

UNIVERSITY OF KWAZULU-NATAL

EMPLOYMENT EQUITY PRACTICES AT ETHEKWINI MUNICIPALITY

By

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ABSTRACT

This research focused on the Employment Equity Act in order to determine whether the eThekweni Municipality was achieving the Employment Equity Targets. This was researched through a data mining process. Employment Equity is an integral part of workplace transformation in the post-apartheid era. The democratic government introduced the Employment Equity Act No. 55 of 1998 as a vehicle to drive transformation in a highly divided South African workforce market. The common method of implementing the employment equity has been affirmative action policies. The success of the implementation of the employment equity depends upon the commitment by government departments of Labour and Justice, all designated employers, employees, trade unions, shareholders and customers. The Employment Equity Act mandate designated employers to prepare and implement the Employment Equity Plan. This study focused on the implementation of Employment Equity at eThekweni Municipality. The research involved the detailed analysis of eThekweni Municipality Employment Equity Plan, Affirmative Action policies, annual numeric targets, and progress reports submitted to which was qualitative in nature. The research process involved mining official records to obtain the necessary data. The findings revealed that the eThekweni municipality was compliant with the Act in terms of developing an Employment Equity Plan and implementing Affirmative Action policies. It was noted that the municipality was making steady progress towards equity. The pace of transformation was not convincing and it was skewed in favour of male employees. The woman and people with disability were not sufficiently represented in all job levels of the organisation. The also study find that racial distribution was not representative of the eThekweni area demographics, there was an influx of Black employees at the low job levels which somehow increased the percentage of the overall Black employees in the Municipality.

The Municipality seems to have numerous programmes in place such as Talent Management and policies such as disability policy that seek to redress past-imbalances. The effects of such initiatives are yet to produce noticeable and meaningful results. The findings of the study conducted at eThekweni are not very different to the general findings by the 2012 / 2013 Commission for Employment Equity. Indeed there is a great need for eThekweni municipality not only to comply with the Act administratively but also to meet its annual numeric targets. This research has yielded recommendations to address the municipality's shortfalls.

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CHAPTER ONE

INTRODUCTION TO THE RESEARCH

1.1 Introduction

With the advent of democracy in South Africa in 1994, the newly elected government adopted laws and policies that advocated for the prevention of and elimination of unfair employment discrimination against racial groups, women and people with disabilities (Section 6, Employment Equity Act of 1998). A number of statutes were passed post 1994 aimed at improving the conditions of the previously, historically disadvantaged. The statutes included the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997 and the Employment Equity Act No 55 of 1998 (EE).

These pieces of legislation were founded on the basis of the Republic of South African Constitution, 1996. The South African Constitution aims to create a society that is founded on principles of equality, dignity and freedom. Section 9 of the constitution protects the right to equality and enshrines the constitutional guarantee that the law will protect and benefit people equally and prohibit unfair discrimination.

The Employment Equity Act (Sections 20 and 21) prescribes that all designated employers must develop and submit Employment Equity Plans to the Department of Labour in order to ensure that unfair discrimination is eliminated in the workplace and affirmative action measures are taken to provide employment opportunities to the people from the designated groups.

1.2 Background of the Research

The local government sector is one of the sectors affected by workplace discrimination. This is because during the apartheid era, all sectors of governance were controlled politically and promoted discrimination in the workplace and other areas. The effects of workplace discrimination were clearly visible in top management and senior management positions as they were occupied mostly by white males.

eThekwini municipality had its fair percentage of workplace discrimination as it was governed by the same political party that promoted inequality and discrimination.

Noting the above, it was therefore imperative that eThekwini municipality developed and implemented an Employment Equity Strategy to undo the past imbalance and ensure that employee profile was in line with the demographics of the eThekwini area and the country. It was necessary/mandatory for organisations to increase equity efforts in the Post-Apartheid South Africa (EEA).

1.3 Research Objectives

The study was to critically analyse and evaluate eThekwini Municipality's Employment Equity Plan against legislated employment equity practices in order to:

1. Establish if the eThekwini Municipality's Employment Equity Plan was in line with the EEA No. 55 of 1998.
2. Ascertain if the implementation of the Employment Equity Plan was bearing the expected results in all job levels within eThekwini workforce.
3. Establish if eThekwini Municipality Employment Equity Plan have programmes to address the workforce imbalances and bring about workforce equity.

1.4 Motivation for the Research

The research was to investigate the impact that the Employment Equity Act has had on the municipal sector, specifically, eThekwini municipality. The research may unpack the situation within eThekwini municipality. It may provide an opportunity to learn about the transformation process in the municipal sector. The research findings would be shared with the employer so as to encourage healthy engagement on transformation issues and hopefully contribute to the overall transformation of the eThekwini municipality.

1.5 Problem Statement

In view of the legislation requiring compliance with the Employment Equity Act No 55 of 1998. This research was conducted in order to ascertain the extent to which the eThekweni municipality has been implementing employment equity.

1.6 Value of Study

The study would serve as a working document for decision making by eThekweni municipality with regards to its future recruitment in order to ensure Employment Equity. It would enable eThekweni municipality to provide its employees with equal and fair opportunities within the ambit of Employment Equity Act. It would help bridge the gap between eThekweni municipality's targeted and actual figures with regards to its Employment Equity Strategy, if needed.

1.7 Research Methodology

The study adopted a qualitative research methodology. The research is an evaluative case study. The research focused strictly on eThekweni municipality as an employer, evaluating its Employment Equity Plan. The research analysed various documents relevant to the study. The secondary data analysed in the study was obtained from official eThekweni municipality sources.

1.8 Data Analysis

The first step in this exploratory study was data mining, search for primary data. Secondary data for studies made by other researchers on eThekweni was obtained and analysed. It took the form of historical data and reports from prior research studies. Conclusions and recommendations were made based on the findings.

1.9 Limitations of the Study

The research is limited to eThekweni municipality. The study took into account five years of historical Employment Equity data (2009-2013) within the municipality. This limited period may not be sufficient therefore not conclusive in measuring whether eThekweni municipality was meeting its Employment Equity targets. The data may have been limited but it was a

reliable base for forecasting future employment equity trends, on which the author's recommendations were based. The study explored a diverse and controversial topic that warranted that the information be obtained from reliable sources within eThekweni municipality. All data used was reliable as it was obtained from reliable official sources.

1.10 Structure of the Research

Chapter 2 would review literature relevant to employment equity. Literature review focused on equity reports submitted to the department of labour by the eThekweni municipality, academic literature, books and journals reviewed. The discussion contained a discussion on the EEA and its affirmative action policies. The research methodology utilised in the study was discussed in detail. The discussion entailed information on type of research, the actual design. It clarified and explained the reliability and validity of the study, and justified the choice of the research methodology. Chapter 4 of the study presented eThekweni municipality employment equity strategy. The following Chapter 5 conducted an analysis and evaluation of the eThekweni employment equity strategy to ascertain if it is in line with the EEA and if it was meeting set targets. The last chapter 6 of the research provided recommendations and conclusions.

1.11 Conclusion

Chapter 1 provided a summary of the research itself highlighting the motivation, objectives right up to the structure and limitations of the research. The next chapter 2 focuses on the literature review.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The Employment Equity Act (EEA) No. 55 of 1998 was passed by parliament in 1999 in order to deal with the disparities in the South African labour market that had been created by the apartheid system of government. The EEA aimed to achieve employment equity by eliminating unfair discrimination, and implement affirmative action measures in order to redress past imbalances that existed in employment, present equal employment opportunity to designated groups, in order to transform the South African Workforce and ensure equity in all occupational categories and levels.

According to Albert and Jali (2013) the eThekweni municipality faced a high unemployment rate of 20.6%. This has not dropped below 20% during the last 15 years but it was 1.2% lower than the figure released on 2010 statistics as indicated on the above paragraph. A large portion of unemployed people (56%) in eThekweni had been unemployed for a year or more. A high percentage (80%) of the unemployed in eThekweni was youth (aged 15 to 35 years old). This was higher than the national proportions (Albert, Forrest and O'Leary, 2013).

According to Heaton (2012) the South African Statistics report for 2012 revealed that the KwaZulu-Natal Population is constituted of Blacks (85.2%), Indians (8.3%), Whites (5%), and Coloureds (1.5%). It further indicated that people with disability are 4.6 % in total, male are 4.6%, and female 5%. The eThekweni Municipality Integrated Development Plan (IDP) 2009/2010 revealed that eThekweni population comprise of Blacks (68%), Indians (20%), Whites (9%) and Coloureds (3%). It further indicated that the working age group constitutes 68% of the eThekweni population; eThekweni contributes 53.4% of the provincial employment percentage.

This chapter is a review of literature relevant to Employment Equity. Affirmative Action is dealt with extensively. This chapter presents and defines relevant terms and highlights challenges in the implementation of the provisions of the act.

2.2 Background to Employment Equity in South Africa

The South African labour market was beset with inequality in terms of access to education, skills levels and access to managerial and professional positions. Labour practices were based on race and ethnicity instead of talent, creativity and endeavour (Sookul, 2003).

According to Beinart and Dubow (2013) the introduction of the 1911 Mines Work Act saw the beginning of legislation which was designed to divide people. They further argued that segregation was more than panoply of restrictive legislation. They saw segregation as an ideology and a set of practices seeking to legitimise social differences and economic inequality in every aspect of life. They noted that segregation laws excluded Blacks from skilled work and especially from the exercise of supervisory functions over whites.

According to Durrheim (2010:31) apartheid policies in South Africa put a system of race-based exploitation and marginalisation into operation, according to which ‘black’ (Africans, Indians, Coloureds) people were provided with segregated, inferior and inadequate education and healthcare. Blacks were barred from certain categories of employment, as well as from accessing recourses such as land, housing and finance. He further stated that the policies of apartheid, and colonialism before them, laid the framework for an extensive system of affirmative action for whites, which left in its wake widespread race-based poverty, exclusion and inequality.

Coovadia, Jewkes, Barron, Sanders, and McIntyre (2009) stated that South Africa is a country of political resistance; after 82 years, the organised multiracial struggle against unjust rule by apartheid government finally won democracy in 1994, along with a constitution that established the foundation for democratic institutions and legislation such as the Labour Relations Act, Employment Equity Act (EEA) that seek to uphold wide-ranging human rights.

2.2.1 Discrimination

Desseler (2013) defined discrimination to mean taking specific actions toward or against the person based on the person’s group. Ehrenberg and Smith (2009) stated that labour market discrimination was said to exist when individual workers who have identical productive

characteristics were treated differently because of the demographic groups to which they belong.

According to Venter (2011), the international labour organisation (ILO) fact sheet pointed out that the new forms of discrimination had emerged. He further indicated that the additional forms of discrimination were based on lifestyle and health status. Other types of discrimination took the form of social isolation, violence and verbal harassment and abuse (Venter, 2011). According to Grogan (2011), there are two types of discrimination in the work place. He named them as direct and indirect discrimination.

Grogan (2011) explained that direct discrimination occurs when adverse action is taken against people precisely because they possess one of the characteristics. He then explained that indirect discrimination occurs when seemingly objective or neutral barriers are placed before people which exclude members of particular groups merely because they happen to be members of those groups. Section 6(2) of the EEA states that it is not unfair discrimination to take affirmative action measures consistent with the purpose of this act or distinguish, exclude or prefer any person on the basis of the inherent requirements of a job.

Venter (2011) stated that unfair discrimination occurs in any employment policy or practice on one or more grounds including race, gender, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, and birth. Kopel (2009) stated that the Amended Code of Good Practice on the handling of Sexual Harassment Cases in the workplace considers sexual harassment as a form unfair discrimination.

2.2.2 Equity

The concept of equity is well entrenched in international law. Lauren argued that Universal Declaration of Human Rights stated that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Lauren, 2011).

Falk *et al* (1993:2) stated that “Equity derives from a concept of social justice. It represents a belief that there are some things which people should have, that there are basic needs that should be fulfilled, that burdens and rewards should not be spread too divergently across the

community, and that policy should be directed with impartiality, fairness and justice towards these ends”.

According to Burger and Jafta (2010) equality can involve a formal notion of treating everyone who is in a similar position the same. They argued further that equity invokes the requirement of ‘fair’ treatment in order to achieve substantive equality as an outcome in the workplace, equal treatment and equal opportunity, like equality, subjects everyone to the same rules without distinction.

Schmidt and Block (2010) explained that there was a difference between equity and equality. They argued that equality suggested that everyone should be treated the same and equity recognised that certain groups have unearned power and privilege that needed to be mitigated to ensure fair participation.

According to Rossouw (2010), Equality means that everyone is everyone is equal before the law and has the right to equal protection and benefit of the law. He further argued that equality includes the full and equal enjoyment of all rights and freedoms. Rossouw further stated that to promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination may be taken.

2.3 The Employment Equity Act

Grogan (2011:8) stated that the preamble of EEA reads as “Recognising that as result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market; and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be addressed simply by replacing discriminatory laws”.

According to Bendix (2011), the Employment Equity Act formed third major legislative innovation in labour law. The Presidential Labour Market Commission was established upon an Act passed by Parliament on September 14, 1995, with terms of reference which included, *inter alia*, the proposal of mechanisms to redress discrimination in the labour market, the commission recommended the promulgation of the Employment Equity Act (Burger and

Jafta, 2010). The construct of EEA was based on Canadian legislation, though it borrowed from other legislation (Bendix, 2010).

According to Swanepoel (2012), employees of the South African Defence Force (SANDF), National Intelligence (NIA) and South African Secret Services are excluded from the provisions of the EEA.

Bendix (2010) stated that the main objective of the Act was the elimination of discrimination in the workplace and promotion of affirmative action. Grogan (2011) stated that the Act was designed to contribute in the transformation of the labour market by ensuring that employers promote the constitutional right of equality and the exercise of true democracy, eliminate unfair discrimination in employment, ensure the implementation of employment equity to redress the effects of discrimination, achieve a diverse workforce broadly representative of our people, Promote economic development and efficiency in the workplace, and give effect to the obligations of the Republic as a member of the Institutional Labour. Thus achieving these objectives meant confronting a legacy of unequal education, job reservation, racism and discrimination in the workplace (Nel, 2012).

Grogan (2011) stated that one of the goals of Employment Equity Act is to ensure that the nation's working population reflects the demographics of the South African population as a whole. Finnemore (2009) argued that the Employment Equity Act would add to the enhancement of a diverse and productive workforce. According to Desseler (2013), diverse workforce referred to workforce comprised of two or more groups of employees with various racial, ethnic, gender, cultural, national origin, handicap, age, and religious background.

Finnemore (2009) stated that the Employment Equity Act further entrenched the constitutional rights to protection against unfair discrimination, the promotion of affirmative action, and to fair labour practice. The EEA through affirmative action provided a platform for suitable qualified candidates from designated groups to compete for relevant positions they are qualified (Bendix, 2010).

According to Bendix (2010) designated groups refers to Blacks, Females, and people with Disability. She further explained that in terms of the Act, 'Black people' is a generic term, which means Africans, Coloureds and Indians. Bendix (2010) continued explaining further

that 'People with disabilities' is defined as people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in, employment. Kopel (2009) stated that the definition of designated groups has been limited to natural persons who are citizens of South Africa by birth, descent or by naturalisation. Kopel continued to explain that the effect is that foreigners, who otherwise fit the definition of belonging to designated groups, will not count towards a designated employer's numbers for the purposes of employment equity.

According to Kopel (2009), the Pretoria High Court held that South African Chinese people fall within the definition of 'Black People' for the purposes of the Employment Equity Act and Broad-based Black Economic Empowerment Act. He explained further that designated employers have to consider South African Chinese for future employment as they officially fall under the designated employees' category.

Venter (2011) stated that Section 13 of the EEA describes a designated employer as someone that employs 50 or more employees, a person employs fewer than 50 employees but who has an annual turn-over greater than the level defined in schedule 4 of the EEA. He further stated that the definition excludes the National Defence Force, the National Intelligence Agency, the South African Secret Services and an employer bound by collective agreement in terms of section 23 or 31 of the Labour Relations Act.

2.4 Affirmative Action

According to Van der Westhuizen and Wessels (2011) the concept of Affirmative Action was first used in the United States of America in the Wagner Act of 1935. Erasmus (2010) stated that Affirmative Action (AA) is the protection and advancement of the interest of persons disadvantaged by the past unfair discrimination, further explained that affirmative action is a labour market policy aimed at redressing past imbalances that are a direct result of discrimination. Affirmative Action policies aimed to achieve a diverse workforce broadly representative of the population in all occupational categories and levels through the appointment of suitably qualified people from the disadvantaged groups (Finnemore, 2009).

Bendix (2010) argued that problems surrounding affirmative action emanate from the manner in which affirmative action was being implemented. She believed that companies had merely

enforced affirmative action because it is a 'political imperative'. She further argued that some organisations failed to see Affirmative Action as a business objective, which needed to be sustainable within the framework of the organisation objectives in total.

Pojman (2010) stated that there are two types of affirmative action, weak affirmative action which seeks to provide fair opportunity to all citizens and strong affirmative action which enjoined preferential treatment to groups who had been underrepresented in social positions, concluded that while weak affirmative action is morally required, strong affirmative action is morally wrong.

Muriel, Camit and Lise (2013) argued that affirmative action helped organisations to transform. They further argued that affirmative action did not take away opportunities from those who are not part of designated groups. They acknowledged that in some sectors of society Affirmative Action is seen to be taking opportunities away from those who are not considered part of the designated group by the EEA. They insisted that if employers chose the best candidate from a pool of applicants, affirmative action could boost the talent and improve workforce demographics.

Muttarak (2013) noted that in Northern Ireland, affirmative action was put into statute with the introduction of the Fair Employment Act of 1989 and came into operation on 1 January 1990, became an important feature of employment from the 1980s and has been a key building block of the Peace Process.

2.5 Challenges of Employment Equity and Affirmative Action

Herring and Henderson (2012) stated that affirmative action has been under sustained assault for more than a decade. They further stated that it had been questioned in courts, legislatures, and the media, opponents have condemned it as an unprincipled program of racial and gender preferences that threatens fundamental American values of fairness, equality, and democratic opportunity.

According to Durrheim (2010), the Employment Equity Act and Affirmative Action have attracted a lot of attention. He stated that a number of commentators including political parties such as the Democratic Alliance (DA) and the Freedom Front Plus (FF+), as well as

labour organisations such as Solidarity have voiced strong opposition to affirmative action and other similar policies, arguing that they constitute a form of reverse discrimination against whites, lead to inefficiency and a drop in standards and re-racialise South African society. Van der Westhuizen and Wessels (2011) argued that affirmative action was not discrimination in reverse. They further stated that it was not appropriate to apply the same requirements of neutrality, applicable in the domain of antidiscrimination regulation, to affirmative action.

Hinks (2010) argued in his study on “job satisfaction” that race related arguments in the South African labour market were complicated by affirmative action. Hinks noted that implementation of affirmative action reasonably diminished job satisfaction of whites. By job satisfaction he referred to job earnings, job security, and work environment in general. The study also discovered that coloured workers were not too happy with employment equity and affirmative action as they indicated that not all groups that should be benefiting from post-Apartheid legislation are doing so.

Grobler and Warnich (2006) raised their concern about the women and people with disability in particular. They believe that women had done considerably less well than their male counterparts in obtaining promotion to higher levels of employment. They also highlighted that employment of people with disabilities had been especially low. They are not criticising employment equity as a concept. Their concern is more specific to the lack of women and persons with disability in higher positions.

In another separate case involving the Western Cape it was clear that employers are battling to find the right skill and experience to consider for senior management positions. According to the news-paper report Sapa (April 17 2013 18:21), Premier Helen Zille stated that the Western Cape has a small pool of qualified people to consider for senior management positions, regardless of race,. She told reporters in Cape Town only 10% of the Province's economically active population had a three-year-degree, one of the requirements of a senior management position.

2.5.1 Research on the Implementation and Impact of Employment Equity

Department of Labour commissioned a study on the implementation of employment equity in 2008. The research conducted at University of the Witwatersrand, Sociology of Work Unit by Bischoff, Buhlungu and Lewins. The study titled 'Tracking progress on the implementation and impact of the Employment Equity Act since its inception' some of the findings are presented.

According to Bezuidenhout, Bischoff, Buhlungu and Lewins (2008), the study find that in the majority of the workplaces disability was unfortunately overlooked as an issue in employment equity. In addition when recruitment takes place for a position to be filled by a person with a disability, it was reported that no applications were received from disabled applicants. In many of the workplaces visited it was reported that they had never been visited by a representative of the Department of Labour in the form of an inspector. The respondents indicated unanimously that they had never received any help from the Department of Labour on their EEA2 forms. Another respondent raised her opinion by saying that her idea of the Employment Equity reports and the Department of Labour is that it is a "black hole within which EEA2's disappear into. Furthermore, the respondent questioned how the Department of Labour monitors and engages with what is submitted to them in a meaningful way, as companies devote resources and time to these reports.

Bezuidenhout *et al* (2008) continued stating that another problem encountered lies in the Employment Equity Registry itself, often the EE Registry could not find all the EE Reports for the workplaces of the same company and there were gaps in the information over the years.

Added to the woes of the Commission of Employment Equity Registry, it is widely believed that a large number of employers simply do not submit their reports. In 2005, it was reported that twenty five municipalities (for example the metropolitan councils like Tshwane and Johannesburg), thirteen provincial government departments, nine national government departments, the South African parliament and the director of public prosecutions failed to submit their reports to the Department of Labour that year (Bezuidenhout *et al.*, 2008).

Trade Union Solidarity brought a case of affirmative action on behalf of 10 Coloureds employees to Judge Hilary Rabkin-Naicker in Cape Town Labour Court on 24 April 2013. The union claimed that the department is pursuing a "blatant policy of absolute racial

representation" when it comes to appointing job applicants to positions. Protesters held up posters with the messages "Employment Equity is Racism", "Staan Saam Bruin Mense" (Stand together, brown people), and "Job Reservation is Apartheid". Many of the protesters wore orange, sleeveless safety vests, of the type worn by construction workers. Written on the front were the words "Post 94, Not Black Enough", and on the back, "Pre 94, Not White Enough". It claims this is "unfair, irrational and unlawful". The union said that in all cases "the persons concerned had been identified as the best candidates for the positions they had applied for, and their skin colour was the only reason why they were not appointed" (Sapa, Jul 29 2013 15:41).

Sapa (2013) continued stating that the Public service regulations required a university degree and five years of relevant management experience. According to statistics compiled by Zille's department, 6% of whites, 2.1% of coloureds, 1.7% of blacks and 0.3% of Indians in the province had at least a three-year-degree (Sapa, 2013). According to Sapa (2013) Zille had indicated that the figures above would be even narrower if one included the relevant experience, which many young graduates did not have. The racial representation of the 75 senior managers in the 80 000 strong government workforce was therefore a moot point. The challenge also lay in hiring professionally qualified specialists. "These skills, and the necessary experience to work effectively at high levels of government, take years to develop. That is why the Constitution and the law make the skills pool a key criterion, and that is why employment equity plans need to focus on building the requisite skills pools." A recent media report attacked Zille over Employment Equity (EE) figures for senior management positions that were released in Parliament.

2.6 Implementation of Employment Equity

Nel and Holtzhausen (2008) stated that there five steps involved in the implementation of employment equity. The steps include consulting with employees, conducting an analysis, preparing an employment equity plan, and reporting to Director-General of the Department of Labour on annual achievements and progress made.

Venter and Levy (2009) stated that the decision making level of senior management must be informed of the requirements of the legislation. The managing director should assume responsibility for the process and for the development of the employment equity plan. They

further stated that policies should also be developed to prohibit unfair discrimination. It was necessary to establish equity committee and it must be inclusive of labour or employee representatives.

Venter and Levy further stated that the employee committee must be trained as required by the Act. It was imperative that management consult with the employee's structure regarding the design and outcomes of the analysis and the audit. It was critical that the employee committee should be informed what barriers to employment for designated groups have been identified by management. The employee committee should also be informed of management proposed plans to address such barriers.

Venter and levy (2009) further explained that management structure should determine numerical target to achieve employment equity, and decide on time frames to achieve their objectives. It was of critical importance that management appoint equity manager and assign responsibility for the management of the Employment Equity Plan. Management is expected to complete the employment equity plan on forms prescribed by the department of labour, the form must be submitted to the department and the copy be kept where accessible to any employee.

2.6.1 Monitoring and Enforcement

According to Bezuidenhout *et al.*, (2008), the EEA developed 7 various Codes of Good Practice. The purpose of the Codes is to serve as a guide to employers, employees and trade unions to understand and implement the key principles of the EEA on the employment of people across the designated groups. These codes included 'the Preparation, Implementation and Monitoring of Employment Equity Plans, the Key aspects of HIV and AIDS and Employment, the Employment of People with Disabilities, the Integration of Employment Equity into Human Resource Policies and Practices, the Code of Good Practice for the Basic Conditions of Employment and Pregnancy, the Code of Good Practice on the Handling of Sexual Harassment Cases, and the Code of Good Practice on the Arrangement of working time'.

According to Swanepoel, Erasmus and Schenk (2008), the general monitoring of an employer's conformance with the EEA is left primarily to employees, shop-stewards, trade unions, workplace forums, labour inspectors, and the Director General of Labour.

2.6.2 Commission for Employment Equity

The functions of the Commission for Employment Equity include to advise organisations on codes of good practice, regulations and policy matters, to conduct research and report to the Minister on any matter related to the Employment Equity Act (Bendix, 2010).

2.7 Implementation of Affirmative Action Measures

Venter and Levy (2009) stated that employers needed to implement affirmative measures. They continued stating that these measures include making reasonable accommodation for people from designated groups, measures to ensure that equitable representation of suitable qualified people from designated groups in all occupational levels in the workforce, and measures to retain and develop people from designated groups and to implement appropriate training measures.

According to Bezuidenhout et al. (2008:4), inequity in the labour market under colonialism and apartheid was a result of policy interventions in all these policy realms. In order to make this legacy thus requires a range of concerted policy interventions that are sensitive to the interplay between the role and functions of various government departments, the private sector and civil society formations.

2.7.1 Disability Management

It is imperative when implementing affirmative action to consider policies and programs set to deal specifically with job seekers and employees with special needs. Employers are expected in terms of the constitution and EEA to address the issue of people with disabilities. Grobler et al., (2006) indicated that the definition of designated groups by EEA included people with disabilities. According to World Health Organisation (WHO) 'disabilities' is an umbrella term, covering impairments, activity limitations, and participation restrictions. WHO further explained that impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action;

while a participation restriction is a problem experienced by an individual in involvement in life situations.

Disability is thus not just a health problem, it is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which he or she lives, and overcoming the difficulties faced by people with disabilities requires interventions to remove environmental and social barriers (WHO).

Employers must take reasonable measures to accommodate people from designated groups, these measures included providing an enabling environment for workers with disabilities so that they may participate fully and, in so doing, improve productivity (Grobler *et al.*, 2006).

2.7.2 Training and Development

According to Bugar and Jafta (2010), the human resource development category weighs 30% in the scorecard and consists of a skills development and an employment equity component, The Department of Trade and Industry's balanced scorecard counts the percentage of black people in the organisation's total work force and allocates 15% to this factor.

Venter (2004) explained that the government introduced the skills Development Act 97 of 1998. He further argued that the Act created an institutional framework to advise national, sectoral, and workplace strategies to develop skills of the workforce, this Act was closely related to the Employment Equity Act, The Act aims to increase levels of investment in education and training the labour market.

Jones and George (2008), referred to classroom training and on-the-job training. They further stated that training and development help to ensure that organisational members have the knowledge and skills needed to perform jobs effectively, take on new responsibilities, and adapt to changing environment.

Nel *et al* (2009) argued that training is important for employers, employees and trade unions. They continued arguing that effective training leads to more productive workers and greater personal satisfaction, job enrichment, and a feeling among employees that the organisation is interested in their advancement. Grobler and Warnich, (2006), stated that the effectiveness of

an organisation depends on the effectiveness of its employees. The main aim of training in the workplace is the improvement of Employees skills, knowledge and attitude so that they can perform their duties according to standard (Swanepoel, *et al.* 2008).

Another development approach is mentoring (Jones et al. 2008). They further argued that having a mentor can help managers seek out work experiences and assignments that will contribute to their development and can enable them to gain the most possible from varied work experiences. Werner, Bagraim, Cunningham, Pieterse-Landman, Pogieter and Viedge (2011:42), defined mentoring as a process through which an experienced person exposes a less experienced person to learning opportunities in the organisation. They continued explaining that can be a formal or informal process, but it gives a valuable opportunity to monitoring and influences the personal experiences of the protégé (Mentor). Formal mentoring programmes ensure that mentoring takes place in an organisation, structure the process, and make sure that diverse organisational members have equal access to mentors (Jones and George, 2008:492).

Gorrel and Hoover, (2009) stated that coaching is about identifying high potential leaders inside organisations and engages them with skilled coaches early on, they developed a coaching model called Contextual Coaching model. They further stated that contextual model coaching produces simultaneous growth and development opportunities for the organisations and the executives.

2.7.3 Talent Management

Talent management is an integral aspect of employment equity and affirmative action. Talent management is introduced in this study as one of the policies that could be adopted by organisations to address shortages of members of designated in key organisational positions.

Talent management is an important topic that has just attracted attention. Many organisations have talent management related programmes and use talent management systems but the problem lies in the definition. Collings and Mellahi (2009:1) defined “strategic talent management are activities and processes that involved the systematic identification of key positions which differentially contributed to the organisation's sustainable competitive advantage”. Talent management involves development of a talent pool of high potential and

high performing incumbents to fill key roles in organisations. Collings and Mellahi further stated that Talent Management involves the development of differentiated human resource architecture to facilitate filling of positions with competent incumbents and to ensure their continued commitment to the organisation.

In order for strategic or pivotal jobs to have a differential impact on organisational performance, it is important that such jobs are filled with high performing or high potential employees (Collings and Mellahi, 2009). When planning organisations needed to consider contingency plans appropriate to their needs, talent management could be that contingency plan (Tansley, Kirk and Tietze, 2013).

2.8 The Commission for Employment Equity (CEE) Report 2012 - 2013

The report reflected on the status of employment equity in South Africa covering the period from 1 April 2012 to 31 March 2013, it was submitted to the Minister by the Commission for Employment Equity (CEE) in terms of Section 33.

It was critical to note that there was still a great need for employment equity in South Africa, the challenge lies in the approach, the spirit of the EE Act ought to be brought back, the “designated group” members who are now in senior management and top management have yet to flex their muscle, their impact is not showing in terms of the trends (CEE, 2012 – 2013).

CCE (2012 – 2013), noted that the percentage of African people in top management declined between 2010 and 2012; between 2002 and 2012 the progress have been staggered and at one point (2008) the percentage representation of Whites in top management went up; whilst that of Africans and Coloureds went down.

The time-series data pointed to a steady and positive increase in the percentage of “foreign nationals” and Indians at the top management and senior management levels, the biggest employer in terms of the representation of Indians at top and senior management has been the government, including parastatals (CEE, 2012 – 2013).

The “movement statistics” showed no evidence of an effort to train more designated groups. The employment space in South Africa is also characterised by gender discrimination, it was evident from the Report that at all levels of management, male outnumbered female, it seem that employers have not shifted from the old behaviour in terms of recruitment; skills development and promotion (CEE, 2012 – 2013).

The analyses revealed a major transformational challenge among “Educational Institutions” as a sector; they tend to have an over-representation of White females and White males at their top management and senior management echelons. They indicated that in 2012, on aggregate more White males and females were recruited; skilled and promoted into Senior and top management than any other group (CEE, 2012 – 2013).

Large employers accounted for 21.9% (4 831) and small employers accounted for 78.1% (17 181) of reports analysed in 2012. The workforce of large employers amounted to 5 299 134 (86.1%) employees and the workforce for small employers amounted to 854 200 (13.9%) employees of a total workforce of 6 153 334 (100%). It can be noticed that although large employers on the one hand accounted for nearly a quarter of the reports analysed. They accounted for most of the employees. On the other hand, small employers accounted for nearly three-quarters of the reports received, but accounted for far less than a quarter of the workers accounted. This appears to be a growing trend that is positively influenced by the demands made by the BBBEE Act and its Codes forcing designated employers to comply (CEE, 2012 – 2013).

In 2010, the ILO adopted recommendations concerning HIV and AIDS and the world of work to guide member States on key principles to be taken into consideration when developing and implementing legislation, policies and programmes, South Africa has now reviewed its *Code of Good Practice on Key Aspects of HIV/AIDS and Employment* of 2000 and it’s Technical Assistance Guidelines (TAG) of 2003 in order to ensure alignment to the ILO Recommendations of 2010 (CEE, 2012 – 2013).

Indian males and females are comfortably in the lead in KwaZulu-Natal with respect to top management representation; where they constitute 16% and 4.5% respectively, African females do best in the top management echelons of Provincial Government where they constitute 30.2%, followed by Local Government (23.5%) as well as National Government

(23.5%), African males have their best bet in Local Government sector, where they constitute 48.3% of top management; followed by Provincial Government (45.1%); then parastatals at 42.8% (CEE, 2012 – 2013).

2.8.1 Recruitment and Promotion

According to CEE (2012 – 2013) a close analysis of the statistics for recruitment; promotion and skills development for 2012, for all employers reveals the following patterns:

At senior management level, the highest percentage of skills development goes to White males (47.7%); the highest recruitment into top management in 2012 was largely for White males (47.4%) (Versus Africans: 14.8%; Coloureds: 3.7%; and Indians: 5.6%). This practice was not in line with equity as more whites were trained and promoted to senior management positions.

The CEE report indicated that more white employees were either hired or promoted to management positions than any other race groups. This elevation into higher positions was closely related to the skills acquired from training as they were sent to training courses that equipped them with much needed skills. Promotional opportunities tend to increase for employees equipped with correct skills.

This report is important in that it indicates the extent to which employers continued to ignore EEA. The high percentage of white employees being recruited and trained for skills that will help them occupy high positions undermines the efforts to bring about equity in the workplace. Employers continue to ignore employees from designated groups. The low percentage of African employees and females recruited to senior position is testimony to the above argument. Employment equity will not be achieved in an environment where white employees are continuously recruited to senior position when they are already over represented.

2.8.2 CEE 2012 – 2013 Remarks

The commission noted that the legislation has not induced the serious transformation in the decision-making processes, the amendments that were under Parliamentary review for EE came at a better time, the proof will be on the enforcement as it was noticed that the current approach had not generated the necessary momentum or transformation, even as the country

approaches 20 years of post-apartheid democracy and after more than 10 years of EE legislation, with all its reports and requirements, the spirit and ethos of employment equity needed to be revived so that true fragmentation underpinned forward movement could be located and dealt with in an appropriate manner, the government needed to increase monitoring and enforcement (CEE, 2012 – 2013).

2.9 Assessment of Compliance with the EE Act

Section 42 of the EEA, sets out the following criteria, which must be taken into consideration by the Director-General of Labour in determining whether designated employers: are implementing employment equity in compliance with the Act, the extent to which suitably qualified people from designated groups are equitably represented in all occupational categories and levels in line with the demographic profile of the national and regional economically active population, the pool of suitably qualified people from the designated groups from which the employer may reasonably be expected to promote or appoint employees, the economic and financial factors relevant to the sector in which the employer operates, the present and anticipated economic and financial circumstances of the employer, and the number of present and planned vacancies that exist in the various categories and levels, analysing the labour turnover, track progress made in implementing employment equity by other designated employers operating in the same sector under comparable circumstances, the designated employer was making reasonable efforts to implement the employment equity plan, assess the extent to which the designated employer has made progress in eliminating employment barriers that adversely affect the designated groups, and any other factor prescribed by regulation.

According to Bendix (2010:189), the criteria for assessment of compliance include:

‘The extent to which the workforce reflects the demographic profile of the national and regional economically active population; the pool of suitable qualified people from designated groups available for employment; Economic and financial factors relevant to the sector. The employer’s present and anticipated financial circumstances; the employer’s labour turn-over; the number of present and planned vacancies that exist in the organization; Progress made by other employers in comparable circumstances and in the same sector; Reasonable effects made by the employer himself or herself, and Progress towards the elimination of barriers adversely affecting the employment of designated groups’.

2.10 Conclusion

The discussion provided a historical background of the employment structure and policies existed prior to the promulgation of the Employment Equity Act post-apartheid period after 1994 national democratic election. The review looked at the available literature on equity and EEA. The study commissioned by the Department of Labour in 2008 to track the implementation of employment equity revealed that not much is being done by designated employers to implement affirmative action. The CEE (2012 – 2013) also noted that little progress has been made to transform the labour force in this country.

It was evident from the literature review that legislation existed and guidelines were made available to designated employers. It was noted that the government departments as well as parastatals were seen to be going the opposite direction of the EEA. This raised concerns as government as an employer is generally expected to champion the implementation of its own policies and legislations. The monitoring and enforcement aspects of the implementation EEA and affirmative action leaves a lot of unanswered questions about the seriousness of the state, the ministers and Departments of Labour and Justice, employers, employees and unions.

The next Chapter 3 discusses the research methodology instituted in the study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the research methodology utilised in this research and it provides insight into the research. It focuses on the aims and objectives of the study, discusses the research approach and other related matters. Research is defined as a systematic attempt to provide answers to questions. The research results may yield abstract and general answers, as basic research often do (Tuckman and Harper, 2012).

The nature and characteristics of the study did not include all elements of typical academic research such as the population, the sample and a questionnaire. This is because the design was one of data mining and the research dealt with the facts as they are stated on eThekwini municipality's official documents and reports. The geographic area of the study was within eThekwini municipality boundaries as defined by Statistics South Africa's 2007 report. Even though the study dealt with eThekwini Municipality employees as a population, it did not have a sample. The data collected was both quantitative and qualitative in nature.

3.2 The Aim and Objectives of the Study

The aim of the study was to critically analyse and evaluate eThekwini municipality's employment equity plan against legislated employment equity practices in order to:

1. Establish if the eThekwini Municipality's Employment Equity Plan was in line with the EEA No. 55 of 1998.
2. Ascertain if the implementation of the Employment Equity Plan was bearing the expected results in all job levels within eThekwini workforce.
3. Establish if eThekwini Municipality Employment Equity Plan have programmes to address the workforce imbalances and bring about workforce equity.

To conduct the research, the study focused on the above objectives and relevant aspects of the Employment Equity Act and compliance with relevant, related issues such as affirmative action policies, talent management, skills development, disability policy, numeric targets amongst others as discussed in the literature review in chapter 2.

3.3 Participants and Location of the Study

The study reviewed and analysed eThekweni municipality documents, Employment Equity reports and literature. The location of the study was within the municipality.

3.4 Data Collection Strategies

The data used in the study was requested from eThekweni municipality's employment equity office. It was provided in the form of annual reports submitted by the municipality to the Department of Labour and written documents containing facts about the municipality. Various eThekweni municipality policy documents were also made available for the study. The eThekweni municipal intranet and internet provided useful data. Other readily available academic literature and reports from credible sources such as Statistics South Africa were used in the study.

3.5 Research Design

It is imperative to note that any research or study intend to solve a puzzle or answer a question. The research question is the objective of the study, the uncertainty the research wants to resolve (Hulley, Cummings, Browner, Grady, Newman, 2013). Depending on the approach, answering the research question is done in different ways (Neuman, 2011). According to Neuman (2011) there are two forms of research; they are quantitative and qualitative research. Denzin and Lincoln (2013) argue that some research warrants a combined approach of qualitative and quantitative methods as they cover a broad spectrum of issues.

According to Denzin and Lincoln (2013) social researchers mainly conduct research in order to evaluate a programme or process with the intention of establishing facts about effectiveness of such a programme or process. Neuman (2011) says that the research is conducted not only to establish the extent of the problem but also to find solutions.

3.6 Qualitative Research

According to Neuman (2011:362) ‘qualitative researchers who use interpretive or critical approaches also study documents and reports with statistical information’. He further stated that qualitative research does not include numeric tables and figures. Contrary to the statement by Neuman, this study includes tables and figures. This is attributed to the nature of the research being a case study. Tables and figures form part of the documents that need to be analysed in order to fully understand the Employment Equity in the case of eThekweni Municipality.

Bogdan and Biklen (2007) ascribe five features of qualitative research: 1. the natural setting is the data source, and the researcher is key data-collection instrument, 2. such a study attempts primarily to describe and only secondarily to analyse, 3. researchers concern themselves with process, that is, with events that transpire, as much as with product or outcome, 4. data analysis emphasises inductive methods comparable to putting together the parts of a puzzle, and 5. the researcher focuses essentially on what things mean, that is, why events occur as well as what happens.

3.7 Quantitative Research

Research seeks to develop relevant true statements, ones that can serve to explain the situation that is of concern or that describes the causal relationships of interest. In quantitative studies, researchers advance the relationship among variables and pose this in terms of questions or hypotheses (Creswell, 2013).

Quantitative research is grounded in inferential statistics (Goertz and Mahoney, 2012). They rejected the assumption that a single logic of inference founded on statistical norms guides both quantitative and qualitative research. ‘There is a place for quantitative, qualitative and mixed method’ (Goertz and Mahoney, 2011:2). By mixed research method they referred to quantitative-qualitative research. This means combining elements of the two research methods.

3.8 Case Study Research Method

Yurdaku (2011) stated that a case study is defined as a detailed examination of the current events or situations and is generally carried out for three different purposes such as descriptive, interpretive and evaluative. The case study research method has been a common research method in social sciences, psychology, business, education, nursing and community planning (Yin, 2009). The case study method allows investigators to retail the holistic and meaning full characteristics of real life events (Yin, 2009).

Case study research methodology is an inquiry that focuses on describing, understanding, predicting, and or controlling the individual process, person, organisation, culture, group, nationality or industry (Woodside, 2010). This study was set to evaluate the implementation of employment equity. Evaluation is a process of systematically assessing the design, implementation and impact of programs, policies or projects (Madans et al., 2011).

3.9 The Approach Adopted for this Study

The study is qualitative in nature. The study intends to evaluate the implementation process followed in a process and policy so as to track progress that has been made. The evaluative case study method was seen to be relevant in this study as it aimed to analyse current situation using past data. The historic nature of the research directed the focus on the existing data. It was not deemed necessary to conduct interviews or process questionnaire as the evaluation was to be carried out on existing documents.

According to Neuman (2011: 52) historical-comparative research is a qualitative in which the researcher examines data on events and conditions in the historical past and/or in different societies. This study dealt with the historical data on the implementation of the employment equity at eThekweni Municipality.

Social researchers are often commissioned to conduct applied research such as an evaluation of a certain programme, process or initiative to assess how effective it is in addressing its objectives or purpose. The research findings are then used to determine a future course of action by adding general scientific knowledge from findings with policy implications (Babbie, 2012). Evaluative research is educational research that is conducted to investigate programmes; an evaluative researcher must select a research design and method of data

collection that are useful for answering the particular research questions posed and appropriate for the particular programme being evaluated (Check and Schutt, 2012).

The findings of this qualitative research would provide recommendations to the eThekweni municipality on appropriate and useful approach necessary to address the past imbalances.

3.10 Geographic Area

eThekweni Municipality was chosen as a geographic area for the study. The study will focus on eThekweni municipality as an employer. The study will analyse eThekweni Municipality's Employment Equity Plan.

3.11 Population and Sampling

According to Yin (2009) research population is generally a large collection of individuals or objects that is the main focus of a scientific query. Sample is a small set of cases a researcher selects from a larger pool and generalises to the population (Neuman, 2011). Babbie (2012) believes that sampling is associated with lower costs, greater accuracy of results, and great speed of data collection and availability of population elements. The population was defined as the abstract idea of a large group of many cases from which a researcher draws a sample and to which results from a sample are generalised (Neuman, 2011).

The study on eThekweni municipality did not have a sample as the group/population had to be studied as a whole. The research therefore became an evaluative case study focusing on historical data in order to study the entire population. The size of the population would make it difficult to collect and analyse data. The sample was also not an option as the research had to compare the actual numbers of staff and the programmes implemented in order to bring about equity.

The population was divided into quotas so as to allow small and comparable groups of employees within the municipality. Quota sampling is a non-random sample in which the researcher first identifies general categories into which cases or people will be placed and then selects cases to reach a predetermined number in each category (Neuman, 2011). In this study the population was only divided into three which was racial, gender lines and disability. The racial lines were Blacks, Whites, Indians and Coloureds. Gender was male and female,

and the disabled group was a combination of all races and gender. The common factor in the latter group was the disability status.

3.12 Document Analysis

The secondary data collection method was used in the study. EThekweni Employment Equity reports, policy documents, and academic book material, as well as the electronic document storage facility such as intranet and internet were explored extensively to find relevant and reliable data. All data collected was analysed.

The data was analysed in order to ensure the scientific nature and reliability of the data. Content analysis is a technique for examining the content or information and symbols contained in written documents or other communication media (Neuman, 2011). There were no questionnaires to be answered. The research did not involve any element of interviews

3.13 Reliability and Validity

Reliability and validity form a crucial aspect of any research. The research cannot be deemed scientific if it cannot prove or show reliability of the data and methods used in the study, the outcomes will therefore not be considered valid.

3.13.1 Reliability

Fraenkel and Wallen (2008) argued that reliability refers to the consistency of the scores obtained, how consistent they are for each individual from one administration of an instrument to another and from one set of items to another.

The reliability of the research findings were based on the usage of reliable data. Reliability is the degree to which data-collection methods yield consistent findings, similar observations would be made, or conclusions reached by other researchers, or there is transparency in how sense was made of the raw data (Madans, 2011). The data was collected from the official sources and deemed accurate and reliable for the purposes of the study.

According to Denzin and Lincoln (2013), reliability as replicability in qualitative research could be addressed in several ways including stability of observations, parallel forms of

observation, inter-rater reliability. In qualitative research, reliability can be regarded as a fit between what the researcher records as data and what actually occurs in the natural setting that is being researched (Bogdan and Biklen, 2007).

This research was conducted scientifically and every effort was made to avoid bias in interpreting the data; in order to ensure reliability. The documents collected were not in any way edited but they were analysed as they were received from the sources. In the light of that, it is contended that should this research be repeated similar findings will be made.

Cohen, Manion and Morison (2007) argued qualitative research allows that two researchers who may be studying a single setting may come up with very different findings but both findings may be reliable. They further argued that in qualitative methodologies reliability include fidelity to real life, context-and situation-specificity, authenticity, comprehensiveness, detail, honesty, depth of response and meaningfulness to the respondents.

3.13.2 Validity

Validity refers to the accuracy of the findings. It may be concerned about whether findings are real. Mouton (2008) argues that researchers attempt to manipulate results to suit their research goals. Interference in many cases risked the research validity. The validity of the findings may be questioned both internally and externally. External validity is the extent to which research results may be generalised (Madans, 2011).

According to Tuckman and Harper (2012) validity is divided into internal validity and external validity. They further argued that a study has external validity if the results obtained would apply in the real world to other similar programmes and approaches. External validity affects observers' ability to credit the research results with generality based on the procedures used, the internal validity affects observers' certainty that the research results can be accepted, based on the design of the study.

Some researchers believe that validity and reliability are either irrelevant or not suited to their research because they are attempting to describe a specific situation or event as viewed by a particular individual, Fraenkel and Wallen (2008) maintained that all researchers should ensure that any inferences they draw that are based on data obtained through the use of

instruments that are appropriate, credible, and backed up by evidence of the sort that have been described.

Another method to ensuring validity is Triangulation. Triangulation is a method used by qualitative researchers to check and establish validity in their studies by analysing a research question from multiple perspectives. This research adopted a method based triangulation. Methodological triangulation involves the use of multiple qualitative and/or quantitative methods to study the program. For example, results from surveys, focus groups, and interviews could be compared to see if similar results are being found (Merriam, 2009).

Merriam (2009) further highlighted time as a primary disadvantage for triangulation. He indicated that data collection from different sources can be time consuming. He believed that greater planning and organization is good ingredients for success. This method may require resources that are not always available to lead researchers. Other disadvantages include the possible disharmony based on investigator biases, conflicts because of theoretical frameworks, and lack of understanding about why triangulation strategies were used.

Personal bias was eliminated in this study as only official documents were interpreted to establish the extent of Employment Equity in eThekweni Municipality. Research methods, tools and technics were applied diligently in order to ensure validity. The study was a case study, it did not consider interviews which could have interfered with the study as personal feelings or opinions from participants could have easily influenced the outcome of the study.

3.14 Ethical Consideration

Ethics approval processes scrutinise the familiar ethical principles of protection, informed consent, confidentiality and anonymity across the research design that in turn provide new ways to justify and judge the integrity and quality of social research (Miller et al., 2012). An authorisation letter for data collection was obtained from eThekweni municipality granting permission to conduct research. An ethical clearance from the University of KwaZulu-Natal ethics committee was obtained. Check and Schutt (2012) argued that no matter how hard the researcher strives to eliminate risk in the study, it has to be noted that the very act of research itself imposes something unnatural on the situation, so qualitative researchers may have an impact that has ethical implications.

3.15 Limitations of the Study

The study was limited in that it did not have a sample. No interviews were conducted as part of the research to clarify issues of compliance, reliability and validity of the data provided. The data could be distorted and it would not be possible to verify and request updated data as that would risk data manipulation.

3.15 Conclusion

A detailed discussion on the research design clearly indicated and justified the type of the study being conducted. The presentation of data collection techniques and analysis methods employed was testimony to a well-planned research. The planning and research processes ensured the reliability and validity of the research findings.

CHAPTER FOUR

ETHEKWINI MUNICIPALITY EMPLOYMENT EQUITY STRATEGY

4.1 Introduction

This chapter would discuss in details the Employment Equity Strategy developed and implemented by eThekwini municipality for the period between 2009 and 2013.

4.2 Background to EThekwini Municipality

The tables below were taken from the eThekwini intranet. They had been adapted from the Statistics South Africa 2007 report. The report referred to black South Africans as Africans. This is a contestable term as all people born in Africa including Indians, Whites, Coloureds and other races are African by birth. According to the EEA the term 'Black/s' refers to people from designated groups which are Indian, Blacks, and Coloureds. This study would refer to Black South Africans as Blacks. It was noted that in the original documents, eThekwini Municipality referred to Black South Africans as Africans and not Black.

4.3 EThekwini Area Population Demographics

Tables 4.1 to 4.3 reflected the eThekwini municipality population percentages in terms of Gender, Race and disability.

Table 4.1 PERCENTAGES BY GENDER

AREA	MALE	FEMALE	TOTAL
Durban eThekwini Area	50%	50%	100%

Source: Statistics South Africa Family, 2007

Table 4.1 indicates that there was a 50/50% gender split in eThekwini area. This implies that in an ideal situation the employment percentage between male and female should be equal, though factors such a pregnancy, motherhood and females choosing to be housewives would reduce that percentage/ratio.

Table 4.2 PERCENTAGES BY RACE

AREA	BLACK	COLOURED	INDIAN	WHITE	TOTAL
Durban eThekwini Area	70%	2%	19%	9%	100%

Source: Statistics South Africa Family, 2007

Table 4.2 provides a summary of the demographics within the EThekwini municipality area. The Blacks accounted for 70% of the overall population. Indians were recorded at 19% followed by 9% of the White population. The Coloured community was recorded at the 2% which was the smallest population at the eThekwini total population.

Table 4.3 PERCENTAGE OF DISABLED POPULATION

AREA	PERCENTAGE
Durban eThekwini Area	1%

Source: Statistics South Africa Family, 2007

People with disability were reported to account for 1% of the total population of eThekwini Municipality. This placed them at the bottom of the eThekwini municipality population with the lowest representation.

4.4 Socio-Economic Status

Table 4.4 provides basic information about the socio-economic state of eThekwini Municipality during the period of the study, 2009 to 2013. It indicates that the number of economically active members of the population during the period was greater than that of not economically active population. Table 4.4 overleaf serves as a foundation from which any equity measures could be developed.

Table 4.4 Economic Active Population of eThekweni Municipality

Socio-Economic Description	
Economic Status	
Employed	1 010 598 42
Unemployed	506 111 21
Not economically active	822 288 34
Literacy Rate (Grade 7 and above)	2 233 706 (64%)

EThekweni Municipality Intranet, 2013

EThekweni municipality has a total of 1 516 709 economically active population out of 3 468 088 total population. An economically active population is referred to population members who are either employed or not employed but who seek employment. The balance of the population is made up of children and adults, that cannot enter the employment market because they are frail, or are too old and, or have past the legal employment age or lastly those and who are not in business.

4.5 EThekweni Municipality Workforce Profile

This chapter provides information about the state of the workforce in all job levels before the employment equity plan (2009-2013) was implemented.

The Municipality had a total of 19 631 employees at the beginning of the employment equity plan in 2009. A total of 19 431 were permanently employed while 200 were temporary employees. Employees with disability accounted for 184 of the total employees employed by the municipality. All employees with a disability were employed permanently.

The research looks into the actual job levels to ascertain the racial and gender distribution. This is imperative as it would provide a scope of decision making and non-decision making positions. It is said that many organisations populated the lower levels with employees from previously disadvantaged employees so as to project a balanced workforce on paper.

4.5.1 Top Management

Table 4.5 was adopted from the 2009 employment equity plan. It shows the percentage distribution of employees in terms of race at the top management level.

Table 4.5 EThekwini Municipality Top Management Profile

TOP MANAGEMENT: GRADES 19 TO 25 (LEVEL 1)						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	29%	4%	27%	40%	21%	79%
MINIMUM – FIVE YEAR TARGET	15%	2%	22%	61%	32%	68%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	15%	2%	5%	3%	3%	21%

Source: EThekwini Employment Equity Plan, 2009

Top management has seen changes as Black employees are 40% placing them above Whites 29%, Indians 27% and Coloureds 4%. This is not an ideal situation as Table 4.5 indicates the eThekwini population is made up of 70% Blacks followed by Indians at 19%. The ideal situation would mean Blacks needs to be closer to at least 65%. Transformation of the top management level is necessary as more Blacks needs to be employed. The Indian (19%) and White (29%) population needs to be reduced to 19% and 9% respectively for equity to take place.

In terms of Gender distribution, female employees are at 21% while their male counterparts are at 79% which is 58% more than female. Table 4.5 indicates that a 50% split between male and female is necessary for equity to correctly reflect the demographics. This means that the municipality needs to employ more female employees. It seems possible to increase the number of female at this job level as the male labour turn-over rate is at 21% while female turn-over-rate is at 3%. The high rate of males exiting the organization translates to an

increased opportunity to employ more females particularly Black. The emphasis should be in replacing White males with Black females. The replacement of white males with African females will increase not only the number of females but also of Black employees in this job level.

4.5.2 Senior Management

Table 4.6 represents the racial distribution of employees at a senior management level as at 2009. The table shows percentages of all racial groups inclusive of people with disabilities.

Table 4.6 EThekwini Municipality Senior Management Profile

SENIOR MANAGEMENT: GRADES 16 TO 18 (LEVEL 2)						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	36%	4%	37%	24%	21%	79%
MINIMUM – 5 YEAR TARGET	25%	2%	31%	42%	32%	68%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	11%	2%	6%	5%	1%	22%

Source: eThekwini Employment Equity Plan, 2009

The Senior Management level is dominated by the Indian population at 37% followed closely by White employees who accounts for 36% in the senior management level. The over representation of both Indian and White employees is 73%. The percentage of the Black employees at this job level is 24%. The municipality needs to do more work in this area in terms of employing more Blacks. The minimum target of 68% for male employees is questionable as the male demographic for eThekwini municipality is 50%. This simple means that the females are set at 32% minimum target for the duration of the plan. The projected minimum targets are not in favour of female employees and are not helping Employment Equity.

The labour turn-over rate for the White population is 11%. This is the highest exit percentage in the job category in terms of race as Indians are at 6%, Blacks 5% and Coloureds 2%. The labour turn-over of the Blacks is the course for concern as it is at 5% yet more Blacks needs

to be employed in order to bring about equity in this job level. The turn-over rate of 11% for Whites and 6% for Indians could help speed up the equity process.

The gender demographics were not encouraging as the overall female population at this level was another concern. The female population was 26% while male population was 79%. It appeared that eThekwini top and senior management required more gender transformation. The ideal situation in both levels was said to be a 50% split between the male and female. The 22% male turn-over rate can assist to correct the situation if all recruitment processes are managed properly.

4.5.3 Middle Management

Table 4.7 contains job profile for the middle management for 2009. It appears that more female employees need to be employed into middle management positions.

Table 4.7 EThekwini Municipality Middle Management Profile

FiPROFESIONALLY QUALIFIED & EXPERIENCED SPECIALISTS MIDDLE MANAGEMENT: GRADE 14 TO 15 (LEVEL 3)						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	33%	3%	35%	28%	27%	73%
MINIMUM – 5 YEAR TARGET	21%	2%	27%	50%	37%	63%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	12%	1%	8%	8%	5%	24%

Source: EThekwini Employment Equity Plan, 2009

The middle management job level is not different from the two management levels discussed above (Table 4.7) in terms of racial distribution. The female employees are recorded at 27% compared to 73% of the male employees. This results to a 46% difference between the gender groups across racial line in this job level.

The minority population groups (Indian and Whites) dominated this job level with 35% and 33% respectively. The percentage of the Black population within the eThekwini municipality area is 70% yet the municipality employed 28% of Blacks in the middle management level.

On the other hand the Coloured employees are at 3% of the employees in this job level. The percentage of coloureds is line with the demographic target.

The municipality therefore needs to increase the recruitment of Blacks. The increase of Black employee will see the reduction of whites and Indians in this job category. It will therefore bring equity in the workforce demographics.

The female employees are at 27% in this job level while the male employees are over represented at 73%. There is an opportunity for the demographics to correct themselves as the male turn-over rate is 24%. If eThekwini municipality follows all due processes aimed at discouraging discrimination and implemented affirmative action.

4.5.4 Junior Management

The Black population led in this job level by 44% followed by Indian population at 33%. This job level was not different from the other job levels in terms of gender distribution. The female accounted for 26% which was very low compared to 74% of male.

Table 4.8 EThekwini Municipality Junior Management Profile

SKILLED TECHNICAL & ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS, FOREMEN & SUPERINTENDENTS: GRADES 09 TO 13 (LEVEL 4)						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	16%	6%	33%	44%	26%	74%
MINIMUM – 5 YEAR TARGET	9%	2%	28%	61%	36%	64%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	8%	4%	5%	8%	5%	20%

Source: EThekwini Employment Equity Plan, 2009

The problem in this job category is that the labour turn over for both Whites and Blacks employees is 8%. This situation is problematic as it does not help Employment Equity. This simple means that if the trend continues this way, equity will not take place. The ideal situation will be the highest percentage of white employees leaving the organisation. Fewer

Black employees or no Black employees leaving the organisation would be useful to employment equity.

4.5.5 Supervisory Employees

The supervisory job level is an important level as most operational decisions are taken at this level.

Figure 4.9 EThekwini Municipality Supervisory Employees Profile

GENERAL SKILLED & DISCRETIONARY DECISION MAKING: GRADES 04 TO 08						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	3%	2%	28%	66%	25%	75%
MINIMUM – 5 YEAR TARGET	9%	2%	23%	70%	38%	62%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	2%	1%	6%	7%	4%	12%

Source: EThekwini Employment Equity Plan, 2009

The Black population leads the job level by 66% which is closer to an ideal situation. This job level is similar to all other levels in terms of gender distribution. Male dominates with 75% and female follows with low 25%. The turnover rate of 12% for the male group does not help the process of transformation and gender equity as there is 8% gap between genders. Female turnover rate is 4%, this is worrying as more female are leaving the organisation when in fact the opposite would have balanced the gender distribution.

This job level, unlike other job levels requires more White employees to be employed. It is good to see that Employment Equity does when necessary require the employment of other races other than Black. This goes to show that the policy is not pro-Blacks but it imposes workforce equity.

4.5.6 Unskilled Employees

This job level is not associated with any power. In fact this is the lowest job level in eThekweni municipality.

4.10 EThekweni Municipality Unskilled Employees Profile

UNSKILLED & DEFINED DECISION MAKING: GRADES 01 TO 03 (LEVEL 6)						
	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	0%	1%	18%	80%	14%	86%
MINIMUM – 5 YEAR TARGET	9%	2%	19%	70%	34%	66%
DEMOGRAPHICS IN DME	9%	2%	19%	70%	50%	50%
LABOUR TURNOVER	0%	0%	7%	27%	2%	33%

Source: EThekweni Employment Equity Plan, 2009

There are no white employees in this job level. The municipality needs to start employing white employees in this job level to a total of 9% by the end of the equity plan. The Black population is oversubscribed with 80% in this job level; there is a need to reduce the number of Black employees in this job level by 10% and increase the intake of Coloureds by 1%. This job level has 0% White employees which is a cause for concern as the target is 9%. There is an urgent need to employ White employees in this job level.

Gender inequality is clearly defined in this job level; the male account for a massive 86% to a record low of 14% female. It is encouraging to note a 33% turnover rate for the male at this job level. The high male turnover rate presents an opportunity for more women to be employed if affirmative policy is to be implemented properly.

The trend from tables 4.5 to 4.10 indicate that women are underrepresented in all job categories. The senior management job levels right up to junior management are dominated by whites and Indians. The graph began to stabilise from technical specialist job level in which more blacks and females were employed even though males dominated in all job categories. The unskilled job level indicated that white employees were non-existent. There is a great need to employ white employees in this job level.

The general trend in all tables is the lack of female employees in all job categories. The white employees dominate all management job levels. The lower job levels such as supervisory and unskilled lacks white employees. The labour turn-over rate in management job levels does not help equity as the groups such as females and Blacks exit the organisation at high rates.

4.6 EThekwini Municipality Employment Equity Plan

EThekwini Municipality's Employment Equity Plan (2009) states that the Council is striving to foster an inclusive culture that rejects any barriers to the employment, promotion or development opportunities of designated employees.

The content of eThekwini Equity Plan is closely related to the guidelines set out by the EEA and the report format (EEA2) prescribed by the department of labour.

The eThekwini municipality equity plan contains amongst other things:

- “Accountability and Assignment of Responsibility
- Consultation
- Communication Strategy
- Organisational Audits
- Affirmative Action Measures
- Numerical goals
- Monitoring and Implementation
- Internal Dispute Procedures
- Implementation of Skills Development” (EThekwini Employment Equity Plan, 2009).

4.6.1 Statement of Intent

The statement of intent reads as follows:

- “to offer equal opportunities to all applicants and employees;
- to address imbalances in the composition of its labour force with regard to race, gender and disability by means of an Affirmative Action Programme until such time as the staff composition of the Municipality is representative of the relevant labour market at all organisational levels;

- not to unfairly discriminate, directly or indirectly, in employment policy or practices, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth;
- to promote a non-discriminatory organisational culture and practices;
- to eliminate all forms of sexual harassment;
- to ensure job security of employees who are proficient in their posts with the implementation of affirmative action programmes, and;
- to honour the principle of public liability by rendering a satisfactory and affordable service in cost effective manner” (eThekwini Intranet, 2013).

4.7 Affirmative Action Measures

Affirmative Action (AA) measures are measures that have been identified to address and eliminate the barriers that were identified during the organisational audits (sect 15 of EE Act). These measures assist in ensuring that employees and potential employees from the designated groups have equal opportunity and are equitably represented in all occupational levels.

In order to ensure equity and the effective implementation of the affirmative action policy, eThekwini municipality has signed policy agreements. According to eThekwini (2013) agreements were signed between the eThekwini Municipality and representative organised labour unions (SAMWU and IMATU) include the Employment Practices Policy Agreement (EPPA), and Equal Employment Practice and Affirmative Action (EEPA).

The Objectives of the EEPA are:

- “to transform eThekwini into non-racial, non-sexist institutions;
- to ensure that eThekwini staff were so composed that it was able to serve effectively and fairly all members of the community with due regard to culture and ethnic diversity;
- to promote openness and encourage inclusivity in the decision making process relating to affirmative action, thereby developing an interdependent trust relationship amongst management, employees and the unions;

- to co-operatively create an organisational structure that would support and encourage employees to respect diversity while focusing on shared values in order to develop team spirit, promote mutual acceptance, optimise potential and achieve organisational goals in serving the community;
- to eliminate all forms of discrimination in the employment situation whether based on race, creed, gender or any other form of stereotyping of persons or groups;
- to eradicate discrimination and to develop Equal Opportunity Programmes to promote equality in the employment relationship;
- to establish agreed definitions;
- to establish such procedures as the parties may consider necessary, including but not limited to general principles and guidelines relating to access to employment,
- recruitment and selection, human resource development, training, career advancement and equal remuneration for equal work;
- to provide for the resolution of disputes arising out of this agreement and its implementation, and for sanctions in relation to any breach of agreement” (eThekweni intranet, 2013).

The EPPA is seen to be in line with the South African Constitution (1996), and it is designed with the Employment Equity Act in mind. The success of the EPPA depends on the implementation of other equity policy agreements.

4.8 Areas in which Affirmative Action Measures have been implemented

Affirmative action measures have been implemented in various practices and processes within the municipality so as to ensure effective implementation of the EEA.

4.8.1 Human Resources Practices and Procedures

The office of the Manager Employment Equity is tasked to deal with administrative issues relevant to EE matters viz DoL reports, monitoring, advising, compliance, consultation, communication processes etc.

4.8.2 Advertising Positions

The eThekweni Municipality uses the All Media Product Survey (AMPS) to ensure that the readerships of the newspapers in which job vacancies are advertised are representative of the appropriate demographics (EThekweni Intranet, 2013).

All internal advertisements were written in English and isiZulu, and external advertisements were written in the appropriate language of the publication used. All advertised vacancies are displayed on dedicated, accessible and secured noticeboards to ensure that every Council employee has knowledge of such vacancies and have adequate time to apply (EThekweni intranet, 2013).

4.8.3 Selection Criteria

“Clause 9 of the EPPA sets out clearly the selection procedure to be followed when filling vacant positions. Where practicable and appropriate, interview panels should be gender representative. Any member of the interview panel is required to withdraw from an interview panel should they have a personal interest or bias in regard to any of the applicants. The interview panel is responsible for creating cordial atmosphere not intimidating and free of patronising approaches” (EThekweni Intranet, 2013).

“Qualifications unrelated to the job and unnecessarily high qualification requirements will not be used to justify selection of persons from advantaged groups, over those from disadvantaged groups, nor shall such selection be justified on the grounds of seniority of an advantaged person. Unless, formal qualifications are clearly justified as essential for the job relevant experience/performance, training (internal/external) and potential for the prospective vacancy shall be important criteria” (EThekweni intranet, 2013).

“Linguistic skills such as fluency in the English language shall not privilege an advantaged person over an applicant from a disadvantaged group, where this is not an essential requirement for the job. Where any job requirement in terms of qualification or experience would effectively restrict the opportunity for selection of any person from a disadvantaged group, such qualification or experience must be justified as job related and essential” (EThekweni intranet, 2013).

4.8.4 Job Classification and Grading

The T.A.S.K. job evaluation system has been implemented in the Municipality and has been adopted for implementation throughout the Municipal sector. T.A.S.K is an objective job evaluation system which has been shown in independent research to apply to all organisations and all types of jobs.

4.8.5 Remuneration

An integral part of the T.A.S.K. job evaluation project had been the development of pay scales, which had logical relationships to the ranking of all jobs. Deloitte Consulting, the franchise holders of the T.A.S.K. job evaluation system, had devised these market related pay scales.

The South African Local Government Bargaining Council is in the process of categorising all Municipalities and will be devising common pay structures for each of the categories. Employees in all Municipalities within each category will accordingly be paid in accordance with the pay scale applicable to the category concerned (EThekweni intranet, 2013).

4.8.6 Condition of Service

Certain common conditions of service for all employees in the municipal sector have been negotiated in the South African Local Government Bargaining Council and implemented.

4.8.7 Promotions

All permanent vacant funded posts are advertised in the Municipality and applicants are subjected to a selection process in which the principles contained in the Employment Practice Policy Agreement (EPPA) and Equal Employment Practice and Affirmative Action (EEPAA) are applied.

4.8.8 Opportunities for Gaining Higher Level Experience

The Municipality's acting policy allows existing employees to act in higher level jobs when they are temporarily/permanently vacated. This allows existing employees to be exposed to higher level jobs, to gain valuable experience and assist in the overall development of staff

and in particular the capacitation of employees from designated groups (EThekwini intranet, 2013).

4.8.9 Community Investment and Bridging Programme

The Municipality provides opportunities for students to gain experience required for the completion of their undergraduate degrees/diplomas in Science. This enables them to pursue their qualification to completion with minimal delays. Preference is given to students from under-represented designated groups (EThekwini Intranet, 2013).

4.8.10 Retention Measures

Information pertaining to staff turnover was maintained to assist in staff turnover analysis, and particular attention is paid to the resignation of members from the designated groups to ascertain the reason therefore, and to determine whether any further action is required.

4.8.11 Employee Grievances

Any employee having a grievance which related to the implementation of affirmative action programmes, equal opportunity employment or alleged discrimination should lodge such grievance in the normal way through the existing grievance procedure. Management responsible at each level of the grievance procedure, on receipt of a grievance relating to such matters, should consult with the affirmative action steering committee for considering the grievance.

In the event that such grievance remains unresolved (through the grievance procedure) the person or persons and his/her union as the case may be, which remains aggrieved may further process the matter through existing negotiating and dispute procedures” (eThekwini intranet, 2013).

4.9 Talent Management

EThekwini municipality developed a talent management policy. This document provides the strategic framework for the management of talent within the municipality in order to ensure the right people with the right skills are in the right roles at the right time to deliver the

municipality's 2020 vision and IDP. The city sees affirmative action as an integral part of the talent management process.

The eThekweni municipality identified the following as key reasons for embarking on a Talent Management Strategy:

- “Enterprise Risk Management - Attraction and retention of critical skills was identified as the number 1 risk out of 19 top enterprise risks;
- Employment Equity - There are still significant imbalances in employment equity figures. Targeted talent management will ensure the identification and accelerated development of successors for Senior Management and technical specialist positions;
- Internal Perception Survey - Talent Management and Succession Planning was identified as the number 1 item of concern in the leadership section of the recent Internal Perception Study;
- Management & Technical Skills - A shortage of management and technical skills requires an organisation wide Talent Management framework and Competency
- Management process to address leadership and scarce technical skills” (EThekweni Talent Management strategy, 2010).

In addition, eThekweni faces other challenges that contribute to slow paced transformation process including:

- “Slow response to change due to well-entrenched culture, leadership style and strong unions
- Critical skills shortage
- Ageing workforce – loss of corporate knowledge, retirement
- Still some gaps in aligning business strategy to people capacity
- No clear value proposition to retain key technical and leadership talent
- Limited opportunities for job enlargement, enrichment, mobility and broadening of experience
- Lack of clear competency frameworks to identify skills needs
- Time delays between identification of skills gaps and implementation of learning interventions
- No clear differentiation in development of high flyers and key players

- Untapped potential across individual performance, opportunity and innovation
- Inconsistent application of processes for developing succession plans and talent pools
- Challenge of harnessing and optimising employment equity and diversity” (eThekwini Talent Management Strategy, 2010).

The municipality intends to utilise the strategy document as an additional tool in its endeavour to bring about equity in its workforce.

4.10 Skills Development Measures

In order to deliver services effectively and efficiently to the communities of the eThekwini Municipality area. It was essential that the skills of municipal employees were appropriately developed, maintained and sustained.

With this imperative and the employment equity plan as a backdrop, the particular role of skills development in achieving the Municipality’s employment equity targets is: -

For existing employees of the Municipality

- “identify the underrepresented demographic groups in the different occupational levels,
- identify the specific under-represented designations within those levels, profile the skills needed in those designations,
- audit the current skills of employees in positions feeding into those designations, and
- implement interventions to close the gap between the skills needs and existing competencies.
- Encourage employees, particularly Black females, to make use of the Assisted Education Scheme provided by the Municipality, to enhance their qualifications, especially in areas that are considered critical / scarce skills” (eThekwini Skills Policy Intranet, 2013).

The eThekwini Municipality provides in-service training to individuals from designated groups who are new in the labour market who require exposure as part of their training curriculum. The municipality also provide internship opportunities for those students who require this in-order to register with a professional body so that they may practise their profession. It also provides work experience opportunities for those students contracted to a

Learner-ship for both existing and potential employees of the Municipality. Information is provided to individuals from designated groups about the skills needs; and the career opportunities of the Municipality.

In order to achieve skills development, the Municipality has embarked on the following programmes:

4.10.1 Qualification Profile

Certain positions in the Municipality, particularly those of technical nature, require the incumbent to be in possession of a particular qualification. The Municipality has undertaken a qualifications profiling exercise and was embarking on its first biannual updating exercise. The exercise would identify the vulnerable skills areas within demographic groups and occupational levels and provide information for the development of strategic interventions that would assist in sustaining and developing scarce and critical skills within the municipality, particularly in underrepresented demographic groups (eThekweni Municipality Skills Policy, Intranet, 2013).

The information will also be used to inform the prioritisation of qualifications for which the Municipality offers financial assistance to employees to study relevant qualifications through its Assisted Education Scheme.

4.10.2 Skills Audits

The Municipality is undertaking a pilot project that would produce an audit of the skills needed for each post and the current competencies of employees within the Treasury Cluster. At the end of the audit individual employees in that cluster would receive a personal development plan, which, if necessary, will identify areas where skills interventions are needed. Service delivery and employment equity targets will be taken into account when prioritising any interventions required.

On the successful completion of the pilot, the Municipality will replicate the audit in all other Clusters, thereby providing the Municipality with the necessary data to deliver a needs driven Workplace Skills Plan and begin the development of career paths and individual career plans for all employees.

4.10.3 Induction Programme

This programme is presented on an on-going basis, throughout the year and is aimed at new recruits into the Municipality. In this programme new employees are made aware of and discuss the implications of various Municipal policies, including the Employment Equity and Assisted Education Policies.

4.10.4 Occupational Levels 5 & 6: ABET Programmes & Trainee Programme

The discrepancies in past education practices resulted in many Municipal employees leaving school without achieving a General Education Certificate level of education. The Municipality is mindful that this have far reaching effects on an individual's ability to undertake specific vocational or academic training. For several years now the Municipality has provided Adult Basic Education programmes in isiZulu and English as a second language, during working hours, for those employees who wish to attend (eThekweni Municipality Skills Policy, Intranet, 2013).

A recent and exciting change to the programme has been to contextualise the literacy and numeracy instruction specifically to the environments in which the employees are working and to include basic vocational skills training so that employees can begin to see the possibility of advancement within the Municipality (eThekweni Municipality Skills Policy, Intranet, 2013). The programme is now more strategically based as a manpower planning intervention, rather than social responsibility programme and, in line with development strategies for under-represented groups in occupational levels 5 & 6, there has been a drive to attract more female staff to attend these programmes (eThekweni Municipality Skills Policy, Intranet, 2013).

The Municipality seek to sustain critical skills by providing 'trainee programmes' to young people from disadvantaged backgrounds in professional fields such as accountancy and property valuations. These young employees have the required level of education and through the 'trainee programmes' are given the opportunity to gain tertiary qualifications and practical exposure in a professional environment where expert employees act as mentors/coaches. Once qualified, the successful trainees are appointed to professional positions (eThekweni Municipality Skills Policy, Intranet, 2013).

4.10.5 Occupational Level 4:

Supervisory Programme/Emerging Managers' Programme/ Skilled/Technical Programmes

The Municipality has facilitated the implementation of development programmes for supervisors and emerging managers, which has been customised for a metropolitan, local government environment. These programmes are targeted towards the development of female employees in particular, although not exclusively.

Successful Learner-ship interventions continue to be implemented for those specialist functions where females are under-represented. 29 females successfully completed a Fire-fighters course and were all employed by the Municipality. A Law Enforcement Learnership is in place, which also targets under-represented groups, especially females. Discussions are underway regarding a Learnership specifically for the development of female lifeguards and for Learner-ships in other critical skills areas.

One of the most complex employment equity challenges in the Municipality, and country at large, is the lack of Blacks and females, in artisan and technician posts. Means are made to partner with the local Further Education and Training Colleges to develop a plan to offer apprenticeships in scarce skills areas to unemployed persons and existing employees from under-represented groups who have the potential to successfully complete the qualification. The plan is to absorb into the municipality some of the apprentice upon completion of the training. This will assist to improve eThekweni municipality demographics.

4.10.6 Occupational Level 3: Professional Development Programmes

In an attempt to address the lack of Blacks and Females in skilled professionals the Municipality offers full bursaries to young people from disadvantaged backgrounds wishing to study, or currently studying in the engineering disciplines. These students attend university full time and gain work experience in the Municipality during their vacations. Once they have completed their academic qualifications the students are offered employment with the Municipality as an Engineer-In-Training whilst they acquire the necessary skills for professional registration with the Engineering Council of SA (EThekweni Municipality Skills Policy, Intranet, 2013).

For the development of internal staff, discussions are underway with the relevant tertiary institutions as to how the skills of Technicians can be developed to that of an Engineer within a local government. The municipality is mindful of the dearth of pupils leaving school without the required educational standard in maths and science to study in many of country's scarce skill areas. The Municipality has embarked on an awareness raising programme targeting schools in the EThekweni Metropolitan Area explaining the benefits to children of continuing with their maths and science subjects to matric level. The programme also highlights skills shortage occupations in the Municipality and country (EThekweni Municipality Skills Policy, Intranet, 2013).

4.10.7 Occupational Levels 1 & 2: Management Development Programmes

Emerging, Advanced and Specialist Management Development Programmes are in place for employees in these occupational levels. These programmes were developed with new and experienced managers in mind, but particularly to assist females who are new to managing in a male dominated environment.

4.11 Policy on People with Disability

This policy was issued in terms of section 54(1)(a) of the Employment Equity Act No. 55 of 1998 Code of Good Practice On Key Aspects of Disability in the Workplace and is based on the Constitutional Principle that no one may unfairly discriminate against a person on the grounds of disability.

4.11.1 Problem Statement

EThekweni Municipality's Employment Equity Plan states that the Council is striving to foster an inclusive culture that rejects any barriers to the employment, promotion or development opportunities of employees from designated groups.

It recognises that widespread ignorance, fear, and stereotypes have in the past caused people from designated groups, to a large degree people with impairments to be unfairly discriminated against in the society and in employment and this have negatively impacted their job prospects and quality of life.

4.11.2 Purpose

The purpose of this policy is to ensure that:

- No unfair discrimination takes place against people with impairments within the various employment practices of the Municipality,
- Positive and unprejudiced attitudes towards people with impairments are fostered and encouraged,
- Reasonable accommodation is made regarding the needs of people with impairment which minimise the adverse impact of the impairment allowing them to maximise their productivity,
- Individuals are provided with choices as to whom they disclose their impairment, except where this is required by law (eThekweni intranet, 2013).

4.11.3 Recruitment and Selection of Staff with Disability

Consistent with the Council's Employment Practice Policy Agreement the following recruitment measures will apply:

- In the use of job profiles which clearly state essential functions of the job and inherent job requirements,
- Use of a wide variety of media as possible with an awareness of the need to reach this designated group,
- Consistent treatment of all applicants at each of the recruitment and selection stages,
- Fairly assessing applicants' suitability for the post in terms of the essential functions and duties of the post,
- On the application form, applicants are requested to indicate if they have impairments. This is to assist the Council with its equity statistics and also allows for the consideration of including designated group members in the short list for interviews,
- Reasonable accommodation will be made within this process. The impact of the impairment will be explored with the candidate to ascertain his/ her specific needs and to determine whether it will be possible to reasonably accommodate the applicant,
- The Council may request further medical or functional testing take place to determine the applicant's actual or potential ability to perform the essential functions of a specific job. In these instances, it would be considered a fair labour practice to only

test those individuals with impairments and not all candidates. Such tests will only take place after the suitability of the person for the job has been determined,

- Where the applicant has declined to reveal his / her impairment status during the application and selection process, reasonable accommodation measures will not be considered after appointment (eThekweni Intranet, 2013).

4.11.4 Work Environment and Facilities: Disabled Employees

The eThekweni Municipality identifies and make attempts to address, where reasonable, any areas which require physical / structural modifications and the upgrading of facilities for females and the disabled. The municipality have drafted a Disability Groups Policy. This Policy addresses sensitivity around people with disabilities and implements measures to improve their accessibility to workplace. Regular workshops will be conducted to educate staff and address on this issue (EThekweni Intranet, 2013).

4.12 Reporting to the Department of Labour

The reporting to the department of labour is done annually using the relevant (EEA2) forms.

4.13 Consultation

The municipality consult with staff via unions when formulating the equity plan. The plan is set to last for the period of five years.

4.14 EThekweni Municipality Numerical Targets for 2009 to 2013

Tables 4.11 to 4.16 overleaf project the numeric targets set by the eThekweni municipality for different job levels for the period of five years. The tables do provide information about the current status (2009) at the beginning of the equity plan. The information was extracted from the Employment Equity Plan 2009-2013.

Table 4.11 TOP MANAGEMENT GRADES 19 TO 25 (LEVEL 1)

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	29%	4%	27%	40%	21%	79%
YEAR 1	26%	3%	26%	45%	24%	76%
YEAR 2	23%	2%	25%	50%	26%	74%
YEAR 3	20%	2%	24%	55%	28%	72%
YEAR 4	17%	2%	23%	58%	30%	70%
YEAR 5	15%	2%	22%	61%	32%	68%

Table 4.11 represents the numeric targets set for Top Management for the period of five years. It shows numeric targets for each racial group.

Table 4.12 SENIOR MANAGEMENT GRADES 16 TO 18 (LEVEL 2)

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	36%	4%	37%	24%	21%	79%
YEAR 1	34%	3%	36%	28%	24%	76%
YEAR 2	32%	2%	34%	33%	26%	74%
YEAR 3	29%	2%	33%	35%	28%	72%
YEAR 4	27%	2%	32%	39%	30%	70%
YEAR 5	25%	2%	31%	42%	32%	68%

Table 4.12 represents the numeric targets set for Senior Management for the period of five years. It shows numeric targets for each racial group and Gender targets.

Table 4.13 MIDDLE MANAGEMENT: GRADE 14 TO 15 (LEVEL 3)

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	33%	3%	35%	28%	27%	73%
YEAR 1	30%	2%	33%	33%	29%	71%
YEAR 2	28%	2%	31%	38%	31%	69%
YEAR 3	25%	2%	29%	42%	33%	67%
YEAR 4	23%	2%	28%	46%	35%	65%
YEAR 5	21%	2%	27%	50%	37%	63%

Table 4.13 represents the numeric targets set for Middle Management for the period of five years. It shows numeric targets for each racial group.

The eThekweni Municipality seem to be very lenient in its approach to Employment Equity. Table 4.11 to 4.13 indicate that the target for the Whites over the period of 5 years is above

the 9% regional demographics. This clearly shows that the eThekweni Municipality have no intention to correct the situation in this Employment Equity Plan. The target should be aligned with eThekweni Municipality demographics which is 9% Whites, 2% Coloureds, 19% Indians and 70% Blacks.

Table 4.14 JUNIOR MANAGEMENT GRADES 09 TO 13 (LEVEL 4):

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	16%	6%	33%	44%	26%	74%
YEAR 1	14%	5%	32%	48%	28%	72%
YEAR 2	11%	4%	31%	52%	30%	70%
YEAR 3	10%	3%	30%	55%	32%	68%
YEAR 4	9%	2%	29%	58%	30%	70%
YEAR 5	9%	2%	28%	61%	36%	64%

Table 4.14 depicts numeric targets set for Junior Management for the period of five years. It indicates numeric targets for each racial group and gender.

Table 4.15 GENERAL SKILLED: GRADES 04 TO 08

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	3%	2%	28%	66%	25%	75%
YEAR 1	4%	2%	27%	67%	27%	73%
YEAR 2	6%	2%	26%	68%	32%	68%
YEAR 3	7%	2%	25%	69%	34%	66%
YEAR 4	8%	2%	24%	70%	36%	64%
YEAR 5	9%	2%	23%	70%	38%	62%

Table 4.15 depicts numeric targets set for General Skilled Employees for the period of five years. It indicates numeric targets for each racial group and gender.

Table 4.16 Unskilled & Defined Decision Making: 01 to 03

	WHITE	COLOURED	INDIAN	BLACK	FEMALE	MALE
CURRENT PROFILE	0%	1%	18%	80%	14%	86%
YEAR 1	1%	2%	19%	78%	18%	82%
YEAR 2	3%	2%	19%	76%	22%	78%
YEAR 3	5%	2%	19%	74%	26%	74%
YEAR 4	7%	2%	19%	72%	30%	70%
YEAR 5	9%	2%	19%	70%	34%	66%

Table 4.16 depicts numeric targets set for Unskilled Employees for the period of five years. It indicates numeric targets for each racial group and gender.

Tables 4.14 to 4.16 show the numeric target for White employees which equal to eThekweni Municipality demographics by the fifth year of the Equity Plan. This is an ideal situation in a sense that there is a chance of total equity in these job levels by the end of the plan. The tables 4.11 to 4.16 indicate that target for female employees will not balance by the end of the plan. In all job levels the targets are below 50% which is the ultimate goal for females in all job levels. It is also interesting to note that target for Coloureds employees is always perfect in all job levels. The unskilled job level has perfect targets for all job levels, once again except for female employees.

4.15 Conclusion

This chapter highlighted the eThekweni municipality's employment strategy. The strategy includes the employment equity plan that came into effect in 2009 and running to the end of 2013.

The strategy details the annual targets, it also highlights programmes adopted by the municipality to eliminate all forms of discrimination and promote equality across race, disability and gender. This chapter also provides ideas about the municipality's profile in terms of area demographics and the employee distribution in relations to racial and gender distribution.

Chapter five, which follows, presents an analysis and evaluation of the municipality's strategy as presented in this chapter to establish the extent of implementation of the equity plans.

CHAPTER 5

EVALUATION OF ETHEKWINI MUNICIPALITY EMPLOYMENT EQUITY TARGETS AND COMPLIANCE WITH THE EEA No. 55 of 1998

5.1 Introduction

It has been 15 years since the EEA came to existence in 1998; the need to bring about equity in the workplace becomes a growing challenge for some South African organisations. The burden of inequality and discrimination will not disappear not unless organisations show commitment that is accompanied by action. It is imperative to note that some organisations strive for equity, whereas other organisations doing little to address past imbalances and bring about equitable workplace.

Employment Equity is a combination of both quantitative and qualitative approaches, and place more emphasis on integrating Employment Equity into existing change management and other transformational initiatives.

It is imperative to note that there has been a fundamental shift from the whole notion of Affirmative Action, which had a narrow race and quantitative focus, to Employment Equity which is very broad in its approach and which embraces and values diversity as one of its key components. At the early stages of the EEA, the Department of Labour focused mainly on substantive compliance. As the time progressed the focus expanded to include setting and meeting the objectives. It is upon the set numerical targets that organisations are expected to provide evidence of compliance. Numerical targets provide the Department of Labour with the opportunity to evaluate progress made by organisations. EThekwini submits progress report to the department on an annual basis. These reports enable the department to track progress.

5.2 Compliance with the Main Sections of the EEA

In the past ten years and more many organisations embraced transformation and committed to bring about equity in the work place. Workforce diversity relate to a mixed workforce in

terms of race, gender and skills levels. Organisations who do not only embrace but also implement employment equity contribute positively to the transformation agenda of the country.

This part of the study discusses and evaluates the extent of compliance by eThekweni municipality. The evaluation will be two fold. It will focus on the compliance with the provisions of the EEA. Secondly it analysed eThekweni municipality's progress reports to track progress in meeting numeric targets.

5.2.1 Equity Plan (Section 20)

The municipality developed the employment equity plan that is reviewed every 5 year period. The current plan is valid from 2009 and expires at the end of 2013.

5.2.2 Reporting (Section 21)

The eThekweni municipality submits annual progress reports to the department of labour as required. Some of those reports form part of this research as they were used to obtain information about the municipality's plan.

5.2.3 Affirmative Action Measures (section 15)

The municipality has developed and implemented affirmative action policy and other policies such as disability police in line with the provisions of the EEA. The eThekweni municipality signed documents such as Employment Practices Policy Agreement (EPPA); and other documents with the unions committing to implement affirmative action. The signing of such documents is a testimony to the municipality's commitment. Such agreements also bolster the implementation of the affirmative action.

5.2.4 Consultation (Section 16)

The municipality consults on a regular basis with the employee representatives, and other relevant stakeholders. The consultations at different forums such as Unit Labour Forum (ULF) are directed at ensuring that the employment equity plan is accepted by all stakeholders.

5.2.5 Employment of Equity Manager (Section 24)

The eThekwini municipality assigned the employment equity manager. The equity manager is employed on a permanent basis. The equity manager leads all employment equity engagements, implementation, and compliances matters within the municipality.

5.2.6 Duty to Inform (section 25)

Employees are informed of the equity plan and the progress made by the municipality. The information is made available to staff through the municipal manager's circulars, which are placed on the notice boards and intranet. The employees are allowed to communicate directly with the office of the equity manager for any information relating to employment equity.

5.2.7 Publication of the Report (Section 22)

The summary of the employment equity progress report forms part of the eThekwini annual report and Integrated Development Plan (IDP) Performance Review.

5.2.8 Elimination of Unfair Discrimination (Section 5)

EThekwini municipality developed and implemented its affirmative action plan, employment equity plan as well as human resources policies such as recruitment policy and procedures which are in line with the basic principles of the EEA. The disability policy and talent management policy are other means to eliminate all forms of discrimination with eThekwini municipality.

5.3 Evaluation of eThekwini Municipality Numeric Targets

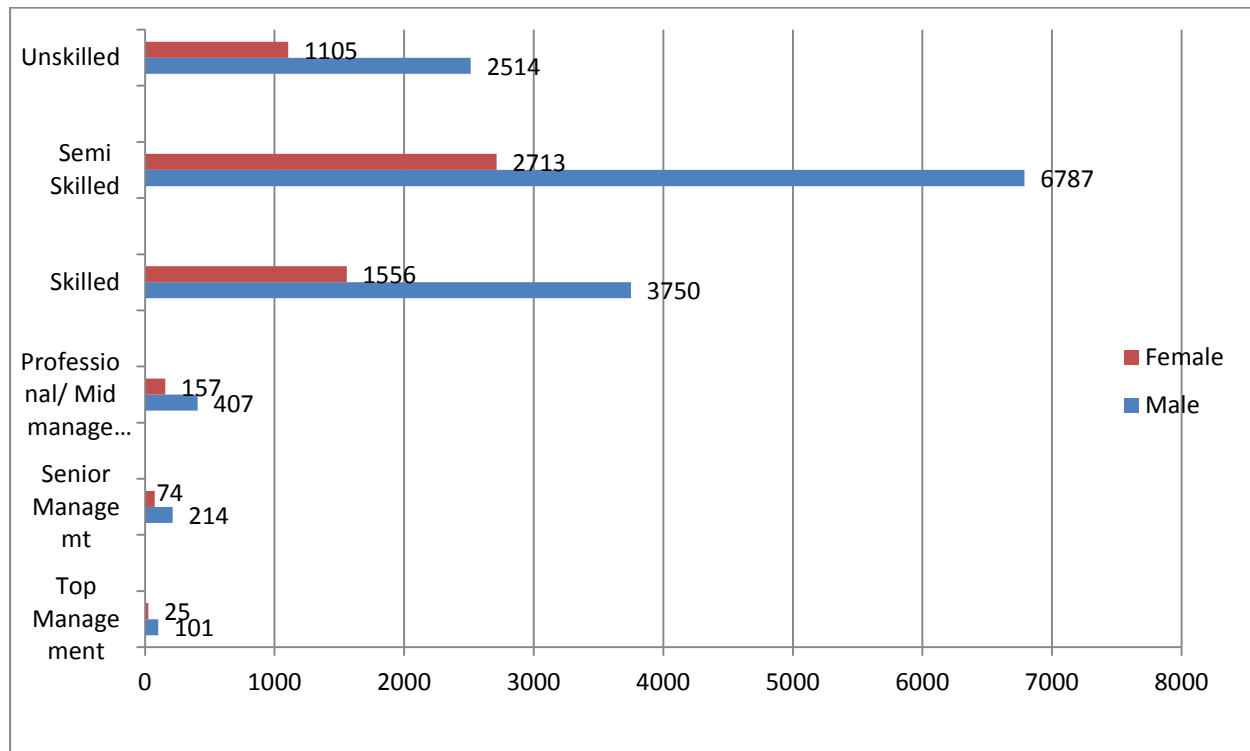
The previous chapter presented the eThekwini municipality workforce profile, employment equity plan, and numeric targets. It was evident that gender balancing was one area that required attention in all job categories. It is imperative to note that the information used to develop graphs was extracted from the eThekwini municipality progress reports.

None of the graphs below was adopted from any other literature. The figures used in developing graphs and evaluating the municipality excluded temporary employees and foreign nationals. The author wanted to focus South African employees who are employed permanently by eThekwini municipality.

5.3.1 Workforce Profiles

The Figure 5.1 below, illustrate the gender distribution of employees in all job levels at the end of 2009 calendar year.

Figure 5.1 Workforce Profile for all Job Levels 2009



The gender imbalance continued to exist in 2009 as they were more males than females employed in all job levels. The semi-skilled level saw a total of 6787 males employed in that job level. Only 2713 females were employed. The number of women employed at this level is still lower than 50% of total male.

The highest job level of top management employed 101 male employees to 25 female employees. The female employees form a quarter of the male population in this job level. This is a serious situation as the main decisions are taken at this level. The lack of female representation may mean the continuous cycle of women discrimination.

The few women could be easily out voted on crucial matters. The current profile portrays the municipality as a man dominated and a patriarchal organisation. The eThekweni municipality employed less unskilled employees than skilled and semi-skilled employees in 2009.

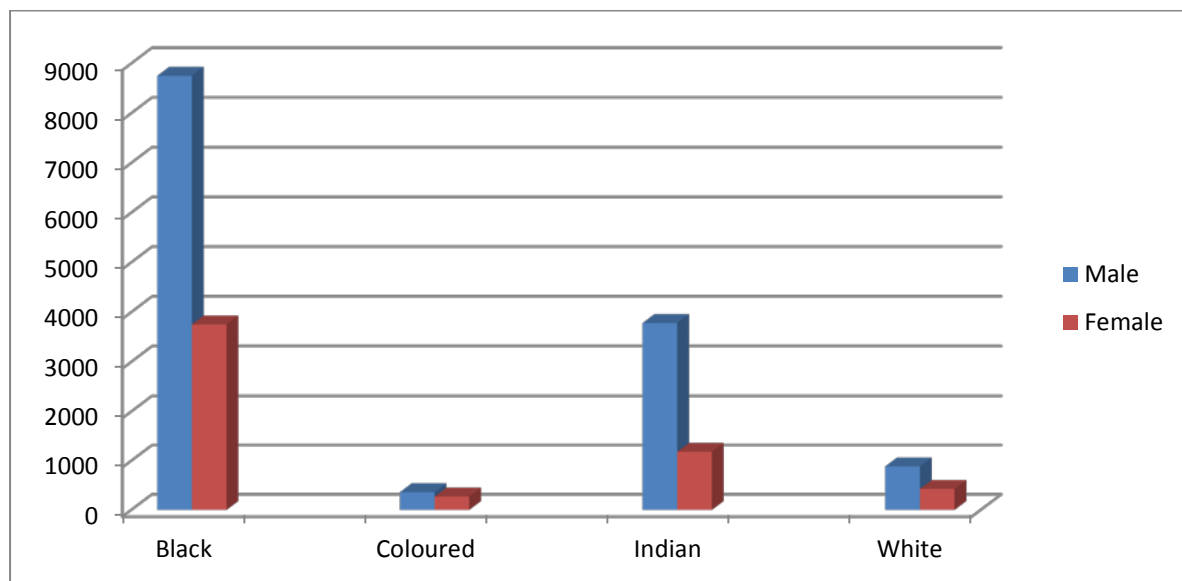
This level does require transformation. There are slim chances of success in redressing the past imbalances with the majority of man occupying most senior position. There is a

possibility of all the other levels of the organisation remain unchanged as all of them are dominated by male employees with huge margins.

5.3.2 Racial and Gender Distribution 2009

The graph 5.2 below shows the distribution of employees on the racial and gender lines for the period ending 2009.

Figure 5.2 Racial and Gender Distribution 2009



At the end of 2009 reporting year the racial distribution was dominated by the Black employee. The Indian employees were second to the Black, they were followed by the white group. The Coloured employees were at the bottom of all other races. The order in which racial groups lined up was an ideal order but the difference was on the actual numbers of employees employed on each job level. Figure 5.2 maybe misleading as the concentration of the Black were at the low levels of the organisation. The percentage of the Black employees had to be 70% of all employees employed in the municipality. The figures place Black at 64% followed by Indians at 27%, whites at 6% and Coloureds at 3%.

In actual fact Indians need to form 19%, whites 9% and Coloureds 2%. The current situation translate into an imbalance workforce, Black employees are 6% below the eThekweni area demographics, Indian employees exceeded by 8%, Whites are 3% less and Coloureds are 1% above the demographics line.

The male employees continued to be dominant in all racial groups. Men were above the 50% applicable in all job levels in the municipality. The female employees constituted less than 50% of male employees in all racial groups. Figure 5.2 above has male Black employees at 8750 and female Black employees at 3751 which are below the half (4375) of male employees.

5.3.3 Total Employees with Disability

Figure 5.3 overleaf reflects the gender distribution of employees with disability from 2009 to 2013. Employees with disability formed part of the important group in as far as affirmative action and equity targets are concerned. In this research employees with disability are not broken down along racial lines. The analysis did not in any way zoom into different job levels. The author was interested in knowing the percentages of employees with disability in the municipality as a whole. This is because there has been a concern that organizations are hesitant in employing employees with disability. They make excuses such as it was difficult to find skill in this employee category, there are no adequate resources to accommodate employees with special needs, etc. The employees with disability were for the purposes of this study combined as one group with unique features.

Figure 5.3 Total Numbers of Employees with Disability

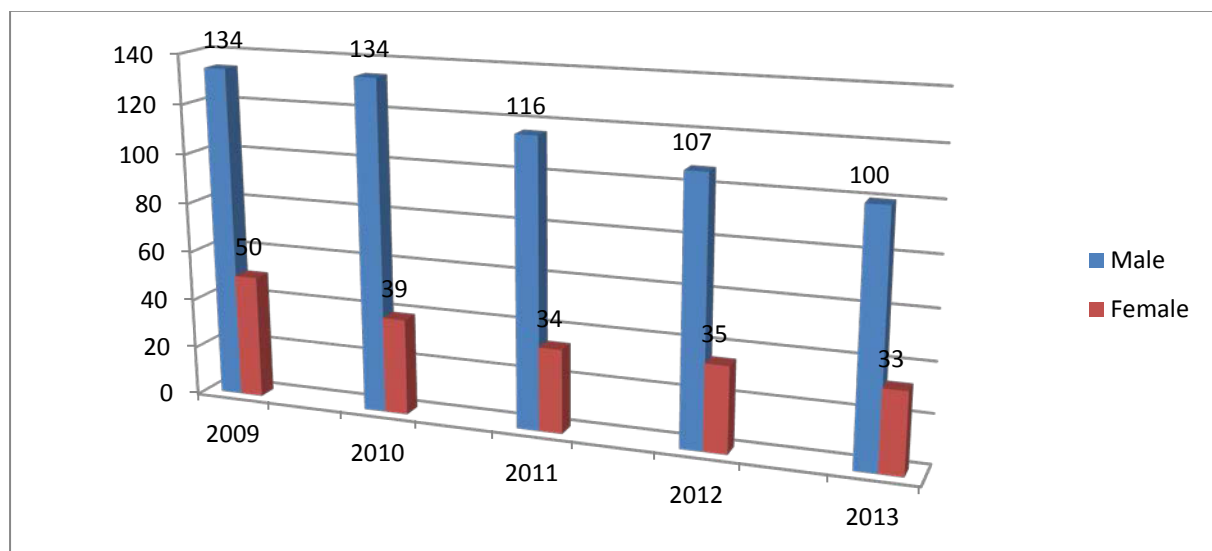


Figure 5.3 indicates that within the disability group, male employees were dominant in terms of numbers throughout the years under study. The reporting period between 2011 and 2013 shows a steady decline of the male group.

The recorded change/decline was very minimal as at the end of the 2013 reporting year, the annual figures pointed out that the female employees never reached 50% of the male employees. The decline of male employees did not bring about the increase of female employees. This means that disabled male employees left the organisation and they were not replaced by either male or female disabled employees. Chances are that they were replaced by employees from the abled category.

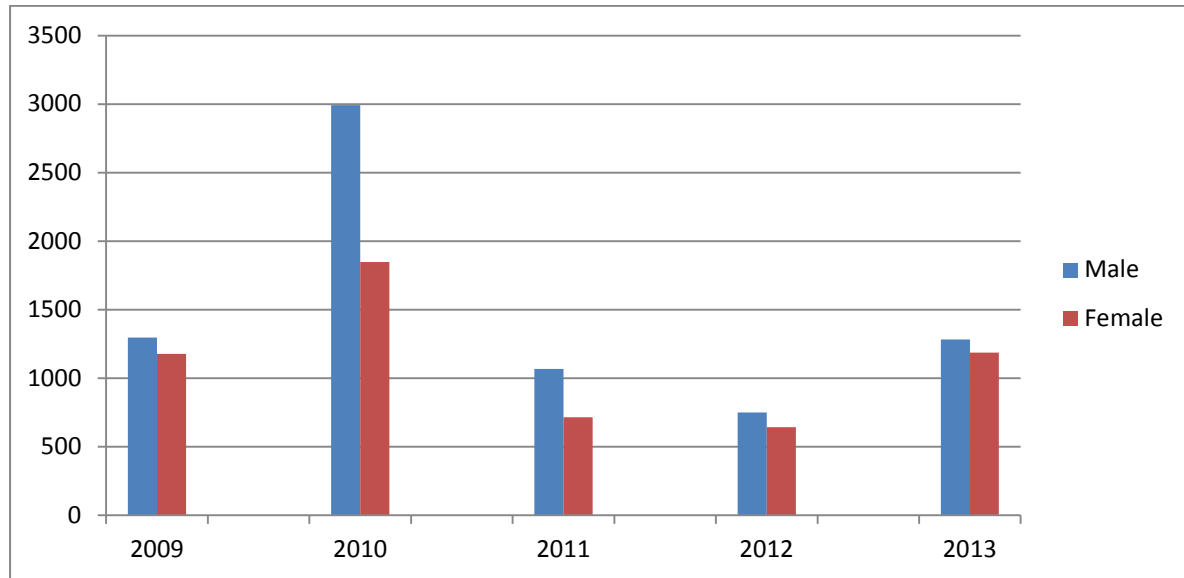
The lack of proper or calculated increase of disabled employees within the municipality did not assist the desired transformation. The eThekweni municipality has to recruit more disabled employees. The female employees required more attention than the male employees. The ideal situation is a 50% of each gender group within the disabled employee category.

At the beginning of the current employment equity plan, employees with disability constituted 0.85 of the permanent employees and 0.83% of the temporary employees with the municipality. The 2013 progress report submitted to the Department of Labour suggested that there were a total of 143 employees with disability in the eThekweni municipality 23734 employees. This simple means that employees with disability now form 0.6% of the eThekweni municipality workforce. The 0.6% shows a decline of the figures given at the beginning of 2009. The municipality is not doing well in this area.

5.3.4 Total Recruitment

Figure 5.4 below depicts recruitment pattern in terms of gender from the period 2009 to 2013 reporting year. The information on figure 5.4 is inclusive of employees with disability.

Figure 5.4 Employee Recruitment 2009 to 2013



The overall recruitment between the periods 2009 – 2013 indicated that male continued to be dominant. The year 2010 saw the drastic increase in the employment of male. The years between 2011 and 2013 saw a decline in male dominance. In fact the graph indicated that the years 2012 and 2013 the gap between two gender groups had been reduced drastically even though the male group was dominating. The actual recruitment came down in 2011 through to 2013. The slight increase in recruitment is noted in 2013, it still remains the half of the 2010 recruitment.

5.3.5 Racial Distribution

Figure 5.5 overleaf elucidates recruitment trends along the racial lines between 2009 and 2013. This graph does not take into account gender and job level.

Figure 5.5 Recruitment Trends 2009-2013

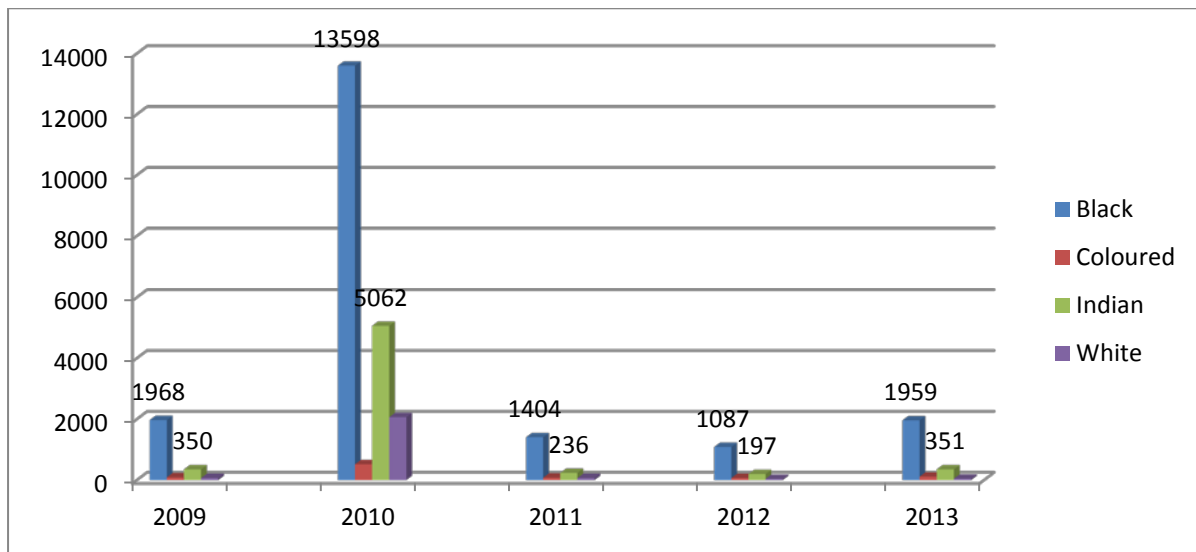


Figure 5.5 indicates that there are more Black employees being employed in comparison to other racial groups. It shows that the year 2010 saw an increase in recruitment in all racial groups. The recruitment of Black grew from 1968 employees in year 2009 to 13598 employees in year 2010. The recruitment of Indian employees grew from 350 employees in year 2009 to 562 employees in year 2010. The recruitment increase was four times more in each race group.

In as much as there was an increase in the recruitment of employees from all racial groups. There was also a significant gap in the recruitment. The recruitment rate of the Black employees in 2010 was more than the half of other races combined.

The recruitment rate dropped in 2011 right up to 2013; in fact the drop was doubled right up to 2013. The 2011 to 2013 recruitment levels were recorded below 2000 employees per year in all racial groups. The recruitment of white employees is kept at low levels in all years except in 2010. The trend appears normal as the Indian employee follow Black employees as per the eThekwini demographics.

5.3.6 Management Recruitment

Figure 5.6 overleaf projects management recruitment from 2009 to 2013. Management in this case refers to top management, senior management and middle management levels.

Figure 5.6 Management Recruitment

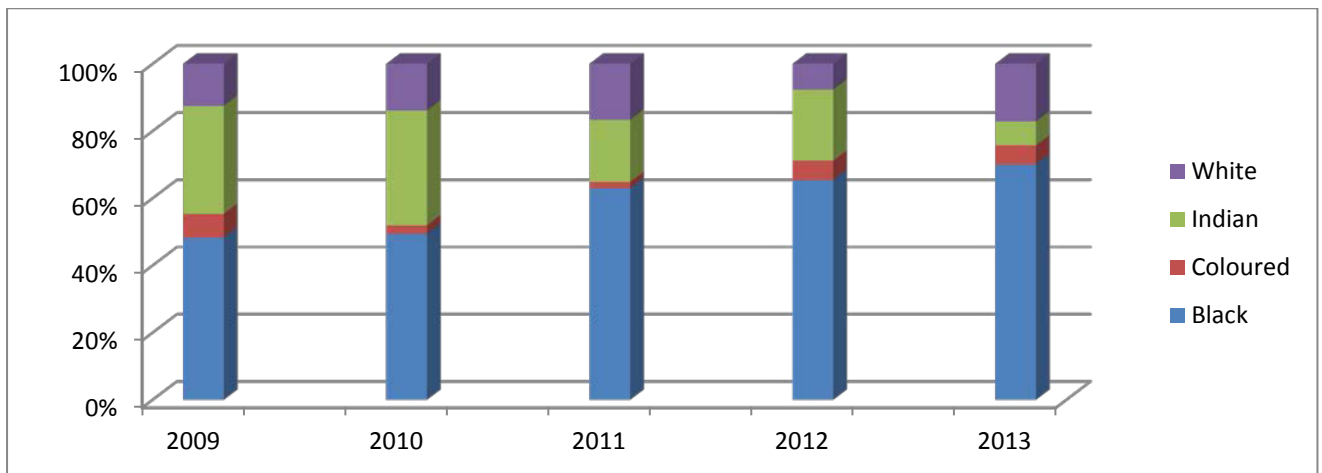


Figure 5.6 shows a growth in the employment of Black employees to management positions through-out the periods. The recruitment of Black employees was seating at 46% in 2009 and it grew annually. Figure 5.6 above indicates that the Black employees are currently seating at 67% of the eThekweni municipality management. The recruitment of Indian employees shows a noticeable declined in 2013. The recruitment of Indians declined from 23% in 2012 to under 8% in 2013.

The recruitment of Coloured employees to management positions remained stable with minor change between 2012 and 2013. While on the other hand the recruitment grew from just under 9% in 2012 to about 18% in 2013. The recruitment of white employees to management positions superseded the recruitment of Indian employees with more than 10% in 2013.

It is noticeable figure 5.6 above that the employment of the Black employees impacted mostly in the employment of Indian employees. The consistent growth of the Black employees was noticeable between the years 2011 to 2013. It was accompanied by the consistent decline in the employment of Indian employees.

5.3.7 Terminations

Table 5.1 overleaf shows the termination of employees. The data was taken from the annual progress reports submitted by the eThekweni municipality to the Department of Labour for the periods 2009 to 2013. The tables focused on the types of terminations. They further

illustrate terminations along gender. The information on these tables includes employees with disability as well as temporary employees. These tables are discussed on page 72.

Tables 5.1 Employee Terminations 2009

Terminations	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
Resignation	101	25	85	40	63	6	42	18	0	0	380
Non-renewal of contract	341	1	32	13	248	5	24	5	0	0	669
retrenchment – Operational requirements	0	0	0	0	0	0	0		0	0	
Dismissal – misconduct	26	2	11	0	2	1	0	0	0	0	42
Dismissal – incapacity	15	0	6	2	3	0	5	3	0	0	34
Retirement	80	4	66	36	13	0	12	19	0	0	230
Death	115	4	13	1	16	0	0	0	0	0	149
TOTAL	678	36	213	92	345	12	83	45	0	0	1504

Source: eThekweni Municipality Progress Report, 2009

Table 5.1 shows staff terminations in 2009. The table provide information about the nature of termination for each race and gender groups.

Table 5.2 Employee Terminations 2010

Terminations	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
Resignation	57	6	32	15	56	3	14	13	0	0	196
Non-renewal of contract	236	4	19	5	173	3	26	6	0	0	472
retrenchment – Operational requirements	0	0	0	0	0	0	0	0	0	0	0
Dismissal– misconduct	23	1	3	0	4	1	0	0	0	0	32
Dismissal – incapacity	10	1	5	2	0	0	1	0	0	0	19
Retirement	75	4	77	42	19	3	7	18	0	0	245
Death	192	3	17	2	20	1	0	2	0	0	237
TOTAL	593	19	153	66	272	11	48	39	0	0	1201

Source: eThekweni Municipality Progress Report, 2010

Table 5.2 shows staff terminations in 2010. The table provide information about the nature of termination for each race and gender groups.

Table 5.3 Employee Terminations 2011

Terminations	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
Resignation	93	14	51	15	109	9	22	8	0	0	321
Non-renewal of contract	673	17	91	72	529	12	49	11	3	0	1457
retrenchment – Operational requirements	0	0	2	0	0	0	0	0	0	0	2
Dismissal - misconduct	21	3	12	1	3	1	2	0	0	0	43
Dismissal - incapacity	13	2	8	0	1	0	3	0	0	0	27
Retirement	94	7	65	31	21	3	6	18	0	0	245
Death	97	1	19	3	17	0	3	0	0	0	140
TOTAL	991	44	248	122	680	25	85	37	3	0	2235

Source: eThekweni Municipality Progress Report, 2011

Table 5.3 shows staff terminations in 2011. The table provide information about the nature of termination for each race and gender groups.

Table 5.4 Employee Terminations 2012

Terminations	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
Resignation	178	21	67	15	141	13	32	21	0	0	488
Non-renewal of contract	830	6	74	56	762	5	33	18	1	0	1785
retrenchment – Operational requirements	0	0	0	1	0	0	1	0	0	0	2
Dismissal - misconduct	66	1	20	3	4	0	3	1	0	0	98
Dismissal - incapacity	17	0	4	0	4	0	0	1	0	0	26
Retirement	149	2	65	35	19	3	9	14	0	0	296
Death	185	1	36	3	27	0	1	0	0	0	253
TOTAL	1425	31	266	113	957	21	79	55	1	0	2948

Source: eThekweni Municipality Progress Report, 2012

Table 5.4 shows staff terminations in 2010. The table provide information about the nature of termination for each race and gender groups.

Table 5.5 Employee Terminations 2013

Terminations	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
Resignation	195	14	65	16	143	3	22	8	0	0	466
Non-renewal of contract	729	9	58	54	632	13	38	8	2	0	1543
retrenchment – Operational requirements	0	0	0	0	0	0	0	1	0	0	1
Dismissal - misconduct	61	2	22	2	10	0	1	1	0	0	99
Dismissal - incapacity	20	0	14	0	5	0	2	1	0	0	42
Retirement	111	3	69	37	29	3	13	18	0	0	283
Death	179	1	16	3	23	0	5	0	0	0	227
TOTAL	1295	29	244	112	842	19	81	37	2	0	2661

Source: eThekweni municipality progress report, 2013

Table 5.1 shows staff terminations in 2010. The table provide information about the nature of termination for each race and gender groups.

Tables 5.1 to 5.5 show totals of 1504, 1201, 2235, 2948, and 2661 employee terminations for the periods 2009 to 2013 respectively. It was also noted that the Black male and females accounted for huge number of terminations. The terminations for the Black males were 678 employees, 593, 991, 1425 and 1295 from 2009 to 2013 respectively. On the other hand Indian males were second following Black employees in terms of the number of terminations 213, 153, 248, 266 and 244 employees respectively for the period 2009 to 2013. The totals for the figures above were 4982 African male, and 1124 Indian male.

The Black female led the terminations by 345, 272, 680, 957, and 842 from 2009 to 2013 respectively. This gave a total of 3,096 terminations. On the other side the Indian female were second with 83, 48, 85, 79 and 81 terminations for the similar periods, it totalled to 374. It was interesting to note that the total terminations for the Indian female over a five year period was 374 which was equivalent to the 2009 resignations for the Black females.

The total termination in eThekwini municipality was 10549 for the periods 2009 to 2013. The Black employees (male and female) were 5,842, and they accounted for above 51% of all terminations in the municipality. It was noted that non-renewal of contract led the termination list with 341, 236,673, 830 and 729 employees.

5.3.8 Disciplinary Action

Tables 5.6 to 5.10 below illustrate the disciplinary action taken against employees. These tables were adopted from the annual progress reports submitted to the Department of Labour for the periods 2009 to 2013. Note was taken of the similar figures for the periods 2009 and 2010. The similarity of figures could point to the coincidence or worse it could point to the correctness and accuracy of the reports submitted to the Department of Labour.

Table 5.6 Disciplinary Action 2009

DISCIPLINARY ACTION	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
	421	28	150	8	59	2	12	8	0	0	

Source: EThekwini Municipality Progress Report, 2009

Table 5.6 shows disciplinary action against eThekwini staff for 2009. The information is divided into Race and Gender.

Table 5.7 Disciplinary Action 2010

DISCIPLINARY ACTION	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
	421	28	150	8	59	2	12	8	0	0	

Source: EThekwini Municipality Progress Report 2010

Table 5.7 shows disciplinary action against eThekwini staff for 2010. The information is divided into Race and Gender.

Table 5.8 Disciplinary Action 2011

DISCIPLINARY ACTION	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
	302	15	82	8	40	9	11	10			

Source: EThekwini Municipality Progress Report 2011

Table 5.8 shows disciplinary action against eThekwini staff for 2011. The information is divided into Race and Gender.

Table 5.9 Disciplinary Action 2012

DISCIPLINARY ACTION	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
	503	17	99	21	52	2	9	6	0	0	

Source: EThekwini Municipality Progress Report 2012

Table 5.9 shows disciplinary action against eThekwini staff for 2012. The information is divided into Race and Gender.

Table 5.10 Disciplinary Action 2013

DISCIPLINARY ACTION	Male				Female				Foreign Nationals		Total
	B	C	I	W	B	C	I	W	Male	Female	
	560	13	107	16	105	1	10	11	0	0	

Source: eThekwini Municipality Progress Report 2013

Table 5.10 shows disciplinary action against eThekwini staff for 2013. The information is divided into Race and Gender.

There were a total of 3423 disciplinary actions in the municipality over the periods. The Black employees (male and female) led by 2522, followed by Indian employees at 642 then Coloureds and White employees at 117 and 104 respectively. Once again the Black employees accounted for more than 53% of employees disciplined. According to table 4.1 there were 314 employees dismissed in the periods 2009 to 2013 after disciplinary action had been taken.

Tables 5.6 to 5.10 indicate that there were a small number of white employees in all the years that were disciplined. The number of Indian employees that were being disciplined was high but less than half of the Black employees that were disciplined. This trend is common in all the years from 2009 to 2013.

4.3.9 Summary of Findings

In terms of compliance with the main sections of the EEA the municipality seems to be in compliance with the EEA as they submit annual reports and they have affirmative action measures in place. The municipality developed and executed the employment equity plan which last for five years. They have put in place measures to attract, develop and retain employees from designated groups. The municipality signed policy agreements such as EPPA with the trade unions to demonstrate commitment to the employment equity.

It did not appear that the Municipality managed to balance the workforce according to the eThekweni area demographics. In as much as the Municipality workforce is dominated by the Black employees, it was not close to balancing the demographics in all the years. Gender imbalance was also noted in all races.

The recruitment pattern seemed to have grown to high numbers in 2010 as opposed to all the other years. The graphs reflected reduction in recruitment but remained stable in periods from 2011 to 2013. The gender imbalance also seemed to be correcting itself as from 2011 to 2013. There was still a long way to go before the 50% split. It did not appear that the Municipality was meeting its annual numeric targets. This could be attributed to numeric targets that were higher than the eThekweni Municipality demographics over the duration of the Employment Equity Plan. The exodus of females and Black employees in high percentages added to the challenge of balancing the workforce.

All job levels were dominated by male employees. The Municipality seem to have a very low percentage of employees with disability. Employees with disability accounted for 0.83% of the total eThekwini Municipality employees. It was noticed that some employees with disability left the organisation and they were replaced with the abled employees. This led to the decline and further shortage of employees with disability.

The labour turnover rate seemed to have been too high in all the years. The high turnover rate might have contributed negatively to the eThekwini municipality's goal of ensuring that its workforce was reflective of the area demographics. The high turn-over rate of white employees in management job levels was helping employment equity. But it was closely followed by the exodus of Black employees which was hampering progress being made in terms of equity. The high number of terminations and dismissals were prevalent. Dismissal was another factor that blocked progress. A number of Blacks were appointed to management positions and other key positions. The problem was the dismissals of high scores of Blacks, this situation slowed down the transformation process. It is also possible that more Whites were employed into management positions based on merit and the need for skills and experience in management job levels.

Chapter 6 contains recommendations based on the research.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

The implementation of the Employment Equity involves the Labour Department, employers, employees, trade unions, stakeholders and customers. The evaluation of organisations on progress made in the implementation of Employment Equity Act is vital. This study was conducted to evaluate the progress made by eThekweni Municipality in the implementation of Employment Equity within its workforce. It is concerning that eThekweni Municipality started with the Employment Equity Plans since its inception, yet has made limited progress. EThekweni Municipality needs to employ more employees from the designated group. It is imperative to take serious the proclamation of the EEA. The Labour Department needs to insist that designated employers set out targets and meets such targets. The EEA is clear in stating that designated employers must prepare and implement an employment equity plan which will achieve reasonable progress towards employment equity in that employer's workforce. The use of the term 'reasonable progress' in the EEA may be adding to slow paced transformation. It is imperative that the government revisit this term and introduce a more compelling that will make employers feel mandated to implement the EEA.

6.2 Recommendations and Implications of this Study

The study was set out to critically evaluate the implementation of the EEA by eThekweni Municipality. This was done through the analysis of eThekweni Municipality's Employment Equity Plan. The objectives set for this study were chosen with the aim of understanding the progress made within eThekweni Municipality. The four research objectives were to determine and establish the extent of progress if any or lack of progress in as far as Employment Equity is concerned. To satisfy the objectives of the study, recommendations and implications have been stated in this chapter 6 that will provide the eThekweni Municipality with strategies to implement Employment Equity successfully, produce tangible and fast paced transformation.

6.3 Recommendations Based on Findings

The following are recommendations for the effective implementation of Employment Equity that may yield positive results.

6.3.1 Advertising of Positions

The municipality should utilise the services of recruitment agencies if the target population is not responding to the advertisement. There is a need to advertise in more newspapers with a wider readership, predominately Black newspapers such as Ilanga, Isolezwe, The Sun and many others in addition to the municipal publication, EzaseGagasini/Metro. Extend the job hub to local communities in secure places such as community centres.

It is imperative to give preference to internal and external candidates from designated groups to address the imbalances that exist. Educate all employees on recruitment policy, practice and procedure. Conscious effort must be made to avoid all forms of tokenism. The municipality should consider accepting electronic applications (e-mails and e-Careers web page).

6.3.2 Recruitment

It would be useful to consider employing candidates from designated groups on the basis of skills and qualifications and place less emphasis on experience. Instead introduce effective and intense supporting programmes for Affirmative Appointees to help bring them up to speed. This is more practical in entry management level positions.

6.3.3 Selection Criteria

All possible interview panel members to attend employment equity workshops and interview skills course that are of high standard so as to allow better engagement with candidates. A degree of flexibility and a review of job/post requirements would assist equity for certain job requirements e.g. 98% of municipal trucks are codes 10 and 11 yet the requirement for the truck driver position is a code 14 driver's license. Females with either code 10 and 11 should be allowed to apply for such positions and necessary driver training be provided to sharpen their driving skills.

The selection managers should always increase the number of the target group on the shortlisted candidate's e.g. more African female and less male. The shortlist should be approved by the employment equity officer, the EE officer should be given authority to order the re-advertising of the post if the shortlist does not have enough representation from the target population. In the interests of efficiency such a process would have to be limited to a single re-advertising though.

6.3.4 Work Environment and Facilities

It is imperative that consultation with employees take place at different cultural forums. This may assist in reducing perceptions and develop a more tolerant and welcoming attitude towards employees from different cultural background.

The municipality should ensure that structure, work environment and facilities cater for employees including women and employees with disabilities. These include providing an enabling environment for disabled workers so that they can participate fully and, in so doing, improve productivity.

6.3.5 Training and Development

Top management has to ensure that coaching and mentorship programmes are implemented. Such responsibility should be linked to performance agreement. The municipality needs to develop training forums in all departments to ensure worker participation on training and development matters.

The training programmes should be linked with SETA's point system. There is a need to identify training gaps on employee skills and decide on development actions. Internal training should somehow be linked to promotional opportunities.

6.3.6 Succession Planning

The municipality should design and communicate to all employees a clear succession plan. The plan should ensure that female and employees with disability are trained and promoted to management positions. Succession planning will assist the Municipality to ensure continuity as employees appointed to senior positions will understand the full operations of their

respective department and the entire Municipality as they would have been mentored by highly experienced and long serving personnel.

6.3.7 Disciplinary Procedures

The Human Resources section should conduct roadshows in order to ensure that all employees understand the municipal policies and procedures. The disciplinary hearing chairmen / chairladies should award consistent sanctions to similar offenses. There has to be a non-discriminatory attitude in the actual application of the disciplinary code and procedures.

Disciplinary committees should be gender representative to ensure fairness in the process more especially when disciplinary action is taken against a female employee. The disciplinary process should not only be said to be a corrective action but the application of such is necessary. Employees need not view the process as a punitive measure. They need to realize that the process is in place to deal with the ills in the workplace not targeting anyone in terms of race or gender.

6.3.8 Setting Numerical Targets

The successful implementation of the Employment Equity Plan is related to meeting numeric targets. It is imperative to set correct numeric targets that are transformation focused. The Municipality should set targets that seek to reduce drastically the percentages of employees who are over represented. The numeric targets should be linked to area demographics. The correct and effective programmes should be developed to support new engagements.

6.4 Recommendations for Future Studies

Future studies should consider the following:

6.4.1 The study was limited to eThekweni Municipality, and it showed that eThekweni Municipality have not made convincing progress. This situation could be worse in other municipalities. The future studies should consider comparing eThekweni Municipality with other Municipalities.

6.4.2 The study focused on one Employment Equity Plan for the period of five years. The previous Employment Equity Plans were not considered. It is important to consider previous Employment Equity Plans as they will provide a clearer idea of the progress made by eThekwini Municipality over a longer period.

6.4.3 The study revealed that documentation analysis alone does not provide a complete perspective of progress made. Future studies should consider interviewing key individuals such as eThekwini Municipality officials, employees, unions and to a certain extent officials from Labour Department.

6.4.4 It is clear from the study that eThekwini Municipality have not made huge progress in balancing its workforce. It will be interesting to know the attitude of employees towards Employment Equity. Future studies should consider focusing on entire employees or specific levels of the organisation such as Top Management, Senior Management, Middle and Junior Management levels.

6.4.5 The study also revealed the exodus of employees from the designated group. Their departure was not helping Employment Equity. Future studies should focus specifically on these employees trying to establish the reasons behind their departure. The study may reveal whether Employment Equity does have or does not have direct impact on career path and development.

6.5 Concluding Remarks

This research considered Employment Equity Act with these being three objectives, namely establish if the eThekwini Municipality's Employment Equity Plan is in line with the Employment Equity Act No. 55 of 1998, ascertain if the implementation of the Employment Equity Plan is bearing the expected results in all job levels within eThekwini Municipality workforce, and establish if the employment equity plan has programmes to address the workforce imbalances within the municipality and bring about equity. The data mining process indicated that though the eThekwini Municipality have made great strides towards achieving Employment Equity much work remains to be done. The recommendations made in this study if implemented could be of great use to the eThekwini Municipality in its effort to comply with Employment Equity standards.

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Date: 29 July 2013

Graduate School of Business and Leadership

University of KwaZulu Natal

Westville Campus

Dear Sir,

RE: PERMISSION TO UNDERTAKE RESEARCH

This letter serves to confirm that Mr. Bhekithemba Goodwill Sithole (Student no. 9405369), Manager Operations (Cleansing and Solid Waste, S/N 43880-03) was granted permission to conduct a research project entitled “**Employment Equity Practices at eThekweni Municipality**”. The research project was undertaken for academic purposes, it would evaluate the city’s implementation of the employment equity act.

Permission was granted as part of the city’s support of academic institutions endeavors to assist students gain practical knowledge for theories learnt. This research project was to be undertaken for the fulfillment of requirements for the Master of Business Administration Degree.

Yours sincerely,

Mr. Sibusiso Sithole

City Manager: eThekweni Municipality

29 August 2013

Mr Bhekithemba Goodwill Sithole 9405369
Graduate School of Business and Leadership
Westville Campus

Dear Mr Sithole

Protocol reference number: HSS/0808/013M
Project title: Employment Equity Practices at eThekweni Municipality

NO- RISK APPROVAL

In response to your application dated 7 August 2013, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number. Please note: Research data should be securely stored in the school/department for a period of 5 years.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



.....
Dr Shenuka Singh (Acting Chair)
Humanities & Social Science Research Ethics Committee

/pm

cc Supervisor: Rakshana Nageshar & Alec Bozas
cc Academic Leader: Dr E Munapo
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CHAPTER ONE INTRODUCTION TO THE RESEARCH 1.1 Introduction With the advent of democracy in South Africa in 1994, the newly elected government adopted laws and policies that advocated for the prevention of and elimination of unfair employment discrimination against racial groups, women and people with disabilities (Section 6, Employment Equity Act of 1998). A number of statutes were passed post 1994 aimed at improving the conditions of the previously, historically disadvantaged. The statutes included the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997 and the Employment Equity Act No 55 of 1998 (EE). These pieces of legislation were founded on the basis of the Republic of South African Constitution, 1996. The South African Constitution aims to create a society that is founded on principles of equality, dignity and freedom. Section 9 of the constitution protects the right to equality and enshrines the constitutional guarantee that the law will protect and benefit people equally and prohibit unfair discrimination. The Employment Equity Act (Sections 20 and 21) prescribes that all designated employers must develop and submit Employment Equity Plans to the Department of Labour in order to ensure that unfair discrimination is eliminated in the workplace and affirmative action measures are taken to provide employment opportunities to the people from the designated groups. 1.2 Background of the research The local government sector is one of the sectors affected by workplace discrimination. This is because during apartheid era, all sectors of governance were controlled politically and promoted discrimination in the workplace and other areas. The effects of workplace discrimination were clearly visible in top management and senior management positions as they were occupied mostly by white males. EThekweni municipality had it fair percentage of workplace discrimination as it was governed by the same