mophuthing, Spratt, Pienaar & Peter, 2001). Faced with the responsibility of caring for their families, these women constitute the majority of the poor and they are the most significant burden on the economy of South Africa (African National Congress, 1994).

Widespread economic and political change in South Africa through the 1980s and 1990s has forced the present government to review its strategy towards the effective application of the African work force (Van Rooyen, 1984; Flood *et al.*, 1997). South Africa was pressurised by foreign investors and global countries, supported by increasing demographic changes, to expedite the absorption of African labour into the business sector (Human, 1991). To maintain a degree of economic growth, South Africa had to transform by placing the emphasis on the advancement of workers, predominantly through "black advancement" (Commission on Gender Equality, 2001:2). Although Human (1991) reported that this focus mainly targeted the private sector and that the public sector was

¹ African¹: "The word African refers to the indigenous people of South Africa. 'Black' is used to refer to the previously disadvantaged; these are African people, the so-called Coloured community, the Indian people and the San and Khoi communities" (Office on the Status of Women, 2001: 6).

neglected, the government nevertheless made a change in 1994 towards extensive appointment of skilled African labourers and managers, preferably African women.

Many obstacles such as educational, economic, institutional and social factors hampered this shift in the business and public sectors towards the involvement of African labour (Human, 1991). A further obstacle was the pre-1994 legislation that was maintained for a considerable period of time (Charoux, 1986). This legislation had a negative influence on the availability of jobs, education and independence. Hence, it was not merely the lack of income resulting from unemployment that oppressed African women but also their inability to meet the educational level and skills required by the professional sectors of the day.

2. EVOLUTION OF SOUTH AFRICAN WOMEN'S RIGHTS AND ROLES

Many authors point out that women worldwide have always been considered secondary to men. Feminism today advances the argument that this was probably the single most important issue that culminated in the drive for the materialisation of power for women (Wetzel, 1993; Rustin, 1996; Primo, 1997; J. Thom, personal communication, August 12, 1999). The former way of thinking, in terms of which women were relegated to second place, continued unchallenged for centuries (Mkalipe, 1984). This attitude comprised the reason for the historical viewpoint that women are born exclusively to be housewives and mothers (Primo, 1997). Particularly in South Africa, their role in the development of the country was limited and this, in turn, prevented their access to employment, health and education (Wetzel, 1993). These barriers were the reason why the integration of women in decision-making processes in the various spheres of life was limited. This situation was not to the advantage of anyone. On the contrary, it limited progress in the emancipation of women and deprived women of their human rights and the country of economic growth (Wetzel, 1993; Carrell, Elbert, Hatfield & Grobler, 1998).

Over the centuries the role of women in society has always differed from that of men (Smit, 1978; James, 1984; Santho, 1995). The woman's roles have always revolved around her presence in the family and home, which was expected of her in society (Lillicrap, 1987; Weaver & Hill, 1994; Santho, 1995). The African value system, in particular, does not distinguish women as individuals, but always as supplements to a greater society (Santho, 1995). Traditionally, in Western marriages, the woman progressed from being a housewife to being a "happy homemaker" where her time was dedicated to supporting her husband's career (Smit, 1978; De Vries, 1991). Although the majority of women would agree that this type of life was fulfilling, many have moved beyond the role of homemaker (Smit, 1978; Weaver & Hill, 1994). As circumstances changed, women stepped into the economic world to find means by which they could contribute to their families' subsistence (Mkalipe, 1984). During recent decades the family structure across Southern Africa has been in a process of considerable change as old structures, both economic and ideological, were increasingly subjected to outside pressure having a direct influence on women's rights and roles in the community.

3. AFRICAN WOMEN'S RIGHTS PRIOR TO 1994

The African family during the colonial regime in South Africa was by no means static, as it always could and did respond to changing circumstances (Johnson, 1992). During this period in South Africa colonialism was responsible for major and lasting shifts that led to the deterioration of the position of African women. Mission schools and legislators, for example, showed little understanding of, or respect for, the African society and the role of women therein. The colonists systematically ignored women in the process of creating a class of compliant men, through the dishonouring of the position of women in the community as well as all their political and economic rights (Johnson, 1992).

Examples of legislation that reinforced the above state of affairs were the Land Settlement Act, Act 12 of 1912 and the Group Areas Act, Act 36 of 1966 of South Africa, which prevented Africans from owning land in South Africa (De Vries, 1991; Department of Labour, 1996). Together with influx control and migration regulations, this had a serious impact on the labour market for African women (De Vries, 1991; Sewpaul, 1994; Levitz, 1995; Budlender, 2002). Furthermore, legislation forced men to search for work away from home primarily because of a lack of land as well as the imposition of stringent taxes. A tax system, called "head tax", was introduced throughout Africa under the colonial system mandating villages and settlements to pay tax for every individual living there (De Vries, 1991:107). The result was that men migrated to towns to search for paid work with the direct consequence of alienating themselves and dividing their families (Johnson, 1992; Flood *et al.*, 1997).

In the towns the men engaged in new relationships, which led to a perception that has become part of the consequence of migration, namely that a man had the right to multiple sexual relationships. Although this was unknown at the time, this behaviour of having casual sex with other women increased the risk of wives becoming infected with HIV (Van Dyk, 2001). This lifestyle had a disastrous effect on African women and their families because many men ceased providing financial support and also ceased to visit their families (Johnson, 1992). It was, therefore, seldom by choice that women raised their children as single parents. As a result of the above-mentioned circumstances women at home had to take control and become the heads of their families (De Vries, 1991; Johnson, 1992; Sewpaul, 1994; Budlender, 1998).

Apart from the negative influence that colonialism and migration had on African women, a climate of obedience towards men prevailed. This climate was maintained over centuries and reinforced by the media in advertisements and official reports (James, 1984). Even women's organisations propagated the belief that the woman's role within her community should always be sympathetic and supportive towards her husband, and women who ignored this role were portrayed as "bad women" (De Vries, 1991:19; Johnson, 1992:105).

Traditional African societies maintained a clear distinction between the roles of women and men (Ministry for Welfare and Population Development, 1998). Although both contributed to the household in different ways, giving birth to children was one of the woman's most important objectives (James, 1984;

Lillicrap, 1987; Santho, 1995). Since African women traditionally raised children and performed domestic tasks while men watched over the belongings and hunted, women have consistently played a minor role in any decision-making processes in the community (James, 1984; Bonnin, 1996). When women did resist decisions made by men they had to deal with consequences such as physical reprimands or isolation (Johnson, 1992). Men occupied positions from which they controlled resources and had the freedom to choose and do whatever pleased them. The result was that men held dominant positions in business and industry whilst female African labour was abundant and cheap (Lillicrap, 1987; Johnson, 1992; Rustin, 1996).

Because of this situation many women with families experienced endless problems in attempts to make ends meet (Johnson, 1992). It was not only the irresponsible behaviour of men that played a major role, but also their violent nature (Van Dyk, 2001). It was, according to Van Dyk (2001), of no avail to report rape cases to the police, as members of the police force were themselves men who treated women in a similar manner. Even in the courts it was a hopeless battle, as women had no supportive legislation and had to struggle on their own with virtually no assistance from the church, the community or the government. These circumstances had left women with a disposition of utter powerlessness and no rights at all (Johnson, 1992).

4. EDUCATIONAL TRANSFORMATION OF AFRICAN WOMEN

It was not merely unfaithfulness on the part of husbands and the increased chance of contracting sexually transmitted diseases (STDs), the break-up of marriages and the presence of needy children that stood in the way of the empowerment of African women. Another major problem that they faced was difficulty in finding paid labour owing to lack of education and training. Prior to 1994 the black community (Africans, coloureds and Indians) in South Africa had little access to proper and effective education (girls even less than boys) and therefore the discriminatory educational policy was the first barrier that had to be overcome (Johnson, 1992; Budlender, 1998). At that time, institutions that offered formal education guided girls to be prepared for wife- and motherhood (Mkalipe, 1984; Flood *et al.*, 1997; Johnson, 1992). This brought about a very high dropout rate among girls, primarily as a result of teenage pregnancies (Ministry for Welfare and Population Development, 1998).

Teaching, furthermore, was mainly regulated by the Bantu Education Act, Act 44 of 1953, which left young Africans with a lack of self-confidence and poorly developed communication skills (Lillicrap, 1987). Early schools consisted only of a chair for the teacher under the shade of a tree while he or she had to teach groups of children of both genders and various ages (Ministry for Welfare and Population Development, 1998). During the previous dispensation the access of races other than whites to university campuses was strictly controlled (Bonnin, 1996). By the 1960s there was only one centre that catered for higher education for blacks in South Africa, namely the University of Fort Hare (Mandela, 1994). By 1977 only one out of fifty African teachers had a formal qualification and only nine out of fifty had a matric certificate (Lillicrap, 1987; O'Brien, 1993).

Compulsory education for African women only came into effect during the late 1980s (De Vries, 1991; Santho, 1995). Women who managed to receive an education were limited to nursing and teaching schools, while only a small percentage underwent courses in mathematics and technical skills (O'Brien, 1993; Levitz, 1995; Ministry for Welfare and Population Development, 1998). This low degree of representation in mathematics and technical skills could primarily be attributed to the fact that black languages were considered "emotive" and "non-technical" and that teaching was done in a second language (Lillicrap, 1987:19; Ministry for Welfare and Population Development, 1998:22). The teaching material favoured boys and their needs and portrayed their roles as economically active or leadership-related, whilst girls were depicted as passive or fulfilling traditional roles. This perception was supported by a number of educators who shared discriminatory viewpoints, as well as traditions that encouraged boys rather than girls to enhance their education (Commission on Gender Equality, 2001).

It was only when appropriate legislation was passed in the 1990s that African women gained access to resources that could advance them, bringing about a reassessment of gender issues and a repositioning of the roles and rights of women (Primo, 1997). The National Commission for Higher Education is currently making proposals on how to address race and gender equity in a new higher education framework (Flood *et al.*, 1997). The struggles of African women over recent decades to secure gender equality in South Africa gained active momentum during this period and ultimately contributed to the Conference for a Democratic South Africa (CODESA), where multi-party negotiations began with the aim of creating a new dispensation. The increasing participation of African women in the liberation movement, especially women who had been in exile, secured a strong foundation for the liberation of women and the actualisation of women's rights, as well as the roles that women were able to fulfill (Primo, 1997).

5. WOMEN IN THE SOUTH AFRICAN LABOUR FORCE

When the political, economic and social structure of South Africa changed in 1994, so did the nature of culture and customs in respect of all women (Talley-Ross, 1995). Nowadays the "liberated" women in the workplace can be clearly differentiated from those with a more traditional disposition. Liberated women view their superiors merely as managers to be treated equally and professionally, whereas traditionally oriented women tend to view their superiors as being similar to the head of the household, whilst they themselves take on the role of the submissive wife (Roosevelt, 1991).

The fact that women are able to partake in the labour force while also, nevertheless, still having to fulfil fundamental domestic and marital roles has prevented gender equality in society (Lillicrap, 1987; De Vries, 1991; Wetzel, 1993). In the past, if women could not live up to these expectations, they had to choose between a career and a family, a choice that, according to Lillicrap, (1987), no man has to make. Not only in developing countries but also in developed countries, insufficient services existed to support women in their struggle for equal recognition (Wetzel, 1993). As the struggle for the recognition

of women's rights came to be recognised as legitimate, actual strategies were needed for the elimination of their secondary status (Wetzel, 1993; Primo, 1997).

Specific strategies would only be supportive of women's struggle if the society or the government authorised them (Wetzel, 1993). It was thus of the utmost importance that economic, political and social structures in South Africa should be involved in this freedom struggle. If women were integrated as full partners into the society, they, in turn, could influence structural changes positively; but to make this a reality the rights of women had to be entrenched in the constitution of the country (Wetzel, 1993). While the Constitution has, since 1994, provided a framework within which to work, legislation in itself was not sufficient to provide equality for women, especially with regard to the labour force. There were still too many attitudes and perceptions that needed to be changed.

It was only as recently as the 1950s that a significant number of South African women in general started to become economically active in the labour force (Hirschowitz & Cilliers, 1987; Lillicrap, 1987). During the following decades the psychological conflicts suffered by professional white women came under the spotlight. In the period from 1970 to 1980 women's careers and family lives, as well as their social systems and occupations in society, came under investigation (Hirschowitz & Cilliers, 1987).

By the 1980s African women had to prove themselves in all spheres of life for recognition as individuals with feelings, abilities and rights (James, 1984). Regardless of their achievements, qualifications or status, African women were still perceived as merely being responsible and skilled for domestic chores. More educated African women, in particular, experienced immense frustration with regard to job opportunities and promotions. This situation was amplified by the absence of supportive legislation (James, 1984; Lillicrap, 1987).

However, according to Lillicrap, (1987) and De Vries, (1991), although a few laws indeed restrained the upward movement of African women, their own customs and traditions also limited their progress. This was emphasised by James, (1984), who further touched on the problem experienced by African women of the middle-income class, pointing out that working women were subject to harassment from within their own culture, and that classes were emerging within tribes (James, 1984). The reason for partition within African societies and tribes was seen to be a lack of intervention by the ruling government, as the latter did not contribute to solving the problems through the adjustment of legislation (James, 1984). All these factors contributed to the already low self-esteem of the African woman (James, 1984; O'Brien, 1993).

According to James, (1984), O'Brien (1993) and Santho, (1995), an African woman in the work force had to face far more problems and discrimination than she could hope to overcome, particularly injustice as a result of culture, class and gender. As a black woman she was firstly exploited by a sexist and racist work environment, and secondly she had to compete with whites, especially white males, and prove herself amongst African men (James, 1984). The latter have all had more educational opportunities than women, making the above-mentioned predicament even harsher (James, 1984). African women were, without

exception, last in line after white men, white women and African men when company appointments and promotions had to be made (James, 1984). Being an African and female was said to promote the experience of "double jeopardy" during the process of career development prior to 1994 (De Vries, 1991; Sewpaul 1994; Talley-Ross, 1995; Davidson, 1997). African women in South Africa were oppressed both for being black and for being female (Commission on Gender Equality, 2001).

Until the 1980s, professional women in South Africa were restricted by the lack of legislation from partaking in the workplace on an equal basis (Flood *et al.*, 1997). Apart from the Wiehahn Commission report, which clearly stated that South Africa had a discriminatory society and that discrimination against all women was prevalent, it was only from 1 September 1988 that gender discrimination in the workplace was acknowledged as an unfair labour practice (De Vries, 1991). One example of inequality in the labour environment was the fact that women received lower remuneration than men (Department of Labour, 1996). Very few women held top positions, and the private and public sectors invested far less time, as well as fewer resources, in management training for women than for men (Smit, 1978; Lillicrap, 1987; Carrell *et al.*, 1998). The low degree of participation of women in general in managerial decision-making processes and in high-ranking positions in the work environment was a worldwide phenomenon, and in 1993 only six countries could boast that they had appointed women as heads of government (De Vries, 1991; Commission on Gender Equality, 2001).

If this trend of under-representation of women in managerial positions in other countries is taken into account, it suggests that the situation in South Africa cannot be attributed entirely to the unique social conditions prevailing in the country (Lillicrap, 1987). It is evident from the statistics of South Africa that it is only in the past ten years since 1994 that a notable increase in the labour-force participation of women has taken place (Flood *et al.*, 1997). Today, South Africa is amongst those countries with the highest percentage of women in Parliament who are in a position to voice their demands and to influence decisions (Department of Public Service and Administration, 2004). In 2004 the Cabinet consisted of eleven (11) women ministers out of a total of 29 – all Black¹. There are ten (10) female deputy ministers out of 21 deputy ministers (Government, 2004).

6. LEGISLATION IN SOUTH AFRICA AND THE ADVANCEMENT OF WOMEN

Although the stage was set for transformation and change early in 1990, the history of South Africa had left deep-rooted traces of discrimination on the grounds of race and gender. The Black Administration Act, Act 38 of 1927 stated that: "a Black woman who is a partner in a customary union and who is living with her husband shall be deemed to be a minor and her husband shall be deemed to be her guardian" (Robinson, 1995:461; Abrahams, 1997:4; Budlender, 1998:11). An additional burden on African women was the obligatory carrying of a pass (reference book) which was instituted in the late 1950s. Failure to produce the pass in an urban area could result in a fine or even imprisonment (Mandela, 1994; Flood *et al.*, 1997; Budlender, 1998).

Throughout the seventies the lack of legislation supporting South African women with regard to their rights as professionals was an example of harsh discrimination (Smit, 1978; Hirschowitz & Cilliers, 1987; Flood *et al.*, 1997). In the past the concept of gender equality, especially with regard to the advancement of women in managerial positions in South Africa's public sector, was not satisfactorily addressed when policies and programmes were developed, and the issue was often very low on the agenda (Lillicrap, 1987; Santho, 1995; Primo, 1997).

It was only in 1981, by which time a woman's compensation amounted to about 73 percent of that of her male counterpart, that wage discrimination was officially abolished (De Vries, 1991). The Wage Act Amendment Bill has made discrimination against women in wage agreements illegal. Job segregation further discriminated against women in South Africa (James, 1984; Santho, 1995). For example, very few women were found in technical posts or acting as medical practitioners or in managerial posts in businesses and the public sector. One was more likely to find women in professions such as nursing, teaching and clerical work (Erwee, 1986; Sibiyi, 1994). As a result of prolonged petition, two bills were amended in 1983. The Conditions of Employment Bill lifted a ban on night-time and overtime employment of women. The labour relations Amendment Bill, in addition, aimed to provide stable working conditions and more protection to employees whilst eliminating discriminatory clauses (Erwee, 1986).

The unfair treatment of pregnant women who wished to apply for jobs was probably the most severe form of discrimination (Santho, 1995). During this period in South Africa, laws did not prohibit unfair treatment on the basis of circumstances such as pregnancy (Primo, 1997). If, for example, a woman took a short break in her career to take up the responsibilities of motherhood, she had to face the almost inevitable consequence of being forced to seek re-employment (Lillicrap, 1987; De Vries, 1991). The taxation system was an additional disincentive for married and skilled women who wished to enter the labour market, as they had to pay higher taxes if they were married. This was detrimental to the recruitment of high-level womanpower. As recently as 1990 the tax legislation in South Africa penalised professional women by increasing household tax (De Vries, 1991; Abrahams 1997).

The provision of housing subsidies to workingwomen was an issue that was debated in the early 1990s. The Public Service discriminated against them in the area of housing allowances and pensions, which favoured male civil servants (Flood *et al.*, 1997). Fortunately, this led to the launch of the Housing Act in 1997 (Act 107 of 1997), allowing working women to qualify for housing subsidies (De Vries, 1991). Women civil servants are today eligible for 100 percent housing loans and for equal pensions.

Another development materialised in 1992 when the government removed the final remainder of the marital power of men, although African women living under customary law still have little power against their partners or husbands (Erwee, 1986; Flood *et al.*, 1997). Late in 1993 the South African Government introduced further legislation that made it possible for women to obtain interdicts against

their partners in the case of abuse. In addition, the Domestic Violence Act, Act 116 of 1998 empowered the police with the authority to arrest an abuser without a warrant (Commission on Gender Equality, 2001). During 1998 the power of traditional leaders in respect of land tenure and within local government came under attack by women, as the latter perceived these leaders as working against gender equality (Flood et al., 1997). The co-existence of statutory law with customary law in any State is referred to as “legal pluralism” (Flood *et al.*, 1997, p. 51). The Constitution, however, stipulates that when customary law and the equality clause are in conflict with one another, equality should obtain precedence – the Constitution is supreme (Budlender, 1998).

Although much has been done by the government to improve the lives of women, there are still laws that violate women’s rights. The Unemployment Insurance Act, Act 29 of 1988 and the Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993, for example, do not include farm and domestic workers, the majority of whom are women (Commission on Gender Equality, 2001). In general these forms of discrimination against women, which forced them into subjection, were based on political status, land rights, employment, education and income (James, 1984). Since 1990 comprehensive legislation has been passed to address these imbalances.

7. SIGNIFICANT LEGISLATION AND SUPPORTIVE ACTIONS

Discriminatory practices in the occupational arena changed dramatically after May 1994 under the Government of National Unity (Office on the Status of Women, 2001). Concurrent with these changes was the birth of a new Constitution for South Africa, implemented in February 1997. The Constitution (Act 108 of 1996), the supreme law of South Africa, directs the country in the values of human dignity, the achievement of equality, the promotion of human rights and freedom, non-racialism and non-sexism. It further directed the efforts of the South African Government to restructure the Public Service so as to render more effective goods and services to the public and previously disadvantaged citizens (Penceliah & Moodley, 2002). Section 9(1) of the Constitution (1996) states: “everybody is equal before the law and has the right to equal protection and benefit of the law”. Section 9(3) states: “the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth” (Constitution, 1996). The Constitution (1996), as well as political changes, have also impacted significantly on the lives of African women, but even more so on the work environment where changes have translated into the new Labour Relations Act, Act 66 of 1995, the Basic Conditions of Employment Act, Act 75 of 1997 and the Affirmative Action Act, Act 66 of 1995.

A first important component of the new Constitution (1996) is the Bill of Rights, which protects the individual against discriminatory practices in terms of equality before the law and equal protection under the law (Primo, 1997; Office on the Status of Women, 2001). The Bill of Rights furthermore includes a Charter of Fundamental Rights, which aims to protect all citizens against discrimination on

“.... one or more of the following grounds: race, gender, ethnic or social origin, colour, age, disability, sexual orientation, religion, conscience, belief, culture or language” (section 8(2) of the Constitution, 1996; Parliament, 2002). The Charter of Fundamental Rights furthermore addresses affirmative action by designating “persons disadvantaged by unfair discrimination” (section 8(3)(a) of the Constitution, 1996). The Equality Clause, clause 9 of the Constitution in the Bill of Rights, primarily aims to enable previously disadvantaged citizens to experience their full and equal participation in all rights and freedoms (Parliament, 2002).

In addition to the Constitution, the Reconstruction and Development Programme (RDP) was the Government’s strategy to assist in mobilising all the people of South Africa and the country’s resources towards the building of a democratic, non-racial and non-sexist community (African National Congress, 1994). The RDP especially viewed the position of women in society in a very serious light and, therefore, the Government recognised the struggle of women over the years by declaring August, 9th as National Women’s Day (Flood *et al.*, 1997). Robinson (1995) mentioned that the involvement of African women in achieving the programme’s objectives was of the utmost importance, as these women often constituted the poorest of the poor in South Africa.

Since the early 1980s, a number of processes have been initiated to integrate the development of women’s concerns, not only in the political arena but also with regard to academic representation (Albertyn, 1995). These processes are often called the “national machinery” for gender equality, with the objectives of promoting political commitment to women’s empowerment and gender equality, and transforming all legislative documents so as to take account of the needs and aspirations of all women (Albertyn, 1995; Department of Welfare, 2000).

Although “Speak” magazine was founded in 1982 with the aim of representing professional working women in particular, it was the launching of the Journal “Agenda” in 1987 which focused, *inter alia*, on feminist issues (Bonnin, 1996:383). In 1984, the University of South Africa opened a centre for women’s studies, but was not allowed to offer a formal enrolment course (Bonnin, 1996). The University of Zululand offered the first formal women’s studies course in 1989. In 1994 “Agenda” commissioned a study to gather information on gender-related courses at tertiary institutions. A questionnaire, the so-called “Budlender, questionnaire”, gathered significant information on the status of formal academic courses offered at universities (Bonnin, 1996:380). Bonnin, (1996), however, argued that there was little correlation between women’s studies and women’s movements. Further initiatives have emerged out of a process that began with the United Nations Decade for Women (1975-1985) and the Nairobi Forward-Looking Strategies in 1985. The process continued with the United Nations World Conference (1990), the Human Rights Conference (Vienna, 1993), the Population and Development Conference (Cairo, 1994) and the Social Development Summit (Copenhagen, 1995) (Bonnin, 1996).

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was endorsed in 1995. This is an international agreement aimed at abolishing discrimination against women (Flood *et al.*, 1997). South Africa

presented its first CEDAW report to the United Nations in June 1998 (Budlender, 1998). South Africa also participated in the Fourth World Conference on Women held in Beijing in 1995 (Abrahams, 1997). At this Conference the South African Government committed itself to addressing specific concerns of the Beijing Platform Action (Department of Public Service and Administration, 2000). The first priority was the development of an enabling environment to advance gender transformation, whilst the second was the conversion of policies passed since 1994 into significant actions that would enhance the proposed changes envisaged for women (Albertyn, 1995; Department of Welfare, 2000).

A more significant improvement for women was the establishment of the Commission for Gender Equality (CGE), an independent body that promotes gender equality, and advises and makes recommendations to Parliament and other legislatures with regard to any laws or proposed legislation that affect gender equality and the status of women (Flood *et al.*, 1997; Forgey *et al.*, 2001). The Women's Budget Initiative (WBI) started functioning in 1995. It was mandated to examine ways in which national and provincial budgets could be applied to empower women and promote gender equity, especially for poor women (Budlender, 1998). Early in 1997, the Government established the Office on the Status of Women (OSW) (Flood *et al.*, 1997). Its functions included developing a national gender policy, promoting affirmative action in government and organising gender training in governmental departments (Budlender, 1998). This Commission was established in accordance with the Commission on Gender Equality Act, Act 39 of 1996 (Budlender, 1998; Commission on Gender Equality, 2001).

In September 1997 the heads of state and government of the Southern African Development Community (SADC), including South Africa, endorsed a declaration recognising the totality of human rights of women, as well as the addendum on the "Prevention and Eradication of Violence Against Women and Children" (Commission on Gender Equality, 2001; Office on the Status of Women, 2001:14). Apart from the SADC declaration, South Africa has made considerable progress in implementing actions relating to women's issues, such as a national campaign for non-violence against women, poverty alleviation programmes, primary healthcare programmes, the National Partnership Against AIDS Programme and the Human Resource Development Programme (Department of Welfare, 2000).

Table 1 summarises the most significant legislation on the empowerment of women in South Africa since 1994 to 2000.

Table 1
Summary of important legislation introduced to empower women in South Africa
since the 1994 general democratic elections

Family	Legal	Employment	Health	Property	Education and Training
1995					
		- Labour Relations Act, Act 66 of 1995			
1996					
					- National Education Act, Act 27 of 1996
1997					
- Marriage Act, Act 50 of 1997	- Criminal Procedure Amendment Act, (Nos. 76 and 85 of 1997)	- Unemployment Insurance Act, Act 30 of 1997	- Choice on Termination of Pregnancy Act, Act 92 of 1997	- Housing Act, Act 107 of 1997	- Higher Education Act, Act 101 of 1997
- Divorce Courts Amendment Act, Act 65 of 1997	- Criminal Law Amendment Act, Act 105 of 1997	- Basic Conditions of Employment Act, Act 75 of 1997		- Land Restitution and Reform Laws Amendment Act, Act 63 of 1997	
1998					
- Maintenance Act, Act 99 of 1998	- Witness Protection Act, Act 112 of 1998	- Employment Equity Act, Act 55 of 1998	- National Water Act, Act 36 of 1998	- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998	- Skills Development Act, Act 97 of 1998
- Domestic Violence Act, Act 116 of 1998		- Labour Relations Amendment Act, Act 127 of 1998			- Further Education and Training Act, Act 98 of 1998
- Recognition of Customary Marriages Act Act 99 of 1998					
- Adoption Matters Amendment Act, Act 56 of 1998					
1999					
	- Prevention of Organised Crime Amendment Act, Act 24 of 1999			- Reform Laws Amendment Act, Act 18 of 1999	- National Student Financial Aid Scheme Act, Act 56 of 1999
2000					
		- The Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000			

There was an immense need for employment legislation in South Africa. With the implementation of the Labour Relations Act, Act 66 of 1995, the selection and recruitment process itself has become critically important to the public sector in South Africa for the redressing of imbalances in respect of race and gender. This Act is aimed at improving the quality of life of all workers, as well as enhancing productivity in the workplace (National Action Plan for the Protection and Promotion of Human Rights 1998: 95). The Basic Conditions of Employment Act, Act 75 of 1997 further ensures that women have the right to perform any type of work or to practise any profession they prefer. This Act further aims to create a family-friendly work environment (Commission on Gender Equality, 2001).

The Employment Equity Act, Act 55 of 1998, prohibited unfair discrimination in the workplace and compelled every employer to take steps to promote equal opportunity by eliminating unfair discrimination in any employment policy or practice (Commission on Gender Equality, 2001). This Act focuses on the redressing of imbalances, especially with regard to black people (Africans, Coloureds and Indians), women and people with disabilities (Penceliah & Moodley, 2002). The Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000, on the other hand, fosters equality, prevents unfair discrimination and is applicable over a wide range of fields including the employment sector (Forgey *et al.*, 2001). In the past four years amendments were approved on several of above-mentioned legislation.

A dramatic change in women's lives was brought about by the Choice on Termination of Pregnancy Act, Act 92 of 1997, which safeguards women from the dangers of unsafe and dangerous abortions (Primo, 1997). This Act promotes women's rights to control their own bodies, allowing them abortion on demand until the 12th week of gestation. Finally, the legislation that has almost certainly made the most significant contribution towards facilitating development for women is found in the Acts that promote education and skills development, namely the National Education Act, Act 27 of 1996, the Skills Development Act, Act 97 of 1998 and the Further Education and Training Act, Act 98 of 1998.

8. IS LEGISLATION THE ANSWER?

Today the composition of the South African work force is strongly reminiscent of the changes that occurred in the 1890s, when South Africa was faced with the challenge of changing from an "agrarian" to an industrial nation and accommodating thousands of immigrants who had entered the country after the discovery of diamonds and gold (Grobler, 1999:11). Because South Africa has always been highly conscious of differences between individuals, it appeared unlikely that legislation would be sufficient to enforce equal opportunities for women (Smit, 1978; Carrell *et al.*, 1998). This situation has been aggravated by the fact that authoritarianism and bureaucratic hierarchies have dominated many institutions in the past, and women have lacked the courage to challenge their employers (Levitz, 1995). The new dispensation demands much pioneering and a dynamic move toward change by the leaders of institutions (Primo, 1997; Carrell *et al.*, 1998).

After the 1994 election, the Government implemented its policies in terms of the specified legislation in order to remove discriminatory customs and policies in employment, especially with regard to women managers in the public sector (Department of Public Service and Administration, 1998). To improve the situation for African women, changes in their position and status had to be introduced, together with the utilisation of women as an important human resource (Smit, 1978; James, 1984; De Vries, 1991; Carrell *et al.*, 1998). Institutions that had traditionally discriminated against women were forced to restructure their way of thinking, which has been partially effectuated through institutional diversity programmes (Lillicrap, 1987; Grobler, 1999).

It could well be that the private and public sectors have been equally exposed to the changes in the environment, but their approaches to adapting to the new work environment have differed to a large extent. Approaches applied in the private sector, for example, cannot merely be applied in the public sector with equal success, but should be adapted so as to address the particular needs of the public sector, such as providing the community with specific services and deriving its funds through legislation (Van der Walt & Knipe, 1998). The Constitution further propagates the establishment of a non-racial and non-sexist state that recognises representativeness of gender and race within the public sector of South Africa as one of the main foundations of a democratic society (Constitution of the Republic of South Africa, 1996; Office on the Status of Women, 2001).

Apart from the fact that it only holds advantages for women in a general sense, legislation could have a very negative connotation if women came under the impression that they were being appointed only to meet quotas and fulfill the Employment Equity and Affirmative Action policies (Smith, 1998). Affirmative action may often be the sole strategy for including women in institutions. On the other hand, institutions may also be induced to appoint women because of legal requirements, moral beliefs or a sense of social responsibility, or a combination of these (Roosevelt, 1991). However, when women feel that they "have arrived", they need to realise that once they are employed their progress and development depend on their own abilities and not legislation (Smit, 1978:160).

9. CONCLUSION

From the review of the literature, it is clear that over the centuries, women worldwide have had to endeavour to earn their place in society, apart from their roles as child-bearers, supporters, educators and contributors to the community. For South African women, this endeavour was intensified by the discriminatory regime governing the country for the largest part of the 20th century. The struggle for liberation was partially resolved after the new government was elected in 1994, bringing forth support for women as well as legislation to improve their position.

The predicament that African women found themselves in has led to their considerable under-representation in managerial positions during the post-1994 era. This under-representation came to light as a result of the sudden demand for female appointees in such positions, owing to the implementation of

legislation that sought to radically address the imbalances in the representation of women in the managerial echelon of both the public and private sectors. Women who were inappropriately appointed in such positions, soon found themselves to be short of the necessary skills and expertise and could not live up to the expectations and the responsibilities attached to the positions. It soon became evident that the years of discrimination against women had had an extremely damaging effect on their ability to successfully act as managers. It also became clear that without the provision of the proper induction, training and education programmes by the institution, the competence of such individuals would not be up to the standard required to achieve the level of effectiveness demanded by the general public. Despite the tremendous effort on the part of the public sector to address gender inequalities since 1994 through legislation, the degree of success of this legislation and its benefits to women are significant aspects that should be investigated and closely monitored.

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