

**UNIVERSITY OF KWAZULU-NATAL**

**A study of employment equity in higher education institutions in Durban, South Africa**

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Commerce**

**School of Management, IT & Governance**

**College of Law & Management Studies**

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**2020**

## DECLARATION

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The Lord who begun this work will surely bring it to a perfect conclusion. I am grateful to the Lord Almighty for the opportunity to complete this research project. Special thanks go to Him for granting me the favour and wisdom to come this far.

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## **DEDICATION**

The entire thesis is dedicated to the Lord Almighty, the creator of heaven and earth, who granted me the strength and wisdom to complete this research project. Part of the thesis is dedicated to my husband, Lawrence Abiwu, for his mentorship, support and love. I am grateful to him for investing in my education.

## **ABSTRACT**

Post 1994, several reforms took place in South Africa aimed at transforming all institutions to become representative of all citizens. However, discriminatory practices, inequalities and racism still prevail in the South African workplace. This study investigates the implementation of the employment equity (EE) in Higher Education Institutions using the University of KwaZulu-Natal (UKZN) as the case study organisation. A mixed methods approach was used to collect and analyse both quantitative and qualitative data. The target population of the study was made up of 240 participants who had in-depth knowledge of the phenomenon. Purposive sampling used to select 10 participants for the qualitative phase, whereas the stratified sampling was used to select 138 respondents for quantitative phase. Interviews were used to collect the data for the qualitative phase, while the quantitative phase analysed the existing 2018 EE reports available at UKZN. The qualitative results revealed that the barriers to EE in the University include remuneration, institution culture, recruitment practices, selection criteria, retention of designated groups, succession planning and reverse discrimination. It was found that EE legislation has a positive impact on recruitment and selection and talent management practices. The quantitative results, on the other hand, showed that targets were met at some levels and in some groups whilst, they were not met by others. The quantitative findings further showed that most posts at UKZN, especially at top, senior and professionally qualified and experienced levels were filled by men and not women. The study recommends the need for culture diversity, EE awareness and communication, a positive attitude to EE, strong leadership support and commitment, compliance with EE regulations and EE sensitivity. The study was limited to the staff at UKZN. Future research should be comparative in nature to assess how EE is implemented at UKZN and other HEIs.

**Key words:** Affirmative action, designated groups, diversity, employment equity, higher education institutions, reverse discrimination.

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## **LIST OF ACRONYMS**

|        |   |
|--------|---|
| AA     | Affirmative Action Measures                                       |
| BBBEE  | Broad-Based Black Economic Empowerment                            |
| BCEA   | Basic Conditions of Employment Act                                |
| CLMS   | College of Law and Management Studies                             |
| DoE    | Department of Education   |
| DoL    | Department of Labour  |
| EEA    | Employment Equity Act   |
| EEOC   | Equal Employment Opportunity Commission                           |
| EEP    | Employment equity Plan  |
| HEIs   | Higher Education Institutions                                     |
| HR     | Human Resource  |
| HRD    | Human Resource Development  |
| HRM    | Human Resource Management   |
| ILO    | International Labour Organisation                                 |
| LRA    | Labour Relations Act  |
| PEPUDA | Promotion of Equality and Prevention of Unfair Discrimination Act |
| PSA    | Public Service Act  |
| SDA    | Skills Development Act  |
| SDLA   | Skills Development Levies Act                                     |
| SPSS   | Statistical Package for the Social Science                        |
| UKZN   | University of KwaZulu-Natal                                       |
| USA    | United States of America  |

## GLOSSARY

- **Affirmative action:** Measures designed to ensure that suitably qualified people from the designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workplace of a designated employer.
- **Black people:** A generic term that means African, Coloured and Indian people.
- **Corporate culture:** The collective programming of the mind that differentiates the members of one organisation from others.
- **Designated employer:** An employer who employs 50 or more employees; an employer who employs fewer than 50 employees but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule of EEA, a municipality, as referred to in Chapter 7 of the Constitution; an organ of State as defined in section 239 of the Constitution, but local sphere of government, the National Defence Force, the National Intelligence Agency and the South African Secret Service; and an employer bound by a collective agreement in terms of section 23 or 31 of LRA, which appoints it as a designated employer in terms of the EEA, to the extent provided for in the agreement
- **Designated groups:** Black people, women and people living with disabilities.
- **Disability:** A physical or mental impairment that substantially limits one or more major life activities.
- **Discrimination:** The unjust, unequal or prejudicial treatment of different groups of people, especially based on race, age, religion or sex.
- **Diversity:** Encompasses more than just race and ethnicity, but rather the full spectrum of differences represented in the general population, which include age, ability, gender, religious affiliation, personality, social status and sexual orientation.
- **Employee:** Any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration.
- **Employment Equity Act EEA.** This is an Act which aims to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in employment experienced by designated.



- **Employment equity EE:** The employment of people in the fair and transparent manner within the labour market.
- **Performance evaluation:** A mechanism which allows the employer to communicate something to an employee about his/her rate of growth, competency and potential.
- **Policy:** A summary or consolidation of the important long-term decisions contained in the organisation strategy.
- **Recruitment:** The process of discovering potential applicants or candidates for actual or anticipated vacancies in an organisation.
- **Selection:** The process of choosing jobseekers who possess the relevant human attributes such as knowledge, skills, experience and abilities to fill vacancies in an organisation. Selection goes beyond just choosing the best candidates for the vacancies.
- **Talent management:** Involves the process of attracting, developing and retaining knowledgeable workforce through efficient talent management does not only contribute to competitive advantage in the competitive market but also it increases the overall performance of an organisation.
- **Training:** A process whereby people acquire capabilities to aid in the achievement of organisational goals.

## **Chapter One: Introduction and Overview of The Study**

### **1.1 Introduction**

International trends suggest that discrimination, racism and inequality are common challenges facing many countries (Budig & Hodges 2010; Jewkes, Flood & Lang, 2015; Plickert, Gabriele & Hans Merkens, 2012; Plickert & Sterling, 2017; Ridgeway 2011). Pandya and Pandya (2011) posit that, even though discrimination violates the fundamental human right to freedom, it persists within work settings. In the United States of America (USA), for instance, studies reveal that, while racism has declined within the workplace since the Civil Rights Act was promulgated and the setting up of Equal Employment Opportunity Commission (EEOC) in the last 50 years, there are still some forms of inequality that persist in modern workplaces (EEOC, 2011; Dobbin, 2009). Recent evidence (EEOC, 2018, 2019) suggests that the USA EEOC has received more than 80,000 discrimination charges in 2017, which resulted in nearly \$400 million in compensation for victims across both the public and public sector. In a similar study, Toossi (2010) found that, in the USA, non-whites made up only 14% of the workforce in 1900. Just as in the USA, study carried out by Ashe and Nazroo (2017) and Nazroo, Bhui and Rhodes (2020) revealed that Britain is no exception when it comes to inequality and discrimination within the working environment.

Studies further suggest that the situations described in the above countries also prevail in South Africa (Cejas, 2007; Mtose, 2011, Naidoo, Stanwix & Yu, 2014). The South African workplace has historically been characterised by several discriminatory practices, some of which still prevail today (Marumoagae, 2012). Although the term discrimination has received a fair amount of attention, not much has been accorded to the promotion of equality within the South African workplace. Marumoagae (2012) argues that inequality, discrimination and transformation are pressing issues confronting employees in South African workplace. Although there is a growing incidence of inequality, discrimination and unfair labour practices in South African workplace, there is a dearth of research into the implementation of Employment Equity [EE], particularly in higher education institutions [HEIs].

The current study seeks to investigate the implementation of EE and to offer practical recommendations and to suggest possible affirmative action measures to address the barriers associated with EE implementation in HEIs. This chapter covers the background, problem statement, aims of the study, motivation and rationale for the study, research objective and

questions, significance of the study, summary of the research methodology, theoretical framework, conceptual model limitations and delimitations, as well as the structure of the thesis.

## **1.2 Background of the Study**

Prior to the transition from the apartheid government to the democratic state, the South African workplace, including HEIs, experienced issues such as inequality, unfair labour practices and unfair discrimination. These have resulted in several strikes over the years (Marumoagae, 2012; Papacostantis & Mushariwa, 2016). It has been found that some of the discriminatory practices still persist today (Marumoagae, 2012). According to South African Human Rights Commission (2017), South Africa remains the most unequal, when compared with other countries, in terms of income and wealth. The South African Human Rights Commission (2017) further indicates that inequality often overlaps with poverty, socio-economic disadvantage and race. Pillay, Ramrathan and Manik (2007) further report that, after the democratic election in 1994, HEIs were given the mandate to conform to social and economic imperatives. Pillay *et al.* (2007) postulate that HEIs were supposed to be a facilitator for establishing an impartial and democratic state. Given the fact that HEIs contribute to socio-economic development, they are still confronted with the problem of how to eliminate past discrimination and realign their programmes to serve the putative new social order (Department of Education [DoE], 1997). Higher education is a system of which encompasses training and research guidance at various education institutions, such as universities or colleges, that are duly accredited by National Accreditation Board (Sawir, 2013).

Kola and Pretorius (2014) argue that in attempt to address the past inequalities in the South African workplace, including HEIs, EE and affirmative action [AA] measures were introduced to promote equal opportunity and fair treatment. AA was introduced with the aim to advance the socio-economic interests of all citizens, especially the designated groups, such as Black people, women and physically challenged persons. EE, on the other hand, emerged as an intervention to establish a more equitable workplace (Kola & Pretorius, 2014). Ever since EE was introduced, it has dominated the discussion among scholars, civil society, legal and labour practitioners (Kola & Pretorius, 2014). EE was conceptualised as a corrective measure instituted by successive governments and aimed at achieving greater social justice and equality, as well as redressing past unfair discrimination in the workplace (Bytenski & Fatoki, 2014; Ferreira & Ferreira-Snyman, 2019). Similarly, Ferreira, Snyman and Deas (2015) suggest that EE was introduced in the South

African landscape with the sole purpose of restoring human dignity. The Employment Equity Act [EEA] 55 of 1998, in particular, was promulgated with the aim of creating a diverse and inclusive workplace, reflective of the economically active population (Nkomo, 2011; Oosthuizen & Naidoo, 2010). It is suggested that all employment or human resource management [HRM] practices should be aligned to the objectives of the EEA (Nkomo, 2011; Oosthuizen & Naidoo, 2010).

It was further suggested that EE should be implemented in a manner that would ensure fairness to all the designated groups within the workplace (Ferreira, *et al.*, 2015; Oosthuizen & Naidoo, 2010). They added that the procedures and systems required to implement EE in the workplace should comply with the provisions of the EEA, which should be directly linked to the meeting of numerical goals. Hofmeyr and Mzobe (2012) illustrate that after 25 years of democracy South African institutions, including HEIs, still face the challenge of trying to create a workplace where workers experience job satisfaction through equal employment practices. This raises the questions of whether South African HEIs and industries can navigate these obstacles and how they could better manage the implementation of EE. McKinney and Swartz (2019) point out although the progressive legislation, people living with disabilities still experience barriers in the integration phase of employment. Nzima and Duma (2014) observe that despite the progress made by the South African government, the glass ceiling still remained in most organisations, preventing women from rising above certain positions in the organisation.

It is also evident that EE is one of the major challenges affecting most HEIs, due to the fact that they underestimated the process of implementing EE (Nienaber, 2007). Despite the challenges of implementing EE, there is still a paucity of research on how EE can be most effectively implemented in HEIs. To address the gap in research, this study seeks to investigate the implementation of EE at the UKZN. Additionally, this research seeks to explore the barriers to EE implementation in HEIs and the affirmative action (AA) measures used to address these challenges.

### **1.3 Problem Statement**

Denton and Vloeberghs (2003) and Leonard and Grobler (2006) maintain that part of the transformation agenda after the demise of the apartheid rule was to transform all institutions in order to become representative of all citizens. Ebrahim (2018) asserts that post-apartheid policies

and practices require active transformation to reflect the new democratic dispensation principles that are based on recognition and implementation of individual human rights in mind and practice. Basson (2017) points out that since the introduction of the EEA, changes towards a more inclusive, diverse and democratic workforce emerged in the South African employment landscape.

Despite numerous government interventions to redress past imbalances, there still exist some forms of discrimination, unfair labour practices and inequality within the South African HEIs. For instance, Odhav (2009) argues that the HEI system continues to be fragmented, despite government efforts towards coordinating a unified system. Council for Higher Education [CHE], (2015) reports that after the demise of the apartheid, universities are still built up on racial and gender divides and promoted racial segregation while they are contemporarily legally bound to ensure diversity and inclusion through EE plans. Moreover, van der Bank Mphahlani and Moloi (2015) found that while there has been a significant increase in the number of women appointed into management positions, for instance, Vice Chancellors, Deputy-Vice Chancellors and Executive Deans still remains problematic. Department of Labour DoL (2017–2018) reports that at senior and managerial levels, white men and women are, in general, severely over-represented. Geldenhuys (2020) points out that post-apartheid, there still exist alleged claims of racism, bullying and harassment in South African HEIs.

The current study is necessary, given the fact that there is a dearth of research in HEIs on the implementation of EE plans. This study intends to investigate the implementation of EE in HEIs, so as make appropriate recommendations to HEIs and the government on EE implementation.

#### **1.4 Aim of the Study**

The broad aim of this study is to explore the implementation of EE in HEIs in Durban, South Africa, by exploring the challenges which affect HEIs in meeting their EE targets. Additionally, the study aims to contribute to policymaking in achieving EE targets in South African HEIs.

#### **1.5 Research Objectives**

The study seeks to address the following objectives:

- 1.5.1 To identify the barriers affecting the implementation of employment equity in higher education institutions;

- 1.5.2 To examine the effects of employment equity legislation on staffing practices and policies in higher education institutions;
- 1.5.3 To analyse the population groups in South Africa that are overrepresented at the various levels in higher education institutions;
- 1.5.4 To ascertain the population groups in South Africa that are underrepresented at the various levels in higher education institutions;
- 1.5.5 To determine the proposed affirmative action measures in response to the barriers affecting employment equity in higher education institutions.

## **1.6 Research Questions**

The study has the following key research questions:

- 1.6.1 What are the barriers affecting the implementation of employment equity in higher education institutions?
- 1.6.2 How does employment equity legislation affect staffing practices and policies in higher education institutions?
- 1.6.3 What are the population groups in South Africa that are overrepresented at the various levels in higher education institutions?
- 1.6.4 What are the population groups in South Africa that are underrepresented at the various levels in higher education institutions?
- 1.6.5 What are the affirmative action measures implemented in response to the barriers affecting employment equity in higher education institutions?

## **1.7 Rationale for the Study**

Since the 1994 democratic election, the democratically elected government has made several efforts to address the apartheid ills of the extremely uneven distribution of resources, wealth and power (Kok, 2017). However, evidence suggests that discrimination and inequality are still prevalent within the South African workplace, and HEIs are no exception (Marumoagae, 2012; Naidoo *et al.*, 2014). The rationale for this study is to contribute to the promotion of equality within the South African workplace. The study will be useful to HEIs and organisations in South Africa, given the fact that it promotes equal opportunities for all South Africans. Moreover, the study is significant as it will add to policy-making processes on EE in HEIs.

### **1.8 Significance of the Study**

This study expands the existing body of knowledge on EE in the discipline of human resource management and Industrial relations and will serve as a reference document for other researchers and practitioners seeking to conduct a similar study in this field. Furthermore, it provides practical solutions in the form of AA measures to address the barriers of the implementation of EE in HEIs. Therefore, it will be of great value to HEIs to achieve their EE targets. Additionally, the study will serve as a guide to HEIs to comply with EE laws and provisions. This will help HEIs to minimise litigation, and its associated costs, as a result of non-compliance with the EE regulations. Moreover, this study will help to promote diversity within the South African workplace as it discusses how employers and organisations should accommodate all employees, especially the designated groups. Lastly, the study is significant, given the fact that it will add to policy-making process on EE in HEIs and will help to improve HRM practices like staffing, remuneration, training and development, staff promotion and succession planning.

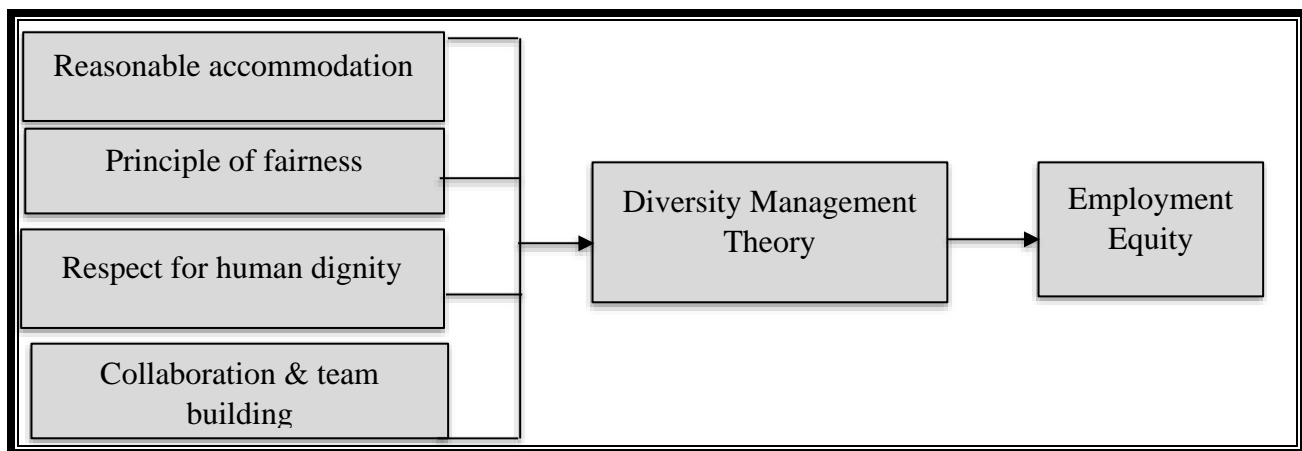
### **1.9 Brief Summary of the Research Methodology**

The study could be described as being both descriptive and exploratory. A mixed methods approach to research was conducted to collect both qualitative and quantitative data. The qualitative phase was based on field work, while the quantitative phase was based on the analysis of the 2018 existing EE report at UKZN which was presented to the Department of Labour (DoL). Stratified sampling was used to select the participants for quantitative phase, while purposive sampling was employed to select the research participants for the qualitative phase of the study. Ten (10) participants were selected for the qualitative phase of the study. However, only 8 of them were finally interviewed. The qualitative data was collected through semi- structured interviews that were transcribed and analysed manually. Thematic analysis was conducted to identify, organise and report the themes which emerged from the qualitative data. The quantitative phase of the study involved the analysis of the 2018 existing EE report. Ethical approval (HSSREC/0000003/2019) for the research was obtained from the UKZN Research Office.

### **1.10 Theoretical Framework**

The ‘Diversity Management Theory’ was the most appropriate for this study. Theorists such as Cox (1991), Jackson (1992) and Thomas (1991; 1996; 2002) believe that Diversity Management Theory deals with diversity-related issues within work settings. Diversity Management Theory

pays critical attention to the interactions between managers and the workforce (Agocs & Burr, 1996). Application of Diversity Management Theory in the workplace creates improved human relations which contribute to increased understanding and acceptance of those who are different from advantaged white males (Agocs & Burr, 1996). According to Gold, Holden, Iles, Stewart & Beardwell (2013), diversity is an issue of human rights, which requires that everyone should be treated fairly and equally. The central principle of Diversity Management Theory is that every worker should be treated with fairness, dignity and respect, irrespective of the race, age, sexual orientation, culture or ethnic origin and language (Gold *et al.*, 2013). The Diversity Management Theory was chosen because it is based on the principle of accommodating people from diverse backgrounds. The main principle of Diversity Management Theory reaffirms the fundamental reason for EE implementation in South Africa. Furthermore, this theory was chosen because it supports EE implementation by bringing diverse culture into the organisations, which creates awareness in workplaces and the consumer market. Figure 1.1 provides a theoretical link between Diversity Management Theory and EE:



**Figure 1.1 Diversity Management Theory and employment equity**

**Source: Adopted from Cox, 1991; Jackson, 1992; Thomas, 1991**

As reflected in the Figure 1.1, Diversity Management Theory is underpinned by principles such as reasonable accommodation, fairness, respect for human dignity, collaboration and team building spirit. These principles, in practice, promote the implementation of EE within the South African workplace, including HEIs.



### 1.11 Limitations of the Study

A key limitation of this research was the challenge associated with obtaining the gatekeepers' letters from the participating organisations. Originally, the study was to be conducted at both the UKZN and other institutions. However, because of the sensitive nature of the research topic the management of other institutions declined to grant approval for the study. Notwithstanding this, the researcher obtained approval from the UKZN. Furthermore, a key limitation was the difficulty in accessing the research participants for the research. The participants for the study had different work schedules which posed a great challenge to the data collection. However, arrangements were made with the participants regarding the time and place convenient for them to ensure their participation. Additionally, the timely completion of the research was affected by the COVID-19 pandemic. The COVID-19 outbreak disrupted academic programmes in many universities including the UKZN. The thesis could not be completed within the stipulated time frame due to the challenge of working from home without Internet connectivity. Nevertheless, the researcher managed to buy an MTN router which helped in completing the thesis.

### 1.12 Organisation of the Study

The thesis is made up of eight chapters as follows:

**Table 1.1 Organisation of the study**

| CHAPTER  | OVERVIEW   |
|--|--|
| Chapter 1- General Background of the Study                     | This chapter contains a detailed background of the study, research problem statement, aims, research objectives, research questions, rationale of the study, significance of the study, summary of the research methods, research limitations and structure of the thesis. |
| Chapter 2- Legislative Frameworks Supporting EE Implementation | This chapter reviews government legal frameworks that support EE implementation within the South African workplace. It also reviews the UKZN policy on EE.   |
| Chapter 3- Barriers to EE and AA Measures                      | The chapter is made up of the conceptualisation of keywords, the review of   |

|   |   |
|---|---|
|   | theories which support EE implementation, barriers to EE, analysis of current work profiles of designated groups in various positions in South Africa, proposed AA measures to the barriers affecting EE in HEIs and staffing practices in HEIs.  |
| Chapter 4-Research Design and Methodology | The chapter comprises the research philosophy, research design, research approach, research methods, description of the study location, target population, sampling strategy, sample size, instrument for data collection, pre-testing of the research instrument, measurement scale, data quality control, data analysis and ethical considerations. |
| Chapter 5-Qualitative Data Analysis       | The chapter describes how the qualitative data collected is analysed. The chapter describes the procedures for the data analysis. The data is transcribed and analysed manually through thematic analysis.  |
| Chapter 6-Quantitative Data Analysis      | The chapter five is dedicated to the analysis of the quantitative data based on the EE reports available at the UKZN. The chapter explains how the data is analysed. The chapter also describes the various statistics appropriate for the study.   |
| Chapter 7-Discussion of the Results       | This chapter of the study provides detailed discussions of the research findings. The chapter first states the findings and these are followed by the discussion. The discussion refers to each of the stated research objectives.  |

|  |  |
|--|--|
|  | It integrates the literature to ascertain whether the findings of the study support existing research or not.  |
| Chapter 8- Conclusion and Recommendations of the Study | Chapter eight is devoted to the conclusion and the recommendations of the research. The conclusion and recommendations are based on the results of the study. The chapter also outlines the delimitations of this study and directions for future studies. |

### 1.13 Chapter Summary

Chapter one introduces the study. It provides the background of the study as well as the problem statement, by indicating the gap in research and how this can be addressed. The research objectives and questions are also stated in the chapter. Further, the chapter outlines the rationale for the study and proceed to highlight the importance of the research. Moreover, the chapter describes the scope of the study and summarises the research methodology. employed, followed by the conceptualisation of keywords. It concludes with the structure of the thesis. The following chapter reviews literature on legislative frameworks that support EE implementation in South Africa.

## **Chapter Two: Legislative Frameworks Supporting Employment Equity Implementation in South Africa**

### **2.1 Introduction**

This chapter reviews both the international and national laws that support EE implementation in the South African employment landscape. It commences with the conceptualisation of the terms ‘EE’, ‘AA measures’ and ‘HEIs’, and is followed by a discussion of international and national laws which regulate the implementation of EE in the South African workplace. The chapter concludes with a review of EE policy at UKZN.

### **2.2 Conceptualisation of the Terms Employment Equity and Affirmative Action Measures**

Several definitions exist of the term ‘EE’. Bendix (2015) states that EE refers to the employment of people in a fair and transparent manner within the labour market. Therefore, any act of unfairness, discrimination and racism amounts to inequality.

Research (Bytenski & Fatoki, 2014; Horwitz & Jain, 2011; Maja, Mann, Sing, Steyn & Naidoo, 2011; Olckers & Van Zyl, 2016) suggests that EE is a measure by the South African government which seeks to minimise unfair discrimination and unfair labour practices within the South African workplace. Furthermore, they argue that EE aims at adopting sound and effective employment practices to rectify the imbalances created during the apartheid era. However, they recommend that EE requires a meticulously structured methodology to provide support for all staff members, most importantly, senior staff.

According to Bytenski and Fatoki (2014), the concept of EE was introduced in South Africa as a corrective measure by successive governments. It aims at achieving greater social justice and equality, as well as at redressing past unfair discrimination in the workplace. Oosthuizen and Naidoo (2010) claim that the main purpose of implementing EE in South Africa is to enforce a transformational agenda on the basis that companies will not empower sufficient numbers of Black employees of their own free will. Similarly, Bendix (2015) explains that EE represents the appointment of people in a transparent and non-biased manner. This study adopts the working definition provided by Bytenski and Fatoki (2014). The study adopts this working definition because it includes the indicators of EE, including transparency and non-discrimination in relation to appointment. Based on this definition, the study defines EE as a legal and workplace

intervention introduced by the government, with the aim of eradicating the ills created during the apartheid regime, through the promotion of fair labour practices and non-discrimination in the South African landscape.

AA measures, on the other hand, refer to measures intended to redress the past discrimination experienced by the designated groups, with a view to achieving equal representation in the various occupational categories and levels within the workplace (Nel, Kirsten, Swanepoel, Erasmus & Jordaan, 2018). The primary goal of AA measures is to ensure equal representation of Black Africans across the South African workplace. From this perspective, it seems that AA measures were introduced to favour and protect Black Africans at the expense of others.

## **2.2 International Legislation that Supports Employment Equity Implementation in South Africa**

Oosthuizen and Naidoo(2010) and Venter and Levy (2014) suggest that the implementation of EE in South Africa is backed by both international and national regulations and policies. South Africa, as a democratic nation, belongs to a number of internationally recognised institutions, including the International Labour Organisation (ILO) and the New Partnership for Africa's Development. These bodies influence the way laws and policies are designed and implemented in South Africa (Venter & Levy, 2014). They also influence the manner in which employment relationships are regulated in South Africa. Of these two international bodies, the ILO is the more powerful institution regulating the labour relations system in South Africa and other member states. Therefore, the study focuses on ILO Conventions and Recommendations that pertain to EE implementation in South Africa.

The ILO was established in 1919 and remains the most organised institution which regulates employment relations in its member countries. The ILO, through its Conventions and Recommendations, sets and regulates labour standards in its member state countries. Singh and Singh (2014) suggest that the ILO was formed to develop and implement acceptable international labour standards across all member states through its Resolutions and Recommendations. ILO conferences are normally held every year in Geneva, the headquarters. During the conference, Conventions and Recommendations are made and adopted through majority decisions. To date, more than 180 Conventions and 190 Recommendations have been adopted by the ILO for all member states, including South Africa. ILO Conventions and Recommendation cover labour

issues such as remuneration, employment, conditions of employment, trade unions and labour management relations. However, each Convention and Recommendation addresses a particular labour issue. The main ILO Conventions and Recommendations which regulate the implementation of EE, and which form part of the discussion in this study, are Convention No.111 of 1958, Convention No. 98 of 1949, Recommendation No. 99 of 1955, Convention No. 181 of 1997 and Convention No. 158 of 1982.

### **2.2.1 Convention No.111 of 1958 (Discrimination/Employment and Occupation)**

This Convention promotes equality by eradicating unfair discrimination in employment across all ILO member states (Singh & Singh, 2014). Article 1 section 1(a) of Convention No. 11 states that the term discrimination shall include: any difference, exclusion or preference which relates to race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying equality of opportunity in employment (MacKay, 2020; Teklè, 2018, 2019). This Convention states that discrimination violates rights in accordance with the Universal Declaration of Human Rights (Singh & Singh, 2014). However, section 2 stipulates that any action taken by the employer in respect of a particular job based on the inherent requirements or conditions thereof, shall not constitute discrimination (Mbah & Ikemefuna, 2011).

It can therefore be argued that there is nothing in this Convention that could preclude an employer from employing people based on experience, qualification and nature of the job. Such an act will not constitute discrimination on the part of the employer. This Convention promotes in EE implementation by eliminating unfair discrimination and practices in the workplace.

### **2.2.2 Convention No. 98 of 1949 (Right to Organise and Collective Bargaining)**

Convention No.98 also gives legal backing to EE across ILO member countries as it protects employees against any form of discrimination in the workplace (Salem & Rozental, 2012). Article 1, section 2(a)(b) of the Convention gives effect to EE implementation in ILO member countries by stating that protection of workers should apply to actions calculated to: “ensure the employment of a worker subject to the condition that the worker shall not be part of a trade union or shall relinquish trade union membership; and cause the dismissal of the workers or otherwise prejudice a worker because of his/her union membership or because of participation in trade union programmes and activities outside working hours” (Trebilcock, 2018, p.1498).

Various interpretations of this Convention suggest that it supports EE implementation in South Africa, as it protects employees from any form of discrimination within the workplace. The Convention further gives legal effect to EE as it promotes and encourages full utilisation and development of mechanisms for voluntary negotiation regarding the terms and conditions of employment through collective agreements.

### **2.2.3 Equal Remuneration Convention No.100 of 1951**

This Convention requires every member state of the ILO to design and implement methods to establish rates of remuneration and promotion for employees in the workplace. Article 2 section 1 of this Convention is fundamental to ensuring EE implementation, as it encourages member states of the ILO to adopt the principle of “equal work for equal pay” when rewarding workers (Salem & Rozental, 2012, p.57). The interpretation of the aforementioned clause demonstrates that Convention 1951 encourages the promotion of EE in the workplace because it ensures that every worker is treated equally in relation to remuneration. It can be argued that Convention 1951 is underpinned by the principle of fairness, equity and equal work for equal pay, which are critical elements of EE implementation.

### **2.2.4 Vocational Rehabilitation (Disabled) Recommendation No. 99 of 1955**

Convention No. 99 of 1955 makes provision for rehabilitation of persons with disabilities in order to bring them to their fullest possible physical, mental, social and economic status (Ford & Novitz, 2015). This Convention encourages employers to offer vocational rehabilitation services to employees, especially people living with disabilities, irrespective of the nature of their disability and whatever their age, if they can be trained and have reasonable prospects of securing and maintaining suitable employment (Ford & Novitz, 2015).

Vocational rehabilitation has been described in this Convention as the part of the continuous and co-ordinated process of rehabilitation which is made up of the provision of those vocational services such as vocational training, selective placement and vocational guidance designed to enable people living with disabilities to gain and maintain suitable employment (Mbah & Ikemefuna, 2011). The term ‘disabled persons’ has also been defined as people whose prospect of gaining and maintaining suitable employment are substantially reduced due to their physical or mental impairment (Mbah & Ikemefuna, 2011). This Convention protects the rights of employees against discriminatory practices by requiring governments to make national laws to provide

vocational rehabilitation services to physically challenged persons to assist them to secure or maintain their jobs (Mbah & Ikemefuna, 2011). Various interpretations of this Convention appear to give full support to the implementation of EE, as it provides legal protection for disabled employees.

#### **2.2.5 Private Employment Agencies Convention No. 181 of 1997**

This Convention protects the rights of those employed in the private sector and by private employment agencies, commonly known in South Africa as labour brokers. According to Dahan, Lerner and Milman-Sivan (2012), this Convention recognises the critical role played by private agencies within the labour market. Article 4 of the Convention, in particular, ensures the promotion of EE among ILO member countries as it mandates every member state to formulate policies that ensure that workers hired by private employment agencies are not denied their rights. These include freedom of association and collective bargaining.

#### **2.2.6 Termination of Employment Convention No. 158 of 1982**

Convention No.158 of 1982 gives further credence to EE among the member states of ILO. The purpose of this Convention is to protect workers against unfair dismissals. This Convention covers all sectors of economic activity and employed persons. Article 2 section 3 provides that sufficient protection shall be provided against recourse to contracts of employment for a specified duration. Article 4 of this Convention guarantees workers maximum protection against arbitrary dismissal (Dahan *et al.*, 2012).

However, article 5 excludes acts that may not constitute termination of contracts such as “absence from work during maternity leave, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin and union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours” (Mbah & Ikemefuna, 2011, p.132). The interpretation of this Convention suggests that it gives effect to EE implementation within the workplace since it prohibits unfair dismissal of employees. For instance, it is unlawful to terminate the appointment of an employee for participation in lawful union activities and programmes. It is also unfair to terminate the appointment of an employee who is absent from work during maternity leave.



### **2.2.7 Social Protection Floors Convention No. 202 of 2012**

Convention No. 202 was adopted in 2012 to provide social security for every worker. Social security is a fundamental human right which every individual should enjoy irrespective of his/her religious background, sex, age, race, sexual orientation or colour (Ford, Gillan & Thein, 2018; Ford, 2014). This Convention recognises social security as a very important tool in the elimination of poverty, social exclusion, inequality and social insecurity. It requires every member state of the ILO to formulate and implement national strategies for the extension of social security that progressively promote high level social security to individuals or citizens (Ford & Novitz, 2015). Article 1 of this Convention stipulates that each member state of the ILO, in giving effect to the Recommendation, should apply the following principles: non-discrimination, gender equality and responsiveness to special needs, social inclusion, including persons in the informal economy, respect for the rights and dignity of people covered by the social security guarantees and full respect for collective bargaining and freedom of association for all workers (Ford & Novitz, 2015). The Convention affirms EE implementation within the workplace as it eliminates unfair discrimination. It further promotes EE implementation through the promotion of gender equality and respect for human dignity.

### **2.3 South African Laws that Promote EE Implementation**

South Africa gained her freedom through a democratic election in 1994 and since then has adopted several legislative frameworks to promote EE through the elimination of unfair discrimination against persons, especially the designated groups including Black Africans, previous disadvantaged people, women and persons with disabilities (Horwitz & Jain, 2011). Moreover, Booysen and Nkomo (2010) confirm that the post-apartheid South African government has a comprehensive legislative framework which seeks to correct the imbalance created by the apartheid government by eliminating and preventing unfair discrimination in its society.

According to Venter and Levy (2014), following the successful elections in 1994, the new government tabled a proposal for a comprehensive reformation of South Africa's labour legislation following the racial disparities and inequality experienced under the apartheid era. The new South African government, led by the African National Congress, envisaged a comprehensive legislative framework that would recognise the various constitutionally entrenched labour rights (freedom of association, right to strike, right to equality) that regulate all facets of the labour relationship.

Besides the Constitution Act 108 of 1996, which is the supreme law, South Africa has other pieces of legislation which promote EE in the workplace, namely: the Labour Relations Act [LRA] 66 of 1995; Basic Conditions of Employment Act (BCEA) 75 of 1997; Employment Equity Act (EEA) 55 of 1998; Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) 4 of 2000; Broad-Based Black Economic Empowerment Act (B-BBEEA) 53 of 2003 and Skills Development Act (SDA) 97 of 1998 (Venter & Levy, 2014).

### **2.3.1 Constitution of the Republic of South Africa Act 108 of 1996**

The Constitution prohibits unfair labour practices by acknowledging the fundamental human rights of everyone. In Chapter 2, it outlines fundamental human rights to be enjoyed by persons living in South Africa, namely: freedom of association, equality, respect, human dignity and the right to strike. Section 9 of the Constitution provides legal support for EE implementation by stating that every individual has equal rights and equal protection and benefits under the law (Nel, Kirsten, Swanepoel, Erasmus & Poisat, 2014). Section 9(3) provides protection against “indirect and direct discrimination on the following grounds: gender, race, pregnancy, marital status, religion, social origin, culture, belief and birth” (Constitution, 1996, p.1247).

Venter and Levy (2014) contend that the Constitution is of fundamental importance due to the fact that it recognises important labour rights to be enjoyed by all citizens. Section 23 also supports EE implementation as it protects the rights of all citizens. It states that everyone has the: “right to fair labour practices; right to form and join a trade union; right to participate in the activities and programmes of a trade union and right to strike” (Constitution, 1996, p.6). In addition, it gives the same protection to employers to: form and join an employers’ association and to participate in the activities and programmes of an employers’ association.

The interpretation thereof, suggests that the Constitution paves the way for EE implementation as it provides a framework for the design and implementation of national laws. It can, therefore, be concluded that the Constitution lays a solid foundation for promotion of EE within the workplace ,given the fact that it guarantees both workers and employers fundamental labour rights, such as the right to freedom of association, dignity and respect, equality and to strike.

### **2.3.2 Labour Relations Act 66 of 1995**

The LRA brought about fundamental revisions to employment relationships in South Africa. The purpose of the Act was to advance economic development, social justice, labour peace and democratisation of the workplace (LRA, 1995). Venter & Levy (2014) maintain that the LRA gives effect to and regulates the fundamental rights in section 23 of the Constitution, particularly the right to strike for the purposes of collective bargaining. However, it excludes the employers' right to lockout (Venter & Levy, 2014). Therefore, the LRA drawn up on the basis of the Interim Constitution, attempts to balance the power granted to the parties in the employment relationship by ensuring that industrial democracy is achieved at every level of employment relationship.

Bendix (2015) states that the LRA was passed into law in order to give effect to the fundamental right to fair labour practices as contained in section 23 of the Constitution. Chapter II section 5(1) of the LRA stipulates that “no person may discriminate against an employee by means of the following actions: (a) require an employee or a person seeking employment – (i) not to be a member of a trade union or workplace forum, (ii) not to become a member of a trade union or workplace forum or (iii) to deny his/her membership of the trade union or workplace forum; (b) prevent an employee or a person seeking an employment form exercising any right conferred by this Act or from participating in any proceedings in terms of this Act; or (c) prejudice an employee or a person seeking employment because of past, present or anticipated-(i) membership of a trade union or workplace forum, (ii) exercise of any right conferred by this Act, or (iii) participation in forming a trade union or federation of trade unions or establishing a workplace forum” (LRA, 1995, p.22).

The LRA gives credence to EE implementation as it prohibits discrimination against employees seeking employment. In addition, the LRA supports EE implementation in the sense that it promotes industrial democracy within the workplace by granting employees the right to form trade unions for the promotion and protection of their social and economic interests.

### **2.3.3 Employment Equity Act 55 of 1998**

The EEA is the primary legislation in South Africa which specifically deals with EE implementation within the South African landscape. EEA aims to achieve equality within the South African workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and implementation of affirmative action

measures to redress the challenges experienced by the designated groups, so as to achieve equal representation at all levels in the workplace (Duvenhage & van der Westhuizen, 2013). Designated groups refer to Black peoples, previously disadvantaged persons, women and people with disabilities (Nel *et al.*, 2014). AA measures, on the other hand, mean “action intended to address past discriminatory practices and policies, or other barriers to equal employment opportunity” (Warnich, Carrell, Elbert & Hatfield, 2018, p.101).

The EEA was promulgated to redress the disparities created by the apartheid government. The Act promotes EE implementation by prohibiting unfair discrimination in the workplace against workers, in any employment policy or practice, on one or more grounds, such as, race, sex, gender, pregnancy, HIV/Aids status, marital status, religion, ethnic or social origin, disability or culture. Additionally, the Act affirms the promotion of EE within the South African landscape as it encourages employers to implement measures, such as AA, to provide reasonable accommodation for people from the designated groups to ensure that they enjoy equal opportunities.

In addition, the EEA gives legal effect to EE implementation, given the fact that it provides for three courses of action in respect of the principle of ‘equal pay’ in section 6(4), namely: equal pay for the same work; equal pay for substantially the same work; and equal pay for equal work of equal value. However, the first two courses of action are very complex to determine and understand compared with the third course of action (Ebrahim, 2016). However, the ILO acknowledges the complexity of the third course of action, ‘equal pay for work of equal value’. This was pronounced in the case of *Mangena v Fila South Africa* 2009 12 BLLR 1224 (LC), where the Labour Court stated that, within the context of an equal pay for work of equal value claim, it does not have expertise in job grading and in the allocation of value to particular occupations.

From the various interpretations, it can be argued that a designated employee must possess the necessary skills and experience to qualify for a particular position. There is nothing in this Act which prevents an employer in a situation where there are two applicants, one of whom is able and skillful and the other has a disability and is under-skilled, to appoint the most suitable applicant, and appoint the other as an intern with the idea of capacitating that person. Modise, Olivier and Miruka (2014) argue that section 20(5) of this Act prohibits unfair discrimination solely on the ground of relevant experience relating only to the determination to be made in section 20(4) regarding whether a person is ‘suitably qualified’ in terms of the EE plan. It is suggested that in

the situation where the employer has advertised vacancies and there are no suitable candidates from the designated groups, and he also has no AA plan, able-bodied persons may be appointed to such positions (Modise *et al.*, 2014). This was the pronouncement in the case of Coetzer and another v Minister of Safety and Security (JS222/02) [2003] ZALC 11 (1 January 2003). In this case, the white applicants were denied employment due to AA. The aggrieved applicants approached the Labour Court since the employer had no AA plan and also no suitable applicant from the designated groups had applied for the vacancies. The Labour Court held that the failure of the employer to appoint the white applicants amounted to discrimination.

In addition, in the case of George v Liberty Life Association of African Ltd (JR2081/2008) [2008] PSAGA 08 (05 June 2008), the applicant alleged that the choice of an AA applicant at his expense amounted to unfair labour practice. Mr. George, a white male, was the preferred internal applicant for the position. The Labour Court acknowledged that unfair labour practice had on occasion, been interpreted as prohibiting discrimination on arbitrary grounds. The Court referred to this matter as negative discrimination.

#### **2.3.4 Broad-Based Black Economic Empowerment Act 53 of 2003**

The B-BBEEA came into effect to address past discrimination that resulted from systematic and deliberate exclusion of Black South Africans from participation in meaningful economic activities (Nel *et al.*, 2014). The B-BBEEA was promulgated to empower vulnerable communities to gain access to economic activities, land and infrastructure (Bendix, 2015). This Act affirms EE implementation in the sense that it aims to right the imbalances and disparities resulting from the oppressive policies that economically excluded or prevented Black South Africans from actively participating and owning large businesses.

Black Economic Empowerment is regulated by B-BBEEA. The objectives of this Act include, among other things, promoting economic empowerment of all Black South Africans including women, workers youth, disabled persons and people residing in rural communities (Venter & Levey, 2014). The Act further aims to achieve the following: promoting economic transformation so as to assist in the meaningful participation of all Blacks in the economy, achieving a substantial change in the racial groups of ownership and management structures and in the skilled occupations of existing businesses and firms, enhancing access to finance for Black Economic Empowerment and empowering those living in deprived communities (Venter & Levey, 2014).

It should be noted that B-BBEEA promotes EE implementation since its purpose is to eradicate the inequalities that were the legacy of past injustice by affording the previously disadvantaged economic opportunities. It can be argued that the introduction of B-BBEEA has helped in addressing racial, economic and social imbalances in South Africa. In South Africa, preferential procurement is one of the key pillars that make up the BEE framework or B-BBEEA. Preferential procurement has been described as the utilisation of the “states buying power in order to achieve its socio-economic objectives which include skills development, job opportunities and the economic empowerment of Black people” (Beukes, 2011, p.23). In terms of the B-BBEEA, preferential procurement is used as a transformative tool for Black Africans by encouraging and helping emerging Black-owned businesses to gain access to government contracts wherein Black people are the preferred bidders.

### **2.3.5 Skills Development Act 97 of 1998**

The SDA was introduced with the purpose of coordinating industrial training in South Africa in a more structured and purposeful manner. The main objectives of the SDA are: to develop the skills of the South African workforce, to enhance productivity and competitiveness, to encourage self-employment, to enhance the work-life quality of employees and to improve employment prospects and mobility of workers (Nel *et al.*, 2014; Venter & Levy, 2014).

From this perspective, it can be argued that the SDA supports EE in that it aims to improve the employment prospects of persons who were previously disadvantaged by unfair discrimination and aims to redress those disadvantages through training programmes and education. Additionally, the study concludes that the SDA promotes EE implementation within the South African employment relations landscape as it requires employers to offer opportunities for employees to acquire new skills in order to improve productivity in the workplace. It is also safe to draw the conclusion that the SDA promotes EE in the workplace as it provides reasonable accommodation and protection for persons previously disadvantaged by improving their employment prospects. It also redresses the needs of those who were disadvantaged through skills training and education.

### **2.3.6 Basic Conditions of Employment Act 75 of 1997 (BCEA)**

The BCEA forms the central pillar of labour legislative dispensation in the Republic. The purpose of the BCEA is to stipulate and regulate basic conditions of employment in South Africa (Venter & Levy, 2014). This Act was promulgated with the main purpose of advancing economic

development and social justice by creating and enforcing basic conditions of employment. Sections 78 to 81 of the Act are important and support the implementation of EE. Section 78 of the BCEA stipulates that an employee shall not be discriminated against by any person for exercising any rights in terms of this Act which include the participation in trade union activities and programmes (Bendix, 2015; Venter & Levy, 2014).

Based on the various interpretations of the Act, it can be argued that BCEA promotes EE implementation as it ensures that all employees enjoy certain minimum conditions of employment. The Act further gives legal backing to the promotion of EE by ensuring that no employment contract may contain terms and conditions less favourable than those prescribed by the Act. It can further be suggested that the Act promotes EE implementation because it creates secure, equitable and harmonious working relationships in the workplace.

### **2.3.7 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000**

Duvenhage and van der Westhuizen (2013) point out that the PEPUDA is the most second powerful legislation in South Africa to prevent discrimination against disabled persons. The PEPUDA was promulgated to help in the implementation process of AA measures, as well as to force firms or companies to comply with the legislation to promote equality in the workplace for people with disabilities (Duvenhage & van der Westhuizen, 2013). From this perspective, it can be argued that PEPUDA gives effect to EE implementation in the South African workplace as it provides protection for physically challenged persons.

The following section reviews the EE policy of the UKZN.

## **2.4 Review of Employment Equity Policy at the University of KwaZulu-Natal**

Davids and Gaibie (2011) claim that the UKZN is committed to meeting the objectives of EE in order to achieve and improve representativeness within the institution. The UKZN aims to become a truly South African University (UKZN Strategic Plan 2017–2021). Davids and Gaibie (2011) point out that the UKZN is committed to its mission statement to become demographically representative with regard to race, gender and disability and to redressing the inequities and imbalances of the past, in keeping with the process of transformation in South Africa. The university's policy considers EE as an important aspect of its transformation agenda and goals of

excellence, as contained in the mission statement. Various sections of the policy, which are aligned to EE, are discussed as follows:

#### **2.4.1 Equality and equal opportunity at the University of KwaZulu-Natal**

As part of this policy, the UKZN is committed to values such as respect, excellence, accountability, client orientation, honesty, and trust – represented as R.E.A.C.H.T, that value fundamental human rights, equality and freedom (UKZN EE Policy, 2010). The UKZN acknowledges and affirms the principle of equality which requires that every individual should be treated with dignity and respect in the South African workplace (UKZN EE Policy, 2010). In this regard, the UKZN recognises that certain AA measures are necessary to create equal opportunities for all.

According to the UKZN EE Policy (2010), race and gender imbalances in the staffing structures were the result of the stringent apartheid policies that denied opportunities to the majority of Black South Africans, now part of the designated groups. The UKZN, in its Transformation Charter, acknowledges that a policy based exclusively on equal opportunity will simply perpetuate these disadvantages. The UKZN, in its EE policy, acknowledges that AA will help to overcome barriers to equal opportunity and to redress the disadvantages, inequalities and imbalances of the past.

#### **2.4.2 Discrimination and harassment**

In keeping with the provisions in various legal frameworks such as the EEA, LRA and PEPUDA and others, the UKZN has committed itself to drafting an EE policy to help prevent unfair discrimination and harassment of students, staff and other stakeholders. The policy states that the University will create a good atmosphere which will promote social and personal well-being of stakeholders, including staff and students, to enable them realise their full potential (UKZN EE Policy, 2010). The policy considers unfair discrimination and harassment as serious issues that concern the University because they have the potential to affect the physical and psychological well-being of its stakeholders. To this end, the University, through its EE policy, is committed to eliminating all forms of discrimination or harassment in its environment.

#### **2.4.3 Organisational culture in the University of KwaZulu-Natal**

According to the UKZN EE Policy (2010), the UKZN's community is characterised by people from different backgrounds with respect to race, gender and origin and it is committed to creating a strong and effective institutional culture towards the development of a shared set of common



values that is firmly rooted in the basic equality and dignity of all people. To this end, the University acknowledges that its organisational culture will be underscored by respect for people and an appreciation of the negative consequences of stereotyping (UKZN EE Policy, 2010). In this regard, the UKZN will endeavour to build a positive, nurturing and accommodative environment suitable for the growth, development and maintenance of all staff members, despite the differences in their race, gender, nationality or disability status (UKZN EE Policy, 2010).

#### **2.4.4 Affirmative action measures**

The UKZN acknowledges that AA is required to create a platform where equal opportunities can be practised. However, this is not a goal on its own. The EE policy states that “AA shall not result in the creation of new forms of disadvantage and unfair discrimination or in the marginalisation of any group on the basis of race, gender or disability” (UKZN EE Policy, 2010, p.5). The UKZN further acknowledges that AA is an important strategy to help to achieve the transformation needs of the University. In keeping with this, the UKZN must develop Faculty and Divisional EE Plans (‘Unit Plans’) with specific AA objectives that should cover successive five-year periods. The Faculty and Divisional EE Plans will help to identify gaps in each Division and how such gaps can be filled. The Faculty and Division EE Plans will also assist in determining the demographic profile of staff and in assessing the level of under- or over-representation in each occupational category.

#### **2.4.5 Staff development, capacity-building and succession planning**

The EE policy indicates that the UKZN is committed to creating a working environment conducive to enabling individuals and groups to achieve or realise their full potential. The UKZN accordingly, is committed to the development of all staff (UKZN EE Policy, 2010). As a result, the UKZN has initiated several development and leadership programmes to develop and enhance skills of all staff, including people from the designated groups. It can be argued that these leadership programmes were meant to contribute to staff development and retention of highly skilled staff within the University. The UKZN admits that problems may occur in hiring and maintaining staff, especially in disciplines where there are limited or scarce skills. To this end, succession management programmes are critical to the success of the EE policy. The policy document indicates that “succession management programmes will not result in retrenchment of staff members and will be implemented in a sensitive and dignified manner” (UKZN EE Policy, 2010, p.5).

#### **2.4.7 Structures for implementation**

The EE policy stipulates that the Principal (VC) of the University is accountable for the implementation of the EE. In addition, he/she is required to ensure that EE targets and goals are achieved in the most effective and efficient manner (UKZN EE Policy, 2010).

#### **2.4.8 Employment equity and diversity sub-committee of staffing committee**

The policy provides that the UKZN's Appointment Committee will be in charge of establishing an EE and diversity sub-committee. This committee will be made up of: Chair, Executive Deputy Chair, HRD Directors, EE and Diversity Manager, Equity Advisors, Union Representatives from Staffing Committee, and Deans. The Sub-Committee will perform the following functions: monitor EE implementation and diversity policies and procedures and offer recommendations to the Appointment Committee, conduct a periodic review of policies which relate to EE and make recommendations to the Appointment Committee for amendments or additions, consider and approve the annual EE Report for submission to the DoL (UKZN EE Policy, 2010).

#### **2.4.9 Employment Equity Advisors and Division of Human Resource and Equity**

The policy acknowledges that the EE and Diversity Unit within the University will be responsible for mentoring, coaching and training volunteers who will be responsible for monitoring the selection processes. In addition, equity advisors will be appointed who will be responsible for guiding and advising the selection committees, monitoring EE progress and reporting to the HR Director (UKZN EE Policy, 2010). The Division of HR and Equity will be responsible for assisting senior management to advocate and monitor the EE progress (UKZN EE Policy, 2010).

#### **2.4.10 Employment Equity and Diversity Manager**

The policy states that the EE and diversity manager will report to the HR Director. The HR and Equity Manager will be appointed and be given the required logistics to assist him/her to *inter alia* discharge responsibilities such as: creating awareness of and advocating the EE policy; providing guidance to operational units in terms of the formulation and implementation of EE policies, to assist in the assessment of all EE-related policies and procedures on an ongoing basis to identify unfair discrimination, barriers to the designated candidates and non-compliance with relevant laws (UKZN EE Policy, 2010).

#### **2.4.11 Monitoring and implementation**

The UKZN EE Policy (2010) states that compliance will be monitored at different levels. To this end, members of the Executive Management will be tasked with the responsibility of developing plans to ensure that the University complies with all EE laws.

### **2.5 Chapter Summary**

The chapter reviews legislative frameworks and the UKZN policy on EE implementation. The review suggests that the international and national laws that give effect to EE implementation in South Africa are Convention 1958, Convention 1949, Recommendation 1955, Convention 1997, and Convention 1982, Convention 2012, Convention 1975, LRA, BCEA; EEA; PEPUDA; B-BBEEA and SDA. The review of the literature further shows that in complying with the provisions of the legal frameworks on EE implementation, the UKZN has formulated and implemented EE policy. The policy emphasises promotion of EE, elimination of discrimination and harassment, building and creating a culture that embraces diversity, implementation of AA measures, staff development and succession planning and capacity building. The next chapter reviews empirical literature on the barriers affecting EE and AA measures.

## **Chapter Three: Barriers to Employment Equity and Affirmative Action Measures**

### **3.1 Introduction**

Post 1994, the democratically elected government has amended existing laws and, at the same time, promulgated new ones with the purpose of eliminating the unfair discriminatory policies and practices that were inherited from the previous government. Since the promulgation of EE laws, transformation towards achieving a more inclusive, diverse and democratic workplace has taken place in the South African landscape. However, it seems that these transformative changes are on the surface of organisational changes, as is the adjustment to the requirements of the EE laws. This study observes that most organisations are unable to achieve the demographic representation at the various occupational categories and levels of the workforce due to several factors. This chapter reviews the barriers to the implementation of EE AA measures in order to rectify the barriers affecting EE.

### **3.2 Barriers Affecting Employment Equity Implementation**

Booyesen (2007); Breetzke and Hedding (2016); Masombuka (2016) and Moraka and van Rensburg (2015) found that although several legislative frameworks have been introduced to achieve social justice across every sector of the South African economy, the progress in eliminating unfair discriminatory practices within the workplace has been very slow and uneven. The barriers to EE implementation are discussed below:

#### **3.2.1 Inadequate policy, procedures and practices of employment equity**

The LRA and EEA in particular, require every institution to design and implement an EE policy to guide against unfair discrimination and unfair labour practices within the workplace. Maja *et al.* (2011) postulate that most employers have employment policies, procedures and practices in place to support the implementation of EE, but the main problem is that these procedures and practices are too complex and cumbersome. Maja *et al.* (2011) suggest that a well-designed EE policy should ensure compliance and effective EE implementation within the South African workplace. Warnich *et al.* (2018) further found that, in order for organisations to be successful with the implementation of the EE, compliance to the provisions of the EEA should be approached with seriousness.

#### **3.2.2 Physical working environment**

According to Massoudi and Hamdi (2017), currently, many workers have several work roles which make the work environment challenging, thus the work environment has become a critical factor

for accepting and/or maintaining jobs. Massoudi and Hamdi (2017) believe that the quality of the work environment determines the level employees' motivation which has a significant effect on their performance and productivity. Work environments may consist of physical components such as furniture design, ventilation, lighting system, noise, supervisor support, fire extinguishers, exits and workspace (Eberendu, Akpan, Ubani & Ahaiwe, 2018), as well as psychological and emotional components.

The physical work environment has been identified as a key barrier to EE implementation in many organisations, especially for the physically challenged persons (Arendt & Paez, 2014; Duvenhage & van der Westhuizen, 2013; Maja *et al.*, 2011). Moreover, Raziq & Maulabakhsh (2015) claim that most organisations do not understand the significance of the work environment for employee job satisfaction and, as a result, they are often confronted with several difficulties. A study carried out by a local statutory body (Wordsworth) shows that most buildings are not accessible to disabled persons and major changes are required to accommodate people with disabilities (Maja *et al.*, 2011). A similar study in Australia reveals that most organisations are unable to achieve EE targets because the built environment and structures are not suitable, especially for people living with disabilities (Ruhindwa, 2016).

### **3.2.3 Corporate culture**

Schein (1990) sees culture as the collection of various values, as well as behaviours, which is critical to organisational success. Hofstede (1980) sees culture as the collective programming of one's mindset that provides distinction among members of one organisation, or from one organisation to another. Weber and Tarba (2012), agree with Hofstede (1980) that the cultural differences that exist among members of an organisation serve as a barrier to corporate performance.

Ng'ang'a and Wesonga (2012) believe that both good and bad culture exists in organisations. According to Ng'ang'a and Wesonga (2012), in order to achieve performance in the long-run, three cultural criteria are necessary to develop a suitable or good culture, namely: the culture must have strategic relevance; it needs to be strong so that individuals can value its relevance and it must have the intrinsic ability to adapt to changing conditions. Furthermore, Flamholtz and Randle (2012) identify three elements that impact on the effectiveness of organisational culture: cultural alignment, behavioural consistency and cultural gaps.

Oosthuizen and Naidoo (2010) claim that corporate culture is a key barrier to the implementation of EE within the workplace. The scholars argue that most organisations have a complex culture which regulates their activities, and a culture that does not accommodate people with disabilities. The corporate culture may affect the governments' efforts to achieve EE. In addition, it is suggested that most organisations do not have well-defined policies, procedures or practices regarding their culture (Oosthuizen & Naidoo, 2010). Moreover, Booysen (2007) argues that most organisations lack cultural sensitivity and that new recruits are expected to adjust to the new organisational culture. Booysen (2007) further claims there are no cultural awareness programmes in most organisations, let alone a culture that values diversity.

### **3.2.4 Retention in terms of employment equity**

Chapter II of the EEA regulates AA measures. It applies to all designated employers and employees (Nel *et al.*, 2018). Designated includes Black people, women and persons living with disabilities. In this context, Black people refers to Africans, Coloured people and Indians (Nel *et al.*, 2018). The EEA requires employers to implement AA measures to reasonably accommodate the designated groups at all levels. The EEA emphasises that all institutions, Colleges and Schools have to, by law, address the past inequalities through the implementation of EE and AA. This will, therefore, help to guarantee equitable appointments from all race groups. Osborne (2012) observes that Canadian universities have periodically addressed the issues of representation and diversity, particularly amongst academic staff and faculty, through the implementation of AA.

In South Africa, Oosthuizen and Naidoo (2010), argue that most employees within the designated groups are often denied equal access to employment because they do not have the necessary qualifications, skills, ability or experience to be employed within certain professions in organisations, as required by law. The study conducted by Maja *et al.* (2011) further reveals that most employers are of the opinion that persons with disabilities lack the experience and skills needed for certain jobs. The study shows that, whilst employers were willing to employ people living with disabilities, they failed to do so because the candidates did not possess the appropriate level of qualification (Maja *et al.*, 2011). Likewise, Coetzee (2005) explains that South Africa has a skills gap because the quality of education available to most South Africans is very poor. Due to this, very few previously disadvantaged persons qualified to occupy management positions.

Moreover, Colella and Bruyère (2011) argue that worldwide, disabled people are underrepresented in the employment and labour markets. Zijlstra, Van Ruitenbeek, Mulders and Van Lierop (2017) observe that social skills' requirements have expanded considerably which makes it increasingly challenging for persons with disabilities to perform competently. Zijlstra & Nyssen (2017) postulate that mental and social demands are increasing, having huge implications on the employment prospects of people living disability. Prince (2010) explains that, despite the numerous human rights and anti-discrimination laws, disabled people still face significant employment barriers.

Conversely, Vornholt, Villotti, Muschalla, Bauer, Colella, Zijlstra & Corbiere (2018) maintain that, due to the decline in working-age population, particularly in the European nations, disabled people are now considered as the most valuable resources in an organisation. The Department of Community and Safety Report (2017) reports that there exists no flexible plan for employers to implement retention strategies that will deliver value to employees. According to Department of Human Services (2016), disabled persons are capable and willing to join the workforce to enable them to become financially independent as well as to contribute to the national socio-economic development. Despite their readiness to work, they still struggle to secure suitable employment (Waterhouse, Kimberley, Jonas & Glover, 2010). Of similar opinion, Olckers & Van Zyl (2016) suggest that the designated groups are highly professional and skillful and are capable of performing any job that is assigned to them. Rasool & Botha (2011) argue that there are many South African who are highly educated and qualified but choose to migrate abroad because of push factors such as EE, poor working conditions, high cost of living, poor service delivery, crime, unfriendly business environments, declining equality of education and low-income levels.

### **3.2.5 Recruitment and selection criteria**

According to Walker (2009), recruitment and selection are important HR practices that help organisations to attract people timeously, in sufficient numbers and with appropriate qualifications. Brewster Mayrhofer and Farndale (2018) state that recruitment and selection practices are critical because they ensure that the right staff are appointed into organisations, thereby assisting to achieve their short and long- term goals. EE implementation in HEIs can be achieved through a fair and transparent recruitment process.

Staffing practices in South Africa are regulated by employment laws. For example, Chapter 10, section 195(1)(h) and (i) of the Constitution requires that good HR practices and programmes should be developed and implemented to deal with employment practices based on principles such as objectivity, fairness and the need to rectify past discriminatory practices in order to achieve broad representation (PS Commission, 2011). The Public Service Act (PSA) 103 of 1994, as amended, also requires that all qualified people who are due for appointment, promotion and transfer should be considered. Chapter 4, section 11(2)(b), of the Act clearly provides that the assessment of candidates should be made using criteria such as training, skills, competence and knowledge.

Despite the importance of recruitment and selection processes, many organisations are still struggling with how to attract and retain talented employees. Research (Booyesen & Nkomo, 2014; Horwitz & Jain, 2011; Olckers & van Zyl, 2016) indicates that recruitment and selection criteria in many organisations affect the implementation of EE. It is suggested that many organisations, especially the public service, face challenges in hiring people because of the limitations imposed by law. The 2016 EE records available from the CLMS at the UKZN indicate that there was a policy in place but that the procedures and practices were problematic. The report indicates that: “while serious and genuine effort was made at the CLMS, national challenges do impact, which are outside the control of the CLMS and some strategies are very long term” (UKZN EE Report, 2016, p.5).

Booyesen (2014) argues that the Public Service Commission report on the assessment of HRM within the public sector in 2010 reveals that the application of staffing practices and procedures in the public service are very problematic because of challenges like noncompliance to policy, allegations of nepotism in appointment processes and inconsistency in the implementation of regulatory frameworks and policies.

Studies (Booyesen, 2007; Horwitz & Jain, 2011; Olckers & van Zyl, 2016) explain that ever since the EE regulations were introduced by the South African government, they have affected recruitment practices, procedures and policies in many organisations, particularly in South Africa. However, Gupta and Jain (2014) found that EE legislation promoted transparency and fairness in selection practices within most organisations. They argue that effective selection practice helps organisations to meet their legal obligations. The Department of Community and Safety Report



(2017) reports that EE regulations have imposed a number of restrictions on selection processes, procedures, policies and practices in many organisation.

Horwitz and Jain (2011) show that the public service factsheet on grievance resolution reveals that, in 2013/14, a total of 1388 cases of grievances regarding recruitment and selection were reported by national and provincial departments. The Department of Community and Safety Report (2017) found that most organisations found recruitment processes too time-consuming and long. It was further found that selection criteria do not make allowance for EE and competency-based assessments.

### **3.2.6 Remuneration and benefits**

Due to the global competition, it is important to identify and retain a skilled, efficient, competent and knowledgeable workforce by developing and maintaining an effective remuneration or compensation programme to ensure best performance (Akter & Husain, 2016). Today, many organisations are trying to identify innovative compensation strategies to influence employee performance. According to Bao and Wu (2017), equity compensation is widely used for motivating employees, particularly in new technology businesses. Larkin and Leider (2012) concur that equitable remuneration systems across various jobs within organisations increase organisational performance and facilitate the hiring and retention of skilled employees. The idea behind equity-based remuneration is to offer workers a share of the firm's future profit. Equity remuneration attracts committed and loyal employees into an organisation.

In South Africa, remuneration systems are regulated by employment laws such as the BCEA, the Constitution, EEA and the Minimum Wage Bill. Employers are required by law to ensure that their rewards or compensation systems are adequate, fair, transparent and equitable. The Constitution of South Africa, LRA and BCEA state that every employee should be remunerated equitably. Chapter 4, section 32(1), of the BCEA stipulates that an employer must remunerate employees in monetary value. The Act also states that the employees must receive equal pay for equal work. However, it appears that most organisations do not comply with the principle of equal work for equal pay.

Booyesen (2014) and Maleka and Siziba (2019) points out that some organisations have policies stipulating how employees should be remunerated while others have no remuneration policies at

all. According to Thomas (2014), employees in certain industries earn far more than those in academic institutions. Even in academic institutions, there exist huge gaps in the employee salary structures. The Department of Community and Safety Report (2017) reports that there is limited flexibility and scope for setting higher salaries to attract and maintain designated candidates. Furthermore, it has been found that some collective agreements concluded between trade unions, on one hand, and employers' organisations, on the other hand, defeat the principles of retention of existing workers and equal work for equal pay. Further, the results of the study reaffirm the findings presented by Van Zyl (2017), where it was argued that, although the EEA and other employment statutes play an important role in upholding principles of equity, there still exists a huge disparity in the pay structure in most organisations.

### **3.2.7 Performance appraisal**

According to Senyah, Coffie and Adu-Pakoh (2016), performance appraisal is a mechanism which allows the employer to communicate with employees about their rate of growth, competency and potential. Idowu (2017) points out that performance appraisal can assist organisations to yield greater satisfaction and motivation of employees. However, Long, Kowang, Ismail and Rasid (2013) contend that performance appraisal is one of the most problematic activities of HRM and that it is regarded as an unnecessary bureaucratic practice. Despite the lack of agreement about performance appraisal, it can be used to make a number of important HR decisions such as pay rises, promotion, bonuses, disciplinary actions, dismissals and staff training and development.

Section 195(1) of the Constitution guides the performance of employees in public institutions. The section states that good human resource management practices and performance evaluation and management should be cultivated to maximise the potential of employees (Masenya, Mokoele & Makalela, 2018). Schedule 8 to the LRA (Code of Good Practice: Dismissal) requires an employer to assess and evaluate the performance of the employees during their probation. The Code continues to state that if the performance evaluation proves negative, employees should be given an opportunity, if necessary, to improve their performance (Nel *et al.*, 2018). The Code further states should an employer find that the worker's performance does not meet the required performance target, the employer must advise or counsel the employee about where he/she considers the employee to be failing to meet the performance standards.

The PSA further states that the public sector should provide for performance appraisal. This proclamation suggests that the heads of department or unit in any institution should be in charge of managing and assessing employees performance. The Public Service Regulations of 2001 also state that supervisors must monitor, supervise and assess employees performance on a regular basis using the standard performance appraisal system. Although these legal frameworks encourage performance evaluation of employees, no specific method of performance evaluation has been recommended. This means that there is no uniformity in the performance evaluation of employees in South African organisations. The difference in the performance evaluation systems raises serious questions about the fairness of the processes. When this happens, it may affect EE implementation within organisations.

Oosthuizen and Naidoo (2010) note with much concern that in many organisations there exists no consistent technique or instrument of assessing employees' performance. Moreover, a report by the Department of Community and Safety (2017) confirms that performance appraisal systems in most organisations are still recognised as the basis for reward and do not aim at managing performance and developing skills. Kavanagh, Benson and Brown (2007) allege that during the performance appraisal exercises, there is the possibility that the evaluation might be biased by the rater's subjectivity. Employees might bring a case of discrimination against the organisation if the performance appraisal methods used are inconsistent or if they think they are evaluated unfairly.

In addition, Warnich *et al.* (2018, p.324) identify rating errors that affect the credibility of performance appraisal exercises. Rater bias is a rating error which may occur when the evaluator's values or prejudices distort the rating (Warnich *et al.*, 2018). Another rating error is stereotyping, which is mentally classifying people into an affinity group, and identifying them as having the same assumed characteristics as the group (Warnich *et al.*, 2018, p.324). Halo effect is another rating error which rates people positively on all the items because of their performance in one area (Warnich *et al.*, 2018). Moreover, central tendency occurs when employees are incorrectly assessed to be near the average or middle of a scale; leniency error is the tendency to award employees an undeserved high-performance appraisal rating; strictness is a type of rating error that occurs when the rater is being unduly harsh about the employee's performance; recency error refers to assigning a rating based on the employee's current performance rather than on the long-term

performance (Warnich *et al.*, 2018). These errors, when not properly managed, may result in unfair discrimination and labour practices thereby impacting negatively on EE implementation.

According to Maley (2013), an ineffective performance appraisal system has serious ramifications on employees' level of commitment and performance. It can, therefore, be concluded that the subjective bias associated with performance evaluation or performance might affect the effort of the organisation in promoting EE.

### **3.2.8 Appointments**

One of the transformational objectives of the South African government is to ensure that public service departments and other governmental institutions appoint employees based on EE goals (PSC, 2011). The EE goals give preference to the appointment of people on the basis of race, gender and disability for previously disadvantaged people. Chapter 4, section Sec 11 (1) of the PSA clearly stipulates that equality and other democratic values and principles, as contained in the Constitution, should be considered in appointing people into vacant positions. The Constitution also states that management should take steps necessary to address the imbalances created during the apartheid era (The Constitution of SA, 1996). However, most institutions do still not comply with the provisions of the relevant laws to appoint people with the right skills to occupy the right positions.

According to Oosthuizen and Naidoo (2010), African men are mostly the beneficiaries of EE interventions. However, their study found that African women have been an unfairly disadvantaged at the expense of other designated groups. Moreover, Thomas (2014) argues that most African women receive preferential treatment with regard to benefits in the workplace. Thomas (2014) notes that due to women's empowerment, certain key positions in organisations are reserved for women. The Department of Community and Safety (2017) claims that in some organisations, appointments, especially in scarce and critical occupations, do not support EE targets because of the pressure to meet operational demands.

In the case of *Stoman v Minister of Safety & Security & Others* (2002) 23 ILJ 1020 (T) Transvaal Provincial Division (12055/2001) C November 16, 2001; January 30, 2002, the candidate, a white worker, applied for a review of the appointment of an African employee. The applicant was short-listed because he had scored the most points during the interview process. The applicant was recommended for promotion in the South African Police Service, however, the Black applicant,

who was the preferred one from the designated groups, was appointed. The Minister of Labour Relations denied the allegation that the white applicant was unfairly discriminated against. While the white applicant believed that he was more qualified for the job than the Black applicant, he did not argue that the Black applicant was not qualified for the post. The applicant argued that no evidence existed that the Black applicant was from the designated groups.

It was held by the Labour Court that to consider representativity and for AA to play a role, it would give meaningful effect to the constitutional provision for such AA measures and the right of equality to appoint the white applicant. Thus, the court was of the view that there was nothing that could prevent the employer from appointing the most suitably qualified candidate, based on qualification and ability.

Similarly, in the case of *FAGWUSA & another v Hibiscus Coast Municipality & others* (2003) 24 ILJ 1976 (LC) 294, the applicant, a Black male, was not appointed to the post of a director. He, subsequently sought appointment to the post and compensation. The court held that designated employees should not be appointed merely because they are designated.

### **3.2.9 Advertisement of positions**

Advertisement constitutes an important step or activity in the recruitment process. The success of the process depends, to a large extent, on how well positions are advertised and the method used to advertise them. Various studies (Booyesen, 2014; Department of Community and Safety, 2017; Duvenhage & van der Westhuizen, 2013) suggest that job adverts should be placed in the right media for people in the various designated groups to have access to them.

Unfortunately, evidence suggests that most organisations, especially those within the public sector do not always undertake to advertise for new openings (PSC, 2011). Furthermore, some institutions used irregular or unauthorised means to limit competition for filling vacancies (PSC, 2011). Evidence available at the UKZN also suggests that advertisements are only placed in the Sunday Times and Mail & Guardian and not in traditional newspapers, such as Ilanga and Isolezwe. At the policy-technical sector for specialist positions level, it was found that candidates mostly met the educational qualifications but did not have the work experience required by the organisation (UKZN EE Report, 2016).

### **3.2.10 Training and development**

Training and development are major HR activities critical to both employees and organisations. With reference to the discussion above, the SDA was introduced to co-ordinate industrial training in South Africa in a more structured and purposeful manner (Venter & Levy 2014). The Act states that it is the employee's right to be trained and re-trained by the employer. However, Oosthuizen and Naidoo (2010) discovered that the lack of training and development of employees in most organisations in South Africa hinders the achievement of EE. They found that implementation of employee training and development programmes is happening slowly. The UKZN Report (2016) reveals that the UKZN lags behind in terms of training and development. Thus, training and development programmes at the UKZN target only a few people.

Roman and Mason (2015) claim that EE implementation tends to be racially and numbers-driven rather than being based on employee competence. Roman and Mason (2015) point out that experience suggests that EE training is not being addressed in depth. Al Ariss, Cascio and Paauwe (2014) and Rachel, Pavithra and Imran (2016) note that EE regulations allow talent management practices, such as training and development, to be carried out in a more transparent and fair manner in organisations. Although compliance with EE provisions is very problematic in most organisations, they do ensure transparency and accountability in talent management practices. Rachel *et al.* (2016) found that, through EE regulations, organisation can implement talent management practices which help in developing and implementing practices that contribute to rewarding and supporting talented employees.

### **3.2.11 Reasonable accommodation**

The Constitution, EEA, B-BBEE, SDA and PEPUDA clearly state that no one may unfairly discriminate, directly or indirectly, against a worker, in any employment policy or practice, on one or more grounds, including race and gender. The EEA, in particular, requires all employers to design and implement AA measures to accommodate people from the designated groups (Bendix, 2015). However, Rankhumise and Netswera (2010) suggest that the difficulties of accommodating employees from the designated groups, especially those who are disabled, hamper the achievement of EE targets in some workplaces. They argue that policies within some organisations still discriminate against the designated groups. The Department of Community and Safety (2017)

further acknowledges that some organisations are unable to provide reasonable accommodation for people with disabilities.

Research (Christianson, 2012; Ofuani, 2011) states that physically challenged persons are often excluded from the labour market as a result of discriminatory practices in relation to their disabilities. This affects their equal representation in the workplace. Christianson (2012) argues that although people living with disabilities may have the capacity and qualifications to be employed, the ultimate decision lies with the employers' readiness and willingness to reasonably accommodate them. Guimaraes, Martins and Barkokebas Junior (2012) maintain that a lack of professional training on architectonic barriers and discrimination, on the basis of functional ability, limit the inclusion of disabled persons in the labour market. In a more recent study, Guimarães, Barkokébas Junior and Martins (2018) confirm that the employment of people with disabilities continues to be very much lower than that of people without disability in most countries due to factors such as prejudice about labour production and absenteeism of these workers. Likewise, Li and Goldschmidt (2009) argue that the designated groups, especially the physically challenged do not have employment opportunities equal to their counterparts.

Contrary to the perceptions held about people with disabilities (Guimarães, Martins & Barkokébas Junior, 2015) found that workers with hearing impairments are capable of performing tasks without any adaptations in the workplace. On other hand, the study reveals that workers who had had their legs or feet amputated require appropriate prostheses to perform the required activities. The study concludes that only employees with full or partial hearing impairments are capable of performing tasks without any accommodation (de Guimarães, 2015). From the review of scholarly literature, it can be argued that although the attempts of government to include people with disabilities in the work environment, the number of such people seeking employment opportunities and those who receive job opportunities remains very low. In Brazil, for instance, it appears that labour regulations do not guarantee reasonable accommodation of people with disabilities in the workplace (Martins, Barkokébas, Baptista & Arezes, 2016).

### **3.2.12 Reverse discrimination**

Reverse discrimination has raised a lot of questions among scholars. According to Prince (2006), there is a perception amongst South Africans, especially White males that affirmative action leads to reverse discrimination. Mhobe, Humber, Gault and Mokhobo (1998) found that White males

feared that they might be subjected to discrimination within the workplace. Denton and Vloeberghs (2003) and Ng and Burke (2004) perceive EE as being racist, unfair and reverse discrimination. Tougas, Beaton and Veilleux (1991) argue from the perspective of the Self-Interest Theory that the beneficiaries of EE may tend to perceive EE as non-racial and fair, as opposed to the non-beneficiaries.

Mayer (2017) suggests that Black women in leadership positions experience double discrimination as a result of gender and race and consequently, they feel caught up in postcolonial struggles, discourses of power, dominance, inferiority and superiority. Moreover, Segalo (2014) claims that EE implementation leads to reverse discrimination in the workplace because born-free individuals receive worse treatment than the younger generation. Oosthuizen & Naidoo (2010) agree that EE implementation contributes to gender and race discrimination in the workplace. In Nigeria, studies such as Etieyibo (2020), Etieyibo and Omiegbe (2016) and Etieyibo and Omiegbe (2020) suggest that people, especially those with disabilities, are subjected to different kinds of discrimination. . In a similar study, Oosthuizen, Tonelli and Mayer (2019) also perceived EE as being biased and a vehicle to heighten the focus on racial divides.

On the contrary, Qunta (1995) denies the fact that EE rather creates discrimination, because the term ‘racism’ means that a particular group of people is considered superior to another. Qunta (1995) argues that EE and AA measures do not imply that Whites are inferior or incapable of performing certain tasks if they are overlooked for certain jobs, but they cannot be alone in benefiting from life’s opportunities.

### **3.2.13 Succession planning**

Succession planning is considered as a strategic HRM intervention aimed to identify, select and develop employees with leadership potential. Succession planning is critical to ensure the continuity of an organisation in the event of a senior manager resigning or the CEO dying. The Department of Community and Safety Report (2017) indicates that in some institutions or departments, there is a lack of clear strategy for succession planning to accelerate the movement and development of designated groups. Booysen (2007) further finds that most organisations in South Africa have no policy, practice or procedure in place concerning succession planning or succession management.



### **3.3 Consequences of Non-compliance to Employment Equity Legislation**

Haq and Ng (2010); Duvenhage and Van der Westhuizen (2013) and Thomas (2002) point out that there are several consequences associated with non-compliance to the legislation on EE. These consequences are discussed as follows:

#### **3.3.1 Fines**

Duvenhage and Van der Westhuizen (2013) found that non-compliance to the relevant legislation on EE may result in a situation where the organisation is liable to pay fines or penalties. The EEA allows the Minister of the Department of Labour to impose fines if any employer violates any of the provisions of EE. For example, contravention of sections 9 to 34 of the LRA may attract a fine of R10, 000 (Duvenhage & Van der Westhuizen, 2013). Moreover, in terms of EEA, any employer who contravenes sections 16, 19, 20, 21, 22 or 23 will be liable to pay a fine, ranging from R500, 000 to R900, 000. Duvenhage and Van der Westhuizen (2013) argue that in cases of no previous contravention, the employer will be made to pay a fine of R500, 000. However, in the situation where there is a previous contravention, the employer or the organisation will be made to pay a fine of R600, 000.

In the case of *Director-General of Labour v Win-Cool Industrial Enterprise (Pty) Ltd* [2007] 9 BLLR 485 (LC), the Director-General of Labour ruled that the company should pay a maximum of R500,000 as prescribed by the EEA for a first transgression. However, the company stated that such payment could only be effected if the Court was satisfied that it was criminally liable. The DoL had to prove that the company not only failed to comply with the provision thereof in the EEA regarding EE, but that in addition, the employer had criminal intent. The Court held that Win-Cool had contravened sections 16, 19, 20 and 21. The company was made to pay R300, 000 of which R200, 000 was suspended because of compliance with the obligations within the defined period.

#### **3.3.2 Imprisonment**

Beside the penalties, non-compliance with the legislation on EE may lead to imprisonment. According to Maja *et al.* (2011), failure to adhere to the legislation regarding EE and elimination of unfair labour practices in the workplace may lead to a prison term of not less than 12 months. Oosthuizen and Naidoo (2010) further recommend that an employer who contravened sections 9

to 43 of the LRA should face a minimum prison term of 12 months. Moreover, contravention of sections 43 to 48 could attract a three to six-year prison term (Oosthuizen & Naidoo, 2010)

### **3.3.3 Legal action**

There is nothing to prevent an employee from instituting legal proceedings against an employer for unfair discrimination in the workplace. Smit and Viviers (2016) argue that an employer may be sued for any act that discriminates against employees, on one or more grounds, in terms of race, gender, culture, social origin, language, political opinion or birth. The employee may take legal action against the employer for failing to put policies in place to prevent or eliminate unfair discrimination in the workplace. In *Piliso v Old Mutual Life Assurance Co (SA ) Ltd & (and) Others*, 28 Indus. L.J. (Juta) 897 (2007), it was deemed responsible to pay constitutional damages to an employee for a violation of her constitutional right relating to fair labour practices. In the said case, the employer breached the constitutional right of not providing an enabling working environment to an employee and she was sexually harassed by a non-employee (Chicktay, 2010).

## **3.4 Affirmative Action Measures to Mitigate the Barriers Affecting Employment**

### **Equity**

Empirical research (Duvenhage & Van der Westhuizen, 2013; Maja *et al.*, 2011; Modise *et al.*, 2014) suggests several AA measures that can be instituted by employers to achieve EE. These affirmative action measures are discussed as follows:

### **3.4.1 Employee training and development**

According to Rankhumise and Netswera (2010), capacity building interventions are necessary if an organisation intends to achieve EE. Rankhumise and Netswera (2010) suggest that the capacity building interventions should include mentoring, on-the-job training and routine work schedule clarification. The Department of Community and Safety (2017) also recommends that attention should be focused on the training of potential employees through a range of activities such as accredited training interventions, the awarding of bursaries and internship programmes. The Department of Community and Safety (2017) further suggests that training, coaching and mentorship programmes be designed and implemented to provide skills and experience for employees, especially those from the designated groups.

Similarly, the EE report at the UKZN also suggests that training and development programmes should be made available to the designated groups (UKZN EE Report, 2016). Moreover, Mahadevan and Mayer (2017) suggest that organisations should implement consulting, training and development programmes that are long-term orientated and strategically driven. Majeed and Shakeel (2017) also suggest that training and development is critical for the development of every staff member because organisational success can only be achieved through employee performance.

### **3.4.2 Succession and experience planning**

The Department of Community and Safety Report (2017) indicates that a clear strategy for succession planning should be introduced on a national level to address the challenges of succession planning which affect EE. Similarly, the EE report at the UKZN suggests that succession planning should be given priority. Roman and Mason (2015) further recommend that effective succession planning is required in all organisations to ensure smooth EE implementation. Due to the imbalance in education and training, organisations, including HEIs, should identify candidates from the designated groups and groom or develop them to occupy managerial positions. Succession planning is considered as a proactive approach which helps to ensure that the employee turnover does not impact negatively on the organisation (Ali & Mehreen, 2019). Moreover, Adebola (2019) suggest that organisations should approach succession planning seriously because it saves time and the cost of external personnel recruitment and selection.

### **3.4.3 Appointment of persons from designated groups**

Khalid and Nawab (2018) claim that employee retention is critical to organisational success . Booysen and Nkomo (2010), the Department of Community and Safety Report (2017) and the UKZN EE Report (2016) advocate the appointment of persons from the designated groups. Oosthuizen and Naidoo (2010) recommend that appointments of people from designated groups should be based on merit and fairness rather than on the basis of ethnicity, nepotism or favouritism. The Department of Community and Safety (2017) recommends that targeted recruitment must be undertaken to attract the most suitably qualified applicants from the designated groups who are underrepresented in various organisations across the country.

The UKZN EE Report (2016, p.66.) states that: “retention strategy should be adopted and followed through”. Out of cycle promotion has been used in some cases for retention. Retention strategy should be adopted and followed through. Mentorship of employees is a requirement for extension

beyond retirement consideration and the University has appointed a retired employee to mentor specific employees. Nordling (2019) found that the designated groups, especially Black staff members at the University of Cape Town are under-represented on the senior decision-making bodies.

#### **3.4.4 Recruitment and selection process**

The Department of Community and Safety (2017), Monday (2010), Sule and Elizabeth (2013), Sunday, Olaniyi and Mary (2014) and Suthar, Chakravarthi and Pradhan (2014), propose that, to achieve EE, both recruitment and selection practices and processes within the workplace must be fair and transparent. It is also important that recruitment and selection should comply with the requirements of the EE Plan (EEP) within organisations. The Department of Community and Safety (2017) posits that selection criteria should be reassessed within organisations to make more room for EE and competency-based assessments. Also, it recommends that a selection panel should be constituted to conduct the selection process, especially in government departments.

According to Cloete (2015), EE and AA are seen as tools for achieving workplace democracy and equality. Slater (2014) proposes that AA measures should facilitate equitable opportunities for previously disadvantaged groups. Slater (2014) further advocates that to address the past discrimination and to overcome the historic economic marginalisation and to move towards equalisation in all spheres of life, preferential support and equal opportunities should be seen as an ethical means towards equity, justice and integrity. McKinney and Swartz (2019) advocate that the selection criteria and medical and psychometric testing used should be appropriate and free from discriminatory practices.

#### **3.4.5 Corporate culture that embraces diversity**

The Department of Community and Safety Report (2017) suggests that proper education should be provided for managers and employees to understand the diverse groups and their unique needs, cultural differences and gender and generation gap differences. It is further suggested that awareness programmes should aim at providing better understanding and greater tolerance in the workplace (Community and Safety Report, 2017). Al-Jenaibi (2017) observes that diversity management has assumed an important place in many organisations. Martin (2014) suggests that workplace diversity is an important HR practice which should be embraced by both employer and employees. According to Foma (2014), workplace diversity has a significant impact on

organisations in that it facilitates the sharing of ideas from the diverse cultures of employees, and to the development of friendships without discrimination.

According to Booysen and Nkomo (2010), organisations should embrace the principle of an inclusive culture to promote diversity. Op't Hoog, Siebers and Linde (2010) also recommend the need for a more inclusive culture which values diversity. They propose that the inclusive culture should provide a supportive environment for employment practices. Moreover, this study suggests that new recruits should be introduced to the institution's culture, vision and values.

#### **3.4.6 Job creation**

Job creation constitutes a serious socio-economic challenge confronting many countries. According to Mahadea and Simson (2010), despite the South African economy having experienced positive growth in the last fifteen years, the formal sector is unable to create adequate jobs for the workforce. This phenomenon points to the need for more job creation, especially for the designated groups who are still unemployed. The Presidency (2011) states that the best solution to unemployment, inequality and poverty as identified in the National Development Plan (NDP), is job creation. Presently, parliament has adopted the Employment Tax Incentive Bill to encourage employers to hire youths between the age of 18 and 29 years. All employers who register under this Act will benefit from a reduction in tax if they employ youths. To create more jobs, government policy should focus on the creation of enabling environments for businesses (Meyer, 2014).

#### **3.4.7 Advertisement of positions**

According to Booysen (2014) and Duvenhage and van der Westhuizen (2013), job vacancies should be placed in the right media to enable people from the various designated groups to have easy access to them. Similarly, the Department of Community and Safety (2017) suggests that managers should speed up the process of recruitment of the most qualified people from the designated groups. It also recommends that organisations should use appropriate mechanisms to attract people from the designated groups. Furthermore, it has been proposed that senior managers should collaborate with their respective organisations to identify the relevant media for targeted advertising (Department of Community and Safety, 2017).

The UKZN EE Report (2016) recommends that CLMS should increase their media coverage to include all cultures and to be more inclusive. Currently, advertising of positions is only applicable to internal UKZN staff. The report states that the UKZN has started substituting years of experience for experience gained during postgraduate studies. Besides, organisations, including HEIs, should adhere to the provisions of the relevant legislation when appointing people for vacant positions. Advertising should consider the position to be filled, location of the candidates, especially the designated groups, media and its geographical coverage, costs involved and time. Additionally, McKinney and Swartz (2019) propose that to address barriers to EE, advertisements, application forms, and interview venues need to be accessible and appropriate for people with disabilities.

### **3.4.8 Remuneration and benefits**

Duvenhage and van der Westhuizen (2013) recommend that people, especially those from the designated groups, should receive fair and equitable remuneration when compared with their colleagues who are not from the designated groups. Oosthuizen and Naidoo (2010) suggest that people with the same job classifications and grades should receive equal remuneration. The Department of Community and Safety (2017) proposes that the government should continue to set remuneration and benefits to avoid discrimination. It is safe to suggest that employers should not hesitate to reward more favourably should they wish to do so based on favourable terms. In addition to the legal requirement (equal pay for work of equal value), organisations including HEIs, should consider rewarding based on contribution or input. Oosthuizen and Naidoo (2010) suggest that such inputs should include: skills, expertise, training and technological know-how. Individuals who bring more valued inputs into the organisation should receive a higher allocation of resources and rewards.

Conversely, Nel, Kirsten, Swanepoel, Erasmus and Poisat (2008) argue that the assumption about equitable distribution of resources raises two fundamental questions regarding justice perception of the parties, namely: employer, employee and government. The first concern deals with whether all parties consent that equity is a reasonable basis upon which rewards, and resources should be distributed. The second, on the other hand, relates to what the parties regard as inputs and outputs.

### **3.4.9 Performance and evaluation system**

Booyesen (2007) suggests that managers should ensure that the evaluation of employee performance is free of bias and inconsistency. Booyesen (2007) recommends that if a particular standard of evaluation is accepted, it must be used throughout in the evaluation of employee performance. She further maintains that the evaluation system must be objective and realistic to ensure that employees are satisfied with the outcomes. According to the Department of Community and Safety (2017), performance appraisal should be conducted in a manner that creates a performance-driven culture within organisations. The most common rating errors affecting the credibility of the performance exercises must be identified and eliminated or minimised. The methods and procedures for evaluating performance must be communicated to the employees before any evaluation takes place. The performance appraisal results should also be communicated to all employees.

### **3.4.10 Monitoring and evaluation of employment equity process**

Maja *et al.* (2011) recommend that a continuous monitoring process is important to ensure that EE achieves its purpose. Lack of effective monitoring and evaluation processes serve as barriers to achieving or meeting EE in the workplace. Therefore, to address this challenge, the organisation must have a team of competent experts or staff who will serve as inspectors in monitoring and evaluating the EE implementation process and progress in the organisation. Duvenhage and van der Westhuizen (2013) support the idea that a continuous monitoring and evaluation process is key to addressing the challenges of EE in the workplace. Mahadevan and Mayer (2017) agree that organisations should monitor the process of EE competently and vigorously. The monitoring and evaluation process should be performed continuously, at regular intervals. In addition, managers in charge of the monitoring and evaluation process should be given the required resources to enable them to function effectively and efficiently.

### **3.4.11 Conducive working environment and provision of facilities**

The employer has a huge responsibility to ensure that employees work in a secure and safe environment. The employer's facility must be accessible to employees, especially to people living with disabilities. This should include the construction of ramps, provision of lifts and wheelchairs. Pruettikommon and Louhapensang (2018) base their argument on the "theory of universal design" which states that the environment, workplace and facilities should be designed in a manner that

accommodates everyone. Pruettikomon and Louhapensang (2018) suggest that disabled persons working within organisations require resources such as storage devices, hearing aids or devices and easy access to stairs. Furthermore, it was proposed that facilities such as ramps and elevators should be provided at accessible places to assist the physically challenged (Pruettikomon & Louhapensang, 2018).

### **3.4.12 Reverse discrimination**

Oosterom-Staples (2012) proposes that equal and genuine enjoyment tests, which oblige member states of the ILO not to execute measures which affect the rights of all citizens, have the potential to address reverse discrimination. Pyke (2018) also suggests that professionals, especially sociologists, should embrace their obligations and apply their scholarly knowledge and commitments to eradicating inequality and discrimination within the workplace. It can be suggested that employers should create awareness of gender microaggressions, as well as develop programmes to help victims of discrimination, especially women, who are confronted with perceived microaggressions. Marchiondo Gonzales and Williams (2019) point out that organisations and government should implement social policies to help reduce discrimination. Stoffels (2015) confirms that the implementation of EE is sometimes characterised by racism and reverse discrimination.

## **3.5 Analysis of South African National Workforce Profile**

This section of the study presents an analysis of the South African demographic workforce profile, with a view to determining the level of under-representation and over-representation of the designated groups in the various occupational categories and levels, as of 2019. The following sections present the statistics of the National Economically Active Population (EAP) and national workforce profile.

### **3.5.1 National economically active population in 2019**

Table 3.1 shows the National EAP as of 2019.



**Table 3.1      National economically active population by population group and gender**

| <b>Population Group</b> | <b>Male (%)</b> | <b>Female (%)</b> | <b>Total (%)</b> |
|-------------------------|-----------------|-------------------|------------------|
| African                 | 42.8            | 36.0              | 78.8             |
| Coloured                | 5.2             | 4.4               | 9.6              |
| Indian                  | 1.6             | 1.0               | 2.6              |
| White                   | 5.1             | 3.9               | 9.0              |
| <b>Total</b>            | <b>54.7</b>     | <b>45.3</b>       | <b>100</b>       |

**Source: Commission for EE Annual Report, 2018-2019**

As reflected in Table 3.1, in terms of gender, males represented the majority at 54.7% of the EAP and females represented 45.3% . The statistics suggest that posts in South Africa, in terms of gender, were still biased as more position were occupied by men than women. In terms of population groups, Africans constituted the majority (78.8%) of the EAP, followed by Coloureds (9.6%), Whites (9.0%) and Indians (2.6%). Table 3.2 displays the profile of the workforce in terms of population groups, gender and disability, nationwide.

### **3.5.2    Workforce profile at the various occupational levels by population groups, gender and disability**

Table 3.2 shows the national profile of the workforce at various occupational levels by population group, gender and disability in the South African employment landscape. The purpose of the workforce profile analysis is to provide an indication of representativity at each occupational level, based on the reports submitted by designated employers.

**Table 3.2 Workforce profile at the various occupational level by population group, gender and disability**

| <b>Occupational Level</b>       | <b>Male (%)</b> |          |          |          | <b>Female (%)</b> |          |          |          | <b>Foreign National (%)</b> |          | <b>Total%</b> |
|---------------------------------|-----------------|----------|----------|----------|-------------------|----------|----------|----------|-----------------------------|----------|---------------|
|                                 | <b>A</b>        | <b>C</b> | <b>I</b> | <b>W</b> | <b>A</b>          | <b>C</b> | <b>I</b> | <b>W</b> | <b>M</b>                    | <b>F</b> |               |
| <b>Top management</b>           | 10.2            | 5.0      | 12.3     | 45.4     | 4.6               | 4.0      | 5.0      | 11.5     | 1.5                         | 0.5      | 100           |
| <b>Senior management</b>        | 11.2            | 5.9      | 8.8      | 40.1     | 6.5               | 4.1      | 4.7      | 17.1     | 1.2                         | 0.6      | 100           |
| <b>Professionally qualified</b> | 16.4            | 5.7      | 5.7      | 28.6     | 14.1              | 4.4      | 4.2      | 19.8     | 0.8                         | 0.3      | 100           |
| <b>Skilled technical level</b>  | 29.1            | 6.1      | 3.3      | 17.3     | 22.5              | 5.2      | 2.6      | 13.2     | 0.5                         | 0.2      | 100           |
| <b>Semi-skilled level</b>       | 39.4            | 6.8      | 2.2      | 5.3      | 29.9              | 6.6      | 1.9      | 6.3      | 1.5                         | 0.1      | 100           |
| <b>Unskilled level</b>          | 44.7            | 6.4      | 1.2      | 2.6      | 35.7              | 5.2      | 0.5      | 1.1      | 2.5                         | 0.2      | 100           |

**Source: Commission for EE Annual Report, 2018-2019**

The statistics presented in Table 3.2 reflect the annual report released by the Commission for Employment Equity as at 2019. As reflected above, 74.4% of top management posts were filled by men (10.2% Africans, 5% Coloureds, 12.3% Indians, 45.4% Whites and 1.5% Foreign Nationals) and only 25.6% of the posts were filled by women (4.6% Africans, 4% Coloureds, 5% Indians, 11.5% Whites and 0.5% Foreign Nationals). Statistically, it can be concluded there was still gender imbalance in the South African workplace, since posts at top management were mostly occupied by men as compared to women. A further comparative analysis was carried out with regard to population groups. The statistics show that the majority of the workforce at top management level were Whites (56.9%), followed by Indians (23.8%), Africans (14.2), Coloureds (9%) and Foreign Nationals (2%). An analysis of the figures suggests that Africans were under-represented at this occupational level. Research shows that Africans (30%) constituted the minority of the workforce in top management positions, while other members of the designated groups were not represented (Kola & Pretorius, 2014). Statistic South Africa (2010) states that 12 years after the promulgation of the EEA and other employment statutes, the workplace is still dominated by

Whites. Chemical Industries Education and Training Authority [CHIETA] (2014) reports that until 2011, there was not even a single African in a top position in the pharmaceutical industry in South Africa. By contrast, Indian were over-represented at this occupational level in the pharmaceutical industry as of 2011. The Department of Safety (2017) also reported that there was not a single African in this occupational category at the Western Cape province. Rasool & Botha (2011) argue that there are many South Africans who are highly educated and qualified who have chosen to migrate abroad because of push factors such as EE, poor working conditions, high cost of living, poor service delivery, crime, unfriendly business environment, declining equality of education and low-income levels.

From the Table 3.2., it was found that 67.2% of the posts were filled by men (11.2% Africans, 5.9% Coloureds, 8.8% Indians, 40.1% Whites and 1.2% Foreign Nationals) and only 33.2% of the posts were occupied by women (6.5% Africans, 4.1% Coloureds, 4.7% Indian, 17.1% White and 0.6% Foreign Nationals). The comparative analysis shows that posts in South African organisations were still filled by men, after 25 years of democracy. In terms of population, a high percentage of the posts was filled by Whites (57.2%), followed by Africans (17.2%), Indians (13.5%), Coloureds (10.0%) and Foreign Nationals (1.8%).

Furthermore, information from Table 3.2 showed that at professionally qualified level, 57.2% of the posts were filled by men (16.4% Africans, 5.7% Coloureds, 5.7% Indians, 28.6% Whites and 0.8% Foreign Nationals), while only 42.8% of the posts were filled by women (14.1% Africans, 4.4% Coloureds, 4.2% Indians, 19.8% Whites and 0.3% Foreign Nationals). When it comes to the comparison by population group, 48.4% of the posts were filled by Whites, followed by Africans (30.5%), Coloureds (10.1%), Indians (9.8%) and Foreign Nationals (1.1%). This means that Whites have dominated this occupational level over the rest of the population groups. At the University of Pretoria, it was found that the designated group comprised only 10% of the professionally qualified and 31% of the academically qualified staff (Kola & Pretorius, 2014).

At the Skilled technical level, 56.3% of the posts were being filled by men (29.1% Africans, 6.1% Coloureds, 3.3% Indians, 17.3% Whites and 0.5% Foreign Nationals), whereas only 43.7% of the posts were occupied by women (22.5% Africans, 5.2% Coloureds, 2.6% Indians, 13.2% Whites and 0.2% Foreign Nationals). This suggests that posts at the skilled technical level in South African organisations were still filled by men rather than being equally distributed with women. The

comparison in terms of the population groups shows that 31.6% of the post were filled by Africans, followed by Whites (30.5%), Coloureds (11.3%), Indians (25.8%) and Foreign Nationals (0.7%).

For the semi-skilled level, 55.2% of the posts were filled by men (39.4% Africans, 6.8% Coloureds, 2.2% Indians, 5.3% Whites and 1.5% Foreign Nationals). However, women constituted only 44.8% of the workforce at the semi-skilled level. The statistics further suggest that posts at the semi-skilled level were still biased against women, as most of the positions were filled by men. When it comes to population groups, the African population constituted the majority (69.3%), followed by Coloureds (13.4%), Whites (11.6%), Indians (3.1%) and Foreign Nationals (1.6%).

Regarding the unskilled level, posts in South African workplaces were unevenly distributed, as 57.4% of these posts were filled by men (44.7% Africans, 6.4% Coloureds, 1.2% Indians, Whites 2.6% and 2.5% Foreign Nationals), while only 42.6% of the posts were filled by women (35.7% Africans, 5.2% Coloureds, 0.5% Indians, 1.1% Whites and 0.2% Foreign Nationals). However, in terms of population groups, the majority of the workforce was African (80.4%), followed by Coloureds (11.6%), Whites (3.6%), Foreign Nationals (2.7%) and Indians (2.3%).

### **3.5.3 Overview of workforce profile at the University of KwaZulu-Natal as of 1 January 2016**

Table 3.3 shows the workforce profile at the UKZN in January 2016. It contains information about gender, population groups and disability at the various occupational levels within the University.

**Table 3.3 Overview of workforce profile at University of KwaZulu-Natal as of 1 January 2016**

| Occupational Level                                  | Male |    |     |     | Female |    |     |     | Foreign National (%) |    | Total |
|---|------|----|-----|-----|--------|----|-----|-----|----------------------|----|-------|
|   | A    | C  | I   | W   | A      | C  | I   | W   | M                    | F  |       |
| <b>Top management</b>                               | 5    | 0  | 0   | 2   | 0      | 2  | 1   | 0   | 2                    | 0  | 12    |
| <b>Senior management</b>                            | 7    | 0  | 7   | 9   | 4      | 2  | 2   | 3   | 8                    | 1  | 43    |
| <b>Professionally qualified</b>                     | 19   | 4  | 56  | 64  | 20     | 4  | 44  | 33  | 61                   | 7  | 312   |
| <b>Skilled technical and academically qualified</b> | 345  | 33 | 304 | 135 | 528    | 69 | 445 | 228 | 110                  | 42 | 2239  |
| <b>Semi-skilled level</b>                           | 124  | 3  | 52  | 3   | 89     | 10 | 19  | 16  | 2                    | 0  | 312   |
| <b>Unskilled level</b>                              | 16   | 0  | 7   | 0   | 19     | 0  | 4   | 0   | 0                    | 0  | 46    |

**Source: UKZN Workforce Profile, 2016**

The demographic information presented in Table 3.3 shows that, in terms of gender, posts at the UKZN in 2016 were still skewed towards men, as 9 posts at the top management level were filled by men (5 Africans, 2 Whites and 2 Foreign Nationals), whereas only 3 posts were filled by women (2 Coloureds and 1 Indian). In terms of the workforce profile based on population groups, 7 posts were filled by Africans, 2 post were filled by Coloureds, another 2 posts were filled by Whites, 2 posts were filled by Foreign Nationals and 1 post was filled by an Indian. The analysis shows that more posts at the top management level were filled by Africans than other groups.

With regard to the posts at senior management level, statistics from the Table show that out of 43 posts, 31 were filled by men (7 Africans, 7 Indians, 9 Whites and 8 Foreign Nationals), while only 12 of the posts were filled by women (4 Africans, 2 Coloureds, 2 Indians, 3 Whites and 1 Foreign National). The analysis of the various figures suggests that posts at the senior management level at the UKZN were still biased against women. In relations to population groups, 11 posts were filled by Africans, 2 posts were filled by Coloureds, 9 posts were filled by Indians, 12 posts were filled by Whites and 9 posts were filled by Foreign Nationals. It can, therefore, be seen that more

posts at senior management level were filled by Whites, Africans, Foreign Nationals and Indians than by Coloureds.

At the professionally qualified level, out of the 312 posts, 204 were filled by men (19 Africans, 4 Coloureds, 56 Indians, 64 Whites and 61 Foreign Nationals) and only 108 posts were occupied by women (20 Africans, 4 Coloureds, 44 Indians, 33 Whites and 7 Foreign Nationals). The statistics are an indication that posts at the professionally qualified level were still biased in terms of gender, as most of these posts were filled by men. The comparative analysis, in terms of population groups, suggests that more posts were filled by Indians (100), Whites (99) and Foreign Nationals (68) than by Africans (39) and Coloureds (8). The analysis, based on the population groups, reveals that Indians, Whites and Foreign Nationals were more frequently employed at this occupational level than Africans and Coloureds.

With respect to skilled technical and academically qualified staff, 1312 posts were filled by women (528 Africans, 69 Coloureds, 445 Indian, 228 Whites and 42 Foreign Nationals) while only 927 posts were filled by men (345 Africans, 33 Coloureds, 304 Indians, 135 Whites and 110 Foreign Nationals). Based on the statistics, there was gender bias at this level, since most of the posts were being filled by women. In relation to the analysis based on the population groups, 873 posts were filled by Africans, 102 posts were also filled by Coloureds, 749 posts were filled by Indians, 363 posts were filled by Whites and 152 posts were filled by Foreign Nationals. The analysis shows more posts filled by Africans and Indians than their counterparts.

At the semi-skilled level, posts were still biased against women, as 184 posts out of 312 were filled by men (124 Africans, 3 Coloureds, 52 Indians, 3 Whites and 2 Foreign Nationals), while only 128 of such positions were filled by women (89 Africans, 10 Coloureds, 19 Indians and 16 Whites). In relation to the analysis based on population groups, more posts were filled by Africans (213), than by Indians (71), White (19) Coloureds (13) and Foreign Nationals (2).

At the unskilled level, there was a gender balance as 23 posts were filled by men (16 Africans and 7 Indians) and 23 by women (19 Africans and 4 Indians) respectively. With regard to the comparative analysis based on population groups, 35 posts were filled by Africans, whereas 11 post were filled by Indians. The situation at the UKZN is not different from other universities. For example, Van Wyk (2010) argues that EE at the University of Cape Town (UCT) has been

somewhat uneven and has not always reflected the commitment of top management to the implementation EE. Soudien (2010) also observes that at the Durban University of Technology (DUT), the Coloured and Indian populations constituted the more of the workforce than did members of the African population. Nieuwenhuizen (2011) claims that academics in South African universities from the designated groups combined, constitute only 40%, compared with 60% Whites. According to the DoL (2017–2018), at senior and managerial levels, white men and women were, in general, over-represented. At Unisa College of Law (CLAW), the 2018 statistics showed that only few black full or associate professors were employed, with many black employees having been employed in lower ranks (South African Human Rights Commission (SAHRC) Final Report, 2018b). It was found that there is a lack of sufficient racial transformation at Unisa (SAHRC Final Report, 2018b). Table 3.4 shows a snapshot of people with disabilities at the UKZN as of 1 January 2016.

#### **3.5.4 Profile of people with disabilities at the UKZN as of 1 January 2016**

Table 3.4 shows the work profile of physically challenged persons at the various occupational levels at the UKZN as of 1 January 2016. The analysis of the report relates to gender and population groups.

**Table 3.4 Profile of people with disabilities as of 1 January 2016**

| Occupational Level                                  | Male |   |    |   | Female |   |    |    | Foreign National (%) |   | Total |
|---|------|---|----|---|--------|---|----|----|----------------------|---|-------|
|   | A    | C | I  | W | A      | C | I  | W  | M                    | F |       |
| <b>Top management</b>                               | 0    | 0 | 0  | 0 | 0      | 0 | 0  | 0  | 0                    | 0 | 0     |
| <b>Senior management</b>                            | 0    | 0 | 1  | 0 | 0      | 0 | 0  | 0  | 0                    | 0 | 1     |
| <b>Professionally qualified</b>                     | 0    | 0 | 2  | 4 | 2      | 0 | 0  | 2  | 0                    | 0 | 10    |
| <b>Skilled technical and academically qualified</b> | 7    | 2 | 19 | 7 | 8      | 3 | 18 | 11 | 4                    | 2 | 81    |
| <b>Semi-skilled level</b>                           | 1    | 0 | 2  | 0 | 0      | 0 | 1  | 0  | 0                    | 0 | 4     |
| <b>Unskilled level</b>                              | 0    | 0 | 1  | 0 | 0      | 0 | 0  | 0  | 0                    | 0 | 1     |

**Source: University of KwaZulu-Natal Workforce Profile, 2016**

As reflected in Table 3.4, posts at the UKZN top management level were still biased against people with disabilities, since none of them was employed at this level. At the senior management level, posts in the University were also biased against people living with disabilities, as only 1 post was filled by a person living with disabilities. The situation at the professionally qualified level was not different from the first two levels, as only 10 posts were filled by people living with disabilities. However, the situation improves slightly at the skilled technical and academically qualified level where 81 posts were filled by persons living with disabilities. The situation worsens at the semi-skilled and unskilled level as 4 and 1 posts respectively, were filled by disabled persons. An analysis of the overall figures shows that people living with disabilities were denied equal employment opportunities at the UKZN.

According to Maja *et al.* (2012), discrimination against physically challenged persons is the result of negative attitudes and lack of knowledge and awareness. Maja *et al.* (2012) argue that prejudicial attitudes tend to result in discrimination and affect the employment prospects of disabled people. It has also been found that insufficient information, rather than prejudice itself, has the potential to undermine the eradication of discrimination in the employment of people with



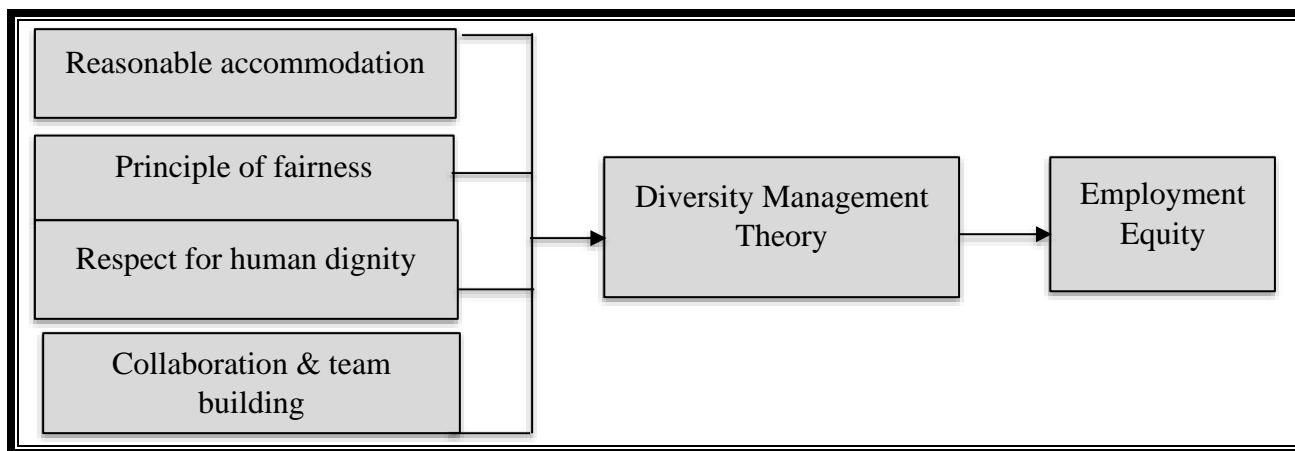
disabilities. People without disability often hold negative perceptions about persons with disabilities, viewing them as inferior. These perceptions are likely to foster discrimination in the work environment and have the potential to result in unemployment and poor working conditions for people living with disabilities. Apart from these barriers, the physical working environment, work equipment and machinery are found to be major challenges which limit the employment of the physically challenged (Maja *et al.*, 2012). Moreover, McKinney and Swartz (2019) concur that although the progress made the South African government, physically challenged persons still experience barriers in the integration into the workplace.

### **3.6 Theoretical Framework for the Study**

Diversity Management Theory is the most appropriate theoretical framework underpinning this study. Cornelius, Gooch & Todd (2000) explain that Diversity Management Theory focuses on valuing differences in people within the workplace, irrespective of their biographical characteristics. Diversity Management Theory is based on the premise that all organisations require an inclusive culture within their work environment to promote teamwork, workplace participation and cohesiveness (Carnevale & Stone, 1994; Roberson & Park, 2007).

Diversity Management Theory was chosen because it forces managers to treat everyone alike to recognise differences and to respond to those differences in ways that will ensure employee retention and greater productivity while, at the same time, prevent discrimination. This opinion, expressed by Robbins (2000), underscores the basic purpose of EE implementation in South Africa. Hays-Thomas (2016) also sees Diversity Management Theory as a managerial process which develops an environment that works for every employee. Moreover, the current study has adopted Diversity Management Theory given the fact that it considers EE as a human right because every human needs to be treated fairly and equally. Additionally, Diversity Management Theory is based on the principle of accommodating people from diverse backgrounds.

This principle of diversity management reaffirms the fundamental reason for EE implementation in South Africa. Another justification for adopting Diversity Management Theory is that it promotes EE by bringing multi-ethnic and multi-cultural perspectives into the workplace and creates an awareness of diverse populations. Figure 3.1 shows the relationship between the Diversity Management Theory and EE.



**Figure 3.1 Diversity Management Theory and employment equity**

**Source: Adopted from Source: Adopted from Cox, 1991; Jackson, 1992; Thomas, 1991**

### **3.7 Conclusion**

Chapter three reviews existing literature regarding the barriers to EE and AA measures. In addition, the chapter presents the theoretical framework underpinning the study. The review of literature shows that the barriers affecting EE implementation in the South African workplace are a lack of EE policies, lack of top management support, reverse discrimination, failure to accommodate persons from the designated groups, wrong advertising media, inadequate recruitment and selection procedures and appointments and job classification. The study relies on Diversity Management Theory as the most suitable theoretical framework.

## Chapter Four: Research Methodology

### 4.1 Introduction

This chapter addresses methodological issues: the research philosophy, research approaches, research strategies, research choice, time horizon, the research location, target population, sampling strategies, sample size, sources of data collection, data collection instrument, pre-testing, data quality control, measurement scale, data analysis, ethical considerations and limitations and delimitations of the study.

### 4.2 Research Objectives

Table 4.1 shows the objectives of the study and how they have been covered in terms of data collection and analysis.

**Table 4.1 Research objectives and methods of investigation**

| <b>Research Objectives</b>  | <b>Research Method and Data Collection</b>                         |
|---|--|
| 1. To identify the barriers affecting the implementation of employment equity in higher education institutions                                    | Qualitative research method (interviews)                           |
| 2. To examine the effects of employment equity legislation on staffing practices and policies in higher education institutions                    | Qualitative research method (interviews)                           |
| 3. To analyse the population groups in South Africa that are overrepresented at the various levels in higher education institutions               | Quantitative research method (analysis of 2018 existing EE report) |
| 4. To ascertain the population groups in South Africa that are underrepresented at the various levels in higher education institutions            | Quantitative research method (analysis of 2018 existing EE report) |
| 5. To determine the proposed affirmative action measures in response to the barriers affecting employment equity in higher education institutions | Qualitative research method (interviews)                           |

From Table 4.1, research objectives 1, 2 and 4 were achieved through the qualitative phase of the study. The data collection method used was interviews. On the other hand, research objective 3 was achieved through the quantitative phase through the analysis of the 2018 existing EE report available at the UKZN. The source of data and data collection instruments used in this study are discussed in detail in the subsequent sections.

### **4.3 Research Philosophy**

Saunders, Lewis and Thornhill (2009) define research philosophy as the general beliefs regarding a specific enquiry. This explains how the researcher should conduct the study. There are different philosophies which are grouped into four main categories: positivism, interpretivism, realism and pragmatism. The current study has adopted the pragmatist approach. Johnson, Onwuegbuzie and Turner (2007) consider pragmatism as an advanced philosophy which offers the epistemology and logic for merging quantitative and qualitative research methods. For Creswell and Clark, (2017), pragmatism is the philosophy that allows combining paradigms, beliefs and instruments for data collection and analysis.

An important reason for adopting this approach is that it has its foundation in mixed methods research, as in the case of this study. Pragmatism was selected from other research philosophies because it supports the simultaneous use of qualitative and quantitative methods of inquiry to generate evidence to support best practice. Furthermore, this philosophy is flexible as it gives the researcher freedom to select the methods and procedures that best meet the need of the study.

### **4.4 Research Approach**

There are two main approaches to research, deductive and inductive research. These approaches can be used independently or may be combined in a single study. The nature of the current study required the researcher to integrate both approaches into the study (mixed methods research). The deductive approach has its root in quantitative research, while the inductive approach has its foundation in qualitative research.

Trochim (2006) describes the deductive approach as a method of investigation where the researcher starts with the general and ends with the specific; arguments are based on laws, rules, or other widely accepted principles that are best expressed deductively. Deductive studies mostly start from the top down, from a theory to hypotheses to data to add to the theory (Creswell & Plano

Clark, 2007). The inductive approach to research, on the other hand, begins with the specific and proceeds to the general. Inductive arguments are based on the experience or observations of the researcher, which are best expressed inductively (Trochim, 2006).

The usefulness of the deductive approach in this study is that it allowed the researcher to employ descriptive statistics, where valid conclusions were drawn based on logic, evidence and arguments. In addition, the deductive approach helped the researcher to test and verify the conceptual and theoretical frameworks presented in this study. It allowed the researcher some level of flexibility to study what other researchers have done in terms of empirical research and existing theories on EE. From this a new model was developed.

The inductive approach, on the other hand, helped in the identification of the most appropriate theoretical framework to underpin the study of EE. The inductive approach enabled the researcher to begin this study with an open mind, having no preconceived ideas of what the outcomes of the study would be. After the data collection was completed, the inductive approach helped in the examination of existing theories, thereby enabling the researcher to position her theory within the context of the research. In addition, the inductive approach allowed the researcher to identify patterns from the qualitative dataset. Based on the patterns, a new conceptual model was developed for diversity management and EE implementation.

## **4.5 Research Design**

There are several research designs for a researcher to choose from: descriptive, exploratory, explanatory, causal, actional, archival, experimental, case and survey studies. In the current study, both descriptive and exploratory studies were conducted. The descriptive study relates to the quantitative research whereas the exploratory study relates to the qualitative research. Descriptive and exploratory studies were conducted for the collection and analysis of both qualitative and quantitative data. The following section provides the justification and relevance of each of the research methods.

### **4.5.1 Descriptive study**

Marlow (2005, p.333) defines descriptive research as a type of investigation which “involves the process of recording and reporting the research phenomena; primarily concerned with causes.” Quantitative researchers, such as Dane (2011), DePoy and Gilson (2008) and Royse (2011) consider descriptive study as larger-scale numerical research which seeks to characterise, to

illuminate and gain an in-depth picture of a current phenomenon and to differentiate it from other phenomena, or to accurately describe the phenomenon. This type of study is often conducted to discover facts in their real status (Engel & Schutt, 2013; Polit & Beck, 2014).

An important reason for descriptive study in this research is that it helped in the accurate description of the research phenomenon. It allowed the use of statistics in making meaning of the results. Thus, it allowed the researcher to use numbers to display the data. Moreover, a descriptive study was conducted in order to reduce the data to a manageable form. Lastly, descriptive research was conducted because it helps in the validation of the results through the use of sophisticated statistics.

#### **4.5.2 Exploratory study**

Exploratory study is conducted when the researcher intends to generate initial insights into a specific phenomenon and to develop questions which need to be investigated by more extensive studies (Babbie, 2013; Babbie & Mouton, 2010; Marlow, 2005). Likewise, Yin (2017) points out that exploratory study is conducted with a view to discovering new ideas and gaining new insights or knowledge of a phenomenon. An exploratory study is suitable for persistent phenomena, and for testing the feasibility of undertaking a more extensive study (Royse, 2011).

The rationale for conducting an exploratory study is as follows: to help collect descriptive information and to provide a better understanding of the research phenomenon, EE; to collect rich information from the participants through interviews so as to provide an in-depth understanding of the phenomenon being investigated; to give the researcher further insight into the research problem; and because it is flexible and requires no standard process, unlike other methods of investigation.

#### **4.6 Research Method**

The study employed mixed methods which included quantitative and qualitative methods. Quantitative research involves the collection of numeric data using predetermined instruments, such as questionnaires, while qualitative refers to the collection of data in the form of words or text through multiple research instruments such as interviews, focus groups or observations (Creswell, 2003; Fejes & Nylander, 2015). Mixed methods research, on the other hand, refers to the combination and integration of qualitative and quantitative research methods in one research project (Creswell, Klassen, Plano Clark & Smith, 2011; Denscombe, 2008). The study combines

both quantitative and qualitative methods (mixed methods). There are several reasons for conducting mixed methods in this study.

One important reason why the mixed methods approach was chosen in this study is that previously, studies on EE were either just qualitative or quantitative in nature. Therefore, the mixed methods research was conducted with the aim to address existing research gaps. Additionally, mixed methods research was conducted to access the divergent views, perceptions, feelings and opinions of the participants towards EE implementation. Furthermore, it was conducted in order to increase confidence in the research findings. Moreover, it was carried out with a desire to achieve comprehensiveness in the research findings and because of the need to achieve validation of the research findings, using both quantitative and qualitative data sources.

There are different kinds of mixed methods, but this study has adopted sequential exploratory mixed methods to explore the study of EE in HEIs. With this method, the qualitative data was first collected and analysed, then the quantitative data was collected and analysed. The qualitative study addresses the objectives such as: the barriers affecting EE in HEIs; effects of EE on staffing practices and proposed affirmative action measures in response to the barriers affecting EE in HEIs. The quantitative study, on the other hand, addresses the current situation or workforce profile of the designated groups at the UKZN. The qualitative phase of study was based on field research, where the HR Managers, HR consultants, academics and Executives responsible for the implementation of EE in the CLMS, were interviewed. The quantitative study on the other hand, focused on the analysis of the 2018 existing EE reports available at the UKZN.

#### **4.7 Research Location**

The study was conducted at the UKZN within the School of Management, IT and Governance. The University was established in 2004, with five main campuses after the successful merger of the University of Natal and the University of Durban-Westville. The University is made up of four Colleges, which in turn, are made up of several schools. The CLMS is one of the four Colleges. The CLMS has four Schools, namely: Law, Business and Leadership, Accounting, Economics and Finance and Management, IT and Governance. The Schools comprise both teaching and non-teaching staff. The study was conducted in the School of Management, IT and Governance.

#### 4.8 Target population

Rahi (2017) defines population as all elements or items that the researcher wishes to understand. The study population was made up of approximately 240 participants in the School of Management, IT & Governance that included: Academics, Support Staff, Human Resource (HR) Consultants, HR Managers, and HRD Director who know about the subject matter. Table 4.2 shows the distribution of the study population.

**Table 4.2 Distribution of the target population**

| Categories of the population | Number of the population |
|------------------------------|--------------------------|
| Academics                    | 200                      |
| Support Staff                | 20                       |
| HR Consultants               | 10                       |
| HR Managers                  | 9                        |
| HRD Director                 | 1                        |
| <b>Total</b>                 | <b>240</b>               |

#### 4.9 Sampling Strategy

Probability and non-probability sampling methods were combined to select the participants for the study.

##### 4.9.1 Probability sampling (quantitative study)

Probability sampling was applied to select participants as part of the quantitative study. Sekaran and Bougie (2016, p.245) point out that “in probability sampling, all the elements that form part of the entire population have some known, non-zero chance or probability of being selected as sample subjects.” Probability sampling includes several sampling techniques, including simple random, cluster, systematic and stratified sampling. Although the quantitative phase of the study was based on an analysis of the 2018 existing EE report, it appeared that a stratified sampling technique had been used to select the respondents. This assumption is based on the distribution and cluster of the population in the University. Stratified sampling is a technique that involves the process of dividing the study population into subgroups called ‘strata’ and each subgroup has an equal chance of being randomly selected (Rahi, 2017; Taherdoost, 2016). Thus, stratified sampling



is used where there is a great deal of variation within the population, as in the case of this study. This sampling method was used to ensure the representativeness of the sample. Furthermore, it was used to avoid or minimise sample bias.

#### **4.9.2 Non-probability sampling (qualitative study)**

Conversely, a non-probability sampling strategy refers to the process whereby the elements in the population do not all have an equal chance of being selected as sample subjects (Sekaran & Bougie, 2016). A purposive sampling technique is normally used when the researcher intends to select only participants who have prior knowledge of an existing phenomenon. To this end, purposive sampling technique was used to select those participants with rich experience and knowledge of the implementation of EE in HEIs.

#### **4.10 Sample Size**

Sample size refers to the unit, portion or segment of the population selected for investigation (Rahi, 2017). Malhotra and Birks (2007) suggest that it is inappropriate to select the sample from the entire study population, rather it should be selected from what is termed 'sample frame'. Creswell (2003) describes sample frame as the list of all units or elements within the population from which samples are selected. Based on the target population (240), the sample size of 148 participants and respondents were selected for the study. They include Academics, support staff, HR Consultants, HR Managers and the HRD Director. These participants were chosen because of their in-depth/expert knowledge of EE and AA. The distribution of the sample size is shown in Table 4.3.

**Table 4.3 Distribution of the sample size**

| <b>Categories of the Sample</b> | <b>Number of Sample</b> |
|---------------------------------|-------------------------|
| Academics                       | 137                     |
| HR Managers                     | 5                       |
| HRM Consultants                 | 5                       |
| HRD Director                    | 1                       |
| <b>Total Sample</b>             | <b>148</b>              |

From Table 4.3, 138 respondents were selected for the quantitative research, while 10 participants were selected for the qualitative study research. The sample size of 148 was adequate for the study. Moreover, the sample size of 10 for the qualitative research was sufficient as recommended by Sekaran and Bougie (2016). The following formula was used to determine the sample size.

$$\text{Sample size} = \frac{\frac{z^2 \times p(1-p)}{e^2}}{1 + \left( \frac{z^2 \times p(1-p)}{e^2 N} \right)}$$

Where:

$N$  = population size;  $e$  = margin of error;  $z$  = z- score. In this study,  $N = 240$ ;  $e = 5\%$ , and confidence level = 95%. Therefore, the sample size for the population of 240 was 148.

#### **4.11 Sources of Data Collection**

Generally, there are two sources of data, primary and secondary. According to Persaud (2010), primary data refers to all sources of data that are original. Secondary data, on the other hand, refers to information which is already available in the public domain (Sekaran & Bougie, 2016). Both sources of data were used in this study. The primary data was obtained through interviews with the research participants, while secondary data was collected through the existing EE reports at the UKZN, for the year 2018.

#### **4.12 Instruments for Data Collection**

Interviews and document analysis were the instruments for data collection in this study.

##### **4.12.1 Interviews**

Oltmans (2016) describes interviews as face-to-face encounters between the interviewer and interviewees, in which the interviewer solicits specific information from the interviewees on the research phenomenon being studied. Semi-structured interviews were conducted with the participants. Table 4.4 shows the selected participants with knowledge and experience on EE, and the staff responsible for the design and implementation of policies in the CLMS.

**Table 4.4      Total Number of participants interviewed**

| <b>Categories of Participants</b>   | <b>Number of Participants</b> |
|-------------------------------------|-------------------------------|
| Academics                           | 4                             |
| HR Consultants                      | 2                             |
| HR Manager                          | 1                             |
| HRD Director                        | 1                             |
| <b>Total number of participants</b> | <b>8</b>                      |

Although the sample size of 10 was chosen for the study, only 8 participants were interviewed. Two participants declined to participate in the study because of challenges associated with time and their work schedules. The following recruitment strategies were adopted during the selection of the participants: the researcher first requested a list and contact details of all the participants. She then contacted them via email and she visited their respective offices to request their voluntary participation in the study. She then proceeded to recruit those who had consented to take part in the study.

Appendix A contains the interview questions used to achieve the research objectives. The interviews were organised into four parts. Section A contained questions on the biographical data of the participants. Section B investigated the barriers affecting EE in HEIs. Section C explored the effects of EE on HRM practices such as recruitment, selection and talent management. Section D examined the proposed affirmative action measures in response to barriers affecting EE. The interviews were conducted in English because it was assumed that most of the participants were proficient in the language. Interviews were carefully planned to suit the study of the participants' real lived experiences, a primary concern of this study. The personal interviews also enabled the researcher to probe and explain unclear or ambiguous questions.

#### **4.12.2 Document analysis**

The quantitative study was based on document analysis of existing data by statistical methods. The researcher collected and analysed the 2018 existing EE report available at the UKZN. The analysis was based on the current staff workforce profile at various levels at the UKZN. The study could not analyse the 2019 EE report because it was not available at the time the study was conducted.

#### 4.13 Pre-testing

The interview schedule was sent to a few selected academics whose opinions were sought regarding the interview questions. Experts suggested a few changes to the interview questions. For example, the initial interview guide was constructed using words such as ‘could you please’, ‘can you tell me’ etc. The experts suggested that the interview questions should be constructed using official English language. In addition, there was no question on the effect of EE legislation on staffing practices and policies. Based on the review by the experts, questions were designed to measure the impact of the EE legislation on staffing practices. After the review, changes were made as per the suggestions made by the experts prior to the data collection.

#### 4.14 Data Quality Control

Reliability and validity of the secondary data analysis, the 2018 EE existing report, were internally audited, verified and approved by the Department of Labour. Therefore, it can be assumed this data is reliable and valid.

However, in the case of the qualitative study, trustworthiness was adopted to determine the validity of qualitative content analysis. There are four main criteria which determine the trustworthiness of qualitative research findings: credibility, transferability, confirmability and dependability (Ryan, Nicholls & Will, 2009; Schreier, 2012).

- **Credibility:** The extent to which the research findings are congruent with reality (Lincoln & Guba, 1985; Polit & Beck, 2012). In this study, the research credibility was determined by ensuring that research participants were identified and accurately described. In addition, the transcribed data from the interviews was sent back to the research participants for identification, verification and confirmation. Moreover, the transcribed data was given to an experienced qualitative expert to be re-analysed.
- **Transferability:** The extent to which research findings can be generalised or transferred to other contexts (Lincoln & Guba, 1985). Transferability was established by providing a thick description of the context of the study, research participants and research processes to enable readers to understand that the research findings could be applied in different contexts and situations. In addition, the transferability of the research findings was determined using verbatim, transcripts and thick descriptions in data analysis.

- **Confirmability:** Confirmability has been described as the objectivity of the research findings (Lincoln & Guba, 1985; Polit & Beck, 2012). To determine confirmability of the research findings, the beliefs underpinning the research process and research methods adopted were clearly defined and acknowledged within the research project. In addition, an audit trail was carried out which outlined all the steps involved in the data analysis process in order to provide a rationale for all the conclusions that were made.
- **Dependability:** Dependability is defined as the consistency of data over time and under different conditions (Lincoln & Guba, 1985). In this study, dependability was determined by providing an in-depth description of the research processes involved, with a view to enabling future researchers to repeat the research. The in-depth description of the research prototype in the sections: 4.8, 4.9, 4.10, 4.11 and 4.12 enables readers to evaluate whether the research practices had been duly followed. Furthermore, the research project was given to an expert with in-depth knowledge of research methodology and EE for review and comments. Finally, coherent themes which emerged from the dataset were reported throughout the transcripts.

#### **4.15 Data Analysis**

The data analysis was carried out separately, the qualitative data first and then the quantitative data. The qualitative data collected from the participants was analysed manually. Thematic analysis was adopted to identify, analyse and report patterns which emerged from the dataset (Nowell, Norris, White & Moules, 2017). Miles and Huberman (1994) identify three stages (data reduction, data display and data drawing and conclusion) of thematic analysis. This study adopted this model. Data reduction is the first stage in thematic analysis process, and it involves sorting, removing and organising data in a manner that allows for conclusions to be drawn and verified (Miles & Huberman, 1994). The transcribed data was read more than three times which enabled the researcher to get a sense of the text. Also, an important data reduction strategy used in this study, involved highlighting the sentences from each research participant relating to the research question and considering only the excerpts from the participant's full text. The highlighted sentences and the data were then broken into sub-themes

Data display involves the process of organising, compressing and assembling information that allows valid conclusions to be drawn (Miles & Huberman, 1994). The aim of data display in this

study was to provide a deeper understanding of the data collected. Tables were employed to display the data that emerged from the study. The tables contained main themes, sub-themes, frequencies and percentages.

Data drawing and conclusion is the last stage in the thematic analysis process and uses points to draw conclusion from the dataset (Miles & Huberman, 1994). At this stage, several ideas were adopted to generate meaning from the data. For example, some of the information grouped together to form a single theme. In addition, conceptual coherence and consistency were built at this stage to determine the validity of the findings to fit the conceptual model that was developed.

The quantitative study on the other hand involved an analysis of the 2018 existing EE report at the UKZN. The data from the EE report was then captured in an Excel spreadsheet for analysis. Frequency and percentages were used to understand the data.

#### **4.16 Ethical Considerations**

Ethical approval for the study (HSSREC/0000003/2019) was obtained from the Ethical Committee at the UKZN. The study adhered to the following ethical requirements:

- **Written permission:** Written permission was obtained from the participating organisation (UKZN) in support of the ethics application.
- **Informed consent:** An informed consent letter was distributed to each participant, which contained vital information such as voluntary participation, voluntary withdrawal from the study, procedures for the investigation and the benefits associated with the study.
- **Anonymity:** Measures were put in place to substitute the participants' names and personal identities/details with pseudonyms in the final thesis and any future publications.
- **Confidentiality/privacy:** All the recordings, as well as the transcribed materials from the field research, were stored on CD and will be kept in a secure place in the researcher's School for a period of five years, after which they will be destroyed.
- **Plagiarism:** All secondary data (journal articles, conference papers, reports and textbooks) used in the study have been adequately cited and referenced.

#### **4.17 Conclusion**

Descriptive and exploratory studies were conducted in this study. A mixed methods approach to research was conducted to collect qualitative and quantitative data. The qualitative phase was

based on field work, while the quantitative phase was based on an analysis of the 2018 existing EE report at the UKZN. Stratified and purposive sampling were used to select the respondents for the study. In the case of the qualitative study, 10 participants were selected but only 8 were interviewed. The data collection instruments were interviews and questionnaires.

## Chapter Five: Presentation of Results - Qualitative Phase

### 5.1 Introduction

In this chapter, the presentation and analysis of the qualitative data collected from eight participants are presented. The participants for the study were selected using purposive sampling, as indicated in chapter four. Face-to-face interviews were carried out with the 8 participants from the University. Objectives 1, 2 and 5 were covered by the qualitative research. The data was analysed manually. The most frequent themes and sub-themes which emerged from the study are presented using thematic analysis. The participants' responses are also presented verbatim to obtain more insight into their views.

### 5.2 Demographic Information of the Participants

This section presents the demographic information of the 8 participants who took part in the study. The data presented includes age, gender, race, educational qualification, years of experience, position and employment status. Table 5.1 shows the demographic information of the participants.

**Table 5.1 Demographic information of participants**

| No. | Age   | Gender | Race    | Educational Qualification | Tenure | Position      | Employment Status |
|-----|-------|--------|---------|---------------------------|--------|---------------|-------------------|
| 1   | 31-40 | Female | African | Postgraduate Diploma      | 1-5    | HR Consultant | Permanent         |
| 2   | 31-40 | Female | African | Postgraduate Diploma      | 1-5    | HR Consultant | Permanent         |
| 3   | 31-40 | Female | African | Masters                   | 1-5    | HRD Officer   | Permanent         |
| 4   | 41-50 | Female | African | Masters                   | 1-5    | HR Manager    | Permanent         |
| 5   | 41-50 | Male   | African | PhD                       | 6-10   | Academic      | Permanent         |
| 6   | 41-50 | Male   | African | Masters                   | 6-10   | Academic      | Fixed term        |
| 7   | 51-60 | Male   | Indian  | Masters                   | 11-15  | Academic      | Permanent         |
| 8   | 61>   | Male   | White   | PhD                       | 16-20  | Academic      | Permanent         |

As reflected in Table 5.1, three participants were between 31-40 and three between 41-50. The other two participants were between the ages of 51-60 and 61 and above. These results show that most of the participants were African (6), who represented 75% of the sample population, followed by Indian (1) and White (1), who each represented 12.5%. The findings indicate that four participants were male, representing 50%, while the remaining four females also represented 50%.



The results show that participants have qualifications such as Master's (4) representing 50%, followed by PhD (3), representing 37.5 %. Only two have Postgraduate Diplomas, representing 25%.

The findings reveal that half (4) of the participants, who represent 50% had worked at the University for between 1 and 5 years, 2 of the participants, representing 25%, had worked for the University for between 6-10 years, while only 1 had worked for between 11 and 15 years and one between 16 and 20 years. The results show that most of the participants were Lecturers (5), who represented 62.5%, followed by HR Consultants (2), who represented 25% and an HRD Officer (1), who represented 12.5%. The results show that most participants were permanent employees (7), representing 87.5% of the participants, while only 1 of the participants, representing 12.5% was a part-time employee. The next section of the chapter presents the results of the study according to the research objectives.

### **5.3 Objective 1: Barriers to Employment Equity**

The study investigated the barriers affecting the implementation of EE at the UKZN. All the data collected was transcribed and analysed manually which helped to identify and generate the main and sub-themes. Based on the data, several barriers to EE implementation were identified and organised into three main themes: HR attraction strategies, HR development strategies and HR retention strategies. In addition, there were other sub-themes which emerged from the main themes. Table 5.2 depicts the main and sub-themes, as well as the frequencies and percentages.

**Table 5.2 Barriers to employment equity implementation**

| <b>Main &amp; Sub-Themes</b> | <b>Key Constructs</b>                           | <b>Frequency</b> | <b>Percentage (%)</b> |
|------------------------------|---|------------------|-----------------------|
| <b>Theme 1</b>               | <b>HR Attraction Strategies</b>                 |                  |                       |
| Sub-theme 1                  | Remuneration and benefits                       | 7                | 87.5                  |
| Sub-theme 2                  | Recruitment practices and procedures            | 5                | 62.5                  |
| Sub-theme 3                  | Selection criteria                              | 6                | 75                    |
| Sub-theme 4                  | Advertising positions                           | 6                | 75                    |
| <b>Theme 2</b>               | <b>HR Development Strategies</b>                |                  |                       |
| Sub-theme 1                  | Training and development                        | 4                | 50                    |
| Sub-theme 2                  | Succession planning                             | 8                | 100                   |
| <b>Theme 3</b>               | <b>HR Retention Strategies</b>                  |                  |                       |
| Sub-theme 1                  | Institution culture                             | 6                | 75                    |
| Sub-theme 2                  | Retention of designated groups                  | 5                | 63                    |
| Sub-theme 3                  | Reverse discrimination                          | 2                | 25                    |
| Sub-theme 4                  | Working environment and provision of facilities | 8                | 100                   |
| Sub-theme 5                  | Performance evaluation                          | 4                | 50                    |

### **5.3.1 Main Theme 1: HR attraction strategies that act as barriers to employment equity**

Three HR attraction strategies which served as barriers to EE implementation at the UKZN, remuneration and benefits, recruitment and selection process and advertising positions were identified.

#### **5.3.1.1 Sub-theme 1: Remuneration and benefits**

The remuneration and benefits offered by the UKZN affected the achievement of the EE targets. Results indicate that the University's remuneration and benefits is not market related. The majority ( $N = 7$ ) of the participants stated that the remuneration packages offered by the UKZN were unattractive, inadequate and meagre compared with what is offered by other universities.

Participant 1 (female) stated: *'I have already told you about the remuneration. We have a universal system of how we remunerate. There is a range for the remuneration. However, in terms of benchmarking our remuneration packages with outside people, industries or even higher education institutions, we do tend to lag behind.'* Participant 2 (female) expressed the view that: *'the salary is not too competitive as compared to other industries. Some industries are paying higher than what we offer our staff'*.

From the interviews, it is evident that the remuneration packages and other benefits offered by the University are insufficient to attract qualified staff from the designated groups.

#### **5.3.1.2 Sub-theme 2: Recruitment practices**

The majority ( $N = 5$ ) of the participants expressed similar views that the recruitment practices within the University are often characterised by unfair practices such as favouritism and nepotism. They further argued that recruitment decisions are made along racial lines.

Participant 2 (female) said that: *'If the panel is full of Indians you will realise that preference will not be given to the Black African even if he/she has the minimum qualification, experience or the skills required to perform that job'*.

Participant 4 (male) said: *"I think the recruitment practices to some extent are not fair to certain category of staff, especially those from the designated groups, I mean the blacks. Even though the institution's EE policy and national laws clearly indicate that preference should be given to the designated groups, particularly the black South African but some panel members do not sometimes adhere to these requirements"*.

#### **5.3.1.3 Sub-theme 3: Selection practices**

The majority ( $N = 6$ ) of the participants expressed concerns that, most often, the selection criteria used by the selection panel discriminates against the designated groups. The participants said that previously disadvantaged individuals were often denied equal employment opportunities in terms of appointment into vacant positions within the University. They further indicated that although the University policy on selection process is clear, the selection panel tended to be biased against the designated groups.

Participant 1 (female) stated: *'It is not necessary the policy but the practices. Our biggest challenge is the selection practices. Our policies are crafted very clearly. Remember that the people who are*

*sitting in the selection committee or panel are people who suffered from affirmative bias and most of them are either Indians or Whites or foreigners. So, because of that they put the affirmative bias into the mixture and appoint people who look like them and you will find out that the designated groups that we should be appointing were not being appointed’.*

Participant 4 (male) said: *‘I will say that recruitment and selection process is just a white elephant. In a general sense, there is no clear criteria for appointing people. Even if there is any, the selection panel often ignore or overlook some of these criteria. So, you will find out that sometimes the whole selection process is characterised with a lot of biases’.*

From the responses, it is evident that appointments and selection practices within the University are characterised by bias and favouritism. Although selection and appointments into the University are based on qualification and experience, they still show elements of affirmative bias.

#### **5.3.1.4 Sub-theme 4: Advertising positions**

Advertising positions in the University does not constitute a barrier to EE implementation. The majority ( $N = 6$ ) of the participants disagreed that advertising positions affects EE implementation. They argued that the UKZN has a good and effective system of advertising positions which is accessible to everyone, irrespective of their geographical locations.

Participant 1 (female) is quoted saying that: *‘Our adverts are pretty much accessible to everyone. We advertise in the newspapers, we advertise on the website, we also sometimes use social media to advertise and we also use headhunters who find the people for us. For example, in scarce disciplines like Engineering, Computer Science, Accounting and all those scarce disciplines we use headhunters to find the people for us’.*

### **5.3.2 Main Theme 2: HR development strategies that act as barriers to employment equity implementation**

Two sub-themes related to the HR development strategies served as barriers to EE implementation: training and development and succession planning.

#### **5.3.2.1 Sub-theme 1: Training and development**

It was found that insufficient training and development opportunities available for staff is a key barrier to the achievement of the EE targets at the UKZN. Some participants ( $N = 4$ ) indicated that, while the University, from time to time, offers some forms of training for staff, it targets only a

few academic and non-academic staff members. The participants argued that training and development programmes are not tailored towards addressing the needs of designated groups.

Participant 6 (male) opined that: *‘To say that UKZN does not provide training for its staff is an understatement. Of course, they do organise some form of training and development, workshops and conferences for most staff. However, I think they are not enough, given the level of competition between HEIs and the industry’.*

Participant 8 (male) stated that: *‘To me the University training and developmental programmes are not working considering the challenges that our students and some staff member still face. The training and developmental programmes are limited to only specific people’.*

From the various responses, it is evident that although there do exist some opportunities for training and development for staff members at the University, they are inadequate and limited in scope. It is also evident that the training and development programmes are ineffective and do not necessarily address the needs of all staff members.

#### **5.3.2.2 Sub-theme 2: Succession planning**

Furthermore, succession planning within the University is ineffective which leads to the inability of the institution to meet its equity goals and targets. All the participants ( $N = 8$ ) indicated that, although the UKZN has a policy on succession planning, it is ineffective and non-functional. Some of the participants said that the policy on succession planning is not properly integrated into the overall strategic plan of the University.

Participant 1 (female) expressed the opinion that: *‘We do have succession planning policy but at a moment it is not working effectively. So, as a result you will find out when we have vacancies for critical positions, we do not necessarily have people who will be developed to be appointed to those positions. We are then forced to go for people outside’.*

Participant 2 (female) made the similar observation that succession planning at the UKZN fails because of the lack of interest and support from the leadership, by stating that: *‘There is a policy on succession planning, but not effective. The challenge is that we had leadership changes over the years. Also, some people do not show interest in the succession planning’.*

It is, therefore, evident that succession planning at the UKZN serves as a contributing factor to hindering the achievement of the EE targets. From the responses, it is clear that the changes in the leadership presented a challenge to the effectiveness of the succession planning, leading to the inability of the institution to meet the equity targets.

### **5.3.3 Main Theme 3: HR Retention strategies that act as barriers to employment equity implementation**

Five sub-themes emerged from HR retention strategies which influenced EE implementation at UKZN. These sub-themes include the institution's culture, retention of designated groups, reverse discrimination, working environment and facilities and performance evaluation.

#### **5.3.3.1 Sub-theme 1: Institution Culture**

It was found that the culture within the University act as a large constraint to the achievement of the EE targets. Most ( $N = 6$ ) participants expressed opinions that the institution's culture does not embrace diversity, hence the institution culture serves as a barrier to EE. The participants indicated that UKZN has a culture that creates division amongst the various population groups.

Participant 3 (female) said: *'I think our culture started to change but you will find out that we have a lot of explanation to do why we must implement equity. Because of different people here, the culture was to look out for your own. The culture was to look out for your own so if I have relatives whether she fits or does not fit into the EE plan I would like them to be accommodated. Even sometimes the managers do not want to appoint based on equity even if they feel that they have the person internally that can fill the position'.*

Contrary to the majority, participant 2 (female) expressed the opinion that the institution's culture accommodates everyone irrespective of their cultural background and racial grouping, hence it rather promotes the achievement of EE. She said: *'The culture of the institution accepts people from all background because we do employ a lot of people including people with disabilities. The disabilities are not employed only for BECA purposes because people with disabilities do not know that they are not able to perform at the required expectations of a job just if the positions they are hired for do not hinder their disabilities'.*

From the various responses, it is evident that although there exist varied opinions among the participants regarding the institution's culture, it is clear that the culture within the University fails

to accommodate all employees. While some of the participants said that the institution's culture does not promote workplace diversity, others were of the view that it does unify the workforce.

#### **5.3.3.2 Sub-theme 2: Retention of designated groups**

The results of the study indicate that after 25 years of transition; the designated groups continue to experience some forms of discriminatory practices within the workplace. The study confirms that designated groups find it difficult to be accommodated by the organisation. Most (N = 5) of the participants indicated that the retention of the designated groups is problematic. This constitutes a big problem for the achievement of the EE targets.

Participant 1 (female) stated that: *'When you look at our people who are resigning and leaving the university, we are also losing more people from the designated groups. And when we do our exit interviews, we find out that people leave the university mostly because of the inadequate remuneration package. The assertion that the designated groups do not have qualifications is not valid'.*

Participant 7 (male) said: *'Maintaining the designated groups, especially in this competitive era is becoming a huge challenge particularly for most HEIs. If you compare our salary packages to that of the industry you will notice that the industry is paying its staff above what we offer'.*

Contrary to the views expressed by the majority of the participants, two participants (N = 2) indicated that the retention of designated groups is not a challenge at the UKZN. The participants disagreed with the perception that most members within the designated groups do not have the minimum qualifications and experience required for the positions.

Participant 2 (female) said the following: *'No, the designated groups have qualifications and skills, because we appoint people on merit. If a person is qualified and has the necessary skills and experience that is required of them to be hired into a certain position that person will be hired. To say that we are hiring for pettiness that is not the case. The policy of the institution is to make a counter-offer when someone resigns'.*

#### **5.3.3.3 Sub-theme 3: Reverse discrimination**

The results of this study show that although the South African government has taken bold steps to eliminate unfair discriminatory labour practices within the workplace, such moves result in discrimination against certain categories of people within the University. Two participants (N = 2)

stated that the EEA and other regulatory frameworks created what is termed ‘reverse discrimination.’ The participants were of the view that the promulgation of EE statutes in South Africa only protects a certain category of people, particularly the designated groups, hence, it aggravates the situation of achieving equality.

Participant 3 (female) argued: *‘I think another thing that will affect the EE is the failure to engage people who are not from the designated groups. It looks as if they have been sidelined. This creates what we called ‘reverse discrimination’ because they are not been considered for managerial positions. Now, the focus is on the designated group’.*

#### **5.3.3.4 Sub-theme 4: Working environment and provision of facilities**

The study findings show that, although the University has taken steps to adhere to the provisions of health and safety measures at work, the working environment and provision of resources still remains a key challenge affecting EE implementation. Although all the participants ( $N = 8$ ) agreed that the UKZN provides some facilities they are not adequate to accommodate, especially, physically challenged persons.

Participant 1 (female) maintained that: *‘We do have facilities for the physically challenged persons, but they are not sufficient. The university has done a lot to provide lifts and ramps in some of the buildings, but the architecture design is old as you can see so some buildings are disability unfriendly. It becomes very difficult to cater for everyone but there is a master plan which the university has developed to cater for and respond to in ensuring that there is what is referred to as universal access’.*

Participant 2 (female) indicated that: *‘Okay, there are lifts but at the same time there are a lot of stairs. The lifts and ramps are not enough for persons living with disabilities’.*

#### **5.3.3.5 Sub-theme 5: Performance evaluation**

The study probed the participants about whether performance evaluation serves as one of the barriers to EE implementation in the University. The results obtained from the interviews suggest that performance evaluation at the UKZN does affects the achievement of the EE targets positively. The participants ( $N = 4$ ) argued that the performance evaluation system was very transparent, hence it does not discriminate against staff.



Participant 1 (female) expressed the following opinion: *‘At UKZN the performance management system doesn’t discriminate. It doesn’t matter whether you are Black or African. We follow the same process. We have not linked our performance evaluation to whether that person is Black or Indian or whatever. You know, we have standard performance system and the rules apply to everyone. The rules are the same irrespective of what system you follow. So, we wouldn’t really see it as a barrier anyway’.*

Participant 8 (male) said that: *‘The institution’s performance evaluation system is very clear, fair and transparent because everyone is evaluated using the same criteria. I don’t think performance evaluation is really a problem in this institution’.*

#### **5.4 Objective 2: Effects of Employment Equity Legislation on Staffing Practices and Policies**

The study further probed the participants on the effects of EE legislation on staffing practices such as recruitment, selection and talent management at UKZN. The overall findings reveal that the EE legislation had significant/positive impact on staffing practices within the University. Table 5.3 summarises the themes and their respective frequencies and percentages.

**Table 5.3 Effects of employment equity legislation on staffing practices and policies**

| <b>Main &amp; Sub-Themes</b> | <b>Key Constructs</b>       | <b>Frequency</b> | <b>Percentage (%)</b> |
|------------------------------|-----------------------------|------------------|-----------------------|
| <b>Theme 4</b>               | <b>Staffing Practices</b>   |                  |                       |
| Sub-theme 1                  | Recruitment practices       | 5                | 62.5                  |
| Sub-theme 2                  | Selection practices         | 4                | 50                    |
| Sub-theme 3                  | Talent management practices | 6                | 75                    |

##### **5.4.1 Sub-theme 1: Recruitment practices**

The findings from the study show that the introduction of EE laws has had a positive impact on recruitment practices and processes within the organisation. The majority of the participants ( $N = 5$ ) argued that the legal frameworks for EE implementation have contributed to fair and transparent recruitment processes and practices in the University. The participants were of the view that

government regulatory frameworks helped to strengthen the recruitment processes, thereby eliminating unfair discriminatory labour practices.

Participant 2 (female) stated that: *‘We need to look at whether recruitment practices are aligned with the EE policy for us to be able to know that the mandate of the EEA is achieved. We must look at our recruitment practices to ensure that we are putting in place measures. Remember the main thing behind EEA and AA, so, you must put AA measures in place. The EEA legislation makes the recruitment process very transparent’.*

Participant 3 (female) said that: *‘The recruitment practices are transparent. The EEA legislation makes the recruitment process very transparent’.*

#### **5.4.2 Sub-theme 2: Selection practices**

It was found that EE regulations ensured that discriminatory practices within the selection process within the organisation are eliminated. Half ( $N = 4$ ) of the participants expressed the opinion that the EE laws ensured fair and transparent selection practices within the UKZN. The participants argued that, given the requirements and provisions of the regulatory frameworks, candidates from the designated groups are appointed based on merit.

Participant 3 (female) indicated that: *‘With regards to selection practices people are shortlisted based on merit. The EEA supports selection practices to make sure that preferences are given to designated groups that are qualified’.*

Participant 4 (male) said that: *‘I think that the EE regulations rather strengthen the selection or appointment processes within the university. The EE statutes were promulgated purposely to address the ills that were created by the colonial masters. I mean the apartheid government’.*

Evidence suggests that although there were some subjective biases in selection processes within the University, the EE laws required candidates who qualified for appointments to be considered.

#### **5.4.3 Sub-theme 3: Talent management practices**

The findings reveal that EE laws strengthened talent management practices within the University, which helps in attracting, developing and retaining talent. The majority ( $N = 6$ ) of the participants claimed that the EE regulations help to ensure the effectiveness of well-planned talent management practices such as training and development, succession planning and career development.

Participant 1 (female) said that: *‘The same thing with selection and recruitment practices. Yes, EEA clearly states that we must develop and promote people from the designated groups. Because it looks at representation in all tiers. Is not about how many African you have but is about how many African you have per level. So, you know, you break it down and you then have to look at who you are developing to move up those levels from the designated groups to make sure that you have representation not only at a certain level but across all levels’.*

Participant 2 (female) indicated that: *‘EE has a positive impact on TM. As a manager when you identify someone who is very talented you can do that through engagement, through performance review with that particular employee and obviously you would like to find out which areas they would like to grow or develop in the organisation. If it is training that is required for them to reach a particular goal that should be offered to the employees timeously so as to ensure that they are getting that particular training. TM also exposes people to a particular area that they are not exposed to previously so that they are able to offer the right services to the organisation’.*

#### **5.5 Objective 4: Proposed Affirmative Action Measures to address Employment Equity Barriers**

The participants were probed on the proposed AA measures in response to the barriers affecting the EE implementation at the UKZN. Through the interviews, the participants proposed a number of AA measures in response to the barriers affecting the EE implementation at the UKZN. The proposed AA measures are classified under HR attraction strategies, HR development strategies and HR retention strategies. The results are shown in Table 5.4

**Table 5.4 Proposed affirmative action measures to address employment equity barriers**

| <b>Main &amp; Sub-Themes</b> | <b>Key Constructs</b>                           | <b>Frequency</b> | <b>Percentage (%)</b> |
|------------------------------|---|------------------|-----------------------|
| <b>Theme 5</b>               | <b>HR Attraction Strategies</b>                 |                  |                       |
| Sub-theme 1                  | Remuneration and benefits                       | 7                | 87.5                  |
| Sub-theme 2                  | Recruitment and selection practices             | 7                | 87.5                  |
| Sub-theme 3                  | Merit-based appointment                         | 5                | 62.5                  |
| Sub-theme 4                  | Advertising positions                           | 4                | 50                    |
| <b>Theme 6</b>               | <b>Main Theme: HR Development Strategies</b>    |                  |                       |
| Sub-theme 1                  | Succession planning                             | 6                | 75                    |
| Sub-theme 2                  | Training and development                        | 5                | 62.5                  |
| <b>Theme 7</b>               | <b>Main Theme: HR Retention Strategies</b>      |                  |                       |
| Sub-theme 1                  | Equal employment opportunity                    | 3                | 37.5                  |
| Sub-theme 2                  | Sensitivity towards EE                          | 1                | 12.5                  |
| Sub-theme 3                  | Working environment and provision of facilities | 6                | 75                    |
| Sub-theme 4                  | Retention of designated groups                  | 4                | 50                    |
| Sub-theme 5                  | Performance evaluation system                   | 3                | 37.5                  |
| Sub-theme 5                  | Corporate culture that embraces diversity       | 3                | 37.5                  |

### **5.5.1 Theme 5: HR attraction strategies that served as affirmative action measures to address the employment equity barriers**

The sub-themes which relate to the HR attraction strategies in response to the barriers affecting EE implementation at the UKZN are presented as follows.

#### **5.5.1.1 Sub-theme 1: Remuneration and benefits**

As part of AA measures, participants proposed that staff should be rewarded adequately and equitably, in the same way as their counterparts in industry. Most ( $N = 7$ ) of the research participants suggested that adequate and attractive remuneration packages should be offered to all employees in a fair and equitable manner. The participants indicated that fair and adequate remuneration would help discourage people from leaving the University.

Participant 1 (female) said that: *Of course, some people are much interested in the pay, so we need to make it very competitive and attractive.*

Participant 6 (male) also expressed the opinion that: *'I think that it is also good to find out from the employees what initially made them to move away from where they were previously working into this organisation. Sometimes, you will realise that employees are leaving not necessarily because of remuneration but for other reasons. Some also move purposely because of remuneration which is the bottom-line. So, again, engaging the employees is the only way. I feel this could help to address why employees leave the organisation.'*

#### **5.5.1.2 Sub-theme 2: Recruitment and selection practices**

The participants proposed that to achieve the EE targets, the recruitment and selection practices and procedures within the University should comply with the legislative requirements. The majority ( $N = 7$ ) of the participants suggested that to deal with the barriers affecting EE implementation, recruitment and selection practices should be carried out in a fair and transparent manner across all Colleges and Schools.

Participant 1(female) said: *'The only way to deal with that is to deal with the biases people hold. I am aware that many people are subconsciously bias, but I am likely to wanting to appoint someone who look like me and I would have another version towards someone who does not look like me. The only way to deal with this is to ensure that the recruitment and selection processes are done in a more transparent and fair manner'*.

Participant 3 (female) expressed that: *'I think we have panel that is responsible for all the recruitment and selection processes, and so is not a one man show where one person dictates and say how things should be done or who is shortlisted because there is a panel who decides collectively. Within the panel, we have people who are not from the same department and people from academic just to ensure that everything is done perfectly'*.

#### **5.5.1.3 Sub-theme 3: Merit-based appointments**

The participants proposed that appointments of candidates, especially to top management positions, must be based on merit and devoid of discrimination, cronyism and favoritism. Most ( $N = 5$ ) of the participants proposed that the appointments of candidates into positions within the University should be based on merit and not on AA measures.

Participant 2 (female) said the following: *‘To ensure fair and transparent appointments, the panel is tasked to ensure that nothing is done harshly in the institution. A selection panel is constituted to ensure that appointments are made on merits, based on transparency and fairness.’*

Participant 8 (male) said that: *‘The same thing as in the case of recruitment and selection practices. We need people on the appointment committee will be fair, objective and transparent’.*

#### **5.5.1.4 Sub-theme 4: Advertising positions**

The study proposes that the targeted audience and their geographical location should be considered when deciding on the advertisement of positions. Some of the participants ( $N = 5$ ) suggested that job adverts should be accessible to all the designated groups. They also proposed that advertising positions should be more widely and routinely placed.

Participant 3 (female) said that: *‘The same. Our adverts are very clear. We prefer people who are from the designated groups’.* Participant 7 (male) suggested that: *‘The adverts have to be accessible to everyone irrespective of their current location. The right medium must be used to advertise positions. Advertisement should be done in the newspapers, especially for those who cannot use the internet’.*

### **5.5.2 Theme 6: HR development strategies that serve as affirmative action measures to address employment equity barriers**

The AA measures that relate to HR development strategies to address the barriers to EE implementation at the UKZN are presented below:

#### **5.5.2.1 Sub-theme 1: Succession planning**

The participants recommended that in order to meet EE targets, managers should take into consideration the leadership potential of employees, in addition to the selection criteria used. The majority ( $N = 6$ ) of the participants proposed that a well-functioning succession planning programme is required. They also expressed the opinion that the succession planning process must take into consideration an assessment of the potential successors and the establishment of a committee to manage the process. Furthermore, they were of the view that the objectives of the succession planning should be clear.

Participant 1 (female) indicated that: *‘Succession planning, we do have gaps. Again, I come from organisational development [OD] background and one of the important things about OD is that*

*whenever you implement anything in any organisation it is very important that you have leadership buy in. Therefore, I suggest that the need for leadership support and commitment.'* Participant 3 (female) said that: *'Succession planning for that one I would say there should be clear objectives so that we can identify the potential or the right candidates to be put on the developmental posts because you will find out that in some instances there is a relationship breakdown between the line manager and yourself. So, if the line manager has the sole responsibility to appoint people for the succession planning then that becomes a problem. Because if my relationship is not good with my line manager then I will never grow within the organisation. So, maybe there could be someone who could come in to identify people for the succession planning it could be another way to address the problem of succession planning which affects EE'.*

#### **5.5.2.2 Sub-theme 2: Staff training and development**

The participants suggested that training and development should be given priority. The participants ( $N = 5$ ) suggested that staff training and development within the University should be based on the three needs' assessments: organisational assessment, individual assessment and tasks/job assessment. They also said that training and development should follow the requirements of the relevant laws and policy of the University. In addition, the participants argued that the opportunity for training and development should be given to every staff member, particularly those from the designated groups. They further indicated that training and development programmes should be tailored to areas where there is a scarcity of skills and personnel.

Participant 5 (male) said that: *'Just to add to the succession planning and management, I think there should be more regular training programmes, particularly for the designated groups if only we want to achieve equal representativeness at all the levels. I will propose that special training should be tailored towards areas or fields where there is scarcity of skills and personnel'.*

Participant 7 (male) indicated that: *'I believe in empowerment programmes because they also add value to the organisation. The institutions of higher learning should be proactive in developing future or potential leaders by providing them with the opportunities to upgrade their skills and talents.'*

### **5.5.3 Theme 7: HR retention strategies that served as affirmative action measures to address employment equity barriers**

The findings regarding the HR retention strategies that serve as AA measures in response to the barriers affecting the EE implementation at the UKZN are presented as follows:

#### **5.5.3.1 Theme 1: Equal employment opportunities**

The participants proposed that the University should ensure equal employment opportunities for all. A few ( $N = 3$ ) participants suggested that the UKZN should create equal opportunities for everyone, irrespective of their racial background, and not only for the designated groups.

Participant 3 (female) expressed the following view: *‘I think the focus should not only be for the designated groups. What about other members who are not from the designated groups. It means that they are not going to grow. Yes, of course, preferences should be given to the designated group because of where we came from but as I said they should be equal for all so that we can avoid what we called reverse discrimination’.*

#### **5.5.3.2 Sub-theme 2: Sensitivity towards employment equity**

The study proposes that to promote EE within the workplace, it is important for all employees to be sensitive to the way they perceive EE. One participant ( $N = 1$ ) expressed the view that in order for the University to achieve its EE targets, it should first acknowledge that EE is a sensitive issue which makes people very uncomfortable.

Participant 1 (female) said that: *‘EE is sensitive topic and it makes people uncomfortable, because we are talking about whether you are Black, you are Indian, you are Coloured, you are White, or you are a foreigner. Because of that it becomes a complex issue. It can be seen as divisive, but the reality is that people forget to link it back to where we are coming from as a country. People just see it as divisive. But unfortunately, when dealing with EE you can’t be uncomfortable with those words because that is the reality you know. So, the first thing is that people need to accept that EE is something that has to happen, and the quicker people accept it, I believe the quicker it’s going to be. So, in other words, the quicker we accept it and the quicker we have to do it, then the less time we will spend worrying about it because we would have met our targets. But the more we resist, the longer it takes for us to meet our targets’.*



Participant 3 (female) opined that: *‘I can tell you that EE is an emotional subject because people feel uncomfortable about it. Because of this emotional attachment, we need to be various cautious when discussing it. The beneficiaries should not be made to feel that they are inferior. They should be made to see the EE as an intervention designed to empower then economically.’*

#### **5.5.3.2 Sub-theme 2: Conducive working environment and provision of facilities**

It was suggested that the UKZN should take necessary action to ensure that the employees worked in a more secure and satisfactory environment. Most ( $N = 6$ ) of the participants proposed that adequate resources and facilities should be made available in the University to accommodate all workers, including physically challenged persons.

Participant 2 (female) said that: *‘Oh yeah, that is the organisation responsibility to provide employees with resources, tools for them to do their job. For instance, if you are working with an industry, even your PPV glasses, your protective clothing and others should be provided by that organisation’.*

Participant 7 (male) added that: *‘I am not saying that the University hasn’t done anything, but my argument is that more need to be done in terms of the physical environment and the facilities available. Management should take a second look at the architecture design of the School of Management, IT and Governance. This School is not disability friendly. There are no lifts in that building. Even the only ramp available cannot easily be accessed by those on the wheels’.*

#### **5.5.3.3 Sub-theme 3: Retention of designated groups**

Four participants ( $N = 4$ ) proposed that the retention of the designated groups should be a major priority for the University. They suggested that preference should be given to all qualified candidates from previously disadvantaged backgrounds in order to increase their representation at all levels. The participants further proposed that the UKZN should establish systems to quickly assess the worth of the designated groups, and to match the competing level offer. In addition, they proposed that promotion and attractive packages should be offered to highly qualified candidates from the designated groups to ensure their retention.

Participant 1 (female) said that: *‘At a moment, the issue remains the same because when we do our exit interviews, we notice that the issue is about remuneration. At a moment we are busily addressing that. As I said, we pegged our salary at the minimum of the market rate. We are now*

*reviewing to peg it at the median, hoping that it will improve our total packages that we offer, and also, previously, we used to review our salary scales every two years.'*

Participant 4 (male) said that: *'At a moment, the issue remains the same because when we do our exit interviews, we notice that the issue is about remuneration. At a moment we are busily addressing that. As I said, we pegged our salary at the minimum of the market rate. We are now reviewing to peg it at the median hoping that it will improve our total packages that we offer, and also, previously, we used to review our salary scales every two years.'*

#### **5.5.3.4 Sub-theme 4: Performance evaluation system**

Participants suggested that the University should ensure that performance appraisal exercises are carried out in a more transparent and fair manner. The study further proposes that employees should be made aware of the performance appraisal technique that would be used and how they would be assessed. In addition, the study proposes that employees should be made aware of who the assessors were and how they were selected. To avoid the possibility of bias, the performance appraisal results should be communicated to employees as soon as they are ready. Three participants ( $N = 3$ ) proposed that the performance evaluation system within the University should be improved to ensure accuracy and fairness. They also proposed that academic promotion assessments should be performed regularly to ensure that the staff members got to know how well they were performing.

Participant 3 (female) said that: *'Okay, the performance management here in this institution is that we have a list of key performance areas (KPA's) and you enter them into the system. At the end of the year once the reviews are done, we will have another panel in your department which sit together and then we evaluate all the reviews that have been done. The only recommendation I will give is that fairness, honesty and transparency should be the guiding principles in the entire process'*.

Participant 7 (male) added that: *'My suggestion will be that there should be a uniformity regarding the way the system should be done. Another important recommendation is that the kind of criteria to be used to assess the employees must be made known in advance'*.

#### **5.5.3.5 Sub-theme 5: Corporate culture that embraces diversity**

As part of the AA measures to address the barriers affecting EE, a few ( $N = 3$ ) participants argued that the institution should create an environment where the culture should embrace diversity. They proposed that a strong institutional culture should be built to encourage employees to accommodate one another.

Participant 5 (female) said that: *‘The culture of the institution should encourage people to accommodate each other. I mean we must come to a point where everyone will say enough is enough. Let’s put the past behind us and move forward. We should be able to break that barriers by creating a unique culture that accommodates everyone irrespective of their racial background.’*

Participant 6 (male) indicated that: *To me, I think both managers and staff should be sensitised on the culture of the institution to enable them to understand the diverse groups and their unique needs and cultural differences. More awareness should also be created on the need for greater tolerance and diversity within the institution’.*

### **5.6 Chapter Summary**

The chapter presents the qualitative results of the study obtained through face-to-face interviews with 8 participants. Based on the analysis of the data, it was found that the key barriers to the EE implementation in the University include recruitment and selection practices, appointments, remuneration and benefits, corporate culture, training and development, succession planning, reverse discrimination and retention of designated groups. The results of the study further reveal that EE regulations have impacted positively on recruitment, selection and talent management practices within the University. The chapter concludes with the findings on the proposed AA measures to the barriers affecting EE. The following chapter describes the quantitative results of the study.

## **Chapter Six: Presentation of Results-Quantitative Phase**

### **6.1 Introduction**

This chapter presents and analyses the quantitative data from the 2018 existing EE report available at the UKZN on 12 January 2018. The objectives of the quantitative phase were: to analyse the population groups in South Africa that are overrepresented at the various levels in higher education institutions; and to ascertain the population groups in South Africa that are underrepresented at the various levels in higher education institutions. The data from the 2018 EE report were then captured on an Excel Sheet and the results are presented in tables, pie charts and bar charts.

### **6.2 Analysis of Workforce Profile of All Employees at the University of KwaZulu-Natal as of 12 January 2018**

The profiles of all employees (including people with disabilities) at the various occupational levels at UKZN as of 12 January 2018 are presented in this section. The report covers population groups (Africans = A; Coloureds = C; Indians = I; Whites = W; and Foreign Nationals = FN) and the genders of the workforce at UKZN. The results are presented Table 6.1

**Table 6.1 Workforce profile of all employees at University of KwaZulu-Natal as of 12 January 2018**

| Occupational Level   | Male        |           |            |            | Female      |            |            |            | Foreign Nationals |           | Total       |
|--|-------------|-----------|------------|------------|-------------|------------|------------|------------|-------------------|-----------|-------------|
|  | A           | C         | I          | W          | A           | C          | I          | W          | M                 | F         |             |
| Top management (Grade 1-3)   | 3           | 0         | 2          | 2          | 2           | 1          | 1          | 0          | 1                 | 0         | 12          |
| Senior management (Grade 4-5)  | 7           | 1         | 5          | 8          | 7           | 1          | 5          | 2          | 7                 | 2         | 45          |
| Professionally qualified and experienced specialists and mid-management (Grade 5-6)  | 26          | 5         | 60         | 45         | 27          | 6          | 44         | 34         | 72                | 12        | 331         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents (Grade 7-11) | 402         | 31        | 292        | 117        | 577         | 68         | 426        | 212        | 118               | 44        | 2287        |
| Semi-skilled and discretionary decision-making (Grade 12-15)   | 120         | 3         | 50         | 1          | 99          | 10         | 18         | 14         | 3                 | 1         | 319         |
| Unskilled and defined decision-making (Grade 16-18)  | 404         | 0         | 10         | 0          | 582         | 0          | 4          | 0          | 0                 | 0         | 1000        |
| <b>Total Permanent</b>   | <b>962</b>  | <b>40</b> | <b>419</b> | <b>173</b> | <b>1294</b> | <b>86</b>  | <b>498</b> | <b>262</b> | <b>201</b>        | <b>59</b> | <b>3995</b> |
| <b>Temporary employees</b>   | <b>277</b>  | <b>7</b>  | <b>61</b>  | <b>67</b>  | <b>436</b>  | <b>19</b>  | <b>86</b>  | <b>80</b>  | <b>26</b>         | <b>15</b> | <b>1074</b> |
| <b>Grand Total</b>   | <b>1239</b> | <b>47</b> | <b>480</b> | <b>240</b> | <b>1730</b> | <b>105</b> | <b>584</b> | <b>342</b> | <b>277</b>        | <b>74</b> | <b>5068</b> |

Source: UKZN EE Report (2018)

As reflected in the Table 6.1, top management posts at UKZN in 2018 were mostly occupied by men, 8 posts (3 Africans, 2 Indians, 2 Whites and 1 Foreign Nationals), while only 4 posts were filled by women (2 Africans, 1 Coloured and 1 Indian). However, with respect to the population groups, five were filled by Africans one by a Coloured person, three by Indians, two by Whites and seven by Foreign Nationals.

In terms of senior management level, the report reveals that there was gender inequality, as 28 posts were filled by men (7 Africans, 1 Coloured, 5 Indians, 8 Whites and 7 Foreign Nationals), whereas 17 (7 Africans, 1 Coloured, 5 Indians, 2 Whites and 2 Foreign Nationals) were filled by women. Moreover, regarding the population groups, 14 posts were filled by Africans, two by Coloureds, ten by Indians, ten by Whites and nine by Foreign Nationals. Statistically, it can be argued that the Africans, Indians, Whites and Foreign Nationals were more represented at the senior management level than were Coloureds.

With regard to professionally qualified and experienced candidates, the report indicates that there was gender imbalance, as 208 posts were filled by men (26 Africans, 5 Coloureds, 60 Indians, 45 Whites and 72 Foreign Nationals) and 123 posts were filled by women (27 Africans, 6 Coloureds, 44 Indians, 34 Whites and 12 Foreign Nationals). When it comes to population group, the posts at the University were occupied by 53 Africans and 11 Coloureds. These two groups were under-represented as 104 posts were filled by Indians, followed by 99 Whites and 64 Foreign Nationals.

Referring to the skilled technical and academically qualified level, there was also a gender imbalance, as 1237 posts were filled by women (577 Africans, 68 Coloureds, 426 Indians, 212 Whites and 44 Foreign Nationals), whereas 960 posts were filled by men (402 Africans, 31 Coloureds, 292 Indians, 117 Whites and 118 Foreign Nationals). In terms of population groups, 979 posts were filled by Africans, 718 posts were filled by Indians, 99 by Coloureds, 329 by Whites and 162 by Foreign Nationals. The analysis of the data according to population groups suggests that Africans and Indians were more fully represented at this occupational level than their counterparts.

With respect to the semi-skilled and discretionary decision-making level, posts at the UKZN lacked gender balance, as 177 posts were filled by men (120 Africans, 3 Coloureds, 50 Indians, 1 White and 3 Foreign Nationals), whereas 142 posts were filled by women (99 Africans, 10 Coloureds, 18 Indians, 14 Whites and 1 Foreign National). However, in terms of the population

group, 219 posts were filled by Africans as against 13 Coloureds, 68 Indians, 15 Whites and 4 Foreign Nationals. Statistically, it can be argued that generally men were over-represented, whereas in population group more posts were filled by Africans than by people from other groups.

At the skilled and defined decision-making level, the statistics indicate that, in terms of gender, 586 posts were filled by women (508 Africans and 4 Indians), while 414 posts were filled by men (404 Africans and 10 Indians). The analysis of these figures shows that the representation of females at this occupational category and level was high as the majority of the posts were filled by women. However, in terms of population group, 986 posts were filled by Africans, whereas only 14 posts were filled by Indians. The statistics from the 2018 EE report indicated that Africans were more highly represented at the skilled and defined decision-making level.

From Table 6.1, the analysis of the overall results in terms of gender reveals that 2835 posts were filled by women (1730 Africans, 105 Coloureds, 584 Indians, 342 Whites and 74 Foreign Nationals), while only 2233 posts were filled by men (1239 Africans, 47 Coloured, 480 Indians, 240 Whites and 277 Foreign Nationals). However, the majority of the positions on the first three levels were occupied by men rather than women. This means that there was no gender balance in the first three position levels at the UKZN. On the contrary, most of the posts at the lower levels were filled by women.

In terms of population groups, the overall findings from the 2018 EE report suggest that African population (2969) constituted the majority of employees, as opposed to Coloureds (152), Indians (1064), Whites (582) and Foreign Nationals (351). The analysis reveals that Africans and Coloureds occupy fewer positions at the first three levels than do Indians, Whites and Foreign Nationals. However, in terms of the lower level posts, more Africans are employed than Coloureds, Indians, Whites and Foreign Nationals.

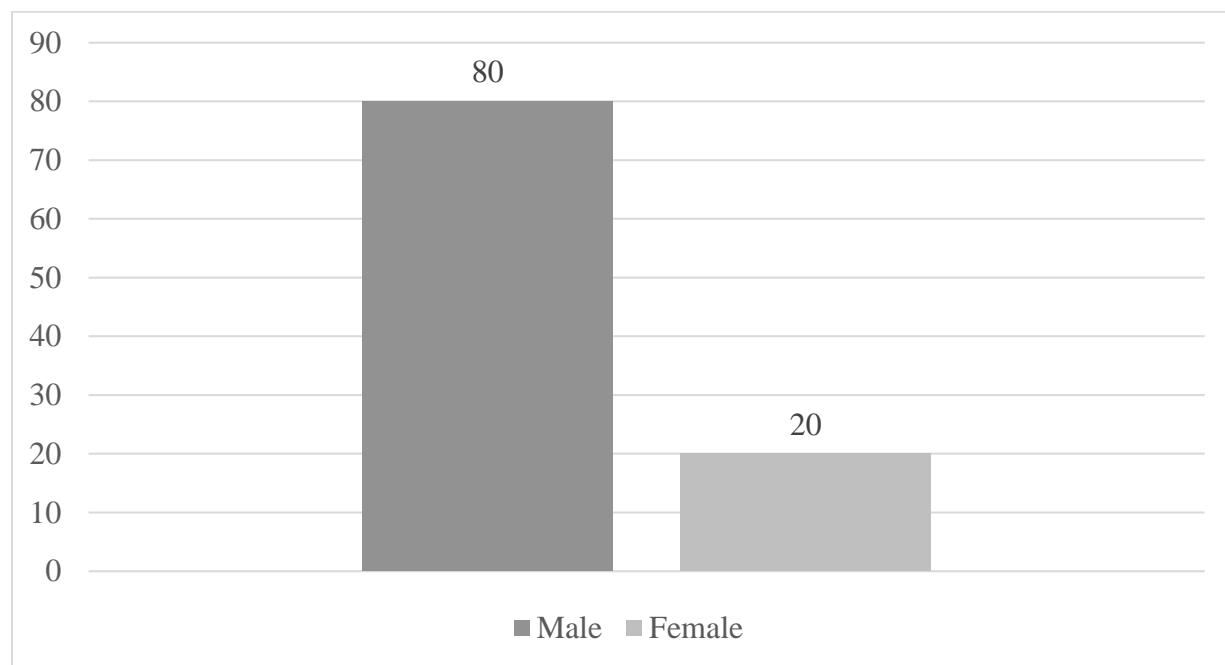
### **6.3 Workforce Profile of People with Disabilities at the University of KwaZulu-Natal as of 12 January 2018**

The staffing profile of disabled people at the various occupational categories at the UKZN as of 12 January 2018 are shown in charts below. The charts contain information regarding the number of disabled persons in each occupational category and at each level. Furthermore, they contain information about the proportion of males and females employed at each occupational category and level at the UKZN as of 12 January 2018. The analysis and presentation of the findings does

not cover top and senior management posts since there were no disabled in these positions. The findings are presented as follows:

### 6.3.1 Professionally qualified and experienced specialists and middle-management

This section of the chapter presents the number of posts filled by disabled people in terms of gender and population group.

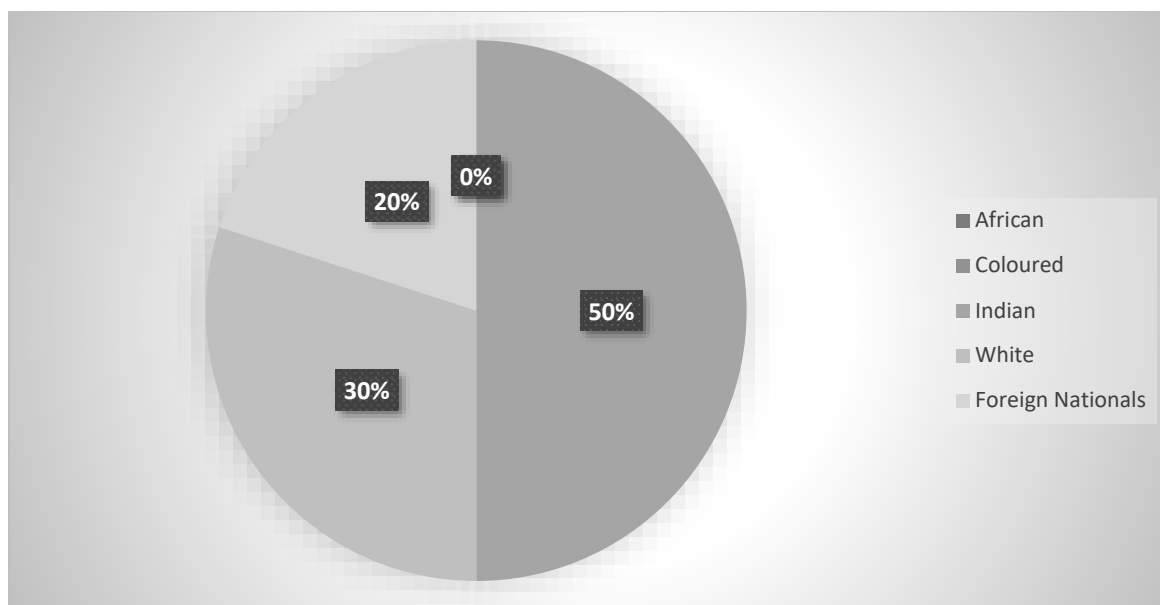


**Figure 6.1 Disability by gender: Professionally qualified and experienced specialists and middle-management**

**Source: UKZN EE Report (2018)**

From Figure 6.1, it can be seen that, in terms of disability, professionally qualified and experienced specialists and middle-management employees at UKZN as of 2018 lacked equal representation in terms of gender, as eight posts representing 80% were filled by men (5 Africans, 2 Whites and 1 Foreign National) and two only were filled by women (1 White and 1 Foreign National). Figure 6.2 presents the number of posts filled by each population group:





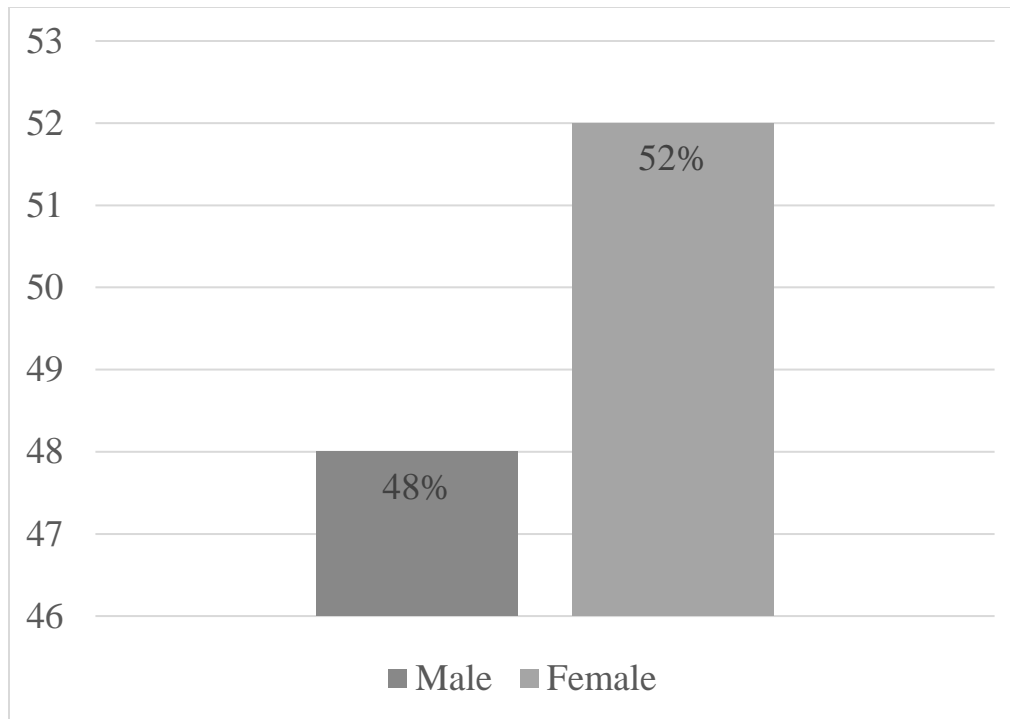
**Figure 6.2 Disability by population group: Professionally qualified and experienced specialists and middle-management**

**Source: UKZN EE Report (2018)**

As reflected in Figure 6.2, five posts, which represented 50%, were filled by Africans, three posts, representing 30%, were filled by Whites, while the remaining two posts representing 20% were filled by Foreign Nationals. However, Coloureds and Indians did not occupy any post at this level.

### **6.3.2 Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents**

The proportion of people with disabilities at this occupational level in terms of gender and population group are shown in Figures 6.3 and 6.4 respectively:

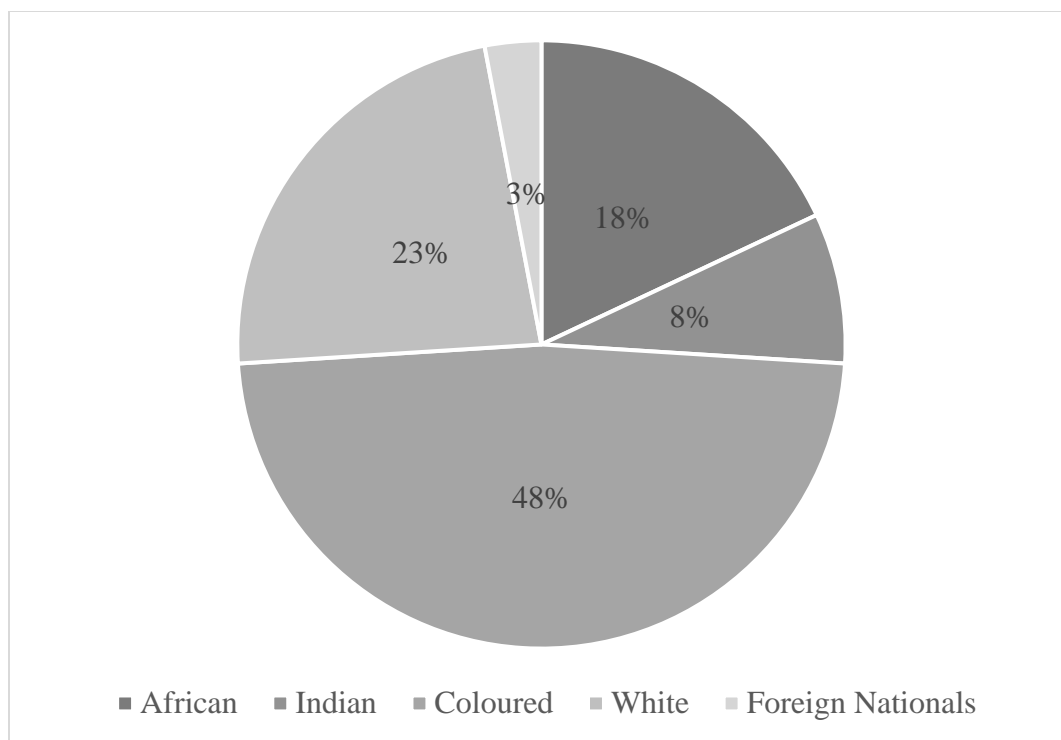


**Figure 6.3 Disability by gender: Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents**

**Source: UKZN EE Report (2018)**

From Figure 6.3, it can be seen that 34 posts representing 52% were filled by women (6 Africans, 3 Coloureds, 13 Indians, 10 Whites and 2 Foreign Nationals) and 31 posts (48%) were filled by men (6 Africans, 2 Coloureds, 18 Indians and 5 Whites). The comparative analysis of the figures reveals that posts at this occupational level at the UKZN were mainly occupied by women, although the ratio is close.

The following section presents the statistics in terms of the number of people living with disabilities from each population group employed in the same occupation category.



**Figure 6.4 Disability by population group: Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents**

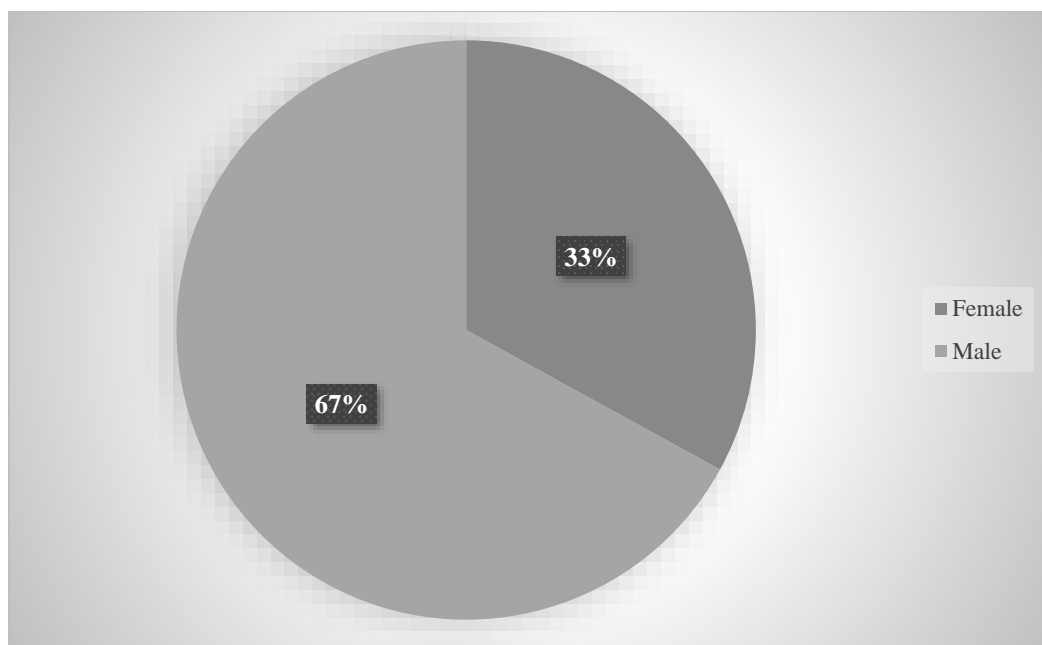
**Source: UKZN EE Report (2018)**

As shown in Figure 6.4, 31, posts representing 48%, were filled by Indians and 15 posts, representing 23% were filled by Whites. Moreover, 12 posts representing 18% were filled by Africans, 5 posts representing 8% were filled by Coloureds and the remaining 2 posts, which represented 3%, were occupied by Foreign Nationals. The analysis of the figures reveals that Indians and Whites were more represented at this occupational level than Africans, Coloureds and Foreign Nationals.

The following section shows the statistics of the number of disabled persons who occupied semi-skilled and discretionary decision-making level posts at the UKZN as of 2018.

### **6.3.3 Semi-skilled and discretionary decision-making**

The percentage of disabled persons who occupied positions at this level in terms of gender and population group are presented in the Figures 6.5 and 6.6, respectively.

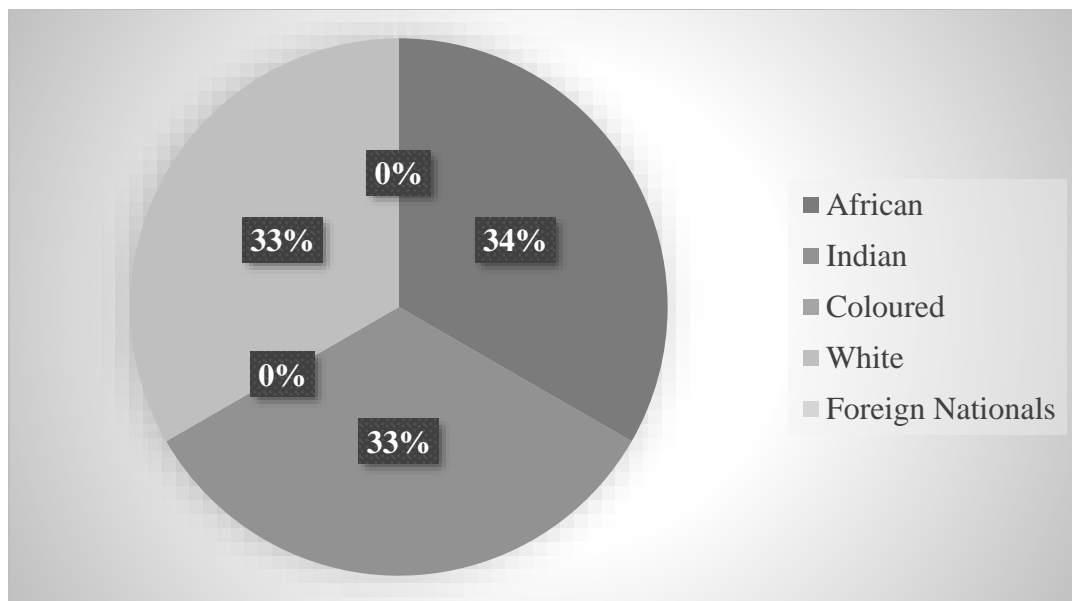


**Figure 6.5 Disability by Gender: Semi-skilled and discretionary decision-making posts**

**Source: UKZN EE Report (2018)**

As reflected in Figure 6.5, semi-skilled and discretionary decision-making positions at the UKZN as of 2018 were still biased in terms of gender, as two posts representing 67% were filled by men (1 African and 1 Indian) while only one post, representing 33%, was filled by a woman (1 White).

The next figure presents the statistics of the people living with disability by population group at the same level.



**Figure 6.6 Disability by population group: Semi-skilled and discretionary decision-making**

**Source: UKZN EE Report (2018)**

From the Figure 6.6, it can be seen that 33.3% of the posts were filled by each Africans, Indians and Whites at the semi-skilled and discretionary decision-making post level. This means that Africans, Indians and Whites employees living with disabilities, were equally represented at the semi-skilled and discretionary decision-making level. On the other hand, there were no Coloureds and Foreign Nationals living with disabilities employed at this occupational level.

The statistics on the number of disabled persons at the unskilled and defined decision-making in relation to gender and population group are shown the in the following section.

#### **6.3.4 Unskilled and defined decision-making**

The section describes the number of persons living with disabilities in terms of gender and population group in unskilled and defined decision-making level posts. In terms of gender and population, one Indian male was employed.

### **6.4 Chapter Summary**

Chapter six is based on an analysis of the quantitative data obtained from the 2018 existing report available at the UKZN. The comparative analysis in terms of gender reveals that most of the posts at the first three levels at the UKZN were filled by men. On the contrary, the positions in the last

three levels were more frequently filled by women. A comparative analysis was carried out in relation to population groups. This revealed that posts at the first three levels were filled by Indians, Whites and Foreign Nationals rather than Africans and Coloureds. The comparative analysis further shows that posts within the University were biased against people living with disabilities, as they were under-represented at all occupational categories and levels.

Please include a source reference for all figures and tables in the section above- EE report

## **Chapter Seven: Discussion of The Results**

### **7.1 Introduction**

This chapter discusses the results that emerged from the study in accordance with the stated objectives. All the objectives outlined in chapter one were adequately investigated and achieved. The research objectives which guide discussion of the results are:

- to identify the barriers affecting the implementation of EE in HEIs;
- to examine the effects of EE legislation on staffing practices and policies in HEIs;
- to analyse the population groups in South Africa that are overrepresented at the various levels in higher education institutions;
- to ascertain the population groups in South Africa that are underrepresented at the various levels in higher education institutions;
- to determine the affirmative action measures implemented in response to the barriers affecting EE in public HEIs.

### **7.2 Objective 1: Barriers Affecting Implementation of Employment Equity**

The first objective of the study was to investigate the barriers affecting the EE implementation at the UKZN. Based on the analysis of the data presented in chapter five, three main themes (HR attraction strategies, HR development strategies and HR retention strategies) emerged as barriers to EE implementation in the University. Moreover, there were sub-themes that emerged from the each of the main themes as further barriers to EE implementation. The results are discussed as follows.

#### **7.2.1 Remuneration and benefits**

The findings from the study reveal that inadequate remuneration packages and other emoluments/benefits were the HR attraction strategies which mostly affected EE implementation at the UKZN. These findings were supported by a study conducted by Thomas (2014), where he found that most employees in South African industries receive much higher pay packages than those in academic institutions. The results also coincide with the report released by the Department of Community and Safety Report (2017) which states that there was limited flexibility and scope

for setting higher salaries to attract and maintain candidates in most sectors. Further, the results of the study reaffirm the findings presented by Van Zyl (2017), where it was argued that, although the EEA and other employment statutes play an important role in upholding principles of equity, there still exists a huge disparity in the pay structure in most organisations. The findings from this study contradict the provisions of the Constitution, EEA, LRA and BCEA which stipulate that everyone has the right to fair labour practices such as ‘equal pay for equal work’.

### **7.2.2 Recruitment processes and practices**

The study found that recruitment processes and practices within the University served as a major barrier to the achievement of its EE targets. The participants claimed that recruitment decisions were sometimes made along racial lines. The findings of the study suggest that the EE provisions of the Constitution, EEA and UKZN policy are not being upheld at the University. Section 9 of the Constitution provides that every South African is equal before the law and has the right to equal protection and benefits (Nel *et al.*, 2014). Section 9(3) provides protection against indirect and direct discrimination against anyone on one or more grounds, like social origin; culture; belief; language, birth, to mention a few.

Chapter 10, section 195(1)(h) and (i), of the Constitution also requires that good HR practices and programmes, such as recruitment processes should be developed and operationalised within the workplace to deal with the employment and personnel management practices based on principles of objectivity and fairness (Olckers & Zyl, 2016; PSC, 2011). The results of the current confirm the findings of a study conducted by Horwitz & Jain (2011) which show that the public service factsheet on grievance resolution in the year 2013/14 reveals a total of 1388 cases of grievances regarding recruitment and selection reported by national and provincial departments.

### **7.2.3 Selection criteria**

The findings of the study reveal that the selection criteria used by the selection panel often discriminate against, particularly, the designated groups and different racial groups. The findings contradict KZN’s EE policy which states that the University is committed to addressing discrimination in employment practices (UKZN EE Policy, 2010). The UKZN acknowledges and affirms the principle which relates to equal opportunity, requiring that every individual be treated



equally and with dignity in the South African workplace regarding HR practices such as staffing, training, promotion and advancement (UKZN EE Policy, 2010). Furthermore, the findings gainsay the requirements set out in the Constitution which stipulate that everyone is equal and has the right to protection under the law (Nel *et al.*, 2014).

The EEA also prohibits unfair discrimination in the workplace against an employee on grounds such as race, sex, HIV/Aids status, marital status, religion, ethnic, disability and culture, to mention a few (EEA, 1998). Nevertheless, the Act states that it does not amount to unfair discrimination when an employer takes AA measures consistent with the purpose of this Act or to distinguish, exclude or prefer an employee on the basis of the nature of a job (Modise *et al.*, 2014). This assertion relates to the pronouncement which was made in the case of Coetzer and another v Minister of Safety and Security (JS222/02) [2003] ZALC 11 (1 January 2003), where it was held that the failure of the employer to appoint the White applicant amounted to discrimination.

#### **7.2.4 Advertising positions**

The findings from the interviews reveal that advertising positions does not constitute a barrier to EE implementation at the UKZN. The participants expressed the opinions that the UKZN has a good system of adverting positions which is accessible to everyone irrespective of their geographical locations. Moreover, the findings indicate that the UKZN has an effective system of advertising job vacancies which is accessible to everyone. The findings refute the findings of the 2016 EE report which indicated advertisements at the UKZN were only placed in the Sunday Times and Mail & Guardian and not in traditional newspapers, such as Ilanga and Isolezwe (UKZN EE Report (2016). The findings of this study further refute the results of a study conducted by PSC (2010), which states that some departments in South Africa failed to advertise posts, especially at Assistant-Director level. Further, it was found that some institutions used illegitimate means to limit competition in filling of posts, especially in government departments (PSC, 2010).

#### **7.2.5 Staff training and development**

The results of this study show that, while the University from time to time offers some form of training for staff, it targets only specific groups of people, namely: academics and senior managers at levels 4 and 5. The findings counter the provisions of the SDA 62 of 1981, which states that

every employer should implement plans to advance the employment prospects of the previously disadvantaged people who were unfairly discriminated against, as well as redress imbalances through training programmes and education (Venter & Levy, 2014). The findings of the current study also refute the provisions of the UKZN EE policy statement which stipulates that there should be access to staff development for all staff (UKZN EE Policy, 2010). Moreover, Roman & Mason (2015) confirm that EE implementation is comparably slow. Roman & Mason (2015) further claim that EE training is not addressed in enough depth.

#### **7.2.6 Succession planning**

Succession planning is considered as a strategic HRM intervention aimed to identify, select and develop employees with leadership potential. Succession planning is critical in ensuring the continuity of an organisation in the event where a senior manager resigns or the CEO dies. Unfortunately, the findings of the study reveal that, although the UKZN has a policy on succession planning, in reality, it is ineffective. The current findings contradict the UKZN policy on succession planning which states that the University admits that succession planning is critical to the success of the institution (UKZN EE Policy, 2010, p.5). The results of the study also refute the findings of a report presented by the Department of Community and Safety Report (2017) where it was found that, in some departments, there is a lack of clear strategy for succession planning to accelerate the movement and development of designated groups.

#### **7.2.7 Corporate culture**

The study reveals that the culture within the University constitutes one of the key HR retention strategies and that it serves as a major barrier to the implementation of EE. The findings support the results of a similar study conducted by Oosthuizen and Naidoo (2010), where it was discovered that most organisations have complex cultures which regulate their activities and a culture that does not accommodate, especially, people with disabilities. The findings of the current study are in line with the results of a similar study conducted by Mayer (2017), where it was found that the culture within some enterprises discriminates against the designated groups. For instance, Mayer (2017) discovers that women, especially Black women in leadership positions experience double discrimination in terms of gender and race and, as a result, they become caught up in postcolonial struggles and discourses of power. It was also found that in some organisations, the culture

considers women as inferior, hence, they are often denied of the opportunity to occupy leadership positions (Mayer, 2017).

The findings contradict the legal provisions of the UKZN EE policy, which acknowledge that the University community is highly heterogeneous and commits itself to consciously cementing a strong and effective organisational culture through the development of a shared set of common values, rooted in the basic equality and dignity of all people (UKZN EE Policy, 2010).

### **7.2.8 Retention of designated group**

Since 1994, the government has initiated several moves to integrate previously disadvantaged groups into society by implementing what is commonly known as AA measures. Khalid and Nawab (2018) claim that employee retention is critical to organisational success. However, the results of this study reveal that, despite the numerous efforts by successive governments, retention of designated groups remains a challenge in most organisations. The findings of this study repudiate the UKZN's EE policy and EEA provisions which relate to the retention of designated groups. The UKZN EE Policy (2010) acknowledges that race and gender imbalances in the staffing structures developed as a result of the stringent apartheid policies that denied and restricted the opportunities of the majority of Black South Africans. The UKZN in its transformation charter acknowledges that an exclusive policy based on the principles of equal opportunity is critical to address the challenges which confront the designated groups (UKZN EE Policy, 2010). Part 2 of the EEA requires every employer or organisation to implement AA measures to reasonably accommodate the historically disadvantaged people at all levels (Bendix, 2015).

Booyesen (2007) and Mayer (2017), in their study, discovered that retention of Black employees in most organisations was a critical factor that militated against the achievement of the EE targets, given the fact that most employers failed to comply with the provisions of the relevant employment statutes. Nordling (2019) observes that in South Africa, the designated groups, especially Black staff members at the University of Cape Town, are underrepresented on the senior decision-making bodies.

### **7.2.9 Reverse discrimination**

After 25 years of transition to a democratic state, the South African workplace still experiences some forms of discrimination and unfair employment practices. The results of this study confirm that the promulgation of EE statutes have somewhat contributed to what is termed ‘reverse discrimination’. The findings support the results of a study conducted by Prince (2006), which states that there is a perception amongst South Africans, especially White workers, that AA measures lead to reverse discrimination. Prince (2006) found that White males feared that they might be subjected to reverse discrimination. The findings of this study are in line with the study carried out by Stoffels (2015), which confirms that the implementation of EE is sometimes characterised by racism and reverse discrimination. Roman and Mason (2015) further confirm that EE is racially and numbers-driven at the expense of the most qualified candidates. In a similar study, Oosthuizen *et al.* (2019) also perceived EE as being biased and a vehicle to heighten the focus on racial divides. Moreover, Mayer (2017) agrees with the above scholars that Black women in leadership positions often experience double discrimination as a result of their gender and race and, due to this, they are caught in up in postcolonial struggles, discourses of power, dominance, inferiority and superiority. Segalo (2014) concurs that EE implementation leads to reverse discrimination in the workplace because born-free individuals receive worse treatment than the younger generation. Pyke (2018) postulates that HEIs have failed to protect their staff from inequity, discrimination, bullying and retaliation.

On the contrary, Qunta (1995) argues that EE policy does not imply that White people are inferior or incapable of performing certain tasks if they are overlooked for certain jobs, but rather that they cannot be alone in benefiting from life’s opportunities.

### **7.2.10 Working environment and provision of facilities**

The results of this study indicate that although the UKZN has some facilities in place, they are not sufficient to accommodate all of the workforce, particularly physically challenged persons. All over the world, the working environment and provision of facilities are critical to the retention of employees, particularly physically challenged people. In South Africa and other parts of the world, it is an obligation of employers to ensure that employees working in their undertakings are protected from health and safety hazards. In addition, it is the employers’ duty to provide facilities

within the workplace to accommodate everyone, including physically challenged persons. The results align with Duvenhage and van der Westhuizen (2013), who state that there are many organisations in South Africa that do not have facilities such as lifts, parking space and transport to accommodate persons living with disabilities. The results of this study support the results of a study conducted by Maja *et al.* (2011), where it was found that most workplaces are not accessible to disabled persons, therefore, they require major changes to adequately accommodate people with disabilities. Ruhindwa (2016) further supports the findings of the current study where it discovered that some employers are not able to achieve their EE targets because the built environment and structures are not suitable, especially for people living with disabilities.

Vornholt *et al.* (2018) state that globally people with disabilities are under-represented within the workplace. Colella and Bruyère (2011) claim that the unemployment rate among people living with disabilities is higher than for people without disability. Prince (2010) points out that despite the human rights and anti-discrimination laws, many disabled persons are still not integrated into the workplace. Most employers do not consider people living with disabilities as valuable resources. The employment barriers which affect the integration of physically challenged persons into the workplace are inadequate health and safety policies, lack of work arrangements, misconceptions surrounding disability, beliefs and lack of knowledge and the organisational culture.

### **7.3 Objective 2: Effects of EE Regulations on Staffing Practices and Policies**

The study investigated the effects of EE regulations, such as EEA, on staffing practices and policies within the University, namely, recruitment, selection and talent management practices. The findings of the study reveal that EE regulations such as the Constitutions, PSC, EEA, BBBEEA and BCEA have positively influenced these staffing practices at the UKZN. The key findings of the study are discussed as follows.

#### **7.3.1 Recruitment practices and policies**

The results of the study reveal that EE regulations have strengthened and contributed to fair and transparent recruitment practices at the UKZN. The findings support the UKZN policy on EE which provides that the UKZN acknowledges and endorses employment practices that create fair

and equal opportunities for everyone (UKZN EE Policy, 2010). On the contrary, the results of the study refute the findings of the study conducted by leading scholars such as Booysen (2007), Olckers and van Zyl (2016) and Horwitz and Jain (2011). Booysen (2007) alleges that the PSC report which relates to the assessment of HRM practices in the public service in 2010 reveals that staffing processes and procedures in the public service are problematic because of a number of challenges, including noncompliance with policy, allegations of nepotism in recruitment and selection and inconsistency in complying with the legislative frameworks. Horwitz and Jain (2011) also uncovered that the public service factsheet on grievance resolution reveals that more than 1388 cases of grievances regarding recruitment practices were reported by national and provincial departments in 2013/14.

### **7.3.2 Selection practices and policies**

The results of this study show that EE regulations have promoted fair and transparent selection practices within the University. They support the empirical research conducted by Gupta and Jain (2014), where it was found that EE legislation promotes transparency and fairness in selection practices within most organisations. However, the findings of this study contradict the results of a study conducted by Booysen (2007), which reveals that the application of the legal frameworks on EE have made staffing practices within the public service problematic and time-consuming.

### **7.3.3 Talent management practices**

This study discovered that EE regulations promote effective talent management practices within the University. These findings reaffirm the importance of the UKZN EE policy on staff development. The UKZN commits itself to creating an enabling working environment which allows individual and groups to realise their full potentials (UKZN EE Policy, 2010). The results of the study further confirm the results of existing studies by Al Ariss *et al.* (2014) and Rankhumise and Netswera (2010), which state that EE regulations have impacted positively on training and development, recruitment and selection practices, remuneration, promotion, performance management and evaluation, succession planning, coaching and mentoring and employee assistance programmes, all part of talent management practices.

By contrast, Booysen (2007) argues that the EE regulations have rendered talent management practices in most organisations problematic, given the level of compliance.

#### **7.4 Objectives 3 and 4: Category of the South African Population that are Overrepresented and Underrepresented at the Various Position in the University of KwaZulu-Natal**

The quantitative phase of the study analysed the 2018 EE existing report available at the UKZN in order to ascertain the current staffing situation in terms of the designated groups in the various occupational categories and levels within the institution. The study analysed the current staffing situation at the six occupational levels at the UKZN. The overall findings suggest that targets were met at some levels and groups, whilst they were not met at others. A comparative analysis was performed in terms of gender. The results of the study show that there was gender imbalance at the first three levels, as most of the posts were filled by men. Nevertheless, more posts in the lower three levels were filled by women.

An analysis of the workforce profile was carried out for the population groups. Overall, it was found that the number of Foreign employees increased at all levels. This is counter the University EE Plan. At top management level, targets were not met for African males. At senior management, targets were met for Indian and White males; African and White females. However, targets were not met for Indian females. At the professionally qualified and middle-management level, targets were not met for any groups but Indian and White males. At the skilled, technical and junior management level, targets were met for all groups except for Coloured females, Foreign males and Foreign females. At the semi-skilled level, targets were met in most groups except for African males and Foreign males and females. The unskilled employee profile was influenced by insourcing and therefore comparison could not be made against the targets set in the EE Plan. However, most insourced employees were African. Overall, the university remains under-represented by African employees and over-represented by all other groups, including Foreign employees.

The findings support the results of previous studies where it was found that, while some HEIs have managed to meet their equity and diversity goals, others are lagging behind (Kola & Pretorius,

2014). For example, it was found that 40% of the workers who occupied top positions at the University of the Free State were White and Coloured. This is an indication of a positive movement towards meeting EE requirements (DoL, 2010; Kola & Pretorius, 2014). However, only a few women (16%) occupied senior management positions within the same institution. Additionally, the designated group constituted 7% of the professionally qualified personnel who were experienced specialists and 20% of the academically qualified and skilled employees were from the designated groups.

At University of Pretoria (UP), Africans (30%) constituted the minority of the workforce in top management positions, while other members of the designated groups were not represented (Kola & Pretorius, 2014). The designated group comprised only 10% of the professionally qualified and 31% of the academically qualified staff. (Kola & Pretorius, 2014); White women constituted 26% of academically qualified staff (Kola & Pretorius, 2014) and Whites (57% ) constituted the majority in senior management positions. At the Witwatersrand University, females at this level were exclusively White.

The Quarterly Labour Force Survey (2nd Quarter 2010) states that 12 years after the promulgation of the EEA and other employment statutes, the workplace is still dominated by Whites. Chemical Industries Education and Training Authority [CHIETA] (2014) reports that until 2011, there was not even a single African in a top position in the pharmaceutical industry in South Africa. By contrast, Indian were over-represented at this occupational level in the pharmaceutical industry as of 2011. The Department of Safety (2017) also reported that there was not a single African in this occupational category at the Western Cape province. Rasool & Botha (2011) argue that there are many South Africans who are highly educated and qualified who have chosen to migrate abroad because of push factors such as EE, poor working conditions, high cost of living, poor service delivery, crime, unfriendly business environment, declining equality of education and low-income levels.

## **7.5 Objective 5: Proposed affirmative Action Measures to Employment Equity Barriers**

The study probed the research participants on proposed AA measures that might be introduced by the University in response to the barriers affecting EE implementation. Based on the analysis, a



number of possible AA measures were identified. These are grouped under three main themes: HR attraction strategies, HR development strategies and HR retention strategies. The findings on the AA measures proposed by the participants in addressing the barriers to EE implementation are discussed as follows:

#### **7.5.1 Remuneration and benefits**

The results of the study suggest that attractive and adequate remuneration structures should be implemented at all levels to address the inherent challenges associated with EE implementation. The findings affirm similar suggestions made by Duvenhage and van der Westhuizen (2013), who propose that the designated groups should receive fair and equitable remuneration compared with their counterparts who fall under the non-designated groups. The Department of Community and Safety (2017) made a similar recommendation: that the government should continue to set remuneration and benefits standards to avoid discrimination. Oosthuizen and Naidoo (2010) suggest that people with the same job classifications and grades should receive equal remuneration.

#### **7.5.2 Recruitment and selection practices**

As part of the AA measures put in place in response to the barriers to EE implementation at the UKZN, the findings of this study suggest the need for fair and transparent recruitment and selection practices across all Schools and Colleges within the University. The proposed AA measures are in support of the UKZN EE policy which relates to recruitment, selection and appointments. The policy acknowledges and affirms the principle of equity in all employment practices (UKZN EE Policy, 2010).

The findings also comply with section 195(1)(h) and (i) of the Constitution, which states that good HR practices and programmes should be developed and implemented in all organisations to deal with employment practices based on principles such as objectivity and fairness and the need to address past discrimination, so as to achieve broad representation (Constitution, 1996). The results of this study also support a similar suggestion made by the Department of Community and Safety (2017), which states that criteria for selecting candidates should include EE and competency-based assessments.

### **7.5.3 Merit-based appointment**

This study proposes that appointments within the University should be based on fairness, transparency and merit. The study recommends that preference should be given to the designated groups, but in terms of merit. The results of the study coincide with the similar recommendation made by Oosthuizen and Naidoo (2010), where it was suggested that appointments of people from designated groups should be based on merit and fairness rather than on ethnicity, nepotism and favouritism.

### **7.5.4 Advertising positions**

Although advertising positions does not constitute a barrier to EE implementation at it UKZN, it was proposed that advertisement for jobs should be placed in the right media to enable people from various designated groups to have access to them. The findings of the study are in line with similar recommendation made by the Department of Community and Safety (2017), which propose that managers should speed up the process of recruitment for suitably qualified designated groups. In addition, the Department of Community and Safety (2017) suggests that senior managers should collaborate with their respective organisations to identify the relevant media for targeted advertising.

### **7.5.5 Succession planning**

This study proposes that succession planning and management within the University should be prioritised, especially for the designated groups. Succession planning is considered as a proactive approach which helps to ensure that the employee turnover does not impact negatively on the organisation (Ali & Mehreen, 2019). The results of the study align with the findings of Adebola (2019), which suggest that organisations should approach succession planning seriously because it saves time and the cost of external personnel recruitment and selection. The proposed AA measure supports the legal provisions in the UKZN EE Policy, which state that that all succession management programmes should be implemented in a more open and transparent manner, having due respect for the rights and expectations of previously disadvantaged people (UKZN EE Policy, 2010).

### **7.5.6 Staff training and development**

The study suggests that staff training programmes should be given priority and must be organised at regular intervals, particularly for the designated groups. The findings of the study support a study conducted by Majeed and Shakeel (2017), which suggests that training and development is critical for the development of every staff member because organisational success can only be achieved through employee performance. The Department of Community and Safety (2017), in its report, proposes that training, coaching and mentorship programmes should be given attention in all organisations.

### **7.5.7 Equal employment opportunities**

The study indicates that equal employment opportunity should be given to all candidates, irrespective of their racial backgrounds. The findings back the study conducted by Cloete *et al.* (2015), which argues that EE and AA aim to achieve workplace democracy, justice and equality. The results of the current study further agree with the results of an existing study carried out by Slater (2014), which proposes that AA measures should facilitate equitable opportunities, particularly for previously disadvantaged groups. The results also are in line with a similar study conducted by Slater (2014), which advocates preferential support and equal opportunities should be seen as an ethical means towards equity, justice and integrity to address past discrimination and to overcome historic economic marginalisation.

### **7.5.8 Sensitivity towards employment equity**

The results of the study reveal that people, especially the non-beneficiaries of EE, should be sensitive about how they perceive EE within the workplace. This study advises that both beneficiaries and non-beneficiaries of AA should not perceive EE in a bad light. The suggested attitude to the proposed AA measures match a similar opinion expressed by Mahadevan and Mayer (2017), who suggest that organisations should create best practices that will benefit everyone. The current proposes that awareness should be created about the need for EE in order to reduce the misconceptions people hold about EE.

### **7.5.9 Working environment and provision of facilities**

This study further suggests that the institution should take steps necessary to ensure that the working environment is secure and safe, and it should provide enough facilities, such as lifts, wheels and ramps, for disabled persons. The findings of the current study concur the findings of existing studies, such as Mahadevan and Mayer (2017) and Pruettikomon and Louhapensang (2018). According to Mahadevan and Mayer (2017), employers should create a secure workplace for all employees, including the disabled. Pruettikomon and Louhapensang (2018) base their argument on the ‘theory of universal design’ which states that the environment, workplace and facilities should be designed to accommodate everyone. Pruettikomon and Louhapensang (2018) suggest that disabled persons working within organisations require resources like hearing equipment, recording devices and easy access to stairs.

### **7.5.10 Retention of designated groups**

This study recommends that the University should develop strategies to ensure the retention of previously disadvantaged people at all the occupational levels or categories. This AA measure supports the results of the study conducted by Department of Community and Safety (2017), which proposes that targeted recruitment should be considered as a tool to attract the most suitably qualified applicants who are part of the designated groups and who are under-represented in various occupations and levels within organisations. The proposed AA measure is also in agreement with the study conducted by Bendix (2015), which suggests that EEA requires every employer to design and implement AA measures to correct the imbalances experienced by historically disadvantaged people so as to ensure equal representation within the workplace.

### **7.5.11 Culture diversity**

As part of the proposed AA measures, this study suggests that organisations should create a culture that promotes diversity within the workplace. Al-Jenaibi (2017) claims that diversity management should be a top priority for organisations. Workplace diversity is an important HR practice which should be embraced by both employers and employees. The proposed AA measures reaffirm similar recommendations proposed by Foma (2014), who argues that workplace diversity makes a significant impact on organisations in that it facilitates sharing ideas emanating from the diverse cultures of employees; they should also foster the development of friendships without

discrimination. The Department of Community and Safety Report (2017) made the similar suggestion that employers should create awareness and educate employees about diverse culture. In addition, the proposed AA measures back the recommendation of Op't Hoog *et al.* (2010), which propose that an inclusive culture should provide a supportive environment for employment practices.

## **7.6 Chapter Summary**

The chapter discusses the qualitative and quantitative results that emerged from the study. The discussion of the results is based on the research objectives. The next chapter covers the conclusion and makes recommendations based on the study.

## **Chapter Eight: Conclusion and Recommendations**

### **8.1 Introduction**

The purpose of this chapter is to draw valid conclusions and to make meaningful recommendations based on the research findings. The conclusions and recommendations are guided by the stated research objectives.

### **8.2 Conclusion of the Study**

This section of the chapter provides the conclusion of the study in relation to the results as per each of the stated research objectives.

#### **8.2.1 Objective 1: Barriers to employment equity implementation**

The factors which affect EE implementation at UKZN include a lack of fair and transparent recruitment and selection practices, difficulties of retaining designated groups, ill-placed advertising of job vacancies, reverse discrimination, ineffective succession planning, insufficient provision of resources and facilities, inadequate staff and development, inadequate remuneration and benefits, a difficult physical working environment and the lack of a corporate culture that embraces diversity. The next section draws conclusions in terms of the effects of EE legislation on staffing practices and policies.

#### **8.2.2 Objective 2: Effects of employment equity legislation on staffing practices**

The results of the study show that regulations such as the Constitution, EEA, PSA, BCEA and PEPUDA have had positive effects on the staffing practices. Based on the findings, it can be concluded that EE regulations contributed to transparent and fair recruitment, selection and talent management practices within the UKZN. The next section of the chapter shows the results in relation to the current staffing situation at the UKZN.

#### **8.2.3 Objective 3: Category of the South African Population Overrepresented at Various Positions in the University of KwaZulu-Natal**

The results reveal that posts at top management, senior management and professionally qualified and experienced specialists' levels as of 2018 were still filled by more men than women. The comparative analysis based on population groups suggests that targets were met at some levels and groups, whilst they were not met at others. It was discovered that the number of Foreign employees

had increased at all levels. At top management level, targets were not met for African males. At senior management level, targets were met for Indian and White males and African and White females. However, targets were not met for Indian females. At the professionally qualified and middle-management level, targets were not met for any group except Indian and White males. At the skilled technical and junior management level, targets were met for all groups except for Coloured females, Foreign males and Foreign females. At semi-skilled, targets were met in most groups except for African males and Foreign males and females. The unskilled employee profile was influenced by insourcing and therefore, comparisons could not be made against the targets set in the EE Plan. However, most insourced employees were African.

#### **8.2.4 Objective 4: Category of the South African Population Underrepresented at Various Positions in the University of KwaZulu-Natal**

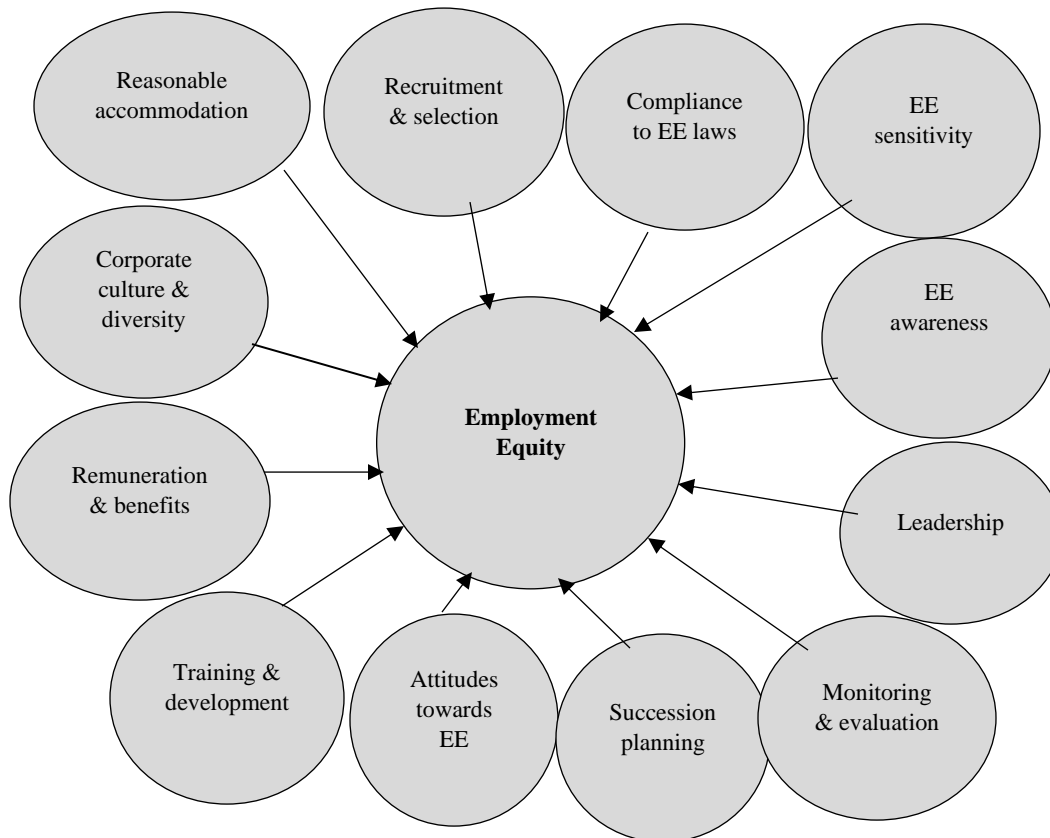
The findings revealed that the university remains under-represented by African employees and over-represented by all other groups, including Foreign employees. It was found that lower level posts were filled by more women than men. The analysis of the results suggests that after 25 years of democracy, there is still gender imbalance in most institutions in South Africa.

#### **8.2.5 Objective 4: Proposed affirmative action measures in response to employment equity barriers**

A number of AA measures were proposed by the participants in response to the barriers affecting EE implementation. These included fair and transparent recruitment and selection practices, merit-based appointments, a corporate culture that embraces diversity, attraction and retention of designated groups, equal employment opportunities, top management support and commitment, secure working environment and the provision of resources, as well as facilities, effective succession planning, proper medium of advertising positions, sensitivity towards EE and staff training and development.

### **8.3 Recommendations**

The recommendations of the study are contained in the conceptual model shown in the Figure 8.1.



**Figure 8.1 Critical success factors for employment equity implementation**

### **8.3.1 Employment equity awareness and communication**

South African laws require organisations to implement strategies for communicating EE at all levels. It is important for leaders, managers, employees and other stakeholders to be aware of issues that relate to EE and how to address these issues. Communication and awareness of EE should focus on clarifying, to all workers, what the law requires, what EE means and how the organisation should comply. In addition, the awareness should cover the need for EE and the implications of EE in the University. Line managers should know and understand their obligations towards EE. Employees, on the other hand, should be informed of the content of EE and the regulatory frameworks governing it. Furthermore, all employees, including managers, should be sensitised to EE and anti-discrimination issues so as to ensure the successful implementation of the EE.



### **8.3.2 Leadership support and commitment**

EE implementation is bound to fail if it does not receive support and commitment from top management. The success or failure of EE implementation rests upon top management readiness to offer full support to the EE managers. One of the reasons why EE implementation fails in most organisations is that managers think that EE is the sole responsibility of HRM. To some, EE is not a strategic objective, hence it is not major concern.

This study recommends that for EE to be implemented in the most effective and efficient manner, it requires strong leadership support and commitment, particularly at top management level. Top management should be willing to devote resources to the implementation of EE. In addition, EE should be seen as a strategic concern but not purely an HRM function.

### **8.3.3 Monitoring and evaluation of employment equity progress**

HR and EE managers need to monitor the EE progress and compliance competently and vigorously. To achieve this, the EE committees and managers appointed by the organisation should be competent and knowledgeable about EE so that they can deliver on the legislative requirements set out by the government. The managers should be tasked with the responsibility of designing and implementing strategies to allow them to monitor compliance with EE policy, EE plan and laws. Additionally, evaluation of the EE progress should be done at regular intervals to determine how well the programme is doing and the need for corrective measures, if any.

### **8.3.4 Succession planning**

Succession planning should be implemented across all levels and units within the organisation. Staff with leadership potential should be identified and developed for future leadership roles. In addition, succession planning should be integrated and aligned to the business strategy. Moreover, leaders and managers should know their individual goals, their team objectives and the opportunities available to them.

### **8.3.5 Positive attitude towards employment equity**

Negative attitudes towards EE affect the employment prospects of designated groups, particularly physically challenged persons, persons with other disabilities and women. This study recommends

that employees, especially those without disabilities and non-beneficiaries of EE, should be encouraged to foster positive mindsets towards people living with disabilities and EE beneficiaries. The non-beneficiaries should be made to understand that EE is a workplace intervention to correct past inequalities. The misconception that EE may create reverse discrimination should be addressed.

### **8.3.6 Training and development programmes**

To achieve the EE targets, organisations should design and implement capacity building programmes that are linked to the overall business strategy. Moreover, the consulting, training and development programmes should target candidates from the designated groups who might require extra skills, experience and knowledge to become employable. Furthermore, training and development programmes should address what is expected from employees in terms of the implementation of EE. Also, training and development programmes should take into consideration the three-training elements: organisational analysis, individual analysis and task analysis. This will help to prevent the situation where training and development programmes are done haphazardly.

### **8.3.7 Remuneration and benefits**

Organisations need to establish remuneration systems based on principles of fairness, transparency and adequacy. A uniform system of compensation should be established across all levels within organisations. In addition, organisations should consider adopting best employment practices, including the principle of equal pay for work of equal value when remunerating their workforce. However, in the event where there are no system and structure of remuneration, organisations should remunerate their employees based on what is commonly referred to as ‘best practices’. Thus, the methods of remuneration should be comparable to what similar industries or organisations are offering their workforce.

### **8.3.8 Corporate culture and diversity**

To address the stereotypes and misconceptions associated with EE, there is a need to develop a culture that embraces diversity. Cultural diversity programmes like workshops, conferences and seminars should be organised by the assigned EE managers, EE Committees and HR practitioners to educate employees about the need for workplace diversity. Diversity management programmes

are required to create improved human relations which contribute to increased understanding and acceptance of those who are different.

### **8.3.9 Reasonable accommodation**

For successful implementation and achievement of EE targets, employers and organisations must design HR policies to accommodate the designated groups, especially women and physically challenged people, in all occupational categories and at all levels. HR policies and practices should be tailored towards addressing the employment challenges that affect the potential of the designated groups, particularly women and persons with disabilities. Preferential treatment should be given to these employees. However, it should be based on merit.

### **8.3.10 Staffing policies and practices**

Recruitment and selection practices are considered as key HRM activities for attracting a sufficient number of job seekers with appropriate qualifications, skills, experience, knowledge and competencies. To achieve EE targets, recruitment and selection practices and processes should be devoid of bias and discrimination on the basis of race, colour and ethnicity. Employment barriers that are associated with recruitment and selection practices and processes should be identified and addressed as they are identified.

### **8.3.11 Compliance with employment equity laws**

EE implementation is a legal imperative and requires full adherence to the provisions of the relevant legislative frameworks. Failure to comply with the legislative requirements means that the organisation cannot achieve its equity goals. Moreover, non-compliance with the provisions of relevant EE laws results in legal consequences, such as fines, prosecution or imprisonment. Therefore, it is imperative for employers and organisations, including HEIs, to comply with EE provisions. Organisations must continue to submit their equity plans and reports to the DoL annually.

### **8.3.12 Sensitivity towards employment equity**

EE is a sensitive issue which requires some degree of sensitivity particularly from the non-beneficiaries. EE should not be perceived as a discriminatory practice; it should rather be seen as

a tool and workplace intervention which aims to eradicate the disparities and imbalances created in the past.

#### **8.4 Directions for Future Research**

The scope of this study was limited to the participants at the UKZN. Future studies should be expanded to include a comparison of other HEI's in South Africa. Furthermore, the study has observed that although many studies have been carried out on EE implementation, the focus was on the South African context. This suggests a need for comparative research to investigate the implementation of EE in the context of South Africa and other countries.

#### **8.5 Delimitations of the Study**

The delimitation of this study was the choice of the research problem: EE implementation in HEIs. This emerged purposely from the existing research on EE. The scope of the study was limited to a few specific constructs such as EE and AA, given the fact that there was little prior research on the chosen topic. Another delimitation of the study was the method of investigation. Previous research conducted on EE and AA were either qualitative or quantitative in nature. This study, therefore, employed mixed methods in order to obtain divergent results.

#### **8.6 Chapter Summary**

Chapter eight of the study draws conclusions and makes recommendations in line with each of the research objectives. The conceptual model which sheds more light on EE implementation has also been presented in this chapter as part of the recommendations. The chapter concludes with suggestions for future research on EE implementation.

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## **Appendix A: Proof of Language Editing**

S E Matthis B A (Hons)

email:suematthis@gmail.com

1 Oden Place

16 September 2020

Douglasdale, 2191

### **TO WHOM IT MAY CONCERN**

This serves as confirmation that I have proofread and language edited the dissertation:

**A study of employment equity in higher education institutions in Durban, South Africa**

**by**

**Grace Nketiaba Nunoo.**

## **Appendix B: Interview Guide**

**UNIVERSITY OF KWAZULU-NATAL  
COLLEGE OF LAW & MANAGEMENT STUDIES  
SCHOOL OF MANAGEMENT, IT & GOVERNANCE  
WESTVILLE CAMPUS**

**Research Topic: A Study of Employment Equity in Higher Education Institutions in  
Durban: A Case Study of University of Kwazulu-Natal**

### **Section A: Demographic Information**

The first section of the interview contains vital information on the bio-data of the research participants, namely: age, gender, race, educational qualification, tenure, position and employment status

**Please put an X in the most appropriate box which relates to your bio-data.**

#### **A.1 Age**

|                   |  |
|-------------------|--|
| 20-25 Years       |  |
| 26-30 Years       |  |
| 31-40 Years       |  |
| 41-50 Years       |  |
| 51-60 Years       |  |
| 61 Years and Over |  |

#### **A.2 Gender**

|                 |  |
|-----------------|--|
| Male            |  |
| Female          |  |
| Other (Specify) |  |

#### **A.3 Race**

|                 |  |
|-----------------|--|
| African         |  |
| Coloured        |  |
| Indian          |  |
| White           |  |
| Other (Specify) |  |

**A.4 Educational qualification**

|               |  |
|---------------|--|
| Diploma       |  |
| Undergraduate |  |
| Honours       |  |
| Masters       |  |
| PhD           |  |
| Other         |  |

**A.5 Years of experience**

|                    |  |
|--------------------|--|
| 0-5 Years          |  |
| 6-10 Years         |  |
| 11-15 Years        |  |
| 16-20 Years        |  |
| 21 Years and Above |  |

**A.6 Position**

|  |  |
|--|--|
| HR Manager   |  |
| HR Consultant                                      |  |
| Academic Leader                                    |  |
| Committee Member Responsible for EE Implementation |  |
| Other (Specify)                                    |  |

**A.7 Employment status**

|                 |  |
|-----------------|--|
| Part-time       |  |
| Full-time       |  |
| Fixed term      |  |
| Contract        |  |
| Other (Specify) |  |

**Section B: Barriers affecting the implementation of EE in HEIs**

8. How do the following factors affect the implementation of Employment Equity in the University?

- The institution's culture
  - The physical environment in the institution
  - Retention of the people from designated groups
  - The institution's policy on recruitment and selection practices

- Job classification and grading
- Advertisement of vacancies
- Remuneration and other emoluments
- Appointments within the institution
- Succession planning
- Which other factors do you think affects EE in the university?

.....

.....

**Section C: Effects of EE legislation on staffing practices**

9. How does EE legislation affects the following staffing practices in the university.

- Recruitment practices
- Selection practices
- Talent management practices

**Section D: Proposed affirmative action measures in response to barriers affecting EE in HEIs**

10. How can the barriers to EE be addressed through the following affirmative action measures?

- Fair and transparent recruitment and selection practices
- Fair and transparent appointments
- Performance and evaluation system
- Advertisement of positions
- Job classification and grading
- Succession planning or management
- Retention of designated groups
- Remuneration and benefits
- Provision of resources
- Which other affirmative action measures will you propose to the institution to address the challenges associated with EE implementation? Please specify

.....

.....

.....

***THANK YOU***

## Appendix C: Ethical Clearance Approval

30 July 2019

Miss Grace Nketiaba Nunoo (217077632)  
School of Management, IT & Governance  
Westville Campus

Dear Miss Nunoo,

**Protocol reference number:** HSSREC/00000030/2019

**Project title:** A study of Employment Equity in Higher Education institutions in Durban, South Africa

### Full Approval – Expedited Application

This letter serves to notify you that your application received on 15 July 2019 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) 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 discipline/department for a period of 5 years.**

This approval is valid for one year from 30 July 2019.

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

Yours sincerely,