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Title: INHERENT REQUIREMENTS OF THE JOB AND ITS
IMPLICATIONS ON GENDER REPRESENTIVITY WITHIN THE
MILITARY

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1. Introduction

In terms of the Department of Defence (DoD) policy on equal opportunity and affirmative action, all teams, delegations and groupings within the department are expected to ensure that there are reasonable adaptations to accommodate the unique needs of women in all employment situations within the DoD. Such adaptations could constitute fair discrimination based on physiological differences. That is what is referred to as discrimination based on operational or inherent requirement of the job. There is, however, a challenge to the inherent requirements since the Department of Defence's policy on equal opportunities specifically states (DOD 1998):

One of the objectives of Equal Opportunity is to acknowledge the rights of women to serve in all ranks and positions, including combat role.

At the same time section 5(1) of the Employment Equity Act, 1998 requires that every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. Section 6(2) of the Act, provides that discrimination based on the inherent requirement of a job may be regarded as fair discrimination.

It is therefore expected that women will continue to be underrepresented in certain positions and activities that were regarded as the traditional domain for males within the military. It is further anticipated that there will be huge differences in military force composition of males and females between various countries and within the South African National Defence Force as is the case in various public institutions and activities.

The aim in this paper is to highlight the economic challenges of applying the affirmative action policy, in particular gender equality, within the military. For this reason an assumption is made that the participation of women in the military is determined by the nature of the job itself if all other factors are not taken into consideration. In this case, the other factors will include discrimination, social and cultural factors.

The paper is divided into six sections. The introduction is followed by profiles of women in the military cross-nationally. In section three the concept, inherent requirements of the job, is discussed, while the next section focuses on the factors that determine inherent requirements of the job within the military. Section five deals with the theory of other factors that may affect women's military participation, concluded by a few remarks and recommendations.

2. Profiles of Women in the Military Cross-nationally

Women continue to be underrepresented within the armed forces all over the world. This is the case despite the passing of anti-discrimination laws, equal opportunity legislation and the rise of women's rights and feminist groups. From the data in The Military Balance 2002/2003, the general picture of women in military is as follows:

Country	Total Members of Armed Forces	Number of Women	Percentage of Women
USA	1414000	196100	13.9
Belgium	39260	3230	8.2
Denmark	22700	685	3.0
Netherlands	49580	4155	8.4
Spain	177950	9400	5.3
United Kingdom	210450	17350	8.2
Cyprus	10000	500	5.0
Ireland	10460	200	1.9
South Africa	60000	8681	14.5
China	2310000	136000	5.9
Bruneli	7000	700	10.0
Japan	239900	10400	4.3
New Zealand	8710	1280	14.7
Australia	50920	6364	12.5
Greece	177600	5520	3.1
France	260400	23660	9.1
India	1298000	200	0.015
Canada	52300	6100	11.7

From the table above, in 2002/2003 the percentage of women made up less than 15% in of the total members in the various countries. The highest percentage is found in New Zealand with 14.7% despite the removal of the country's Human Right Act that allowed discrimination on the grounds of sex in the armed forces. South Africa follows this with 14.5% with female participation increasing after the new Constitution. With the dawn of new democracy, the Department of Defence's policy does not discriminate in terms of any person in the employ of the department. The policy also takes cognisance of the inherent nature and discrimination effect of affirmative action that is being seen as fair discrimination in terms of overall government goals and that of the Constitution. The USA has 13.9% and its servicewomen are still restricted from certain activities within the Army, Navy and Marine Corps. Australia has 12.5% and a shortage of manpower resulted in a submission in 1950 for the re-introduction of women into the Australian Regular Army and Citizens Military Forces. Canada has 11.7% despite the fact that since 1989 all military occupations and roles (except submarines) have been open to

Canadian women. The other countries with percentages varying between 5% and 10% are – the Netherlands with 8,4% which is above the Ministry of Defence’s introduction of targets of 8%; Belgium with a female force of 8.2% where until 1980 women were only given voluntary tasks. As of late they have legal access to every single job within the military; China’s 5.9% had been dominated by social and cultural perceptions of women, while Spain has only a 5.3% despite its repeal of discrimination on the basis of sex. Cyprus is at 5.0% and it is only by 1990 that the first 200 women had been recruited as volunteers. The remaining countries have less than five percent of women in their military with India having even less than one percent.

3. Inherent Requirements of the Job

In terms of section 6(2)(b) of Employment Equity Act 1998, it is not unfair discrimination to distinguish, exclude or prefer any person on the basis of an inherent requirement of a job. Therefore in a workplace, the inherent requirement of the job is often used as an excuse or reason to justify discrimination. In this case the employer may argue that the physical requirements of the job make it necessary for employees to have certain physical characteristics or skills. The onus of proof lies with the employer. It is therefore the employer who will have to prove that certain characteristics are indeed inherent requirements of the job. Although there are indications that South African courts apply the phrase ‘inherent requirements of the job’ strictly, this does not seem to be the case when it comes to the participation of women in military. More so as the members of the Defence force are not covered by the Labour Relations Act, 1995 that clarifies the law regarding the job security of pregnant employees. In terms of section 187(1)(e) of this act, a dismissal is automatically unfair if the reason for the dismissal is the employee’s pregnancy, intended pregnancy, or any reason related to her pregnancy.

Associated with inherent requirement of the job is the ‘operational requirements’. The term ‘operational requirements’ means requirements based on the economic, technological, structural or similar needs of an employer (LRA). The economic needs cover all those needs that relate to the economic well being of the enterprise. One of the most common economic reasons for dismissal on the basis of operational reasons is financial difficulty experienced by a business. It can be due to, for example, a downturn in the economy or a decrease in the demand for its products or a decrease in government subsidies or even the need to comply with the Basic Conditions of

Employment Act, 1997. This was the case in the Democratic Nursing Organisation of SA v Somerset West Society for the Aged (2001) 22 ILJ 919 (LC) where employees became redundant and that necessitated their retrenchment.

Technological needs refers to the introduction of new technology such as more advanced machinery, mechanisation or computerisation that leads to the redundancy of employees. (needs a little more, examples, cases, more info.)

Structural needs refer to posts becoming redundant following a restructuring of the enterprise. Strydom (in Basson et al, 2002:226) further shows the following as further reasons for operational requirements:

- **Special operational needs of the business require special personnel.**
- **The employee's actions or presence affect the business negatively.**
- **The employee's conduct has led to a breakdown of the trust relationship.**
- **The enterprise's business requirements are such that changes must be made to the employee's terms and conditions of employment.**

In most cases, whenever unfair discrimination based on gender is claimed the issues revolve around pregnancy and family responsibilities. For example in CWIU v Johnson & Johnson(1997), discrimination on the basis of sex was the issue. In this case the employer selected employees for retrenchment on the basis of LIFO (Last In First Out) but applied this selection criteria to the female members of staff only, alleging that the jobs available were suitable for males only. The union argued that this 'dismissal' was discriminatory. However, the employer had requested that the union should show why such dismissal would be discriminatory and to indicate whether the female retrenchees would have been prepared to do the work. The union failed to respond to this challenge. The court held that the causal link between the selection criteria and the dismissal was no longer relevant and therefore the court was unable to conclude that the dismissals were unfair.

In Randall v Progress Knitting Textiles Ltd (1992), the former Industrial Court was called upon to consider the fairness of the dismissal of an employee on the grounds of her

pregnancy. The dismissal was found to be unfair because the employer could not justify it in terms of the operational requirements of the business. The court also relied on the fact that another employee had been granted maternity leave and that this had created a precedent in the absence of a clear company policy regulating maternity leave. Christianson (in Basson et al, 2002) shows that the general view is that the dismissal of a pregnant employee may have been justifiable, prior to the enactment of the Labour Relations Act, 1995, on the basis of incapacity or operational requirements.

By implication, where the Labour Relations Act, 1995 is not applicable the same will apply. That means the dismissal of a pregnant employee may be justified on grounds of operational requirement or incapacity within certain circumstances.

4. Factors Determining Inherent Requirement of the Job within the Military

4.1 Military Accession Policies

The recruitment process takes place over a certain period wherein a new member undergoes a period of military training, utilisation and deployment. During this period it is of utmost importance that a new member is medically fit to undergo such training and utilisation and maintains this medical classification for the whole duration of training. It is a specific need of any military force to have young, fit and healthy soldiers to be trained and employed. The conditions of service for the new recruits, in most cases, address any changes in or deterioration of a member's medical condition as grounds on which a member's service contract may be terminated. This is the case where participation in military is voluntary. It is therefore expected that if any member falls pregnant there is a high possibility that such a member may no longer comply with the inherent job and training requirements.

Segal (1995:765) shows that women's military participation tends to increase under voluntary accession systems as well as when there is social change in the direction of greater gender equality. He, however, further shows that the military roles women actually play are negatively affected by cultural values of society as well as the supply of men who meets the number needed to fulfil the military's mission(s). Therefore, the greater the need beyond available male labour, the greater the number of women.

Again in those cultures where mothers are not viewed as deployable or not suitable for combat operations, the women's participation in the military will be lower.

4.2 Military Technology

The military technology covers a range of weapons, equipment, structures, and vehicles used specifically for the purpose of fighting. It includes the knowledge required to construct such technology, to employ it in combat, and to repair and replenish it. The military technology further covers offensive arms that are meant to harm the enemy and the defensive weapons to ward off offensive blows. Segal (1995:762) shows that technological developments have led directly to changes in the individual characteristics necessary to be a warrior, while indirectly it led to changes in women's military roles. That is by changing either the way warfare is organised or women's social roles or both. For example, industrialisation created a revolution in how warfare is conducted, and it altered civilian society fundamentally in various ways including those with importance to women's military roles. Again industrialisation also brought with it changes in women's societal roles. Technology has also enabled women to control reproduction (this is a loose fact that needs to be linked to something with relevance). Military jobs are becoming increasingly specialised over time, with individual service members performing a relatively narrow range of tasks, with increasing emphasis on technical skills rather than physical strength and bravado. Further, the impact of current and future technological developments on the participation of women in the armed forces is not likely to be a linear relationship according to Segal (1995:762). That is, many military jobs require individuals to have certain technical abilities and skills.

4.3 Combat to Support Ratio

This ratio refers to a proportion of military personnel who are in support jobs. According to Segal (1995:765) technological developments in warfare account for the lion's share of the trend toward a higher proportion of support personnel. He goes on to indicate that foreign deployments present an additional factor. Armed forces that are engaged in warfare on their own land with a supportive civilian population can use the civilian infrastructure for support functions. In contrast, for military engagements away from home, military forces must deploy with support personnel. The likelihood of such deployment increases the necessity for putting these people in uniform and subjecting them to military authority. Segal therefore sees this as a reason for peacekeeping operations requiring more deployment of support personnel. Segal makes the following conclusion: The impacts of combat to

support ratio on women's military roles are affected by what military functions are open to women and which ones they actually fill. Under conditions in which women are concentrated in support roles, the possibility of greater percentages of support personnel lead to more women in uniform.

4.4 Force Structure

There are also indications that the military force structure has both positive and negative impacts on women's participation in military as a result of cultural factors in different countries (Segal, 1995). Firstly, to the extent that support functions are concentrated in the reserves, compared to active duty forces, women will have higher representation in the reserves. The greater the reliance on reserves for support in war mobilisation, the greater women's participation in such mobilisation as was the case in USA and Canada. Secondly there is a way that reliance on the reserves may, in some cultures, decrease women's participation. Reserve personnel tend to be older and therefore are more likely to have families. In those cultures where mothers are not viewed as deployable, and the reserves constitute a large proportion of military forces, women will be less represented in military operations. This situation is evident in Israel, where men and women are conscripted, but only men have long reserve obligations and serve on active duty frequently and for virtually their entire adult lives. While women are also conscripted, both their active duty and reserve obligation is rather shorter than men's and ends when they become mothers (Bloom 1982; and Gal 1986).

5. The Theory of Other Factors That May Affect Women's Military Participation

5.1 Social Perceptions

Moskos (1988:41) shows that the traditional social perceptions of the military underlie the institutional model as the institution is based on long-established laws, customs and values of the society. As a result, traditionally, the society saw military service as a calling or vocation, to the nation. Military service traditionally has acquired many institutional features, for example, fixed terms of enlistment, liability for twenty four hour-service, frequent moves of self and family, subjection to military discipline and law, and inability to resign, strike, or negotiate working conditions. In addition in military service there are physical dangers inherent in combat training and actual combat operations. Moreover, there is the so-called paternalistic remuneration system. Most of the

compensation was in non-cash commodities such as food, housing, uniforms, and medical care; subsidised base consumer facilities. Payment to service members was partly determined by family size, and a large proportion as deferred pay in the form of retirement benefits.

There is also an occupational military model that is anchored in marketplace principles. The occupational model of military will imply the priority of self-interest rather than that of the employing organisation. Accordingly such redefinition of the military is based on the following assumptions: (Moskos, 1988:17):

- **No analytical distinction exists between the military and other systems.**
- **No difference between cost-effectiveness analysis of civilian enterprises and military services.**
- **Military compensation should as much as possible be in cash, rather than on kind or deferred, thereby allowing for a more efficient operation of the marketplace.**
- **Military compensation should be linked directly to skill differences of individual service members.**

5.2 The Military and the Family as Greedy Institutions

Military and the family are two institutions that make great demands on individuals in terms of commitments, loyalty, time, and energy: They therefore have what Lewis Coser calls “greedy” characteristics (Moskos, 1988:79). Lewis Coser and Rose Coser further note that although the family makes different demands on different members, the family is greedier for women than for men. Their finding is that not the husband but the wife is expected to devote most of her time, as well as her emotional energies, to the family. On the other hand the military as an institution has its unique demands on its members. The military involves a lifestyle that includes risk of injury or death of the service member, geographic mobility, periodic separation of the service member from the rest of the family, and residence in foreign countries. Normative pressures are also directly exerted on family members regarding their roles in the military community. For example, in a traditional institutional military, family members informally carry the rank of the service member, and behavioural prescriptions. Wives of officers and senior non-commissioned officers are integrated into a military social network with clearly defined

role obligations and benefits determined by their husbands' ranks and positions. Nancy Sheas "The Army Wife" makes the following specifications (Moskos, 1988:87):

Army wives had to understand that their husbands' duty will come first - before them (wives), before children, before their parents, and before the member's personal desires and ambitions. It is every wife's duty not only to join, but also to take an active interest in the wives' club on the post where her husband is stationed.

From the above explanations it becomes clear that the more the military is institutional in nature, the fewer the number of women will be. Even in a more occupational military certain tasks and activities will be found incompatible with the high number of female participation. Shields, (Moskos, 1988:111) is of the view that motherhood also disrupts assimilation of women in military. The problem is created when women are expected to work irregular hours and extended absence from home. This implies that women who want the military as a full career will probably not be expected to be mothers since motherhood is less problematic when women work in jobs with more regular hours.

5.3 Perceived Effects of Gender Integration

Further factors, which make it difficult for the integration of women in the military, are the perceived negative effects of gender on readiness, cohesion and morale (Miller, 1997). Miller (1997:38) defines military readiness as capability of a military force or unit to accomplish specific goals and missions. By implication, the inclusion of women in the military may be seen as weakening the capability of the defence force to accomplish its mission to fight and win wars. Miller, (1997:38) goes on to show that gender integration does raise for specific readiness attributes such as availability, qualification, experience, and stability.

Availability has to do with the personnel within the unit that are available for deployment. Indications are that personnel may not be available because no individuals have been assigned to some positions, or the individuals who have been assigned are not available for work or are on restricted duty. Duty restrictions may include non-deployability or restrictions on the tasks and locations at which an individual can perform.

Gender related problems in filling positions are indicated as follows (Miller, 1997:39):

In the Navy and Marine Corps, gender could restrict assignment flexibility because the specific number of bunks available for women on ships prescribe the number of female billets. For the marines, this issue is especially problematic because the integrated units that were used for deployment on ships had no female accommodation. Again, it is often mentioned that further unplanned personnel losses, absence, and duty restrictions were – pregnancy, single motherhood, and sickness or injury. For obvious reasons the deployability of pregnant women is restricted by policy. Under some conditions, pregnant women can participate in field exercise, they cannot, however, be deployed overseas or in sea. Pregnant women will also be excluded from military activities that are considered potentially dangerous to the baby, such as using chemicals or firing weapons. Further indications are that, the ability of pregnant women to perform their normal duties depend on the nature of the job, the woman's medical circumstances, and decisions made by the woman, her physician, and her commander or supervisor.

Single parents of either gender are perceived to place a burden on the unit. As mothers, women are obviously forming a higher percentage of single parents than single parent men. Young single parents often cannot afford adequate housing, child-care, or transportation. They may amass considerable debt and then need assistance in managing financial crises. Further, young single parents are reported frequently to be unable to attend early morning or late evening unit activities because of the restrictions of daycare and other related reasons.

5.4 Social Construction of Gender and Social Values About Gender Across Cultures

According to Segal (1995:768) the meaning of gender is socially constructed, while the degree to which particular roles that are seen as appropriate to each gender is socially determined. Culture has a tendency to either exaggerate or minimise the importance of sex differences and thereby justify or reject a gender-based division of social roles. It is for this reason that to the extent to which the family context defines women's labour allocation, women's status as individuals within the family and as a gender group within society, is limited. Cultures can therefore stress gender equality or differences between genders, which has a strong effect on women's military roles. For example, throughout history in almost all the cultures, wars were considered men's work while war zones were traditionally male bastions. As a result the participation of women in war has been very minimal. Therefore if emphasis on ascription is based on gender this will limit the

women's roles in military. For example, despite Israel's excellent educational opportunities for women, strong legislation and history of women politicians, Israeli women have been consistently underrepresented in virtually all areas of public life including military. Cultural pressures to marry early and start a family are strong among Israel women. As a result, many women who may have interest in career life sacrifice their own aspirations in the name of marriage and family. In Algeria, the legal age for marriage is twenty-one for men, and eighteen for women. Upon marriage the bride usually goes to the household, village, or neighbourhood of the bridegroom's family, where she lives under the critical surveillance of her mother in law. Indian family life is characterised by *purdah*, or the veiling and seclusion of women. The importance of *purdah* is not limited to family life; but these practices all involve restrictions on female activity and access to power and the control of vital resources in a male-dominated society. Restriction and restraint for women in virtually every aspect of life are the basic essentials of *purdah*. Generally, females are expected to associate only with kin or companions approved by their families and to remain sexually chaste.

There are also some interesting examples of the social construction of women's military roles, including several where women performing functions that are considered military and in other societies are labeled civilian. For example, some German women during World War II were uniformed and under military authority, but were not considered military. Another World War II example is that of the American WASPs (Women's Airforce Service Pilots). These women ferried military planes, some were killed in the line of duty, but they were still treated as civilians. Congress granted them military veterans benefits in 1977, an example of reconstruction of social status.

The cultural contradictions and ideological ambivalence involved in women's military participation can be seen in the reactions of both those who favour maintenance of patriarchal values and radical feminists. The Center for Military Readiness (www.cmrlink.org:2003) made the following special requests to President George W. Bush:

Pentagon officials to find a way to allow military women, especially those in support units, to serve without undue exposure to "a substantial risk of capture" in or near close combat units, to the greatest degree possible,

Restore single-gender basic training in the Army, which experts have recognised as a more efficient and militarily effective format for male and female trainees alike;

Review and revise well-meaning but problematic pregnancy and family policies that hurt readiness by increasing single parenthood, and poverty in the military, as well as the incidence of long-term separations of young children from single or dual-service parents;

Revoke perceived pressures for gender-based recruiting goals and quotas, which unnecessarily burden recruiters and increase the cost of maintaining a strong and ready All-Volunteer Force.

It is therefore clear that having large numbers of military women causes public resistance because it challenges notions of masculinity and femininity, and at the same time it is viewed as a very risky and costly exercise. It will not be surprising to find that in communities where such pressure groups are strong the number of women in military will be very limited. That means cultures that support traditional divisions of labour based on gender will tend to exclude women from military or limit their roles substantially.

6. Conclusion

The major challenge to the equal opportunity policy within the Defence Force is the inherent requirement of the military that is:

- Military accession policies.
- Military technology.
- Combat to support ration.
- Force structure.

Apart from these factors are factors such as:

- Social perceptions of women.
- Demands of family commitments on women.
- Perceived effects of gender integration in military.
- Social and cultural factors.

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