

rights when falling pregnant or after giving birth. They should also be aware of their obligations before engaging in discussions with their employers relating to pregnancy.

Finally, an internal platform should be established where women employees are able to pose questions regarding pregnancy and related matters. Scope should similarly be given where they could possibly report unfair treatment relating to pregnancy internally. An essential part of this platform would be the opportunity to access redress procedures.²⁷ This would result in employees having confidence in the internal system, before resorting to the CCMA.

5.4. CONCLUDING REMARKS

Women and pregnant employees have historically been a marginalised group. Today, it appears as if women and pregnant employees are continuing to be an insignificant group within the workplace. Unless drastic steps are taken to remedy the problem, it might not be the final word on this.

It is acknowledged that legislation is necessary, but it is not the only manner to remedy the problem. Hence, assistance is required from Government, employers and employees. The problem is shared by all. The problem needs to be regulated. If the problem persists and if little or nothing is done, the ramifications will escalate. Change has to start with the law that protects women and pregnant employees.

Women should realise that they should not be forced to choose between being a mother and being an employee. There should be equal rights for women and pregnant employees in the workplace. In Europe, the notion of a work-family balance has been reconciled in the minds of Europeans. This is a notion that South Africa should adopt into its labour law provisions. Without it, women and pregnant employees will continue to be victims of unfair treatment as it relates to pregnancy. Unfavourable treatment should be taken more seriously as it affects women and pregnant employees' humanity (to conceive and give birth) and right to human dignity.

Women and pregnant employees are worthy to receive a special position, which affords them special protection/rights. South Africa should be welcoming any developments in order to

²⁷ See para 5.3.1.2.

secure women's position in the working environment. The idea of having a special set of pregnancy rights could be the answer.

WORD COUNT: ± 33 337



Makhanya P 'Grade 12 pupil expelled for being pregnant' *The Mercury* 18 July 2002 available at <http://www.iol.co.za/news/south-africa/grade-12-pupil-expelled-for-being-pregnant-1.89980?ot=inmsa.ArticlePrintPageLayout.ot> (accessed 20 March 2015).

Mdaka A 'Pregnancy and Employment' *Labour Watch* December 2007 10 available at [www.ccma.org.za/UploadedMedia/CCMAil-December2007\(2\).doc](http://www.ccma.org.za/UploadedMedia/CCMAil-December2007(2).doc) (accessed 8 August 2014).

Mtyala, Q 'Pregnant fire-fighter takes city to CCMA' *The Times Live* 9 July 2013 available at <http://www.timeslive.co.za/thetimes/2013/07/09/pregnant-firefighter-takes-city-to-ccma> (accessed 07 August 2014).

Osterberger L 'Still only a quarter of senior business positions filled by women in SA – Grabt Thornton survey' available at <http://www.gt.co.za/news/2014/03/still-only-a-quarter-of-senior-business-positions-filled-by-women-in-sa-grabt-thornton-survey/> (accessed 24 February 2015).

Payne J 'Pregnancy Discrimination in the Workplace' available at <http://www.eurofound.europa.eu/ewco/2006/06/UK06060191.htm> (accessed 07 August 2014).

Sapa 'Gender Equity Bill Passed Amid Criticism' *The Mail & Guardian* 05 March 2014 available at <http://mg.co.za/article/2014-03-05-women-equity-bill-passed> (accessed 12 April 2015).

Sapa 'Pregnant SANDF women humiliated at Oudtshoorn military base' *Mail & Guardian* 29 January 2013 available at <http://mg.co.za/article/2013-01-29-pregnant-women-humiliated-at-oudtshoorn-military-base> (accessed 8 August 2014).

South African Labour Guide 'Pregnancy and the Employer' available at <http://www.labourguide.co.za/pregnancy-and-the-employer> (accessed 15 September 2014).

The Women's Charter for Effective Equality available at <http://www.anc.org.za/show.php?id=233> (accessed 17 February 2015).