

Guidelines toward Mainstreaming Gender Inclusivity in the Mining Sector in South Africa

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Abstract

Background: The South African mining charter stipulates that women mineworkers need to make up at least ten percent of a mine's core staff. Although this was intended to enhance gender equality in the sector and in the country, women mineworkers are still a minority group underground and continue to be prejudiced against. This unfair treatment may jeopardise their health when exposed to risk within the working environment.

Objective: To explore women mineworkers' experiences of the mine's efforts to protect them from gender based discrimination, and to develop guidelines to remove sexism.

Method: An exploratory qualitative study was conducted from a constructivist paradigm. Semi-structured questions were asked to generate knowledge which assisted in developing the guidelines. Purposive sampling was used to identify participants.

Results: The findings of the study may guide mines and related male-dominated organisations to develop and implement policies, strategies and initiatives geared towards attracting, integrating, retaining, supporting and motivating women who are, or wish to be, employed in the sector.

Conclusion: The proposed gender barometer for women's equality provides an appropriate, accessible and implementable monitoring tool for unions and management, to continuously assess the state of gender mainstreaming in mining. The proposed strategy will assist in promoting diversity and ensuring that every woman mineworker work in a conducive environment to promote health and safety.

Contributions: The study contributes to an evolving body of knowledge aimed at transforming mining and protecting the human rights of women by following a gender mainstreaming strategy

Keywords: gender policy; gender equality; gender mainstreaming; gender discrimination; health and safety

Introduction

In South Africa, the ideal of constitutional democracy and a non-racial and non-sexist society emerged from a history steeped in institutional oppression where rights, life chances and the distribution of goods and services were predicated along racial lines (Dickson & Louis 2018:2-3). Respect for the dignity of individuals was determined by the colour of one's skin and, further within the various racial groupings, by one's gender designation. The socio-cultural dictates of all groups defined women to be inferior to men and as such assigned to the majority of them the position of minors in both the public and private spheres of life (South Africa's National Gender Policy Framework 2000).

The historical legacy of patriarchy influenced essential informal and formal interpersonal human relationships with a marked impact at the institutional and workplace level. The Gender Policy Framework (*ibid*) established guidelines for South Africa as a nation to remedy the historical legacy by defining new terms of reference for interacting in both the private and public spheres using a gender mainstreaming strategy. The vision on which the Gender Policy Framework (*ibid*) is based is that of a society in which women and men can realise their full potential and participate as equal partners in creating a just and prosperous society for all.

The number of women working in the mining sector in South Africa has increased significantly in the last two decades or so - from around 11 400 in 2002 to around 57 800 in 2015 and in 2023. The Mineral and Petroleum Resources Development Act (2002), together with the Mine Health and Safety Act (1996), lifted the ban on women working underground in mines. The South African Mining Charter introduced a clause stipulating that female miners need to make up at least 10% of a mine's staff. Women now represent over 13% of people in the mining industry in general and around 17% in South African coalmines (Women in Mining Fact Sheet 2017:2). Although this 10% target was intended to enhance gender equality in mining as part of a national strategy, women mineworkers continued to be a numerical minority group underground and they remain targets for gender-based discrimination, harassment and sexual violence (Centre for Applied Legal Studies 2015:4).

Studies have identified four broad categories of challenges for women in mining and other male-dominated occupations (Heimann, Johansson and Franklin 2023:6) that require transformation. These challenges relate to (a) perceptions of physical limitations, (b) interpersonal safety risks, (c) equipment and amenities that are not customised for women, and (d) risk of injury and illness. Mining remains dangerous and hazardous. The Department of Mineral Resources (DMR) reported 74 fatalities in 2021 and 49 in 2022, and 2 141 injuries in 2021 and 2 065 in 2022 (Mine Health and safety Inspectorate. Annual Report 2022 - 2023:68).

This paper presents a case example of women mineworker's lived experiences to explore and describe how gender-based discrimination may compromise occupational health and safety efforts and erodes women's human dignity in a workplace context, and thereby undermines efforts to transform the sector. Despite a growing body of evidence on the risks and hazards of mining as well as increasing numbers of women in mining, the transformation of the sector remains slow and tied to union negotiations. It is argued that for the effective management of women mineworkers, managers need to adopt a gender mainstreaming strategy in the interest of both women and men, and of employers and employees. A gender-responsive approach in transforming the mining sector to diversify and to accommodate women mineworkers' gender needs and concerns may assist employers in designing measures to reduce health and safety risks and to increase productivity of women and men in mines (Leuenberger, et al 2021:183).

Regulatory Context

Gender equality

South Africa's engagement with gender issues at regional, subregional and international levels is informed by its constitutional commitment to gender equality. The key national instrument which determines South Africa's compliance with issues of gender equality at all levels of society is its Constitution, 1996. The Constitution also includes in its founding provisions the values of human dignity, the achievement of equality, advancement of human rights and freedoms as well as non-racialism and non-sexism.

Gender-based equality and non-sexism are enshrined in the Constitution. The Constitution further acknowledges that to promote the achievement of equality, measures designed to protect or advance categories of persons disadvantaged by unfair discrimination may be taken (in Section 9). Women comprise such a group of persons who, because of unfair discrimination, require special legislative and other measures to facilitate the achievement of full equality as citizens of South Africa (Ramparsad 2021:29).

Women in mining

In South Africa, the Mineral and Petroleum Resources Development Act (No. 28 of RSA 2002) (MPRDA) and the Broad-based Socio-economic Empowerment Charter for the South African Mining Industry (RSA 2004) aim to rectify previous inequalities and disadvantages in the mining sector and specifically provide for the inclusion of women in core mining activities. 'Women employed in

core mining activities' implies that women should hold positions equivalent to those of men, in other words, fill positions in mining that include, amongst other activities, mining, metallurgy, engineering and geology (Harmony Gold Mining Company 2008: 32). They are also required to do the manual labour associated with mining (Laplonge 2017:307). Women represent approximately 11% of the South African mining industry's workforce, which includes non-core services (Botha & Cronje 2015:1).

National legislation

National legislation regulates the intangible and tangible factors of safety, health environment, risk and quality management for purposes of optimal occupational health and safety of employees, the sustainability of the environment, and the management of occupational and general risks in the mining context. This includes the Occupational Health and Safety Act No 85 of 1993, Compensation for Occupational Injuries and Diseases Act No. 230 of 1993, Basic Conditions of Employment Act No 75 of 1997 and the Employment Equity Act as well as the Environmental Management Act 1998. In addition, the International Organisation for Standardization (ISO) instruments are used to promote health and safety. These standards include OHSAS 18001, which is an Occupational Health and Safety Management System Standard, ISO 9001 for Quality Management and ISO 14001 for Environmental Management.

The Occupational Health and Safety Act No 85 of 1993 requires employers to provide for the protection of the health and safety of employees and other persons at mines and, for that purpose, to promote a culture of health and safety, to provide, and appropriate systems of employee, employer and State participation in health and safety matters; as well as to establish representative tripartite institutions to review legislation, promote health and enhance research, and to provide monitoring systems and inspections, investigations and inquiries to improve health and safety (Walters et al. 2016:421).

Legal contestations

In November 2015, the Centre for Applied Legal Studies at Wits University's School of Law (CALS 2015) in South Africa submitted evidence of gender-based violence in underground mining to the United Nations Commission on Human Rights. They ascribed the occurrence of gender-based violence in part to the regulation that requires 10% of all mineworkers be female. This small percentage, they argued, means that women are a minority of underground workers and, as such, are vulnerable to sexual violence. However, it is not only the regulations that are the cause of this harm; contributing factors include gender norms in mining, lack of security and a lack of policies around gender-based violence in mining or the implementation thereof (Pillinger 2022:49).

CALS (2015:7) indicated that the position of the mines is that gender-based violence underground is a criminal justice matter and is not an issue for which mining companies take responsibility. CALS argued that this is incorrect and inconsistent with South Africa's constitutional regime, which applies to both the state and juristic entities such as mining companies. Specifically, two legal mechanisms could trigger the liability of mining companies for these violations. The first is the principle of vicarious liability under the law of delict (also referred to as 'tort law' in jurisdictions outside South Africa). The second is in respect of Health and Safety Standards under labour law (CALS 2015:7).

The question asked is workplace violence an unfair labour practice or an occupational health and safety issue, or should it be dealt with as human dignity matter? Within the human rights framework, and specifically in regard to women's human rights, the Committee on the Elimination of Discrimination Against Women (CEDAW) recognises gender based violence as a form of discrimination not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to equal protection under the law; and to the highest standard attainable of physical and mental health (General Recommendation 19, 1992, on violence against women, para. 7). The CEDAW affirmed that violence against women was a "violation of their internationally recognized human rights" and "a form of discrimination" that "nullified their right to freedom, security and life." Likewise, the International Labour Organisation (ILO 2003) asserted that a healthy and safe work environment facilitates optimal physical and mental health in relation to work, and can help to prevent workplace violence (Wei et al. 2018:289).

Problem Statement

Despite a growing body of evidence on the gender needs and concerns of women mineworkers and the increasing number of women mineworkers, mine management has been responding to calls for transformation of the sector by shifting from gender (male) specific management to a gender-neutral approach to mine management. If it is not attended to, it could make mining an unhealthy and unsafe environment for both women and men (Kansake et al. 2021:17).

Gender-based discrimination and violence are outcomes of inappropriate gender-neutral strategies in an environment that calls for the integration of small numbers of women in a male dominant environment where physical strength is critical and women are stereotyped and vilified. It is therefore necessary to explore and describe women's experience in mining through a gender lens in order to identify persistent forms of direct and indirect gender-based discrimination that continue to impact on the health, safety and productivity of women and men in mining. This may contribute to inform the design of proactive strategies to facilitate employees' health and safety at work and to reduce employers' economic losses associated with preventable accidents, injuries and disease (Botha & Cronje 2015:2).

Aim of the Study

This article aims to explore women mineworkers' experiences of the mine's efforts to protect them from gender-based discrimination, and to develop guidelines to remove unfair discrimination.

Conceptual Framework

The following conceptual framework guided the study:

Substantive equality

The achievement of equality in everyday life (substantive equality) is understood as having four dimensions: redressing disadvantage; countering stigma, prejudice, humiliation and violence; transforming social and institutional structures, and facilitating political participation and social inclusion of women and target groups (Fredman & Goldblatt 2015:5-6).

The first dimension of substantive equality, remedying disadvantage rather than achieving gender neutrality, is particularly important in relation to the selected mine and women in mining. Gender-based disadvantage includes women's lack of empowerment, their subordinate position in the underground environment because of their lesser physical strengths and reproductive system.

The second dimension of substantive equality refers to addressing stigma, stereotyping, humiliation and violence on grounds of gender. While the mine implements its sexual harassment policy, harassment and bullying continues in subtle and covert ways. For example, women reported that they feel unsafe because they are outnumbered by men in the underground environment. The absence of dedicated ablution facilities further humiliates women and compromises their human dignity.

The third dimension entails a recognition of the ways in which the structures of society entrench target groups' disadvantage together with the transformation of existing stereotypical male-dominant oriented institutions and social structures. Most importantly, the transformative dimension recognizes that change must be structural and not dependent solely on correcting the actions of individual perpetrators.

The fourth dimension is the importance it attaches to women's agency and voice. Substantive equality requires decision makers to hear and respond to the voices of women rather than imposing top-down decisions. The findings of the study indicated that women have a perception that their voices are not heard, and that their union representative is not taken seriously by mine management.

Substantive equality also has the important effect of imposing positive duties on employers to treat women differently, provide opportunities for participation and restructure institutions appropriately.

Gender and gender relations

Gender is defined as the social meanings given to biological sex differences associated with women and men. It is an ideological and cultural construct, but is also reproduced within the realm of material practices; in turn, it influences the outcomes of such practices (UN 1999: ix).

Gender relations throughout the world entail asymmetry of power between genders as a pervasive trait. Thus, gender is a social stratifier, and in this sense, it is similar to other stratifiers such as race, class, ethnicity, sexuality and age (UN 1999: ix). In the mining context, gender relations which most women mineworkers were challenges associated with mining tools and equipment which were designed to be used by average-sized men. Some felt that the mining industry was still insensitive and needed immediate attention and action to transform and make it gender responsive.

Gender stereotypes

Gender stereotyping refers to over-generalisation of characteristics, differences and attributes of a certain group based on their gender. Gender stereotypes might create unequal or unfair treatments to a certain person who chooses to defy people's assumptions about his/her gender (Heilman 2012:113). In the mining context women mineworkers related the gender stereotypes from their male colleagues, especially when they were not feeling well, during menstruation. Their male counterparts were not showing respect towards them especially when asked to assist in carrying heavier equipment. They always tell them that there's 50/50, meaning they both earn the same salary and they are also expected to perform similar duties.

Gender-based discrimination

Gender-based discrimination is referred to as a societal occurrence in which a distinction towards someone is made based on gender than any other type of discrimination (Batool 2020:622). Indirect gender based discrimination occur when laws, policies and programmes are based on seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women. They may be inadvertently modelled on male lifestyles and thus fail to take into account aspects of women's life experiences which may differ from those of men. These differences may exist because of stereotypical expectations, attitudes and behaviour directed towards women which are based on the biological differences between women and men. They may also exist because of the generally existing subordination of women by men (1999 World Survey on the Role of Women in Development, United Nations, New York, 1999: ix).

Gender violence in the workplace

Violence against women is understood as a violation of human rights and a form of discrimination against women. It includes all acts of gender-based violence that are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (UNAIDS:2000).

Specific forms of gender based violence (GBV) at workplaces include, amongst others: sexual coercion; gender-based workplace discrimination, stigmatization and social exclusion; sexual harassment and intimidation; sexual exploitation and abuse; physical assault, including rape; verbal abuse and threats of violence; bullying; psychological abuse and trafficking for forced labour and sex work within and across borders (Pillinger 2022:3).

Research Design and Methodology

Case study design

A single holistic case with a context of mineworkers, professional nurses and mine managers was used. Case study research was most appropriate given the different populations relevant to the study within one environment (Polit & Beck 2021), cited by Clarke & Reed 2010:238). Phase one of the study was empirical and the researcher explored the women's health concerns of mineworkers, the perceptions of the professional nurses working at the OHS centre and the mine managers' expectations.

Methods

A sample of women underground mineworkers, professional nurses in the onsite occupational health and safety centre, and mine management at the selected coalmine in Mpumalanga, South Africa participated in the empirical study. The researcher used semi-structured interviews to collect data upon obtaining the permission from the mine management and from the Research Ethics Committee of the Faculty of Health Sciences at the University of Pretoria. There were no discrepancies noted during the interviews.

The interviews made the participants and the researcher to communicate in a conversational style. The conversation was not rigid, but fluid, covering different areas of the phenomenon under study with each participant to get rich, detailed data (Yin 2014:106; Polit & Beck 2021:394). Thirteen interviews were conducted, twelve of them were in IsiZulu, in which the researcher was conversant, as these were the common languages used by mineworkers at the coalmine. One interview was conducted in English. Each interview lasted for 45-60 minutes. There were no challenges nor ethical dilemmas encountered during the interview process. The researcher's role was to encourage participants to talk freely about their women's health concerns and to prompt for elaboration to obtain rich data (Polit & Beck 2021:394).

Data collection and data analysis occurred concurrently. Though this was a case study design, the researcher did not use theoretical propositions but used an interview guide to shape the data collection. The researcher transcribed the recorded interviews. The quotations were in isiZulu and were translated into English by the researcher. Each interview too between 5-6 hours to transcribe and there were no ethical issues noted. The researcher used inductive content analysis as described by Elo and Kyngäs (2008:109) to analyse the data with assistance of the study supervisors to achieve immersion and gained a sense of the whole. Recording what the participants said was essential to ensure that the actual verbatim responses were the participants' actual data. This also assisted in ensuring that the researcher did not rely only on the field notes, but on the recorded information as well (Holloway & Wheeler 2010:95).

The framework used in this study to address trustworthiness was based on the analytical assessment by Yin (2014:45). The researcher first defined the different criteria and then provided the different strategies that she used to determine rigour in the study. Furthermore, the researcher believed that the decisions and processes regarding coding approach and techniques were utilised to establish the trustworthiness of the study. The credibility of the research findings indicated with how well the categories incorporated the data analysis process and the validity of results (Graneheim & Lundman 2004:109). The advantage of the process was that there was no generalisation, since the study was inductive and facts were presented to the researcher by all participants.

Findings

Demographic profile

Women miners who were interviewed were thirteen. Twelve of them were African and one was white. Their age groups were as follows: nine of them were below 30 years of age; three were between 30 and 39 years of age, while one was above 40 years of age. One participant was married, seven were engaged and five were single. Four participants did not have children, eight had 1 or 2 dependants and one had 3 or more dependants. Regarding years of experience, two were below 2 years, six had been working at the mine for 3-5 years, four were working for 6-10 years, and one had an experience of more than 11 years. Twelve of the participants were working underground and one was working on the surface.

Description	Number of Participants	Description	Number of Participants
Gender		11 years and above	1
Female	13	Employment status	
Race		Permanent	12
African	12	Shift worker	
White	1	Yes	11

Age		No	2
Below 30	9	Job title	
30-39	3	General worker	2
40 and above	1	Millwright	1
Marital status		Electrician	3
Single	5	Belt attendant	2
Engaged	7	Miner	1
Married	1	Learner	2
Number of dependents		Roofbolt operator	2
None	4	Reason for clinic visit	
Below 2	8	Periodic medical examination	10
3 and above	1	Job change due to pregnancy	2
Years of experience		Post-maternity leave	1
Below 2 years	2	Medical aid	
3-5 years	6	Yes	12
6-10years	4	No	1
Non-permanent	1		

Table 1: Demographic profile.

Three themes emerged under the health and safety issues, namely sanitation, variant temperature and mining work and masculinity. These three themes will be discussed with relevant direct quotations.

Subcategories	Generic categories	Main category
Toilets	Sanitation	
Showers	Variant temperature	Health and safety milieu

Table 2: Categories for women miners.

Sanitation

Sanitation means the development and application of sanitary measures for the sake of cleanliness to protect the health of the women miners (Phiri 2016:12). This generic category has four subcategories, which are toilets, showers and scarcity of water.

Toilets

The underground section does not have fixed structures. It has portable toilets that need to be removed when the section moves, during the mining process. Toilets were dirty, not emptied and the smell was bad.

During the semi-structured interview, some participants raised concerns about the sanitation conditions. One of them mentioned that she was working because there was nowhere to get employment:

'I cannot tolerate toilets, because if you open the toilet it is disgusting.' (participant 5, 28-year-old female).

The majority of the participants said when one was lucky to have a female colleague, they accompanied one another to the stick-side (furthest place) and urinate there. Those working alone said they did not drink nor eat underground because the toilet was a problem and the stick side was far, dark and unsafe to go alone as a woman.

The health needs of the women miners were also infringed on because of not having clean ablution facilities to relieve themselves. The participants mentioned that they preferred to hold urine until they knocked off. One participant alluded to the fact that she tried several times to practice on urinating in the she-wee, but she experienced difficulties:

'It's a struggle, with this she-wee, because it has a thin opening. You need to align it well to fit.' (participant 13,53-year-old female).

Another participant supported the statement:

'I usually suffer from infections because I hold the urine for a long period.' (participant 9,29-year-old female).

One participant shared her frustration of not having clean toilets and the inability to utilise the she-wee and said:

'We never asked but they just give us the she-wee without training us on how it is used.' (participant 12, 39-year-old female).

The other participant mentioned that the cleaners tried to clean the toilets, but they sometimes go on strike for 6 weeks:

'We don't go to the toilets, we go around the stick site which is old site of the section..' (participant 7, 29-year-old female).

Another participant voiced her concern:

'If I am too pressed, I just take my bucket from my tool box and urinate.' (participant 8, 29-year-old female).

The toilets are on surface and if one needed to use them, one will go only out of underground during knock-off time. There was a cage transporting all mineworkers when going underground and back after the shift, except during emergencies.

One participant alluded:

'We are still faced with challenges because the mining industry was for men.' (participant 11, 35-year-old female).

The other participant further said:

'In that situation you don't even sit to the toilet because it is just smelling.' (participant 7, 29-year-old female).

Another one alluded to this when saying:

'When it comes to toilet matters, women are not considered. These toilets are too dirty and we get exposed to infections.' (participant 12, 39-year-old female).

Showers

Regarding the showers, the participants voiced their dissatisfaction about the insufficient hygienic standards and privacy:

The participant mentioned that:

'Even if they are there, they are dirty, and the males have access to them.'(participant 10,32-year-old female).

According to one participant, their privacy was compromised:

'This side its toilets and that side its showers. While you are showering, the other one is defecating.' (participant 12,39-year-old female).

She further said:

'If you shower whilst others are watching you, you feel uncomfortable.' (participant 12,39-year-old female).

Variant Temperature

Under variant temperature, there were two subcategories; that is heat exhaustion and cold symptoms.

Heat exhaustion

Due to underground heat, women miners may suffer from heat exhaustion (Maurya, et.al 2025:493). Participants complained that the underground environment was sweltering. The participants raised the concern that it became uncomfortable to work freely and one could cause injury.

One participant voiced her frustration:

'We wear multiple clothes including vests, hard hats and respirators, we sweat when working.' (participant 2,25-year-old female).

One mine manager interviewed believed that the environment at the mine is conducive for all mineworkers.

He explained that:

'The temperature is moderate because of the underground effect.' (participant 3,45-year-old male).

Cold symptoms

Underground is also very cold, especially during night shift. When women workers were not wearing enough warm clothes, they could experience cold symptoms.

One participant, gave clarity:

'In night shift, it is cold underground. During the day it is better.' (participant 1,25-year-old female).

Another participant further revealed that:

'The coldness underground makes it difficult for that time, period of the month.' (participant 4,28-year-old female).

Another participant was not comfortable with cold water in the shower rooms. She mentioned:

'In winter we shower with cold water because the hot water gets finished quicker.' (participant 11,35-year-old female).

Discussion

From the findings, it was noted that women's experiences in mining could be organised into three broad categories of experiences: policy issues, practice issues and paradigm or ideological issues. The findings are discussed according to this categorisation.

Inadmissibility of gender based discrimination.

Advances and gains

Lifting of the ban on women's access to mining has created employment for large numbers of women in South Africa in communities that typically have very little employment opportunities other than mining, especially for women. The continuous increase in numbers of women entering the mining sector attest to this. However, with few viable alternatives available, women's employment in the mining industry is both a lifesaver and a condemnation to a very harsh, risky and hazardous industry (Botha 2014:1915).

The human rights framework provides protection for women living and working in circumstances that make them vulnerable to exploitation and abuse. Specific measures have been put in place, both internationally and in South Africa, to ensure that women are not discriminated against and are not treated unfairly in the work environment. The agreed conclusions of the 57th session of the UNCSW

(2013) call on governments to: “take measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment and bullying, and that they address discrimination and violence against women and girls (Okechukwu et al. 2014:574).

The vision of South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality (OSW 2000) is a society in which women and men are able to realise their full potential and to participate as equal partners in creating a just and prosperous society for all. The envisioned outcome is gender equality.

Pregnancy policies and sexual harassment policies need to be implemented, and in the case of sexual harassment policies, with the necessary procedure for non-compliance.

Unintended consequences

Pregnancy policies are intended to protect both the mother and the unborn child by removing women from the underground environment (Botha et al. 2012:400). In reality, and due to financial pressures, women choose to not disclose the early stages of pregnancy in order to continue receiving their regular pay and bonuses.

Indirect unfair discrimination

Work in the mining sector is categorised as high-risk work and falls into the category of perceived hazardous occupations. It is also evident that some women experience extreme difficulties in performing mine work that requires physical strength. This is also in line literature review, which suggest that gender differences exist with regard to physical work capacity, heat tolerance and body composition. Because of these conditions, it is pivotal to promote diversity and ensure that woman mineworkers are working in a conducive environment to promote health and safety (Botha & Cronje 2015:10-11).

The Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures obliges States Parties to ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination States parties’ obligation is to improve the de facto position of women through concrete and effective policies and programmes (Rubio-Marin 2018:79).

Article 11 of the same convention obliges States Parties to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: The right to work, the right to the same employment opportunities, the right to free choice of profession and employment, the right to promotion, job security and development, the right to equal remuneration, the right to social security and paid leave as well as the right to protection of health and to safety at work.

Practice: changing gender roles, gender relations and stereotypes

The intention of the Code of Good Practice on the Arrangement of Working time (2006:96), is to provide information and guidelines to employers and employees concerning the arrangement of working time and the impact of working time on the health, safety and family responsibilities of employees.

Equal opportunities, unequal relations

States parties’ obligation is to address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions. In the CEDAW Committee’s view, a purely formal legal or programmatic approach is not sufficient to achieve women’s de facto equality with men, which the Committee interprets as substantive equality.

According to the Employment Equity Act No 55 of 1998 as amended by Employment Equity Act No 47 of 2013, every employer must take steps to promote equal opportunities in the workplace by eliminating unfair discrimination in any employment policy or practice.

Harassment and bullying

With the emphasis of the South African legislations (Protection from Harassment Act No. 17 of 2011; Employment Equity Act No 55 of 1998 as amended by Employment Equity Act, Act No 47 of 2013), different organisations engage in formal and ongoing awareness campaigns on sexual harassment to enlighten newly appointed employees about the procedures to follow if sexual harassment occurs. Despite these attempts, sexual harassment remains a matter of concern and such incidents continue to take place (Botha 2016:259).

Harassment claims in South Africa could generally be brought before tribunals either by means of claims based on alleged discrimination, unfair labour practices and victimisation, whilst criminal avenues to be explored or damages claimed would form the subject matter of the civil courts. Of note is the fact that some South African authors have categorised bullying as a form of harassment in the workplace, but the latest trend in other jurisdictions is to acknowledge workplace bullying as a separate legal concept or a dignity violation (Salina et al. 2020:2630). However, it is still not clear whether workplace bullying should be regarded as a form of harassment in South Africa, or should rather be seen as part and parcel of employers' obligation to provide a safe and healthy work environment, or even if bullying could be seen to form part of discrimination law (Tepper & Henle 2011: 489; Le Roux et al 2010: 14).

Women empowerment

The Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences.

Paradigm: transforming historically determined male paradigms

Women in the male-dominated mining sector continue to work in conditions that do not cater for their unique needs. Patriarchal ideology as well as covert and entrenched gender-biased organisational culture (Martin & Barnard 2013:3) leave them to their own devices when it comes to coping in their work environment. South Africa's Constitution envisions a non-sexist society. This calls for the transformation of the gender system of the society.

Changing ideology

This section portrays history and progress of changing ideologies over time.

Women are consumers of men's knowledge, designs and structures. This establishes an ideological focus on males and men, and issues affecting them, possibly to the detriment of non-males. Androcentrism develops when male views and behaviour are taken as the norm, and are used to explain both male and female behaviour. Spender (1998) explains that these rules become self-validating and self-perpetuating with the passing of time, regardless of the validity of the beliefs and/or interpretations on which they were founded.

Where the male as norm principle applies, the (de)-valuation of women's perspective is inevitable (Lerner 1986). This separation or divide between the genders has been used to explain the abjection of women (Kristeva 1982). Threats to the boundaries that keep the divide intact may galvanise abstruseness and unease.

Inappropriateness of a gender-neutral response

Gender neutrality refers to removing the association of gender from ideas, objects, activities or roles within the society. To overcome these challenges, there should be strategies to be used. Such can include being gender-neutral "everyone" to represent women and men. Despite their seemingly inclusive connotations, not everybody is seen as valid, valued and equally represented. As gendered

actors, men are valued and women are seen as lacking. In this way, gender constructs taken-for-granted privilege for men, and taken-for-granted discrimination for women. Changing and rethinking gender divisions are no easy tasks since they are so evasive and imbued in human relations (Lauwo 2018:696-697).

Thomas Kuhn, in his seminal 1962 book *The Structure of Scientific Revolutions*, argues that fundamental advances are made when new, unfamiliar intellectual paradigms replace older, accepted ones that can no longer account for important data and observations. But new paradigms, Kuhn added, inevitably face resistance from people committed, whether intellectually or personally, to a former consensus that no longer adequately explains the evidence.

Women's biologically determined permanent needs and experiences have to be recognised and responded to in the mining sector. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns (UN General Recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures 2006;4).

Gender mainstreaming as a strategy

Research has provided evidence that there is a perceived lack of gender equity in the working environment, especially in the mining sector. This is confirmed by Kansake, et al. (2021:6) that regulatory effort in line with UN's Sustainable Development Goal (SDG) 8 are to be implemented to achieve gender equality for all women.

This transformed perspective is in line with mainstreaming of gender perspective integrated from ways of seeing and doing, into systems and structures, policies, processes and procedures, as well as the organisational culture (Kansake, et al. 2021:13).

Recommendations

Mainstreaming gender in mining

Gender Mainstreaming is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities, policy development, research, advocacy/dialogue, legislation, resource allocation and planning, implementation and monitoring of programmes and projects (Sayed & Ali 2019:5).

Identify and remove stereotypes and indirect discrimination

Mining sectors can no longer be considered as places for men as the norm. Gender-neutral responses to be identified to remove unfair direct and indirect discrimination.

Adopt policies to promote dignity and respect

Mine management should adopt policies and practices to promote mutual respect and dignity at work. Employers should have procedures that can be used by workers for grievances in relation to workplace violence. Allegations of workplace violence should, as far as possible, be kept confidential until investigations have been completed.

Disseminate information and coordinate training

Employers, in consultation with workers and their representatives, should initiate and support programmes to inform, educate and train workers about the prevention of workplace violence, the mine's policy and strategies in place, and about support for workers if workplace violence arises.

Engage women and men in social dialogue

The social partners should engage in social dialogue on gender-based discrimination and violence in mining industry at various levels (national, sectoral, enterprise, workplace), in various forms (negotiation, consultation, exchanges of information) and ways (formal, informal), under national legislation and labour relations systems. Social dialogues should be developed on an ongoing process aimed at the protection of safety and health at the workplace and the improvement of production in mining. The social partners should together monitor and evaluate gender-based discrimination and workplace violence.

Objective 1	Objective 2	Objective 3	Objective 4
Changes in perception	Changes in policy	Changes in practice	Changes in paradigm
Key interventions			
Identify and remove stereotypes and indirect discrimination	Adopt policies to promote dignity and respect	Engage women and men in social dialogue	Disseminate information & coordinate training
Social change outcomes			
Women and men experience a barrier-free work environment	Significant reduction in charges and reports on discrimination against women	Women and men experience and benefit from gender aware practices	Gender awareness and skills are implemented for equality, equity, redress and fair discrimination
Indicators			
Increase in the number of women and men who express job satisfaction	Enabling policies to promote, protect and attain fundamental human rights of women and men in mining.	Discriminatory gender neutral practices are identified and replaced with gender aware practices	All managers and employees receive gender training with refresher programmes
Impact: Women and men experience an inclusive, barrier free work environment in which women and men are able to reach their full potential			
Indicator: Redress, interventions to counter stigma, prejudice, humiliation and violence, transformed policies, social institutions, structures and women’s participation and agency in transformation in mining.			

Table 3: Programme design.

Key initiatives

Promote women empowerment

The Women’s Empowerment Principles provide a set of considerations to help the private sector focus on key elements integral to promoting gender equality in the workplace, marketplace and community (Odera & Malusa 2020:98).

Build capacity for and conduct gender analysis, assessment and auditing

A gender analysis, gender assessment and gender auditing are practical resources to guide organisations to identify and evaluate challenges and opportunities for increasing organisational equality, and to create gender action planning to integrate women into a male-dominant workforce and work culture (ACTI/VOCA 2012:4).

There are numerous benefits to conducting a gender audit, such as to demonstrate to staff, stakeholders and employees that the mine has a commitment to improving gender equity and the status of women in mining; to recognise any progress already made to improve gender equity; and to promote action in areas requiring more gender-responsive policy and practice (Tool kit on Gender Equality Results and Indicators 2013:6).

Interventions for trade unions

The MHSA No 29 of 1996 and OHSA No 85 of 1993 stipulate that: “*every worker has the right to representation by the union of their choice*”. Women mineworkers mention that union representation was not visible at the selected coalmine to assist them with their health and safety concerns. They further alleges that the mine management did not take the unions seriously, that is why the prolong the implementation of most of their requests.

Negotiate evidence-based policies and procedures with employers to prevent and deal with gender based discrimination and male-dominant ideologies in the workplace. Encourage male staff across the organisation and different levels to become ambassadors against gender based discrimination and violence.

Leading change

Transformation of a male-dominated workplace can only occur if there is a readiness in relation to the following aspects: political will, technical capacity, accountability, and organizational culture (InterAction 2010: 13). Political will is essential to promote and bring about change in the other areas. Political will refers to ways in which leaders use their position of power to communicate and demonstrate their support, leadership, enthusiasm for and commitment to working toward gender equality in the organisation. Technical capacity refers to the level of ability, qualifications and skills of individuals in an organization to carry out the practical aspects of gender integration. Accountability requires mechanisms by which an organisation determines the extent to which it is “walking the talk” in terms of integrating gender equality in its work programs and organizational structures. Organisational culture refers to the norms, customs, beliefs and codes of behaviour in an organisation that support or undermine gender equality - how people relate; what are seen as acceptable ideas; how people are “expected to behave” and what behaviours are rewarded or sanctioned (InterAction 2010: 13).

Conclusion

The proposed gender barometer for women’s equality provides an appropriate, accessible and implementable monitoring tool for unions and management to continuously assess the state of gender mainstreaming in mining and to take corrective action through policy, practice and paradigm.

Addressing gender discrimination should be a priority in workplace research, workforce policies, strategies, laws and human resources management as well as in occupational health and safety practice. Given the devastating effect of accidents and injuries in mining, risk management should include a focus on identifying and removing all forms of direct and indirect discrimination against women, while management has the responsibility to address its root and structural causes.

Women’s biologically determined permanent needs and experiences have to be recognised and responded to in the mining sector. The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

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Volume 8 Issue 2 February 2025

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