

# *Time to stop* **double standards**

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Despite all the pronouncements about non-sexism, women in the public service still face massive discrimination. LENA SLACHMUIJLDER reports.

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Imagine trying to tell a mother of three, married to an unemployed man who spends most of his waking hours at a local shebeen, that she is not the 'head of the household.' It sounds absurd. Yet if one reads the Public Service Act of 1984, one finds exactly that.

Simply by having a wife, a man is *de facto* 'head of the household.' But for a married woman to be considered a 'head of household', she must first prove that her husband is permanently disabled and unable to work.

Unfortunately, there is far more than status at stake; only the head of household can qualify for a housing subsidy under the Act.

In a landmark case, not yet finalised at the time of going to press, a nurse from Cape Town has taken the state to the Supreme Court to challenge this clause. The nurse whose husband was forced to take early retirement, is challenging both the validity of the Act and arguing that she is faced

with exceptional circumstances.

Another case, involving a senior lecturer at Wits University who was granted a subsidy only after taking legal action, is still underway. Although the University agreed to grant her the subsidy in April this year on the basis that they were not obliged to follow the rules of the Act, they are still obliging the lecturer to regularly fill in forms to prove that she is the sole breadwinner.

Meanwhile, men are not obliged to show that they are the sole breadwinner to qualify for a subsidy. As Legal Resources Centre attorney Ranjit Purshotam points out: "A married male officer is granted a housing loan and subsidy irrespective of whether his wife actually earns a greater salary!"

Purshotam argues that the differing definition of head of household for men and women is discriminatory. And he says that because the Act does not permit discrimination on the basis of

gender or marital status, female public servants are legally entitled to the subsidies.

While this clause affects all public servants, including teachers and nurses, teachers face additional sexist policies in most education departments. Among the most blatantly discriminatory is the forced dismissal of female teachers who fall pregnant out of wedlock.

Section 21 of the KwaZulu Education Act states that any unmarried teacher must resign if she falls pregnant, "and if she fails to do so shall be summarily discharged ... as soon as her condition becomes known and apparent."

Already this clause has been challenged. In 1990, a teacher at Kwesethu Secondary School in KwaMashu was fired when it was discovered that she married after falling pregnant. The teacher began legal action, but the state decided not to oppose the case, and simply re-instated her. She

was also paid all of her back-pay for the months of her expulsion.

"People should know that they can challenge these regulations and win," says Legal Resources Centre attorney Mzo Mdhladhla, who acted for the teacher. "But we find that in many instances there is severe intimidation in the public sector."

Underlying the Act lies a moral statement that unmarried mothers are 'wrong' and 'set a bad example'. It is outrageous that no similar moral judgment is placed on men. Male teachers who become fathers out of wedlock face no disciplinary action, even if the situation 'becomes known and apparent.' "It is clear that when they were making the laws, only men were there," said one Inanda teacher who faces dismissal due to an unplanned pregnancy.

Not yet on the agenda are discriminatory practices towards female students. Female students who fall pregnant are expelled from school, and are often not re-admitted the following year after having given birth.

This decision stems not from any law or statute, but is the recognised practice of many undemocratic school committees – comprised of the principal and prominent members of the community. These committees, which in most parts of the country do not include any formal representation from either

students or teachers, are responsible for conduct and disciplinary procedures in the schools.

Again, the morally-based 'law' applies only to the female half of the impregnating process. Unmarried male students who impregnate females face no disciplinary action, even if this situation is known to the school committee. There is not one recorded situation where a man has been expelled from school for becoming a father out of wedlock.

The problems facing women teachers are on the agenda of the South African Democratic Teachers Union (SADTU) in their current talks with education officials. SADTU vice-president, Duncan Hindle, said that such issues form part of a number of demands concerning working conditions for teachers.

The union has recently completed negotiations with Transkei officials to eliminate

lower salaries for female teachers in the homeland. Yet in KwaZulu, where SADTU is not yet recognised, these issues are likely to be lower on the agenda – if there at all.

Perhaps a more expedient process would be to encourage public servants to stand up and legally challenge these Acts in court. A few cases may end up changing the laws faster than more mass action and demonstrations by teachers and nurses' unions – who have both prioritised the salary issue.

Yet even if the Act is changed, school committees will be left with sufficient muscle to push through their own discriminatory rules and regulations, allegedly based on moral grounds. In this case, only vigilance by individual teachers brave enough to stand up and face ridicule, with the support of their union, will ensure that such sexist policies come to an end. ☆

