

# Gender Equality and Unpaid Jobs

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**Abstract:** The Constitution of the Republic of South Africa, Act 108 of 1996, as amended in 2012, emphasises human rights to everybody in the country. It strives to achieve gender equality by emphasising that no person may unfairly discriminate directly or indirectly against anyone on one or more grounds such as race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth, however, the reality is opposite. Women and other marginalised groups such as children, older persons, people with disabilities, lesbians, gays, bisexual, transgender, intersex, queer (LGBTIQ+) and others are the victims of discrimination and inequality. South African policy of apartheid contributed negatively to the unity in the country and created a fragmented society characterised by patriarchy and harmful practices. The patriarchal system is ensuring that the abovementioned groups receive the second-hand treatment and unrecognised efforts as human beings. This study seeks to point out the existence and availability of gender inequality thirty years after the implementation of democracy, irrespective of the existence of the Constitution. Human Capital and Empowerment theory underpinned the study. Proper education will empower the marginalised groups to acquire and sharpen their skills to be effective to compete in the market. At the same time, the marginalised groups will be assisted and guided towards identifying their potentials, building their autonomy and be in control of their lives. This desktop qualitative study employed purposive sampling to gather rich data through studying both on-line and printed materials related to gender equality, unpaid and paid jobs. Information related to gender inequality served as unit of analysis. The findings indicated that gender inequality exists, and it is clearly visible through gender roles such as unpaid jobs performed by women in the households as compared to men. Harmful social practices such as patriarchy socialised boys and girls differently and unfortunately, a girl child was denied an opportunity to go through proper and formal education system. They were taught to take care of their brothers and the rest of the household which exposed them to financial dependency to their partners as they become adults. Ongoing education and awareness raising should be conducted to communities to change their socialisation approach and treat both boy and girl child equally. As per the Constitution, every child has the right to education, and this must be actualised without any compromise.

**Keywords:** Constitution, Education, Empowerment, Gender equality, Unpaid job

## Introduction

Thirty years after the country has been afforded the status of democracy, gender equality is still a challenge. The Constitution is clear that all human beings do have human rights and affirms the democratic values of their dignity, equality and freedom. However, the reality is that there are people who are treated differently, and their human rights are taken for granted. They are regarded as marginalised groups because their values as human beings are not recognised and therefore, they are genderised. Those people are women, children, older persons, LGBTIQ+ and people with disabilities. In support to the Constitution, gender inequality is acknowledged by Subapradha and Subramanian (2022) as a struggle and a human rights issue across all societies. In their study of widowhood, gender inequality has been clearly articulated that for women is the most unpleasant and unfortunate situation as it is characterised by traditional norms, values and beliefs of that society. In everything people are doing, tasks are viewed and allocated according to gender. Similarly, in the context of household duties, unpaid and unrecognised jobs, are allocated and applicable to women (Dugarova, 2020). In this paper the concepts job and work means one thing.

## **Materials and methods**

This desktop study was conceptual in nature and followed qualitative approach. Purposive sampling was employed to sample the relevant gender equality, unrecognised and unpaid jobs, human capital and empowerment related printed and online materials. The suitability of purposive sampling was deemed relevant as per the emphasis by Elo, Kääriäinen, Kanste, Pölkki, Utriainen, and Kyngäs, (2014) as well as Clarke, Healy, Lynch, and Featherstone, (2023) that it is when the researcher is interested in informants who are known to have the best knowledge concerning the research topic. I also utilised the library as well as other sources such internet and accredited journals to enrich this study. Therefore, the unit of analysis were relevant to provide the necessary and accurate data. Qualitative content analysis was used to analyse data as emphasised by Elo et al., (2014) and Selvi (2019) that it is a popular method for analysing written material.

## **Theoretical framework**

Human capital theory underpinned the study and has been developed by Becker around 1964s with the intention of looking at the relationship between economy and human behaviour. Khaykin et al., (2020) define human capital as an investment in human capital. This notion of economy and human behaviour was viewed from the lens that education can provide benefits (Teixerira, 2014; Khaykin et al., 2020). Khaykin et al., (2020) further stipulate that the production from education and labour cannot on its own do the work, but the mental capacity, discoveries, inventions, and achievements can. Human capital from the perspective of economy and education is hereby acknowledged, however, I would like to expand it to the person's influence of environmental factors such as the skills learned from the institutions, the informal learning such as culture, traditions, religions, morally and their interaction. The element of an interaction is confirmed by Khaykin et al., (2020: 506-507) that human capital cannot be separated from the owner – the employee. The link between this study and the human capital is that human beings cannot only be looked at on their sex, but through the social meanings related to their sex, that is gender. Human beings' assigned roles and responsibility are also guided by the norms, values, traditions, and culture of their society (Lasseko-Phooko & Mahomed, 2021). The notion of the interaction between person and their environment, (PIE) is confirmed by Ryder (2018) as well as Cox, Beasley, and Hardin, (2022) that human beings are in constant relationship with their micro, meso, exo, macro and the chronosystem. This is also confirmed by Amoako (2023) that environmental conditions have an influence on the wellbeing of the individuals.

On the other hand, empowerment theory also played a crucial role in the study. According to Woodward (2020: 137) empowerment refers to “the process of marginalised people gaining the skills or voice to speak up or make change in their community or society”. My understanding of empowerment is to avail enabling environment to the marginalised people to regain their autonomy and be equipped with communication skills including assertiveness. The reception of these skills should not only be in a passive environment, but the individuals should learn to engage and function on the maintenance stage of the Stages of Change Model.

## **Results and discussion**

### **Gender equality**

Gender equality has been emphasised by chapter two of the Constitution as a human right, but as already indicated, until to date, it is still a theory without practice. Gender equality is also confirmed by Lasseko-Phooko and Mahomed (2021) that in the legal profession, female attorneys and advocates are skewedly represented. This challenge made the democracy to be partially achieved, after thirty years. Unfulfilled democratic wish is confirmed by Segalo (2015) that as much as there is an achievement in the new dispensation of democracy, but the promise of democracy has not yet been fully met. Taking into consideration that South Africa has been consistently ranked as one of the most unequal countries in the world due to the history of colonisation and apartheid, Shipalana and Selepe (2023) highlight that the inequality is remarkably persistent. Even though gender equality has been overtaken by gender inequality, but it is defined by Van Rensburg (2020) in the context of security industry as “a social structure, in which women and men will share equal opportunities and challenges regarding their role in the economic and domestic milieu.” My interpretation of gender equality is equal treatment of all genders as per the Constitution. This is confirmed by Rarieya, Sanger and Moolman (2014) in their study on ‘Gender inequalities in education in South Africa’ as girls and women having equal learning opportunities with their male counterparts.

From the Constitutional point of view, Shipalana and Selepe (2023) view human rights from three dimensions. The first dimension is civil and political rights. These rights protect individuals from the infringements of governments, organisations or other people. The second dimension is about the socioeconomic and cultural rights. This includes the right to education, housing, and satisfactory living conditions. The third one is solidarity rights, and it

recognises the importance of equality and non -discrimination (Shipalana & Selepe, 2023). Despite all these three dimensions which are all central to the protection of human rights and dignity, social and cultural attributes characterise gender differences (Shipalana & Selepe, 2023; Subapradha & Subramanian, 2022). Social and cultural attributes are enhanced through socialisation, and it regulates and guides self-conduct of the individuals in different institutions such as in families, church, school, employment and others. The interaction and influence of micro, meso, macro and chronosystem, is confirmed by Cox, Beasley and Hardin (2022: 117) that “they shape human beings”. This interaction is acknowledged but the challenge lies with the chronosystem which is about the changes influenced by time and era in the lives of the individuals such as democracy. Democracy gave birth to the Constitution which emphasises equality. As much as Lasseko-Phooko and Mahomed (2021) cite that equality is to attain similar treatment, but the allocation of social responsibilities of men and women, are done unequally. The abovementioned authors further cite that there are jobs which are not recognised and do not qualify to be paid for. Those jobs are households related and the most affected people are women.

### **Paid and unpaid jobs**

Unpaid work refers to the production of goods and services by a household for the households’ consumption, and includes tasks such as cooking, housework and caring for either children, old or sick people where the person doing this work is not paid (Yadav & Sharma, 2021; Seedat & Rondon, 2021; Sebola, 2022). On the other hand, Paid work refers to income-generating activities which are generally linked to markets (Sibeko, 2021). Cantillon and Teasdale (2021: 08) point out that “one key area that unpaid care work has a direct impact on is women’s labour force participation, which in turn affects their economic and social empowerment. Alonso et al., (2019) as well as Seedat and Rondon (2021) support this fact that unpaid care work is a major factor in determining whether a woman can enter and stay in the paid employment or not. International Labour Organisation (ILO) (2018) stipulates that this is not only one country challenge but across all societies. It is further stipulated that 76 percent of the total amount of unpaid work, is performed by women (ILO, 2018; Dugarova, 2020). In addition, Cantillon and Teasdale (2021) presuppose that this issue starts from the early life of a girl child as they are typically introduced to domestic and care activities (more so than boys). It is further highlighted that in some countries, this has negatively impacted on girls’ rights to attend school. South Africa is not immune to this treatment as women’s rights are still a challenge as far as education is concerned, let alone unpaid jobs. In most rural areas of South Africa, girls are spending most of their time cooking, fetching water, woods, cleaning the house and caring for their siblings. This fact is emphasised by Memis and Antonopoulos (2010); Rarieya et al., (2014); Seedat and Rondon (2021) as well as Sibeko (2021) that gender inequality has a considerable negative implication on educational access for girls because they are less likely to enrol in school and are more likely to drop out and more likely to end up illiterate. It is further noted that it is not only gender issue affecting girls from poor family background, but economic demands related to education costs as well. If the family cannot afford uniform, books, school fees and others, the first people to be sacrificed are girls (Memis & Antonopoulos, 2010; Rarieya et al., 2014; Sebola, 2022)

It is further noted that women performing unpaid jobs, do not have time for paid employment, education and leisure (Cantillon & Teasdale, 2021). The personal observation is that women who use to take time during the day and rest whilst performing unpaid jobs, are labelled as lazy and spoiled. In some incidences, women in economic higher positions are not recognised and respected by some men as managers due to the gender stereotypes. Social and cultural gendered norms related to unpaid care work remain stubbornly entrenched and recognised as a critical barrier to gender equality and women’s economic and social empowerment (Sibeko, 2021; Cantillon & Teasdale, 2021; Yadav & Sharma, 2021). The reality is that irrespective of the above perception, women are contributing to the economy through formal and informal work. It is also acknowledged that even though unpaid work is hidden and not recognised in the economy, but it contributes positively to the paid one because healthy workforce reproduced are well cared for in those families (Dugarova, 2020; Sebola, 2022).

It is no wonder that the female headed households are in most cases poorer than the male headed ones, considering that unpaid work is not financially recognised (Fredman, 2024). Yadav and Sharma (2021) and Sebola (2022) indicate that despite this participation and engagement in paid activities, women are kept aside from the financial system which perpetuate poverty. In addition, Sibeko (2021: 63) presuppose that “in South Africa, poverty patterns continue to be gendered and female-headed households are more likely to have low incomes, to be dependent on social grants, and less likely to have employed members”. Memis and Antonopoulos (2010) as well as Cantillon and Teasdale (2021) believe that poverty and unemployment increase unpaid work burdens as lack of income reduces the ability of households to purchase the necessities and services from the market. Sibeko (2021) views this gendered treatment as a result of capitalism because women become the servants of men. The notion of gendered poverty and survival through social grants is also discussed by Sebola (2022) and proposes basic income grant as a

financial support for the unemployed women to cover for their basic needs and other related costs. The fact that women are performing these tasks of unpaid work, which is inclusive of giving birth and raising these members to be the future workers, means that the government is also benefitting (Sebola, 2022). The issue of government benefitting is confirmed by May (2021: 05) that “indirect unpaid work supports workers in productive supply chains all over the world by keeping them and their communities safe, healthy and well-fed”.

A concern about the wellbeing of individuals’ dual responsibility in paid and unpaid work is highlighted by Peristera (2017) and Seedat and Rondon (2021) that it can also impact on women’s health. Alonso, Brussevich, Dabla-Norris, Kinoshita and Kochhar (2019) refer to this dual work as ‘second shift’. This heightened level of unpaid work for women has been observed during COVID-19, where women performed twenty-four hours job because of caring for the sick, assisting children with homework and preparing them for online classes (Seedat & Rondon, 2021). It is emphasised that the dual responsibility/ second shift can contribute to depressive symptoms trajectory (Peristera, 2017; May, 2019; Seedat & Rondon, 2021; Sebola, 2022). The fact that women must perform both paid and unpaid jobs, is a clear indication that their gender responsibilities are influenced by their micro, meso, exo, macro and the chronosystems. Social and cultural attitudes toward women’s role in society can also influence employment decisions and women may be discouraged from doing paid work as it may cause disutility to them or their families in society (Alonso et al., 2019). Basically, another observation is that in some societies, women performing paid jobs are not recognised and appreciated and instead they are negatively labelled as uncontrollable. In other words, they do not enjoy a sense of belonging due to the stigma in their societies as per Maslow’s hierarchy of needs, level three (Dar & Sakthivel, 2022). Their human capital and education are influenced by their environments. Until such time that gender inequality issues are addressed, gender equality will remain a challenge and therefore inequality will continuously reign.

### **Employment Equity Act, Act 55 of 1998**

The Employment Equity Act, Act 55 of 1998, and here after called the EEA, ‘s main purpose was to address the “unfair treatment of the workers and attempts to establish equal opportunities for all employees by prohibiting unfair discrimination against them by their employers; to correct the previous imbalances for designated groups-black people and specifically women and people with disabilities” (Berry, 2003: 111). The EEA set the criteria that the competition in the workplace should be based on the qualifications and experiences and not the race, gender and others (Berry, 2003; Van de Rheede, 2024). Through the review of this EEA, it has been discovered that as much as it had good intentions of protecting and promoting the marginalised groups, but it did not consider unpaid work. As much as unpaid work has never received any form of attention through monetary value, it does have great contribution in the society and economy. Among other positive contributions, unpaid work contributes to human capital through the “production and conservation of human capabilities, thus maintaining the labour force and the paid economy” Sebola (2022: 14). The literature further points out that by not valuing unpaid work, there is considerable loss to the value of the gross domestic product (GDP), (Sebola, 2022) and it is no wonder the EEA is silent about unpaid work.

### **Basic Conditions of Employment Act**

The Basic Conditions of Employment Act, Act 75 of 1997, gives effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state. The purpose of this Act is to advance economic development and social justice by fulfilling the primary objectives as follows:

- a. to give effect to and regulate the right to fair labour practices conferred by section 23 (1) of the Constitution-
  - i. by establishing and enforcing basic conditions of employment;
  - ii. by regulating the variation of basic conditions of employment; and
- b. to give effect to obligations incurred by the Republic as a member state of the International Labour Organisation.

The Act is clear about the people who are included and excluded in the paid and unpaid work. Section (3) (1) (b) stipulates that the Act is applicable to everybody beside unpaid volunteers working for an organisation serving a charitable purpose. The Act also regulates working times, wages and standards as well as meals intervals, rest period, overtime inclusive of night work and public holidays (Kutuka, 2019). Generally, Kutuka (2019) suggests that the Act promotes fair treatment of employees and eliminates discrimination. On the other hand, as much as the Act had good intentions of promoting decent work in private or public spaces to eradicate unemployment, inequality and poverty but it does have limitations. Even though all conditions are covered on how employers must fairly treat the

employees, but unpaid work in the households are not covered. None of the highlighted rights is applicable to unpaid work. In fact, I am of the view that when paid work is around eight hours in a day, unpaid work takes place around twenty-four hours considering childcare. In supporting the limitation of the Act, Andrew, Bandiera, Dias and Landais (2024) mention that there is no form of benefits in the unpaid work. As already indicated, those benefits are annual, maternity, family responsible leave, long service appreciation and others as applicable to paid work. Dugarova (2020) and Sebola (2022) are adamant that most of unpaid work is performed by the women in the households even though it is not valued but it contributes positively to the paid one because healthy workforce is reproduced from those families and are well cared for. This notion of positive contribution to economy is confirmed by Sibeko (2021) that unpaid work relates to the care and development of people and their capacity to work.

### **Proposed solutions**

Empowerment theory comes in handy in this study as it emphasises that people should be able to exercise their human rights, capacitate themselves, identify their strengths and take their power and autonomy. The Constitution has recognised injustices which were influenced by apartheid policy and gave every human being their human rights. Taking it from the context of the nursing empowerment, Woodward (2020: 139) presupposes that the empowerment is not something that is “given to the nurse by a work setting, such that the nurse has suddenly been granted autonomy in practice. Instead, as part of the process or journey of empowerment, the nurse takes steps to make decisions in practice and in doing so, exercises autonomy as a component of empowerment”. The implied message here is that an engagement as enhanced by empowerment is facilitated by the workplace that is characterised by enabling a conducive environment. Empowerment is not viewed as a sudden thing, but an active step by step process towards taking control, building capacity, being assertive and taking charge of one’s life.

### **Human capital and education**

Considering that human capital is about human investment, it calls for the consideration of other systems such as micro, meso, exo, macro and the chronosystems for the empowerment of the individuals. Human beings as social beings cannot function outside their environment and therefore a comprehensive approach become essential when empowering them (Sari & Pasaribu, 2023). Sari and Pasaribu (2023) further acknowledge that human life is very diverse, because the interaction, security, health, biological, economic, social including educational needs should be achieved. I am of the view that this interaction should be empowering and enhancing growth and development instead of genderising the responsibilities and tasks human beings are performing. I am further not only aligning myself with Sari and Pasaribu (2023)’s argument of PIE, but also with the Constitution.

The right to education as stipulated by the Constitution, should be practised and be respected unconditionally, irrespective of the gender, identity, language and others. In supporting the Constitution, Cañibano and Potts, (2019) as well as Khaykin et al., (2020) stipulate that education enhances human capital because it creates knowledge, skills, and abilities and therefore the person cannot be productive without them. Considering what Seedat and Rondon (2021) as well as Sibeko (2021) that gender inequality had negative implication on educational access for girls to enrol in schools, it acts against Costin (2023) that education enhances the skills that the workforce possesses. This means that girl children are set for failure and dependency through culture and traditions as they will never possess any skills to compete in the market and therefore will forever do unpaid jobs and be financially dependent (Dugarova, 2020; Seedat & Rondon, 2021; Sibeko, 2021). These systems – micro, meso, macro and chronosystems are unfortunately used to the detrimental of other individuals and therefore women and girls need an empowerment to take charge and autonomy of their lives and act accordingly. In ensuring that women and girls are rightfully taking charge of their lives and act accordingly, this practice should start in the families through socialisation. I believe that education is not only done at formal institutions such as schools, colleges and universities, but can also be performed informally as well through awareness raising in communities, churches, sport activities, workplaces and others. When the awareness raising education is presented in those informal institutions, it is the responsibility of women and girls to grab the opportunity for empowerment purposes irrespective of their status. This means that the information shared must be actively received and the women and girls should benefit and empower themselves. I am of the view that societies should align themselves with the Constitution as they are practising informal education through socialisation. In other words, empowerment cannot be done on behalf of the people but as indicated by Woodward (2020), it is a journey of empowerment, which the individual takes steps to make decisions, practicalise them and exercises autonomy. The human capital cannot be effective without the involvement of formal and informal education-empowerment.

### **Challenging harmful practices**

In the context of promoting and exercising justice and equality as the elements of human rights, Masinga (2019) suggests developmental approach. Developmental approach emphasises human rights, equality, strength- based, capacity building, active participation and partnerships. Harmful practices in this context refers to gendering roles and responsibilities of boys and girls, men and women as far as allocation of tasks is concerned. The notion of harmful practices is confirmed by Krishna and Chopra (2022) as well as Andrew et al., (2024) that gender norms continue to shape the participation of women in public and private life in the country. The implications of this gendering roles are observed on formal education, employment, house chores, properties and others. To be specific about education inequality, Rarieya, Sanger and Moolman (2014) in their study titled ‘Gender inequalities in education in South Africa’, submit that gender equality means that girls and women must have equal learning opportunities with their male counterparts. When challenging these harmful practices, consideration should be based on human rights to strengthen and enhance human capital. The awareness raising in communities should ensure collective and active mobilisation of resources towards positive direction (Mathoothe, 2019). On the other hand, redistribution of unpaid work also requires investing in women’s human capital through education and health care as well as shift in mind set of communities (Krishnan & Chopra, 2022). Good practice community campaign models including media platforms can be learned from countries such as Cambodia. Good Men campaign in Cambodia has been successfully harnessed promoting positive messages such as ‘good men give value to women’ (Krishnan & Chopra, 2022). To be specific, Hernando (2022: 01) Submits that “initiating awareness campaigns on gender equality could change mindsets and counter gender stereotyping and encourage boys and men to share in domestic and caregiving responsibilities”. Minckas, Shannon and Mannell (2020) refer to this process as community mobilisation. It is a holistic and active process which communities are actively engaged and participate in challenging the broader social and institutional structures which promotes inequality in communities (Minckas et al., 2020). These authors view community mobilisation as a successful platform to combat and shift harmful social and gender norms that condone and drive violence and inequality in communities. Through the interaction of micro, meso, exo, macro and the chronosystem, individuals, groups, communities and societies might learn and maintain the good behaviour which will enhance growth, capacity building, control and ownership of equality as highlighted by the Constitution (Minckas et al., 2020). May (2021) adds to the issue of changing harmful practices and suggests that trainings and workshops with male and female workers and family members to support more gender equitable attitudes and encourage greater task-sharing between men and women can yield positive results. Through this process, human capital which is human investment will be enhanced.

### **Policy implications for unpaid jobs**

Addressing the issues of unpaid work, Hernando (2022: 08), presupposes that “labour market policies need to recognise that some workers have family responsibilities, and they need support to enable them to attend to these obligations while doing paid work.” By so doing, policy will facilitate transformation. Transformative change for women requires policy that recognises, reduces, and redistributes unpaid care work (Seedat & Rondon, 2021). Ultimately, the whole communities and local governments need to be involved in the provision of care. This will free up women to contribute more to the paid work (economy), to engage in voluntary and leisure activities, to have more time for themselves, and to safeguard their careers with arguably less compromise to, and negative effect on, their mental health and general wellbeing (Seedat & Rondon, 2021). It is these women that specialise in unpaid work whose livelihoods depend on the potential benefits of visibility and valuation of unpaid work (Sebola, 2022). This implies that women must trade off time spent on taking care of the household and time doing paid work (Sebola, 2022). With unpaid work not being valued and therefore not being assigned monetary compensation, women’s disproportionate responsibility for it reduces their earnings potential and therefore also their bargaining power and decision-making ability within the household is compromised (Alonso et al., 2019; Sebola, 2022; Fredman, 2024).

Fostering the provision of child and elderly care can replace unpaid work with paid work. Dorji, Mercer-Blackman, Hampel-Milagrosa and Suh (2020) suggest that if unpaid work is performed by ‘A’ who has been hired by ‘B’ to take care of ‘C’ qualifies to be paid, then it qualifies to be called a work. I am in support that if ‘A’ can be hired by ‘B’ to do unpaid work and get paid, of course that qualifies to be regarded as work. Confirming the abovementioned issue, May (2021) cites that when invisible labour is recognised as work, it must be rewarded as such. May (2021) further cites that rewarding invisible labour not only pays women for their productive work supporting supply chains, it also facilitates safe working conditions and employment protections. Therefore, the family-friendly policies should benchmark on this proposal and enshrines women’s rights in the law and make it paid work. Through policies, women will be given the voice and agency in their lives, be able to take advantage of economic

opportunities and improve their health and wellbeing (May, 2021). The recognition of women's invisible labour as work, will make them to be represented and rewarded in the market. The issue of policy is acknowledged by Hernando (2022: 01) that "involving governments, the private sector, media, the international community and other stakeholders is key to ensuring that non-discriminatory policies and practices are in place in order to address unpaid work, and mitigate its negative impacts, especially on women and girls". On the other hand, Delle (2021: 37) submits that a "gender-sensitive policy response by the state is therefore required if tackling gender inequality is indeed a priority".

### **Discussion**

Delle (2021) suggests that inequality is the results of capitalism which gave birth to the class society. The capitalists are the owners of means of production and the proletariats are the workers who produce surplus without owning it (Delle, 2021). As a results, this system creates financial dependency on the working class due to the norms and standards which they had to operate from. This process of ongoing exploitation of workers has been enhanced by patriarchy (Delle, 2021). As already mentioned, the Constitution was triggered by the long history of unequal treatment of human beings to create an equilibrium.

The Constitution could not be effective on its own, hence the development of these two Acts-EEA and Basic Conditions of Employment Act. As already indicated, the Employment Equity Act was developed to address the unfair treatment of the workers by establishing an equal opportunity to correct the previous imbalances for designated groups. As much as the blacks including people with disabilities were the target in this regard, but the unpaid workers were not included. Even though unpaid workers are the pillars of the economy due to the paid labours being produced, this service is not valued. It is unfortunate that unpaid workers remain poor because their hard work is not recognised and appreciated. The EEA is silent about unpaid workers.

As already stipulated, the Basic Conditions of Employment Act was developed to give effect to the right to fair labour practices referred to in section 23(1) of the Constitution. To promote fair labour practice, the Act also regulates working times, wages and standards as well as meals intervals, rest period, overtime inclusive of night work and public holidays. Basically, the Act promotes fair treatment of employees and eliminates discrimination by highlighting the inclusion and exclusion criteria on paid and voluntary workers. However, unpaid workers are not considered. In other words, the Act is silent about this critical task.

Valuing unpaid workers and appreciate their contribution to the economy is very important. In supporting this statement, Delle (2021:14) submits that "economic recognition of care work through some form of compensation could empower women." The literature confirms that unpaid work needs to be valued and appreciated as it forms part of sustaining capital accumulation. As cruel as capitalism is, it cannot survive without this critical function. If it is not addressed and dealt with accordingly, it has the potential of creating inequality between men and women and women becoming more poorer than men.

### **Conclusion**

Unpaid work impacts on women's empowerment regardless of their level of education, income or the level of country development (Cantillon & Teasdale, 2021). It is predominantly genderised as it is performed by women and girls, characterised by norms and values, and therefore do not get the necessary attention in the market (Sibeko, 2021). Taking it from the capitalism context, women are subjected to extra exploitation, which takes the form of unpaid care work (Delle, 2021). This exploitation disregards the human rights of women and girls and therefore challenges chapter two of the Constitution. Education is the human right for every individual irrespective of their sex and therefore boys and girls as well as men and women should be exposed to it without any exception. When an individual (microsystem) is exposed for empowerment, consideration should also be given to other systems (meso, exo, macro and the chronosystem) because environmental conditions have an influence on the wellbeing of the people (Cox, et al., 2022; Amoako, 2023). This will ensure a collective and active mobilisation of resources towards positive direction as per Mathoothe (2019); Woodward (2020) as well as Minckas et al., (2020) that community mobilisation is a successful platform to combat and shift harmful social and gender norms that condone and drive violence and inequality in communities. Jansen van Rensburg (2020) points out that it is important that the negative influence on people in South Africa especially for men as compared to women, in genderising paid and unpaid employment should develop attitudinal change. Until the public attitudes recognise the democratic value of gender equality, then South Africa can be considered a fully consolidated democracy with the perspective of gender equality (Lasseko-Phooko, & Mahomed, 2021).

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