



"Ntkozo"

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CHAPTER 4

Productive resources and employment, economic empowerment

Articles 15-19



Women now found in employment positions traditionally dominated by men. Municipal workers in Swaziland. *Photo: Trevor Davies*

KEY POINTS

- With an SGDI score of 55%, Swaziland is just over half way of where it needs to be by 2015 in terms of promoting gender equality in the economic sector. This places the country at fourth position out of the SADC countries.
- Citizen's rate country progress at 53%, a mark close to the SGDI, based on their perceptions of country progress putting the country in 12th place out of the 15 countries.
- Women occupy 30% of key economic decision making positions.
- Women outnumber men in the informal sector at the ratio of 2:1.
- A large proportion of the women's economic ventures is not recognised by local municipal authorities and are deemed to be engaging in illegal activities.
- Only single women, and those married out of community of property without the husband's marital power that is, with an ante-nuptial contract, have access to credit and productive resources, such as the titles to land, on almost an equal footing with their male counterparts.
- The Ministry of Agriculture developed the Food Security Policy, which is one of the few agriculture policies that consider gender.
- Women are primarily responsible for childcare and there is no provision for paternity leave.
- A woman can have 12 weeks maternity leave, but she is only entitled to two weeks full pay.
- The Employment Act does not deal with sexual harassment.

Table 4.1: SGDI and CSC scores for productive resources and employment, economic empowerment

	SGDI	CSC
Score	55%	53%
Rank	14	12

Table 4.1 shows that the country's SGDI score is 55% ranking the country number 14 out of the 15 SADC countries. The CSC score is close at 53% based on citizen's perceptions of country progress towards meeting the 2015 targets relating to the economy putting the country in 12th place out of the 15 countries.

The SGDI score is calculated based on empirical data including: Female share of economic decision-making:

- The number of women occupying high-level economic

decision-making positions expressed as a percentage of all such positions in the country.

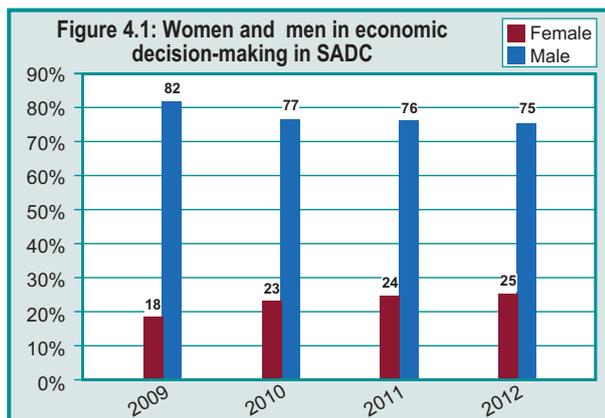
- Female LFP/ Male LFP. The Labour Force Participation rate of women expressed as a percentage of the labour force participation of men. The labour force participation rate is calculated as the (number of women/men of working age (usually 15+ or 15-64) who are either employed or looking for work) divided by the total number of women/men of working age.
- Female/male unemployment rate. The unemployment rate of women expressed as a percentage of the unemployment rate of men. The unemployment rate is calculated as the (number of women/men who are looking for work) divided by the (number of women/men who are either employed or looking for work).
- Female share of non-agricultural paid labour. The number of women employed in paid work outside of agriculture expressed as a percentage of all people employed in paid work outside of agriculture.

Women and men in economic decision-making



The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.

Figure 4.1: Women and men in economic decision-making in SADC



Source: 2012 SADC Gender Protocol Barometer 2012.

Overall, there is a steady but slow increase in women's participation in economic decision making in the SADC region. Figure 4.1 shows that since the Barometer began tracking this indicator in 2009, women's participation in economic decision-making (minister and deputy minister, permanent secretaries in finance, economic planning, trade and governors of the reserve bank, the proportion has gone up by 5% (from 18% to 26%). There is steady, albeit slow progress towards achieving 50% of women's representation in this sector by 2015.

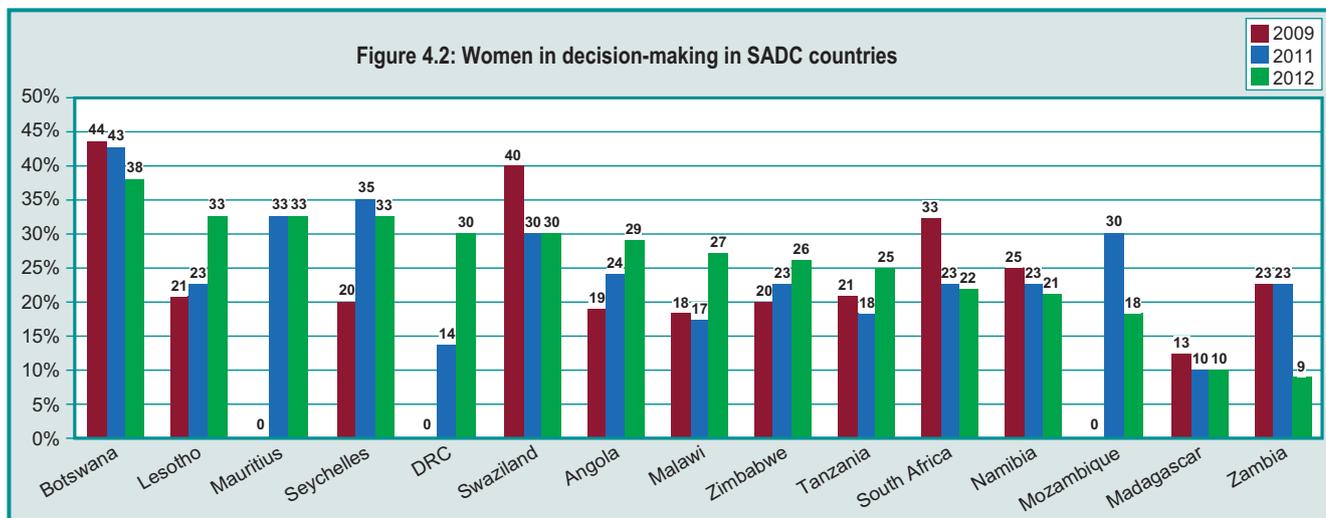
Table 4.2: Women and men in economic decision-making

	Name	Male	Female
Minister of Finance	Majozi Sithole	X	
Principal Secretary	Ms. Khabonina Mabuza		X
Swaziland Revenue Authority	Dumisane Masilela	X	
Minister of Economic Planning	Prince Sihlangusephi Dlamini	X	
Permanent Secretary	Bertram Stewart	X	
Minister of Commerce, Industry and Trade	Jabulile Mashwama		X
Permanent secretary	Cyril Kunene	X	
Governor of the Central Bank	Martin Dlamini	X	
Deputy governor of the Central Bank	Sibongile Mdluli		X
Swaziland Investment Promotion Authority - Chief Executive Officer	Phiwa Ginindza	X	
TOTAL		7	3
PERCENTAGE		70%	30%

Source: Swaziland Government Diary Year 2011.

Table 4.2 shows that while men predominate in economic decision-making positions Swaziland has reached the 30% threshold enshrined in the constitution. There is need for sustained efforts to progress towards achieving the 50/50 by 2015 target.

Comparison with the SADC region



Source: Gender Links Regional Barometer Report, 2012.

Figure 4.2 regionally, Swaziland scores well and ranks number six with a proportion of 30% women in economic decision making.

Gender budgeting



The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation.

Line ministries and NGOs had received intermittent training on gender budgeting, concept that has been in its infancy. The overall government's programme of action plan of 2008 to 2013 is viewed as gender blind therefore it is likely that budgetary allocations are gender blind. Gender Consortium had conducted gender budgeting workshops for its members who are expected to provide input from a gender perspective during analysis of the national budget workshops hosted by the Coordinating Assembly of NGOs (CANGO).

The initiatives gained momentum in September 2012 when the Gender and Family Affairs Unit under the Prime Minister's Office with backing from UN agencies and the SADC Gender Unit received technical support from Gender Links to develop a costed gender action plan aligned to the SADC Gender Protocol's 28 targets.



Women form the majority of those in the informal sector - women at the market in Mbabane, May 2012. Photo: Thandokuhle Dlamini

The process including capacity building for line ministries to conduct gender budgeting as well as costing.

The Gender Unit has since drafted the gender action plan in consultation with all ministries and finalising the costing aspects. The Gender Unit will also use the opportunity to align the current gender policy to the 28 targets. Read Chapter 10 on implementation for more details on implementation.

Time use



The Protocol provides that, by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.

Researchers did not identify any relevant time-use studies in Swaziland. No policy frameworks exist to address women's multiple roles.

Economic empowerment



The Protocol provides that state parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.



Basket weaving in Swaziland.

Photo: Trevor Davies

Trade and entrepreneurship

The Ministry of Justice and Constitutional Affairs are in the process of auditing and aligning trade legislation with the Constitution and CEDAW. Women constitute 71% of people in small business and self-employment.

Economic empowerment

The government has initiated two capital projects, namely Msahweni Project, a road tarring project, and the LUSIP Dam Project. A gender analysis will be conducted to assess who and how people are benefitting from these projects. Authorities will use this exercise as a model for mainstreaming gender considerations when undertaking such projects.

Overall, women outnumber men in the informal sector at the ratio of 2:1.¹ As most ventures by women are not recognised by local municipal governments, they are deemed illegal. Women are therefore vulnerable to police harassment, imprisonment and loss of all their goods. There is no policy dealing specifically with the informal sector.

¹ The Swaziland Integrated Labour Force Survey, (2007-2008).

Procurement

The Procurement Bill is gender-neutral. There are currently no affirmative interventions to ensure that women benefit equally from economic opportunities although the Constitution advocates for affirmative action in the economic sector. Section 28 (1) says that

women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. Article 20 stipulates that Parliament can enact laws to redress past inequalities including in the economic sector.

Property and resources



The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

Although the draft land policy recognises the need for a more equitable policy on land and resource allocation for women, after a decade the policy remains in draft form.

Section 211 of the national Constitution states 'Save as may be required by the exigencies of any particular situation, a citizen of Swaziland, without regard to gender, shall have equal access to land for normal domestic purposes'.

The 2006 Marriage Bill addresses difficulties women face when trying to access credit, but it has not yet been passed through Parliament. The current law requires that if a couple is married in community of property, the husband automatically administers the joint estate and has to be the one to request credit. Collateral is an obstacle for women, as property under these circumstances is always in the man's name.

If a woman is married based on customary rites, banks and other financial credit institutions are not supposed

to demand consent from their husbands, but in reality many do. Collateral is a huge problem for women because even the few that have it, it is often registered in their husband's name. Women's weaker status in society leaves them susceptible to malpractice. Furthermore, some assets, such as livestock, are dealt with under customary laws, which align property with a male head of households even if it does not belong to him.

Only single women, and those married out of community of property without the husband's marital power, that is with an ante-nuptial contract, have access to credit and productive resources, such as the title deed land, on almost an equal footing with their male counterparts.

Doo Aphane won a landmark case in 2010 where she contested that women married under community of property should be able to register immovable property, bonds and other forms of investment in their name.

Victory for Swaziland women

For the first time in the history of Swaziland, women married under community of property will now be able to have "immovable property, bonds, and other real rights" registered in their name.

The historical judgment was handed today (23 February 2010) by Justice Qinisile. M. Mabuza in a case of Mary Joyce Doo Aphane vs the state in which she contested the denial by Section 16 (3) of the Deeds Registry Act 37/1968 of women married in community of property to register title in their own names. The judgement effectively redresses 42 years of injustice and subordination of women married in community of property. It also weakens all laws that still regard women as minors.



Doo Aphane.

Photo: Mantoe Phakathi/IPS

Ms Aphane's battle began on 24 November 2008, when she and her husband entered into a deed of sale to buy title deed land in Mbabane, Swaziland and wanted both their names as purchasers registered. The

application was not allowed as it contravened some provision found in the Deeds Registry Act.

Aphane fought the act on the basis of the Constitution of the Kingdom of Swaziland 101/2005 Section 20 and 28 which secures the equality of all in the eyes of the law. This is the first case in Swaziland which tested the effectiveness of the constitution in protecting women's rights.

Following the judgement, Ms Aphane said: "This case was not just about me. It was about all the women of Swaziland. Women who are married in community of property will now be able to stand on their own. My husband was very supportive and he understood the importance of this battle."

Aphane called on women in Swaziland to use this judgement to their advantage and work to remove all laws that are discriminatory to women.

Source: <http://lwinafrica.org/2010/03/victory-for-swaziland-women/> last accessed 30 September 2012.

Employment



The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work, eradication of occupational segregation and maternity and paternity benefits.

Table 4.3 : Women and men in employment

	No of women	No of men	Total	% women	% men
Employed	143,049	167,401	310,450	46	54
Unemployed	173,573	115,506	289,079	60	40

Source: Swaziland Labour Force Survey 2008.

Table 4.3 shows that more men than women are in waged employment and women make up most of the unemployed sector. The 2008 labour force survey points out that women's representation in employment is often underestimated because women themselves as well as other people do not consider their work as "employment".

In the past, women experienced more difficulty in finding work in the formal sector because their skills did not match those that were in demand. However, in recent years, there has been a high demand for low-skilled labour, especially in the textile industry, which employs more women than men. However, women are limited by domestic responsibilities; caring for children, the elderly and the sick.

Table 4.4.: Employment levels of women and men across key occupations

Sector	% of men	% of women	Total
Education	5.6	9.8	7.5
Agriculture, Forestry and Fishing	11.4	6	9.1
Mining and Quarrying	4	0.2	2.4
Manufacturing	18.3	21.5	19.7
Electricity, Gas and Water	1.4	0.2	0.9
Construction	9.3	0.6	5.5
Wholesale and Retail Trade	11.1	20.8	15.3
Transport Storage and Communications	10	1.3	6.2
Financial Intermediation	8.6	2.7	6.1
Community and Social Services	6.4	18.5	11.7

Sector	% of men	% of women	Total
Real Estate, Renting and Business Activities	7.1	8.9	7.9
Hotels and Restaurants	1.1	3.5	2.2
Health and Social Work	2.6	4.3	3.3
Extra territorial organisations and bodies	0.1	0.1	0.1
Public Administration and Defence	3	1.5	2.3
Total	100	100	100

Source: Swaziland Labour Force Survey 2008.

Table 4.4 shows that in the formal sector, women are predominately in the trade and manufacturing sector. They work in the textile industry sewing clothes. Women are also mainly represented in the community and social services sector. This sector constitutes government

employment, for example, teachers and nurses, which are traditionally regarded as women's work. Since 2008, there has not been another labour force survey and no current information from the Central Statistics Office was available.

Table 4.5: Conditions of employment

Provision	Yes/No	Provisions
Maternity leave	Yes	Employment Act section 102 provides that every female employee, whether married or unmarried, who has been in continuous employment of her employer for 12 months or more shall be entitled to maternity leave of at least two weeks full pay.
Paternity leave	No	No paternity leave is given and there is no debate yet about providing it. Certain customs dictate that men are not supposed to be in close contact with newly born babies.
Sexual harassment	No	The Employment Act is silent on this issue
Night work	Yes	Section 101 of the Employment Act subsection (1) No employer shall employ any female in any industrial undertaking between the hours of 10.00 p.m. of one day to 6.00 a.m. of the following day unless he [sic] obtains a certificate from the Labour Commissioner authorising him to do so.
Same retirement age and benefits for women and men	Yes	-

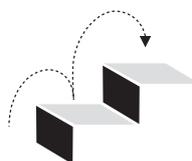
Source: Employment Act Year 1980.

Table 4.5 shows that overall employment conditions lack gender sensitivity. For example, although a woman can have 12 weeks maternity leave, she is only entitled to two weeks full pay. This can force women to cut short their entitled leave so that they can provide for their family. The Protocol says that State parties should provide protection and benefits for women during maternity leave. However, in practice government employees receive three months maternity pay and other employers often opt to pay for six weeks. As it is not legally binding, the law leaves women vulnerable.

The Act also does not address paternity leave, and so implies that it is the sole duty of women to take care of their new-born babies while men continue to enjoy the benefits of productive employment. This contributes to continued gender-stereotyping in the country.

The Protocol also demands that state parties should enact legislation that defines and prohibits sexual

harassment in all spheres and provides deterrents for perpetrators. To date, the Employment Act does not address sexual harassment leaving women in particular vulnerable in the workplace.



Next steps

- There needs to be measures in place to protect women working in the informal sector and help them develop their skills.
- Women need more access to the means of production, including easier access to land and credit facilities.
- The Employment Act needs to be amended to include full pay during the entire maternity leave; men should be allowed paternity leave and there should be a clause on sexual harassment.