

# Tackling Transnet pregnancy and maternity

The *Labour Bulletin* is asking unions to share new approaches they have used in bargaining or organising. Here **Jane Barrett** from the SA Transport & Allied Workers Union (Satawu) explains how Transnet in recent times has employed large numbers of women who face an unfriendly workplace. She tells how labour has taken up these gender issues with management.

Since 1994, the state-owned transport group Transnet has pursued an aggressive employment equity programme. Satawu has been active in demanding both racial transformation and gender and disability transformation.

According to Transnet's Employment Equity Report in 2008 the changes have resulted in a workforce that is now 74% black and 16.7% women, and 0.8% disabled. The Employment Equity Committee has set targets of 75% black, 25% women, and 3% disabled for the year 2010. The combined workforce of the Group's five Divisions and head office was 45 000 in 2008. The largest Division is Transnet Freight Rail, followed by Transnet Rail Engineering, Transnet Port Terminals, Transnet National Port Authority, and Transnet Pipelines.

Transnet's 7 500 women are in all grades, with the largest numbers in the skilled and semi-skilled occupations. The rapid entry of women into occupations such as crane operators, train drivers, yard officials (shunters), welders and other technical occupations, as well as artisans, has presented many challenges to management, unions and the whole workforce.

## TRANSNET FEMALE STAFF PER OCCUPATION LEVEL IN 2008 VS TARGET FOR 2010

Occupation level	Actual 2008	Target 2010
Top and senior management	26%	30%
Professional and mid management	23.8%	30%
Skilled technical	15.6%	25%
Semi-skilled	19.9%	30%
Unskilled	9.9%	15%
Total	16.7%	25%

## WORKPLACE HOSTILE TO WOMEN

The culture and work environment which new women recruits faced was hostile and unaccommodating to women. Issues included ill-fitting uniforms designed for men, inappropriate or non-existent ablution facilities, constant offensive comments from male colleagues and questioning of ability to do a 'man's job', and some extreme forms of sexual harassment.

In addition, existing Transnet policies on pregnancy and maternity were inadequate and resulted in the hasty departure of many new recruits.

Sometimes the issues coincide. For example, in a workshop on sexual harassment held to celebrate National Women's Day in 2008, I received a report that a line manager in Transnet Rail Engineering had complained to a pregnant artisan who had been temporarily transferred for light duty: "Why have they sent you here? My department is not a maternity ward! If you can't do the job when you are pregnant, you shouldn't be doing the job in the first place."

The story illustrates that employment equity is about much more than statistics. Recruiting and training women is all very well, but if they are made to feel unwelcome and uncomfortable, they won't stay. Identifying and removing barriers to employment equity is therefore as important as improving the numbers.

Satawu has campaigned vigorously for Transnet to address these problems. A ground-breaking sexual harassment policy has been negotiated: train drivers now have toilets on board, and women-specific uniforms and overalls will be introduced. Most recently the concrete issues of pregnancy and maternity have begun to be addressed.



Jane Barrett

Yard officials Cecilia Khunou, Lusanda Dilla and Cynthia Makuwa. For Dilla pregnancy negotiations have a special importance! Note she has no uniform.

## PREGNANCY AND MATERNITY PROBLEMS

The work on pregnancy and maternity started with a demand to management in wage negotiations in 2008 for an improvement in maternity payments.

Satawu and Utatu (United Transport & Allied Trade Union, second union recognised by Transnet) demanded that the maternity benefit for bargaining unit employees of three months pay at 33% of monthly salary should be equalised to the management benefit of four months full pay.

The demand was not won, but we achieved an improvement. The payment was increased to the equivalent of two months on full pay, which could be spread over any period of between two and six months. This doubled the payment from the company. The increase was written into the 2008 wage agreement.

In the course of seeking a mandate and negotiating the improved payment, Satawu discovered that problems experienced by pregnant and nursing mothers were far more complex than simply the pay. Problems included:

- Pay administrators offering poor advice on how to spread maternity pay, resulting in women not maximising their entitlement to UIF maternity pay. UIF payments were received very

late, sometimes as a result of late applications.

- Issues around light duty when a woman worked in an environment risky during pregnancy.
- The absence of pregnancy uniforms.
- The non-availability of contraceptives in some company health facilities.
- Challenges relating to rules on train driver licensing whereby an absence of six months or more automatically results in expiry of the license, requiring re-training and re-testing.
- The absence of clean and private areas where nursing women can express milk for later feeding of their babies.
- The inappropriateness of existing policies on pre- and post-natal medical consultations.
- Loss of income from overtime during pregnancy.
- Loss of income due to the combined remuneration of employer pay and UIF payments being less than 100% of previous earnings for most women.
- Inadequate leave provisions for illness or the need for bed rest during pregnancy.
- Inadequate family responsibility leave, especially to take care of sick children.
- The absence of a clear leave policy on adoption.

It was agreed to establish a Pregnancy and Maternity Task Team to look into all of the problems. Representatives were drawn from management and union representatives in all five Transnet Divisions. Of these, 90% of the Team's 24 members are women, which is a huge change from the gender complexion of most consultative and negotiating forums in Transnet.

The Task Team's terms of reference were to find immediate solutions to the non-monetary problems and to refer the rest back to the bargaining process.

Concerning problems with monetary implications, the last five problems listed above were high on the Task Team's work, for referral to collective bargaining. Satawu will table demands to address these issues in wage negotiations which take place annually under the Transnet Bargaining Council.

## MATERNITY LEAVE IN TRANSNET

Preliminary statistics gathered by the Pregnancy and Maternity Task Team indicate that around 8.5% of Transnet's female workforce takes maternity leave in any year. Because this workforce is largely new recruits they are concentrated in the younger age profile, so this statistic is not surprising.

Those who took maternity leave in 2008 included 297 women employed in rail operations in jobs such as train driver, driver assistant, train control officer (signal operator) and yard official. All of these jobs are categorised by the company as presenting risks in pregnancy.

## NON-MONETARY RECOMMENDATIONS

The work of the Task Team is almost complete. The non monetary issues were dealt with in these ways:

### **Administration of UIF**

Transnet administrative staff who deal with pay will be trained to advise pregnant workers on how to fill in UIF application forms. They will also advise workers that the two month's maternity pay from Transnet should be spread over four months in order to maximise UIF payments.

Discussions between the Task Team and the Department of Labour (DoL) have also opened up the possibility of Transnet processing applications and payment being made through the company. This would be a first for the DoL and would streamline the administration and substantially reduce delays in UIF maternity payments.

### **Light duty**

This was a complicated issue. The Basic Conditions of Employment Act's (BCEA) Code of Good Practice on the Protection of Employees During Pregnancy and After the Birth of a Child specifies management obligations to assess individual risk in pregnancy, and to transfer women to non-risky jobs. But there are no ready-made tools of assessment, either locally or internationally.

For example, heat and vibrations of the locomotive cab create risks for the unborn child. But there are no standards that are safe in pregnancy, and no guidelines as to when a pregnant worker should be transferred. Likewise, climbing into a port crane is risky, as is working with welding equipment, doing train shunting with heavy lifting, and in work linked to overhead electric lines involving exposure to electro magnetic fields.

The absence of scientific guidelines means that the policy in Transnet is that as soon as a worker in a risky job declares pregnancy, she is removed from the job.

Because many risky jobs are operational where overtime makes up a considerable portion of pay, many women delay declaring themselves pregnant for as long as possible. Many deliberately hide their pregnancy.

Another problem is that because so many jobs are considered risky, finding productive alternative work for pregnant workers requires focused attention, which many line managers are not interested in doing. As a result 'light duty transfer' often means reporting for work and doing nothing all day. This is boring and demoralising for the women, and helps to perpetuate sexist attitudes.

The Task Team has been unable to find the answers to assessing and managing risky occupations internationally. This is because South Africa is way ahead of all other countries in the employment of women in technical and operational occupations in ports, rail and heavy engineering, which are Transnet's main areas of operation.

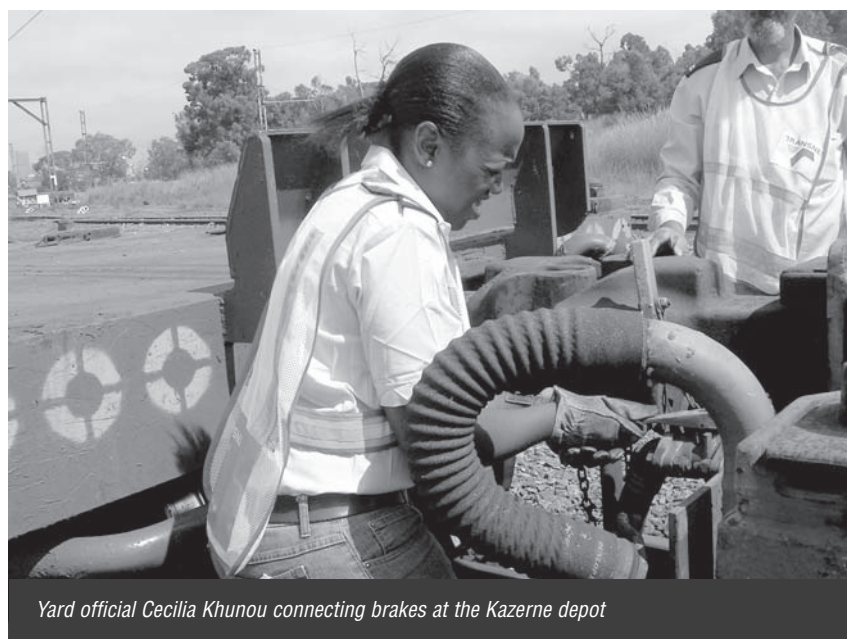
The Team has therefore agreed

that for the moment the Code of Good Practice must be used as the guideline for individual risk assessment, and that Transnet's safety consultants should look further into the issue. The DoL will also be asked for advice.

The debate on light duty for pregnant women raised interesting issues around safety and health risks in general. The question was, if some of these jobs are so risky to pregnant women, are they not risky for all workers, whether pregnant or not? Surely lifting heavy coupling equipment in shunting is bad for all workers' backs? And isn't it possible for anyone to slip while climbing into a straddle carrier? These questions went beyond the brief of the Task Team, but will be revisited in safety and health forums.

### **Pregnancy uniforms**

Transnet's current practice is that pregnant women stop wearing a uniform and provide their own maternity wear. However, this is not always appropriate, and is expensive. The Task Team therefore



Yard official Cecilia Khunou connecting brakes at the Kazerne depot

Jane Barrett



Jane Barrett

Kefiloe Wesi changing points

proposed that Transnet's National Uniform Committee should develop specs for pregnancy uniforms.

#### ***Non availability of contraceptives***

The Task Team identified that making provision for pregnancy and maternity should go hand in hand with the promotion of family planning.

The representatives reported that some Transnet Divisions have health facilities that provide contraceptives and others not. This issue is related to the status of a health facility. Occupational health facilities are not permitted to dispense contraceptives, whereas primary health-care facilities are.

The Team agreed that occupational vs primary health care needs to be reported to a consultative forum for a full debate and not confined to the contraceptive issue. In the meantime, those Divisions that only

have occupational health facilities should bring in the Department of Health to dispense contraceptives.

#### ***Train driver licenses***

Transnet Freight Rail management indicated to the Task Team that because the withdrawal of the train drivers' license applies to all workers who are off the footplate for six months or more, it is a rule which cannot be amended. The Task Team did not accept this inflexible position, and it was agreed that the issue should be further investigated by Transnet's transformation managers.

#### ***Clean, discrete areas for expressing milk***

Many mothers know the importance of breastfeeding and choose to breastfeed after returning to work. However, the only way is to express milk which can be fed from bottles during working hours. Expressing has to be done on a

regular basis throughout the day. Having a clean and discrete place to do this, with access to a fridge to store the milk is critical.

The Task Team agreed that all Divisions should be instructed to provide facilities to meet this need.

#### **BARGAINING ISSUES**

The biggest collective bargaining issue was the demand for compensation for lost overtime while on maternity leave. Satawu and Utatu saw this as the only way of overcoming the practice of delaying declaring pregnancy. Labour's argument is that there are precedents for such compensation, for example when a worker goes on a training course.

The second critical issue is the formula for payment from UIF, which works on the basis of a sliding scale of income. The lowest paid workers get 58.64% of their salary, whereas workers on or above the UIF threshold are paid 30.78% of their salary.

The average basic income of women in the Transnet bargaining unit is about R6 000 a month, which means that they are eligible to a UIF payment of 40% of their wages. A monthly payment from Transnet of 50% of salary for four months means therefore that their basic income is reduced by 10% when they can least afford it. And this does not take into account the loss of overtime.

Satawu will therefore demand that Transnet ensures that every worker on maternity leave receives a combined total of 100% of their basic wage. In the long run Satawu believes that the UIF formula should revert to a simple across the board percentage of wage.

Satawu will argue for the introduction of special leave provision for illness or the need for bed rest during pregnancy.

Presently neither the existing collective agreement nor the law adequately cover this problem.

Satawu will also demand a massive improvement on the BCEA for family responsibility leave, and for the automatic extension of all maternity leave provisions in adoption. It will argue that instead of a rigid half day off to receive pre- and post-natal care, this should be flexible. The example was made of a worker who visits a private doctor for 15 minutes and another who goes to a public hospital and has to queue all day.

The sudden downturn in Transnet's fortunes as a result of the recent massive dip in trade is not going to make wage negotiations easy in March this year. In this climate, Satawu and Utatu will have to ensure that pregnancy and maternity issues referred to bargaining do not get dropped off the agenda.

## CONCLUSION

Satawu has learnt through this experience that pregnancy and maternity issues can open up debates and demands that go way beyond a narrow focus on how much leave and pay. When taking up the issues imaginatively, we go straight to tackling sexism, prejudice and discrimination against women in the workplace.

Satawu is looking forward to taking its Transnet experience into other workplaces and into Cosatu's National Gender Committee. Pregnancy and maternity demands were central to effective trade union gender work in the 1980s. It is now time to develop a new and more complex set of best practice campaign demands. LB

*Jane Barrett is Satawu's policy research officer.*

## Pregnancy, maternity and the law

There are four pieces of legislation that relate to pregnancy and/or maternity. These are:

### **The Basic Conditions of Employment Act (BCEA) of 1997**

Section 25 states that a pregnant worker is entitled to four consecutive months' maternity leave. Section 26 states that a pregnant or nursing worker is not allowed to perform work that is hazardous to her or her child. Section 27 entitles a worker to three days paid family responsibility leave per year.

### **The Code of Good Practice on the Protection of Employees During Pregnancy and After the Birth of a Child**

The Code has been issued in terms of the BCEA and sets out various obligations of the employers in relation to risk – including risk assessment, training, and light duty.

### **The Labour Relations Act**

Section 187 of the LRA classifies a dismissal as automatically unfair if the reason for dismissal was related to the pregnancy of the dismissed worker.

### **The Unemployment Insurance Act of 2001**

Part D (sections 24 to 26) of the Act deals with Maternity Benefits. Subject to payment of contributions, maternity benefits are payable for the maximum period of 121 days (17.32 weeks) on a sliding scale of benefits ranging from 58.64% of the previous wage for the lowest paid workers, to 30.78% for those workers paid at the level of the UIF threshold or higher.

A contributor is entitled to the benefits during any period of pregnancy, and can apply for payment up to six months after the date of childbirth. However, application should be made around eight weeks before the expected date of birth.

Where remuneration is received from the employer while on leave, the fund will pay the difference between the income while on leave and the actual income, but not more than what she would have received if she received nothing from the employer. To apply for UIF payments, the worker fills in three forms: UI-2.3 which also has to be completed by a medical practitioner/midwife; UI-2.7 which has to be completed by the employer; and UI-2.8 to furnish banking details.