

THE STATE OF TRANSFORMATION IN THE SOUTH AFRICAN PUBLIC SERVICE: A CASE STUDY OF THE NATIONAL DEPARTMENT OF AGRICULTURE¹

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ABSTRACT

The exclusion of Africans, women and the disabled from employment and active participation in the economy, has until recent years been a defining characteristic of the South African private and public sectors. As far back as the founding of the Union of South Africa in 1910, laws were passed to improve the lot of the White minority at the expense of other population groups. Blacks, women and the disabled were considered second class citizens not deserving equal and fair treatment in employment or any other vital aspect of life. The post-1994 democratically elected government inherited the negative legacy of apartheid and thus found itself responsible for correcting the many societal injustices and imbalances of the past.

This article investigates the progress made by the post-apartheid government, if any, in promulgating and implementing policies to address the imbalances of the past. More specifically, the focus of the article is on assessing the effectiveness with which the *Employment Equity Act, 1998* (no. 55 of 1998) is being implemented in the public service. The study demonstrates that progress has been made in employing Blacks and women, but not in employing the disabled. Possible causes and remedies to address the poor representation of disabled persons in the public service were also addressed. The former National Department of Agriculture is used as a practical case study to add empirical evidence in support of literature survey and anecdotal data.

INTRODUCTION

The first democratic elections in South Africa in 1994 put in place a new government that had the major task of dismantling apartheid machinery and policies. The *Labour Relations Act, 1995* (no. 66 of 1995); The *Employment Equity Act, 1998* (no. 55 of 1998); the 1997 *Green Paper on Affirmative Action*; the *Broad-based Black Economic Empowerment Act, 2003* (no. 53 of 2003); are amongst the key post-1994 policy initiatives that focused on redressing the inequalities of the past.

After fifteen years of democratic rule in South Africa, however, *equality* in the workplace can still not be claimed if people belonging to any of the previously disadvantaged groups (namely women, disabled and Blacks) are under-represented in employment across the country. The *Employment Equity Act, 1998* (EEA) applies to employers in both the public and the private sectors. In the preamble to the EEA, cognizance is given to the vacuum that would have been created by simply repealing long-standing discriminatory laws without also promulgating new ones to begin to reverse the inequalities of the past.

This article focuses on progress and challenges with regard to employment equity in the public sector using the former National Department of Agriculture (DoA) (now Department of Agriculture, Forestry and Fisheries) as a case study. The article begins by briefly reviewing the background of employment equity in South Africa, then addresses the rationale for employment equity policy. Data sets from previous studies are examined before these are compared to data from the DoA case study. The discussion ends, thereafter, with conclusions and recommendations.

HISTORICAL BACKGROUND OF EEA

The historical realities of South Africa show a country confronted by issues of inequality, segregation, discrimination and marginalisation. These conditions intensified after the formal institutionalisation of the system of apartheid in 1948. Apartheid not only marginalised Black people, women and people with disabilities from political, social and economic involvement, but did so in order to better serve the interests of Whites (Kotzen, 2000:80). Among the various oppressive legislative measures of the apartheid era, was the now repealed *Basic Conditions of Employment Act, 1983* (Act 3 of 1983) which excluded particular racial groups from various types or categories of employment.

The 1980's mass political resistance, led to the radical amendment of labour rights which became extended to the previously excluded population (Webster and Adler, 1999:359). According to Webster and Adler (1999:359), it was this era that ushered the country into its democratic transition and the move towards a public service that is all-inclusive and geared towards the promotion of employment equity values and principles. In essence the *Employment Equity Act, 1998* emerged after an extensive consultative process, which began with the establishment of the Affirmative Action Policy Development Forum by the Minister of Labour in 1995 (Kotzen, 2000:81). All major stakeholders were represented on this Forum, namely trade unions, businesses, community organisations, disabled people's organisations, women's organisations and non-governmental organisations. When the

forum completed its work, a team of experts was appointed to draft the Green Paper on Employment and Occupational Equity on 1 July 1996 (Kotzen 2000:81). The Minister of Labour then appointed a team of legal experts to draft the Employment Equity Bill. This team began its work in February 1997. The Employment Equity Bill was tabled before the National Economic Development Labour Council (NEDLAC) for negotiations and the final draft was approved by Parliament on 12 October 1998. Since then a plethora of policy documents have come to the fore to address the inequalities created by the legacy of apartheid, and aimed at ensuring equal opportunities for all persons in the labour market (www.info.gov.za/documents/greenpapers/index.htm).

JUSTIFICATION FOR EMPLOYMENT EQUITY

A question frequently asked individuals, especially those who find themselves disadvantaged by the introduction of the Act is why the policy is justified. In South Africa it is obvious that the new government did not formulate the EEA with the aim of avenging past injustices by marginalising citizens from previously advantaged backgrounds. The intention was based solely on promoting equality by temporarily changing the rules of the game to allow the playing field to become balanced. Through the affirmative action (AA) provisions of the *Employment Equity Act*, preference is to be given to a previously disadvantaged candidate when it is determined that two or more candidates for a job are equally qualified. Through EEA and AA, eventually equality would be realised when people from disadvantaged and advantaged backgrounds compete on an equal footing and enjoy equal employment opportunities. The aim of the EEA is not only to bring about equality in employment, but also to ensure that the nation as a whole would enjoy greater prosperity as previously disadvantaged and excluded groups are given the opportunity to contribute to the collective knowledge base.

The goals of the Act as summarised by Hinrichs and Pennington (1998:23) are as follows:

- to stop unfair discrimination from happening;
- to put right the effects of the past discrimination;
- to achieve a diverse and broadly representative workforce; and
- to promote economic development and efficiency in the work place.

It can be argued that in order to achieve a diverse and broadly representative workforce and to promote economic development, the EEA must first correct past unjust policies and practices and eliminate the imbalances created by past discrimination.

Empirical evidence on employment equity

The 1995 *White Paper on the Transformation of the Public Service* set employment equity targets for national and provincial government institutions. According to these targets, by 1999, at least 50% of public service managers should be Black; 30% should be women; and 2% disabled persons (*White Paper on the Transformation of the Public Service*: par 10.6).

Analysing statistical data from government's *Vulindlela database*, Mahlangu (2008) finds that progress has been more than satisfactory in the categories of Blacks and women in management, but dismal for disabled persons. According to Mahlangu (2008) the worst performing province with respect to employment equity by May 2008 was the Western Cape with 45% black representation in the senior management service (SMS). The second worst performer was the Free State with 60% black SMS. The best performing province, was Limpopo with a 91% black SMS. These figures of the latter province are significantly above the expectations set by the White Paper.

With respect to gender, nationally women represented 37% of SMS, which is also the average (mean) of all of the provinces. Provincial representation of women in SMS ranged from a low 33% in the Free State to a high of 42% in Gauteng (Mahlangu 2008; cf. also Mello and Phago 2007) . These figures are aligned with the target of 30% set for 1999 in the White paper.

The 2% target set for the representation of disabled persons for 1999, has even up to 2008, fallen dismally short. Mahlangu (2008) reports that 0,25% of national government departments' and institutions' employees (at all levels) were disabled. The scores ranged from 0,08% in Gauteng to 0,27 for the Western Cape.

EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION IN DOA

The EEA has produced mixed results throughout National and provincial governments. Blacks, and to a lesser extent women, have entered into the middle and senior levels of management (SMS). Disabled persons have been and continue to be off the SMS radar , and in fact only a fraction of 1% are employed in any sphere of government. This section considers the former DoA, as a case study, for answers to this somewhat troubling paradox.

Research methods

The focus of the current study is to provide the DoA and its successor department, with insight into the effectiveness of its employment equity policies and possibly provide guidance in the areas where the department should focus to enhance the introduction of its employment equity policies. The objectives are:

- to explore difficulties that adversely impact on the effectiveness of the EEA in the former Department of Agriculture especially with regards to disabled officials;
- to determine if there is a disparity in the views of management and employees (both able-bodied and disabled employees) with regard to the effectiveness of the EEA and problems experienced; and
- to achieve established levels of satisfaction of employees (from designated groups) with the EEA and with the work environment.

This research falls within the dictate of 'action research methodology'. Hussey and Hussey (1997:65) are of the view that action research is designed to find an effective way of

bringing about a conscious change in a partly controlled environment. It is therefore similar to a case study in many of its approaches.

This study used is *descriptive survey research*. In descriptive research, the researcher attempts to describe the characteristics of a specific phenomenon at the time of observation, (Leedy, 1989:185). The central phenomenon in the case of the current study is the perception of DoA employees concerning the effectiveness of EEA in use. Both primary and secondary research were conducted to obtain data needed to meet the objectives of the research.

Data collection approach

Informed consent was obtained from the former DoA's Director-General to obtain access to the organisation to conduct research on the proposed topic. Formal printed self-completion questionnaires were sent to selected respondents. The selected respondents were required to state their disabilities status, level of their posts e.g. level 8, 9, 10. Moreover, confidentiality was assured regarding the views expressed by respondents. A covering letter was attached to the questionnaires introducing the researcher and explaining the purpose of the study. In addition, the researcher explained to the respondents the reason for doing the study, the importance of the study and the importance of respondents' participation.

Target Population

The target population was a group of potential participants to whom the researcher wants to generalise the results of the study, (Salkind, 2000:86). The population is DoA employees and managers in the Sales & Marketing, Information Technology, Education and Training, Technical Operations and Support Services (*i.e.* Finance, Corporate Communications, Human Resources and Corporate Development departments). There were approximately 3 200 total employees in the former DoA.

| DEPARTMENT OF AGRICULTURE FILLED & VACANT AS ON MARCH 2010 | | | | | |
|---|--------|--------|--------|------------|-------|
| Directorate/ Sub-Directorate/ Office | Comp | Filled | Vacant | Additional | Total |
| DG & DG Office Support Services | 010000 | 27 | 4 | 1 | 32 |
| Minister | 000003 | 10 | 1 | 3 | 14 |
| Deputy Minister | 000134 | 6 | 1 | | 7 |
| Chief Programmes Office | 010004 | 6 | | | 6 |
| Internal Audit | 010002 | 11 | 2 | | 13 |
| Gender Mainstreaming | 010014 | 2 | | 1 | 3 |
| Transformation Unit | 014000 | 2 | 3 | | 5 |

| Directorate/ Sub-Directorate/ Office | Comp | Filled | Vacant | Additional | Total |
|---|--------|--------|--------|------------|-------|
| DDG: Corporate & Financial Services | 000008 | 1 | 1 | | 2 |
| Chief Directorate: Corporate Services | 600000 | 2 | | | 2 |
| Human Resources Management | 630000 | 93 | 13 | | 106 |
| Security Services | 620000 | 81 | 11 | | 92 |
| Employee Development | 650000 | 21 | 3 | 3 | 27 |
| Chief Directorate: Financial Management | 500000 | | 2 | | 2 |
| Budgets & Reporting | 520000 | 30 | 3 | | 33 |
| Supply Chain Management | 530000 | 89 | 12 | | 101 |
| Financial Administration | 510000 | 140 | 18 | | 158 |
| Facilities & Travel Management | 660000 | 42 | 14 | | 56 |
| DDG: Operations Management | 000007 | 2 | | | 2 |
| Chief Directorate: Planning & Monitoring | 900003 | | 2 | | 2 |
| Strategic Planning | 810000 | 10 | 1 | 1 | 12 |
| Monitoring & Evaluation | 820000 | 13 | 3 | 1 | 17 |
| CD: Communication & Information | 900002 | 2 | | | 2 |
| Agricultural Information Services | 110000 | 58 | 8 | 1 | 67 |
| Information & Communication Technology | 610000 | 18 | 5 | | 23 |
| CD: Partnerships | 900000 | 2 | | | 2 |
| International Relations | 120000 | 27 | 8 | | 35 |
| Intergovernmental & Stakeholder Relations | 910000 | 4 | | | 4 |
| Legal Services | 640000 | 7 | 5 | | 12 |
| DDG: Production & Resources Management | 000009 | 3 | | | 3 |
| CD: Agriculture Production | 700000 | 2 | | 1 | 3 |
| Plant Production | 720000 | 42 | 7 | | 49 |
| Animal Production | 710000 | 20 | 1 | | 21 |
| Food Security | 190000 | 22 | 3 | | 25 |
| Genetic Resources | 230000 | 64 | 7 | 3 | 74 |
| CD: Engineering & Resources Management | 200000 | 3 | | | 3 |
| Land Use & Soil Management | 210000 | 165 | 30 | | 195 |

| Directorate/ Sub-Directorate/ Office | Comp | Filled | Vacant | Additional | Total |
|--|--------|--------|--------|------------|-------|
| Water Use & Irrigation Development | 250000 | 16 | 12 | | 28 |
| Agriculture Engineering Services | 220000 | 183 | 21 | | 204 |
| DDG: Agriculture Support Services | 000006 | 3 | | | 3 |
| CD: Livelihoods Development Support | 100000 | 3 | | | 3 |
| Land Settlement | 150000 | 58 | 5 | | 63 |
| Agricultural Development Finance | 180000 | 30 | 2 | 4 | 36 |
| Business & Entrepreneurial Development | 130000 | 23 | 6 | | 29 |
| Agricultural Disaster Management | 170000 | 20 | 3 | | 23 |
| CD: Sector Services & Research | 800000 | 2 | | | 2 |
| Education, Training & Extension Services | 140000 | 21 | 2 | 1 | 24 |
| Research & Technology Development | 240000 | 9 | 2 | | 11 |
| Grootfontein | 160000 | 183 | 35 | 2 | 220 |
| DDG: Trade & Economic Development | 000004 | 1 | 2 | | 3 |
| CD: Trade & Marketing Development | 101010 | | 2 | | 2 |
| International Trade | 410000 | 31 | 6 | | 37 |
| Marketing | 420000 | 22 | 1 | | 23 |
| CD: Economic & Statistical Services | 400000 | 2 | | | 2 |
| Economic Services | 440000 | 19 | 9 | | 28 |
| Agriculture Statistics | 450000 | 31 | 3 | | 34 |
| DDG: Food Safety & Bio-security | 000005 | 2 | 1 | | 3 |
| CD: Plant Health & Inspection Services | 900001 | 1 | 1 | | 2 |
| Plant Health | 340000 | 152 | 43 | | 195 |
| Agriculture Product Inspection Services | 320000 | 420 | 89 | 2 | 511 |
| Bio-security | 350000 | 10 | | 1 | 11 |
| CD: Food & Veterinary Services | 300000 | 3 | 1 | | 4 |
| Food Safety & Quality Assurance | 330000 | 141 | 24 | | 165 |
| Animal Health | 310000 | 309 | 18 | | 327 |
| Veterinary Quarantine & Public Health | 360000 | 98 | 31 | | 129 |
| Total: | | 2820 | 487 | 25 | 3 332 |

Source: Department of Agriculture, HR Division, 2010

| Level | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | Total |
|-----------------|----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|----|----|----|----|----|-------|
| White Male | | 5 | 3 | 6 | 12 | 29 | 26 | 59 | 55 | 18 | 31 | 16 | 7 | 3 | | | 270 |
| White Female | | 4 | 2 | 10 | 28 | 144 | 50 | 67 | 22 | 18 | 16 | 6 | 2 | | | | 369 |
| Coloured Male | 4 | 106 | 15 | 20 | 5 | 14 | 6 | 14 | 8 | 2 | 3 | 2 | 2 | | | | 201 |
| Coloured Female | | 23 | 4 | 10 | 14 | 13 | 7 | 7 | 6 | 1 | 1 | 1 | 1 | | | | 88 |
| Indian Male | | 2 | | | | 3 | | 5 | 5 | 1 | 4 | 1 | 1 | | | | 22 |
| Indian Female | | | | 2 | | 1 | 1 | 6 | 5 | 1 | 2 | | 1 | | | | 19 |
| African Male | 15 | 498 | 88 | 36 | 24 | 64 | 64 | 95 | 107 | 22 | 34 | 13 | 12 | | 2 | 1 | 1 080 |
| African Female | 5 | 84 | 41 | 25 | 27 | 58 | 71 | 88 | 51 | 17 | 15 | 5 | 6 | 5 | 2 | | 495 |
| Total | 24 | 722 | 153 | 109 | 110 | 326 | 225 | 341 | 259 | 80 | 106 | 44 | 32 | 8 | 4 | 1 | 2 544 |

| Level | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | Total |
|------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|----|----|-------|
| Disability | | | 1 | 1 | | 3 | 1 | 4 | | | | | | | | | 10 |
| Filled | 24 | 722 | 152 | 108 | 110 | 232 | 224 | 337 | 259 | 80 | 106 | 44 | 32 | 8 | 4 | 1 | 2534 |
| Vacant | 10 | 108 | 70 | 65 | 29 | 74 | 117 | 120 | 101 | 81 | 58 | 19 | 10 | 5 | 2 | | 869 |
| Total | 34 | 830 | 223 | 174 | 139 | 400 | 342 | 461 | 360 | 161 | 164 | 63 | 42 | 13 | 6 | 1 | 3413 |

Source: Department of Agriculture, Forestry and Fisheries, HR Division 2006

Sampling

Probability sampling was used. In probability sampling, each member of the population has a known chance of being selected, (Salkind, 2000:86). Probability sampling was the most desired sampling option as it allowed the researcher to draw a sample that was unbiased and allows for statistical inferential analysis. This technique was only possible when a complete list of the population was available from which to randomly draw samples.

More specifically, a stratified random sampling and purposive sampling approach was used. This technique required the sample to be broken down into *strata* or groups that was each sampled separately to ensure that adequate numbers are achieved in each group that was of importance. It was important to compare managers and other employees, as there might be significant differences between these two groups with regard to their views. The researchers therefore collected sufficient respondents in each group to ensure representivity and to facilitate statistical comparisons. The managers and employees were therefore the strata. The selection of the members of the population who were to take part in the sample was drawn randomly from a complete list of members of the population. The Human Resources section of DoA provided a list of managers and employees at each directorate.

Approximately 200 managers are employed in the Sales & Marketing, Information Technology, Education and Training, Technical Operations and Support Services (*i.e.* Finance, Corporate Communications, Human Resources and Corporate Development divisions). Other divisions of the DoA not included in the study include Production and Resources Management, Agriculture Support Services, Trade and Economic Development, and Food Safety and Biotechnology.

From the stratified population of 200 managers, 90 questionnaires were distributed with a 74% return rate (*i.e.* 67 completed and returned). The 67 surveyed respondents of the management strata represent a sample proportion of 34 percent of the population size of 200 managers across the above noted divisions.

The number of non-managerial employees in the demarcated divisions is approximately 800. Of these, 150 received questionnaires with a 77% return rate (*i.e.* 115 completed and returned). The sample of this strata was thus 14% of its population size.

Limitations

Not all respondents returned questionnaires in the assigned time. Some of the questions were sensitive in nature and as such may have prevented lower-level staff (designated groups in particular) from fully revealing their views for fear of victimisation.

Based on sample proportions, the managerial strata is significantly representative of the population. The non-managerial sample (14% of the population size) is significant, but far less representative than that of the managerial strata. This is recognized as a limitation in terms of making comparisons between and across the two strata.

Delimitations

The research focused on the former DoA as a case study and thus limited the generalisability of the findings and conclusions reached.

Research Findings: Questionnaires

The research findings based on the distributed and returned questionnaires revealed the following:

On whether the DoA has managed to fully comply with the dictates of EEA, most of the respondents disagreed, while others were uncertain. The respondents were also asked whether the DoA has all the resources needed to accommodate people with disability, few agreed (citing accessible buildings for the physical disabled and brailers for visual impaired people), while others disagreed on the grounds that hearing impaired people were not provided with sign language interpreters (at meetings, workshops and conferences), they have on many occasions relied on colleagues for assistance.

The abovementioned findings are further supported by the DoA Representation Statistics as at 2005, which revealed that 62% of employees constitute males while 38% of employees constitute females (from lower, middle and senior management levels: not from middle to senior management levels as stipulated in the *White Paper on the Transformation of the Public Service*, 1995). The 2005 statistics further indicate that Black males make up 50%, while 21% of employees are black females, 17% were white females, 12% white males, 26% of posts in the DoA are vacant, whilst 0,4% constitutes employees with disabilities.

With respect to respondents of the current study on whether the EEA was still required for the DoA to ensure equal employment opportunities and whether members of society apply for posts enjoyed equal employment opportunity, the difference between employees from designated groups and those from previously advantaged background came to light. While 60% of employees from designated groups strongly agreed, 64% of employees from previously advantaged backgrounds strongly disagreed. Not all employees shared the same view that a candidate is appointed to his or her position according to the required qualifications and that there is no nepotism in the appointment of individuals.

Some of the middle and lower level respondents were at a loss regarding EE and AA policies and the researcher was on many occasions referred by respondents to the Human Resources Directorate for information related to EE and AA policies. That fuels the perception that there have been no attempts to inform and educate the aforementioned staff members regarding the importance of EE and AA policies in the DoA and its employees at all levels.

Sixty percent did not share the same view with their fellow black respondents regarding the fairness of AA. Whites see it as being unfair and a reverse discrimination, whilst Blacks view it as being fair and a corrective measure to rectify the injustice of the past. The research also found that although there are shop stewards representing employee unions and are working hand-in-hand with the Transformation Directorate, participation and communication on the part of some of these employees (as stipulated in the *White Paper on Service Delivery*) on AA programmes were somewhat questionable. This is due to the fact that 60% of employees in the DoA were unsure regarding the extent of the effectiveness of EEA and the impact thereof.

Although the DoA has done its best to accommodate persons with disability, employees with physical disability are still struggling to access some buildings especially where able-bodied employees were required to use stairs (it was also unclear to the researcher as to why the respondents were at a loss regarding special exits for the physically disabled employees in case of emergency). This implies that their (the physically disabled) movement in such situations is limited to particular buildings. Although the White Paper on Service Delivery stipulates that AA programmes should be open to scrutiny within and outside the public service, the researcher was not given the opportunity to scrutinise the well-documented AA or transformation programmes for the DoA. This was due to the fact that the documents in question were deemed confidential.

There is a perception that managers or those assigned with a task of implementing EE and AA policies are not performing satisfactorily with regard to effective implementation of the AA policies. This finding was largely supported by inconsistent responses from all respondents. The research findings also revealed that there is little or insufficient efforts made by the DoA regarding the retention of employees employed as a result of EE and AA policies. This is supported by a number of women at senior level who have left the DoA to join the private sector and who are occupying senior managerial positions elsewhere. The research findings revealed however, that diversity was promoted and celebrated in the DoA.

The research indicate that not every employee is satisfied with AA policies in the DoA. This view is shared by most White respondents. This is an indication that there has been no proper buy-in from the employees. On the part of equality promotion, the majority of Black respondents perceive AA policies as a useful mechanism to promote equality in the public service, while some White respondents perceive it as a tool to perpetuate inequality.

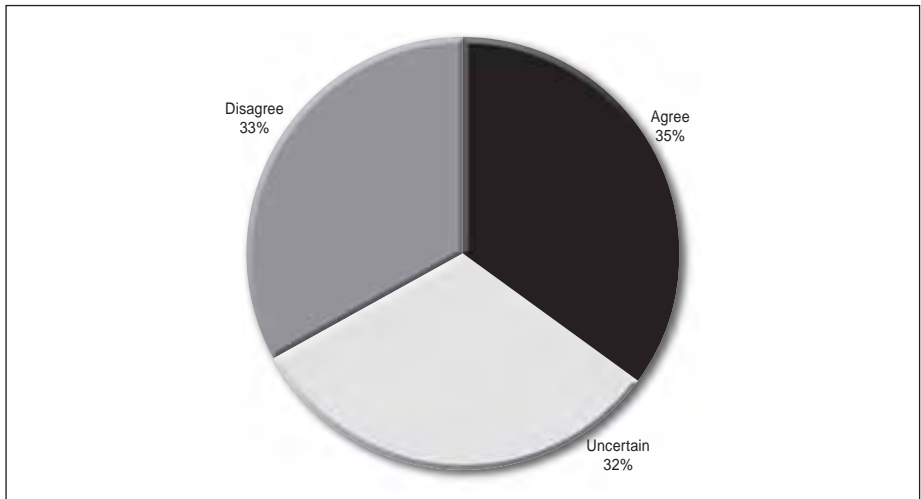
The research findings also revealed that 60% of respondents (from all levels), were uncertain of whether White females also form part of the designated group. Moreover 55% of respondents (especially those from the previously-disadvantaged background), strongly disagreed that AA policies have managed to bridge the gap created by the legacy of the past. The research found that employees with life threatening illnesses such as HIV/AIDS, and cancer, are treated equally. The DoA has a health station to assist employees when they fall ill while at work. The respondents at middle category level, commented that they knew what EEA, AA and other transformation programmes were, but they did not know how they would impact on their lives and jobs progression.

SUMMARY OF MAIN FINDINGS

Results regarding the effectiveness of EEA in the former DoA as indicated on the above pie chart, revealed the following:

- 35% of all the respondents interviewed agreed that EEA have so far been effective;
- 33% of all the respondents disagreed with the abovementioned view; and
- 32% of all the respondents interviewed were uncertain.

Figure 1: Employment Equity



Placing of disabled

Apartheid as practiced in South Africa, was an unjust, uneconomical, and un-sustainable system that resulted in the vast majority of *citizens* being unemployed and/or under utilised. Research (Numhauser-Henning 2001; Ngwena 2005; Weddinton 1996; Thomas 2005) has shown that although previously disadvantaged groups' conditions may have been improved by government reforms based on employment equity, particular groups have not fared well and continue to be excluded. The plight of the disabled is a case in point.

If EEA and AA have worked well for able-bodied persons from previously disadvantaged groups, then why have they not been successful for the disabled? Either the policy is flawed in particular aspects, or the implementation of the policy is difficult with respect to the complex nature of the disabled.

Ngwena (2006) identifies the issue of the unclear and problematic nature of defining the term – disabled. According to Ngwena (2006) the medical definition of disability has been the dominant one used in legislation. However, it is lacking in sensitivity to the realities faced by many who are systematically discriminated against. The medical model relies exclusively on physical and mental impairment. The social definition is more inclusive and should be promoted in order to adequately address employment inequality. The social model adds to mental and physical impairment. The possibility also exists of considering intellectual and sensory impairment. This may hinder one's ability to fully participate in society on an equal basis (Ngwena 2006). The inability to classify a disabled person correctly, can surely impact on their ability to enjoy the benefits they are entitled to.

Citing a 2008 Public Service Commission study, Mahlangu (2008) points out the following poignant constraints to increasing the numbers of disabled persons in the public service:

- few people with disabilities apply for posts;
- reluctance by people with disabilities to disclose their status;
- resource limitations were seen as a constraint by departments to ensure reasonable accommodation of people with disabilities;
- the nature of certain occupations seem to prevent people with disabilities from applying due to the job requirements; and
- the problem is compounded by the lack of good partnerships with organisations for people with disabilities and the fact that there is no central database for people with disabilities from which to source potential applicants

It may seem that employment equity and affirmative action policy are flawed in design and implementation based on the fact that the number of disabled employees in the public service is close to non-existent. There are however, other factors at play that impede the effectiveness of the relevant policy should work. There is a drastic need for government to not only take heed of these factors, but also strategise around them to ensure that equity targets will be met in future.

CONCLUSION

From the foregoing it is obvious that South Africa has a well structured and advanced Employment Equity Act. It can however be deduced that the main challenge of this Act revolves around the implementation rather than intent or objectives of the Act. It has been shown that AA and the EEA have not succeeded in all categories of targets set by the *White Paper on Transformation of the Public Service*. This was also shown to be the case in the former National Department of Agriculture (DoA). Blacks and women have advanced through to the management ranks of the public service, but the disabled still do not occupy any significant positions.

The findings of the study as conducted in the former DoA indicate that a lack of commitment from top management, poor human resources management, lack of sufficient funds/resources needed for the implementation of the dictates of the EEA, rigid AA programmes accompanied by lack of skilled workforce and lack of proper retention can (if not handled properly), contribute negatively and counterproductively to the main purpose of the EEA. These, and many other impediments identified in the research need to be addressed in order to pave the way for the successful implementation of the Act.

A potential weakness identified regarding the EE Policy is that it does not state how long or for how many years the policy will remain in place; this may result in uncertainty as to whether it can be implemented without disadvantaging the previously advantaged groups.

NOTE

1 It is now the Department of Agriculture, Forestry and Fisheries

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