CHAPTER 2:
THE HISTORICAL AND LEGISLATIVE CONTEXT

2.1 INTRODUCTION

The aim of this chapter is to provide a description of the historical and legislative context that informed the life journeys of the Indian women who participated in the study. Specifically, it covers the general history of South Africa, the history of Indians in South Africa, and the apartheid and post-apartheid eras.

I commence by discussing the history of South Africa by focusing on the colonial conquests of this country by two major European powers, namely the Dutch, followed by the British. Next, I look briefly at the period of the Union of South Africa and the apartheid era after 1948, and discuss the most relevant pieces of legislation that Indians had to contend with during the apartheid era. Finally, I discuss the post-apartheid era where I look at the position of Indians in the South African Constitution, the impact of the Employment Equity Act, No 55 of 1998 (South Africa, 1998a) on Indians and women, and various pieces of legislation relating to gender equality.

The general history which I discuss in the next section provides an outline of how the European colonists invaded South Africa and the force and brutality used to annex the land of the indigenous population. I also outline the inhumane treatment of South Africa's native inhabitants during this period and how this set the scene for the treatment meted out to all that were non-white in the years to come.

2.2 HISTORY OF SOUTH AFRICA

2.2.1 Arrival of the Dutch

Following on from Bartolomeu Dias's 1488 voyage of discovery to what he called the "Cape of Storms", after 1500, European explorers sailed around the tip of Cape of Good Hope in their search for a passage to the East. It was, however, only after 1600, when the Dutch East India Company was competing with other European colonialists to get a stronghold in Asia that the sea route along the Cape coast gained significance. The Dutch arrived in 1652 to establish a colony in the Cape under the lead of Jan van Riebeeck (Loomba, 2005).

In order to establish their settlement, the Dutch first engaged in mass genocide in order to usurp large tracts of land from the indigenous people. Those who survived were taken as slaves and forced to work for Dutch farmers, who treated them cruelly (Ross, 2008). Secondly, to establish their colony, the Dutch imported people from other European regions and from the East to settle in the Cape. This led to the influx of many French immigrants and to approximately 60 000 slaves from Madagascar and Indonesia being brought to the Cape. These events resulted in the establishment of a Dutch colony in South Africa before the eighteenth century (Ross, 2008).

The Dutch rule of the Cape lasted a little over 150 years, as the next section reveals.

2.2.2 The Cape under British rule

The Cape was briefly occupied by the French in 1795, during the Napoleonic war, but the British invaded and occupied the Cape that same year. They returned control of the territory to the Dutch in 1803, but reoccupied the Cape on 19 January 1806. In terms of an Anglo-Dutch Treaty of 1814, it became British territory and was called the Cape Colony (Ross, 2008). Under British rule, Africans had little power. They had to carry passes and could not cross

borders, thus forcing them to work for white farmers (Troup, 1972). The British did, however, introduce some laws which gave blacks some autonomy, for example, African slaves were able to lodge grievances against their masters; coloured people were allowed to trade and own land and, eventually, in line with the abolition movement throughout the Anglophone worldwide, slavery was abolished (Beinart, 2001).

The British nevertheless continued with their onslaught against the black Africans throughout the nineteenth century. The British continued with their wars against African people in order to claim large tracts of land. This led to the majority of Africans in the Eastern Cape and the rest of the Cape Colony in the 1800s living in poverty, without food, in overcrowded conditions, displaced and most of all, without land, as the land had been annexed by the British. Africans in the Eastern Cape were also not allowed to vote. Leaders of African groups who opposed the British government were imprisoned on Robben Island (Troup, 1972). The Afrikaners got the idea of imprisoning political prisoners from the British, and continued with this practice into the twentieth century, when even the later president of South Africa, Mr Nelson Mandela, was imprisoned on Robben Island with many other political activists.

The Trekboers, or Voortrekkers, as some people descended from the original Dutch and French settlers were called, especially those who moved from the Eastern Cape, in the meantime moved into the interior to evade British rule and oppression in the Cape Colony, and fought the African people they found so they could establish their own republics, as the next section reveals.

2.2.3   The Voortrekkers/Boers and British in Natal

The Voortrekkers, or Afrikaners, as they are known today, moved into the interior from 1828, as they were dissatisfied with British rule (Beinart, 2001). Their mission was to make southern Africa Boer in character, and they implemented race segregation in the areas into which they moved, causing difficulties in white and black relations (Ross, 2008).

On 16 December 1837, the Voortrekkers defeated Dingane in the Battle of Blood River and established the Republic of Natalia in sections of what is KwaZulu-Natal today. Non-whites were not allowed to settle in the new republic, and could only live there as labourers. The indigenous people had to carry passes and were not allowed to own land, guns or horses in the republic. However, the British wanted to colonise all the land the Voortrekkers lived on.

In 1843, the British annexed the Republic of Natalia, and slavery and further invasion of native land was stopped (Saunders, 1992). Under British rule, the Native policy of Natal (Natal Code) was implemented between 1845 and 1875 by Shepstone (who was in charge of Native Affairs) and it was aimed at controlling Africans. A single customary law for the various African tribes was introduced. Africans were placed in reserves which were not suitable for farming. They were not allowed to vote, and they had to pay taxes and tariffs on goods they consumed. Only Africans exempt from the Native Law were allowed to vote (McClendon, 1997).

Non-whites in the Voortrekker-controlled Transvaal suffered great difficulties, as the next section reveals.

2.2.4   The Voortrekkers/Boers in the Transvaal

In 1858, the Voortrekkers, later called Boers, who controlled Transvaal drafted a constitution called the *Rustenburg Grondwet* which contained a clause (Article 9) which stated that there would be no equality between non-white and white people, either in the Church or in the State. Black Africans in the Transvaal republic (the Zuid-Afrikaansche Republiek) had to enter labour contracts and had to carry passes; they also could not buy liquor without the permission of their employers (Etherington, Harries, & Mbenga, 2010).

Only whites were allowed to become citizens in the Zuid-Afrikaansche Republiek. Black Africans were not allowed to own guns, land, horses or

wagons, or to have inter-tribal alliances. Africans could only own land when grants were given to them. Grants to own land were only given to those Africans who assisted the Boers in driving out Africans tribes from an area. However, Africans never legally owned these lands, as they were forbidden to buy land and the land was "loaned" to them (Etherington et al., 2010).

There was a great demand for African labour, and African tribes that were conquered initially provided the labour required by the Boers. As the demand for labour grew, the Boers started subjugating more African tribes in the Transvaal (Etherington et al., 2010).

In 1867, diamonds were discovered in the north of the Cape Colony, at Kimberley, which led to segregation in the workplace, as discussed in the next section.

2.2.5   Diamond mines in South Africa

After the discovery of diamonds in the Cape, African labourers were not granted licenses to dig, they were not allowed to hold claims, or to retain or sell any diamonds in their possession and were not allowed to trade with diamonds except with the permission of their masters (Ross, 2008). They had to carry passes and had to pay for hospital accommodation, medication and sanitary services. All African mine workers were forced to strip off their clothes and undergo body searches before leaving work and they could not carry firearms (Ross, 2008).

The Mining Law of 1893 was the first mining law discriminating against Indians, coloureds and Africans. The Mining Code of 1896 gave only whites the right to work as banksmen, onsetters and engine drivers. The Mines, Works and Machinery Ordinance of 1903 allowed for skilled jobs to be reserved for whites, with Africans earning lower wages and performing unskilled work. The Mines and Works Act of 1911 led to segregation in the workplace (Ross, 2008).

Not only did segregation exist in the workplace, but separate African townships were also established, as discussed in the next section.

2.2.6   Establishment of separate townships

Due to a pandemic of the bubonic plague in the Cape Colony during the late nineteenth century, the Public Health Act No 4 of 1883 was implemented, allowing Cape Town's African community to be forcefully removed. Subsequently, an African township was established a few kilometres away from town on the Cape Flats (Ross, 2008).

By the end of the nineteenth century, African lands were under the control of the British. The Native Reserve Location Act, No 40 of 1902, gave the colonial government the power to set up and control African residential areas outside town. It was obvious that the British also subjugated the African people (Ross, 2008).

The conditions described above were those that the Indian indentured labourers found when they arrived in Natal to work in the sugarcane plantations in 1860.

2.3   ARRIVAL OF INDIANS IN SOUTH AFRICA

Two different groups of Indians arrived in southern Africa. The first group consisted of indentured labourers who were brought here to work in the sugarcane plantations in Natal. The second group, known as passenger Indians, arrived ten years later. They were merchants who were brought from India to meet the demands of the indentured labourers (Govender, 2006).

2.3.1   Indentured labourers

The British colonists in South Africa made concerted efforts to persuade the British government to replicate a system of indentured labour (which was cheap labour) that already existed in Mauritius, in order to boost the economy

in Natal. In 1860, the first wave of indentured labourers from India arrived in the Natal colony to work in the sugarcane and sisal plantations of the British colonists (Bhana, 2008; Freund, 1995; Report of the High Level Committee on the Indian Diaspora, 2000; Vahed, 2008).

The indentured system of labour was financed from the taxes obtained from Africans. Since the British settlers found it difficult to keep local African labour for extended periods of time, imported labour solved their problems, as it was available all year round (Ferguson-Davie, 2000).

The majority of indentured labourers were Tamil Hindus who came from the south Indian city of Madras and belonged to the Sudra class. Later, more labourers were shipped in from the northern areas of Bihar and Uttar Pradesh, and they were Muslims who spoke Urdu (Duphelia-Meshtrie, 2000; Maharaj, 1995). The Tamils were of a lower class and most were semi-skilled or unskilled workers (Naidoo, 1993; Radhakrishnan, 2005).

2.3.2 Arrival of Indian women

Although the Indian government set a requirement that four women should be brought to Natal for every ten indentured men, few women were prepared to relocate to Natal (Freund, 1995). Eventually, some women who were young widows, who had been deserted by their husbands, disowned by their families, often poor and sickly, came to Natal to work as indentured labourers. These women were paid low wages and many were bought, sold and given away in return for rations, clothing, or other favours (Beall, 1990).

When the women did not work, they were not paid and were given no rations. This led women to force themselves to work even when they were sick, pregnant and in labour. Many women dropped dead at their work. Child marriages were practised among the Indians in Natal, and the patriarchal family structure resulted in the oppression of women. As Indian women moved out of the indentured system, they were repatriated or married, or were

subjugated in some other form of dependence on a male partner or relative (Beall, 1990).

2.3.3   Passenger Indians

The arrival of the Indian indentured labourers boosted the economy, and by the turn of the century approximately 80 000 Indians were living in Natal. There was a demand for goods and services to meet the everyday needs of the labourers which the British traders could not meet. An appeal was made to the Protector of Indian Immigrants (whose purpose was to safeguard the well-being of the indentured labourers) to allow traders from India to settle in South Africa. Permission was granted to passenger Indians who paid their own passage to trade in Natal (Bhana, 2008).

The passenger Indians who came from Bombay and Gujarat were financially better off, and were businesspeople and professionals. This group spoke Gujerati and Memon. They were mostly Muslims (Vahed, 2000) and some Gujerati Hindus (Maharaj, 1995). Although the white government attempted on several occasions to send the Indians back to India, the Indians were determined to stay in South Africa (Bhana, 2008). In 1961, they were recognised as permanent citizens of the Republic (Maharaj, 1995).

Although substantial changes have taken place in the occupational distribution of descendants of the passenger and indentured Indians in the South African economy, Tamil-speaking Hindus still remain in the lowest income bracket, while Muslims and Gujerati Hindus generally constitute the entrepreneurial and professional class (Maharaj, 1995).

2.3.4   Culture, caste, class and language

From the outset, the Indians who came to Natal were a diverse group differentiated along the lines of class, language and religion. Since indentured labourers did not come with their families and there was limited opportunity for occupational stratification and specialisation among them, caste differentiation

disappeared, but they maintained their Indian identity through their language and religious practices. The Gujerati Hindus, however, were more affluent and retained the caste system they brought with them from India (Diesel, 2003; Kuppusami, 1983; Mesthrie, 1991). The caste system in India relates to social and cultural distinctions. This implies that people of the same caste have the same profession, economic and social status and share the same values, which differentiates them from other groups. As a result, some groups enjoy more economic, political and social power than other groups. When a person is born into a particular caste, he or she acquires the class status associated with that caste (Diesel, 2003).

According to Ferrante (2008), the class system started playing an important role in the upward mobility of Indians in South Africa. Class refers to one's level of success in obtaining a particular quality of life, standard of living and lifestyle (Denmark & Paludi, 2008). It is defined by income, education and power. A class system is a more open system than a caste system, as the boundaries between classes are less easily distinguishable and individuals can improve their social status, whereas a caste system offers no mobility (Denmark & Paludi, 2008). In the current study, the Indian women managers I interviewed were all from middle-class families.

Although the Indians seemed like a homogeneous group and were classified as Indians in South Africa, they were an ethnically diverse group. The Indian settlers transmitted many of their cultural norms and values to the generations that followed. However, the Indian immigrants did not adhere to all the customs practised in India, for example, customs such as *sati* (widow immolation), child marriages and the burning of brides due to non-payment of dowry were against the law in the Natal colony (Nath, 2000). However, they retained their taste for traditional food, as well as their values relating to home, family, children, religion and marriage (Khandelwal, 2002). Within a period of 40 years, the immigrant Indian population consisted of no fewer than five linguistic groups, three religious groupings and the whole spectrum of socio-

cultural divisions. Each religious group pursued its own traditional customs and observances (Kuppusami, 1983).

The Hindus in South Africa belong to four language groups. They are Tamils, Telugus, Hindis and Gujeratis (Kumar, 2000). There are fewer Muslims in South Africa than Hindus. The two main groups of Muslims in the country today are the Indian and Malay Muslims. The Malay group is mainly concentrated in the Cape and originate from Malaysia and Indonesia, while the majority of Indian Muslims are found in Gauteng and Natal. Most Muslims follow the tenets of Islam quite strictly, but many have been influenced by Western ideas (Vahed, 2008).

2.3.5   Indians' position under colonialism

2.3.5.1   Indians under the Boer Republics

While the Cape Colony and Natal were British colonies, the Zuid-Afrikaansche Republiek (in the former Transvaal area) and the Orange Free State were Boer Republics. The laws relating to the Indians in the Boer republics were draconian, and the Indians suffered great difficulties and hardships there (Adams, 2010). For example, on 11 September 1891, all Indians were deported from the Orange Free State.

The Transvaal Boers regarded everyone with a darker skin as inferior and therefore the Indians faced the same discrimination as Africans. Indians were placed in "Coolie Compounds" where conditions were unhygienic. They had to walk on the opposite side of the pavement if a white person approached them on a given side of the road. Indians were kept separate from whites; they could not travel first or second class on trains; they could not be out on the streets after 21:00, and they had to carry passes (Bhana, 2008).

2.3.5.2   Indians under British rule

Indians faced different political challenges in the British colonies (in the Cape of Good Hope and Natal) and the Boer Republics (the Transvaal and the Orange Free State). The British colony valued the contribution of Indians, so discrimination was due mainly to attempts to protect white traders' economic interests. The Boers, on the other hand, viewed Indians as racially inferior and felt that discrimination was justified to preserve Afrikaner religious and cultural values (Bhana, 2008).

Like the Africans and coloureds, Indians were not allowed to own land and vote under British rule. In 1885, the Asiatic Bazaar law was passed according to which minority groups such as Indians had to live in demarcated residential areas (Fiske & Ladd, 2004).

After 1880 many Indians settled in the Cape Colony and could vote and did not have to pay a tax. In 1897, Act No 1 stated that free immigration to the Cape Colony was not allowed, except under exceptional conditions. Act No 18 allowed local authorities the power to refuse licenses to Indians who wanted to trade as wholesalers or retailers. This was one way of restricting Indian trade. In April 1899, a proclamation in the name of the British government set apart streets, wards and locations for the use of Indian trade and residence in the Cape Colony and Transvaal (Fiske & Ladd, 2004).

The Immigration Act of 1906 prohibited Asian men over the age of 16 from entering the Cape and other parts of the country. The Asiatic Law Amendment Act (also known as the Transvaal Law Amendment Ordinance of 1906) was a British pass law aimed at Indian males. Every Indian male had to register himself, and failure to do so would lead to deportation. The law was repealed by the British government in the same year, after Indians lobbied against it, but it was re-enacted in 1908 (Adams, 2010)

After the unification of South Africa in 1910, in 1911, the importation of indentured labourers to Natal from India was stopped, due to the inhumane treatment of Indians. By 1920, the Indian population in Natal Province exceeded the white population and whites started feeling threatened by the ever-increasing Indian population (Bhana, 2008).

2.5.3.3 Ghandi and the passive resistance movement

Indians resorted to passive resistance to stand up against the British government under the leadership of Mahatma (Mohandas) Gandhi, who lived in southern Africa from 1893 to 1914 (Fiske & Ladd, 2004). Mahatma Gandhi was a barrister who arrived in South Africa from India in 1893 to deal with a case on a year's agreement. On his arrival, he found three types of Indians living in South Africa. The first were indentured labourers, the second were ex-indentured labourers and the third were passenger Indians (Du Toit, 1996). He did not return to India, as the plight of the Indians in South Africa caught his attention. He was especially upset with segregation in the Transvaal and Orange Free State, where Indians were barred from voting (Guest, 1996).

In 1893 Natal had its own government and the main anxiety was to rid the colony of free Indians. In order to do so, a tax of £25-00 was levied on every "free" Indian annually, but the sum was reduced to £3-00 by the British government. These laws were designed to disfranchise Indians who qualified to vote, to stop non-indentured Indian immigration to Natal and to restrict Indian trade (Guest, 1996). In 1885, the Transvaal Law No 3, which aimed at restricting where Indians could trade and reside, was enacted. Gandhi obtained 1 000 signatures in a petition against this piece of legislation, but it was not repealed (Du Toit, 1996).

During the Anglo-Boer war, Indians treated the wounded British soldiers. The war ended in 1902 and the Transvaal became a British colony. However, the British decided to maintain the ill-treatment meted out to Indians before the war, although Indians had provided their services to injured British soldiers.

Although Gandhi tried to meet with the British government to discuss the unfair treatment of Indians, he was rebuffed (Adams, 2010).

The British in the Transvaal also wanted Indians to register and their finger-prints to be used for identification purposes. Indians who were not in possession of registration certificates were not allowed trading licenses. In protest, 9 000 Indians refused to register, to carry registration certificates and produce them for inspection by the police. The Immigration Act of 1906 also restricted the immigration of Indians who could not read or write in a European language to Natal. Eventually, 2 200 Indians marched from Transvaal to cross the border into Natal (Adams, 2010).

The Asiatic Law Amendment Act of 1906 stated that Indians could reside in South Africa for a prescribed period only, and Indians had to register themselves and their children over the age of eight. Failure to do so would result in a £100-00 fine or three months' imprisonment (Harris, 1996). Indians under the leadership of Gandhi embarked on passive resistance to protest against the requirement to carry permits (Schwartz, 2009). In addition to these restrictions, Indians had to obtain the permission of the Colonial Minister to purchase a license to carry arms which was enforced by the Transvaal Arms and Ammunition Act, No 10 of 1907. Separate schools for whites and non-whites were established. Free and compulsory education applied only to white children, and not to Indians (Adams, 2010).

2.3.5.4   Indians in the Union of South Africa

In 1910 Britain ceded power to the Afrikaners, which resulted in the Union of South Africa on 31 May 1910. Indians living in the Union of South Africa did not have the franchise, although 13 per cent of coloured males and 2.25 per cent of African males were allowed to vote in the Cape Province. Although Indians did not have the franchise like the coloureds in the Cape, they did enjoy preferential treatment compared to Africans (Henrard, 2002). Africans did not have a franchise in any of the other provinces. Non-whites (including

Indians) were excluded from becoming Members of Parliament, although a few senators were appointed to deal with African views, thus leading to their subordination (Ross, 2008). The colour-bar and anti-Asiatic laws remained. Traditional marriages were not legalised (Adams, 2010).

In 1914, negotiations between Gandhi and Smuts (also known as the Smuts-Gandhi Agreement of 1914) resulted in the Indian Relief Act of 1914. Some of the concessions by General Smuts were, for example, the abolition of the £3-00 tax and the recognition of Indian marriages. Indians were given temporary permits to travel freely between the four provinces. However, Indians settling in the Cape Province had to take a dictation test and Indians were still not allowed to settle in the Orange Free State. Indentured labourers were freed after they had completed their period of service. The Immigration of married women and children was allowed (Du Toit, 1996).

The era between 1910 and 1948 was a time when segregation was deeply entrenched and practised by the South African government. Afrikaners were deeply concerned that the State should maintain white purity and supremacy. They wanted the races to be completely separate and even the Afrikaner churches promulgated the idea of racial separation (Thompson, 1990).

This brief overview of the history reveals that non-whites faced racism and discrimination throughout South Africa's history, from colonialism to the present, and this policy was even more firmly entrenched during apartheid through legislation (Fiske & Ladd, 2004). Indians had limited political rights during colonialism. The apartheid era, which I discuss next, rendered them completely powerless (Dolby, 2001; Hammond, Clayton, & Arnold, 2009).

2.4 STATUS OF INDIANS UNDER APARTHEID

In 1948, the Nationalist Party won the elections under the slogan of apartheid (meaning "separateness"), which gave birth to a system which was to cause countless tragedies in South Africa for the next 46 years. According to Fiske

and Ladd (2004), apartheid was a social and political philosophy that was built on four principles. Firstly, the four races of South Africa, each with its own culture, language, history and social traditions, should live and develop separately. Secondly, since white people were regarded as the custodians of civilization, it was their duty to lead other races to civilization. Thirdly, in order to perform this role, whites needed to have their privileges protected.

Apartheid was an official policy of racial segregation and control over land. People were classified according to one of four different race groups (namely, white, African, coloured or Indian). People were sometimes classified after being physically examined. Parents and children would be classified differently and were even forced to live separately (Barbarin & Richter, 2001). This separation became a decisive part of every aspect of their lives (Moosa, 1996) and was entrenched by political, economic and social boundaries which were enforced through legislation (Ramsay, 2007).

A true understanding of the subordination faced by the Indian society at large cannot be fully comprehended without examining the legislation that marginalized a proud group and held it in captivity. During the apartheid period, Indians were subjugated in various ways through legislation. However, since the apartheid government regarded Indians as a buffer against Africans, they were given certain privileges (Radhakrishnan, 2005). According to Davis (2001), during times of struggle, whites, who were the dominant group, used Indians as a buffer group to protect themselves from the hostility of African lower-status groups.

Colonialism relegated Indian women to subordinate positions and their minority status was exacerbated during apartheid. Indian women faced double discrimination due to the apartheid system, namely gender and race discrimination. Thus, they were given low status because they belonged to an "inferior" race, and this was compounded by the second class status ascribed to women in apartheid South Africa (Baden, Hasim, & Meintjes, 1998; Andrews, 2001).

While the aim of the current study is not to expound on all forms of subjugation, the discussion that follows elaborates on the status of Indians during the apartheid era, focusing on the main pieces of legislation which I believe are pivotal to the current study.

2.4.1 Population Registration Act of 1950

The manner in which privileges for whites and subordination of Indians in South African society was maintained is clear when one analyses the various pieces of legislation imposed on non-whites. A demeaning piece of legislation, namely the Race Classification Act, also known as the Population Registration Act of 1950, divided the South African population into four racial groups (that is, white, Indian, coloured and African) in the country, whereafter race stratification occurred in terms of economic, political and social privilege, with whites at the top of the hierarchy and Africans at the bottom and Indians between these two races (Duncan, 2003).

2.4.2 Mixed Marriages Act of 1949

The Mixed Marriages Act of 1949 and the Immorality Act ensured that people of different races did not unite. This led to great suffering as family members could be classified into different race groups and some families were separated for generations (Ross, 2008).

2.4.3 Group Areas Act

One of the main reasons for urban segregation related to the "sanitation syndrome", where whites associated black presence with filth, illness and crime (Maylam, 1995). Africans, Indians and coloureds were therefore moved into their own areas so that whites did not have to live near the slums of non-white people and poor white people could be kept away from poor black people. Residential segregation was legislated with the introduction of the Group Areas Act of 1950, which stipulated that Indians should reside in racially demarcated areas (Hart, 2002) and in this way ensured that people

mainly formed relationships with members of their own racial groups (Fiske & Ladd, 2004). So, for example, the Indian women managers in my study all grew up in segregated townships.

Apartheid had such a profound effect on the psyche of the various races relating to developing a sense of apartness that democracy and freedom are unable to eradicate these effects even today. Racial distance is captured by Posel's (2001, pp. 59-60) study, which reflects the sense of apartness experienced amongst the various race groups in South Africa, where even in 2001,

> …56 percent of Africans, 33.4 percent of whites, 26.6 percent of Coloureds and 41.6 percent of Indians perceived people of other races to be 'untrustworthy'. 52.7 percent of Africans found it 'hard to imagine ever being friends' with people of other races, along with 18.5 percent of whites, 12.8 percent of coloureds and 19.2 percent of Indians. 46.8 percent of Africans said that they felt 'uncomfortable around people of other races', as did 34.7 percent of whites, 24.3 percent of coloureds and 36.7 percent of Indians.

2.4.4 Aliens Control Act

There were limitations on the movements of Indians within South Africa as well. The Aliens Control Act, No 40 of 1973, allowed Indians to travel between provinces without a permit (Kok, O' Donovan, Bouare, & Van Zyl, 2003). However, in terms of provincial legislation, they were not allowed to stay in the Orange Free State and parts of Northern Natal, and could only stop for a brief period after obtaining permission from the provincial authorities (Kok et al., 2003).

2.4.5 The Reservation of Separate Amenities Act

The Reservation of Separate Amenities Act, No 49 of 1953, ensured that public amenities such as public transport, beaches, parks, public toilets and

public buildings were separate for the different races (Dolby, 2001). Restricting Indians and denying them the use of shared public amenities reduced the chances of building a common national culture, identity and value system (Lalloo, 1998) and legalized discrimination by advancing a white hegemony (Maile, 2004).

2.4.6 The Indian Education Act

Education was one way in which the government ensured that disparities and division between the races were maintained (Dolby, 2001), as schools were administered by different education departments (Cushner, 1998). The Indian Education Act, No 47 of 1963, resulted in the education of Indian pupils being placed under the Department of Indian Affairs (Keim, 2003).

Classroom education was inferior and so were extracurricular activities, such as sport and cultural activities (Kallaway, 2002; Keim, 2003). Funding and resources were inadequate (Cushner, 1998; McKay & Chick, 2001). Indian girls and boys were steered into different curricula, where males were instructed in trade and females in domestic duties (Jain, Sloane, & Horwitz, 2003; Martineau, 1997). These trends began to change in the 1980s when more black women started pursuing non-traditional careers (Msimang, 2001).

The different departments were provided with separate school curricula for the four different races, which resulted in Indian pupils' internalizing the inferiority of their race (Keim, 2003). One method the apartheid government used to impose fixed ideas and thoughts was the notion of "education as banking", where teachers provided information that was from an oppressive historical ideology on passive, oppressed recipients (Torres, Howard-Hamilton, & Cooper, 2003). The idea was to indoctrinate Indian pupils with notions of white superiority and their own inferiority. In order to achieve this, the apartheid State ensured that teachers complied with the prescribed syllabus through regular individual teacher inspections, a rigid syllabus outlining content, objectives and methods of teaching, internal and external forms of control

(Jansen, 2001). This was one of the reasons for the majority of Indians internalising racism and coming to believe that whites were intellectually "superior" (Duncan, 2003).

Indentured Indians regarded education as an opportunity for their economic betterment and occupational mobility, and the trading class Indians were forced to seek education because apartheid laws placed restrictions on acquiring trading licenses. Indians acquired education through self-help and community initiatives (Jain, 1999). However, Indians placed more emphasis on educating sons than daughters as sons were expected to take care of parents in their old age. Martineau (1997) contends that by 1960 the total number of illiterate Indian females was 61.5 per cent of Indian women. This number had dropped to 10.4 per cent in 1985 as more Indian parents were sending their daughters to school during the apartheid era although they received an inferior level of education and had to contend with inferior resources. Disparities in the education system however had a negative impact on Indian females' level of schooling even after the demise of apartheid. Perry and Arends (2003) posit that in 2001, seven per cent of Indian females had no education at all, due to the past inequities relating to access to education for Indians during apartheid. Contemporary data in the post-apartheid era reveals that the number of Indian girls completing schooling has equalled that of boys and in some cases the female component was even higher (Singh, 2005). This is in contrast to the 1928 figures, when very few Indian girls were attending school (Singh, 2005).

2.4.7 The Extension of University Education Act

Apartheid led to the formation of racially separate and unequal universities. In 1959, the Extension of University Education Act, No 45 of 1959, required Indian students to obtain a permit from the Minister of Education when they wanted to attend tertiary institutions with tuition in English such as the University of Cape Town and the University of the Witwatersrand

(Mamphiswana & Noyoo, 2000). This Act was repealed in 1988 in the Tertiary Education Act, No 66 (Mamphiswana & Noyoo, 2000).

In 1986, the number of black (African, coloured and Indian) students in universities was 84 136, compared to white university students who numbered 149 449, although the total white population was five million and the black population was 32 million. In 1986, the total number of Indian women enrolled at universities in South Africa totalled 7 997 compared to 60 879 white females, 88 570 white males and 10 353 Indian males (Harker et al., 1991).

2.4.8   Job Reservation Act

White economic interests were safeguarded through the Job Reservation Act. The Job Reservation Act was initiated before 1948 and protected higher paid white wage earners from being replaced by lower paid black workers (Nkomo, Mkwanazi-Twala, & Carrim, 1995).

Mathur-Helm (2005) mentions that during the apartheid era, not only racial but also gender discrimination were enforced through discriminatory legislation which resulted in job reservation and preferential treatment, thus leading to triple discrimination of Indian women in terms of race, class and gender (Maharaj & Maharaj, 2004). Women also entered the workplace under different conditions, with different levels of education and job training, and were integrated into the labour market at different levels (Naidoo & Kongolo, 2004). White women still had access to better paid, higher status jobs (Ginwala, 1977), such as administrative positions, teaching and nursing, and had other advantages (Vahed, 2008). Indian, coloured and African women tended to be concentrated more in lower-paid, menial jobs, such as unskilled factory positions (Mathur-Helm, 2005) and they were denied the same educational opportunities as white women (Nattrass & Seekings, 1997).

Women were not considered for managerial positions in the past, because they were regarded as being too emotional and as not fit to handle

responsibilities. There was no legislation to protect women from discriminatory practices such as unequal salaries for equal work, and black South African women's aspirations and opportunities were limited because employers could dismiss pregnant women (Msimang, 2001). However, due to skills shortages experienced during the 1960s, South Africa embarked on a number of disorganised reforms regarding job segregation during the 1970s and 1980s (Giliomee, 1995).

2.4.9 The demise of apartheid

The cracks in the apartheid system had already started appearing by the end of the 1970s. Maintaining a state of apartheid was economically, politically and socially unsustainable. Opposition to apartheid was greatly felt through international sanctions and black resistance. By the mid-1980s, many Indians could use white amenities such as public libraries, swimming pools and bus services (Simon, 1989) – the tight laws of apartheid had weakened a little in some respects.

Nevertheless, the apartheid regime continued to be brutally imposed on all who rebelled against its enactment. Young activists, especially those who were part of the ANC and who opposed the apartheid government, were subjected to severe torture during the 1980s (Wilson, 2000). Apartheid was a system which reduced freedom of expression and movement, and it led to feelings of powerlessness, discouragement and despair among Indians, like other disadvantaged groups, who were not in control of their social, political and economic situation (Kagee & Price, 1995).

The first democratic elections in 1994 brought an end to one of the most oppressive systems in modern history, namely, the apartheid era, but vestiges of its legacy for Indians are still visible today, for example, in that the majority of Indians still live in Indian townships. There is still minimal social interaction between races, as was apparent from the interviews I conducted with the Indian women managers who participated in the study.

While blacks have gained political power, economic power still belongs to whites (Booysen, 2007). Race and gender hierarchy still exists in the workplace, where white males tend to continue to dominate top and senior managerial positions, particularly in the private sector. The hierarchy of races established under apartheid that resulted in a relatively "higher" status being granted to Indians compared to Africans in a discriminatory system also continues to create tension about how redress should be achieved in the new South Africa.

The end of apartheid has ushered in the post-apartheid era, which I discuss in the next section.

2.5   THE POST-APARTHEID STATUS OF INDIANS

2.5.1   Constitution of South Africa, Act 108 of 1996

South Africa has undergone a major political change, in that the apartheid regime was replaced by a new democratic order (Özler, 2007). In order to develop an interim constitution, many negotiation rounds took place, starting with the Convention for a Democratic South Africa (CODESA) I and II and thereafter the Multi-Party Negotiation Process (MPNP). An interim constitution was drafted and used for the period after the 1994 elections (Henrard, 2002) until the final constitution (South Africa, 1996b) was promulgated in 1996.

In the post-apartheid era, many pieces of legislation have been promulgated to redress the unfair treatment meted out to blacks (including Indians), but I only elaborate on legislation relevant to the current study to describe how new legislation has led to more equitable treatment of blacks (one group being Indians).

The central piece of legislation promulgated by the democratic government is the *Constitution of South Africa, Act 108 of 1996*, which redresses the imbalances of the past and has ended labour market discrimination relating to Indians, as well as to other previously disadvantaged groups. The new

government is focusing its attention on changing the laws of the country so that they are in line with the new Constitution of 1996 (Msimang, 2001).

2.5.1.1 The equality principle

The equality principle used in the Constitution deals with substantive equality and focuses on differences in circumstances. It therefore allows for the use of remedial measures to redress individual and group disadvantages created by apartheid (Henrard, 2002). Hence, legislation such as the Employment Equity Act of 1998 (South Africa, 1998a), which has an impact on redressing imbalances in employment, was readily agreed to. Numerous pieces of legislation have been promulgated in advancing the careers of blacks (including Indians) and women in South Africa and I address these as well.

2.5.1.2 Bill of Rights

The Constitution of South Africa of 1996 contains a Bill of Rights (Chapter 2 of the Constitution) which entrenches for basic human rights. The Constitution provides social equality for Indians (like black Africans and coloureds), which includes the right to vote, freedom of speech, property rights and access to education and health care. Unlike in the apartheid era, Indians under the new democratic government may not be discriminated against on the grounds of their race, religion, class, ethnicity or language (South Africa, 1996b).

2.5.1.3 Unfair discrimination

Section 9 of the Constitution states that the government may not discriminate unfairly against anyone:

> Section 9(1) of the Constitution of the Republic of South Africa (Act No 108 of 1996) states that all are equal before the law and have the right to equal protection and benefit of the law. Section 9(2) provides steps that may be taken to protect or advance persons or categories of persons disadvantaged by unfair

discrimination. Sections 9(3) and 9(4) put forth that neither the state nor any other person may unfairly discriminate directly or indirectly against anyone on various stipulated grounds such as race, gender, sex, age, disability, culture and so forth.

Section 9(5) of the Constitution states that differential treatment on one or more of the listed grounds mentioned above is unfair unless it is established that such discrimination is fair (Desai & Vahed, 2010, p. 5).

However, the government is allowed to discriminate fairly in enacting the Black Economic Empowerment (BEE) programme, the aim of which is to redress past inequalities of the apartheid government and to provide opportunities to Indian, African and coloured citizens of South Africa who were previously economically disadvantaged. Some of the measures used by Black Economic Empowerment in organisations are, for example, Employment Equity and skills development (South Africa, 1996b).

Section 16(2)(c) of the Constitution also prohibits hate speech relating to religion, race, gender or ethnicity. In this way, Indians are safeguarded from being at the receiving end of racial insults (South Africa, 1996b).

2.5.1.4   Freedom to choose a profession

Section 22 of the Constitution allows for people to choose their trade, profession and occupation (South Africa, 1996b). These days, Indians are free to choose their careers, unlike in the apartheid days, when Indians could only work in certain professions. For example, professions such as human resources management were reserved for whites only.

2.5.1.5   Religious and cultural freedom

Because the new democratic government wants a non-racial society and does not want to infringe on the rights of minority groups such as the Indians, section 30 of the Constitution states that everyone is allowed to speak his or

her own language and to practise his or her own cultural rites. Section 31 also allows for people from a particular cultural and religious group, such as Indians, to practise their culture, religion, language and to join and maintain cultural and religious associations (South Africa, 1996b).

Although South Africa has been lauded for having the best constitution in the world, the previously disadvantaged groups are all not satisfied with democracy. Hamel, Brodie and Morin (2006) conducted a national survey in 2003 and discovered that, compared to coloured and Africans, Indians and whites felt that the situation in the country was better during apartheid. The South African Social Attitudes Survey (SASAS) conducted by the Human Sciences Research Council (HSRC) in 2003 also indicates that only 34 per cent of South African Indians were satisfied with democracy, while 45 per cent were dissatisfied. This gloomy picture could be due to the fact that Indians might feel that, while their rights have improved, their material circumstances have not (Daniel, Southall, & Dippenaar, 2006). In addition, although 30 per cent of Indians felt that South Africa was making progress, 67 per cent felt that it has not (Daniel et al., 2006). The survey also indicated that 28 per cent of Indians believed life for them had improved since the 1994 elections, while 48 per cent felt it had deteriorated. However, the survey revealed that 44 per cent of Indians felt that for them life would improve in the next five years, while 32 per cent felt that it would not (Daniel et al., 2006). These statistics reveal the lack of confidence Indians have regarding their overall position in post-apartheid South Africa.

The above-mentioned points from the Constitution have a direct impact on Indians as a minority group, and on women. The Employment Equity legislation which I discuss next also affects Indians as a previously disadvantaged group. Since the focus of the current study is on the career advancements of Indian women managers, this piece of legislation has a direct impact on them as well. Therefore, after discussing the impact of the Employment Equity legislation, I focus on the extent to which it has made a difference in the upward mobility of Indian women.

2.5.2 The Employment Equity Act and its implications for Indians

2.5.2.1 Background to the Employment Equity Act

Prior to 1994, racial and gender discrimination in South Africa caused resentment and major inequalities affecting the previously disadvantaged individuals in the labour market (Greeff & Nel, 2003). The Employment Equity Act (EEA) was therefore passed by Parliament in 1998 to address the imbalances of work opportunities for blacks (which included coloureds, black Africans and Indians), women and persons with disabilities in the workplace (Jain, 2002; Jain et al., 2003; Naidoo & Kongolo, 2004; Thomas, 2002; Valodia, 2000).

Chapter 2(6) (1) of the Employment Equity Act declares that

> …no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.

The Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000 (South Africa, 2000) goes hand in hand with the Employment Equity Act. The Promotion of Equality and Prevention of Unfair Discrimination Act prevents unfair discrimination and harassment and promotes equality (Ocholla, 2002). The aim of the Act is to ensure that people from designated groups, such as Indians and women, are represented at all occupational levels. The Department of Labour has therefore ensured that it collects data on the economically active population in terms of race, gender and disability. The enthusiasm with which Employment Equity has been implemented in organisations has diminished and many organisations have not reached their targets in placing suitably qualified blacks such as Indians in managerial positions, as white males still dominate these posts. Also, of all previously

disadvantaged groups such as Indians and women, white women are making the most strides in being appointed into professional and managerial positions (Moleke, 2003).

2.5.2.2   Indian community fears

While the post-apartheid South African government has promulgated legislation to redress the imbalances of the past, the stories that emerge from Indian South Africans paint another picture. While many Indian South Africans were involved in the political struggle against apartheid, many Indians also feared the changes a black government would bring in their lives. In the first elections of 1994, ironically, the majority of Indians voted against President Mandela and instead voted for the National Party, which had been responsible for the ills of apartheid (Desai, 1996).

Radhakrishnan (2005) found in a study of Indians in post-apartheid South Africa that most believed that, while the democratic government did not isolate whites as a minority group, such efforts were not taken with Indians. According to Desai (2002), the poorest of Indians these days have to struggle for basic amenities such as water, electricity and housing, which was not the case under the previous regime. Radhakrishnan (2005) points out that, Indian political activists ascribe the deterioration in basic services due to the State's experiencing a constriction on its resources. Her study also reveals that professional Indians are unable to find jobs due to employment equity targets that need to be met, and that many are emigrating to Australia, New Zealand and Canada.

The Employment Equity Act has also opened up debates around claims that Indians had been privileged during the apartheid era and should therefore not be regarded as previously disadvantaged (Leonard & Grobler, 2006). In the apartheid era, more jobs were available for Indians in South Africa than to black Africans. With the introduction of the Employment Equity policy, many jobs in areas such as Kwazulu-Natal, in clothing factories, banks and

municipalities, have been taken by black Africans in order for employers to achieve employment equity quotas. This has led to many of the Indian poorer class feeling that employment equity is not working for them (Desai & Vahed, 2010).

Van Zyl and Roodt (2003) suggest that employment equity is a long-term programme to ensure that all employees have a fair chance in the workplace. However, the Indian community is not satisfied with the manner in which employment equity measures are being implemented in organisations. Indians were in-betweeners during apartheid. They were not "white" enough to enjoy the privileges, but were in a better position than most black Africans. In the post-apartheid period, they feel they are not "black" enough, as employment equity legislation is not used in the correct manner in organisations and they are therefore marginalised and sidelined when applying for jobs. While Indians are not against the principles of the Employment Equity Act, they protest against how the Act is implemented and feel left out although they are meant to be targeted as a group that should benefit from this policy (Henrard, 2002).

Indians also fear becoming victims of white manipulation, being victimised, being regarded as tokens and being marginalised when they are appointed on the basis of their employment equity status. The majority of Indian professionals do not want to be viewed as being appointed due to their employment equity status, but believe they should be promoted on merit (De Beer & Radley, 2000).

2.5.2.3   Indian representation in professions

The discussion above paints a bleak picture for Indian South Africans, but many Indian professionals are making considerable strides in South African organisations. For example, when the ANC took the reigns of power in 1994, there were only 10 black directors and fewer than 90 black chartered accountants compared to 16 000 white chartered accountants. Statistics indicate there has been a steady increase in black accountants from 2002 to 2010:

• African chartered accountants have increased from 301 in 2002 to 1 738 in 2010,

• coloured chartered accountants have increased from 208 in 2002 to 764 in 2010,

• Indian chartered accountants have increased from 986 to 2 701, and

• white charted accountants have increased from 18 998 in 2002 to 25 957 in 2010 (South African Transformation Monitor, 2010).

The Department of Labour's Commission for Employment Equity (CEE) statistics for 2010/2011 indicate that Indian males are found in all 11 private industry sectors in South Africa. However, the highest concentration of professional Indian males is found in manufacturing (8.5 per cent of the workforce), followed by wholesale trade, commercial agents and allied services (7.2 per cent of the workforce) and thereafter in finance/business services (6.6 per cent). The highest concentration of skilled Indian males is found in manufacturing (8.2 per cent of the workforce), followed by wholesale trade, commercial agents and allied services (5.3 per cent of the workforce) and thereafter electricity, gas and water (2.7 per cent of the workforce). These figures are however lower than for males from all other race groups, although at the professional level they are higher than the figures for coloured males (Department of Labour, 2011).

The Department of Labour's Commission for Employment Equity statistics for 2010/2011 reveal that 5.4 per cent of all professional males recruited in corporate South Africa were Indians, compared to 5.0 per cent coloureds, 16.8 per cent Africans and 30.9 per cent whites. The Department of Labour's Commission for Employment Equity statistics for 2010/2011 also reveal that 5.0 per cent of professional males promoted in corporate South Africa were Indians, compared to 9.6 per cent coloureds, 19.2 per cent Africans and 20.9 per cent whites (Department of Labour, 2011). The Department of Labour's Commission for Employment Equity statistics for 2010/2011 reveal that 3.4 per cent skilled males recruited in corporate South Africa were Indians, compared to 7.9 per cent coloureds, 25.7 per cent Africans and 19.0 per cent whites.

The Commission for Employment Equity statistics for 2011 also revealed that of the skilled males promoted in corporate South Africa, 3.1 per cent were skilled Indians, compared to 9.7 per cent coloureds, 30.6 per cent Africans and 9.8 per cent white males (Department of Labour, 2011). The Department of Labour Commission for Employment Equity statistics for 2010/2011 therefore reveals that Indian males are the least recruited and promoted in corporate South Africa, compared to members of the other race groups.

While Indians may not be satisfied with the manner in which employment equity legislation is applied in organisations, another marginalised group, namely women, also experience difficulties in moving up the corporate ladder. Below, I discuss employment equity policy redressing women's advancement in organisations, as well as other pieces of legislation implemented in advancing women's careers in South African organisations.

2.5.3   Gender equality in post-apartheid South Africa

One of the aims of the Employment Equity Act is that it provides opportunities to women because they were previously disadvantaged. Naidoo and Kongolo (2004) assert that one of the main objectives of the Employment Equity Act

(South Africa, 1998a) was to empower, uplift and break the glass ceiling that has prevented black women from advancing to managerial positions which had previously always been reserved for white males. Organisations in South Africa are legally bound to employ, train and promote women. There are some organisations that give preferential treatment to women in terms of promotion when they are equally qualified to their male counterparts. Leck (2002) asserts, firstly, that employment equity increases the presence of women in non-traditional posts. Secondly, employment equity tends to favour women when organisations downsize, as the Act requires a certain percentage of women to be part of an organisation.

In order to enforce the Employment Equity Act, the Department of Labour expects organisations to report on progress made in achieving their equity targets. The first reports were submitted in October 2000. The Department of Labour announced there had been no significant improvement in the representation of designated employees since the baseline figures of 1998 (Walbrugh & Roodt, 2003). This implied that organisations did not adhere to the Employment Equity Act.

Mathur-Helm (2005) argues that there are a number of serious barriers to the implementation of the Employment Equity Act. One of the main reasons is that South African organisations are not women-friendly, as discrimination on the basis of race and gender still exists as a result of past history. Many South African organisations are still grappling with whether they should promote according to race or gender. It seems greater attention has been paid to racial than gender equity (Nkomo, forthcoming). Moreover, affirmative action and employment equity cannot guarantee women a place in management in South Africa.

2.5.3.1   Statistics of Indian women in industry

South African Indians constitute 2.6 percent of the total South African population with Indian women constituting 1.3 percent of Indians (Diesel,

2003). According to the Business Women's Association of South Africa's Women in Leadership Census for 2011, government departments have more women than men, except with regard to Indian women, where the percentage is lower than Indian males (BWASA, 2011). The statistics in government departments relating to the female:male ratios in the four race groups revealed ratios of 58.6 per cent white females to 41.4 per cent white males, 56.3 per cent coloured females to 43.7 per cent coloured males, 56.3 per cent African females to 43.7 per cent African males and 49.4 per cent Indian females to 50.6 per cent Indian males.

The Business Women's Association of South African Women in Leadership Census for 2011 revealed that there had been little change in the representation of women from the different race groups in government departments. The figures for Indian women in government departments in 2008, 2009, 2010 and 2011 were 1.6, 1.5, 1.5 and 1.5 per cent of the total number of female employees respectively. These figures are even lower than those of coloured women, which remained steady at 5.1 per cent from 2008 to 2011. At managerial levels, Indian women have the lowest representation compared to the representation of the other race groups in terms of salary levels. However, statistics reveal that the number of Indian women in managerial levels in government departments has dropped from 8.6 percent to 7.5 per cent. Overall, government has not been able to increase the representation of women from all race groups in managerial positions (BWASA, 2011).

The Commission for Employment Equity statistics for the 11 private industry sectors for 2011 reveal that skilled Indian women are represented in all sectors. The highest concentration of professional Indian women is in finance/business services (5.7 per cent of the workforce), followed by wholesale trade/commercial agents/allied services (3.5 per cent of the workforce) and thereafter catering, accommodation and other trade (3.5 per cent of the workforce) (Department of Labour, 2011). Besides the finance/business services, where coloured women are the least represented,

Indian women have the lowest percentages in the other two sectors, namely wholesale trade/commercial agents/allied services and catering, accommodation and other trade.

The highest concentration of skilled Indian women is in the wholesale trade/commercial agents/allied services (4.2 per cent of the workforce), followed by catering, accommodation and other trade (2.9 per cent of the workforce), and thereafter manufacturing (2.5 per cent) (Department of Labour, 2011). In terms of these sectors where skilled Indian women have the highest representation, they still have the lowest percentage representation compared to women from other race groups. Moreover, their advancement into managerial levels is very slow in these sectors (Department of Labour, 2011).

The Commission for Employment Equity statistics for 2011 for all organisations reveal that of the professional women recruited, 3.9 per cent were professional Indian women compared to 3.7 per cent coloured, 18.9 per cent white and 12.2 per cent African women. The Commission for Employment Equity statistics for 2011 for all organisations reveal that of the women promoted, 4.1 per cent were professional Indian women compared to 7.3 per cent coloured, 15.3 per cent African and 16.9 per cent white women. These statistics show that the percentage of professional Indian women promoted is the lowest for women from all race groups in South African organisations (Department of Labour, 2011).

The Commission for Employment Equity statistics for 2011 for all organisations reveal that of the skilled women recuited, 2.8 per cent were skilled Indian women, as compared to 7.1 per cent coloured, 13.8 per cent white and 18.1 per cent African women. The Commission for Employment Equity statistics for 2011 for all organisations reveal that of the skilled women promoted, 2.6 per cent were skilled Indian women, compared to 11.6 per cent coloured, 21.8 per cent African and 10.1 per cent white women. These statistics reveal that the percentage of skilled Indian women recruited and

promoted was the lowest for women from all race groups in South African organisations (Department of Labour, 2011).

The above-mentioned statistics reveal that legislation in South Africa favours minority groups such as Indians and women, but when organisations do not implement the legislation correctly, these groups remain poorly represented.

Aside from general employment equity legislation, the South African government has taken strides to try to achieve gender equity through the legislation which I discuss below.

2.5.3.2   *Gender equality and legislation*

With the release of political prisoners in 1992, a Women's National Coalition was formed to ensure women's equality in the new democracy (Meintjies, 1996). It is only recently that attention has been paid to the challenges women in management positions face in the South African workplace. A variety of documents illustrate this point, such as South Africa's focus on how gender equality will be achieved in South Africa and the signing of a number of UN conventions on women.

Since 1994, the Women's National Coalition and the government worked hand-in-hand to abolish all forms of discrimination against women, to promote equality and to prevent domestic violence through the passing of the National Policy Framework for Women's Empowerment and Gender Equality (1995), Domestic Violence and the Maintenance Act No. 116 of 1998 (South Africa, 1998c) and Promotion of Equality and Prevention of Unfair Discrimination Act No. 136 of 2000 (South Africa, 2000). To set an example to organisations, the South African government has ensured that women are represented in Parliament. At the Sixth African Development Forum held in Addis Ababa in November 2008, South Africa had the third highest representation (32.8 per cent) of women in Parliament on the African continent after Rwanda and

Mozambique. This stems from the government's commitment to include women as members of a previously disadvantaged group (Msimang, 2001).

Other forums and legislation to promote the interest of women is the Women's Charter for Effective Equality (1994), the Constitution of the Republic of South Africa (1996b), the Reconstruction and Development Programme (South Africa, 1994), the National Report of the Status of Women in South Africa prepared for the World Conference on Women held in Beijing in 1995 (Ertürk, 2004) and South African Women on the Road to Development, Equality and Peace – Beijing Conference Plan of Action of 1995 (Mathur-Helm, 2005).

The concept "gender mainstreaming" was extensively used during the Beijing Conference on Women in 1995. In the last few years, it has been embraced in many policy documents, including national strategy plans on the Beijing Platform for Action. Gender mainstreaming deals with both the incorporation of women into existing systems as active participants and changes to existing systems to decrease gender inequalities stemming from women's disadvantaged positions in societies (Tiessen, 2004).

Figure 2.1 is the preamble to *The Women's Charter for Effective Equality* (1994) in South Africa. The Charter outlines the vision and desires relating to human rights, dignity and the desire for better material conditions for South African women.

Figure 2.1: Preamble to The Women's Charter for Effective Equality

We, women of South Africa, claim our rights. We claim full and equal participation in the creation of a non-sexist, non-racist, democratic society.

As women we have come together in a coalition of organisations to engage in a campaign that enabled women to draw on their diverse experiences and define what changes are required within the new political, legal, social and economic system.

South Africa is the poorer politically, economically and socially for having prevented half of its people from fully contributing to its development.

Women's subordination and oppression has taken many forms under patriarchy, custom and tradition, colonialism, racism and apartheid.

We recognize the diversity of our experiences and recognize also the commonalities of our subordination as women.

We are committed to seizing this historic moment to achieve effective equality in South Africa. The development of the potential of all our people, women and men, will enrich and benefit the whole of society.

Women have achieved success and made invaluable contributions to society despite widespread discrimination.

We claim recognition and respect for the work that we do in the home, in the workplace and the community. We claim shared responsibilities and decision-making in all areas of public and private life.

Democracy and human rights, if they are to be meaningful to women, must address our historic subordination and oppression. For women to participate in, and shape the nature and form of our democracy, the concepts of both human rights and democracy must be redefined and interpreted in ways which encompass women's diverse experiences.

We require society to be reorganized and its institutions to be restructured to take cognizance of all women. In particular women should have full opportunity and access to leadership positions and decision-making at all levels and in all sectors of society. Affirmative action could be one means of achieving this.

We hereby set out a programme for equality in all spheres of public and private life, including the law and administration of justice; the economy; education and training; development infrastructure and the environment; social services; political and civic life; family life and partnerships; custom, culture and religion; violence against women; health; and the media.

Source: *The Women's Charter for Effective Equality* (1994, p. 1)

Following the Fourth World Conference in Beijing, South Africa has embarked on a programme of a "National Machinery for Women" to evaluate and monitor gender equality. In addition, a network of structures aimed at taking forward women's emancipation and empowerment both within and external to government has emerged.

The Women's Budget Initiative (WBI) focuses on how national and provincial budgets can advantage or empower women and gender equality (Flood, Hoosain, & Primo, 1997). At the Sixth African Development Forum held in Addis Ababa in November 2008, South Africa was one of the countries that had narrowed its gender gap relating to women's access to economic structures and policies through its Women's Budget Initiative. The national, provincial and local budgets are assessed from a gender perspective.

While all these policies and reforms are designed for the benefit of all South African women, white females benefit most from these policies as they are still in the majority in management positions compared to black women. The New Constitution has established a Commission for Gender Equality whose purpose is to promote respect for gender equality and the protection, development and attainment of gender equality (Msimang, 2001). The Commission on Gender Equality Act, No 39 of 1996 (South Africa, 1996a) focuses on the principles that organisations should include relating to achieving gender equality. The Commission for Gender Equality has compiled a strategic five-year plan (2008-2013) for achieving gender equality and enhancing the economic, social and political status of all South African women (Commission for Gender Equality, 2008). In 1996, the South African government consented to the international Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1995) by passing the Gender Policy Framework (GPF) (Mathur-Helm, 2005). The GPF's main aim, according to Mathur-Helm (2005), was to integrate gender policies by ensuring that

• women's rights are perceived as human rights,

- they have equality as active citizens,

- their economic empowerment is promoted,

- their social upliftment is given priority,

- they are included in decision-making,

- they are beneficiaries in political, economic, social and cultural areas, and

- Affirmative Action programmes targeting women are implemented.

The GPF guides the process of developing laws, policies, procedures and practices that will function to ensure equal rights and opportunities for women in South Africa in all spheres of government, and in private and public sector jobs (Mathur-Helm, 2005).

Not only are the rights of minority communities such as Indians protected by the Constitution, but the principle of gender equality is enshrined in the new Constitution, which states South Africa is founded on the principles of "non-racialism and non-sexism", and the Bill of Rights guarantees freedom from discrimination on the grounds of sex and gender. Fester (2004) mentions that the Bill of Rights (Chapter 2 of the Constitution) addresses the position of women in the following manner:

- Everyone is equal before the law and has the right to equal protection and benefit of the law.

- Equality includes the full and equal enjoyment of all rights and freedoms. To promote achievement and equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.

Mathur-Helm (2005) states that, according to the Commission on Gender Equality (South Africa, 1996a), women comprise the largest segment of the South African population. Yet they account only for a third of the labour force and occupy only a few senior and top management positions. The

Commission for Employment Equity has also had discussions with representatives from the Commission of Gender Equality and Labour to discuss the general improvements of women's life condition and to increase their representation at all levels in organisations, especially from middle to top managerial positions (Department of Labour, 2010).

2.6 CONCLUSION

This study employed a life story approach. Scholars have noted that it is not possible to use such an approach fully without the incorporation of historical events and the socio-cultural context shaping the life stories of women's lives and careers. My inclusion of this rather detailed history is in keeping with Erikson's observation that "human life is inextricably interwoven with history" (Erikson, 1975, p. 20).

The point of sharing this history is to illuminate the context in which the women who participated in this study grew up and the challenges they faced as members of the first cohort of Indian women to enter a white male domain. The study also aimed to underscore the importance of growing up in a context where Indian women were made to feel inferior due to their gender and race and were segregated into closed Indian communities, and the effects this would have on their socialisation and ultimately their progress in corporate South Africa. Although caste was minimized, the Indian culture still remained a strong anchor in the lives of these women. The history also highlights the relatively better socioeconomic position of Indians compared to that of black Africans during the apartheid era, but shows that Indians were still disadvantaged in the workplace. The history also highlights post-apartheid government's commitment to advance previously disadvantaged groups and especially women in the workplace.

The next chapter reviews gender and management literature and focuses on the various women-in-management theories, intersectionality, identity work and hybrid identities.