AN EVALUATION OF THE IMPLEMENTATION OF AFFIRMATIVE ACTION: A CASE STUDY: DEPARTMENT OF THE PREMIER: KWAZULU-NATAL

A RESEARCH ASSIGNMENT PRESENTED TO THE SCHOOL OF PUBLIC MANAGEMENT AND PLANNING OF THE UNIVERSITY OF STELLENBOSCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER IN PUBLIC ADMINISTRATION

BY

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28 AUGUST 2001

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ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to all those people who contributed in various ways to help me complete this research assignment. In particular, I wish to thank the following people for their respective contributions:

- **Prof. OEHM Nxumalo**, Director-General, KwaZulu-Natal Provincial Administration, who granted me permission to study with the University of Stellenbosch and to conduct research within the Department of the Premier.

- The University of Stellenbosch and Personnel, with specific reference to my study leaders, **Ms Belinda van Wyk and Mr Karel van der Molen**, for their contribution to the formulation of the research topic and guidance throughout the research process.

- The Department of the Premier in KwaZulu-Natal and Personnel Section for the financial contribution, study leaves and access to departmental information on the subject of study.

- The employees of the Department of the Premier who responded to my questionnaires, and also assisted me with valuable reading materials for purposes of this study.

- My office colleagues, **Eric, Baby, Enock, Tina, Ntombifuthi, Nombuso and Nelly** for their dedicated support throughout my studies.

- My children **Sibusiso, Sandile, Mbalenhle and Nonhle**, who endured the absence of their mother for days on end while attending classes at Stellenbosch.

- My late mother, **Khanyisile,** for providing free love, my brothers **Ernest and Bhekumusa** and my sisters **Isabel, Zethu and Ntombenhle** for their unending support.

I can never sufficiently show my gratitude to all these people.

Over and above all I would like to thank *GOD* for granting me the strength to complete my studies.

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DECLARATION

I, **Christophine Nombuso Dlamini**, declare this research article as my own original work and I have not previously in its entirety or partially submitted to any academic institution for degree purposes.

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ABSTRACT

This research aims to evaluate the implementation of the affirmative action policy in the KwaZulu-Natal Provincial Administration and the department of the Premier has been selected for this purpose. The researcher was motivated by the desire to establish how Employment Equity Act, Act 55 of 1998 is implemented in the department of the Premier. The researcher is of the opinion that this department remains predominantly white and male staffed and therefore, has not complied with the desires, aspirations and the spirit of the new democratic South Africa.

The purpose of the study is therefore to determine whether the department of the Premier in KwaZulu-Natal is predominantly white and male and whether there is any significant move towards normalising the situation in terms of our new legislation. A desk study, based on personnel records was used to qualify the gender and race disparities. A combination of a literature study and a structured interview survey methodology was used to determine the practice implications of the policy.

Data was collected through a questionnaire that was distributed to all strata of the department in order to determine how affirmative action was perceived and understood by employees. This would determine whether they utilize the opportunity to improve themselves by applying for senior positions that are advertised in the department of the Premier as well as other departments in the province.

The research found that although the department has embarked on a programme of affirmative action, a number of issues still need to be addressed before it can be successfully implemented. These included:

-       no affirmative action policy document for the department as an independent entity has been formulated to cater for its unique needs.

-       no affirmative action strategy exists to address fears and concerns of top management, especially white managers, who seem to dominate the upper stratum of the department.

-       no communication strategy to ensure that information on affirmative action filters down to all strata of the department.

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- no proper monitoring mechanism in place that will enable the department to pick up mistakes and rectify them timeously before damage is done.

The researcher arrived at the conclusion that embarking on affirmative action means more than opening up access and promoting a few individuals merely on grounds of affirmative action. If affirmative action is accepted as a means of redressing past discrimination, then it is important for all employees of the department to work towards the achievement of this goal.

The research assignment is also aimed at ensuring that employees in the department of the Premier in particular and other KwaZulu-Natal provincial departments in general, are a reflection of the demographics of the society they serve. It is further important to say that we form a customer friendly public service.

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OPSOMMING

Hierdie navorsing is gerig op evauering van die implementering van die beleid van regstellende aksie deur die KwaZulu-Natal Provinsiale Administrasie, soos toegepas in die departement van die Premier. Die navorser se hoofmotief was om duidelikheid te kry oor hoe die Wet op Gelyke Indiensneming, wet nr 55 van 1998, deur die departement van die Premier geimplementeer word. Die navorser is van mening dat die departement se personeelsamestelling oorwegend blank en manlik is daar dus nie voldoen word aan die aspirasies en gees van die nuwe demokratiese Suid-Afrika nie.

Die doel met die studie is derhalwe om te bepaal of die personeel in die departement van die Premier van KwaZulu-Natal oorwegend blank en manlik is en of daar in aansluiting by die nuwe wetgewig enige beduidende beweging bestaaan to normalisering van die situasie. 'n Lessenaarstudie, gebaseer op personeelrekords, is gebruik om ras en geslagongelykhede vas te stel. Aanvullend is 'n kombinasie van literatuurstudie en gestruktureerde vraaglysopname as metodologie gebruik om die praktykimplikasies van die beleid te bepaal.

Data is ingesamel deur die verspreiding van vraaglykste aan alle personeelkategoriee in die departement ten einde vas te stel hoe regstellende aksie deur die werknemers waargeneem en geinterpreteer word. Dit sou bepaal of hulle die geleentheid tot posisieverbetering benut deur aansoek te doen vir senior poste geadverteer in die departement van die Premier of ook in ander departemente in die provinsie.

Die navorsing het bevind dat hoewel die departement begin het met die invoering van 'n program van regstellende aksie, die suksesvolle implementering daarvan aanspreking van 'n hele aantal kwessies verg. Dit sluit in:

- geen regstellende aksie beleidsdokument vir die eiesoortige behoeftes van die departement as 'n onafhanklike entiteit is geformuleer nie;

- geen regstellende aksie-strategie vir die aanspreek van die kommer en angs van die oorgewegend blanke topbestuurbeamptes bestaan nie;

- geen komunikasie-strategie om die deursyfering van inligting oor regstellende aksie na alle vlakke te verseker, bestaan nie;

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- geen behoorlike moniteringsmegasme bestaan in die departement vir die tydige vasstelling en regstelling van foute voordat skade is nie;

Die navorser het tot die slotsom gekom dat die invoering van regstellende aksie meer impliseer as postoeganklikheid en bevordering van 'n paar individue bloot omrede van die tersaaklike beginsel. As regstellende aksie anvaar word as 'n metode vir die aanspreek van vroeere diskriminasie, is dit belangrik dat alle werknemers meewerk vir die verwesenliking daarvan.

Die navorsingsprojek is ook gerig op verskering daarvan dat werknemersamestelling spesifiek in die departement van die Premier, maar ook in alle departemente van KwaZulu-Natal, die gemeeskapsdemografie reflekteer. Dit is verder ook belangring dat 'n gebruikersvriendelike openbare diens daar gestel word.

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CHAPTER 1

INTRODUCTORY CHAPTER

1.1 INTRODUCTION

In order to commit itself to equity at the workplace the current government of South Africa promulgated legislation such as the Employment Equity Act, Act 55 of 1998, which requires that government departments and other designated employers take steps to implement affirmative action measures for persons from designated groups, namely blacks, females and people with disabilities.

The public sector, which includes the Department of the Premier in KwaZulu-Natal, is supposed to be the custodian of the process of affirmative action. Furthermore, the Department of the Premier, as the Head of KwaZulu-Natal Provincial Administration, should have a goal of becoming a competitive department and be exemplary to other departments in the province in so far as affirmative action is concerned.

This research assignment intends to evaluate the implementation of affirmative action in the Department of the Premier in KwaZulu-Natal. The researcher has observed that although the Department has an affirmative action programme, it has not been successfully implemented. The Department of the Premier has been chosen as the case study because what is happening in this department is considered a microcosm of the entire KwaZulu-Natal Provincial Administration.

The structural rearrangement of the department of the Premier does not mean that the entire existing structure should be scrapped, or does it mean that the whites should be made redundant. It is important; however, to emphasise that there are distinguished individuals in the KwaZulu-Natal Provincial Administration that have qualifications and appropriate experience for immediate appointment to senior positions. The remaining individuals will need to be exposed to various developmental programmes that will make them competitive candidates in future.

The researcher has worked in the Department of the Premier for almost three years and it would appear that the department is still predominantly white and male. The researcher has no intention of imposing the findings of the study on the department but to present an alternative way of what may be required of the department of the Premier to redress past imbalances.

1.2   PROBLEM STATEMENT

Prior to the 1994 democratic elections, the previous government was characterised by gross inequalities among different racial groups, sexes, disabled persons and persons from different religious groups. As in other sectors, this state of affairs in the public service has adversely affected these categories of people.

Affirmative action was introduced from 1994 through the promulgation of the Constitution, Act 108 of 1996, the Labour Relations Act 66 of 1995, the Employment Equity Act 55 of 1998 and Skills Development Act 97 of 1998, which are intended to achieve equity in all spheres of life, especially at the workplace.

The researcher has observed that although transformation and the appointment of persons from previously disadvantaged groups is being implemented, not many blacks, women and disabled persons have been appointed into senior and specific functional posts as compared to their white and male counterparts in the Department of the Premier as well as the entire KwaZulu-Natal Provincial Administration.

An evaluation of the implementation of the affirmative action programme for the Department of the Premier, may have repercussions, not only for the Department of the Premier but it may also have policy implications for the KwaZulu-Natal Provincial Administration as a whole. Therefore, evaluation results may necessitate revisiting the whole implementation process in the whole administration of KwaZulu-Natal.

1.3   THE OBJECTIVE OF THE RESEARCH ASSIGNMENT

Since the beginning of 1998 the Department of the Premier has had an official affirmative action program, but it seems evident that the program needs to be revisited and refined in order to be more effective. Therefore, the purpose of this research assignment is not to lament the past, but to evaluate whether affirmative action is being effectively implemented in the Department of the Premier. At the end, suggestions as to how the situation may be manipulated to increase the probability of attaining the goal of reducing female, black and disabled marginality in the department will be made. This will hopefully contribute to speeding up affirmative action process and possibly to changing the texture of the department. Furthermore, periodic evaluation of new programs is always

necessary so as to measure progress and detect errors. It is important that corrections are made at an early stage of the program and before much damage is caused.

1.4   RESEARCH METHODOLOGY

For the study to achieve its objective the researcher used evaluative research method to ensure valid research arguments, analysis, findings, conclusions and recommendations. This method, according to Bless & Higson-Smith (1995:47-48) is important for the following reasons:

-       to give a background against which to understand the process of evaluation;

-       to explain the process used in the data collection thus facilitating the monitoring of the validity of findings;

-       to give guidance to others who may need to check or reassess the situation in future.

Also, both qualitative and quantitative methods of data collection were used. Quantitative method is associated with the assigning of numbers to observations. It explains phenomena through experiences and surveys and also uses techniques such as observations, pilot studies and questionnaires (Brynard & Hanekom, 1997:28). On the other hand qualitative method refers to research that describes data with no numbers assigned to observations. This entails discovering unanticipated findings that may lead to a change in the research plans as a result of new discoveries. It uses techniques such as in-depth interviews, observation and questionnaires and records to gather information (Brynard et al,1997:29-30). It is however, argued that weights or values represented by numbers may be attached to observed phenomena, thus simplifying the resultant analysis.

In order to achieve this objective, the researcher undertook literature and survey study which reflect on new trends in affirmative action. The literature study on affirmative action for this research focused on the theoretical and legislative framework that has been promulgated to give guidance on implementation of an affirmative action policy. Tuckman (1978:313) says the purpose of the literature review is to expand upon the context and background of the study. It helps further define the problem and to provide an empirical basis for subsequent development of subheadings. Furthermore, Tuckman (1978:38) is of the opinion

that literature review helps to uncover the following:

- ideas about the variables that have proven important and unimportant in a given field of study;

- information about the work that has already been done and which can be meaningfully extended or applied;

- the status of the work in the field in terms of conclusions and applications;

- meanings of and relationships between variables that have been chosen to study and wish to hypothesise about.

Access to documents within the Department of the Premier has been very critical. The documents such as staff records and affirmative action programs relating to the departmental policies were used to establish the number of people from the disadvantaged group who have been promoted into senior and management positions. This was necessary to establish the current position in the Department of the Premier, that is, insofar as the composition of the workforce in terms of race, gender, financial status, age and rank is concerned.

Data was further collected through structured questionnaire surveys incorporating both quantitative and qualitative tools. Tuckman (1978:197) states that questionnaires and interviews are a way of obtaining data from persons by asking them rather than watching them. On the other hand, Waltz, Strickland & Lenz (1984 275&280-281) are of the opinion that the questionnaire is:

- a relatively direct method of obtaining data;

- self-administered by the respondent;

- more time efficient and convenient for both the researcher and the respondent;

- less expensive than other methods;

- a means of allowing the preservation of complete anonymity, thus increasing the validity of the response, especially with regard to sensitive issues and personal questions.

The questionnaire (*Annexure D*) used for the purpose of this study is divided into three sections with a total of 26 questions to which selected officials in the department were to respond.

Section A was referred to Personnel Section (*Annexure B*) for statistical information on the latest appointments and promotions of employees from disadvantaged groups. This will be done to complement information obtained from documentary study.

Section B was distributed to senior management from the minimum rank of Deputy Director to Deputy Director-General through their Management Committee meeting (Manco) as per *Annexure C*. This was convenient for the researcher to reach a substantial number of them through their monthly meetings and was be able to clarify questions that were not readily understood. This was done to elicit their views and perceptions as major players in the implementation of affirmative action.

Section C was used for interviews with officials of the rank of the Assistant Director and below. Interviews were conducted personally in order to explain questions that were not readily understood by respondents in the lower echelon of the department. It is important to mention that experts are not only people with academic qualifications or important positions. Tuckman (1978:50) argues that rank and file people are experts on conditions prevailing in the particular environment where programmes are running, because they know the nature and the extent of the problem and many other aspects of the programme.

1.5   THE STRUCTURE OF THE RESEARCH ASSIGNMENT

The research assignment is divided into eight chapters. Chapter One is an introductory chapter that gives the scope of the assignment, that is, what is the objective of the study, methods that are to be used in data collection, clarification of concepts as well as its limitations.

Chapters Two and Three are devoted to overview and discussion of issues around affirmative action as well legislation that has been promulgated by the South African government to ensure that affirmative action policy is formulated and implemented by all designated employers so as to establish equality at the work place. Understanding the background of affirmative action is very important part of the process of implementation.

Under Chapter Four the focus is on the analysis of data that has been collected through the questionnaires and interviews while Chapter Five examines the responses of the employees of the Department of the Premier. Chapters Six and Seven look at the findings of the study and recommendations that may be considered by the Department of the Premier for effective implementation of affirmative action.

Chapter Eight gives a summary of the whole exercise. At the end of the research is the bibliography of reading material that has been read as well as annexures to the study.

1.6   CLARIFICATION OF CONCEPTS

For the purposes of this research assignment, the researcher arrived at the following definitions having borrowed and compared own understanding with those of the following writers: Gerber, Nel & Van Dyk (1998); Human, L (1993); Morgan, NI (1982) and Tearle, R (1996). These concepts which will be used throughout the text are briefly clarified:

Affirmative Action is a process consisting of different programmes and projects that are aimed at redressing past inequalities in order to achieve the desired situation of equal opportunity. In this study it will refer to processes to promote equity at the workplace among different racial groups and other groupings, such as women and the disabled.

Equal Employment Opportunity refers to a work situation where all people are at par and can compete from an equal level within a framework of policies, procedures and practices that apply to everybody.

Discrimination is any direct or indirect action or behaviour, which displays prejudice against a person, a group of persons or a category of people. In this study discrimination will be used in accordance with this definition with reference to designated groups.

A *Designated Employer* is an employer who employs 25 or more employees and includes a government department, regional or local authority agencies, save where such departments, authority or agency has been the subject of an order issued by the President in terms of Section 35 of the Constitution of South Africa, that is, Constitution, Act 108 of 1996.

A Designated Group refers to groups designated by the Commission on Affirmative Action in Employment and includes those groups defined by reference to the race, gender or physical disability of the individuals comprising those groups.

Inequality is a state of social organisation that does not enable or give equal access to resources and opportunities to all members of the society.

1.7   PREPARATION AND LIMITATION

As this is an evaluative study, a hypothesis is not necessary. The research assignment is limited to the Department of the Premier, but findings may have implications for the entire KwaZulu-Natal Administration and, indeed, the entire South African civil service. The study is not intended to test any relationships but to contribute to policy development.

For the purpose of this research assignment, consent to access information and data collection through questionnaires and interviews was obtained from the Director-General, who is the Head of the KwaZulu-Natal Administration (*Annexure A*). The respondents were free to express their personal views and not those of the department. However, this does not rule out the possible reluctance or negative attitudes on the part of sections of respondents that may have prejudiced these responses.

1.8   CONCLUSION

This chapter introduced the issue of affirmative action in the Department of the Premier in KwaZulu-Natal. It briefly covered the definition of affirmative action, that is, how many writers understand and perceive the concept of affirmative action; explained methods used in data collection, that is, how the researcher was able to gather information on how affirmative action has been perceived by the employer and employees alike that will enable her to arrive at a valid conclusion; explained some concepts that are used throughout the text so as to enable the readers to understand as used in the text, as well as the limitations of the study, that is the scope of the research.

CHAPTER 2

THEORETICAL BACKGROUND

2.1 INTRODUCTION

The essence of this chapter is to provide a theoretical framework of the concept and process of affirmative action. The main purpose is to examine different aspects of affirmative action and its implications and effects on the status positions of the designated groups in the workplace. This entails an in-depth discussion and an overview of affirmative action, looking at key issues to be addressed by affirmative action as well as issues for debate.

According to Nxumalo (1986:16), many books and articles have been written on affirmative action from the late 1970s to the early 1980s in America. Affirmative action has found its way into the constitution of many countries, although it is strictly an American expression. In South Africa, affirmative action was not implemented for the first time after 1994 democratic elections, but has been part and parcel of the past governments (Madi,1993:3). Also, Adams (1993:4-7), agrees with Madi and says affirmative action has been for many years, implemented by the previous governments to benefit the Afrikaners as they felt they were dispossessed economically through the following institutions;

- *Broederbond - Dr HF Verwoerd was adamant that to advance the Afrikaners economically, the Constitutional Policy had to be used.*

- *The State - The Afrikaners used their vote to ensure that they could obtain power. Once in power, they put legislation that favoured Afrikaners against cheaper black labour and ensured reservation of certain jobs for them. This is an indication that Afrikaners were inspired by a sense of affirmative action in their favour.*

- *State Machinery - As early as 1952 (the Nationalist Party government having come to power in 1948) 80% of employees of SAR and Harbours (Transnet) and 68% of Post Office employees were Afrikaners.*

Through these institutions, says Adams (1993:6) white Afrikaners, mainly men, were pushed into management positions at the expense of other racial groups, thereby giving rise to the number of Afrikaners in the civil service. Emsley (1996:87) echoes Adams' sentiments in this regard and says the past Nationalist

Party government focused its energy on helping its people to the cost of the rest of the population and if necessary at the expense of economic growth.

Today affirmative action in South Africa found its expression through the Constitution (1996:5-6). One of the objectives of the Constitution is to achieve equity in the workplace. Affirmative action is a means to an end, the end in the case of the 1996 Constitution, being the achievement of the equal employment opportunity and a public service that is reflective of its population.

2.2   AN OVERVIEW AND DISCUSSION OF AFFIRMATIVE ACTION

The term *affirmative action* has been used to describe various policies that are pursued in various countries such as India, America, Malaysia, Namibia and recently, South Africa. According to the Financial Mail (1993:28) one of the problems with the term affirmative action is that it is open to interpretation. Depending on the point of view, it can mean tokenism and lowering of the standards, new kinds of discrimination and the general impression that the able whites will have to make way for the less able blacks or it can mean the best use of available talent. In the South African context, many writers have defined affirmative action in different ways.

Both Charlton & Van Niekerk (1994:xix) and Human (1993:3) define affirmative action "as *a temporary intervention* process designed to achieve equal employment opportunity without *lowering standards* and without unduly trammelling the career aspirations or expectations of the current organisational members who are competent in their jobs. Furthermore, contrary to the early nineties opinion, Human (1999:16) is of the opinion that "affirmative action is a means of **overcoming** *barriers* to equal employment opportunity rather than as a means of unfairly advancing the interests of various groups at the expense of others". Furthermore, Adams (1993:1) echoes the sentiments of these writers and sees affirmative action "as a racial *preferential treatment* for good reasons."

The White Paper on Affirmative Action in the Public Service (1998:4) defines affirmative action, " as the additional *corrective steps* which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from equitable employment environment."

According to Idasa (1995:12) affirmative action is defined "as a process designed to achieve *equal employment opportunities*. In order to achieve this goal, the barriers in the workplace which restrict employment and progression opportunities have to be systematically eliminated." This definition may be regarded as wide only within the workplace context, yet narrow in so far as the wider Reconstruction and Development Programme connotations.

"Affirmative action is a set of procedures aimed at *pro-actively* addressing the disadvantages experienced by sections of the community in the past. It is important to emphasise right from the start that affirmative action is not a single policy or strategy. Rather, there can be a number of different ways of implementing affirmative action." state Innes, Kentridge & Perold (1993:4). This is obviously a wide view of the concept, taking into account communities and some spectra of programmes.

Affirmative action is regarded as a strategy to fight poverty by Gerber et al (1998:155). Furthermore, they acknowledge that the concept of affirmative action can also be regarded as an *instrument* of national reconstruction or even transformation to reduce all the inequalities.

Affirmative action is further defined by the Institute for People Management (IPM) (1995:2) "as a strategy and the process aimed at *transforming socio-economic* environments which have excluded individuals from disadvantaged groups in order for such individuals to gain access to opportunities based on their potential."

From the above range of definitions of affirmative action, it is evident that although there are different views on affirmative action, there are similarities that can be deduced from them as well. These are, inter alia:

- Affirmative action is *a temporary process* of moving towards equity at the workplace. Once equity is achieved there will be no point in continuing with its implementation.

- As a temporary measure it would be *withdrawn* once equity at the workplace is achieved. However, withdrawal is unlikely to happen too soon as inequality is deeply imbedded in our society.

- Affirmative action is intended to *overcome barriers* to equal employment rather than reversal of discrimination against certain people. These barriers could be overcome through certain legislation and concerted efforts on the part of designated employers.

- Affirmative action is not confined to black groups as the only beneficiaries but *includes a myriad of other groupings* such as women and disabled persons from other racial groups. In other instances affirmative action could be effected in favour of whites when the racial mix of the country is not reflected at the work place.

- Affirmative action is for *good reasons* as it is aimed at achieving equality for all racial groups within our society.

- affirmative action has to be distinguished from systematic *nepotism*. It must not give rise to *preferences* based on relations and kinships.

2.3 ISSUES FOR DEBATE

The debate about affirmative action has, unfortunately collapsed into a binary opposition; the detractors see nothing good and the supporters nothing bad about it (Idasa,1995:3-5). For this reason it would be appropriate to explore some of the most debated issues surrounding affirmative action.

2.3.1. A legislative framework

Equality is not a simple concept and equal treatment will not give equal results (Adams, 1993:22). Policies that dictate equal results based on the demographic quota system will be unworkable and counterproductive. If the goal is to achieve a reasonable balance of persons in economy and society with respect to race, gender and disability, then a law promoting equality through both *prohibiting discrimination* and *providing for action* will be needed. This is necessary for the following reasons.

Racial discrimination is one of the prominent features of the past in South Africa. It was entrenched for decades in a range of statutory provisions. Furthermore, Adams (1993:22) says the following acts entrenched discrimination at the workplace:

- ***The Wage Act, 44 of 1937*** *replaced by Act 45 of 1957 which categorised employees on the basis of sex and laid the basis for discriminatory wage determination.*

- *Certain sections of the **Public Service Act 111 of 1984** further allowed discrimination on the basis of sex.*

It is a fact that the South African economy today is a reflection of past discrimination, with white males over represented in decision-making positions in both the public and private sectors. It is therefore not surprising that the promotion of equality has nowadays perhaps become the central objective of the political parties.

Innes et al (1993:82-85) studied the Namibian situation on affirmative action after its independence to find out whether legislation was necessary to achieve a successful affirmative action policy. He found that the Namibian Ministry of Labour considered favourably the recommendations made by Prof. N. Wiehahn in the Report of the Commission of Inquiry into Labour Relations in February 1987.

This resulted in the "Labour Code" in 1990 which was divided into parts which covered areas such as labour courts, labour administration, freedom from discrimination, basic conditions of employment, equality, affirmative action and labour arbitration for as affirmative action was concerned, two measures were initiated by the Namibian Government, namely, Ministry of Labour & Manpower Development proposed that the framework for an obligatory Affirmative Action Programme be established through an act of Parliament; and seconding the Namibian Government in contemplating the entrenchment of affirmative action in its Constitution.

Perhaps it is appropriate to say that South Africa should heed the Namibian message for affirmative action to succeed. Charlton et al (1994:50-51) support the idea that South Africa should legislate affirmative action and argue that South Africa will not be the first country to do so. They cite the United Kingdom that has legislation to affirm the rights and roles of women in labour practice. They further argue that legislation alone cannot ensure successful implementation. The USA experience has shown that legislative formulas have accentuated the race factor and has allowed under serving-blacks benefit under affirmative action programmes.

2.3.2. Nationalisation

According to Hugo (1992:15-17) there are different propositions to nationalisation of certain state assets as a means of redistribution of wealth and income. Nationalisation is regarded as an unreliable tool for redistribution of income and wealth. A nationalised state asset is exposed to conflicting objectives as it will be expected to improve conditions of employment, such as giving security, raising pay and so on and certainly its employees will have these expectations. The state may also address unemployment by expanding the work force of nationalised enterprises, whether additional employees will be actually utilised profitably or not. Under such circumstances redistribution may occur, but it will not be in favour of the public at large. Hugo further argues that if "nationalisation is to be defended, it had better be on grounds other than redistribution and those grounds should be strong to counteract the likely untoward effects of nationalisation on income distribution."

The government may interfere with the prices of certain commodities in order to subsidise the consumers of certain services and that alone may have different results from what is expected from nationalisation. Such subsidisation can be implicit in that the producers may be expected to sell their produce at lesser prices than they would otherwise do in a free market; or explicit when the government may have to top up payments made to producers in order to make up for the difference.

If we look back at the debate that took place in the early 1990's on the issue of nationalisation, the calls for nationalisation through somewhat of a smoke screen had the desired impact, argue Charlton et al (1994:49). Such calls resulted in the then government acknowledging the existence and the arrival of the ANC and the need to introduce change. Nationalisation was put forward as one way of redistributing wealth. The South African business community has since come up with alternatives to nationalisation such as social responsibility programmes.

2.3.3. Selection

Managers often complain that they cannot find suitable candidates, and when they develop them, they get poached (Human, 1999:92-93). She further argues that the problem lies with the recruitment and selection process. She asserts that organisations should take cognisance of what legislation says about equality. For example, the Employment Equity Act (1998:12) states that its purpose is to achieve equality at the workplace. This should be done by:

- promoting equal opportunity and fair treatment in the employment through the elimination of unfair discrimination.

- implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups to ensure equitable representation in all occupational categories and levels at the workplace.

For affirmative action to succeed, it is necessary for top management to be champions of affirmative action policies at all levels in any organisation (Innes et al, 1993:16-19). This may be done through various programmes, which indicate clearly, the target, the time frames and the strategies to be employed for such programmes to be a success. He acknowledges that most people from designated groups have no skills, low education and lack of management experience and therefore organisations should be wary of such situations when selecting candidates.

2.3.4. Quality versus quantity

Reduction of performance standards is probably the most serious charge levelled against affirmative action. Innes et al (1993:13) say the fear of reduction of standards at the workplace needs to be taken seriously by people appointed in affirmative action positions. However, it is important to highlight that some of those who have argued against affirmative action assume that in the past standards were the only criteria used to determine who got the job. This is not necessarily true but job reservation ensured that the designated groups were totally barred from undertaking a wide category of work because of the colour of their skin.

The adoption of an affirmative action recruitment policy must be supported by the introduction and improvement of development programs that are tailor-made to the needs of the individuals (Adams,1993:19). Human (1993:28) concurs with the view that many affirmative action initiatives fail because of poor people management skills of managers and poor support systems to trainees. To ensure that there is no lowering of standards, promotion must be based on performance. Under no circumstances, must individuals be promoted because of their skin colour. The emphasis should be facilitating access and providing adequate, appropriate individualised support for people promoted as affirmative action candidates.

Hugo (1992:88-89) states that companies in the United States of America (USA) are seen to have succeeded in implementing affirmative action in the sense that they are high-wage employers and therefore, have been able to attract the most capable people from the previously disadvantaged groups. In South Africa the situation is different because most companies are low-wage employers. This is even more true with the Public Service where salaries are generally deemed to be relatively low.

Merit is a critical issue in affirmative action. It serves as a means to counter the argument that affirmative action is simply tokenism and promotes people under-qualified for the job. Affirmative action should rather aim to employ people who have the necessary ability, skills, knowledge and potential for the job.

2.3.5. 'To quota or not to quota'

Many arguments have arisen as to whether organisations should reflect the demographics of the country. For instance, Adams (1993:118) states National African Federated Chamber of Commerce (NAFCOC) has argued that the democratic government must adopt legislation requiring the progressive opening up of economic opportunities for blacks according to set quotas. They base their argument on the Malaysian experience and set out system of minimum targets to be reached by year 2000. Emsley (1996:90) states that NAFCOC has proposed that by year 2000 the following targets should have been reached;

-        *black representation in the boardrooms not less than 30%;*

-        *black participation in equity not less than 40%;*

-        *external purchases from black suppliers not less than 50%*

-        *black involvement in management not less than 60%.*

Making the right percentages without proper training would merely reflect tokenism. Organisations need to discard outdated training methods and prepare their employees through modern accelerated learning techniques which capitalise on an individual's innate strengths and inculcate in them an achiever-mind set. Such an approach is far from being unproblematic as it encourages those who faint-heartedly accept inferior positions to be bolder in the outlook.

Obsessions with getting the numbers right, according to Madi (1993:69), reduce the whole black phenomenon to numbers, where the reality is that it is a very complicated issue, mainly because of the socio-economic and psychological consequences of apartheid.

2.4 KEY ISSUES TO BE ADDRESSED BY AFFIRMATIVE ACTION

From the aforementioned overview and discussion on affirmative action, it is evident that there are key issues that need to be addressed through affirmative action. This subsection will briefly look at some of these issues. Adams (1993:12-14) highlights the following issues, inter alia, to be addressed by affirmative action:

I) **Removal of all forms of discrimination and all barriers to equal employment opportunities**.

Many writers are in agreement that South Africa has reached a point where the principle of equity should be implemented. It is therefore expected through statutory provisions designated employers should support the non-racial, non-sexist democratic system of government. The support for affirmative action is no longer an issue for debate. The only challenge is to change the behaviour of the people. He argues that racism is embedded in the minds of South Africans because over many decades people have been categorised according to racial groups. Time has come for designated employers to understand that it is imperative to take into account the formulation of strategies to promote an equal opportunity environment, regardless of different racial backgrounds.

ii) **Changing the mind-set of white managers**

Adams (1993:13) stresses the fact that the mind-set of managers and social relations in most organisations should be changed. This change must not only be focused to white managers but also the mind-set of black managers needs to be changed. Blacks must overcome the feelings of anger, alienation and even inferiority produced by the excruciating, dehumanising experiences under apartheid. The change is to affirm the dignity and sense of self worth of black people, which has been the aim of the liberation struggle throughout the decades.

Furthermore white managers need to focus on helping the disadvantaged groups to overcome their deficiencies through education and training. Presently there is a belief that the disadvantaged groups must change while they (white managers)

continue managing as they have done in the past. For affirmative action to work, the white managers must also change their approach towards the advancement of disadvantaged groups. In most cases white managers do not expect the disadvantaged groups to succeed in their management positions and this attitude is demoralising and can no longer be entertained.

iii) **Pro-active programmes aimed at advancing those who have been disadvantaged in the past**.

For affirmative action to be effective, the previously disadvantaged groups must be afforded preferential support that will enable them to attain high levels of technological and management capacity. Previously disadvantaged groups must be able to gain access to economic resources and provided with appropriate support. Also, they must be given the space to make a contribution.

According to Human (1993:79) the under-performance of a black or white woman in the workplace may not necessarily be a function of the person's ability or even faulty selection criteria, but negative expectations which may lead to their anticipated outcome. The management of expectations is therefore as crucial as providing education and training for those requiring it.

iv) **Changing the mind set of the disadvantaged groups**

It is high time that the disadvantaged groups begin to address their feelings of helplessness, anger, alienation and the inferiority complex produced by the past. In his discussion Adams (1993:14) stresses that the focus of all South African citizens should be to affirm dignity and a sense of worth to the previously disadvantaged groups.

v) **Communication**

Organisations can ensure that their mission statement is carried out and acted upon by creating a common understanding. Change can only be accepted through common understanding (Innes et al, 1993:98). Furthermore, Human (1993:50) suggests that it is through positive communication of the affirmative action programme that negative expectations about the disadvantaged are overcome. This creates the opportunity for the organisation to be seen as a truly equal opportunity employer and thus enabling all its employees to work towards a better future.

It is important, according to Innes et al (1993:98) to create a common language throughout the entire organisation as far as affirmative action is concerned as well as communicating what it means to the organisation. This can be achieved by communication strategy, which uses formal and informal communication, structures in the organisation. This could be done through, inter alia, workshops, seminars and internal circulars.

2.5   VIEWS SURROUNDING AFFIRMATIVE ACTION

The main arguments about affirmative action revolve around the moral fairness and the perception of unexpected drastic drop in productivity owing to lack of incentives and potential mismanagement by unqualified people. Charlton et al (1994:48-49) argue that the term affirmative action evokes emotions that range across the spectrum, from fear or rage to the feeling of elation, depending on the side of the coin:

-    To the average white South African, the issue is tinged with varying degrees of guilt and fear, depending on the age and the economic position of the individual.

-    To the business community in South Africa, affirmative action is associated with a potential for loss of profit.

-    To the few observers, the concept presents a win-win opportunity to put humanity into organisations and at the same time generate productive behaviour to the long term benefit of individual, organisation, community and the country.

The following are some of the highlights that have been propounded by Gerber et al (1998:162-163) to illustrate the wide and varying connotations of the concept of affirmative action:

-    Some see affirmative action as a means of making their staff more representative of the population as whole. For example, in 1977 the Rev Sullivan introduced a system of equal opportunities for all, 'the Sullivan Principles for South Africa' which encouraged foreign companies doing business with South Africa to adhere to the Sullivan Code (Morgan, 1982: 176-178). The objectives of the Principles were to support human rights and to encourage equal opportunity at all levels of employment, including racial and gender diversity on decision making levels and management

boards. The Sullivan Code of Conduct did not achieve its objectives in South Africa, because, it was used only for statistical purposes and whenever Blacks were elevated to managerial positions were there only for window dressing. It however, became a major platform for others to speak out for equal rights against discrimination of people at the work place in the 1980s.

- Others regard affirmative action as a way of making their staff reflect the demographic mix in the areas in which they operate. For example, the Johannesburg Stock Exchange (JSE) believes that their educational initiatives and implementation of affirmative action will enable individuals of ability and application to develop rewarding careers at the JSE regardless of racial groups or religious persuasion. However, taking into account, the overall ignorance among most Blacks regarding the workings of the JSE, a concerted effort needs to be embarked upon to educate this section of the population.

- Some shy away from applying the demographic approach and emphasise that an account must be taken of the skills available on the labour market.

- Others see affirmative action mainly in the context of overcoming past inequalities. For example, quasi-government business undertakings such as Eskom, Transnet and Telkom have taken strides in introducing people of colour to managerial positions. However, this has been perceived by some whites as lowering business productivity.

- More still others see affirmative action as an essential measure to overcome the skills shortage which has always threatened economic growth, for example, over the last five years Transnet has trained their workforce into positions of shunters and learner train driver; Telkom has embarked on training their staff on technical jobs.

2.6 CONCLUSION

Understanding the background of affirmative action is a very important part of the process of implementation of an affirmative action program. From the above exposition, it is evident that for the foreseeable future affirmative action is an essential change agent of attitudes and practices in the society which has certain categories of people who have the legacy of discrimination and inadequacies of

opportunity. To facilitate fair access to equal participation, affirmative action, as an intervention should be welcomed by all those who cherish justice.

For affirmative action to succeed in achieving its objective of overcoming problems of inequality in South Africa, skills development and job creation should be applied as co-ordinated processes aimed at eradicating the imbalances of the past. Further, it is clear from above that there are many stumbling blocks that cannot be ignored before successful implementation of the program of affirmative action.

CHAPTER 3

STATUTORY PROVISIONS

3.1 INTRODUCTION

Having surveyed the literature on the different aspects of affirmative action in the last chapter, the objective of this chapter is to review current statutory provision for formulation and implementation of affirmative action policy. It will mainly focus on the following legislation:

- Constitution, Act 108 of 1996

- Basic Conditions of Employment Act, Act 75 of 1997

- Employment Equity Act, Act 55 of 1998

- Labour Relations Act, Act 66 of 1995

- Skills Development Act, Act 97 of 1998

- White Paper on Affirmative Action in the Public Service, Notice 564 of 1998

- White Paper on the Transformation of Public Service, Notice 1227 of 1995

Equality is the foundational and organising principle of the new democratic order of our country. As a value, equality gives substance to the vision of the Constitution of the country and as a right, it provides the mechanism for achieving substantive equality, legally entitling groups and persons to claim the promise of a fundamental value and providing the means to achieve this (Government Digest, 1999: 23). The Bill of Rights includes a detailed and a powerful equality right.

3.2 LEGISLATIVE FRAMEWORK

3.2.1 THE CONSTITUTION

Section 7 of the Constitution, Act 108 of 1996, stipulates that the Bill of Rights

is the cornerstone of democracy in South Africa as it enshrines the rights of all people and affirms democratic values of human dignity, equality and freedom. Section 9 stipulates that everyone is equal before the law and has the right to equal protection and benefit of the law. Equality is designed to advance persons disadvantaged by unfair discrimination and prohibits any form of further discrimination on the basis of race, gender, colour, disability, social or ethnic origin, language, belief, sex orientation either directly or indirectly.

3.2.2 BASIC CONDITIONS OF EMPLOYMENT ACT, ACT 75 OF 1997

This Act aims at ensuring that the working conditions of all workers, organised or otherwise, and vulnerable workers meet conditions of employment which are socially acceptable. It specifically addresses the problem of:

- inadequate protection of vulnerable workers such as farm, part-time and domestic workers;

- equity in employment;

- age of employment;

- excessively long working hours, especially in areas such as transport and security;

- gender discrimination, especially related to maternity leave.

The Act also makes provisions for the removal of rigidities and inefficiencies in how minimum employment conditions are regulated and promote labour market flexibility. It further makes provision for the establishment of Employment Conditions Commission which advises the Minister of Labour on a variety of issues regarding labour conditions.

3.2.3 EMPLOYMENT EQUITY ACT, ACT 55 OF 1998

According to Parliamentary Bulletin (1998:1) 96% of jobs in South Africa are still held by Whites and there has been only 2,3% increase in the appointment to senior management positions, mainly in administrative areas and not in policy making positions. It is further stated that South Africa has the most unequal income distribution in the world that may be reflected as follows in percentage terms:

- *the bottom 20% of income earners receive 1.5% of the national income;*

- *the wealthiest 20% earn 50% of national income.*

Poverty is highly concentrated in the African and Coloured population;

- *95% of Africans are poor;*

- *33% of Coloureds live in poverty.*

It is against this background that the Employment Equity Bill was drafted in 1996 and became an act of a parliament in 1998. It is an attempt to address these inequalities and the current government believes that in every workplace there should be a culture of non-discriminating and diversity.

The purpose of the Employment Equity Act, Act 55 of 1998, is to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of discrimination. The Act ushers in an era of the requirement for employers to implement affirmative action measures to address the disadvantages in employment experienced by designated groups in order to ensure their equitable representation in all occupational categories and levels in the workforce.

Furthermore, the Employment Equity Act, states that the employer has to justify any action that might be considered unfair discrimination. However, as far as affirmative action is concerned, the Act does not require a fixed quota of employees for each different race. It defines black as meaning Africans,

Coloureds and Indians. Further, the Act emphasises that "suitably qualified people" should be considered for affirmative action appointment (Section 12(3)(b)).

The Act allows maximum flexibility, and when setting targets, both the employer and the employees should take into account the following:

- the pool of suitable qualified people from designated groups from which the employer may reasonably be expected to appoint or promote employees;

- regional demographics;

- economic and financial factors relevant to the sector;

- the financial circumstances of the employer.

The Act has also made provision for the establishment of the Commission for Employment Equity. Section 29(3) requires that members of this Commission should include representatives from designated groups so as to safeguard the interests of women, blacks and the disabled.

3.2.4 LABOUR RELATIONS ACT, ACT 66 OF 1995

The theme of Labour Relations Act, Act 66 of 1995, is explicitly taken up in the explanatory memorandum that accompanied its draft. The Act provides for South Africa's re-entry into international markets and the imperatives of a more open international economy. It demands that we produce value-added products and improved productivity levels. To achieve this, a major restructuring exercise is required as we enter economic markets and face demands for restructuring and therefore flexibility is crucial. As part of the government's economic restructuring, transformation includes the entire arena of work. This is based on the creation of employment that has to be based on sound macroeconomics policies integrated with labour market policies.

The overall aim of the Labour Relations Act is to give effect to Section 27 of the Constitution:

- regulating union organisational rights;

- promote and facilitate collective bargaining at the workplace and at sectorial level;

- promote employee participation in decision-making through workplace forums;

- provide simple procedures for the resolution of disputes;

- establish a Labour Court and Labour Appeal Court as superior courts.

The purpose of the Act is to advance economic development, social justice, labour peace and democratisation of the workplace. Further, conditions of Labour Relations Act do not apply to members of the National Defence Force,

National Intelligence Agency and South African Secret Service. However, negotiations are under way to include the institutions.

3.2.5 SKILLS DEVELOPMENT ACT, ACT 97 OF 1998

The Skills Development Act, Act 97 of 1998 was promulgated to ensure high-quality performance at the workplace through education and training systems that are cost effective, accountable, meet training needs and which compliment employment and economic development.

The Act specifically provides for:

- research and strategic planning capacity to gather and disseminate information on labour market skill trends;

- employment services which will promote people's active participation in the labour market;

- learnerships and other training programmes which will result in registered qualifications signifying work readiness and which respond to the needs of the labour markets;

- co-ordination of the skills development strategy through Sector Education and Training Boards, the National Skills Authorities and the Minister of Labour;

- financing of skills development through a minimum level of an investment levy.

3.2.6 WHITE PAPER ON AFFIRMATIVE ACTION IN THE PUBLIC SERVICE, NOTICE 564 OF 1998

The White Paper on Affirmative Action in the Public Service, Notice 564 of 1998 echoes the sentiments of the Constitution by stipulating that National and Provincial administrations should develop their own policies which incorporate a well prepared and a well-managed programme that will ensure that affirmative action is firmly embedded in the management systems and practices in their administrations. It further states that the responsibility for affirmative action is no longer the preserve of the affirmative action specialist but of every manager,

supervisor and the HR practitioner, who are required to implement affirmative action plans and are held responsibly for these.

The White Paper also gives clear guidelines on the development and implementation of an affirmative action programme as well as assigning roles and responsibilities to the various categories of management, that is, policy making to operational level. This therefore necessitates consultations at the different strata of the departments. It also stipulates that the Director-General has to appoint an affirmative action specialist with the responsibility for the development, implementation, monitoring, facilitating and co-ordinating the entire organisation.

3.2.7 THE WHITE PAPER ON THE TRANSFORMATION OF THE PUBLIC SERVICE, NOTICE 1227 OF 1995

The main purpose of the White Paper on the Transformation of the Public Service, Notice 1227 of 1995, is to give guidance on the steps to be taken to develop and implement the transformation of the public sector. It also highlights the need for the identification of the main target groups that are to benefit from the affirmative action programme. These are black people, women and people with disabilities.

Further Section 10.4 emphasises the need for the identification of people with different skills, qualifications and experience that need to be appointed into functional and decision making positions.

Section 10.5 highlights a number of potential problems and dangers that must be taken cognisance of in the implementation of affirmative action in the workplace. These include inter alia:

-       the danger of tokenism and the criticism that affirmative action is merely some numbers game;

-       the danger of the reverse of discrimination and the possible alienation of non-target groups within the public service;

-       the danger of prioritising affirmative action at the expense of other transformational goals, especially efficiency and effectiveness.

3.3   CONCLUSION

Both the Constitution and the Labour Relations Act, Act 66 of 1995, are explicit in sanctioning corrective policies and in distinguishing them from discrimination. The Constitution Act, Act 108 of 1996, and Employment Equity Act, Act 55 of 1998 specifically provide that the introduction of affirmative action measures does not constitute a form of unfair discrimination. As affirmative action is seen as part of the right to equality, it would appear that those challenging such programmes bear the onus of proving their illegality. The Employment Equity Act is not aimed at the greater representation of blacks and women in the workplace, thus discriminating against the white community.

CHAPTER 4

DATA ANALYSIS

4.1 INTRODUCTION

In this chapter the main focus will be the analysis of data which has been collected through the use of questionnaires. This is necessary as it will enable the researcher to find out how employees in the department of the Premier perceive and understand the process of implementing affirmative action. As both questionnaires and interviews were used as methods of data collection, there could be percentage discrepancies under some questions.

4.2 DATA ANALYSIS

Out of 120 questionnaires sent throughout the Department of the Premier 87 were returned to the researcher. The findings were as follows:

SECTION A: **Completed by Personnel Section: Department of the Premier.**

Table 1: Employment by Race and Gender

Total Employment by Race and Gender: 21 June 1999

Race Groups	Males	%	Females	%	Total	%
Africans	122	38	83	26	205	64
Asians	14	4	15	4	29	9
Coloureds	11	3	07	2	18	5
Whites	31	9	45	14	76	22
TOTAL	**178**	54	**150**	46	**328**	**100%**

Source: Persal Report: 21/06/1999: Provincial Administration: KZN.

According to this report Whites comprise only 22% of the total staff complement in the department of the Premier, yet they occupy most of the senior positions, while 78% comprise people from disadvantaged groups.

Table 2: Distribution by Ranks
Distribution by Ranks: 21 June 1999

Post Levels	African		Asian		Coloured		White		Total	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Director-General		1								1
Deputy Director-General								2		2
Chief Director		3						1		4
Director	1	5						6	1	11
Deputy Director	3	7		3			5	2	8	12
Assistant Director	1	2						3	1	5
Admin. Officer	3	4	2		1		6	5	12	9
Chief Admin. Clerk	4	6		1		2	2	2	6	11
Admin. Clerk	7	9	5	1	1	1	9	2	22	13
Chief Personal Practioner	10	11	2	6			8	0	20	17
Others / Below	54	74	6	3	5	8	15	8	80	93
TOTAL	83	122	15	14	7	11	45	31	150	178

Source: Persal Report: 21/06/1999: Provincial Administration: KZN.

The table above shows that from the rank of Director to Director-General the department is mainly white and male-staffed and contrasts sharply with the demographics reflected on the preceding table. However, the table shows a fair balance in terms of the total males employed in the Department.

Section B: Completed by officials above Assistant Director

1. PERSONAL INFORMATION

Under this section respondents were men the majority of whom were aged between 41 and 50. The respondents were only blacks and whites and their income evenly distributed between R133 392 and R218 775.

2. QUESTIONS

2.1 Briefly describe affirmative action - where did you learn about it?

Twenty percent (20%) of the respondents heard about affirmative action while attending training workshops and from the media.

About forty percent (40%) of the respondents described affirmative action as a lawful mechanism/tool to correct past imbalances that have been designed to achieve equity in employment and as a social equity process to compensate for past discrimination and heard about from the media.

Twenty percent (20%) saw affirmative action as a selection process where there are several equally suitable candidates for a job, where preference should be given to blacks, women or the disabled and as a measure to give opportunity to those sectors of the community previously disadvantaged to advance in terms of training, exposure, empowerment and sports and also heard about from the media.

Twenty five percent (25%) said affirmative action is a programme aimed at placing blacks, women and the disabled people at managerial positions and that somebody suitable for the job must be appointed irrespective of colour. Also felt that it was a process that aims to remove all forms of discriminatory imbalances towards achieving a broadly representative society. They did not specify sources of information.

Five percent (5%) of the respondents saw affirmative action as a monster code-named and bandied about in electronic media. They further argued that affirmative action is just a buzz word frequently used at the work place.

2.2 When the Affirmative Action Policy was formulated, was there consultation with employees at all levels of the department? Give reasons for your answer.

Thirty-five percent (35%) of the respondents in the upper echelons said they were consulted at the National Economic, Development and Labour Council (Nedlac) and at the Bargaining Chamber when the affirmative action policy was formulated in the department while sixty five percent (65%) of employees in the lower echelons said they were never consulted and some said they knew nothing about affirmative action.

2.3 Do you think affirmative action is an appropriate tool for redressing past imbalances? Give reasons for your answer:

Eighty five percent (85%) of respondents said affirmative action is an appropriate tool for redressing past imbalances and gave the following conditions:

-   that it must be used for a limited period and based on merit;

-   be coupled with training so that the appointees can perform efficiently and effectively;

-   be coupled with other transformational programmes and strictly monitored to ensure that its objectives are achieved;

-   create opportunities for competition thus improving productivity in the workplace and form part of a larger programme that includes mentoring;

-   everyone has been given an opportunity to avail oneself on tasks previously reserved for whites only;

-   the wealth of the country will be well shared;

- but it creates resentments for the appointment of people without the necessary ability.

Only fifteen percent (15%) saw affirmative action as reverse discrimination because it does not cater for the minority group. They also associated affirmative action with nepotism and argued that people without hands on experience were being appointed to senior positions.

2.4   What problems in your opinion are hindering the implementation of affirmative action in the department? Mark your answer with X and give reasons for your choice.

Sixty percent (60%) of employees in the lower echelons of the department saw the attitude of senior officials as the major stumbling block towards effective implementation of affirmative action and cited the following reasons for such behaviour:

- most senior positions are occupied by whites who are not willing to implement change for fear of losing their positions;

- do not want to transform the workplace and only focus on getting the job done and most senior officials are white who still want to maintain the status quo;

- senior officials always use the excuses that there are no skilled candidates to be considered for affirmative action appointments.

On the other hand twenty-five percent (25%) of the respondents in senior positions cited lack of resources and expertise as the main cause of the slow pace in the implementation of affirmative action. They argued that people lack a sense of responsibility.

Only fifteen percent (15%) of the respondents saw inefficiency as the cause for slow implementation of affirmative action and also regarded limited budget as another causal factor for slow implementation.

2.5   If certain barriers to successful implementation of affirmative action have been identified, what mechanisms are in place to overcome identified barriers to equal employment in the Department?

Sixty percent (60%) of respondents said since affirmative action has not been properly implemented, there are no mechanisms to overcome barriers to its effective implementation. However, twenty percent (20%) argued that previously advantaged groups will have to consider Voluntary Severance Package in order to give way to previously disadvantaged groups. Further, another twenty percent (20%) saw quota system as a way to promote representativeness in all departments.

2.6   Proponents of affirmative action argue that it (affirmative action) is for good reasons while others are adamant that it is the reversal of discrimination against certain people. What is your opinion on this argument? Give reasons for your answer.

Eighty percent (80%) of black respondents argued that affirmative action is for good reasons and defended its implementation by saying that it will help advance people previously disadvantaged and saw it as a temporary process mainly to strike a balance. They emphasised that it must be based on merit and its candidates must be empowered to take decisions as their predecessors did. Only twenty percent (20%) of the white respondents felt affirmative action was for good reasons.

On the other hand ten percent (10%) of white respondents saw affirmative action as a reversal of discrimination as incompetent people were appointed into senior positions. They saw racism as rampant in the public sector and felt people should understand that the long-term benefits are the results of short-term sacrifices. About ninety percent (90%) of white respondents did not comment on this as they felt it was a controversial issue.

2.7   What do you think should be the criteria to qualify for affirmative action consideration should be? Mark your answer with X.

-    **age**
-    **gender**
-    **service / experience**
-    **qualifications (academic)**
-    **skills for the job**
-    **other**

Experience and skills for the job were rated highly on the list, by at least seventy-five percent (75%) of the respondents, followed by gender and academic qualifications. Furthermore, twenty percent (20%) felt academic qualifications play a crucial role as not much in-service training will be necessary and people with academic qualifications remain competitive thus promoting efficiency and effectiveness. Four percent (4%) felt age could be a determinant for affirmative action appointment. Experience is regarded as the cornerstone in any employment and it is easy to teach an experienced person a new job adapt easily to new trends. However, experience should be coupled with skills for the job. Only one percent (1%) felt gender is necessary to advance women into senior positions.

2.8   What empowerment programmes are there to support affirmative faction appointees thus ensuring successful implementation of affirmative action in the department?

Since affirmative action has not been effectively implemented, seventy percent (70%) of the respondents said they were not aware of any empowerment programmes that have been designed to support affirmative action appointees. About thirty percent (30%) of officials from Human Resources Management said there were specific programmes being designed to empower affirmative action appointees and others offered by South African Management Development Institute (SAMDI).

2.9   Affirmative action is a temporary process of moving towards equity at the workplace. Once equity is achieved there will be no point of continuing with its implementation. In your opinion what time frames should be set to achieve equity at the workplace/ Department of the Premier? Give reasons for your answer.

Sixty-five percent (65%) of the respondents said a period of 10 years would be suffice to correct past imbalances. The first five years would be devoted to making affirmative action work. Twenty percent (20%) said five years would be appropriate for this purpose while ten percent (10%) said it would not be correct to talk of time frames at this juncture as affirmative action has not been implemented. Three percent (3%) felt equity would never be achieved, as people have no sense of duty and hide behind equity and affirmative action. Two percent (2%) felt they could not determine time frames without knowing the extent of the problem.

2.10 **According to Section 15 of the Employment Equity Act, the department is expected to have measures designed to ensure that "suitably qualified" persons from designated groups have equal employment opportunity with their counterparts from previously advantaged groups. What measures are there in the Department to comply with this requirement?**

Of all the respondents who answered this question, eighty-five percent (85%) said they did not know whether there were any such measures in the department. Fifteen percent (15%) said there are measures designed to ensure that "suitably qualified" persons from designated groups have equal employment opportunity with their counterparts from previously advantaged groups.

2.11 **In the implementation of affirmative action, do you think preference should be given to employees within the KwaZulu-Natal Provincial Administration/Department of the Premier or should it be based solely on merit? Give reasons for your answer.**

Seventy percent (70%) of the respondents felt that preference should be given to employees within the Province but should be based on merit and should be coupled with appropriate mentoring, and believed that if an employee is dedicated to his job will become effective and efficient within few weeks and argued that charity begins at home. However, this should be a short-term arrangement. On the other hand twenty-five percent (25%) felt external recruits should be considered only if any suitable candidates are not available from within. They argued that internal potential cannot be ignored.

Three percent (3%) still felt it was not important whether recruits came from outside or inside the Province but rather look for efficiency and service delivery.

Only two percent (2%) felt that recruits should be external in order to discourage nepotism and eliminate corruption. They argued that external recruits might bring quality at the workplace.

2.12 **Is there a link between affirmative action and other transformation activities in the department? Give reasons for your answer.**

Eighty percent (80%) felt there is a link between AA and other transformational activities in the department and quoted programmes such as Gender, Youth and Disability, Government Policy and Co-ordination and Special Programme Unit (AA) in Human Resources Management section.

On the other hand twenty percent (20%) felt this was not the case and regarded it as a shortcoming that must be addressed.

2.13 What monitoring mechanisms are there to ensure successful implementation of affirmative action in the department?

Ninety percent (90%) of the employees said they were not aware of any monitoring mechanism, especially that they were not sure that affirmative action was being implemented at all. Only ten percent (10%) said there were monitoring measures in place to ensure that affirmative action is effectively and efficiently implemented.

2.14 If any affirmative action appointments were made during 1998/99 in the department, do you think that made any difference to the situation as compared to the previous years?

Fifty percent (50%) of the respondents said they were not aware of any AA appointments during this period.

Forty nine percent (49%) felt such appointments have promoted representativeness and improved service delivery as competent people have been appointed

Only one percent (1%) felt such appointments have been disastrous, as incompetent people have been appointed into positions for which they did not qualify.

2.15 Affirmative action should advance people to top management positions and decision-making positions hence the tendency to send employees to universities and technikons. Do you agree with such notions? Give reasons for your answer.

Fifty percent (50%) of respondents felt it is the right thing to send employees to technikons and universities;

-       to enable them to acquire more skills and knowledge;

-       otherwise tokenism cannot be avoided if employees are not developed.

Fifty percent (50%) argued that:

-       academic qualifications do not necessarily prepare people into jobs without hands-on training by the employer;

-       academic qualifications do not guarantee appointment to senior positions without acquiring appropriate skills for the job to be done;

-       such studies will be useless unless they are specifically linked and focused to a career plan;

-       academic qualifications are mostly irrelevant and do not assist in performing the job, hence we find employees with academic qualifications still being subordinates to employees without them.

2.16   Do you think it would be appropriate to advertise jobs internally so that fair promotion opportunities exist for a current workforce in the Department/Province or do you think that would be tantamount to job reservation? Give reasons for your answer.

Fifty percent (50%) of the respondents felt that jobs should be advertised externally in order to:

-       ensure transparency and promote transformation;

-       create a pool of applicants so large that it cannot be regarded as job reservation;

-       discourage nepotism and eliminate corruption;

-       inject new blood is necessary to promote competitiveness as the current workforce is inefficient.

Fifty percent (50%) felt jobs should be advertised internally for the following reasons:

- to enable hard-working employees to get recognition they deserve;

- an internal workforce should be developed otherwise that would create a pool of ignorant and demoralised employees;

- so that everyone within has the opportunity to sell oneself.

2.17 Do you think citizens (blacks) from countries outside South Africa should also be beneficiaries of affirmative action or only those who were affected by apartheid in South Africa should benefit? Why?

Eighty five percent (85%) of respondents felt only South Africans should be considered for AA appointments for the following reasons:

- South Africa has scarce resources which are not even enough for her citizens;

- appointment of non-South Africans would create confusion and retard the implementation of AA;

- it is a programme specifically designed to benefit South Africans only;

- each country should give preference to its citizens;

- AA would fulfil its objective if it were to benefit those affected by apartheid or jobs would be swamped by foreigners while SA citizens remain unemployed.

Fifteen percent (15%) felt apartheid affected all people irrespective of their origin and these were victims of apartheid as a result of their countries being colonised. They also felt AA is not about SA only.

SECTION C: **Completed by Employees below the rank of Assistant Director**

3.1 PERSONAL INFORMATION

3.2 QUESTIONS

3.2.1 Do you know anything about affirmative action? If yes where did you learn about it?

While fifteen percent (15%) said, they knew nothing about AA, thirty percent (30%) of the respondents said they understood AA to be a programme formulated to upgrade the standard of disadvantaged groups and designed to rectify past imbalances.

Fifty-five percent (55%) felt it was a means of giving employment opportunity to previously disadvantaged groups. They further mentioned that although they have heard about AA in the media it has no real meaning to them.

3.2.2 When the Affirmative Action Policy was formulated in the Department, do you feel that there was enough consultation with employees at all levels of the department? Give reasons for your answer.

Eighty-five percent (85%) of respondents said they were never consulted when AA policy was formulated in the Department hence they knew nothing about it and were not even aware of its existence. Only fifteen percent (15%) said they were consulted.

3.2.3 Do you think affirmative action will contribute towards redressing the past imbalances? Give reasons for your answer.

Seventy percent (70%) felt AA will only contribute towards redressing past imbalances if correctly implemented and supported by all stake holders and if the top management changed its attitude towards it, while thirty percent (30%) said it discriminates against the minority groups.

3.2.4 What problems are hindering the implementation of affirmative action in the department? Mark your answer with X.

- **attitude of senior officials**
- **limited budget**
- **lack of suitable candidates**
- **lack of posts**
- **Other**

Attitude of senior management was seen as the main problem hindering successful implementation of AA by seventy five percent (75%). Only twenty-five percent (25%) mentioned budget and limited resources.

3.2.5 What do you think should be the criterion to qualify for affirmative action consideration? Mark your answer with X.

- **age**
- **gender**
- **service / experience**
- **qualifications (academic)**
- **skills of the job**
- **other**

Give reasons for your answer.

Seventy percent (70%) of the respondents saw skills for the job, academic qualifications and service/experience as the major determinants of AA consideration. Ten percent (10%) of respondents felt gender was also an important consideration as they thought it was high time women were given a chance to occupy high positions and because they were the backbone of society.

Ten percent (10%) felt all the above attributes were very important and could not be separated. If applied, they should be coupled with regular training to affirmative action appointees. Five percent (5%) regarded age as an important factor.

Those who cited academic qualifications five percent (5%) as the most important criterion argued that better qualified people know more about the dynamics of the job, hence they must be given an opportunity to prove themselves.

3.2.6 What contributions could you make to ensure successful implementation of an affirmative action programme in the Department?

Sixty-five percent (65%) of respondents felt they were not in a position to comment on this item, as their exposure to affirmative action in general was very minimal. A few felt they would suggest that affirmative action

appointees should be given support and ensure that their appointments were from designated groups which should reflect the demographics of the province. They also felt the Department should conduct an awareness exercise so that every employee in the Department was conversant with affirmative action and it was imperative that supervisors and supervisees agree on the content of affirmative action. Thirty-five percent (35%) felt advertisements should specifically state that the job will be for people from disadvantaged background and transparency in the Department was the key to the movement of staff.

4.3 CONCLUSION

This chapter dealt with the responses from the employees of the Department of the Premier. It gave details of how employees in the Department of the Premier perceived and understood the subject of affirmative action.

CHAPTER 5

INTERPRETATION OF DATA

5.1   INTRODUCTION

This chapter will examine the responses of the employees of the Department of the Premier which will give an indication of areas of concern that the department must deal with to ensure that implementation of affirmative action is a success.

Further, this research assignment has shown that although the Department of the Premier has a policy document that is based on the general policy for the entire provincial administration, it has no policy designed to address its specific needs. Such a policy would provide a strategic direction of this Department for ensuring representability. However, it is true that the findings of this research assignment will serve as a yardstick to measure the implementation process of affirmative action in the entire province.

5.2   RESEARCH RESULTS

As has been mentioned in the preceding chapter about 80% questionnaires were returned to the researcher. Responses highlight the following issues.

5.2.1 Statutory provisions

Although South Africa has promulgated legislation on the subject of affirmative action, there is very little evidence that suggests the Department of the Premier has been able to comply satisfactorily with these statutory provisions. This is evidenced in that the Department does not:

-       Have an affirmative action policy of its own;

-       Have a detailed plan that would set measurable outcomes for affirmative action but has relied on a general policy document that does not cater for its unique needs;

-       Consult enough with all the stakeholders in this regard with regard successful implementation of affirmative action.

Therefore, the implementation of affirmative action in the Department of the Premier contravenes affirmative action statutory provisions such as the White Paper on Transformation of The Public Service (1995:55) and Section 15 of the Employment Equity Act, Act 55 of 1998 which stipulate that each department must draw up its detailed affirmative action plans that are designed to meet the needs of black people, women and people with disabilities.

This is a further contravention of the White Paper on Affirmative Action in the Public Service (1998) which clearly stipulates that departments should develop their own policies which will incorporate a well prepared and a well-managed programme that will ensure that affirmative action is firmly embedded in the management systems and practices in the administrations.

5.2.2 Representativeness

This research has also revealed that the Department of the Premier has a total workforce of 328. Of this, 254 are employees from previously disadvantaged groups; that is, Blacks, Coloureds and Indians and only 76 are Whites. These figures contrast sharply with rank distribution in that the Whites and males in general occupy the first five, most senior positions in the department. Equality is designed to advance persons disadvantaged by unfair discrimination and prohibits any form of further discrimination on the basis of gender, race, colour, ethnic origin, sex orientation, belief and language either directly or indirectly.

5.2.3 Selection Process

Again this research reflects that the Department of the Premier has not:

-       Performed job evaluation on existing positions to be earmarked for affirmative action appointments;

-       Developed a baseline audit of existing personnel in terms of gender, disability, advantaged and disadvantaged personnel.

This is in conflict with Adams' view (1993:118) who suggests that although South African statutory provisions do not specify affirmative action appointment quotas, it is desired that at least by year 2000, the following targets must have been reached:

- black representation in the boardrooms not less than 30%;

- black participation in equity not less than 40%;

- black involvement in management not less than 60%.

Further, respondents felt that when affirmative action appointments are considered, skills for the job are a very important consideration when selecting candidates. Such consideration will be in line with the statutory provisions of Section 15 of Employment Equity Act (1998) which stresses that the department must ensure that only "*suitably qualified*" persons from designated groups must be considered for affirmative action appointments.

This will further be in line with Innes et al (1993:16-19) view that it is necessary for top management to be the champions of affirmative action policies at all levels in any organisation. This could be done through various programs that clearly stipulate the targets, time frames and strategies to be employed for such programs to be success.

5.2.4 Barriers to Effective Implementation of Affirmative Action

The majority of the respondents from the lower echelons of the Department saw the attitude of senior management as the major barrier to effective implementation of affirmative action in the department. Their main concern is to secure their positions thereby maintaining the status quo. This confirms Adams' (1993:12-14) fears that white managers need to change their approach towards the advancement of the disadvantaged groups. He argues that white managers in particular still hold the view that people from disadvantaged background must change while they continue managing as they have done in the past.

It has further been revealed that the Department of the Premier has not:

- Developed training programs to support affirmative action appointments;

- Raised awareness and initiated a positive view of affirmative action to discourage tokenism and stereotyping of beneficiaries;

- Developed monitoring and reporting processes or mechanisms that would be used to correct potential pitfalls.

Such measures would be in compliance with Adams' (1993:12-14) view that disadvantaged groups must be afforded preferential support that will enable them to attain high level of technological and management capacity. This will further be in compliance with the provisions of the Skills Development Act (1998) which stipulates that high quality performance at the workplace through education and training systems that are cost-effective, accountable, meet training needs and which complement employment and economic development.

5.2.5 Affirmative action as an appropriate tool for redressing past imbalances

The study has revealed that the majority of respondents regard affirmative action as an appropriate tool for redressing past imbalances. However, there is a strong view that affirmative action alone cannot bring about the desired changes in the workplace and should therefore be coupled with other transformational measures and should be used for a limited period. Therefore such a view is in support of Human (1993:3) who suggests that affirmative action is a temporary process designed to achieve equal employment opportunity without lowering the standards of performance, and her view (1999:16) that affirmative action is a means of overcoming barriers to equal employment opportunity rather than as a means of unfairly advancing the interest of various groups at the expense of others.

5.2.6 Transformation Process

Many employees in the Department of the Premier support the view that affirmative action alone will not achieve equality at the workplace. They are of the view that other transformational activities such as Gender, Youth and Disability, Government Policy and Co-ordination should form part of the transformation process to achieve equality in the Department of the Premier.

5.3 CONCLUSION

This chapter reflects what the researcher regards as the most important yardstick in the evaluating whether affirmative action has been successfully implemented in the Department of the Premier.

CHAPTER 6

CONCLUDING CHAPTER

6.1   INTRODUCTION

The objective of this research assignment was to evaluate whether affirmative action is being implemented in the Department of the Premier in KwaZulu-Natal. The researcher was motivated by the desire to establish whether provisions of Employment Equity Act, Act 55 of 1998, as well the requirements of The White Paper on Affirmative Action in the Public Service, Notice 564 of 1998, were being observed in the Department of the Premier. The researcher was of the opinion that this Department remains predominantly white and male staffed, and therefore, has not complied with the desires, aspirations and the spirit of the new democratic South Africa.

The evaluation was done through review of departmental records to access information on demographics of the Department and research through questionnaires and interviews, that is, to gather information on how affirmative action has been perceived by the employer and employees alike thus enabling the researcher to arrive at a valid conclusion.

6.2   RESEARCH CONCLUSIONS

As this research assignment is limited in scope, it has not been possible to discuss in detail all factors affecting implementation of affirmative action in the Department of the Premier. Therefore, the following are conclusions that the researcher can reasonably put forward.

6.2.1 Change and Change Management

It has been established that change is usually coupled with problems. It is a process that involves a shift from current state to a desirable state, which in this research assignment is the implementation of affirmative action and the Employment Equity Act, Act 55 of 1998. It is crucial to also note that these pieces of legislation cannot be implemented independently of the Skills Development Act, Act 97 of 1998. Therefore, managers must be strategic and holistic in implementing affirmative action.

Change management thus impacts on the current behaviour of handling management issues. It further calls for a new culture, whereby black and white, male and female, view themselves as equal partners in the field of management or in decision-making. This is a challenge that managers have to deal with. They must be able to manage diversity if affirmative action is to be successful.

The research assignment established that senior managers from the past were still perceived as barriers of the implementation of affirmative action policy, clearly affirming that change management is not a " *smooth sailing*" process. Affirmative action is associated with paradigm shift for understanding different races as was the case with apartheid model which was based on separate white managed organisations and disadvantaged groups were denied opportunities to move to management positions. It involves a conscious effort by the manager to see change, establish plans on how to effect the change through the involvement of all stakeholders, dealing with fear and uncertainty.

6.2.2 Policy Making and Policy Management

The research assignment further revealed that the Department of the Premier has no affirmative action policy document of its own, but a Provincial Policy based on the National Policy that was deliberated at Bargaining Chamber and National Economic, Development and Labour Council (Nedlac) levels only.

This is in violation of the provisions of the White Paper on Transformation in the Public Service, Notice 1227 of 1995, which clearly specifies that departments need to develop their own policies which will incorporate well prepared and a well-managed program that will ensure that affirmative action is embedded in their management systems. An affirmative action that will be bottom-up and organisation driven.

Furthermore, Innes et al (1993:98) support the view that for affirmative action to be effectively implemented, it is important to create a common language throughout the entire organisation that would explain what affirmative action means. This will further be in line with the provisions of the Labour Relations Act that requires employee participation in the decision-making process through workplace forums.

The fact that the Department of the Premier still has managers from the past is also a cause for concern. Some perceive appointment of disadvantaged groups to

senior positions as discrimination in reverse. These managers lack vision, are ineffective in designing achievable business plans that would clearly spell out strategies regarding implementation, monitoring and evaluation measures for successful implementation of affirmative action. Eighty percent (80%) of the respondents saw senior managers as major barriers to effective implementation of affirmative action.

Adams (1993:13) has come up strongly to suggest that there is great need to change the mind-set of managers, both black and white, so that change could be effectively implemented. Also, Innes et al (1993:16-19) share the view that managers need to be champions of affirmative action policies and suggest that this may be done through various programmes, which clearly state the target, time frames and strategies for successful implementation of affirmative action policy. Managers that will lead the change process and make it happen.

6.2.3 Women and Management

The following factors, inter alia, are a cause for concern:

- Women lack role models who are successful and effective in the public administration;

- We live in a patriarchal society where the roles of women are largely overshadowed by those of men;

- Interviews are usually conducted by men.

Women in general have been dis-empowered because of their status and as blacks in particular in the patriarchal and white dominated world the situation has been worse. On the basis of this, one is tempted to conclude that women have not been fairly advanced to management and decision-making positions in the Department of the Premier. Furthermore research has undoubtedly confirmed the assumption that the Department of the Premier is still predominantly white and male as:

- According to Central Statistics (1997:11) there are more females (53.3%) than males (46.7%) in KwaZulu-Natal, yet the departmental records show that there are more males employed in the Department, that is, 178 males against 150;

- There are more males occupying the top first six strata of the Department, that is, 10 females as opposed to 35 males;

- There are more white females (45) than white males (31) employed in the Department, yet there are more white males employed in the top first six strata (12) as opposed to (6) females;

- Both Asian and Coloured females only appear on the lower strata of the Department.

Although no legislation, particularly Employment Equity Act, Act 55 of 1998 that requires quotas in the workplace, it will be appropriate for the Department of the Premier to consider representation of all segments of the population in its establishment. In this regard, President Mbeki needs to be commended, for 50% of the Cabinet Ministers are females. It is hoped such a move will impact positively in the labour market.

6.2.4 People With Physical Disabilities

Throughout the research process the researcher was unable to pick up any specifics regarding this category of our population. Also the researcher did not set out to determine precisely whether the Department made any provision for the entrenchment of the rights of people with disabilities. However, it is evident from the responses that this sector is not even seen as crucial for affirmative action. This is evident in that;

- Offices are not wheelchair friendly;

- No employment quotas have been set for people with physical disabilities as the Employment Equity Act, Act 55 of 1998 states.

It was also surprising to note at this level that there is no mention of people with disabilities. This highlights the urgent need for transformation in the Department

6.2.5 Some Advantages of Affirmative Action

Furthermore the research revealed the following:

- affirmative action, if well managed, offers an invaluable opportunity to redress the past imbalances in the workplace;

- it will offer the Department of the Premier a platform for the upliftment of the blacks, women and people with disabilities according to the stipulations of the Constitution, as well as the Affirmative Action Policy of the KwaZulu-Natal Provincial Administration;

- research has shown that affirmative action will tap into the previously unused talent of women and blacks, so that everyone will make a contribution into the economy of the country;

- mechanisms should be put in place to see to the establishment, implementation, monitoring and evaluation of affirmative action, so that the real objectives of this policy are met;

- a commitment by the government to the affirmative action drive, by putting money where their mouth is, and see that affirmative action is implemented fairly and equitably in the departments, through periodic evaluations instead of being a promise on paper;

- development and training efforts to empower the employees are necessary and should be encouraged so that work standards are not lowered, as this will confound the whole affirmative action drive;

- all legislation that promotes the democratic order in South Africa, equity, value and substance in the lives of all citizens should be adopted by all stake holders.

The aim of this research is to facilitate the implementation of affirmative action measures and to make a meaningful contribution to changing the texture of the Department. It is always necessary to periodically evaluate new programmes in order to measure progress and detect errors. The necessary corrections should be made at an early stage of the program and before much damage is caused.

Furthermore, the researcher focused on the Department of the Premier but findings and recommendations of the research could be used in all departments in the KwaZulu-Natal Provincial Administration, thus ensuring that affirmative action is implemented effectively throughout the entire province.

6.3   CONCLUSION

Against this background, the researcher has brought these issues forward and discussed them academically. The suggestions put forward are those of the researcher, which can be heeded by the Department of the Premier, and be implemented to the benefit of all stakeholders, from senior officials to the lowest of employees. The researcher's intention is to help the Department in its endeavours to the implementation of affirmative action measures and to make a meaningful contribution to changing the texture of the department. It is also intended to enable the Department make necessary changes and to periodically evaluate this program in order to measure progress and detect errors and correct them at an early stage.

It is also important to note that affirmative action could not be perceived in isolation but within the context of managing cultural diversity. Implementation of affirmative action could be seen as a long journey that is more of a beginning than an ending.

In conclusion, I will end with recommendations based on the findings from the information gathered from the research assignment.

CHAPTER 7

RECOMMENDATIONS

7.1 INTRODUCTION

This chapter makes certain recommendations that the Department of the Premier may consider implementing when evaluating or monitoring its affirmative action program.

The White Paper on Affirmative Action in the Public Service (1998:33) requires that affirmative action is not an activity undertaken in addition to other administrative tasks, but an essential tool for achieving the department's strategic and operational goals. Therefore it follows without saying that the implementation of affirmative action in the Department of the Premier is an integral part of every aspect of the department.

7.2 RECOMMENDATIONS

In essence, according to Gerber et al (1998:164) it is the culture of the department (values, beliefs, norms and attitudes that define how people are expected to behave in any organisation) that determine the extent to which disadvantaged groups are advanced and accepted in an organisation. Therefore the ultimate goal of affirmative action is to develop a corporate culture in which discrimination of any kind is rejected and people of all races are treated as individuals and advanced on merit.

To achieve the above stated goals, the following recommendations on the implementation of affirmative action in the Department of the Premier are submitted for consideration.

7.2.1 Development of Affirmative Action Policy and Implementation Plan

An affirmative action policy should be formulated which will form the framework for developing, implementing and evaluating affirmative action plan through wider consultation and communicated to all levels of the Department of the Premier. This should be based, inter alia, on the following:

- the reasons for developing an affirmative action plan otherwise they remain stuck at policy-making level;

- commitment from management to successful introduction, implementation, monitoring and evaluation of an affirmative action plan;

- a communication strategy that will ensure participation of all stakeholders within the Department of the Premier and ensure that all employees know exactly what is required of them and how they will be appraised;

- changing the departmental culture;

- to be done in consultation with labour.

7.2.2 Establish the current state of human resources policies, procedures and practices.

Establishing the current status will enable the Department to know where it is now and identify internal factors that could support or inhibit the implementation of an affirmative action plan.

This should cover the following:

- a detailed employment profile of the Department's employees by race, gender and the grades;

- racial population profiles for recruitment, selection, training, development and promotions;

- an in-depth review of the current human resource practices in the Department;

- development of the code of conduct in relation to behaviours relating to gender and race;

- the eradication of other discriminatory policies, procedures and practices, if any, that may impact negatively on the recruitment and promotion of people from disadvantaged groups.

7.2.3 Establish Affirmative Action Support Unit

Although formulating, implementation, monitoring and evaluation are the sole responsibility of top management, it is always advisable to identify key people within the Department whose support is needed for the success of the programme. This support unit should be a human resource specialist who can take charge of affirmative action issues on a day-to-day basis.

7.2.4 Development of Affirmative Action Strategies

The following are some strategies that could be used to achieve affirmative action targets.

7.2.4.1   Recruitment and Selection

The aim of recruitment is to attract as *many suitable* external applicants for a post as possible while selection aims to identify the *most suitable* candidates for a vacant post.

There are a number of problem areas surrounding recruitment and selection which management should be aware of such as the following:

-       the tendency to resort to external appointment while there are abundant internal talents that could be developed and used to the optimum best;

-       interviews are usually conducted by top management because of their management status and not because they are trained to do so.

Further considerations could include:

-       restricting the intake of white recruits until affirmative action targets have been achieved;

-       recruiting and promoting people from previously disadvantaged groups who can serve as role models at all levels of the Department;

-       changing recruitment literature, if any, to ensure they are not biased;

- selecting unqualified people from disadvantaged groups who have the potential to become qualified after training.

7.2.4.2 Training and Development

Training provides access and opportunity for employees to develop skills to meet the changing work processes. It is therefore necessary that managers and supervisors be trained so that they can transfer knowledge to affirmative action candidates. This also helps to change behaviours and attitudes of different racial groups towards one another. It is important for the Department to take cognisance of the fact that training is linked to performance on the job or preparation for additional responsibility or future job prospects.

7.2.5 Implementing the Affirmative Action Plan

A number of issues will emerge which must be considered when implementing the affirmative action plan. These include:

- planning for success, that is, involving all areas of human resources management in the application of a comprehensive affirmative action program;

- timing and the scope for implementing strategies;

- allocating responsibilities;

- communicating the approach clearly, simply and consistently to all who have to implement it;

- rewards and punishments;

- act boldly, confident in the knowledge that the vast majority of employees of the Department share the goals and the objectives the Department is trying to achieve.

7.2.6 Monitoring and Evaluating Progress

Monitoring and evaluating affirmative action is very crucial in the whole process as they:

- serve as a yardstick to continued commitment to affirmative action;

- facilitate assessment of individual employees;

- facilitate assessment of departmental progress in relation to affirmative action;

- highlight areas where changes in strategic direction are required or where more work is necessary;

7.3 CONCLUSION

The aim of affirmative action is to ensure commitment and productivity as a whole. Therefore, successful application of the above-mentioned recommendations should result in equal opportunity and changed departmental culture. A culture in which past discrimination has been removed and people from disadvantaged groups are advanced on merit.

Although it may be necessary for the Department to set quotas when applying affirmative action, quotas should be treated with caution because they tend to be difficult to remove. They may also have some undesirable effects such as fostering resentments, creating dependency or reduce efficiencies. The Department must be able to give priority to the overall well-being of its entire workforce without favouring a certain group of employees.

Finally, the recommendations made above are not only likely to contribute significantly to the reduction of barriers to effective implementation of affirmative action, but also likely to create, in the medium and long run, the resource base for further implementation of affirmative action in the Department.

CHAPTER 8

CONCLUSION

This chapter provides a conclusion of the whole evaluative research exercise. The aim of the research assignment was to evaluate whether affirmative action is being implemented in the Department of the Premier. The Department of the Premier was chosen as a case study because what is happening in this department is considered to be a microcosm of the entire KwaZulu-Natal Provincial Administration.

To meet the objective of the study, the researcher collected data within the department of the Premier by perusing departmental records; by distribution of questionnaires to senior management and through personal interviews that were conducted with officials below the rank of Assistant Director.

The research assignment was divided into eight chapters, with first three chapters devoted to introduction, theoretical background and statutory provisions regarding affirmative action policy. Understanding the background of affirmative action was a very crucial part of the whole evaluative exercise. Chapters Four and Five focused on collection, analysis and interpretation of data collected within the department. The remaining three chapters looked at the findings of the study, research conclusions and recommendations made to the Department of the Premier in its efforts to implement affirmative action policy.

Although the research was limited in scope, it revealed beyond doubt that the Department of the Premier is still predominantly white and male. Women in general and Asians and Coloureds in particular, and people with physical disabilities were found to be grossly sidelined by the process of affirmative action. This is a clear evidence that the Department of the Premier has not complied with the desires and aspirations of various pieces of legislation designed to effect affirmative action policy, such as Employment Equity Act, Act 55 of 1998,

If the purpose of affirmative action is to remove discrimination and the inequality that affects the majority of South African workers, it is therefore necessary for the Department of the Premier to seriously consider recommendations made above.

This research assignment, as an evaluative study, has a potential to generate a number of possibilities for future evaluations, with the following being critical issues for future reference:

- an assessment of the degree to which guidelines laid by statutory provisions are being implemented in the Department of the Premier.

- an evaluation into the extent to which the program of affirmative action meets the goals as identified in the definition of affirmative action policy.

Finally but not the least, it is hoped that this research assignment has further revealed that policies such affirmative action policy cannot be acquired as packages from the national government and then blindly implemented by provincial administrations. They need to be implemented and evaluated periodically to ensure that goals of affirmative action are achieved within specified period. Successful implementation of affirmative action in the Department of the Premier will provide a solid foundation for the entire KwaZulu-Natal Provincial Administration to redress past imbalances.

The Department should guard against prolonging affirmative action implementation as this entails considerable expenditure of public resources. It may not be possible to meet the desired targets but nevertheless the train of affirmative action would have been set in motion. It should always be remembered that any situation has the potential to deteriorate as well as to improve.

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OTHERS

29. Computer print out, 1999, **Persal Report,** Personnel Management, Department of the Premier, Ulundi, KwaZulu-Natal.

30. Republic of South Africa, 1998, **Parliamentary Bulletin**, Cape Town.

PERSONAL INTERVIEWS

31. Miss Nelisiwe Qwabe, 07 June 1999

32. Miss Nombuso Mkhize, 07 June 1999

33. Miss Nonhlanhla Shelembe, 09 June 1999

34. Mrs Thina Ndlovu, 10 June 1999

35. Mr Sethembile Ndaba, 17 June 1999

36.   Mrs Joyce Zulu, 27 June 1999

37.   Mr Nhlosi Cele, 27 June 1999

38.   Miss Fihliwe Buthelezi, 28 June 1999

39.   Miss Sethabile Ngcobo, 28 June 1999

40.   Mr Thami Madela, 03 July 1999

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ANNEXURES

Annexure A

School of Public Management & Planning
University of Stellenbosch
P.O. Box 610
BELLVILLE
7535

08 April 1999

Prof OEHM Nxumalo
Director-General
Department of The Premier
Private Bag X01
ULUNDI
3838

PERMISSION TO CONDUCT RESEARCH AND TO HAVE ACCESS TO DEPARTMENTAL RECORDS IN THE DEPARTMENT OF THE PREMIER FOR STUDY PURPOSES

This is my final year in MPA. To comply with MPA requirements I need to compile a research assignment. The title of the research assignment is *" An Evaluation of the Implementation of Affirmative Action: A Case Study: Department of the Premier"*.

Affirmative Action is a widely debated and interesting subject and is sanctioned by the Constitution, Act 108 of 1996. Affirmative action is regarded as an effective tool in the achievement of substantive equality at the workplace and is designed to protect and advance people disadvantaged by unfair discrimination.

I have observed that, subject to conformation by this research, although the department of the Premier has Affirmative Action Programme in place, it has not been possible to implement it successfully. To this end I would like to make a meaningful contribution by providing an alternative tool that could be used to ensure successful implementation of the programme.

2/...

66

-2-

Data will be collected through a questionnaire that will be distributed throughout the department and from departmental records. This will be coupled with personal interviews with employees in the lower echelons of the department. This will be done during lunch hours, after work and during weekends and therefore such an exercise will in no way affect the performance of the staff members.

A copy of the research assignment will be made available to the department for future use on completion of the course. It is anticipated that research will take place between May 1, 1999 and June 30, 1999.

Favourable consideration of my request will be greatly appreciated.
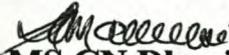
**MS CN Dlamini**
Prospective Researcher

Request supported / not supported

The proposal is supported and encoraged.
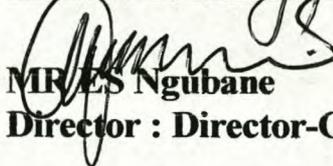
MR ES Ngubane
Director : Director-General's Office

Request approved / not approved

Please submit a copy of the questionnaire to be used before such a request is granted.
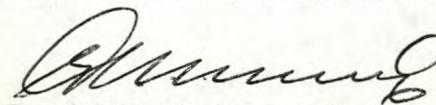
Prof OEHM Nxumalo
Director-General 13/4/99.

Approved.
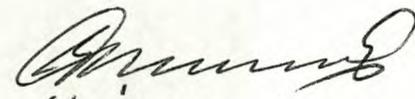
26/5/1999.

Annexure B

School of Public Management & Planning
University of Stellenbosch
P.O. Box 610
BELLVILLE
7535

25 May 1999

Mr BW Ntuli
Chief Director : HRM
Department of The Premier
Private Bag X01
ULUNDI
3838

ACCESS TO DEPARTMENTAL INFORMATION

I am conducting an evaluative study for MPA purposes at the abovementioned institution. The study is evaluating the implementation of affirmative action in the Department of the Premier.

I attach a letter of consent from the Director-General who has granted me permission to access information for purposes of this exercise.

Could you please arrange that this information is provided according to the attached questionnaire? A computer printout will be accepted if available in order not to waste time for your personnel.

Your help will always be appreciated.
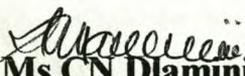
Ms CN Dlamini
Researcher

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Annexure C

School of Public Management & Planning
University of Stellenbosch
P.O. Box 610
BELLVILLE
7535

02 July 1999

Dear Colleague

RESEARCH QUESTIONNAIRE

Research is part of my studies this year as I am doing third year in MPA -
Executive Public Administration at the above-mentioned institution. To be able to
complete a Mini Thesis I need to gather certain information within our
department, which has been chosen as Case Study. The study will evaluate
whether affirmative action has been successfully implemented in the Department
of the Premier.

I have been permitted by the Director-General to have access to the departmental
records and to conduct research within the department. Findings of the study will
obviously have policy implications not only for our department but also for the
entire KwaZulu-Natal Provincial Administration.

Your participation in this study is very important for all of us as the subject of
study affects all categories of employees in the department. Therefore,
participation by most employees of the department will help assure that the most
accurate conclusions are drawn. Information gathered would be treated with
utmost confidentiality and your answers will only be used for purposes of this
study.

Please fill out the enclosed questionnaire and return it within the next two weeks.
If a delay cannot be avoided, please return the questionnaire during the week
ending 23/07/1999.

I greatly appreciate your co-operation.
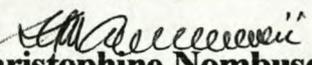
Christophine Nombuso Dlamini
Research Student

Annexure D

QUESTIONNAIRE

SECTION A

To be completed by Personnel Division

Table 1: Total Employment by Race and Gender: 31 May 1999

	Males		Females		Total	
Africans	122	38%	83	26%	205	64%
Asians	14	4%	15	4%	29	9%
Coloureds	11	3%	7	2%	18	5%
Whites	31	9%	45	14%	75	22%
Total	**178**	**54**	**150**	**46**	**328**	**100%**

Table 2: Distribution by Ranks: 31 May 1999

	African		Asian		Coloured		White		Total	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Director-General		1								1
Deputy Director-General								2		2
Chief Director		3						1		4
Director	1	5						6	1	11
Deputy Director	3	7		3			5	2	8	12
Assistant Director	1	2						3	1	5
Admin. Officer	3	4	2		1		6	5	12	9
Chief Admin. Clerk	4	6		1		2	2	2	6	9
Admin. Clerk	7	9	5	1	1	1	9	2	22	13
Chief Personal Practioner	10	11	2	6			8		20	16
Others / Below	54	74	6	3	5	8	15	8	80	93
TOTAL	**83**	**122**	**15**	**14**	**7**	**11**	**45**	**31**	**150**	**178**

SECTION B

To Be Completed by Senior Management

1.   Personal Information

Please mark an appropriate box with X.

Title	Prof	Dr		Mr		Mrs		Miss	
Age Category	20 - 30	31 - 40		41 - 50		51 – 60		61 - 65	
Race	African	Asian		Coloured		White		Other	
Gender	M	F	M	F	M	F	M	F	M	F
Income Bracket	R110 958 R115 539	R133 392 R142 098		R159 273 R167 799		R178 893 R186 363		R208 119 R218 775	
Rank	Level 11	Level 12		Level 13		Level 14		Level 15	

2.   QUESTIONS

2.1   Briefly describe affirmative action. Where did you learn about it?

_____

_____

_____

_____

2.2   When the Affirmative Action Policy was formulated, was there consultation with employees at all levels of the department? Give reasons for your answers

-2-

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2.3   Do you think affirmative action is an appropriate tool for redressing past imbalances? Give reasons for your answer:

_____

_____

_____

_____

_____

2.4   What problems in your opinion are hindering the implementation of affirmative action in the department? Mark your answer with X and give reasons for your choice.

-       attitude of senior officials

-       limited budget

-       lack of expertise / resources

-       lack of suitable candidates

-       lack of posts

-       Other

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2.5   What mechanisms are in place to overcome identified barriers to equal employment in the Department?

_____

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2.6   Proponents of affirmative action argue that it (affirmative action) is for good reasons while others are adamant that it is the reversal of discrimination against certain people. What is your opinion on this argument? Give reasons for your answer.

_____

_____

_____

_____

_____

2.7 What do you think should be the criteria to qualify for affirmative action consideration should be? Mark your answer with X.

- age

- gender

- service / experience

- qualifications (academic)

- skills for the job

- other

Give reasons for your answer.

_____

_____

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_____

2.8 What empowerment programmes are there to support affirmative action appointees thus ensuring successful implementation of affirmative action in the department?

_____

_____

_____

-5-

2.9 Affirmative action is a temporary process of moving towards equity at the workplace. Once equity is achieved there will be no point of continuing with its implementation. In your opinion what time frames should be set to achieve equity at the workplace/ Department of the Premier? Give reasons for your answer.

_____

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_____

2.10 According to Section 15 of the Employment Equity Act, the department is expected to have measures designed to ensure that "suitably qualified" persons from designated groups have equal employment opportunity with their counterparts from previously advantaged groups. What measures are there in the Department to comply with this requirement?

_____

_____

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2.11 In the implementation of affirmative action, do you think preference should be given to employees within the Provincial Administration/Department of the Premier or should it be based solely on merit? Give reasons for your answer.

-6-

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2.12 Is there a link between affirmative action and other transformation activities in the department? Give reasons for your answer.

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2.13 What monitoring mechanisms are there to ensure successful implementation of affirmative action in the department?

_____

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_____

2.14 If any affirmative action appointments (1998/99) have been made in the department, do you think that it has made any difference to the situation if you compare it to the past?

_____

_____

_____

_____

2.15 Affirmative action should advance people to top management positions and decision-making positions hence the tendency to send employees to universities and technikons. Do you agree with such notions? Give reasons for your answer.

_____

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_____

2.16 Do you think it would be appropriate to advertise jobs internally so that fair promotion opportunities exist for a current workforce in the Department/Province or do you think that would be tantamount to job reservation? Give reasons for your answer.

_____

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78

-8-

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2.17 Do you think citizens (blacks) from countries outside South Africa should also be beneficiaries of affirmative action or only those who were affected by apartheid in South Africa should benefit? Why?

_____

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2.18 What contributions could you to make to ensure successful implementation of an affirmative action programme in the Department?

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-1-
SECTION C

To be completed By Employees below the rank of Assistant Director

1.   PERSONAL INFORMATION

Please mark an appropriate box with X.

Title	Prof.		Dr		Mr		Mrs		Miss	
Age Category	20 - 30		31 - 40		41 - 50		51 - 60		61 – 65	
Race	African		Asian		Coloured		White		Other	
Gender	M	F	M	F	M	F	M	F	M	F
Income Bracket	R35 958 - R38 814		R44 514 - R49 983		R55 449 - R61 155		R69 381- R77 094		R84 423 - R96 972	
Rank	Level 6		Level 7		Level 8		Level 9		Level 10	

2.   QUESTIONS

2.1   What do you understand by affirmative action?

_____

_____

_____

_____

_____

2.2   When the Affirmative Action Policy was formulated in the Department, do you feel that there was enough consultation with employees at all levels of the department? Give reasons for your answer.

_____

_____

_____

_____

_____

2.3   Do you think affirmative action will contribute towards redressing the past imbalances? Give reasons for your answer:

_____

_____

_____

_____

2.4   What problems are hindering the implementation of affirmative action in the department? Mark your answer with X.

-       attitude of senior officials

-       limited budget

-       lack of expertise / resources

-       lack of suitable candidates

-       lack of posts

-       Other

_____

_____

_____

_____

_____

2.5 What do you think should be the criterion to qualify for affirmative action consideration? Mark your answer with X.

-       age

-       gender

-       service / experience

-       qualifications (academic)

-       skills of the job

-       other

Give reasons for your answer.

_____

_____

_____

_____

_____

-4-

2.6 What contributions could you to make to ensure successful implementation of an affirmative action programme in the Department?

_____

_____

_____

_____

_____