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IMPLEMENTATION OF EMPLOYMENT EQUITY ACT ON PEOPLE WITH DISABILITIES IN THE LIMPOPO PREMIER'S OFFICE

Mikateko Florence Ndhambi

A research report submitted to the Faculty of Management, University of the Witwatersrand, in 25% fulfilment of the requirements for the degree of Master of Management (in the field of Public and Development Management)

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Abstract

The study exploredthe implementation of the EEA in Limpopo Premier's office. It highlights progress on the recruitment, employment and retention of PWDs,interventions that took place and how the successes and challenges were managed.

The researcher used structured in-depth interviews on eight respondents from various levels. The purpose of this selection was to have a population which would assist in providing data related to the research questions. Interviews, as primary resources, were analysed using patterns and themes. Literature review formed part of secondary resources. Implementation of the policies proved rather difficult given the change management processes the society is currently facing. There are a number of challenges that inhibit transformation regarding the inclusion of people with disabilities in the workforce.The study recommends that there should be collaboration between the office of the Premier in Limpopo and associations representing people with disabilities. This will enhance the implementation of the policies and decisions taken meant to assist and empower these individuals so that they become active participants in the process of nation building.

Declaration

I declare that this research is my own unaided work. It is submitted in partial fulfilment of the requirements for the degree of Master of Management in Public andDevelopment Management at the University of the Witwatersrand, Johannesburg, South Africa. It has never been submitted for any other degree or examination in any other university.

_____

Mikateko F. Ndhambi

28 February 2013

Dedication

This dissertation is lovingly dedicated to my parents:

Navela Nelson Thomas and Ntimela Nkhensani Catherine

And to my loving sister and friend, Dzunisani Alucia Ndhambi

Thank you for the support and the love you gave me throughout my life. The SPEAR of learning that you gave me and encouraged me to hold on to it is still in my hands and I am holding it high. My memories of your encouragement and support keep me going every day. I just wish you were still here to celebrate this important milestone with me. Though gone, surely NEVER forgotten!

May your souls rest in peace.

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I would also like to appreciate the kindness of my two boys, Rami and Reho, for never complaining about sharing my attention. I LOVE YOU Buba and Puntskin!

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List of Abbreviations

AA	Affirmative Action
BBBEE	Broad-Based Black Economic Empowerment
BEEC	Black Economic Empowerment Commission
BMF	Back Management Forum
CC	Chief Clerk
CGP	Code of Good Practice
DM	Diversity Management
EE	Employment Equity
EEA	Employment Equity Act No of 1998
EEP	Employment Equity Plan
HCM	Human Capital Management
HOD	Head of Department
HRD	Human Resource Directorate
HRM	Human Resource Management
HRP	Human Resource Planning
ICIDH	International Classification of Impairments, Disabilities and Handicaps
ILO	International Labour office
LS	Legal Services
MM (PDM)	Masters of Management in Public and Development Management
MMT	Middle Management Team
OSDP	Office of the Status of Disabled People
PSC	Public Service Commission
PWDs	People with Disabilities
RWG	The Conference Board Research Working Group
SANNC	South African Native National Congress
SMT	Senior Management Team
TAG	Technical Assistance Guidelines on the Employment of People with Disabilities

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

From the colonial past, the Republic of South Africa navigated through colonial, imperialistic and segregatory laws. The Union of South Africa in 1910 entrenched segregation and dissipated any hope by Black South Africans to be treated with equality with their South African white counterparts through the legislation of South African Act No.9 of 1909 (http://africanhistory.about.com/od/southafrica/a/UnionSA.htm).

This development resulted in the formation of South African Native National Congress (SANNC) on January 8, 1912. Subsequent to that the National Party under DF Malan introduced apartheid which dealt a heavy blow to the aspirations of political, social, judicial and economic equality between race groups in South Africa. The pursuit of colonialism and separate development (apartheid) were epistemological foundations around which public policy development and formulation was driven.

The International Labour office (ILO), the United Nation's specialised agency responsible for drawing up and overseeing international labour standards, held a tripartite workshop in September 2006 to address the area of decent work for People with Disabilities (PWDs). During the workshop, it was highlighted that even though South Africa has a commendable legislation in place, there are still barriers to inclusion and equal opportunities for People with Disabilities (Report of Tripartite Workshop, 2006). In his address during the Disability Day celebration in Giyani, the Premier of Limpopo, Mr Cassel Mathale confirmed the presence of these barriers. He reported that though his office and the province in general were making progress in redressing inequalities towards people with disabilities, there were still barriers that were limiting the progress. He further reported that owing to these barriers, it was

rather challenging to comply with the objectives of the Employment Equity Act and the Disability Code (Mathale, 2009).

This seemed to be a worldwide challenge as reported by the ILO. The Conference Board Research Working Group (RWG) on improving outcomes for PWDs was also convened to address how to overcome these disparities. Ignorance, fear and stereotypes have been reported to be causes of unfair discrimination of People with Disabilities in society and at workplaces. This unfair discrimination was reported to exacerbate levels of unemployment amongst the disabled and at different workplaces. They often remained in low status jobs and earned lower than average remuneration (Zantsi, 2004; Report of Tripartite Workshop, 2006; Corporate Authorship TCB, 2013).

Generally, people have different experiences and understanding of these challenges, hence this study explored the implementation of the Employment Equity Act No 55 of 1998 as experienced by the implementers (human resource personnel, managers) and also the beneficiaries, people with disabilities.

The first part of the report provided a brief background of policy development process and the legislations in relation to people with disabilities, in particular, the Employment Equity Act No. 55 of 1998 in the office of the Limpopo Premier. This was followed by a clear definition of the problem at hand and the purpose of the study. The purpose of the study leads to the questions that sought to resolve the problem at hand. The overall worldview and various arguments and debates on which the study was based, was presented in a form of a literature review. Furthermore, a detailed research methodology was systematically presented. The potential implications or outcomes of this study followed and the limitations of the research were mentioned. When dealing with human subjects, researchers must be mindful of ethical implications. Creswell (2009) argues that researchers should be mindful of the need to protect the research participants in order to develop trust and promote integrity of the report. Thus, the researcher insured that the participants were not exposed to risks and vulnerability through their

participation in the research. Creswell (2009) further argues that the researcher should develop an informed consent form for participants to sign before they engage in the research. The present researcher wrote a letter assuring the participants and informing them of the protection of their rights during data collection process.

1.2 Background to the study

As a therapist working with people with disabilities, it has over time become evident to the present researcher that a significant number of people with disabilities depended solely on government social assistance grants. These are people who, given a chance, could gainfully be employed and contribute significantly to the economic growth of Limpopo Province. Many men and women with disabilities resort to government grants as their main source of income in despair. From the researcher's interactions with them, many felt incompetent, insecure and reported to have lost their dignity in their respective communities as a result of being dependent on government grants.

The researcher's interest in this area of study was sparked by the fact that there was legislation in place meant to improve the livelihood of all South Africans irrespective of race, gender or disability. The Employment Equity Act No 55 of 1998 was developed as an organisational change strategy aimed at preventing and remediating discrimination of previously disadvantaged groups with an intention to provide equality of opportunities to all (The Republic of South Africa, 1998 and Thomas and Robertshaw, 1999).

Targets were set for the government to evaluate this new strategy's performance. When a review was done in 2005, it was realised that the government was still failing in the redress of inequalities in people with disabilities. In 2005, a JobACCESS framework was developed by the minister for Public Service and Administration and supported by the Office on the Status of the Disabled People (OSDP) and the Presidency, as a strategy to accelerate the redress. It is a proposed Public Service employability, recruitment and retention programme of action, that targets both unemployed

persons with disabilities, and persons with disabilities employed in the public service sector (Department of Public Service and Administration, 2006).

As has been mentioned earlier, in this report, most countries were struggling to accelerate the redress of the unfair discrimination. PWDs are still experiencing significant challenges in finding employment despite the enactment of significant legislation aimed at making the workplace more supportive and accessible to them(Corporate Authorship TCB, 2013). This study sought to understand the nature of the barriers that are slowing down the progress in redressing inequalities and why these challenges take long to be overcome. In line with the latter, questions may be asked such as, are people with disabilities limited by their own fears, stereotypes and ignorance, or are these exerted to them by the society, colleagues or government systems? What do all participating stakeholders believe can be done to improve pace on the progress or to remove the challenges disabled people face in their country?

The findings may assist in the development of a discussion framework given the different views, experiences and observations put forward by the various stakeholders. The study also involved the beneficiaries of the legislation and their views, experiences and observations on the barriers or challenges they are facing. From the findings of this study, recommendations will be made and then submitted to the relevant stakeholders who are positioned to facilitate and fast track the development, recruitment and employment of people with disabilities.

1.2.1 Office of the Premier in Limpopo

Limpopo Province is South Africa's northernmost province, sharing borders with Mozambique, Zimbabwe and Botswana; making it the ideal entrance to Africa. Named after the great Limpopo River that flows along its northern border, this province is rich in wildlife, spectacular scenery and a wealth of historical and cultural treasures (Limpopo Provincial Government, 2011). The Provincial Government is located in Polokwane, strategically placed on the Great North Road, halfway between Pretoria and the Zimbabwean border. A popular port of call for visitors, the Premier's office of this heartland of

Southern Africa's development hub is situated in Mowaneng Building, 40 Hans van Rensburg Street, Polokwane.

1.2.2 Mandate of the Office of the Premier

In terms of section 125(2) of the Constitution of the Republic of South Africa, 1996 (Act No.103 of 1996), the Premier exercises the executive authority together with the other members of the Executive Council by developing and implementing provincial policies. The province developed the Limpopo Employment Growth and Development Plan (LEGDP) which provides a framework for the provincial government, municipalities, the private sector and all organs of civil society to achieve economic growth. The Limpopo Economic Growth and Development Advisory Council must advise the Premier in fulfilling the mandate entrusted to the Premier in terms of the Constitution of the Republic of South Africa (Limpopo Provincial Government, 2011).

1.2.3 Office of the Premier's Mission and strategic objectives

Just like any other organization premised around delivering services to the people in pursuit of better life for all, the provincial government led by the Office of the Premier, developed its vision and mission statements that seek to put bring forth development and service excellence to its people. The vision as presented on the provincial website provides for "Good governance, integrated planning, sustainable growth and development" and its mission is to "Provide innovative and Strategic leadership and management for service excellence"(Limpopo Provincial Government, 2011). Setting the tone for its developmental and service oriented initiatives, the office had to take the lead in the implementation of many but one policy, Employment Equity Act.

1.2.4 South Africa after 1994

The dawn of new dispensation in 1994, shifted the balance of forces to a new order. The Constitution of the Republic of South Africa (Act No.108 of 1996) set the stage for the formulation and development of public policy to a new direction. These changes influenced the shift in the policy development and

formulation to address the political, social, economic and judicial challenges to be aligned towards the principle of equality embodied in the new constitution. This principle of equality as enshrined in the constitution is embodied in a number of legislations, namely:

- The Employment Equity Act (55 of 1998),
- Basic Conditions of Employment Act, (75 of 1997;
- Skills Development Act (97 of 1998);
- The Labour Relations Act (66 of 1995);
- The Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000);
- Skills Development Levies Act (No.9 of 1999);
- The White Paper on Integrated National Disability Strategy;
- The South African National Policy Framework for Women's Empowerment and Gender Equality;
- The Code of Good Practice: Preparation, Implementation and Monitoring of Employment Equity Plans.

As per constitutional values, the abovementioned legislations and frameworks were intended to redress past imbalances and social injustice, advancement of human rights and promotion of non-racialism and non-sexism.

1.2.5 Why should legislation such as Employment Equity Act be enacted?

Employment Equity Act 55 of 1998 was implemented to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment. This is done through the elimination of unfair discrimination and through implementing affirmative action measures to redress any disadvantages in employment experienced by designated groups. This was to ensure equitable representation in all occupational categories and levels in the workplace.

Thomas and Robertshaw (1999) argue that when South Africa emerged from a position of relative isolation in 1994, it was faced with global challenges of competitiveness in the market place. They further argue that South Africa's ranking on the World Competitiveness Yearbook (1) showed the country to be lagging in 42nd place from 46 industrialised countries under review. The un-competitiveness of South Africa's business and the adversarial relationships which characterised South African workplace created multitudes of symptoms of low productivity. In order to accelerate affirmative action and stamp out unfair discrimination in workplace, reasonable measures to put things into perspective in an attempt to deal with past injustice had to be enacted.

The implementation of EEA had to be viewed within the context of other legislations that seek to promote equity and redress past imbalances. Affirmative Action (AA) was another policy that cannot be treated in isolation from EEA. Human (1993:1) argues that AA should be seen within the context of redressing inequality and not "reverse discrimination which preferentially advantages certain groups at the expense of others". Sachs in Human (1993:1) further clarifies the point by stating that "affirmative action covers all purposive activity designed to eliminate the effects of apartheid and to create a society where everyone has the same chance to get on in life". Focus was, however, on aligning the implementation of the legislation by the Premier's Office, which was looking specifically on how people with disabilities get on in life.

1.3. Problem Statement

Although it has been reported that there were successes in the implementation of legislative tools on designated groups (Department of Administration and Public Service, 2009), little has been said about the extent to which people with disabilities were being recruited and employed in various workplaces. This study focused on the period March 3, 2009 to July 2012 as informed by the JobACCESS Strategic Framework of Limpopo Province.

As highlighted above, the study focused on Limpopo Premier's Office. It was reported that one of its crucial responsibilities was to give strategic direction to all provincial departments on matters of policy regarding organisational arrangement, employment and other personnel practice, labour relations, public services transformation and reform (Limpopo Premier's Office, 2007). What was not known was whether this "flagship" had adhered to the requirement of the EEA specifically with regard to the PWDs. Departments such as the Premier's Office should show its successes or identified challenges and work on them, if not, other departments could also lag behind in their progress. This research was aimed at highlighting progress by the Premier's Office in Limpopo on the recruitment, employment and retention of people with disabilities and whether intervention was in place, and if so, how that was managed.

1.4 Purpose Statement

The purpose of this study was to explore the challenges and successes in implementing the EEA in Limpopo Province's office of the Premier's for the period of March 3, 2009 to July 2012. This study intended to show the extent to which the EEA progressed in the recruitment, employment and retention of people with disabilities. It was also meant to provide informed knowledge on how people with disabilities perceived themselves as valuable custodians of this Act. The implementers and beneficiaries from various levels or ranks were consulted to get an insight on their experiences, knowledge and views on the implementation of the EEA. The results from the study will provide a discussion framework that could be used by the office in the future.

1.5 Research Questions

a) How did the implementation of Employment Equity Act unfold within the Office of the Premier and what are the successes or challenges in implementing the Act to people with disabilities within the office of the Premier in Limpopo?

i) What were the experiences of the implementers in the execution of the EEA in the Limpopo Premier's office?

ii) What were the experiences of the employees who are the beneficiaries (people with Disabilities) in the implementation of the EEA in the Limpopo Premier's Office?

The study probed implementers and beneficiaries of the legislation for suggestions, recommendations and compliments on the implementation of the EEA from various stakeholders at different levels.

1.6 Need for a study

Employment Equity Act No.55 of 1998 not only plays a significant and has impact on both public and private sectors, but it is an embodiment and key element of addressing past inequalities, continued poverty, unemployment and inequality. The realisation of employment equity will go a long way towards addressing social and economic transformation for all groups of people in the country, especially people with disabilities.

1.7 Significance of the study

The research was crucial because very little has been reported on achievements with regards to the improvement of the status of people with disabilities in both public and private sector organisations. It was significant because it brought to light the areas which still need to be addressed, especially the concurrent implementation of Skills Development Act (No.97 of 1998); The Promotion of Equality and Prevention of Unfair Discrimination (Act No.4 of 2000 and Skills Development Levies Act (No.9 of 1999) to give effect to the realisation of the EEA within government.

1.8 Summary of chapters

Chapter one: Introduction

This part provides an overview of the organisational background, research problem, research questions which constituted the centre stage of this study.

The discussions addressing briefly EEA and institutional arrangement within the Limpopo office of the premier were briefly outlined. The chapter further highlights the research methodology to be employed. A brief overview on how the findings were documented and analysed is given.

Chapter two: Literature review

Focus on the theoretical background around which the legislation was promulgated was provided. A detailed policy overview process was discussed, especially in respect of the implementation of the EEA with particular focus on people with disabilities. More work was explored and complementary legislations giving effect to the implementation of the legislation were assessed.

Chapter three: Research Methodology

This chapter discusses the design of the research methods used to collect data as well as the reasons for choosing those methods. The problem statement and the research purpose also received detailed discussion here.

Chapter four: data presentation

This chapter presents the research results and discusses the various findings and views of the individuals interviewed.

Chapter Five: Data Analysis

This chapter covers analysis, interpretation and discussion of the research in accordance with the research interview structure and the research questions formulated to guide the study.

Chapter Six: Conclusion and Recommendations

The study concludes with the main research findings which were drawn from the interpretation of the results. This chapter points out the significance and the benefits derived from the implementation of EEA by the office of the premier in leading the way for other government departments to follow suit.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

While experience shows that opportunities exist if given a space to thrive within the South African workforce, legislative and policy guidance had to be engineered to unshackle the enclave created by the apartheid bondage. This chapter will review literature on legislation, in particular that of Employment Equity Act. A review of the literature “is a written summary of journal articles, books and other documents that describes the past and current state of information, organises the literature into topics and documents a need for a proposed study” (Creswell,2009:79). This review will give a summary from various sources that describe and examine the past and current state of equality employment of people with disabilities (PWDs). Though this study will look at Employment Equity within the South African context, it will also reflect on international practices. It will further look at the employment equity policies and practices. It will then highlight challenges or barriers to the effective implementation of the employment equity legislation.

2.2 Disability

Despite numerous employment initiatives, people with disabilities are significantly more likely to experience unemployment and consequently, reduced economic and social well-being and a diminished quality of life than their non-disabled peers (Gilbride and Stensrud, 2008).People with disabilities are at great risk of remaining unemployed or inactive while a high proportion of those employed are in low-paid jobs. Participation in employment is crucial not only for earning a decent living, but also for their active involvement in the community (Magoulios and Trichopoulou, 2012).

People with disabilities prefer to be called *people with disabilities* (ILO, 2005). They are not conditions or diseases, but individual human beings. A disability is defined as "a condition caused by accident, trauma, genetics, or disease,

which may limit a person's mobility, hearing, vision, speech, or mental functions" (ILO, 2003:10).

The International Classification of Impairments, Disabilities and Handicaps (ICIDH) defines disability as a "Restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being" (The South African Federal Council on Disability, 2001). Shapiro (1993) states that there are changing paradigms for PWDs from the medical model to the social work model. The medical model is where the primary assumption is to intervene medically to attempt achieving a cure, whilst the social work model is where emphasis shifts from finding a cure to professionally made decisions to count on PWDs in every facet of national life. Successively, the independent living movement in America advanced the right of PWDs to make their own decisions about daily life. In recent years, the independent living philosophy has been further advanced by proponents of self-advocacy and self-determination (Lawson and Gooding, 2005).

Employment Equity Act (No. 55 of 1998) defines PWDs as people who have long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment. Progress in South Africa towards independence and self-advocacy of PWDs is still lagging behind as compared to other developed countries such as America. In the Commission of Employment Equity (CEE) where agenda setting is realised and policies are developed, PWDs had no designated representatives. The minister as guided by the Act appoints members of the commission based on experience and expertise relevant to the functions of the commission (Republic of South Africa, 1998).

2.3 Policy

Policies are the means of achieving goals. Shafritz, Layne and Borick (2005) argue that policy should be contextualised within a particular time and space. Cloete and Wissink (2000:3) are more precise in their definition of policy stating that it is “a statement of intent”. Kaul (1997) says policy could be seen

as a purposeful articulation of proposed alternatives or options for handling a problem. Thus, the manner in which specific goals which government set out to achieve are articulated in a policy. Gupta (2001) argues that once the agenda has ascended the institutional status of a number of influential platforms, it set a stage for policies to be formulated to address such a problem. Policy options can come in the form of executive order, court decision or legislation to address the problem (Dunn, 1994). Public officials and politicians are now held accountable for their policies and proper functioning of their organisations or institutions.

According to Dye (2005) intended outcomes can be achieved when policy demands, policy decision, policy statement, an articulation of agenda setting and problem identification are looked at as guiding principles from which public policies are developed. The consequences arising from the implementation of the policy will attest to the satisfaction of the intended purpose for which the policy was earmarked to address. Gupta (2001) concludes by indicating that public policy is a systematic, objective and institutionalised way of government to address the problems which society faces.

Cloete and Wissink (2000) define policy implementation as a process of carrying out actions by public, individuals or groups of people/organisations. In the process of policy implementation, resources are mobilised and human resources are assigned with the task of implementing the policy. Gupta (2001) argues that once the policy has been adopted, measures must be put in place to ensure the realisation of the intended objectives of the policy. Dye (2005) further argues that because policy does not end with formulation, implementation requires assigning responsibilities to an organisation or organisations to ensure that policy intent is realised. Bureaucrats will translate the policy into operational rules, processes, procedures and regulations. Organisations will set money aside to ensure that key activities meant to realise the objectives of the policy are done. Policy implementation is not an easy task, and therefore various systems, processes, procedures

and regulations are put in place to mitigate the challenges that might impede the implementation of the policy.

When you are faced with problems you look at available options at your disposal to reflect and assess mechanisms with predetermined purpose as a means to an end. Achieving rationality is not a straightforward task in policy formulation process. To achieve rationality in policy making process makes it impractical to achieve precision without challenges. Gupta (2001) reflects on how people use limited resources to satisfy unlimited wants. Subjectivity of politicians and officials has great influence on their actions in policy implementation. Expenditure approved for specific policy implementations are rarely reversed and as such an unanticipated aftermath of policy implementation can come about.

2.4 Public Policy

Public policy is an incessant process that a government uses to address a public issue by instituting laws, regulations, decisions, or actions appropriate to the problem at hand (Shafritz, Layne and Borick, 2005). Public policy is a concept (usually in a written form), whereby the government or a political party will determine decisions, actions and other matters that will advantage the society in general. Dye (2005:1) defines public policy as “whichever governments choose to do or not to do.”

In order to clarify the environment under which public policies are initiated, some scholars provide their thinking around policy formulation process. Parsons (1995:207) argues that “Public policy-making is initiated in the context of the constraints of economic, social, geographical, historical, cultural and political limitations and those public policy-makers participate in these discourses to understand what these realities are”. Kay (2006) on his part argues that public policy depends on human decision. He further says that because all decisions are made in historic context, they are influenced by the past more than the improbability of the future.

In most democracies, there are institutional actors that play a strategic role in Public Policy Processes (PPP). These actors are: “senior politicians (serving

in the executive and legislative positions, who articulate ideas, values, or purpose), scientists and researchers (who are preoccupied with the acquisition and analysis of new information in promoting innovation and social renewal), professionals (who combine specific scientific knowledge with social purpose) and senior administrators (who help integrate the activities of all three other actors in the policy process)" (Olowu in Olowu and Sako, 2002:56).

Dunn (1994:14) articulates five procedures in which human problems are resolved by government: "definition, prediction, prescription, description and evaluation." Taking note of the fact that policy analysis process is an intellectual activity, it is important to unpack the various phases of policy making process so that its relation to making, implementation and evaluation of EEA can be benchmarked scientifically. Dunn (1994:335) argues that "Policy monitoring is the policy-analytic procedure used to produce information about the causes and consequences of public policies". It permits the analysts to describe relationships between policy-programme operations and their outcomes. When monitoring, you extract the factual premise of the public policy. When going through the process the following measure functions are looked into: analysis, accounting, auditing and compliance. In this instance independent assessors can be used to analyse policy outcomes (Dunn, 1994; Olowu and Sako, 2002 and Shafritz, Layne and Borick, 2005).

Dye (2005) argues that highly institutionalised rules and procedures are put in place to assist with the process of legitimising the actions that government will follow in addressing the identified problem. Gupta (2001) enhances the argument by stating that in order to address a problem identified; legislation can be put in place to ensure the formalisation in the resolution of the problem. The administrative decisions may lead to policy development. They can be influential in both the development and implementation of public policy (Starling, 1998).

2.5 Public Administration

With democracy, many countries changed their view regarding public management. The change or reform efforts were to effectively survey key administrative problems in that country. Polidano and Hulme (1999:122) argue that “the record of success or failure of those efforts tells us much about the intractability of the problems - as well as the fundamental constraints within which reformers have to work”.Boyer in Starling (1998:59) concurs with this argument by defining public administration as “that organized and purposeful interaction of society which, within law, systematically formulates and applies policies of government agencies”.

Lasswellin Parsons (2002) is believed to be the founding father of public policy as a field of study. Torgerson in Parsons (2002:43) argues that “Democratisation was an on-going process and that the particular challenge facing modern democracies was how to ensure that policy-making could be informed by a new kind of interaction between knowledge producers and users.”The knowledge producers are the policy makers and the users are the implementers.

Goodnow (1997) known as the “founding father” of American public administration recognised it as an academic, professional, and general field, argues that the producers (politicians) and users (administration) relied on legislative interpretation as a domain of action. Administration was subordinate to politics in the past; however, a domain of administrative action was beyond the control or limits of politics. Administration was to deal with execution of policies developed by the politicians (Catlaw and Hu, 2009). Starling (1998:186) disagrees with the view that “Public administrators should simply carry out the orders of their political masters, that they should be perfectly responsive “hired help.” Starling further notes that “Individual administrators’ role is best conceived as neither public servant nor independent moral agenda but as a trustee on behalf of the public.” The constitution legitimises their bureaucratic and administrative role of the state.

Public administration has been promoted within public sectors all over the world as a new way to gain control of public expenditure and make administrations more receptive to political and societal demands. The South African public service also experienced a paradigm shift in its attempt to govern effectively and efficiently. The public service reform had to focus on legislative as well as administrative reform. In the 1996 Constitution, basic values and principles governing public administration were laid out to improve amongst many, accountability, public participation in policy making and broadly representative of South African people in employment (Department of Public Service and Administration, 1995 and Ncholo, 2000). Public Service Act 103 of 1994 and Public Regulations of 1999 affirm the constitutional provision for public service provision had to be rendered.

Given the exclusionary policy that was followed during the apartheid era, the new government's commitment to inclusion is in itself revolutionary. The identification of representativeness, affirmative action, improvement of employment conditions and labour relations by the government post 1994 also reformed the public administration. The *Batho Pele* initiative also aimed to redress the imbalances of the past, particularly by meeting the needs of the 40% of the population living below the breadline, and the needs of, amongst others, rural women and PWDs. A target was set that within ten years people with disabilities should comprise 2% of the Public Service personnel. The EEA was one of the many legislative interventions giving effect to the removal of policies that resulted in inequalities within South Africa (Department of Public Service and Administration, 1995; Ncholo, 2000).

2.6 Employment Equity

According to Riccucci in Condrey (2010:456), Employment Equity implies “The fundamental rights to be treated equally in the workplace; this also implies the ability by employees to treat someone fairly when looking or maintaining employment.”In South Africa, policies of segregation and inequality which characterised the apartheid regime had to come to the end of its life with the dawn of democracy in 1994. The EEA constitutes one of the

many profound legislative and policy interventions within the tenet of South Africa's new Constitution, giving effect to the removal of policies that resulted in inequalities within the country (Republic of South Africa, 1998).

As reference pointers to the agenda toward equality for people with disabilities to have their rights recognised in the labour market, a stage was set for different employment sectors within the society to ensure that the benefits of democracy filtered to every sector of the society. Equal employment opportunity is viewed as a means to prevent discrimination in the workplace on the basis of race, colour, religion, national origin, age and physical and mental abilities (Republic of South Africa, 1998 and Thomas, 1996).

According to Thomas (2003), the Code of Good Practice on the employment of PWDs was also promulgated in the Government Gazette during 2002. This code was reinforced by the Technical Assistance Guidelines (TAG) on the employment of PWDs. As the apartheid laws rendered PWDs to status of insignificance within the society, thus reducing them to the level of beggars and social security recipient candidates. Their unemployment level remained exclusively high. If considered for job opportunities, very often insignificant or low level jobs were for their exclusive consumption (Thomas & Robertshaw, 1999). Mwita and Matsapola (2005:1) identify two requirements to address statutory discrimination of the past as well as dealing with "prejudice and stereotype in employment place: the elimination of unfair discrimination and introduction of Affirmative Action." These two processes taken together within the context of the workplace become what are referred to as EE. PWDs also seek equal opportunities to such as those of their non-disabled peers in the job market.

With the EEA, the government thought to address the legacy of apartheid and discriminatory practices which continued in many spheres of life including the unfair practices on people with disabilities in workplaces. It is the mandate of government to ensure that the constitutional provision as expounded in Act 108 of 1996 (The Constitution of the Republic of South Africa) put into effect equality, social justice, human dignity, human rights,

non-racialism and freedoms. Thomas (2003) discovered that people from designated groups still have expectation of training and development, secure positions and feel an entitlement of self-reliance and self-confidence. As in other countries where Employment Equity initiatives have been adopted for many years, there are still challenges.

2.7 Affirmative Action

Affirmative action has come to be a popular discourse within South African political and economic circle where redress of past gender, race, disability and other inequalities resulting from South Africa's colonial segregation and apartheid. As a transformation, Ndzimande and Sikhosana (1996:15) maintain that affirmative action was conceived as a strategy that seeks to "Promote proportional representation of previously marginalised groups in public and private institutions." Unlike in the US, this transformative policy was targeted at historically disadvantaged majority, whose socio-economic situation was appalling. Charlton and Van Niekerk in Ndzimande and Sikhosana (1996) say that affirmative action is "the accelerated development of potentially capable, previously disadvantaged people into meaningful positions which carry responsibility and autonomy".

Affirmative action in other countries such as America consists of government-mandated or voluntary programmes and activities undertaken specifically to identify, recruit, promote or retain qualified members of disadvantaged minority groups in order to overcome the results of past discrimination and to deter discriminatory practices in the present. The assumption is that simply removing existing barriers is not sufficient enough for changing the relative positions of the previously disadvantaged (Herring and Henderson, 2011). While in South Africa there are various reasons that motivated organisations to embark on programmes of AA, moral and legal motives seem to prevail as dominant motives (Thomas, 1996).

Conscious decisions should be made of eliminating discrimination, rather than a process of advancing the interest of particular groups. This measure should be viewed to be a transitional intervention intended to provide equal

chances in various socioeconomic development without dropping standards and without unfairly impeding the career ambitions or expectations of current organisation members who are excellent in what they do. Beteille in Charlton and Van Niekerk (1994) states that successful implementation of affirmative action requires initiatives by business, autonomous institutions, universities and individuals.

For successful implementation of the policy, actions of groups of people involved in the implementation can be best understood when the other group provides space for the policy to be implanted. With this policy there has to be a concerted drive by parties involved to work towards the improvement of the quality of life of the people irrespective of colour, creed, gender, disability etc. Research by Herring and Collins (1995) and Herring (1997) in Herring and Henderson (2011) suggests that affirmative action programmes in the workplace are associated with greater opportunities and better outcomes for those they were intended to help.

2.8 Broad Based Black Economic Empowerment

One of the most unsettling issues in South Africa after the dawn of democracy was the exclusion of the majority in the mainstream economic activity of the country. Initiatives such as Broad Based Black Economic Empowerment (BBBEE) had to take shape. Black Management Forum (BMF) proposed the formation of Black Economic Empowerment Commission BEEC) in 1997 in order to generate standards or criteria in which empowerment of black people can be measured (Hirsch, 2005). The termBroad-Based Black Economic Empowerment means the economic empowerment of all black people including women, workers, the youth, people with disabilities and people living in rural areas through diverse but integrated socio-economic strategies that include, but not limited to increasing the number of black people that manage, own and control enterprises and productive assets; facilitating ownership and management of enterprises and productive assets by communities, workers, cooperatives and other collective enterprises; human resource and skills development; achieving equitable representation in all occupational categories and levels

in the workforce; preferential procurement; and investment in enterprises that are owned or managed by black people (BBBEE Act 53 of 2003).

Hirsch (2005:225) points out that it was the intention of the government to ensure that historically disadvantaged people "benefit from the fruit of privatisation". The main thrust of the BBBEE legislation was amongst others to ensure promoting economic transformation in order to enable meaningful participation of black people in the economy; achieving a substantial change in the racial composition of ownership and management structures and in the skilled occupations of existing and new enterprises; increasing the extent to which communities, workers, cooperatives and other collective enterprises own and manage existing and new enterprises and increasing their access to economic activities, infrastructure and skills training.

2.9 Diversity Management

Herring and Henderson (2011:630) maintains that "Critical diversity is about embracing cultural differences that exist between groups and appreciating those differences. It also includes examining issues of parity, equity, and inequality".In a rapidly developing democratic country, such as South Africa, dealing with and living up to the values, ideas and social purposes of a diverse group is not a simple exercise. The cultural heterogeneity and socio-economic differences in the South African population has to be taken into account to avoid conflict when developing and implementing policies in the workplace (de Beer in Gildenhuys, 1988).

In response, to avoid conflict, diversity management has to be enforced in all spheres of government. Disability is another facet of diversity. PWDs, just as the rest of the previously disadvantaged population in South Africa faced and are still facing discrimination in the workplaces. To redress workplace discrimination, many organisations have promulgated policies and programmes to enhance recruitment, inclusion, promotion, and retention of employees who are different from the privileged echelons of society (Thomas, 1991).

Diversity Management may be viewed as a strategy that seeks to promote the acknowledgement of the differences within an organisation or institution. Thomas (1991:28) maintains that “Diversity Management is building an organisational culture, allowing members, women, minorities and disabled included, to reach their full potential.“ People differ in age, social and national background, gender, sexual orientation, physical and mental ability as well as religious belief and worldview. It is therefore of great importance that our policies and their implementers should be transparent, balanced and objective to avoid discrimination (Gildenhuys, 1988). Relying on a negative and rigidly stereotyped view of a person or group of persons may deprive them of equal opportunities.

In America, diversity ideology represented the white elites’ aiming to redress African-American equality (Berrey in Herring and Henderson, 2011). On the other hand, the ideology of “diversity” was a neoliberal response to reactionary blowback against affirmative action. As Berrey in Herring and Henderson (2011) suggest, neoliberal elites used diversity ideology to frame racial inclusion in language that was more politically palatable to whites and to broaden the politics and discourse of inclusion beyond concerns about race or inequality. In doing so, they transformed the terms of institutional inclusion to accommodate demands in the post-civil rights era.

Diversity publication helped to encourage some institutional integration of racial minorities, women, and other disadvantaged groups. At the same time, elites have begun to rely on this ideology to accommodate and even support privileged people and to minimise the threats of integration to their own institutional interests. Diversity was originally a concept created to justify more inclusion of people who had traditionally been left out (Herring & Henderson, 2011).

Ely and Thomas (2001) argue that organisations should encourage employees to bring the entire sum of their demographic and cultural knowledge to bear on organisational problems. The greater variety in knowledge and experience generated by diversity will benefit the

organisation by providing a larger set of choices for managing problems and opportunities.

2.10 Employment Equity, an International perspective

Inequality and disadvantage on the basis of race, gender and disability results from discrimination that is systemic. It is deeply embedded within the culture and structures of the workplace. In *Action Travail des Femmes* of 1987, the landmark Supreme Court of Canada case which identified systemic discrimination in the employment practices of Canadian National Railway, systemic discrimination in the workplace was described as “discrimination that results from the simple operation of established procedures… none of which is necessarily designed to promote discrimination” (Agocs and Burr, 1996:31). Many traditional employment practices remain unchanged even though the labour market has become much more heterogeneous with respect to gender, race, ethnicity, and disability status.

Employment equity, affirmative action, and diversity management represent responses to diversity and inequality of both the US and Canadian populations and labour markets. Both nations confront a global marketplace, and organisations are dealing with diversity in their client or customer populations as well as among their employees. Responding effectively to a more heterogeneous customer base is an urgent requirement in the growing service sector, both public and private. Discrimination and disadvantage in the workplace and the marketplace are persisting realities that the passage of time is not changing in many countries (Agocs and Burr, 1996 and Hamilton, 1992).

Hamilton (1992) argues that in America, affirmative action in employment might be called “hiring by the numbers” because of its focus on increasing the representation of the designated groups through targeted hiring, and to a lesser extent, training and development. The Canadian policy makers responded to the persistence of discrimination and disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities, and racial minorities by passing the EE covered under the federal

EEA Act (1986).Judge Rosalie Abella who coined the term Employment Equity argues that Canada's employment equity policy has been influenced by the conceptual framework of affirmative action as implemented in the USA; however, it has from its inception set a course different from affirmative action (Agocs & Burr, 1996 and Jain, Sloane and Horwitz, 2003).

Employment equity is generally viewed in practitioner and policy circles as an organisational change strategy designed to prevent and remedy discrimination and disadvantage by identifying and removing barriers in employment policies and practices and in the culture of the organisation, as well as by improving the numerical representation and distribution of the designated groups.

2.11 Employment Equity within the South African context

The struggle for equity in South Africa has been on-going since 1924 when the social reform movement made strides in need of social recognition in the workplace. This was a basic societal need which was an initiative of the South African culture of industrialisation (Thomas and Robertshaw, 1999). Munetsi (1999) as cited in Rankhumise (2010:1) affirms that "The introduction of discriminatory legislation, such as the Industrial Conciliation Act (Act 11 of 1924), through apartheid meant that privileges were afforded to certain people, particularly white Afrikaners, providing the foundation for the policy of job reservation on the basis of skin colour, gender and disability, and this, however, constituted discrimination in South Africa, hence apartheid."

When the first democratic government of South Africa came to power in 1994, the rights of all its citizens regardless of race, gender or disability were realised. Government was expected to transform, and its legislation underwent a major reconstruction to ensure that the citizens of South Africa reap the benefits of equity. Thus the introduction of the Employment Equity Act, No 55 of 1998 was a way of Government showing that they placed equity high on the transformation agenda (Jongens, 2006 and Thomas & Robertshaw, 1999).

The EEA aimed at eliminating all forms of discrimination. It was developed to protect people who have been historically discriminated against in the workplace from unfair discrimination, and directs employers to implement affirmative action measures to redress such discrimination. The Act recognises black people, women and people with disabilities as those groups of people who have been historically discriminated against, and thus the recipients of non-discrimination and affirmative action measures prescribed. The Act requires that employers should aim to have a representative number of PWDs to that of the South African demographics (Republic of South Africa, 1998).

The Act further introduces legislative measures that address, promote and manage equity to all, including PWDs. According to the White Paper entitled Integrated National Disability Strategy (INDS), it is estimated that between 5 and 12% of South Africans are moderately or severely disabled (Republic of South Africa, 1997). Although the numbers are still low, there is a greater representation of women and black people than before on the executive boards of South African organisations. However, there is no indication of real change for people with disabilities (Republic of South Africa, 2004). In the 2003-2004 Employment Equity Commission's Annual Report (EECAR), it was indicated that, "Of particular concern to the Commission is the fact that employers are not paying enough attention to this dimension of employment equity." (Republic of South Africa, 2004:12).

2.12 Employment Equity Policies

Each organisation is different and has unique needs; hence, it is recommended that all organisations develop their own policies. Thomas and Robertshaw (1999:50) reported that "Organisations should have their own Employment Equity Committees that function as policy developers for employment equity. Such committees should take into account the unique structure, systems and methods of that particular organisation when using the legislation as guidelines in developing their policies".

There is a slow increase in the incorporation of people with disabilities in the workplace. This might be attributed to the lack of relevant policies in most organisations. This contributes to the lag in redressing employment equity of people with disabilities (Gida and Ortlepp, 2007). They argue that many organisations are developing frameworks and treating the employment of people with disabilities as part of the employment equity plan not as a strategy that depends on policies in place. The Public Service Commission (2008) also reported that due to the lack of employment equity plans in various departments, people with disabilities were not being absorbed in the workplace.

2.13 Employment Equity Practices

There has been an increasing awareness on the global scale of the “equity issue”. The International Labour Organisation (ILO, 2005), which has introduced a number of initiatives to highlight this issue argues that “There is a pressing need to improve employment and training services for people with disabilities… who face disadvantages in the labour market”. The ILO relies on “knowledge-building, advocacy and technical cooperation activities” to address the equity issues and “seeks to promote innovative approach to address them” (ILO, 2005).Legislation is essential in the quest for addressing unfair workplace discrimination. It is the beginning of a process which is holistic and supportive of human resources practices (Thomas, 2003). The previous Minister of Labour, Mr Mdladlana introduced the Code of Good Practice (published in August 2002) on the employment of people with disabilities. This was to ensure that the rights of people with disabilities remain protected in the workplace as advised by the Commission for Employment Equity.

This Code of Good Practice aims to guide, educate and inform employers, employees and trade unions in understanding their rights and obligations. It seeks to promote and encourage equal opportunities and fair treatment of people with disabilities. The Technical Assistance Guidelines on the Employment of People with Disabilities (TAG) is intended to complement the code. It assists with the practical implementation of aspects of the Act

relating to the employment of people with disabilities in the workplace (Republic of South Africa, 2005). This will give the policy formulators a working guide in developing the practices in their organisation. Jain & Hackett (1989) as cited by Thomas (2003:10) supports the development of employment equity.

The Public Service Commission (2008) also reported that some of the "good practices" of employment equity included the conducting of audits to determine accessibility for persons with disabilities, comprehensive awareness programmes, bursaries to persons with disabilities, utilisation of learnership programmes and affirmative recruitment practices.

2.14 Barriers to Effective Implementation of Employment Equity

There are unique challenges associated with the promotion of equal opportunities and fair treatment of people with disabilities as required by the EEA. Targets may be set and strategies adopted but, the past history of discrimination may be embedded in workplace structures, policies, practices and even the culture of the organisation to the point where it works against the achievement of the objectives of the employment equity. Some barriers may be easy to identify whilst others are not so obvious, however all barriers need to be identified and addressed at an early stage to hasten employment equity (Thomas and Robertshaw, 1999).

Generally, employers have positive attitudes towards hiring people with disabilities; however, this does not correlate with the low numbers of people with disabilities that are employed in the open labour market as reported in the Employment Equity Commission Annual Report of 2003-2004. This could be attributed to the fact that there are many challenges or barriers that hinder employment equity that were identified by the commission (Republic of South Africa, 2004).

2.15 Conclusion

The history of discrimination in the workplaces within South Africa has been documented as early as 1924 when the industrial Conciliation Act (Act 11 of 1924) was introduced. Through persistence and democracy in our country, we see legislation being put into place to redress the effects of discrimination of the designated groups in the workplaces. To hasten the effectiveness of employment equity, policies, strategies and plans must be put in place first. There must also be clear guidelines that must assist both employers and employees to monitor and evaluate their performance on employment equity. This will also assist them in identifying any barriers at an early stage and work on them.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter provided an account of the literature review which sought to provide answers on the progress in the implementation of the Employment Equity Act in the Premier's office in Limpopo Province. It clarified key concepts such as employment equity, affirmative action, diversity management, public administration and public policy. This chapter deliberates the research design of this study and highlights the strategy that steered the researcher in collecting, analysing and interpreting data collected. This research approach will explore the research questions outlined in chapter one of this study. Leedy and Ormrod (2010:2) define research as "Systematic process of collecting and analysing information (data) in order to increase our understanding of the phenomenon about which we are concerned or interested". Research methodology is "an exposition of a plan on how the researcher decided to execute and address the formulated research problem" (Babbie, 2005:6).

The purpose of this research was to explore the implementation of Employment Equity Act with the view to establishing how the Premier's officers addressed disparity and employed people with disability to comply with the employment equity legislation. Attempt was made to explore how the employment equity legislation was employed to bring about equity in the workplace. The central phenomenon in this case is the perception of employees of the office of the Premier, regarding the effectiveness in the implementation of the employment equity. This chapter describes the research methodology followed in addressing the research questions proposed. Attention was paid on the research approach and the organisation of data instrument.

3.2 Research Approach

Research approach outlines that path through which the researcher pursued to gather data, how that data were gathered, from whom and when data were collected. It further outlines how the data collected were analysed to draw conclusions from the study (Leedy and Ormrod, 2010). This plan was intended to ensure coordinated effort in resource requirements and its utilisation until to the very end. Creswell (2009:98) argues that “Through qualitative research, a problem can be best understood by exploring a concept or phenomenon”. In this case the implementation of Employment Equity Act was explored within the office of Premier in Limpopo Province to understand how it impacted on people with disability. By pursuing the qualitative approach, there was a need to look at two common phenomena: “focusing in a phenomenon that occurs in a natural setting” and also that “they involve studying those phenomena in all their complexity” (Leedy, 2002:147). This paradigm excludes the researcher to be responsive to the circumstances and the unit under investigation.

Creswell (2009) argues that qualitative research is exploratory when variables and theory base of the research is unknown. In this instance, he points out that “Characteristics of a qualitative research problem are (a) the concept is ‘immature’ due to a conspicuous lack of theory and previous research; (b) a notion that the available theory may be inaccurate, inappropriate, incorrect, or biased; (c) a need exists to explore and describe the phenomenon and develop theory; or (d) the nature if the phenomenon may be suited to quantitative measures” (Creswell, 2009:99).

The researcher used structured in-depth interviews and focused group in order to get comprehensive understanding of elements of how the implementation of Employment Equity Act unfolded within the office of the Premier in Limpopo Province. With the inputs received from the respondents, the researcher identified key concepts and themes for analysis. The researcher arranged the themes systematically using the qualitative analysis. Qualitative analysis was applied to explore and describe the phenomenon as it exists and puts in place some measures that could be pursued to change the ways things are for the

better. Creswell (2009:184) maintains that “Data analysis involves the collecting open-ended data, based on asking general questions and developing an analysis from the information supplied by participants.” In order to do so, Creswell argues that analysis involves transcribing interviews, optically scanning material, typing up field notes, or sorting and arranging the data into different types depending on the sources of information. Babbie (2005:388) points out that cross-case analysis are either “variable oriented or case-oriented”. For the purposes of this study a case-oriented analysis was pursued.

3.3 The case study

To engage in an in-depth examination of the office of the Premier’s implementation of the Employment Equity Act, the research took the form of single case study. As one of the policy positions of South African government to do away with discriminatory laws and promote equality, as enshrined in the constitution, a case study was instituted to measure the extent to which a strategic office such as the Premier’s office is leading or how it lags behind in terms of policy implementation. Insights drawn from the case study were intended to measure the progress made and consider the institutional arrangements which can serve as a benchmark to bring aboard other policy implementers.

This could accelerate change if difficulty or inadequacy was noted on the implementation process. O’Sullivan, Rassel and Berner (2010:40) state that case studies are meant to “Examine in some depth persons, decisions, programmes, or other entities that have a unique characteristic of interest”. Leedy and Ormrod (2010:137) agreed that a case study is undertaken when “A particular individual, programme, or event is studied in-depth for a defined period of time”. In this case the period under review was September 2009- July 2012.

The researcher looked at progress made and challenges encountered in the implementation of this legislation specifically on people with disabilities. There was no better choice than to evaluate in-depth the extent to which government was fulfilling the mandate of the legislation publicised to revoke all traces of

inequality and bias towards people with disabilities. The study used an inductive approach as an appropriate technique for data collection. The researcher examined the progress made thus far with the implementation of the Employment Equity Act No.55 of 1998, especially to people with disability. It was of great interest to the research to focus specifically on this group in order to ensure that the implementation of the legislation does not generalise all people within the South African population for the risk of drawing conclusions without having a broader look at a specific group within the section of the society which was adversely affected by discriminatory laws.

Although a case study approach is sometimes viewed as a weak method of social science research as it focuses on one or few aspects of a social phenomenon, Babbie (2005) argues that it is an acceptable methodology and often used by researchers. Its significance lies on its in-depth approach because of its role in uncovering a particular phenomenon. Leedy (2005:134) concurs by stating that “A case study was suitable for learning more about a little known or poorly understood situation”. The case under study here was Limpopo office of the Premier. This case was chosen because it is the point of entry into the provincial government of Limpopo and decisions were made to ensure that it becomes a lead office for other departments to follow in policy implementation, particularly the implementation of employment equity legislation. Thus, the office of the Premier is the unit of analysis.

3.4 Research Sample

With qualitative research, data can be drawn from many sources. Looking at the multiplicity of strategies which can be pursued to collect data, the researcher chose interviewing and focus group to streamline the activities to a manageable whole. The strategy used was purposeful sampling because participants were selected based on their portfolios and availability. According to Leedy and Ormrod (2010), this type of sampling is sub-categorised as purposive sampling and respondents are selected for a particular purpose as they have diverse perspective on an issue being studied. In purposeful sampling people are chosen for a particular purpose. It is used in exploratory research to gain deeper understanding of various representatives of the population (Neuman, 2011). In

this study, participants were chosen based on their involvement in the planning and implementation of the EEA; and also beneficiaries of the EEA. Three senior managers from various sections were approached and interviewed. One was from human resource planning, one from legal services and the other from special programmes (Disability Unit). Four middle managers were also selected from the human resources unit (Development, Performance and Recruitment) and three participants who formed the focus group were from support services, and they were the beneficiaries. Struwig and Stead (2010:99) state that a "focus group are carefully planned discussions designed to obtain perceptions on a defined area of interest in a permissive, non-threatening environment".

The researcher had two considerations in sample selection: resource based issues and focus on specific issues, phenomena and processes around the organisation in question. The purpose for this selection was to have a population which would assist in providing data related to the research questions.

3.5 Data collection techniques

The quality of data collected is influenced by the process used in collection. In social research various methods of data collection can be pursued determined resources at the researcher's disposal. For the purposes of this research, face-to-face interviews and focus group techniques were employed to collect data. Mason (2004:149) notes that an "interview is a focused undertaking wherein a dialogue between the interviewer and the interviewee are set to address a specified research question". This form of interview provides the researcher with steadiness when addressing the research question. A degree of flexibility and establishment of a rapport between the interviewer and interviewee ensured creating an atmosphere of openness in the conversation.

Permission was obtained from Head of Department (HOD) of the Premier's office to have access to the organisation to conduct the research (see appendix 1). A formal letter was submitted. After having been reviewed by the executive, permission was granted. A contact person was assigned to assist with the

arrangement and to negotiate with the participants about interviews and focused group schedules.

Selected respondents were assured of confidentiality of the views gathered from interviews with them. A covering letter (see appendix 2) introducing the researcher and the purpose of the study was circulated amongst the respondents. Furthermore, the researcher explained the reasons for conducting the study and the significance of the role of the respondents in participation and the importance of the study conducted in their offices

Struwig and Stead (2010) further state that participants in such sessions are able to raise issues considered to be very important and participation in such groups is voluntary. Morgan (1993:8) maintains that “focus group’s goal is to collect concentrated discussions on topics of interest to the researcher, but the discussions of these topics may or may not feel natural to the participants”. This technique, he argues, allows a group of peers to express their perspective “having the security of being among others who share many of their feelings and experience, the participants possess a basis for sharing their views” (Morgan, 1993:15)

3.5.1 Source data

- Academic literature

Books on Employment Equity Act 55 of 1998, Affirmative Action and transformation were consulted. Journals also constituted to the list of academic literature consulted for review.

- Publications

Reports, surveys and circulars were consulted as secondary data.

- Internal written material

Internal circulars, personnel records, brochures, organisational charts and correspondences constitute the secondary data acquired from the Premier's office.

- Interviews

In order to avoid problems posed by open-ended questions in semi-structured interviews, the researcher made use of the stimulus equivalence. Merriam (1998) points out that stimulus equivalence happens when the same question is posed the same way to all participants. The researcher ensured that the questions are understood the same way by all the respondents. In this study, the advantage of using both allowed the researcher to gather a sizeable amount of data around the subject. This also assisted the researcher in assessing if the issue of employment equity in the workplace was discussed with regularity and openness amongst employees.

3.6 Data Analysis

Mayan in Maree (2007:295) explains data analysis as "…the process of observing patterns in the data, asking questions of those patterns, constructing conjectures, deliberately collecting data from specifically selected individuals on targeted topics, confirming or refuting those conjectures, then continuing analysis, asking additional questions, seeking more data, furthering the analysis by sorting, questioning, thinking, constructing and testing conjectures, and so forth." Creswell (2009) argues that data analysis requires the collecting of open-ended data, based on asking general questions and developing an analysis from the information supplied by the participants. Kobus (1997) maintains that qualitative data is primarily an inductive process of organising data into categories and identifying patterns among categories. Data collected from the face-to-face interviews and through the focus group were collated, organised into patterns and themes generated from the various patterns developed. Data classification were organised and coded in line with the themes outlined from the research questions.

According to Merriam (1998) data analysis should be a continuous process which starts the moment data gathering is initiated. The researcher started the data analysis process with the gathering of information from primary (e.g. interviews, focus group) and secondary (e.g. textbooks) resources gathered from libraries, websites and policy documents from the office of the Premier. Data analysis seeks to transform data gathered into research findings which bears relations to what the study seeks to establish.

Creswell (2009) provides a six step process for data analysis: organise and prepare; reading through all data; coding; generating description of setting or people as well as categories or themes for analysis, represent description of themes in narrative form and interpreting the data. The researcher went through this process to create coherence and meaning to the themes outlined. Following this six step process, the researcher ensured that there was consistency, reliability and validity of the data analysed.

3.7 Reliability and Validity of the Research Method

Not all data that come to the attention of the research should be acceptable for use. Some of the data may be defective. In order that the researcher's conclusion is not adversely affected, the validity and reliability of the data should be tested. Joppe (2000) asserts that validity can be used as a yardstick to determine whether the research truly achieves the goals it set to achieve or how truthful the results are. In other words, does the research instrument allow you to hit "the bull's eye" of your research object? Researchers generally determine validity by asking a series of questions, and will often look for the answers in the research of others. Joppe (2000) defines reliability as a method that checks consistency over time of the results or responses obtained from the sample. Can the results of the study be reproduced under similar methodology? If yes, it can be said that the research instrument is considered to be reliable.

According to Patton (2002), validity and reliability are two factors which any qualitative researcher should be concerned about when designing a study, analysing results and judging the quality of the study. Thus, qualitative paradigm should look at the following criteria to determine validity and reliability of data: credibility, neutrality or conformability, consistency or dependability and

applicability or transferability of facts. These considerations were fully adhered to by the researcher when compiling and analysing data gathered.

With this study, the use of multiple data source as well as the mixture of data collection techniques were pursued to ensure accuracy of information gathered. Taking into account that no single method could solve the research problem because of its proneness to error, the researcher used these multiple techniques to minimise bias and preferences in the interviews. Although limitations could arise as a result of the data collection setting, the behind the scene work and document analysis assisted greatly to ensure credible results came out of the study.

3.8 Scope and Limits of the Research

The study, like any other study preceding it, sought to understand the process made by the office of the Premier in implementing the Employment Equity Act amongst people with disabilities and the extent to which they assisted in their development to reach all levels of employment within the office. The focus of this research was on the human resource element of the implementation. Equipment used by PWDs of different forms was not investigated.

The lack of institutional or operational arrangement of the researcher provided limitation for exploration of extensive amount of data. While this and many others might have influenced the undertaking of the study, this however, did not influence the outcome of the research in a negative way. The researcher used English in this research while recognising the fact that South Africa is a multicultural society with 11 official languages. None of the respondents speak English as their mother tongue. This limitation on individual language expression should also be acknowledged. The researcher is of the view that communicating in the language of the employees' choice should have assisted in sourcing extensive information due to the fluency and confidence as regards self-expression.

3.9 Ethical Considerations

In any research undertaking, ethical issues should take priority. While a researcher is focused on realising the objectives of his/her research, it is important to protect the right and privacy of others. Thus, precautionary measures were put in place to ensure that the good about research was maintained but at the same time, measures are in place to protect people from harm. In order for the respondents to open up, the researcher assured the respondents about the confidentiality of the information obtained from them. Permission was sought for the participants to participate at their own free will. Cooper and Schindler (1998) stressed that nobody has to have access to data gathered by the researcher. He further notes that names of the respondents should be removed from all data forms used in collecting the information to conceal their identity. This view is corroborated by Babbie (2005:64) who states that “The clearest concern in the protection of the subject and their wellbeing is the protection of their identity”.

Maree (2007:298) draws from the work of Babbie by adding that “Anyone involved in research needs to be aware of the general agreements about what is proper and improper in scientific research”. In engaging the participants, the research provided the participants with a letter of consent, in which the research process was described. She requested the participants to read the letter and ask any questions for clarity and sign the consent form to indicate willingness to participate in the research. Maree (2007:298) points out those participants should be reminded that they may withdraw from participation during the process if they wished to do so.

The respondents were informed of the purpose of the research within and that could withdraw their participation should they consider it unnecessary to provide the information requested by the researcher. A background was laid to the effect that the respondents were cognisant of their role in the whole proceedings of the research project.

3.10 Summary

Apartheid provided the basis for which people with disability were looked down upon as outcasts of the society. However, the dawn of the new dispensation in 1994, ushered a new era in which the rights of the people were institutionalised in the forms of equitable societal norms. Without being despondent and apprehensive, the implementation of the promises of the constitution, the struggle for equality and freedom for all people to associate, move and work where their abilities allow remain a challenge which the society and leadership must face and deal with. The present study used non-probability sampling techniques to source data so that inferences could be made for the sample obtained. The next chapter will focus on the presentation of the research findings.

CHAPTER FOUR

DATA PRESENTATION

4.1 Introduction

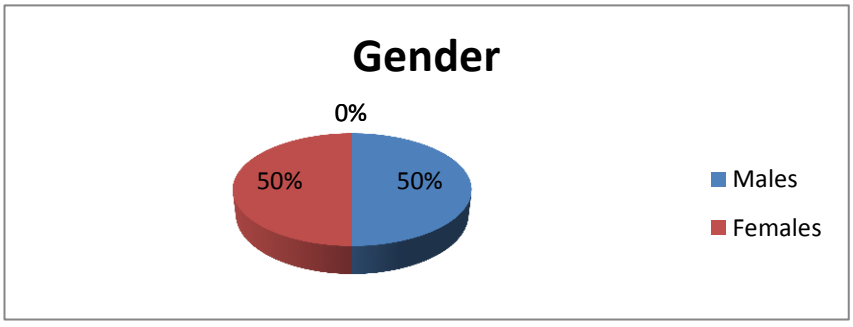
Employment Equity is one of the many policies designed to fast track the greater process of transformation. Transformation is the process whereby an institution actively promotes and engages in steps that lead to a working environment where there is no discrimination and all employees can enjoy equal opportunities. A transformed workplace is one where all members understand and respect their colleagues, which leads to a more harmonious and productive working environment. In order to achieve Employment Equity objectives employees, managers and the country at large needs to understand the diversity that exists in this country.

This chapter presents perceptions of both employees and employers regarding the implementation of Employment Equity for people with disabilities within the office of the Premier in Limpopo. This chapter presents the result of the data through interviewing seven respondents. The respondents were selected from the various sections of Human Resource Management Unit for the coordination of disability and legal service.

4.2 General Characteristics of the respondents

4.2.1 Representation of males versus female respondents

Figure: 1 Gender representation

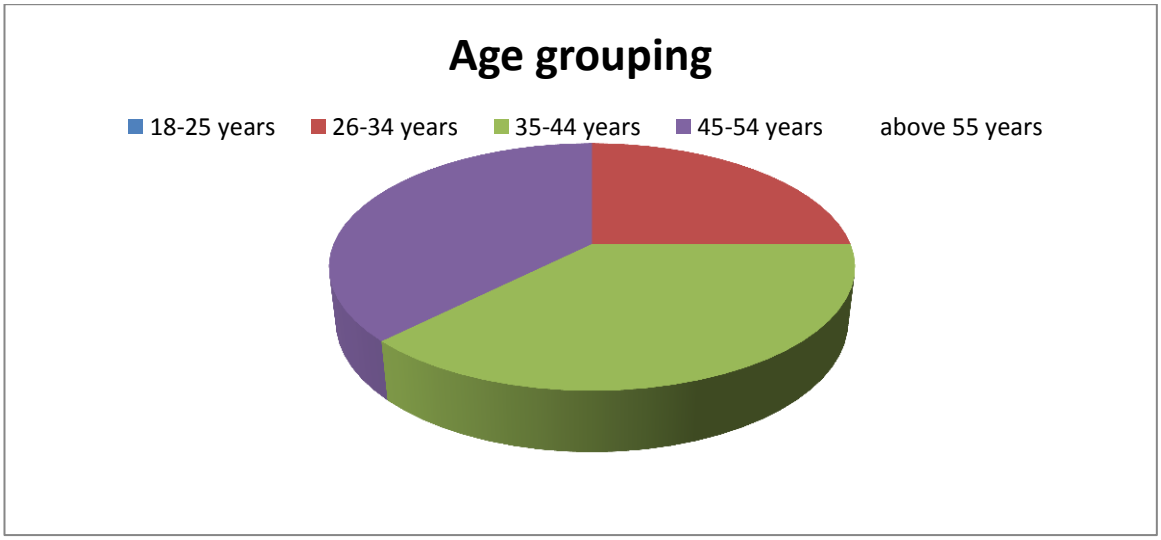


Source: Own source

When the study was undertaken, a particular number was targeted for face-to-face interviews. No mention was made as to the number of males or females respondents targeted for the study. With the outcome of the study, there was equal distribution of the number of both male (50%) and female respondents (50%). This reflects well the gender distribution, which was informed by the availability of respondents on the day of the interviews. The next figure demonstrates the categorisation of the respondents into age according to their age distribution.

4.2.2 Representation of males versus female respondents

Figure 2: Age grouping

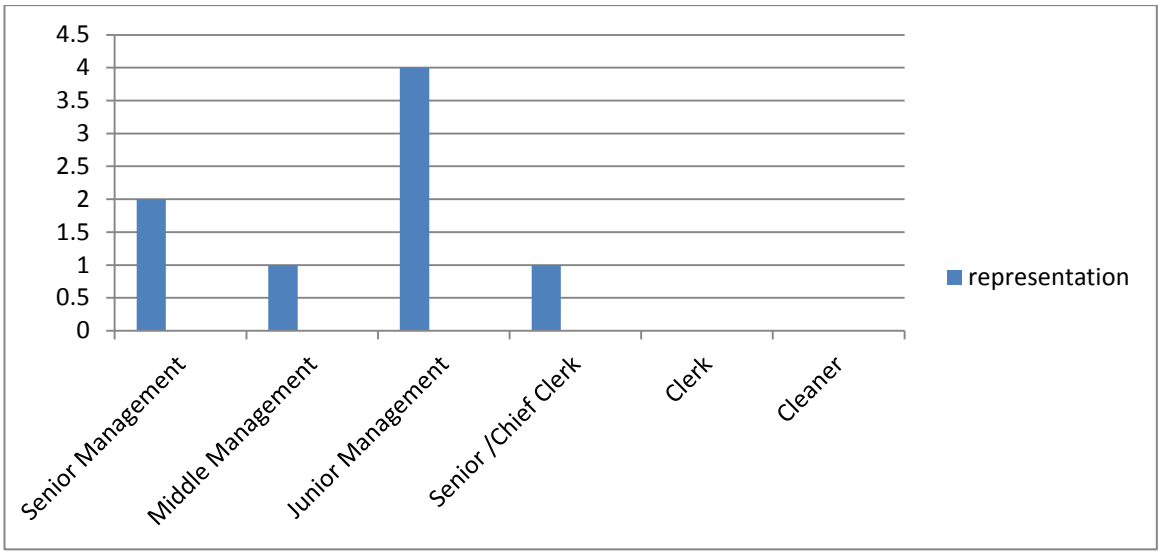


Source: Own source

When the study was commissioned, the targeted classification of the age category was as follows: 18-25 years; 26 -34 years; 35-44 years; 45-54 years and above 55 years. The results of the study showed that age classification was 24-34 years, 35-44 years and 45-54 years. The majority of the respondents were between the ages of 45 and 54 years.

4.2.3 Representation in terms of position within the various units of the office of the Premier

Figure 3: Presentation by position

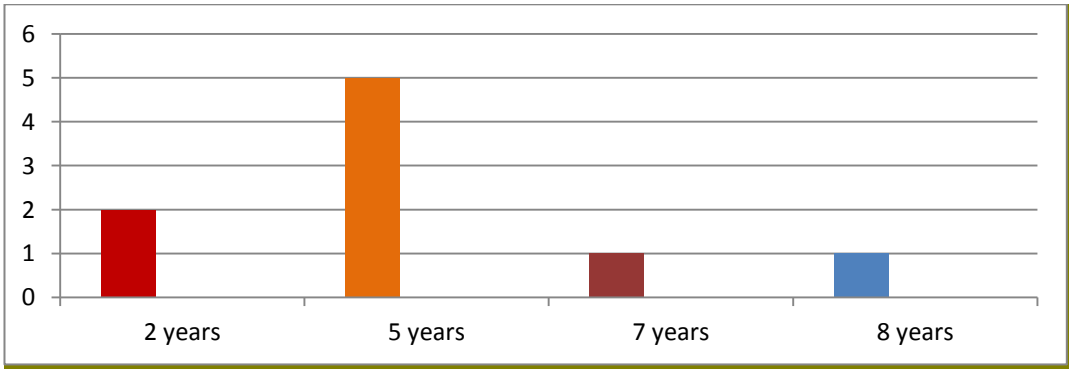


Source: Own source

The representation of the people who were available on the day the study was undertaken were as follows: Two (2) people came from senior management team, one (1) came from middle management team and the majority of the respondents interviewed were from junior management, which was represented by four respondents and a senior/chief clerk and only one respondent participated.

4.2.4 Representation in terms of years of service in current position within office of the Premier

Figure 4: Presentation by year of service in current position



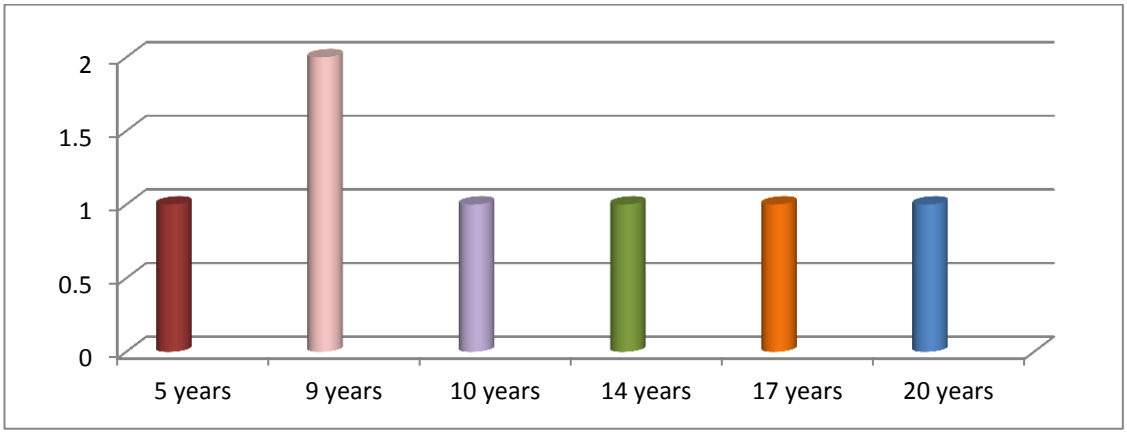
Source: Own source

The respondents' years of service in the same position were reflected as follows: Two (2) respondents were found to have been at the office of the

Premier in the last two years. Five (5) respondents were found to have been employed in the same position for the last five years. One (1) respondent stated that she had been employed by the office of the Premier for the last seven (7) years. Another one (1) respondent stated that he had been working for the office of the Premier in the same position for the last eight years.

4.2.5 Representation in terms of years of service within the office of the Premier

Figure 5: Presentation by year of service in the Premier's office



Source: Own source

Respondents' number of years working at the office of the Premier was also assessed. Respondents had been working for the office of the premier for five (5)years. Respondent four (4) had been employed by the office of the Premier for the last seven (7) years. This respondent was the most junior in terms of number of years of service, working specifically for the office of the Premier. Respondent two (2) and Respondent five (5) had been working at the office of the Premier in the last nine (9) years. Respondent six (6) had been employed by the office of the Premier for the last fourteen (14) years. The long serving employees of the office of the Premier were respondents three (3) and respondent (1) who had been in the office of the Premier for the last seventeen (17) and twenty (20) years respectively. This representation indicates a balance in terms of long and short term transformation of the office in policy implementation, particularly implementation of employment equity as envisaged in 1998.

4.3 Human Resource Management Planning

Successful implementation of Employment Equity Act for people with disabilities hinged on the development of the Employment Equity Plan, taking into account the sensitive processes that need to be undertaken in addressing discriminatory and unfair policies, procedures and practices in the work environment. Respondents were engaged in checking the extent to which the department has formalised the plan and implemented it. When respondent two was asked on the availability of Employment Equity Plan, the respondent affirmed its availability. However, the respondent indicated that this plan was not implemented. The respondent further stated that lack of willingness or initiatives to implement the plan resulted in the target not being met by the office of the Premier.

Respondent five (5) affirmed this view by indicating that “policies are available but nobody knows anything about them.” Respondent five (5) further indicated that there was no dedicated effort by the office to ensure that the policies in place were effectively implemented. Respondent six (6) argued that there was not full implementation of the Employment Equity Act. Respondent (6) further stated that “Equity Forums exist within the office but the plan in place was silent about disability. The plan was developed for compliance and not much attention was paid on implementation. Respondent six further stated that “When these plans are developed, they should be aligned with things they aim to achieve. Respondent six further stated that equity at senior management level was achieved because 2% of senior managers were people with disabilities. Most prevalent disability within the office was blindness.

Respondent seven (7) emphasised that progress report was presented in meetings about the implementation of the policies, particularly Employment Equity Policy within the department. Respondent one (1) corroborated the view about the implementation of the Employment Equity Policies within the Premier’s office by stating that “on observing the office of the Premier, one can see the visibility of a number of people with disabilities.” The respondent

further stated that the Disability Unit within the office was championing issues of disability throughout the province. Respondent four (4) highlighted the fact that any new employee in the office of the Premier had to ensure that on the day of assumption of duty, the new employee had to complete Employment Equity forms. However, this filling of forms necessarily streamlines identification of a form of equity to be addressed based on the staff establishment as well as targeted position at a particular time.

Respondent three (3) stated that the practice where by one fills out forms was another form of “window dressing the employment equity concept.” The respondent’s contention was that employees within the office are not informed about what is happening or the implementation thereof.

From the ten (10) respondents interviewed, only two (2) respondents (respondent one (1) and Respondents seven (7)) emphasised their discussion that there were certain elements which showed the implementation of the Employment Equity policy. To them this was observed on the reports which were provided as well as the processes put in place when posts were advertised as well as the Employment Equity forms filled out by employees on the day of the assumption of duty.

4.4 Progress made in the implementation of Policy for People with disabilities

Persons with disability are among the vulnerable groups in the country that need attention from the government. This is the perhaps the reason why institutional and legal environments have been made favourable to this particular group, especially in the area of employment. However, earlier reports note that the quality of employment of PWDs still needs improvement. All the respondents agree that progress is either very slow or non-existent. Respondent one (1) stated that the environment is not ready for the disabled people as “these people are not qualified”, thus do not qualify for various advertised positions. He said that the office of the Premier reached the 2% and stagnated. This 2 % is mainly in the senior position and not achieved in the other levels.

This was also supported by respondent six (6) who stated that the office is not absorbing new PWDs, and the current percentage has been like that for the past five years or so. Respondent two (2) said that it was even better before they moved the PWDs to Traditional Affairs. Then they were visible in the office, but now it's only three in the support services and those in senior management. The respondent further stated that many activities or initiatives which were on-going were for purposes of compliance rather than actual effort of bringing in PWDs in the workplace. According to the respondent, "It was just the fashionable thing to do". Respondent two further indicated that if employing people with disability was not for purposes of compliance, initiatives within could be such that training and development would have a dedicated policy of recruiting and absorbing of interns.

Respondent five (5) says that the only disabled people she sees in the office are blind people. The respondent has not really seen an effort to employ PWDs and thus she does not think the target has been met.

4.5 Challenges encountered in the implementation of the policy

Laws concerning the rights of persons with disability (PWDs) in the area of employment have long been implemented in a number of countries, including the United States, United Kingdom, Japan and even South Africa. Targets may be set and strategies adopted but, the past history of discrimination may be embedded in workplace structures, policies, practices and even the culture of the organisation to the point where it works against the achievement of the objectives of the employment equity. Some barriers may be easy to identify whilst others are not so obvious; however, all barriers need to be identified and addressed at an early stage to hasten employment equity (Thomas and Robertshaw, 1999). The most common challenge mentioned by most of the respondents was that PWDs do not meet the criteria for the job market. While the beneficiaries mentioned that due to the disadvantaged backgrounds, it is difficult to penetrate the job market. The majority of them are not skilled due to lack of facilities and resources and they feel that even currently they are not awarded the opportunities to acquire the necessary skills.

Respondent six (6) said that when are planning for PWDs, they do not include them in their planning. The respondent further said that there is misinterpretation of the EEA. The planners and the implementers do not look at the EEA as a progressive document. Respondent three (3) said that because the office of the Premier is a political office and they act on a directive from the executive, it is at times a challenge to implement other policies. The respondent also stated that, they are not given training on the EEA. They just wait for the HR planning to give them a directive on what they should do. Respondent one (1) said that the environment is not ready for people with disability. She said that there are no qualified PWDs available to fill the positions because they do not meet the criteria. She further said that because they are not in the office, HRD does not have their profiles, thus cannot train them or equip them with the necessary skills.

4.6 Skills development and diversity management within the work place

The elimination of unfair discrimination in employment and the adoption of positive and practical measures to redress imbalances are important components of the process of transformation and legislation. These are necessary step towards the achievement of equity. As part of the process of transformation, targeted policy implementation had to be fostered through developing institutional strategy that seeks to address the skills level of employees. Respondents were asked how the office of the Premier was responding in regard with the improvement of capacity of people with disability to at the work place.

Respondent one (1) stated that there was a policy directive on Employment Equity Act (EEA) implementation but not necessarily for Human Resource Development (HRD). Respondent one (1) further stated that there were no policy guidelines of training plans for, say, a particular financial year. Human Resource Development (HRD) is guided by profiles they receive which assists to allocate training needs of individuals. Since disabled people are mostly in senior management, there was no concerted effort to drive the process of up-skilling the disabled from the lower levels of the ladder.

Respondent two (2) further stated that she was trained in sign language, but there were no deaf employees within the office of the Premier. The respondent further stated that a lot of activities or initiatives which were on-going were for purposes of compliance rather than actual effort of bringing in diversity in the workplace. According to the respondent, “It was just the fashionable thing to do.”

Respondent two further indicated that if employing people with disability was not for purposes of compliance, training and development would have a dedicated policy for recruiting and absorbing of interns. In this instance, if dedicated efforts were there to drive the issue of bringing in people with disability, initiatives to take disabled learnerships would be put in place. This would then assist in creating a database which would make things easier for such groups of people to be easily identified and quickly absorbed into the system.

When it comes to building organisational culture within the office, many respondents indicated that they could not outline how people with diverse cultural, creed, language and other forms of societal practice were integrated within the office to create a harmonious working relationship. Respondent one (1) indicated that he had no idea of what diversity management was all about. Respondent two (1) indicated that what exists within the organisation was a working relationship where people do what they are employed to do. “There were no specific cultural observations which could be brought to limelight for people to see, share or adopt.”

Respondent three (3) stated that she had no understanding about diversity management or its prevalence within the organisation. The respondent stated that when people were hired to positions, the office did consider mixing people from different race groups. However, the respondent emphasised that what they consider to be critical in sourcing a resource/skill to the organisation was the merit of the individual appointed to the position. Other than that, any appointment they make can be through a directive from the upper hierarchy as to what to do. Respondent seven (7) noted that there was

an individual within the organisation who was a strong advocate of diversity management and there were initiatives in place seeking to ensure that different cultures within the office worked together for the good of government.

The organisational approach to skilling people with diversity, according to the majority of the respondents interviewed was knee-jerk kind of reaction. In this instance, compliance was much more the concern of the office rather than progress realisation of ensuring that there was equal treatment of all people and that diverse range of cultures were accommodated within the office to ensure that its dynamics covered all racial groupings of the region.

4.8 Staff recruitment

The basis for wanting to know their recruitment policy was to get an understanding of how proactive the office was in terms of encouraging all inclusive participation of all people and not limited to people with disability in their recruitment policy. Despite the removal of the statutory and other formal barriers to entry and advancement within the Public Service (PS) since 1994, there are groups of people whose ability to thrive continues to be hampered by this legacy of past discrimination. These groups constitute black people, women and people with disabilities.

The Constitution guarantees to everyone the fundamental right of equality. This includes equality in the social, political and economic spheres of all persons and groups in society. The adverse effects of apartheid and discriminatory legislations made the government of the Republic of South Africa (RSA) to inherit a public service characterised by ineffectiveness, unfair discrimination and division on the basis of race and gender, and virtually excluded people with disabilities. For these groups of people steps or measures have to be put in place to correct their disadvantaged status in all spheres of life.

The Employment Equity Act, 1998 was enacted in order to ensure the achievement of employment equity through the elimination of unfair

discrimination, and advance people living with disabilities in the workplace from being marginalised and systematically discriminated against with regard to employment opportunities, earning levels, benefits and service conditions. Various respondents articulated their views with regards to the implementation of Employment Equity with specific reference to recruitment.

Respondent four (4) stated that when post establishment has been approved and funding has been provided for, posts had to be filled within six months. When the post has to be advertised, respondent four (4) argued that eight (8) people working in HR are invited to assist in the capturing of the data from applicants. The data is then sorted in terms of gender, disability, skills/or qualifications. A long list and a short list of respondents to the advert are put together by HR for the attention of the interview panel. Score sheets are utilised to identify the best candidate for the position. If for instance a gap has been identified by HR planning which seeks to address gender equality or disability, the HR policy will be used to guide the process. The post cannot be recommended for appointment by the Director General (DG) if it did not address HR planning recommendations.

Respondent two argued that in spite of the fact that there were HR processes in place, when recruiting, there was no conscious effort made to ensure that people with disabilities are recruited. Respondent two (2) argued that “There was a unit for people with disabilities within the organization, but its role in influencing the process of recruitment was minimal.” The respondent further stated that this unit “was supposed to get profiles of disabled people from organisations dealing with disability to influence the process.” Respondent three (3) corroborated the views of respondent two (2) by stating that “Disability Unit was in existence but they did not know what they were doing.” They fall within Transversal. According to the respondent, “This causes a lot of duplication as it creates confusion to people from outside. Their focus was specifically for events outside of the Premier’s office, which in a sense does not necessarily address the issue of equity when it comes to recruiting the relevant people and also identifying the source where they could be reached

to assist recruitment. Again, not many managers are keen to have disabled people in their ranks.

According to most of them, “They want people who will run with assigned tasks as quickly as possible”. This view was corroborated by respondent five (5) who alluded to the fact that “Tasks allocated to disabled people had to be shared by all in the section/unit to get things done timeously”. This comment was also raised by respondent one who also indicated that the tasks and the pace of delivery is slowed down when a disabled person is accommodated and many of them require personal assistance and this requires additional resources in the form of goods and human resources.

With half of the respondents concurring on the idea that more resources were required for people with disabilities to be employed within the office, these views serve to confirm what some of the respondents indicated that it “was window dressing” and also an act of “compliance” rather than progressive implementation of the policy. Respondent six (6) argued that the office was content with the 2% achievement of people with disability at the senior management level.

CHAPTER FIVE

DATA ANALYSIS

5.1 Introduction

Post-1994, South African legislation underwent a major reconstruction in order to remove all previous discrimination. The introduction of the Employment Equity Act in 1998 heralded a change in the structure and management of the labour force. “The purpose of the Act is to achieve equity in the workplace by”, firstly “promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination”; and secondly “implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce”.

Post 1994, South Africa underwent a measure transformation from discriminatory laws based on race, colour, gender and creed to an inclusive, non-discriminatory, non-racial and democratic process. This new society heralded the promulgation and implementation of the Constitution of 1996 Act 108, Affirmative Action, Broad Based Black Economic Empowerment, Labour relations Act of 1996 and Employment Equity Act 55 of 1998.The latter as a central focus of this study looks at the implementation of the legislation particularly to people living with disability within the office of the Premier in Limpopo Province.

5.2 Aim of the study

The aim of this study was to explore compliance to implementation of the EEA and to assess the level of implementation of this legislation with particular reference to PWDs. It aims to cover any challenges that might restrict full implementation of this legislation. It will make recommendations based on findings uncovered from the participants and also determine the

extent to which the implementation of this legislation could improve workplace conditions and employment opportunities for PWDs.

5.3 Human Resource Planning

The successful implementation of the Employment Equity Act for people with disabilities hinged on the development of the Employment Equity Plan, taking into account the sensitive processes that need to be undertaken in addressing discriminatory and unfair policies, procedures and practices in the work environment. The respondents were to check the extent to which the department has formalised the plan and implemented it. When respondent 2 was asked on the availability of Employment Equity Plan, the respondent affirmed its existence. However, the respondent indicated that this plan was not implemented. The respondent further stated that lack of willingness or initiatives to implement the plan resulted in the target not being met by the office of the Premier. Pieters (2004) emphasises the importance of planning to assist the organisation in the operational meaning and strategic direction of the organisation. DPSA (2008) also emphasises human resource planning as critical for any government department in fulfilling the organisational mandate for which the department was set out to achieve.

In contrast to respondent 2's comments, respondent 4 affirmed the fact that Human Resource Planning was responsible for Employment Equity implementation. The respondent argued that statistics about people with disability and all other statistical information related to structural planning resides with them. With this data, they guide the process of post establishment and the filling of vacancies. Respondent 6 who corroborated respondent 4 argued that HR planning consults all relevant stakeholders in ensuring that there is correct representation of people in their structure. While noting that different stakeholders were compliant in implementing HR plans, the scarcity of people with disability, makes it difficult for the different departments to have equal representation of the diverse range of people in their various structures. DPSA (2008) corroborates the views of the respondents by emphasising that human resource planning aligns human

capital to organisational programmes. This further helps to satisfy current and emerging missions of the organisation (DPSA, 2008:9).

Respondent 1 raised the view that there were very few educated disabled people and therefore implementation or recruiting people with disability was a challenge. Starling (1998:464) provides five functions of human resource management: “staffing, classification and compensation, training and development, advancement, and discipline and grievances.

Nel et al. (2004:213) argues that “every organisation must be able to attract sufficient number of job candidates who have the abilities and aptitudes needed to add value to the company.” Ehlers and Lazenby (2004) noted that the process of organisational planning involves integration and coordination of organisational functions. It also involves resources to ensure that organisational objectives are realised. Ehlers et al.(2004) point out the significance of involvement of all employees as catalyst for organisational planning. Thus, stakeholder consultation is critical in organisational planning.

Lack of constructive and formalised consultation creates a void in terms of information flow to all members of the organization. This results in some stakeholders not knowing about the implementation of the employment equity policy and the role of the Premier’s office as far as the issue is concerned.

An organisation is a planned coordination of activities, events or functions with a common purpose of achieving set targets or goals. This is done through the allocation of resources and functions, steered by a hierarchy of authority with responsible and accountable powers. Various responses were provided by the respondents on aspects of skills development and performance assessment planning specifically for people with disabilities.

Respondent 6 pointed out the difficulties encountered in disability mainstreaming. The respondent stated that “people within the office don’t believe it’s their responsibility to give a dedicated focus on disabilities.” Issues such as learnerships and internships are not prioritised for people living with disabilities. Bloisi et al. (2003:725) emphasises on the importance of “building participative values that seek to improve organisational

effectiveness and employee wellbeing." Ehlers et al., (2007:217) note the issue of building participative values by providing strong leadership as "implementation toolkit to give direction and purpose for an integrated planning, implementation and control." In view of what the respondents highlighted, coordinated efforts around centralised values are built around good leadership which then, provides strategic direction and influence on the way planning unfolds within the organisation's set-up.

"People with disabilities are not exposed to career opportunities available to them." The view of respondent 6 was corroborated by respondent 1 and respondent 3 who stated that there were no dedicated programmes to enhance the structures that already exist within the organization such as disability unit, to ensure that when recruiting new staff, there are planned programmes in place of bringing people with disabilities to the organisation. Tyson (1995:61) states that "organisations should take best advantage of prevailing business environment." Tyson (1995) further says that employment relations should be managed in a manner that seeks to harmonise policies and business goals such that the realisation of the later satisfies the successful implementation of a policy. Starling (1998) affirms Tyson's argument by stating that policy planning processes assist to set goals and priorities for the organisation. In view of the respondents' response, proper planning processes in all spheres of recruitment, appointment, performance assessment and training are critical for the organisation's success in policy implementation.

While a gap was exposed around lack of policy that deals specifically with prioritising recruitment of people with disability on learnership and training, room should be made to ensure that all aspects of policy implementation are implemented to satisfy the gaps exposed. The fact that there is a lack of well-trained or professional PWDs exposed to these opportunities, respondent 1 reported that it was affirmed by the Department of Labour (2010:14). Boninelli et al. (200:78) point out the importance of having a "planned intervention to address future skills requirements of the organization." To deal with the gaps currently exposed, there should be concerted effort from the

office of the Premier that seek to harmonise all planning initiatives to ensure that the implementation of the employment equity policy is not only addressed to comply with government requirement, but also to implement justification espoused on section 9 of the Constitution of the Republic of South Africa.

5.4 Promotion of Employment Equity Policy

The policies as outlined in the Employment Equity Act as well as the constitutional provision required every institution whether public or private to reject with contempt unfair discrimination, whether direct or indirect, on all listed grounds, including but not limited to race, sex, marital status, religion or creed, age, HIV status, culture, pregnancy, language, sexual orientation, colour, ethnic or social origin and disability. In view of the challenges the society faces specifically in the workplace, the Office of the Premier had to ensure that the barriers that allow the manifestation of all forms of discrimination from their workplace was eliminated. Respondent 1 argued that the Office of the Premier could not necessarily meet the 2% target set because the employment policies put in place for the office of the Premier was not communicated for everybody to know, understand and implement.

While acknowledging that the policy was there to be implemented, no workshops have ever been conducted to popularise the policy and make it know to all employees. Respondents2, 3, 4, 6, 7 and 8 affirmed the statement made by respondent 1of lack of workshop and/or communication of the employment equity policies to all staff. Despite this position, respondent 4 outlined the processes that the office of the Premier, particularly, the Human Resources Management section pursues to ensure that equity and representativity in the workplace was prioritised. Respondent 4 argued that human resource planning comes with demographics where issues of gender equality were prioritised. The respondent argued that “any gap that is identified in terms of gender representativity has to be prioritised and guidance given in the recruitment, selection and appointment of candidates.

Nel et al. (2004:162) corroborate the views of the respondents by stating that an equity plan should be put in place by the organisation to guide the process of addressing inequality in the workplace. Nel et al. (2004:171) argue that by eliminating unfair discrimination in any policy or practice, under-representation of women and people with disability as evidenced from past discrimination, it assists in realigning the composition of the workforce. Thus, the role of human resource planning is to ensure that all statistical information about the organizational demographics was gathered, analysed and communicated to different units of the organisations to assist in informing recruitment and appointment of new employees.

The organisational demographics within the office of the Premier had to reflect the societal or the country's demographic outlook. The demise of apartheid made way for affirmative action, employment equity and diversity management to ensure equal opportunities for all people to actualise their potential. The majority of the respondents argued that the office of the Premier should reflect the country's demographics, especially population representative of the province. While noting the representativity of the various cultural groups of the province within the office, some respondents, acknowledged, however, that there was no concerted effort to ensure that diverse culture, language, religion and creed was formalised within the office. Respondent 2 acknowledged lack of understanding of diversity management practice. Respondent 6, 5, 3 and 4 argued that diversity management within the context of representativity of various forms of disability within the Office of the Premier is prevalent.

While acknowledging that the office had as one of its main goals, the realisation of employment equity, they stated that the most prevalent form of disability within the office of the Premier was blindness. Boninelli and Meyer (2004:262) define diversity as "differences between individuals or groups of employees in an organisation." They further state that the differences can be distinguished as follows: race, language, gender, religion, age, ability/disability, socio-economic status, country of origin, education, sexual orientation, ideology, parental or marital status (Boninelli, et al., 2004:262).

Bloisi, Cook and Hunsaker (2003) argue that values, beliefs, norms, symbols, language, rituals and myths gives meaning to organizational membership and expected behaviour. In view of what the majority of the respondents stated diversity management was not meaningfully implemented in spite of the fact that in their employment practice, people or employees were sourced from different religious, cultural, language and social background.

Boninelli et al. (2004, p. 263) argue that many organisations regarded diversity as a liability. They further note that because of lack of focus on diversity management in the workplace, the interpersonal relationships between employees were characterised by exclusion, denial, segregation, suppression, assimilation and similarities. Sentiments stated above were reflected in some of the responses of the respondents interviewed. Respondents 1 and 2 stated that some of the many buildings which accommodate people with disabilities do not necessarily have all the necessary amenities to cater for various forms of disabilities.

This could be explained by the sentiment of respondent 3 who stated that they were trained in sign language but could not use the training acquired because there were no employees with such disability employed by the office of the Premier. The movement of employees from the office of the Premier to Traditional Affairs disadvantaged the office from reaching the employment equity target.

According to Thomas (1996), this diverse workforce will influence the management of organisations because managers will face the challenge of dealing with large numbers of diverse groups in the workplace**.** Therefore, how well organisations deal with the demographic shift of their workforce, from white males to the inclusion of a more diverse workforce, will directly affect their outcomes (Shafritz et al., 1990). Managers who want their organisations to remain competitive are concerned about how to implement different programmes to incorporate and retain a more diverse body of employees (Olowu and Sako, 2002). It has become apparent that competitiveness in the global marketplace will depend on effective human resource development and management.

5.5 Leadership and Empowerment

People in leadership positions should act as catalysts in creating a healthy and empowering culture for organisations to grow. A major challenge in building an empowering coalition is identifying and gaining support from leadership. Successful organisations which have institutionalised empowerment delegate and expect in return for people to initiate, create and implement measures for organisations to thrive. Efforts from within the office of the Premier were put in place which had an empowering element. All the respondents interviewed spoke about the existence of the Disability Unit, Employment Equity Unit and Employment Equity Forum. These structures were put together with an empowering intension and change management directive. The role of Disability Unit, however, was said to be externally focused than what its role was supposed to be. Employment Equity Forum was said to be institutionalised but the forum did not act as a consultative structure for the different stakeholders to assist with planning.

The legislation of Employment Equity Act was intended to speed up the transformation process in workplaces in South African. After illuminating about the structural setup of the office of the Premier, impetus has to be given leadership provision of leadership to give strategic direction to the units instituted so that fundamental changes were observed as emphasised by the White Paper on the Transformation of Public Service (1995) which emphasises the need to transform and create an equitable public service work environment to provide efficient service delivery. Respondent 6 emphasised that Employment Equity Forum existed to inform rather than consult and engage the different stakeholders. Ehlers (2007:217) argues that "strong leadership is perhaps the most important 'tool' that a strategist can have in the implementation toolkit to give direction and purpose to integrated strategy formulation, implementation and control."

Ehlers et al. (2007:217) further argue that provisioning strategic leadership to transformative policies or actions should be able to "anticipate, envision, maintain flexibility and to empower others to create strategic change as necessary." With the setting up of the various units described above, the

strategic thrust to the idea was well thought, but the implementation thereof left a lot of gaps which disabled the vision to realise the intended objective of fully and purposefully implementing the legislation.

Disability is any physical organ or capacity or suffers any mental impairment, medical condition that causes restriction to his or her daily life or social activities and which significantly causes differences from non-persons with disabilities, and who has a disability certification. Such impairments, conditions or illnesses may be permanent or transitory in nature (GCIS, 1997). People with disabilities are most vulnerable and the poorest of the poor in South Africa. They have limited access to education, vocational training, employment and income-generating opportunities and other services. Even when services do exist, they are particularly inaccessible to them, especially in rural areas. There are other people with communication difficulties who face additional barriers.

Various respondents highlighted a lack of leadership in some of the initiatives that the office of the Premier has put in place to try and spearhead the process of transcending the barriers which this transformative legislation requires. For instance, respondent 3 argued about the positive influence the department offered with her training on sign language. However, taking the initiative to see the implementation of the newly acquired knowledge did not see the light of day. Respondent 2 also argued about the respondents' lack of education as well as absence of proactive drive for programmes that would seek to ensure disabled people are prioritised. For effective implementation of disabled programmes, resources that enable and support institutionalising support for people with disability are required. Proactive engagement and provision of direction and vision for such initiatives is very important. Ehlers etal. (2007:218) emphasise that self-awareness, self-regulation, motivation, empathy and emotional intelligence is key in creating an environment for sustainable disability programmes to bear fruits. Ehlers etal., (2007:220) further emphasise that "leadership should be concerned with guiding, encouraging and facilitating others in the pursuit of ends by the use of means, both of which they have either selected or approved."

Bloisi, et al.(2003:405) corroborates the above mentioned view by stating that leaders should establish a cooperative environment in which all opinions are heard and evaluated before a solution is reached. Taking this to the establishment of the various units articulated in the opening paragraph, a participatory democratic practice should be institutionalised to ensure that all stakeholders make impact on the strategic direction in which some of the initiatives that the office of the Premier was taking.

5.6 Summary

The main objective of this chapter was to interpret data presented in chapter four in response to the research questions of the study. Analyses of information obtained from the questionnaire on profiles of respondents as well as data obtained from interview questions were conducted. The information gathered reflected feedback which was necessarily not so positive about the implementation of the employment equity policies. Four respondents who constituted fifty percent (50%) of those interviewed were positive about the implementation of the employment equity policy and the 50% representation atsenior management level. The other 50% reported some form of dissatisfaction due to the lack of visibility or inability to conduct workshops to staff on employment equity, lack of consultation of various stakeholders to solicit participatory democracy and laxity in the provision of leadership to have the implementation driven from the top.

In the following chapter, conclusions will be drawn on how the study unfolded. Limitations will be pointed out and recommendations given. Also, areas for further research will be suggested.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Chapter five provided the analysis of the findings around the implementation of Employment Equity specifically for people with disabilities within the office of the Premier. This chapter presents the conclusions, limitations and recommendations resulting from this empirical study. The conclusion is formulated based on the literature review gathered as well as the empirical evidence obtained from the respondents. Recommendations will be based on the integration of both the results of the literature review as well as the empirical evidence obtained from the respondents working in the office of the Premier.

6.2 Conclusions

When the steam engine which engineered the wheel of change started rolling, policies were developed to ensure transformation of the society based on the attributes of the values of the constitution. While the promulgation and the implementation of the Employment Equity Act cannot be overemphasised, the road to the realisation of the dream was daunting, taking into consideration the change management processes the legislators, implementers and consumers of these policies had to go through. An overview of the policy implementation process was discussed to set the tone for the process of implementation, monitoring and evaluation of the policy which came out from the empirical evidence obtained from the respondents.

An overview of legislations such as EEA, BBBEE, AA, DM, PSA and PSR were presented in order to lay the groundwork for fair assessment of the implementation of the policy, considering the nature and challenges which a society in the process of transformation is faced with. Implementation of the policies proved daunting given the change management processes that the society had to go through. While noting a number of challenges which lay the

groundwork for inhibiting barriers in fast-tracking transformation, a lot of positives were drawn from the literature.

International perspective was also drawn, giving an overview on how other societies were experiencing employment equity practices. Statistics obtained from such comparisons attest to the fact that changing the mindset or diversity management in multinational and multicultural society remains an international problem. Comparing reports on the eradication of discriminatory practices, South Africa was not far-off from the international community. Again, given the fact that disabled people have been marginalised in many spheres including education, fair implementation of equality based on constitutional principles remains a journey to be undertaken. Levelling the playing field in terms of provision of education, infrastructure and change management on societal and institutional mindset had to be viewed within the context of participatory democracy which allows leadership provision based on democratic principles.

Nevertheless, the results of this empirical study showed that the office of the Premier was not far-off in terms of laying institutional arrangement for the end product to be realised. While the significance of the compliance practice is the main guiding light, the structural arrangements in place and the consciousness of the people (both implementers and the affected parties – people with disability) can act as an instigator for this transformative process to unfold.

6.3 Key Findings

6.2.1 Concerned about the target

The spirit and the intensions articulated on the legislation requires progressive fulfillment of the act in terms of empowerment and transformation. However, just like many countries the world over, the focus was on meeting the targeted number. The office of the Premier looked content to have met the employment equity target at the senior management level. This in a way left a vacuum to those who are on the fringes with very little education. Thus, employment equity tends to be concentrated on

meeting the target set nationally rather than paying special attention on the designation groups in terms of involving them in programmes that already exist such as learnerships, internships and human development through skills training and performance management.

6.2.2 Beneficiaries mostly aligned to those who are from elite social stratum

Skills development Act, Employment Equity Act and Broad Based Black Economic Empowerment have the intent and purpose of taking the previously disadvantaged from economic, social, educational and political abyss to equality and social justice. What was found was that many of those who were absorbed and constituted the 2% at the senior management level had sound academic background. The study found no trace of those who came through the ranks and were empowered.

6.2.3 Structures existing from within the Office

Disability Forum, Employment Equity Forum and Employment Equity Unit (within HR Planning) were found to be structures viable to correctly deal with issues of people with disabilities. However, what was found was that the former (Disability Unit) was said to be externally focused. It dealt with a lot of campaigns outside the ambit of government. Employment Equity Forum assembled individuals to inform them about developments on issues of equity rather than creating a dialogue where everybody invited would be a participant in the programme. Employment Equity within HR Planning focused on balancing the numbers rather than progressively implementing the legislation in terms of the spirit of the constitution where equality before the law and equal opportunities are guaranteed.

6.2.4 Beneficiaries Employment Equity

Unlike in other organisations both public and private established on annual reports from the Commission on Employment Equity from the Department of Labour, the office of the Premier had predominantly African beneficiaries of EE. From a number of reports in successive years, whites were found to be

dominant because of the better education they received during the apartheid period. This uncommon phenomenon reflects the right step toward the transformation agenda.

6.4 Limitations

When the study was pursued quite a number of limitations were observed. Not so many sources could be found to compare and contrast the study. Most of the literature gathered was South African focused. The inward focus restricted broad scope of how international communities with multiracial and multicultural population were dealing with the challenges South Africa was currently faced with.

Secondly, the unit of analysis, which was the office of the Premier in Limpopo, restricted the scope in terms of the number of people to be engaged at the senior management level. Not a single senior manager with authority on policy and strategy was interviewed for the purposes of this study. The absence in participation of the all units responsible with planning restricted the exploration of the subject. The unavailability of focused group, particularly at the entry or junior level restricted the gathering of empirical evidence on the affected group. The office also shared very little of their information (policies, reports etc) and that restricted the extensive exploration of the subject.

6.5 Recommendations

For the Premier's office, specific recommendations were formulated based on the findings of the empirical study. The general recommendations were developed looking at the global trend observed from reports of other departments and private companies obtained from the Commission for Employment Equity Annual Reports as well as international benchmarks obtained from the literature study.

6.5.1 Organisational Specific recommendation

The office of the Premier should look at developing a discussion framework around disposing societal stereotypes on PWDs. This framework should encompass training staff to value diversity and develop competencies around diversity management. Strong commitment on the implementation of the framework should be led by management to ensure that the practice is entrenched within the fabric of the office's culture.

The Premier's office should move beyond the target articulated on the employment equity plan by advocating empowerment in the spirit of the constitution as well as the legislation which requires progressive realisation of equity beyond set targets. Programmes should be put in place that assist the office of the Premier in the recruitment, selection and appointment of people with disabilities. In this instance, internships and learnership programmes should identify people with disability so that such programmes can assist in fast-tracking increase in the number of disabled people on the system. There should be collaboration between the office of the Premier and organisations dealing with disabled people so that both sectors can enhance each other's programmes, create a database in which people with disability can be identified and assisted in getting into the system.

6.5.2 Communication, leadership, and employment equity plan

The above-mentioned practices were not fully explored and thus recommendations are suggested based on the existence of the structures meant to govern the implementation of employment equity by the office. Nel et al. (2004) point out the importance of organisational communication between employer and employee. They argue that communication is an indispensable part of the organisation. Thus, effective communication through the sharing of policies and involving all employees about policies which the office has to implement could go a long way towards assisting effective and efficient implementation. Leadership in the drive toward implementation of the plan is vital. Impact on policy implementation is influenced, for the most part, by the drive coming from a higher office.

6.5.3 General recommendation

Transformation is not an event and therefore implementation of the EE legislation requires a long term strategy that would deal with the societal stereotypes and change management practice to both the implementers and beneficiaries. A culture of entitlement needs to be discouraged so that no one feels entitled to a particular job. Perceptions that certain people are meant for specific job opportunities create entitlement and resistance to change the *status quo* where able bodied employees believe people with disability require more resources to support them and time. Such thinking should be discouraged. Use of employment equity forums as well as NGO campaigning for the rights of people with disability should be increased in order to dispel the stereotypes that society hold in relation to people with disabilities.

6.5.4 Area of further research

The empirical study undertaken was based on the analysis of the empirical evidence gathered from the respondents as well as secondary sources from the institution where the study was undertaken and international reports on the implementation of EE. This was found to be a common phenomenon to multicultural societies. It was also noted that EE is transformative in nature and given South Africa's historic past, the implementation thereof should not be an event but a process which requires monitoring, support and evaluation on a continuous basis. People with disability will always form part of communities, and therefore, they need to be treated like any other citizens. In other words, they are also entitled to enjoy all the rights that every citizen enjoys. After the recommended intervention, there is a need for further investigation, especially with entry level employees in order to establish how committed the country is, in practical terms, to empower and develop previously disadvantaged individuals, in this instance, people with disability.

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APPENDIX A: RESEARCH QUESTIONS

PERSONAL PARTICULARS

1. DEMOGRAPHIC DATA	
PLEASE INDICATE AN APPLICABLE OPTION ON THE TABLE BELOW	
1.1 Gender	
MALE	FEMALE
1.2 ETHNICITY	
1.2.1 African	
1.2.2 White	
1.2.3 Coloured	
1.2.4 Indian	
1.2.5 Asian	
3. DISABILITY: IF APPLICABLE (PROCEED TO NEXT QUESTION- 4 IF NOT APPLICABLE TO YOU)	
Hearing challenged (deaf)	
Physically challenged	
Partially sighted	
Any other form of disability not stated above Specify please!	
5. AGE	18-25 years old
	26-34 years old
	35-44 years old
	45-54 years old
	55 and above
6. CURRENT POSITION	Senior Management
	Middle management
	Junior management
	Supervisor
	Senior/chief clerk
	Clerk
	Cleaner
	Security Officer
7. NUMBER OF YEARS IN CURRENT POSITION	
8. NUMBER OF YEARS WORKING FOR THE OFFICE OF THE PREMIER	
9. HIGHEST QUALIFICATION	PASSED GRADE 10
	GRADE 12
	CERTIFICATE (3 months and above)
	DIPLOMA (3 years)
	DEGREE
	HONOURS DEGREE
	MASTERS DEGREE
	DOCTORATE

10. HAVE YOU BEEN APPOINTED TO YOUR CURRENT POSITION THROUGH EMPLOYMENT EQUITY?	YES	NO

FACE TO FACE INTERVIEWS

1. What do you know about Employment Equity Act No.55 of 1998?
2. How do you relate your understanding of this legislation with the way the legislation is being implemented by your office?
3. To what extent have you moved with regards to the realization of the Employment Equity objectives of your office for people with disability?
4. In general have you made steady progress in terms of meeting the required target as set by the Department of Labour?
5. In which categories is employment of people with disabilities most prevalent?
6. Some commentators regard the implementation of EEA as part of window dressing or fighting to have numbers in place than the actual process of addressing equity and diversity in the workplace. Do you agree with this assertion? Explain.
7. What challenges have you encountered in fulfilling the mandate of the EEA with regards to people with disabilities?
8. Are there any efforts/dedicated programmes to deal with diversity management within the workplace?

APPENDIX B: LETTER TO THE OFFICE REQUESTING PERMISSION

APPENDIX C: GRANTING OF PERMISSION BY DEPARTMENT