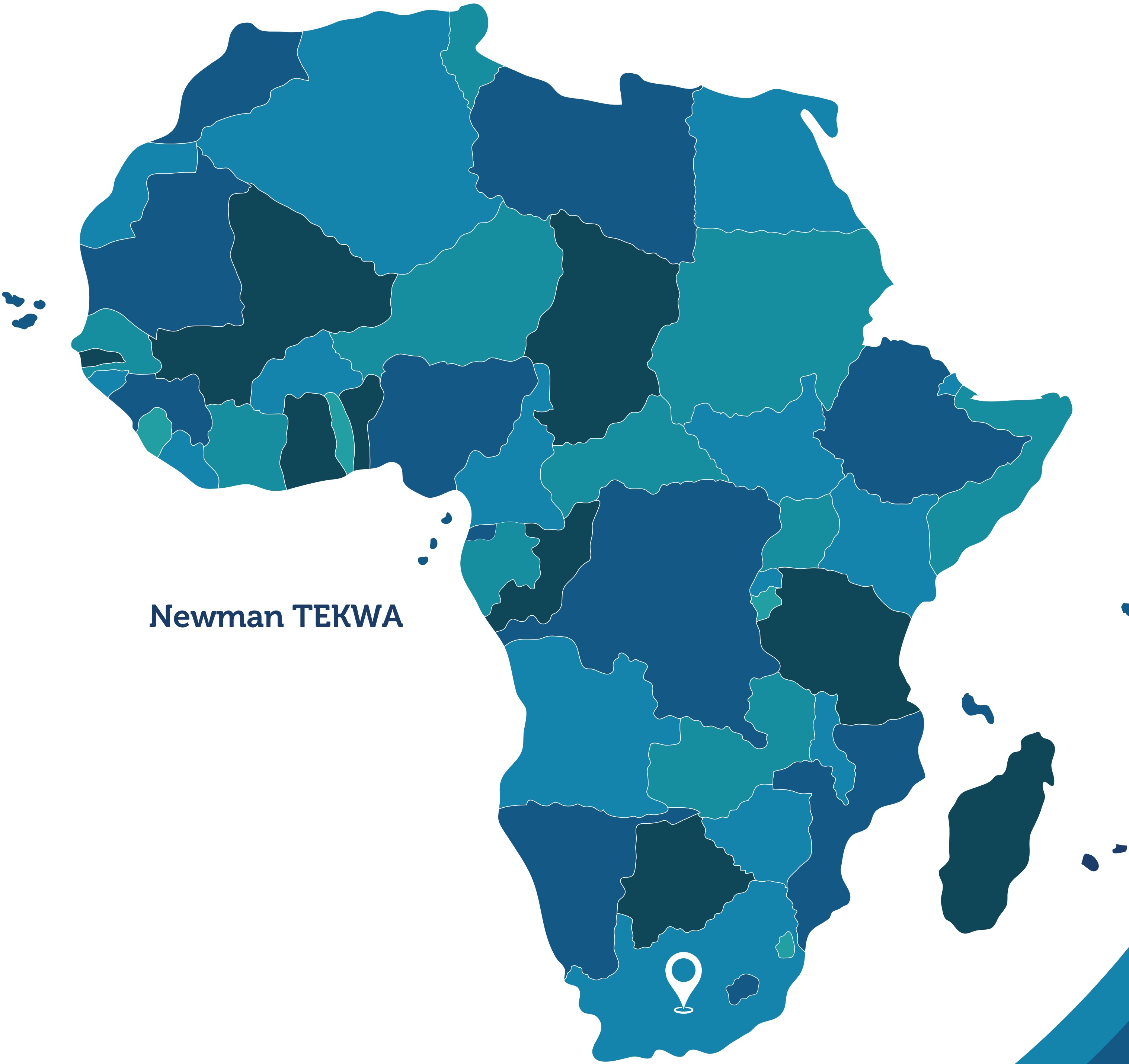
Africa's Social Policy Trajectories
South Africa



Newman TEKWA

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Africa's Social Policy Trajectories

South Africa

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Abstract

While the disproportionate impact of the COVID-19 pandemic on South African women has been highlighted, it is the depth and breadth of social policies that existed prior to the pandemic and the extent to which they addressed gender that aggravated or ameliorated the plight of women along racial, ethnic and geographical contours. In order to understand how an outbreak of a pandemic interfaced with the existing social policy architecture and the concomitant gendered outcomes, this study adopts a process tracing strategy tracking the trajectory of social policy development in South Africa, starting from the establishment of the Union of South Africa in 1910, through the apartheid and post-independence periods up to the outbreak of the COVID-19 pandemic. While the legacies of colonialism and apartheid remain important, the character of social policies in South Africa at the time COVID-19 struck was largely a product of the ideational values and ideological underpinnings of social policymaking and development in the post-independence period. The latter proposition forms the crux of this study and opens up the possibility of implementing gender transformative social policies in post-COVID-19 South Africa. The ideological inconsistency of the post-independence black majority government is reflected in its abandonment of the leftist, people-oriented, social democratic rooted Reconstruction and Development Programme (RDP) barely two years into democratic rule to embrace a liberal democratic ideology represented by its adoption of GEAR (Growth, Employment and Redistribution) as the country's guiding economic blueprint. This switch has left an imprint on the kind of social policies pursued. Using a gender lens, this paper illustrates the above, drawing examples from five social policy sectors, namely land and agrarian reform; work and employment; education; health and lastly, social assistance. While the RDP had an ambitious target of redistributing 30% of good farmland to black Africans within five years of independence, by 2016, a paltry 5.3% had been redistributed, with only 28.9% of land reform beneficiaries being women. A similar pattern was observable regarding work and employment. Despite female labour force participation closely matching that of their male counterparts, a feat coming at a cost to women due to the absence of the state in shaping women's experience of the 'everyday', pay differentials between women and men remain stubbornly high at 25% in a highly gender-segregated labour market. A gender transformative social policy analysis of the liberal-oriented Child Support Grant (CSG), which represent the largest tax-funded social assistance in the country and throughout the continent, reveals a prioritisation of the poverty of children more than that of their mothers. Post-independence educational policies have failed dismally to universalise quality education despite huge state resources being channelled towards historically black schools. Only the National Health Insurance (NHI) remains promising as an indicator of the universalist approach to social policy in South Africa. It's ideological underpinnings, if applied to education, social security; land and agrarian reform, is the surest way for a gender-equitable and transformative South Africa post-COVID-19.

Keywords: gender-equitable, transformative social policy, GETSPA, South Africa, COVID-19

1.0 INTRODUCTION

The first case of the coronavirus disease in South Africa was reported on the 5th of March 2020. As part of epidemiological measures implemented to curb the spread of the virus, a variety of non-pharmaceutical interventions (NPIs) were introduced which included travel bans, event cancellations, closure of schools, restaurants, hotels, workplaces and entertainment centres with a national lockdown announced on the 27th of March 2020. The negative consequences of the implementation of the NPIs, particularly the 'Stay at Home' advice for non-essential workers meant that many could not continue with their normal routines, thus, triggering social and economic hardships that followed racial, class, gender and geographical contours. The government had to respond with urgency to the unfolding livelihood crises, but the success of these emergency state interventions depended largely on the depth and breadth of social policies that existed prior to the pandemic.

In order to understand how an outbreak of a pandemic interfaced with social policies and gendered outcomes in South Africa, this study uses a process-tracing strategy to provide a tapestry of social policy development in South Africa. It starts from the establishment of the Union of South Africa in 1910, through the apartheid period that stretched for close to five decades from 1948 until 1993 when the system was formally abolished. While the legacy of colonialism and apartheid remains important, the state of South African society at the time COVID-19 struck largely reflected the kind of policies and ideational underpinnings that framed the social and economic post-independence order. This proposition forms the crux of this study and points to the possibility of implementing gender-transformative social policies in post COVID-19 South Africa.

After the above introduction, the report presents a historical overview of colonial and apartheid social policies, their dominant underpinnings and policy outcomes across race, gender and geography. Sections 2 and 3, respectively discuss the methods used in the research and the conceptual framework that informed the research. Section 4 focuses on the post-apartheid period up to the COVID-19 era and is structured along the five social policy instruments selected for this study, namely education, work and employment, social security and assistance, healthcare and lastly, land and agrarian reform. It reviews policy developments in each of these social policy sectors and their gendered outcomes. It also discusses COVID-19 experiences in South Africa, the particular social policy innovations introduced and those that promise to be lasting for a gender-equitable and transformative post COVID-19 South Africa. Section 5 presents the conclusion, with key findings, lessons learnt and recommendations.

1.1 Historical Overview

While South Africa has a long and complex history, for the purpose of this research, the report traces social policy development from 1652, the date marking the arrival of the first Europeans in Cape Town to settle in Southern Africa, in the form of the Dutch East India Company, led by Jan van Riebeeck (Budeli et al., 2008: 31). These early Dutch settlers, calling themselves 'Boers' and developing a dialect known as Afrikaans, found the land inhabited by the Khoikhoi-, San- and Bantu-speaking ethnic groups, subsequently referred to as Black South Africans (Burzel, 2000: 2). Inter-racial unions between Dutch men and imported Malaysian female slaves as well as with Khoikhoi and San women produced present-day Cape Malays and Cape Coloureds, respectively, henceforth referred to as 'Coloureds' many of whom assimilated the 'white' Afrikaner language (Macdonald, 1953: 142).

With the British seizing control of the Cape Colony in 1795 and changing the official language to English, dissatisfied Dutch colonists began the Great Trek into the interior. They came into conflict with the Bantu people but successfully created two land-locked, white-ruled Boer republics, the independent states of Transvaal (1852-1902) and the Orange Free State (1854-1902) (Macdonald, 1953: 143). A short-lived Boer Republic of Natalia was established in 1839 but was quickly taken over by the British who renamed it the Colony of Natal and subsequently annexed it to the British Cape Colony (Macdonald, 1953: 142).

With the local Zulu men in Natal refusing to be labourers, the British turned to India to resolve labour shortages and imported over 150,000 Indian-indentured servants into present-day Durban to form the base of what was to be the largest Indian community outside India (Hattersley, 1950; Macdonald, 1953: 142). Thus, was the multiracial configuration of the present-day South Africa constituted, comprising the largest European settlement on the continent, the Dutch and British dating back to the 17th century, the black Africans (Khoikhoi, San and Bantu), the Coloureds and lastly, the Indians (Gradin, 2019: 553; Mariotti, 2009: 2; Hattersley, 1950). Before the defeat of the Boers in the Anglo-Boer War – also known as the South African War (1899-1902) – South Africa comprised four independent states, two under British control, namely the Cape Colony and the Colony of Natal and the two Boer Republics of Transvaal and Orange Free State (Jisheng, 1987: 18).

The formation of the Union of South Africa on the 31st of May 1910 marks a critical turning point in the history of South Africa (Macdonald, 1953: 143). The South African Act of 1909 was promulgated by the British Parliament to underpin the formation of the Union of South Africa, which amalgamated the four independent states into one self-governing unitary entity, the British Colony of the Union of South Africa (Budeli et al., 2008: 21; Macdonald, 1953: 143). The South African Act of 1909 and the resultant Constitution excluded blacks, coloured and Indians from political participation and was predicated on a unified colonial racial ideology of segregation across South Africa (Terreblanche, 2010: 6; Jisheng, 1987: 18; Budeli, et al., 2008: 21; Mariotti, 2009: 4).

1.1.1 Periodisation, dominant values and underpinnings

After 1910 when the Union of South Africa was formed, the history of social policy development can be categorised into three periods each underpinned with distinct values and ideologies. The first period may be described as colonial subjugation and stretched 1910 to 1948. The latter date marks the advent of the second period, the formal establishment and institutionalisation of the grand apartheid system in South Africa (Bond & Malikane, 2019: 13; Budeli et al., 2008: 16). Others, such as Gumede (2021, 2020), prefer to use the term 'apartheid colonialism' as shorthand for 'centuries of a discriminatory system of colonialism and decades of systematic social and economic exclusion of the majority of black South Africans' (Gumede, 2021: 2; 2020). Social policymaking during this period, which stretched from 1948 to 1993 when apartheid was formally abolished, was characterised by distinct set of values, ideologies and underpinnings markedly distinguishing it from the earlier colonial period under British rule (Mariotti, 2009: 4; Budeli et al., 2008: 16). As argued by Gumede (2020: 3), social policymaking under the apartheid regime left the country too deeply divided to be considered a nation. The formal abolition of apartheid in 1993 ushered in the third period under a liberal democratic dispensation (Bond & Malikane, 2019: 13; Mariotti, 2009: 4; Budeli et al., 2008: 16).

Thus, this report discusses three distinct periods—namely the colonial, apartheid and post-apartheid periods—in terms of the key considerations and dominant underpinnings of social policymaking and the social policy issues emphasised or marginalised. The report explores the implications for specific social groups regarding inequalities of gender, race, class and space in each of the highlighted periods, starting with the colonial subjugation period.

1.1.2 Colonial subjugation (1910-1948)

The dominant influences on social policy development from the period beginning 1910 to 1948 were predicated on racial and colonial discrimination (Bond & Malikane, 2019: 13). According to a social policy expert with previous experience working in the government:

> The development of social policy must be located in the history of colonial domination, the historical contours in which we need to place analysis of social policy in South Africa.
> **(Key Informant Interview, 31 August 2021, Cape Town, South Africa)**

The above was reinforced by a racially-exclusionary Constitution proscribing the rights and liberties of the indigenous black African population in all spheres of life (Gradin, 2019: 553; Budeli et al., 2008: 21). During this period, a series of oppressive, discriminatory and expropriatory laws were enacted and implemented largely against black Africans. The most notorious, with lasting effects to date, was the Natives Land Act of June 30, 1913 (Republic of South Africa, 2019: 15; Terreblanche, 2010: 5). This Act was implemented following the recommendations of the South African Native Affairs Commission (SANAC) that was set up to investigate why natives were unwilling to work on the mines. It allotted only 7% of the land in South Africa for the 5 million black Africans, reserving the rest to only 349,973 white settlers (Budeli et al., 2008: 22; RSA, 2019: 15).

Apart from stripping the natives of the right to own land in South Africa, the Act outlawed sharecropping on white farms in addition to prohibiting blacks from renting farms from whites (Terreblanche, 2010: 5; Budeli et al., 2008: 22; RSA, 2019: 15). Apart from the latent objective of stifling the native, traditional, land-based livelihood to force people to seek employment in the mines, two prominent and enduring outcomes of the Act with gendered and racial inflexions can be discerned. The first relates to the racial and gendered inequitable distribution of land, and secondly, the establishment of a migrant labour system in South Africa that persists to date (Bond, 2007: 200; Bond & Ruiters, 2016: 184; Bond, 2000: 124). Describing the implication of the latter on gender inequality, during an interview, one prominent scholar on the development of social policy in South Africa and the Southern African regions had this to say:

> Land dispossessions engendered a migrant labour system in which African men migrated to mining areas while women remained in the rural areas. From a gender perspective, less acknowledged is the super exploitation of the colonial migrant labour system in which rural African women subsidised the capitalist system by making available ultra-inexpensive workers through their provision of child rearing, home-based care for sick/disabled workers.
> **(Key Informant Interview, 24 August 2021, Durban, South Africa)**

While these services by rural women were provided at little or no cost to the colonial government, upon retirement, the workers would return to the rural areas with a pittance in the form of a watch, not a pension adequate to live a dignified life (Bond, 2007: 201). In the area of education, the Afrikaners initially had little access to education during the early 19th century due to their geographical dispersion and exclusive dependence on an agrarian-based economy. However, the colonial government spent close to nothing on black education in the rural areas (Bond, 2007: 201). Mariotti (2009) argues that during the 1940s and 1950s, black Africans, who constituted 68.3% of the total population, were the most poorly educated relative to the other similarly marginalised but slightly educated population groups comprising the Coloureds and Indians, who constituted 12.4% of the total population (Mariotti, 2009: 4). The English-speaking whites had a higher level of education between the two white groups, who in total, comprised 19.3% of the total population in South Africa (Mariotti, 2009: 4). The lower educational level of the Afrikaners, which had earlier been almost comparable to that of black Africans at that time, may have influenced the development of racially discriminatory labour market policies, particularly when wars and agricultural hardships forced both population groups into urban areas to seek employment (Mariotti, 2009: 4).

In analysing social policy development regarding work and employment, it is important to note that when industrial development began around 1886 following the discovery of diamonds, the country had no sufficiently skilled labour force (Budeli et al., 2008: 18). As highlighted during key informant interviews:

> The discovery of minerals, particularly diamonds, in South Africa saw the influx of Europeans, particularly of British origin, coming with skill to work in the mines as artisans with the Afrikaners almost side-lined.
> **(Key Informant Interview, 31 August 2021, Cape Town, South Africa)**

This suggests that the country's skills shortage that persisted throughout the apartheid and post-apartheid period dates back as early as the late 18th century. Thus, to resolve the shortage, the country relied on skilled immigrant labour mainly of British origin (Budeli et al., 2008: 18). As a result, the less-educated Afrikaners were bound to compete with the black Africans for the less-skilled jobs that were available but due to the underpinning racial ideology, a series of labour market laws were enacted, which favoured whites, mainly Afrikaners, to the disadvantage of black Africans.

As early as 1911, following the formation of the Union of South Africa, two infamous racial labour market laws were promulgated, namely the Mines and Workers Act of 1911 and the Native Labour Regulations Act 15 of 1911 (Gradin, 2019: 554; Jordan & Ukpere, 2011: 1094; Budeli et al., 2008: 21). While black Africans were not much of a threat in the skilled work category, the Mines and Workers Act of 1911, promulgated at the behest of skilled white miners, was meant to preclude any competition from black Africans in jobs requiring a certificate of competency (Gradin, 2019: 554; Budeli et al., 2008: 21). Apart from protecting white workers against the use of the more 'attractive' (ultra-inexpensive) native labour by employers, the Act represented an implicit 'job reservation', setting aside high-paying skilled jobs for emigrant white mine workers (Jordan & Ukpere, 2011: 1094).

In the same year, the Native Labour Regulations Act (NLRA) 15 of 1911 was enacted (Klaveren et al., 2009: 8; Gradin, 2019:554). Apart from proscribing strikes by black African (male) workers, it came along with Pass Laws specifying where and when black Africans could search for employment whereas white male workers were at liberty to move around or change jobs (Naidoo et al., 2014: 2; Budeli et al., 2008: 21; Jordaan & Ukpere, 2011: 1095; Klaveren et al., 2009: 8). The migrant labour system, alongside the Pass Laws, saw around 2 million African men circulating as migrant labour between their rural homes and urban employment while others commuted in packed buses and trains to and from African townships (Klaveren et al., 2009: 8).

The implications of these colonial labour market policies for particular social groups, particularly the intersectionality of gender and race are apparent. The categorisation of being a 'worker' was equated to being 'male', leading to the establishment of a male-dominated labour market and workplaces in South Africa that discriminated against women (Sinden, 2017: 37; Quanson, 2014: 1). The Pass Laws, which required employer certification that the black 'male' worker had completed 'his' term of work under contract, discriminated against black African women left in the rural areas with an implicit policy objective to subsidise capital through the reproduction of cheap African labour (Naidoo et al., 2014: 2; Budeli et al., 2008: 20; Jordaan & Ukpere, 2011: 1094; Bond, 2000: 124).

The Rand Rebellion[1] of 1922 was followed by the promulgation of the Industrial Conciliation (IC) Act of 1924, the first comprehensive labour legislation in South Africa that excluded black Africans from the definition of an 'employee' (Klaveren et al., 2009: 8; Jordaan & Ukpere, 2011: 1094; Budeli & Kalula, 2008: 23). In the subsequent year, the Wages Act of 1925 was promulgated, allowing wage discrimination by race, class and sex of workers (Jordaan & Ukpere, 2011: 1094). Collectively, the IC Act of 1924 and the Wages Act of 1925 instigated and strengthened racial separation/segregationist tendencies in the South African labour market, laying the foundation for the racial and gender wage inequalities that persist to date (Mariotti, 2009: 4; Jordaan & Ukpere, 2011: 1094). This was in addition to prohibition of black workers from unionising whilst unions established by white immigrant workers excluded blacks from becoming members (Budeli et al., 2008: 20).

Social assistance during this period was framed around the 'poor white problem' as the Union government was discriminatorily concerned with reducing poverty among whites as highlighted in a key informant interview:

> Much emphasis was placed on safeguarding the welfare of elderly whites, including issues of destitute white children and white persons with mental health problems.
> **(Key Informant Interview, 31 August 2021, Cape Town, South Africa)**

Thus, a series of social assistance programmes were set up, including the Old Age Pensions Act of 1928[2] (Seekings, 2007a, cited in Phiri, 2020: 11; Seekings, 2006: 3). This was in addition to racially discriminatory State Maintenance Grant (SMG), the sole cash transfer programme that targeted white children living in 'deserving poor' white households/families, meant to benefit white citizens while less than 1% of black African children had access to the grant (Lund, 2007, cited in Zembe, 2013: 39; Patel & Plagerson, 2016: 39). Despite the old age pension being extended to black Africans in 1944, this was at

[1] A bloody confrontation with the military involving skilled white mineworkers protesting against black/white job competition and requesting differential pay scales.

[2] A non-contributory (tax-funded) social pension meant to address the 'poor white problem' among the white and coloured population groups not covered by occupational retirement insurance to the exclusion of black Africans.

a much lower level of benefits, further indicating the racially discriminatory colonial welfare system (Woolard et al., 2011, cited in Phiri, 2020: 11; Bond, 2007: 201; Macdonald, 1953: 140). Other grants that were in existence included the Disability Grant, the Foster Child Grant for children in foster care, and the Care Dependency Grant meant for 'full-time' caregivers of children with disabilities (Patel & Plagerson, 2016: 39).

Apart from highlighting the complex relationship between race, power and the political economy, close parallels can be drawn between the development of the healthcare system in South Africa and the current COVID-19 pandemic. The outbreak of the influenza pandemic of 1918 saw the death of between 300,000 and 500,00 people (van Rensburg, 2012: 83). This pandemic influenced the urgent promulgation of the Public Health Act of 1919 and the creation of a unified health system in South Africa, something that was not conceived of despite the unification of the four republics in 1910 (van Rensburg, 2012: 83). It was noted:

> .... for the inhabitants of the country of all races and cultures, infectious diseases show no respect for constitutional boundaries, and/or racial, gender and cultural differences, the aftereffects of the pandemic [were] devastating. (Bain and Venter 2016: 17).

Despite the seemingly progressive developments, the Public Health Act of 1919 marked the genesis of two fundamental challenges facing healthcare provision in South Africa to date (van Rensburg, 2012: 83). Firstly, the Act created the division of public health provision into three tiers comprising the national government at the highest level, followed by the provincial government at the second and lastly, the local municipality level (*Key Informant Interview 25 August 2021, Pretoria, South Africa*). Secondly, it effectively created a separation between public and private healthcare by creating an environment conducive for the unhindered expansion of an independent free market system of health provision and financing (van Rensburg, 2012: 83). The Public Health Amendment Act 57 of 1935 that saw the extension of public healthcare to indigenous blacks through the creation of a Native Medical Service was characterised by stark inequalities in the distribution of medical staff and quality of service (van Rensburg, 2012: 83). Thus, the colour print was branded on fragmented and racially unequal healthcare provision in South Africa. It is evident that a racial ideology underpinned social policy development in South Africa, an ideology that was discriminatory in all spheres of life from education, health, social assistance, to work and employment (Gradin, 2019: 553). Much emphasis was placed on the welfare of the white population while the welfare of the majority black population was marginalised (Gumede, 2020: 500; Bond & Malikane, 2019: 13). The colonial subjugation period was followed by the grand apartheid stretching from 1948 to 1993.

1.1.3 Grand apartheid 1948-1993

The apartheid period in South Africa deserves recognition as a period of key changes not only in the history of the country but also in the values, norms and ideologies that underpinned social policymaking in the country. Heralding apartheid in South Africa was the coming to power of the Afrikaner National Party (NP), which used slogans in the 1948 elections based on the ideology of apartheid, a policy or system of segregation or discrimination on grounds of race (Budeli et al., 2008: 31). While the racially discriminatory policies of the colonial period under British rule laid the foundation upon which apartheid was built, the period 1948 to 1993 saw the formalisation, intensification and deepening of an authoritarian system of racial segregation and minority-white dominance into a 'grand apartheid' (Klaveren et al., 2009: 8). Successive NP governments, driven by a racist ideology of Afrikaner nationalism, for close to four and half decades, implemented segregationist, exclusionary and separatist policies and practices that legitimised social difference and economic inequality so extreme that there was no historical parallel of such a racially-ordered society (Naidoo et al., 2014: 2; Klaveren et al., 2009: 8; Beinart & Dubow, 1995, cited in Gradin, 2019: 554; Mariotti, 2009: 5). This is well captured in the words of one notable social policy scholar on the continent, describing grand apartheid in South Africa as both a political and social project:

> If apartheid were only a political project, in 1994 with the collapse of 'grand apartheid' racial segregation only inscribed in law would have ended. But if you think of apartheid as a social project you must think of it differently in terms of its cultural foundations, social foundations, including its embeddedness within the ideational mindset of the people.
> **(Key Informant Interview, 06 September 2021, Pretoria, South Africa)**

Thus, following the adoption of a new Constitution in 1961 with the country changing its name from the Union to the Republic of South Africa, the country was set on a *path of separate development* characterised by racially-segregated social and economic policies that effectively divided the country into four major racial groups comprising black Africans, Coloureds, Indians and minority whites (Mariotti, 2009: 2; Msimang, 2000, cited in Quanson, 2014: 5; Jordaan & Ukpere, 2011: 1095; Budeli et al., 2008: 31; Jisheng, 1987: 19). To give effect to its racial ideology of segregation and '*separate development*,' the discriminatory effects of the 1913 Natives Land Act and the 1923 Native Urban Areas Act were intensified through the promulgation of the Bantu Homelands Citizenship Act of 1976 that designated 10 small areas as homelands for black Africans, known in South Africa as the infamous Bantustans categorised by their ethnicity (see Appendix 1; also, Butler et al., 1978; Phiri, 2020: 27). The overt objective was to deny black South Africans citizenship in White South Africa[3], but make them citizens of their designated Bantustans (Butler et al., 1978; Klaveren et al., 2009: 5). While leaving a legacy characterised by politicisation of ethnic identity, Bantustans ceased to exist on the 27th of April 1994, the date on which the Bantustans and their citizens were re-admitted into South Africa and, thus, incorporated into the present-day nine provinces (Butler et al., 1978).

One of the apartheid government's notable achievements was in the area of Afrikaner education and training. While the majority Afrikaner white workers were just as poorly educated as the black African workers as apartheid intensified in the 1950s, the National Party's[4] deliberate and conscious educational policies promoted a rapid improvement in the educational attainment for Afrikaners resulting in its convergence with the education level of English-speaking workers in less than two decades (Mariotti, 2009: 13). Alongside the marginalisation of black African education in the Bantustans, the promulgation of the Bantu Education Act 47 of 1953 saw not only the establishment of the Native Education Department but also the creation of a syllabus structured to provide an education for black Africans sufficient only to serve their own people in the homelands or work in positions under white employers (Naidoo et al., 2014: 2; Jordaan & Ukpere 2011: 1095; Gradin, 2019: 554; Adam, 2020: 3).

[3] A term that was consistently used during apartheid.
[4] Afrikaner worker-supported party that took power from the Smuts government in 1948 and began implementing grand apartheid.

The Act also aimed to ensure that black Africans did not pursue any further education opportunities (Adams, 2020: 3). Subsequently, other education legislation was enacted for different racial groups, namely, the Coloured Persons Education Act of 1963, the Indians Education Act 61 of 1965.

While the educational attainment of the two white population groups converged, the gap between white and black education widened dramatically as a result of the oppressive stagnation and suppression of black education by the apartheid racist regime, with less than a fifth of black students attaining high-school education (Mariotti, 2009: 13). Making a comparison of white and black education at age 16, Mariotti (2009) observed a stark disparity in educational outcomes between the two racial groups. While 87.7% of black Africans aged 16 had some form of primary education (0-7 years of schooling) by 1970, two-thirds of this cohort were without primary education. In contrast, the percentage for the Afrikaners and English-speaking whites without primary education were 7.6% and 2.49%, respectively (Mariotti, 2009: 18). At matriculation level (at least 5 years of high-school education), the proportions were 0.38% for black Africans, 18.9% and 30.9% for Afrikaners and English-speaking whites, respectively (Mariotti, 2009: 18). This was in addition to differential pay scales for teachers in black and white schools as well as the apartheid education policy resulting in gross inequalities in public funding between white and black schools that ensured low-quality facilities for black Africans (Leibbrandt et al., 2010: 39; Burger & Jafta, 2010b: 3; Dass & Rinquest, 2017: 143). Apart from having white schools serving white neighbourhoods and black schools in black neighbourhoods, state funding was allocated on a racial sliding scale with black schools receiving the lowest state funding of R146 per child; followed by Coloured schools at R498 per child, Indian schools at R771 per child and white schools receiving the largest share of R1,211 per child (Dass & Rinquest, 2017: 143). Thus, using education as an instrument for oppression, the best education was offered to white children, followed by Indians, then Coloureds, with black Africans receiving the lowest quality education (Adams, 2020: 3).

The deliberate and conscious design of apartheid education policy to produce specific outcomes in the labour market was apparent. This racial education system meant not only to ensure an uninterrupted supply of skilled white workers but also that black Africans and poorly educated whites were not clear substitutes in the labour market (Naidoo et al., 2014: 2; Mariotti, 2009: 2). The implicit objective was to preclude black competition with poorly educated whites for low-skilled and semi-skilled jobs in the manufacturing sector (Gradin, 2019: 554; Mariotti, 2009: 6). This was in addition to a series of apartheid laws specifically targeting the labour market, which could, analytically be divided into the 1948-1976 period and the 1977-1993 period (Budeli et al., 2008: 28; Burger & Jafta, 201b: 3; Mariotti, 2009.

The first period saw the consolidation of exclusionary policies aimed at institutionalising and giving force to the ideology of racial separation within the labour market (Budeli et al., 2008: 28). When the Industrial Conciliation Act of 1956 repealed its predecessor Industrial Conciliation Act of 1924, it introduced several labour market practices meant to produce a racially exclusive industrial labour market system that favoured the dominant minority-white population (Gradin, 2019: 554). First and foremost was the policy of job reservation that allowed the government to declare certain occupations as reserved for a particular social group—a system of racial allocation of jobs to whites and dependent on the supply of white workers (Mariotti, 2009: 6; Naidoo et al., 2014: 2). Job reservation effectively excluded blacks from occupations that attracted large numbers of whites, thus, forming what can be effectively called ‘labour market apartheid’ that saw a racial allocation of low-skilled and low-paying jobs to non-whites and high-skilled, high-paying jobs to whites (Mariotti, 2009: 5; Klaveren et al., 2009: 8; Leibbrandt et al., 2010: 11). Furthermore, black Africans continued to be excluded from the definition of an ‘employee’, which the Industrial Conciliation Act of 1956 defined as:

> Any person other than ‘black,’ employed by or working for, an employer and receiving or being entitled to receive any remuneration and any other person whatsoever, other than ‘black,’ who in any manner assists in the caring or conducting of the business of the employer. (Jordaan & Ukpere, 2011: 1094; Budeli & Kalula, 2008: 30; Mariotti, 2009: 12)

The racial exclusion of blacks from the definition of an ‘employee’ had the implicit objective of proscribing the unionisation of black African workers (Gradin, 2019: 554; Naidoo et al., 2014: 2; Budeli et al., 2008: 29; Mariotti, 2009: 5; Klaveren et al., 2009: 8; Leibbrandt et al., 2010: 11: Gradin, 2019: 554). The successful deployment of education and labour market reforms as social policy instruments to address the ‘poor white unemployment problem,’ saw less than 12.5% of black Africans formally employed in 1970 despite constituting 70% of the total population (Mariotti, 2009: 14).

The second era (1977-1993) saw the desegregation of the labour market as a result of several factors, including secured labour market position of skilled white workers from black competition and improved educational attainment of whites (Mariotti, 2008: 2). The upward mobility of whites towards highly skilled jobs resulted in increased employment of black Africans in semi-skilled jobs from the late 1970s (Mariotti, 2008: 2). Consequently, black employment responded positively, rising to 27.7% in 1985, a change attributed to the desegregation not of the whole labour market but specifically of semi-skilled occupations (Mariotti, 2009: 14; see also Budeli et al., 2008: 27).

A gendered analysis of apartheid labour markets reveals a persistent alienation of women from the labour market as they faced multi-faceted discrimination in the workplace (Quanson, 2014: 1). While a few white women were employed in the formal sector, particularly in administrative positions, an intersectionality of gender and race resulted in black women segregated to domestic and menial employment as cleaners and tea ladies without any education relative to their white counterparts, a phenomenon that persists to date (Sinden, 2017: 37; Msimang, 2000, cited in Quanson, 2014: 5). As expressed in the words of one key informant:

> The colonial and apartheid welfare system were underpinned by racist, patriarchal and paternalistic values that were discriminatory on the grounds of race, class and sex.
> **(Key Informant Interview, 24 August 2021, Durban, South Africa)**

A strong patriarchal culture permeated social policy development from the colonial through the apartheid period. As argued by Quanson (2014), laws in South Africa never provided protection for women as the country was very patriarchal, with women considered subordinate to men in status and relegated to the private sphere with power disparities reflected in gender-inequitable distribution of resources, information and income (Msimang, 2000, cited in Quanson, 2014: 5). This was in addition to race being established and legitimised as a dominant factor in shaping social policies, an intersectionality that put female black Africans at an acute disadvantage (Bond & Malikane, 2019: 13; Jordaan & Ukpere, 2011: 1095). The historical overview above leads to a presentation of the methods and materials used in this research.

2.0 METHODS AND MATERIALS

A combination of desk study and collection of primary—particularly qualitative—data was used in answering the research questions that guided the study. The desk study, which preceded the primary qualitative data gathering, involved extensive document analysis. The documents included government policy documents, government publications, national constitutions, commission reports and party manifestos from the colonial to the post-apartheid periods. These documents provided rich information that helped to understand the ideological underpinnings of social policies across the periods of the history of South Africa. The documents also included annual reports/publications of key statutory bodies established to monitor particular social policy trends in South Africa and to advise ministers accordingly.

In this regard, a key source of secondary data, particularly for analysing transformational change in the South African labour market, including gender transformation, was the 20th Commission for Employment Equity (CEE) Annual Report 2019/20. This secondary data source provided a good fit as it outlined the state of the South African labour market immediately before the outbreak of the COVID-19 pandemic. The report provided labour market data disaggregated by race (Africans, Coloureds, Indians and Whites) and gender across six different occupational levels, thus, providing a holistic picture of the labour market. The three gender labour market variables analysed included the gender employment gap, gender pay/wage gap and gender occupational segregation and stratification.

While no primary quantitative data were produced, the primary data-gathering component of the study comprised mainly key informant interviews with key social policy experts and government officials purposely selected to provide a rich corpus of primary qualitative data. With participants drawn from different social policy areas, such as health and social protection, some were selected based on academic experience as well as experience of working in the government in the area of social policy. At all times, a gender focus was maintained in framing the research questions.

Ten key informant interviews were planned, however, due to time constraints and commitments, six were conducted. While an interview with the Minister of the Department of Agriculture, Land Reform and Rural Development was secured but later postponed to a date after submission of this report, connections were established between the GETSPA researcher and the Department. However, the researcher was privileged to interview the Chairperson of the Commission for Employment Equity, a statutory body within the Department of Labour, established by Section 28 of the Employment Equity Act (EEA) to monitor transformation in the South African labour market and provide policy advice to the Minister. For constituency-building purposes, connections between the GETSPA research project and the Commission were already established.

While no primary quantitative data were gathered, the data from secondary sources were descriptively analysed to produce distributional percentages while deductive thematic analysis was used to analyse qualitative data gathered from the key informant interviews (Braun & Clarke, 2006). The process involved cleaning, transcription, coding and thematic grouping. For ethical purposes, a specific form was used to secure informed consent from prospective participants.

3.0 CONCEPTUAL FRAMEWORK: TRANSFORMATIVE SOCIAL POLICY (TSP)

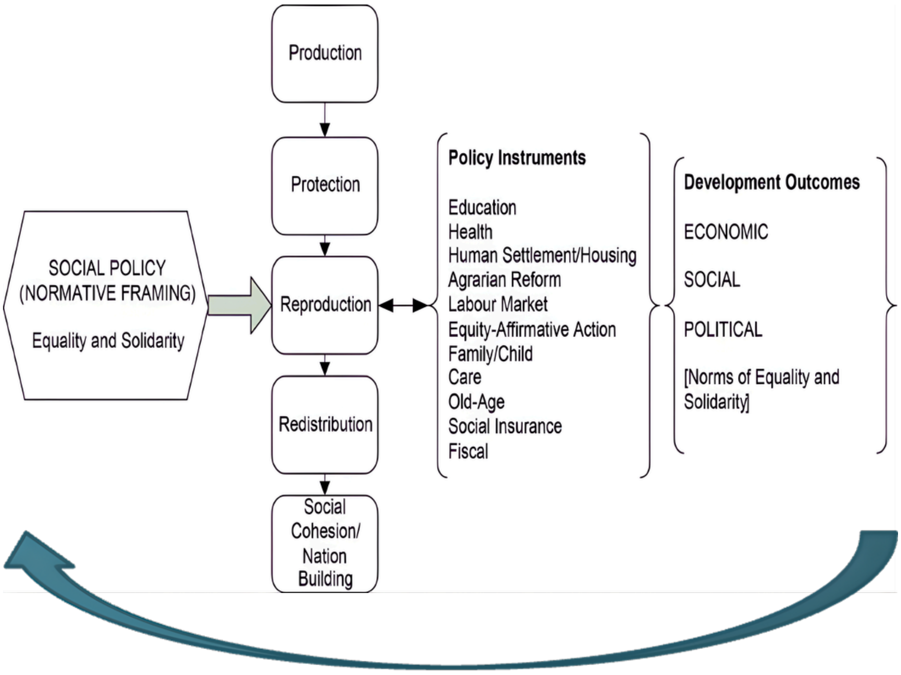
It is useful to set certain conceptual definitions of terms consistently used in the report. Gender equality, a term carrying transformative connotations, refers to a 'situation where men and women, boys and girls enjoy the same rights, resources, opportunities and protections' in all spheres of life (de Austria, 2014: 1; SIDA, 2016: 1; Manuals for Trainers Gender Equality and Gender Mainstreaming, 2014: 12; see also SIDA, 2016: 1; USAID, 2008). USAID (2008) stresses that gender equality seeks to remove all forms of systemic social exclusion and discrimination based on ethnicity, race, sex, language, economic status and all other social identities (see also de Austria, 2014: 1).

Quite distinct, but providing preconditions for gender equality, is the concept of gender equity, a term that refers to 'justice and fairness in the treatment of women and men, boys and girls in order to eventually achieve gender equality. Gender equity often requests differential treatment of women and men, boys and girls to compensate for the historical and social disadvantages that prevent women and men from sharing a level playing field' (Manual for Trainers Gender Equality and Gender Mainstreaming, 2014: 12; ABC of Women Workers' Rights and Gender Equality, 2000, cited in de Austria, 2014: 1). This entails continuously and proactively addressing historical inequalities between women and men to achieve gender equality (Manual for Trainers Gender Equality and Gender Mainstreaming, 2014: 13).

Social policy, as conceptualised within the Transformative Social Policy (TSP) framework, refers to 'collective interventions in the economy to influence access to and the incidence of adequate and secure livelihood and income' or 'collective public efforts aimed at affecting and protecting the wellbeing of people in a given location' (Mkandawire, 2004: 1; Adesina, 2009: 38). The TSP framework is a policy autonomy project seeking to reject the hegemonic framing of social policy exemplified in Western social policy instruments. While it invites fidelity to a broader, more expansive vision of social policy, within Africa, it advocates social policymaking from an African standpoint (Adesina, 2020). It represents an attempt to shift the balance of power in policymaking from the North to the South. Infused with a feminist project aligned to GETSPA's political project of transforming the cultures of policy making in Africa, gender transformative social policy seeks to transform the hegemonic 'male stream' patriarchal policymaking that has relentlessly sought to preserve and institutionalise the subordinate position of women in society (Jackson & van Vlaenderen, 1994: 3; Quanson, 2014: 1).

Below is a representation of the norms, functions and instruments of the TSP framework. The transformative approach to social policy has its origins in the United Nations Research Institute for Social Development (UNRISD) flagship research programme, Social Policy in a Development Context (2000-2006), that covered East Asian, Latin American and African countries (see UNRISD, 2006; Mkandawire, 2001; Adesina, 2009).

Figure 1: Transformative Social Policy: Norms, Functions, Instruments and Outcomes



Source: Adesina, 2011: 463

Foremost, as presented in the TSP framework, are the ideational and normative underpinnings of social policies which are critical in understanding the kind of social policies that may evolve in any given context (Beland, 2009: 561). Such an understanding becomes vital in comparative analysis of social policies within a specific country or across countries (Braun & Capano, 2010:1). The TSP is underpinned by normative principles of solidarity and equality, but the negative deployment of social policies, for example, those framed by racist, separatist and discriminatory (usually patriarchal) ideologies and the theories of the second sex cannot be ruled out (Bond, 2014: 6; Naidoo et al., 2014: 2; Klaveren et al., 2009: 8; Gradin, 2019: 554; Quanson, 2014: 1). Using the apartheid system as an illustration of the latter, one key informant had this to say:

> The racist motive or driving force was a highly racist framework. It is what you may refer to as the 'dark' side of social policy because it was premised on the demonisation of the humanity of the Africans, Coloureds and Asians. This is what we may call the 'negative' deployment of social policy. **(Key Informant Interview, 6 September 2021, Pretoria, South Africa)**

From a gender transformative social policy perspective, other ideological underpinnings with negative implications for women include liberalism, which regards family and the markets as lying outside the realm of state action, thus, producing social policies averse to the collectivisation of care responsibilities (Hassim, 2004: 3).

Transformative social policies stand in opposition to neoliberalism—an updated version of classical, liberal economic thought—representing a body of economic theories and policies associated with a minimalist state narrowly focusing on defining property rights, enforcing contracts and regulating money supply (Kotz & Hall, 2000: 1). Its policy recommendations, with disastrous gender implications, are concerned mainly with dismantling the welfare state, deregulation of business, privatisation of public entities, cuts in social spending and tax reductions for business and investment (Kotz & Hall, 2000: 1).

As an ideological approach, neoliberalism tends to elevate the role of markets and families vis-à-vis the state in social reproduction with negative implications for gender equality. Contrastingly, a Marxist feminist approach links closely with the social reproduction functions within the TSP framework which is concerned with the 'reconciliation of the burdens of social reproduction with that of other social tasks' to share this burden of responsibility to achieve gender equality (Mkandawire, 2011).

Using a Marxist feminist perspective, the TSP framework seeks to interrogate conditions for social reproduction and their gendered implications (UNRISD, 2010). Issues of social reproduction often neglected in social and economic policies ought to remain key targets of TSP for the attainment of gender equality and equity.

Stressing the importance of institutional cultures, the TSP approach argues that what ultimately emerge as social or economic policies are products of the sociological construction of social problems deeply embedded in the dominant cultural assumptions, value and belief systems of a given society (Beland, 2009: 567). These relate to the norms, values and belief systems of any given society, with the latter defined as the shared set of normative and principled beliefs of the concerned people (Braun & Capano, 2010: 4). Values are embedded in the culture of societies and define, in each context, what is important, meaningful, desirable and worthwhile, thus, providing directions to guide people's actions (Corvellec & Risburg, 2010, cited in Corvellec & Hultman, 2014: 357; Corvellec & Hultman, 2014: 358). This is particularly important in contexts with a history of diverse cultures and values, such as that of South Africa (Jordaan & Ukpere, 2011: 1093).

However, changes in the political context may be concomitant with changes from one regime of values to another as values are not absolute but locally determined across time and space by social groups that have different vantage points (Corvellec & Hultman, 2014: 359; Rein, 1973). The latter is particularly important from a feminist perspective as values emerge from relationships among people who are different and, therefore, are of unequal social status, acting within a specific social order (Corvellec & Hultman, 2014: 360). Thus, valuation – the processes of assigning value in policymaking – is political as it involves 'relations, assumptions and contestations pertaining to power' (Corvellec & Hultman, 2014: 360). Thus, the role of institutional cultures, particularly the unexamined cultural assumptions regarding women and the family, which tend to influence the design and selection of social and economic policies and the construction of welfare regimes, need to be objects of TSPs (Beland, 2009: 258).

Rejecting the contemporary hegemonic mono-protection tasking of social policy exemplified in the dominant Western social policy instruments, the TSP framework is an invitation to a multi-tasking of social policy comprising production, redistribution, protection, reproduction social cohesion and nation building (Mkandawire, 2004, cited in Yi, 2015; Adesina, 2011: 463). The weighting placed on each of these tasks of social policy varies contextually and from time to time (Mkandawire, 2004). In many countries of the global South, external donor influence and interference have resulted in the elevation of an 'impoverished' social protection function of social policy exemplified in the proliferation of mainly donor-funded cash transfer programmes (Adesina, 2021: 6). The gendered effect of such a neoliberal approach to social policy is the neglect of the social reproductive function of social policy, thus, exacerbating gendered inequalities (Sinden, 2017: 42). The utility of the TSP as an approach to social policy in a development context lies in its multiple social policy instruments rather than the preference for 'cash' characteristic of the dominant social protection paradigm (Adesina, 2011: 454). Among these is land and agrarian reform, critical in making social policies catalyse and support agrarian transitions and structural transformation in informal, non-industrialised economies.

Other equally important social policy instruments for equitable gender transformation selected in this study include education, labour market reforms (work and employment), health sector reforms and social insurance as assistance programmes. Within the TSP approach, investment in improved health and education extends to labour market outcomes and ought to be seen not as expenditures but investments as they enhance the productive potential of individuals, communities and economies (Economic and Social Commission for Western Asia, cited in Gumede, 2020: 503). TSP entails the inseparability and holding in tandem of economic and social policies, addressing the adverse effects of growth and mitigating risks emanating from changing life-cycle circumstances and social reproductive burdens (UNRISD, 2010).

4.0 DISCUSSION OF FINDINGS

With the formal end of 'political apartheid' in 1993 following three and half centuries of colonialism, there was an imperative need for transformation in general and gender equity in particular in all spheres of life – education, work and employment, health, social insurance and assistance, land and agrarian reform (Quanson, 2014: 2). Marking the post-apartheid period, in 1994, the new black majority South African government, after inheriting a society deeply divided along racial, class, gender and geographical lines entrenched over a period of over 350 years, faced the colossal and multiple tasks of halting, dismantling, reversing and transforming the South African society towards one based on principles of equality, non-racialism and non-sexism (Gradin, 2019: 554; Quanson, 2014: 5; Jordaan & Ukpere, 2011: 1095; Budeli et al., 2008: 68; Ferreira, 2005: 197; Constitution of the Republic of South Africa, 1996).

Underpinned by a liberal ideology of equal rights, the new post-apartheid government set on an ambitious path to transform the society for 'the better of all' who live in South Africa (Armstrong & Burger, 2009: 1). Whether the new government's liberal ideology that shaped social policymaking during this period succeeded or not forms the core of the discussion in this report. This section, which focuses on the post-apartheid period, is structured along the five social policy instruments adopted for this study, namely education and training, work and employment, social assistance, healthcare and lastly, land and agrarian reform. In each social policy sector, the legislative measures taken by the post-independence government are first outlined, followed by a discussion of the policy outcomes emanating from the intersectionality of gender with other axes of race, class and geography.

4.1 Education and Skills Training

Section 29(1)(a) of the democratic Constitution of South Africa, guaranteeing access to basic education, is regarded as lying at the heart of the country's transition to a sustainable, non-racist and non-sexist society (Naidoo et al., 2014: 9; Maziya et al., 2003: 28; Quanson, 2014: 5; Adams, 2020: 4; Dass & Rinquest, 2017: 143). Towards the realisation of this goal, the new government set on an ambitious journey to transform the racially segregated education system entrenched over many decades (Adams, 2020: 3; Matola & Yusuf, 2009: 1; Leibbrandt et al., 2010: 7).

The measures taken included revising the entire education curriculum, integrating all education and training through the creation of the single National Qualifications Framework (NQF), merging and closing universities and colleges to transform the higher education system and integrating all teacher-training institutions in addition to introducing a pre-primary (Grade 0) year for all learners (Matola & Yusuf, 2009: 1). However, in pre-tertiary education, the South African Education Act (SASA) of 1996 remains the country's key reference point for post-independence legislation in the education sector (Leibbrandt et al., 2010: 7; Dass & Rinquest, 2017: 145).

In an attempt to achieve fiscal parity in education to promote equity and redress the colonial and apartheid legacies of racially discriminatory apartheid state funding, an important amendment to the SASA of 1996 introduced the No Fee Schools Policy (NFSP) that took effect from the 1st of January 2007 (Matola & Yusuf, 2009: 1). According to the NFSP, parents with learners in schools designated as 'no-fee schools' (Quintiles 1-3) do not have to pay school fees for their children as the latter would be funded through the fiscus (Dass & Rinquest, 2017: 143). Through a quintile funding system, the government channels a greater proportion of educational financial resources towards the historically disadvantaged schools in quintile 1-3 at a rate of R1,177 per learner (Dass & Rinquest, 2017: 143). Suggesting continuity of the apartheid sliding scale but in reverse order, the amount of government funding decreases as the quintile increases, with Quintile-4 schools funded at a rate of R590 while the highest quintile is funded at a rate of R274 per learner (Dass & Rinquest, 2017: 143).

While 40% of all schools in South Africa were initially declared 'no fee schools', the percentage rose to 60 in 2011 (Yusuf & Shireen, 2012: 1; Matola & Yusuf, 2009: 4). Despite the introduction of NFSP, education in the country remains characterised by a two-tier system comprising privileged and well-resourced schools for mainly white and Indian children alongside poor and disadvantaged schools catering for black and Coloured children (Yusuf & Shireen, 2012: 1; Matola & Yusuf, 2009: 4). Spatially, many of the 'no fee schools' are located in the poorest provinces of the Eastern Cape with over 56% of learners in the poorest Quintiles 1 and 2 'no fee schools' compared with only 14.5% and 21.9% in the higher-income provinces of Western Cape and Gauteng, respectively (Matola & Yusuf, 2009: 3). This has tended to reinforce spatial inequalities in addition to exacerbating the race and class divide in the country. Despite public education typically taking up to 15% of South Africa's annual national budget, education policies appear to cement rather than reduce racial inequality (Bond & Malikane, 2019: 12). Equitable access to quality education remains elusive for the majority of learners in South Africa despite three-fifths of all schools designated as 'no fee schools', a point stressed by one key informant in an interview:

> South Africa represents what Richard Titmuss described long back. Social policies specifically designed for the poor produces poor outcomes. Those delivering the service know very well that the parents of children who go to 'no fee schools' are poor people and tend to produce poor service precisely because there is no fear of blowback.
> **(Key Informant Interview, 6 September 2021, Pretoria, South Africa)**

White learners remain likely to live in urban areas and in proximity to well-resourced schools located within white neighbourhoods, a product of the apartheid Group Areas Act of 1950 which established racial urban rezoning. This can be contrasted to the majority of black African learners likely to live in rural areas and townships in close proximity to historically disadvantaged black schools (Burger & Jafta, 2010a: 16; Republic of South Africa, 2019: 49). As a result, large differences in the quality of education between mainly white schools and mainly black schools have notoriously persisted, feeding into racial, class and gender inequalities (Leibbrandt et al., 2010: 39).

It can safely be argued that educational policies of the post-independence government in South Africa have failed to universalise quality education despite channelling huge state resources towards historically black schools (Maziya et al., 2003: 28; Leibbrandt et al., 2010: 39). Additionally, the removal of racial pay scales has failed to enhance the quality of education offered in historically black schools as differences in the quality of teachers between urban and affluent suburban schools and historically black and rural schools persist (Maziya et al., 2003: 18; van de Burg, 2001: 8, cited in Burger & Jafta, 2010b: 3).

As a result, the majority of learners in the former Bantustans face insurmountable difficulties in obtaining a school-leaving certificate due to the inadequate preparation characteristic of many poor schools in South Africa (Leibbrandt et al., 2010: 39). Over 70% of students passing Grade 12 are denied entry to university due to failure to attain the certificate with endorsement critical for undergraduate enrolment, with female students likely to be affected the most due to cultural norms and the burden of social reproductive work (Maziya et al., 2003: 18; Leibbrandt et al., 2010: 39).

The cohort failing to sit the sole externally examined Grade 12 examination exhibits varying levels of education depending on the quality of primary and/or secondary school attended, thus, feeding into racial, class and gender inequalities in the labour market (Burger & Jafta, 2010a: 16; Gradin, 2019: 555; Leibbrandt et al., 2010: 39). Despite tertiary education policy providing several incentives and support for black students, their poor-quality primary and high-school education effectively excludes them from attaining the university education critical for success in the labour market (Maziya et al., 2003: 28; Leibbrandt et al., 2010: 44).

This is in addition to large differences in the average years of schooling between blacks and whites, which are a product of self-defeating and contradictory educational policies (Gradin, 2019: 555). The enforcement of maximum age limits for each grade stipulated in the SASA of 1996 has produced contradictory outcomes characterised by increased educational attainment by the youth but with insignificant improvement in the average years of schooling (Leibbrandt et al., 2010: 7). While the previous policy had allowed retention of learners within the school system, the post-1996 period witnessed large numbers of youth older than the norm for their grade churned out of the school system to enter the labour market, joining those failing to complete their secondary schooling and feeding into youth unemployment in the country (Leibbrandt et al., 2010: 7).

4.1.1 COVID-19 and online learning in South Africa

The outbreak of the COVID-19 and the closure of schools exposed the persistent inequalities in access to quality education (Parker et al., 2020: 1). The majority of learners, predominantly black, attended public schools characterised by overcrowding and poor infrastructure, particularly the computer facilities that would prove crucial in facilitating the transition to online learning (Dube, 2020: 135; Parker et al., 2020: 9). The COVID-19 imperative to transit from face-to-face to online learning magnified pre-existing social and educational inequalities. Only 10.4% of South African households have access to the internet, with a substantially lower proportion in rural provinces, where households with access to internet in the remote Limpopo province, for example, the proportion of households with access is as low as 1.7% (Pillay, 2020: 5; Parker et al., 2020: 9: Dube, 2020: 135).

At the other extreme, adequately resourced and funded schools with functional education facilities and attended by predominantly white and Indian children transitioned smoothly to online learning. As a result, many black and coloured children attending poorly resourced and underfunded schools were excluded from online learning (Pillay, 2020: 3; Dube, 2020: 135). An intersectionality of gender, race and class would reveal that children living in low-income female households would bear the brunt (Pillay, 2020: 3). Thus, one effect of the pandemic was to reinforce the bi-modal schooling system in the country, as highlighted during key informant interviews:

> The stratification of South Africa's education system into private, model C, township and 'no fee schools' implies that private schools were able to transit to online learning with the COVID-19 impact on education severely affecting low-income households, particularly those headed by African females. **(Key Informant Interview, 6 September 2021, Pretoria, South Africa)**

These differences tend to fuel differences in labour market outcomes between black, Coloureds, Indians and whites as the level of returns to education increases with increasing quality of education (Maziya et al., 2003: 9; Burger & Jafta, 2010b: 3). Access to quality education remains an important, gendered, pre-labour market discriminatory factor that is likely to become more significant post-COVID-19.

4.2 Work and Employment

One of the legacies inherited by the new post-apartheid government in 1994 was a deeply-divided and segregated labour market where outcomes were differentiated along racial, class and gendered lines (Mariotti, 2009). With many individuals and households dependent on the labour market for their income and welfare, its transformation to eliminate racial and gender discrimination to comply with equity provisions in the Constitution was one of the priority goals of the post-independence government (Gumede, 2020: 9; Ferreira, 2005: 197; Sinden, 2017: 37; Gradin, 2019: 554; Naidoo et al., 2014: 2; Burger & Jafta, 2010a: 4; Budeli & Kalula, 2008: 70). Post-independence, four key labour market laws were enacted to redress imbalances, particularly to achieve equity in employment, eliminate unfair discrimination in the workplace and promote equal opportunity in the labour market (Sinden, 2017: 37; Quanson, 2014: 5; Jordaan & Ukpere, 2011: 1093). From a gender perspective, the legislation aimed at creating a platform and environment for gender equality within the workplace (Sinden, 2017: 42).

4.2.1 The Employment Equity Act (EEA) 55 of 1998

The EEA 55 of 1998 is a product of the Presidential Labour Market Commission set up in 1995 to investigate and make recommendations towards the elimination of all forms of discrimination in the labour market (Burger & Jafta, 2010a: 4). The Act designated particular racial groups as underrepresented in certain categories of work and mandates employers proactively to attract, develop and retain individuals from previously disadvantaged groups (Jordaan & Ukpere, 2011: 1095; Ferreira, 2005: 203; Quanson, 2014: 2). Recognising the pronounced disparities created by apartheid, the designated groups specified in the Act includes blacks, Coloureds, and Indians, women and people with disabilities (Burger & Jafta, 2010a: 5; Klaveren et al., 2009: 21). Its explicit objective was to redress past inequalities in jobs, income and occupation that could not be eliminated simply by repealing apartheid legislation (Jordaan & Ukpere, 2011: 1095; Burger & Jafta, 2010a: 4; Budeli et al., 2008: 69; Ferreira, 2005: 203; Quanson, 2014: 2; Klaveren et al., 2009: 21). Additionally, the Act made provisions for the creation of the Commission for Employment Equity (CEE), a statutory body within the Department of Labour mandated to compile and report progress with respect to employment equity (Burger & Jafta, 2010a: 5). As indicated during an interview, an additional clause on 'equal pay for work of equal value' was added to address issues of gender pay gaps following amendments of the EEA of 1998 (*Key informant interview, 2 September 2021 Pretoria, South Africa)*.

4.2.2 Labour Relations Act (LRA) 66 of 1995

The Act was promulgated to change the labour laws in South Africa and give effect to Section 23 of the Constitution, which regulates organisational rights of trade unions, promoting and facilitating collective bargaining processes at the workplace and the establishment of workplace forums (Subramanien & Joseph, 2019: 2).

4.2.3 Conditions of Employment Act (BCEA) 75 of 1997

The BCEA 75 of 1997 was passed to regulate conditions of employment to ensure that all workers have some basic rights. Included were those, predominantly women, working in vulnerable activities and such sectors as contract cleaning, domestic work, agriculture and wholesale (Sinden, 2017: 37; Maziya et al., 2003: 8; Budeli et al., 2008: 69; Ferreira, 2005: 202). These basic conditions of employment include the regulation of work hours, right to take leave, remuneration and termination of employment (BCEA, 1991: 1).

4.2.4 Skills Development Act (SDA) of 1998

The SDA of 1998 made provisions for the creation of the Skills Development Levies Act (SDLA) of 1999 and the establishment of the National Skills Authority (NSA) to advise the Minister on national skills development (Ferreira, 2005: 204; Budeli et al., 2008: 69; Klaveren et al., 2009: 21). This was in addition to setting up Sectoral Education Training Authorities (SETAs) responsible for skills training in various sectors of the economy as stipulated in the Act (Sinden, 2017: 37; Leibbrandt et al., 2010: 42). The SDLA of 1999 makes it mandatory for the NSA to levy all employers to create a skills development fund for skills training (Maziya et al., 2003: 6).

4.2.5 Other post-independence labour market regulations

In addition to the four primary laws above, the Promotion of Equality and the Prevention of Unfair Discrimination Act and the Broad-based Black Economic Empowerment (BBEE) Act were promulgated as complements to the EEA of 1998 and the LRA of 1995 (Burger & Jafta, 2010a: 5). More germane in the era of COVID-19 is the Unemployment Insurance Act (the UIA) 2001 and Unemployment Insurance Contributions Act, 2002 (the UIC Act), administered through the Department of Labour, which saw the establishment of the Unemployment Insurance Fund (UIF) (Leibbrandt et al., 2010: 4). Employers are obliged to pay a total contribution of 2% towards the UIF, half of which is contributed by the employee. UIF provides short-term unemployment insurance in the event of maternity, illness or death of a contributor (Leibbrandt et al., 2010: 4).

4.2.6 Labour market outcomes

The ensuing discussion examines the impact of the above post-Independence labour market legislation on three important labour market outcomes germane to women, namely the gender employment gap, the gender pay gap and lastly, gender occupational segregation and stratification, which all represent some form of labour market discrimination. The discussion draws heavily on the 20th Commission for Employment Equity (CEE) Annual Report 2019/2020 as it gives a reflection of women's position in South Africa's labour market at the onset of the COVID-19 pandemic.

4.2.7 Gender employment gap

According to the last national census (2011), women constitute 50.6% of South Africa's population (Statistics South Africa, 2011). The 20th CCE Annual Report reveals that 45.4% of females in South Africa are within the economically-active population (EAP) relative to 54.6% of males (CEE, 2020: 9). Adopting Burger and Jafta's (2010a) definition, gender employment gap refers to male/female differentials in employment (Burger & Jafta, 2010a: 18). Thus, gender inequality exists if the distribution of females and males deviates in some characteristic – such as employment/labour market participation – from their ratio in the population (Dorins & Firebaugh, 2010, cited in Sinden, 2017: 39).

Female labour force participation (FLFP) in South Africa shows a rising trend from the lowest level of participation when women accounted for only 23% of the labour force in 1960 to 32% in the 1970s, further increasing to 34% in 1995 (South Africa-Towards Inclusive Economic Development (SA-TIED), 2019: 2; Klaveren et al., 2009: 15). In the early 2000s, FLFP increased from 34% to stabilise at 40%, or 44% if domestic workers are included in this categorisation (Klaveren et al., 2009: 15). Between 2014 and 2018, FLFP hovered above 45%, closing at 48.9% in 2018 (SA-TIED, 2019: 2). Thus, South Africa may represent one of the leading countries on the continent in relation to FLFP and an important case to analyse regarding the extent to which the labour market can be a source for gender economic equality and welfare for African women.

Despite the great strides made by women in labour force participation in South Africa, this has not been without its set of racial and gendered inflexions. An intersectionality of race and gender reveals that while the gender employment gap is almost negligible among the whites, among the black African population, women were 15% less likely to find work than their male counterparts (Burger & Jafta, 2010a: 20). While the differences in skillsets between an average black females and males can be acknowledged, African women face higher hurdles to cross before finding work, and those who are working are a more select group out of the total population (Klaveren et al., 2009: 4; Burger & Jafta, 2010a: 23). As highlighted in an interview with the Chairperson of the Commission for Employment Equity:

> The closing gender employment gap obscures more than it reveals. The relatively high FLFP comes at a cost for women, as the South African patriarchal labour market is insensitive to the other needs of women. Women need to go to maternity but what we find is that employers are not sensitive to the dynamics of maternity leave and what happens during maternity leave.
> **(Key informant interview, 2 September 2021, Pretoria, South Africa)**

Marxist feminist social reproductive theory seeks to illuminate labour market participation constraints faced by women that force them to exit the labour market due to pregnancy, caregiving and homemaking responsibilities, aspects that mainstream labour market economists are yet to recognise (Sinden, 2017: 42; Leibbrandt, 2010: 7; Phiri, 2020: 44; Tekwa & Adesina, 2018: 58). Gender-sensitive employment policies need to ensure that women enter the labour market on an equal footing, taking cognisance of their social reproductive roles for gender-equitable and transformational labour markets (Sinden, 2017: 38).

4.2.8 Gender wage gap

Gender wage gap refers to differentials in the average hourly pay of men and women at the same occupational level (Brynin, 2017: 7). It is an important indicator of equality, fairness and equity not only in the labour market but also in society at large (Bosch, 2020: 6). The culture of women earning less than men leads to differentials in the accumulation of wealth, individual and family welfare and conditions in old age, thus, exacerbating gender inequality (Bosch, 2020: 6). While South Africa had made considerable progress in narrowing the gender wage gap from 40% in 1993 (SA-TIIED, 2019: 2), according to the Business Insider, in 2019, the gender wage gap remains stubbornly high at an average of 25% (de Villiers, 2019). Thus, women in South Africa are still paid considerably less than their male counterparts at the same occupational level. In the healthcare sector, men are paid 28.1% more than women, 25.1% more in the media and general retail services and 21.8% more in the financial sector (de Villiers, 2019).

In line with the 20th CEE Annual Report, a research brief by the SA-TIED revealed the gender wage gap is highest among top-level earners, suggesting that women in South Africa rarely occupy top positions in the labour market (SA-TIED, 2019: 1). The Business Insider reveals the gender pay gap between female and male top earners in the South African labour market is as wide as 39%, highlighting the prevalence of gender occupational segregation and stratification (de Villiers, 2019). Thus, SA-TIED (2019) describe the South African labour market as characterised by a "'sticky floor effect,' a pattern that keeps a certain group at the bottom of the job scale", predominantly occupied by females, particularly black African (SA-TIED, 2019: 1). Commenting on factors underlying the persistently high gender wage gap, the Chairperson for the Commission for Employment Equity remarked:

> South Africa, by its very nature, is a patriarchal society that rates males higher, with women regarded as second-class citizens. That norm had sort of penetrated the labour market, becoming a pattern in which men are paid much better than females and get more opportunities for appointment than females. **(Key informant interview, 2 September 2021, Pretoria, South Africa)**

Feeding into the gender pay gap is the increasing informalisation and casualisation of previously formal jobs in South Africa that came with the implementation of the LRA of 1995, the EEA of 1998 and the SDA of 1998. These led to a rise in casual, part-time and contract work and a significant decline in permanent protected work (Gumede, 2020: 13; Klaveren et al., 2009: 18; Maziya et al., 2003: 18; Leibbrandt et al., 2010: 12; Bond, 2007: 203). An intersectional analysis reveals that informal employment is predominantly black and female. Black South African women constitute 33.8% of those employed in the informal sector relative to only 5.0% of white females (Wilson, 2021). The lower wages associated with the sector feeds into the black gender wage gap (Klaveren et al., 2009: 16; Leibbrandt et al., 2010: 16). Generally, wages in the South African informal sector were found to be 3.5% lower at US$203/month compared with US$715/month in the formal economy, thus, reinforcing the gender pay gap (Leibbrandt et al., 2010: 16; Klaveren et al., 2009: 16).

4.2.9 Gender occupational segregation and stratification

Occupational segregation is a structural characteristic of the labour market in which one population group is over- or under-represented across different types of jobs and occupations (Washington Centre for Equitable Growth, 2017: 1). Intersecting with race and gender, occupational segregation is often seen as a key driver of gender wage gaps (Das & Kotikula, 2019: 1). The literature identifies two forms of occupational segregation – horizontal and vertical – in which the former refers to the concentrations of a particular social/demographic group in different occupations and the latter referring to disparities in position with different statuses within the same occupation (Weeden et al., 2018: 31; Das & Kotikula, 2019: 1).

Targeting gender-based employment segregation beyond FLFP remains critical for gender equity and equality since solely focusing on FLFP may not improve gender equality as women end up concentrating in jobs characterised by low returns (Washington Centre for Equitable Growth, 2017: 1; Das & Kotikula, 2019: iv). In the South African labour market, the high-skills tier is characterised by tight demand for white males and, to a lesser extent, white females whereas the low-skills tier has an over-supply of African males and females (Gradin, 2019: 553; Naidoo et al., 2014: 4; Klaveren et al., 2009: 45).

According to the 20th CEE Annual Report 2019/2020, which traces occupational segregation across six occupational levels, vertical gender-based occupational segregation begins to narrow from the fourth level (skilled level) where the share of males was 55.2% and that of females was 47.7%; semi-skilled 55.2% compared with 44.8% and lastly 58.5% compared with 41.6% in the unskilled category (CCE, 2019/2020). In the higher positions of senior management, the share of males relative to females is as high as 64.7% compared with 35.3%, rising to 75.6% males compared with 24.4% for females in top management (CEE, 2019/2020). The intersectionality of race and gender reveals that only 5.4% of African females are in top management compared with 52.4% white male representation despite the latter constituting a mere 4.9% of the total labour force in South Africa (CEE, 2019/2020). Thus, despite significant strides in FLFP since independence, occupational segregation persists, with (especially female) blacks systematically segregated into low-skill, low-paying occupations (Gradin, 2019: 554; Leibbrandt et al., 2010: 6; Wilson, 2021; Sinden, 2017: 37; Quanson, 2014: 1).

The gender-based discrimination in the South African labour market was exacerbated by the outbreak of the COVID-19 pandemic. While the labour market shock resulted in 40% net loss in employment, suggesting dramatic and longer-term changes in the labour market structure and unemployment, the gendered effects of COVID-19 were inevitable (Jain et al., 2020: 1). The pandemic aggravated labour market inequalities and disproportionately affected women, particularly informal workers and those with lower levels of education in manual, low-level occupations (Jain et al., 2020: 2). As highlighted in an interview with the Chairperson of the Commission for Employment Equity (CEE):

> One of the things we know from the research we received is that COVID-19 impacted predominantly women and black women, specifically. To a larger extent, the gains we have made in terms of employment equity, in terms of creating access to jobs we have lost it, it has been reversed. To me that is the biggest loss.
> **(Key informant interview, 2 September 2021, Pretoria, South Africa)**

With job losses concentrated among low-wage occupations, and particularly in the hospitality, education and health sectors which have the largest concentration of women, black women have been hit hardest by the highest probability of becoming unemployed (Wilson, 2020).

4.3 Social Security and Assistance

To signify a significant break away from the racial and exclusionary social security system of the colonial and apartheid period, the post-independence government introduced a very expansive, ambitious and strongly-redistributive social security programme through the social grants system (Leibbrandt et al., 2010: 4; Armstrong & Burger, 2009: 1). The new government sought to deploy its social security system, particularly state social grants, albeit in a neoliberal framework, to provide income support to poor households to deal with the triple challenges of poverty, unemployment and inequality (Kohler & Bhorat, 2020: 3; Samson et al., 2006: 1; Armstrong & Burger, 2009: 1).

As a tax-funded, social assistance programme unmatched anywhere on the continent, South Africa's programme comprises five main state assistance grants and three others, making a total of eight state assistance grants. The five main ones are:

- State Old Age Pension (SOAP)
- Child Support Grant (CSG)
- Care Dependents Grant (CDG)
- Foster Care Grant (FCG)
- Disability Grant (DG)

The other new social grants are:

- Older Persons Grant (OPG, above age 75)
- War Veterans Grant (WVG)
- Grant in Aid

The SOAP dates to the Old Age Pensions Act of 1928, introduced by the colonial government to address the 'poor white problem'. In the 1940s, it was extended by the apartheid government to the African population, with racially-differentiated benefits (Armstrong & Burger, 2009: 1; Seekings, 2006: 3). The CSG changed name from the former State Maintenance Grant (SMG) that targeted white children living in poor white households, largely excluding black children (Phiri, 2020: 52; Zembe, 2013: 39). The DG was first introduced in 1937 by the colonial government, then extended along racial lines (Patel, 2015: 364; Samson et al., 2006: 1). The FCG and the CDG were in existence before independence but were available only to a small section of the white population (Armstrong & Burger, 2009: 1). The neoliberal targeting, income-based means test and an exclusive focus on the 'deserving' poor is reminiscent of the colonial and apartheid social policies (Phiri, 2020: 8; Leibbrandt et al., 2010: 37; Samson et al., 2006: 1).

Despite covering 18 million people, almost a third of the total population and accounting for 3.5% of GDP, some gaps still exist within South Africa's social assistance programme (Bhorat & Kohler, 2020: 3). The first relates to an inequality reinforcing two-tier social security system consisting of one group with connections to the labour market and dependent on an employment-based social insurance system, the other group being the vast majority of poor households, particularly females with no links to the labour market and dependent largely on state-provided social assistance (Phiri, 2020: 51; Leibbrandt et al., 2010: 22). This had led to heavy dependence on state grants among households situated in the poorest five deciles of income distribution (Leibbrandt et al., 2010: 22).

Reinforcing gendered cultural norms, women constitute the majority of recipients of the CSG, with only 2.3% being male (Kohler & Bhorat, 2020: 4). The pandemic has revealed that in-between the groups are vast numbers of vulnerable households that are neither eligible for state-funded grants nor employment-based provisions (Phiri, 2020: 51). This also relates to the 'missing middle', a demographic group not covered by the state assistance grants targeted at the most vulnerable, namely children, the old and the disabled (Adesina, 2020). Social provisioning in South Africa is underpinned by a liberal assumption that 'able-bodied' women and men can support themselves through wage work, replicating the colonial and apartheid superstructure (Bhorat & Kohler, 2020: 6; Phiri, 2020: 51).

From a gender perspective, the emphasis on child poverty exemplified by the CSG has the unintended effect of separating the welfare of children from that of their mothers (Lister, 2006: 315). Rather than challenging the gender culture, the CSG seems to reinforce a gendered division of work, as women constitute the majority of recipients (Bhorat & Kohler, 2020: 4). Missed by policymakers is the interrelationship between women's poor labour market position and child poverty and the failure to enable parents (in practice, mothers) to combine paid employment with family responsibilities through social policy (Lister, 2006: 315). The child poverty discourse, dominant in South Africa's social assistance programmes, obscures the persistent, gendered nature of caregiving (Lister, 2006: 315). This stems from the ideological underpinnings of liberalism that regard family and the markets as outside the realm of state action. There is, alongside, a 'cultural value of caring' in the government policy framework that shifts the burden of caring to families – and women in particular – without financial compensation for their time or effective support from the state. This is reminiscent of the colonial and apartheid era (Hassim, 2004: 14). Such gaps in the country's social security system left many vulnerable to the effects of COVID-19.

4.4 Healthcare Provision

Numerous attempts were made to reform the historical racially divided and discriminatory healthcare system beginning with the 1994 National Health Policy, the 1997 White Paper for the Transformation of Health Systems and the National Health Act 61 of 2003 (Pauw, 2021: 3; Conmy, 2018: 1; Burger & Christian, 2020: 43). These efforts included the abolition of user fees, making public healthcare free of charge at the point of use. However, the apartheid dual structure has remained a permanent feature of healthcare provision in South Africa (Mhlanga, 2021: 484; Pauw, 2021: 1).

On one hand, there is a high-quality healthcare system comprising a network of private healthcare providers operating within a network of private hospitals whose clients are covered mainly by private medical insurance (Conmy, 2018: 2). On the other hand, there is poor-quality public healthcare that is under-resourced and provides very poor service to the majority, mainly the black African population (Pauw, 2021: 1). Thus, the two-tier healthcare system dichotomy is reinforced. It comprises the insured and the uninsured; the rich and poor; the high-quality and expensive healthcare and the poor-quality, cheap health service; and mainly white or mainly African, private or public healthcare (Conmy, 2018: 3; Leibbrandt et al., 2010: 46; Mhlanga, 2021: 484).

While the private health sector caters for a meagre 16% of the population, public healthcare provision features very long queues, shortages of beds, shortages of drugs and medical staff, demonstrating the large disparities in healthcare provision by class and income (Leibbrandt et al., 2010: 46). This is in addition to inequalities in public health funding where 50% of total health expenditure goes to the 16% of the population covered by private health insurance while the other half is spent on the remaining 84% of the population (Phiri, 2020: 6). These differences are reflected in disparities in health outcomes between the two major racial groups. The infant mortality rate for white South Africans is 7 per thousand compared with 67 per thousand among black South Africans; the intersectionality of gender and race is reflected in life expectancy, in which the life expectancy for white South African females is 50% longer than that of black South African women (Conmy, 2018: 4). As highlighted in an interview with a health policy expert:

> The inequalities in healthcare financing and the concomitant racially- and gender-differentiated health outcomes led to the introduction of the National Health Insurance, the first universalistic social policy in South Africa.
> **(Key Informant Interview, 25 August 2022, Pretoria, South Africa)**

Thus, in 2009, the ANC government introduced National Health Insurance (NHI) with the intention of transforming the fragmented and unequal heath system to provide universal health coverage (UHC) irrespective of race or class (Burger & Christian, 2020: 43; Conmy, 2018: 1; de Villiers, 2021: 1; Mhlanga, 2021: 484). The programme was piloted in 10 districts in 2011, but it was only in 2019 that the NHI Bill was passed by Parliament. This suggested a snail-paced implementation of the NHI attributed to lack of political will and funding (Pauw, 2021: 1; Conmy, 2018: 7; Bond, 2014: 13). On 15 May 2024, the National Health Insurance (NHI) Bill was signed into law signifying a major step towards universal healthcare coverage in South Africa.

Despite the progress above a stumbling block which the government had to deal with relates to the lack of class solidarity and resistance from the section of the population with the resources to finance a public-funded universal health system and currently covered under private health insurance (Leibbrandt et al., 2010: 46; Conmy, 2018: 7). Analysing healthcare in South Africa before COVID-19, Conmy (2018) finds the system ill-equipped to handle a catastrophic health situation. This has been proven to be true following the outbreak of the pandemic. The influenza pandemic of 1918 led to the creation of a unified health system in South Africa. It remains to be seen whether the signing of the NHI into law on 15 May 2024 represents an impetus to the implementation of the NHI post COVID-19 as the neoliberal policies in health continue to have a deleterious health effect on low-income households (Bond, 2007: 213).

4.5 Land and Agrarian Reform

While 'political' apartheid might have ended, the social inequalities related to land dispossession policies remain (Conmy, 2018: 6). Statistics from the Presidential Advisory Panel on Land Reform and Agriculture (2019) reveal that 72% of agricultural land in South Africa is held privately in freehold and leasehold, 14% constitutes state land and the remaining 14% is held under customary law (RSA, 2019: 43). This suggests that the legacy of the Natives Land Act of 1913 remains, and little has changed in addressing racial and gender land inequalities in South Africa three decades after independence. According to Gumede (2020), this is largely a result of the ANC government's indecisiveness regarding land and agrarian reform (Gumede, 2020: 7).

The Reconstruction and Development Programme (RDP), which was the first economic blueprint of the ANC government, had an ambitious target of redistributing 30% of good farmland to black Africans within five years after independence (Bond, 2000: 109). Due to the neoliberal policies adopted, in part due to external influence, particularly the World Bank, from 1994 to 2016, only 5.3% of white-held farmland was redistributed (Department of Rural Development and Land Reform, 2016). Reflecting the patriarchal nature of the land redistribution process, only 28.9% of land reform beneficiaries in South Africa are women (Greenberg, 2010: 40). Kepe and Hall (2016: 37) place the percentage of women beneficiaries in the South African land reforms even lower at 23% (see also RSA, 2019: 33).

Through the influence of the World Bank, a willing-buyer-willing-seller, market-based land reform was adopted. It provided a standard grant of R15,000 for the purchase of land equivalent to the housing subsidy (Bond, 2000: 109). With the glacial speed at which land reform and delivery of land have progressed, there is growing discontent among the rural and urban masses alike with potential to cause widespread civil unrest in the country (Bond, 2000: 110). While subsistence agriculture is not dominant in South Africa unlike other sub-Saharan African countries, the potential of land redistribution in South Africa is a viable strategy for unemployment yet to be adequately pursued (Aliber, 2003, cited in Klaveren et al., 2009: 38).

However, indications are that households headed by whites receive 3.6% of their total income from capital whereas 9.6% of the total income of black African households is received from pensions, social insurance and family allowances. This implies that black South Africans do not own much by way of income-generating assets, particularly land (Gumede, 2020: 9). From an intersectional perspective, COVID-19 has revealed that young black African women in urban areas can rarely rely on a fall-back scenario where they can go back to their families engaged in farming in the countryside (Klaveren et al., 2009: 4). Whether South Africa's land and agrarian sectors become an area of policy focus in the post-COVID-19 period remains to be seen. Currently, public hearings on the expropriation without compensation (EWC) programme are being analysed for onward submission to Parliament for approval. On 23 January 2025, the Land Expropriation Bill was signed into law allowing the state to expropriate land in the public interest for various reasons, including land reform. How the Government of National Unity will proceed with the issue of land remains a policy space to watch.

4.6 COVID-19, Social Policy Innovations, Promising and Lasting Influences

Within the social assistance sector were several policy innovations that sought to address the negative effects of the pandemic. These included topping up existing social grants and introducing new COVID-

19 grants (Bhorat & Kohler, 2021: 1). Notable was the introduction of the special COVID-19 Social Relief of Distress (SRD) grant that was pegged at R350 per month. It was initially introduced for six months but later extended until April 2021 (Bhorat & Kohler, 2020: 1). The COVID-19 SRD grant targeted the 'missing middle' aged 18 and above who were unemployed and not receiving any other social grant or support, including from the Unemployment Insurance Fund (Baskaran et al., 2020: 1). Estimates indicate that 9 million applications were processed by January 2021, and R6.5 million paid per month, amounting to R16 billion (PLAAS, 2021). The figures reflect not only the impact of COVID-19 on employment but also the high level of unemployment in the country.

In addition to the COVID-19 SRD grant were top-ups to all other social grants, particularly the CSG, which had an average top-up of R400($30) per child and a per caregiver top-up of R500($40) (Adesina, 2021: 4). There were indications that women, who constitute a greater proportion of COVID-19-related job losses and often, have not been contributing to the UIF and were not insured. Excluded from the labour market based social insurance, the eligibility criteria of the COVID-19 SRD grant specifying not being in receipt of any other social grant—with the majority of CSG recipients being women receiving the grant on behalf of their children—this means that they were also excluded or ineligible for the SRD grant (Bhorat & Kohler, 2020: I; Gumede, 2020: 12; Jain et al., 2020; Ranchhod & Daniels, 2020). Resultantly, the majority, particularly poor African women, were neither beneficiaries of UIF nor the COVID-19 SRD grant as the gender culture underlying social assistance programmes in South Africa, particularly the CSG, would confine them to the CSG top-up and the per caregiver top-up only. As a result, Bhorat & Kohler (2020: i) states that two-thirds of COVID-19 SRD grant recipients were confirmed to be men.

In general, the government's COVID-19 responses are being hailed in certain quarters as progressive, particularly the conversion of the COVID-19 SRD grant into a Basic Income Grant (BIG) targeted at the 'missing middle'. However, others are of the view that the country remains locked in a neoliberal policy framework, with social policy doing little for gender equity and social transformation.

> It is imperative to analyse the ideational basis on which policies are made. Providing relief to the poor is nothing inherently progressive. The size of the benefits being proposed for the BIG, even if there is an economic argument for it, is not designed to eliminate but relieve poverty, assisting the poor cope more with poverty. **(Key Informant Interview, 6 September, 2021)**

On the other hand, some see it as a starting point for incremental development of universal as opposed to targeted social assistance.

In response to the COVID-19 pandemic and labour market shocks, two laws became critically important in providing short-term income relief to workers, namely the Unemployment Insurance Act, 2001 and the Unemployment Insurance Contributions Act, 2002. There was a large-scale activation of the UIF as income replacement for workers affected by the national lockdown. As a labour market-based social insurance, the UIF provided a minimum of R3,500 and a maximum of R6,638 depending on salary level for a period of six months but only to those who had been making contributions to the Fund. Realising that most employers and employees affected by the pandemic were not eligible for the UIF, the government introduced the COVID-19 Temporary Employer/Employee Relief Scheme

(COVID-19 TERS). This extended coverage to employers and employees requiring assistance from the UIF but not having been contributing. This measure by the government, which is de-linked from normal UIF benefits, was progressive as it extended coverage to all workers irrespective of UIF contribution status. The COVID-19 TERS, complemented by the COVID-19 SRD grant, ensured that those in the 'missing middle' not covered by the UIF had access to some income to cushion them from the economic effects of the pandemic (Leibbrandt et al., 2010: 36; Klaveren et al., 2009: 21). Highlighting the strength and relevance of public-managed national social insurance schemes, such as the UIF in South Africa, Adesina (2021) argues that it is difficult to imagine that the UIF could have played the role it did in protecting jobs and livelihoods if it was designed around market-based insurance models (2021: 5). Nevertheless, a gender analysis reveals the disproportionate representation of women, particularly black African women, in the informal sector. This suggests that many such women did not benefit from the COVID-19 TERS which has monthly benefits pegged at R5,485 (US$368), whereas beneficiaries of the CSG and caregiver top-ups barely receive US$50.

While challenges in the South African health delivery system have been exposed by the COVID-19 pandemic, some commentators believe the pandemic provides an opportunity to strengthen the NHI and create additional health reforms informed by COVID-19 healthcare needs (Devermont, 2020). Fundamental reform of the health delivery system is urgent when two-thirds of COVID-19 ventilators in the country were available only in private hospitals, which the majority of the population cannot afford. It must be acknowledged that within the health sector, the pandemic created clear opportunities for public-private interaction exemplified by the collaboration between the two sectors on such issues as capacity for COVID-19 testing, and the sharing of information and beds between the public and private providers. These are indications that a more integrated and multi-sectoral approach where the public and private sector work collaboratively towards the same goal is likely to be lasting and critical for the implementation of the NHI (Key Informant Interview, 25 August 2021, Pretoria, South Africa).

South Africa's three-pronged response—expansion of existing social grants; the special COVID-19 relief grants; and the COVID-19 Temporary Employer/Employee Relief Scheme—was successful in mitigating the potential livelihood crises that could have ensued with the outbreak of the COVID-19 pandemic. The success of the UIF lies in its design as a public-managed social insurance scheme instead of a market-based insurance model which was bound to fail to produce the same results (Adesina, 2020). The latter forms one critical lesson that can be drawn from the South African experience.

5.0 CONCLUSION, KEY FINDINGS, LESSONS LEARNT AND RECOMMENDATIONS

- The liberal democratic as opposed to the social democratic underpinnings of social policy pursued by the South African government tends to be retrogressive when compared with an otherwise progressive approach on the continent. This is exemplified in the American style of a welfare regime that provides minimal and stringent means-tested public welfare as opposed to universalism. As such, South Africa's decidedly liberal, 'poor-centric' public healthcare provision is a cause for concern. Such an approach to social policy, from social assistance, education and healthcare provision to land and agrarian reform have negative implications for gender-equitable transformation. The stratified, segmented and segregated social policy in South Africa is nowhere close to what can be called 'transformative' social policy. In terms of employment, it has a tendency of producing highly inegalitarian labour market outcomes that follow racial and gender lines.

- The South African context, despite massive social expenditure, exemplifies a fundamental disconnect between social and economic policy. This disconnect explains why the dominant part of the country's social policy is minimalist with the first call for social provisioning being the market from healthcare, education and land and agrarian reform. Despite a conservative Finance Ministry obsessed with the availability of fiscal space to implement progressive social policies, there is a need for the country to link its social policies to the country's growth policies through investment in human capital to expand the tax base. The key lesson for South Africa is that there are no progressive social policies based on massive unemployment.

- The COVID-19 experiences in South Africa have revealed precisely the weaknesses of relying on the market for social provisioning. The market is always bound to fail. The pandemic exposed the massive differences between those with private social insurance and those without. This explains why the country has failed, in close to three decades, to make significant inroads in reducing poverty and inequality, especially gender-based inequalities.

- The implementation of the NHI scheme, the first universalistic social policy in South Africa, has great potential not only for equalising access to health but also as a first significant step towards social policies based on principles of solidarity and equality. This signifies possible changes in regimes of value, particularly in the South African context.

- The pandemic may have deepened inequalities related to geography, race, class and gender. Meanwhile, arguments around shrinking fiscal space are being pushed not only outside but also within the state itself. If any lessons can be drawn from the 2008 financial crisis, there is danger of a deepening rather than a retreat of neoliberalism, which resonates with the statement by Phumzile Mlambo-Ngcuka, UN Women Executive Director, 'I am cautiously optimistic... cannot guarantee governments will do the right thing' (quoted from Gouws & Madsen, 2021: 22).

In order to transition from the current state of social policy into a gender-transformed, post-COVID-19 South Africa, the following recommendations are made:

➢ Constituency-building: as highlighted during key informant interviews, change does not come because historical conjecture coalesces around it; it comes about because people organise and drive change. While South Africa has had a vibrant, post-independence social movement, there has been a lack of a bargaining agenda for gender. There is a need for gender-equitable and transformative social policies in the areas of menstrual and maternity leave for women, public-provided day-care services, and breastfeeding facilities beyond what is stipulated in law. Absent in South Africa are any efforts towards socialising the burden of childbirth and care.

➢ The obsession of the South African women's movement with the democratisation of the public sphere (narrowly defined as the state) has been a major weakness in terms of the transformation of institutional cultural norms. Statutory bodies in South Africa, such as the Commission for Gender Equality (CGE) and the CEE, with which connections have been established through this research, are key vehicles for driving gender-equitable and transformative social policies in post-COVID-19 South Africa.

- Advocacy for budget provision for childcare: the pandemic has affected many women of childbearing age (mainly in the 20s and 30s) who need to enter the labour market. Investment in care facilities would not only remove a large cost item from household budgets but also enable parents and unpaid caregivers to enter the labour market.

- Judging by the business stimulus packages that the government made available, with some recognition that women working in the services (and particularly the informal) sector have been highly affected by the pandemic, there is the need for tailor-made interventions to ensure women benefit equally from these stimulus packages.

- A universalistic approach to social policy is the surest way to reap dividends in 15-20 years. Universalisation in education, health, social security and care predicated on quality needs emphasis, rather than the current piecemeal and scattered approaches. Policymakers need a change of mindset to view education and health not as expenditure but as investment.

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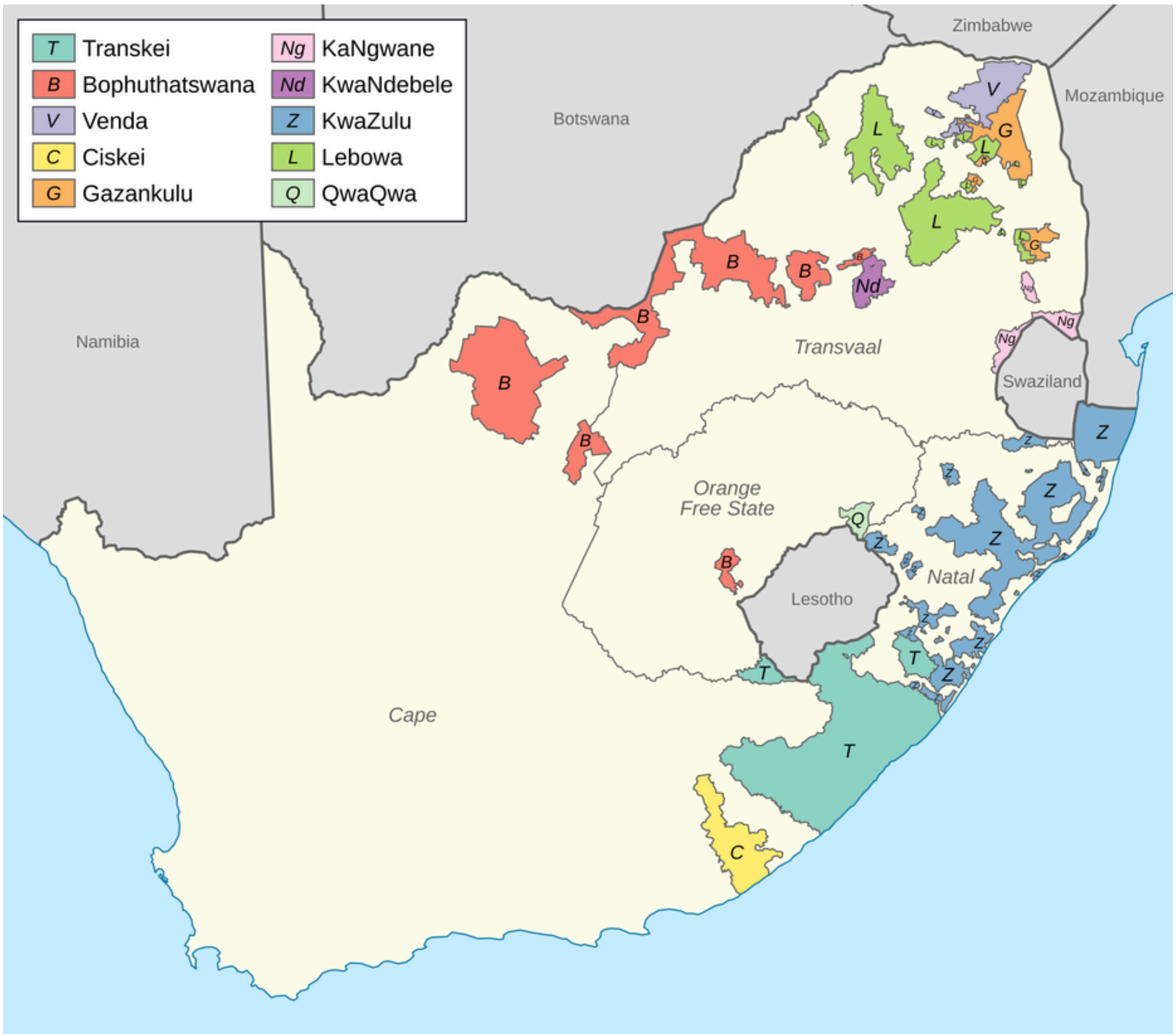
APPENDIX

The Effects of the Bantu Homelands Act of 1976



These 'homelands' or 'Bantustans' included: Transkei and Ciskei for the Xhosa ethnic group; Bophuthatswana (Tswana ethnic group); Venda (Venda ethnic group), Gazankulu (Shangaan and Tsonga ethnic group); KaNgwane (Swazi ethnic group); KwaNdebele (Ndebele ethic group); KwaZulu (Zulu ethnic group; Lebowa (Pedi and Northern Ndebele ethnic groups); and QwaQwa (for the Basotho ethnic group) (Butler et al.,1978).