

## **Chapter 3**

# **AFFIRMATIVE ACTION AT ORGANISATIONAL LEVEL**

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### **3.1 INTRODUCTION**

Although an awareness of the need for employment equity constitutes the foundation of an AA programme, it does not guarantee success. Action should be taken to ensure that AA programmes are implemented in a purposeful and planned manner. However, this is not an easy task since a frequent reversion to the security of old habits is unavoidable and a step-by-step guide on the implementation and management of AA programmes does not exist.

In organisations which are not proactive, change or the awareness of the need for change usually arises from trigger incidents or circumstances. These incidents may be internal in the form of a decline in morale and productivity, employee dissatisfaction, union interference and budgetary constraints. Alternatively, external factors such as a change in legislation, a shift in employee demographics and increased global competition may serve as triggers for change. The Employment Equity Act, for example, has obliged organisations to take a new look at employment practices. The selection criteria and methods used to make appointment decisions are two of the most important factors that had to be revised for AA purposes. As such, these two factors were also responsible for most of the concerns raised about the fairness of AA.

Affirmative action programmes should be managed from a legal and a moral perspective. From a legal point of view, they should meet all the requirements of Employment Equity Act 55 of 1998 and the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000. From a moral point of view, such programmes should be managed in such a way that employees perceive AA to be fair. This chapter will briefly discuss these two Acts and the steps in the implementation of the AA programme. The implications of AA for various human resource policies, procedures and practices will also be outlined. The discussion will focus in particular on how HR policies, procedures and practices should be adjusted for AA purposes.

### **3.2 EQUALITY AND JUSTICE**

In an attempt to promote social justice and eradicate inequalities, the government has promulgated two Acts, namely the Employment Equity Act 55 of 1998 and the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000. These two Acts are briefly discussed in the sections that follow.

The source of all legal norms can be traced back to the Constitution of the Republic of South Africa 108 of 1996 which guarantees the fundamental right to equality. In the preamble to the Constitution, some of the aims of the Constitution are formulated as follows:

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- Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

As mentioned earlier, there will inevitably be a tension between the aims of formal equality (the prohibition of unfair discrimination) and substantive equality (affirmative action). Section 9 of the Constitution clarifies this somewhat by making it clear that deviations from formal equality will be allowed, by means of AA as a form of fair discrimination.

### 3.3 THE EMPLOYMENT EQUITY ACT 55 OF 1998

The Employment Equity Act was signed by the President on 12 October 1998. Some of the aims of the Act are to

- promote the constitutional right of equality and the exercise of true democracy;
- eliminate unfair discrimination in employment;
- ensure the implementation of employment equity to redress the effects of discrimination;

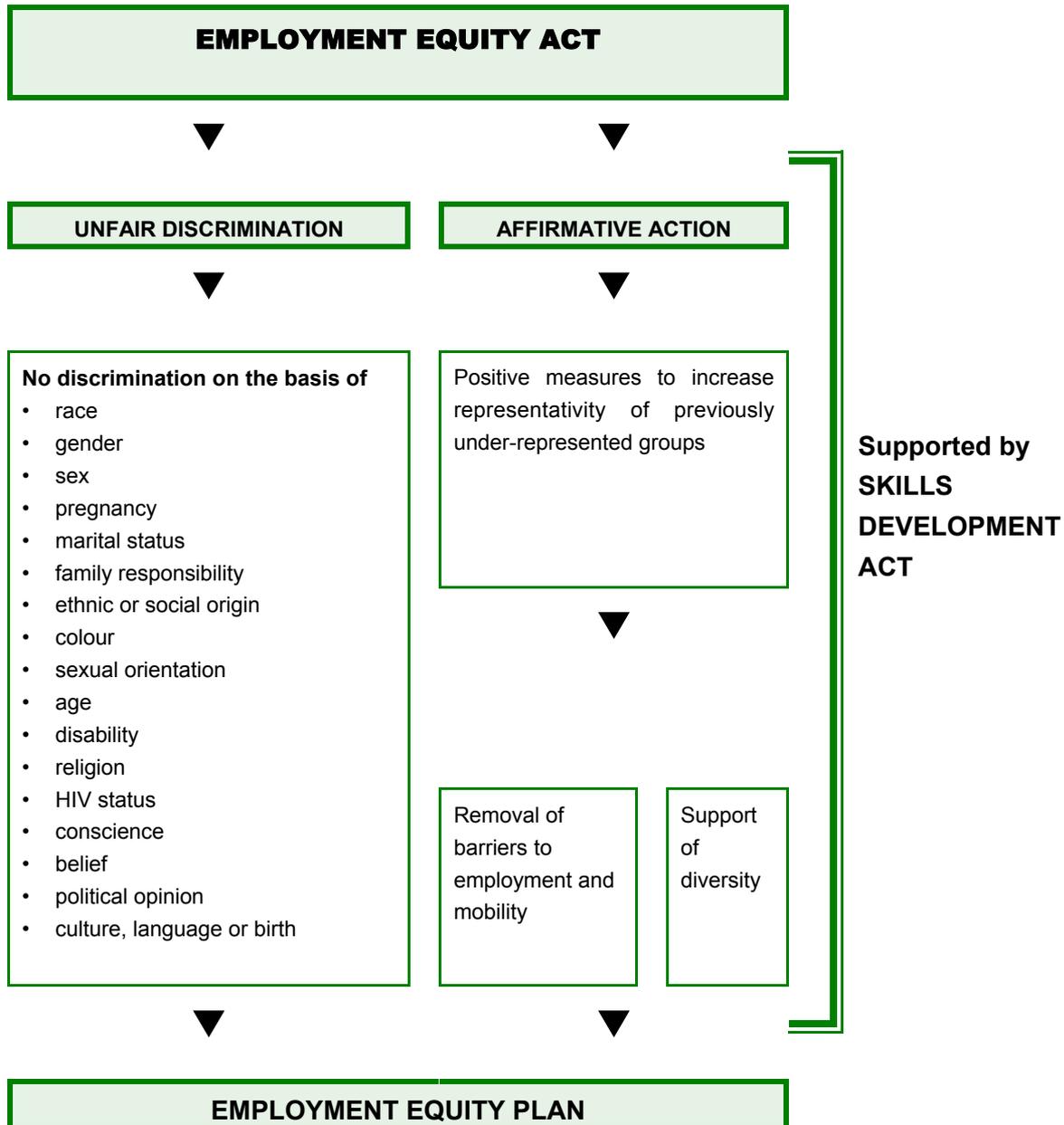
The Act provides for two main pillars in its legislated structure to achieve employment equity, namely:

- (1) the prevention and prohibition of *unfair discrimination*
- (2) the implementation of *affirmative action* measures

Chapter II of the Act prohibits unfair discrimination, while Chapter III prescribes affirmative measures which designated employers must take to promote employment equity in respect of Africans, women and persons with disabilities. Suffice to say that nonbeneficiaries of affirmative measures will rely on chapter II as the basis of their challenge of affirmative measures, while employers will rely on Chapter III to defend their AA policies and practices.

Figure 3.1 provides a schematic representation of employment equity and illustrates how the two main pillars are interrelated.

FIGURE 3.1: EMPLOYMENT EQUITY



Source: Adapted from Bendix (2001)

### 3.3.1 Unfair discrimination

The Act obliges all employers to promote equal opportunity by eliminating discrimination in all employment policies and practices. It further prohibits discrimination on any arbitrary grounds including, but not limited to, race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, political opinion, culture, language, and so forth. The Act provides that measures to promote previously disadvantaged groups will not be regarded as constituting unfair discrimination; nor will differentiation based on the requirements of a particular job.

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Where discrimination is concerned, applicants for a position are also regarded as employees. The significance of this is that any person applying for a position may question both the short-listing of candidates and the actual selection decision (Bendix, 2001).

**3.3.2 Affirmative action**

In terms of the Act, AA measures are designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer. Affirmative action measures implemented by a designated employer must therefore include:

- measures to identify and eliminate employment barriers, including unfair discrimination, which adversely affect people from designated groups

The thrust of the Employment Equity Plan is to identify and correct the under-representation of designated groups. According to the Act, as quoted by Swanepoel, Erasmus, Van Wyk and Schenk (2000), all designated employers have to staff their organisations by implementing the following steps:

- consult with employees about the equity process
- conduct an analysis of the workforce
- prepare an employment equity plan
- prepare and submit an equity plan report to the Director-General on progress
- submit a statement on income differentials to the Employment Conditions Commission

*(1) Consultation.* The Act stipulates that the employer has to consult with a representative employee body about the demographic analysis of the workforce, on the preparation and implementation of the Employment Equity Plan and the report to be submitted.

*(2) Analysis of the workforce.* The employer needs to collect information on and conduct an analysis of all employment practices and procedures as well as the work environment in order to identify barriers to the employment or continued employment of designated groups. In addition, the employers must establish a demographic profile of the workforce in each employment category or level in order to determine the degree of under-representation of designated groups.

*(iii) The Employment Equity Plan.* The Employment Equity Plan must include the following:

- affirmative action targets
- measures to identify and eliminate employment barriers
- measures designated to promote workforce diversity

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- measures to accommodate persons from designated groups to ensure that they enjoy equal opportunities and are equitably represented in all occupational categories and groups
- measures to retain and develop people from designated groups and to implement measures in terms of the Skills Development Act
- the objectives for each year of the plan
- a timetable showing how objectives are to be achieved
- the duration of the plan
- procedures for implementing and monitoring the plan
- internal disputes, procedures relating to discrimination and AA

(4) *Submission of reports.* All organisations employing more than 50 people or exceeding the established turnover threshold have to report on their employment equity plans to the Director-General. Once a report has been submitted it becomes a public document and employers are thus obliged to make copies of the plan available to employees for consultation and discussion.

(5) *Income differentials.* When an employer submits his or her equity report, he or she must also submit a report to the Employment Conditions Commission outlining the remuneration and benefits received in each occupational category and level of the workforce. Where the income statement reflects disproportionate income differentials, employers must take steps to progressively reduce the differences.

### **3.4 PROMOTION OF EQUALITY AND THE PREVENTION OF UNFAIR DISCRIMINATION ACT 4 of 2000**

The two main reasons for the promulgation of the above-mentioned Act were to expand the scope of the Employment Equity Act so that it covers social institutions other than employers, and to place a general duty on all people to promote equality.

In the preamble to the Promotion of Equality and the Prevention of Unfair Discrimination 4 of 2000, as quoted by Van Wyk (2002:42-44), the following, inter alia, is stated:

- The consolidation of democracy in our country requires the eradication of social and economic inequalities, especially those that are systemic in nature, which were generated in our history by colonialism, apartheid and patriarchy, and which brought pain and suffering to the great majority of our people;
- Although significant progress has been made in restructuring and transforming our society and its institutions, systemic inequalities and unfair discrimination remain deeply embedded in social structures, practices and attitudes, undermining the aspirations of our constitutional democracy;

- The basis for progressively redressing these conditions lies in the Constitution which, amongst others, upholds the values of human dignity, equality, freedom and social justice in a united, non-racial and non-sexist society where all may flourish;
- This Act endeavours to facilitate the transition to a democratic society, united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom.

As mentioned earlier, antidiscrimination laws are not enough to prevent unfair discrimination and ensure the successful implementation of AA measures. Although they do remove legal barriers to employment, they do not eradicate the historical inequalities which are still prevalent. Neither can the law in itself remove nonlegal or societal barriers arising from people's attitudes — for this a concerted human resource management effort is needed. Human resource managers should thus treat employment equity as an HRM priority and strategic business issue.

### **3.5 THE IMPLEMENTATION OF AFFIRMATIVE ACTION**

South African organisations are facing the challenge of developing and implementing AA programmes that will achieve the joint goals of employment equity and wealth creation. It is clear that in many African countries, measures to redistribute wealth and impose organisational control have been implemented with scant regard for economic growth. The consequences of such an approach have been disastrous for the national economies of these countries and have resulted in the impoverishment of all. A common theme in the experiences of numerous countries is that the long-term successful redistribution of resources is dependent upon economic growth which, in turn, is reliant upon AA in order to develop and utilise a country's human resources and ensure political stability. It should thus be clear that the systematic and strategic management of AA is of crucial importance for the wealth of the individual, the organisation and the country.

#### **3.5.1 A strategic approach to affirmative action**

The strategic business plan serves as a map for gaining and/or retaining an organisation's competitive advantage and should therefore be used as a starting point for the implementation of any other interventions such as AA. Any strategic plan must incorporate an assessment of where one is at present in relation to where one needs to be. The difference between "where am I?" and "where do I need to be?" indicates a deviation and should be addressed by means of a strategy comprising of achievable, intermediate goals that are measurable and attached to time schedules and review dates. The AA strategy should thus be an integral part of the overall business and human resources strategy of the organisation. Figure 3.2 outlines the steps in the development and implementation of an AA programme.

Since it is not the purpose of this study to investigate the management of AA, the steps in developing and implementing an AA programme will not be discussed any further. The discussion will focus instead on

the implications of AA for organisational policies, procedures and practices. These implications largely determine employees' perceptions of AA and what they regard as fair.

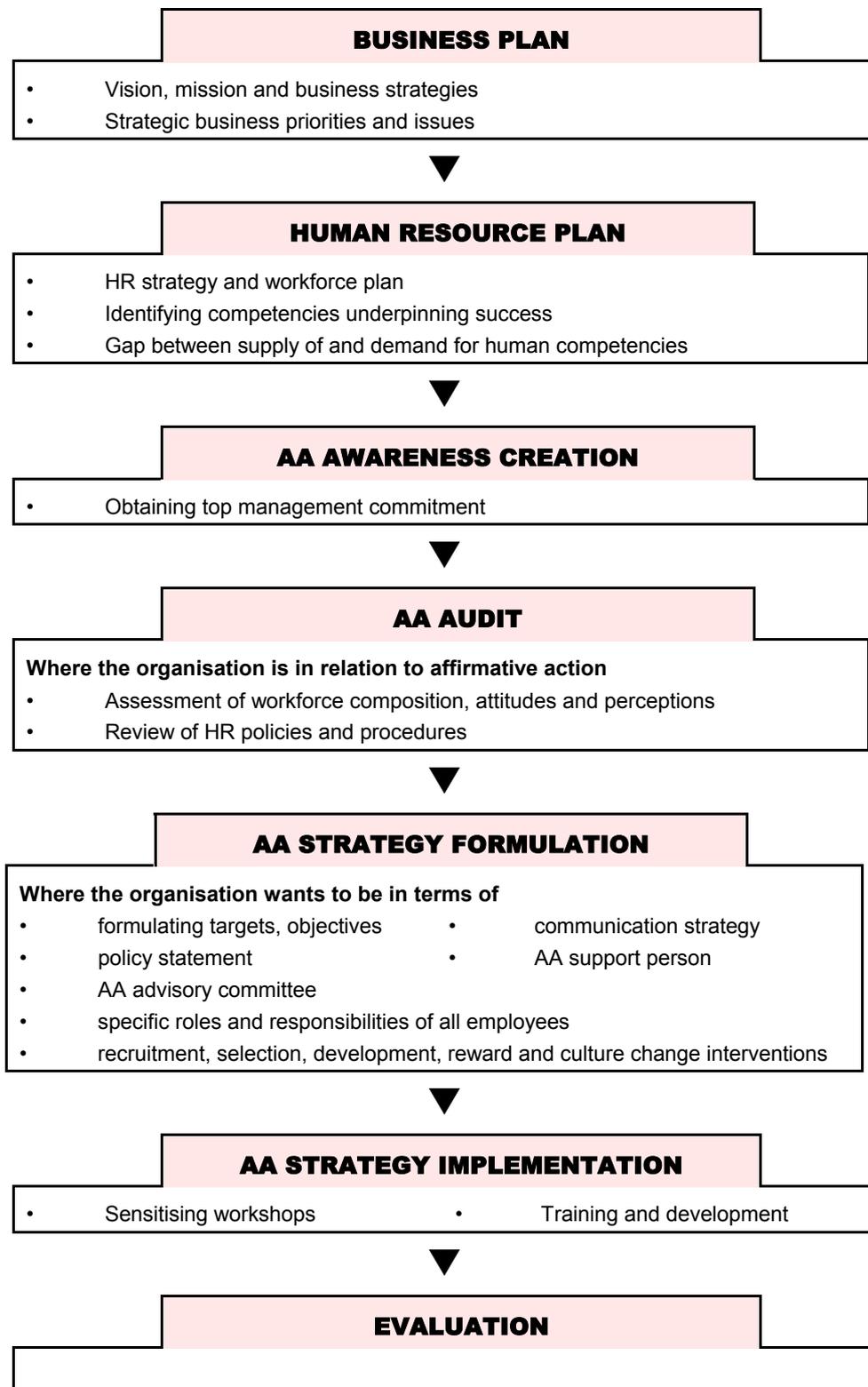
### **3.6 THE IMPLICATIONS OF AFFIRMATIVE ACTION FOR ORGANISATIONAL POLICIES, PROCEDURES AND PRACTICES**

The strict prohibition on discrimination places an obligation on employers to review all policies, procedures and practices to ensure that they do not contain or involve any form of discrimination or unjustifiable differentiation. The practices and procedures most influenced by AA are briefly discussed in the sections below.

#### **3.6.1 Recruitment**

Smart human resource professionals are always mindful of ways to minimise their organisation's liability for employment-related claims. Although the Employment Equity Act is silent on the issue of recruitment, employers should ensure that they reach all possible candidates and that word-of-mouth recruiting (employee referrals) should be discouraged except when it is aimed at head-hunting for AA candidates. Through employee referrals, information about new jobs is restricted to the friends and relatives of the incumbent employee. At this, whites occupy the majority of higher-level positions and Africans are therefore less likely than other groups to obtain information about vacant managerial positions. Bendix (2001) states that the active canvassing of candidates is not unacceptable but warns against "poaching" from other organisations because this merely sustains the élitism of the already employed. It is preferable to approach persons who may not yet be filling a position at a particular level but who display the potential to grow into the job. The recruitment of Africans is problematic because they are less likely than other groups to belong to social networks linking them to jobs. This is especially true of Africans living in socially isolated low-income neighbourhoods. Hiring through professional associations also places Africans at a disadvantage (Ward, 2000). A practice that is becoming increasingly popular is that of online recruitment. Although online recruitment has tremendous growth opportunities and offers various benefits, at this stage it is not well suited to a country such as South Africa because of the large number of people without access to the Internet (Ramchurran, 2001).

**FIGURE 3.2**  
**STEPS IN THE IMPLEMENTATION OF AN AFFIRMATIVE ACTION PROGRAMME**



Source: Adapted from Swanepoel et al (2000)

### 3.6.2 Selection criteria

Prior to the promulgation of the Labour Relations Act of 1995, job applicants had no or little recourse in cases where they suspected that their lack of success in obtaining a particular position was the result of unfair discrimination on the part of decisionmakers. Thus those to whom the selection of applicants had been entrusted were basically not accountable for their decisions. In these circumstances the possibility of undesirable practices such as nepotism, discrimination and victimisation is self-evident (Bendix, 2001). To guard against discrimination in selection, it is necessary for organisations to carefully review the short-listing, interviewing and assessment procedures of their organisations. These processes should not be left to a single individual but rather allow a representative panel to make the decision.

Although employment equity targets play a major role in selection decisions, the appointment of qualified applicants plays an equally important role. Although concerted efforts should be made to change the demographics at work, especially at higher level jobs, organisations should not concentrate only on such appointments. As mentioned previously, it is detrimental to the success of AA in general when organisations display their “political correctness” by appointing AA candidates at all cost. Although AA candidates should be given a slight advantage, other selection criteria which focus on suitability, should also be used in a selection decision.

Selection criteria can be established only if the key performance areas and competencies required for the position have been identified. Obviously the criteria should not in themselves be discriminatory. This happens when criteria such as qualifications which are not truly necessary to ensure competence are added as a means of excluding certain groups. Ward (2000) cautions against the use of criteria such as prior work experience, membership in professional associations, criminal and service records, vocational training and dependability in arriving at work regularly and on time. These criteria create barriers for black job applicants and do not afford them an equal chance to demonstrate their competencies and abilities (Ward, 2000). Once valid and fair criteria have been established and assessment techniques developed, it is necessary to attach a weighting to each criterion. This is where AA candidates can be given an edge, by adding membership of a previously disadvantaged group as a criterion and applying a special, proportionate weighting to this. Should the demographics have proved that particular groups are less represented in the organisation or job category, the weighting allocated to, say, black females could be heavier than that assigned to white females. A study of the hiring practices in the electronics industry in Los Angeles was conducted in 2002. The aim of the study was to determine whether hiring officials hired or felt pressured to hire underqualified Africans instead of overqualified white males to comply with the hiring goals of AA guidelines. Without exception, the hiring officials reported that they hired the most qualified applicant for every position regardless of racial background (Ward, 2000). It would be interesting to conduct a similar study in South Africa.

### **3.6.3 Human resource policy**

According to Barrier (1999), organisations should ensure that all their hiring procedures and policies are in line with the AA policy and employment equity plan. He suggests that organisations start with an effective application form that both collects information and provides information to applicants. According to Bland and Stalcup (1999), the *instructions* and *disclaimers* of application forms play a vital role in discrimination lawsuits.

#### *3.6.3.1 Instructions on application forms*

When employers include a statement that any application containing unrequested information will be automatically rejected, this will prevent applicants from claiming that they were rejected for unlawful reasons. For example, applicants may state on an application form that they are union organisers, even though the application does not request such information. If they are not hired, they might sue the employer, claiming they were discriminated against because the employer knew that they were union organisers. Inclusion of a statement that applications with extraneous information will automatically be rejected provides employers with a legitimate, nondiscriminatory basis for rejecting such applicants. Bible (1998), on the other hand, states that the law does not prohibit certain questions in applications and anyone is therefore free to ask anything he or she wants to. According to him, the problem is not what is asked, but what is answered and what use an employer makes of the information provided.

Although employers are not legally required to do so, they may want to include an equal opportunity statement in the instructional section of the application. This informs the applicant that the employer is adhering to the principles of equal employment opportunity and that the applicant's signature on the application form indicates the applicant's acknowledgment of the policy.

#### *3.6.3.2 Disclaimers on application forms*

The final section of most application forms consists of certifications, disclaimers and other notices to applicants. In this section, the applicant is often required to certify the accuracy of the information provided. This certification should further warn applicants that false statements or omissions on the application form could result in a refusal to hire or in a discharge if untruths are discovered after hiring.

### **3.6.4 Interviews**

The interviews or other forms of assessment should be structured in terms of the criteria according to which the candidate will be evaluated and should be the same for all persons being assessed. A study examining the link between the hiring process and company image, identified 17 variables that resulted in the interview being perceived as poor (Tarzian, 2002). Table 3.1 below lists the top five variables cited for poor interviews.

**TABLE 3.1: POOR INTERVIEWS**

<b>In a poor interview, the interviewer . . . . .</b>	
1	exhibited a lack of understanding of the position
2	displayed unprofessional behaviour
3	treated the candidate rudely
4	posed illegal or inappropriate questions
5	gave the impression the successful candidate was already chosen

**Source:** Tarzian (2002)

A study of the above-mentioned variables indicates that questions which are irrelevant and might lead to suspicions of bias continue to be one of the main legal pitfalls interviewers need to avoid. The list also indicates that most interviews are rated according to what applicants regard as fair. Employers, however, should not let their questions be determined simply by what is legal and what is not. According to Barrier (1999), what organisations really should be thinking about is treating applicants fairly.

Good interviews should focus on job-related criteria so that bias caused by superficial and personal characteristics can be reduced and the fairness in selection increased (Cooper & Robertson, 1995). According to Barclay (2001), one way of providing all applicants with an equal chance to make a good impression during an interview, is to ask behavioural questions. Although the focus in behavioural questions is on job-related criteria, applicants need not be restricted to work experience to describe their skills. People with limited work experience, such as AA applicants, will thus not be in a disadvantaged position when it comes to answering a behavioural question. Behavioural questions afford applicants the widest possible opportunity to demonstrate their suitability for the job and should thus be used to meet nondiscriminatory and fairness criteria.

Applicants have become increasingly aware of their right to question selection decisions. It is therefore essential for records of interviews to be kept, and final decisions to be well motivated, so that any queries which arise, may be answered in full.

### **3.6.5 Reference checking (background checks)**

In the past, discussing an applicant with former employers was usually an effective and efficient method for obtaining necessary information. However, employers are increasingly reluctant to disclose evaluative information about current and former employees for fear of lawsuits. Clearly, employees must be protected from false and malicious references. Employers, on the other hand, know that the key to effective hiring rests on quality information about job applicants. According to the results of a study

conducted in a Chicago employment testing company, 41 percent of college graduates have made at least one false statement in order to obtain a job (Barrier, 1999). It is interesting to note that the MBA degree was the one qualification most frequently fabricated (Arnesen & Fleenor, 1998).

With regard to nondiscriminatory practices, background checking should be done consistently and referents should be asked the same questions about all the applicants. According to Howie and Shapero (2002), employers should not obtain arrest records when making a background check because this tends to have a discriminatory effect on people from previously disadvantaged groups, and is furthermore seldom related to the job that the applicant is seeking. Although employers have a difficult task deciding which convictions are job related, it can be safely assumed that convictions for crimes of dishonesty are nearly always job related.

Another reason why organisations need to conduct reference checks is to avoid being charged with “negligent hiring”. Organisations should therefore be able to prove that they have engaged in their best efforts to learn what they could about an applicant.

In order to avoid any lawsuits with regard to reference checking, organisations should have a policy on reference checking in place. The policy should identify the people responsible for conducting it, the type of questions to be asked or answered, and the people who may respond to a reference check (Barrier, 1999).

### **3.6.6 Human resource planning**

Another factor that plays a prominent role in the appointment of people is the organisation's human resource manpower plan. This plan is the starting point of the implementation of the equity plan and it therefore needs to be consulted with each appointment. Whenever a position is vacant the equity plan is consulted and the workforce profile in that job category studied, in conjunction with the workforce profile of the organisation as a whole. It may then be decided to advertise that preference will be given to a person from a previously disadvantaged group for appointment to this position or even to head-hunt such person. However, the inherent requirements of the job remain central to the selection procedure and capable candidates cannot be excluded simply because they are not from a designated group.

### **3.6.7 Pre-employment testing**

As mentioned earlier, any form of assessment should be structured and job related. Medical testing is permissible only in certain conditions. According to the Act, it will be allowed only if permitted or required by law, if justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of the job. An issue that has been under the spotlight is the HIV status of applicants. Employers may not use an applicant's HIV status as a selection criterion. According to a report in the *Mail and Guardian* (Johannesburg) of 17 April 2002, 30 percent of South

Africa's workforce will be HIV positive in 2005. If employers had to appoint applicants according to their HIV status, the applicant pool would shrink by 30 percent and aggravate the situation with regard to the shortage of skills experienced.

According to the Employment Equity Act, as quoted by Tinarelli (2000), psychological testing and other similar assessments are prohibited unless they have been scientifically shown to be valid and reliable, can be applied fairly to all employees and are not biased against any person or group. The purpose of this provision is to ensure that tests are reliable, valid, free of cultural bias, do not rely for success on a privileged educational or social background and that the language used is understood by all test subjects. According to the results of research done on applicants' attitudes and reactions to different selection tests, applicants were more in favour of tests with business-related content (job sample tests) than with paper-and-pencil tests. Personality, honesty and drug tests were the least popular (Schmitt & Chan, 1999). The law does not specify the type of tests to be administered but only the requirements they should meet. However, from a justice point of view, the applicants' perceptions of the fairness of employment tests should be taken into consideration because this may influence their commitment once appointed.

#### **3.6.8 Harassment**

Harassment is defined as any special attention to or treatment of an individual on the grounds of his or her physical attributes. Essentially, harassment is any form of behaviour whether verbal, physical or by gesture to which a person on reasonable grounds, might object. The most common form of harassment in organisations is of a sexual nature but the differential treatment of employees based on their ethnicity, gender or age is also a common problem.

According to the Employment Equity Act, employers who are made aware of a transgression of any provision of the Act and fail to act upon it, will be deemed to have committed that transgression. It is therefore essential to develop a harassment policy and procedure to ensure that all complaints raised in this regard are effectively and fairly handled.

#### **3.6.9 Induction/orientation**

All newly appointed employees, and not only AA appointees, should be properly integrated by way of an induction programme. However, in the case of AA employees, there may be circumstances which dictate that their integration be monitored. Although these appointees should not be treated differently, an attempt should be made to remove any unnecessary obstacles to their integration.

### 3.6.10 Career planning and development

One facet of human resource planning is succession planning and career development. If properly performed, it offers an ideal route for developing previously disadvantaged persons from both inside and outside the organisation to fill more important positions in the future. The significance of developing the skills, competencies and potential of employees is emphasised by the initiatives in terms of the Skills Development Act 97 of 1998. Education and training are the only guarantee of the success of AA initiatives and of increased economic prosperity. South Africa cannot function without effective human resources, and continue to draw such resources from a limited pool of educated and trained employees. According to the World Competitiveness Yearbook 2002, South Africa is rated 39<sup>th</sup> out of 49 countries in terms of the effective use of human resources. This is understandable if one considers the fact that companies used to spend one percent or less of their income on training.

### 3.6.11 Communication

The new Labour Relations Act determines that AA should be subject to joint decision making by management and the workplace forum. An AA strategy is a change strategy and, as such, should be developed like any other change policy - that is, in collaboration with all stakeholders in the organisation. This may prove to be a slow process, since different groupings will strive to protect their own interests, which may be in conflict with AA objectives. Thus extensive information and a sharing of values and perceptions is necessary at this stage. As indicated in table 3.2, Bendix (2001) identified a number of principles on which all stakeholders should reach agreement.

**TABLE 3.2: AFFIRMATIVE ACTION PRINCIPLES TO BE AGREED UPON**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Their understanding of AA</li><li>• The AA objectives to be adopted by the organisation</li><li>• Broad time frames for the achievement of objectives</li><li>• The manner in which candidates are to be canvassed and selected</li><li>• The development of employees</li><li>• The integration of appointees into the organisation</li><li>• Monitoring and performance appraisal systems applicable to all employees</li><li>• Support systems for employees who underperform</li><li>• The possibility that some candidates may have to be dismissed, and the procedures to be adopted in such cases</li><li>• Sensitisation of other employees to AA initiatives</li></ul> |
|---|

**Source:** Adapted from Bendix (2001)

Once a policy and a strategy have been agreed upon, they should be shared with every employee in the organisation. Affirmative action initiatives which are implemented without proper consultation cause distrust and fear, leading either to disregard of the initiative or, at worst, to constant sabotage. Existing employees need to be given all the relevant information and to receive the necessary assurances about their own job security. Numerous workshops, sensitisation sessions and interactions may be necessary at this stage.

Charlton and Van Niekerk (1994) regard the following as the most important information to be conveyed to existing employees:

- the AA policy statement, its strategy and its rationale
- policies, procedures, roles and responsibilities, evaluation and reward criteria
- what training will take place
- when AA objectives will be expected to be achieved
- educating people concerning the why, what and how of AA

### **3.6.12 Treatment in the workplace**

Thus far the impact of AA has been viewed from a legal perspective. However, this may be one of the reasons why it has not been that successful in South Africa. Organisations ensure that they comply with employment equity legislation but often neglect to heed the “soft issues” of AA - the way AA employees are treated in the workplace. No legislation can regulate the humanity of a work relationship.

Despite employers' attempts to comply with employment equity requirements, it often happens that supervisors and line management undermine the success of employment equity initiatives through their prejudicial treatment of AA employees. In a subtle way, supervisors can treat subordinates unfairly by giving them jobs that

- are insignificant or too difficult
- do not allow them to use a variety of skills and competencies
- deny them the opportunity to use their initiative, discretion or judgment
- do not provide them with feedback on their performance
- do not allow them to determine their own work pace and work methods
- do not provide them with responsibility or accountability

The “work for me” instead of “work with me” approach is thus applied. If organisations wish to make a success of AA, they have to take a closer look at the way AA employees are treated in the workplace. One way of showing respect and appreciation is by involving employees and keeping them informed about changes and issues that concern them.

Because of the complex nature of any organisational change (and AA in particular), organisations will need to manage resistance to change. This is not always a straightforward task because resistance to change may stem from the individual, the organisation or both. Table 3.3 lists the main resistance factors stemming from the individual and the organisation.

Resistance to change may be indicative of two problems. The first of these could be the proposal for change itself. Secondly, the problem could lie with mistakes made in the communication of the proposal. Managers should thus re-evaluate their strategies after determining the actual causes of resistance, and then overcome the resistance in an appropriate manner.

**TABLE 3.3: SOURCES OF RESISTANCE TO CHANGE**

Individual resistance factors	Organisational resistance factors
<ul style="list-style-type: none"> <li>• Fear of the unknown</li> <li>• Habit</li> <li>• Self-interest</li> <li>• Economic insecurity</li> <li>• Failure to recognise the need for change</li> <li>• General mistrust</li> <li>• Social disruptions</li> <li>• Selective perceptions</li> </ul>	<ul style="list-style-type: none"> <li>• Structural inertia (policies, procedures and processes are not adjusted)</li> <li>• Cultural inertia</li> <li>• Work group inertia</li> <li>• Threats to existing power relationships, expertise and resource allocations</li> <li>• Previously unsuccessful change efforts</li> </ul>

**Source:** Adapted from Swanepoel et al (2000)

Kotter and Schlesinger, as quoted by Swanepoel et al (2000), propose the following six methods to overcome resistance to change:

- (1) education and communication
- (2) participation and involvement
- (3) facilitation and support
- (4) negotiation and agreement
- (5) manipulation and cooption
- (6) explicit and implicit coercion

With reference to the above, it is clear that the success of an AA programme is dependent on the way it is communicated to existing employees. For organisational change to occur, the climate must be conducive to the change and employees should understand, participate and support the change. It might also be necessary to implement some of the changes step by step and congruent with the existing culture, in order to maintain some form of stability. Furthermore, any such changes must be implemented with the

utmost care and sensitivity. Managers need to balance the opposite ends of the continuum concerned with how to implement change and yet not demoralise their loyal workforce (stability). Only after an organisation has the assurance of general understanding and acceptance should it go ahead and develop its equity plan.

### **3.7 SUMMARY**

Although South Africa's economy can be regarded as rich and robust, the distribution of wealth is poor. South Africa has a huge problem in the distribution of jobs and income among its ethnic/racial groups. Recognising the dismal state of the distribution of employment and income, the government has, by means of legislation, attempted to redress inequalities of the past. The two primary pieces of legislation governing the promotion of social justice and eradicating inequalities are the Employment Equity Act 55 of 1998 and the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000. Although both these Acts address unfair discrimination and AA issues, the latter has a wider scope by covering social institutions other than employers and placing a duty on all people to promote equality.

If organisations are to reap the fruits of such longer-term spin-offs, AA will have to become an integral part of everyday human resource management practices in organisations. This will require the adaptation of virtually all human resource management practice areas to accommodate the AA challenge. Not only should employers eliminate all forms of unfair discrimination, but also implement AA measures to achieve employment equity targets. Human resource practitioners should therefore review all HR policies, procedures and practices to ensure that they do not contain or involve any form of unfair discrimination or unjustifiable differentiation. However, complying with legislation is not the only issue employers need to focus on. They also need to be concerned about the spirit of the law within which they operate. Treating employees fairly will thus also have to be considered when reviewing policies, procedures and practices.

This chapter focused on the implications of AA on HR policies, procedures and processes — hence the discussion of the Employment Equity Act and the Promotion of Equality and the Prevention of Unfair Discrimination Act. The steps in the development and implementation of an AA programme were briefly outlined. Achieving the goals of employment equity does not depend only on whether AA programmes comply with legal requirements but also on whether they meet fairness requirements.

The next chapter focuses on fairness from an organisational justice perspective, following which, theories from the organisational justice literature will be extended to the AA domain with a view to advancing the understanding of AA fairness.