



College of Law and Management Studies

School of Management, Information Technology and Governance

**Challenges faced by King Cetshwayo District Municipality regarding compliance with
disability equity in KwaZulu-Natal**

By

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Master of Commerce in Industrial Relations

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DECLARATION

I, Nompumelelo Njeke, declare that

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ABBREVIATIONS

AA	Affirmative Action
DOL	Department of Labour
EE	Employment Equity
EEA	Employment Equity Act
EEP	Employment Equity Programmes
ILO	International Labour Organisation
INDS	Integrated National Disability Strategy
KCDM	King Cetshwayo District Municipality
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PSC	Public Service Commission
PWD's	People living with a disability
SAQA	South African Qualifications Authority
USA	United States of America
WHO	World Health Organisation

ABSTRACT

This study investigated the challenges faced by King Cetshwayo District Municipality in the province of KwaZulu-Natal, South Africa, regarding compliance with disability equity, however the overarching aim of the study is to investigate the effectiveness of disability equity and the application and impact thereof in the workplace.

The study adopted a mixed methods research design using both qualitative and quantitative approaches. The total population for the study was 500 municipal employees. A sample size of 178 (36% of the population) participants and respondents was selected. Twenty (20) participants were used for the quantitative study, and one hundred and fifty-eight (158) became respondents of the qualitative study. Both systematic and purposive sampling techniques were used for recruitment purposes. Data collection instruments were self-administered questionnaires for the quantitative approach and face-to-face interviews for the qualitative approach. Prior to the main study, a pilot study was conducted to purify the instruments. Data analysis was conducted in two phases, first quantitative data, followed by qualitative data. The quantitative data analysis was conducted using the Statistical Package for Social Sciences (SPSS) and employed both descriptive and inferential statistics in the interpretation of the results. The qualitative data, on the other hand, made use of thematic analysis.

The results of the study were presented in accordance with each objective. The quantitative results showed that 58% of the participants agreed that inadequate resources are a challenge, 44% of the participants agreed that lack of opportunities are a challenge and 56% of the participants agreed that misconceptions held about people living with a disability are a challenge regarding compliance with disability equity. The qualitative results on the other hand revealed that the challenges pertaining to disability equity compliance are, nature of work, design of the building and facilities such as fleet vehicles which do not accommodate the PWD in KCDM. The analysis would be that KCDM is not compliant with disability equity based on results of both the quantitative and qualitative study. The study therefore recommended the offering of bursaries, and training and development initiatives as strategies for overcoming the skills shortages, communicating of policies, creating awareness on disability equity, and reasonably accommodating PWDs in the workplace.

Keywords: Disability, Employment Equity, Disability Equity, Affirmative Action, Employment Relations, Compliance, Municipality.

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CHAPTER 1

OVERVIEW OF THE STUDY

1.0 Introduction

Disability is a major national issue that confronts every country worldwide. According to the World Health Organisation (WHO) (2011), disabled persons have been denied several rights such as equal access to health care, education, and employment opportunities, disability-related services that they require; and they therefore experience exclusion from every day-life activities. Disability has been regarded by the United Nations Convention on the Rights of Persons with Disabilities and many laws across the globe as a human right; yet many disabled people have continued to face discrimination within their societies (WHO, 2011). The dream of a democratic society which acknowledges and protects the rights of all its citizens to be treated equally regardless of race, gender, or disability came into being through the election of the first democratic government of South Africa in 1994. In keeping with the above, the South African government has been charged with the responsibility of translating this dream into reality by ensuring through its legislation, policies, and programmes, that the citizens and those who were previously disadvantaged reap the benefits of equity. In pursuing its mandate in this regard, equity is highly prioritised on its transformation agenda Department of Labour (DOL, 2011).

Achieving equity is as important in local government as it is in society at large, in that local government should represent a microcosm of the society that it serves. The importance of equity in local government is underlined by the Constitution of the Republic of South Africa 1996, and is enforced by subordinate legislation and policies (Employment Equity Report, 2015). In order to achieve employment equity, local government is required to ensure that its workforce represent the demographics of the country, and that the work environment takes advantage of the talents and potential of its employees. In the enactment of its constitutional mandate, the DOL has actively monitored the extent to which the public sector organisations such as municipalities have succeeded in meeting the required employment equity targets.

The DOL (2011) has found that significant progress has been made in ensuring equity in terms of race and gender. However, little progress, if any, has been made in achieving the disability equity target of 2% set by Cabinet and the White Paper on Affirmative Action, 1998 (DOL, 2011). It is on this premise that the researcher seeks to investigate the challenges faced by local government in implementing affirmative action measures as set out in the Employment Equity Act, and achieving a disability target of 2% equity within municipalities.

The study begins with the conceptualization and definition of disability. It proceeds to identify various kinds of disabilities that may be reasonably accommodated in the work settings. Furthermore, the study will review international and South African laws that protect the rights of disabled employees, making recommendations with regard to which part of the law needs amendments. The study focuses on discussions on the challenges faced by employers in the local sphere of government apropos of implementation of affirmative action measures pertaining to people living with disability as part of the equity mandate. In addition, it will examine ways in which the municipality complies with the disability equity strategy as set out in Employment Equity Act 55 of 1998 (the EEA), as amended. Also, the proposed study will discuss ways in which non-compliance with disability equity plans affects employment relations. In addition, it will examine awareness levels on affirmative action measures of people living with disability. Finally, the study will propose measures that may be put in place by both employers and government in addressing compliance with disability equity in the workplace.

1.1 Background of the study

Disability issues have been high on the government agenda over the past years. The power to influence traditional definitions of disability has been applied gradually, and legislation has attempted to provide disabled people with more employment opportunities (Bletsou, 2016). The WHO (2011) describes disability as a particular aspect of the human condition. Every individual at some point in life may temporarily or permanently be impaired. Those who survive to old age will experience increasing difficulties in functioning. Studies have found that there are many people worldwide living with various forms of disability (Bletsou, 2016; Duvenhage & Van der Westhuizen, 2013; Majola & Dhunpath, 2016; WHO, 2011; Maja, Mann, Sing, Steyn & Naidoo, 2011).

According to Majola & Dhunpath (2016), globally, many people with disabilities have been marginalised, having to rely on social grants, and being labelled as people who are unemployable or not willing to work. For example, in the United States of America (USA), the number of people receiving Social Security Disability Insurance (DI) increased from 1.2 million in 1967 to 8.8 million in 2012. Burkhauser, Daly, McVikar & Wilkins (2014) suggest that since 2009 the Social Security Disability Insurance has paid out more in annual benefits than its taxes and interest from its trust fund. In South Africa, Independent Living Institute (2015) reported in their study that about 16.0-million-rand worth of social-grant payments were made to vulnerable people in January 2013, of which approximately 1.2 million were paid out as disability grants.

The International Labour Organisation (ILO) (2015) reported that disabled persons are the largest minority group, with 785 million of working age. The report further states that the number of people with disabilities may increase because many such people live in poverty-stricken countries and are not recorded in official statistics. The World Report on Disability (2011) also reported that more than one billion of the world's seven billion people live with some form of disability.

Arendt & Paez (2014), in their study, found that the hospitality industry in United States employed approximately 13,200,000, representing 10% of the total labour force. People with disabilities are the third-largest market segment in the United States (U.S) and provide a viable labour source for the hospitality industry (Bureau of Labour Statistics, 2011; Department of Labour, 2011). Statistics from the US Bureau of Labour Statistics (2009) revealed that an estimated 10% of the US population, 18-64 years of age, had a disability; about 43 million Americans had one or more physical and/or mental disability. The report indicated that about 11.9% of these people have conditions that affected their ability to find a job or remain in one.

According to Statistics South Africa (2014), the total population of the country is estimated at more than 54 million; the unemployment rate having increased to 25.5%. However, in the first quarter of 2016, the unemployment rate increased to 26%. Van Wyk (2015) argues that the public service is the largest employer in the country, employing approximately 2,161 million public servants which are dispersed across all nine provinces. However, KaNtoni (2012), in his study, found that only 4 798 (0.36%) in the public service were people with disabilities.

KwaZulu-Natal has the second-largest population of about 12.91 million people, after Gauteng Province. Both provincial governments have committed themselves to the target of 2% people with disabilities being part of the workforce. They have ensured that job seekers with disabilities are registered on the database used by provincial departments, to improve compliance with employment equity targets. In keeping with the international laws on the rights of disabled persons, the South African government has passed a number of laws to protect the rights of these people. The Constitution is the supreme law of South Africa which respects the right of all persons, including the disabled.

One of the main objectives of the Constitution Act 108 of 1996 is to achieve equality in the lives of the country's citizenry (Maja et al., 2011). The Bill of Rights enshrined in the Constitution, in particular, prohibits discrimination on various grounds, including disability. Local government is the vehicle through which government addresses the needs of the community that it serves, and should set an example by creating a work environment free from discrimination and representative of the demographic profile of the country.

The Public Service Commission (PSC) has also paid particular attention to disability equity through its monitoring and evaluation of representativeness in the Public Service. Studies conducted by the PSC in 1999, 2002, and 2005 in South African Public Sector have found that, whilst progress has been made in achieving equity in terms of race and gender in the Public Service, many government departments have not met the 2% equity target set by Cabinet for persons with disabilities (PSC, 2006). According to Statistics South Africa (2014), in 1999 the disability equity figure was 0.09 %. A further increment of 0.3% was seen in 2002; however, subsequently, there was a decrease of 0.2% in 2005 (Stats SA, 2014).

Despite the PSC's findings on disability equity, and the fact that a comprehensive legal and regulatory framework has been in place to guide departments in this regard, departments have not acted to ensure that the situation is improved. One may therefore say that drastic intervention is required, such as ensuring compliance, punishment for non-compliance, monitoring, and evaluation. In achieving disability equity, a key challenge for government departments would be to move beyond targets by ensuring that an environment conducive to the employment of persons with disabilities is created. This study will serve to promote the elimination of unfair treatment and inequality in South African organisations in challenges

facing local government implementing disability equity. Again, it has potential to provide government with measures on ways in which to achieve equity in the employment of disabled persons.

1.2 Research problem

According to Jakovljevi & Buckley (2011), inequality in South Africa is a common problem. The authors suggest that a similar trend towards employment equity is visible in other countries such as Ghana, Nigeria, Kenya, and Canada, in promoting equal rights to employment for members of groups discriminated against because of their disabilities. In the study conducted by Jakovljevi & Buckley (2011), it was found that the South African legislation regarding the employment of individuals with disabilities has been criticised owing to its ineffectiveness. In particular, the legislation has had little or no impact on the employment status of people with disabilities. Also, the findings revealed that, surprisingly, a small number of persons with disabilities was found to be employed by participating companies, which tended not to focus on these people when formulating their policies and plans. Duvenhage & van der Westhuizen (2013, p. 196) concur that, despite there being several legislative rulings on disability, what has remained a predicament throughout the past few decades is that disabled people have been excluded from certain opportunities.

When one studies the purpose of the EEA, as mentioned above, one realises that there are many discrepancies regarding equality for people with disabilities, such as unfair discrimination at work, and limited opportunities for education and employment. This is because Black African groups have been benefiting much more owing to policies implemented to redress the inequities of apartheid. It rarely happens that disabled people are considered under affirmative action. Owing to poverty and poor living conditions in South Africa, most disabled people live unhealthy lives. Consequently, disabled people are being oppressed and discriminated against (Duvenhage & van der Westhuizen, 2013). This situation has generated an extensive discussion among the media, in news articles, television, and radio, and amongst South African researchers such as Majola & Dhunpath.

To the best knowledge of the researcher, several studies, such as those by Duvenhage & van der Westhuizen, have been conducted in South Africa on how to reasonably accommodate disabilities in the workplace. However, disabled people continue to face various forms of

discrimination in terms of employment (Duvenhage & van der Westhuizen, 2013; Govender, Fried, Birch, Chimindi, & Cleary, 2015; Jakovljevi & Buckley, 2011; KaNtoni, 2012; Majola & Dhunpath, 2016). Although there has been progress in the employment of people with disabilities, government departments have failed to meet the target despite the deadline being extended to 2015. Mitra, Posarac & Vick (2012) note that scholars of development pay little attention to disability, owing to the absence of quality data. Again, this study has identified that, even though South Africa has had various legislation pertaining to disability for two decades, little is known about how effective such legislation has been, and what the impact in the workplace. Also, the review of related literature suggests that little is being done by employers in achieving the equity targets set by the government. Therefore, this present study seeks to investigate the challenges faced by the local sphere of government regarding the implementation of disability equity.

1.3 Purpose of the study

The purpose of the study is to investigate the effectiveness of legislation relating to disability equity and the application and impact thereof in the workplace.

1.4 Research questions

The following are the research questions:

- 1.4.1 What are the challenges faced by the local sphere of government regarding the implementation of disability equity?
- 1.4.2 Does the municipality comply with disability equity targets as set out in Employment Equity Act?
- 1.4.3 Does non-compliance with disability equity targets as pronounced in the Employment Equity Act affect employment relations within King Cetshwayo District Municipality?
- 1.4.4 What are the awareness levels of people with disabilities regarding affirmative action measures that affect them?

- 1.4.5 What measures may be put in place or recommended to ensure that disability equity is achieved by the municipality?

1.5 Research objectives

This study has the following objectives:

- 1.5.1 To investigate the challenges faced by the local sphere of government regarding implementation of disability equity.
- 1.5.2 To establish whether there is compliance with disability equity targets as set out in the Employment Equity Act.
- 1.5.3 To elicit how non-compliance with disability equity targets as pronounced in the Employment Equity Act may affect employment relations.
- 1.5.4 To determine the awareness levels of people with disability regarding disability equity.
- 1.5.5 To determine measures that may be put in place to ensure that disability equity is achieved.

1.6 Conceptual and legislative framework

The field of industrial/employment relations is multidisciplinary in nature, which requires the scouring of labour legislation. This study is guided by both legislative and theoretical frameworks. The legislative framework will focus on the laws that regulate disability equity and disability in the context of the International Labour Organisation and South Africa. Conventions on Affirmative Action and Disability to be focused on are: the Discrimination (Employment and Occupation) Convention, No. 111 of 1958, the Equality of Treatment (Social Security) Convention No. 118 of 1962, the Vocational Rehabilitation (Disabled) Recommendation No. 99 of 1955, the Unemployment Convention No. 168 of 1988, and the Social Protection Floors Recommendation No. 202 of 2012.

The theoretical framework is based on Industrial Relations theories that deal with disability equity and disability in South Africa. Focus is also on South African Legislation on disability equity and employment equity, namely, the Constitution of the Republic of South Africa Act 108 of 1995, the Labour Relations Act 66 of 1996, and the Employment Equity Act 55 of 1998.

1.7 Significance and limitations of the study

This study is important in various ways which may be summarised as follows. To begin with, the study will add to existing literature on affirmative action and disability in the global context. Also, it will serve as a policy-shaping document for government and organisations when reviewing policies on affirmative action and disability. The study will also add to the literature gap as very little research has been done on the compliance of public entities with disability equity, most research is based on other affirmative action measures prescribed by the Employment Equity Act, such as gender equity and racial equity. Furthermore, it will help government to determine whether companies are adhering to the affirmative action and disability laws. In addition, the study will serve as point of reference material to students as well as academicians. Lastly, it makes practical recommendations to the government on measures that may be put in place to achieve the disability equity plan.

South Africa has various legislation in place to achieve employment equity. However, most organisations are facing challenges in adhering to the laws on affirmative action and disability equity targets. Therefore, the overarching aim of this study is to investigate the challenges faced by the local sphere of government regarding the implementation of affirmative action measures pertaining to people with disabilities.

Employment equity involves eliminating discrimination or correcting the inequalities of the past by gender, race, and other social issues; however, for the purpose of this study discrimination against people living with disabilities will be the main focus. The study is limited to the local sphere of government, particularly municipalities, and within one district in KwaZulu-Natal, whereas there are 10 districts and one metro within the province. The results of the study are only generalizable to district municipalities and not local municipalities. This research also had limitations in terms of time and resources, the majority of employees being based in satellite offices, spread throughout the whole King Cetshwayo District Municipality

1.8 The structure of the study

Chapter 1 provides an overview of the study and clarifies the background to, motivation for and the focus of the study. The problem statement, research objectives, questions, conceptual and legislative framework, limitations, and summary outline per chapter are also presented.

Chapters 2 and 3 provide a review of various literature on disability equity in the workplace, together with affirmative action. Furthermore, they review the ILO conventions of disability equity and affirmative action. Chapter 2 examines the broad concept of disability and gives a comparative analysis of international legislation on disability equity. It also examines the challenges faced by employers in implementing disability equity. Chapter 3 conceptualises employment relations, and outlines the theoretical framework. In addition, it examines the various approaches to employment relations, viewing the effects of non-compliance apropos of employment relations.

Chapter 4 outlines the research design and methodology that will be utilised. An in-depth study of the sampling technique will be conducted, together with the data-collection method to be deployed. The theory on the analysis of data will also be provided.

Chapter 5 presents the research findings per objective for interpretation for both the quantitative and qualitative study.

Chapter 6 discusses the findings, linking them to the literature review, and assessing the attainment of the objectives of the study.

Chapter 7 provides a conclusion and recommendations in line with the study objectives.

1.9 Conclusion

The study provided a background of disability equity. It further conceptualised disability, offering a definition of the word. It proceeded to identify various kinds of disabilities in people that may reasonably be accommodated in the work settings. Furthermore, the study reviewed all international and South African laws that protect the rights of disabled employees. Lastly,

it examined ways in which non-compliance with disability equity impacts employment relations.

The overall aim, main objectives, and key questions were presented. The importance of the research and the limitations were also emphasised. Lastly, an overview of the chapters in the study was outlined. The following chapter will provide a literature review on the law and practice of employment relations in South Africa, as well as the conceptual framework.

CHAPTER TWO: WORKPLACE DISABILITY EQUITY AND ITS EFFECT ON EMPLOYMENT RELATIONS

2.0 Introduction

The purpose of this chapter is to define concepts, and give a background overview of disability equity which emanates from and is linked to employment equity and affirmative action. This chapter is devoted to related literature on affirmative action (AA), disability equity being one of the measures of affirmative action, particularly in South Africa. The chapter begins by viewing AA and disability from a broad concept. The chapter continues with a review of the ILO's Conventions on AA and disability. Also, the section examines the legislation of various other countries pertaining to disability. Furthermore, the chapter discusses legislation in South Africa that recognises AA and disability in the workplace. The study further discusses various types of disabilities recognised in the workplace. It also focuses the discussion on the challenges faced by employers and the movement to implement disability equity. In addition, the chapter examines the extent to which municipalities and employers comply with the Employment Equity plan and its set targets. It also sets out the ways in which failure to comply with the disability equity affects employment relations. Beside this, it represents the discussion on awareness levels of people living with a disability regarding disability equity. Finally, it identifies measures that may be put in place in meeting the equity target set by the government.

2.1 Conceptualisation of employment equity

Employment equity is defined as a policy giving preference for employment opportunities to qualified people previously discriminated against in the work environment (E-dictionary: on-line). According to Dima (2010), EE involves efforts to achieve equity and fairness through the elimination of structural and attitudinal discrimination, as well as providing a work environment that promotes diversity management. Smith and Roodt (2013) further outlined the objectives of EE as achieving equity in the workplace by “promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination” and by implementing AA measures to redress the disadvantages in the workplace experienced by designated groups. This definition emphasises the essential factors necessary for setting up a

work environment conducive to enabling individual employees to realise their potential without any adverse impact deemed discriminatory, or any unfair labour practices.

Based on this definition, EE may be understood as a transformational process aimed at affording fair and equitable opportunities to all employees, with specific focus on those who were previously discriminated against. Such discrimination is applied both to entering the work environment and to advancing career growth and opportunities once in it. This implies that the work environment should be as favourable as possible, encouraging individual employees to realise their potential without any discriminatory adverse impact or other unfair labour practices.

The White Paper on Transformation of the Public Service of 1995 defined AA as “a law, program or activity designed to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, colour, gender or disability”. The White Paper on Affirmative Action in the Public Service of 1998 defined AA as “additional corrective steps to address unfair discrimination and ensure full benefit from an equitable employment environment by historically disadvantaged groups” (Smith & Roodt, 2013). Tladi (2014) defines EE as “a strategy to address the inequality and unfair discrimination experienced by a designated group in the work environment”. Coetzee and Vermeulen (2011, p. 18) add that affirmative action is “the purposeful and planned placement or development of competent or potentially competent persons. This means that affirmative action requires proper planning to ensure appointment of a competent workforce that reflects the demographics of the country”.

This view is supported by McGregor and Murnane (2010) who understands the purpose of affirmative action measures as being to ensure the achievement of substantive equity through the long-term goal of reducing inequality. Based on these definitions derived from legislation and researchers, it may be concluded that AA is a supportive strategy for the achievement of EE objectives. The ultimate objective of AA is to transform the work environment, thus ensuring its conduciveness to enabling designated groups to maximise their potential. According to Ngweni (2016), AA is one of the most important concepts for achieving EE objectives. AA involves accelerating transformational processes in order to ensure equitable representation, in which designated groups are empowered to contribute positively to improved service delivery. AA is charged with changing the composition of the workforce by means of

goals that serve to achieve a desired rate of participation by members of designated groups. Whiteford (2012) added that the effectiveness of AA depends on affirmative change, meaning that the company must be prepared to change its whole climate, and create a new culture of tolerance and respect for individual differences. This, in turn, emphasises the importance of stakeholder involvement, and readiness to make the envisaged changes a reality. The above definitions emphasise the conduciveness of the work environment to accommodate people from a designated group. Provision of reasonable accommodation is equally fundamental to the conduciveness of the work environment, given the historical hostility the designated people endured. In terms of the Employment Equity Act of 1998, reasonable accommodation has been defined as “any modification or adjustment to a job, or to the working environment, that provides a person from a designated group access to participation or advances employment”. This calls for employers to ‘go the extra mile’ in identifying the needs of designated groups so as to create an advantageous working environment that will enable individuals to execute duties in a fair, equitable, and non-discriminatory manner. Kasika (2006) supports this, referring to the Code of Good Practice on the Integration of Employment Equity into Human Resources Policies and Practices. The Code regards reasonable accommodation as a tool intended to ensure that employers take bold steps, going out of their way to accommodate certain situations.

The Code identified four areas in which reasonable accommodation may be required (Code of Good Practice on the Integration of Employment Equity into Human Resources Policies and Practices – Government Gazette, August 2005), namely, during the recruitment and selection process; in the working environment; in the way in which work is usually conducted, evaluated and rewarded; and in the benefits and privileges of employment.

The provision of reasonable accommodation as thus articulated takes into consideration the uniqueness and different needs of individuals (Mekwa, 2012). This calls for employers to conduct audits, thus identifying individual needs to provide reasonable accommodation. Ngwena (2006) urged that reasonable accommodation be seen as primarily a non-discrimination principle, integral to the determination of direct and indirect discrimination (Mekwa, 2012). The basis for reasonable accommodation is to provide an enabling working environment to designated groups in terms of resources, facilities, and atmosphere that encourages one to realise one’s potential.

For the purpose of this study, the terms ‘designated’ or ‘disadvantaged’ groups will be used interchangeably. The term ‘designated group’ has been defined in the Employment Equity Act of 1998 to refer to black people, women, and people with disabilities. ‘Black people’ has been used as a generic term to include Africans, Coloureds, Indians and Chinese. In the Explanatory Memorandum on the Employment Equity Amendment Bill, 2010, the definition of ‘designated group’ was amended to ensure that beneficiaries of affirmative action, in terms of Chapter III of the Employment Equity Act (EEA), are limited to persons who were citizens of the Republic of South Africa before the democratic government, or those who would have been entitled to citizenship but owing to Apartheid policies were not granted it (Mekwa, 2012).

The EEA categorised designated groups as the beneficiaries of EE based on the historical hardships that they experienced. Groenewald (2006, p. 21) added that the disparities in the workplace are a direct legacy of past discriminatory laws, particularly laws that deliberately excluded black people, women, and people with disabilities from key decision-making positions and skills development opportunities. ‘Designated employer’ will be limited to the definition provided in Section 5 of EEA in terms of an organ of state as defined in Section 239 of the Constitution, (but excluding local spheres of government), the National Defence Force, the National Intelligence Agency, and the South African Secret Service. Both designated group and employers are based on transformational principles of ensuring inclusiveness in which equitable and fair treatment of all in the work environment is at the forefront (Mekwa, 2012).

2.2 Conceptualisation of disability

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities provides that “disability” refers to various functional limitations that occur in any population in any country of the world (Hurling, 2008). The Standard Rules state that people may be disabled by physical, intellectual, or sensory impairments, medical conditions or mental illness, all of which may be either permanent or transitory in nature (Article 17 of the UN Standard Rules).

In terms of the Rules, a “handicap” is a loss or a limitation of opportunities for a person to participate in society on an equal basis with others (Article 18 of the UN Standard Rules). “Handicap” also refers to the interplay between the person with a disability and the environment. It illustrates that the social environment, amongst other factors, does not

sufficiently cater to the needs of persons with disabilities, preventing persons with disabilities from participating on an equal basis with others. Article 14 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities states that the Rules are not compulsory, but may become customary international rules if applied by a sufficient number of states which have the intention of adhering to a rule in international law (Hurling, 2008).

The World Health Organization's International Classification of Functioning, Disability and Health of 2001 describes disability as a result of a relationship between a person's medical or health condition and the person's personal circumstances as well as environmental factors, and has also moved towards a social approach to disability (Hurling, 2008).

South Africa has recently become a signatory state to the UN Convention on the Rights of Persons with Disabilities (hereinafter "the UN Disability Convention") (Article 1 of the UN Disability Convention), which contains a definition of persons with disabilities. The UN Disability Convention states that persons with disabilities are individuals with long-term physical, mental, intellectual, or sensory impairments, whose impairments may in interaction with various barriers hinder the individual's full and effective participation in society on an equal basis with others (Article 1 of the UN Disability Convention).

The UN Disability Convention acknowledges that a physical, mental, sensory, or intellectual impairment is but the tip of the iceberg when it comes to defining a person with a disability. There are also existing structures ("various barriers") that in synergy with the individual's particular impairment ("interaction"), prevent, limit or exclude ("hinder") the individual from fully and effectively participating in society on an equal basis with other "able-bodied" individuals (Hurling, 2008).

The Employment Equity Act stipulates that people with disabilities are those who have a long-term or recurring physical or mental impairment that substantially limits their prospects of entry into, or advancement in, employment (Section 1 of the EEA). Item 5.1 of the Code of Good Practice on the Employment of People with Disabilities states that the Code provides protection for people with disabilities in employment; and does so by not focusing on the impairment or on the medical diagnosis of the person concerned, but on the effects that the person's disability has on him or her in the working environment.

Even though the above-mentioned provision indeed portrays strong characteristics of the social approach to disability, the South African definition of “people with disabilities” does not subscribe to a purely social model. Rather, there is a marriage of the two approaches in the definition. The South African definition combines the certainty of the medical model (“people who have a long-term or recurring physical or mental impairment...”) with the social model’s sensitivity and awareness that external factors also contribute to the creation of disability (“...which substantially limits their prospects of entry into, or advancement in, employment”), to produce “people with disabilities” (Ngwena & Pretorius, 2011).

Where disability is based on impairment, as is the case with the South African definition, it will not be difficult to identify a group of people with disabilities (Ngwena & Pretorius, 2011). Moreover, when impairment forms the basis of disability, this will enable one to differentiate between people who experience disadvantage because of their disability and those who are marginalised because of other attributes (Ngwena & Pretorius, 2011).

The Disability Code analyses the definition of “people with disabilities” as contained in section 1 of the EEA, providing three requirements in terms of the Act for an individual to be a person with a disability. The Code provides that a person must have a physical or mental impairment, which must be long term or recurring, and that such impairment must have a substantial limitation on the person’s prospects of entering into or advancing in employment (Item 5.1 of the Disability Code).

The Disability Code states that impairment may be physical or mental in nature, or may be a combination of the two (Item 5.1 of the Disability Code). A physical impairment is a partial or total loss of a person’s bodily function or a part of a person’s body, and includes sensory impairment (Item 5.1 of the Disability Code) A mental impairment is a condition or illness that has been “clinically recognized” (by a medical professional) and that influences or impacts on the thought processes, emotions or judgement of the person (Item 5.1 of the Disability Code).

The International Classification of Functioning, Disability and Health defines an impairment as a “problem” in an anatomical part of the body, or in a psychological or physiological function of a body system (WHO, 2011) This “problem” may flow from a loss, variance, or defect in a body part or physiological or psychological function of a body system, or where such a body part or function “substantially deviates” from what is accepted as normal in a biomedical sense (WHO, 2011).

When a person's leg is amputated above the knee or a person is short-sighted, such persons are impaired, because they "significantly deviate" from what is accepted to be normal in the biomedical sense, namely, that people normally have two fully functioning legs or sufficient sight.

With regard to mental impairment, the Disability Code emphasises that the condition or illness must be "clinically recognized" (WHO, 2011). There is a presumption of sanity in South African law, and a person who relies on a mental condition or illness for the purpose of claiming a benefit, must prove that such a condition or illness exists (Burchell & Milton, 2013).

A court or quasi-judicial body must hear expert evidence on a condition or illness that is claimed to form the basis of, or amounts to, a mental impairment; and must make a finding of fact on whether such a condition or illness is clinically recognised (Ngweni & Pretorius, 2011). It is important to note that when a physical or mental impairment is established through medical evidence or otherwise, the presence thereof lays a foundation for disability, but does not, in itself, constitute a disability. Physical and mental impairments encompass more than diseases or disorders (DOL, 2013). In the words of the Technical Assistance Guidelines on the Employment of People with Disabilities, "people with disabilities are not conditions or diseases". An impairment is but one component to establish in determining whether an individual is a person with a disability.

The second requirement of the definition is that the physical or mental impairment, if established, must be long-term or recurring (DOL, 2013). A physical or mental impairment is long-term if such impairment has lasted or is likely to last for at least twelve months. A mental or physical impairment is recurring if such impairment is likely to recur; and if it is substantially limiting (DOL, 2013).

The above-mentioned requirement addresses the period of the physical or mental impairment and indicates that the EEA (which precedes the Disability Code) seeks to protect people whose disabilities persist, rather than people who have temporary disabilities (Ngweni & Pretorius, 2011).

The fact that a "long-term" impairment is one that has lasted or is likely to last for at least twelve months, provides a matter of certainty in respect of the duration of the impairment, and yet it is only a starting point: it will be difficult in certain instances to predict how long an

impairment may continue (Ngwena & Pretorius, 2011). The twelve-month period for a long-term impairment is a flexible yardstick for determining duration (Ngwena & Pretorius, 2011).

The Disability Code further states that a progressive condition is a condition that is likely to change, develop or recur. It also states that people who have progressive conditions only become people with disabilities if their progressive conditions become substantially limiting (Ngwena & Pretorius, 2011). The Code also provides that progressive or recurring conditions that are asymptomatic or that do not have a substantially limiting effect on a person, are not disabilities (Ngwena & Pretorius, 2011).

In respect of progressive or recurring conditions that do not constitute disabilities where such conditions are asymptomatic or not substantially limiting, Ngwena & Pretorius (2011) state that such an approach follows the medical model and not the social model of disability. The authors state that the above provision of the Disability Code is indifferent to the fact that perceptions of medical conditions, even where such a condition is not a disability for the purposes of the EEA or the Code, can also have a disabling effect on the particular individual; and make the “carrier” of the medical condition vulnerable to discrimination (Ngwena & Pretorius, 2011). In doing so, they endorse the social approach to disability. In this regard it is submitted that the South African definition of “people with disabilities” focuses on people with actual disabilities, and does not include people with perceived disabilities.

The third requirement of “people with disabilities” is that the long-term or recurring physical or mental impairment must be substantially limiting. Ngwena & Pretorius (2011) argue that a court or quasi-judicial body has to holistically assess the effects of a person’s long-term or recurring physical or mental impairment on the latter’s employment to make a factual finding whether such impairment is substantially limiting.

According to the Disability Code, an impairment is substantially limiting if in its nature, duration or effects, it substantially limits the person’s ability to perform the essential functions of the job for which the person is considered (Ngwena & Pretorius, 2011). The above-mentioned means that the impairment itself (the type of impairment), the period of the impairment or the impact the impairment has on the person, can substantially limit the person’s ability to perform the essential functions of the job in question.

The Disability Code states that certain impairments that can easily be controlled, corrected, or lessened, are not substantially limiting (Disability Code). It states that when a person uses corrective devices which correct or ameliorate his or her impairment, such a person will not have a disability (Disability Code). When the particular impairment is, however, substantial, even with the use of the corrective devices – in other words, when the corrective devices do not correct or ameliorate the impairment – the person has a disability.

The Code also states that when an assessment is conducted to determine whether the effects of an impairment are substantially limiting, such an assessment must determine whether medical treatment or other devices can control or correct the impairment, so that the effects thereof may be prevented or removed (Item 5.1.3 (iii) of the Disability Code).

In other words, the above-mentioned assessment must determine whether “medical treatment or other devices” can control or correct the impairment so that such impairment is not substantially limiting. The Code further states that, when there is uncertainty about whether an impairment is substantially limiting, an assessment to that effect may be conducted by a suitably qualified person (Item 5.1.3 (v) of the Disability Code).

The Disability Code also states that certain conditions and impairments may, for public policy reasons, not be regarded as disabilities. The conditions and impairments include, but are not limited to: sexual behaviour disorders that are against public policy; tattoos and body piercing; compulsive gambling, and a tendency to steal or light fires; disorders that affect a person’s mental or physical state if caused by the current use of illegal drugs or alcohol, unless the individual affected is participating in a recognised treatment programme; and normal deviations in height, weight, and strength; and conventional physical and mental characteristics and common personality traits (Item 5.1.3 (iv) (a) – (e) of the Disability Code).

In respect of the public policy exclusions that are contained in item 5.1.2(iv) of the Disability Code, Ngwena and Pretorius (2011) confirm that the Disability Code is premised on the principle of non-discrimination on the basis of disability. They state that when a person has an impairment that falls within the ambit of the public policy exclusions, the person does not have a disability for the purposes of the Disability Code and the person is not covered by the protections offered in the Code and the EEA (Ngwena & Pretorius, 2011).

Owing to the fact that the public policy exclusions do not constitute disabilities, it follows that when discrimination is perpetrated against such persons on such grounds, the discrimination will either be regarded as automatically fair because of the public policy exclusion, or the perpetrator of the discrimination need not show that it is justified or fair. Ngwena & Pretorius (2011) submit that this goes against the Constitution which, in section 9(5), requires discrimination to be shown to be fair. Ngwena & Pretorius (2011) state that the public policy exclusions, that are a limitation on the constitutional right of non-discrimination on the basis of disability, cannot usurp the function of the limitations clause in determining whether a limitation of a specific right (in this instance, equality) is fair (Ngwena & Pretorius, 2011).

When a person has an impairment or condition that falls within the scope of the public policy exclusions, such a person will not have a disability, as is apparent from item 5.1.3(iv) of the Disability Code. The Disability Code flows from the EE which deals, inter alia, with the prohibition of unfair discrimination in the context of employment. When discrimination is perpetrated in the employment context against a person on the basis of the above-mentioned impairments or conditions, the complainant will not be able to allege discrimination on the basis of disability.

The complainant must prove the facts upon which discrimination may be established, as well as the relevant impairment or condition that is grounds for discrimination, for example tattoos, body piercing, or a tendency to light fires (Ngwena & Pretorius, 2011). If a court finds that the complainant is able to show discrimination, and that the grounds relied upon by the complainant amount to analogous grounds of discrimination, the employer must show that the discrimination on the analogous grounds is fair. In the employment context, the employer may do so either in terms of the inherent requirements of the job or in terms of affirmative action taken in accordance with the purpose of the EEA (Ngwena & Pretorius, 2011).

The limitations clause contained in section 36 of the Constitution does not usually come into play in respect of the fairness or justification of discrimination in the employment context. The public policy exceptions, accordingly, do not represent an automatic justification of discrimination on the grounds contained therein, nor does it usurp the functions of the limitations clause. It does not concern discrimination nor its justification, but lists impairments and conditions that do not constitute disabilities. If these grounds are established as analogous to the listed grounds of discrimination, the legal principles pertaining to employment

discrimination must run their course; and an employer must establish the fairness of discrimination on these grounds.

Throughout the world, people with disabilities are participating and contributing at all levels in the world of work. However, many persons with disabilities who wish to work do not have the opportunity to work, owing to many barriers. While it is recognised that economic growth can lead to increased employment opportunities, the code outlines best practices which enable employers to utilise the skills and potential of people with disabilities within existing national conditions. It is increasingly apparent that disabled people not only have a valuable contribution to make to the national economy but that their employment also reduces the cost of disability benefits; and may reduce poverty (Majola & Dhunpath, 2016). There is a strong business case for employing people with disabilities if they are qualified for a particular job. Employers may also gain by expanding the number of eligible workers through continuing the employment of those who become disabled, since valuable expertise acquired on the job and through work-related training is retained (Majola & Dhunpath, 2016).

Leonardi (2010) states that many organisations and their networks – including employers' and workers' organisations and those with empathy for persons with disabilities – are contributing to facilitating the employment, job retention, and return-to-work opportunities for disabled persons. Measures adopted by these organisations include policy statements and provision of advisory and supportive services. This Code of Practice for managing disability in the workplace (the Code), has been drawn up to guide employers – be they large, medium sized or small enterprises, in the private or public sector, in developing or highly industrialized countries – to adopt a positive strategy in managing disability-related issues in the workplace (Majola & Dhunpath, 2016). While this Code is principally addressed to employers, governments play an essential role in creating a supportive legislative and social policy framework, and providing incentives to promote employment opportunities for people with disabilities. Moreover, the participation and initiative of people with disabilities is important for the Code to be achievable.

Disability management cannot effectively take place in a vacuum; it takes place either within, or in proximity to other management processes within an organisation. There is no universal or acceptable definition of disability. This may be explained in that the definition of disability varies greatly among researchers. Below are some definitions of disability.

The World Health Organisation WHO (2011) defines disability as an outcome of a relationship between a person's medical or health condition and the person's personal circumstances as well as environmental factors. It has also moved towards a social approach to disability.

The EEA also refers to disability as "a long-term or recurring physical and/or mental impairment which substantially limits prospects of entry into, or advancement in, employment". In this definition, the term 'physical impairment' comprises partial or total loss of a bodily function, while 'mental impairment' refers to a clinically recognised condition or illness which affects a person's thought processes, judgment, and emotions.

2.3 Conceptualisation of employment relations

There is no single acceptable meaning and scope of Industrial Relations: various terms such as labour-management relations, employer-employee relations, union-management relations, personnel relations, and human relations, are in use and are used synonymously. In its stricter sense, the term "industrial relations" means "relationship between management and workmen in a unit or an industry". In its wider connotation, industrial relations implies the organisation and practice of multi-pronged relationships between management, unions, and workers, and the unions and management in an industry. Dale Yonder (2015) defines employment relations as a "whole field of relationship that exists because of the necessary collaboration of men and women in the employment process of an industry" (Dale Yonder, 2015).

Tead & Metcalfe (2011) observed that industrial relations are the composite result of the attitudes and approaches of employers and employees towards each other with regard to planning, supervision, direction and coordination of the activities of an organisation with a minimum of human effort and friction; with an animating spirit of cooperation and with proper regard for the genuine well-being of all members of the organisation.

According to Flanders (2014), "The subject of industrial relations deals with certain regulated or institutionalized relationships in industry personal, in the language of sociology, unstructured relationships have their importance for management and workers, but they lie outside the scope of a system of industrial relations" (Flanders, 2014).

Professor Clegg defines industrial relations in the broadest terms as “encompassing the rules governing employment together with the ways in which the rules are made and changed and their interpretation and administration” (Clegg, 2013).

To put it simply, industrial relations is that part of management concerned with the manpower of the enterprise. It is thus the relationship created at different levels of the organisation by the diverse, complex, and composite needs, aspirations, attitudes, and approaches among the participants (Millward *et al.*, 2010). It is a highly complex and dynamic process of relationships involving not only employees and management, but also their collective forums, and the state.

In an organisation, these relationships may be personal and informal at one end, and may be highly institutional with legally prescribed structures and procedures, at the other end (Ewing, 2012).

The four main parties who are actively associated with any industrial relations system are the workers, management, the organisations of workers and management, and the state. Fundamentally, the term industrial relations refers to an organised relationship between two formal parties representing employers and employees regarding matters of collective interest (Oxenbridge *et al.*, 2010). With the growth of professional management, the industrial relations scene is being represented by both the employers and the employees. However, the scope of industrial relations cannot merely be confined to common labour-management relations or employer-employee relations (Oxenbridge *et al.*, 2010). Industrial relations is a comprehensive concept embracing the sum of relationships that exists at various levels of the organisational structure. More specifically, it connotes relations among workers themselves within the class of employees; relations among the management within the managerial class; and relations between the two distinct classes of workers and management (Oxenbridge *et al.*, 2010).

Industrial relations denotes all types of inter-group and intra-group relations within industry, both formal and informal. It consists of a complex network of relations that arise out of functional interdependence between workers and management and between industrial organisations and society (Peter, 2011).

Industrial relations is a social concept because it deals with social relationships in various walks of life. It is also a relative concept because it grows and flourishes or stagnates and decays in accordance with the economic, social, and political conditions prevailing in a society, and the laws made by the state to regulate them (Peter, 2011). The advances made in the field of science and technology also influence the state of industrial relations. There is greater divergence in industrial relations systems as a result of the divergent economic, social, political, and cultural environment.

2.4 International Labour Organisation (ILO) Conventions concerning disability.

In the past, people with disabilities were considered objects of charity or people in need of welfare and medical interventions, rather than equal members of society entitled to the same rights and privileges as others. The disadvantages resulting from disability were perceived to be the result of the person's impairment. Today, however, the understanding of disability is based on what is called *the social model*, which recognises that the disadvantages and barriers that disabled people face are largely the result of the social and physical environment (ILO, 2013). The social model suggests policy approaches based on human rights, integration, inclusion, universal design, and anti-discrimination measures. It holds to the premise that people with disabilities are entitled to the same rights as other human beings (ILO, 2013).

The ILO has, for decades, promoted equal rights and equal opportunities for disabled persons in the workplace, through its conventions and recommendations, as well as through advocacy and technical cooperation. The rights of disabled persons are covered in many of the ILO's standards, namely, Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159); Recommendation No. 168 (1983); Recommendation No. 99 (1955); Discrimination Convention (employment and occupation) 1958 No. 111; and Vocational Rehabilitation (Disabled) Recommendation No. 99 of 1995. The ILO requires that governments develop a national policy on vocational rehabilitation and employment promotion in consultation with employers' and workers' organisations. Such a policy must be based on equal opportunity and equal employment. These Conventions and Recommendations offer specific guidance for government and employers' and workers' organisations in promoting equal opportunity and treatment of workers with disabilities. The ILO also calls for the active involvement of disabled persons in the development, implementation, and evaluation of such policies. In 2001, the ILO

adopted the Code of Practice for Managing Disability in the Workplace, which provides specific guidance to employers in promoting and realising inclusion.

The United Nations has endorsed the rights of disabled persons to full participation in several instruments. Most recently, in December 2001, the United Nations established an ad hoc committee which completed its task in August 2006 of negotiating a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. This landmark human rights Convention went before the UN General Assembly in September 2006. The Convention is a major milestone in the promotion of equality for people with disabilities (ILO, 2013).

At the national level, most countries have some form of legislation to safeguard the rights or promote employment opportunities for disabled persons. Often, employment promotion measures take the form of quota systems, with levies assigned to employers who do not comply with the required quota, or of antidiscrimination measures with requirements for reasonable accommodation. Many countries also have hiring incentives, promotional schemes, technical support, or other measures to promote the employment and retention of workers with disabilities (ILO, 2013). Clearly, however, combating discrimination and promoting acceptable work for disabled persons is a complex issue. All the social partners and disabled persons are needed to address the issue and its ramifications (ILO, 2013).

2.4.1 Discrimination Convention (employment and occupation) 1958 No. 111.

In terms of this Convention, the term discrimination includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction, or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The terms “employment” and “occupation” include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment where such exist, and with other appropriate bodies.

According to the ILO (2014), Article 2 of Discrimination Convention No. 111 of 1958 requires that each member for which this Convention is in force undertake to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, and with a view to eliminating any discrimination in respect thereof. The purpose of this

Convention is to obviate unfair practices in the workplace, by promoting equality irrespective of one's gender, sex, race, disability, inter alia.

Cosmas (2015) states that the Equality Treatment Convention (social security) No.118 of 1962 prohibits discrimination against certain people in society. Although this Convention does deal with disability, it prevents unnecessary discrimination in social settings. The Convention requires member states to grant within their territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

2.4.2 Vocational Rehabilitation (Disabled) Recommendation No. 99 of 1995

This is another important ILO instrument or Convention which provides maximum protection for disabled persons. This Convention refers to a disabled person as an individual whose prospects of securing, retaining, and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment (Ford 2014). The Convention establishes the principle of equal treatment and opportunity in terms of training and employment for disabled workers and workers generally.

Jean-Michel (2012) argues that Unemployment Convention, No. 168 of 1988 is another important instrument that protects disabled and unemployed persons. Article 2 of this Convention requires that each member take appropriate steps to coordinate its system of protection against unemployment and its employment policy. To this end, it must seek to ensure that its system of protection against unemployment, and in particular the methods of providing unemployment benefit, contributes to the promotion of full, productive, and freely chosen employment. It should not be discouraging employers from offering and workers from seeking productive employment.

2.4.3 The Social Protection Floors Recommendation, 2012 (No. 202)

This convention provides guidance to member states in building comprehensive social security systems and extending social security coverage by prioritizing the establishment of national floors of social protection accessible to all in need. The Convention goes some way towards protecting the rights of disabled persons against unfair discrimination (Cichon, 2013).

2.5 South African legislation regarding disability

South Africa as a nation recognises the rights of people living with disability, hence, it has promulgated a number of laws to protect them against unfair discrimination in society. South Africa has developed policy and legislation to overcome barriers that people with disabilities face in the labour force, yet there remain practical issues relating to the implementation of these policies (Maja *et al*, 2016). It is evident that South Africa has developed a number of policies with respect to fairness and equality of race, gender, and disability in order to overcome segregation and discrimination. These laws that address disabilities in the South Africa context include: The Constitution of the Republic of South Africa Act 108 of 1996; the Labour Relations Act 66 of 1995; the Employment Equity Act 55 of 1998; the Promotion of Equality and Prevention of Unfair Discrimination Act; the Skills Development Act; and the White Paper on an Integrated National Disability Strategy (INDS).

2.5.1 The Republic of South Africa Constitution Act 108 of 1995

This is the supreme law in South Africa that protects the rights of all persons including the disabled. Section 9 of the Constitution contains the Bill of Rights which is about equality. Subsection (1) states that everyone is equal before the law and has the right to equal protection and benefit of the law (Bendix, 2015). According to Bendix (2015), subsection (2) reflects that equality includes the full and equal enjoyment of all rights and freedom to promote the achievement of equality, legislative, and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination. Venter and Levy argue that subsection (3) states that no one may unfairly discriminate directly or indirectly against anyone on grounds such as race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, or birth. Subsection (4) provides that no person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). Venter and Levy (2014) suggest that national legislation must be enacted to prevent or prohibit unfair discrimination. Subsection (5) provides that discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

2.5.2 The Labour Relations Act 66 of 1996

According to Venter and Levy (2014), the LRA is one of the main acts that prohibits unfair discrimination in the organisation. Although this act does not specifically deal with disability, it prevents discrimination in South Africa. Section 187(1)(f) provides that a dismissal is unfair when the employer unfairly discriminates against an employee, directly or indirectly, on any arbitrary ground, including but not limited to race, gender, sex, ethnicity, or social origin, colour, sexual orientation, age, disability, religion, inter alia. This explains that the employer shall not discriminate against the employee on any such grounds. Any dismissive action by the employer will constitute an infringement of the provisions of this act.

2.5.3 The Employment Equity Act [EEA] 55 of 1998

This is the main legislation in South Africa which protects the disabled against any form of discrimination in society (Bendix, 2015). The purpose of the act is to achieve equity in the workplace, by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce. Modise, Oliver & Miruka (2014) state that the EEA is an important piece of legislation that promotes equality in South Africa. In terms of Section 20 of the Employment Equity Act (RSA 1998), to achieve employment equity, all government departments must implement affirmative action measures for people from designated groups (blacks, women, and people with disabilities) in terms of this act. Modise *et al.* (2014) state that there must be equitable representation of suitably qualified people from designated groups in all occupational categories and levels of the workforce (Blooms *et al.*, 2010). It also states that there must be appropriate training measures for people from designated groups [section 15(2)]. The EEA stipulates that there must be reporting to the DOL on affirmative action. Reports submitted to the DOL reveal that government has met its targets for blacks but not for its gender or disabilities targets (Bentley & Habib, 2011). However, the sanctions in the Employment Equity Act are not being enforced in government departments. It would be extremely embarrassing for the government to take itself to court.

2.5.4 Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA)

Duvenhage & Van der Westhuizen (2013) are of the view that PEPUDA is the second-most important piece of legislation in South Africa that protects the rights of physically challenged persons. The act provides the following description of discrimination on the basis of disabilities: “Disability discrimination includes any act, practice or conduct which has the effect of unfairly hindering or precluding any person or persons who have or who are perceived to have disabilities from conducting their activities freely, and which undermines their sense of human dignity and self-worth, and prevents their full and equal participation society” (p.119). The act imposes a clear and unequivocal duty on the state to give special consideration to the rights of persons with disabilities.

2.5.5 Skills Development Act 2005

The Skills Development Act 2005- 2010 provides learnership courses to develop and improve the skills of the South African workforce. Learnerships are designed to help persons with disabilities find work in the formal sector. Learnerships lead to qualifications registered by the South African Qualifications Authority (SAQA) and are related to a specific occupation (Modise *et al.*, 2014).

2.6 Laws in relation to disability from other jurisdictions

There are several countries who belong to the ILO and have numerous laws on disability. For the purpose of this study, the legislation on disability in India, Canada, USA and Britain will be examined.

2.6.1 India

The constitution of India, adopted in 1950, specifically provides that positive measures, in the form of reservations or quotas in education and employment in the government and public sector, must advance members of scheduled castes and scheduled tribes (those isolated in remote areas) (Bletsou, 2016). In 1990 the government also introduced additional reservations for “other backward classes” and adopted a quota of 27 per cent for this group. In addition to the 22.5 per cent per quota provided for the scheduled castes and scheduled tribes, the Supreme Court decided that reservations for all three groups should not exceed 50 per cent. Candidates

for appointment should meet eligibility requirements, in order to ensure administration efficiency. In addition, certain categories of occupation (such as defence personnel, research and medical scientists, and university professors) are exempt from the reservation of appointment (Bletsou, 2016). Here, as in South Africa, the legislation aims to redress historical inequalities, and has been coupled to a programme of land reform that addresses the same objective.

The widespread poverty in India and the numbers of people who can, therefore, benefit from the legislation, has made it advantageous to be classified as a member of a scheduled caste or tribe, or a member of another backward community. Gains have been evident over the years in the most disadvantaged sectors of Indian society, especially in the areas of literacy and elementary and secondary education. Gains have also affected a growing middle class of scheduled castes and schedule tribes (Bernard, 2014). However, the criticism levelled at the affirmative action policy of India centres on the following issues: not reaching the most deserving individuals in the country; the government practice of implementing quotas that lead to resentment and lowering of standards; political parties using the promise of raising reservation quotas, for example, to embrace various religious groups, for lobbying purposes; and the domination in public departments of people belonging to a particular caste or region (Bernard, 2014).

Progress has also generally been slow on account of the low economic growth rate between 1950 and 1990, with the attendant lack of resources for expansion in education and other social services (Bernard, 2014).

2.6.2 Canada

Three major categories of response have been forthcoming in Canada to improve the status of disabilities. The first category of response was that encapsulated in human rights legislation and the constitution prohibiting all forms of unfair discrimination in all government agencies. The second category of response was the enactment of employment equity legislation in 1986, amended in 1995, directed at federal government agencies and employers in the banking, transportation, and communication sectors (Hunt & Rayside, 2007). The third category of response has been the introduction of administrative policy (as opposed to legislation) that

requires organisations with 100 or more employees who bid on federal government contracts of \$2000,000 or more, to effect employment equity programmes.

Such programmes require the removal of barriers encountered by the four designated groups in the areas of selection, hiring, promotion, and training; and the setting of specific goals and timetables for the introduction and progression of people from designated groups within these organisations (Hunt & Rayside, 2007). These responses do not impose quotas of any kind on employers, and have considered factors such as the availability of qualified candidates and other factors governing the establishment of positive measures and targets. Since the enactment of the federal Employment Equity Act in 1986, progress has been slow, with the communications sector being the only one approximating the representation of women within the context of the broader demographic landscape, and none of the three sectors evidencing representation of aboriginals or people with disabilities (Hunt & Rayside, 2007). While the representation of visible minorities has improved, especially within the banking sector, this is still below the external availability in the transportation and communication sectors. Canadian policy has increased the hiring of white able-bodied women in addressing discriminatory practices relating to race amongst women.

One of the reasons for this slow progress in Canada is that 1986 legislation required only the submission by employers of reports detailing numerical representation, with a lack of identification and change of discriminatory organizational policies and practices that are embedded in the organizational culture (Hunt & Rayside, 2007). The slow progress and disappointing results thus far are a function of the government not playing an effective monitoring and compliance role. In time, greater progress may be seen with the implementation, in 1995, of the amended act. The revised federal act requires that employers demonstrate the ways in which they intend to comply with their employment equity plans. This gives a compliance and enforcement role to the Canadian Human Rights commission and binds unions, employees and management of the company together in ensuring the implementation of an employment equity plan (Hunt & Rayside, 2007). This broader approach now includes a focus upon barriers to employment equity, organizational culture and systematic discrimination, and organizational policies and practices, in addition to numerical target setting.

2.6.3 The United States of America

In the USA, the term “affirmative action” directed at the black minority in the country, first appeared in Title VII of the Civil Rights Act of 1964. This statute covers both private and public sector employers of 15 or more employees; and has been extended to include other minority groups (Avendano & Berkman, 2014). In 1965 all federal contractors were required to implement affirmative action strategies enforced through federal regulation, as opposed to affirmative action legislation. Federal contractors were required to perform administrative functions relating to the reporting on workforce composition and the setting of goals and timetables for hiring, in order to improve the representation of the workforce. Such regulation of federal contractors has cascaded to 75 per cent of the US workforce and has resulted in higher earnings, occupational upgrading, and higher representation across occupations for women and minorities over the years in both the public and private sectors (Avendano & Berkman, 2014). Other regulatory procedures have also influenced employers to adopt strategies of affirmative action to prevent unfair discrimination, most notably civil rights complaints. Costly settlements have been made in terms of race and gender discrimination. Such progress has been made in the representation of formerly disadvantaged groups in the US workplace. However, affirmative action in the USA has not been without its problems.

According to Bernard (2014), the focus of affirmative action has been on numbers, with no due regard being paid to training and development of selected candidates, leading to little investment in human capital (Bernard, 2014). However, even with this apparent success, almost half the states in the USA are moving to abolish affirmative action owing to a view that, after 30 years, this policy has become counter-productive, having outlived its usefulness (Bernard, 2014).

2.6.4 Britain

In Britain, various types of legislation and related policies were adopted during the 1970s by the Department of Employment and other public agencies to ensure employment equity for women, people with disabilities, and minority groups (most notably, Indians and West Indians) who had previously been discriminated against in the workplace. With regard to minorities, discrimination in Britain has been associated with racial rather than with foreign origin. Subsequent programmes of employment equity have shifted from focusing on overt

discrimination to that of the removal of barriers in education, training, and usual occupations for women and minorities. Separate legislation in Britain covers gender, race, disability and discrimination against persons with criminal convictions. According to Bond & Drake (2014), the Department of Employment has set out the following major conditions with regard to employment equity policy: agreed measures with employee representatives to promote employment equity; a duty for management at all senior levels to be associated with the employment equity policy; supervision of the implementation of such policies within companies; and regular feedback to senior management on the efficacy of such policy. Assistance to companies in the implementation of strategies to achieve employment equity is also afforded by the Department of Education, the Institute of Personnel Management, and the industrial society. Burkhauser *et al.* (2014) note that in 1997 the Employment Opportunities Commission was also set up to investigate issues related to discrimination in the workplace. The commission formulated a code of practice to assist employers in implementing “best practice” as it applies to employment equity, particularly in the area of regular monitoring of recruitment, promotion, training and development, and the diversity spread of employees within occupational categories and departments.

The commission for racial equity also introduced in 1984 a Race Relations Code that encourages, but does not require, ethnic monitoring. However, little has changed in Britain, as employers are not required to adhere to the codes of practice and would only be sanctioned if the employer were found guilty of discrimination and had made no effort to comply with the code. Harris, Owen, Jones & Caldwell (2013) suggest that the lack of enforced compliance, which has shaped labour markets’ policy, is based upon the post-war British “principle of voluntarism” the foundation of which is that collective agreements are more likely to be implemented if they are agreed to by the parties themselves without outside interference. Legislation governing employment equity and disability equity with regard to affirmative action measures in Britain may be considered fragmented and confusing.

A number of gaps may be identified from practices in the selected countries discussed and drawn upon to address the optimal implementation of employment equity in the South African context. It is evident that on an operational level certain aspects of implementation warrant ongoing concern.

2.7 Challenges of implementing affirmative action measures on disabilities

The South African government has several pieces of legislation on disability, yet there remain practical issues relating to the implementation of these policies (Maja *et al.*, 2016). According to Maja *et al.* (2016), there are some challenges that affect implementation of the affirmative action plan; and this prevents the government from meeting its target (2%). Below are some of the challenges that affect the implementation of AA measures on disabilities.

2.7.1 Lack of resources

Maja *et al.* (2016) further found that lack of resources increases the prevalence of disability which serves as a barrier to achieving the 2% target in South Africa. The authors suggest that lack of resources such as facilities for people living with disability, finance, and other equipment, are the limiting factors against employing people with disability. Naidoo and Kongolo (2010) also found that resources constraint is a major challenge facing most organisations in South Africa in the implementation of AA measures on disability. According to Naidoo and Kongolo (2010), the resources include but are not limited to finance (Smith and Roodt, 2013, p.32), equipment for people with disability, and facilities to accommodate people living with disability. The others in their study further argue that it is very difficult to find people with disability in South Africa who have the right skills for the jobs available. Gomez-Mejia *et al.* (2011) also found that physical environment was identified as a significant barrier by both organisations. The authors further argue that most organisations in South Africa often claim that their infrastructure is not disability friendly – this further restricts the employment of PWDs.

2.7.2 Costs of employing people with disability

According to Maja *et al.* (2016), cost is another factor that affects the implementation of AA measures in South Africa to accommodate people with various forms of disability. Maja *et al.* (2016) infer that the cost of accommodation required for various types of disabilities is a major challenge. The authors argue that people with disability require special accommodation with all the facilities that will enhance their adaptability. It was found that such existing facilities are very expensive.

2.7.3 Cultural myths and misconceptions

The study revealed that cultural myths and misconceptions are other challenges that affect affirmative action in South Africa. According to the authors, cultural myths and misconceptions appear also to have played a role in disability discrimination, some African cultures viewing disabled children as a social and economic curse on the family; such offspring are often considered a burden. In light of this view, many disabled see themselves as human beings without purpose (Maja *et al.*, 2016).

2.7.4 Lack of a pool of skilled PWDs

Rulof & Jefta (2010) found that the lack of a pool of skilled people with disabilities is another challenge that confronts the implementation of AA measures on disability. The authors suggest that these days it is difficult to find PWDs who have the right skills for the jobs available. In another study, it was found that a lack of qualified persons living with disability is a contributing factor to the failure of implementing AA measures on disability in South Africa (Maja *et al.*, 2016). According to Maja *et al.* (2016), organisations over the years have indicated that formal qualifications are required for most positions and that they experience difficulty in sourcing PWDs with adequate skills and qualifications. A study in South Africa by revealed that there is a lack of PWDs with adequate qualifications for the job, which may include a history of limited access to education via a supportive scholastic environment (Maja *et al.*, 2016, p.20). During the apartheid era, White South Africans developed policies in order to establish an inclusive education system. The implementation of such policies has been a slow process. This is supported by the Integrated National Disability Strategy which reported that more than half of children with disabilities are not receiving adequate education. It may be assumed that part of the problem of unskilled PWDs is related to the educational system and opportunities for children with disabilities. However, Organisation A attempts to overcome this challenge by employing previously disadvantaged individuals (including PWDs) at entry level positions and providing them with the opportunity of studying by means of a bursary from the company. The number of PWDs who have accessed this opportunity within the organisation has, however, not been divulged by scholars or researchers (Maja *et al.*, 2016, p.20).

2.7.5 Poor attitudes towards disability

Aside from the above, poor attitudes amongst disabled persons is a factor affecting the implementation of the AA on disabilities. According to Naidoo & Kongolo (2010), the cost of accommodation no longer focuses on the expense of reasonable accommodation, but rather on the time and effort spent trying to change attitudes towards PWDs. Further research conducted in South Africa revealed that ignorance relating to disability resulted in negative attitudes towards PWDs (Bohlander & Snell, 2012, p. 82). Bohlander and Snell (2012) suggest that negative attitudes affect the employment of PWDs, in that they influence the type of position offered and the extent to which reasonable accommodation is made for the PWDs. This is supported by research conducted by the ILO (2011), which has shown that discrimination may occur in the workplace if negative attitudes are present.

2.7.6 Shareholders' expectations

South African organisations are facing a challenge of developing and implementing affirmative action programmes that will achieve the joint goals of employment equity and wealth creation. Every company must tailor its affirmative action programme to the needs of the organisation. "Central to the challenge facing an organisation wishing to implement affirmative action policy is the need to identify the various stakeholders and to address most of their fears and aspirations" (Swanepoel *et al.*, 2015, p. 178). The important stakeholders are: the intended beneficiaries of the programme; the previously advantaged members of staff; the shareholders and the community within which the organisation is situated. Turning to the interests of the advantaged group, it must be appreciated that their fears cannot simply be disregarded. Companies' affirmative action plan will only succeed if all the groups affected by the measure are involved and their interests and concerns addressed and balanced to pre-empt these challenges. Only then will they take ownership of and endorse the process.

Bohlander & Snell (2012) hold that affirmative action has been challenged for the following reasons: "It does not consistently result in improvement of the employment status of protected groups. Individuals hired under affirmative action programmes sometimes feel prejudged, assumed capable only of inferior performance, and, in fact, these individuals are viewed by others as 'tokens'. Affirmative action programmes of either voluntary or forced compliance have failed to effectively assimilate protected classes into an organisation's workforce".

“Preferences shown toward one protected class may create conflicts between other designated groups” (Gomez-Mejia *et al.*, 2011:93).

This study has found that there are several challenges that affect the implementation of affirmative action on disabilities. However, previous studies have not approached these challenges from the viewpoint of the government, employers, trade unions, and other non-governmental organisations. The previous studies should have clearly demonstrated the challenges that are faced by each of these institutions in addressing disabilities in South Africa.

2.8 Compliance with disability equity targets

One objective of this study is to elicit whether the municipality and other employers comply with disability equity targets as set out in the EEA. Gida & Ortlepp (2007), in their study, note that the South African government has placed great emphasis on the promotion of equality in society. The authors suggest that significant gains have been achieved at the level of policy and legislation in the twelve years of South African democracy researched by them. According to Gida & Ortlepp (2007), despite the significant gains that have been achieved at the level of policy and legislation, many employers are not complying with or paying enough attention to this dimension of employment equity. The authors further add that the target set by government for people with disabilities to comprise 2% of the total workforce by 2005 had not yet been achieved. This situation is owing to non-compliance by some employers and municipalities across the country.

Jakovljevic & Buckley (2011), in their study, also suggest that the level of compliance is poor among some employers in South Africa. The above authors argue that South African law on affirmative action requires employers to draw up employment equity policies for proposed recruitment and reasonable accommodation of disabilities, where part of this policy must include some reference to the proposed employment and treatment of people belonging to the designated groups. However, the compliance of employers with these rules is also poor. Employers who are aware of disability issues contributed to a mere 0.9% of employees with disabilities within their workplaces. Thorough review of literature on disability and affirmative action revealed that no study in school is able to establish the level of compliance with regard to disability. No previous study has found out the level of compliance among employers or organisations in terms of disabled employee intake and provision.

2.9 Awareness levels of disabled regarding the AA measures

As indicated above, one important objective of this study is to identify the awareness levels among people living with disability on the existence of the affirmative action measures. Duvenhage & Van der Westhuizen (2013) suggest that most disabled people in South Africa are not fully aware of the affirmative action measures in that little education has been carried out by all the stakeholders involved. The authors argue that equality for people with disabilities is merely a fabrication of what is practically expected from South African anti-discrimination legislation. The South African government has not yet by any means proposed certain specific programmes to educate and integrate people with disabilities; hence most of these people are not aware of the affirmative action measures. This study has found that there are no specifics on the awareness level of disability in the South African context. Although there is enough research on disability, there has been no study that has addressed the awareness level of disability in the country.

2.10 Conclusion

The chapter discussed the review of literature pertaining to disability and affirmative action plan. It explored in detail the international and South African legislation supporting the rights of people living with various forms of disability. It proceeded to account for the legislation in USA, India, Canada, and Britain that supports the rights of people with disabilities. In addition, the chapter identified the various challenges of implementing affirmative action measures on disabilities in South Africa. This includes, but is not limited to lack of resources, poor attitudes, cost, lack of skilled people with disabilities, and shareholders' expectations. It further proceeded to discuss ways in which companies comply with the employment equity plan on disability. In addition, the chapter presented the discussion on ways in which to create awareness of disability in the workplace. The next chapter, chapter three discusses literature on disability equity compliance and its impact on employment relations.

CHAPTER THREE

DISABILITY EQUITY COMPLIANCE AND IMPACT ON EMPLOYMENT RELATIONS

3.0 Introduction

Chapter Two above presented a literature review on affirmative action and disability in South Africa. This chapter is devoted to the literature on employment relations. It also sets out the theoretical framework that guides the entire study. The chapter begins with the conceptual definition of employment relations. It proceeds to describe the role and responsibility of all the stakeholders that are engaged in employment relations. The next section of the study focuses the discussion on the theoretical framework or theories of employment relations. In addition, the chapter discusses the various approaches to employment relations. Furthermore, it presents the discussion on ways in which failure to comply with the disability equity affects employment relations. Finally, the chapter describes the measures taken in addressing the challenges associated with the implementation of affirmative action.

3.1 Stakeholders in Employment Relations

Classically, three actors have been identified as parties to the labour relations system: the state, employers, and workers' representatives. To this picture must be added the forces that transcend these categories: regional and other multilateral economic integration arrangements among states and multinational corporations, as employers which do not have a national identity but which also may be seen as labour-market institutions (Donaldson & Preston, 2014). Since the impact of these phenomena on labour relations remains unclear in many respects, however, discussion will focus on the more classic actors, despite this caveat of the limitation of such an analysis in an increasingly global community (Donaldson *et al*, 2014). In addition, greater emphasis is needed on analysing the role of the individual employment relationship in labour relations systems and on the impact of the emerging alternative forms of work.

3.1.1 The State

The state has always had at least an indirect effect on all labour relations. As the source of legislation, the state exerts an inevitable influence on the emergence and development of a labour relations system. Laws can hinder or foster, directly or indirectly, the establishment of organisations representing workers and employers (Dunleavy *et al.*, 2010). Legislation also sets a minimum level of worker protection and lays down “the rules of the game”. For example, it can provide lesser or greater protection for a worker who refuses to perform work he or she reasonably considers to be too hazardous, or for one who acts as a health-and-safety representative.

Through the development of its labour administration, the state also has an impact on ways in which a labour relations system may function. If effective enforcement of the law is afforded through a labour inspectorate, collective bargaining may take up where the law leaves off (Harry *et al.*, 2011). If, however, the state infrastructure for having rights vindicated or for assisting in the resolution of disputes that emerge between employers and workers is weak, collective bargaining will be left more to its own devices to develop alternative institutions or arrangements.

The extent to which the state has built up a well-functioning court or other dispute resolution system may also have an influence on the course of labour relations (Armour, Hansmann & Kraakman, 2013). The ease with which workers, employers, and their respective organisations may enforce their legal rights can be as important as the rights themselves (Armour. *et al.*, 2013). Thus the decision by a government to set up special tribunals or administrative bodies to deal with labour disputes and/or disagreements over individual employment problems can be an expression of the priority given to such issues in that society.

In many countries, the state has a direct role to play in labour relations. In countries that do not respect freedom of association principles, this may involve outright control of ‘employers and workers’ organisations or interference with their activities (Bamber *et al.*, 2010). The state may attempt to invalidate collective bargaining agreements that it perceives as interfering with its economic policy goals. Russell (2010), however, is of the view that the role of the state in industrialised countries has tended to promote orderly industrial relations by providing the necessary legislative framework, including minimum levels of worker protection, and offering

parties' information, advice, and dispute-settlement services (Russell *et al.*, 2010). This could take the form of mere toleration of labour relations institutions and their actors; it could move beyond to actively encouraging such institutions. In a few countries, the state is a more active participant in the industrial relations system, which includes national level tripartite negotiations. For decades in Belgium, and more recently in Ireland, for instance, government representatives have been sitting down alongside those from employer and trade union circles to hammer out a national-level agreement or pact on a wide range of labour and social issues (ILO, 2012). Tripartite machinery to fix minimum wages has long been a feature of labour relations in Argentina and Mexico, for example (ILO, 2012). The interest of the state in doing so, derives from its desires to move the national economy in a certain direction and to maintain social peace for the duration of the pact; such bipartite or tripartite arrangements create what has been called a "social dialogue". Such a dialogue has developed in Australia (until 1994), Austria, Belgium, Ireland and the Netherlands, for instance (ILO, 2012). The pros and cons of what have been termed "corporatist" or "neo-corporatist" approaches to labour relations have been extensively debated over the years (ILO, 2012). With its tripartite structure, the International Labour Organization has long been a proponent of strong tripartite cooperation in which the "social partners" play a significant role in shaping government policy on a wide range of issues.

In some countries, the very idea of the state becoming involved as a negotiator in private-sector bargaining is unthinkable, as in Germany or the United States. In such systems, the role of the state is, aside from its legislative function, generally restricted to providing assistance to the parties in reaching an agreement, such as in offering voluntary mediation services (Harry, 2011). Whether active or passive, however, the state is a constant partner in any labour relations system. In addition, where the state is itself the employer, or an enterprise is publicly owned, it is of course directly involved in labour relations with the employees and their representatives. In this context, the state is motivated by its role as provider of public services and/or as an economic actor.

Finally, the impact of regional economic integration arrangements on state policy is also felt in the labour relations field. Within the European Union, practice in member countries has changed to reflect directives dealing with consultation of workers and their representatives, including those on health and safety matters, in particular (ILO, 2012). Multilateral trade agreements, such as the labour side agreement to the North American Free Trade Agreement

(Canada, Mexico, United States) or the agreements implementing the Mercosur Common Market (Argentina, Brazil, Chile, Paraguay, thought soon to be joined by Bolivia and Chile) also sometimes contain workers' rights, provisions, or mechanisms that, over time, may have an indirect impact on labour relations systems of the participating states (ILO, 2010).

3.1.2 Employers

Employers, that is providers of work, are usually differentiated in industrial relations systems, depending upon whether they are in the private or the public sector. Historically, trade unionism and collective bargaining developed first in the private sector, but of recent years these phenomena have also spread to many public-sector settings. The position of state-owned enterprises—which in any event are dwindling in number around the world—as employers, varies, depending upon the country. (They still play a key role in China, India, Viet Nam and in many African countries.) In Eastern and Central Europe, one of the major challenges of the post-Communist era has been the establishment of independent organisations of employers (ILO, 2010).

In the private sector, the situation has been summed up as follows:

Employers have common interests, therefore in organising themselves they pursue several aims, which, in turn, determine the character of their organisations. These may be chambers of commerce, economic federations and employers' organisations (for social and labour matters). Where issues centre essentially on social matters and industrial relations, including collective bargaining, occupational health and safety, human resource development, labour law and wages, the desire for coordinated action has led to the creation of employers' organisations, which are always voluntary in nature (ILO 2011a).

Some employers' organisations were initially established in response to pressure from the trade unions to negotiate. Others may be traced to medieval guilds or other groups founded to defend particular market interests. Employers' organisations have been described as formal groups of employers set up to defend, represent, and advise affiliated employers; and to strengthen their position in society at large with respect to labour matters as distinct from economic matters. Unlike trade unions, which are composed of individual persons, employer's organisations are composed of enterprises (Oechslin, 2013).

As identified by Oechslin (2013) there tend to be three main functions (to some extent overlapping) common to all employers' organisations: defence and promotion of their members' interests, representation in the political structure, and provision of services to their members. The first function is reflected largely in lobbying government to adopt policies that are friendly to employers' interests; and in influencing public opinion, chiefly through media campaigns (Oechslin 2013). The representative function may occur in the political structure or in industrial relations institutions. Political representation is found in systems in which consultation of interested economic groups is foreseen by law (e.g., Switzerland), where economic and social councils provide for employer representation (e.g., France, French-speaking African countries and the Netherlands); and where there is participation in tripartite forums, such as the International Labour Conference and other aspects of ILO activity. In addition, employers' organisations can exercise considerable influence at the regional level (especially within the European Union) (ILO, 2011).

The way in which the representative function in the industrial relations system occurs depends very much on the level at which collective bargaining takes place in a particular country. This factor also largely determines the structure of an employer's organisation. If bargaining is centralised at the national level, the employer's organisation will reflect that in its internal structure and operations (central economic and statistical data bank, creation of a mutual strike insurance system, strong sense of member discipline, etc.). Even in countries in which bargaining takes place at the enterprise level (such as Japan or the United States), the employer's organisation can offer its members information, guidelines, and advice (ILO, 2011a). Bargaining that takes place at the industrial level (as in Germany, where, however, some employers have recently broken ranks with their associations) or at multiple levels (as in France or Italy), of course also influences the structure of employers' organisations (ILO, 2010).

As for the third function, Oechslin (2013) notes, "It is not always easy to draw a line between activities supporting the functions described above and those undertaken for the members in their interest". Research is the prime example, since it may be used for multiple purposes. Safety and health is an area in which data and information may usefully be shared by employers across sectors. Often, new concepts or reactions to novel developments in the world of work have been the product of broad reflection within employer's organisations (Oechslin, 2013). These groups also provide training to members on a wide range of management issues; and

have undertaken social affairs action, such as in the development of workers' housing or support for community activities. In some countries, employees' organisations provide assistance to their members in labour court cases (Oechslin, 2013).

The structure of employers' organisations will depend not only on the level at which bargaining is conducted, but also on the country's size, political system, and sometimes religious traditions. In developing countries, the main challenge has been the integration of a fully heterogeneous membership that may include small and medium-sized businesses, state enterprises, and subsidiaries of multinational corporations (Buchholz *et al.*, 2010). The strength of an employer's organisation is reflected in the resources its members are willing to devote to it, whether in the form of dues and contributions or in terms of their expertise and time.

The size of an enterprise is a major determinant in its approach to labour relations, with the employer of a small workforce being more likely to rely on informal means for dealing with its workers. Small and medium-sized enterprises, which are variously defined, sometimes fall under the threshold for legally mandated workers' participation schemes. Where collective bargaining occurs at the enterprise level, it is much more likely to exist in large firms; where it takes place at the industry or national level, it is more likely to have an effect in areas in which large firms have historically dominated the private-sector market (Buchholz *et al.*, 2010).

As interest organisations, employer's organisations—like trade unions—have their own problems in the areas of leadership, internal decision-making, and member participation. Since employers tend to be individualists, however, the challenge of marshalling discipline among the membership is even greater for employers' organisations. As notes, "Employer's associations generally have high density ratios...However, employers find it a much greater sacrifice to comply with the decisions and regulations of their associations, as these reduce their much cherished freedom of enterprise." Trends in the structure of employers' organisations very much reflect those of the labour market—towards or against centralization, in favour of or opposed to regulation of competition. Van Waarden continues: "Even if the pressure to become more flexible in the 'post-Fordist' era continues, it does not necessarily make employer's associations redundant or less influential ... (They) would still play an important role, namely as a forum for the coordination of labour market policies behind the scenes and as an advisor for firms or branch associations engaged in collective bargaining"

(ibid., p. 104). They may also perform a solidarity function; through employer's associations, small employers may have access to legal or advisory services they otherwise could not afford.

Public employers have come to see themselves as such only relatively recently. Initially, the government took the position that a worker's involvement in trade union activity was incompatible with service to the sovereign state. They later resisted calls to engage in collective bargaining with the argument that the legislature, not the public administration, was the paymaster; and that it was thus impossible for the administration to enter into an agreement. These arguments, however, did not prevent (often unlawful) public-sector strikes in many countries and therefore such arguments have fallen by the wayside. In 1978, the International Labour Conference adopted the Labour Relations (Public Service) Convention (No. 151) and Recommendation (No. 159) on public employees' right to organise, and on procedures for determining their terms and conditions of employment. Collective bargaining in the public sector is now a way of life in many developed countries (e.g. Australia, France, United Kingdom) as well as in some developing countries (e.g. many francophone African countries and many countries in Latin America) (ILO, 2011).

The level of employer representation in the public sector depends largely upon the political system of the country. In some, this is a centralized function (as in France) whereas in others it reflects the various divisions of government (as in the United States, where bargaining can take place at the federal, state and municipal levels). Germany presents an interesting case in which the thousands of local communities have banded together to have a single bargaining agent deal with the unions in the public sector throughout the country (ILO, 2011).

Because public-sector employers are already part of the state, they do not fall under laws requiring registration of employers' organisations. The designation of the bargaining agent in the public sector varies considerably by country; it may be the Public Service Commission, the Ministry of Labour, the Ministry of Finance or another entity altogether (Commons, 2014). The positions taken by a public employer in dealing with employees in this sector tend to follow the political orientation of the ruling political party. This may range from taking a particular stance in bargaining to a flat-out denial of the right of public employees to organise into trade unions. However, Commons (2014) argues that, while as an employer the public service is shrinking in many countries, there is an increasing readiness on its part to engage in bargaining and consultations with employee representatives.

3.1.3 Trade Unions

The classic definition of a trade union is: “A continuous association of wage earners for the purpose of maintaining or improving the conditions of their employment” (Crow, 2015). The origins of trade unions go back as far as the first attempts to organise collective action at the beginning of the industrial revolution. In the modern sense, however, trade unions arose in the later part of the nineteenth century, when governments first began to concede to the union’s legal right to exist (previously, they had been seen as illegal combinations interfering with freedom of commerce, or as outlawed political groups). Trade unions reflect the conviction that only by bonding together can workers improve their situation. Trade union rights were born out of economic and political struggle which saw short-term individual sacrifice in the cause of longer-term collective gain. Trade unions have often played an important role in national politics and have influenced developments in the world of work at the regional and international levels. Having suffered membership losses, however, in recent years in a number of countries (in North America and some parts of Europe), their role is under challenge in many quarters (Donaldson. *et al*, 2014). The pattern is mixed with areas of membership growth in the public service in many countries around the world, and with a new lease on life in places where trade unions were previously non-existent or active only under severe restrictions (e.g., Korea, the Philippines, and some countries of Central and Eastern Europe) (ILO, 2010). The flourishing of democratic institutions goes hand in hand with the exercise of trade-union freedoms, as the cases of Chile and Poland in the 1980s and 1990s best illustrate. A process of internal reform and reorientation to attract greater and more diverse membership, particularly more women, may also be seen in a number of countries within trade union circles. Only time will tell whether these and other factors will be sufficient to deflect the counterweighing tendencies towards the “de-collectivization”, also referred to as “atomization”, of labour relations that has accompanied increased economic globalisation and ideological individualism (ILO, 2010).

In contemporary industrial relations systems, the functions fulfilled by trade unions are, like employer’s organisations, at core the following: defence and promotion of the members’ interests; political representation; and provision of services to members. The flip side of trade unions’ representative function is their control function: their legitimacy depends in part upon the ability to exert discipline over the membership, as, for example, in calling or ending a strike.

The trade unions' constant challenge is to increase their density, that is, the number of members as a percentage of the formal sector workforce (ILO, 2011). The members of trade unions are individuals; their dues, called contributions in some systems, support the union's activities. (Trade unions financed by employers, called "company unions", or by governments as in formerly Communist countries, are not considered here, since only independent organisations of workers are true trade unions.) Affiliation is generally a matter of an individual's voluntary decision, although some unions that have been able to win closed shop or union security arrangements are considered to be the representatives of all workers covered by a particular collective bargaining agreement (i.e., in countries where trade unions are recognised as representatives of workers in a circumscribed bargaining unit) (ILO, 2011). Trade unions may be affiliated to umbrella organisations at the industrial, national, regional, and international levels.

3.2 Employment relations theories

There are several theories that underline the study of industrial or employment relations namely; Pluralism, Unitarism, Marxism, Corporatism and Societal Corporatism.

3.2.1 Unitarism

Unitarism arises from a set of assumptions and values accepting that workplace conflict is not an inevitable characteristic of relations between managers and employees. Conflict in the workplace may periodically emerge between the two, however, such occurrences are believed to be aberrations in a relationship that is inherently prone to be cooperative (Abbot, 2014). Those holding this perspective see managers and employees as having a common interest in the survival of their organisations, such that when conflicts occur, conflict is unlikely to manifest itself to a point that will render the firm insolvent (Abbot, 2014). Divisions that do exist are assumed to be the product of personality clashes, inappropriate recruitment and promotion practices, the deviance of dissidents, or poor communication. To ensure that such divisions do not thwart the 'natural order' of things, the rational management team must pay careful attention to removing the sources of potential conflict. To this end it must ensure that recruitment and promotion processes are fair and equitable (Abbot, 2014). It must also ensure that communication systems are in place to alert employees of where their true interests lie, and that individuals who are 'difficult' or prone to personality conflicts are either suppressed

or dismissed. Finally, management must ensure that the organisation is promoted amongst the workforce as the single source of authority, and that any alternative sources of authority, such as shop stewards and trade unions, are eliminated from the workplace (Fox, 2012; Fidler, 2011).

3.2.2 Pluralism

Pluralists differ from unitarists in that they start from a set of assumptions and values that workplace conflict is inevitable. Typical of those holding this perception is the view that business organisations are complex social constructions made up of various interest groups. Management and employees constitute two such groups, who, because of the very nature of the factory system, are seen as invariably subscribing to different values and objectives (Clegg, 2013). From this frame of reference, it is also assumed that there will be various sources of authority within an organisation, and that the potential for conflict between them will always exist over the organisation of work tasks and the allocation of rewards (Abbot, 2014). By recognising the inevitability of workplace conflict, those holding this perspective tend to regard conflict as necessary for the health of an enterprise, it serving to bring grievances held by workers to the surface (Clegg, 2013).

It is also argued that the potential for conflict provides a spur to managers to explore innovative methods of handling differences in a way that will produce the best results. Acknowledging the existence of competing sources of authority, most notably in the form of shop stewards or trade unions, is held by pluralists to offer benefits by allowing organisations to deal with industrial relations issues on a collective basis (Clegg, 2013). In this regard it arguably not only provides management with the most efficient means for institutionalizing employment rules and minimising the level of workplace conflict, but also encourages fairer outcomes, by enabling employees to organise and counter-balance the power of managers when negotiating workplace contracts (Clegg, 2013). It is on the basis of these conceptions that pluralists generally accept the legitimate right of employees to bargain collectively; and trade unions to act in this capacity on their behalf (Clegg, 2013).

3.2.3 Marxism

A Marxist frame of reference may seem redundant in view of the break-up of the Soviet Union, the collapse of communism in Eastern Europe, and the decline of ‘radical’ thinking in the West (Freeman *et al.*, 2014).

There are, however, a number of studies on this school of thought that remain influential. This is because they are based on vastly different assumptions about the nature and cause of workplace conflict, and second, because they act as valid critiques of the previous two frames of reference and their associated theories. Those arguing from a radical perspective draw principally from the work of Karl Marx (1950, 1967, 1978), who argued that capitalist societies were characterised by perpetual class struggle (Hannan, 2013). This struggle is caused by inequalities in the distribution of wealth and the skewed ownership of the means of production. Kochan (2014) observes that wealth and property ownership were highly concentrated in the hands of a small number of bourgeoisie (or capitalists), whilst the vast mass of the proletariat (or workers) lived in poverty and had nothing to sell but their labour.

The dominant capitalist class controlled the levers of political and economic power and was forced to exploit the working class by extorting ‘surplus value’ from their labour. Capitalism generated this exploitation because, by its very nature, it required capitalists to engage in ruthless competition with each other (Harry, 2011). Each round of new investment placed increasingly competitive pressure on profits; and created the need to cut costs and rationalise productive operations. This dynamic was seen by Marx as forcing capitalists perpetually to drive down the wages of workers and reduce their numbers (Harry, 2011). As the latter constituted by far the larger number of those consuming the output of their own productive labours, each new round of investment produced its own inherent contradiction.

Marx (2010) argues that societies organised along these lines developed political systems and class-based values that legitimised the dominant position of the capitalist class and coerced the working class into a ‘false consciousness’ that accepted the status quo (Marx, 2010). At the same time, however, he argued that capitalist political systems and class-based values are incapable of indefinitely controlling the internal inconsistencies of capitalism. Consequently, the deepening impoverishment of workers eventually moves them to recognise their common

class interests and spurs them to organise against their exploitation (Marx, 2010). Applying a Marxist frame of reference to employee relations, social conflict is viewed as a natural outcome of capitalism, the result of on-going struggle between two competing social classes, while industrial conflict is viewed as being a reflection of this struggle played out in the workplace (Harry, 2011).

3.3 Approaches to employer-employee relations

Three of the major approaches to employer-employee relations are as follows: (a) Psychological Approach; (b) Sociological Approach, and (c) Human Relations Approach.

3.3.1 Psychological approach

According to psychologists, differences in the perceptions of employers and workers give rise to problems of employer-employee relations. The two parties view and interpret situations and issues involved in employer-employee conflict in different ways.

Employer and employee consider each other less appreciative of the other's position and less dependable than the other; similarly, the perceptions of trade unions are different from those of employer's associations (Chand, 2016). In addition, dissatisfaction with pay, working conditions, and nature of jobs, inter alia, causes frustration and aggression on the part of workers. This in turn leads to strikes, boycotts, and work-to-rule, amongst other behaviour. Similarly, employers resort to lockout and other forms of protest on account of frustration over market conditions, government policies, and other constraints (Chand, 2016).

3.3.2. Sociological Approach

Industry is a part of society. It is a community made up of individuals and groups with different family backgrounds, educational levels, personalities, emotions, likes and dislikes. These differences in individual attitudes and behaviour create problems of conflict and cooperation in industry (Rasmussen & Lamm, 2012).

The value systems, customs, status symbols, and institutions of the society in which industry functions affect relations between the parties involved. Urbanization, housing, and transport problems in industrial areas, disintegration of joint family systems, and other social problems

cause stress and strain among workers (Rasmussen *et al*, 2012). The social and cultural changes shape behaviour patterns and cause adjustments in employer-employee relations. There cannot be harmony and peace in industry when society is in turmoil.

3.3.3. Human Relations approach

Industry consists of living human beings who desire freedom of thought and expression and control over their lives. When employers treat workers as inanimate objects and encroach upon their interests and desires, conflicts and disputes arise. Workers require security of service, good pay and working conditions, recognition for a job well done, and opportunity to participate in decision-making. Employers must understand the needs, attitudes, and aspirations of their workers.

A human relations approach explains the behaviour of individuals and groups at work, and helps in modifying or utilising such behaviour. The achievement of organizational objectives of management and labour both to understand and apply a human relations approach will ensure that their mutual relations industrial conflict is minimised (Ortmann, 2013). A human relations approach is inter-disciplinary in nature, knowledge drawn from several disciplines such as psychology, sociology, anthropology, economics, and political science being used therein (Ortmann, 2013).

The correct employee relations approach is essential for maintaining healthy employee relations within an organisation. This is a prerequisite for organizational success. Sound ER is reliant on a number of factors within an organisation.

3.3.4 Elements of good employee relations

Strong employee relations are required for high productivity and human satisfaction. Employee relations generally deal with avoiding and resolving issues concerning individuals which might arise out of or influence the work scenario. Schuler (2013) states that strong employer/employee relations depend upon a healthy and safe work environment, a full per cent involvement and commitment of all employees, incentives for employee motivation, and an effective communication system within the organisation. Healthy employee relations lead to more efficient, motivated, and productive employees, further resulting in an increase in sales

level (Schuler, 2013). Good employee relations signifies that employees feel positive about their identity, their position, as well as about being a part of a successful organisation.

3.3.5 Open communication

A main element of effective employee relations is open and honest communication within the workplace. Employees should be able to voice their concerns or comments on how they feel about being involved in decisions. Employee relations can easily break down where there is no open communication; therefore it is vital that employees know about future plans for an agency or business. Many companies operate by working from the top down, with the top level making all the decisions. It often makes more sense to involve all employees in decisions where possible, which is particularly effective in the creative industry, as it encourages employees to share their ideas (Gunderson, 2014). Employee forums are often implemented to allow for open communication.

3.3.6 Conflict management

Conflict between individuals in the workplace can cause many issues, for both overall morale and productivity. Employers should do their utmost to enhance the working relationship between individuals and step in quickly to resolve conflict, before it spirals out of control. A resolution may often be found by means of effective conflict management. In the creative industry, departments are often very closely linked, therefore it is important to deal with conflict quickly and effectively (Kaufman, 2010).

3.3.7 Attendance

An element of employee relations which can enhance productivity is attendance management. There should be defined processes in place for managing absence so that this does not become a problem. (Kaufman 2010) is of the view that low attendance levels can adversely affect co-workers and easily reduce productivity. The creative industry is made up of many different interrelated areas; and staff members often rely on others to do their work before they can produce their own work (Kaufman, 2010). High levels of absenteeism can cause employee relations to break down.

3.3.8 Disciplinary

There should be effective disciplinary procedures in place for managing employee relations. This will help to ensure that the business runs well by acting as a preventative measure for employees performing ineffectively. Disciplinary procedures are usually made up of a combination of written and verbal warnings. An effective disciplinary process not only deals with issues quickly, but also is good for overall morale: employees like to see problems dealt with fairly and efficiently (Edwards, 2014).

3.3.9. Performance management

Performance management is not simply a process by which managers measure performance. Performance management also acts as a way of giving employees goals and objectives for the month and/or year. Regular performance management can help improve communication levels, ensuring that employees have a focus, with clear goals to achieve (Flanders, 2014). Employees often view this as the one time at which they may be completely honest about the way in which they feel their jobs are going – a suitable opportunity to voice any concerns they may have.

3.4 How does failure to comply with the disability equity affect employment relations?

Failure by most organisations to comply with disability equity may have several implications for the employment relations of persons with disability. Ramayah (2013) found that failure by organisations to comply with disability equity may lead to unemployment, lack of creativity, discrimination, unequal representation of workforce, and low staff morale. Majola & Dhunpath (2016) also discovered that failure to accommodate people with disability may result in discrimination, unemployment, low staff morale, lack of commitment, and no policy for disability. The following are the various ways in which failure to comply with disability equity affects employment relations.

3.4.1. Increased unemployment

Unemployment is a major challenge confronting South Africa. The condition of unemployment in South Africa does not only affect those without disability; it also affects those with some form of disability. Ang, Ramayah and Amin (2015) note that there is an increased rate of unemployment among those living with disability in South Africa, in that most organisations accept that there are high costs associated with employing people with a disability. The authors argued that unemployment in South Africa is not a new phenomenon. This problem has existed since the apartheid era during which the Whites discriminated against Black South Africans. However, in this 21st century, unemployment is a major challenge confronting the nation. Statistics South Africa (2012) showed that the unemployment rate for the first quarter of 2010 was 25.2% (according to the narrow definition) and approximately 37% according to the broad definition. The 2014 Stats SA confirms the continuous high unemployment rate of 67, 7% amongst the age group 15-34 (youth). The structural nature of unemployment is pointed out as one of the main reasons for the increase in long-term unemployment that rose from 2.6 million in 2008 to 3.4 million in 2014, while the unemployment rate is 25.4%. According to Statistics South Africa (2016), in the first quarter of 2016, the rate of unemployment in the country stood at 26.7% as against 24.5% in the last quarter of 2015. The statistics reveal that unemployment is common among the Coloureds and Black Africans.

According to Census (2011), there are (2, 870, 130 people living with various forms of disability, which constituted about 7.5% of the total population in South Africa. Census (2011) revealed that there are about 2 381 668 Black South Africans with different disabilities. Also, it was shown that 207 244 Coloureds are afflicted by various disabilities. In addition, 60 614 Indians are living with various forms of disability. It was also revealed that 211 502 Whites have a variety of disabilities. There is low labour market absorption of persons with disabilities. The degree of difficulty is related to economic participation, with increased difficulty being associated with a decrease in labour market participation. In five of the six functional domains, employment levels were highest among persons with no difficulty, and lowest among persons with severe difficulties across the provinces. Employment levels are higher for persons with sight disability compared with other disability types (Census, 2011). The severity of difficulty greatly impacts on economic outcomes pertaining to employment, with different population groups differently affected. The White population group had the highest proportion of

employed persons, while the Black African population group had the lowest proportion across all functional domains and degrees of difficulty. Census (2011) revealed that females were more marginalised in terms of employment compared with males. The profile of non-economically active persons shows that the Black African population group had the highest prevalence of marginalization, particularly amongst persons with disabilities (12.5% for those with disabilities and 10.7% for able-bodied persons). Provincial profiles show that Eastern Cape and KwaZulu-Natal had the highest proportions of non-economically active persons with a disability (19,1% and 15,3%).

3.4.2. Lack of Creativity and Innovation:

Majola & Dhunpath (2016), in their study, discovered that failure of organisations to comply with the disability equity may result in lack of creativity and innovation on the part of disabled persons, which might affect employment relations with the organisation. Maladzhi, Yan & Makinde (2012), suggest that most organisations in South Africa are facing problems of creativity and innovation because they have failed to employ people with the right skills or experience. Maladzhi *et al.* (2012) argue that, despite the numerous laws promulgated on disability in South Africa, most companies do not comply with such. According to the authors, some people with disability in South Africa are denied employment, hence they are unable to bring to bear their creativity and innovation. Creativity and innovation has become an important part of public policy in many countries, including South Africa (Manzini, 2015). According to Manzini (2015), innovation is “a process of generating, acquiring and applying knowledge for economically and socially beneficial purposes and takes place through efficient unfolding of various learning processes, rather than being determined by the mastery of science and technological knowledge”. However, the author found that there is lack of innovation and creativity among certain disabled persons in South Africa because most organisations do not comply with the disability equity plan in providing a more appropriate working environment for them.

Lekhanya (2015) also discovered that there is lack of creativity and innovation among people living with disability in South Africa. Lekhanya (2015) contends that most employees do not comply with the legislation on disability; therefore, they have failed to supply the necessary resources that will help those with disability to become more creative and innovative. Lekhanya (2015) therefore recommends that there be a conducive working environment for all disabled

people, enabling them to perform their work and be equally represented in the workplace, as stipulated in the EEA.

3.4.3. Unequal representation in the workforce

Maladzhi *et al.* (2012) found that there is unequal representation within the workforce in most South African organisations. According to the authors, disabled persons are often marginalised in South Africa even though there are laws that protect them against unfair discrimination in society. Maladzhi *et al.* (2012) averred that only a small proportion of people with disability are part of the workforce in South Africa. The Employment Equity Act states that companies must employ 2% of people living with disability. However, most organisations are unable to achieve this target. Majola (2016) notes that a study conducted by the Independent Living Institute (2015) estimated that 99% of people with disabilities in South Africa are omitted from employment in the labour market because they depend on social security benefits for survival purposes.

Mitra, Posarac and Vick (2013) maintain that, although there has been progress in the employment of people with disabilities, government departments have failed to meet the target despite the deadline being extended to 2010. According to Hindle, Gibson, & David (2010) the underutilization of people with disabilities is owing to employers' unwillingness to take the assumed risk of employing people with disabilities. Despite the prescripts governing the South African public service, many people with disabilities are not gainfully employed. Although work is important to disabled people, this population is still generally restricted in their attempts to gain employment. The South African population is estimated at more than 54 million and the unemployment rate has increased to 25.5% (Statistics SA, 2014). The South African public service is the largest employer in the country, employing as it does 2,161 million public servants, dispersed across all nine provinces (van Wyk, 2015). KaNtoni (2012) notes that only 4 798 (0.36%) are people with disabilities. KwaZulu-Natal has the second-largest population of approximately 12.91 million people after Gauteng Province. Majola (2016) argues that failure to comply with disability equity will result in failure to reasonably accommodate persons with disability.

3.4.4. Failure to reasonably accommodate PWDs

South Africa has been characterised by a great number of discriminatory practices in the past, some of which still persist today. Even though a fair amount of attention has been given to discrimination relating to disability, not much has been accorded to disability discrimination, particularly in the workplace. Inequality, discrimination, and transformation remain the key challenges with which most employees are faced in the South African labour market. Key among such challenges has also been the employers' ability to ensure that persons with disabilities access the labour market. Persons with disabilities have generally had difficulties in exercising their fundamental social, political, and economic rights, because of the nature of discrimination against them (Mall & Swartz, 2012). According to Mall and Swartz (2012), most organisations failed to accommodate people with disability because they fear that such employees may not perform sufficiently well, or that it may cost more to employ them. The author notes that over the year, South Africa has not been able to achieve its equity plan. Most organisations are not complying with the laws on disability, there being no policies put in place to guide and aid compliance.

3.4.5. No policies for disability

It was found that certain organisations in South Africa are not complying with the laws on disability; hence they have no policy on disability. South Africa has developed a policy and legislation to overcome barriers faced in the labour force by people with disabilities, yet there remain practical issues relating to the implementation of these policies (Naidoo, Maja, Mann, Sing & Steyn, 2011).

According to Majola (2016), most companies do not have a policy on disability because they refuse to comply with the legislation on disability. Maja, Mann, Sing, Steyn, and Naidoo (2011) also discovered that most companies failed to comply with disability legislation in South Africa, leading to their having no policy on disability. According to the authors, South Africa has committed itself not only to overcoming the legacy of racial and gender discrimination, but also to surmounting disability discrimination, especially in the workplace. This is in order to afford persons with disabilities the opportunity of participating fully in the labour market without being unfairly discriminated against. Therefore, in order to eliminate discrimination,

companies must comply with the legislation on disability by developing a policy that will protect people with disability.

3.4.6 Low staff morale

Low staff morale has been identified as another consequence of failure to comply with disability equity in the workplace in South Africa. According to Wolf, Dulmus, Maguin & Cristalli (2013), research has found that there is low staff morale, especially among people with disability, owing to the constant discrimination against them. The authors argue that in recent years, the mental health field has pushed to widely implement empirically supported treatment for people living with various forms of disability challenged by the demands of the workplace. (Wolf et al., 2013) suggest that the failure by most organisations to comply with the disability equity is a factor that contributes to low staff morale among the disabled, as well as in those in the workplace without disability.

In another study, it was found that low staff morale is common among people living with disability (Schur, Nishii, Adya, Kruse, Bruyère & Blanck, 2014). According to Schur *et al.* (2014), people with disability are the most vulnerable in society; hence they may not be willing to put in their best effort towards the accomplishment of the organisational goals. The authors assert that people with disability feel much neglected in their place of work and this may result in low morale. Since staff morale is related to the way staff members feel about the organisation, this is an important factor in creating a healthy work environment. A study by Millett (2010) listed six reasons for high staff morale being important. Organisations that incorporated these six concepts displayed a higher staff morale culture and noticed improved productivity, improved performance and creativity, reduced number of days taken for leave, higher attention to detail, a safer workplace, and an increased quality of work. In addition to that, Manzini (2010) found that agencies with higher morale have more staff members arriving at work on time, communicating more effectively, and wasting less time on gossip. Such companies have higher rates of recruitment and retention, and are more creative.

3.5. Measures to address the challenges associated with the implementation of affirmative action

Several interventions exist in South Africa in addressing the challenges associated with the implementation of AA. Researchers (Duvenhage & Van der Westhuizen, 2013; Maja et al., 2011; Modise *et al.*, 2014) have proposed several measures that may be put in place to address equality in South Africa with regard to disabilities.

3.5.1. Policies which uplift and protect disabled people

Duvenhage & Van der Westhuizen (2013) proposed that, even though there is sufficient legislation on disabilities, such laws must be effective in addressing issues related to disabilities. According to the authors, “By creating legislation which uplifts and protects disabled people such as the ADA, this will strive to reach the goals of the South African Constitution and International Conventions”. Naidoo *et al.* (2011), in their study, also recommended effective policies in addressing the challenges associated with the implementation of AA. The authors found that South Africa has developed policy and legislation to overcome barriers faced in the labour force by people with disabilities; yet there remain practical issues relating to the implementation of these policies. According to Naidoo *et al.* (2011), the Department of Labour, together with other institutions responsible for the deployment of AA, must ensure that all companies develop policies on disability in order to accommodate those living with disability.

Maja (2011) also suggests that legislation and policies are important strategies by which to address the challenges associated with non-compliance with the AA. Legislation and policies play a vital role in overcoming segregation and discrimination of PWDs within the workplace. Research conducted in Ireland and South Africa suggests that the majority of employers have equal opportunities policies; however, only some employers have specific strategies or policies in place for the employment of PWDs. The author argues that a significant barrier to the employment of PWDs is that companies do not have internal policies targeted at recruiting and employing PWDs.

A policy on the attraction, placement, and retention of people with disabilities must be developed. Here, the Department of Labour’s Code of Good Practice on the Employment of People with Disabilities and the Technical Assistance Guidelines on the Employment of People

with Disabilities should be referred to, and all human resource management practices should be aligned with the recommendations outlined in these documents. Issues to be covered in the policy and implemented in a strategy would include, among other things, the definition of disability and classification of disabilities; proactive recruitment strategies; networking with organisations that deal with the disabled; strategies related specifically to dealing with attitudes towards disability as a form of diversity in the organisation; the modification of policies and practices to ensure that they are free from discrimination in both practice and intent; linking disability equity targets to the performance contracts of line managers; empowering managers to deal with the particular challenges associated with employing people with disabilities; and effective and efficient monitoring processes (Maja, 2011) .

3.5.2. Skills development initiatives for PWDs

Skills development initiatives for people with disability are another measure of addressing the challenges associated with the implementation of AA in South Africa. Duvenhage and Van der Westhuizen (2013), and Modise *et al.* (2014) proposed that the government and other stakeholders should design strategies of skills development initiatives for the disabled in the country. Maja (2011) also advocates for skills development initiatives for people living with various forms of disability. According to Maja (2011), skills development initiatives for people with disability will prepare them for responsible jobs and positions within various organisations throughout the country. Also, it was argued that this strategy will increase the employability of people living with disability.

3.5.3 Provision of physical infrastructure

Maja (2011) identifies that physical infrastructure suitable for people living with disability is one of the challenges limiting the employment of people with disability. Maja (2011) contends that most organisations have indicated that their infrastructure is often not disability friendly, this further restricting the employment of PWDs. This is supported by research by the Bank SETA and Wordsworth. (2013) The author recommends that government encourage employers or organisations to revamp existing buildings, adding to them, thus ensuring that the environment is conducive to successful integration of PWDs in the workplace. Duvenhage & Van der Westhuizen (2013) found that most organisations in South Africa state that they are in the planning stages of affording infrastructure accessible to PWDs, according to national

standards. Also, it was identified that most organisations in South Africa are in the process of implementing their plans of making their environments accessible to PWDs with mobility impairments. The authors recommend that the government ensure that companies have infrastructure suitable to accommodate PWDs.

3.5.4 Wage subsidy scheme and subsidies for placement of PWDs

It has also been proposed that there be wage subsidy schemes and subsidies for placement of officials at councils for people with disabilities (Modise *et al.*, 2014). Modise *et al.* (2014) recommend that companies be granted wage subsidies and tax holidays by which they may be encouraged to employ more people with disabilities. Duvenhage & Van der Westhuizen (2013), in their study, also found that wage subsidies and tax holidays were the best approach to addressing the challenges of implementing the AA, not only in South Africa, but across the globe.

3.5.5 Increase awareness among able-bodied employees to accommodate PWDs

Modise *et al.* (2014), in their study, also recommend that the government, employers in all sectors, NGOs and human rights' activists should increase awareness among able-bodied employees on accommodating employees with disabilities. Maja *et al.* (2011) also recommend that the policy and strategy related to disability equity should be communicated to the whole organisation. The strategy document should outline exactly the way in which the company plans to integrate people with disabilities into the workplace. A detailed roll-out plan for implementation of interventions to change attitudes and the organisational culture to be more accommodative of people with disabilities must be developed, reflecting accountabilities and time lines. The interventions should include sensitization of all staff members on how to behave around people with disabilities, empowering line managers on how to manage people with disabilities, and reasonable accommodation interventions.

3.6 Conclusion

This chapter has deliberated the literature on employment relations. The theoretical framework that guides the entire study has been highlighted. The chapter began with the conceptual definition of employment relations. It proceeded by providing a description of the role and responsibility of all the stakeholders engaged in employment relations. Various measures to address the challenges associated with the implementation of affirmative action, such as policies which uplift and protect disabled people, have been discussed. The study focuses the discussion on the theoretical framework or theories of employment relations. In addition, the chapter has also offered a discussion on the various approaches to employment relations. Furthermore, it presented the ways in which failure to comply with the disability equity affects employment relations. Finally, the chapter spoke to the measures to address the challenges associated with the implementation of affirmative action. The following chapter focuses on the research design and methodology of the study.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.0 Introduction

The previous chapter was devoted to the review of literature on disability equity and its impact on employment relations. It also reviewed measures that could be put in place to overcome challenges of implementing disability equity. This chapter presents the research methodology that guides the entire study. The chapter begins by affirming the research approach and paradigm adopted for this study and provides justification for the paradigm. It proceeds with the justification of the research design and continues the description of the research method. The next section of the chapter describes the target population and the sampling methods. The chapter also gives the justification for the sample size. In addition, it presents ways in which data was collected. It also describes the way in which data quality control was ensured. Furthermore, it gives an account of how data analysis was conducted. Lastly, it outlines the ethical principles that form part of the study.

4.1 Research paradigm

The research paradigm is an important aspect of research which has gained popularity among researchers in this current era. It is a philosophy that underpins a study. The term paradigm has its root in the Greek word ‘paradeigma’ which implies pattern (Antwi & Hamza, 2015). The word was first used by Kuhn in 1962 to represent a conceptual framework shared by a community of scientists, which provided them with a convenient model for examining problems and finding solutions. The term paradigm refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research. McGregor & Murnane (2010) suggest that within the discipline of academia, a paradigm is regarded as a set of assumptions, concepts, values, and practices that constitutes a way of viewing reality for the community that shares them, especially in an intellectual discipline such as consumer studies. The researchers argue that the “term paradigm refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research” (p.218). Simply put, a paradigm is an approach to thinking about and conducting research.

Taylor and Medina (2014), in their study, define paradigm as a comprehensive belief system, world view, set of assumptions or ideologies, or a framework that guides research and practice in a field. From the philosophical point of view, the term paradigm includes a view of the nature of reality – whether it be external or internal to the investigator; a related view of the type of knowledge that may be generated, and standards for justifying it; together with a disciplined approach to generating that knowledge. Scotland (2012) concurs that there are various types of paradigm, namely, ontology, epistemology, methodology, and methods. This study adopted the Pragmatism paradigm, this approach is described below.

4.2 Pragmatism paradigm

Pragmatism is generally regarded as the philosophical partner for the mixed methods approach. It provides a set of assumptions about knowledge and enquiry that underpins the mixed methods approach. It distinguishes the approach from purely quantitative approaches that are based on a philosophy of (post)positivism, and purely qualitative approaches that are based on a philosophy of interpretivism or constructivism (Johnson & Onwuegbuzie, Maxcy, Rallis & Rossman, 2007).

Pragmatists link the choice of approach directly to the purpose and the nature of the research questions posed (Creswell, 2003), in this case being the challenges faced by King Cetshwayo District Municipality with compliance on disability equity. Research is often multipurpose and a “what works” tactic will allow the researcher to address questions that do not sit comfortably within a wholly quantitative or qualitative approach to design and methodology. Supporting this, Darlington and Scott (2002) note that, in reality, a great number of decisions on whether to take a quantitative or qualitative research approach are based not on philosophical commitment, but on a belief in design and methodology being best suited to purpose. The pragmatic paradigm, as a set of beliefs, arose as a single paradigm response to the debate surrounding the “paradigm wars” and the emergence of the mixed methods and mixed models approaches. The pragmatic paradigm is pluralistic, based on a rejection of the forced choice between postpositivism and constructivism (Creswell, 2003).

The pragmatic paradigm has what Tashakkori & Teddlie (2013) and Creswell (2003) see as intuitive appeal, permission to study areas that are of interest, embracing methods that are appropriate and using findings in a positive manner in harmony with the value system held by

the researcher (Creswell 2003). For these reasons it can be argued that the pragmatic paradigm can be adopted for the purpose of social and management research endeavours, as this is congruent with the mixed quantitative and qualitative approach taken within the predisposition of "practitioner-based" research. The researcher has chosen the pragmatic paradigm as it will allow the researcher to investigate an area of interest in the local sphere of government pertaining to compliance with disability equity. The investigation is aimed at revealing the challenges pertaining to disability equity for the development of disability equity in Local Government. The objectives of the study are reaffirmed below.

4.3 Research objectives and questions

The following constituted the researcher's objectives:

- 4.3.1 To investigate the challenges faced by the local sphere of government regarding implementation of disability equity.
- 4.3.2 To establish whether there is compliance with disability equity targets as set out in the Employment Equity Act.
- 4.3.3 To elicit ways in which non-compliance with disability equity targets as pronounced in the Employment Equity Act may affect employment relations.
- 4.3.4 To determine the awareness levels of people with disability regarding affirmative action measures that affect them.
- 4.3.5 To determine the measures that may be put in place to ensure that disability equity is achieved.

The following constituted the researcher's questions:

- 4.3.6 What are the challenges faced by the local sphere of government regarding the implementation of disability equity?
- 4.3.7 Does the municipality comply with disability equity targets as set out in Employment Equity Act?

- 4.3.8 Does non-compliance with disability equity targets as pronounced in the Employment Equity Act affect employment relations within King Cetshwayo District Municipality?
- 4.3.9 What are the awareness levels of people with disabilities regarding affirmative action measures that affect them?
- 4.3.10 What measures may be put in place or recommended to ensure that disability equity is achieved by the municipality?

4.4 Research design and research methodology

A research design is a comprehensive plan which outlines the way an investigation will take place. It is a detailed plan about how the researcher intends to conduct the study (Sekaran & Bougie, 2014). Research design aims at helping the researcher in organising the research and executing it in a systematic manner (Hayes, Bonner & Douglas, 2014). Research design guides researchers on how to commence a particular research and how to end it. The research designs for this study were exploratory and descriptive.

4.4.1 Exploratory research

According to Engel and Schutt (2010), exploratory research design is a type of research which generates more insights into the nature of an issue, and develops questions to be investigated by more extensive studies. Engel and Schutt (2014) argue that the purpose of exploratory research is to investigate the ‘circumstances in a community about how people get along in their setting, what meanings they give to their actions and what concerns them’. An exploratory research is mostly used in qualitative studies when the researcher intends to discover more facts about the phenomenon being studied. This approach is used when very little is known about the topic under investigation. It is also used when conducting detailed investigation into a particular phenomenon. Therefore, the researcher has decided to use this approach in conducting a thorough investigation into the challenges faced by the local sphere of government regarding the implementation of affirmative action measures pertaining to people with disabilities. This approach allowed the researcher to gather rich and relevant information pertaining to the topic under investigation. This approach helped the researcher to address the “how” questions as outlined in this study.

4.4.2 Descriptive research

Descriptive research, on the other hand, is undertaken when the researcher intends to describe a particular phenomenon (Dane, 2011; Royse, 2011). Monette, Sullivan & Dejong (2011) note that descriptive research aims at discovering facts or describing an event or phenomenon accurately as it exists in its natural settings, so as to gain an idea about the present status of the phenomenon. A descriptive research is often used in quantitative studies where the researcher is only interested in describing the phenomenon or the event. It addresses the “what” questions as seen in this study. In this study, the descriptive research will allow the researcher to describe the phenomenon of disabilities in South Africa. By doing so, this will enable her to gain an in-depth knowledge about the various challenges affecting South Africa regarding the implementation of Employment Equity Act and affirmative action measures.

4.4.3 Mixed methods research

According to Azorín & Cameron (2010), the mixed methods design is an approach that integrates both qualitative and quantitative research into a single study. According to Tashakkori and Creswell (2007, p.4), mixed methods research refers to research in which a researcher uses “both qualitative and quantitative approaches or methods in a single study or programme of inquiry”.

The researcher utilized mixed methods design to improve the accuracy of the data and to produce a more complete picture by combining information from complementary kinds of data and sources, in this case being the interviews and questionnaire results. Denscombe, (2010) is of the view that sometimes mixed methods are used as a means of avoiding biases intrinsic to single-method approaches - as a way of compensating specific strengths and weaknesses associated with particular methods. Mixed methods have been used as a way of developing the analysis and building upon initial findings using contrasting kinds of data or methods (Denscombe, 2010). The main rationale of using mixed methods was to provide a better insight into the research problem and complex phenomena than either approach alone (Creswell & Plano Clark, 2010).

Definitions and discussions of research design within the mixed methods approach generally refer to the distinction between quantitative (QUAN) and qualitative (QUAL) methods. The

distinction, however, brings with it two strands of divergence among those involved with the mixed methods approach (Denscombe, 2010). First, there is some difference of opinion about the ‘commensurability’ of quantitative and qualitative methodologies. Within the mixed methods approach there are differing views on how quantitative and qualitative elements of research should be used within a specific project; and whether they may be integrated, combined, or used in tandem (Denscombe, 2010). For some writers, the philosophical premises of quantitative and qualitative methodologies are considered incompatible, which leads them to advocate their use ‘in parallel’, each playing to its respective strengths (Brewer & Hunter, 2009; Morse, 2013). This approach enabled the investigator to gather more information regarding the challenges faced by the local sphere of government on the implementation of affirmative action measures pertaining to people with disabilities. This approach combines the advantages of both qualitative and quantitative methods, thereby eliminating the disadvantages of the other (Ponterotto, Mathew & Raughley, 2013).

In this study, the qualitative research addressed questions such as: how does non-compliance with disability equity targets as pronounced in the Employment Equity Act affect employment relations within King Cetshwayo District Municipality? Furthermore, how does the municipality comply with disability equity as set out in the Employment Equity Act? The quantitative research addressed the remaining questions as outlined above. With regard to this approach, the qualitative research first took place, followed by the quantitative research. Mixed methods approaches have often been used as an aid to sampling. The idea behind a mixed methods design was to incorporate the information received from the respondents during the interviews into the design or construction of the questionnaires. The qualitative findings re-informed the quantitative findings.

4.5 Study Site

The study will be conducted in South Africa within the KwaZulu-Natal province in King Cetshwayo District. King Cetshwayo District Municipality is a category C municipality and is located in the north-eastern region of the KwaZulu-Natal Province, on the eastern seaboard of South Africa. It covers an area of approximately 8214 square kilometres, from the agricultural town of Gingingdlovu in the south, to the uMfolozi River in the north, and inland to the mountainous beauty of rural Nkandla. The district is home to six local municipalities: uMhlathuze, Ntambanana, uMlalazi, Mthonjaneni, Nkandla, uMfolozi. The District

Municipality under study came into being after the demarcation process, on 6 December 2000 (Venter and Landsberg, 2011). The Constitution provides for three categories of municipalities. There are 278 municipalities in South Africa, comprising eight metropolitan, 44 district, and 226 local municipalities. These are focused on growing local economies and providing infrastructure and services (COGTA, 2015).

4.6 Target Population

Sekaran and Bougie (2014) define population as an entire group of people, events, situations or entities that the researcher wishes to investigate. A population comprises all elements that meet certain standards for inclusion in a study. A population consists of elements; therefore, an element is a single unit of the population. A population may also be referred to as a group of persons, events or items (unit of analysis) with the characteristics that one wishes to study. For the purpose of this study, the officials employed by King Cetshwayo District Municipality in the municipality will be the target population. The population of the entire workers in this organisation was 500, including junior and senior employees. The employees in this organisation were the appropriate persons used for the study because they were fully aware of the disability issues within the municipality and in South Africa.

4.7 Qualitative research design

Todorova, Milev & Donchev (2014) describe qualitative research as a type which is conducted to provide understanding of the meaning people have constructed, that is, the way in which people make sense of their world, and the experiences they have in the world. Todorova *et al.* (2014) assert that qualitative research uses methods such as participant observation, interviews, focus group discussions or case studies, which result in a narrative, descriptive account of a setting or practice. Qualitative research involves an interpretive, naturalistic approach to the world. This implies that qualitative researchers study entities in their natural settings, attempting to make sense of, or to interpret, phenomena, in terms of the meanings people bring to them. Parkinson & Drislane (2011) also argue that qualitative research is a type of scientific research which relates to understanding some aspects of social life. According to Parkinson and Drislane (2011), one major characteristic of qualitative research is that it is effective in obtaining cultural information about the values and behaviour surrounding a chosen population. Castellan (2010) asserts that qualitative research includes constructivism, cultural

studies, feminism, Marxism, and ethnic studies. This approach was adopted to collect information from the participants through face-to-face interviews.

4.7.1 Qualitative sampling methods

Sampling is the art of selecting some elements, units or fractions from the entire population to participate in a specific study. Since the study took a mixed methods approach, it has utilised both probability and non-probability sampling techniques. Non probability sampling was used in the qualitative study

4.7.1.1 Non-probability sampling

Non-probability, uses a subjective approach in the selection of the respondents to participate in the study. It is subjective in that the probability of selecting population elements is unknown (Odoh, 2015). The researcher decided to use non-probability sampling because such a procedure satisfactorily meets the sampling objective. Other reasons for choosing non-probability sampling over probability sampling were cost and method of conducting probability sampling. Non-probability sampling includes sampling methods such as convenience sampling, and purposive sampling. Therefore, purposive sampling technique was used.

According to Sekaran & Bougie (2014), a purposive sampling technique is primarily used in qualitative studies, and may be defined as the selection of units (e.g., individuals, groups of individuals, institutions) based on specific purposes associated with answering questions in a research study. A purposive sampling technique is also referred to as non-probability sampling, purposeful sampling, or “qualitative sampling. Sekaran & Bougie (2014) state that this sampling technique is widely used in qualitative research for the identification and selection of information-rich cases. This delivers the most effective use of limited resources. It also involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced on a phenomenon of interest (Cresswell & Plano Clark, 2011, p. 276). With this sampling technique, participants are selected based on specific purposes. In other words, this technique is used to select individuals or objects on the basis of prior judgment about their relevance to the study. Purposive sampling is therefore most successful when data review and analysis are conducted in conjunction with data collection.

Purposive sampling allowed the researcher to select the appropriate respondents who have sufficient knowledge of the Employment Equity Plan and Disability Equity Strategy in the above organisation, as well as in South Africa. The researcher had the list and contact details of all the managers. This made it easy for her to identify those at the managerial level with experience of the Employment Equity Plan. The participants were selected for their expert knowledge on the affirmative action plan used by the organisation.

4.7.2 Qualitative sample size

A sample is the segment of the population selected for a particular study (Sekaran & Bougie 2014). It is a subset of the entire population. A sample size is usually drawn from the sample frame but not from the total population. The sample will consist of the senior managers of all respective departments, the Employment Equity, and the Human Resources managers responsible for the coordination and implementation of the municipality's Employment Equity Plan. The researcher intends to focus on these people because they have much information as far as disability equity and affirmative action measures in the municipality is concerned. They will be in a sound position to provide detailed information regarding the phenomenon under investigation. A sample size of 20 will be selected to participate in the qualitative study. This is in accordance with Sekaran & Bougie's (2014) population-to-sample-size table.

4.7.3 Data-collection methods

Data collection is the art of collecting and measuring information on variables of interest, in the most established and systematic manner that enables the researcher to answer specific research questions in relation to the topic under investigation. Sekaran and Bougie (2014) maintain that data-collection methods are crucial aspects of the research design. There are several data-collection instruments such as questionnaires, interviews, observation, focus group interviews, and so on. Interviews were used for the qualitative study.

4.7.3.1 Interviews

Interviews are the main instruments for collecting qualitative data. Interviews may either be structured or unstructured verbal communication between the researcher and subject, during which information is obtained for a study. For the purpose of this study structured interviews were used. Records refer to all the numbers and statistics that institutions and organisations keep as a record of activity. Records are unbiased and often cover a long period (Turner, 2010).

The interviews focused on three main areas. The first part focused on biographical data of the respondents such as gender, age, race, physical condition (either disabled or other), level of education, nature of employment, position held, and years of working in the organisation. Part two of the interviews dealt with how the municipality complies with disability equity targets as set out in Employment Equity Act. The third and final section covered questions on ways in which non-compliance with disability equity targets as pronounced in the Employment Equity Act affect employment relations within King Cetshwayo. A time period of 40 minutes was allotted for each interview.

4.7.4 Data analysis

Data analysis is the most crucial stage in research. In research, data collected from the respondents is sorted out in an understandable and simple manner to ensure that findings from the study are easily understood. Data analysis involves the process of breaking up, separating, or disassembling the research data into smaller parts or units (Sekaran and Bougie, 2014). Data from the study was analysed in two phases, with the qualitative data analysis first, followed by the quantitative data analysis.

4.7.4.1 Qualitative data analysis

Analysing and presenting qualitative data is one of the most confusing aspects of qualitative research. Moshikaro (2012) articulates that qualitative data analysis consists of three main stages once the data is collected. Qualitative data analysis includes data reduction. This comprises selecting, focusing, simplifying, abstracting, and transforming. The next stage, which is data display, includes organising and compressing the data. The final stage deals with the conclusion. This also involves taking note of irregularities, patterns, explanations,

configurations and propositions. The qualitative data analysis followed the process of transcription, coding, analysis and presentation of the results. NVivo 10.1 software was used to analyse the data. The qualitative data analysis took the form of thematic analysis.

4.7.4.2 Probability sampling

According to Odoh (2015), probability samples provide a known non-zero chance of selection from each population element, and the simple random sample is considered a special case. This technique accepts that each element of the population has a known and equal chance of being selected for the study. Probability sampling techniques include systematic sampling, stratified sampling, cluster sampling, and simple random sampling. For the purpose of the study, the systematic sampling technique was used. This method involves choosing a sample from a larger population. The process typically involves the selection of elements from an ordered sampling frame to select the study sample. Odoh (2015) states that, with this technique, the element in the population is sampled, beginning with a random start of an element in the range. The researcher used this technique because it was simple and flexible in terms of selecting the respondents for the study. With this method of sampling, the researcher categorised the population into various units within the organisation, randomly selecting them for the study. The researcher was provided with a list and contact details of all the participants, making it was easy to contact them for the study. Also, the researcher works in the sample organisation in which the data was gathered, making this a convenient process.

4.7.5 Qualitative data quality control

Data quality will be ensured by considering validity, reliability, trustworthiness, and credibility of the research instruments. Trustworthiness and credibility relate to qualitative data.

4.7.5.1 Trustworthiness

The principal objective of trustworthiness in a qualitative research is to support the argument that the inquiry's findings are worth paying attention to. For the purpose of this study, trustworthiness was ensured by making sure that the findings presented are authenticated and reflected the true reflection of the views of the respondents. The researcher reported exactly

what transpired on the field during the data-collection process, all interviews were recorded electronically and were played back to respondents to confirm responses.

4.7.5.2 Credibility

According to Anney (2014), credibility is the confidence that may be placed in the truth of the research findings. Credibility determines whether or not the research findings represent plausible information drawn from the participants' original data, and whether the findings are a correct interpretation of the participants' original views (Lietz & Zayas, 2010). To achieve credibility in qualitative research, the researcher ensured that the findings that were presented were credible and reflected the opinions and views of the respondents in the study. Credibility has the two techniques available to establish it, namely, triangulation and member checking (Olivia, 2017). Triangulation involves using multiple methods, data sources, observers, analysis, or theories in order to gain a more complete understanding of the phenomenon being studied; whilst with member checking, the data, interpretations, and conclusions are shared with the participants. Member checking allows participants to clarify their intentions, correct errors, and provide additional information, if necessary (Olivia, 2017). For the purpose of this study, analyst triangulation was used, which involved utilising another analyst to review the findings. The researcher chose this method because it allows for verification of results and analysis; and also it assists in illuminating blind spots in the analysis process.

4.8. Quantitative research design

Quantitative research is unique in its surveying and experimentation, as it builds upon existing theories (Williams, 2011). According to Williams (2011), the quantitative research methodology maintains the assumption of an empiricist paradigm which states that research itself is independent of the researcher. Quantitative research involves the collection of data so that information may be quantified and subjected to statistical treatment in order to support or refute "alternate knowledge claims". This approach is used by many researchers in objectively measuring reality. The author postulates that quantitative research provides meaningful understanding through objectivity uncovered in the collected data. The researcher argues that quantitative research "employ[s] strategies of inquiry such as experimental and surveys, and collect[s] data on predetermined instruments that yield statistical data". The findings from quantitative research may be predictive, explanatory, or confirming.

Castellan (2010) is of the view that quantitative research is used to show relationships between variables (independent and dependent) and statistical descriptions; and to establish facts. Castellan (2010) further emphasises that the underlying goal of quantitative research is to gather facts relating to human behaviour over a period of time, which will then be used by scientists to predict human behaviour. The quantitative perfectionists believe that social observations should be treated as entities; hence they agree with the positivist paradigm. This method allowed the researcher to collect large and useful information from many respondents.

4.8.1 Quantitative Sampling methods

Non-probability sampling was used for the quantitative study, justification is provided below.

4.8.2 Quantitative sample size

The sample will consist of shop stewards of trade unions; employees; and the PWD in King Cetshwayo District Municipality. A sample size of 158 will be selected to take part in the quantitative study. The size was based on Sekaran & Bougie's (2014) population-to-sample size table. According to the authors, a sample size of 158 is appropriate to allow any investigator to gather enough data from the respondents.

4.8.3 Quantitative data-collection methods

The nature of this study required the researcher to use both interviews and questionnaires as the main data-collection methods/instruments. The quantitative study utilised questionnaires for data collection.

4.8.3.1 Questionnaires

Questionnaires are the most common quantitative data-collection tools. Questionnaires are a series of questions designed to elicit information, which is filled in by all participants in the sample (Sekaran & Bougie, 2014). This may be gathered either by oral interview or written questionnaires. It is easily administered, and brings about more truthful responses, anonymity

being guaranteed. Questionnaires are important methods of data collection especially when the researcher is aware of what he or she is looking for.

According to Sekaran & Bougie, (2014) a questionnaire may also be defined as a sequence of research questions designed and administered to respondents with a view to eliciting information from them. The use of the self-administered questionnaire allows the researcher to gather a large amount of information from the respondents in the shortest possible time. It is also less expensive compared with other data-collection instruments such as interviews and observations.

The questionnaires were organised into four sections based on the quantitative research objectives in the study. Section A contained questions on the biographical data of the respondents in terms of gender, age, race, physical condition (either disabled or other), level of education, nature of employment, position held, years of working in the organisation and so on. Section B covered questions on challenges faced by the local sphere of government apropos of implementation of affirmative action measures pertaining to PWDs. Section C contained questions on the awareness levels of PWDs regarding affirmative action measures. Section D contained questions regarding measures that may be put in place or recommended, thus ensuring disability equity in King Cetshwayo District Municipality.

The researcher ensured that the questionnaires were constructed in simple language that was understood by all respondents. Also, the questionnaires were translated into Zulu, this being the most spoken language in KwaZulu-Natal. In addition, the researcher consulted specialists when designing the questionnaires. Before the full study commenced, the researcher conducted a pilot study on the questionnaires in order to test their feasibility for the study. For a study of this nature, it was important first to conduct a pilot study which would establish whether the study was worth pursuing.

4.8.4 Measurements

The measurement scale for this study was A 5-point Likert scale. The response choice scoring weights were: strongly agree = 5 points, agree = 4 points, neither agree nor disagree = 4 points, disagree = 2 points and strongly disagree = 1 point. The researcher utilised this measurement scale as it enables the easy quantifying of responses from participants. It also subjects them to computation of certain mathematical analysis. (La Marcy, 2011).

4.8.5 Quantitative data analysis

Jeanty & Hibel (2011) suggest that quantitative data analysis consists of data reduction, data display and data integration. The Statistical Package for the Social Sciences (SPSS) will be employed to analyse the quantitative data. Descriptive and inferential statistics will be utilised to interpret the data (Sekaran & Bougie, 2014). In the case of descriptive statistics, frequency, percentages, and cross tabulation will be used to analyse the various responses referring to age, gender, race, nature of employment, educational background and years of experience of the respondents. Also, measures such as frequencies, means, and standard deviations will be calculated. The inferential statistics to be used are analysis of variance (ANOVA) and chi-square. Cronbach's alpha coefficient will be used to test the reliability of these analytical tests.

4.8.6 Data quality control

Data quality will be ensured by validity and reliability for the quantitative data.

4.8.6.1 Validity and reliability

Sekaran & Bougie (2014) suggest that validity refers to the extent to which the research instrument measures what it is supposed to measure. It also depicts the validity of the research findings or results. Validity may be defined as the extent to which the research instrument measures what it supposed to measure. According to Drost (2011), validity is concerned with the meaningfulness of research components. In this study, the validity of the data was reinforced in that the interviewer had the opportunity of probing and asking the participants further questions during the interviews, so as to clarify certain responses or questions. Communicative validity was used throughout the course of the interview to ensure that the researcher summarised the audio-recorded information correctly. The researcher also ensured that the coding of the themes was properly done. The codes identified and summarised by the researcher were compared with the researcher's codes or themes. After the comparison of the codes, a final decision was made regarding the appropriate codes to be used. The coding or themes were discussed with the supervisor and agreed upon before the analysis was conducted. This decision made was to ensure the validity of the results. Factor Analysis was used as the research instrument to test the validity of the questionnaire (refer to Table 1 in appendix).

The validity of the study was ensured by probing the respondents with questions that are not clearly answered in order to clarify the given response. Factors Analysis was used to determine the validity of the research instrument. change to future tense if required.

4.8.6.2 Reliability

According Sekaran & Bougie (2014), reliability refers to how consistent the research instrument is. This relates to the fact that the research instrument should produce the same scores or results over repeated measures. According to Sekaran & Bougie (2014), reliability is a major concern when a psychological test is used to measure some attributes or behaviour. Data is considered reliable when it is consistent in providing the same results over time. According to Saunders *et al.* (2009), to understand the functioning of a test, it is important that the test which is used consistently discriminates individuals at one time or over a course of time. In other words, reliability is the extent to which measurements are repeatable when different persons perform the measurements, on different occasions, under different conditions, with supposedly alternative instruments which measure the same thing. In this study, reliability will be ensured by using Cronbach's alpha coefficient (refer to Table 2 in the appendix). Cronbach's alpha coefficient will be calculated to determine the reliability of the research instruments (questionnaires and interviews).

4.9 Pilot study

According to Gumbo (2014), the pilot study has not received much attention from researchers, being largely ignored by scholars. The value of pilot studies is premised on their pragmatism, as they offer adaptation to the situation on the ground. A pilot study is a small investigation to test the feasibility of procedures and to gather information prior to a larger study. It is designed to test whether the study is worth pursuing and the changes which must be made. A pilot study is not a feasibility or hypothesis-testing study. It pre-tests or tries out the research instruments. The term 'pilot study' refers to a mini version of a full-scale study (also called a 'feasibility' study), as well as the specific pre-testing of a particular research instrument such as a questionnaire or interview schedule. According to Arain, Campbell, Cooper & Lancaster (2010), a pilot study is a small piece of research designed to test the suitability of the research procedures or instrument prior to the larger study. Sekaran & Bougie (2014) also describe a

pilot study as a small version of a study which is first carried out before the actual investigation takes place. A pilot study was first conducted before the full study commenced.

In this study, the questionnaires and interviews were first piloted to determine their reliability and validity. A few respondents were selected to take part in the pilot study. This helped the researcher to test the research instruments, determining whether or not the study was worth pursuing. In this study, 20 participants were selected randomly to take part in the pilot study. The pilot study was conducted two weeks before the full version of the study commenced.

The pilot study helped to determine whether the study would be worth conducting. It also helped to expose the challenges such as employee resistance to participation in the study, and employee concerns regarding the privacy of recordings, and results likely to confront the study. It allowed the researcher to incorporate the views, suggestions, and recommendations of the participants in the final draft of the research instruments.

4.10 Ethical considerations

Ethical considerations adhered to in this study consisted of informed consent, anonymity, privacy, and confidentiality.

4.10.1 Informed consent

The participants in this study were first approached for their voluntary participation in the study. They were briefed about the purpose of the study, and enlightened as to the importance of their participation in the study. Also, they were given the opportunity of voluntarily withdrawing from the study at any stage. Participants were asked to read the form thoroughly. They were required to append their signatures on the written informed consent form, to indicate their voluntary participation in the study. The researcher disclosed to the participants procedures for investigation and risks connected to the study before the study begun.

4.10.2 Anonymity

The principle of anonymity in this study was strictly adhered to. The researcher did not disclose any information about the respondents to any third party. There was no section in the questionnaires or interview schedule in which respondents were asked to provide their names or any information that would expose them to criticism or comment. Every effort was made to

assure the anonymity of the data by substituting pseudonyms for names of participants, and limiting identifying information within the dissertation, oral presentations, and subsequent publications.

4.10.3 Privacy and confidentiality

Data gathered from the respondents was kept private in a secured and safe place, as agreed by the supervisor, to prevent unauthorised access. The questionnaires and all the recordings and transcribed materials resulting from the interviews were stored on CD and kept safely in a locked compartment which was provided by the researcher's supervisor in the Discipline of Human Resource Management and Industrial Relations at University of KwaZulu-Natal. The data will be kept for five years after which it will be destroyed in accordance with the university's policy.

4.11. Limitations of the study

Affirmative action measures involve eliminating discrimination or correcting the inequalities of the past by gender, race and other social issues. However, for the purpose of this study, discrimination against people living with disabilities was the main focus. The study was limited to the local sphere of government and to one district in KwaZulu-Natal. Another limitation was the cost involved. The researcher spent a large amount of money on this study. The cost components included printing, travelling expenses, miscellaneous other expenses. Also, a major limitation was unwillingness on the part of some respondents to participate in the study.

Potential participants were concerned that the information elicited from them would be made available to the government or their employer. This could negatively affect their continued stay in the organisation, also affecting the employment relationship.

4.12 Conclusion

The research methodology guiding the entire study has been highlighted in this chapter. Research objectives have been stated, which were preceded by the justification of the research design and the description of the research method. The chapter also outlined the target population and the sampling methods. The chapter furthermore gave the justification for the sample size. In addition, it presented the ways in which data had been collected, outlining how data quality control was ensured. The method utilised to analyse data was presented; and an account was given of the way in which data analysis was conducted. Lastly, ethical principles that formed part of the study were outlined. The following chapter, chapter five presents the results of the study.

CHAPTER FIVE

PRESENTATION OF RESULTS

5.0 Introduction

The previous chapter discussed the research methodology that underpins the entire study. This chapter presents both the quantitative and qualitative data as election through the use of questionnaires and interviews. The qualitative data was presented, followed by the quantitative data. The findings are given in accordance with the research objective and questions. The quantitative data is analysed using the SPSS version 24.0. The qualitative data was analysed using a thematic analysis with the aid of Nvivo 11 qualitative data analysis software. This employed thematic analysis in the interpretation of the results. The data focused on explaining and describing the challenges experienced by King Cetshwayo District Municipality in implementing Affirmative Action measures for people living with disabilities. The quantitative data analysis, on the other hand utilised descriptive statistics in the form of graphs, cross tabulations and other figures. Also, inferential statistics such as correlations and chi-squared test values were employed in the interpretation of the results. The results from the collected data was presented sequentially, qualitative data analysis is presented first followed by the quantitative data analysis.

5.1 Qualitative data results analysis

This section is aimed to present the analysed data using a thematic analysis with the aid of Nvivo 11 qualitative data analysis software. After data collection was done through interviews, the researcher transcribed and imported the data into Nvivo for coding and analysis. The research objectives formed the question which also formed the main themes, the responses formed the sub-themes and patterns.

The objectives of the study addressed the challenges faced by King Cetshwayo District Municipality (KCDM) in implementing disability equity. There were five main objectives of the study as outlined below. The study elicited the views of employees, trade union representatives, and management regarding the effective implementation of affirmative action of disability equity.

The study addressed the following research questions

1. What are the challenges regarding the implementation of disability equity in King Cetshwayo District Municipality?
2. Does the municipality comply with disability equity targets as set out in the EEA?
3. What are the effects of non-compliance with disability targets on employment relations?
4. What are the awareness levels of people living with a disability regarding disability equity?
5. What measures can address the challenges associated with the implementation of disability equity in the municipality?

5.2 Section A: Demographic characteristics

This biographical characteristics of the respondents from the interview conducted are presented below . The researcher developed the research questions from the objectives and interviewed 20 respondents in all. Majority of the respondents, were Africans above the age of 35, with no disability, permanently employed, with less than 5 years' experience. Most were senior employees with a diploma or matric qualifications.

5.3 Section B: Core questions and objectives

5.3.1 Objective One: What are the challenges regarding the implementation of disability equity in King-Cetshwayo District Municipality?

Responses from interviews were quoted as follows:

Respondent A: *“Awareness of disabilities for all relevant affected parties; budgetary constraints also hinder development and implementation; nature of work hinders opportunities for disabled people as most of the work which is based on sites requires physically abled people; Accessibility to buildings; Infrastructure does not cater for PWDs” .*

Respondent B: *“Core business requires able-bodied people”*

Respondent C: *“Design of the building limits access to PWDs; building design is a risk: if the lifts don’t work people in wheelchairs won’t have access to other parts of the building and some may be stuck; in the event of evacuation, risk is imposed on PWDs, which affects staff morale; stigmas attached to PWD; lack of opportunities for employment”.*

Respondent D: *“Employability of PWDs: Infrastructure is a challenge; access to parts of the building is limited; Facilities do not accommodate PWDs within the municipality”.*

Respondent E: *“Fleet system does not cater for PWDs; they cannot utilise the vehicles; Municipality has limited scope in terms of PWDs and disability; No awareness of PWDs nor on disability”.*

Respondent F: *“Infrastructure is a challenge. The building does not accommodate PWDs; skills levels of PWD – very few possess a qualification or even a matric”.*

The results of the interviews conducted revealed the following challenges as themes:

A. Nature of work

The work designs and majority of the work done at the water and wastewater plants located in remote areas of the district, thus requiring able-bodied people to operate the plants. The main business or work requires abled-bodied people.

B. Structure and design for accessibility to the workplace

The design of the building does not accommodate PWDs. People in wheelchairs do not have access to certain parts of the building. Should the lifts fail, the PWDs working on the upper levels of the building will be stuck, thus posing a risk.

C. Limited work opportunities for PWDs and limited management awareness

The facilities, such as the fleet vehicles do not accommodate PWDs at all. This act narrows the opportunities meant for the employment of PWDs within the municipality. No reasonable accommodation has been installed, thus resulting in exclusion and discrimination against PWDs. Management mind-set and perceptions of PWDs is limited, only physical disability is considered a disability. Even this is not fully accommodated within the municipality, which also poses a challenge.

D. Required work skills from PWDs is limited or non-existent

The skills level of the PWDs also poses a challenge in implementing affirmative action. The majority of PWDs do not in most instances have the skills required for employment. The majority of the PWDs employed within the municipality do not have a matric or any other relevant qualification. This may be attributable to the fact that there is only one special school for PWDs exist in the district. PWDs not having the required skills and qualifications makes it difficult for them to be employed on a full-time basis.

5.3.2 Objective Two: Does the municipality comply with disability equity targets as set out in the EEA?

Below were some of the quotes from the qualitative study:

Respondent A: *“At the moment the municipality is complying; the municipality does employ PWD; current PWD are not equally represented in all the occupational levels”*.

Respondent B: *“Municipality only compliant now; only compliant after given an opportunity to take in disabled learners for in-service training; Municipality would not have taken any initiative to search for the learners; PWD are not fully represented at all occupational levels”*.

Respondent C *“Municipality only started complying within the last 2 years; only in 2014 was it able to reach 2.9. In previous years it was non compliant”*.

Respondent D: *“Not sure but we do have PWDs employed in the municipality; however they are not represented at all occupational levels: they are only at the unskilled level”*.

Respondent E: *“Numerical compliance has just recently been achieved; PWD are not equally represented in all occupational levels; municipality is partially complying”*.

Respondent F: *“Numerical compliance over the past few years has been accomplished, but the municipality has not succeeded in getting PWDs in a career pipeline that sees PWDs participating at management levels; lack of purposeful programmes to enrol PWD in training”*.

Themes generated from the responses includes:

A. Numerical target of 2% attained required by EEA

Results from management reflect that the municipality has employed PWDs in order to meet the 2% target required by the EEA.

B. Not represented across all occupational & career levels

PWDs are not equally represented in all occupational categories as per requirements of the EE Act. The majority of PWDs are in the unskilled category. The results reflect, together with perceptions from some of the management and staff that the municipality has only recently complied with the 2% requirement (Makgoba, 2015). Before 2014 there was no compliance nor any PWDs employed by the municipality (Makgoba, 2015). The results also showed that management perception is that, there is little being done for the PWDs in order to assist them into permanent employment; and the municipality has shown no initiative to secure or source more PWDs.

5.3.3 Objective Three: Effect of non-compliance with disability targets and employment equity plans on employment relations

The objective aimed to investigate the effects of non-compliance with the disability targets and employment equity plans.

The following below are the responses from the interviews conducted with respondents:

Respondent A: *“Awareness levels of stakeholders regarding PWD is very low hence it seems that the municipality is doing a lot but actually nothing is being done”*.

Respondent B: *“Compliance is not such a huge issue; labour did raise concerns of which only some were partly addressed”*.

Respondent C: *“Employer was aware that they were not complying; therefore, a plan was devised to improve the situation; previous managers responsible for EE did not place that much emphasis on EE. The Department of Labour enquired of the municipality a number of times about non-compliance, but in vain; Labour raised a concern of the non-hiring of PWDs but concerns were never taken seriously”*.

Respondent D: *“Lack of knowledge about EE and AA made municipality indifferent to issues of compliance; non-compliance was not a factor with management and labour”*.

Respondent E: *“Municipalities’ non-compliance is not an issue to other stakeholders; lack of knowledge leads to Affirmative Action not being a matter of concern”*.

Respondent F: *“No effect as a result of lack of advocacy and limited knowledge”*.

Themes generated from the responses include:

- A. Limited knowledge of PWD by management and stakeholders of EE & AA compliance terms.
- B. Limited knowledge led to poor performance targets met & unconcerned attitudes towards PWD’s.
- C. Poor implementation of department of labour policies on failure to comply to required targets.

Management concerns towards PWDs was not convincing as they had little knowledge of what PWDs compliance target entails. This results reveals that, since there was minimal knowledge of EE and AA compliance targets, there was minimal effects on employment relations. Knowledge and awareness regarding AA for PWDs is very limited in the municipality, therefore the minimal activity regarding PWDs and AA seems to be acceptable, although far more still needs to be done. Compliance with EE and AA for PWDs within the municipality is not taken seriously enough. Respondents are quoted as saying that even the DOL enquired about non-compliance; however, very little had been done by the municipality.

The lack of knowledge of EE and AA about PWDs has resulted in non-compliance not being a factor between management and employees. In summary, the employment relations at King-Cetshwayo were not affected by the non-compliance of the municipality – little is known by all stakeholders concerning AA and EE regarding PWDs, and this in itself hinders the implementation of AA and poses a challenge.

5.3.4 Objective Four: Awareness levels of disabled regarding the affirmative action plan.

The fourth objective investigated the awareness levels of the disabled regarding the affirmative action plan within the organisation, responses are quoted below.

Respondent A *“The municipality does encourage PWDs to apply in job adverts; no other awareness is conducted”*.

Respondent B: "I'm not sure; I've never seen or experienced any awareness done for PWDs within the municipality".

Respondent C: "Minimal awareness is done; more can still be done by the municipality to create awareness".

Respondent D: "None in terms of affirmative action measures and PWDs".

Respondent E : "Approach has been general; no specialised focus; representation focused; awareness not focused on effects of PWDs, nor does it address how such a group appear to be placed on a pedestal to grow; PWDs are represented in the Employment Committee; no degree to build consciousness amongst PWD and there are no awareness programmes formulated except general practical components".

The above response from respondents generated the following themes:

- A. Some are not aware of AA plans in the municipality.
- B. There is a low-level of awareness among staff of the municipality.
- C. The low-level of awareness responsibility is put solely on the municipality.

The themes show there is minimal awareness of the AA plans among employees of the municipality. Therefore, the deficit awareness affects the knowledge of such a concept among the employees and the employees living with disabilities (Duvenhage & Van der Westhuizen, 2013).

The implementation of Employment Equity and AA plans is usually done in general terms, and does not address any specific barriers identified in the plan. Awareness was intended to be achieved through representation to the Employment Equity committee. The committee, however, seems only to be a rubber stamp to papers; and members do not report to their constituencies as a means of maximising awareness. The municipality is lacking in terms of displaying awareness about EE and AA measures for PWDs; much more still needs to be done. The results show generally that PWD's are very much unaware of their rights to employment that the AA allows. The municipality staff are also ignorant of the AA allocations. There is a need for more awareness initiatives to intimate everyone about these issues.

5.3.5 Objective Five: Addressing challenges associated with the implementation of affirmative action within the municipality.

The objective aimed to show how to address the challenges faced when implementing affirmative action within the municipality.

Respondent A: *“Alterations have been done to infrastructure; however, there is still room for improvement. Training and development is needed for employed PWDs in order to assist them to acquire permanent jobs”.*

Respondent B: *“Slow implementation of Affirmative Action; AA is only considered when recruitment is done; Disability is not indicated in CVs of applicants. No strategies in place to increase awareness”.*

Respondent C: *“Training and development of PWDs on lower levels; no strategy to address perspectives of PWDs; management knowledge limited – it sets a foundation and it filters throughout the organisation”.*

Respondent D: *“Infrastructure is being upgraded to gain access to other parts of the building; training and development has been afforded to PWDs”.*

Respondent E: *“Nothing at the moment, since nothing has been communicated; Skills development for PWDs in the community; Awareness campaigns for the community, but nothing is done for municipality staff”.*

Respondents F: *“Developed a relationship with an agency for PWDs; Prioritised positions which can accommodate PWDs; Skills development for PWDs to acquire qualifications and more senior positions”.*

The following themes were generated from the above responses from the respondents:

- A. General education to increase awareness of PWD’s concerns among management employees’.
- B. There is need for training and development of employed PWDs to help them develop their work employment skills in order to increase their job retention and personal development.
- C. Need for provision of work infrastructure for PWDs to access workplace and do their jobs effectively on their own.

The findings from the interviews largely reveals; to address the challenges with AA and EE implementation, there is need for general educational awareness all across the municipality, especially among management staff. The education will increase awareness and encourage favourable PWDs policies all across. This will make implementation of AA and EE policies easy. Another recurring theme is the need for training and development of PWDs themselves. Many of the PWDs needs upskilling for their personal development and job retention. Lastly, there is need to put in place infrastructure for PWDs to be able to access their work stations at any time. This will help to over their numerous complaints over being left out and not dully represented.

5.4 Quantitative data results analysis

This section presents the quantitative data conducted through the administration of questionnaires. The findings are given in accordance with the research objective and questions. The quantitative data was analysed using the SPSS version 24.0. The quantitative data analysis utilised descriptive statistics in the form of graphs, cross tabulations and other figures. Also, inferential statistics such as correlations and chi-squared test values were employed in the interpretation of the results. The results from the collected data was presented using the sequential transformative mixed-method designs. This is simply presenting qualitative data analysis followed by the quantitative data analysis (Creswell, 2014, 2014).

5.4.1 Section A: Biographical data

This section discusses the biographical characteristics of the respondents of the questionnaires conducted.

5.4.1.1 Gender distributions by age

The ratio of males to females is 1:1 (50%: 50%). Within the age category of 35 to 39 years, 58% were male. Within the category of males (only), 23% were between the ages of 35 to 39 years. This category of males between the ages of 35 to 39 years formed 11% of the total respondents.

The age category of 25 to 29, is that at which most young men enter the labour market. In most instances these are graduates or school leavers seeking employment. Some 21% within this age

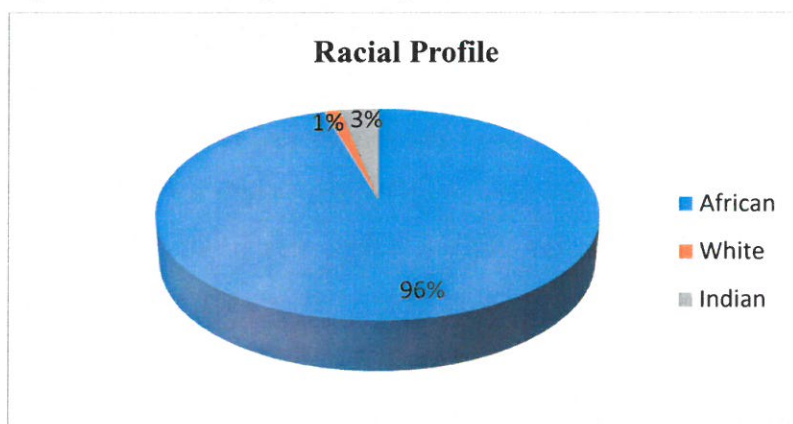
group were male, while 79% were female. Within the category of males 9% were between the ages of 25 and 29 years, and within the category of females 34% were between the ages of 25 and 29 years. This category of females formed 17 % of the respondents, while on the other hand, males formed 4% of the respondents.

The gender distribution by age results show a significantly high influx of females: 79% falling within the youth age group. This is a high percentage as per requirements of the EEA on affirmative action measures in which designated groups, including women, are to be considered (Refer to Table 5.1 in the appendix).

5.4.1.2 Racial composition

The table below indicates the racial composition of the respondents for questionnaires.

Figure 5.4.1 Racial composition for questionnaires

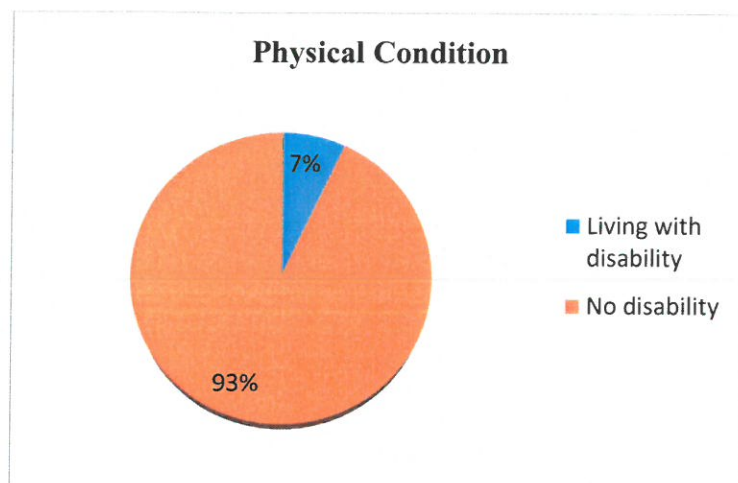


The sample was predominantly African. This means that 96 % of the respondents were African, the largest group. Indians were the second-largest group of respondents with 3 %; the lowest being the White respondents with 1%. This is in keeping with the population of the municipality proportions.

5.4.1.3 Physical conditions for respondents from questionnaire

The table below indicates the number of respondents living with a disability.

Figure 5.4.2 Physical conditions for respondents from questionnaire



Some 7% of 158 respondents indicated that they had some form of disability. This highlights a significant gap in the employment of PWDs within the municipality.

Managers from all respective departments were sampled for the qualitative study. Such people are responsible for the workers in each section, and are more hands-on with operational concepts such as disability equity within the municipality. The results show that currently no one in management is living with a disability in the King Cetshwayo District municipality. The results also reflect that the majority of the PWDs employed in the municipality are all at the unskilled level, and are not permanently employed but on fixed-term contracts.

5.4.2 Cross tabulation of years of experience and age for questionnaires

The longer-serving staff members were employed on a permanent basis, while a fifth of the least experienced staff were on contract posts. Most youth who entered or were employed by the municipality are on temporary employment. This status could be for a number of reasons, for instance, lack of experience. Temporary employees do not enjoy the same benefits as the permanent employees of the municipality, as revealed in the KCDM Human Resources policies.

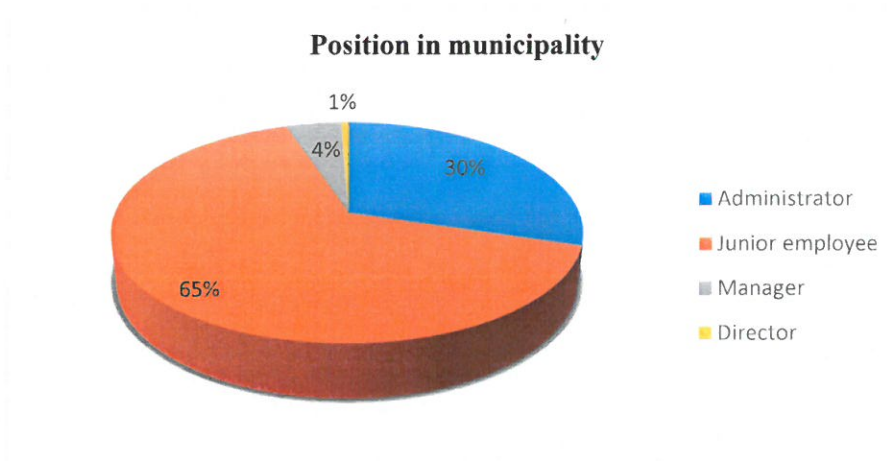
The years of service of employees who participated in the survey range from 5 to 15 years. This provides confirmation that the respondents have been employed in the municipality long enough to have some knowledge of equity employment issues such as disability equity (Refer to Table 5.5 in appendix).

Of the managers interviewed, the majority were permanently employed, having less than 10 years' experience (Refer to Table 5.6 in appendix).

5.4.3 Position held in the municipality as entered per questionnaire

The figure below indicates the positions that the respondents hold at the municipality (Sekaran & Bougie, 2014).

Figure 5.4.3: Position in the municipality for questionnaires

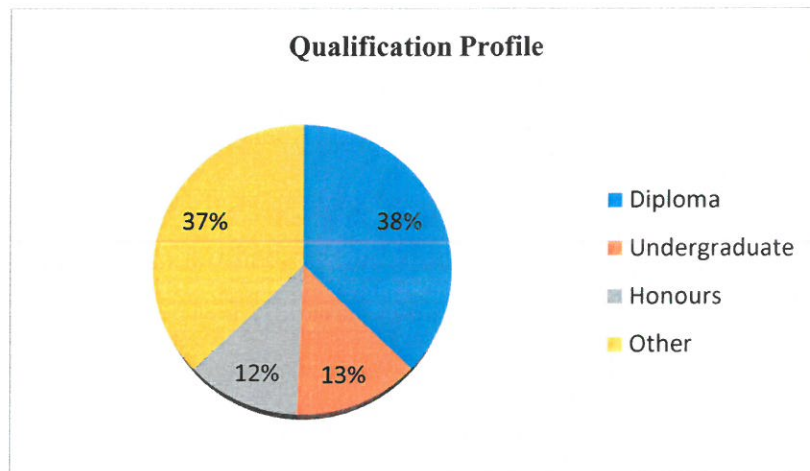


From the sample, 65% were junior employees of the organisation. These employees formed the majority of the sample, being at operational level. 30% were administrators, while 4% were managers/supervisors. Section 16 of the EEA requires a balanced representation of all levels within the EE Committee. This is an indication that the Departmental EE Committee is composed of all levels, and, as such, is compliant with the EEA.

5.4.4 Qualification profile for questionnaires

The figure below indicates the highest educational qualifications of the respondents to the questionnaires (Sekaran & Bougie, 2014).

Figure 5.4.4 Qualification profile for questionnaires



Results show that all the respondents of the questionnaire had some form of tertiary qualification. At least a quarter of the sample had a university degree. 38% of the respondents have a diploma, whilst the other 37% were classified under 'other' representing certificates, and below matric level qualifications.

5.5 Section B: Findings based on the objectives

The objectives of the study addressed the challenges faced by King Cetshwayo District Municipality in implementing disability equity. There were five main objectives of the study as outlined below. The study elicited the views of employees, trade union representatives, and management regarding the effective implementation of affirmative action of disability equity. The study addressed the following research questions:

1. What are the challenges regarding the implementation of disability equity in King Cetshwayo District Municipality?
2. Does the municipality comply with disability equity targets as set out in the EEA?
3. What are the effects of non-compliance with disability targets on employment relations?
4. What are the awareness levels of people living with a disability regarding disability equity?
5. What measures can address the challenges associated with the implementation of disability equity in the municipality?

5.5.1 Factor analysis

Factors Analysis was used to determine the validity of the research instrument. The requirement is that Kaiser-Meyer-Olkin Measure of Sampling Adequacy should be greater than 0.50 and Bartlett's Test of Sphericity less than 0.05. In all instances, the conditions are satisfied which allows for the factor analysis procedure. Factor analysis is done only for the Likert scale items. Certain components divided into finer components. This is explained below in the rotated component matrix.

Table 5.1: Factor analysis

Component	Research Objectives	Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	Bartlett's Test of Sphericity		
			Approx. Chi-Square	df	Sig.
B	Challenges regarding the implementation of Affirmative Action measures in King Cetshwayo District Municipality	0,804	404,698	15	0,000
C	How does the municipality comply with disability equity targets as set out in the Employment Equity Act?	0,712	400,983	15	0,000
D	Effect of non-compliance with disability targets and employment equity plans on employment relations	0,796	282,095	15	0,000
E	Awareness levels of disabled regarding the affirmative action plan	0,620	268,047	15	0,000
F	Addressing challenges associated with the implementation of affirmative action in the municipality	0,675	354,177	15	0,000

From the Kaiser-Meyer-Olkin Measure of Sampling Adequacy above, generally the values obtained were very close to "1.0" and this indicates that the proportion of variance in the objectives might be caused by the corresponding variables under consideration (related questions in the questionnaire). Thus, the variables in the questionnaire that are directly linked with each objective can be said to be a factor based on the respondents' opinion.

5.5.2 Reliability Statistics

The two most important aspects of precision are reliability and validity. Reliability is computed by taking several measurements on the same subjects. A reliability coefficient of 0.70 or higher

is considered as “acceptable” (Sekaran and Bougie, 2013). The table below reflects the Cronbach’s alpha score for all the items that constituted the questionnaire.

Table 5.2: Cronbach’s Alpha

Component	Research Objectives	N of Items	Cronbach's Alpha
B	Challenges regarding the implementation of affirmative action measures in King Cetshwayo District Municipality	6	0,845
C	How does the municipality comply with disability equity targets as set out in the Employment Equity Act?	6	0,791
D	Effect of non-compliance with disability targets and employment equity plans on employment relations	6	0,784
E	Awareness levels of disabled regarding the affirmative action plan	4	0,745
F	Addressing challenges associated with the implementation of affirmative action within the municipality	5	0,729

The cronbach’s alpha test above shows that the various components of the research instrument used for the various objectives were generally acceptable (> 0.7). The components used for the research objective “Challenges regarding the implementation of affirmative action measures in King Cetshwayo District Municipality” had the highest Cronbach’s alpha value of 0.845, this shows a good reliability. For other components addressing research objectives “How does the municipality comply with disability equity targets as set out in the Employment Equity Act?”, “Effect of non-compliance with disability targets and employment equity plans on employment relations”, “Awareness levels of disabled regarding the affirmative action plan” and “Addressing challenges associated with the implementation of affirmative action within the municipality” the Cronbach’s alpha values were between 0.729 to 0.791. This shows that the components had an acceptable level of reliability

The traditional approach to reporting a result requires a statement of statistical significance. A p-value is generated from a test statistic. A significant result is indicated with " $p < 0.05$ ". These values are highlighted with a *.

Table 5.3: Association between Age of Respondents and their Gender

Age group * Gender Cross tabulation						Chi-square	DF	P Value
			Gender		Total			
			Male	Female				
Age group	20 - 24	Count	1	3	4	38,443	6	<0.0001*
		%	25.0%	75.0%	100.0%			
	25 - 29	Count	7	27	34			
		%	20.6%	79.4%	100.0%			
	30 - 34	Count	12	20	32			
		%	37.5%	62.5%	100.0%			
	35 - 39	Count	18	13	31			
		%	58.1%	41.9%	100.0%			
	40 - 44	Count	8	8	16			
		%	50.0%	50.0%	100.0%			
	45 - 49	Count	25	5	30			
		%	83.3%	16.7%	100.0%			
	50+	Count	8	3	11			
		%	72.7%	27.3%	100.0%			
Total		Count	79	79	158			
		% of Total	50.0%	50.0%	100.0%			

The chi square above shows that there was a statistically significant ($P < 0.05$) association between the age of respondents and their gender ($P = 0.0000$). Except those between 40 and 44 years where both gender shared equal proportion, majority of the respondents below years were mostly females while those above 35 years were mostly males.

Table 5.4: Association between Respondents' Years of Experience and Nature of Employment.

			Nature of employment		Total	Chi-Square	P Value
			Permanent	Fixed-term contract			
Your years of experience in the municipality	1 - 5	Count	44	30	74	13.911	0.001*
		%	59.5%	40.5%	100.0%		
	6 - 10	Count	47	0	47		
		%	100.0%	0.0%	100.0%		
	11+	Count	37	0	37		
		%	100.0%	0.0%	100.0%		
Total		Count	128	30	158		
		% of Total	81.0%	19.0%	100.0%		

From the table above, there was a statistically significant association ($P < 0.05$) between years of working experience of respondents and nature of their employment ($P = 0.001$). Based on

years of working experience majority of the respondents said they are on permanent employment. Although slightly above average (59.5%) of those with 1 to 5 years working experience had permanent employment, all those with above 6 years working experience had a permanent employment status.

Table 5.5: Association between respondents' physical condition and perceptions of Municipality compliance with disability equity targets.

Variables	Physical condition			Chi square	P Value
	Living with Disability	No Disability	Total		
	Freq. (%)	Freq. (%)	Freq. (%)		
The municipality complied with disability equity by formulating policy on employment equity					
Strongly Disagree	1 (9.1)	16 (10.9)	17 (10.7)	10.844	0.028*
Disagree	1 (9.1)	34 (23.1)	35 (22.2)		
Neutral	2 (18.2)	36 (24.5)	38 (24.1)		
Agree	2 (18.2)	45 (30.6)	47 (29.7)		
Strongly Agree	5 (45.4)	16 (10.9)	21 (13.3)		
Total	11 (100.0)	147 (100.0)	158 (100.0)		
The employment equity plan in the municipality has a section that specifically addresses disability					
Disagree	1 (9.1)	8 (5.4)	9 (5.7)	10.568	0.014*
Neutral	3 (27.3)	56 (38.1)	59 (37.3)		
Agree	3 (27.3)	72 (49.0)	75 (47.5)		
Strongly Agree	4 (36.3)	11 (7.5)	15 (9.5)		
Total	11 (100.0)	147 (100.0)	158 (100.0)		
New employees were encouraged to talk about their disabilities, so that relevant accommodations can be provided					
Strongly Disagree	3 (27.3)	33 (22.4)	36 (22.8)	9.566	0.048*
Disagree	1 (9.1)	38 (25.9)	39 (24.7)		

Neutral	1 (9.1)	44 (29.9)	45 (28.5)		
Agree	4 (36.3)	27 (18.4)	31 (19.6)		
Strongly Agree	2 (18.2)	5 (3.4)	7 (4.4)		
Total	11 (100.0)	147 (100.0)	158 (100.0)		
The municipality provides training to the reception personnel for communication in sign language so that they can communicate with PWDs when they arrive at reception on their first day at work or in handling an enquiry regarding applications					
Strongly Disagree	5 (45.4)	73 (49.7)	78 (49.4)	30.368	0.000*
Disagree	1 (9.1)	29 (19.7)	30 (19.0)		
Neutral	2 (18.2)	29 (19.7)	31 (19.6)		
Agree	0 (0.0)	15 (10.2)	15 (9.5)		
Strongly Agree	3 (27.3)	1 (0.7)	4 (2.5)		
Total	11 (100.0)	147 (100.0)	158 (100.0)		

From the table above, there was a statistically significant association ($P < 0.05$) between respondents physical condition and the above listed indicators of municipality compliance with disability equity targets. Most of the respondents living with disability either agreed or strongly agreed with all the statements except the statement, “*the municipality provides training to the reception personnel for communication in sign language so that they can communicate with PWDs when they arrive at reception on their first day at work or in handling an enquiry regarding applications*” where most (45.4%) strongly disagreed with the statement.

Table 5.6: Association between respondents’ physical condition and employment relations within the Municipality.

Variables	Physical Condition			Chi square	P Value
	Living with Disability	No Disability	Total		
	Freq. (%)	Freq. (%)	Freq. (%)		
There is discrimination in the municipality because people with disability are not regarded as part of the working class.					

Strongly Disagree	4 (36.3)	30 (20.5)	34 (21.7)	18.157	0.001*
Disagree	3 (27.3)	95 (65.1)	98 (62.4)		
Neutral	3 (27.3)	20 (13.7)	23 (14.6)		
Agree	1 (9.1)	0 (0.0)	1 (0.6)		
Strongly Agree	0 (0.0)	1 (0.7)	1 (0.6)		
Total	11 (100.0)	146 (100.0)	157 (100.0)		

From the table above, there was a statistically significant association ($P < 0.05$) between respondents' physical condition and employment relations within the municipality. Most of the respondents living with disability either strongly disagreed or disagreed (36.3% and 27.3% respectively) that there was discrimination in the municipality because people with disability are not regarded as part of the working class. Similarly, majority (65.1%) of those with no disability also disagreed that there was discrimination in the municipality because people with disability are not regarded as part of the working class.

Table 5.7: Association between respondents' physical Condition and awareness with regards to affirmative measures affecting people with disabilities.

Variables	Physical Condition			Chi square	P Value
	Living with Disability	No Disability	Total		
	Freq. (%)	Freq. (%)	Freq. (%)		
People with disability were educated on the affirmative action measures in the municipality					
Strongly Disagree	2 (18.2)	23 (15.8)	25 (15.9)	10.844	0.028*
Disagree	2 (18.2)	48 (32.9)	50 (31.8)		
Neutral	2 (18.2)	54 (37.0)	56 (35.7)		
Agree	3 (27.3)	17 (11.6)	20 (12.7)		
Strongly Agree	2 (18.2)	4 (2.7)	6 (3.8)		
Total	11 (100.0)	146 (100.0)	157 (100.0)		
People with disability were denied of provision of medical aid cover in the municipality					
Strongly Disagree	3 (27.3)	35 (24.1)	38 (24.4)	12.123	0.016*
Disagree	5 (45.4)	70 (48.3)	75 (48.1)		
Neutral	0 (0.0)	33 (22.8)	33 (21.1)		
Agree	2 (18.2)	3 (2.1)	5 (3.2)		
Strongly Agree	1 (9.1)	4 (2.8)	5 (3.2)		
Total	11 (100.0)	145 (100.0)	157 (100.0)		

From the table above, there was a statistically significant association ($P < 0.05$) between respondents' physical condition and awareness with regards to affirmative measures affecting people with disabilities. Highest proportion (27.3%) of those living with disabilities agreed people with disability were educated on the affirmative action measures in the municipality

while 32.9% and 37.0% of those with no disability disagreed and were indifference with respect to the statement.

On the other hand, 45.4% of those living with disability and 48.3% of those with no disability both disagreed that people with disability were denied of provision of medical aid cover in the municipality.

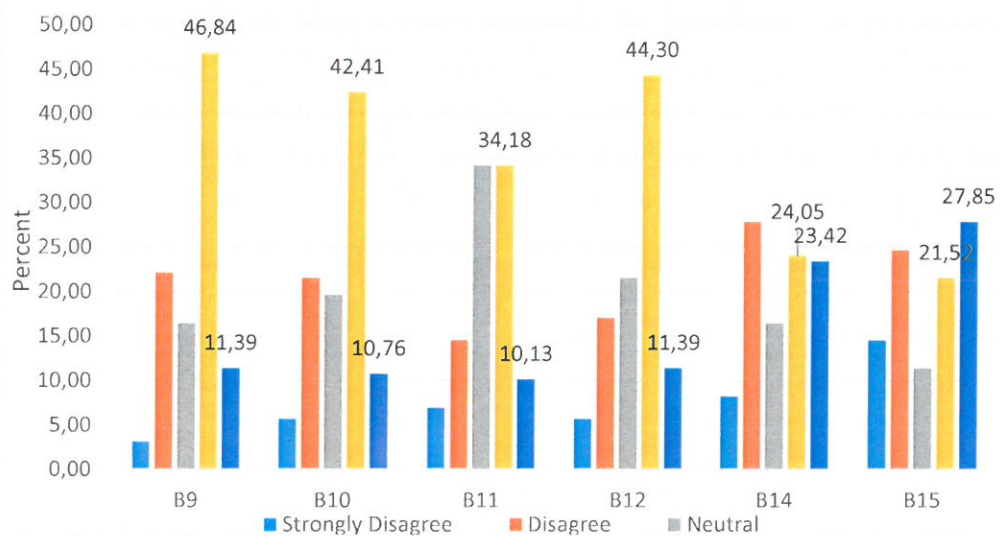
Table 5.8: Association between respondents' physical condition and measures needed to achieve disability equity.

Variables	Physical Condition			Chi square	P Value
	Living with Disability	No Disability	Total		
	Freq. (%)	Freq. (%)	Freq. (%)		
Full adherence to the legislation on EEA and disability targets assisted in achieving the equity plan.					
Strongly Disagree	1 (9.1)	2 (1.4)	3 (1.9)	12.279	0.015*
Disagree	4 (36.3)	47 (32.4)	51 (32.7)		
Neutral	1 (9.1)	59 (40.7)	60 (38.5)		
Agree	3 (27.3)	33 (22.8)	36 (23.1)		
Strongly Agree	2 (18.2)	4 (2.8)	6 (3.8)		
Total	11 (100.0)	145 (100.0)	157 (100.0)		

From the table above, there was a statistically significant association ($P < 0.05$) between respondents' physical condition and measures needed to achieve disability equity. Highest proportion (36.3%) of those living with disability disagreed that full adherence to the legislation on EEA and disability targets assisted in achieving the equity plan while highest proportion (38.5%) of those with no disability neither agreed nor disagreed (neutral) that that full adherence to the legislation on EEA and disability targets assisted in achieving the equity plan.

5.6 Objective One: Challenges regarding the implementation of Affirmative Action measures in King Cetshwayo District Municipality

Figure 5.8: challenges on implementation of AA in KCDM



Maja *et al.* (2016), in their study, note that the South African government has a number of pieces of legislation on disability; yet there remain practical issues relating to the implementation of these policies. According to Maja *et al.* (2016), there are certain challenges that affect implementation of the affirmative action measures, and the employment equity plan; and this prevents the government from meeting the target (2%). The physical environment, such as infrastructure, equipment, and machinery have been found to be significant barriers in preventing the employment of PWDs. Maja *et al.* (2016) found that lack of opportunities and resources increase disability prevalence, which serve as barriers to achieving the target.

Results from the respondents show that 47 % agreed that inadequate resources are one of the challenges confronting the implementation of affirmative action measures. Another 11 % of the respondents strongly agreed that the inadequacy of resources is a major challenge in the municipality, thus hindering the implementation of AA. Inaccessibility of buildings and infrastructure was cited as the predominant physical barrier to employing PWDs.

The results reflect that the second-largest challenge hindering the implementation of affirmative action measures is the lack of opportunities for employment and development afforded to people living with a disability. Makgoba (2015) encourages proper implementation of affirmative action and employment equity in order to provide individuals and society with opportunities to bring out the best in them, and to advance people and systems within their

society. It has been interesting to note that employee perceptions within the municipality are that they are not given fair opportunities based on abilities, experience, and education and in employment equity.

The third factor found to be affecting the implementation of affirmative action is misconceptions held about people living with a disability. Some 44 % of the respondents hold the view that misconceptions are a challenge; an additional 11 % also hold a very strong view of misconceptions affecting implementation of AA for PWDs.

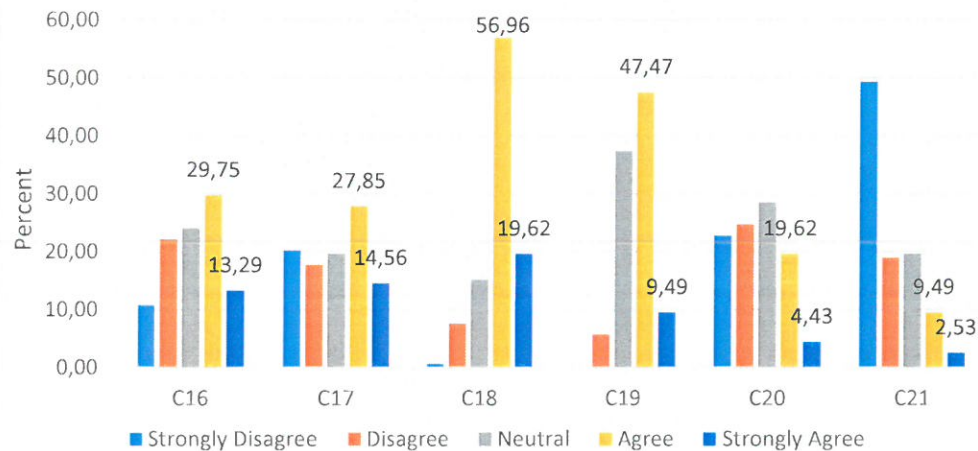
Furthermore, the results reflected that 34 % of the respondents hold the view that cultural myths play a challenging role; while a further 10% also concur with the view that cultural myths present a challenge in implementing affirmative action measures within the municipality.

Literature indicates that a lack of opportunities and resources increases disability prevalence. Cultural myths and misconceptions appear also to have played a role in disability discrimination: some African cultures view disabled children as a social and economic curse on the family. Such offspring are often considered a burden. As a result many PWDs consider themselves to be without purpose.

5.7 Objective Two: Does the municipality comply with disability equity targets as set out in the EEA?

Figure 5.9 below presents the results on municipality compliance with disability equity targets as set out in the EEA. Six items measured the ways in which the municipality complies with disability equity targets as set out in EEA.

Figure 5.9: Does the municipality comply with disability equity targets as set out in EEA?



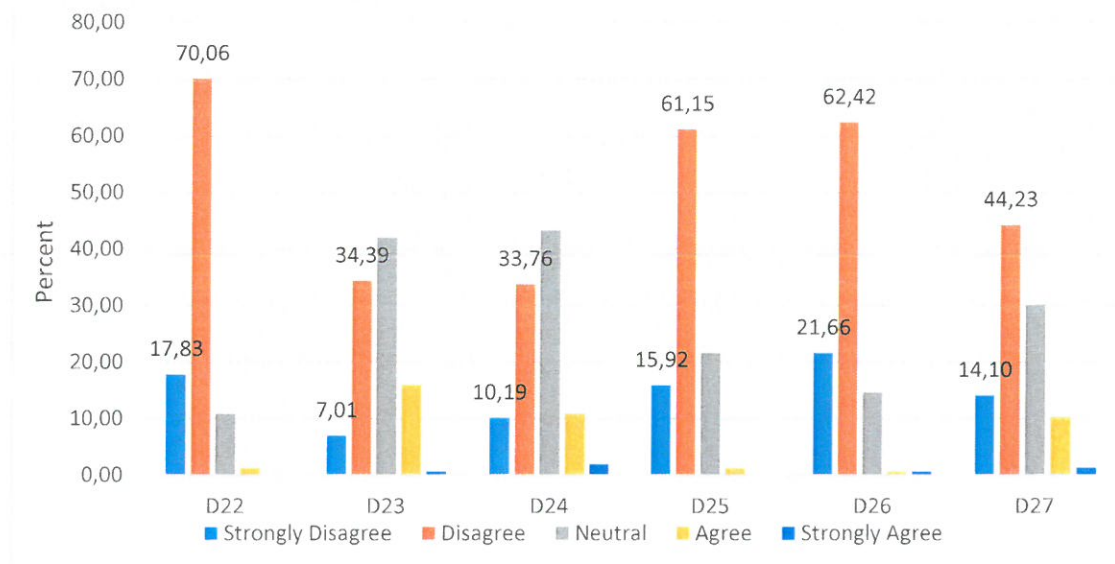
From Figure 5.9 above, 58 % of the respondents agree that the municipality has complied with the EEA in recruiting people living with a disability. Some 48% of the respondents agree that the municipality in its Employment Equity plan has catered for disabilities and people living with a disability as per requirements of the EEA. Although the municipality complies with recruiting PWDs and including them in the Employment Equity plan, 50% of the respondents disagreed that any form of training was being provided for front desk personnel for communication with PWDs should the need arise, for example, by means of Braille or sign language.

Results also show that the municipality does have an Employment Equity policy. The municipality has ensured compliance with the disability equity targets through the provision of facilities for disabled persons: 28 % of respondents agreed with this statement.

5.8 Objective Three: Effect of non-compliance with disability targets and employment equity plans on employment relations

The study investigated effects of non-compliance with disability targets and employment equity plans on employment relations. There were six items that measured the effects of non-compliance with disability targets and employment equity plans on employment relations. The results were presented in Figure 5.10 below.

Figure 5.10: Effect of non-compliance with disability targets and employment equity plans on employment relations



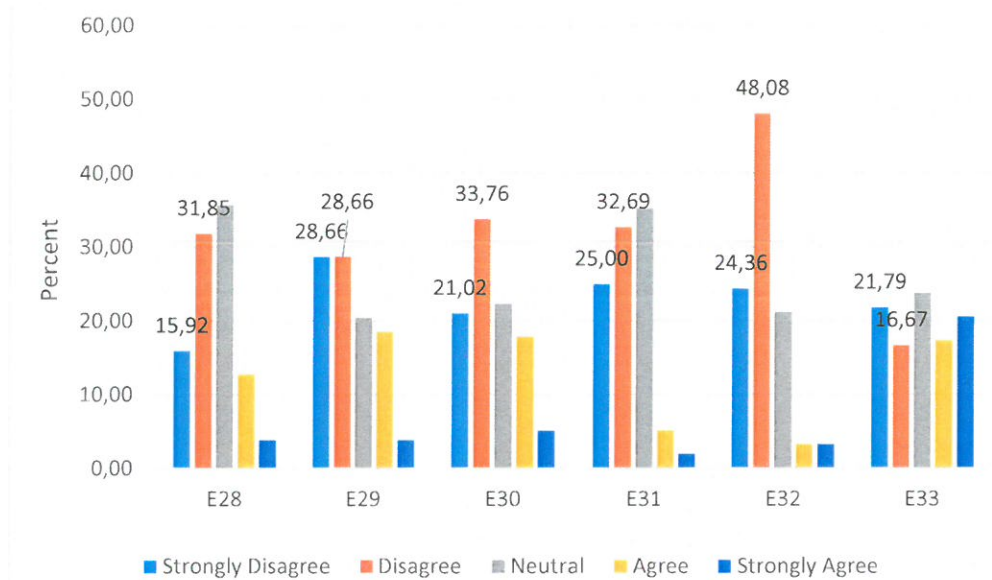
The results showed that 70% of the respondents disagreed that most people with disabilities have lost their jobs in the municipality owing to non-compliance with the disability equity targets. Also, 62 % of the respondents disagreed that there is discrimination in the municipality, people with disability not being regarded as part of the working class. Another 61 % of the respondents disagreed that some employees living with a disability have resigned from their posts because the municipality failed to comply with the EE Act. Furthermore, 44 % of the respondents disagreed to there being any high stress levels among the disabled in the municipality because of the failure by the municipality to comply with the EE Act, and AA measures on disability equity.

The lack of knowledge of EE and AA about PWDs has resulted in non-compliance not being a factor between management and employees. In summary, the employment relations at King Cetshwayo were not affected by the non-compliance of the municipality – little is known by all stakeholders concerning AA and EE regarding PWDs, and this in itself hinders the implementation of AA and poses a challenge.

5.9 Objective Four: Awareness levels of disabled regarding the affirmative action plan

The fourth objective investigated the awareness levels of the disabled regarding the affirmative action plan within the organisation. There were six items which measured awareness levels of the disabled regarding the affirmative action plan in the organisation. The results were presented in Figure 5.11 below.

Figure 5.11: Awareness levels of disabled regarding the affirmative action plan



According to Duvenhage & Van der Westhuizen (2013), most disabled people in South Africa are not fully aware of the affirmative action measures – little education has been given to all the stakeholders involved. The authors argue that equality for people with disabilities is merely a by-product of what is expected in practice by South African anti-discrimination legislation.

Results from the study showed that 32 % of the respondents disagree that people with a disability were educated on the affirmative action measures within the municipality, with 16% strongly disagreeing. Some 57 % of the respondents disagree that the municipality often holds workshops to promote the awareness of affirmative action measures and employment equity. In addition, 55 % of the respondents further state that the municipality does not even celebrate international disability day. Results also showed that employees are not encouraged to disclose their disability, nor talk about it as a means of awareness. It could be that no platforms or avenues are created for employees: 33 % of the respondents held such views.

Awareness on disability and affirmative action measures within King Cetshwayo District Municipality is non-existent. Although a policy on employment equity does exist and an Employment Equity committee has been established, results show that a gap exists. The municipality holds no campaigns or awareness sessions for its employees; nor does it take part in any celebration promoting PWDs and their rights.

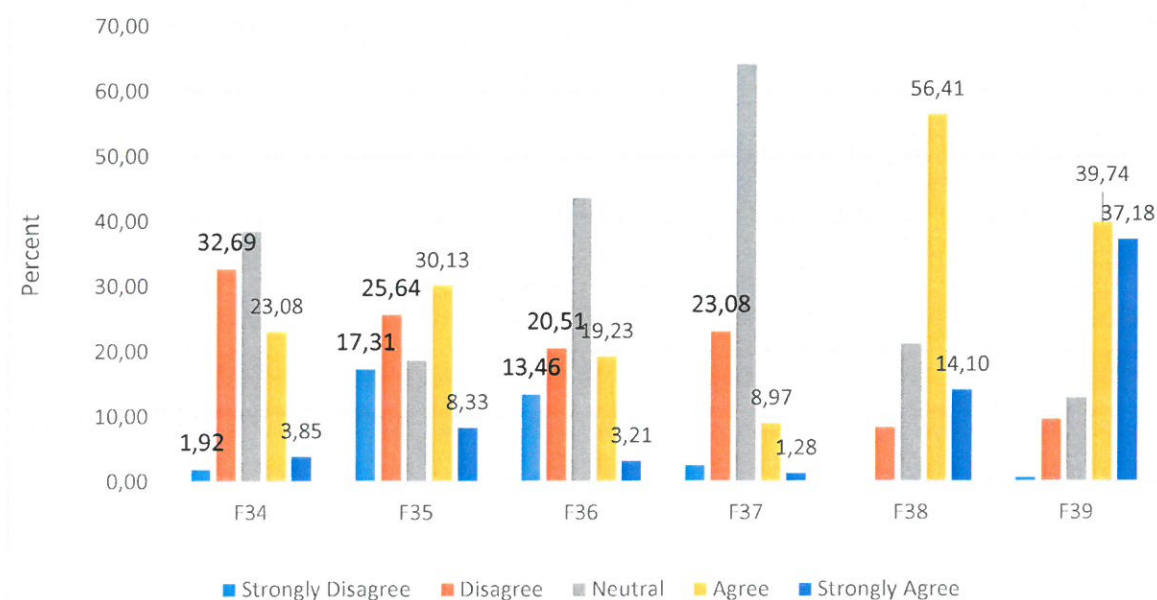
It is evident that no awareness is being made on affirmative action; hence this affects the knowledge of such a concept among the employees and the employees living with disabilities. The implementation of Employment Equity has been conducted in general terms, and has not

addressed any specific barriers identified in the plan. Awareness was intended to be achieved through representation to the Employment Equity committee. This committee, however, seems only to apply a rubber stamp to papers; and members do not report to their constituencies as a means of maximising awareness.

The municipality is lacking in terms of displaying awareness about EE and AA measures for PWDs; much more still needs to be done.

5.10 Objective Five: Addressing challenges associated with the implementation of affirmative action within the municipality

Figure 5.12: Addressing challenges associated with the implementation of affirmative action within the municipality



Several measures are proposed by legislation and literature to address equality in South Africa regarding disabilities and people living with such disabilities. Organisations should offer bursaries, and training and development, amongst many other strategies, to overcome the skills shortage experienced in implementing AA. Organisations ought also to communicate policies and strategies more efficiently; they should also introduce wage subsidy schemes. The quantitative results revealed that 33 % of the respondents disagreed that full adherence to the legislation on EEA and disability targets assisted in achieving the equity plan. Also, 43 % of the respondents believed that the provision of facilities for disabled people did not help in

addressing disability issues within the municipality. Furthermore, 34 % of the respondents disagreed that continued monitoring of the affirmative action measures within the municipality helped in meeting the employment equity plan targets. There is thus no monitoring system in place for EE targets, which in turn stifles implementation and achievements of AA.

A study conducted by Maja *et al.* (2014) highlights that communication is essential in implementing any strategy. Findings showed that 56% and 14 % of the respondents agreed that communication on policy and strategy related to disability equity is important in addressing the challenges of disability within the municipality. It was further found that 40% and 37 % further agree that education and training on related disability issues is important in addressing disability within the municipality.

Results show that in addressing the challenges associated with implementation of affirmative action, communication on policy and strategy related to disability equity, adherence to the legislation on EEA and disability equity targets, and education and training on related disability issues, are important in addressing disability, and in implementing affirmative action measures for PWDs. In King Cetshwayo District Municipality training and development for employed PWDs is assisting them in gaining skills and acquiring permanent positions, the majority of them being on fixed-term contracts. However, strategies dealing with Employment Equity and affirmative action are not communicated to employees. One respondent indicated that management's knowledge pertaining to EE is limited. This is also a challenge hindering the implementation of AA and EE.

5.11 Conclusion

The chapter presented both quantitative and qualitative results in accordance with each objective of the study. The majority of the respondents, both qualitative and quantitative, were Africans over the age of 35, with no disability, permanently employed, with less than 5 years' experience. These were mostly junior employees with a diploma or below matric qualification.

The findings revealed that the challenges faced by the local sphere of government on implementation of affirmative action measures pertaining to people living with a disability are: inadequate resources, lack of opportunities, nature of work, misconceptions about PWDs, and lack of qualifications and skills amongst PWDs. Furthermore, this chapter presented results revealing that there is partial compliance with disability equity targets as set out in the EEA

within KCDM. In addition, non-compliance was revealed to be a non-factor, having a minimal effect on employee relations. Pertaining to the awareness levels of people living with a disability, results showed that no awareness is being given on affirmative action measures, thus affecting the knowledge of such concepts among employees and PWDs. Lastly, it was found that measures such as communication of policies and strategy related to disability equity, training and development of PWDs should be put in place, ensuring that disability equity is achieved within KCDM. The next chapter presents the analysis of the research findings.

CHAPTER SIX

DISCUSSION OF FINDING

6.0 Introduction

The previous chapter presented both the quantitative and qualitative findings of the study. The main aim of this chapter is to discuss the findings highlighted in the previous chapter. The chapter also links the results of the study outlined in Chapter Five to the literature review presented in Chapters Two and Three in order to assess the way in which the study objectives have been achieved. The objectives of the study were as follows:

- i. To investigate the challenges faced by the local sphere of government regarding implementation of disability equity.
- ii. To establish whether there is compliance with disability equity targets as set out in the Employment Equity Act.
- iii. To elicit how non-compliance with disability equity targets as pronounced in the Employment Equity Act may affect employment relations.
- iv. To determine the awareness levels of people with disability regarding disability equity.
- v. To determine measures that may be put in place to ensure that disability equity is achieved.

6.1 Objective One: Challenges faced by the local sphere of government regarding implementation of disability equity

As outlined above, the main objective of the study was to investigate the challenges faced by the local sphere of government regarding implementation disability equity. The following findings were made regarding these challenges:

6.1.1 Inadequate resources

The quantitative study revealed that having inadequate resources is a major challenge faced by the local sphere of government in implementation of affirmative action measures pertaining to people with living with a disability. Based on the results, it was found that the majority (58.23%) agreed that there are inadequate resources in local government for the implementation of affirmative action measures pertaining to people living with a disability. This finding reaffirms the findings of previous studies conducted in South Africa (Maja *et al.*, 2016). A study by Maja *et al.* (2016) found that lack of resources increased disability prevalence which serve as a barrier to achieving the set disability equity target. According to Maja *et al.* (2016), the inability of PWDs to access workplaces owing to inadequate parking facilities and inaccessible public transport is a major concern for the disabled and for most organisations. Infrastructure at King Cetshwayo District Municipality is a barrier to the accommodation of PWDs. Wheelchair-bound PWDs are not able to access certain parts of the building. Research conducted by Rankhumise & Netswera (2010) also revealed that most departments in South Africa do not have the necessary resources to support the implementation of affirmative measure pertaining to PWDs.

Research within Bank Seta, a local statutory body, established by the Minister of Labour, to support and develop the level of current and future skills needed in the banking sector, indicated that most of the employers within the banking sector commented that the buildings were not accessible to PWDs. The fleet vehicles of King Cetshwayo District Municipality also pose a challenge as they do not cater for PWDs using wheelchairs. The municipality only caters for able-bodied persons using manual transmission cars. The municipality does, however, employ PWDs with driver's licences who are unable to use the municipality's vehicles. The majority of challenges pertaining to infrastructure come down to budgetary constraints and improper planning. Budgeting and planning for resources is conducted on the 'now factor' and the future is not considered (Oosthuizen & Naidoo, 2010). Naidoo & Kongolo (2010) also found that resource constraint is a major challenge facing most organisations in South Africa apropos of the implementation of AA measures on disability.

6.1.2 Lack of opportunities

The findings also show that the majority (53.17%) of the respondents agreed that lack of opportunity is a challenge for the implementation of AA within King Cetshwayo District Municipality. The qualitative results agree with the quantitative findings. Even though PWDs may have a formal qualification, their opportunity to work may be further restricted by their type of condition and the nature of the work to be conducted, as indicated by respondents of KCDM. Although KCDM had encountered PWDs with adequate qualifications for the job, specific types of disability at times mitigate against employment of the individuals.

This finding agrees with the previous ones by Maja *et al.* (2016). Maja *et al.* (2016) found that the lack of opportunities increases disability prevalence, which serves as a barrier to achieving the target as set out by the Employment Equity Act. A study by Oosthuizen & Naidoo (2010) also reaffirms that lack of opportunities is a serious challenge affecting the implementation of affirmative action measures within the South African workplace. The municipality is a Water Services Authority. Its business is water purification and distribution. The water treatment plants are not accessible by certain categories of PWDs. No facilities are accommodative to PWDs. The municipality cannot easily employ PWDs to function in their core business. However, Makgoba (2015) recommends proper implementation of affirmative action and employment equity in order to provide individuals and society with opportunities to bring out the best in people, and to advance people and systems within society. Makgoba (2015) argues that equal opportunities should be given to everyone irrespective of his or her physical status, in order to avoid discrimination.

6.1.3 Cultural myths

The findings also reveal that cultural myths are not a challenge which affects the implementation of affirmative action measures in the local sphere of government pertaining to people with disability. Based on the results, most participants disagreed that cultural myths are a challenge which affects the implementation of affirmative action measures for people with disability in the local sphere of government. This finding contradicts the previous findings by Maja *et al.* (2016), which states that cultural myths are a challenge affecting such affirmative action in South Africa. According to Maja *et al.* (2016), cultural myths appear also to have played a role in disability discrimination. Some African cultures view disabled children as a

social and economic curse on their family. Such offspring are often considered a burden. In light of this view, many disabled people see themselves as human beings without purpose.

6.1.4 Misconceptions

Another challenge affecting AA implementation is misconceptions regarding PWDs. With reference to the findings, the majority (56 %) agreed that misconceptions provide a challenge affecting the implementation of AA in King Cetshwayo District Municipality. This finding confirms the previous findings of Gida and Ortlepp (2016). Gida & Ortlepp (2016), in their previous study, found that the problem of accommodating PWDs is no longer about money, but rather about time and effort spent trying to change attitudes towards PWDs. A study by Maja *et al.* (2016) also supports the findings that misconceptions are among the challenges to the implementation of affirmative action measures for South Africans with disability.

Further research conducted in South Africa revealed that ignorance relating to disability resulted in negative attitudes towards PWDs. According to Bachelder & Braddock (2015) negative attitudes affect the employment decisions for PWDs. Such attitudes influence the type of position offered and the extent to which reasonable accommodation is provided for PWDs. This is supported by research conducted by the International Labour Organisation (2014), which has shown that discrimination may occur in the workplace if negative attitudes are present.

The qualitative results confirm the quantitative findings. Results from KCDM reveal that misconceptions on PWDs do exist. Management feels largely that PWDs have a sense of entitlement to work based on their being disabled. They therefore show little or no eagerness to develop, and take for granted the opportunities offered to them through training and development. The stereotypical PWD employed by the municipality is perceived as not willing to work, feeling entitled to employment. This creates a challenge for management in developing PWDs and employing them on a permanent basis – the majority are on fixed-term contracts. Misconceptions act as an effective bar to persons with disabilities to meaningfully participate in and contribute to the South African economy. This makes it difficult for PWDs to be provided with fair opportunities of realising their full potential. Biased attitudes and unjustified perceptions are largely strengthened by widespread ignorance and a belief in

stereotypes. Ultimately, this leads to such persons being unfairly discriminated against in society in general, and in employment in particular (Pillay, 2010).

2.1.5 Physical environment

Based on the findings, the quantitative study disagreed that physical environment is a challenge faced by the local sphere of government regarding implementation of affirmative action measures pertaining to people with disability. However, the qualitative results indicate that the physical environment affects the implementation of AA measures pertaining to PWDs. The qualitative findings agree with the previous study carried out by Maja *et al.* (2016). The authors, in their previous study, found that the physical environment, such as infrastructure, equipment, and machinery presents significant barriers to the employment of PWDs. The inability of PWDs to access workplaces owing to inadequate parking facilities and inaccessible public transport were some cited concerns.

2.1.6 Lack of experienced and skilful personnel

The qualitative findings show that the lack of experienced and skillful PWDs affects the implementation of AA measures within the organisation. The majority of PWDs do not have the necessary skills required in most instances for employment. Most PWDs employed within the municipality do not have a matric or any tertiary qualifications.

With regard to the qualitative findings, the participants indicated that formal qualifications are required for most positions; and that they experience difficulty in sourcing PWDs with adequate skills and qualifications. A study in South Africa by Wordsworth (2013) established that there is a lack of PWDs with adequate qualifications for employment. This may result from a history of limited access to education via a supportive scholastic environment. While South Africa has developed policy allowing the establishing of an inclusive education system, such implementation has been slow. This is supported by the Integrated National Disability Strategy which reported that over half of children with disabilities are not receiving adequate education. It may be assumed that part of the problem of unskilled PWDs is related to the educational system and opportunities for children with disabilities.

6.2 Objective Two: Does the municipality comply with the disability equity strategy as set out in the Employment Equity Act?

The second objective of the study investigated whether there is compliance with disability equity targets as set out in Employment Equity Act. Based on the results of both studies, the following findings were made:

6.2.1 Compliance with EEA

With regard to the quantitative study, there were no findings that the municipality complies with EEA. However, in the case of a qualitative study, findings show that the municipality does comply with the EEA. This finding reaffirms the provisions in the EEA on AA measures and the EE. In terms of the Employment Equity Act, No 55 of 1998, King Cetshwayo District Municipality is classified as a designated employer. This classification obliges the municipality to comply with and implement employment equity in its work environment. Moroosi (2010) states that the implementation of the EE Programme is transformational, based on the objectives of the EEA of bringing about lasting societal transformation by enforcing specific measures to be taken by designated employers. The EEA also requires every organisation and department in South Africa to formulate Employment Equity Programmes. The municipality's Employment Equity Programme includes the following activities: the development of an Employment Equity Plan whereby issues of representation or targets and affirmative action measures are addressed; the EE Policy; the enhancement of a consultative forum; and an annual submission of an EE Report to the Department of Labour. The development of an EE Plan is preceded by a process of conducting EE audits. Smith & Roodt (2006) advocate the importance of conducting EE audits in order to identify possible adverse impacts on effective implementation of EE.

The EEP's mandate is to create equal opportunities and promote fair and non-discriminatory practices in the workplace. These are based on addressing the historical apartheid practices that prevailed in South Africa before 1994. These practices include disparities in employment, occupation, and income within the national labour market. Spiegel (2016) notes that such disparities created a great disadvantage to certain categories of people, specifically, Black people, women, and people with disabilities. Selby & Sutherland (2011) emphasise the importance of regulating the work environment, noting that the South African government has

demonstrated its commitment to dealing with the problem of inequality and discrimination in the workplace. The promulgation of transformational labour laws, policies, and systems further indicates the government's intention to eradicate inequalities and discriminatory practices, as well as to promote a conducive work environment (Selby & Sutherland, 2011).

The historical background described in Chapter 3 implies that the fundamental purpose of the EEA ought to be equitable representation at occupational levels and categories of the workforce profile. The White Paper on the Transformation of Public Service (1995) emphasised the need to transform, creating an equitable public-service work environment to provide efficient service delivery (Section 3.2.1).

Gida & Ortlepp (2016), in their study, note that South African government has placed great emphasis on the promotion of equality in society. The authors suggest that significant gains have been achieved at the level of policy and legislation during the twelve years of South African democracy to that date. According to Gida & Ortlepp (2016), despite the significant gains that have been achieved at the level of policy and legislation, many employers are not complying or paying enough attention to this dimension of employment equity. The authors add that the target set by government was for 2% of the total workforce to comprise people with disabilities by 2005. This target had not yet been achieved owing to non-compliance by some employers and municipalities across the country.

Jakovljevic & Buckley (2011), in their study, also suggest that the level of compliance is poor among some employers in South Africa. The above authors argue that South African law on affirmative action requires employers to draw up employment equity policies for proposed recruitment and reasonable accommodation of disabilities. Part of this policy must include some reference to the proposed employment and treatment of people belonging to the designated groups.

6.2.2 Provision of facilities for disabled persons

With reference to the quantitative study, findings reveal that the municipality does not provide facilities for disabled persons. However, the qualitative findings indicate that the municipality does indeed ensure the provision of facilities for disabled persons. The qualitative findings are contrary to the previous findings by Maja *et al.* (2016). On the other hand, the quantitative findings agree with the findings of Maja *et al.* (2016). A study conducted by Maja *et al.* (2016)

reveals that most institutions in South Africa, especially those in the banking sector, have buildings that are not accessible to PWDs in wheelchairs. Major changes are required to accommodate wheelchair-bound PWDs appropriately. Wordsworth, in his South African research, (2013) which examined generic barriers to employment of PWDs in the open labour market, identified inaccessibility of buildings and infrastructure as the predominant physical barrier to employing PWDs. Duvenhage & Van der Westhuizen (2013) recommend that organisations should provide appropriate facilities for PWDs in order to accommodate them.

6.2.3 Employment of PWDs

The findings of both studies show that the municipality complies with AA measures by employing PWDs. Results from both studies confirm that the municipality has employed PWDs although the majority of such employees are employed on a fixed-term basis. Few respondents feel that the municipality has initiated employment of PWDs. On the contrary, the municipality was approached by a college seeking in-service training for PWDs. Respondents believe that the municipality had made no attempt or initiative to employ PWDs until the in-service training approach. Respondents also maintain that the municipality has only employed PWDs to achieve compliance with the 2% threshold. PWDs are not equally represented in all occupational levels as per requirement of the EEA. A study carried out by Maja *et al.* (2016) reveals that most organisations in South Africa comply with AA measures in that they do employ PWDs. According to Maja *et al.* (2016), the International Labour Office acknowledges that examples of good practices in promoting employment of PWDs are present in South Africa. Good practices were evident in both organisations which were actively recruiting PWDs. The authors argue that some organisations used recruitment agencies that specialised in the placement of PWD, whereas others used a “word of mouth” process. However, both organisations give preference to PWDs who meet the minimum requirements for the position applied for.

6.2.4 Employment Equity Plan in the municipality has a section that specifically addresses disability

The findings of both quantitative and qualitative studies suggest that the municipality has the EEP to address disability issues. For example, in the quantitative study, findings reveal that the majority (66 %) of participants agreed that the municipality has a section that specifically addresses disability in the employment equity plan. In terms of the qualitative study, respondents also indicated that the municipality has an Employment Equity plan in place. It also caters for barriers pertaining to PWDs. Respondents maintain that the municipality only started complying with the 2% threshold in 2014. In previous years the municipality had been non-compliant. This was not a predicament for the municipality owing to ignorance and lack of knowledge on EE by management.

6.3 Objective Three: The extent to which non-compliance with the disability equity plan as pronounced in the EEA affects employment relations.

The study also investigated the extent to which non-compliance with disability equity targets as pronounced in the EEA affects employment relations. The following findings were made as indicated in Chapter Five above.

6.3.1 Loss of employment opportunities

The quantitative findings suggest that the majority (88%) of the respondents disagreed that most people with living with a disability have lost their jobs in the municipality because of non-compliance with the disability equity targets. However, in the case of the qualitative study, there were no findings to this effect. This finding agrees with the study conducted by Duvenhage & Van der Westhuizen (2013) which suggests that AA is intended to create equality amongst South Africans. AA must provide dignity for certain disadvantaged groups, empowering them to compete for employment opportunities. All designated employers under the Disability Code, “should reasonably accommodate the needs of people with disabilities”.

According to Census (2011), in five of the six functional domains, employment levels were highest among persons with no disability, and lowest among persons with severe disabilities across the provinces. Employment levels are higher for persons with sight disability compared with other disability types (Census, 2011). The severity of disability greatly impacts on

economic outcomes pertaining to employment, with different population groups affected differently. The White population group had the highest proportion of employed persons, while the Black African population group had the lowest proportion across all functional domains and degrees of difficulty. Census (2011) revealed that females were more marginalised in terms of employment than males. The profile of non-economically active persons shows that the Black African population group had the highest prevalence, particularly amongst persons with disabilities (12% for those with disabilities and 11 % for able-bodied persons). Provincial profiles show that Eastern Cape and KwaZulu-Natal had the highest proportion of non-economically active persons with a disability (19% and 15%).

6.3.2 Disability Equity targets

The quantitative study indicated that the respondents disagreed that the municipality did not meet the equity target set by the government owing to non-compliance with the EEA. This finding disagrees with the findings of previous studies (Majola *et al.*, 2016; Maladzhi *et al.*, 2012; Mitra, *et al.*, 2013).

Maladzhi *et al.* (2012) found that there is unequal representation of the workforce in most South African organisations. According to the authors, disabled persons are often marginalised in South Africa even though there are laws that protect them against unfair discrimination in society. Maladzhi *et al.* (2012) argue that only a small proportion of people with disability are part of the workforce in South Africa. The Employment Equity Act states that companies must employ 2% of people living with disability. However, most organisations are unable to achieve this target. Majola *et al.* (2016) notes that a study conducted by the Independent Living Institute (2015) estimates that 99% of people with disabilities in South Africa are omitted from employment in the labour market, such people relying mainly on social security benefits for survival.

Mitra *et al.* (2013) found that, although there was progress in the employment of people with disabilities, government departments failed to meet the target, despite the deadline being extended to 2010. According to Hindle *et al.* (2010), the underutilization of people with disabilities results from employers' unwillingness to take the assumed risk of employing people with disabilities. Despite the prescripts governing the South African public service, many people with disabilities are not gainfully employed. Although it is obviously important to

provide work for disabled people, this population is still generally restricted in their attempts to gain employment. The South African population is estimated at more than 54 million, with the unemployment rate having increased to 25.5% (Statistics SA, 2014). The South African public service is the largest employer in the country, employing 2,161 million public servants dispersed across all nine provinces (van Wyk, 2015). KaNtoni (2012) notes that only 4 798 (0.36%) were people with disabilities. KwaZulu-Natal has the second-largest population after Gauteng Province of approximately 12.91 million people.

6.3.3 Resignation from post

The quantitative findings disagreed that some disabled persons have resigned from their post because the municipality has failed to comply with the disability Act. With reference to the results, the findings show that most (77%) disagreed with the statement that some employees living with a disability have resigned from their post because the municipality has failed to comply with the EE Act. Duvenhage & Van der Westhuizen (2013) recommend that all designated employers under the Disability Code, “should reasonably accommodate the needs of people with disabilities”. The essence of AA measures is to protect the disadvantaged group from discrimination in the workplace. In view of this, every organisation is taking active steps to provide employment opportunity for PWDs and to ensure that such employees remain active in employment for as long as possible.

6.3.4 Discrimination against PWDs

The findings of both studies reveal that there is no discrimination against PWDs. For example, the quantitative results show that most (85 %) of the respondents disagreed that there is discrimination in the municipality, in terms of people with disability not being regarded as part of the working class. This finding further supports the provisions in the various legislative acts that address discrimination and disability in South Africa. According to Maja *et al.* (2016), South Africa has developed policy and legislation to overcome barriers faced by people with disabilities in the labour force, yet there remain practical issues relating to the implementation of these policies. The main laws that address disabilities and discrimination in the South Africa context include: the Constitution of the Republic of South Africa Act 108 of 1996; the Promotion of Equality and Prevention of Unfair Discrimination Act; the Employment Equity

Act 55 of 1998; the Skills Development Act; and the White Paper on an Integrated National Disability Strategy (INDS).

Maja *et al.* (2016) aver that the South African constitution provides that “South Africa belongs to all who live in it; we are united in our diversity”. Subsection (1) states that everyone is equal before the law and has the right to equal protection and benefit of the law. Subsection (2) provides that equality includes the full and equal enjoyment of all rights and freedom to promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.

Duvenhage & Van der Westhuizen (2013) are of the view that PEPUDA is the second-most important act of legislation in South African protecting the rights of physically challenged persons against any form of discrimination. The Act provides the following description of discrimination on the basis of disabilities: “Disability discrimination includes any act, practice or conduct which has the effect of unfairly hindering or precluding any person or persons who have or who are perceived to have disabilities from conducting their activities freely, and which undermines their sense of human dignity and self-worth, and prevents their full and equal participation society” (p.119). The Act imposes a clear and unequivocal duty on the State to give special consideration to the rights of persons with disabilities.

Modise *et al.* (2014) state that EEA is an important piece of legislation that promotes equality in South Africa. In terms of Section 20 of the EEA (RSA 1998), to achieve employment equity, all government departments must implement affirmative action measures for people from designated groups (Blacks, women, and people with disabilities) in terms of this Act. The Act states that there needs to be equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce (Blooms T. *et al.*, 2010). It also states that there is the need to provide appropriate training measures for people from designated groups (Section 15(2)). The EEA further stipulates that there must be reporting on affirmative action to the Department of Labour. Reports submitted to the Department of Labour reveal that government has met its targets for Blacks but not its gender or disabilities targets (Bentley & Habib, 2011). However, sanctions for non-compliance with affirmative action measures in the EEA are not being enforced in government departments. It would be extremely embarrassing for the government to take itself to court.

6.3.5 Stress among PWDs

Findings further disagree that the stress level among disabled in the municipality is high because of the failure by the municipality to comply with the legislation on disability. With regard to the quantitative study, findings show that the greatest proportion (59%) disagree with the statement that the stress level among disabled employees in the municipality is high because of the failure by the municipality to comply with the legislation on disability.

6.4 Objective Four: Awareness levels of people with disability regarding affirmative action measures that affect them

The fourth objective of the study investigated the awareness levels of PWDs regarding AA measures that affect them. The following findings were made as presented in Chapter Five above.

6.4.1 Education on AA measures pertaining to disability equity

The results of both studies show that the municipality fails to educate PWDs on AA measures and disability equity. For instance, the quantitative findings reflect that more than half of the participants disagreed with the statement that PWDs were educated on the affirmative action measures and the Employment Equity plan in the municipality. The findings reaffirm the previous findings of Duvenhage & Van der Westhuizen (2013). Duvenhage & Van der Westhuizen (2013) suggest that most disabled people in South Africa are not fully aware of the affirmative action measures, little education having been conducted by all the stakeholders involved. The authors argue that equality for people with disabilities is merely a fabrication of what is expected in practice from South African anti-discrimination legislation. The South African government has not yet proposed specific programmes to educate and integrate people with disabilities; hence most people are not aware of the affirmative action measures.

6.4.2 Municipality organising of workshops to promote the awareness on AA plan

The findings show that the municipality does not often organise workshops to promote awareness on affirmative action and the employment equity plan. Also, the findings from the qualitative study reveal that the municipality has no awareness programmes on EE and AA

measures which address barriers specifically pertaining to PWDs. Thus the lack of awareness and knowledge of EE and AA for PWDs in the municipality further perpetuates ignorance and reluctance to comply and improve the lives of PWDs as employees and potential employees. Duvenhage & Van der Westhuizen (2013) argue that awareness workshops are conducted using a general approach. There is a huge reliance on the members of the Employment Equity committee to bring awareness on EE and AA. Members of the EE do not consult constituencies as per expectation. The committee is seen as merely offering a rubber stamp, and has only been established for the purpose of compliance.

6.4.3 Celebration of International Disability Day

The findings of both studies show that the municipality does not join in the celebration of International Disability Day. As indicated in Chapter Five above, the majority (55 %) of the respondents further cited that the municipality does not even join in the celebration of the International Disability Day. The qualitative results also reveal that the municipality does not partake in the celebration of international disability day. According to Modise *et al.* (2014), celebration of the international day on disability is important to create awareness on the need to respect and promote the interest of PWDs. Modise *et al.* (2014) add that the celebration of International Disability Day is intended to create awareness as well as to educate the general public about the rights of PWDs.

6.4.4 Provision of medical aid cover

Findings reveal that the majority (72 %) of the respondents disagreed that people with disability were denied provision of medical aid cover by the municipality. The findings agree with the previous study conducted by Duvenhage & Van der Westhuizen (2013). Persons with disabilities have not only experienced unfair discrimination in the past regarding exclusion from medical cover, but they continue to be at the receiving end of 'unjustified' perceptions by employers, which leads to their continued discrimination and marginalization in the labour market (DOL). Duvenhage & Van der Westhuizen (2013) found that most organisations in South Africa have comprehensive medical cover for their employees, including PWDs. Findings by Modise *et al.* (2014) also confirm that the majority of PWDs who are employed by organisations have medical cover which provides them with medical attention.

6.5 Objective Five: Addressing challenges associated with the implementation of AA measures in the municipality

The last objective of the study examined measures to address challenges that affect the implementation of AA measures in the municipality. The main findings of the study were presented in Chapter Five above.

6.5.1 Adherence to the legislation on disability.

With regard to the findings, the qualitative study reflects that the majority of the participants recommended that full adherence to the legislation on disability is necessary in addressing the challenges associated with the implementation of AA measures within the municipality. Duvenhage & Van der Westhuizen (2013) propose that, even though there are numerous acts of legislation on disabilities, “by creating legislation which uplifts and protects disabled people such as the ADA, will strive to reach the goals of the South African Constitution and International Conventions” . Naidoo *et al.* (2011), in their study, also recommended effective policies in addressing the challenges associated with the implementation of AA. The authors found that South Africa has developed policy and legislation to overcome barriers confronting people with disabilities in the labour force, yet there remain practical issues relating to the implementation of these policies. According to Naidoo *et al.* (2011), the Department of Labour and other institutions responsible for the employment of AA, do in fact ensure that all companies develop policy on disability in order to accommodate those living with disability.

A designated employer is obliged, in terms of the EEA, to develop an EE plan before implementing AA measures (Van Wyk, 2015). This should be preceded by other activities, such as conducting EE audits to enhance underrepresented levels or categories. The EE audits should also analyse the work environment regarding policies, procedures, practices, and facilities that are discriminatory or may impede implementation of EE.

6.5.2 Provision of facilities for PWDS

Based on the findings, the qualitative study reveals that provision of adequate facilities for PWDs is important in addressing challenges associated with the implementation of AA

measures within the municipality. However, in the case of the quantitative study, the participants neither agree nor disagree that provision of facilities for PWDs is important in the addressing of challenges affecting the implementation of AA measures. This finding reaffirms the previous findings by Maja (2011). Maja (2011) recommends that physical infrastructure such as offices, lifts, walkways, and wheelchair-friendly facilities suitable for people living with disability are important in overcoming the challenges facing them. However, Maja (2011) contends that most organisations have indicated that their infrastructure is often not disability friendly; and this further restricts the employment of PWDs. This is supported by research by the Bank SETA and Wordsworth (2013). Maja (2011) suggests that government should encourage employers or organisations either to revamp or build suitable premises that will ensure that the environment is accessible to PWDs, successfully integrating PWDs into the workplace. A study by Duvenhage & Van der Westhuizen (2013) found that most organisations in South Africa have indicated that they are in the planning stages of making their infrastructure accessible to PWDs according to national standards. Also, it was identified that most organisations in South Africa are in the process of implementing their plans of making their environments accessible to PWDs with mobility impairments.

6.5.3 Communication on policy and strategy related to disability equity

The quantitative findings show that most of the participants agreed that communication on policy and strategy related to disability equity is important in addressing the challenges of disability in the municipality. However, with regard to the qualitative findings, respondents reported that the municipality does not communicate nor give feedback. This is evident in the malfunctioning of the EE committee and the lack of knowledge in management about EE, AA, and disability equity. The lack of communicating strategies and policies also contributes to ignorance and non-compliance as the set targets and goals are not clearly communicated.

Communication serves as a foundation for planning. Modise *et al.* (2014), in their study, also recommend that the government, employers in all sectors, NGOs, and Human Rights activists should increase awareness among able-bodied employees to accommodate employees with disabilities. Maja *et al.* (2011) also recommend that the policy and strategy related to disability equity should be communicated to the entire organisation. The strategy document should outline exactly the ways in which the company plans to integrate people with disabilities into the workplace. A detailed roll-out plan for implementation of interventions to change attitudes

and the organisational culture to be more accommodative of people with disabilities must be developed, setting accountability requirements and time lines. The interventions should include sensitization of all staff members on acceptable behaviour around people with disabilities, empowering line managers on how to manage people with disabilities, and reasonable accommodation interventions. All the essential information must be communicated to the managers, who, in turn, must communicate the plans so as to implement them. Organising also requires effective communication with others about their work-related tasks. Similarly, leaders as managers must communicate effectively with their subordinates so as to achieve the team goals. Communication also plays a crucial role in altering individuals' attitudes, i.e., a well-informed individual will have a better attitude than a less well-informed individual. Organizational magazines, journals, meetings, and various other forms of oral and written communication help in moulding employees' attitudes and awareness.

6.5.4 Education and training on related disability issues

Findings from both the quantitative and qualitative studies recommend that education and training on related disability issues is important in addressing disability within the municipality. Training and development is regarded as one of those critical interventions necessary for effective implementation of EEP, based on the historical background of the designated group. This is so because designated groups have previously been denied access to learning institutions, and they therefore need to be empowered in order to be on a par with other designated groups. The findings reaffirm the previous research carried out by researchers. Esterhuizen (2012) found that training and development is an effective EE strategy, in which resources should be allocated which address under-representation levels of designated groups.

It has also been noted that the alignment of training and development with the EEP is crucial as stipulated in the Skills and Development Act of 1998. Walbrugh & Roodt (2013) agree that training and development should form part of EE strategies in order to accelerate achievement of EE objectives. Respondents are of the view that the municipality does indeed train and develop employees; however, the training is seemingly not aligned with the municipality's EE plan. This hinders the municipality in combating inequity, more especially disability inequity, through training and development. The non-communication of strategies and policies pertaining to EE, AA, and disability, renders training and development initiatives void. Such

measures are not aligned with the EE plan; therefore, this hinders the compliance with AA measures within the municipality.

6.6 Conclusion

The chapter discussed the findings of the study in accordance with the objectives as outlined above. The chapter discussed the findings on challenges faced by the local sphere of government regarding implementation of disability equity. The discussion focused next on ways in which the municipality complies with the disability equity strategy as set out in the Employment Equity Act. Furthermore, the discussion of the findings centred on ways in which the municipality's non-compliance with disability equity targets as pronounced in the EEA affects employment relations.

In addition, the chapter discussed the findings on the awareness levels of people with disability regarding affirmative action measures pertaining to disability equity in the municipality. The last section of the chapter presented the discussion on the findings on measures that may be put in place to ensure that disability equity is achieved in the municipality. The next chapter discusses the recommendations and conclusion of the study based on the research results.

CHAPTER 7

RECOMMENDATIONS AND CONCLUSION

7.0 Introduction

This chapter integrates the information gathered throughout the previous chapters with a view to providing a conclusion and recommendations based on the study objective. The goal was to investigate challenges associated with the implementation of affirmative action measures pertaining to people living with a disability.

South Africa's historical background has had a major influence on the work environment, with specific reference to discriminatory policies, procedures, processes, and practices. These include inconsistent applications and unfair treatment of employees in the work environment, which has resulted in divisions among employees. The democratic government inaugurated in 1994 promulgated a series of laws in an attempt to create a conducive work environment based on non-discriminatory, equitable, and fair treatment. The researcher's interest was sparked by the fact that the transformation laws have been in place for over a decade. Municipalities, as organs of the state have challenges with complying with the transformation laws, specifically for people living with a disability. The crucial question is: what challenges does local government have in implementing affirmative action measures designed to achieve disability equity in the workplace, eliminating discrimination for people living with a disability?

7.1 Summary of findings

The main findings of the research may be summarised as follows:

7.1.1 Lack of communication on employment equity plans and strategies

The results presented in the previous chapter reveal that there is a lack of communication on the employment equity plans and strategies put in place to overcome barriers to achieving Employment Equity. This has led to inadequate planning for the achievement of disability equity and implementation of affirmative action measures. Lack of thorough communication has also impacted awareness on disability equity. This also perpetuates ignorance — lack of knowledge amongst management has been highlighted.

7.1.2 Inadequate recruitment and retention strategies are applied by the municipality

The focus in the municipality is on the usual advertising practices, such as advertising in the newspaper and on the municipality's website. These practices have not yielded favourable results: the municipality still receives no applications from PWDs, although such people are encouraged by most adverts to apply. Persons living with disabilities do not apply for posts as they are not aware of the existence of such posts; or they may not view the municipality as an employer of choice. No retention strategy is in place for PWDs in the municipalities.

7.1.3 Inability to attract suitable qualified and skilled persons with disabilities

The core work of the municipality does not accommodate PWDs. Special reconfiguration is required, which the municipality cannot afford to install in order to accommodate PWDs in the mainstream of the municipality. In certain specialist occupations or where the posts attached to occupations have specific physical demands associated, it is very difficult for the municipality to employ a PWD. The municipality cannot reasonably accommodate such employees. Core work of the municipality requires process controllers for the water treatment plants and general workers who need to be able-bodied and sighted.

7.1.4 Management faces multiple implications associated with employing persons with disabilities

Management faces multiple implications in employing PWDs owing to the unique needs of persons with disabilities to be accommodated. The associated costs involved are not budgeted for. No retention strategy exists and very little is known about disability equity and the implementation of affirmative action measures to cover barriers to overcoming disability. The municipality has no plans, strategy, or budget to assist in accommodating PWDs therefore making them employable by the municipality.

7.1.5 Unequal representation of people with disabilities

Persons with disabilities are marginalized, being employed by the municipality on a fixed-term basis. They are not represented on all occupational levels equally, mostly occupying the unskilled level, having very few or no benefits.

7.1.6 Access to work and condition of infrastructure

There is poor accessibility for persons with disabilities in respect of buildings and workplace ergonomics. PWDs have limited access to the building should lifts not be working. The inherent “cost implications” of appointing persons with disabilities is a great challenge. The municipality does not have adequate financial resources to cater for the needs of people within the workplace who have disabilities. Accommodating PWDs in KCDM has been reactive rather than proactive. Results reveal that most infrastructural issues to be addressed were issues of accessibility, such as lifts, ramps, parking bays and toilets. However, the municipality does not address the crucial aspect of Braille and audio in lifts for PWDs employed, and for the general public accessing the building. Reception staff do not receive any training on sign language in order to communicate with deaf people, should the need arise. Possible strategies to overcome the above mentioned challenges are discussed below.

7.2 Recommendations

This study investigates the challenges of implementing disability equity. The conclusions drawn from the findings call for the following recommendations for effectively implementing affirmative action for PWDs.

Removing barriers is only the first step towards ensuring fairness and equity in the workplace. In the context of historical disparities in South Africa, the Act requires employers, employees and representative trade unions jointly to develop strategies which advance designated groups. Such employers should adopt appropriate affirmative action measures, incorporating them into formal Employment Equity Plans (Duvenhage & van der Westhuizen, 2013). Affirmative action measures are essentially remedial measures designed to achieve equity in employment as an outcome. Recommendations are presented as per objectives of the study below.

7.2.1 Objective One: To investigate the challenges faced by the local sphere of government regarding implementation of disability equity.

The study found access to work and infrastructure conditions to be one of the challenges faced by KCDM in implementing disability equity. To overcome this challenge the researcher proposes the implementation of the following:

7.2.1.1 Developing infrastructure to accommodate PWDs

King Cetshwayo District Municipality should commission a work environment audit to establish the appropriateness of all workplaces, including all its satellite offices and water treatment plants, as suitable for all employees with disabilities. KCDM should also consider the general public with disabilities who come into contact with the municipality. The audit should focus on the following accessibility issues affecting persons with disabilities: building design, availability of disabled parking, size of parking bays, access to buildings, lighting in car parks, identification signs, kerbs on edges of ramps, gradients, stairs, handrails, doorways, windows, toilets, light switches, signals, and warnings signs (Sithole B., 2014).

A work environment audit refers to the assessment of a workstation or work environment and the individual's job function, to ensure that necessary items are ergonomically designed to minimise the risk of injury while maximising productivity. Ergonomics include physical aspects of the work environment, such as workstation set-up and equipment, noise, temperature, lighting, and access, as well as organisational aspects such as workload, job pace, and workplace diversity. The Ergonomic Assessment for a person with a disability in the workplace will make recommendations to reasonably accommodate the individual, allowing him or her to function to full capacity.

The municipality should ensure that structures, work environment and facilities cater for employees, including women and employees with disabilities. Such measures require an enabling environment for disabled workers so that they may participate fully and, in so doing, improve productivity (Sithole, 2014).

Departments within the municipality must allocate adequate resources in their annual expenditure framework or budget for the provision of an enabling environment for persons

with disabilities. Such allocations should take into consideration the costs associated with the purchasing of assistive devices, and furniture that meets the needs of persons with disabilities.

Other crucial aspects such as producing and printing of Braille documents for blind employees and community members should be considered. Audio indicators in the lifts should be installed to accommodate blind people. Fleet vehicles should also cater for PWDs. Some who are employed by the municipality do have drivers' licences but currently cannot drive the municipality's pool vehicles, these not having been modified to accommodate PWDs.

7.2.2. Objective Two: To establish whether there is compliance with disability equity targets as set out in the Employment Equity Act.

The study results revealed that KCDM does not fully comply with the disability equity targets as set out in the Employment Equity Act. To combat that challenge the following is proposed.

7.2.2.1. Improved recruitment practices

Advertisements should explicitly target persons with disabilities by indicating that such persons will receive preference during selection. The wheelchair emblem should be included on all such advertisements (PSR, 2012). The type of job and functions as well as the minimum requirements for employment must also be clearly defined in the advertisement, so as to ensure that persons with disabilities are able to determine whether they are qualified to perform in the relevant post (PSR, 2012).

Alternative advertising methods in the media should be explored such as radio adverts on local community radio stations which target persons with visual impairments. Links with organisations representing persons with disabilities should also be fostered to create access to persons with disabilities (PSR, 2012). At a district level, a job access event should be held during which managers may meet potential candidates, elaborating on employment opportunities within their municipality.

Promotional material must also be developed that displays King Cetshwayo District Municipality as an employer of choice for persons with disabilities. Such material should be distributed at career expositions in surrounding tertiary institutions, such as uMfolozi TVET College and University of Zululand.

7.2.3. Objective Three: To elicit how non-compliance with disability equity targets as pronounced in the Employment Equity Act may affect employment relations.

The result of the study reveals that non-compliance with disability equity does not affect employment relations in KCDM because of ignorance and the lack of knowledge amongst management. The researcher therefore proposes the following in overcoming the said challenge.

7.2.3.1 Commitment by senior managers to promote disability equity

To increase the commitment of senior managers to disability issues, disability equity must be included in the performance agreements of all senior managers within a department, as a strategic priority under the Core Management Competencies of Change Management and People Management and Empowerment (PSR, 2012). The need to prioritize disability equity should be conveyed to senior managers during the awareness campaigns referred to in paragraph 7.3.2.

7.2.4. Objective Four: To determine the awareness levels of people with disability regarding disability equity.

It is evident through the study that KCDM takes no initiatives concerning disability awareness for its employees. Results show that the municipality has never offered any awareness campaigns for disability. The PWDs employed in the municipality are not knowledgeable on disability equity and affirmative action measures pertaining to PWDs. Remedial action is proposed below.

7.2.4.1. Intensive disability awareness campaigns

Disability awareness was identified as a major constraint in ensuring disability equity, especially by persons with disabilities. Very few departments have developed disability awareness campaigns; however, where this has been instituted, the benefits are already being reaped.

Awareness on disability issues is imperative for the achievement of disability equity. The conducting of awareness campaigns is a good practice which should be promoted throughout local government. Intensive disability awareness programmes assist in changing the mindset of employees. Programmes encourage disclosure, and create a conducive environment in which persons with disabilities may function properly.

King Cetshwayo District Municipality must ensure that disability awareness becomes a critical function within Human Resource Management through the assignment of such responsibility to the relevant Senior Manager responsible for Human Resource Management. The Human Resource Management component should embark on extensive disability awareness campaigns focusing on all aspects associated with the employment of persons with disabilities. Nor should this function be restricted to HRM: it should become the responsibility of all line managers.

This will assist with the reluctance of employees to disclose their disability status owing to stigmatization. It should also create a disability friendly environment. The assistance of organisations representing the disabled may be obtained to assist in developing the contents of such programmes. An integral part of awareness campaigns should be the education of managers around the requirements of targeted recruiting mechanisms. They should also focus on the practical implications of employing persons with disabilities, such as reasonable accommodation and workstation requirements.

7.2.5. Objective Five: To determine measures that may be put in place to ensure that disability equity is achieved.

The researcher recommends the following measures to be implemented to assist with the achievement of disability equity in KCDM.

7.2.5.1 Development of retention strategies

The municipality should design and communicate to all employees a clear succession plan. The plan should ensure that females and employees living with disabilities are trained and promoted to management positions. Succession planning will assist the municipality to ensure continuity. Employees appointed to senior positions will understand the full operations of their respective

department and the entire municipality. Such employees would have been mentored by highly experienced and long-serving personnel (Public Sector Report, 2012).

It is evident from the findings that the municipality has no retention strategy in place specifically focusing on persons with disabilities. It is imperative that municipality develop such strategies in order to meet and maintain their equity targets. As part of the retention strategies the municipality should conduct entrance and exit interviews with persons with disabilities. In this way they can establish what attracted such employees to the department and why their services could not be retained (Public Sector Report, 2012).

7.2.5.2 Development of strategic partnerships

Strategic and ongoing partnerships must be forged with organisations for disabled persons. Such links should ensure that people of various disabilities are reached and provided with opportunities to apply for employment. Organisations representing the disabled can also assist the municipality with the development of programmes on recruitment and awareness.

7.2.5.3 Accelerating skills development amongst persons with disabilities

The third aspect of affirmative action as defined in the Employment Equity Act aims at developing the skills of marginalised groups. Taking into consideration the disparities in access to resources in South Africa and lack of skills, the EEA states in Section 20 that accelerated training programmes are important constituents of the Employment Equity Plan.

In order to meet and maintain the 2% target, the municipality must put in place internships and learnership programmes to afford persons with a disability the opportunity of obtaining the necessary skills to assist them in securing employment (PSR, 2012). The granting of bursaries to employees with disabilities should be considered, ensuring that such employees, once qualified, are afforded the opportunity of progression within the municipality.

The municipality must continuously monitor whether persons with a disability receive proportional shares of work assignments and training opportunities. This is to ensure that their development is given the required attention when measured against able-bodied staff members (Job Access Strategic Framework; 2010). Institutions of Higher Learning should consider

awarding preferential bursaries to persons with disabilities in respect of highly technical and professional fields consistent with the nature of the disability.

7.2.5.4. Development of a central database for persons with disabilities

It is advisable that the district develop a central database of people living with disabilities. This would enable the municipality and the local municipalities under the district to source candidates with disabilities for employment. King Cetshwayo, together with its family of local municipalities must collaborate with organisations for disabled persons in the developing of such a database.

7.3 Conclusion and recommendation for further research

The researcher aimed to investigate the challenges faced by the local sphere of government regarding the implementation of affirmative action measures pertaining to people living with disabilities. This was explored within one district municipality in South Africa, based in the KwaZulu-Natal province in the King Cetshwayo District. Findings reflected that employers still lack adequate knowledge, awareness, and an understanding of disability. Such lack of awareness contributes to the ineffective integration of PWDs within the workforce. Additionally, findings illustrated that, while South African legislation is compelling businesses to meet equity targets, businesses have difficulty in meeting these targets owing to their inability to access qualified and skilled PWDs. The type of disability and the nature of the work are additional factors that restrict PWDs from integration within specific sectors in the open labour market, in particular within King Cetshwayo District Municipality.

The history of discrimination has additionally had an impact on the misconceptions, stereotyping, and attitudes of PWDs by able-bodied individuals and vice versa. This would include stigmatization from other workers, and PWDs feeling entitled to employment by virtue of being disabled. Physical barriers and infrastructure also remain a major hindrance to the employment of PWDs and the implementation of AA.

Findings also revealed that there is partial compliance with the disability equity targets as set out in the EEA within the KCDM, because, although the municipality does employ PWDs these people are not equally represented at all occupational levels. In addition, non-compliance

was revealed to be a non-factor. Non-compliance had a minimal effect on employee relations owing to the minimal knowledge of disability equity and affirmative action amongst management within KCDM. Pertaining to the awareness levels of people living with a disability, results showed that no awareness is being made on affirmative action measures, thus affecting the knowledge of such concepts among employees and PWDs. Lastly, it was found that measures such as communication of policies and strategy related to disability equity, training, and development of PWDs, and strategic collaboration with disability organisations may be formed and put in place to ensure that disability equity is achieved within the KCDM.

Despite these many barriers, it has been revealed that the municipality is attempting the implementing of affirmative action measures for PWDs. The KCDM has employed some PWDs and is currently developing them for future career prospects. King Cetshwayo District Municipality does also have an employment equity committee which submits reports to the Department of Labour as per requirements in the EEA.

Finally, it was reassuring to note that both employees, trade unions representatives, and management of the municipality agree that there is still much work must to be done to combat the barriers to the employment of PWDs, achieving disability equity.

As indicated in this study, there is evidence of major challenges that hinder the implementation of AA measures within local government and the achievement of disability equity. Future research remains to be done in:

- i. Further determining factors that prevent PWDs from accessing suitable employment.
- ii. Commenting on policy and legislation related to employment of PWDs.
- iii. Providing practical strategies to employers in reasonable accommodation and realignment processes.
- iv. Formation, effectiveness, and obligations of EE committee in implementing

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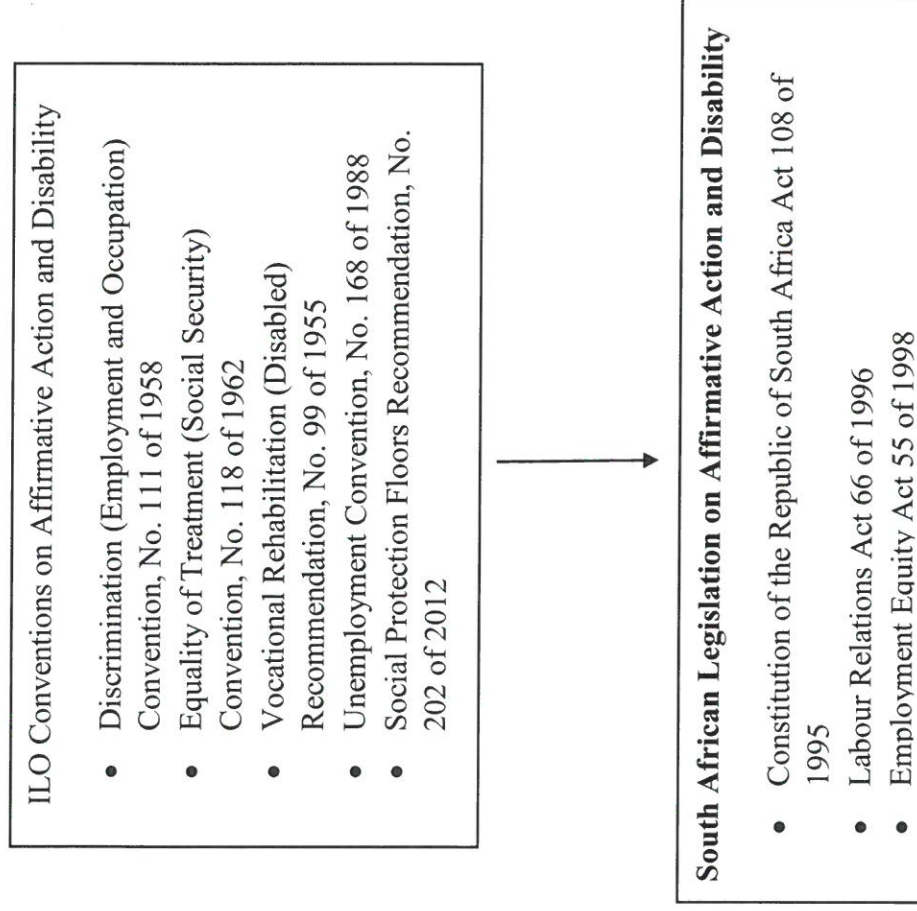
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The Employment Equity Act 55 of 1998.

The Skills Development Act 2005

Promotion of Equality and Prevention of Unfair Discrimination Act

Figure 1



Source: The Researcher

Table 1 : Factor analysis

Component	Research Objectives	Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	Bartlett's Test of Sphericity		
			Approx. Chi-Square	df	Sig.
B	Challenges regarding the implementation of Affirmative Action measures in King Cetshwayo District Municipality	0,804	404,698	15	0,000
C	How does the municipality comply with disability equity targets as set out in the Employment Equity Act?	0,712	400,983	15	0,000
D	Effect of non-compliance with disability targets and employment equity plans on employment relations	0,796	282,095	15	0,000
E	Awareness levels of disabled regarding the affirmative action plan	0,620	268,047	15	0,000
F	Addressing challenges associated with the implementation of affirmative action in the municipality	0,675	354,177	15	0,000

Table 2: Cronbach's Alpha

Component	Research Objectives	N of Items	Cronbach's Alpha
B	Challenges regarding the implementation of affirmative action measures in King Cetshwayo District Municipality	6	0,845
C	How does the municipality comply with disability equity targets as set out in the Employment Equity Act?	6	0,791
D	Effect of non-compliance with disability targets and employment equity plans on employment relations	6	0,784
E	Awareness levels of disabled regarding the affirmative action plan	4	0,745
F	Addressing challenges associated with the implementation of affirmative action within the municipality	5	0,729

Table 5.1 Gender Distributions by Age for Questionnaire

Age group * Gender Cross tabulation					
			Gender		Total
			Male	Female	
Age group (20 - 24	Count	1	3	4
		% within Age group	25.0%	75.0%	100.0%
		% within Gender	1.3%	3.8%	2.5%
		% of Total	0.6%	1.9%	2.5%
	25 - 29	Count	7	27	34
		% within Age group	20.6%	79.4%	100.0%
		% within Gender	8.9%	34.2%	21.5%
		% of Total	4.4%	17.1%	21.5%
	30 - 34	Count	12	20	32
		% within Age group	37.5%	62.5%	100.0%
		% within Gender	15.2%	25.3%	20.3%
		% of Total	7.6%	12.7%	20.3%
	35 - 39	Count	18	13	31
		% within Age group	58.1%	41.9%	100.0%
		% within Gender	22.8%	16.5%	19.6%
		% of Total	11.4%	8.2%	19.6%
	40 - 44	Count	8	8	16
		% within Age group	50.0%	50.0%	100.0%
		% within Gender	10.1%	10.1%	10.1%
		% of Total	5.1%	5.1%	10.1%
	45 - 49	Count	25	5	30
		% within Age group	83.3%	16.7%	100.0%
		% within Gender	31.6%	6.3%	19.0%
		% of Total	15.8%	3.2%	19.0%
	50+	Count	8	3	11
		% within Age group	72.7%	27.3%	100.0%
		% within Gender	10.1%	3.8%	7.0%
		% of Total	5.1%	1.9%	7.0%
Total		Count	79	79	158
		% within Age group	50.0%	50.0%	100.0%
		% within Gender	100.0%	100.0%	100.0%
		% of Total	50.0%	50.0%	100.0%

Table 5.2 Gender Distributions by Age for Interviews

Age * Gender Cross tabulation					
			Gender		Total
			Male	Female	
Age (years)	30 - 34	Count	2	2	4
		% within Age	50.0%	50.0%	100.0%
		% within Gender	15.4%	28.6%	20.0%
	35 - 39	% of Total	10.0%	10.0%	20.0%
		Count	4	2	6
		% within Age	66.7%	33.3%	100.0%
		% within Gender	30.8%	28.6%	30.0%
		% of Total	20.0%	10.0%	30.0%
	40 - 44	Count	6	1	7
		% within Age	85.7%	14.3%	100.0%
		% within Gender	46.2%	14.3%	35.0%
		% of Total	30.0%	5.0%	35.0%
	50+	Count	1	2	3
		% within Age	33.3%	66.7%	100.0%
		% within Gender	7.7%	28.6%	15.0%
		% of Total	5.0%	10.0%	15.0%
Total		Count	13	7	20
		% within Age	65.0%	35.0%	100.0%
		% within Gender	100.0%	100.0%	100.0%
		% of Total	65.0%	35.0%	100.0%

Table 5.5 Cross tabulation of years of experience and age for questionnaires

			Nature of employment		Total
			Permanent	Fixed-term contract	
Your years of experience in the municipality	1 - 5	Count	44	30	74
		% within Nature of employment	34.4%	100.0%	46.8%
		% of Total	27.8%	19.0%	46.8%
	6 - 10	Count	47	0	47
		% within Nature of employment	36.7%	0.0%	29.7%
		% of Total	29.7%	0.0%	29.7%
	11+	Count	37	0	37
		% within Nature of employment	28.9%	0.0%	23.4%
		% of Total	23.4%	0.0%	23.4%
Total		Count	128	30	158
		% within Nature of employment	100.0%	100.0%	100.0%
		% of Total	81.0%	19.0%	100.0%

Table 5.6 Years of experience in the municipality/Nature of employment Cross tabulation for interviews

		Nature of employment		Total
		Permanent	Fixed term contract	
Your years of experience in the municipality	Count	6	1	7
	1 - % within 'Your years of experience in the municipality'	85.7%	14.3%	100.0%
	5 % within 'Nature of employment'	35.3%	33.3%	35.0%
	% of Total	30.0%	5.0%	35.0%
	Count	7	2	9
	6 - % within 'Your years of experience in the municipality'	77.8%	22.2%	100.0%
	10 % within 'Nature of employment'	41.2%	66.7%	45.0%
	% of Total	35.0%	10.0%	45.0%
	Count	4	0	4
	> % within 'Your years of experience in the municipality'	100.0%	0.0%	100.0%
	10 % within 'Nature of employment'	23.5%	0.0%	20.0%
	% of Total	20.0%	0.0%	20.0%
Total	Count	17	3	20
	% within 'Your years of experience in the municipality'	85.0%	15.0%	100.0%
	% within 'Nature of employment'	100.0%	100.0%	100.0%
	% of Total	85.0%	15.0%	100.0%

Table 3: KMO and Bartlett's Test

		Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	Bartlett's Test of Sphericity		
			Approx. Chi-Square	df	Sig.
B	Challenges regarding the implementation of affirmative action measures in King Cetshwayo District Municipality	0,804	404,698	15	0,000
C	How does the municipality comply with disability equity targets as set out in the Employment Equity Act?	0,712	400,983	15	0,000
D	Effect of non-compliance with disability targets and employment equity plans on employment relations	0,796	282,095	15	0,000
E	Awareness levels of disabled regarding the affirmative action plan	0,620	268,047	15	0,000
F	Addressing challenges associated with the implementation of affirmative action within the municipality	0,675	354,177	15	0,000

Appendix 1

UNIVERSITY OF KWA-ZULU NATAL

COLLEGE OF LAW AND MANAGEMENT STUDIES

School of Management, Information Technology and Governance

Masters in Commerce: Industrial Relations

Researcher: Nompumelelo Njeke

Supervisor: Mr DV Dlamini

Challenges faced by King Cetshwayo District Municipality regarding compliance with disability equity

Greetings,

My name is Nompumelelo Mandisi Njeke. I am pursuing a Master of Commerce degree in Industrial Relations. I am a student at the University of KwaZulu-Natal in the Discipline of HRM/IR. My student number is 207526220. My contact number is 0825486198 and my email address is mpumezah@yahoo.com. Mr. D.V. Dlamini is my supervisor. He may be contacted at the School of Management, IT and Governance, Westville campus of the University of KwaZulu-Natal. His email address is: dalminidv@ukzn.ac.za and Tel number is: +27 31 2607864.

You are being invited to consider participating in a study that involves research into challenges faced by King Cetshwayo District Municipality regarding compliance with disability equity. The aim and purpose of this current study is to examine challenges faced by King Cetshwayo District Municipality regarding such compliance with disability equity. The proposed study will include about 178 respondents from Municipalities, Trade Unions Representatives, and people with disabilities in King Cetshwayo District Municipality. However, 20 participants (Employment Equity and the Human Resources Managers, who are responsible for the coordination and implementation of the municipalities Employment Equity Plan) will be selected for the qualitative study. The rest of the 158 participants (Trade Union Representatives and people with disabilities in King Cetshwayo District Municipality), on the other hand, will be selected for the quantitative study. The study will follow procedures such as approval from King Cetshwayo District Municipality and UKZN Humanities & Social Sciences Research Ethics Committee. After permission has been granted, the researcher will contact all the respondents, asking for their voluntary participation in the study. The researcher will distribute the written informed consent form to all respondents and appeal to them to sign the form in order to identify their readiness to participate in the study. Having established the voluntary

participation of this study, the researcher will proceed to administer the questionnaires and the interviews. The duration of your participation if you agree to participate and remain in the study will be approximately three months. The study is not funded by individuals, groups, or organisations.

There is no risk or discomfort that is contained in this study. The proposed study will create the following benefits to the participants: it help will provide the participants with a fair idea and knowledge on the laws that protect disabled persons in South Africa; it will assist the participants to identify the major challenges facing people with disabilities; it will enable the participants to suggest some means of addressing the challenges that confront disabled persons; and it will also teach the participants how to accommodate people living with disabilities. This study, when completed, will provide the following benefits: it will add to existing literature on affirmative action and disability equity in the global context; it will serve as a policy sharpening document for government and organisations when reviewing policies on affirmative action and disability; it will also help government to determine whether companies are adhering to the disability equity and affirmative action laws; it will serve as point of reference material to students as well as academicians; and lastly, it will make practical recommendations to the government on measures that may be put in place to achieve the disability equity targets.

This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Research Ethics Committee (approval number HSS/2047/016M).

In the event of any problems or concerns/questions you may contact the researcher at University KwaZulu-Natal on Tel. +27 31 2607864 or email: dalminidv@ukzn.ac.za or UKZN Humanities & Social Sciences Research Ethics Committee, contact details as follows:

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban 4000 KwaZulu-Natal, SOUTH AFRICA

Tel: +27 31 2604557- Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

Your participation in the study is voluntary and by participating, you are granting the researcher permission to use your responses. You may refuse to participate or withdraw from the study at any time with no negative consequences. There will be no monetary gain from participating in the study. Your anonymity will be maintained by the researcher and the School of Management, I.T. & Governance and your responses will not be used for any purposes outside of this study.

All data, both electronic and hard copy, will be securely stored during the study and archived for 5 years. After this time, all data will be destroyed.

If you have any questions or concerns about participating in the study, please contact me or my research supervisor at the numbers listed above. (Repetition)

Sincerely

.....

Nompumelelo Mandisi Njeke

--

CONSENT TO PARTICIPATE

I(Name) have been informed about the study entitled “Challenges faced by King Cetshwayo District Municipality regarding compliance with disability equity” by Nompumelelo Mandisi Njeke.

I understand the purpose and procedures of the study. I have been given the opportunity to ask questions about the study and have had answers given, to my satisfaction.

I declare that my participation in this study is entirely voluntary and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.

I have been informed about any available compensation or medical treatment if injury occurs to me as a result of study-related procedures.

If I have any further questions/concerns or queries related to the study I understand that I may contact the researcher at University of KwaZulu-Natal on Tel 0825486198 or email: mpumezah@yahoo.com.

If I have any questions or concerns about my rights as a study participant, or if I am concerned about an aspect of the study or the researchers then I may contact:

HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION

Research Office, Westville Campus

Govan Mbeki Building

Private Bag X 54001

Durban

4000

KwaZulu-Natal, SOUTH AFRICA

Tel: +27 31 2604557 - Fax: 27 31 2604609

Email: HSSREC@ukzn.ac.za

I hereby provide consent to:

Audio-record my interview / focus group discussion YES / NO

Video-record my interview / focus group discussion YES / NO

Use of my photographs for research purposes YES / NO

Signature of Participant

Date

Signature of Witness

Date

(Where applicable)

Signature of Translator

Date

(Where applicable)

UNIVERSITY OF KWA-ZULU NATAL

COLLEGE OF LAW AND MANAGEMENT STUDIES

School of Management, Information Technology and Governance

Masters in Commerce: Industrial Relations

Researcher: Nompumelelo Njeke

Supervisor: Mr DV Dlamini

Challenges faced by King Cetshwayo District Municipality regarding compliance with disability equity

The purpose of this survey is to elicit information from employees regarding the challenges faced by King Cetshwayo District Municipality apropos of compliance with disability equity. The information and rating you provide us will go a long way towards investigating challenges of complying with disability equity faced by King Cetshwayo District Municipality. The questionnaire should only take 5-10 minutes to complete. In this questionnaire you are required to indicate what is true for you: there is no wrong or right answer to any question. Thank you for participating.

SECTION A: Biographical Information

This section of the questionnaire contains questions on the biographical information of the participants with regard to gender, age group, race, physical status, educational qualification, nature of employment, and years of experience.

Please mark with X in the appropriate box.

A.1 Gender

1	Male	
2	Female	
3	Other	

A.2 Age group

1	2-24 years	
2	25-29 years	
3	30-34 years	
4	35-39 years	
5	40-44 years	
6	45-49 years	
7	50 years above	

A.3 Race

1	African	
2	White	
3	Indian	
4	Coloured	
5	Other	

A4. Physical conditions

1	Living with disability	
2	No disability	

A.5 Nature of employment

1	Permanent	
2	Fixed-term contract	
3	Other	

A6. Your years of experience in the municipality

1	1-5 years	
2	6-10 years	
3	11 years and more	

A7. Your current position in the municipality

1	Administrator	
2	Junior employee	
3	Manager	
4	Director	

A8. What is your highest educational qualification?

1	Diploma	
2	Undergraduate	
3	Honours	
4	Masters	
5	PhD	
6	Other	

SECTION B: Challenges regarding the implementation of disability equity in King Cetshwayo District Municipality.

This section of the research relates to questions on the challenges regarding the implementation of disability equity in King Cetshwayo District municipality. Please indicate with a cross (X) the extent to which you agree or disagree with the following statements using the 5-point Likert scale below:

1. Strongly Disagree (SD)
2. Disagree (D)
3. Neutral (N)
4. Agree (A)
5. Strongly Agree (SA)

No.	Statement	5 SA	4 A	3 N	2 D	1 SD
B9	Inadequate resources are a challenge confronting the implementation of disability equity within King Cetshwayo Municipality					
B10	Lack of opportunity is a challenge to the implementation of disability equity within King Cetshwayo Municipality					
B11	Cultural myths are a challenge affecting the implementation of disability equity within King Cetshwayo Municipality					
B12	Misconceptions are a challenge affecting the implementation of disability equity within King Cetshwayo municipality					
B14	Physical environment is one of the challenges to the implementation of disability equity within King Cetshwayo Municipality					
B15	Lack of experienced and skilful personnel is a challenge to the implementation of disability equity within King Cetshwayo Municipality					

Section C: Does the municipality comply with disability equity targets as set out in the Employment Equity Act?

Please indicate with a cross (X) the extent to which you agree or disagree with the following statements, using the 5-point Likert scale below:

1. Strongly Disagree (SD)
2. Disagree (D)
3. Neutral (N)
4. Agree (A)
5. Strongly Agree (SA)

No.	Statement	5 SA	4 A	3 N	2 D	1 SD
C16	The municipality has complied with disability equity by formulating policies on employment equity					
C17	The municipality has ensured compliance with the disability equity targets through the provision of facilities for disabled persons					
C18	Persons with disabilities were recruited into the municipality to ensure compliance with the Disability Act					
C19	The employment equity plan in the municipality has a section that specifically addresses disability					
C20	New employees were encouraged to talk about their disabilities, so that relevant accommodation could be provided					
C21	The municipality provides training to the reception personnel for communication in sign language, The receptionist is able to communicate with PWDs on arrival for their first day at work, or in handling an enquiry regarding applications					

Section D: Effect of non-compliance with disability targets and employment equity plans on employment relations

No.	Statement	5 SA	4 A	3 N	2 D	1 SD
D22	Most people with disabilities have lost their jobs in the municipality owing to non-compliance with the disability equity targets					
D23	The municipality did not meet the disability equity targets set by the government, owing to non-compliance with the EE Act					
D24	There is low job satisfaction among people with disabilities in the municipality, owing to failure by the municipality to comply with the Affirmative Action measures pertaining to disabilities					
D25	Some disabled persons have resigned from their posts because the municipality failed to comply with the EE Act					
D26	There is discrimination in the municipality because people with disability are not regarded as part of the working class					
D27	The stress level among the disabled in the municipality is high because of the failure by the municipality to comply with the EE Act and AA measures on disability					

Section E: Awareness levels of disabled regarding disability equity

No.	Statement	5 SA	4 A	3 N	2 D	1 SD
E28	People with disability were educated on the affirmative action measures within the municipality					
E29	The municipality often organises workshops to promote awareness on affirmative action plan					
E30	The municipality participates in the celebration of International Disability Day					
E31	Non-disclosure of disability by employees who have disabilities is experienced by the municipality					
E32	People with disabilities were denied provision of medical aid cover by the municipality					
E33	The municipality does not have any specialist to provide counselling to people with disability					

Section F: Addressing challenges associated with the implementation of disability equity in the municipality

No.	Statement	5 SA	4 A	3 N	2 D	1 SD
F34	Full adherence to the legislation on EEA and disability targets assisted in achieving the equity plan					
F35	The provision of facilities for disabled helped in addressing disability within the municipality					
F36	Continued monitoring of the affirmative action measures within the municipality helped in meeting the equity plan					
F37	Non-disclosure of disability by employees who have disabilities is a challenge					
F38	Communication on policy and strategy related to disability equity is important in addressing the challenges of disability within the municipality					
F39	Education and training on related disability issues is important in addressing disability within the municipality					

Appendix 2

INTERVIEW SCHEDULE

SECTION A: Biographical Information

This section of the questionnaire contains questions on the biographical information of the participants with regard to gender, age group, race, physical status, educational qualification, nature of employment and years of experience.

Please mark with X in the appropriate box.

A.1 Gender

1	Male	
2	Female	
3	Other	

A.2 Age group

1	2-24 years	
2	25-29 years	
3	30-34 years	
4	35-39 years	
5	40-44 years	
6	45-49 years	
7	50 years above	

A.3 Race

1	African	
2	White	
3	Indian	
4	Coloured	
5	Other	

A4. Physical conditions

1	Living with disability	
2	No disability	

A.5 Nature of employment

1	Permanent	
2	Fixed-term contract	
3	Other	

A6. Your years of experience in the municipality

1	1-5 years	
2	6-10 years	
3	11 years and more	

A7. Your current position in the municipality

1	Administrator	
2	Junior employee	
3	Manager	
4	Director	

A8. What is your highest educational qualification?

1	Diploma	
2	Undergraduate	
3	Honours	
4	Masters	
5	PhD	
6	Other	

Section B: Challenges regarding the implementation of disability equity within the municipality

B9. What challenges does the municipality face in the implementation of disability equity? Kindly state at least five (5) of such challenges.

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Section C: The municipality complies with disability equity targets as set out in the Employment Equity Act

C10. How does the municipality comply with the disability equity targets in South Africa? Please specify at least four (4) ways in which the municipality complies with such legislation.

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Section D: Effect of non-compliance with disability equity targets on employment relations

D11. How does non-compliance with the disability equity targets affect employment relations? Please state five (5) ways in which non-compliance affects employment relations.

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Section E: Awareness levels of disabled regarding disability equity

E12. How does the municipality create awareness on its affirmation action plan? Kindly mention at least five (5) ways in which it promotes such awareness.

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Section F: Addressing challenges associated with the implementation of disability equity within the municipality

F13. How does the municipality address the challenges affecting the implementation of disability equity? Please state at least five (5) strategies of addressing such challenges.

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