

Assessing reasons for non-compliance to the requirements of the Employment Equity Act no 55 of 1998: Case study of the *Dietetics Department within Tygerberg Hospital*

By

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DECLARATION

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ABSTRACT

The relevance of employment equity has been widely debated. This study is of the view that affirmative action is the core factor in realising compliance to and implementation of employment equity. The study was aimed at investigating why Tygerberg Hospital has not complied with the implementation of the Employment Equity Act (EEA) No 55 of 1998 specifically with regards to the field of Dietetics.

Research questions have been formulated, relying on literature which includes guiding legislation and policies.

Recruitment and selection processes applicable to the dietetic department were analysed and linked with the consulted literature. Role of transformation in transforming the institution was part of the study to ascertain the scope of transformation in managing diversity within Tygerberg Hospital. A combination of data collection tools was used in the study, including interviews and questionnaires to better understand the underlying reasons of non-compliance.

The fundamental findings of the study showed that even though policies and legislation had been formulated, there are underlying issues to be addressed by the institution, such as language barriers and personal perceptions of the institution which could subsequently be improved through effective diversity management strategies.

It is recommended that the institution will have to come up with a short-term, measurable plan to ensure compliance such as an institutional employment equity plan, appointment of a transformational officer who will focus on managing the institutional diversity management, and an internal capacity building unit to carry out institutional training and development as opposed to the current system.

To ensure monitoring and evaluation compliance on employment equity, it is recommended that the responsibility be linked to the performance plan of the senior managers as well as the line manager of the dietetic department. By so doing failure to

comply will result in a poor performance assessment outcome of the delegated authority, compliance enforced through departmental disciplinary procedures.

OPSOMMING

Die toepaslikheid van billike indiense neming is al wyd gedebatteer. Hierdie studie is die mening toegedaan dat regstellende aksie die kern faktor is om nakoming van en die implementering van billike indiense neming te bereik. Die studie was daarop gemik om ondersoek in te stel waarom Tygerberg Hospitaal nie voldoen het aan die implementering van die Indiense Neming Gelykheids Wet No 55 van 1998 nie, spesifiek met betrekking tot die veld van Dieetkunde. Vrae in die navorsing was geformuleer, gebaseer op literatuur wat rigtinggewende wetgewing en beleid insluit.

Werwing en seleksie prosesse van toepassing in die Dieetkunde Departement was ontleed en gekoppel aan die toepaslike literatuur. Die rol van transformasie in die transformering van die inrigting het deel uitgemaak van die studie om die omvang van transformasie te bepaal, rakende die bestuur van diversiteit binne Tygerberg Hospitaal. 'n Kombinasie van data versameling metodes was in die studie gebruik. Dit het onderhoude en vraelyste ingesluit om die onderliggende redes vir nie-nakoming te verstaan. Die fundamentele bevindinge van die studie het getoon dat ongeag die feit dat beleid en wetgewing geformuleer was, daar onderliggende aspekte was wat by die inrigting aangespreek moet word, soos taal-hindernisse en persoonlike persepsie oor die inrigting en wat gevolglik verbeter kan word by wyse van 'n effektiewe uiteenlopende bestuursstrategie.

Dit word aanbeveel dat die inrigting navore moet kom met 'n kort-termyn en meetbare plan ter versekering van 'n institusionele billike indiense neming plan, die indiense neming van 'n Transformasie Beampete wat sal fokus op bestuur van die inrigting se diversiteit en 'n interne eenheid om die vermoë van die inrigting se opleiding en ontwikkeling uit te voer in teenstelling met die huidige sisteem.

Om monitoring en evaluasie van billike indiense neming te verseker, word dit aanbeveel dat dié verantwoordelikheid gekoppel word aan die werkverrigtingsplan van Senior Bestuurders asook dié van Lynbestuurders van die Dieetkundige Departement. Mislukking om hieraan te voldoen sal lei tot 'n swak werkverrigting evaluering resultaat van die aangewese outoriteit. Voldoening hieraan sal afgedwing moet word deur departementele dissiplinêre prosedures.

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CHAPTER 1

INTRODUCTION TO THE STUDY

1.1. Introduction

The policy of apartheid contributed in no small measure to inequalities in the South African community. To strengthen these inequalities there were laws in place to protect jobs reserved for the white population while exploiting the black population ensuring systematic prohibition of blacks from direct competition with their white counterparts for better employment prospects. Job discrimination was regulated by laws and legislation that were applicable at the time and these provided no protection for black employees in the work environment. The Industrial Conciliation Act 28 of 1956 was one of the many pieces of legislation that was promulgated along racial lines. This Act ended the recognition of trade unions with racially mixed membership.

The Industrial Conciliation Act (RSA, 1956:3) further empowered the Minister of Labour to reserve any job along racial lines and declare strikes illegal in essential industries. This discrimination was further entrenched by clause 77 of this Act (RSA, 1956), which legalised reservations of skilled jobs for white workers. The clause was applied together with the clauses of the Bantu Building Workers Act 27 of 1951 (RSA, 1951) which legalised training of blacks in skilled labour but limited the places where they were permitted to work.

In order to redress the imbalances of the past, legislation was promulgated to ensure that there would be equal representation of all races in the workforce of the Republic of South Africa.

Legislative framework that informs the study will include the Constitution of 1996, Employment Equity Act 55 of 1998 (herein referred to as EEA), Employment Equity Amendment Bill of 2008, Labour Relations Act 66 of 1995, Skills Development Act 97 of 1998), Western Cape Employment Equity Plans (2000 and 2007), Western Cape Human Resource Plans (2008 and 2010), Western Cape Recruitment and Selection Policy (2002 and 2007), Strategic Plans of the Western Cape Department

of Health (WCDoH) and the numerical targets available on the personnel salary system (herein referred to as PERSAL). The study will investigate why Tygerberg Hospital has been unable to comply with the implementation of the EEA, with specific reference to the Dietetics field.

A dietetics programme is an academic programme that prepares students to practise ethical use of specialized knowledge to help others use food to prevent and treat disease and maintain health. It is characterized by the following: people oriented, science based, and a professional qualification(s) in food and nutrition. This occupational category (Dietetics) falls under specialised fields but the study will only focus on the field of Dietetics. Scarce skills as defined by the Health and Welfare Sector Education & Training Authority (2004:18) (herein referred to as HWSETA) include aspects such as Equity considerations – under this category, there are few, if any, candidates with the requisite skills (qualification and experience) from the specific groups available to meet the skills requirement and equity.

It must be noted that Tygerberg Hospital has no internal directives of its own; hence it relies on policies from the National, as well as Provincial Departments of Health.

1.2 Background of Tygerberg Academic Hospital

Tygerberg Hospital is a tertiary hospital located in Parow, Cape Town. The hospital was officially opened in 1976 and is the largest hospital in the Western Cape and the second largest hospital in South Africa.

It acts as a teaching hospital in conjunction with the University of Stellenbosch's Health Science Faculty, University of the Western Cape (UWC) where students who are currently studying in the field of Dietetics visits Tygerberg Hospital for study purposes and carry out surveys and other studies relevant to their training. There is a partnership with the Cape Peninsula University of Technology (CPUT) where students in the Human Resource field would carry out surveys including employment equity surveys and monitor compliance, and would subsequently report on that to the human resources manager of Tygerberg Hospital.

The current employment equity gaps in Tygerberg Hospital, with special reference to the Dietetic field as drawn from the PERSAL (2011) should have 33 African males and currently there are 4 thus indicating a gap of 29. Moreover, this field has 15 Coloured males instead of 58 –representing a gap of 43.

Table 1.1 below indicates the total number of employees, as well as the gap that still needs to be addressed to fully comply with the EEA .Target total is the total which is to be reached in order to reach the compliance level.

The current status of the Dietetics field in terms of equity gaps is as follows:

Table 1.1: Extract from PERSAL dated 15 February 2011

Designated	African	Coloured	Indian	
Male	Target=33	Target=58	Target=1	
	Current=4	Current=15	Current=0	
	Gap=29	Gap=43	Gap=1	
Designated	African	Coloured	Indian	White
Female	Target=29	Target=50	Target=1	Target=17
	Current=4	Current=76	Current=8	Current=77
	Gap=25	Gap= -26	Gap= -7	Gap= -60

Source: PERSAL (2011)

1.3 Background of the chosen study

The study wishes to investigate why Tygerberg Hospital has not complied with the implementation of the EEA with special reference to the Dietetics field. Interventions currently in place to ensure that the implementation is up to speed include Affirmative Action (herein referred to as AA) measures and Employment Equity plans (herein referred to as EE plans). These interventions serve as a guide and measure

on how the EEA (55 of 1998) (RSA, 1998a) should be implemented. The purpose of the Western Cape Employment Equity Plan is to achieve a workforce which is representative of the economically active population of the Western Cape (WCDoH, 2007:2). As argued by Human (1993:3), AA is thus a temporary intervention designed to achieve equal employment opportunities. With these interventions in place Tygerberg Hospital has not complied to implement the EEA with specific reference to the field of Dietetics. Based on the above a formative evaluation will be carried out to investigate why Tygerberg Hospital has not complied with the implementation of the EEA with specific reference to the field of Dietetics.

As noted by Imas & Rist (2009:9), a formative evaluation is sometimes referred to as process evaluation as it focuses on processes and is carried out to examine compliance. A formative evaluation is done once the policy or programme, or Act, is in operation, therefore the formative evaluation will be better suited for the study.

1.4 Research problem

Despite the requirements of the EEA, the dietetic department within Tygerberg Hospital has not complied with the implementation of the EEA.

1.5 Research question

Why has the Dietetic department within Hospital not complied with the legislation (EEA)?

1.6 Research objectives

The implementation of the EEA is aimed at redressing the imbalances in the South African workforce experienced by designated groups.

The objectives:

- To analyse the theory on Employment Equity (EE).
- To analyse current legislation and directives that are employed by Tygerberg Hospital to ensure implementation of the EEA.

- To analyse local and international perspectives in ascertaining the reasons for non-compliance to EEA.
- To recommend alternatives in the implementation of the EEA (RSA, 1998a) in the Dietetics field at Tygerberg Hospital.

1.7 Research design and methodology

1.7.1 Research design

The study will be an evaluation research. According to Gay (1992:8), an evaluation research is carried out to investigate whether a policy that is implemented is better than the former policy or not, posing the question whether the policy is worth what it costs. The study will investigate the reasons why the dietetic department within Tygerberg Hospital has not complied with the implementation of the EEA as it should. The study is going to be a non-experimental study, sometimes referred to as descriptive study, where there will be no comparison between groups, instead the study will provide an extensive description of the relationship between the intervention and its effects (Imas & Rist, 2009:205-251).

A research design is a plan or blueprint of how the researcher intends conducting the research (Mouton, 2001:55). This section states how the researcher plans to conduct the research in order to answer the questions that the researcher has formulated. The study will mainly follow a quantitative design. The study will consist of primary and secondary data sources.

Questionnaire and interviews that will be administered to the chosen study population will form part of primary data collected by the researcher. The purpose of selecting the specific study sample will be explained in detail on the research methodology (sampling). A structured questionnaire will be administered to the Human Resources Management component and the Dietetic component. These two components are responsible for the recruitment and selection (including placement) of employees appointed in the Dietetics Department, which the study is focusing on.

A semi structured questionnaire, will be used as a guide to conduct meaningful interviews with the Human Resources Manager of Tygerberg Hospital, Transformation Specialist of Tygerberg Hospital, and the three members of the executive committee of the Tygerberg Transformation Unit (TTU). According to Imas & Rist, (2009:292-293), semi structured interviews are based on a predetermined set of broad questions, with additional questions developing during the interview.

Literature review on the research topic, as well as the document review of policies that guides the implementation of the EEA and statistics available on the personnel salary system, will form part of the secondary source. Data collected will be corroborated by means of triangulation. Welman *et al.* (2005:195) is of the view that triangulation is done to corroborate findings from at least three different sources, namely questionnaire, interviews and secondary sources consulted.

1.7.2 Research methodology

This part presents the processes that will be followed in carrying out the study. According to Mouton (2001:56), a research methodology focuses on the research process and kind of tools and procedures to be used. Mouton further adds that a research methodology focuses on the individual steps in the research process and the most objective procedures to be employed. The processes and procedures will include specific tasks such as data collection, sampling strategy, data analysis, etc.

1.7.2.1 Sampling

According to Bordens and Abbot (2010:163), a sample is a small subgroup chosen from the larger population. The type of sampling that will be used in the study is purposive sampling. As mentioned by McBurney (1994:203), purposive sampling is a non-random sample that is chosen for some characteristics it possesses. According to Bordens and Abbot (2010:171), the needs of the study play a role in acquiring the participants. Therefore potential participants may have to be screened for certain characteristics and responsibilities. The sample chosen for the study will be based on their expert knowledge in the field of operations and skills.

Wiersma (1986:265) notes that a purposeful sampling is the selection based on the characteristics of the units relevant to the research problem. The sample will consist of a total of 21 members constituted as follows:

- Human Resource Department: Deputy Director (Human Resources), two Assistant Directors (Human Resources), two Senior Administration Officers and three Administration Officers (i.e. eight from the Human Resources Department).
- Dietetics Department: Senior Clinical Executive, Head of Department, Assistant Director and the five dieticians who are line managers (i.e. eight from the Dietetics Department).
- Three members of the Executive Committee (Tygerberg Hospital Transformation Unit).
- Experts in the field of Human Resources Management and Transformation (Director Human Resources, Transformation Specialist of Tygerberg Hospital).

Responses from the Dietetics Department will be used to validate responses received from the human resources Department. The human resource department has the responsibility to carry out recruitment and selection of the institution. For the purpose of the study the Dietetics Department communicates and plans with the Human Resources Department regarding the filling of vacancies; the supervisors selected in the Dietetics Department are responsible for the departmental recruitment and selection within the Dietetics field. Responses from the transformation and from the expert will answer for the gaps which may be the causes of non-compliance in relation to the EEA.

1.7.2.2 Data collection

Types of data that will be collected include: primary data through questionnaires, interviews and theory on EE, as well as the document review of current policies that are applicable in the implementation of the EEA.

The type of questionnaire will be the structured, closed ended questionnaire. McBurney (1994:194-195) notes that a closed ended questionnaire is one that limits the respondents to certain alternatives, so that the respondents do not have to think hard and do not have to formulate their own answers as would happen in an open ended questionnaire. The writer further adds that closed ended questionnaires are easy to code and analyze, and there are fewer off-the-wall responses.

Interviews will be guided by the semi structured questions. According to Imas & Rist (2009:292-293), semi structured interviews are based on a predetermined set of broad questions, with additional questions developing during the interview.

Triangulation will be applied to cross check the collected information. Punch and O'Donoghue (2003:78) argue that triangulation is a method of cross checking data from multiple sources to search for regularities in the research data. The above statement is seconded by Imas & Rist (2009:376) when they add that triangulation is the use of three or more data sources, types to verify and substantiate an assessment by crosschecking results. Therefore triangulation in the study will be used to cross check the primary data from the returned questionnaires with the document review done and literature review.

1.7.2.3 Data analysis

A gap analysis of the current statistics available from PERSAL will be done to ascertain the level of compliance to the implementation of the EEA at Tygerberg Hospital in the Dietetics field. Here the researcher will highlight the current EE gaps as opposed to the total number of targets that has been set and which Tygerberg Hospital has been unable to meet.

A selected response format that will be applicable for the structured questionnaires will be through the use of the Likert scale which will range from strongly disagree to strongly agree. Wiersma (1986:177) argues that the Likert scale is one with a number of points that provides ordinal scale measurement. The literature review, as well as the document review, will be analyzed in order to mark the link between the primary and the secondary data. Responses given through interviews will be

presented and analyzed, and linked with the consulted secondary sources to ascertain the link between consulted sources and the forthcoming responses.

1.8 Outline of chapters

It is proposed that the study will have five chapters as follows:

Chapter One: Introduction: This chapter will introduce the study. It will include the following subsections: background to the study, objectives of the study consisting of general as well as specific objectives.

Chapter Two: Literature Review: This chapter will explore the theory on employment equity, including the recruitment and selection models and challenges associated with employment equity.

Chapter Three: Policy Framework: This chapter will explore applicable legislation. It will have different subsections that will include: The legislation guiding the Public sector on the EEA (RSA, 1998a), internal strategies employed by the Department of Health to implement the EEA in scarce job categories, Statistics from PERSAL: Employment Equity Gaps of the Tygerberg Academic Hospital (Dietetics field).

Chapter Four: Data collection and presentation of findings: The chapter will focus on presenting all the findings from the collected data, focusing on forming a link between collected data and consulted literature.

Chapter Five: Recommendations and Conclusion: This chapter will provide appropriate recommendations and conclude the study.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The chapter explores literature review and the purpose is to establish the theoretical framework of the study or subject area. Boote and Beile (2005:1) define a literature review as an evaluative report of studies found in the literature related to one's selected area. They further mention that a literature review is done to show where the current study slots into the existing body of knowledge.

The chapter will present recruitment and selection aspects, as well employment equity theory and its relation to recruitment and selection. The chapter will also explore issues around managing diversity and its relation to employment equity (affirmative action). A summary approach to employment equity will also be covered in the chapter. The chapter will present an overview of diversity management and its integration with regard to recruitment and selection. Challenges in confronting recruitment with employment equity will also be discussed.

To conclude the chapter, the researcher will analyse the literature collected to ascertain the challenges facing Tygerberg Academic Hospital and possible solutions that it could apply. The third objective of the study is to suggest alternatives to correct the current problems/shortcomings in the implementation of the EEA (55 of 1998) in the Dietetics field at Tygerberg Hospital. Therefore the consulted literature thus far will be used as a guide to enhance compliance with the statutory framework within the Dietetics field.

2.2 Relation between recruitment, selection and affirmative action

In order to meet the requirements of the employment equity, there are guiding directives such as affirmative action, employment equity plans which are set to ensure that the requirements of EEA are met. There is a close relation between recruitment, selection and affirmative action. The relations include recruiting persons who would have been overlooked through the discriminatory practises of the past

through affirmative action policies of the institution. Therefore recruitment and selection policies must be sensitive to the means set to address and close the discriminatory practices.

Erasmus et al. (2008:164) defines affirmative action as additional corrective steps which must be taken in order that those who have been historically disadvantaged are able to derive full benefit from the equitable employment environment. Changes in recruitment and selection policies in the public service have been made in order to ensure that the employment equity gaps are thus closed. According to Schuler and Huber (1993:84), legal considerations do play a role during the recruitment process. The authors further add that the employment laws which affect selection, as will be discussed below, have a direct influence on recruitment. The authors further assert that equal employment laws which are applicable to recruitment are those describing affirmative action.

Grogan (1997:284) argues that affirmative action must be consistent with the purposes of the EEA. Diverse workforce is achieved through the effective implementation of the affirmative action measures. The purpose of recruitment according to Schuler and Huber (1993:190), is to meet the organisation's responsibility for AA programmes and other legal and social obligations regarding work force composition. According to Klatt *et al.* (1985:175), equal employment opportunity and AA policies have an overriding role in determining the overall approach to recruiting. The above statement is seconded by Cloete (1994:188) where the writer asserts that special measures would be required to appoint and promote members of population groups who could have been disadvantaged by discriminatory practices in the past. During recruitment and selection processes the institution must keep in mind that the recruitment and selection must be supported by diversity management programmes (Pieters, 1996:126). The researcher is of the view that there is a link between recruitment, selection and affirmative action policies which then leads to an equitable, diverse workforce.

2.3 Recruitment process

The process involves a stage where the institution identifies the need to recruit looking at its needs including budgeting. Erasmus et al. (2008:220) notes that the following processes of recruitment are applicable to the public service.

- **Determine the exact need:** there must be a genuine need to recruit, line managers and human resource department should play a role in taking a decision to recruit.
- **Obtain approval to recruit in terms of human resource budget and the level of appointment:** this is done to ensure that recruitment is in line with the human resource plan of the institution.
- **Update the job description and job specifications:** the purpose, duties and responsibilities including the relevant job in the institution's structure should reflect in the job description.
- **Decide and compile the key result areas of the job:** this step flows from the step above and relates to the job outputs and forms part of the job description.
- **Choose the recruitment source:** here specific reference is made in relation to a decision being taken to recruit internally or externally.
- **Decide on the recruitment method:** this is the crucial stage and the recruiter must make guard against being accused of discrimination through the use of the certain recruitment methods to the exclusion of others.
- **Apply the recruitment method:** the method (s) decided on is implemented at this stage.
- **Allow sufficient time for response:** a closing date must be decided on and must reflect on the advertisement.
- **Screen responses:** screening can be done telephonically; different institutions can make use of various screening methods.

- **Draw up the initial shortlist:** at least two or more people must be involved in this process, once the process is completed the institution proceed to selection where the qualifying applicants are invited for interviews.

2.3.1 Recruitment methods

Recruitment processes can be done in two ways (internal or external) depending on the needs of the institution. According to Schuler and Huber (1993:190) qualified job applicants can be found inside or outside the organisation. Using an internal recruiting process means that only employees working for an institution can apply for the job, the job advertised is not opened for people outside the institution. An external recruitment process occurs when the job is advertised outside the institution, the institution can use both ways of recruitment for the same position.

(a) Internal recruiting method

Schuler and Huber (1993:191) are of the view that internal sources include the current employees, whether subject to transfers or on job rotation, as well as ex-employees who are available for rehire and recall. In this type of recruitment the job vacancies are posted on notice boards, distributed by word of mouth, consulting the company's personnel records or promotion list based on performance.

Sikula (1976:183) notes that some companies prefer to recruit from within since this aids employee morale, loyalty and motivation. According to Meyer and Kirsten (2005:39), internal recruitment provides internal development to employees and employees familiar with the organisation's policies and procedures. Internal recruiting shortens the orientation and training time (Meyer and Kirsten, 2005:42).

(b) External recruiting method

Schuler and Huber (1993:194) advise that recruiting from the outside has a number of advantages. They include bringing in people with new ideas, which may also introduce new insights which will help the organisation to meet the employment needs. Swanepoel *et al.* (2008:264) list the types of external sources that may be used for recruiting as follows: employment agencies, walk-ins, referral, professional

bodies, head-hunting, educational institutions. Sikula (1976:183) points out that other organisations may prefer to recruit externally to prevent inbreeding and to encourage new ways of thinking. Meyer and Kirsten (2005:39) note that externally recruited employees do not become immediately productive as they have to settle, learn and adapt to the new organisation. The dietetic department within Tygerberg hospital applies both internal and external recruiting methods.

2.3.2 Selecting a recruitment method

Pieters (1996:134) note that the needs of the institution do play a role in deciding which recruitment method to use. The author further adds the circumstances which are to be considered when deciding which recruitment method to use.

(a) Scarcity of potential candidates: the scarcer the potential candidates, the more intense the search will be. The recruiter should at all times try to reach the larger target population like advertising on national newspapers.

(b) Budget constraints: financial constraints do play a role in the method used to recruit, for example if the institution has a limited recruitment budget; it is not advisable to advertise on national newspapers. Walk-ins and employee referrals are the best option when faced with financial constraints.

(c) Required skills level: if the job to be advertised requires a highly developed skill level, recruitment campaign should be focused at universities, specialised employment agencies or through head hunting.

(d) Urgency: depending on how soon the post is to be filled, recruitment agencies can be used as they have existing database.

2.4 Selection process

Erasmus *et al.* (2005:236-237) points out that the selection process consists of several phases. The phases include deciding on the selection strategy, conducting a preliminary interview, collecting information, making a selection decision and placing the candidate. Heneman *et al.* (1997:387-388) notes that during the selection process the information that may be collected can include reference reports, letters

of recommendation and reference checks. Cornelius (2002:157) is of the view that selection tests may include work sampling where for example candidates may be asked to take a telephone call or deliver a presentation. The writer further warns that there should be a direct link between the work sample and the selection criteria to ensure that the test is valid. There must be a relationship between the type of sampling chosen with the actual work a successful candidate will be doing as advertised, for example for a clerical post a candidate can be asked to type a notice to test his or her computer skill. Meyer and Kirsten (2005:47) are of the view that preference must be given to previously disadvantaged people, in accordance with the EEA. According to Klatt *et al.* (1985:203), the actual selection process can include the following steps: screening of applications, review of application forms, employment testing, reference checks, employment interviews and physical examinations.

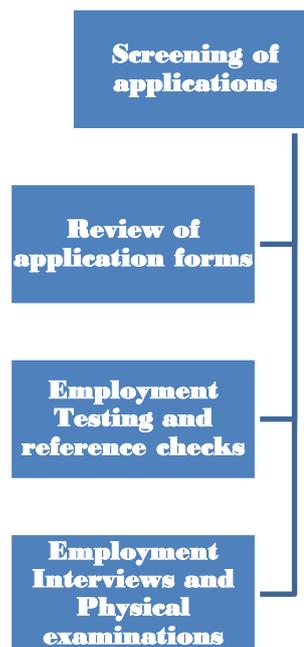


Figure 2.1: Schematic presentation of the Selection Process

Source: Extract from Klatt *et al.* (1985:203)

Figure 2.1 shows a selection process which can be followed by an organisation: firstly a selection panel has to screen the applications, review all the application forms; the next step will be to conduct employment testing and doing reference

checks and the final step will be to do the employment interviews and necessary physical examination .

2.5 Employment Equity

The term Employment Equity (EE) was introduced in Canada in 1984 by Judge Rosalie Abella in her Royal Commission Report on Discrimination in Employment against women, racial minorities, aboriginals, and people with disabilities (Thomas and Robertshaw, 1999:1). The rationale underlying employment equity entails identification of barriers within South African workforce which were discriminatory to certain population groups. Human (1993:23) adds that there is a need for a review of human resource and practices which acts as barriers to the appointment, development and retention of blacks and women. Recruitment and selection policies had to be changed by so doing a diverse workforce which is representative of all South Africa's demographics. The transition from the unfortunate past to the present era is characterised by formulation of policies and legal framework to redress the imbalances of the past.

Within the South African context the guiding legislation that guides the promotion of diverse workforce is the EEA and related policy documents which are discussed in the next chapter. According to Heneman *et al.* (1997:63), employment equity entails those anti discriminatory practices which are promulgated to rectify workplace discriminatory practices of the past. Policies have been promulgated in South Africa which gave rise to the recognition of all of the citizens irrespective of race, gender, disability and religion. Affirmative action programs are subsequently put in place to address the discriminatory patterns of the institution (Loden, 1996:21). For an organization to comply with the requirements of employment equity, it has to put affirmative action programs in place. Klatt *et al.* (1985:50) is of the view that employment equity prohibits any discrimination based on race, religion, national origin, sex or age.

There are penalties involved for contravening the requirements of the EEA. According to Grogan (2007:310), the employer must take steps to ensure that the EEA is complied with, however if the employer can show that it took reasonable

steps to comply, the employer is exempted from its liability. The employer has to state steps it wishes to put in place, affirmative action programs it plans to follow, have approved employment equity plans, with all these in place but the organisation has not complied with the requirements, those are the grounds the employer can be exempted.

2.5.1 Employment Equity Plans

Finnemore (2009:326) advise that the employer must prepare and implement an employment equity plan in order to achieve reasonable progress towards employment equity in the workplace. According to Venter *et al.* (2009:199), employers, employees and trade unions must be willing to play a constructive role in the process. There must be communication from relevant stake holders for the employment equity plan to be successful.

An employment equity plan may not be shorter than one year and not longer than five years (Thomas and Robertshaw ,1999:17). Grogan (2007:307) advice that the employment equity must state the objectives to be realised as well as affirmative action measures to be adopted. It is important to note that once the set objectives are not realised as planned, it rests with the institution to make necessary amendments on the existing plan and remedial action plan in order to reach the set targets. Finnemore (2009:326) is of the view that for employment equity plans to be effective the key employment equity outcomes must be incorporated to the performance contracts of the managers as well as line managers.

2.5.2 Relationship between skills shortage and employment equity.

Hasenfuss (2007:6) points out that South Africa is facing a chronic skills shortage that could stunt economic growth. In an article by Hawkins (1998:12), the emigration from South Africa in 1997 exceeded emigration during the political tension period. The writer further adds that South Africa has experienced the emigration of skilled workers and this has an impact on the scarce skills which are needed by the country.

Hasenfuss (2007:6) argues that the drive for EE leads to skills shortage. The writer further add further adds an important point by posing the question whether the skills shortage is a major factor behind the lack of employment equity.

In an effort to address the skills shortage, the government has launched a Joint Initiative for Priority Skills Acquisition (herein referred to as JIPSA). In the report issued by the Office of the then Deputy Presidency of South Africa in 2008, it is noted that JIPSA had a number of discussions with leading experts in the health field (JIPSA, 2008:17). Areas of concern as discussed by the health management and JIPSA highlighted the training of doctors and specialists and opportunities for close co-operation and partnerships between public and private health care systems (JIPSA, 2008:17).

2.5.3 Affirmative action

Affirmative action program is one of many approaches of fulfilling employment equity. Affirmative action is a strategy for the achievement of employment equity through redressing imbalances in organisational culture, staff composition, human resource management practices and service provisioning (RSA, 1997:13). It is important to note that while achieving a representative workforce there is a need to train, mentor and coach institutions on how to deal with the transition. According to Finnemore (2009:324), every designated employer must implement affirmative action measures for people from the designated groups. The author further explains the term designated groups by noting that designated groups means Black people (namely Africans ,Coloured and Indians),women and people with disabilities who are natural persons. Swanepoel et al. (2008:198) is of the view that affirmative action should be treated as strategic priority by public institutions.

The purpose of the affirmative action measures is to ensure that there is workplace diversity based on equal dignity and respect of all employees of the institution.

Human (1993:3) argues affirmative action is a temporary intervention designed to achieve equal employment opportunities. Affirmative action measures in the South African context are guided by the Constitution of the Republic of South Africa of

1996, the Bill of Rights where the institutions are required to comply with workplace representativity and equality.

Tinarelli (2000:61-78) identifies the steps to be taken in preparation and planning the affirmative action programme in the South African public service context:

- **Assigning responsibility to one or more senior managers:** at the institutional level line managers and human resource practitioners are held responsible for the success of affirmative action.
- **Conducting communication awareness and training programmes:** the affirmative action programme must be accepted by relevant stakeholders.
- **Consulting with relevant stakeholders:** a common ground must be reached by all people who are going to be affected by the programme.
- **Analysing the existing workforce profile and relevant demographic information:** a brief analysis of workforce profile is important to identify the point at which the program will depart from.
- **Setting objectives and corrective measures:** this is done to inculcate the culture of diversity.
- **Establishing time frames:** this is set to allow the employer to make reasonable progress.
- **Setting numerical goals:** the purpose of the numerical goals is to increase representation from the designated groups in each occupational level and job category.
- **Allocation of resources:** there should be separate funds set only for employment equity purposes
- **Assigning responsibilities:** role players are identified and at institutional level line managers and head of human resource ,head of training do play a vital role

- **Agreeing on dispute procedures:** in relation to the disputes that may arise when the employer and the employee do not reach a decision on an affirmative action program or how it should be implemented.
- **Communicating the plan:** individual departments are urged to develop a sustained, effective communication programme which enables staff to see affirmative action as appositive tool. The next step is the development of employment equity plans.

Boudreau and Milkovich (1994:69) argue that AA includes positive steps to seek to encourage and prepare minorities and women to take advantage of job opportunities. Cloete (1994:188) notes that to give effect to the provisions of the South African Constitution it could be necessary to implement AA measures, implement employment equity plans and submit employment equity reports to the Department of Labour, monitoring of compliance and enforcement.

2.5.4 Why do some affirmative action programmes fail?

It is important to plan for affirmative action programmes thoroughly to ensure that all relevant stake holders are aware of the programme to gain full commitment. Erasmus et al. (2008:197-198) presents possible obstacles that may hinder success of the program as follows:

- Strategic planning for affirmative action does not get implemented effectively: for successful implementation of affirmative action support of all employees at all levels is required.
- People do not know how to implement affirmative action initiatives: people who have a responsibility to implement affirmative action program should be guided on how to effectively do so.
- Human resource planning is not carried out: affirmative action programs should be planed and form integral part of the human resource planning, so failure in carrying out the human resource plan will result in failure to implement affirmative action programs as well.

- Attitudes remain negative and rooted to the status quo: Opposition from white employees regarding the employment equity programmes, and black employees regarded as incapable of taking responsibility and accountability. Black employees do not wish to be assimilated into white culture, thus resisting the acceptance of norms and standards.
- Concerns are not clarified; problems surrounding the program are not addressed: a two way communication must be fostered in order to gain full commitment of the affirmative action programs.
- Formal training methods continue to be used although they are obsolete: there is a need to empower, train manage institutional diversity. There is a need to change the training methods in order to be able to succeed with the program.
- Line managers eschew ownership of the responsibility for the programme: Managers have to be equipped, guided, trained and their roles clarified towards employment equity.
- There is a lack of personal commitment by top management to invest sufficient time in the programme: There is a need for top management to be actively involved in the program, in that way affirmative action will become everyone's responsibility other than carrying it out of necessity.
- The program lacks clearly communicated objective and targets: if this is not corrected, the implementation and its objectives will not be realised.
- Recruitment and selection methods are not adopted to attract and to screen black people who can contribute to the success of the programme: methods have to be sensitive in ensuring that people from the diverse population are reached through meaningful recruitment and selection methods.
- Assumptions about the abilities and qualifications necessary to do a specific task are presumed to remain valid: the roles have to be clearly specified to ensure that affirmative action programs are integrated with the overall performance of the institution.

2.6 Diversity Management

There is a relationship between affirmative action programs, recruitment and selection policies leads to workplace diversity. The institution acknowledges the needs to retain an equitable workforce and employees are treated with respect and dignity. Diversity Management refers to a comprehensive process for developing an organisational environment that works for all employees (RSA, 1997:50).

The follow up step initiated after internal profile changes is managing diversity (Loden, 1996:25). While human resource policies are adapted, a diverse workforce is achieved, therefore new ways of management should be adapted as well.

Robbins (2000:11) defines diversity management as the increasing heterogeneity of an organisation with different groups. It is important to note that women have been historically underrepresented in a workforce environment, with changes taking place there is a need to treat, respect and encourage people to participate in the workforce environment irrespective of race, gender and disability. According to Mullins (1999:15), diversity management is managing employees while managing their cultural, racial gender, age and sexual preferences. It is clear that for an organisation to be diverse it has to be transparent and supportive of all of its employees. Diversity management allows all members of the organization to bring their unique perspective which in turn benefits the organization (Seuss, 2010:249).

2.6.1 Distinction between affirmative action and diversity

The main purposes of affirmative action are to eradicate discriminatory practices and to promote skill and abilities of those who have suffered as a result of discriminatory practices (Norris, 2001:219). Erasmus et al. (2005:167) is of the view that the purpose of affirmative action is the removal of inequalities. Removal of inequalities leads to a diverse workforce, an organisation must be equipped to accommodate and address such needs. Starks (1992:940) is of the view that affirmative action is designed with three goals in mind (a) to eliminate existing discrimination against minorities and women (b) to remedy the lingering effect of past discrimination against these groups (c) to prevent future discrimination of these groups.

According to Roosevelt-Thomas (1990:108), diversity management means enabling every member within the organisation to perform to his or her potential. The author further add that managing diversity goes beyond the scope of redressing inequalities as covered by affirmative action by creating a work setting geared for upward mobility of all kinds of people. Loden (1996:13) is of the view that diversity management involves the inclusion of everyone and it moves beyond workplace profile improvement. According to Loden (1996:35), diversity management is a competitive business strategy, where the human resource systems will be aligned to meet the changing needs of the organisation.

Loden (1996:25) make the following distinctions between affirmative action and diversity management.

Affirmative Action	Managing Diversity
Quantitative nature: focused on demographic profile change	Qualitative nature: focused on environmental readiness
Government mandated: imposed and often unwelcomed	Voluntary: internally driven and welcomed
Remedial: focused on changing historic patterns of discrimination	Strategic: focused on increasing innovation and creating a competitive advantage
Reactive: problem response	Proactive: opportunity driven
Beneficiaries: protected groups	Beneficiaries: everyone
Initial step	Follow up step
Culture change not required	Culture change required

2.6.2 Integrating Diversity Management with Human Resource Policies

In order for an organization to succeed in achieving a diverse workforce, diversity management must be treated as a strategic issue, aligned with the business objectives of the organisation, recruitment and selection policies including promotion processes must be fair (Human, 2005:56-57). According to Kersten (2000:241), diversity management advocates a systematic transformation of the organisation as opposed to singular recruitment and selection older methods. Kersten further notes that for a successful integration, an organisation must develop a diversity plan which would include training, teambuilding, mentoring, hiring and promotion. A diverse labour force, according to Kulik and Robertson (2008:309), means that the organization attracts and retains talent from all demographic groups. Erasmus *et al.* (2005:165) note that equal job opportunities can be part of the organisation's management style by acknowledging diversity of its personnel corps and making provisions for employee empowerment and advancement.

Johnston and Packer (1987:28) points out that the growing presence of women in the labour force would require employers to offer flexible work schedules and arrangements be made so that they are able to continue caring for their children while devoting themselves to their careers. Having a diverse workforce means the organisation must create a family friendly environment, provide training and development programmes and put mentoring programmes in place for the advancement of employees (Robbins *et al*, 2003:367). According to Jain (2002:17) to ensure effective diversity management cultural differences must be recognised and there have to be practical allowances for the existence of differences in the organisation.

Du Brin (2010:399) is of the view that managers must be held accountable for managing diversity. The author further note that careful human resource planning is essential in order to build a diverse workforce, in which the efforts to recruit a diverse workforce must be supported by a leadership and management approach that leads to high retention.

It is advisable that an organization must have a diversity strategy in place which would encourage employees to contribute their unique talents, skills in the organization's operation (DuBrin, 2010:398). The diversity strategy must be communicated to all employees to ensure that everyone is aware of the intentions of the organization. With regard to the problems related to the strategy, it is advisable to address them before putting the diversity strategy into effect.

2.6.3 Advantages of managing for diversity

Du Brin (2010:382) points out that managing diversity has the following advantages:

- ***Reduction of turnover and absenteeism costs***: this may be due to increase in job satisfaction of diverse groups, absenteeism costs are also reduced as employees are keen to come to work due to equal treatment at work and are productive.
- ***Managing diversity well offers a marketing advantage***: multicultural group participates effectively in reaching the multicultural market.
- ***Companies with favourable record in managing diversity are at a distinct advantage in recruiting and retaining talented people***: companies that welcomes diversity attracts strongest job candidates among women, racial and ethnic minorities.
- ***Managing diversity well unlocks the potential for excellence***: employees equipped with all the tools required to excel are likely to excel in what they do.
- ***Heterogeneity in the workforce may offer the company a creativity advantage as well as improve its problem-solving and decision-making capability***: creative solutions to problems are reached when the diverse population is faced with a problem.

2.6.4 Weaknesses of diversity management

In as much as diversity management can yield positive results, the following weaknesses have been noted by Mayhew (2011:3) and Kersten (2000:243).

- **Mandatory training:** training that is forced on employees may have unintended consequences.
- **Hiring Manager Authority:** employers are forced to recruit from the diverse groups.
- **Workplace relationships:** employees who do not belong to the “diverse population” may feel undervalued.
- **Myriad Accommodations:** this can create a burden on employers since they will be expected to translate material into multiple languages, having interpreters for meetings, employees staying away from work for religious reasons.
- **Simplistic nature:** rather focusing on presenting relational models instead of organisational structures; diversity management has a tendency of excluding fundamental issues of structural equity and accountability.
- **Doing more bad than good:** in many instances diversity management fails to uncover the problem at hand, rather it just provides a cheerful simple remedy that shields the problem other than solving it.
- **Institutional resistance towards change in many instances remain unaddressed.** Diversity management tends to focus on certain aspects neglecting other areas such as rising acculturation, harassment, conflict management, and marginalization. This may lead to problems if there are certain aspects left unattended, as they are also of importance for the team cooperation and a diverse population.

2.6.5 Characteristics of diversity management

Kulik (2008:311) points out the characteristics of managing diversity as follows:

Prejudice reduction: this relates to old fashion forms of racisms towards different groups.

Bias reduction: all employees in an organisation are treated equally and fairly

Social inclusion: this relates to eradication of stereotypes, no social categories of

people in a community or organization.

Tolerance: changed attitudes towards people of a different population group.

Voluntary: organizations adopting proactive programmes to manage diversity.

Managing diversity involves a combination of circumstances in the sense that an institution must adapt its human resource practices, put training and development plan in place to ensure that employees are equipped to succeed. Most importantly managing diversity includes addressing interpersonal relations of employees as well as an understanding of the cultural differences which the workforce is comprised of. The leader must also be equipped in how to deal with the changes in the organisation to ensure that he leads, guides, mentors his or her team members in a way that is not discriminating but with respect and value for all.

2.6.6 Key debates around diversity management

Various debates both in South Africa and abroad are taking place on how the challenges of diversity management should be tackled and how institutions should respond to the changing demands for equal employment opportunities and the eradication of racism and sexism (Human, 1993:71). Organizations should be sensitive to the changing needs of the workforce and appropriate guidance should be given to manager on how to handle the needs of the diverse workforce under their supervision.

For organizations to achieve maximum performance they need to take positive steps that will eliminate racism and sexism in the workplace, this will be done in to ensure that women and people of colour receive their fair share of opportunities (Fernandez, 1998:199). An organization looking at its diverse needs will have to be flexible in terms of accommodating its employees. An example would be a work environment which would have crèche facilities which would then allow parents to perform their duties in full potential knowing that their children are cared for.

Affirmative Action assumes a diverse workforce which, in South Africa, differs on the basis of race, gender and disability. However, these are not the only differences between employees; employees differ along amongst other factors which also impact on the work environment such as functional and educational background, language, experience, lifestyles, socio-economic class position, rank, etc. It is important to manage these differences holistically (RSA, 1997:29).

Managing diversity goes beyond the legal requirements of employment equity in the sense that it addresses communication, career path, education background, parental status. These dimensions are to be addressed as an employee carries them to work, a manager will have to be trained on how to deal with a diverse workforce holistically. While the employment equity policies are complied with and implemented as they should, that leads to diversification of the workforce.

It is acceptable to note that there is a link between employment equity and managing diversity. Kersten (2000:238) is of the view that the purpose of the transformation dialogue is to reach a common ground or consensus for discussing multicultural issues, tolerance and radical plurality.

Human (1993:77) is of the view that diversity succeeds when there is an acceptance of principles of unity and equality as well as development opportunities so that employees can compete on merit. While managing a diverse workforce training and development is an integral tool in ensuring that all employees are afforded equal opportunities of career advancement. It is important to note that human resource development and human resource policies play a role in ensuring that a diverse workforce is achieved.

Erasmus et al. (2005:165) notes that equal employment opportunities should become part of an organisation's management style, thus acknowledging the diversity of the organisation's personnel, make provision for employee empowerment, employee advancement and training. According to Kersten (2000:241), in order for diversity management to be effective, the organisation must adopt the willingness to be transformed. The statement is supported by Koonce (2001:29), in that diversity programs can play a powerful transformation role in the

workplace situation. As a starting point the organisation can have a 3-5 year diversity plan which will comprise of taskforces, training programmes focusing on team building, mentoring and a promotion plan. Diversity is not expressed in a mandatory language but presented as a voluntary effort on the organisation's part to acknowledge change (Kersten, 2000:242).

Managing diversity has everything to do with the image of the organisation, hence it is voluntary, that means the organisation must adopt the need to transform, meet the changing needs and be flexible enough to accommodate and be sensitive to the needs of the heterogeneous population of the organisation. Dubrin (2010:380) argue that the focus on diversity relates to people in an organization afforded the opportunity to participate fully, the word inclusion is often used to replace diversity. While the organization is turning towards managing diversity, it is important that the differences that each member of the organization possesses are respected and valued. Diversity management has become a business sense in the way that businesses are trading with local and foreign business which is why it is important for business leaders to be equipped with skills relating to managing cultural differences. A leader of diverse population requires sensitivity to and enjoyments to cultural differences (Du Brin, 2010:382). Leaders require guidance on how to lead their diverse workforce.

Koonce (2001:24) is of the view that companies recognise the importance to creating workplaces that look like their market places. Companies compete to meet the demands of a diverse market and the needs of its diverse workforce, so one could say that diversity management shifts from diversifying the workforce into a business strategy.

There is a noted shift from corporate culture to breeding of leaders who are moving beyond legal approaches to an inclusive multicultural approach (Ruffino, 1996:519). Affirmative action is a legal directive while diversity management moves beyond that in the sense that is not imposed, it is voluntary, looks at all aspects of the organisation and everyone not specific group as the affirmative action does.

An organization in order to succeed in managing its diversity should focus on the following activities.

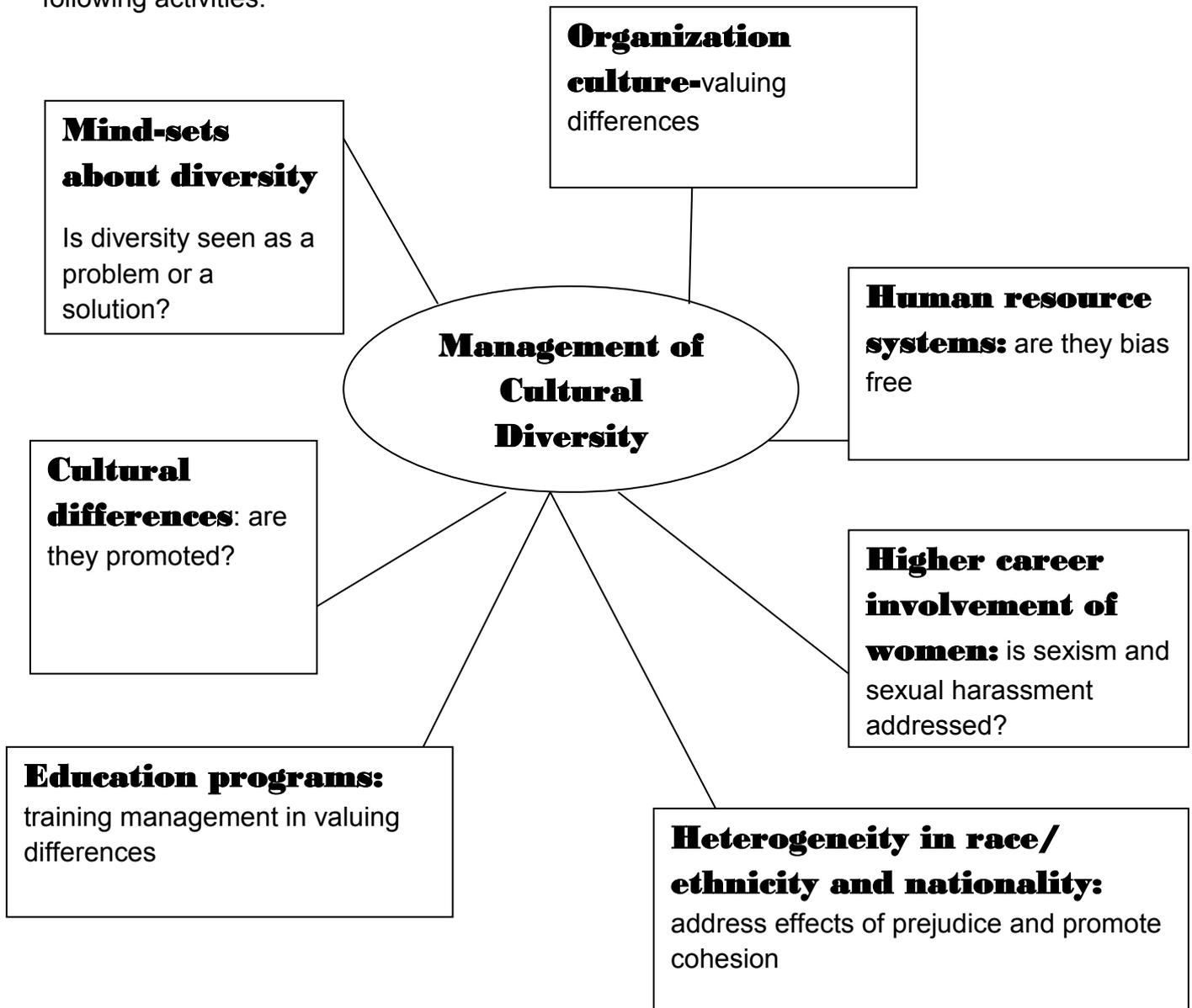


Figure 2.2: Spheres of activity in managing cultural diversity

Source: Extract from Du Brin (2010:383)

Figure 2.2 above shows activities an organization will need to address in order to achieve and manage its diverse workforce. The following activities are of benefit: mind-sets about diversity (how do we see diversity), are the human resource policies bias free to complement effective diversity management?, how does the organization value and promote its cultural differences?, what education programs

are in place, does the organisation value differences as well as issues of sexual harassment addressed? the last activity includes a process where cohesion is promoted. When all of these activities are in place, an organisation can succeed in managing institutional diversity.

2.7 Internal perspective towards compliance to EEA (local domain)

Booyesen (2007:48-51) is of the view that South Africa faces a double challenge of recruiting and retaining competent previously disadvantaged employees as well as implementing training and retention strategies. Booyesen further add that other reasons for non-compliance to employment equity locally could be due to the following: ineffective consultation and communication around employment equity implementation, lack of cultural sensitivity where new recruits are expected to assimilate into the current organisational culture, black people are often selected as tokens and are not fully intergraded into companies, black staff are not systematically developed and trained due to poor talent management and there is a lack of Black mentors and role models in South Africa.

In a study carried out by Mekwa in 2012 findings revealed that possible reasons for non-compliance to employment equity could be due to the following: non designated groups perceive employment equity as punitive, limited commitment by management to reach employment equity targets, non-alignment of employment equity objectives to the organisational strategic objectives, designated employees are incompetent and do not possess the required inherent job requirements and lack of training to empower designated groups (Mekwa ,2012:99-100).

Oosthuizen and Naidoo (2010:1-14) noted that non-compliance to employment equity could be due to the following reasons: managers only perceive government as a watch dog over EEA, reverse discrimination and victimisation, lack of training and development. It would appear that institutions feel politically forced to comply with EEA, through appointment of individuals who do not possess required skills, you often find people in positions that they are not qualified for.

Oosthuizen and Naidoo further add that most black qualified employees lack the experience especially in professional disciplines. This might be one of many reasons that might lead to non-compliance to legislation. The report also revealed that job hopping can be seen as a reason an organisation does not comply with EEA. They (Oosthuizen and Naidoo) make an example of the black man that has been trained in one form in sales department within three months the employee left the department.

In order to comply with the requirements of employment equity Booyesen (2007: 65-67) recommend the following:

- An inclusive organisational culture in which diversity is valued.
- Diversity training leading to a shared understanding of employment equity.
- Increased, visible management commitment.
- Effective and consistent employment equity implementation
- Addressing white male fears.
- Developing an integrated attraction, development and retention strategy.
- Effective talent management.

A suggestion to recruit and retain scarce job categories includes paying employees scarce skills allowances which is better than that of their counterparts in private sector (Piet, 2008:10). Wildschut and Mqgqolozana (2007:1-20) suggests the following alternatives for the public health sector in better addressing compliance to legislation training of employees, public-private health partnerships, awarding of bursaries, increased training capacity as well as amendment of recruitment and retention policies in relation to scarce skills.

In a study carried out by Dlodlo (2009:2), to address the inequalities in certain sectors of education, the study revealed that there is a need for an introduction of a curriculum at secondary school level which will encourage learners to study mathematics and science as compulsory subjects. This will enable to widen the

choices of students at university level when choosing a career either in the fields of health and medicine.

In an article by the Health Professions Council of South Africa in 2012, in order to ensure that scarce skills professions like dieticians are accessible to all citizens a community service was introduced to make sure that remote, underserved communities benefit (HPCSA, 2012:11). Challenges reported by the dieticians in remote areas included language barriers where in many instances it hindered them to perform their duties well (HPCSA, 2012:13). A recommendation made in a study carried out by Visser et al. in 2003 was that human resource policies must be formulated in such a manner that recruitment and retention measures are in place to ensure that scarce skills are not lost especially in rural areas. The writer further noted language as a barrier needs attention as well as introduction of financial and non-financial incentives to attract employees to scarce skills professions (Visser et al., 2003:16).

Cullinan (2006:21) noted that public health is faced with a shortage of scarce skill employees which leads to overworking and burn out of current staff and ultimately employees leaving the public service for private sector. The shortage of scarce skilled employees would be seen as one factor for non-compliance to the requirements of EEA.

The researcher will highlight compliance problems encountered by certain provincial administration departments within South Africa. The strategic plans of the provinces in ensuring compliance will be consulted. Provinces include: Free State provincial department of Health, Mpumalanga Provincial department of health, North West department of Health, KwaZulu Natal provincial department of Health, Gauteng Provincial department of Health and Eastern Cape provincial department of Health.

The top strategic risks identified by the Free State department of health in their strategic plan included the following: inadequate quality and quantity of personnel, inability of the province to attract, recruit and retain key personnel irrespective of the implementation of the Occupation Specific Dispensation (FSDoH, 2010:41). The Free State Department of Health in their strategic plan of 2010-2015, the department had identified that it wishes to restructure its resources thus ensuring that the scarce

skills are retained and there are scarce skilled employees in each district office. The department has further committed itself in ensuring that the provincial department of Health of the Free State province adopt models and reviews to ensure that scarce skills are not lost and there is continued compliance to legislation (FSDoH, 2010:23). In order to ensure compliance to legislation (EEA) the Free state Department of Health further adopted a transformation plan which will drive transformation within the department of health in the province.

The provincial department of health in Mpumalanga has identified that there are inadequate human resources management and development strategies to retain scarce skills and measures which were put in place included review of the retention and recruitment policy which will be implemented to overcome identified constraints (MDoH, 2003:20). Mpumalanga department of health has committed itself in ensuring that the department formulates and develops human resources policies that will ensure that mechanisms are put in place to attract and retain scarce skills within the province (MDoH, 2003:16).

The Mpumalanga department of health has committed itself in training, educating and redeploying scarce skill employees to areas they are needed and accommodation provided to such employees (MDoH, 2003:16). Mpumalanga department of health has also committed itself to integrating dietetic programmes to other provincial human resource programmes thus ensuring that advocacy education is improved and critical posts are filled within the set timeframe (MDoH, 2003:96).

The key challenges identified by the Northwest provincial department of health in their strategic plan included the shortage of medical and paramedical staff as well as the shortage of allied health professionals for outreach services (NWDDoH, 1999:25). Recruiting, retaining specialists, dieticians were identified as a key challenge of this province as well (NWDDoH, 1999:58). One objective of the North west provincial department of health' s objectives in order to meet the scarce skill need was the implementation of the human resource policy which would mean that the dietetic posts are filled at all levels as guided by set legislation (EEA) (NWDDoH ,1999:47). The province has also undertaken an initiative to establish a Health Professions Training and Development Grant which would be a platform to train and develop the

health profession undergraduates in order to sustain dietetic and nutrition services of the province (NWDoH, 1999:55).

Another way of ensuring that the province retains scarce skill employees, the province intended to introduce incentives like improved salary notches, car and travel packages and residential accommodation (NWDoH, 1999:58).

There has been a steady decrease in the turnover rates for critical skills within the Kwazulu Natal Department of health from 2005 till 2008. There has been a noted reluctance of employees to work in rural areas of the province which lead to the shortage of critical skills within the rural areas of the province (KZNDoh, 2010:15). Like other provinces this province highlighted in it's the challenges that the province is unable to attract and retain critical employees that leading to disproportionate increase in workload which ultimately leads to staff absenteeism, low morale and burn out (KZNDoh, 2010:48).

In order to comply with the requirements of the EEA, the Eastern Cape provincial department of Health has undertaken to introduce scarce skills allowances mainly for the benefit of the under resourced rural areas, as means to attract and retain scarce skills in the rural areas of the province (ECDoH, 2010:17). Despite these efforts public health in the province is still characterised by inequality.

In the 2010 strategic plan of the Gauteng department of health, the province has committed itself in focussing on staff retention programmes with emphasis on those categories that fall under scarce skills.

The province further adds that training and development programmes will be linked to priority services of the province (GDoH, 2010:5). The monitoring and evaluation systems of the department will further be extended to ensure that the role of departmental transformation is enhanced.

2.7.1 Common objectives towards compliance to EEA by various provinces

- Implementation of the transformation process
- Implementation of dietetic programme

- Implementation of human resource policies
- Provision of accommodation to rural areas as well as improved salary notches and other allowances.
- Internships and mentoring programmes

2.8 External perspective towards compliance to EEA (International domain)

In an article by Shome and Hamidon (2009:38), Malaysia could not reach its employment equity targets due to youth migration. In order to redress the imbalanced workforce, the Malaysian affirmative action implemented the New Economic Policy (NEP) in 1971. Malaysian government took an active role to redress its imbalances by actively funding the Malay students so that they can study overseas and come back to Malaysia to impact the skills acquired (Shome and Hamidon, 2009:44). Funding education was one way of ensuring that the disadvantaged communities do benefit from the programmes afforded to them by the Malaysian government, thus meeting the set objectives of the NEP.

In a study carried out by White in 2010, it was revealed that only 2.5 % of registered dieticians were of African American origin due to the fact that some students were experiencing discomfort in the dietetic program. This would lead to imbalanced workforce thus leading to non-compliance to employment equity. This has been noted after twenty years of the development of an affirmative action plan by the American Dietetic Association. In order to redress the imbalances, internships were developed, mentorship programs for the economically marginalized learners was also a tool which was used to encourage learners to participate in the program, thus improving diversity (White,2010:1-6).

The Great Lakes region of Africa is faced with numerous employment equity compliance problems ranging from gender inequality to imbalances relating to employing people with disabilities. In a study carried out by Njogu and Orchardson-Mazrui in 2010, the study revealed that the area is in dire need for transformation through empowerment to redress inequalities that are facing the region. In order to

bring stability in the area, education has been noted as a key tool in ensuring that the rights of all citizens are protected and a shift in cultural dimensions has to be addressed. The above statement is supported by interventions like the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

The convention highlights the elimination and removal of stereotypes which would obviously give rise to a transformed society (Njogu and Orchardson-Mazrui, 2010:1-11).

Forms of inequalities vary from area to area, so based on that specific area means to redress the inequalities are formulated to address the problem. Kenya had a shortage of women parliamentarians (imbalanced) and in closing the gap around 2005 the Affirmative Action Bill was passed in Kenya which sought to increase and empower women to ensure that they participate fully in parliament and other local spheres of government (Njogu and Orchardson-Mazrui, 2010:6).

Namibia could not comply with the requirements of employment equity due to migration. In a study carried out by Naris and Ukpere in 2010, the study revealed that Namibia was losing skilled employees and it had to come up with retention strategies to ensure that skilled qualified professionals are not leaving Namibia. In order to achieve this recruitment and selection policies had to be adapted in such a manner that they address the needs to retain and attract skilled professionals for the country. It was recommended that in order for Namibia to be able to realize the staff retention goal, government should extend additional funding to students on an equity basis (Naris and Ukpere, 2010:1-7).

In an article by World Bank in (2009:18) in order to meet the millennium development goals, the human resources for health sector will be required to improve salaries, incentives for the employees in rural areas, thus attracting and retaining them where they are needed. It is further noted that there is a need to strengthen the skill mix and countries are encouraged to form partnerships with private providers, training institutions.

2.9 Conclusion

Heneman et al. (1997:272) note that an organisation can make use of recruitment guides which will provide detail on the process to be followed in order to attract applicants to a job.

Erasmus et al. (2005:236-237) note that the selection process consists of several phases. The phases include deciding on the selection strategy, conducting a preliminary interview, collecting information, making a selection decision and placing the candidate.

According to Heneman et al. (1997:63) employment equity entails those anti discriminatory practices which are promulgated to rectify the discriminatory practices of the past. Alexander (1999:5) is of the view that employment equity is expensive to maintain. The author further adds that managers require readiness and awareness to this transition. Booysen (2007:48-51) is of the view that South Africa faces a double challenge of recruiting and retaining competent previously disadvantaged employees as well as implementing training and retention strategies.

Mullins (1999:15) explains diversity management as managing employees while managing their cultural, racial gender, age and sexual preferences (Kersten, 2000:241) notes that for a successful integration, an organisation must develop a diversity plan which would include training, teambuilding, mentoring, hiring and promotion. There is a noted shift from corporate culture to breeding of leaders who are moving beyond legal approaches to an inclusive multicultural approach (Ruffino, 1996:519).

It would appear that institutions feel politically forced to comply with EEA, through appointment of individuals who do not possess required skills, you often find people in positions that they are not qualified for (Oosthuizen and Naidoo, 2010:1-14).

As means to attract and retain scarce job professions the North West Department of Health has also undertaken an initiative to establish a Health Professions Training and Development Grant which would be a platform to train and develop the health profession undergraduates in order to sustain dietetic and nutrition services of the

province (NWDoH, 1999:55). Like other provinces the Kwazulu Natal department of Health highlighted the challenges which include the inability of the province to attract and retain critical employees that leading to disproportionate increase in workload which ultimately leads to staff absenteeism, low morale and burn out (KZNDoh, 2010:48).

Challenges reported by the dieticians in remote areas included language barriers where in many instances it hindered them to perform their duties well (HPCSA, 2012:13). Visser et al. (2003:16) noted language as a barrier needs attention as well as introduction of financial and non-financial incentives to attract employees to scarce skills professions. In a study carried out by White in 2010, it was revealed that only 2.5 % of registered dieticians were of African American origin. Malaysian government took an active role to redress its imbalances by actively funded the Malay students for overseas studies (Shome and Hamidon, 2009:44). Funding education was one way of ensuring that the disadvantaged communities do benefit from the programmes afforded to them by the Malaysian government, thus meeting the set objectives of the NEP. The Great Lakes region of Africa is faced with numerous problems ranging from gender inequality. In a study carried out by Njogu and Orchardson-Mazrui in 2010, the study revealed that the area is in dire need for transformation through empowerment to redress inequalities that are facing the region.

Career path and development are integral to complying with EEA, therefore the dietetic department within Tygerberg Hospital, could seek relevant guidance which would improve compliance levels. There are policies in place which are set to drive compliance to the EEA; therefore it rests with the organisation to adapt the set policies to meet its own need. Role of transformation Unit could be improved as well in ensuring that its core functions towards managing for diversity is improved.

The next chapter will focus on the guiding legislation and policies which are applicable to Tygerberg Hospital in complying with the EEA.

CHAPTER 3

POLICY AND LEGISLATIVE FRAMEWORK

3.1 Introduction

In this chapter the study will focus on the policies and legislative framework that are applicable to all government institutions including the dietetic department within Tygerberg Hospital. The discussion will focus on focus on:

Employment Equity Act 55 of 1998, the Constitution of the Republic of South Africa of 1996 (previously Act 108 of 1996), Employment Equity Amendment Bill of 2008 (herein referred to as the Bill) , Code of Good practice: Preparation, Implementation and monitoring of employment equity plans of 1999 , White Paper on Transformation of the Public Service (RSA, 1995b) and White Paper on Training and Education (RSA, 1997), Public Service Regulation, Skills Development Act (97 of 1998) (RSA, 1998b) (herein referred to as SDA), Labour Relations Act (66 of 1995) (RSA, 1995a) (herein referred to as LRA), Western Cape Human Resource Plans(DPSA,2008-2010) (herein referred to as WCHRP),as well as the National Strategic Plans 2008;2009) (herein referred to as NSHRP), Western Cape Recruitment and Selection Policy of 2000 and 2007, Western Cape Affirmative Action policy of 2004, Western Cape Employment Equity Plans of 2000 and 2007.

It is important to note that Tygerberg Hospital does not have its own institutional policies, it relies on provincial and national policies. Policies will be discussed in the following order: Legal documents, National polices and Provincial policies.

3.2 Roadmap of Acts, Policies and Plans guiding Dietetic department of Tygerberg Hospital.

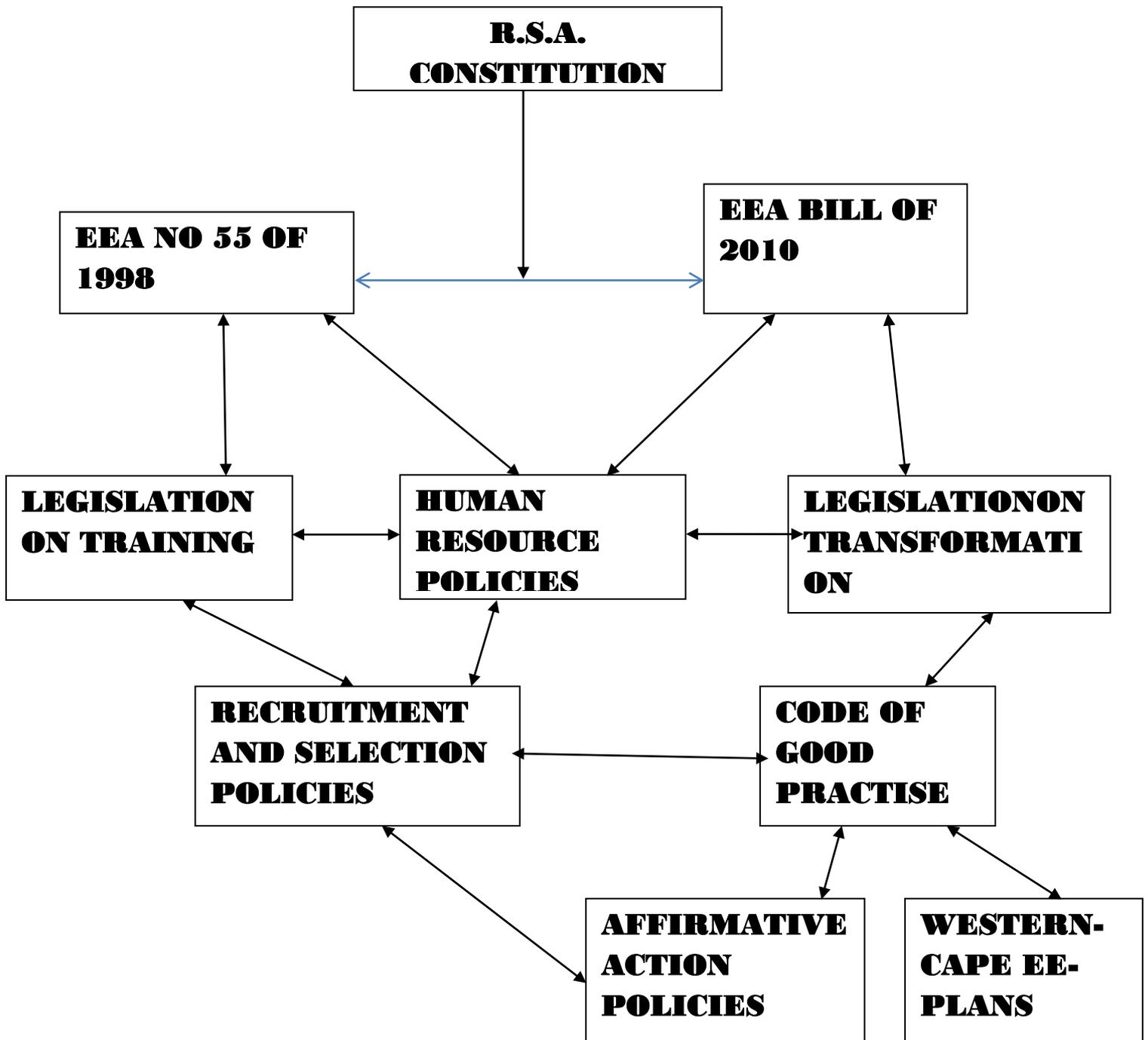


Figure 3.1: Guiding polices applicable to Tygerberg Hospital.

Source: Author: 2012

Table 3.1 above shows the relationship between all the guiding legislation and policies which are relevant in ensuring that Tygerberg complies with the set legislation. The table shows the relationship between the legal documents and policies which are guiding the implementation of EEA.

3.3 Legal Framework guiding the dietetic department within Tygerberg Hospital

The next part will be a discussion on legislation which is set to meet the requirements of employment equity thus redressing the imbalances of the past. Applicable pieces of legislation to be discussed are as follows:

3.3.1 The Constitution of the Republic of South Africa, 1996

The constitution of the Republic of South Africa is the supreme law of the land. Rights of all citizens are protected and enshrined in the constitution through the Bill of Rights, there are penalties involved once there are identified contraventions to the constitution. Section 9 of the Constitution (RSA, 1996) sets out the requirements for equality and representative workforce in the public service. Section 22 of the Constitution protects the citizen's rights to freedom of trade, occupation and profession (RSA, 1996:10).

3.3.2 The Employment Equity Act, No 55 Of 1998

The EEA recognizes that due to past laws of apartheid and other practices, there has been differences in occupation and income which were disadvantageous to certain groups of people (RSA, 1998a:1).

The EEA wishes to promote equal work opportunities through the elimination of unfair discrimination. Chapter 3 of the EEA deals with AA which offers guidance on duties and responsibilities of the designated employer in implementing EEA. As a duty every designated employer, in order to adapt to the EEA, must put AA measures in place for people from designated groups in terms of the EEA (RSA, 1998a:9). The designated groups under the EEA include Black people, women and people with disabilities (RSA, 1998a:3). According to the EEA (RSA, 1998a) a person

is suitably qualified for employment if he or she can produce one or more of the following;

- Formal qualification
- Prior learning
- Relevant experience and
- Capacity to acquire, within reasonable time, the ability to do the job (RSA, 1998a:11).

Contraventions to the EEA with respect to section 19,20,21 which are relevant to the study, the outline of fines payable are as noted on the EEA (RSA,1998a:24).The fines range from R500000 to R900000 depending on the reporting period which is done by the organization.

With specific reference to the Dietetics field Tygerberg Hospital has not honoured the mandate of the EEA. This is evident from the Employment Gaps that are available on the PERSAL, 2011. The organisation(Department of Health) which Tygerberg Hospital falls under has a due responsibility to report to the Director General of the Department of Labour, its employment equity compliance on an annual basis as it employs more than 150 employees.

3.3.3 Employment Equity Amendment Bill (2008)

As we know that a Bill is a proposed law under consideration, the discussion on amending the EEA started because there were compliance problems encountered by the organisation, with respect to scarce skills. Should it be approved, it will become law and an amendment will be made to the current EEA which is in operation; therefore, the researcher will highlight possible wishes of the Bill in the light of what is under discussion.

The purpose of the Employment Equity Amendment Bill (RSA, 2008:2) is for the inclusion of the free born citizens of the Republic. Relevant to the study the Bill also proposes that there should be amendments on the 1998 EEA with respect to scarce skills and provision be made for the definitions of essential services and scarce skills (RSA, 2008:2). The Bill, once it is approved, wishes that the implementation of AA should not take place to the detriment of the natural persons who started their school career after 26 April 1994 (RSA, 2008:3).This simply means implementing EEA must

be done with care following the applicable guidelines and directives so that an employer does not run a risk of unfairly treating the natural persons as noted in the Amendment Bill.

Of the submissions made by this Amendment Bill in 2008, it (RSA, 2008:4) states that the rendering of essential services and public service cannot be detrimentally affected by the implementation of AA. That is done in favour of retaining scarce skills that are necessary in rendering this service. This Bill (RSA, 2008:4) further submits that the EEA must not apply to positions where the inherent requirements are such that the employee appointed in the position should possess scarce skills.

It must be noted that the Dietetics field falls under scarce skills. What does this mean? Should the Bill be approved, an amendment, made on the existing EEA; Tygerberg Hospital, with regard to the Dietetics field and related institutions, will find protection in the amended EEA, as far as current legislation is concerned. This is with a view to complying with EEA in the scarce skills job categories.

3.3.4 Skills Development Act no 97 of 1998 (SDA)

The purpose of the Skills Development Act (RSA, 1998) is to improve the employment prospects of persons who were previously disadvantaged by unfair discrimination. The SDA aims to redress past discrimination through training and education (RSA, 1998b:3). The HWSETA (2004:18) had placed scarcity into different categories of which one was the equity considerations. In this category there are few, if any, candidates with the requisite skills from the designated groups available to meet the skills requirement and equity.

Through increased skills, government protects the interests of the nation by creating opportunities for growth for all, particularly those that were previously side-lined (Brendon & Down, 2000:2).

There is a close link between the SDA and EEA, therefore integrating the two pieces of legislation is critical to ensure that EEA and AA measures are in place in any organisation. The above statement is seconded by Bendix (2001:136), when the writer notes that if employment equity plans to be effective, SDA must be considered a tool to lend credit to the EEA.

3.3.5 Labour Relations Act no 66 of 1995 (LRA)

The LRA (RSA, 1995a) serves to protect all employees and regulate the federations of trade unions and employers' organisations. LRA highlights issues of fair procedures and guidelines in cases of dismissals or work performance. Venter *et al.* (2009:231) advise that a designated employer must consult with its employees and report on the progress of issues relating to AA.

Amos *et al.* (2004:267) argue that the employer must determine whether the person has the ability to do the job. The author further adds that the employer cannot unfairly discriminate against a person solely on the grounds of the person's lack of relevant experience.

3.3.6 The White Paper on the Transformation of the Public Service, 1995

The White Paper on Transformation of the Public Service (RSA, 1995b) focuses on transforming the public service, focusing on the representativeness, as well as AA in the South African public service. The main target of the AA programmes, as identified, includes black people, women and people with disabilities. According to the White Paper on Transformation of the Public Service (RSA, 1995b), all departments must have 50 per cent black employees at management level within a period of four years. During the same time at least 30 per cent of new recruits to the middle and senior management echelons should be women, within ten years people with disabilities should comprise two per cent of the public service personnel (RSA, 1995b:10-40).

Looking at the employment equity gaps as reflected on PERSAL dated February 2011 the Dietetics Department of Tygerberg Hospital has not yet reached the level of compliance and has not transformed itself as guided by the White Paper on transformation of the Public service discussed above.

3.3.7 The White Paper on Public Service Training and Education, 1997

The intentions of the White Paper on Public Service Training and Education (RSA, 1997) is to provide a new strategic policy framework on training and education of public servants which contributes positively to the goals of the public service transformation. It further promotes systems of pre-service training and recruiting of high quality personnel, particularly from historically disadvantaged individuals. The paper encourages the promotion of formerly disadvantaged groups into senior positions as they are mostly impeded because of the emphasis on formal qualification rather than competency. Based on these identified barriers this paper envisions meaningful training and education opportunities and the empowerment of the previously disadvantaged and marginalised groups (RSA, 1997:10-20).

Training and development plays a key role in ensuring the employment equity gaps are closed.

3.3.8 Public Service Regulations, 2001

The regulation guides the departments on planning, including human resource strategic planning, setting realistic goals and measurable targets, as well as specific training needs of persons historically disadvantaged.

At the beginning of each financial year the department must report on the progress made in implementing the Institution's AA programme, as well as supply race, gender and disability statistics on recruitment, promotion and termination of service by the particular institution (RSA, 2001:14-15).

3.3.9 Green paper on Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service (1997).

The White Paper defines the beneficiaries of this form of corrective action from the historic imbalances of the past as persons with disabilities, women and black people in relation to public service composition, and the poor with regard to public service provisioning. It argues that women and blacks are under-represented at decision-

making levels and that the organisational culture of the public service is white-male-centric. Hence redressing these imbalances requires the adoption of equal opportunities principles and the application of affirmative action programmed in both human resource management practices and service provisioning.

3.4 National Policy directives guiding the dietetic department within Tygerberg Hospital

The following section will discuss the national directives that are applicable in ensuring that the requirements of a set legislation are met. Once a piece of legislation is passed, the national directives are passed to give effect to the provisions of legislation. National directives to be discussed are as follows:

3.4.1 National Strategic Human Resource Plan (2008)

The aim of employment equity is to address under-representation of designated groups and employment equity must be implemented to ensure that the department complies with legislation and nationally prescribed targets National Strategic Human Resource Plan (DPSA, 2008:79). The plan advises that the institutions must have checklists to monitor progress towards implementing EEA.

In order for an organisation to be able to monitor its progress for the purposes of the employment equity, the designated groups must be analysed per occupational category; representation of designated groups is spread across all occupations and is not clustered in any particular section of the organisation.

The plan notes that as means to implement the EEA the checklist must reflect that promotion of employees from the designated groups is carefully monitored in terms of the overall targets of the Employment Equity Plan, as set out in the National Strategic Human Resources Plan (DPSA, 2008:70-75).

The checklist will guide the organisation as it will reflect its current position. Organisations are advised to devise ways and means to access candidates from the designated groups through scholarships and learnerships (DPSA, 2008:65).

The plan is in line with section 20 of the EEA where it is stated that an organisation must have EE Plans reflecting the objectives in meeting the employment equity targets such as AA measures that are implemented, and in future will be implemented in cases of no representation of the designated groups, numerical goals set in order to reach the targets, as well as the procedures that will be used to monitor and evaluate the implementation of the plan. If there are disputes about the plan, ways to solve those disputes must be decided on. The EE Plan must reflect who is responsible for implementing the EE plan (DPSA, 2008:70).

3.4.2 National Strategic Human Resource Plan (2009)

The National Strategic Human Resource Plan (2009) covers all the departments of the nine provinces that fall under the Department of Public Service and Administration (DPSA). The aim of the National Strategic Human Resources Plan (DPSA, 2009) includes ensuring that there are equal opportunities for all employees in the department. There are retention strategies that are true to policies which are developed and adhered to by the National Strategic Human Resources Plan (DPSA, 2009:5). Findings from the provinces revealed that the Western Cape and Gauteng provinces have the lowest levels of quantitative compliance and the three areas in which compliance was below 50 per cent, were the human resources budget, organisational structure and employment equity targets (DPSA, 2009:6-10).

Ideally the process requires the organisation to develop the employment equity plan, which will be drawn up by a structure consisting of senior representatives, human resources, trade unions, non-trade union members, designated groups and non-designated groups across all occupational categories and levels, Venter *et al.*(2009:234).

Thomas and Robertshaw (1999:78) offer guidance on the types of audits that may be carried out for a true Employment Equity to succeed:

- Conditions of employment audits:
Historical legislation, in many instances, precluded black people from enjoying the same privileges available to white people. Therefore an examination of all documents relating to human resources has to be audited.

- Facilities audit:
In the apartheid era, for example, ablution facilities, canteens, tearooms and restrooms were separated along racial lines. To implement employment equity this audit is also important to be carried out so as to close and remove such barriers.
- Hidden barriers audit:
This audit involves the subtle discrimination that will not support employment equity, including stereotypes that may hinder the implementation of employment equity in an organisation.

3.4.3 Code of Good practice: Preparation, implementation and monitoring of employment equity plans.

The object of the code is to provide guidelines of good practice, in terms of the requirements of the EEA, for the preparation and implementation of an employment equity plan (DoL, 1999:2). The code clearly states that each designated employer has to develop its plan taking into account its specific circumstances

Therefore an organisation is expected to do an analysis of the current workforce, identify possible barriers and take remedial steps to ensure workplace equity is achieved (DoL, 1999:2). The purpose of the analysis is to identify employment conditions that may affect the designated groups (DoL, 1999:7). The code further adds that the extent of under-representation of employees from the designated groups in all job categories has to be communicated and steps taken to close the employment equity gaps identified.

Senior managers and line managers, via their key performance areas, ought to ensure full commitment through complying with the employment equity plan (DoL, 1999:4). Aligning the responsibility in the performance contracts simply means a manager will be evaluated continuously and progressive steps to ensure commitment taken on regular basis, as the responsibility forms part of the set contract.

To address barriers identified, the code advises that the organisation has to retain people from the designated groups through reasonable accommodation (DoL, 1999:12). Reasonable accommodation could include flexible hours of work, and modifications done to the buildings to accommodate disabled employees.

3.5 Provincial Policy directives applicable to the Western Cape Government

Once the national directives are formulated, it rests with provincial government to adapt them in order to meet the specific needs of each province. The provincial directives applicable to the Western Cape to be discussed are as follows:

3.5.1 The 2008-2010 Western Cape Human Resource Plan (HR Plan)

The Western Cape Human Resource Plan (WCHRP) (WCDoH, 2008-2010) has highlighted that in as much as the numerical goals for the specific designated groups has to be reached per occupational category, suitable candidates from the designated groups are often not available in the labour market (WCDoH, 2008:13). The unavailability of the suitable candidates from the designated groups makes it impossible to reach targets, especially with regards to scarce skills groups (WCDoH, 2008:13).

3.5.2 The 2010-2014 Western Cape Human Resource Plan (HR Plan)

The Western Cape Human Resource Plan (WCHRP) (WCDoH, 2010-2014) notes that due to lack of funding, representation gaps are not closing quickly enough (WCDoH, 2010:14). Action plans to be developed in order to manage and close the equity gaps include developing an AA Strategy inclusive of targeted recruitment and selection, and managers have to be trained in respect of the AA Strategy (WCDoH, 2010:16).

According to Thomas and Robertshaw (1999:57), an organisation has the responsibility to prescribe a format for occupational breakdown. Venter *et al.* (1998:199) is of the view that numerical targets will contribute to achieving a critical mass, or excluded group, in the workplace.

Thomas and Robertshaw (1999:87) advise that in order to achieve employment equity, human resource activities must be in harmony with their objectives. The above is seconded by Grobler *et al.* (2002:157), adding that employers need to carefully scrutinise their recruitment and selection policies and where necessary they have to compile new recruitment and selection procedures to be applied consistently and fairly to all job applicants. Every employer should develop written policies and practices to reflect its commitment to training and development opportunities for designated groups until their representation in all categories and levels has reached critical mass (Juta, 2005:231).

Each department, according to Thomas and Robertshaw (1999:90), has a responsibility to develop processes and behavioural norms to manage diversity which strengthen and redress the negative aspects of the existing culture. Erasmus *et al.* (2005:178) support the four principles of achieving diversity as noted in the White Paper on Human Resource Management in the Public Service and which includes the job related selection criteria of fairness, equity and transparency.

3.5.3 Western Cape Recruitment and Selection Policies (2002 and 2007)

This policy is the guiding framework for all the departments under the provincial government of the Western Cape. Each department is expected to further develop its own policy. The purpose of the policy is to ensure that recruitment and selection processes are carried out in a fair, transparent, equitable manner with the intention of promoting workplace diversity and attract scarce skills.

According to the Western Cape recruitment and Selection Policy (2002:4) selection of candidates shall be based on the training, skills, competence, relevant experience and precocity within the reasonable time to do the job, coupled with the need to redress the historical imbalances(pertaining to race, gender and disability).

During the selection process, it is the intention of the policy that a shortlist be compiled on the basis of uniform methodology, with equity prevailing at all times. The policy also advises that there must be a grid comprising of key requirements, as well as performance areas as advertised, including the equity targets of the department.

Name: of candidate	Selection Criteria for the Advertised post no 3.Bulletin G2 of 2012						
	Post Title: Dietician						
	Date: 19 November 2012						
	Qualification- Relevant	Registration with the relevant body	Managerial Skills	Proven Interpersonal Skills	Drivers Licence	Proficiency in at least two of the official languages of the	Total
Weight	30	10	20	20	10	10	= 100

Table 3.1: Example of a Grid (as drawn by the selection panel)

Source: Western Cape Recruitment and Selection Policy 2002.

The figure 3.1 above shows a guide which the selection panel formulates depending on the advertised key performance areas which must be in line with the job that will be carried out by the successful candidate. The selection panel then decides on the cut-off score, then those applicants above the cut-off score are shortlisted, those who fall below the cut-off score falls out, but as the grid shows the weight must add up to a total of 100.

Once the selection is completed the panel has the responsibility to compile a questionnaire as means to test the candidates.

In terms of the Recruitment and Selection policy (2002:5) the selection panel must make a decision to appoint/promote based on merit and guided by the employment equity targets of the department. In general both the Recruitment and Selection policies of(2002 and 2007) strive to achieve and comply with the EEA in all the job categories. This is evident through the amendments since the introduction of the two policies in relation to job advertising.

3.5.4 Western Cape Affirmative Action Policy (2004)

The policy was set to eradicate and prevent unfair discrimination and employment barriers, through the promotion of mutual respect, dignity and worth of all employees working under the Provincial Government of the Western Cape (PGWC, 2004:6). According to the policy there must be appropriate capacity building strategies provided and reasonable accommodation and advancement of people with disabilities, thus ensuring a represented workforce (PGWC, 2004:6).

According to the policy recruitment and selection policies must be sensitive to the specific requirements of gender, race and disability (PGWC, 2004:9). The policy also guides the departments in the sense that during recruitment the departments will have to forge partnerships with professional bodies or forums that will assist with head hunting for competent staff (PGWC, 2004:10). The above statement could prove to be a success through partnerships with local institutions such as schools and universities which in turn would benefit the dietetic department in meeting its employment equity targets. Departments are required to practise selection tools that are culturally fair, non-discriminatory and unbiased (PGWC, 2004:11).

3.5.5 Western Cape Employment Equity Plans (2000 and 2007).

The WCEEP (WCDoh, 2000:3) came into effect with the Department of Health of the Western Cape committing itself to the Constitution of the Republic of South Africa (RSA, 1996), as well as the Provincial Constitution of the Western Cape. To speed up the process of implementing the EEA, a forum known as the Employment Equity Consultative Forum (EECF) was established with the intention of implementing the WCEEP (WCDoh, 2000:40). The department aimed to address the non-representativity of its workforce, while on the other hand maintaining its competitiveness and efficiency (WCDoh, 2000:41).

One goal of the plan was to ensure that there is representativity in composition of staffing at all levels and across all occupational categories within the Department (WCDoh, 2000:6). One objective of the plan was to implement AA measures to

promote equal opportunity for the designated groups, according to the WCEEP (WCDoH, 2000:7).

An analysis of the current recruitment and selection policies has to be made. Once that is completed the identified barriers are identified and relevant bodies make necessary changes to meet the need. With regard to the 2000-EE-Plan the following areas in the recruitment and selection policy were identified and changes were made in order to address and meet the needs of a diverse workforce.

To ensure continued commitment barriers the following areas were identified and removed from the 2000 EE-Plan:

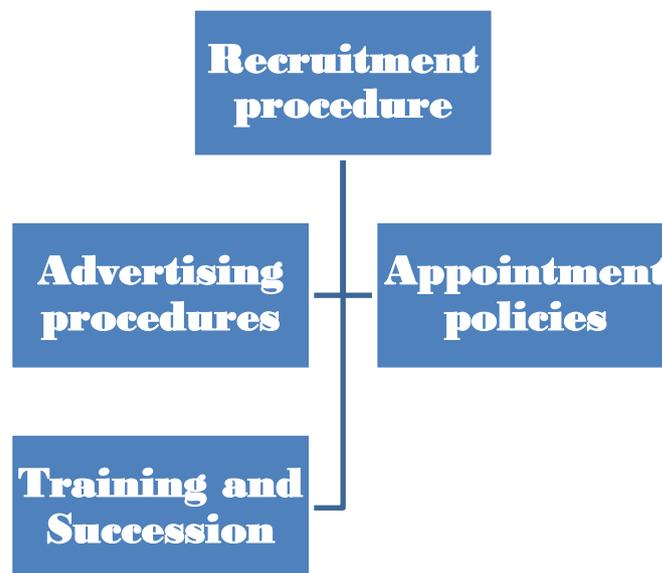


Figure 3.2 Areas changed by the Western Cape-EE-Plan (2000)

Source: Extract from WCDoH (2000:7)

The figure 3.2 above shows areas where barriers were identified and changed in order to achieve better compliance of the EE-Plan of 2000. Recruitment procedures: application form used before was changed. Advertising procedures: type of media used before to recruit was also changed. Appointment policies: Induction programme was implemented to train new employees. Training and Succession: bursaries and job descriptions were introduced.

The department has committed itself to the plan through the integration of the employment equity initiatives into the overall departmental vision and mission

(WCDoh, 2007:10). The plans also aim to ensure equal employment opportunities and equitable representation of people from the designated group across all categories and levels (WCDoh, 2007:14). The 2007 EE Plan consists of three stages to ensure its full commitment and compliance. They are as follows:

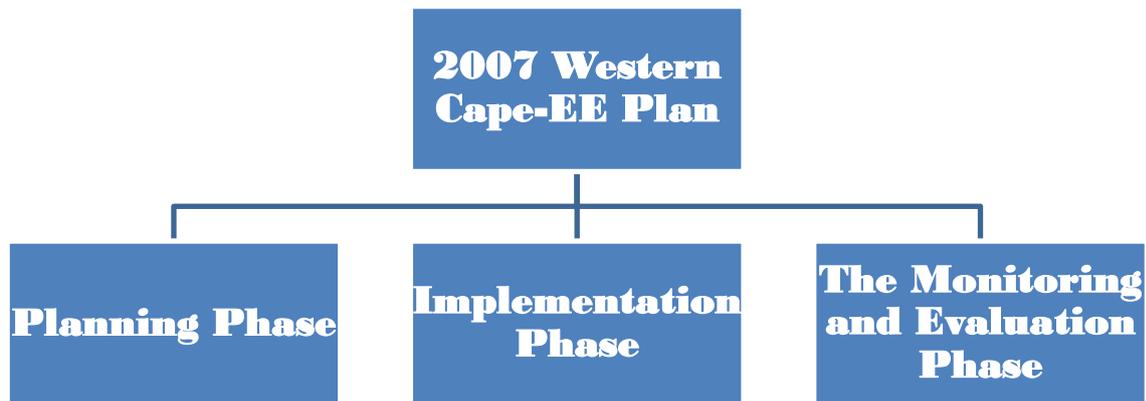


Figure 3.3: Three phases of the 2007 Western Cape EE-Plan

Source: Extract from WCDoh (2007:31)

The figure 3.3 above shows the three stages the 2007 EE -Plan was comprised of. In the planning phase, the allocations of duties in relation to the EE-Plan were done. In the implementation phase more emphasis was on the setting of numerical targets and their achievement. In the monitoring and evaluation phase, continuous monitoring measures were agreed upon to ensure commitment and compliance.

3.6 Conclusion

Section 22 of the Constitution (RSA, 1996:10) protects the citizen's occupation, profession and rights to trade. The EEA (RSA, 1998a:1) recognises that past laws of apartheid had been disadvantageous to certain race groups. Of the submissions made by the Bill in 2008, the Bill (RSA, 2008:4) states that the rendering of essential services and public service cannot be detrimentally affected by the implementation of AA. That is done in favour of retaining scarce skills that are necessary in rendering this service.

The purpose of the Skills Development Act (RSA, 1998), is to improve the employment prospects of persons who were previously disadvantaged by unfair discrimination. The SDA aims to redress past discrimination through training and education (RSA, 1998b:3).

The White Paper on Public Service Training and Education (RSA, 1997:10) promotes training of high quality personnel from the ranks of historically disadvantaged individuals. The HWSETA (WCDoH, 2004:18) has noted a scarcity of candidates with requisite skills from the historically disadvantaged population.

The above statement is seconded by the WCHRP (WCDoH, 2008:13) –when it argues that the unavailability of suitable candidates from the designated groups makes it impossible to reach targets, especially with regard to scarce skills.

In order for an organisation to be able to monitor its progress for the purposes of the employment equity, the designated groups must be analysed per occupational category; representation of designated groups is spread across all occupations and is not clustered in any particular section of the organisation.

The plan notes that as means to implement the EEA the checklist must reflect that promotion of employees from the designated groups is carefully monitored in terms of the overall targets of the Employment Equity Plan, as set out in the National Strategic Human Resource Plan (DPSA, 2008:70-75).

Findings show that the Western Cape and Gauteng provinces are the two provinces that have the lowest levels of compliance in reaching employment equity targets (DPSA, 2009:6).

Contraventions to the EEA with respect to section 19, 20, 21 which are relevant to the study, the outline of fines payable are as noted on the EEA (RSA, 1998a:24).

The researcher is of the view that legislation and policy documents which have been formulated to guide the implementation of EEA states clearly that complying with EEA is a legal requirement and there are penalties for non-compliance.

The next chapter will present and analyse collected data. The following chapter will give an overview of the compliance level to statutory legislation by the dietetic department of Tygerberg Hospital.

CHAPTER 4

DATA ANALYSIS AND FINDINGS

4.1 Introduction

The previous chapter presented policy and legal framework guiding Tygerberg Hospital in implementing the EEA (RSA, 1998a). This chapter presents data, analyses and interpretation.

Data was collected through structured questionnaire administered to (human resource and dietetic department line managers) and semi structured interviews guided by formulated questions. The sample comprised twenty one members as follows:

- Human Resource Department: deputy director (Human Resources), two Assistant Directors (Human Resources), two senior administration officers and three administration officers(i.e. eight from the Human Resources Department).
- Dietetics Department: Senior Clinical Executive, Head of Department, Assistant Director and the five dieticians, (i.e. eight from the Dietetics Department).
- Three members of the Executive Committee (Tygerberg Hospital Transformation).
- Experts in the field of Human Resources Management and Transformation: (Director Human Resources, Transformation Specialist of Tygerberg Hospital.

Terre Blanche and Durrheim (1999:57) are of the view that data analysis is concerned with the fact that collected data must be analysed. During analysis data collected was corroborated by means of triangulation to link primary data with literature consulted. According to Welman *et al.* (2005:195) triangulation is important to cross check data which have been derived from multiple sources.

Questions formulated for the structured questionnaire as well as the semi structured interviews were informed by the consulted literature.

4.2 Demographic information

4.2.1 Male, Female, Race and Disability

This section presents an overview of the demographic information of the respondents in terms of gender, disability status and race. The respondents were requested to indicate their respective gender and race, thus enabling the researcher to better analyse the returned responses and be able to formulate a table based on the returned questionnaires for this section. Identifying demographic information also enables the researcher to analyse representation and identify gaps in terms of EE. As noted by Cornelius (2002:152), it is acceptable for an organisation to set targets in terms of gender, race and disability.

Table 4.1: Demographic Information

Race	Male	Female	Disabled	Total	Overall Total
African	1	1	0	2	
White	2	3	0	5	
Coloured	5	9	0	14	21

Source: Extract from PERSAL (2011)

Table 4.1 above presents the demographic information of participants who were part of the study sample. This is a combination of Human Resource management, the Dietetics Department, the transformation executive committee and experts in the field of transformation and human resources.

4.3 Questionnaire

4.3.1 Recruitment, selection and employment equity

Questionnaire administered to eight human resource personnel as well as eight line managers of the dietetic department who are involved in the recruitment, selection and policy compliance (including EEA) within the dietetic department. All sixteen

distributed questionnaires were returned to the researcher. The respondents were requested through the structured questionnaire to indicate to what extent they agreed or disagreed with the given statements.

4.3.3.1 Recruitment

Cornelius (2002:154) is of the view that the image of the organisation can be portrayed through its recruitment processes. An organisation will therefore plan the recruitment targets carefully in order to meet the EE targets as argued in chapter two (subsection recruitment).

The subsection presents an analysis of respondents' responses in answering the recruitment aspect of the questionnaire.

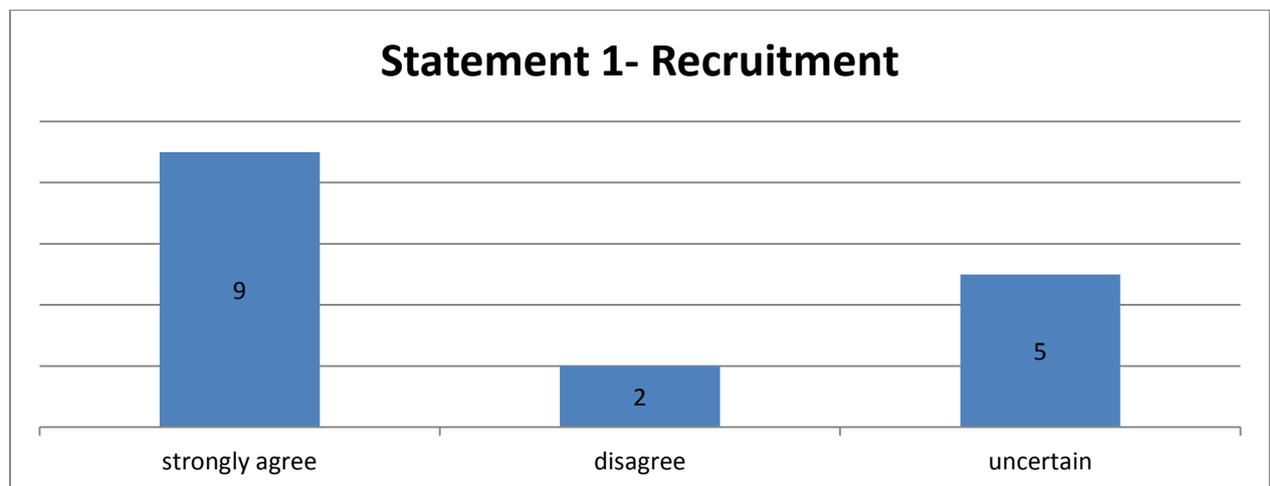


Figure 4.1: There is a recruitment policy which is used as a guide during recruitment within the Dietetics Department.

Source: Author (2012)

The above figure 4.1 shows that out of the sixteen returned questionnaires nine respondents agreed with the statement that there is a recruitment policy in place which is used as a guide during recruitment while two respondents disagreed with the statement, five respondents remained uncertain. Swanepoel et al. (2008:276) argue that recruiting must be guided by the recruitment plan or policy. According to Heneman et al. (1997:272), in chapter two (subsection recruitment) an organisation

can make use of a recruitment guide which will provide detail on the process to be followed in order to attract applicants to a job.

The dietetic department carries its out its recruitment process through a recruitment guide and that has been found to be in line with the arguments of the authors noted above (Swanepoel et al. and Heneman et al.) This is evident through the number of respondents supporting the statement.

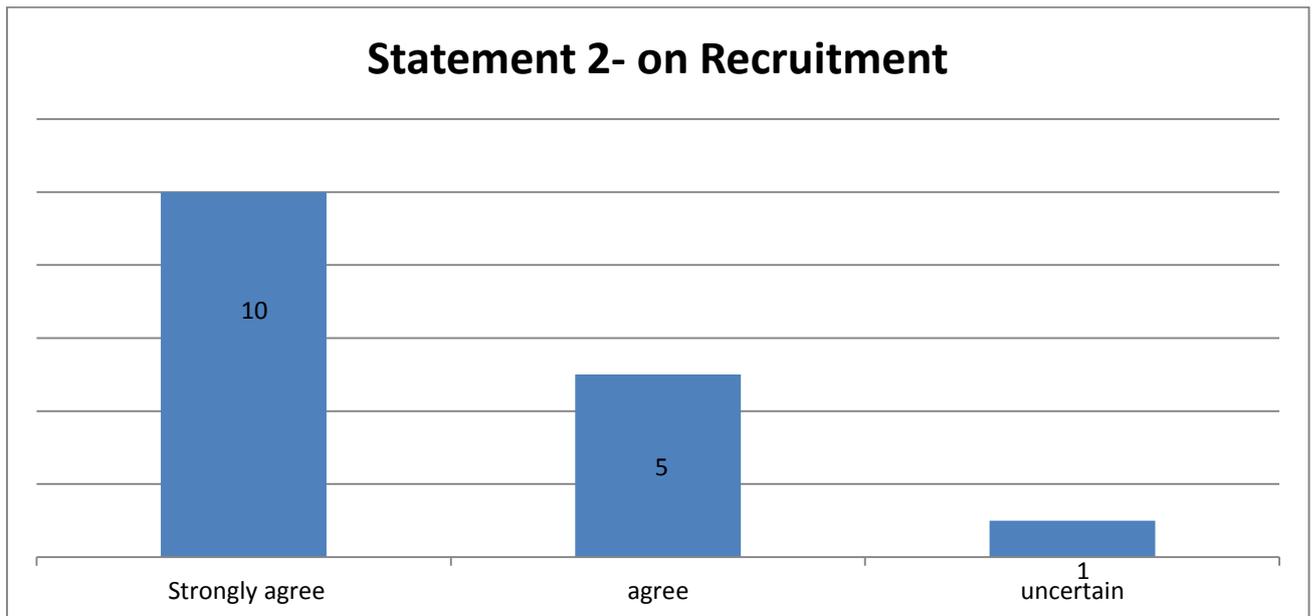


Figure 4.2: Recruitment in the Dietetics Department is carried out in a manner that is sensitive to specific requirements of gender, race and disability as required by the Western Cape Affirmative Action Policy of 2004.

Source: Author (2012)

Figure 4.2 shows that fifteen respondents supported the statement that during recruitment, the Dietetics Department carries out its recruitment in a manner that is sensitive to specific requirements of gender, race and disability as required by the Western Cape Affirmative Action Policy. One respondent was uncertain of the statement. According to the Western Cape Affirmative Action Policy of 2004 discussed in chapter three (subsection: Provincial directives applicable to the Western Cape) recruitment and selection policies must be sensitive to the specific requirements of gender, race and disability (PGWC, 2004:9).

The dietetic department of Tygerberg hospital complies with the requirements of the Western Cape Affirmative Action Policy of 2004 which requires recruitment that is sensitive to issues relating to gender, race and disability.

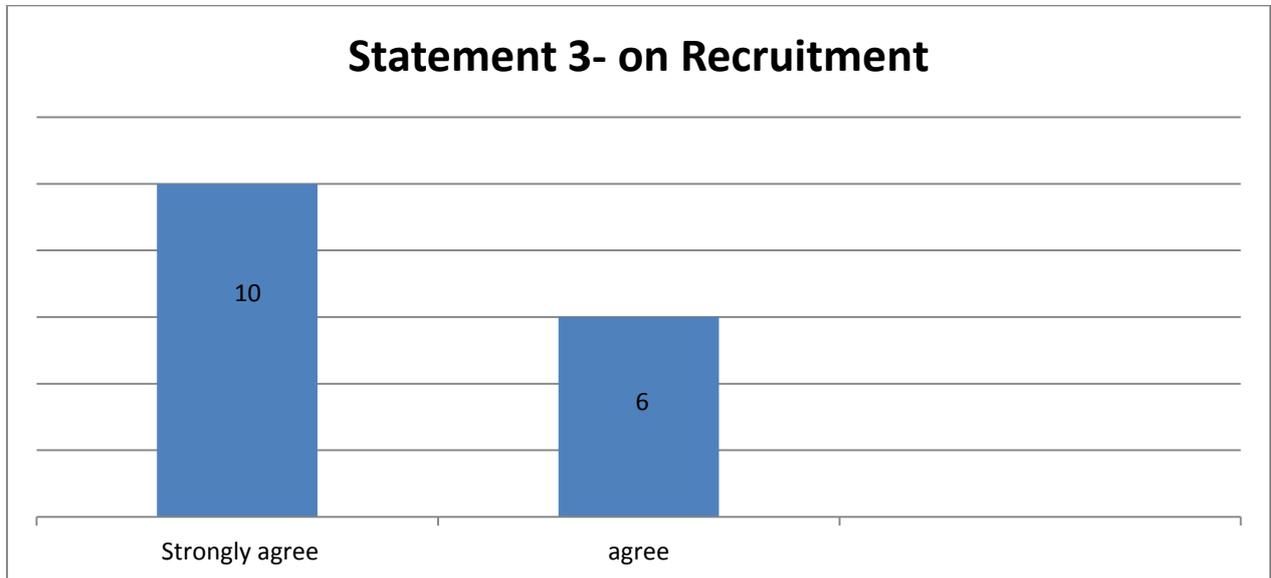


Figure 4.3: Applicable recruitment sources such as (internal and external) recruiting are applied by the Dietetics Department during job advertising.

Source: Author (2012)

Figure 4.3 show that all respondents agreed with the statement varying from (strongly agree to agree) as depicted above that the Dietetics Department applies recruitment sources (internal and external) during job advertising. Schuler and Huber (1993:190) in chapter two (subsection: recruitment sources) are of the view that qualified job applicants can be found inside (internal) and outside (external) of the organisation.

The dietetic department follows a range of recruitment through internal and external recruitment thus ensuring that the recruitment process is carried out in a manner that reaches all interested individuals.

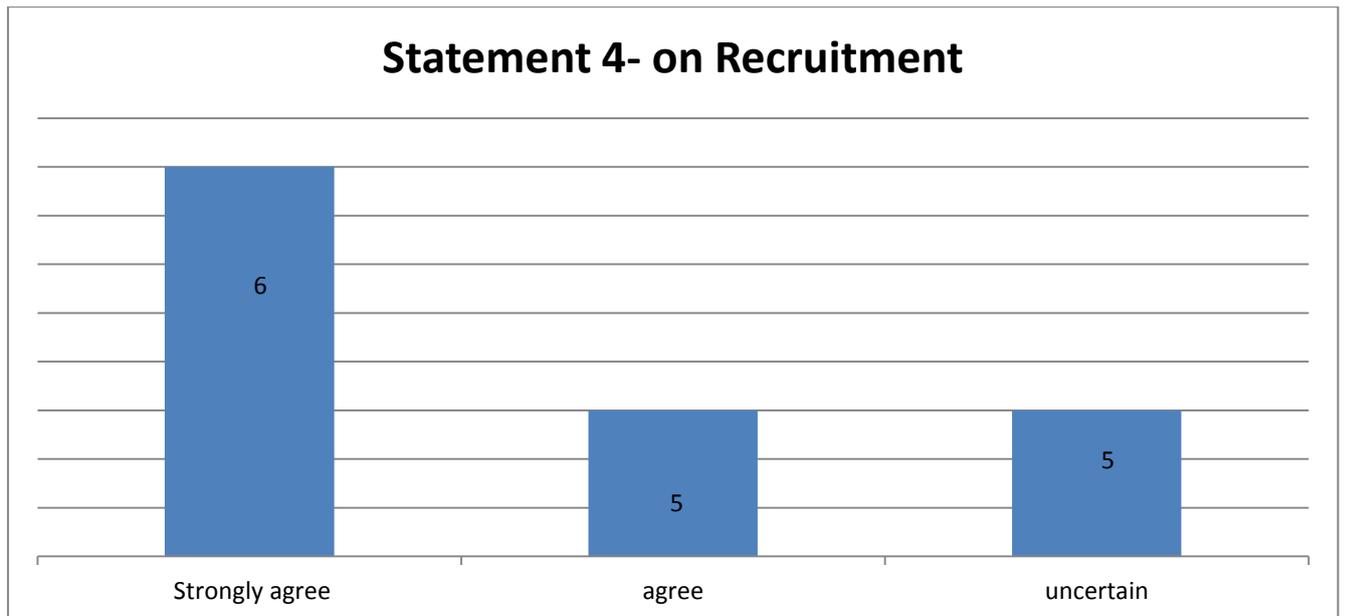


Figure 4.4: Within the Dietetics department, recruitment is done in a transparent manner with the intention of promoting workplace diversity and attraction of scarce skills.

Source: Author (2012)

Figure 4.4 shows eleven respondents agreed with the statement that within the Dietetics department recruitment is done in a transparent manner with the intention of promoting workplace diversity and attraction of scarce skills, (varying from strongly agree to agree), while five respondents remained uncertain that transparent recruiting is done with the intention of promoting workplace diversity and attraction of scarce skills. The Western Cape Recruitment and Selection Policy of 2002 (as discussed in chapter three subsection: provincial directives applicable to the Western Cape) is of the view that recruitment and selection must be done in a transparent, fair manner with the intention of promoting workplace diversity and to attract scarce skills.

There has been compliance by the dietetic department to the Western Cape Recruitment and Selection Policy of 2002 which requires that the recruitment processes be carried out in a manner that promotes workplace diversity while attracting scarce skills.



Figure 4.5: Positive steps are taken by the Dietetics Department to ensure that women and disabled applicants take advantage of the job opportunities within department.

Source: Author (2012)

Figure 4.5 above shows that eleven respondents supported the statement that positive steps are taken by the dietetic department to ensure that women and disabled applicants take advantage of job opportunities within the dietetic department while four respondents remained uncertain. Boudreau and Milcovich (1999:69) (in chapter two subsection: employment equity) argue that affirmative action includes positive steps that seek to encourage and prepare women and disabled people to take advantage of job opportunities.

There is a link between the consulted literature and the actions carried out by the dietetic department in ensuring that women and disabled applicants take advantage of the job opportunities within the dietetic department.

4.3.3.2 Selection

This subsection presents an analysis of respondent's responses in answering the selection aspect of the questionnaire.

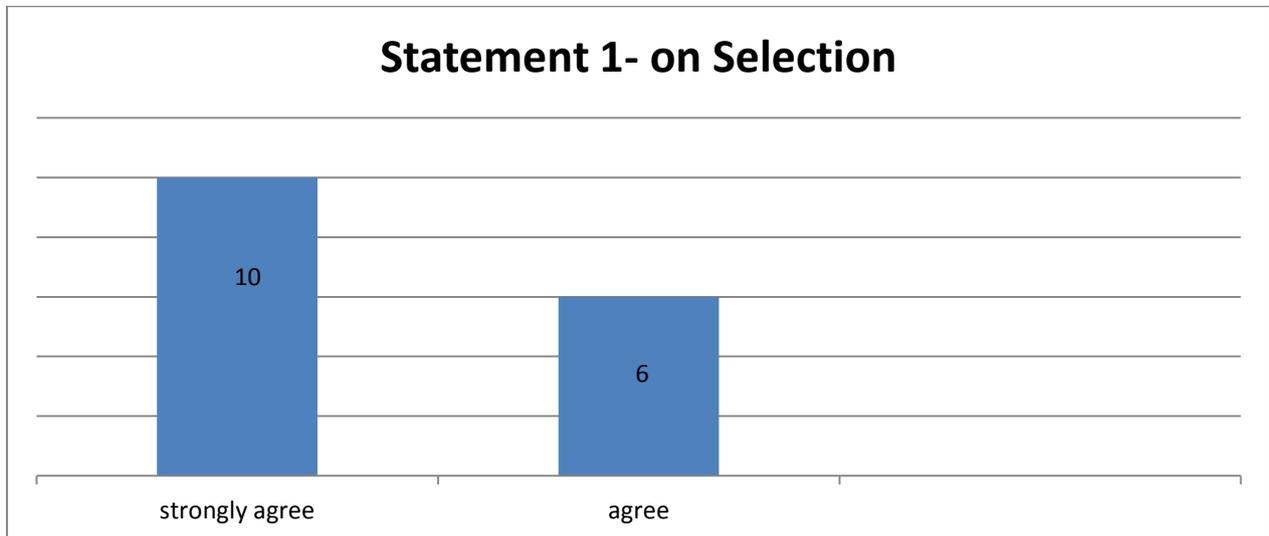


Figure 4.6: During selection, the Dietetics Department makes use of selection phases such as deciding on the selection strategy, collecting relevant information and making a selection decision.

Source: Author (2012)

Figure 4.5 shows that all respondents supported the statement that the Dietetics Department makes use of selection phases during selection, such as deciding on the selection strategy, collecting relevant information and making a selection decision, (varying from strongly agree to agree as shown above). Erasmus et al. (2005:236-237) (in chapter two subsection: selection process argue that a selection process can consist of several selection phases which include deciding on a selection strategy, conducting a preliminary interview, collecting information or making a selection decision, and lastly placing the candidate.

The dietetic department make use various selection phases during its selection process and that is supported by the consulted literature. This clearly means the department plans its selection process thoroughly applying and following various phases, thus ensuring that the process is fair.

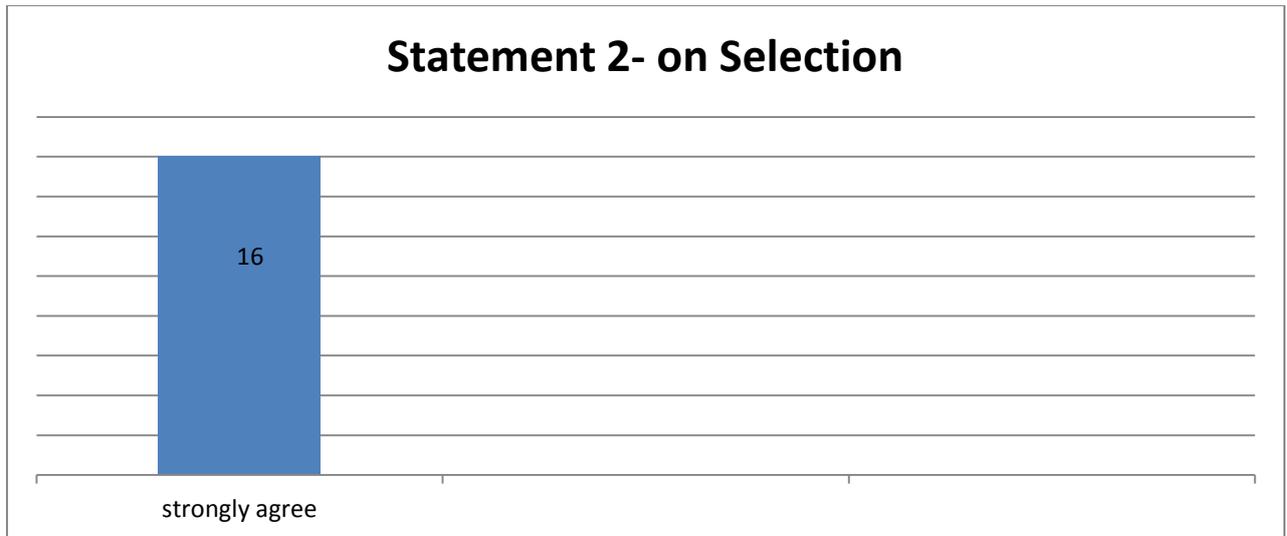


Figure 4.7: During the selection process, the Dietetics Department makes use of the selection grid, where equity targets are recorded as guided by the Western Cape Recruitment and Selection Policy of 2002.

Source: Author (2012)

Figure 4.6 shows that all respondents agreed that the Dietetics Department makes use of a selection grid during selection guided by the relevant policy. According to the Western Cape Recruitment and Selection Policy of 2002 (as discussed in chapter three subsection: provincial policy directives applicable to the Western Cape) during the selection process, it is the intention of the policy that a shortlist be compiled on the basis of uniform methodology, with equity prevailing at all times. The policy also advises that there must be a grid comprising of key requirements, as well as performance areas as advertised, including the equity targets of the department (WCDoH, 2002:4).

The dietetic department complies with the guiding policy in which it is required of the selection process to consist of a selection grid where selection rating will be recorded; scoring has to be decided in the planning stages of the selection process to ensure that the whole selection process is fair.



Figure 4.8: during the selection process within the Dietetics Department preference is given to previously disadvantaged persons in accordance with the EEA no 55 of 1998.

Source: Author (2012)

Figure 4.7 shows that all respondents agreed with the statement that preference is given to previously disadvantaged persons in accordance with the EEA, (varying from strongly agree to agree as shown above). Meyer and Kirsten (2005:47) as discussed in chapter two subsection: selection process are of the view that preference during selection must be given to previously disadvantaged people, in accordance with the EEA.

The dietetic department follows the selection processes that promote the appointment of previously disadvantaged persons as required by the EEA. There is a link between the consulted literature and processes applied by the dietetic department during the selection process.

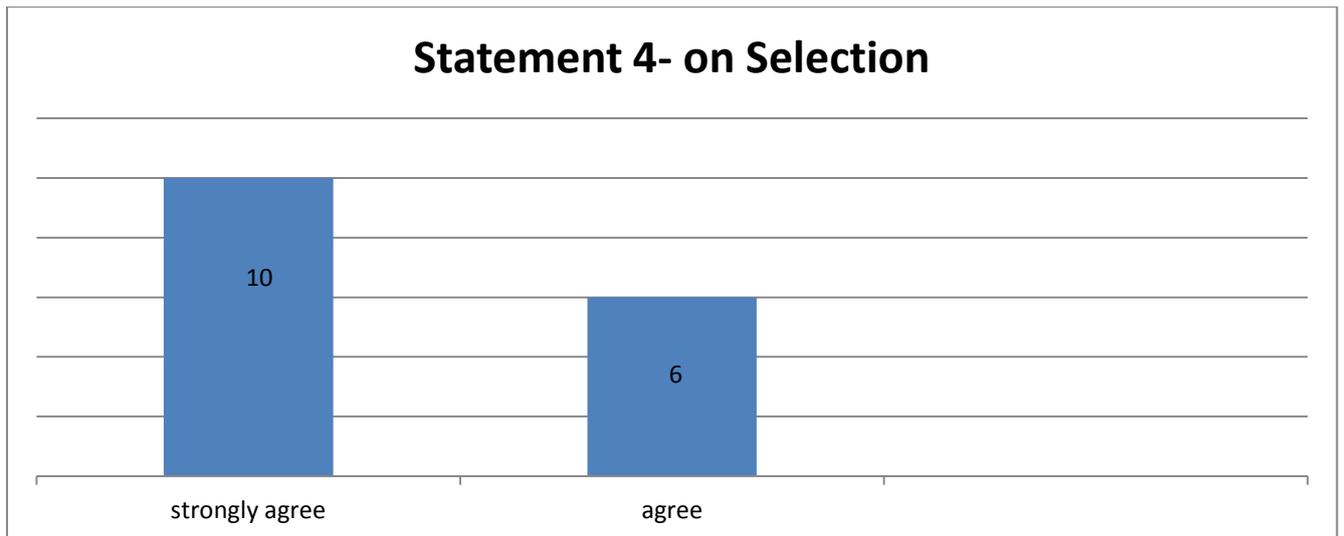


Figure 4.9: Within the Dietetics Department selection is based on training, skills and competence as guided by the Western Cape Recruitment and Selection Policy of 2002.

Source: Author (2012)

Figure 4.9 above shows that all respondents supported the statement that during the selection process in the Dietetics field, selection is based on skills, competence and training as required by the Western Cape Recruitment and Selection Policy of 2002, (varying from strongly agree to agree). As discussed in chapter three subsection: provincial policy directives applicable to the Western Cape, the selection of candidates shall be based on training, skills, competence, and relevant experience with precocity within reasonable time to do the job coupled with the need to redress the historical imbalances pertaining to race, gender and disability (WCDoH, 2002:4).

During the selection process the dietetic department selects applicants based on training, skills required to do the job and competence as guided by the relevant policy. All these competences which the selection is based on ensure that the best candidate to do the job is given the opportunity through a fair selection process.

4.3.3.3 Employment Equity

Heneman et al. (1997:63) argues that complex equal employment opportunity laws and regulations are major sources of influence on staffing. The author further asserts that AA goes together with the employment equity seeks to rectify the discriminatory practices of the past.

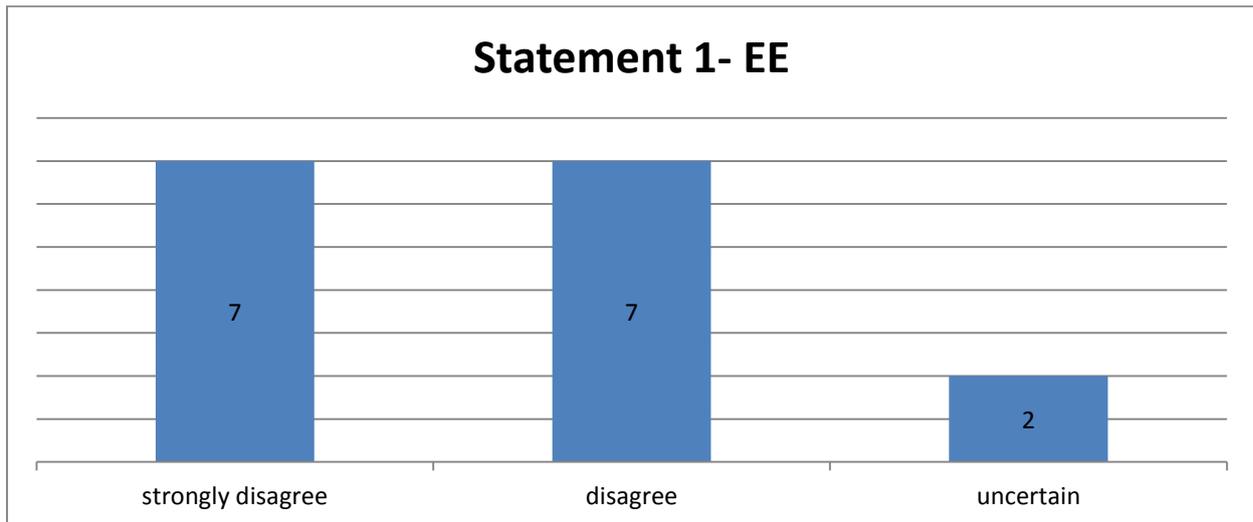


Figure 4.10: There is an approved employment equity plan in Tygerberg hospital and it has been communicated with all relevant bodies, including the Dietetics Department.

Source: Author (2012)

The above figure 4.10 shows that fourteen respondents disagreed with the statement that Tygerberg Hospital has an approved EE-Plan (varying from strongly disagree to disagree) while two were uncertain. Thomas and Robertshaw (1999:17) notes that for an organisation to effectively comply with the requirements of EEA it must have an approved EE-Plan. According to the EEA each year a designated employer must prepare an employment equity plan indicating how the employer wishes to implement and meet the requirements of the EEA. (RSA, 1998a:10).

The fact that the institution does not have an approved employment equity plan in place which would guide the implementation and compliance to EEA, would mean the institution does not have a follow an compliance guide and applicable penalties

could be levied to the institution for non-compliance, as it is a legal requirement to comply with the set legislation.

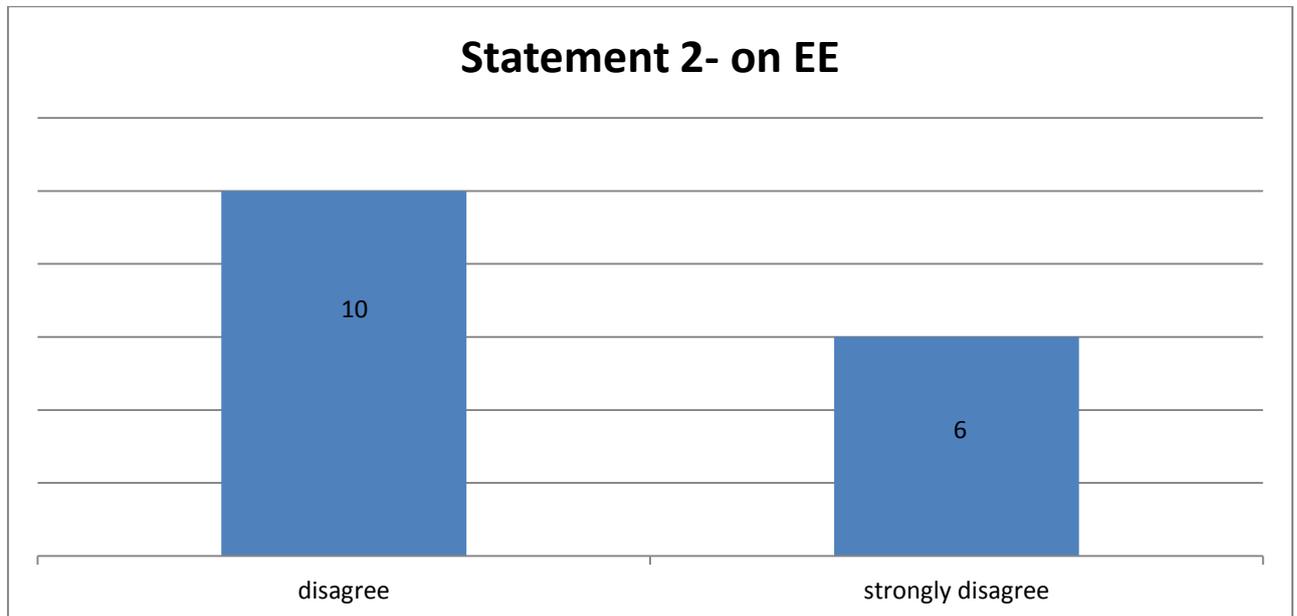


Figure 4.11: The key employment equity outcomes are aligned to the key performance areas of the line managers of the Dietetics and Human Resources Departments.

Source: Author (2012)

Figure 4.11 above shows that only all respondents disagreed with the statement that the key employment equity outcomes are aligned with the key performance areas of the line managers of the Dietetics and Human Resources Departments (varying from disagree to strongly disagree). Thomas and Robertshaw (1999:19) as discussed in chapter two subsection: relationship between recruitment, selection and affirmative action argue that for successful compliance to EEA, the employment equity outcomes must be aligned with the key performance areas of managers and supervisors.

Aligning the key equity outcomes to the key performance areas of the managers would mean that line managers would be assessed during quarterly reviews on employment equity compliance as a key employment outcome, with remedial steps taken should the line manager do not meet the set requirements.

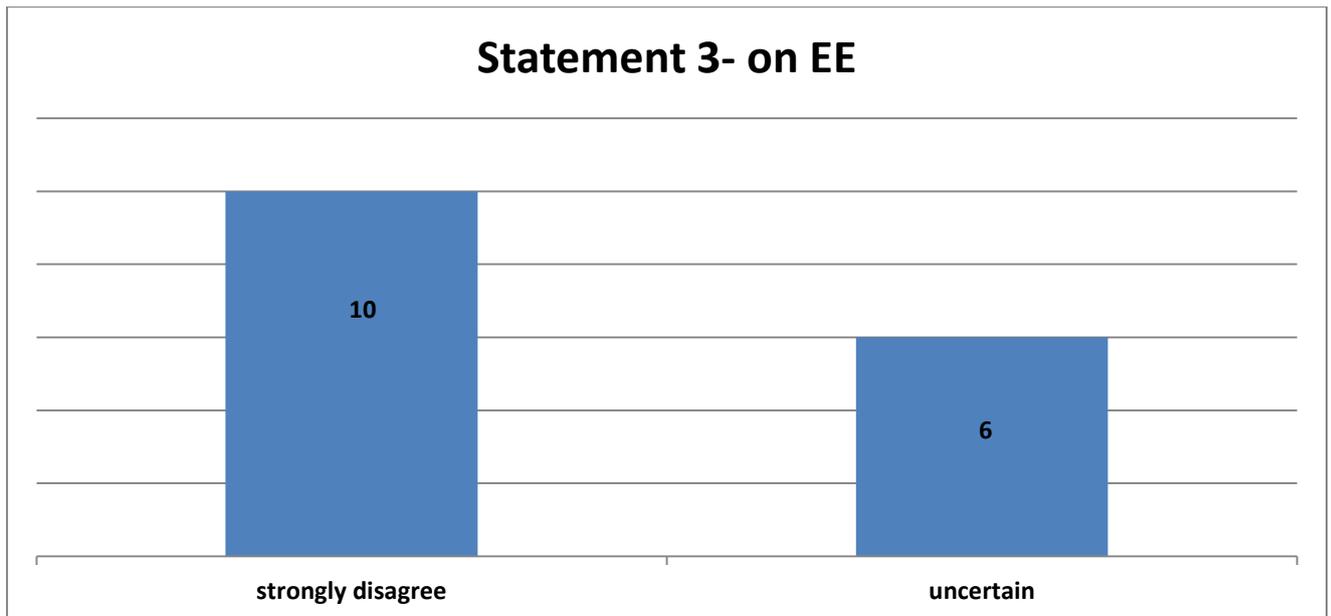


Figure 4.12: Tygerberg Hospital has an Employment Equity Consultative Forum which was set up to drive the EE-Plan as required by the EE-Plan of 2000.

Source: Author (2012)

Figure 4.12 above shows that ten respondents strongly disagreed with the statement that Tygerberg Hospital has an Employment Equity Consultative Forum set up to drive the EE-Plan as required by the EE-Plan of 2000. Six respondents were uncertain of the presence of the forum within Tygerberg Hospital. As discussed in chapter three subsection: provincial directives applicable to the Western Cape, to speed up the process of implementing the EEA, an organisation has to establish a forum known as Employment Equity Consultative Forum which will drive the implementation of the EEA (WCDoh, 2000:41).

In order to comply with the requirement of the EEA, it would be advisable for the institution to have a consultative forum which will drive the implementation of EEA through various structures like drafting the institutional employment equity plan,

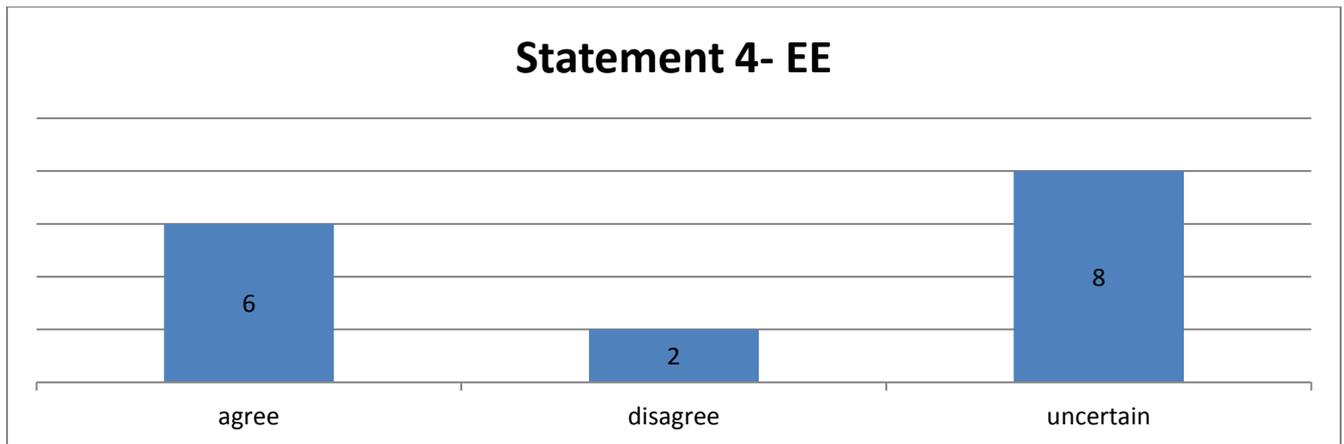


Figure 4.13: Dietetics' employees, particularly the non-designated employees, feel victimized through the implementation of employment equity policies.

Source: Author (2012)

Figure 4.13 above shows that only eight respondents were uncertain of the fact that within the Dietetics Department, the non-designated employees feel victimized through the implementation of the employment equity policy, six respondents agreed with the statement that non-designated employees feel victimized through the implementation of employment equity while two respondents disagreed with the statement. Wingrove (1995:153) argue that, (as discussed in chapter two subsection): obstacles associated with implementing employment equity some problems associated with EE include opposition from non-designated employees regarding the EE programmes. Wingrove further notes that if not managed well, the non-designated employees feel victimized through the implementation of EE-Policies.

The issue of employment equity has to be managed well ensuring that a diverse workforce is achieved. It is important that the institution must have a diversity forum which will communicate, drive and manage among other things issues relating to tolerance between employees of a diverse culture, improved social inclusion strategies in place that will ensure that everyone is valued, respected within an institution.

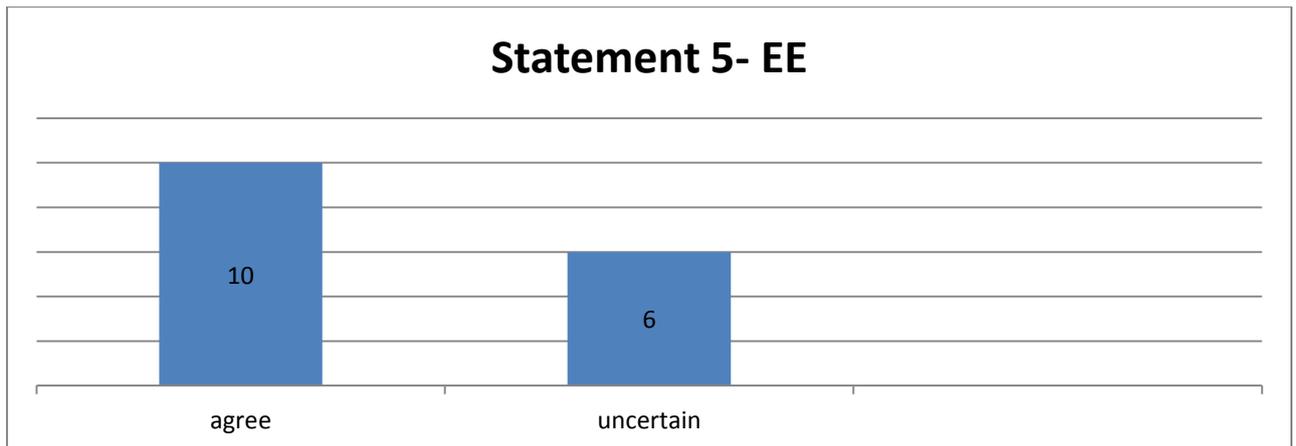


Figure 4.14: Employment Equity initiatives are integrated in the overall departmental mission and vision of the Dietetics Department as required by the EE-Plan of 2007.

Source: Author (2012)

Figure 4.14 above shows ten respondents agreed with the statement that employment equity initiatives are integrated in the overall departmental mission and vision of the Dietetics Department as required by the EE-Plan of 2007 while six respondents remained uncertain of the statement. As discussed in chapter three subsection: provincial guiding policy directives applicable to the Western Cape, the Western Cape Employment Equity Plan (2007:10) has committed itself to EE through integrating the initiatives into the overall departmental vision and mission of the Dietetics Department.

Based on the responses there is commitment to employment equity by the dietetic department through integrating employment equity outcomes with the mission and vision of the department. Therefore through strategic planning process the researcher is of the view that the dietetic department has an overall plan for the department with employment equity compliance integrated with the process where the departmental objectives are be set for the given period.

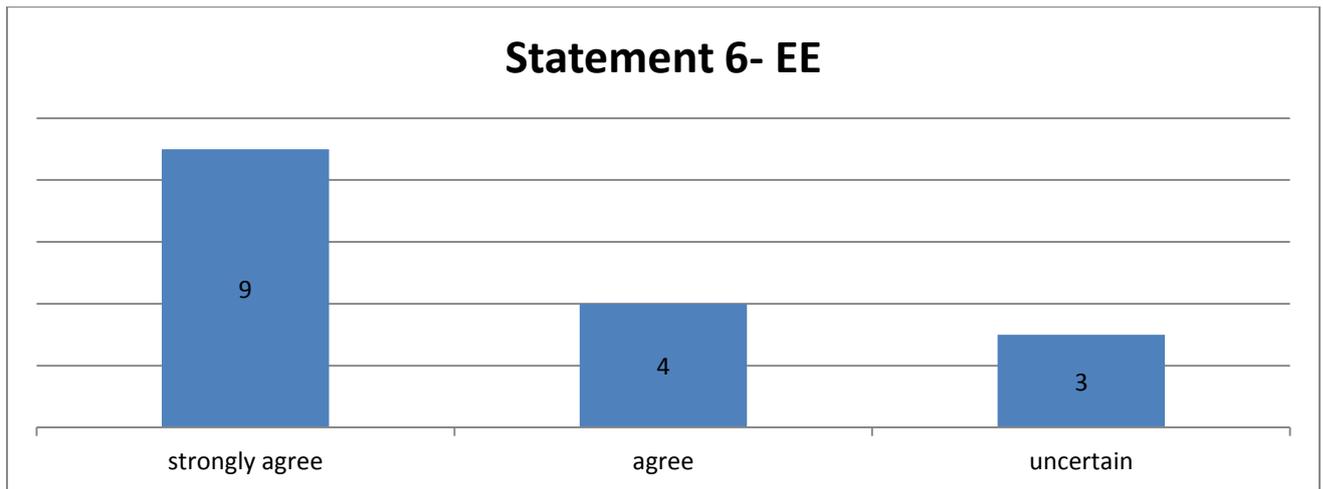


Figure 4.15: Tygerberg Hospital strives to achieve representativity within the Dietetics Department as guided by the Western Cape Employment Equity Plan of 2000.

Source: Author (2012)

Figure 4.15 above shows eleven respondents agreed with the statement that the Dietetics Department strives to achieve representativity as guided by the Western Cape Employment Equity Plan of 2000 (varying from strongly agree to agree as shown above while three respondents remained uncertain. As discussed in chapter three subsection: provincial guiding policy directives applicable to the Western Cape, the Western Cape Employment Equity Plan of 2000 had a goal of ensuring that there is representativity in composition of staffing at all levels and across all occupational categories within the department WCDoH, 2000:7).

The dietetic department is in line with the requirements of the guiding policy directive.

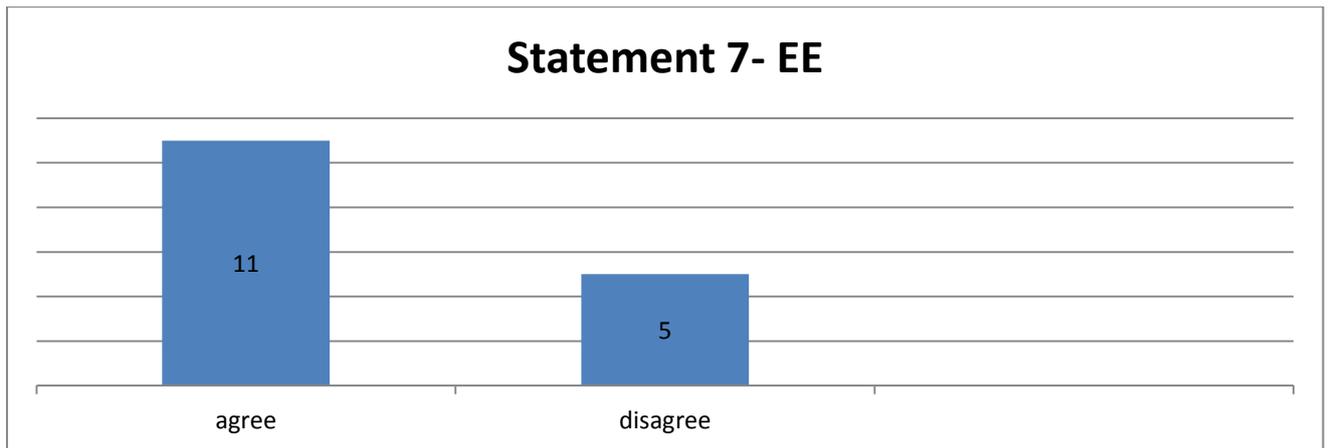


Figure 4.16: There are diversity interventions in place such as skills training and race issue promotion plans which are followed by the Dietetics Department as a means to manage its departmental diversity.

Source: Author (2012)

Figure 4.16 above shows that eleven respondents agreed with the statement that there are interventions in place within the Dietetics Department such as skills training as a means to manage diversity. Five respondents disagreed with the statement. As discussed in chapter two subsection: integrating diversity management with recruitment and selection, Kersten argue that for successful diversity management there must be an institutional diversity plan which could include training and tolerance (Kersten, 2000:241).

The researcher is of the view that there is a relationship between recruitment and employment equity in the sense that recruitment is carried out in a manner that is sensitive to the specific requirements of gender, race and disability, by so doing a diverse workforce is achieved.

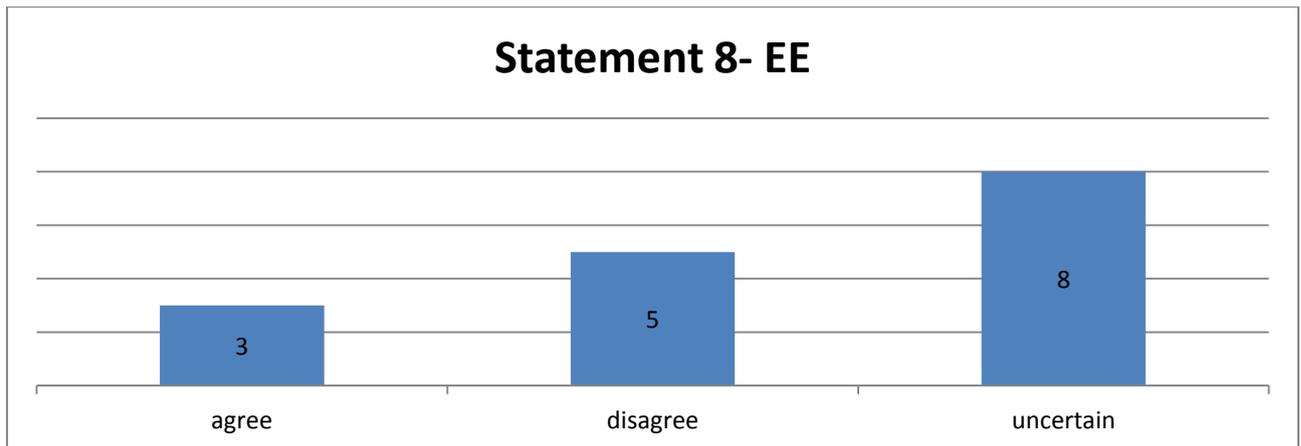


Figure 4.17: There is a transformation dialogue platform which meets frequently to discuss the diversity issues such as social inclusion and tolerance within the Dietetics field.

Source: Author (2012)

Figure 4.17 above shows that eight respondents were uncertain of the presence of the transformation dialogue, which meets to discuss diversity issues while five respondents disagreed with the statement and three respondents agreed with the statement that there is a dialogue that discusses diversity issues of the Dietetics Department such as social inclusion. As discussed in chapter two Kersten (2000:238), is of the view that the purpose of the transformation dialogue is to reach a common ground or consensus for discussing multicultural issues, tolerance and radical plurality.

There must be a transformation platform which will address issues relating to workplace diversity. The platform can comprise of line managers which would represent their respective departments and there must be a willingness of the institution's members to change

4.4 Interviews

The interviews were conducted with the following: three members of the executive committee (Tygerberg Hospital Transformation) as well as the transformation expert. Human Resource Manager (Director Human Resources) was interviewed as a

human resource expert. Semi structured questions were formulated to guide the interview sessions.

4.4.1 Semi structured interviews: Human Resource Manager:

Theme	Response
1. Does the institution have an approved employment equity plan?	Respondent: There is only a provincial employment equity plan available; the departments at Tygerberg Hospital are guided by the employment equity statistics only.
2. What remedial action plan is in place at Tygerberg Hospital to ensure that workplace equity is corrected and balanced?	Respondent: The remedial action plan in place is in the form of training and development, as well as the staff performance management system which is used as a guide to assess employees. Some departments are growing their own timber by appointing equity appointees at the level of medical officer or registrars, and grooming them to specialists. Language is the problem; however the institution is in the process of translating the documents into English to benefit all employees.
3. To gain full commitment of the Employment Equity, the institution's employment equity plan is continuously communicated with all the relevant bodies.	Respondent: Tygerbeg hospital relies on statistics and they are only used during selection since there is no plan in place; the institution relies on the provincial plan.

4. The senior manager of the hospital's key performance areas is aligned with the key employment equity outcomes to ensure continued commitment and compliance.	Respondent: Yes, there is commitment from the senior manager as he is the equity manager of the institution.
5. Any reasonable progress made towards EEA since the inception of the employment equity plans.	Respondent: For certain departments there is progress, but there are departments where there is over representation and under representation of employees. The question is how do we balance the two?. The EE-gaps are not closing as they should, that is reflected on the employment equity gaps as well.
6. There is a communication program in place at Tygerberg Hospital which seek to communicate and drive compliance towards EEA.	Respondent: Yes there is a communication program in place in the form of: Clinical Heads of department meetings, Middle Management meetings, Senior Management Meetings, Strategic planning of the institution in which Stellenbosch University (Medical School) participates.
7. Any forged partnerships with professional bodies or forums which would better the compliance towards EEA?	Respondent: Yes the institution has partnerships with the following institutions: Cape Peninsula University of Technology, Western Cape Nursing College, Stellenbosch University and University of the Western Cape.

<p>8. Tygerberg Hospital takes note of the business risks associated with the imbalanced employee profile.</p>	<p>Respondent: Yes we are aware, but that is the responsibility of Head Office which represents all institutions under the Department of Health. There is simply nothing we can do if the designated candidates do not apply for certain positions, we do submit a motivation why we appoint out of equity.</p>
<p>9. Does the organization have a training and development plan in place that will ensure that past discrimination through training and development is eliminated?</p>	<p>Respondent: Yes there is a training plan under the guidance of provincial training academy, but in many instances when one wishes to attend training as part of her or his own development, the booking is either full or there are not a sufficient number of employees who have an interest in doing certain courses.</p>
<p>10. What diversity model is in place at Tygerberg Hospital, which is responsible for driving diversity management related issues?</p>	<p>Respondent: We have a Transformation Unit which comprises of all departments but it is not as effective as the institution would wish it to be.</p>
<p>11. How effective is the diversity education platform of Tygerberg Hospital?</p>	<p>Respondent: Not effective because we rely on the provincial training academy and in many instances employees cannot attend courses due to staff shortages and operational requirements.</p>

<p>12. Does the institution have a transformation dialogue platform? If yes, how effective is it in terms of addressing issues relating to multicultural literacy and employment impartialities?.</p>	<p>Respondent: there is a transformation platform but it is not effective. Success can be realized when the institution has a permanent employee who is appointed as a transformation officer, but currently employees have other operational duties over transformation.</p>
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4.4.2 Semi structured interviews: Three executive members of the Tygerberg Transformation Unit and the Transformation Expert:

Theme	Response
<p>1. Does the institution have an approved employment equity plan?</p>	<p>One respondent noted that there is an approved employment equity plan and is available at the human resource department, while three respondents indicated that there is no institutional employment equity plan. Statistics are used as a guide during the selection process. Tygerberg Hospital falls within the Western Cape Employment Equity Plan and there is no institution under the department of health that has its employment equity plan. The department of health is still working on drafting institutional employment equity plan which will be adapted to the needs of each institution.</p>
<p>2. What remedial action plan is in place at Tygerberg Hospital to ensure that workplace equity is corrected and</p>	<p>Two respondents noted that the institution relies only on the Western Cape Recruitment Polices while two</p>

<p>balanced?</p>	<p>respondents indicated that training is the remedial tool applied by the institution to correct workplace equity.</p>
<p>3. To gain full commitment of the Employment Equity, the institution's employment equity plan is continuously communicated with all the relevant bodies.</p>	<p>Four respondents noted that there is no plan, commitment is questionable. The organization relies on the transformation unit but the unit is not as effective due to poor attendance.</p>
<p>4. The senior manager of the hospital's key performance areas is aligned with the key employment equity outcomes to ensure continued commitment and compliance.</p>	<p>Two respondents noted that the key performance areas of the senior manager are in line with the employment equity outcomes, as he is the equity manager of the hospital. One respondent indicated there key performance areas are aligned but commitment is questionable, while one respondent indicated that with no employment equity plan for the institution, it is difficult to measure one's commitment. Compliance to EEA would be an indication that the senior manager is indeed committed to employment equity, currently in certain job categories like the clinicians there is a slow progress as opposed to other job categories.</p>
<p>5. Any reasonable progress made towards EEA since the inception of the employment equity plans.</p>	<p>All four respondents noted that there is slow progress made towards EEA since the inception of the employment equity plans. In certain departments there is no diverse workforce representation. There are instances where there are no</p>

	<p>applicants from the previously disadvantaged persons which make it difficult to comply with the requirements of the EEA.</p>
<p>6. There is a communication program in place at Tygerberg Hospital which seek to communicate and drive compliance towards EEA.</p>	<p>One respondent indicated that there is a communication program in place in the form of general communiqué, labour caucus, surveys, statistics, notice boards and electronic mail while three respondents noted that the current communication plans are not all effective. Employees working outside tuition time to distribute survey questionnaires are not remunerated for that. There are certain instances where line managers lack interest in institutional activities especially if they were communicated on a short notice. The transformation Unit does not really focus of employment equity but rely on issues raised by its members to discuss like staff absenteeism, alcohol abuse, so the communication program to drive compliance to EEA is not effective.</p>
<p>7. Any forged partnerships with professional bodies or forums which would better the compliance towards EEA?</p>	<p>Two respondents indicate that the institutions do have partnerships with the professional bodies, while one responded noted that partnerships are managed by head office and are a costly exercise. One respondent indicated that current partnerships do not really</p>

	<p>address EEA but relate to operational and study purposes. If the institution can have a transformation manager like the Bloemfontein Psychiatric Hospital, there could be an improvement towards diversity management and EEA in the organization as the employee will be focusing only on transformation as his or her key performance areas.</p>
<p>8. Tygerberg Hospital takes note of the business risks associated with the imbalanced employee profile.</p>	<p>Two respondents noted that the institution is aware of the business risks associated with non-compliance to EEA, but there are instances where posts are advertised and there are no applicants from the designated groups, posts are re-advertised as means to ensure that all potential candidates are reached. Language is perceived as a problem as the institution in many instances is perceived as not accommodating to non-Afrikaans speaking people, as means to address risks head hunting is applicable but compliance is still slow. Two respondents noted that Tygerberg hospital as an institution is under the provincial framework so employment statistics sent to the department of labour represents the department of health not the institution.</p>
<p>9. Does the organization have a training</p>	<p>Three respondents noted that training is</p>

<p>and development plan in place that will ensure that past discrimination through training and development is eliminated?</p>	<p>largely managed by the provincial training academy which is responsible for the entire provincial training, it is not as effective due to only a certain number of employees can attend training while one respondent noted that there is no training and development plan for the institution.</p>
<p>10. What diversity model is in place at Tygerberg Hospital, which is responsible for driving diversity management related issues?</p>	<p>All four respondents noted that there is a transformation unit for Tygerberg hospital and the institution is the only institution in the province that has a transformation unit. There are issues that need to be addressed to ensure effectiveness of the transformation unit like attendance, commitment, active involvement of human resource department in driving the transformation of the institution while Tygerberg Hospital does not have a transformation manager who will only look at diversity related issues and be measured on that.</p>
<p>11. How effective is the diversity education platform of Tygerberg Hospital?</p>	<p>All four respondents noted that there is no diversity education platform for the institution. This might be due to the fact that huge part of training is facilitated by the provincial training and it does not always address the institutional needs.</p>

<p>12. Does the institution have a transformation dialogue platform? If yes, how effective is it in terms of addressing issues relating to multicultural literacy and employment impartialities?.</p>	<p>All four respondents agreed that the current transformation dialogue is not effective; it does not really address issues of diversity as it should and commitment of members is also a problem.</p>
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4.4.3 Common themes re-occurring during the interviews of the human resource manager(human resource management expert and the transformation executive members as well as the transformation manager).

- The institution has no approved employment equity plan: the institution relies on the employment equity statistics.
- Training and development identified as the remedial action plan to correct workplace equity.
- The key performance areas of the senior manager are aligned with employment equity outcomes as the senior manager is the equity manager of the institution.
- There is slow progress in certain departments made towards EEA since the inception of the employment equity plans.
- There are partnerships with professional bodies which would better compliance to EEA.
- Business risks associated with non-compliance to EEA rests with head office as it presents the employment equity statistics for the entire department.
- Transformation Unit of Tygerberg hospital drives diversity management related issues of the institution.
- There diversity management platform for Tygerberg hospital is not effective as the institution relies on provincial training academy.
- Diversity dialogue platform is not effective in the institution.

4.5 Conclusion

The chapter presented and analysed collected data. Data was collected through structured questionnaires administered to the Human Resources and Dietetics Departments. Semi structured interviews were conducted with the three members of the Transformation Executive Committee, as well as the two experts in the field of human resources and transformation respectively.

Questionnaire:

In summary, a summary overview of the responses showed it was clear that there is a fair understanding and compliance to policies that have been formulated to drive recruitment, selection and employment equity, even though in some instances there were respondents who were uncertain of supporting certain statements, but generally all respondents agreed that policies are in place. The next question one would ask is how effective are all these formulated policies to ensure compliance to EEA and what then are the underlying reasons for non-compliance? This has been answered by the interviews that were conducted to answer what was omitted by the questionnaire,

Interviews:

Interviews revealed that the institution does not have an institutional plan set to drive compliance to EEA. There are underlying issues which make it difficult to comply with the requirements of EEA. This has been evident through raised issues which included language as a barrier; some documents are in a language that requires a person using the document to make use of an interpreter. These identified barriers have a negative impact on the image of the institution which in certain instances blocks applicants from applying for positions at Tygerberg Hospital. Slow institutional transformation, reluctance of line managers to participate in transformation sessions which delays transformation, Training and development barrier has also been identified as slow and this hinders development due to the fact that a considerable part of training is carried out provincially over institutional training.

There are issues that were raised as matters beyond the institution's power such as where the designated employees do not apply for clinical positions at Tygerberg Hospital, There has been noted progress but this was slow in terms of partnerships with universities and nearby institutions with the aim of better compliance with the requirements of EEA.

Positive issues raised included the commitment of senior management to transformation of the institution, and one interviewee made the statement that some departments "grow their own timber" in the sense that the employees are groomed at entry level up to senior positions, but it was noted that the process is going to take time. It was also noted that the institution is the only one in the province that has a transformation unit, with a constitution – so, given the time, this will bear positive results in the near future.

There was a suggestion that the institution should have an institutional employment equity plan which will drive the employment equity related issues.

The researcher is of the view that through interviews it became clear, in as much as policies were available and serve as a guide, that there are underlying issues of managing workplace diversity which have to be improved. There is a need for voluntary commitment to issues that improve the image of the hospital – as noted by the interviewees, there were in many instances poor attendance of transformation meetings, this could be improved to the benefit of the institution.

The next chapter will offer a conclusion and recommendations to better comply with EEA within the Dietetics field.

CHAPTER 5

OUTCOMES OF THE STUDY: CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The chapter presents an overview and conclusion of the study as well as recommendations. The recommendations will be used as a guide for future research to be carried out within the dietetic department of Tygerberg Hospital in better complying with the requirements of the EEA.

5.2 Overview of the study

Questionnaire was divided into three subsections namely recruitment, selection and employment equity. The interviews were also carried out to address aspects which have not been covered by the questionnaire. The objectives of the study were to analyse the theory on Employment Equity, analyse current legislation and directives that are employed by Tygerberg Hospital in ensuring compliance regarding implementation of the EEA and to suggest alternatives to correct the current implementation of the EEA within the Dietetics field at Tygerberg Hospital.

The research methodology applied was that of purposive sampling where participants were chosen based on their expert knowledge in the field of operation. Data collected was cross checked by means of triangulation.

5.2.1 Recruitment

The section dealt with recruitment aspects in the questionnaire distributed and received a positive response in all the questions or statements that were posed. The findings revealed that the dietetic department during recruitment is guided by the recruitment policy when carrying out recruitment. Swanepoel et al. (2008:276) argue that for effective recruitment, an institution must be guided by a recruitment plan.

The findings revealed that recruitment processes are sensitive to specific requirements of gender as required by the Western Cape Affirmative Action Policy of 2004. There was a positive feedback indicating that the Dietetics Department applies

internal and external recruitment methods. It was found that in the Dietetics Department all recruitment is carried out in a transparent and fair manner as guided by the Western Cape Recruitment and Selection Policy of 2002.

The recruitment process in the dietetic department is carried out in a manner that is transparent, with the intention of promoting workplace diversity and attraction of scarce skills. Chapter three of the Western Cape recruitment and Selection Policy requires departments to carry out recruitment processes in a transparent manner, while promoting diverse workforce and attracting scarce skills.

Positive steps like affirmative action programs are guiding the dietetic department during the recruitment process.

5.2.2 Selection

The findings revealed that the Dietetics Department makes use of a selection phase such as deciding on the strategy and making a selection decision. Erasmus et al.(2005:236-237) note that the selection panel must follow a selection process through the use of selection phases such as deciding on a selection strategy, conducting preliminary interviews and making a selection decision. All respondents agreed that the Dietetics Department made use of a selection grid during selection as guided by the Recruitment and Selection Policy of 2002. Within the selection subsection the findings revealed that during selection in the Dietetics Department preference is given to previously disadvantaged persons in accordance with the EEA. Selection in the aforesaid department was found to be based on training and skills competence as required by the Western Cape Recruitment and Selection Policy of 2002.

5.2.3 Employment Equity

The findings revealed that there is no employment equity plan for the institution. Thomas and Robertshaw (1999:17) are of the view that for effective compliance to EEA, the institution must have an employment equity plan. Findings revealed that there is no alignment of key employment equity outcomes to the key performance areas of the line managers of the Dietetics Department and the human resource

management, which will be used as a measure to monitor compliance. Thomas and Robertshaw (1999:19) argue that for successful compliance to EEA, the employment equity outcomes must form part of the key performance areas of the line managers and supervisors. It was revealed that there is no consultative forum at Tygerberg Hospital which would drive EEA and EEP as required by the Western Cape Employment Equity Plan of 2000. Most respondents were uncertain of the fact that non-designated employees feel victimised through the implementation of EE policies. There is overall an integration of employment equity initiatives and other initiatives to departmental mission and vision of the Dietetics Department as required by the EE-Plan of 2007. As guided by the Western Cape Employment Equity Plan of 2000, Tygerberg Hospital strives to achieve representativity within the Dietetics Department. Currently there are diversity interventions in place such as training regarding skills and race issue promotion within the Dietetics Department. Kersten (2000:241) is of the view that for successful integration there must be a diversity plan which could include training, tolerance and multicultural diversity management. It was not clear if there is a transformation dialogue platform which is meant to discuss diversity management issues of the Dietetics Department.

5.2.4 Semi structured interviews

Through interviews with the human resources manager as well as transformation team, the study revealed that the institution has no institutional employment equity plan; it relies on the provincial employment equity plan which represents the entire province. There is a possibility of an institutionalised employment plan but the matter is still under discussion. The institution only relies on employment equity statistics which serve as a guide for compliance. Findings revealed that there are certain fields which find it difficult to comply with the EEA such as the clinical employees due to the fact that in many instances a vacant post is advertised but there are no applicants from the designated groups who do apply. It was also revealed that the remedial action plan is in fact slow but given time the institution will in the near future be able to reach its employment equity targets.

Issues raised by the interviewees included language barriers in the sense that an employee would need an interpreter in order to carry out his or her task. Training and

development was found to be slow due to the fact that it facilitated mainly by provincial training over institutional training which would better address the needs of the institution. Findings also revealed that there is a need for institutional training.

It was revealed that there is a need to have a transformation officer who will manage transformation of the institution as opposed to voluntary employees currently participating in the committee. Study also revealed lack of commitment towards transformation as employees are not granted time off once they work outside their tuition time. The study revealed that there is a perception that there is a need to form partnerships with Universities and colleges in order to ensure that students will, on completion of their studies, be groomed at the organisation,

5.3 Recommendations

Based on the study, current employment equity policies employed by Tygerberg Hospital could not yield any positive results with regard to complying with the EEA (RSA, 1998a). Therefore the researcher has formulated the following alternatives, and is of the opinion that they could better the implementation of EEA (RSA, 1998a).

- An institutional approved employment equity plan, which would drive employment equity of Tygerberg Hospital.
- An effective institutional training academy which would speed up training and development of the institution.
- Key performance areas of line managers and senior managers could be adapted with key employment equity outcomes added, evaluated quarterly for compliance.
- A permanent transformation department that will address diversity management of the institution.
- An introduction of an Employment Strategy which will ensure that recruitment is aligned to AA programmes.

- Implementation of dietetic programme within Tygerberg Hospital which will encourage marginalized communities to participate in the dietetic programme thus meeting the EE targets as well.
- Internships and mentoring programmes that will guide marginalized communities to participate in the dietetic programme in Tygerberg Hospital
- Active involvement of the Skills Development Committee in ensuring that bursaries are awarded for training in the dietetic qualification.
- A structured collaboration with training institutions, set to train students in health related scarce skills (dietetics).

5.4 Conclusion

In response to the research question the study wished to investigate why Tygerberg Hospital has not complied with the implementation of the EEA in the Dietetics field. The researcher is of the view that the research question has been answered through consulted data. The following set objectives are mentioned: Analyse the theory on EE, analyse current legislation and directives applicable to Tygerberg Hospital in implementing the EEA and suggest alternative means to correct the current implementation of the EEA in the Dietetics field– and they have been met. The study managed to identify why Tygerberg Hospital has been unable to comply with the EEA.

As means of assisting in possibly correcting current implementation problems, the researcher has made a few positive suggestions and recommendations with the hope that when instituted, compliance to EEA within the dietetic department will improve. Once the recommendations are carried out, a further study has to be done to ascertain the level of compliance.

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SECTION A:CLASSIFICATION DATA

Please make a cross (X) or enter the relevant information in the blocks provided.

Please indicate your TITLE

(Mr., Miss, Dr. etc.):

GENDER:

Male

Female

AGE GROUP:

20 – 29	30 – 39	40 – 49	50 – 59	60+
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Please indicate your HIGHEST EDUCATIONAL

QUALIFICATION(optional)

Please indicate your JOB TITLE:

(Director, Deputy-director, Senior Manager, etc.

For HOW LONG have you been working for your employer (in years?)

LESS THAN 5 YEARS	5 – 9	10 – 14	15 – 19	20 +
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How many years of EXPERIENCE have you got in your job or profession?

LESS THAN 5 YEARS	5 – 9	10 – 14	15 – 19	20 +
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SECTION B

Please indicate to what extent you agree or disagree with the following statements:

No.	Statement	Strongly disagree	Disagree	Uncertain	Agree	Strongly agree	
A	RECRUITMENT						
1.	There is a recruitment policy that is used as a guide within the dietetic department.	1	2	3	4	5	
2.	Recruitment in the dietetic department is done in a manner that is sensitive to specific requirements of gender, race, and disability as required by the Affirmative Action Policy of the Western Cape of 2004.	1	2	3	4	5	
3.	Applicable recruitment sources such as(internal recruiting and external recruiting) are applied by the dietetic department, during job advertising	1	2	3	4	5	
4.	Within the dietetic field, recruitment is done in a transparent manner with the intention of promoting workplace diversity and attraction of scarce skills.	1	2	3	4	5	
5	Positive steps are undertaken by the dietetic department to ensure that women and disabled applicants take advantage of job opportunities within the dietetic department.	1	2	3	4	5	
B	SELECTION						
1.	During selection, the dietetic department makes use of selection phases like deciding on a selection strategy, collect relevant information,	1	2	3	4	5	

	making a selection decision.					
2.	During the selection process, the dietetic department makes use of the selection grid, where equity targets are recorded as guided by the Western Cape Recruitment and Selection Policy of 2000.	1	2	3	4	5
3.	During the selection process the dietetic department gives preference to the previously disadvantaged in accordance with the EEA no 55 of 1998.	1	2	3	4	5
4	Selection is based on training, skills, competence as guided by the western cape recruitment and selection policy of 2002.	1	2	3	4	5
C.	Employment Equity					
1.	There is an approved EE-plan in Tygerberg Hospital and has been communicated with all relevant bodies including the dietetic department.	1	2	3	4	5
2.	The key employment equity outcomes are aligned to the performance contracts of all line manager of the dietetic department.	1	2	3	4	5
3.	Tygerberg Hospital has an Employment Equity Consultative forum which is set to drive the EE-Plan as required by the EE-Plan of 2000.	1	2	3	4	5
4.	Dietetic employees, particularly the non-designated employees, feel victimized through the implementation of employment equity policies.	1	2	3	4	5
5.	Employment Equity initiatives are integrated in the overall departmental mission and vision of the dietetic department as required by the EE-Plan of 2007.	1	2	3	4	5
6.	Tygerberg Hospital strives to achieve representativity within the dietetic department	1	2	3	4	5

	as required by the Western Cape Employment Equity Plan of 2000.					
7.	There are diversity interventions in place like diversity skills training, race issue promotion plan, which are used by the dietetic department	1	2	3	4	5
8.	There is a transformation dialogue platform which meets frequently to discuss the diversity issues like social inclusion, tolerance within the dietetic field.	1	2	3	4	5

THANK YOU VERY MUCH FOR YOUR KIND CO-OPERATION!

Guiding questions to conduct an unstructured interview with the Human Resource Manager (expert) ,Transformation Expert as well as the 3 members of the Tygerberg Hospital Transformation Unit

1. Does the Tygerbeg Hospital have an approved Employment Equity Plan?
2. What remedial action plan in place to ensure that workplace equity is balanced?.
3. The employment equity Plan of Tygerberg is continuously communicated through relevant bodies to gain full commitment
4. The Senior Manager of the Hospital's key performance areas are aligned with the key employment equity outcomes to ensure continued commitment and compliance by the senior management.
5. Any reasonable progress made on EEA since the inception of the employment equity plans?.
6. To gain full commitment of EEA, does the Tygerberg Hospital have a communication programme/plan in place adopted by relevant stakeholders representing the entire employee population?
7. Has the organization forged any partnerships with professional bodies or forums, to better the EEA compliance?
8. Does Tygerberg Hospital take note of the business risks associated with the imbalanced employee profile?
9. Is there a training and development plan in place, which is to ensure that past discrimination through training is eliminated?.
10. What diversity model is in place at Tygerberg Hospital, responsible to drive diversity issues?
11. How effective is the diversity education platform of Tygerberg Hospital?.
12. Does the organization have a transformation dialogue platform? If yes how effective it is to in terms of addressing issues of multicultural literacy, employment impartialities?

THANK YOU VERY MUCH FOR YOUR KIND CO-OPERATION!