

Constitution and Cosatu women

Belated recognition

Much has been written about the inclusion of women's rights in our Constitution but few acknowledge the role of Cosatu women activists. **Malehoko Tshoedi** traces their contribution and corrects this neglect.

Compared to other African countries, as well as Latin America and Eastern Europe, the South African transition was one of the most successful in terms of women's rights. Unlike other countries where women's gains were limited, in South Africa these were enshrined in the Constitution. This guaranteed protection against gender discrimination and promoted women's rights in society generally and in government institutions.

This has sparked interest amongst women scholars who have tried to explain this success. These analyses are based largely on women's organisations outside the labour movement and although women in the unions are touched on, their impact on the transition and the Women's National Coalition (WNC) has not been studied in detail. The neglect of the role of the labour movement in the WNC minimises the contribution of trade union women in influencing the gender content of the Constitution of South Africa.

Scholars neglect the extent to which women's struggles within male dominated trade unions challenged patriarchal practices. This failure results in a decreased understanding of how women's campaigns and demands within unions sought to transform gender

relations in society as a whole.

Some analysts believe that gender struggles and feminist demands only significantly emerged in the early 1990s. They assume that demands for gender equality resulted chiefly from the WNC process and that women returning from exile largely influenced this development.

Yet there is no doubt that Cosatu (Congress of South African Trade Unions) women activists participated in the WNC as experienced gender activists who had challenged gender inequities and male domination within their unions, the workplace and other sectors of society.

WORKING WOMEN FIGHT FOR RIGHTS

Women's struggles for gender equality within the labour movement and the workplace began in the 1970s and early 1980s when unions were being formed. Strikes involved significant numbers of women workers in textile, retail and food processing. Although wages were often the main source of these strikes, gender discrimination also came under the spotlight.

As part of the working class, women challenged the unions as well as management in addressing their interests as a group. An issue,

highlighted by women in strikes, was the gender inequalities in occupational structure where men dominated supervisory positions, while women were largely concentrated in lower grades with low pay. Often, men used their position of power to demand sexual favours. Other issues that women raised were demands for training opportunities, equal wages and rights to maternity leave and childcare.

In the early 1980s women made significant attempts to force the labour movement to acknowledge their presence and to prioritise gender issues.

One of these attempts was in the run up to the launch of Cosatu when women challenged the unions on the drafting of a logo that had images of men only. Voicing her disappointment on proposed logos, catering union's Emma Mashinini stated, "It means that our presence, our efforts, our work, our support was not even recognised." The Cosatu logo that was eventually adopted included an image of a woman carrying a baby on her back with one fist raised.

Through pressure from women activists, the federation acknowledged their experiences in the workplace, and committed itself to fighting against discrimination against women.



FIRST COSATU WOMEN'S CONFERENCE

The growth of unions and the launch of Cosatu in 1985 highlighted the need for women to mobilise and raise the gender consciousness of working-class women.

In 1987 at the Nedcom (National Education Committee) Conference women suggested a women's national conference to raise awareness on women's issues within the labour movement, the workplace and broader society.

The first Cosatu Women's Conference took place in 1988 (see inside back cover) with the objective of developing strategies for increasing the number of women in unions, and to lead the way in addressing women's issues within unions. In line with this, a resolution to establish women's forums within unions at the local level was adopted.

The Conference also took other resolutions. These included fighting for equality in the workplace in terms of wages and occupations, maternity and childcare leave, sharing of childcare responsibilities between women and men, women's right to safe, free and legal abortion, and fighting sexual violence against women and the failure of police to treat such cases as serious offences.

The Conference further noted sexual harassment as a problem that affects women at work, in the unions and in their communities, and resolved to fight against this at all levels.

The 1988 Cosatu Women's Conference was significant in boosting women's struggles within the labour movement. For the first time women had a national gathering where the debates focused "specifically into the problems facing women in our organisation and to forge a decisive programme of action."

Since Cosatu had made formal commitments to fighting gender inequalities and building women's leadership, women used this to hold the labour movement to account for the empowerment of women leaders.

After the 1988 Conference, women started demanding that measures be put in place. At Cosatu's 1989 National Congress, women proposed that it should resolve to address inequities in leadership positions. They made demands for the adoption of affirmative action policies by the federation and affiliates.

COSATU WOMEN IN TRANSITION

With the unbanning of political organisations and the beginning of processes for democratic negotiations in 1990, a new political context set in. This required new strategies in determining the political future of the country. For Cosatu women, this phase required a critical assessment of their role as working-class women in a future democratic South Africa. The gender programmes and activities within unions were aligned with the political changes.

Cosatu women used strategies to strengthen their position and to raise consciousness amongst working-class women. This involved engaging in campaigns and highlighting gender issues.

One of these was the 1990

Workers' Charter campaign adopted at the 1989 Cosatu Congress. The objective of the campaign was to collate workers' demands through discussions in affiliate and Cosatu structures.

At the November 1990 Workers' Charter National Conference women challenged the demands which excluded women workers. They insisted on a commission on women workers' rights, something that was initially opposed by male delegates. The commission came up with a range of demands which were agreed to by the conference.

The revised Workers' Charter included women's call for a family code which advocated gender equality laws within the domestic sphere. Through the family code, women demanded that the state take responsibility for childcare through provision of childcare facilities and adequate paternity and maternity leave.

Their demands also included tougher laws on rape, battery and abuse of women, laws for abortion on demand and the recognition of gay rights. Further women's demands were for equal access to labour markets and employment opportunities, equal opportunities to education and training not only in the workplace, but also for schoolgirls, affirmative action laws, and laws against gender discrimination.

COSATU WOMEN AND WNC

The re-launched ANC Women's League (ANCWL) formed the WNC in 1992. It brought together organisations from different racial groups, classes, places and political ideologies. The uniting theme of the WNC was acknowledging differences to build unity. According to Sibongile Masangwane, the WNC "had a mandate of uniting all women under one platform, irrespective of political affiliation, with the purpose of drafting the Women's Charter."

Most black working-class organisations that identified with ANC traditions merged into the ANCWL. The ANCWL called for Cosatu to disband its women's structures and be represented in the WNC through the alliance, but Cosatu women rejected this. For these women, Cosatu structures symbolised women workers' struggles against male domination. Their resistance to disbanding these structures was about maintaining their autonomy and access to the public political sphere.

The transition gave women the opportunity to become involved in political issues at the macro-level. They could influence political decision-making at a level where previously women had no access.

The struggles between Cosatu women and the ANCWL over which would dominate the political space also underlined issues of legitimacy, meaning who could speak and best represent working-class women's issues, and the extent to which women's interests could be represented in a single chorus.

Although the ANCWL had a large working-class constituency, it was not necessarily one voice. It was a multi-class organisation representing diverse groups, within which women workers' voices could be lost if they were not organised. Cosatu women believed that their structures were critical for the representation of

women workers' interests during the transition period.

COSATU IMPACT ON WNC?

Were Cosatu women able to articulate their issues in the ANCWL which was dominated by educated middle-class women? One Cosatu woman said that sometimes she "felt personally that we were undermined because we were workers and most of us not educated."

At the same time Cosatu women remember their influence in the WNC. They argue that Cosatu was strong because it had strong representatives and it was respected for its commitment and because it fought for freedom. Representatives were able to engage in debates and assert working-class positions.

Explaining Cosatu women's participation within the WNC and their influence on the Women's Charter process, Rachmat Omar argued: "Cosatu women were highly experienced unionists and they had fought many, many battles in the workplace and in the unions... in many ways they could assert themselves, and they did fight... Those sets of issues that women wanted to be included in the Constitution for poor women, women in the rural areas, the role of traditional law and custom, are in the Constitution... I think they had a big impact in influencing the content of the Constitution."

Looking at the WNC's Women's Charter, there is a sense that indeed working-class women's demands are in it. They reflect Cosatu women's campaigns and struggles for gender equality.

For instance, the Charter advocates the redefinition of the family to include single parent households, equality within the family, marriages and intimate relationships and the intervention of the state in the regulation of private relationships. These are some of the demands

women made in campaigns, including the parental and childcare campaign in 1990.

The Charter notes women's inadequate access to health care and information on health issues. It states that "women have the right of control over their bodies which includes the right to reproductive decisions; access to information and knowledge to enable women to make informed choices about their bodies and about health care should be provided." In 1988 at Cosatu's first women's congress, similar resolutions were adopted.

Certainly, not all the demands of working-class women were incorporated in the Women's Charter. The Charter does not specify women's maternity and childcare rights, which were a core demand for women workers. According to Themba Kgasi "maternity as a right was not accepted... because some of the people that were members of the WNC were also employers. Issues of leave were not accepted."

Since Cosatu women remained in the federation, maternity issues and women workers' rights were furthered through Cosatu representations. Their resistance to disbanding their women's structures proved useful when the WNC mission ended. It was through these structures that Cosatu women continued to make demands for maternity rights and issues on workplace rights that were not addressed at the WNC. This ensured that women workers' rights were also raised in broader forums, at the constitutional level, that focused on general workers' rights in a democratised South Africa. LB

This article is based on research from Malehoko Tshoedi's PhD 'Roots of Women's Union Activism: South Africa 1973 - 2003' completed at the University of Leiden in the Netherlands.