

The effectiveness of the Employment Equity Act (Act 55 of 1998) in the public service with reference to the Department of Agriculture 2000-2006: A South African perspective

BY

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DEDICATION

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Ngithi ukwanda kwaliwa ngumthakathi. Ningadinwa Nangomuso!

DECLARATION

I declare that “The effectiveness of Employment Equity Act (Act 55 of 1998) in the public service, with re reference to the Department of Agriculture 2000-2006: A South African perspective”, is my own work and has not been submitted to another University for any degree. I further declare that all the sources that have been used in this research have been acknowledged.

.....
D. ZONDI

ABSTRACT

The study involves an assessment of the effectiveness of Employment Equity Act, 55 of 1998 (EEA) in the South African public service, with specific reference to the Department of Agriculture (DoA) and problems the DoA encounters in realising the main objectives of the abovementioned Act. The research comprises both normative and empirical aspects of the EEA in the public service (specifically DoA).

Employment Equity Act (Act 55 of 1998), in the agriculture sector has produced mixed results. There is a perception that the number of women in middle and senior management positions has slightly improved, as appears in the DoA organisational chart. Others perceive the Act as flawed in its design and implementation, due to the fact that the number of disabled employees in the middle and senior management levels is hardly visible on the organisational chart.

The purpose of this research is to ascertain whether the DoA has been able to meet or implement the dictates of the EEA. Mostly, this research aims to look at ways in which the EEA can best be implemented, so that it functions as effectively as possible and to ensure that the Act yields the desired results. The fact that the DoA has not managed to reach the EEA target to employ disabled and women (though the number of women in senior positions has slightly improved) to senior positions, necessitates the need of this study. And mostly by the fact that EEA plays a pivotal role in ensuring equity in the DoA, which has in the past been perceived by some as the one dominated by a certain racial group.

The specific objectives of this study are:

- To explore difficulties that adversely impact on the effectiveness of the Employment Equity Act, 55 of 1998 in 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 Employment Equity Act, 55 of 1998 and problems experienced.
- To established levels of satisfaction of employees (designated groups) with the Employment Equity Act, 55 of 1998 and employees within the work environment.

This study will also make use of qualitative and quantitative research methods.

Both Primary and Secondary research will be conducted to obtain the information needed to meet the objectives of the research. This research is important for the DoA because, the issue of EEA and other related issues such as Affirmative Action (AA) have been a thorny issue to others, while others embrace it. The importance of this research is further exacerbated by the fact that it sets forth a clear picture of the impact the Act in question made in its quest to ensure equity in the workplace. In summary this study attempts to shed some light on the effectiveness of EEA and to determine whether the desired effects of EEA have been achieved by the DoA.

LIST OF ACRONYMS

EE:	Employment Equity
EEP:	Employment Equity Policy
EEA:	Employment Equity Act
AA:	Affirmative Action
LRA:	Labour Relations Act
BCEA:	Basic Conditions of Employment Act
WPTPS:	White Paper on the Transformation of Public Service
HRM:	Human Resource Management
RDP:	Reconstruction and Development Programme
DoA:	Department of Agriculture
DoL:	Department of Labour
DPSA:	Department of Public Services and Administration
OSDP:	Office on the Status of Disabled Persons
PALAMA:	Public Administration Leadership and Management Academy (formerly known as SAMDI)
ILO:	International Labour Organisation
NEDLAC:	National Economic Development Labour Council
PSC:	Public Service Commission
SAHRC:	South African Human Right Commission
CGE:	Commission on Gender Equality
CEE:	Commission for Employment Equity
BEE:	Black Economic Empowerment
INDS:	Integrated National Disability Strategy
PAS:	Personnel Administration Standards

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CHAPTER 1: INTRODUCTION

A person's dignity is one aspect of human existence that must not be taken lightly. Butale- Sowetan: *Life is what you make it*, 2006 page 13.

1.1 INTRODUCTION

The study involves an assessment of the effectiveness of Employment Equity Act, 55 of 1998 (the Act in question will in some sections throughout this study be referred to as EEA) in the South African Public Services and the Department of Agriculture as a case study as well as the problems encountered in realising the main objective of the abovementioned Act. The concept of Employment Equity Act, 55 of 1998 emanated after the 1994 election as a result of a need to improve the lives of the previously disadvantaged minority groups that includes disabled people and women.

Equality in the workplace cannot be claimed if it excludes people from previously disadvantaged background namely women, disabled and blacks. In essence one may deduce that unfair discrimination, inequality, exclusions and other unjustified barriers that were used to impede the employment of the previously disadvantaged groups, resulted in the formulation of Employment Equity Act, 55 of 1998.

1.1.1 The Nature of the Study

The dissertation comprises both normative and empirical aspects of the Employment Equity Act, 55 of 1998 in the public services with specific reference to the Department of Agriculture (here in after referred to as the DoA). The Research will indicate the effectiveness of Employment Equity Act, 55 of 1998 in the South African public services and evaluate the successes and or challenges experienced by the Department of Agriculture in terms of realising the objectives of Employment Equity Act, 55 of 1998.

1.1.2 Purpose of the study

The aim or purpose of this study is to ascertain whether the Department of Agricultural has been able to meet or implement the dictates of the Employment Equity Act 55 of 1998 (since 2000-2006). It also aims to look at ways in which the DoA can best implement the Employment Equity Act, 55 of 1998, so that it functions as effectively as possible and to ensure that the abovementioned Act yields the desired results. The following information will be explored:

- (a) The functioning and effectiveness of Employment Equity Act, 55 of 1998 in the DoA (2000-2006).
- (b) Recommendations on how the implementation of Employment Equity Act, 55 of 1998 can best be improved in the Department of Agriculture.

1.1.3 Need for the Study

The Employment Equity Act, 55 of 1998 plays a pivotal role in the public services and the private sector. The Employment Equity Act, 55 of 1998 stands for equal representation of the previously disadvantaged groups namely: disabled, women and blacks. The Achievement of Employment equity Act, 55 of 1998 objectives is expected to promote democracy and equitable representation in terms of public servants representation through the inclusion of the aforesaid groups.

1.2 IMPORTANCE OF THE RESEARCH

The research is important because the issue of Employment Equity Act, 55 of 1998 and other related issues such as Affirmative Action have been thorny issues to some while others welcome it. On the other hand the research is important because it sets forth (through case study methodology), a clear picture of the impact the Act in question has had in its quest to ensure equity in the work place. In short the research is important because it attempts to shed some light on the effectiveness of EEA. And mostly to determine whether the DoA has achieved the desired effects of EEA.

Didiza (2004:2) argues that there is a need to implement transformation strategies in order to transcend the racial divide, which existed in the agricultural sector during apartheid. In essence the research is important in that it endeavours to ascertain whether the DoA has managed to live up to expectations in terms of EEA implementation.

1.3 RESEARCH PROCESS

According to Hussey & Hussey (1997:15), there are several fundamental stages in the research process, which are common to all scientific based investigations, namely:

- The identification of the research topic.
- Definition of the research problem.
- Determining how the research is going to be conducted.
- Collection of the research data.
- Analysis and interpretation of the research data.
- Writing up of the dissertation or thesis.

In light of the above it is worth noting that some of the abovementioned fundamental stages have been discussed above and some of these stages will be dealt with in the coming chapters of the research.

1.3.1 Problem Statement

The Employment Equity Act, 55 of 1998 in the Agriculture sector has produced mixed results. There is a perception that the number of women in middle and senior management positions has slightly improved, and is supported by the organizational chart as observed on www.nda.agric.za on 20 November 2006.

However others perceive that the Act is flawed in its design and implementation, due to the fact that the number of disabled employees in the middle and senior management levels is hardly visible on the organisational chart. This research will explore the challenges that adversely impact on the effectiveness of implementing the Employment Equity Act, 55 of 1998 in the Department of Agriculture.

1.3.2 Research Question and Sub Questions

Research Question 1

What major difficulties are encountered in the implementation of the Employment Equity Act, 55 of 1998?

Sub-Question 1

What difficulties are (were) encountered in the design of Employment Equity?

Sub-Question 2

How do the Department of Agriculture officials and employees perceive the Employment Equity Act, 55 of 1998?

1.3.3 Research Question 2

Is there a relationship between the degree of satisfaction with the content of Employment Equity Act, 55 of 1998 and the general satisfaction with Employment Equity implementation?

1.3.4 Main aims and key objectives

The main aim of this study is to provide the DoA with insight into the effectiveness of its Employment Equity policies and possibly provide guidance as to the areas where the department should focus to enhance its Employment Equity policies. The objectives are:

- To explore difficulties that adversely impact on the effectiveness of the Employment Equity Act, 55 of 1998 in 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 Employment Equity Act, 55 of 1998 and problems experienced.
- To established levels of satisfaction of employees (designated groups) with the Employment Equity Act, 55 of 1998 and with the work environment.

1.4 RESEARCH DESIGN AND METHODOLOGY

Research Paradigm

The current study made use of methodology. In the researchers' view, more credible and balanced conclusion can be drawn of how the respondents' own description of Employment Equity [legislation in the DoA](#) is viewed with a mixed methodology as opposed to a single-method approach. The activity of 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 and it is therefore similar to a case study in many of its approaches.

The current study is aimed at assessing the effectiveness of Employment Equity Act, 55 of 1998 in the DoA. Furthermore, this study will use *descriptive survey research*. In descriptive research, the researcher attempts to describe the characteristics of a certain 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 Employment Equity Act, 55 of 1998 in use.

Both Primary and Secondary research will be conducted to obtain the information needed to meet the objectives of the research. *Secondary research* refers to information that has already been collected and will be collected through library searches for books and articles and Internet searches. Primary research refers to interviews, questionnaires and other first hand information (Watkins, 2004:72).

1.4.1 Data Collection

Negotiation of Access to Data

Informed consent has been obtained from the DoA's Director General in order to have access to the organisation to conduct research on the proposed topic. Formal printed self-completion questionnaires were sent to all the selected respondents. The selected respondents were required to state their disabilities status, level of their posts e.g. level 8, 9, etc.

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 as well as the importance of the study and the importance of respondents' participation.

Sources Data:

Academic Literature

Books on the subject of Employment Equity Act, 55 of 1998 were consulted. Journals also formed part of this literature review. Abstract, indices and periodicals were reviewed.

Publications

Reports, surveys and circulars of the DoA were reviewed as secondary data.

Internal Written Material (Host Company - DoA)

House Magazines, personnel records, brochures, manuals notices, minutes, correspondence and key organisational charts formed part of secondary data.

Questionnaire

The structured questionnaire was estimated to take 20 minutes to complete and a two-week period was allowed for distribution and collection of the questionnaires. The researcher personally distributed questionnaires to the selected respondents at their respective directorates, and the researcher personally collected the completed questionnaires within two weeks and respondents were given enough time to go through the questionnaires so as to provide well-informed comments.

Interviews

In order to avoid the problems often posed by open-ended questions in the process of semi-structured interviews, the researcher made use of the stimulus equivalence.

Stimulus equivalence means that the same questions will be asked, posed in the same way to all participants. That is: the researcher ensured that each respondent understood the question the same way, (Hussey & Hussey, 1997:157)

1.4.2 Target Population

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). A total of approximately 3200 employees and managers are represented in these departments as target population. The population is a group of potential participants to whom the researcher wants to generalise the results of the study, (Salkind, 2000: 86).

1.4.3 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 employees, as there might be significant differences between managers and employees with regard to their views.

Therefore the researcher collected enough respondents in each group to facilitate statistical comparisons. The managers and employees were therefore the strata. The selection of the members of the population who will take part in the sample was drawn randomly from a complete list of members of the population. The HR department of DoA provided a list of managers and employees at each directorate.

1.4.4 Measurement Instrument

The questionnaire that was used to obtain the primary information was self-completion. A subject such as perceptions about the employment equity was potentially very sensitive, as respondents feared that if they rated the DoA’s employment equity negatively they could be penalised in future. The questionnaire consisted of a section that focused on measuring the attitudes of respondents towards Employment Equity Act, 55 of 1998 in the DoA.

The questionnaire highlighted the confidential nature of all the responses to safeguard respondent concerns around the above mentioned sensitivities. The questions on the questionnaire are mainly closed ended. According to Welman and Kruger (2001:130) there are different levels of measurement and the following were all used:

- Nominal: Numbers assigned to variables only serve to distinguish respondents. Gender is an example of such a variable in the current study.
- Ordinal: The numbers assigned to categories not only serve to distinguish them but also to indicate ranking. Definition of the research problem, *e.g.* job level.
- Interval: There are equal distances between consecutively higher numbers assigned.
- Ratio: These are measurements where there is equal distance between the numbers, as with interval scales, yet it also has an absolute zero, *e.g.* age.

1.4.5 Data Analysis

The statistical techniques that were used to analyse the data for the present study were discussed with participants as the researcher progressed with the research. All the stated aims were also covered through a mixture of the relevant statistical techniques.

Data preparation

After the data had been collected, the first stage of data analysis would be to prepare the raw data and transform it into a machine-readable format, (Terre-Blanche & Durrheim, 1997: 98). For this purpose numeric variables were assigned to variables such as 1 to male and 2 to female, *etc.*

The focus of the questionnaire

The focus of the questionnaire was placed as follows:

- The questionnaire consisted of strongly agree to strongly disagree types of questions.
- Spaces were provided for respondents to provide reasons for their choice.
- The first section focused on views relating to the EEA.
- The second focused on EEA as a whole.
- The two sections were compared to note any association between views expressed by ordinary employees and managers regarding EEA as a whole.

1.5 RESEARCH CONSTRAINTS

1.5.1 Limitations

Not all respondents returned questionnaires in good time. Some of the questions were sensitive in nature and as such prevented lower-level staff (designated groups in particular) from fully revealing their views for fear of victimisation. The time constraint was also a factor.

1.5.2 Delimitations

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

1.6 SCOPE

Defining or discussing EEA in the public service is implicated by the fact that it can't be discussed in isolation, since there are other aspects that gave rise to such Act and cannot in any way be excluded, some of those aspects include AA and other transformation programmes.

The research explored EEA in the South African Public Service and the United States of America (especially regarding the originality of AA as a mean of redressing the injustice of the past), whilst the emphasis was mainly placed at the National Department of Agriculture in South Africa.

This in short implies that while the EEA and Affirmative Action in the South African Public Service and the history of AA in the United States of America were discussed the main focus was firmly concentrated in the DoA regarding the effectiveness of EEA and how it is being implemented in the department. The research also focused on success achieved and challenges faced by the DoA regarding the effective implementation on the EEA dictates.

1.7 ETHICAL CONSIDERATION

The researcher will not by any means use the findings of the research for personal gain neither to reveal the participants views. The main ethical consideration would be the protection of the information acquired in the process of the research itself and the research findings would be used for purely academic purposes only.

1.8 SUMMARY OF THE CHAPTERS

Chapter one contains the introduction to the study, factors leading to the study, motivation for the study, aims of the study, objectives of the study, significance of the study, delimitation and limitations of the study, ethical considerations, definition of terms, research methodology, research constraints, scope and definition of terms.

Chapter two broadly contains a review of literature pertinent to public policy, Human Resources Management, diversity management, and an insight on disability and women issues in the South African Public Service.

Moreover this chapter will also contain information on government institutions (the Department of Labour, Office on the Status of Disabled Persons and Department of Public Service and Administration), watchdogs (the South African Human Rights Commission, Commission for Gender Equity and Commission on Employment Equity), responsible for keeping the government departments in check regarding the implementation of for example, EEA, AA policies and other transformation programmes (the EEA and AA will also be dealt with in chapter3).

Chapter three is the main chapter that focuses on, the approaches and methodologies of EEA, AA and transformation in the South African Public Service.

Chapter four deals with employment equity policy for the DoA and challenges faced by the department in ensuring that the EEA as applied in the DoA is effective, as well as the extent in which people perceive the Act in question. This chapter will also look at how far the DoA has got in complying with EEA and whether the targets which were to be achieved by 2005 have been met in terms of appointing blacks, women and disabled persons. This chapter also presents the interpretation of the findings or results of survey – conclusions from the questionnaires distributed and interviews conducted.

Chapter five presents recommendations and conclusion. This chapter provides recommendations that may assist the DoA to improve on the perceived and investigated loopholes that hinder the effectiveness of EEA in the DoA. Furthermore this chapter proposes other suggestions that might be useful in assisting the DoA in its quest to achieve EEA targets and ensuring that the EEA in the DoA remains effective.

1.9 DEFINITION OF KEY TERMS

(a) Blacks

The term blacks, refers to Africans, Asians, Coloured, women and people with disabilities. They are also known as people from previously disadvantaged groups or designated groups, (South Africa, 1998b).

(b) Employment Equity

Employment Equity implies the right to fundamental equality of opportunities to all persons; this also encapsulates the right to be treated fairly in seeking and maintaining employment. Tinarelli (2000:2) defines employment equity as a term centred on two statements: the firstly statement centred on eradication of unfair discrimination in the form of hiring, promotion, training, pay benefits and retrenchments in line with the constitutional requirements. The second statement focuses on measures to encourage employers to undertake organizational transformation to remove unjustified barriers to employment for all South Africans

(c) Affirmative Action

Affirmative Action refers to specific steps, beyond ending discriminatory practices that are taken to promote equal opportunities and to ensure that discrimination will not recur (Taylor 1991:14).

(d) Transformation

The term transformation is defined as a global phenomenon, encompassing many spheres of life. It is not restricted to the political domain only. In its simplicity it is a strategic response to the condition in which an organization cannot continue to function as before. Lavey and Merry (in Finnemore, 1999).

(e) Managing Diversity

Managing diversity refers to a building of an organizational culture that allows members, minorities, women and disabled included, to reach their full potential, (Thomas, 1991:28).

1.10 CONCLUSION

Chapter one of this research identifies the nature, purpose and need for the study of the effectiveness of Employment Equity Act, 55 of 1998 in the DoA. It further proposes research questions to be utilised in order to solve the problem.

The problem statement of the research is very important for the study and is based on the preliminary survey conducted, that employees (senior, middle and lower management levels- employees from designated groups included) in the aforementioned department do not share the same view in terms of effectiveness with regard to the implementation of the EEA in the DoA. Summary of the chapters, acronyms and definition of key terms were also provided in this chapter.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

The role of human resources management in the public service cannot be over-emphasised. This is so because the public service relies heavily on human resources divisions to manage the organisation's human capital. The management of diversity within the organisation falls under the auspices of human resource management, where diversity is recognised, celebrated and treated as an asset in the organisation. This in turn leads to improved productivity.

Policy and policymaking is probably one of the most important generic components of administrative process. Public policy is the cornerstone of service delivery in the public service. Policy guides administrators as well as public managers on making decisions with regard to service rendering.

Policy is future-oriented and it promotes the general welfare of the society instead of a particular group of people in a society. The current chapter focuses on, policy definition, public policy, the process of public policy making, analysis of policy as well as the implementation of policy, additionally, human resources management, managing diversity, government institutional framework, and watchdog bodies.

2.2 DIFINING POLICY AND PUBLIC POLICY

2.2(a) Policy

Cloete and Wissink (2000:3) define policy as “a statement of intent”. Policy specifies basic principles to be undertaken in attaining specific stated goals. Policy interprets the values of society and is found in the management of projects and programs. Policy lays down what should be done, how it should be done, who must do it, with what it should be done and when it must be done.

The policy is an instrumental realisation of overall government objective. Hannekom *et.al*, (1993:27), contend that the policy’s overriding importance as initiative to deal with community problems cannot be emphasised. It can also be deduced that policy states what government intends to do, when and by whom. In short, areas of accountability and timeframe are clearly articulated in the policy.

2.2 (b) Public Policy

Public policy can be defined as a policy aimed at addressing a certain situation, and the relief is sought through governmental action (Anderson, 1997:96). For example, it can be deduced that addressing the issue of HIV/Aids, by providing anti-retroviral and free condoms to the public hospitals, is part of governmental action aimed at bringing relief to those affected by the pandemic. This is so because the government aims to assist those who do not have access to private hospitals and to assist curb the pandemic from spreading further.

According to Dye (1978:6), the primary objective of public policy is to promote the general welfare of the society. Promotion of the general welfare implies among other things, measures counteracting poverty, the uplifting of minority groups and the promotion of industrialization thereby creating job opportunities. In short public policy defines actions government intends to undertake and it also enables government to determine which resources are supposed to meet the needs of that particular action. Moreover public policy is a means to resolve dysfunction and to prevent any foreseeable irregularity.

2.3 NATURE OF PUBLIC POLICY

Anderson (1979:4) argues that the nature of public policy as a course of action can be better or more fully understood if it is broken down into a number of categories. He further describes public policy as having five categories:

- (a) Policy demands- which are representative of community needs and which need some kind of action on the part of authorities.
- (b) Policy decisions that are the decisions made by those in power and which will elicit some form of action pertaining to the needs of society.
- (c) Policy statement, representing the formal articulation of public policy, *i.e.*, the making public/proclamation/declaration of what authority intends doing.
- (d) Policy output, which is what the authority does and not what their intentions were as presented in the policy statement.
- (e) Policy outcomes or consequences resulting from the steps taken to satisfy policy demands.

Differences between policy output and policy outcomes

From the aforementioned contentions it is worth noting that differences exist between policy output and policy outcomes. **Policy output** refers to actions taken by public institutions in solving a problem and meeting the needs and demands of the citizens.

These actions are tangible manifestations of public policy, (Van Niekerk, 2001:99). According to Anderson (2006:256), **policy outcomes** are the consequences for society intended or unintended, that stem from deliberate governmental action or inaction. Other facets of public policy are that all policies are future oriented, public policy takes place within the framework of legal institutions; public policies are aimed at the promotion of the general welfare and not the interest of single particular group (Politt *et. al*, 1979:10).

2.4 PUBLIC vs PRIVATE POLICY

The public policy in the public service is different from the policy in the private sector, its key features make it unique. Some of these features, as observed by Van Niekerk, *et.al* (2001:90), are briefly discussed below:

2.4 (a) Public Policy

- Public policy is an inherently political process.
- Public policy is authoritative. Meaning that it can be enforced through instruments of coercion.
- Public policy involves the participation of government institutions, through a complex system of formal and informal delegation of responsibility and control.
- Public policy is interlinked with administration.

2.4 (b) Private Policy

- Private policy is a deliberative process.
- Private policy is determined by top management and implemented by middle and lower level management and it is not authoritative.

From the abovementioned contentions it can be deduced that there is a considerable difference between public and private policies. Moreover politicians determine public policy, which is not the case with the private policy since it requires that top management determined the policy in a proactive manner.

2.5 PUBLIC POLICY MAKING PROCESS

The policy making process comprises political activities that are useful and they are described by Dunn (1994:15) as a series of interdependent phases arrayed through time. The activities are agenda setting, policy formulation, policy adoption, policy implementation and policy assessment. Each of these activities will be briefly discussed below:

2.5.1 Agenda Setting

Agenda setting entails elected and appointed officials placing problems on the public agenda. Cloete and Wissink (2000:97) are of the opinion that the policy process starts when stakeholders in society identify a policy issue or problem. By mobilising support to persuade policy makers to change the status quo in their favour, stakeholders are engaged in what is known as “*policy agenda-setting*”.

2.5.2 Policy Formulation

As the public has problems that need to be addressed through policies, officials formulate alternative policies to deal with the problems. Alternative policies can be in the form of executive order, court decisions or legislative Acts (Dunn, 1994:16).

2.5.3 Policy Adoption

Policy alternative is adopted when there is support of legislative majority, consensus among agency directors or a court decision has been taken in favour of that alternative (Dunn, 1994:16).

Mostly it is also worth noting that at this stage there can be little external participation, since formal adoption often warrants a legal or administrative requirement of referendum, a parliament adoption and so forth. From the abovementioned contentions, it can be deduced that participation (internally and externally), at this stage is crucial since it contributes immensely in reaching the much-required consensus from all participants so that the policy can be adopted.

2.5.4 Policy Implementation

Cloete & Wissink (2000:166) define policy implementation as encompassing actions carried out by public or private individuals or groups. For the implementation of a policy, the policy that was adopted has to be carried out by administrative units. These units mobilise financial and human resources to comply with the policy.

This is evident where money can be put aside in a department for the purchase of computers to make the employees work faster (Dunn, 1994:16). Moreover policy implementation activities are often very complex in terms of their types, aims or effects in mind relating to them and the actors involved.

It can however, be deduced that implementing a policy is not an easy task, this is so because there are challenges that might impede the effective implementation of policy. Challenges such as lack of sufficient resources including skilled workforce, limited funds, backlogs and so on, are some of the challenges faced during the implementation stage.

2.5.5 Policy Assessment

Auditing and accounting units that determine whether these objectives were met or not, measure the objectives that policy seeks to achieve. These units determine whether executive agencies, legislatures and courts comply with the requirements of a policy and the achievements of its objectives (Dunn, 1994:16). Policy assessment can be carried out by joint collaboration or independent assessment, (Starling, 1982).

2.6 RATIONALITY IN POLICY-MAKING

Rationality in this case is to do with making reasoned, careful selections from alternatives in order to achieve predetermined ends. Achieving rationality is not an elementary task. Numerous barriers to rationality in policy-making make it practically impossible to achieve precision without challenges and these challenges are discussed below (Pfiffner and Presthus, 1967:111):

- Subjectivity: the values of people (politicians and officials) have influence on their actions.
- Sunk costs: the approved expenditure cannot be readily reversed.
- Conflicting consequence: the anticipated and unanticipated consequence.

2.7 INTERNAL AND EXTERNAL FACTORS INFLUENCING POLICY MAKING

There are different factors that influence the policy making process on daily basis. Decision-makers should take these factors into account in the policy making process. Both internal and external factors will be briefly discussed below.

2.7.1 Internal Factors

Internal factors are those factors that are found within the government institutions and are able to influence policy making actively. Factors such as conditions of establishment, political assignment, legality according to the state and administrative law, financial means, ability of personnel, physical ability and the managerial style of the Head of Department, play a major role in influencing public policy making. The following will be discussed, (Botes *et al*, 1992:306):

i) Conditions of establishment

When departments and other public institutions are established specific aims that the government has set should be achieved. Health services, agriculture, water affairs, (to mention but a few) are examples of these aims, including lay down policy directions that fell within their scope of authority. There is no department that is allowed to work outside the authority that it has or duplicate the work of another department.

ii) Political assignment

Each department, under a political office bearer who is the minister should achieve political aims of the government of the day. When a minister defends the political policy of his department in parliament, it must fall within the political portfolio or he will be regarded as trespassing on the terrain of other ministers.

iii) Legality according to the State and Administrative Law.

The policy of a public institution has to conform to the legal principles of both the government and administrative law. The rights and freedom of people have to be dealt with in a responsible manner when government actions are to be initiated. In instances where the public institution has applied an illegal and unlawful policy it can be held responsible should citizens incurs injuries in anyway.

iv) Financial means

A good policy with insufficient funds is as good as bad policy. Policies are checked first with regards to their affordability because of the high costs associated with government services. The government has a tendency of privatising or commercialising because of these high costs.

v) Abilities of personnel

The availability of personnel is an important factor for reaching the goals of the stated policy. The available personnel should also be trained if they lack some skills that are important for attaining the goals and objectives of the stated policy. The availability of finances is also an important factor since if more people are needed or if training is required there will be financial implications on the policy.

vi) Physical facilities

When policy is determined the public institutions must consider the availability of physical facilities that will help the policy attain its aims. Should additional facilities be required, this will also have financial implications on the policy.

vii) The managerial style of the Head of the Department

Managers and leaders in departments have different managerial styles. The managerial style of the head of the department will have huge influence on the process of policy making. A liaises-faire manager could promote a relaxed policy making function in the process also creating an impression for his subordinates that deviations from his policy will not be taken too seriously. Strict managers might limit their subordinates from making any inputs into the policy making process.

In light of the abovementioned arguments it can be deduced that whenever a policy making process is undertaken, a number of issues (such as condition of establishment), should be considered. There are also challenges that may impact negatively or positively on the internal policy making process. Such factors range from financial means; resources needed; legal compliance and personnel ability to achieve policy goals. It is understood that the public service often struggles to attract skilled personnel and the means needed to execute policy are limited if not scarce.

2.7.2 External Factors

There are factors that exist which may affect policy-making process. Botes *et. al* (in Cloete, 1989), propound that, factors such as circumstances, policy directions of political parties, pressure groups/interest groups/mass demonstrations, personal views of public servants and political office bearers may influence policymaking and that these factors exist outside public institutions. Although they involve external circumstances, they should be taken into account. The aforementioned factors will now be discussed briefly below, (Botes *et.al*, 1992:306):

i) Circumstances

Circumstances in a community change continuously because of time and place. Should certain community suffer from drought conditions, an agricultural support policy must be formulated, changes in circumstances occur mainly in the following areas:

- Sudden crisis, states of emergency and threats of war could results in a policy that is accepted to deal with the situation.
- Policy directions that change as a result of international pressure on South Africa.
- Human needs, desires and demands change constantly and this influences the policy making process to a great extent.

ii) Policy directions of political parties

Government in a democratic state comes into power through free and fair elections. The ruling party has authority to choose its policy direction that seeks to satisfy people that voted it into power. The government seeks to make policies that will meet the needs of the people.

iii) Pressure groups, interests groups, and mass demonstrations

People demonstrate to the government by forming pressure groups and participating in mass demonstrations. This happens when people have strong convictions and would like government to know about this. Because elections takes place once in five years these groups do not have much opportunity to put forth their cases. It can also be argued that normally, these groups define their memoranda to the minister or a chief official during mass demonstrations.

iv) Personal views of public servants and political office bearers

Heads of department have special knowledge and experience which they use to influence the policy making process. The political head of a department is also the minister of the department; hence he would like to make his mark on the policy of the department. A minister depends on the knowledge and experience of his subordinates, as he is usually not an expert in the field that he was appointed.

From the foregoing it can be argued from the onset that South Africa now operates or exists in a global village and as such external factors may contribute significantly in shaping policy making process e.g a policy on terrorism. Although South Africa is at present affected by terrorism, it is inclined to formulate policies to deal with terrorism in compliance with United Nations requirements.

Granted that South Africa is a free country where workers are entitled to put down tools in protest for better wages, the government policy making process still struggles to find a policy to minimise unnecessary strikes. Another challenge that has been widely reported is personal clash between the political office bearer and his/her subordinate (who happen to be expert in policy making process).

2.8 PUBLIC PARTICIPATION IN PUBLIC POLICY MAKING

Policy-making requires participation and choice of the public wherein direct representation, empowerment and active decision-making are involved. Public participation in the policy making process is of pivotal importance. Policy making process should encourage public participation as to explore more rational options. The current South African government demands public participation in policy making (Cloete and Wissink, 2002:27).

2.9 SOURCES OF PUBLIC POLICY MAKING.

The legislative authority gives the powers that it has to other government institutions with regard to policymaking process. Political office bearers, ministers of the state play a pivotal role in the policy making process. Public officials have knowledge on issues dealt with in their respective departments. Officials at top and middle level take the role of being advisors on policy, policy formulation and policy implementation as well as monitoring if the objectives were met (Cloete and Wissink, 2002:28).

2.10 LIMITATIONS OF PUBLIC POLICY

Despite the general knowledge that public policies are effective in resolving community problems, all policies have certain limitations. According to Dye (1978:330), limitations of public policies include *inter alia* the ones that are mentioned below, namely:

- It is not always possible to define community needs or problem in absolute terms;
- Expectations of society are often or frequently exceed capability or resources available;
- A solution to the problem of a specific group or providing for a need for one group can increase the problems/need of another group;
- Some phenomena in society are just impossible to deal with by means of policy *i.e.* increasing urbanisation;

- People tend to turn certain policies into disrepute;
- Some community problems cannot be cured by policy directed to one area of that problem only;
- Policies which demand specific resolution to a problem may aggravate other problems;
- Complete rationality is non-existence in policy making, in that policy makers often respond to their constituencies.

Their principal challenge is to overcome or rather push back these difficulties, which are standing in the way of improvement to quality of life (Hanekom *et. al*, 1993:26). Granted that the expectations of community often exceed the capability and resources available to solve problems, it can be deduced that public policies are not always effective.

This is because community problems are too many and differ considerably from one community to another, whilst the means to solve those problems are limited. Moreover it is possible for public policies to cause harm to a certain community whilst trying to solve problems for another community *e.g.* policies that address transport problems by means of providing more transportation means, may also contribute to global warming resulting to national catastrophe such as tsunami and floods.

2.11 POLICY ANALYSIS

Nagel (1990:10) argues that policy analysis is the determination of various alternative public or governmental policies and goals. The key characteristics of good policy analysis are validity, importance, usefulness, originality as well as feasibility. Walker and Fisher (1994:1) define policy analysis as being systematic approach to making policy choices in the public sector. They further explain that it is a process that generates information on the consequences that would follow the adoption of various policies. The purpose of policy analysis is to help policymakers to make a choice among complex alternatives under certain conditions.

2.11.1 Methodology of Policy Analysis

Dunn (1994:4) argues that policy analysis entails choosing and prioritising one value over another, this he argues is a judgement requiring moral reasoning hence policy analysis represent a form of applied ethics. Policy analysis seeks to create knowledge that improves the efficiency of choices among the alternative policy. The method used for policy analysis seeks to create, critically assess as well as communicate policy relevant information.

2.11.2 Characteristics of Policy Analysis.

Policy analysis has various characteristics. These characteristics are as follows:

- Analytical: Policy analysis utilises the techniques and research methodologies and applies them to current government problems.
- Multidisciplinary: Policy analysis draws upon any discipline for relevant information and expertise.
- Problem oriented: Policy analysis does not aim to develop theory but to provide solutions to the current problems of the government.
- Client centred: The selection and definition of the problems for study is a product of continuous dialogue between government actors and policy analysts. Van Niekerk *et.al*, (2001:101).

The importance of policy analysis in problem solving cannot be over emphasised and in light of the abovementioned argument it can be deduced that while policy analysis is problem-oriented it is also geared towards providing solutions to a problem. This is done in a sense that clients' needs are prioritised after consultations between government and clients regarding their problems and solutions thereof.

2.11.3 Policy Analysis Process

According to Dunn (1994:17), there are four phases to policy analysis. These phases are problem structuring, forecasting-policy formulation, recommendations and monitoring policy implementation. The abovementioned phases will also be discussed as follows:

i) Problem Structuring

Problem structuring helps policy makers with policy-relevant information and knowledge. This knowledge challenges the assumptions underlying the definition of problems and eventually reaches the policy making process through agenda setting. In problem structuring hidden assumptions are discovered, their cause is diagnosed, possible objectives are laid down and new policy options are designed, (Dunn, 1994:17).

ii) Forecasting

During the policy formulation phase forecasting can provide policy-relevant knowledge that seeks to predict the future as consequence of adopting alternatives. Forecasting helps to examine and estimate consequences of existing proposed policies. This makes it easier to specify future constraints on achieving the objectives that were set, as well as the support and opposition of various options, (Dunn, 1994:18). Quade (1982) argues that this phase deals mainly with forecasting the future environment.

iii) Recommendations

During the policy adoption phase, recommendation results in policy-relevant knowledge regarding the benefits and the costs of alternatives. The future consequence that was estimated through forecasting becomes helpful in this process. The level of risks and uncertainties, the criteria for making choices and assigning administrative responsibility for implementing policies are estimated through recommendations, (Dunn, 1994:18). In light of the above argument it can be deduced that recommendations are the backbone towards an effective policy implementation, because they provide an insight on the estimated costs, benefits, risks and so on.

iv) Monitoring

During the policy implementation phase monitoring provides policy-relevant knowledge about consequences of previously adopted policies that assist playmakers. Dunn (1994:19) states that agencies monitor the outcomes and impacts of policy through various policy indicators in areas of health, education, housing and technology. Walker (1993) argues that this phase focuses on monitoring policy and evaluating results thereof. In essence it can be deduced that monitoring is also helpful in assessing degrees of compliance, discover unintended policy and programmes identify implementation obstacles and constraints and locate sources of responsibility from policies.

2.12 REASONS FOR POLICY ANALYSIS

There are usually various reasons that justify the existence of policy analysis and these reasons are as follows:

- Scientific reasons, in order to determine the cause and results of particular policy decision in order to extend knowledge of society.
- Professional reasons to identify the cause and results of public policy can help developing insight into the social issues.
- Political reasons aimed at the achievement of assurance that the government is following suitable policy approaches to realise desired objectives, (Guess and Farnham, 2000).

From the foregoing it can be deduced that policy analysis plays a major role in the public service, because it provides an insight and knowledge of society. It also contributes significantly to the exploration of environmental factors that may negatively or positively impact on policies and attempts to provide answers as to what the results would be. Mostly the government relies on policy analysis to get an idea on how to achieve policy objective.

2.13 LIMITATIONS OF POLICY ANALYSIS

It is not always possible to identify all the shortcomings of a policy by means of policy analysis. It must be accepted that, for the following reasons, policy analysis is not the panacea for all defects of public policy.

- Some community issues are insoluble because they are defined in relative terms, e.g. it is hard to define boundary of poverty in absolute terms;
- The expectations often outnumber the resources to meet them;
- The political system geared for rational decision making because interest group, public officials, ministers, environmental factors, *etc.* influence the rationality of decisions;
- Lack of complete data on which the policy must be based or some time difficult to obtain;
- The access of data can have smothering effect for policy;
- The analysis does not guarantee improvement, (Van Niekerk, *et.al*, 2001:104).

In light of the above contention, it can be deduced that policy analysis has its own shortcomings to the extent that it cannot solve all community problems. While policy analysis attempts to meet community expectations, cognisance should be taken that policy analysis cannot meet all of these expectations. Lack of resources and lack of complete data needed for analysis and which policy must be based also contribute to limiting policy analysis. Mostly community's expectations outnumber the means available to solve problems.

2.14 ADVANTAGES OF POLICY ANALYSIS

Based on the abovementioned arguments, the following advantages of policy analysis were drawn as per the researcher's observation:

- It is multidisciplinary and coincides with public administration, political science, economics and other disciplines.

- It is descriptive and normative, that is, the value of policies can be determined, especially when choice has to be made between various alternatives.
- It improves the search for knowledge, which can improve the effectiveness of the choice between alternatives.

The following section will deal mainly with Human Resources Management issues.

2.15 HUMAN RESOURCE MANAGEMENT

According to Mathis and Jackson (2003:4), human resource management (HRM) refers to the design of formal systems in an organization to ensure effective and efficient use of human talent to accomplish organizational goals.

2.15.1 The Regulatory Framework for Human Resource Management in the Public Service

Human resource management in the public service is regulated through very specific legislation, namely, the Constitution of the Republic of South Africa, 1996, Labour Relations Act, 1995, Employment Equity Act, 1998, Basic Conditions of Employment Act, 1997, and Skill Development Act, 1998. The abovementioned legislations will be discussed in turn below:

(a) Constitution of the Republic of South Africa 1996

Chapter 10 of the Constitution of the Republic of South Africa 1996, (Act 108 of 1996) arranges matters of public administration and section 197 of the Constitution makes the following provisions for the public service, namely:

- i) A public service for the Republic, which must function and be structured in terms of national legislation and which must loyally execute the lawful policies of the government of the day:

- ii) The terms and conditions of employment in the public service to be regulated by national legislation;
- iii) No employee of the public service may be favored or prejudiced only because that person supports a particular political party or cause;
- iv) Provincial governments must be responsible for the recruitment, appointment, promotion, transfer and standards applying to the public service, (South Africa, 1996a).

The 1996 Constitution plays a pivotal role in promoting equality and protection of the employees' rights. In short deduction can be made that the 1996 Act ensures that employers adhere to the rules of law and apply them in accordance with the dictates of the Act.

(b) Labour Relations Act 1995

The purpose of Labour Relations Act (LRA), 1995 (Act 66 of 1995) is to establish rules and guidelines for collective labour relationships, gives effect to section 23 of the Constitution 1996 (Act 108 of 1996), which makes provision for fair labour practices (South Africa, 1995c). It is understood that employees have a number of rights including right to picket. Employers too have the right to lockout employees. In light of the above argument it can be deduced that if a harmonious relationship is not properly maintained it can lead to a chaotic situation, hence a need for Labour Relations Act. In essence the Act attempts to promote labour peace and ensure harmonious relationships between employers and employees.

(c) Employment Equity Act 1998

Provision is made in the preamble of the employment equity act, 1998 (Act 55 of 1998) for promoting the constitutional right and the exercise of true democracy, including:

- i) The elimination of unfair discrimination in employment;
- ii) Ensuring the implementation of employment equity redress,

- iii) To achieve a diverse workforce broadly representative of the people of South Africa; and
- iv) To promote economic development and efficiency in the workforce, (South Africa, 1998b).

The Employment Equity Act, 1998 plays a pivotal role in correcting the injustice of the past in terms of employment. As such it can be deduced that Employment Equity Act, 1998 is a stepping stone towards eradication of unfair discrimination and promotion of equality, which ensures that everybody is given an equal employment opportunity regardless of gender, race, and disability. Moreover the Employment Equity Act, 1998, promotes diversity in the work place. The Act will be further discussed in chapter 3.

(d) Basic Conditions of Employment Act 1997

The purpose of the Basic Conditions of Employment Act (BCEA), 1997 (Act 75 of 1997), is to advance economic development and social justice by establishing and enforcing basic conditions of employment. Moreover the Basic Conditions of Employment Act gives effect to the establishment of fair labour practices by making provision for the regulation of basic conditions of employment, (South Africa, 1997d). In short it can be deduced that the aforementioned Act gives effect to the establishment of fair labour practices by making provision for the regulation of basic conditions of employment. The Act in question also determines and promulgates minimum wages for certain industries and employees groups.

(e) Skills Development Act, 1998

The Skills Development Act, (Act 97 of 1998) makes provision for the creation of an institutional framework for the development and improvement of skills in the South African workforce, (South Africa, 1998e).

In light of the abovementioned Act it can be deduced that the Skill Development Act ensures that the people from previously disadvantaged groups are equipped with skills necessary for them to be employable in the world of work. This is so because during apartheid it is understood that the level or standard of education for the previously disadvantaged groups was not up to standard compared to those from the previously advantaged groups.

2.15.2 The White Paper on HRM in the Public Service

The citizens of South Africa are entitled to service delivery that is of the highest quality and thus it is the responsibility of the Public Service to identify skills that will better enable line function departments to fulfill their obligations (Van Dijk 2003:47).

The purpose of this particular White Paper is to provide a policy framework that facilitates the development of human resource management operations that support an efficient and effective Public Service. This is in turn viewed as one of the strategic instruments of the transformation agenda for the Public Service. The following values which are derived from the 1996 Constitution, underpin human resource management in the public service, namely:

- Fairness
- Equity
- Accessibility
- Transparent
- Accountability
- Participation
- Professionalism, (South Africa, 1997f).

Since 1995, the policy direction of human resource management in the Department of Public Services and Administration (DPSA) has changed. The principal new direction involved a movement away from the Public Service as a facilitator for human resource development and training (DPSA, 2005).

The Public Service also faces enormous challenges in terms of transformation as well as, Affirmative Action (A new policy that was implemented from April 1998. It emphasises management based on public service culture, composition, human resource management and service provision), and related service rendering to society.

This transformation process and the implementation of Affirmative Action, is also taken to be part of a restructuring process aimed at improving the capacity of the Public Service. In addition, the White Paper on the Transformation of the Public Service, 1995, highlights that the effective mobilization, development and utilization of human resource is an important individual and departmental transformation goal in itself, as well as, a crucial factor for the general success of the transformation process of the Public Service (Van Dijk, 2003: 55).

The White Paper on Human Resource Management in the Public Service was published in 1997 by the DPSA. The paper narrates the shift away from personnel administration to human resource management. The vision of this particular White Paper is that, “human resource management will result in a competent and well-managed workforce, capable of and committed to delivering high quality services to the people of South Africa”, (South Africa, 1997f).

The human resource management mission further included that “human resource management in the Public Service should become a model of excellence, in which service to society stems from individual commitment instead of compulsion. The management of people should be regarded as a significant task for those who have been charged with that responsibility and, the task should be conducted in a professional manner, (South Africa, 1997f).

In addition, the White Paper in paragraph 8 of the executive summary states that, human resource management will have to bear a crucial change so as to realize the following management principles:

- I. Increased delegation of managerial responsibility and authority to national departments and provincial administrations and the delegation of everyday management decisions to line managers within departments.
- II. The exposure and progress of employees towards becoming service e-delivery oriented, multi-skilled and multi-cultured.
- III. The persistence for efficiency and effectiveness.
- IV. Creating a flexible environment that reflects both the individual as well as, departmental needs, (South Africa, 1997f).

Furthermore, Personnel Administration Standards (PAS) were superseded with the codes of Remuneration allowing for increased managerial flexibility within the framework of norms and standards (Republic of South Africa, 2003 (b): 6). Van Dijk (2003:57) argues that the human resource management within the DPSA will be focused on human resource development and training through an appropriate performance management system, emphasizing career path, performance rewards, skills development and empowerment.

In addition, the White Paper declares that the Public Services need to positively assert the people of South Africa beyond race, gender and disability and include those citizens with a rural background, single parents for example. The basic intention here is the Public Service will go on to represent all sections of society and that productivity will be expanded by maximizing the contribution of all employees (South Africa, 1997f).

It can be argued (based on the abovementioned arguments) that although transforming the Public Service into a means for fulfilling its role depends on a number of things such as resources, skilled labour force, and so on, it however mostly depends on the way they are managed.

2.15.3 From Personnel Administration to HRM

It was estimated that approximately 600,000 officials in the Public Service are in need of training hence, the introduction of the then South African Management and Development Institute (SAMDI), now known as Public Administration Leadership and Management Academy, (PALAMA, 2005). This academy is responsible for addressing the training of public servants.

PALAMA also has the following key performance areas, Human Resource and Management training; Special Programs; Productivity and Quality Management; Communication and Customer Service; Analysis and Project planning; Provisioning Management and Administration training (PALAMA, 2005). The transformation of Personnel Administration (which existed during apartheid regime) to Human Resource Management requires the training and reorientation of employees and their managers to undertake their new roles.

By new roles, this means creating a public service, which is representative of all races in South Africa and one that treats all civil servants as valuable resources, focused on service delivery outcomes and assigns managerial responsibility for results. Further roles include, the public service must hold its employees accountable for their actions and all departments must conduct their day-to-day activities professionally, transparently and ethically (South Africa, 1997f).

2.15.4 The New HRM Policies for a New Public Service

The Labour Relations Act 1995 (Act 66 of 1995), binds the public Service, with the result that Public Service employees may benefit from the same rights and privileges as their counterparts in the private sector. This in essence implies that the public service must maintain integrity and accountability in performing its duties at all times and employees must loyally execute policies aimed at advancing service delivery.

Basically, the Labour Relations Act sets the principle of employment justice, which protects employees including applicants for employment, from any unfairness in their relationship with their employer. The Public Service also has to conform to all other statutes such as, the Basic Conditions of Employment Act, 1997 and the Skills Development Strategy, to name but a few (South Africa 1997f).

The main objective of introducing these policies was to ensure that service delivery is enhanced within an environment characterized by employment justice, cultural diversity and transparency. Also, implementation of the policies will have an intense impact on the careers of individual employees within the Public Service. The Public Service will remain staffed primarily by career employees who in turn will be given the opportunities geared for professional advancement and personal development.

A more wide spread level of transparency and accountability as previously mentioned, will result in effective HRM policies and there will no longer be a possibility of manipulation. Moreover employment criteria such as qualifications, health requirements, probation, temporary employment and ill-health retirements, will no longer restrict the careers of those from disadvantaged group. The aforementioned policies will also be handling poor performers (South Africa, 1997f). The policies for a new Public Service with better human resource management include human resource planning; employment contract; flexible working conditions; a career public service; increased competition and selection on merit and these aspects will be discussed as follows:

i) Human resource planning.

This is fundamental in that, planning ensures future staffing needs are met in terms of quantity and quality, representation and flexibility of staff and in times of shortages or surpluses of staff.

ii) Employment contracts.

Such contracts are basically established to ensure that the existing rights of employees will be protected, as the process will be subjected to consultation and negotiation especially in relation to numbers and skills as requirements change. Thus, to meet such needs effectively, in future, employees of the Public Service will be taken on one of three types of employment contracts namely continuous, fixed-term and temporary.

iii) Flexible working conditions

Here, the aim is to provide working conditions that are more responsive to employer and employee needs. Employees will have the opportunity to be engaged full-time, part-time or flexi-time with job-sharing and annual hourly contracts depending on the individual's job description. Such flexibility will also allow for better organization and management within departments.

iv) A career Public Service

The Public Service should offer opportunities in terms of advancement and growth of employees through improved performance and wider competition for positions especially at higher levels in the departments.

v) Increased Competition

For practical reasons and to maintain consistency with the principles of accessibility and the values in the White Paper, positions in the Public Service will be filled through open targeted or internal competition.

vi) Selection on merit

Selection will be based on the requirements of the position to be filled. Candidates must be of the highest caliber and they must be the best suited for the position in terms of his/her skills, experience, abilities, personal attributes, future potential, career goals. Selection on merit is based on the following principles namely, job-related selection criteria; fairness; equity and transparency (South Africa, 1997f).

In practice, the statutory and regulatory framework for human resource management in the Public Service will include highly involved criteria such as recruitment; entry requirements (in terms for citizenship, age, health, good character, security clearance); placement, probation; promotion; lateral transfers; secondments, loans and exchanges; re-employment; performance management (which involves results orientation, training and development, rewarding good performance, management; managing conduct; managing grievances (a process that should observe the following measures, fairness and objectivity, transparency, independence, timeousness, participation and representation, statutory rights), (www.info.gov.za/whitepapers/1997/hrmwp.pdf).

In addition to these criteria is the termination of service. In this case, employee's services can be terminated using one of three ways, termination initiated by the employee; termination by mutual agreement; termination initiated by the employer (South Africa, 1997f).

It can be argued, based on the abovementioned contentions that the implementation of the strategy to fulfill the statutory and regulatory framework of human resource management in the South African public service must constantly be monitored and evaluated and revised where necessary. This should be done so as to ensure that targets are met and that the policies and practices mentioned above are improved in relation to experience.

2.15.5 Managing Human Resources in the New Public Service

The government and public administration policies set out for the Public Service, and an indication of the State playing a central role in making certain the much required transformation and development particularly of the human resource. The Reconstruction and Development Programme (RDP), specifies an integrated macro policy framework for addressing the nation's development needs. Moreover, this programme is dependent on the capacity of the public sector to facilitate and manage implementation strategies, (Magau, 1995: 3).

In relation to going from personnel administration to human resource management, it must be remembered that, human resources management will be managed to the greatest extent by those closest to the point of delivery. Thus, the White Paper on Human Resource Management in the Public Service advocates the ensuing management principles, decentralization (this means either devolution or delegation); efficiency; flexibility; diversity and service standards, (South Africa, 1997f).

2.15.6 Challenges Facing HRM

The environment faced by HRM is a challenging one. According to Mathis and Jackson (2003:9) some of the most significant changes facing HRM range from economic and technological changes, workforce availability and quality, demographics and diversity, balancing work and family, and organization and restructuring. The abovementioned challenges will now be briefly discussed below:

2.15.6 (a) Economic and technological changes

Several economic changes have altered employment and occupational patterns in South Africa. A major change is the shift of jobs from manufacturing and telecommunications. Some organisations struggle to attract and retain skilled employees. Moreover an attempt is made to produce more with less, thereby decreasing labour costs. Finally the growth of information technology has, particularly the one linked to the internet, has led to many changes throughout organizations of all types.

2.15.6 (b) Workforce availability and quality

South Africa is currently experiencing a significant shortage of skilled labour, this is due to an inadequate supply of workers within the skills needed to perform jobs being added. A classic example in South Africa is the shortage of engineers, IT specialists, etc. The recent graduates also lack skills and experience needed to perform the jobs.

2.15.6 (c) Growth contingent workforce

In the past, temporary workers were used for vacation relief, maternity leave, or workload peaks. Today contingent workers (temporary workers, independent contractors, leased employees, and part-timers) represent more than 20% of the workforce. This can be attributed to the fact that most organizations use contingent workers to stabilize the workforce. The use of contingent workers has grown for many different reasons and a classic example is the possible reduced legal liability for employers.

2.15.6 (d) Demographics and diversity

The South Africa's workforce has been changing dramatically. It is more diverse racially, women and disabled are in the labour force in great number than ever before, and the average of the workforce is now considerably older than before. As a result of these demographic shifts, HRM in organizations has had to adapt to a more varied labour force both externally and internally.

2.15.6 (e) Balancing work and family

For many workers in South Africa, balancing the demands of family and work is a significant challenge. Although this balancing has always been a concern, the increased number of working-women and dual-career couples has resulted in greater tensions for many workers. The change brought about by the increasing number of dual-career couples and working single parents' places more stress on employees to balance family and work.

2.15.6 (f) Organisational restructuring, merger/acquisitions

Many organizations have restructured in the past few years in order to be more competitive. Also mergers and acquisitions of organizations in the same industry have been made to ensure global competitiveness. As part of these organizational changes, many organizations have right-sized by eliminating layers of managers, closing facilities, merging with other organizations, and outpacing workers.

In light of the above arguments, it can be deduced that South Africa now operates in a global village and that the new technologies require some forms of adjustments on the part of public institutions, such changes include Technological know-how, make use of outsourcing, restructuring and so on. All of the above are fastly proving to be a huge challenge for the HRM in public service.

2.15.7 Challenges in Ensuring Effective HRM in the South African Public Service

According to Ramsingh (2007:12) the challenges facing the public service in its quest to ensure effective HRM are discussed below:

- The effect of HIV/Aids in the workplace is one of the major challenges facing HRM in the public service.
- The experienced and skilled labour affected by this pandemic are hard to find and hard to replace.
- The capacity to manage decentralization has not matched the pace of the decentralization process.
- The limited capacity continues to impacts on government's performance and its ability to realize its developmental objectives.
- Retention of skilled and experienced staff to ensure continuous and enhanced service delivery, have proven to be a challenge.
- There is still a challenge around the implementation of accelerated services.
- There are challenges with regard to the implementation of performance management system as observed by Public Service Commission.
- Striking a balance between technical HRM on the one hand and strategic HRM on the other is also a challenge on its own.

In light of the abovementioned contention, it can be deduced that in its quest to ensure effective human resources management, the public service faces huge challenges in terms of dealing with loss of skilled employees either due to attractive incentives in the private sector or due to HIV/Aids pandemic. More so having to replace such skilled employees is proving to be a challenge for the public sector. Limited capacity and finances have proven to be also challenging especially in terms of attracting and retaining skilled employees in the public service compared to the private sector.

2.15.8 Complaints Regarding HRM Methods and Procedures

The Public Service Commission (PSC) has been involved in investigations of numerous complaints regarding public service recruitment in the past. While conducting these investigations, a definite trend emerged in terms of the problems and constraints experienced with recruitment and selection. Departments generally don't have detailed policies and procedures in place to inform objective, fair, consistent and responsible application of recruitment and selection practices.

They do not have standardized methods and procedures in place to ensure compliance with the constitutionally prescribed value, principle, national norms and standards regulating HRM in the public service. Departments also do not consider what skills, expertise, competencies, training and traits they require from candidates that vie for vacant positions before advertising them, (Kearney, 1992:41). Rosalind (2003:55) sums it all up by arguing that of all human resources practices, recruitment and selection collectively represent the most important human resources management practice in the South African public service.

From the abovementioned contentions it can be argued that even if the skills were to be identified, the public service still faces a challenging task to recruit a skilled pool of employees. Moreover employees with the much-required skills are scarce.

2.15.9 Implications

The result of the abovementioned shortcomings are that the filling of vacant positions takes long, and the selection processes do not yield the results they are meant to. This points to recruitment and selection process currently not being properly managed as a means to bring about effective and efficient service delivery.

From this perspective, it is clear that mistakes made during recruitment and selection processes require extensive rescue measures at other levels such as:

- Greater need for guidance by managers at higher levels to offset junior employees' inability to function independently;
- Detailed and time consuming mentoring,
- Extensive training; and
- Concomitant heavier burden on other members of staff to ensure goal attainment, (Kearney 1992:44).

It can be deduced that although mentoring consumes a lot of time, it is still necessary especially in terms of acquainting the newly acquired staff. Moreover top management should give their best shot in addressing the abovementioned short-comings, otherwise the aforementioned rescue measures would not yield positive results.

2.15.10 Actions that should be taken by State Departments

According to van Dyk (1992:32), actions that should be taken by state departments, range from departmental policy (to enable tools to guide the strategies and actions); responsibility and acceptance; advertising with the aim of reaching the broadest possible pool of candidates within a specifically targeted domain; sifting applications through screening and short-listing wherein applicants who do not meet basic minimum requirements are eliminated. The next section will tackle issues related to managing diversity.

2.16 MANAGING DIVERSITY

According to Thomas (1991:28) managing diversity refers to the building of an organizational culture that allows members, minorities, women and disabled included, to reach their full potential. In essence diversity refers to any mixture of items characterized by differences and similarities.

From the abovementioned definition it is obvious that, normally once the task of recruiting and appointing employees has been undertaken, the organization starts to face a more daunting task of managing the diverse employees with diverse cultures, age, religion, race, income, *etc.* Issues of cardinal importance regarding the management of diversity as part of this chapter will be briefly discussed in the next page.

2.16.1 Key Objectives of Managing Workforce Diversity

According to Finnemore and Van Rensburg (1999:421), the main key objectives of managing workforce diversity are:

- To facilitate understanding of differences and similarities among workforce.
- To ensure that no potential is lost or underutilized.
- To improve individual performance on-the-job.
- To provide a work environment where diverse individuals are valued.
- To provide a sound foundation for affirmative action and employment equity to succeed.
- To develop a culture of innovation, creativity and learning.

2.16.3 Advantages of Managing Diversity in the Workplace

Schermerhorn (2005:104) argues that managing diversity holds the most value in respect of competitive advantage. A diverse workforce offers a rich pool of talents, ideas, and viewpoints for solving the complex problems of often-uncertain environments.

Other advantages for managing diversity include inter-alia employee's commitment, improved employee relationships, better return on human capital, and celebration of differences. Furthermore a diverse workforce is best aligned with the needs and expectations of a diverse customer and stakeholder base. Schermerhorn (2005:104) further argues that organizations called "diversity mature" are well positioned to derive these and other sources of competitive advantage.

From the foregoing it can be deduced that the word exclusiveness that existed in the past has been replaced by inclusiveness and HRM has an outstanding task to value diversity and build a multicultural organization that can be described as "an all inclusive". This can assist in strengthening the organization and put it in a better position to tackle challenges and utilize opportunity that come by as a result of today's environment. In short the establishment of racial and ethically inclusiveness in the workplace will also boost the morale of employees and the organization as a whole.

2.16.4 Barriers to Managing Diversity

There are numerous obstacles that can cause diversity programmes to fail. These barriers are discussed bellow. According to de Beer and Radley (2001:28), some of the factors that may thwart diversity efforts are:

- a) **Racism and sexism:** this is one of the obstacles that still plague the workplace, and is one of the reasons that keep people from fully accepting efforts to manage diversity.
- b) **Stereotype:** in this case fixed and distorted generalizations are made about all members of a particular group. These positive or negative images are influenced by perceptions, attitudes and behaviour a classic example is that many people find it hard to accept that a woman or disabled person can now occupy a senior position and still excel in it.
- c) **Ethnocentrism:** relates to positive feelings towards one's own group and negative feelings towards others. The problem lies with the tendency to see those other norms in a less favourable light.

d) **Resistance to change:** all people have been socialized into believing that they have the best way of doing things. In most cases organizations are full of people who resist changes due to fear of the unknown or the perceived negative consequence of change and therefore want to preserve the status quo.

e) **Lack of strategic thinking:** managing diversity is more strategic than operational. Most organizations lack strategic thinking in terms of managing and addressing issues concerning the management of diversity.

f) **Inappropriate management style:** the traditional approach to management style in South Africa is autocratic. De Beer and Radley (2001:35) argue that although the traditional management style worked in the apartheid years, it is incongruent with the culture of inclusion. In such organizations employees lack commitment, members fail to share the organisation's goals and employees are fearful of retribution if they take the initiative.

g) **Unsupportive working environment:** the isolating and unsupportive and even hostile working environment that many non-traditional managers experience inhibits the development of managing diversity, (Carnevale, 1994:25).

h) **Shortcomings of human resources departments:** Ndlovu (1993:13) is of the view that the human resources leadership has been wanting when it comes to facilitating transformation in organization. He further argues that they have not been acting on an acceptable level of change agents in the way they should have.

i) **Failure of affirmative programmes:** De Beer and Radley (2001:38), argue that because of the dire need of leaders and managers in the right places, affirmative action has occasionally been harmed by the appointment of ineffective people to high profile positions.

From the foregoing it can be deduced that if efforts in managing diversity are to yield desired and positive results, the organization need to deal with thorny issues such as racism, stereotype, affirmative programmes and ultimately resistance to change. In short employees need to be given assurance that whatever change taking place as a result of managing diversity, employees should not view managing diversity in negative light and they should instead embrace it. This calls for proper consultations involving all stakeholders and where appropriate training or workshop on managing diversity is provided to employees.

2.16.5 Consequences of Failing to Manage Diversity in Organisations

According to Cox (1993:23), the impact of diversity on organizations depends on the extent to which diversity is valued and managed. Diversity that is not valued and managed, impacts adversely on organizational outcomes at two levels namely, organizational effectiveness and organizational performance and these levels will be discussed below:

i) Organisational effectiveness

Diversity-related problems can impact negatively on organisational effectiveness by affecting poor outcomes in for example: turnover, attendance, productivity, work quality, recruiting success, creativity and innovation, problem-solving, workgroup cohesiveness and communication.

ii) Organisational performance

Diversity related problems could impact negatively on organisational performance by affecting poor outcomes in for example market share, profitability and the achievement of formal organisational goals.

From the above contentions it can be deduced that failing to manage diversity can have dire consequences in the organisation since it may lead to low standards, labour turnover, decrease in productivity.

Moreover failure to manage diversity may negatively affect the organisation's performance and thereby impede the organisation from achieving its goals. In short it can be deduced that the effects that unmanaged diversity may have on organisational outcomes depends on the type of diversity presented in each organisation.

2.17 INSTITUTIONAL FRAMEWORK AND WATCHDOG BODIES FOR ENSURING COMPLIANCE WITH EEA AND AA

The government institutions and watchdog bodies performing public functions have a duty and responsibility to promote equality in respect of race, gender and disability. According to South Africa Country Profile (2005:8), the aforementioned institutions and watchdog bodies must audit laws, policies and practice, enact appropriate laws, develop progressive policies and initiate codes of practice and adopt viable action plans with a view to eliminate discrimination on the grounds of race, gender and disability. The institutional framework and watchdog bodies will be discussed in detail below:

2.17.1 Institutional Framework

The institutions that will be discussed in this section are Office on the Status of Disabled People, Department of Labour and the Department of Public Service and Administration and will be further discussed below:

i) The Office on the Status of Disabled Persons

The Office on the Status of Disabled Persons (OSDP) is one of the transformation programmes in The Presidency. At an administrative level, the OSDP reports to the Chief Directorate: Head of Programmes.

The political accountability of the OSDP remains with the Minister in The Presidency. The OSDP has, over the years, established positive working relationships with national departments, provinces, and other role-players particularly organisations of disabled persons. The OSDP has also ensured that its strategic approach and plans are aligned to political priorities.

The OSDP mandate is to ensure that all disability issues including the objectives of the Integrated National Disability Strategy (INDS), regional, continental and other international initiatives relating to disability are incorporated into all policies and programmes of all spheres of Government; and all line departments within all spheres of Government. The OSDP mandate is primarily derived from the Constitution Act, 108 of 1996, the political and transformation objectives of Government; namely "creating a better life for all" (South Africa Country Profile, 2005:16).

ii) The Department of Labour

The Department of Labour (DoL) is in charge of public employment services, which are provided at labour centres. The labour centres register work-seekers and employment vacancies. They assist people in finding employment, entering special education and training programmes, starting income generation projects and participating in special employment programmes.

The DoL also assists disabled people to access support services, to gain interview skills, job search skills, and time management and communication skills. Its approach is to emphasise the person's ability and to place worker-seekers with disabilities in the open market whenever possible. The DoL plays a major role in analysing the labour market situation in order to determine skills needs in the country (DoL, 2004:82). It can be argued based on the above contention that the DoL plays an important role in looking after the interest of and protecting all employees in South Africa. The DoL also assist with training programme to help impart skills needed for job-seekers to be employable.

iii) The Department of Public Service and Administration

The Department of Public Services and Administration (DPSA), plays an important role with regard to human resource management issues in the public service.

Human resource policy formulation falls under the auspices of the DPSA. In short the DPSA influences human resources management in the public service through the formulation of human resource policies, guidelines and regulations on how the national departments and provincial administration should implement their human resources programmes, (DPSA, 2002-2006:17).

From the abovementioned contention, it can be deduced that the DPSA has an arduous task of monitoring the implementation of relevant policies and strategies as well as legislation in order to achieve the goals of the state.

2.15.2 Watchdog Bodies

The watchdog bodies play a pivotal role in monitoring and reporting progress made or shortfalls in the formulation and implementation of government policies. The watchdog bodies that will be dealt with under this section include the Commission on Gender Equality, the Commission for Employment Equity, the South African Human Right Commission and the Public Service Commission. The institutions mentioned above have their mandate firmly rooted in the Constitution of the Republic of South Africa and will be discussed in detail in the next page.

i) The Commission on Gender Equality

The Commission on Gender Equality (CGE) is one of six state institutions set up in terms of the Constitution (Act 108 of 1996) to promote democracy and a culture of human rights in the country. The Commission's role is to advance gender equality in all spheres of society and make recommendations on any legislation affecting the status of women.

The Commission aims to transform society by “exposing gender discrimination in laws, policies and practices; advocating changes in sexist attitudes and gender stereotypes; and instilling respect for women’s rights as human rights” (www.cge.org.za). Although the Commission acts in the interests of women generally, it can be concluded that it pays particular attention to the most disadvantaged women – those living in rural and peri-urban areas, on farms and in domestic work.

ii) The Commission for Employment Equity

The Commission for Employment Equity (CEE) is in charge of monitoring the implementation of the Employment Equity Act 55 Of 1998 (EEA). The abovementioned Commission is an advisory body established in 1999 following enactment of the EEA.

The Commission advises the Minister of Labour on equity issues, including the development of codes of good practice and the implementation of the EEA, (www.labour.gov.za). In light of the abovementioned argument it can be deduced that the abovementioned Commission plays a pivotal role in keeping government departments in check regarding the implementation of and adherence to the dictates of the EEA.

iii) The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) promotes respect for human rights and monitors the human rights situation in the country. In this respect, it must submit to the President and the Parliament quarterly reports that notably include an assessment on the extent to which unfair discrimination on the grounds of race, gender and disability persists in the Republic, the effect thereof and recommendations on how best to address the problems.

Moreover the abovementioned commission has the power to investigate and report on the observance of human rights and take steps to secure appropriate redress where human rights have been violated (The Constitution of 1996, S181 and 184). From the abovementioned arguments it can be deduced that the Commission in question, plays a major role in advising the government on human rights matters.

iv) The Public Service Commission

Section 196 (1) & (2) of the Constitution Act 108 of 1996, stipulates that there is a single Public Service Commission (PSC) for the Republic which is independent and must be impartial and must exercise its powers and perform its functions without fear, favour and prejudice and in the interest of the maintenance of effective and efficient public administration and a high standard of professional ethics in the public service.

Mafunisa (200:43) argues that the PSC is competent to make recommendations, give directions and conduct inquiries into the organisation and administration of public service departments; conditions of service and matters pertaining thereto; personnel practices, including appointments, promotions, transfer and terminations of service. Moreover the PSC deals with the promotion of efficiency and effectiveness and code of conduct in the public service. In light of the abovementioned arguments it can be deduced that the PSC plays a pivotal role in monitoring and evaluating the progress of the departments in implementing strategies and employee related policies.

2.16 CONCLUSION

From the foregoing it may be deduced that the human resource management plays a pivotal role in ensuring the survival of the organisation as well as improved productivity that comes about as a result of the organisation of human capital.

If the organisation is to achieve competitive advantage over its competitors it should start by treating and looking after the well being of its diverse employees and ensure that diversity management programmes are in place to manage its diverse human capital. Public policy is also vital for any organisation to ensure formality and that there is a meaningful involvement of all stakeholders, in the policy formulation process. This process is eventually culminated by the implementation and evaluation of policy.

If the policy is to be implemented successfully it should be spearheaded by well-informed policy makers and closely monitored to ensure that it yields positive results. Most policies fail at implementation stage due to the fact that people assigned to implement it lack necessary credentials and experiences needed to effectively implement the organisation's policy.

On the other hand managing diversity can be a useful tool in ensuring the effective implementation of policy as well as the functioning of human resources, because there will be a pool of ideas, skills, knowledge, and various cultural backgrounds needed for the organisation to deal or serve its diverse customers. Effective human resource management, effective policy implementation and diversity management ensure that there is a smooth transition in the transformation of public service from the past regime to the current democratic government and it prevents unnecessary animosity that might arise as a result of unnecessary labour disputes.

Moreover this creates a relaxed and or a harmonious atmosphere between the employer and employees, and among diverse-employees themselves, since the above aspects, if implemented correctly are likely to yield a huge success. And thereby increasing productivity, and reduce labour turnover. On the other hand, the presence of the institutional framework and watchdogs in formulating and implementing HRM legislations and policies assists in ensuring strict adherence and effective implementation of the abovementioned employment legislations and policies.

CHAPTER3: EMPLOYEMENT EQUITY, AFFIRMATIVE ACTION AND TRANSFORMATION IN THE SOUTH AFRICAN PUBLIC SECTOR

3.1 INTRODUCTION

This chapter looks at the effectiveness of EEA and how it is being implemented. In essence there are mixed feelings associated with the term EEA in the public service, depending on which racial group each employee belongs. To those considered to be from the previously advantaged groups, it implies making a way for less qualified and incompetent blacks. To some extent, the enforcement of EEA in the public service is referred to by most whites as 'reverse discrimination' similar to that used by the previous apartheid regime. To the people from previously disadvantaged groups, it means occupying positions or inheriting jobs that were mainly suitable for whites.

Issues that will be discussed in this chapter include EEA, AA, transformation (including definitions thereof) in the public service and conclusion.

3.2 THE EMPLOYMENT EQUITY ACT 55 OF 1998

3.2(a) Why Employment Equity in the First Place?

This is a question frequently asked by most people especially those who find themselves disadvantaged by the introduction of the Act in question. First and foremost, God is quoted in the scripture as saying (to the children of Israel) "for I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future" (Jeremiah 29:11).

From the abovementioned scripture it's obvious that God had no ulterior motive towards the children of Israel and this was purely based on the fact that God did not want them to be treated as captives or slaves, but as human beings with a meaningful stake in a promised land.

With South Africa it is obvious that the new government did not formulate the EEA, with the aim of perpetuating revenge directed at the previously advantaged groups. Moreover the post 1994 regime did not plan to hurt those people from the previously advantaged background. The main intention was purely based on promoting equality by redressing the imbalances of the past that were brought into being by the apartheid regime, and this equality would see people from disadvantaged and advantaged backgrounds competing on an equal footing and enjoying equal employment opportunities.

In short one may deduce that the post 1994 regime was motivated by a desire to bring about significant hope, equality, and a better future for all in terms of employment. This was to be done without looking at individual's pigmentation as was the main requirement during the tenure of the previous regime.

3.2.1 The Concept of Employment Equity

The concept of employment equity is centred on two statements. The first statement focuses on eradication of unfair discrimination in the form of hiring, promotion, training, pay benefits and retrenchments in line with the constitutional requirements. The second statement focuses on measures to encourage employers to undertake organizational transformation to remove unjustified barriers to employment for all South Africans, (South Africa, 1996g; Tinarelli, 2000: 2).

From the abovementioned arguments one may argue that the eradication of unfair discrimination can therefore be said to be an important part of employment equity. Moreover, one may also deduce that the eradication of unfair discrimination is largely due to the fact that it is linked to the nature of the situation in South Africa during the apartheid era, it is representative of the transformation processes for the period of 1994 and also it is linked to the nature of employment relations both within and outside the public service today. Also to promote employment equity a number of measures have been put in place and they range from legislative to administrative.

3.2.1 (a) The Aim of EEA

According to Tinarelli (2000:2), the aim of EEA is to eliminate unfair discrimination in the workplace and ensure that employers take active steps to accelerate the advancement of people from previously disadvantaged groups. In light of the abovementioned assertion it can be deduced that the aim of EEA in the South African public services is to bring about equity, by promoting equal opportunities and fair treatment in the workplace and by implementing affirmative action measures.

3.2.1 (b) The Goals of EEA

According to Hinrichs and Pennington (1998:23), the goals of the Act are:

- 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.

From the foregoing one can contend that in order to achieve diverse and broadly representative workforce and to promote economic development, the EEA must first right the wrongs and eliminate past discrimination.

3.2.2 Historical Background of EEA

The historical realities of South Africa show a country confronted by issues of inequality, segregation, discrimination and marginalization. These came into being after the institutionalization of apartheid state in 1948, whereby agencies of the state were serving only the interests of one set of citizens at the expense of the rest.

Consequently the apartheid regime and its structures were inherently discriminatory in nature. For many years, apartheid marginalized black people, women and people with disabilities from political, social and economic involvement. In short these groups were prevented from affirming themselves in their own country (Kotzen, 2000:80).

This prohibition was made possible through the institution of various oppressive legislative measures. “Legalistic bargaining rights for non-black workers were in place but excluded and subjected black workers to formal and informal repression” (Webster and Adler, 1999: 358). Also the Basic Conditions of Employment Act (Act 3 of 1983) excluded certain racial groups from the category of employee.

However the 1980’s mass political resistance led to the reverse in 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 transitions and a move toward a public service that is all-inclusive and geared towards the promotion of employment equity values and principles. In essence the Employment Equity Act 55 of 1998 emerged after an extensive consultation process, which began with the establishment of Affirmative Action Policy Development Forum by the Minister of Labour in 1995 (Kotzen, 2000:81).

All major stakeholders were represented in the abovementioned forum, namely trade unions, businesses, community organizations, disabled people’s organisations, women’s organizations and non-governmental organizations. When the abovementioned forum completed its work, a team of experts was appointed to draft the Green Paper (Kotzen 2000:81).

This team’s efforts led to the publication of the Green Paper on Employment and Occupational Equity on 1 July 1996. The Minister 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 National Economic Development Labour Council (NEDLAC) for negotiations and the final draft was approved by Parliament on 12 October 1998. Since then it can be deduced that the EEA has made major strides by introducing legal provisions to address the inequalities that come about as a result of the legacy of the past and ensuring equal opportunities for all persons in the labour market, (www.info.gov.za/documents/greenpapers/index.htm).

3.2.3 Rationale for Employment Equity

According to Tinarelli (2000:3), the reasons behind the necessity for employment equity legislation are many. They include, among others, the need to eradicate the past legacy of discrimination that has led to major inequalities in our society and labour market, the need for economic growth, the satisfaction of constitutional development and the standards of the International Labour Organisation's conventions that have been ratified by South Africa. Each of these will be briefly discussed below:

3.2.3 (a) Discrimination and inequalities

Policies and procedures enacted by the government to promote employment equity arise from the necessity to eradicate the deep inequalities still inherent in the South African society and the South African labour market today.

Legislation aims to “help redress the disadvantages emanating from past racial policies and, as far as possible, to ensure the accommodation of differences between people in the workplace” (South Africa, 1996g). The system of apartheid, and discrimination in the labour market against black people, women and the disabled, has resulted in major inequalities in income distribution and the distribution of jobs. This inequality can be seen in terms of labour market discrimination and non-labour market discrimination.

3.2.3 (b) The need for economic growth

Income and occupation inequalities by race and gender have had severe economic consequences and a reduction of these inequalities in our society is a way of promoting economic growth (South Africa, 1997h).

3.2.3 (c) Requirements of the Constitution (Act 108 of 1996) and the International Labour Organisation (ILO). Apart from the need to redress the inequalities of the past and to stimulate economic growth, a further rationale for employment equity legislation is based on the following:

- The need to comply with the requirements of the Constitution of South Africa (1996). The Constitution of RSA stipulates that everybody is equal before the law and as such it is imperative to comply with the abovementioned constitution. In short employment equity legislation should be in tandem with the 1996 Constitution.
- The need to meet the standards of the Conventions of the ILO that have been ratified by South Africa. In essence one may argue that it is a known fact that South Africa, no longer exists in isolation, it is now part of the global village, hence a need to comply with international standard as set by ILO.

3.2.4 Arguments For and Against EEA

Not everybody agrees or disagrees with EEA, this assertion is supported by arguments for and against the Act in question. The arguments for and against EEA will be briefly discussed below:

3.2.4(a) Argument for EEA

- It closes the apartheid wage/salary gap.
- It encourages diverse representative workforce, particularly at the upper echelons.
- It acknowledges and promotes tolerance in terms of cultural diversity, thereby improves productivity and reduces labour turnover.
- It contributes to skill development.
- It leads to improved representation in terms of gender race and disability, (www.labourguide.co.za).

3.2.4 (b) Argument against EEA

- The EEA fails to provide guidelines on how to approach the various designated groups, when it comes to recruitment, selection, promotion and so on.
- The EEA is bedevilled by the lack of effective employment equity compliance, enforcement and monitoring by the Department of Labour.

- The EEA is riddled with contradictions, when it comes to remedies.
- The EEA fails to make AA or pro-active employment equity planning and implementation which employees and potential employees can insist on.
- The EEA has now been overtaken by Black Economic Empowerment developments, particularly the various charters.
- The EEA focuses only on rewarding the previously disadvantaged groups, not on individual's ability.
- The EEA has rigid objectives,
(www.emeraldsight.com/insight/viewContentServlet.html).

From the aforementioned arguments, it can be deduced that not everybody views it in a positive light and at the same time not everybody views it in a negative light. Although the EEA is aimed at eradicating unfair discrimination, it is always expected that each time the Act is implemented there are beneficiaries and casualties. The abovementioned arguments sum it all up.

3.2.5 The Equality Clause

It is generally known that the previous apartheid regime reigned in the midst of inequality, that is: in the past people were not equal before the law, unequal in terms of job opportunities, and so on that existed during apartheid. The equality clause enshrined in the Constitution (Act 108 of 1996) is a step in the right direction in terms of promoting and ensuring equality and eliminating unfair discrimination. Chapter 2, section 9 of the Constitution mentioned above contains the equality clause and states the following:

- 1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- 2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.

3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including, race gender, sex, pregnancy marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

4) No person may unfairly or indirectly discriminate against anyone on one or more grounds. Subsection (3) states that national legislation must be enacted to prevent or prohibit unfair discrimination.

5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

Tinarelli (2000:7) further argues that Section 4 of the equality clause stipulates that national legislation must be enacted to prevent or prohibit unfair discrimination. National legislation of this kind has been enacted in the form of:

- The Labour Relations Act 1995, where Schedule 7, entitled “Residual Unfair labour practices”, prohibits unfair discrimination on the grounds listed in this schedule, which are the same as those listed in the equality clause of the Constitution (Act 108 of 1996).
- Chapter II of the Employment Equity Act, entitled “Prohibition against unfair discrimination”, which reinforces the equality clause and acts as a vehicle for the implementation of this clause in the sphere of employment.

Convention No. 111 of the ILO is concerned with discrimination in respect of employment and occupation. This Convention has been ratified by South Africa, and must therefore be followed. It has as its main aim the achievement of equality of opportunity and treatment in respect of employment and occupation and the elimination of discrimination.

In light of the above contentions, it can be argued that the equality clause is somewhat interesting considering that it stipulates that no person should be unfairly discriminated directly or indirectly against on the ground (s) of race gender, disability and so on.

However this is easier said than done, because the employment equity legislation aims to eliminate unfair discrimination that existed in the apartheid regime by advancing the previously disadvantaged groups. Exception in this case is drawn to the fact that the issue of race comes to the fore (people from disadvantaged groups are classified as blacks and people from previously advantaged groups as whites). The equality clause does not stipulate clearly as to how the issue of race can best be avoided, resulting in some of those from the previously advantaged background perceive the employment equity legislation as a reverse discrimination on the grounds of race.

3.2.6 Legislative Framework for Equitable Employment

The Constitution (Act 108 of 1996) as mentioned before is the most important law in the country. It sets the scene for the promotion of employment equity values and principles in Chapter 10 on Public Administration, section 195(1) and (2), which applies in every sphere of government, organ of state and public enterprises.

In essence these values and principles have their origin in democracy and are aimed at eradicating unfair discrimination and divisions based on race, gender and disability. From the abovementioned Act, one may argue that the Constitution (Act 108 of 1996) therefore plays a significantly important role in the promotion of employment equity and can be said to enforce adherence to the principles and values it advocates in dealing with challenges that are confronting a transforming government system.

Another core document is the White Paper on the Transformation of the Public Service. This document refers to a public service that is “people-centred and people driven characterised by equity, quality, timeousness and a strong code of ethics.

Achieving equitable representation is one of the main foundations of a non-racist, non-sexist and democratic society’ (White Paper on the Transformation of the Public Service, 1995 Chapter 2 and 10). This document had a direct impact on the state of employment equity during the early stages of democratization developing the transformation process (South Africa, 1995i).

The most significant document for the purposes of this chapter is the Employment Equity Act (Act 55 of 1998). According to the office of the Public Service Commission as appears in the Employment Equity Report, (2003: 8), the Employment Equity Act, 1998 was passed by Parliament on 21 August 1998. The aforementioned Act was intended to address disparities in jobs, skills and education brought on by the injustices of the past.

Employment Equity legislation is aimed at eradicating unfair discrimination in the workplace and ensuring that employers take active steps to accelerate the advancement of previously disadvantaged groups. It is therefore important that discussions on the issue of employment equity in the public service focus on its legislative prescriptions. Between 1994 and 1998 a new management framework was put in place to accommodate these various pieces of legislations, white papers, acts and other policies were brought into effect to support the values and principles of employment equity in the public service (Tinarelli, 2000: 2).

Moreover, the abovementioned Act put in place legislative measures aimed at monitoring the implementation of affirmative action. It requires designated companies to report on the characteristics of their employees.

The act added an important dimension to the nature of employment relations in the Public Service with its “purpose to achieve equity in the workplace, by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implement affirmative action measures to redress the disadvantages in employment experiences by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce” (South Africa, 1998b).

The Employment Equity Act, 1998 also promotes the development and implementation of employment equity plans by government departments within the Public Service and by other employers. The plans are intended to set goals to achieve the equitable representation of suitable qualified persons as stipulated on the Employment Equity Act, 1998, section 20 (2) (c). The plans can therefore be said to represent a strategy used to achieve the goals of employment relations for the department or organization.

Legislation during the early stages of the development and implementation of employment equity included the White Paper on the Human Resource Management, 1997 which sets out its vision for the public service as a diverse, competent and well-managed workforce capable of and committed to delivering high quality services to the people. Also the Basic Conditions of Employment Act 1997, Skill Development Act 1998, Labour Relations Act 1995, and the Promotion of Equality and Prevention of Unfair Discrimination Act 2000 (the aforementioned Acts were mentioned and briefly discussed in Chapter2).

In light of the abovementioned contentions, deduction can be made that all the Acts discussed above promotes, protect and maintain equality regardless of gender, race and disabilities. This is a far cry considering that in the past blacks, women and disabled were not treated equally during apartheid as the whites were treated.

3.2.7 Employment Equity Plans

The employment equity plans as stipulated in the Act, (EEA 55 of 1998), under section 20 are an additional requirement of affirmative action. The main features of these plans are that they must:

- a. Achieve reasonable progress towards employment equity;
- b. State the objectives to be achieved for each year and the affirmative action measures to be implemented;
- c. Set numerical goals to achieve the equitable representation in occupational category and level in the workforce and a timetable within which this is to be achieved, and the strategies intended to achieve those goals;
- d. Set a timetable for each year of the plan for the achievement of goals and objectives other than numerical goals; and
- e. Set procedures to monitor and evaluate implementation of the plan and to resolve any dispute about the plan;

The Act in question states that, the plan may not cover a period shorter than one year or longer than five. In light of the abovementioned contentions it can be deduced that employment Equity plans are not merely aimed at setting and achieving numerical goals, but they are also aimed at achieving reasonable progress and objectives stated in the employment plans. Moreover it can be argued that the above employment equity plans are achievable only if there are strategies in place to achieve those goals, objectives and progress stipulated on the plans in question.

3.2.8 Measures Towards Effecting Employment Equity

Measures towards effecting employment equity include the following:

(a) The proposals made on the scope and applications of the measures are as follows:

- Prohibition of harassment on the job;

- Procedures for decision-making about employees;
- Ways to reorganise work and training to reduce barriers to entry;
- To accelerate the hiring, training and promotion of people from historically disadvantaged groups;
- A final section discusses employers' and employees' responsibilities in drawing up, monitoring and reporting on employment equity plans.

(b) The extent of obligations on employing organisations will depend primarily on their size and current practices, of which details shall be spelt out by the policy guidelines emanating from the Department of Labour.

(c) All employers will provide some key data on employment on a regular basis.

(d) All employers will have to undertake procedures to prevent discriminatory decision-making about employees, ensure equal pay and benefits for equal work, and ban discriminatory harassment.

(e) Larger employers will have to submit employment equity plans for approval by the Minister of Labour. Smaller employers may have to submit plans, if requested by employees or other stakeholders, or to gain certification to gain government subsidies or tendering rights.

(f) Employers with plans should have a legal obligation to carry them out, and to report on their implementation.

(g) Larger employers will have to establish appropriate systems for internal appeals and grievances against discriminatory behaviour or harassment,

(h) Employers will have to consult on employment equity measures, including the audit and plan, with employees and possibly other important stakeholders, (South Africa, 1996g).

The EEA goes hand-in-hand with Affirmative Action (this is so because AA is a strategy for implementing the dictates of EEA), and as such one may argue that the AA is a strategy used to redress the inequality and unfair discrimination that came about as a result of apartheid laws. Issues on AA will be dealt with below.

3.3 AFFIRMATION ACTION

This Employment Equity Act 55 of 1998 operates in combination with the White Paper on Affirmative Action, 1998. Often these are viewed separately. However due to the history of the South African Public Service these cannot be set apart. In light of the above argument it can also be said to be the case because “affirmative action (AA), is defined as the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derived full benefit from equitable employment environment (South Africa, 1998j).

AA can be seen as a “measure designed to speed up the process of achieving representation and of redressing the disadvantaged status of women, blacks and people with disabilities” (Ncholo, 2000: 93). The Affirmative Action policy is therefore forward looking with the aim to overcome the apartheid legacies and promote democratic virtues. Although EEA and AA policies are aimed at eradicating unfair discrimination created by the apartheid regime, the similarities and difference will be briefly discussed below:

i) Similarities between EEA and AA

Both EEA and AA are government initiatives to legislate fairness for certain groups of people. Both share goal of a workforce that reflects on the pool of talent available in the labour market.

ii) Differences between EEA and AA

Although both EEA and AA are aimed towards addressing inequalities, differences still exist between the two. AA relies on quotas that must be achieved or the employers will face consequences. AA is a policy. The EEA relies on flexible, rational targets (representative goals and timetable), that government set. Instead of quotas, employers set targets for measuring progress in hiring workers from designated groups, (Labatt and Labatt, 2008:1).

In short it can be deduced that AA is a policy and a strategy for implementing the dictates of the EEA and that EEA is in fact an Act that safeguard equality and ensure that unfair discrimination is eradicated. Moreover both (EEA and AA) are of cardinal importance in ensuring and safeguarding equality and eradicating unfair discrimination in the workplace.

3.3.1 Defining Affirmative Action

Affirmative Action refers to specific steps, beyond ending discriminatory practices that are taken to promote equal opportunities and to ensure that discrimination will not recur (Taylor 1991:14).

According to Innes, et.al (1993:4) affirmative action is a set of procedures aimed at proactively addressing the disadvantages experienced by the sections of the community in the past.

Njunguna (1992:1), propounds that affirmative action in the workplace is adopting management styles conducive to racial integration and developing attitudes that enhance racial co-existence, racial tolerance and racial acceptance. The Institute of Personnel Management (1994:1) defines affirmative action as a business strategy and process aimed at transforming socio-economic environments which have excluded individuals from disadvantaged groups in order for such disadvantaged individuals to gain access to opportunities based on their potential.

In light of the aforementioned definitions, it can be deduced that in its broadest meaning the term Affirmative Action refers to the practice of favourably considering an individual's status as a woman, disabled or as a member of racial or minority groups with the aim of bridging the gap caused by the injustice of the past. Starks (1992:939) argues that affirmative action is designed to aid those that have suffered historical and widespread mistreatment in the form of both de jure and de facto discrimination.

3.3.2 The Aim of AA

Generally the main aim of affirmative action in the Public Service is to remove all forms of apartheid and past discrimination and to give everybody the opportunity to actualize his or her full potential, (Nel, *et.al* 2004:182). From the aforementioned contention it may also be deduced that the main aim of AA is to address the effects of past discrimination that came about as result of the injustice of the past.

3.3.3 Primary Objectives of AA

The objectives of AA as stipulated in the White Paper on Affirmative Action are:

- To build cultural capital of all citizens that will acquaint them with communicative and imaginative skills necessary for creating a universally inclusive democratic discourse.
- And to bring about greater racial integration of society's elite, on the reasonable premise that society functions more efficiently, more equitably, more democratically and more harmoniously if professional, managerial, academic and that political elite are ethnically well-integrated.

3.3.4 Origin of AA

Motileng (2004:9) contends that the origin of Affirmative Action finds its roots in the Universal Declaration of Human Rights formulated in the 1940s. Motileng (2004:9) further argues that anti-discrimination measures on the grounds of race, colour, sex, language, religion, political means, national extraction, social origins, property, birth, or any other status were core issues.

The popularity of AA was evident during the 1960s which resulted in its introduction in the United State of America by President Kennedy in 1961 and legislated by President Johnson in 1965, who introduced it as a policy that would redress racial imbalances which existed in the USA at the time, despite constitutional guarantees and laws that prohibited discrimination of any form. Affirmative action was put in place due to insurmountable amount to pressure, form civil rights groups, which eventually led to Johnson's administration issuing an executive order that affirmative action should be implemented (www.now.org/nnt/08-95/affirmhs.html).

It can be deduced that affirmative action focused mainly on employment and education, because in the past Black and minorities didn't enjoy the same opportunities like whites did, this was so because the previous AA was established to cater only for minority groups. The main intention of Affirmative Action was to take drastic measures to ensure that the aforementioned groups enjoy the same opportunities for promotions, salary increments, school admissions, career advancement, and so on (Madi, 1993:3).

3.3.5 History of AA in South Africa

The AA has been part and parcel of modern day South Africa, having started after 1922 resulting in white miners strike and the subsequent civilized labour policy was instituted by the government of the period to appease the rebelling white miners who were interestingly, inspired by communist ideals. This civilized labour policy was soon thereafter formalized through the passing of the 1925 Wage Act, which set-up a hierarchy of salaries ostensibly in favour of white miners over black miners and the Mines and Works Act of 1926 which inter-alia reserved certain jobs for whites (Madi, 1993:3).

According to Heroldt and Marx (1999:2), South Africa was first affected by American AA developments in 1978 when the Sullivan code of conduct was adopted by South African companies. The so-called Sullivan principles, formulated by the Reverend Sullivan of the Zion Baptist Church in Philadelphia, aimed to reduce racial discrimination associated with inequalities.

Moreover the Sullivan signatories' programmes of American companies operating in South Africa, as well as other local organizations, were urged to subscribe, to specified six dimension of desirable behaviour wherein signatory companies in South Africa were rated (Heroldt and Marx, 1999:2). These six original principles included:

- The non-segregation of races in all eating, recreational and work facilities.
- Equal and fair practices for all employees.
- Equal pay for all employees doing equal or comparable work for the same period of time.
- The initiation and development of training programmes to prepare Blacks and other non-whites, in substantive numbers, for supervisory, administrative, clerical and technical jobs.
- Increasing the number of Blacks and other non-whites in management and supervisory positions.

- Improving the quality of employees' lives outside the work environment in areas such as housing, transportation, schooling, recreation and health.

It is also worthy noting that as an extra measure regarding Sullivan code of conduct, companies were expected to report on progress in this regard. According to Heroldt and Marx (1999:3) these did not, however, have the anticipated effect and in 1978, Reverend Sullivan called for sanctions to be imposed on South Africa. This resulted in United States of America companies closing their operations in South Africa.

From the aforementioned contention it is obvious that Sullivan code of conduct contributed immensely to the development of AA in South Africa. It can be argued though, that AA actually started to have a significant impact when South Africa was heading towards a democratic state a little before 1994. Thomas (1996:7) argues that AA has been accelerated during the early 1990s in the light of socio-economic and political change in the country.

Thomas (1996:7) further argue that in a broad context, AA has been seen as a means of correcting historical injustices and as an attempt to work from there to eventually creating level playing fields where everyone can compete, based upon equal access to education, training, and other opportunities formerly restricted to the white minority population.

It can also be deduced that Affirmative Action is aimed of changing the way in which working life is organized. Moreover, granted that South Africa is a young democratic country with lots of things to be done to address the imbalances created by the past regime, the government through AA is trying to overcome the aforesaid legacy by releasing creativity of the workforce, developing black managerial skills and unlocking the entrepreneurial opportunities.

3.3.6 White Paper on AA in the Public Service (1998)

3.3.6 (a) Requirement for Achieving the AA Objectives.

The requirement to achieve broad representation within the Public Service is firmly established by the Constitution of the Republic of South Act 108 of 1996, and the role of affirmative action in helping to achieve this is supported by subsequent statutes and by policy documents such as the White Paper on the Transformation of the Public service (WPTPS), 1995. However, one may deduce that, the Affirmative Action programmes in government institutions will need to be developed and implemented in accordance with certain key principles in order to align them with other transformation goals.

3.3.6 (b) The Core Principles of Affirmative Action.

The core principles of affirmative action as stipulated in the WPTPS are as follows:

i) Integration with human resource management and development.

Affirmative action programmes must be integrated with other human resource management and development practices especially the management of diversity.

ii) Productivity and improved service delivery.

Affirmative action programmes must promote development of more innovative work practices that maximize productivity and increase customer-responsiveness.

iii) Cost effectiveness

This implies that affirmative action programmes must focus on steps that optimise the Public Service's human and financial resources.

iv) Communication

The prose of affirmative action programmes must be fully communicated for all public servants.

v) Participation

Affirmative action programmes must be developed with the active participation of employees at all levels and with representatives of organised labour.

vi) Transparency

Affirmative action programmes and practices must be open to scrutiny within and outside the Public Service within reasonable limits.

vii) Accountability

Accountability for the delivery of affirmative action must be rested at the highest level of the organization, with all line managers being rested with the responsibility of driving the process.

viii) Reasonable accommodation

Affirmative action programmes must strive to eradicate barriers to employment and advancement in the physical and organizational environment and provide support of all members of the target group.

ix) Relative disadvantage

Affirmative action must take into account the relative disadvantaged status of groups, their needs within the target groups, and the needs of the organisation, (South Africa, 1998k).

From the foregoing it can be deduced that AA programmes cannot function in total isolation and as such there is a need for AA programmes to be integrated with human resource management. This also calls for a proper buy-in from all parties involved or affected by AA programmes, reasonable accommodation for the designated groups and that the practices thereof should be open for scrutiny. It can also be argued that caution should be made to ensure that the programmes in question are somewhat not relatively disadvantaged to the previously advantaged group and that the top management would be called to account in case the delivery of AA does not yield intended results.

3.3.7 Affirmative Action Measures

Affirmative Action 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.

i) Goal of affirmative action measures

The 1996 Constitution, stipulates that the goal of affirmative action measures should be aimed towards promoting achievement of equality, whereby everyone enjoys all rights and freedoms. On the other hand it is stated in the EEA (section 2(b) that the goal at Affirmative Action is to ensure the equitable representation of designated groups in all occupational categories and levels in the workforce.

ii) Affirmative action measures implemented by a designated employer must include:

- Measures to identify and eliminate employment barriers, including unfair discrimination, which adversely affect people from designated groups.
- Measures designed to further diversity in the workplace based on equal dignity and respect of all people.
- Make reasonable accommodation for designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of a designated employer.

Subject to subsection (3) measures to –

Ensure the equitable representation of suitably qualified people from designate groups in all occupational categories and levels in the workforce; retain and develop people from designated groups and to implement appropriate training measures, including measures in terms of an Act of parliament providing for skills development, (South Africa, 1996).

From the foregoing it can be deduced that the abovementioned measures include preferential treatment and numerical goals but exclude quotas. This is supported by Section 41, the Act in question, which stipulates that nothing in this section requires a designated employer to take decision concerning an employment policy or practice that would establish an absolute barrier to the prospective or continued employment or advancement of people who are not from designated groups.

3.3.8 Rationale behind the Implementation of AA in the South African Public Services.

Motileng (2004:25) argues that AA should be implemented in South Africa due to the following reasons:

- International change and eradication of past injustice.
- The upward mobility of blacks as some of them have been able to acquire necessary job skills.
- Thus blacks have buying power and decision making ability, making it very important for companies to understand and cater for their needs.
- The gradual decline of whites in South Africa.
- Respect for diversity and for the survival of the whole.

While not everybody agrees that AA should be implemented in South Africa, it can be deduced that there is still a need for AA in South Africa. This argument is based on the fact that it would be impossible to promote equality and diversity in the workplace if the AA is not implemented by organisations with positions fully occupied by the previously advantaged groups.

3.3.9 Reasons Why AA was not implemented successfully In the Public Services since the Dawn of Democracy.

According to Hinrichs and Pennington (1998:21) AA was not implemented successfully by many organizations, for a number of reasons, which include but are not limited to the following reasons:

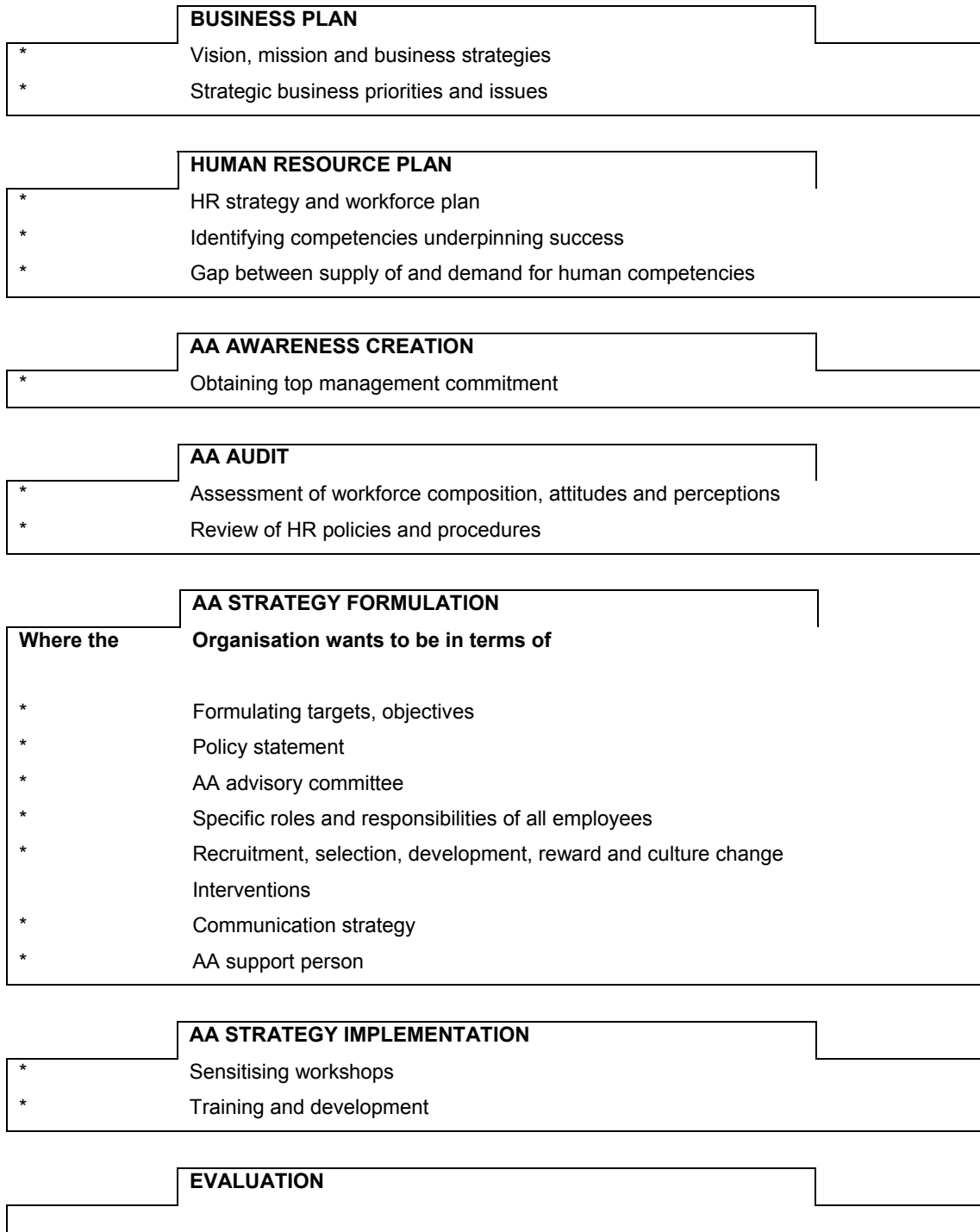
- AA was not a law.
- AA was not easily implemented as organizations and managers within these organizations were not changing the existing systems and structures, but perpetuating the old ones.
- Blacks were expected to adapt to the existing systems and structures and when they did not they were seen as failures.

- AA interventions were “add on’s” as opposed to holistic/consultative interventions. Organizations spent a great deal of time just getting their “numbers right” through a huge recruitment drive.

In light of the above argument, deduction can be made that failure of AA programmes is largely due to the fact that there is no commitment on the part of top management. Most organisations (if not all) they implement AA only for the sake of implementing it, in essence for window dressing purpose. In most instances top managers appointed by means of AA are not given key responsibilities in the organisation. Steps in the implementation of AA will be briefly discussed in figure 1 on the next page.

FIGURE 1.

STEPS IN THE IMPLEMENTATION OF AN AFFIRMATIVE ACTION PROGRAMME



Source: Swanepoel, *et.al* (2000)

3.3.10 Arguments For and Against Affirmative Action

Normally what is good for the goose is not necessarily good for the gander. This section focuses on how different people view AA and as usual there are those who argue for AA and those who argue against AA. Arguments for and against AA are discussed below:

3.3.10 (a) Argument for Affirmative Action

Mcwhirter (1996:6) in his argument for AA, propounds that the aim of AA is to undo the huge disparities in the labour market brought about by apartheid. He further argues as follows:

- The most legitimate justification for engaging in affirmative action is the need to compensate for specific instances of race and gender discrimination in the past by particular organizations.
- The need to remedy 'societal discrimination.
- The justification for affirmative action is the need to create more diversity in a particular organization.
- Affirmative action programmes have increased the labour force participation rate for women and blacks.

3.3.10 (b) Argument against Affirmative Action

Zelnick (1996:17) in his argument against AA argues that:

- AA is a racially discriminatory practice against whites and other non-favoured ethnic groups.
- AA favours the less qualified over the more qualified, and it is therefore a systematic attack upon objective merit selection criteria.
- Although AA increases black people enrolment at selective universities and a pool of black entrepreneurs, it has brought little employment or benefits to those most in need of help.
- AA has distracted attention from the real causes of misery among blacks, especially those who are really poor.
- AA has been broadened for political purposes to include beneficiaries who lack historical claim of blacks for relief.

- Affirmative action has not been successful in other societies on the grounds that it is being challenged, and successfully so, in the courts.

Regardless of arguments mentioned above AA has been a tool in eliminating societal discriminations as well as ensuring that women, blacks and disabled enjoy equal opportunities in the workplace. It is also worth noting that on the part of previously advantaged groups, AA has been a punitive action, because they perceive it as a reverse discrimination, where the less qualified and inexperienced blacks are given the jobs at the expense of deserving few (whites).

3.3.11 Weakness of AFFIRMATIVE ACTION

Sono (2001:2) argues that the weakness of affirmative action is that:

- Every employee is now of a group.
- Specific individual rights are conferred to the rights of groups.
- Affirmative action is based on political empowerment not on economic empowerment.
- It discriminates against one group and favours another. In short it is an employment discrimination law.
- It adopts the doctrine that the end justifies the means.
- The re-emphasis on race is also its strong point.
- Affirmative action has no expiry date.
- All forms of affirmative action violate the principles of equal opportunity before the law.

In light of the abovementioned contention, it can be concurred that for one to benefit in the AA programmes, race is now a pre-requisite and that the main focus is largely placed on political empowerment not economic empowerment as people are made to believe. The well deserving previously advantaged groups will have to wait at least until further notice because the AA does not state as to for how long it remains in place. Everybody is equal before the law, but it is not the case with AA at present since the emphasis is on race.

3.3.12 Code of Good Practice

The Code of Good Practice (1999) states that AA measures for addressing the barriers identified during the analysis should be developed to improve the under representation of the people from the designated groups. Such measures include but are not limited to the following:

- Appointment of members from the designated groups: This would include transparent recruitment strategies.
- Increasing the pool of available candidates.
- Training and development of people from designated groups.
- Promotion of people from designated groups.
- Retention of people from designated groups.
- Reasonable accommodation for the people from designated group, (South Africa, 1999).

Deduction can be made based on the abovementioned contention, that codes of good practice play a major role in ensuring that public servants conduct themselves and execute tasks given to them in a manner that can be described as ethical in nature, especially when dealing with people from disadvantaged groups. Moreover codes of good practice ensure accountability and enhance professionalism. Another section that will be explored in this chapter is transformation in the public service.

3.4 TRANSFORMATION

3.4.1 Defining Transformation

The term transformation can be defined as a global phenomenon, encompassing many spheres of life. It is not restricted to the political domain only. In its simplicity a strategic response to the condition in which an organization cannot continue to function as before. Lavey and Merry (in Finnemore, 1999). In short if an organization wants to continue to exist, it needs a drastic reshuffling in every dimension of its existence.

3.4.2 The Need for Transformation

From the onset one may argue that need for transformation in the South African public service is exacerbated by the fact that South Africa has since ceased to function in a vacuum and has now become part of the global village and the ever changing environment requires it to be pro-active in dealing with the changes taking place within a short space of time. This is so because, the environment of this era is somewhat unpredictable in nature and therefore the South African public service has to stay attuned with regards to the latest changes taking place globally and locally. The abovementioned argument is supported by other contentions below:

According to Du Plessis, *et.al* (1999:230) in South Africa the need for transformation is linked to some environmental considerations. The most important of these considerations are of a moral and strategic nature. Serfontein (2006:137) argues that the moral perspective should be obvious: how to transform a racially based economical and organizational pattern, a legacy of the past, into a commonly shared, open and no-racial, as well as non-sexist pattern.

One of the issues on the agenda is equitable access to scarce resources, opportunities and skills. Another important issue is the need to establish cross-cultural and cross-racial economic alliances in order to stabilize the country politically and socially. At present affirmative action and Black Economic Empowerment (BEE), are *inter.alia*, the procedures utilized to address these issues. Transformation entails much more than affirmative action and black economic empowerment. Socio-economic inequalities and extreme levels of poverty are some of the strategic challenges facing South Africa (Du Plessis, *et.al* 1999:232).

3.4.3 Characteristics of Transformational Changes

The transformational changes in an organisation involve lots of changes taking place within the organisation including but not limited to organisational structure, values and so on. Characteristics of transformational change are discussed as follows:

- Transformational change is often associated with significant alterations in the organization strategy.
- Transformational change goes far beyond making existing organization.
- The important requirement for transformational change is the need to change the different features e.g. structure.
- Transformation also requires considerable innovation and learning, (Serfontein, 2004:5).

With respect to the abovementioned contention it can be deduced that change in the organization is almost inevitable. This is so because there is always a constant change taking place in an environment in which the organization exists and as usual organizations that embrace change are the ones that survive. It is therefore imperative for an organization to always stay attuned to an ever-changing environment even if it means change in organization structure, organization culture, and so on.

3.4.4 The White Paper on the Transformation of the Public Service (1995).

The White Paper on the Transformation of the Public Service (WPTPS) was established to serve as a guide in the introduction and implementation of new policies and legislations aimed at transforming the South African public service. The aim of the WPTPS originates from the Constitution of the Republic of South Africa (Act 108 of 1996).

The Act in question especially Section 195(1), of the Act, stipulates that Public Administration must be governed by democratic values and principles enshrined in the constitution. The values are human dignity, the achievement of equality, the advancement of human rights and freedom, non-racialism and non-sexism.

3.4.4 (a) Targets set by White Paper on the Transformation of Public Service, 1995,

With respect to equity, the targets set by the White Paper on the Transformation of Public Service, 1995 (WPTPS), are discussed below:

The WPTPS stipulates that in its efforts to address racial imbalances in terms of race representation at least by 1999, 50% of managers (at senior and middle management levels), should be blacks from previously disadvantaged background. On gender equity, the WPTPS stipulates that 30% (at senior and middle management levels) by 1999 should be women. And that at least by 2005, 2% should constitute people with disabilities, (South Africa, 1995i).

3.4.5 Resistance Against Transformation

Transformation like EEA and AA is always met by some forms of resistance, this is so, because whenever it is implemented there are certain changes bound to take place and in most instance individual jobs are at stake hence resistance. Finnemore and van Rensburg (1999:444) argue that resistance against transformational change usually occurs on two distinctive levels: the systematic level and the individual/psychological level. The aforementioned levels are discussed as follows:

a) The **systematic factors** are related to the organization itself. When embarking upon a planned programme of transformation it is therefore necessary to consider the built-in factors which impact negatively on transformational change.

Some of the factors that most organizations have experienced as change resistors are the following:

- A hierarchical organizational structure, and the concomitant obsession to maintain existing relations of power control;
- Non-participative decision-making procedures (one-man-rule);
- An obsession with short-term gain/profit and task oriented behaviour;
- The equation of survival and remaining in business with stability.

b) Perceived self-interest is one of **individual's factors** that can be identified as the culprit or contributor to resistance against transformation. Normally whenever transformation programmes are undertaken, the interest of the organization is put forth. Finnemore and van Rensburg (1999:446) observe that at one or other stage in the process of transformation, management has to deal with a conflict of interest between the organisation's need to transform itself and the individual worker's perception of his/her vested interest.

From the abovementioned contention, one may deduce that in essence, this implies that if the individual perceives transformation to be at his/her disadvantage, chances are that such transformation is bound to be met with resistance as a result of threat posed by transformation. Individuals are only prepared to embrace transformation if it is to their advantage. Therefore the acceptance/rejection of transformation rests squarely on individual's' perceptions.

The **feeling of fear, insecurity and uncertainty** among individuals also contributes significantly to resistance against transformation. Dramatic change inevitably generates conflict on various levels. Moreover emphasis can be added that as far as individual workers are concerned, it not only creates conflict of interest but also feeling of insecurity, (Robbins, 2001:546).

Conservatism also contributes to resistance to transformation, and that conservatism maybe political, cultural or even intellectual. In the latter case, acquired skills and knowledge are regarded as sufficient. Transformation is viewed as a threat to acquired skills and knowledge, hence the tendency to protect and justify the status quo. Finnemore and van Rensburg (1999:446), contend that the danger of conservatism is that it may lead to a situation in which an individual agreed in public to the idea of change but retains his/her prejudice and belief.

Dealing with Resistance to Transformation

According to Schermerhorn (2005:478), once resistance to change has been recognized and understood it can be dealt with in various ways. Among the alternatives for effectively managing resistance, the education and communication approach uses presentations and demonstrations to educate people beforehand about change. Participation and involvement allow other to contribute ideas and help design and implement change.

The facilitation and support approach is vital in managing resistance to change, this is so because it involves providing encouragement and training, actively listening to problems and complaints and helping to overcome performance pressures. The other way of dealing with change is manipulation and co-option, this approach attempts to covertly influence others by providing information selectively and structuring events in favour of the desired change, (Robbins, 2001:548).

Resistance to transformation can cause more harm than good if not handled properly. In essence it can also be deduced that, if the envisaged transformation is not properly communicated to all parties involved, chances are that those who might perceive change negatively would defensively and negatively react to transformation. And as such resulting in them being less cooperative and at worst become less productive.

3.4.6 KEY SUCCESS FACTORS IN THE TRANSFORMATION PROCESS

Although there are many challenges that may hinder the transformation from being successful, it is worth noting that despite the aforementioned resistance to transformation, it can still be implemented successfully.

Among other factors that can be said (based on the aforementioned arguments) are of cardinal importance in ensuring successful transformation range from proper buy-ins accompanied by appropriate leadership (to give insight and spearhead the transformation process), employees should be convinced why transformation is important for the organization and what benefits will it bring for the employees, (www.cio.gov.uk/document/ss/toolkit).

Moreover based on the abovementioned contention, it can be argued that, support from the top management, well-balanced and integrated leadership team, strong team skill-set with diversity of perspective and effective financial infrastructure for transformation are some of the important factors needed in order for transformation to be successful. Normally, it is common that the public sector is somewhat wanting in some areas (especially in terms of scarce skills) and as such there is a dire need for outsourcing in order to boost its effectiveness. On top of this it would be futile if the organization forget to align employees with the transformation strategy.

Furthermore it can be deduced that if transformation is to yield positive results, participation and contribution by all parties involved should be encouraged. In essence all parties involved should be kept abreast regarding changes taking place in an organization. There should also be a smooth flow of information between management and subordinates (bottom-up and top-down flow of information). Trust and the spirit of ownership should be maintained at all costs.

3.5 CONCLUSION

The Employment Equity Act has come a long way in South Africa since the advent of apartheid. It has its main influences and origins firmly rooted in the restructuring of the old system of government to one that is democratic. The EEA gathers its directives from a legislative framework that has been very dynamic over the years. The most significant of which being the Constitution (Act 108 of 1996), the White Paper on Transformation of the Public Service, The Employment Equity Act of 1998 and the White Paper on Affirmative Action 1998.

From the foregoing it is obvious that South Africa has an advanced Employment Equity Act compared to other countries, it can however be deduced that the main problem with the Acts mentioned above revolves around the implementations of the dictates of the Acts in question. It is understood that targets set by EEA have not been achieved by most of government departments.

Ultimately employment equity is aimed at addressing the imbalances of the past and a focus on the historical development of the country to date should be noted as has been noted throughout this chapter. The 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 contrary to the main purpose of the EEA.

CHAPTER 4: EMPLOYMENT EQUITY POLICY FOR THE DoA

4.1 INTRODUCTION

The Employment Equity Policy (EE Policy) for the DoA came about due to the department recognition of continuing inequalities associated with post discrimination especially in terms of gender, race and disability. The policy in question came to existence in 1998. This has resulted in appointments of women and blacks to senior and middle management positions, disabled also have been slightly accommodated as observed in appendix C.

This chapter will deal with issues such as DoA commitment to employment policy, employment equity policy, affirmative action and employment equity aims, objectives of employment equity policy, guidelines for implementing policy and research findings.

4.2 COMMITMENT OF THE DEPARTMENT TO EE POLICY

The DoA commits itself to a policy of Employment Equity (EE) and AA and transformation to redress past imbalances relating to historically disadvantaged groups in order to achieve its vision of representation, transparency, efficiency, effectiveness, accountability and responsiveness, (South Africa, 1998m).

In short, it can be argued that the Department's commitment to Employment Equity Policy is largely motivated by its eagerness to repair the damage caused by discriminatory policies of the past, particularly against black people, women and people with disabilities. Moreover, by a desire to improve the quality and equity of service delivery by means of drawing upon the skills and talents of all South Africans in order to derive the benefits of the broader perspectives characterised by a more equitable representation.

4.3 EMPLOYMENT EQUITY POLICY (DoA)

The DoA recognises the importance of Employment Equity Policy (EE Policy) in redressing the past imbalances. In essence the Department endeavours to implement the aforementioned policy in accordance with EEA, (South Africa, 1998m).

In light of the above, it can be deduced that the Department is earnestly making significant strides to provide and or create opportunities and empower all its employees, firstly by bridging the gap between previously advantaged and previously disadvantaged employees. It is also worth noting that the DoA does this without discriminating according to race, gender, creed, colour or disability.

4.4 AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY AIMS

The past apartheid regime contributed significantly to the inequalities in terms of employment. The Department endeavours to right the wrongs by addressing the effect of the past discrimination and the AA and Employment Equity aims for the DoA are clearly articulated in its Employment Equity Policy. The following aims will be briefly discussed, (South Africa, 1998m):

4.4 (a) The DoA shall, in the process of ensuring the execution of its corporate goals, consciously work to remove past imbalances in employment practices, directly or indirectly, based on gender, race, religion, conscience, belief, culture and language.

4.4 (b) The Department shall work to create new educational training and development opportunities for designated groups thereby promoting career advancement and fundamental equality of opportunity.

4.4 (c) The Department shall work to promote transparent participation in decision making.

4.4 (d) The DoA shall commit itself to a corporate culture of transformation and change whilst ensuring fundamental equality of opportunity for all South African.

From the foregoing it can be deduced that the Department aims to remove past imbalances in employment practices by bridging the gap in terms of skills and ensuring equal employment opportunities. Preference in this case is given to designated groups, whilst the Department endeavours to ensure that nobody is directly or indirectly discriminated. Participation by all role players in decision making is promoted, thereby ensuring that everybody contributes in the transformation process.

4.5 OBJECTIVES OF THE EMPLOYMENT EQUITY POLICY (DoA)

The DoA acknowledges the need for a transformed public service, free of any form of unfair discrimination and inequalities. The main objectives of the DoA's Employment Equity Policy are as follows:

- To transform current policies and practice.
- To achieve representation and equity.
- To eliminate forms of discrimination, (South Africa, 1998m).

In light of the above it is worth deducing that the DoA is making strides to continuously implement corrective measures and uphold conditions that are conducive in promoting employment equity and the creation of equal opportunities.

4.6 GUIDELINES FOR IMPLEMENTING POLICY

Although it is not easy for the DoA to implement EE Policy, cognizance is taken that despite the challenges that face the DoA in its quest to effect its employment equity policy the Department endeavours to achieve the best results possible. In short the DoA attempts to achieve equity by putting forth or prioritizing blacks, women and people with disability. The strategies that will be discussed below are AA, recruitment, selection of candidates, induction, training and development, accommodating the previously disadvantaged employees, and complaints and grievances, (South Africa, 1998m):

i) Affirmative action

Although it is not the main intention of the DoA to exclude people from previously advantaged background, the DoA aims to achieve equity by prioritizing those people from previously disadvantaged background.

In light of the above assertion, it can be deduced that AA is part of EE policy in a sense that it is a strategy for the implementation of EE policy. Moreover, contrary to the general perception that AA is reversed discrimination, the AA aims to give everybody an equal opportunity to realise his/her full potential.

ii) Recruitment

- a) Posts will be advertised so as to ensure maximum accessibility and equal opportunity to the relevant target groups.
- b) All posts shall be advertised locally and/or in the media broadly representative of the South African population.
- c) The Department shall simultaneously advertise nationally posts of Directors or equivalent graded posts and higher both inside and outside of Public Service.
- d) All advertisements will contain minimum requirements as set out in the relevant personnel policies with clearly stated key performance areas.
- e) Advertisements are compiled by the relevant Director in conjunction with the Directorate, (HRM).

- f) To enhance the recruitment of candidates from the previously disadvantaged groups the advertisement, both internally and externally, shall contain the same criteria.

Recruitment of candidates by means of using media can be argued that it promotes transparency and ensures that the candidates with required skills and competencies are encouraged to apply. In short recruitment provides a platform for the Department to choose from a pool of skilled candidates the ones suitable and capable of performing the given tasks.

iii) Selection of candidates

- a) Interviewing panel will consist of representative demography (i.e. representatives of different races, gender and disabilities).
- b) Candidates will be selected based on skills and competencies required to perform given task.
- c) Only South African citizens shall be deemed to be members of the disadvantaged group (aged between 16-60).
- d) All candidates of posts identified for the promotion of representation shall be evaluated on the basis of information obtained from Curriculum Vitae (CVs) and other documents, which accompany their application forms and measured against key performance areas as set out in advertisements.
- e) The selection shall be lawful, transparent and fair.

Given the above contention, one may argue that the process of selecting candidates can somewhat be challenging, especially in terms of selecting skilled candidates suitable for the posts. This is so because it is generally known that people classified as designated groups more often than not lack skills required to perform the job at hand, hence training. Moreover question may arise then as to why will the selected candidates have to under go training if they are deemed to have the required skills and competencies to perform given tasks. The DoA's EE Policy does not address this question.

iv) Induction

The Department strongly believes that induction of newly appointed employees plays a pivotal role in acquainting them with organization culture, values, code of conduct and so on. All newly appointed officials shall undergo an orientation and induction programmes as presented by the Sub directorate: Training also undergo orientation and induction presented by the directorate concerned.

In light of the above contention it can be argued that induction plays an important role in helping the newly appointed staff to settle. Moreover the newly appointed staffs get the opportunity to learn organisational culture, as well acquainting them with the organisation as a whole.

V) Training and Development

The DoA will intensify its efforts in offering training for all of its staff members including the newly acquired employees. Training will be done internally and where appropriate the service of external service provider will be solicited. The training and development will be offered to DoA staff by means of:

- Information session workshops
- Presenting courses on managing diversity
- Abet programme will also be provided where needed
- Mentorship and coaching programmes.

Moreover training needs will be catered for once the skill analysis has been conducted. On top of that each Directorate in the DoA will be responsible for conducting an annual audit of educational and in-service training of each staff member. Employees will also enjoy equal access to bursaries (provided that they comply with the Departmental Study Financing Policy) and other educational development and training opportunities. This will however be done on a basis that enhances the capacity of historically disadvantaged people, subject to availability of funds.

Granted that the employees from the previously advantaged groups have in the past been enjoying exceptional access to e.g. bursaries and training, it is not clearly stipulated in the policy how both groups (the previously-disadvantaged groups and the previously advantaged) will enjoy equal access to bursaries available. Cognisance should be taken though that the main aim of the Department's policy is to address the inequalities created by apartheid by firstly advancing the previously disadvantaged groups.

vi) Accommodating the previously-disadvantaged employees

The DoA is committed to provide a reasonable accommodation for the designated employees (blacks, women and people with disabilities) from lower to higher levels positions.

The importance of accommodating the designated groups cannot be over emphasised, such accommodation includes resources and other supportive means needed in order for the designated employees function effectively. There is however a huge challenge in accommodating people with disabilities, because it involves modifying building so that they can be accessible to physically disabled employees, acquiring state of art equipments to be used by employees who are partially sighted or hearing challenged.

vii) Complaints and grievances

The EE Policy of the DoA stipulates that an employee who has a complaint or grievance relating to the implementation of its EE Policy Document, has recourse to the remedies provided in terms of Labour Relations Act, 1995 and other labour legislations.

Viii) Monitoring and evaluation of the EE and AA policies.

The strategy of monitoring and evaluation shall be a crucial element of the DoA's Policy Document. Furthermore, written feedback on the progress of achieving goals shall be submitted to the Special Programmes Officer, the Employment Management Committee and the Departmental Bargaining Council for further discussion and evaluation on a six-month basis.

Granted the above contention, it can be deduced that if the policy is to be implemented effectively and to yield positive and desired results, it should be guarded jealousy by top management. Monitoring and evaluation are important especially when measuring success and failure of the Department to meet the policy objectives. Monitoring and evaluation also ensure accountability on the part of public officials. The following section constitutes research findings from the questionnaires issued and interviews conducted by the researcher to the respondents

4.7. RESEACH FINDINGS

4.7.1 Research Findings: Questionnaire

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 constitutes males while 38% of employees constitutes 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).

That is: black males make up 50%, 21% constitutes black females, 17% are white females, 12% white males, 26% of posts available in the DoA are vacant, whilst a paltry 0.4% constitutes employees with disabilities. On whether the EEA was still required for the DoA to ensure equal employment opportunities and whether everybody enjoyed an equal employment opportunity, the difference between employees from designated groups and those from previously advantaged background came to light. The 60% employees from designated groups strongly agreed, while on the other hand 64% of employees from previously advantaged background strongly disagreed. Not all employees shared the same view that everybody 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.

Mostly 60% of the white respondents did not share the same view with their fellow black respondents regarding fairness of AA. Whites see it as being unfair and a reverse discrimination, whilst blacks on the other hand see 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 employees 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 was somewhat questionable 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).

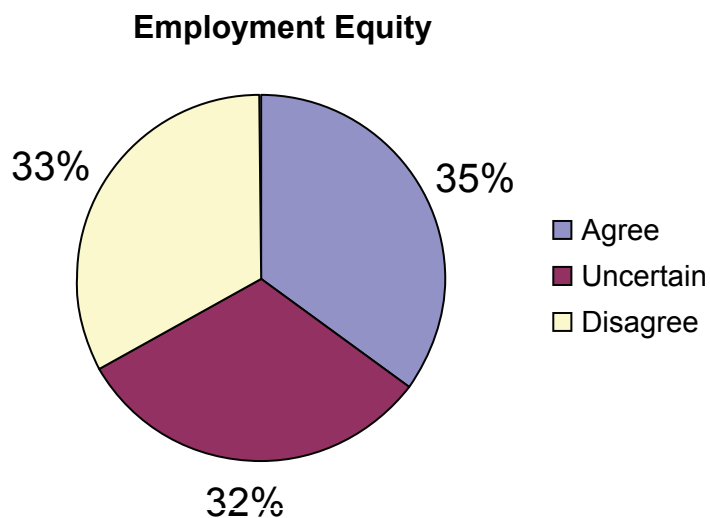
This implies that their (physical disabled) movement in such situations is limited to certain buildings. Although the White Paper on Service Delivery stipulates that AA programmes should be open to scrutiny within and outside the public service, the researcher was not given a chance to scrutinize the 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 doing their level best with regard to effective implementation of the AA policies and 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 or are occupying senior managerial positions elsewhere. The research findings revealed however, that diversity was promoted and celebrated in the DoA.

The research findings found that not every employee is happy with AA policies in the DoA, this view is shared by most white respondents, which 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 tool 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 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, cancer and so on, are treated equally and like any other employee and that, the DoA has a health station to assist employees when they fell 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, jobs progression and so on.

The overall research finding regarding the state of EE in the DoA is summarized as follows:



Results regarding the effectiveness of EEA in the DoA as appeared on the above pie chart, revealed the followings:

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

4.8 CONCLUSION

From the foregoing it can be deduced that the Employment Equity Act was created with a view to accommodate the previously disadvantaged groups and to bridge the gap created by the apartheid regime in terms of equal or equitable representation in the work place, by placing people from the aforementioned group in strategic positions in the workplace.

From the abovementioned contention one may also conclude that the EEA plays a major role in redressing the imbalances of the past, whereas under the previous apartheid regime the four South African racial groups (African, Europeans, Asians and Coloureds) were served separately by means of racially demarcated institutions.

While the DoA has done its best to ensure equitable representation, it is obvious that it has in the past ten years of our democracy failed to ensure that disabled people are also hired in line with the EE Policy. A case in point in this (as observed in the DoA Personnel Report-2005) is the fact that none of the disabled people found occupying even few senior managerial positions. Another weakness identified regarding the EE Policy in the DoA is that, it does not state how long or how many years the policy in question remains in place; furthermore it provides no clarity as to how the policies will be implemented without disadvantaging the previously-advantaged group. Affirmative Action forms part of the DoA's transformation strategy.

Given the fact that AA intention from the onset was to promote equitable representation, it may also be concluded based on the survey conducted in the DoA that it is perceived by some (especially those considered to be from the previously advantaged background) as a reversed discrimination. This call for a proper mechanism to be formulated in order to neutralize the strain puts forth by the introduction of AA since South Africa attained its democracy. Caution should also be taken that the preferential treatment in the form of AA policies may (if not handled properly) lead to racial divide instead of serving its right purpose of redressing the imbalances created by apartheid.

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The South African Public Service as a custodian of EEA, is under enormous pressure to comply with the dictates of the abovementioned Act, this is so especially in terms of its implementation. The Act in question as well as its strategy (AA) in the DoA, will go a long way in fulfilling the objective of EEA, in terms of equality.

This chapter will focus mainly on conclusion, recommendations based on the research findings and areas for further research. It is hoped that this chapter will endeavour to find a solution to the problem experienced by the DoA in terms of EE and AA policies implementation. And as such contributing to the effectiveness of EEA in the DoA, which will result in the formation of a rainbow DoA characterized by equality, unity in diversity and absence of unfair discrimination

5.2 CONCLUSION

From the foregoing it is obvious that the DoA has made significant strides in complying with the dictates of the EEA, this is further supported by the number of black (males and females) employed in the DoA. This assertion is supported by the organizational chart as observed on the www.nda.agric.za on July 2006.

The number of males (at middle and senior levels) has drastically improved, while the number of females (at senior level) has slightly improved. The biggest flaw lies with the employment of people with disabilities, this is supported by the report on Personnel Representation, (2006), where the DoA has not even managed to at least employ 1% of people with disabilities at middle and senior management levels.

In light of the above it may be concluded that the effort to ensure equality by means of preferential treatment is done within the constitutional context. One may however caution that even so, the inflexibility of formal equality, especially in terms of meeting EEA targets may somehow and unintentionally exacerbate inequality. Another daunting task ahead of DoA is to convince the previously advantaged groups that EE and AA policies would not remain in place permanently. This in essence call for a clearly and articulated time frame stating exactly as to how long would the abovementioned policies remain in place. In other words the EE and AA policies should at all cost avoid creating a feeling of resentment on the part of the previously advantaged groups.

The DoA should pay more attention on employing women and people with disabilities, quality of work life conducive for women and people with disabilities and winning the support of the previously advantaged groups (in the form of participation and buy-in). This would in turn lead to a prosperous agriculture that would be a force to reckon with in South Africa as well as abroad, resulting in doing away with discriminatory terms such as blacks or whites and instead treating everyone as South African.

In summary EE and AA policies should not be implemented for the sake of meeting EEA targets, they should rather be focused at harmonizing the relationship and promoting diversity through the creation of equal opportunities that would yield positive results for both the previously disadvantaged and the previously advantaged employees and the DoA in particular (especially in terms of increased productivity).

Moreover it would be futile for the DoA to appoint and train those employees who were appointed by means of EE and AA policies and fail to retain them. Otherwise the DoA will continue to serve as a feeding tube to the private sector, which has of late displayed a remarkable ability in recruiting experienced and skilled public servants.

It is also worth noting that while EE and AA policies are important in addressing the past inequalities, and as such they should not compromise excellence and quality. The DoA should do its best to ensure that there is a proper retention strategy suitable for both employees from previously disadvantaged and previously advantaged groups. One may also conclude that if the above is undertaken properly, there is no doubt that the effective implementation of the dictates of EEA is certainty.

5.3 RECOMMENDATIONS

The research indicates that there is a huge challenge faced by DoA in terms of EEA and AA implementation. The research also found that there was a huge disparity between the previously disadvantaged and previously advantaged groups as well as among employees (at all employment levels in the DoA) in terms of how they view the Act in question as well as the effectiveness thereof.

Despite the abovementioned differences, it was obvious that employees in the DoA shared a common goal of rendering service of high quality to the customers. These are some of the suggested recommendations:

- The DoA should make an effort to acquaint and educate employees at lower level and middle level categories regarding the EE and AA policies and the importance thereof.
- A strategy on how to retain skilled and experienced employees (especially the designated employees) should be formulated.
- It is also recommended that the DoA work hand-in-hand with the organizations for the disabled, so as to get the best pool of qualified disabled corp.
- It is recommended that all able-bodied employees are work-shopped on disability issues.
- All DoA's buildings should also fully comply with the EEA, particularly in terms of reasonable accommodation for all people with disability.
- The disabled employees should be appointed at both middle and senior management levels.
- Appoint more women at senior management levels.
- Employees from the previously advantaged groups should be granted a meaningful stake in the existing order and be part and parcel of all transformation programmes.
- Contribution (by the previously advantaged groups) in transforming the DoA should also be recognized.
- The DoA should state clearly as to how long the EE and AA policies would remain in place.

- Moreover it should state how the abovementioned policies would be implemented without disadvantaging the previously advantaged groups.
- The commitment from the top management concerning all of the above is recommended, this will in turn ensure that EEA targets are implemented and achieved by the DoA.

5.4 AREAS FOR FURTHER RESEARCH

There is a need to research other government departments that were not investigated by the study as it only focused on the Public Service in general and specifically on the National Department of Agriculture. It is also recommended that further research be conducted on areas concerning performance of and challenges faced by the previously disadvantaged employees.

Another area that needs further research is to determine whether the EE and AA policies managed to break the barriers created by the legacy of apartheid, especially in terms of uniting all employees under the one banner of equality. In essence it would be quite interesting to research on the impact that the EEA has had in the lives and job progression on the part of the affirmed employees.

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APPENDIX A

Dear Sir/Madam

COMPLETION OF A RESEARCH QUESTIONNAIRE ON THE EFFECTIVENESS OF EMPLOYMENT EQUITY ACT 55 OF 1998

Kindly you are invited to participate in a study on Employment Equity Act (herein after referred to as EEA. The purpose of this study is twofold: firstly to determine the effectiveness of Employment Equity Act (whether the DoA has been able to meet or implement the dictates of the EEA since the Act in question came into being) and secondly, to look at ways in which the EEA can best be implemented to the DoA so that it functions as effectively as possible and to ensure that the Act in question yields positive and desired results.

It is a known fact that the EEA has been widely researched, however little has been done to research the effectiveness of the EEA in terms of its implementation by the government's departments in South Africa and mostly little is known of how employees both from designated groups and those from previously advantaged groups view the EEA in terms of equity and how the commitment of employees from the aforementioned groups is affected as a result of the EEA.

You are part of a selected sample of employees who are kindly requested to complete the enclosed questionnaire. The researcher knows how valuable your time is and appreciates your efforts. The completion of the questionnaire should, however take you no longer than 30 minutes. Your input will play a pivotal role in quest for achieving a smooth transformational process and equity as well as a smooth implementation of the EEA which will be fair to everyone within the DoA.

The process of research is undertaken by the University of Pretoria (UP) and the results will be communicated to Mr. Chris Khonkwane: Transformation Advisor (National Department of Agriculture). The results will be used as an input for further leadership and promotion of equity and diversity management that will promote harmony and reduce brain-drain that came about as a result of the introduction of EEA in the DoA.

You are kindly assured that responses or views expressed in this questionnaire will be treated as confidential. Please complete the questionnaire as soon as possible and return it to me at Block ZA.

Thank you for assisting in this survey.

Cordially
Mr. Dumisani Zondi



APPENDIX B

QUESTIONNAIRE

A. PERSONAL PARTICULARS (please tick the appropriate block)

1. GENDER

male	Male
------	------

2. ETHNICITY

African	
White	
Coloured	
Asian	

3. DISABILITY–If applicable (If not applicable please proceed to question 4).

	Hearing challenged (Deaf)
	Physically challenged
	Partially sighted
	Any other disability not stated above. Please specify.

4. AGE (YEARS)

5. CURRENT POSITION

6. NUMBER OF YEARS IN CURRENT POSITION

7. NUMBER OF YEARS AT DoA

8. STAFF CATEGORY

Top management
Middle management
Supervisory level
Clerical staff/security personnel
General maintenance (cleaner, gardener, driver)
Other (please specify)

9. HIGHEST EDUCATIONAL QUALIFICATION

Lower than grade 12		Degree	
Grade 12		Honours Degree	
Certificate (6 months and above)		Masters Degree	
Diploma (3 years)		Doctorate	

10. HAVE YOU BEEN APPOINTED TO YOUR CURRENT POSITION ACCORDING TO EMPLOYMENT EQUITY?

Yes	No	Not sure
-----	----	----------

11. PLEASE ANSWER THE FOLLOWING QUESTION ABOUT YOUR SUPERVISOR:

11.1 Ethnicity of your immediate Supervisor

African	White	Coloured	Asian
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11.2 Gender of your immediate supervisor

Male	Female
------	--------

B. EMPLOYMENT EQUITY ACT 55 OF 1998

Objectives of Employment Equity Act 55 of 1998 are:

- i) To enhance the capacity of historically disadvantaged.
- ii) To stop unfair discrimination from happening
- iii) To put right the effect of past discrimination. Moreover to achieve a diverse, broadly representative workforce and efficiency in the work place.

Based on the abovementioned objectives, to what extent do the following influence the effectiveness of Employment Equity Act 55 of 1998?

1=Disagree very strong

4=Agree

2=Disagree

5=Agree very strongly

3=Uncertain/not sure

		1	2	3	4	5
1.	The DoA has fully complied with the dictates of EEA.					
2.	The EEA in the DoA has in the past managed to address problems of systematic discrimination that people suffered as a result of race, gender, disability and sexual orientation.					
3.	The DoA has all resources needed to accommodate people with disability e.g. Sign Language interpreters for the Deaf employees, brailer for partial sighted employees, etc?					
4.	The EEA is still necessary for the DoA to ensure equal employment opportunities.					
5.	Everybody in the DoA enjoys an equal employment opportunity.					
6.	Everybody is appointed and placed in his/her position according to the required qualification and there is no nepotism.					

B. AFFIRMATIVE ACTION

The Main Objectives of Affirmative Action are:

- i) To enhance the capacities of the historically disadvantaged through the development and introduction of practical measures that support their advancement within the Public Service.
- ii) To inculcate in the Public Service a culture which values diversity and support the affirmation of those who have previously been unfairly disadvantaged?
- iii) To speed up the achievement and progressive improvement of the numeric targets set out in the White Paper on the Transformation of the Public Service.

From the abovementioned objectives, to what extent do the following influence the effectiveness of Affirmative Action?

1=Disagree very strong

4=Agree

2=Disagree

5=Agree very strongly

3=Uncertain/not sure

		1	2		4	5
1.	Affirmative action has in the past been fair to both persons previously disadvantaged and those from previously advantaged groups.					
2.	Affirmative action has managed to bridge-up the gap created by the legacy of the past					
3.	Affirmative action programmes have yielded positive results in promoting diversity in the DoA.					
4.	Affirmative action has in the past benefited the department in terms of expertise acquisition.					
5.	The less qualified people are being appointed from designated groups to meet Affirmative Action targets.					
6.	White females form part of the designated group.					
7.	All employees in the DoA are well informed of affirmative action policies/programmes.					
8.	Affirmative action is not a reversed/unfair					

	discrimination.					
9.	Black managers are given token positions as a result of affirmative action.					
10.	Employees from designated groups are being trained in order to replace the current job incumbents.					
11.	Affirmative action has been a very useful tool to promote equality in the public service.					
12.	Every employee is happy with affirmative action.					

B. DISCRIMINATION, TRANSFORMATION AND DIVERSITY MANAGEMENT

Based on discrimination, transformation and diversity management taking place in the DoA, to what extent do you rate the followings?

1=Disagree very strong

4=Agree

2=Disagree

5=Agree very strongly

3=Uncertain/not sure

		1	2	3	4	5
1.	Every employee in the DoA knows what constitutes fair and unfair discrimination.					
2.	The DoA has in the past received no case of unfair discrimination.					
3.	The DoA has in the past managed to achieve an ultimate goal of transformation as stipulated in the White Paper on Transformation of Public Service in South Africa.					
4.	The transformation process in the DoA has managed to meet Batho Pele initiatives with regard to the satisfaction of internal customers (employees within the DoA),					
5.	The transformation process has ensured that there is an improved quality of working life and access to resources for the previously disadvantaged groups.					
6.	The DoA has in the past managed to promote,					

	maintain and celebrate cultural diversity.					
7.	The DoA has provided a meaningful training to every employee regarding diversity management.					
8.	Employees with life threatening illnesses (e.g. HIV/aids, cancer, etc) enjoy the same treatment like any other employee in the DoA.					
9.	The DoA has managed to achieve a diverse workforce broadly representative of the people in South Africa.					

ANY OTHER COMMENT OR ADDITIONAL INFORMATION YOU WOULD LIKE TO ADD

.....

.....

.....

.....

Interview Schedule

30 minute interview

Start/End Time	Schedule
8:30 a.m. - 9:00 a.m.	Interview 1
9:00 a.m. - 9:30 a.m.	Interview 2
9:30 a.m. - 10:00 a.m.	Interview 2
10:00 a.m. - 10:15 a.m.	Break
10:15 a.m. - 10:45 a.m.	Interview 4
10:45 a.m. - 11:15 a.m.	Interview 5
11:15 a.m. - 11:30 a.m.	Break
11:30 a.m. - 12:00 p.m.	Interview 6
12:00 p.m. - 12:30 p.m.	Interview 7
12:30 p.m. - 1:00 p.m.	Interview 8
1:00 p.m. - 2:00 p.m.	Lunch
2:00 p.m. - 2:30 p.m.	Interview 9
2:30 p.m. - 3:00 p.m.	Interview 10



APPENDIX C

APPENDIX C

NATIONAL DEPARTMENT OF AGRICULTURE REPRESENTATIVITY PER SALARY LEVEL 2001

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
WHITE MALE		2	13	14	20	54	61	142	24	41	17	22	12	2			424
WHITE FEMALE		2	8	26	41	257	69	101	25	27	12	6	2				576
COLOURED MALE	6	129	18	20	3	14	6	8	1	1		1					207
COLOURED FEMALE		29	8	12	1	9	6										65
INDIAN MALE		1				4	3	10	1	3	1	1					24
INDIAN FEMALE			3			1	5	2									11
AFRICAN MALE	68	582	154	45	15	74	70	26	11	7	7	1	5	2	1		106
AFRICAN FEMALE	8	94	68	29	6	26	29	12	4	3	4		2	2		1	28
VACANT	54	112	50	22	39	62	76	21	41	24	23	2	5	2			53
TOTAL	136	951	322	168	125	501	325	322	107	106	64	33	26	6	3	1	319



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

FILLED	2663
VACANT	533
TOTAL	3196
ADDITIONAL	48



NATIONAL DEPARTMENT OF AGRICULTURE REPRESENTIVITY PER SALARY LEVEL 2002

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
WHITE MALE		1	10	12	16	53	49	134	21	40	16	21	10	2			385
WHITE FEMALE		2	8	21	28	237	67	96	20	28	11	6	2				526
COLOURED MALE	6	127	13	22	5	13	6	10	1	1			1				205
COLOURED FEMALE		27	6	10	6	14	4	3		1			1				72
INDIAN MALE		2				5	3	10	1	2	1	1					25
INDIAN FEMALE			1	2		1	4	3	1								12
AFRICAN MALE	54	549	154	45	22	80	70	28	13	11	5	6	10	3	2		1052
AFRICAN FEMALE	8	92	69	35	9	32	39	15	4	3	7	1	3	2	2	1	322
TOTAL	68	800	261	147	86	435	242	299	61	86	40	35	27	7	4	1	2599

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
FILLED	68	800	261	147	86	435	242	299	61	86	40	35	27	7	4	1	2599
VACANT	46	116	58	30	28	74	75	94	60	22	22	6	4	1			636
OBP VACANT	11	37	11	3	2	4	19	3	3	2	1		1				97
TOTAL	125	953	330	180	116	513	336	396	124	110	63	41	32	8	4	1	3332



NATIONAL DEPARTMENT OF AGRICULTURE REPRESENTIVITY PER SALARY LEVEL 2003

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
WHITE MALE		1	5	9	15	41	42	120	22	35	14	19	10	3			336
WHITE FEMALE		2	3	15	30	210	58	85	19	25	8	7	2				464
COLOURED MALE	5	125	13	22	7	12	6	10	1	1			1				203
COLOURED FEMALE		29	5	10	5	13	4	3		1			1				71
INDIAN MALE		2				4	4	10		3	1	1					25
INDIAN FEMALE			1	2		1	4	4	2								14
AFRICAN MALE	53	507	127	37	20	70	73	37	12	12	8	8	11	6	2		983
AFRICAN FEMALE	5	88	44	28	12	34	44	19	5	4	6	1	6	1	2	1	300
TOTAL	63	754	198	123	89	385	235	288	61	81	37	36	31	10	4	1	2396

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
FILLED	63	754	197	123	89	382	233	284	61	81	37	36	29	10	4	1	2384
VACANT	43	122	61	40	29	75	73	88	59	16	23	6	4				639
DISABILITY			1			3	2	4					2				12
TOTAL	106	876	259	163	118	460	308	376	120	97	60	42	35	10	4	1	3035



HUMAN RESOURCES MANAGEMENT 2004

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	TOTAL
WHITE MALE						1		1		1		1		4
WHITE FEMALE			1		2	12	8	6		3		1		33
COLOURED MALE							1	1	1					3
COLOURED FEMALE		1				1		1						3
INDIAN MALE												1		1
INDIAN FEMALE														0
AFRICAN MALE		4		1		3	4	7	1		1		1	22
AFRICAN FEMALE		7	2	2	1	5	7	2		1				27
TOTAL	0	12	3	3	3	22	20	18	2	5	1	3	1	93

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	TOTAL
FILLED		12	3	3	3	20	20	17	2	5	1	3	1	90
VACANT		2	2	2	1	2	2	4	7					22
DISABILITY						2		1						3
TOTAL	0	14	5	5	4	24	22	22	9	5	1	3	1	115



DEPARTMENT OF AGRICULTURE REPRESENTIVITY PER SALARY LEVEL 2005

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
WHITE MALE		2	3	6	11	39	24	88	14	50	29	17	8	2			293
WHITE FEMALE		3	3	13	24	170	51	70	10	32	12	7	2				397
COLOURED MALE	4	109	14	18	4	16	7	12	1	3	2		2				192
COLOURED FEMALE		25	8	13	6	14	6	8	1	1	1	1	2				86
INDIAN MALE		2				3		6	6	4	1	1	1				24
INDIAN FEMALE				1		3	3	5	2	2	1						17
AFRICAN MALE	14	512	101	35	27	88	66	62	31	50	23	12	13	2	1	1	1038
AFRICAN FEMALE	5	83	47	27	12	69	66	53	11	24	14	4	7	1	3		426
TOTAL	23	736	176	113	84	402	223	304	76	166	83	42	35	5	4	1	2473

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
FILLED	23	736	175	113	84	399	222	301	76	166	83	42	34	5	4	1	2464
VACANT	10	122	66	31	25	64	112	134	101	86	72	20	6	6	2		857
DISABILITY			1			3	1	3					1				9
TOTAL	33	858	242	144	109	466	335	438	177	252	155	62	41	11	6	1	3330



DEPARTMENT OF AGRICULTURE REPRESENTIVITY PER SALARY LEVEL 2006

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	5	2	1	1080
AFRICAN FEMALE	5	84	41	25	27	58	71	88	51	17	15	5	6		2		495
TOTAL	24	722	153	109	110	326	225	341	259	80	106	44	32	8	4	1	2544

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	323	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