

An Assessment of Ezemvelo KwaZulu-Natal Wildlife's Labour Policies for Unskilled Temporary Workers

by

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Submitted in partial fulfilment of the academic
requirements for the degree of
Master of Environment & Development in the School of Agricultural,
Earth and Environmental Sciences
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March 2014

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As the candidate's supervisor I have/have not approved this thesis/dissertation for submission.

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ABSTRACT

Ezemvelo KwaZulu-Natal Wildlife (EKZNW) is a Schedule 3C public entity that is legally mandated by way of the KwaZulu Natal Nature Conservation Management Act 9 of 1997 to conserve indigenous biodiversity within the province of KwaZulu-Natal. During normal operations EKZNW employs unskilled temporary workers. In compliance with the Basic Conditions of Employment Act 32 of 1997 EKZNW's Conservation Board approved the adoption of human resource and labour relations based policies to apply consistency in its dealings with human resource matters. Using International Labour Organisation principles to provide context, this study aims to identify the differences in conditions of employment between unskilled temporary workers and unskilled permanent workers at EKZNW, to understand why these differences exist, and what the implications are for the unskilled temporary workers. The following objectives applied in realising the aim:

1. Review International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers;
2. Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers;
3. Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers;
4. Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers;
5. Establish the resulting implications for unskilled temporary workers;

6. Suggest recommendations about making working conditions more equitable between unskilled temporary workers and unskilled permanent workers.

This study uses a combination of research techniques entailing document examination, semi-structured interviews, personal observations and data evaluation in realising the objectives. Descriptions of the study population, sample and size are presented; whilst describing the data collection instruments, data collection procedures, management and data analysis methods employed in conducting the study.

Set against the International Labour Organisations 1988 Declaration on Fundamental Principles and Rights at Work, namely; freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and, the elimination of discrimination in respect of employment and occupation; Chapter 4 presents the results and discussion in combination against Objective 2, 3, 4 and 5, with Objective 6 being presented in the final Chapter. The study found that whilst EKZNW's Conservation Board had approved and adopted the 2006 Remuneration Packages Policy and the 2007 Employee Performance Management and Development System to ensure 'justice' in its dealings with human resource matters; the policies had not been implemented on unskilled temporary workers.

ACKNOWLEDGEMENTS

Carrin Martin without whose support, assistance and patience I would not have reached this point and who took the time to explain the concept of a dissertation to me whilst availing herself at irregular hours in assisting me to finalise the document.

Professor R Fincham for acting as my supervisor for this research and for providing me with invaluable insight and direction.

Dr. M Dent for serving as my co-supervisor for this research and for his enduring patience and guidance in putting together the document.

Philippa McCosh and Oscar Mthimkhulu for their assistance with helping me with the formatting of the document. Rosemary Kuhn, at the University of KwaZulu-Natal Library, for introducing EndNote X7 (the referencing system used in this study) to me and providing invaluable assistance with formatting and referencing of the document.

Yoliswa Mkhize, who stood by me over the years and supported me in undertaking this dissertation. Bobby Potter for assisting me in the office with collating the information from EKZNW's Intranet Site, making appointments for interviews on my behalf, and attending to work during periods of my absence. Steve McKean, Felix Faure and James Gordon for kindly reviewing and commenting on the content of the study. Sandy Holley for thoughtfully reviewing and correcting the grammar and spelling.

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1 INTRODUCTION

1.1 Introduction

The KwaZulu-Natal Conservation Management Act (Act No. 9 of 1997) allowed for the formation of KwaZulu-Natal Conservation Service, which came about following the merger of the former Natal Parks Board (formerly under Natal) and the KwaZulu Directorate of Nature Conservation (previously part of KwaZulu). The KwaZulu-Natal Conservation Service conducts its core operations under the name of Ezemvelo KwaZulu-Natal Wildlife (EKZNW) (Ezemvelo KwaZulu-Natal Wildlife, 2012), its main purpose being to protect biodiversity in the province, this forming the basis for its Biodiversity Conservation Operations section.

In order to execute its mandate, it requires the services of workers with a range of skills and expertise, resulting in people being hired on both permanent and temporary bases. Many of the unskilled temporary workers are employed from the communities surrounding the area under EKZNW management. Labour policies within the organisation describe the Conditions of Employment for the different worker categories, which results in workers enjoying different benefits and security of tenure. This study will assess the labour policies of EKZNW in order to identify the differences in conditions of employment between the unskilled temporary and permanent workers, understand why these differences exist, and what the implications are for the unskilled temporary workers.

1.2 Background

KwaZulu-Natal is a province of South Africa, covering 94,361 km² and accounting for 7.7% of the country's landmass (Lehohla, 2010). Situated on the eastern seaboard of the country, the province borders Lesotho in the southwest, and Mozambique and Swaziland in the north (Aylward and Lutz, 2002). Its topography ranges from the coastal belt on the eastern boundary, to the inland bushveld and grasslands, culminating in the montane biomes of the Drakensberg escarpment in the south western corner (Ezemvelo KwaZulu-Natal Wildlife, 2011d). The capital

city is Pietermaritzburg, from which the legislative assembly oversees over 10.6 million people, or 21.3% of the South African population, (Lehohla, 2010). The province is subdivided into eleven districts, consisting of one metropolitan municipality (eThekweni) and ten district municipalities (Amajuba, Umkhanyakude, uThungulu, Umzinyathi, Uthukela, Umgungundlovu, iLembe, Ugu and Sisonke) (Ezemvelo KwaZulu-Natal Wildlife, 2011d).

KwaZulu-Natal Conservation Service is mandated to conserve the biodiversity of KwaZulu-Natal in terms of the KwaZulu-Natal Nature Conservation Management Act 9 of 1997 (Ezemvelo KwaZulu-Natal Wildlife, 2011d). The Public Finance Management Act (Act No. 1 of 1999) describes KwaZulu-Natal Conservation Service as a Schedule 3C public entity (Ezemvelo KwaZulu-Natal Wildlife, 2012), which conducts its core operations under the more widely acclaimed title of Ezemvelo KwaZulu-Natal Wildlife or 'Ezemvelo' (Ezemvelo KwaZulu-Natal Wildlife, 2012).

EKZNW is located under the KwaZulu-Natal Department of Agriculture and Environmental Affairs and reports via the department to the Member of the Executive Council (Ezemvelo KwaZulu-Natal Wildlife, 2012). The province of KwaZulu-Natal has 114 protected areas, including the uKhahlamba Drakensberg Park and iSimangaliso Wetland Park both United Nations Educational Scientific and Cultural Organization World Heritage Sites (Ezemvelo KwaZulu-Natal Wildlife, 2011d, Ezemvelo KwaZulu-Natal Wildlife, 2012). Collectively the 144 protected areas cover approximately 8.1%, or 850 197 ha's, of the provinces landmass (Ezemvelo KwaZulu-Natal Wildlife, 2011d, Ezemvelo KwaZulu-Natal Wildlife, 2012). Custodianship of these areas fall under the mandate of the KwaZulu-Natal Conservation Board, promigated under the KwaZulu-Natal Conservation Act (Act No. 9 of 1997) (Ezemvelo KwaZulu-Natal Wildlife, 2011d, Ezemvelo KwaZulu-Natal Wildlife, 2012). The mission of EKZNW's Board is:

To ensure effective conservation and sustainable use of KwaZulu Natal's biodiversity in collaboration with stakeholders for the benefit of present and future generations.

(Ezemvelo KwaZulu-Natal Wildlife, 2011d: 33).

Ezemvelo KwaZulu-Natal Wildlife (2011d) and Aylward and Lutz (2002) both allude to the fact that 80 000 employment opportunities, or a quarter of all jobs, were created in the KwaZulu-Natal ecotourism sector during 2002. In a joint World Bank and Development Bank of Southern Africa study, Aylward and Lutz (2002), found that unskilled workers in KwaZulu-Natal benefited significantly from nature based tourism opportunities. EKZNW anticipates further growth in the numbers of people employed in the tourism sector through sound management of the provinces wildlife resources (Ezemvelo KwaZulu-Natal Wildlife, 2011d, Ezemvelo KwaZulu-Natal Wildlife, 2012).

With many of its protected areas located in far-flung areas; EKZNW recognises the role that these parks can play in job creation and the uplifting neighbouring communities (Ezemvelo KwaZulu-Natal Wildlife, 2011d). This EKZNW aims to achieve by implementing internally funded projects (in the form of fire management and alien plant eradication projects), or as the implementing agent for externally funded projects (such as Expanded Public Works Programme, Working on Fire and the Working for Water Programmes) (Ezemvelo KwaZulu-Natal Wildlife, 2011d, Ezemvelo KwaZulu-Natal Wildlife, 2012). To this extent EKZNW states that:

Responsible management of biodiversity conservation is recognised worldwide as being a critical success factor for sustained economic development and in KZN it has an especially important role to play in job creation and poverty alleviation in remote rural areas.

(Ezemvelo KwaZulu-Natal Wildlife, 2011d: 12).

EKZNW's Biodiversity Conservation Operations section is divided into three geographic regions, namely uKhahlamba, Coastal, and Zululand, as depicted in Figure 1.1. Regional operations and day-to-day management fall within the responsibility of the respective Regional General Manager. Strategic and policy issues are ratified by the Executive Committee, which is based at the headquarters in Pietermaritzburg. The Committee aims to downward cascade and implement

issues of a strategic and policy nature to regional management, as well as escalate matters to board members for decisions that have a possible impact on EKZNW as a whole.

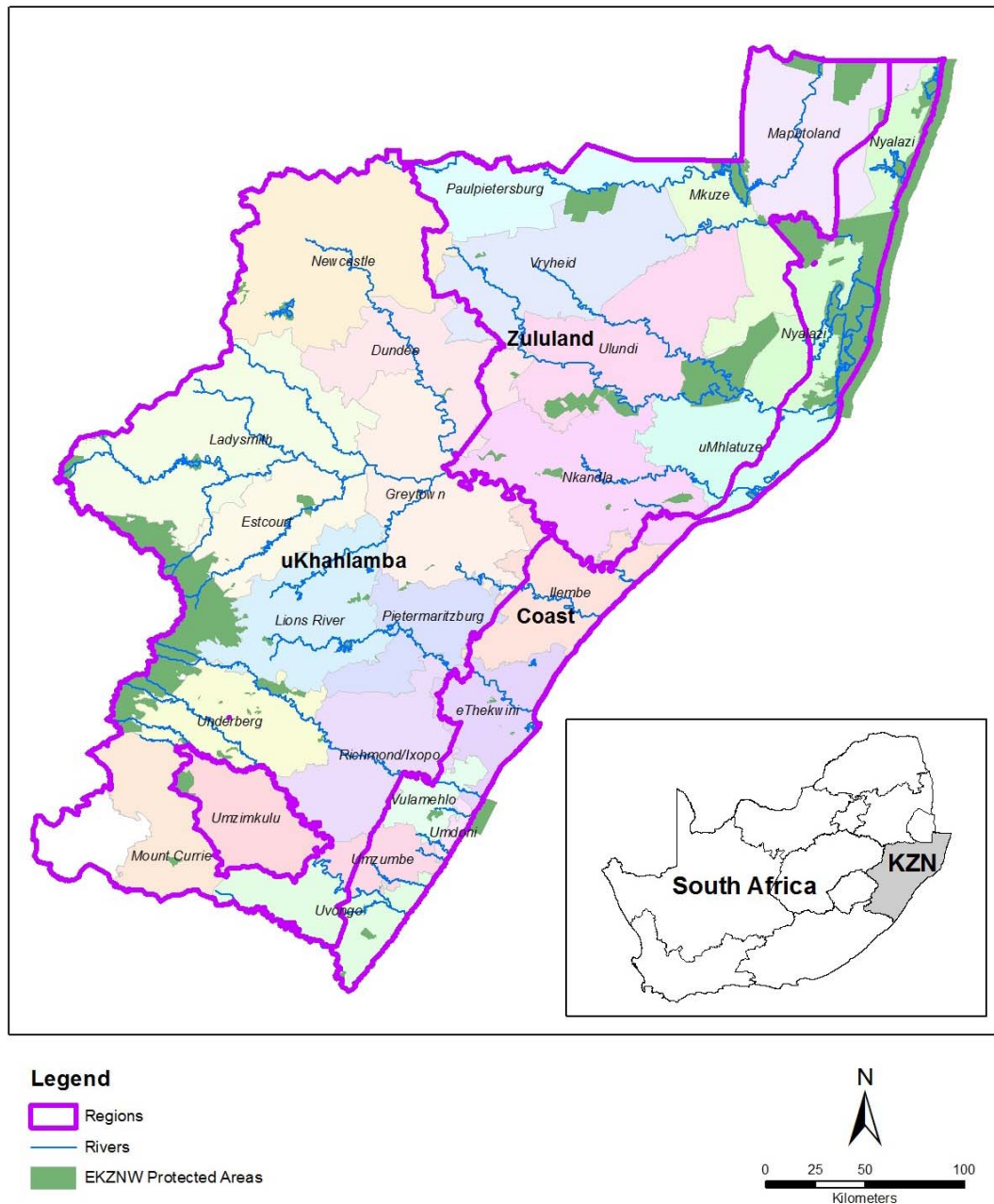


Figure 1.1. Operational Regions, Conservation Districts and Protected Areas of EKZNW within KwaZulu-Natal (Snyman, 2013).

EKZNW has 114 protected areas, or parks, under its administration that vary in size and management complexity. The larger of these protected areas are managed by Park Managers, also referred to as the Officers in Charge. The smaller parks are serviced by District Conservation Officers, their duties generally excluding the management of workers, unless they are fulfilling the dual role of Officers in Charge or the District Conservation Officer, which occurs frequently.

EKZNW employs a range of skilled and unskilled workers on both a permanent and temporary bases. A search of the Vacancy Update - 11231 list (a spreadsheet listing EKZNW's manpower along with the associated budgets and vacancies) revealed 517 different post titles up to and including D5 grade within EKZNW (Struwig, 2012), Table 1.1. Permanent workers are remunerated against their individual service level agreements that stipulates the posts grade.

Table 1.1 Review of the Vacancy Update - 11231 data file depicting worker statistics per grade as at date (Struwig, 2012)

Grades depicting levels	No. of workers in each grade	No. of different post titles per grade	Vacant posts in the grade	Percentage of Vacancy
A1 - A3	1049	37	303	28.9%
B1 - B5	1790	201	397	22.2%
C1 - C4	331	140	118	35.6%
D1 - D5	247	139	63	25.5%
Total	3417	517	881	25.8%

The salary scales chart identifies the range of grades from the lowest grade A1 Low through to D5 Upper (Ezemvelo KwaZulu-Natal Wildlife, 2013), with those beyond D Upper being reserved for executive managers. As such, two workers with the same title may not necessarily be compensated at equal grades, for example, an Officer in Charge at a smaller park will not be compensated at the same level as an Officer in Charge of a larger protected area. A review of the Vacancy Update - 11231 list indicated that an Officer in Charge could be graded from C4 Upper to D1 Lower levels (Struwig, 2012).

The term 'worker' describes an employee contracted to EKZNW in a seasonal, part-time, relief, casual, fixed-term contract or permanent position. The term 'all' in conjunction with 'staff', 'employees' or 'workers' is used in many of EKZNW's labour policies to synonymously describe either 'temporary workers' or 'permanent workers', and are collectively referred to as a 'worker' in this study. Temporary workers are differentiated from permanent workers by having a limitation on their period of employment, and are frequently described by EKZNW workers in the colloquial term TOGT (taken on government terms) (Howells, 2011) workers. The terms 'unskilled temporary' or 'TOGT' worker in EKZNW are considered synonymously. EKZNW loosely describes a permanent worker of the same standing as a TOGT worker as a General Assistant. The term 'unskilled' is used to describe the nature of work that the worker is hired to perform, and would not require any certified trade or qualification. In order to perform the work, workers may receive onsite instruction or have the necessary skills or past experience to perform the task.

Both permanent and temporary workers might undertake unskilled work, and frequently work side by side performing the same task. In the context of a permanent worker, the service level agreements of a worker may rate a General Assistant above an A Low grade. In the case of General Assistants, 45 of the 443 posts were graded as grade A2, the remainder falling into the A1 (Struwig, 2012). The Vacancy Update - 11231 list revealed that the title of General Assistant is not reserved exclusively for A1 grade workers, and that there are 12 different titles for A1 grade workers (Struwig, 2012).

The unskilled temporary workers are employed throughout KwaZulu-Natal Province (KZN) from the communities neighbouring its protected areas to undertake a wide variety of labour intensive tasks. They are financed under the Profit Centre Cost Element Name: 'Payroll Expense Contract - All Short Term' (Cost Element Number: 430820), encompassing workers of all age and genders; whilst skilled workers are paid under Cost Element: 'Payroll Expense Contract - Long Term' (Cost Element Number: 430800). The study recognised that it was possible that a manager may have inadvertently hired an unskilled temporary

worker under the Cost Element: 'Payroll Expense Contract - Long Term' and visa versa. Without any means of filtering out such incidents the figures offered are presented as broad indicators and trends. During the period between the 1st April 2010 and 31st March 2011, management within protected areas of the uKhahlamba Region employed a total of 2 204 unskilled temporary workers, **Error! Reference source not found.** (Phillips, 2011a). The wage cost for this period totalled R9 414 357.59, which included the operational costs for day-to-day management activities, specific internal projects linked to annual grant funds with outcomes related to the Annual Performance Plan, and external project funds leveraged or donated to implement projects described by financiers, Table 1.1 (Brassell, 2011).

Table 1.2 - Summary of unskilled temporary workers budget data for the period 1 April 2010 to 31 March 2011 in the uKhahlamba Region, supplied by Brassell (2011)

Project Type	Unskilled temporary workers budget
External Project	R3 198 647.12
Internal project	R2 581 520.05
Operating	R3 634 190.42
<u>Total</u>	<u>R9 414 357.59</u>

Using unskilled temporary workers from communities surrounding the protected areas and parks has allowed EKZNW access to a conveniently situated workforce. Not having to provide housing or transport for workers who commute to work saves the organisation transport or housing costs. Over the years, many of these unskilled temporary workers have received on-site instruction from park management in work disciplines that are of a varied nature. In many cases, a local understanding has been reached between the neighbouring communities and the different park managers on the hiring of unskilled temporary workers.

1.3 Need for the study

Park and line managers have for a long time advocated that EKZNW's labour policies should be equitably applied for workers undertaking work of a similar

nature. Concerns were not limited to a single instance, and were raised with the researcher on this topic as far back as 2003 by Mthimkhulu (2011), and again in 2005 by Myeza (2005). The concerns raised at the time focussed on the disproportionate compensation being applied between temporary and permanent workers.

Myeza (2005), the former Officer-in-Charge at Cathedral Peak Nature Reserve, came to the researcher and stated that “temporary workers were not being paid a working wage”. The researcher questioned him on this statement and asked him to qualify how he had come to this conclusion. He was unable to indicate what criteria he had used to compare workers wages to establish that unskilled temporary workers wages were not reasonable or how the wages being paid by EKZNW were biased against them.

Organised labour has also expressed concern about the inconsistent application of labour policies EKZNW applies to unskilled temporary workers. Trade Unions have question whether EKZNW’s labour policies are being applied fairly and consistently when considering the varied remuneration being received by permanent workers and their unskilled temporary colleagues. Labour Unions have also indicated that favouritism is being applied to permanent workers, and that it appears that labour practises differ for unskilled temporary workers, depending on a variety of factors, including the following:

- the park where they are hired to work;
- whether they are employed by the Biodiversity Conservation or Commercial Operations cluster;
- the manager by whom they are employed.

Previous attempts have been made within EKZNW to implement a system that equitably compensated workers, but has been met with varying degrees of success. In January 2011, Mthimkhulu (2011) requested an increase for unskilled temporary workers wages assisting with Biodiversity Conservation Operations. This was supported at a regional level and was sent to the Provincial Biodiversity Conservation Operations Committee for ratification, as its effects could impact on

Biodiversity Conservation Operations on a provincial scale. The Committee subsequently approved a Provincial wide wage increase to workers employed under Biodiversity Conservation Operations.

The apparent lack of a formal approach relating to unskilled temporary workers when dealing with labour practises is further illustrated in a circulated request from the uKhahlamba Regions Human Resource Management to assess and make recommendation on increasing temporary workers wages (Mthembu, 2011b). This request asked managers to review the 'temporary worker' wages that had been in use since 2006, as compiled by Potgieter and Meier (2006), because salaries paid to unskilled temporary workers in the Parks had not remained competitive with establishments outside the protected areas. This had resulted in difficulties for managers recruiting workers from the neighbouring communities (Mthembu, 2011b).

1.4 Statement of the problem

Based on concerns raised by Mthimkhulu (2003) and Myeza (2005), input from managers, workers and organised labour, and having supervised a considerable number of unskilled temporary workers over the years, the researcher is of the opinion that there is a lack of clarity regarding:

- The differences in conditions of employment between unskilled temporary workers and unskilled permanent workers,
- Why these differences exist?, and
- What the implications are for unskilled temporary workers?

1.5 Aim and objectives of the study

The aim of this study is to identify the differences in conditions of employment between unskilled temporary workers and unskilled permanent workers at EKZNW, to understand why these differences exist, and what the implications are for the unskilled temporary workers.

The following objectives apply to the study:

1. Review International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers;
2. Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers;
3. Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers;
4. Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers;
5. Establish the resulting implications for unskilled temporary workers;
6. Suggest recommendations about making working conditions more equitable between unskilled temporary workers and unskilled permanent workers.

1.6 Research methodology

The research methodology set out to qualify the degree to which ILO principles were applied in the South African Constitution, the Basic Conditions of Employment Act and labour policies of EKZNW. This case study research consisted of a policy review, which identified gaps in working conditions between unskilled temporary workers and permanent workers that were explored during in-depth interview. Qualitative data was obtained to enable a thematic analysis of the interview responses and to enable a comparison with the legal principles obtained from the document review.

1.7 Confidentiality of the report

Following discussion with Mkhize (2011b) on this research topic, she agreed that the subject matter was relevant to service delivery within the organisation, and that the report could assist EKZNW in rectifying shortcomings. However, she also expressed concern about sensitivities relating to the findings, and the potential for someone with malicious intent to make inappropriate use of this information, thereby compromising the organisations position. Mkhize (2011b) indicated that an

application must be made directly to the Chief Executive Officer of EKZNW to undertake the study.

At a meeting with the Chief Executive Officer of EKZNW, the researcher requested permission to undertake the study. Authority was granted on the basis that the organisation would have access to the completed study, and that a decision would be made on releasing the findings once management had had a chance to review them (Mkhize, 2011b). As such, all material contained in this report should be treated as confidential and every effort should be made to not disclose any information without prior written consent by EKZNW.

1.8 Sequence of chapters

The study is presented in the following chapters:

- Chapter 2 reviews the theory of social justice, presents the four fundamental principles of the International Labour Organisations, contextualises the South African labour sector and legislation, along with EKZNW's labour policies
- Chapter 3 outlines the research methodology and describes the research design, study population, research tools, data collection, management and analysis methods, the ethical considerations
- Chapter 4 presents the study Results and Discussion, and is outlined with respect to the first five Objectives.
- Chapter 5 restates the problem, answers the research question, summarises the principal outcomes, presents the study limitations, outlines a number of recommendations and indicates the significance of the study for EKZNW.

2 LITERATURE REVIEW

2.1 Introduction

A review of various literature sources was undertaken to provide both context and content for this chapter. This chapter explores social justice theory and its influence on the ethos and regulations of the International Labour Organisations (ILO), and reviews the principles contained in the ILO Declaration on Fundamental Principles and Rights at Work with respect to workers rights. It reviews South Africa's labour sector, by describing vulnerable sectors in the labour market, reviewing factors that enable the casual nature of the workforce; and presents the impact that organised labour has had on the labour market. It provides a summary of legislation protecting the rights of workers in South Africa, outlining the Republic's international obligations, reviews sectoral determinations and describes state intervention aimed at alleviating poverty in South Africa. The final section presents EKZNW's labour policies within the framework of international and national regulations and legislation.

2.2 Social Justice Theory

In his work on 'A Theory of Justice', John Rawls, a twenty first century American theorist and professor at Harvard University, suggested that the concept of justice, that he described as 'justice as fairness', entailed common consensus being agreed to under an even-handed situation within society (Kelly, 2001). Garrett (2005) remarked that John Rawls initiated his idea of justice on the bases that all people are free and equal. He goes on to remark that John Rawls advocated a concept in which fairness of justice conforms to the principles that; firstly, everyone has the right to equal liberties which are identical in design to the liberties of other individuals; and secondly, that societal and financial differences should fulfil two conditions. These are that equitable opportunity be granted to everyone, and where differences do occur, that the most deprived citizens stand to gain the most.

The first principle relates to equity in such essential freedoms as; contemplation, principles, political opinions, association, an individual's ethics along with legislated

rights and liberties. Garrett (2005) further remarks that John Rawls advocated that if we are not free to interact with other concurring members of the public, then we are denied the freedom of choice. The second principle acknowledges that certain individuals may have greater authority than others, provided that those in dire need of assistance are better off as a result of the actions taken by those in authority, and that individuals are not denied the right of entry into authoritarian positions due to meaningless conditions (Garrett, 2005).

Flew (2001) questions the concept of redistributing of wealth from the affluent to the needy under social justice by John Rawls, who contests the legality of the receiver's being rewarded while the owners are deprived. The notion that an individual's beliefs may somehow personify social justice and therefore be imposed on others through legislation appears to be presumptuous. As a result, he advocates that social justice cannot be an individual's perception of justice, but rather that the social justice implies a collective fairness in application (Flew, 2001).

Jost and Kay (2010) suggest that social justice is not only about whether individuals perceive a situation to be just or not, but rather, while complicated, the ability to ascertain if the situation is in fact fair. They further acknowledge that different cultures and countries may not hold the same views on social justice, and that justice may therefore not have a singular meaning, but rather that there may be numerous variations of justice.

2.3 The International Labour Organisation

The International Labour Organisation was established in 1919 after the First World War, and was based on the understanding that enduring cessation of war is only possible through communal equality (International Labour Organisation, 2011b, International Labour Organisation, 2008a). The International Labour Organisation (2011b) lists four International Labour Standards, that are upheld under the umbrella of equality among sexes in addition to decent work. They are to promote conditions of freedom, equity, security and dignity (International Labour Organisation, 2011b, International Labour Organisation, 2008a). The International Labour Organisation describes its main aim as being:

To promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.

(International Labour Organisation, 2008a: 3).

Social justice is embraced by the ILO and manifests in its constitution, with the organisation acknowledging that “universal and lasting peace can be established only if it is based upon social justice” (International Labour Organisation, 2011c: 1).

2.4 The International Labour Organisation and Social Justice

The ILO describes social justice as being the equitable development of all individuals without prejudice, in which workers are granted the rights to dignity and freedom of expression, thereby empowering society (International Labour Organisation, 2011c). This the ILO gives credence to, by emphasising that:

Work is central to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, hinges on work that is decent.

(International Labour Organisation, 2008a: 4)

In accordance with this ideology, the ILO endorsed a number of Conventions, protected under the 1998 Declaration on Fundamental Principles and Rights at Work, aimed at advancing the living standards of individuals. In addition, the 2008 International Labour Conference endorsed a Declaration on Social Justice for a Fair Globalization (International Labour Organisation, 2011c, International Labour Organisation, 2008b). This serves as a cornerstone for the ILO's Decent Work Agenda in creating jobs, providing security and enabling public discussion, while ensuring the fundamental principles and rights of workers are met (International Labour Organisation, 2011c). While recognising future challenges, the ILO reaffirmed its commitment towards the advancement of social justice at its 100th International Labour Conference Session in 2011, which included taking into

consideration requirements of society, caring for the world and ensuring that justice directs the organisations future course of action (International Labour Organisation, 2011d). This was succinctly portrayed in the words of Nelson Mandela, the former President of the Republic of South Africa, when he stated that:

We cannot develop at the expense of social justice.

We cannot compete without a floor of basic human standards.

If this is true inside our own society, it is true for the world as a whole.

(International Labour Organisation, 2005: 94)

2.5 Fundamental Principles of the International Labour Organisation

A review of International Labour Organisation policies to determine the internationally accepted employment principles was undertaken to meet objective 1 on this study. In 1988, the International Labour Organisations International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work, also referred to as the 'Declaration' (International Labour Organisation, 2008a, International Labour Organisation, 2006). The fundamental principles of the Declaration were identified from the following eight ILO Conventions:

- Freedom of Association and Protection of the Right to Organise Convention 87 of 1948
 - Right to Organise and Collective Bargaining Convention 98 of 1949
 - Forced Labour Convention 29 of 1930
 - Abolition of Forced Labour Convention 105 of 1957
 - Minimum Age Convention 138 of 1973
 - Worst Forms of Child Labour Convention 182 of 1999
 - Equal Remuneration Convention 100 of 1951
 - Discrimination (Employment and Occupation) Convention 111 of 1958
- (International Labour Organisation, 2005)

Unlike ILO Conventions that require the endorsement by member States, membership of the ILO, along with ILO Constitutional commitments, makes the Declaration pertinent on all members. Accordingly, the Declaration obliges member States to revere, uphold and achieve four fundamental principles:

- a. Freedom of association and the effective recognition of the right to collective bargaining;
- b. The elimination of all forms of forced or compulsory labour;
- c. The effective abolition of child labour;
- d. The elimination of discrimination in respect of employment and occupation.

A synopsis of the four fundamental principles are presented below and the supporting ILO Conventions are indicated (International Labour Organisation, 2006).

a. Freedom of association and the effective recognition of the right to collective bargaining

Freedom of association is considered at the heart of the ILO fundamental principles, and is preserved in the ILO Constitution of 1919, the ILO Declaration of Philadelphia of 1944, the ILO Declaration on Fundamental Principles and Rights at Work of 1998 and the stated in the Universal Declaration of Human Rights of 1948. The Freedom of Association and Protection of the Right to Organise Convention 87 of 1948 describe freedom of association as the right of workers to create and affiliate with federations and confederations of their choice. The Convention further acknowledges that collective bargaining and social dialogue are the right of workers in rallying workers and establishing employee's organizations. Employees should be granted leeway to carry out such activities freely and without threat of dismissal. They are also protected from prejudice in terms of the Right to Organise and Collective Bargaining Convention 98 of 1949 in addition to the Rural Workers' Organisations Convention 141 of 1975. These Conventions grant workers the right to affiliate with Trade Unions, and protects them from intimidation while preserving their right to collective bargaining. The Right to Organise and Collective Bargaining Convention 98 of 1949 furthermore campaigns for governments to take the necessary steps to advance collective bargaining between workers and their employers, with the aim of regulation the terms and conditions of employment through negotiations (International Labour Organisation, 2009).

The Workers' Representatives Convention 135 of 1971 grants workers protection from any undertaking deemed detrimental to them relating to their standing, actions as a shop steward or due to any affiliation with a trade union or involvement in labour activities. Protection of public employees is described under the Labour Relations (Public Service) Convention 151 of 1978, whereby workers and Trade Unions are assured freedom from civil authorities. The Convention furthermore advocates that civil servants or their appointees are able to negotiate conditions of employment and reconcile differences through collective bargaining or via autonomous and neutral structures. The Collective Bargaining Convention 154 of 1981 describes the term collective bargaining and advocates for its adoption in both the private and civil sectors (International Labour Organisation, 2009).

b. The elimination of all forms of forced or compulsory labour

The Abolition of Forced Labour Convention 105 of 1957 forbids the use of forced or obligatory labour for intimidation or education as a sentence for opinions differing from the establishment, for rallying workers, for punitive reasons or for any form of discrimination. In addition, the Forced Labour Convention 29 of 1930 forbids forced or obligatory labour which the Convention describes as:

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

(International Labour Organisation, 2009: 30).

The ILO further states that the term 'slavery' is not reserved strictly for forced labour, but includes practices such as:

- Entrapment of domestic workers: as a result of employers confining workers through coercion or aggression.
- Debt bondage: in which individuals are tied to their work through owing money to their employer.
- Prostitution or sweatshops: in which women and children are sold on by traffickers, or

- Sentence: for an individual's political views (International Labour Organisation, 2009).

c. The effective abolition of child labour

The exploitation of children through labour is deemed a basic infringement of human rights that thwarts the growth of children that results in bodily or emotional impairment. Indications are that poverty and child labour results in children being deprived of an education and stifles their future opportunities, thereby further perpetuating the cycle of poverty. Accordingly, the Minimum Age Convention 138 of 1973 defined the minimum age for light duty employment to be 15 years and 18 years for dangerous work, while catering for 16 year olds under stringent stipulations. Consideration is provided for 14 year olds (12 year olds for light duty employment) in member states with underdeveloped economies and learning institutions. In addition, the Worst Forms of Child Labour Convention 182 of 1999 stated that anyone under the age of 18 is a child. The Convention further requires member states to eradicate a wide spectrum of slavery practices involving children in the workplace, including trafficking, enforced labour, war, prostitution, in addition to immoral, unsafe and harmful employment practises. Member states are also required to provide children with free basic education and job-related schooling for individuals rescued from exploitation (International Labour Organisation, 2009).

d. Elimination of discrimination in respect of employment and occupation

The freedom to earn a living based on an individual's capacity is considered a basic right of all employees. The Discrimination (Employment and Occupation) Convention 111 of 1958 denotes that discrimination in respect of employment and occupation is a bias practice against individuals due to their gender, race, or religious ideologies, without consideration of their expertise and qualifications. This, the ILO further states has resulted in female employees earning as much as one fourth less than their male counterparts while undertaking the equivalent work. The ILO acknowledges that women and certain sectors of society have historically been disenfranchised and shunned to the fringes of the labour market, thus making them particularly vulnerable. This, the International Labour Organisation (2011b) comments, has made it even harder for them to secure gainful employment.

The Workers with Family Responsibilities Convention 156 of 1981 requires member states to put into place measures that grant individuals the opportunity to pursue their work and family commitments without threat of intimidation or discrimination. In order to ensure equality in the compensation of workers, the ILO comments that the Equal Remuneration Convention 100 of 1951 calls on member states to ensure that men and women performing tasks of a similar nature are equitably remunerated (International Labour Organisation, 2009). The Convention furthermore describes the term 'remuneration' as:

The ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment.

(International Labour Organisation, 2009: 34).

Concern was further noted by the Committee of Experts who released a General Observation on the Equal Remuneration Convention 100 of 1951 in terms of the concept of 'work for equal value'. The Committee of Experts declared that this concept served as the foundation of the Convention, and that equitable remuneration was a basic right of all men and women (International Labour Organisation, 2009).

2.6 The International Labour Organisation's Decent Work Country Programmes

The unique tripartite relationship that the International Labour Organisation occupies within the United Nations enables it to interact with delegates from individual states, centres of employment and employees (International Labour Organisation, 2011b). This the ILO puts to good effect by implementing the its Decent Work Agenda through the Decent Work Country Programmes (International Labour Organisation, 2011a, International Labour Organisation, 2011b). The Decent Work Agenda member nations are therefore called upon to implement

programmes aimed at developing employment opportunities through which vulnerable sectors can be assisted in finding gainful employment.

The ILO describes the Decent Work Country Programmes, which it established in 2004, as the official vehicle through which members, of which South Africa is one, are assisted in implementing decent work programmes. Decent Work Country Programmes aim to channel the deployment of manpower and budgets, thereby maximising outputs through collaborative efforts that solicit and assign investment within programmes (International Labour Organisation, 2011b). With parity among sexes placed as an umbrella objective, the Decent Work Country Programmes strive to implement the Decent Work Agenda's strategic objectives that broadly advocate the four fundamental principles, derived from the 1988 Declaration on Fundamental Principles and Rights at Work, which, as indicated above, are:

- a. The freedom of association and the effective recognition of the right to collective bargaining
 - b. The elimination of all forms of forced or compulsory labour
 - c. The effective abolition of child labour
 - d. The elimination of discrimination in respect of employment and occupation
- (International Labour Organisation, 2006).

In line with the thinking of Jost and Kay (2010); who suggest that different cultures and countries may not hold the same views on social justice; the International Labour Organisation acknowledges that individual states will identify and implement Decent Work Country Programmes aimed at addressing national priorities, which may differ between states due to individual national considerations (International Labour Organisation, 2011a). South Africa, being a member of the International Labour Organisation, has implemented a national Decent Work Country Programme aligned to the ILO's objectives. The Republic of South Africa's Constitution and subordinate Basic Conditions of Employment Act acknowledge the International Labour Organisation, and attempt to ensure that employment opportunities are open to all sectors of society (Republic of South Africa, 1996).

2.7 South African labour context

The lack of social justice between temporary and permanent workers is not unique to EKZNW, South Africa or other developing countries, and is apparent in developed nations such as the United States of America. To this extent, Francis (1999) reports that temporary workers are often referred to as the 'contingent labour force' in the United States of America, while in South Africa, Klerck (2009) remarks that this vulnerable sector has been termed a 'flexible' or 'disposable' form of employment.

2.8 Historical Context

Preceding the amalgamation of KwaZulu-Natal after 1994, KwaZulu-Natal consisted of the province of Natal and the 'homeland' of KwaZulu (Ezemvelo KwaZulu-Natal Wildlife, 2012). Pons-Vignon and Anseeuw (2009) contended that a legacy of these 'homelands' is that a significant proportion of rural workers continue to reside in relative poverty. This is compounded when considering the report by Lehohla (2010) that indicated a 25.3% unemployment rate within South Africa in 2010. Residents residing in these former 'homelands' survive almost exclusively on subsistence agriculture for a living, as stated by Levinsohn (2007).

According to Naidoo et al. (2007) South African farm workers have historically been subjected to abject poverty and have occupied some of the most appalling living and working conditions faced by the labour market, thus leaving them as one of the most vulnerable sectors of the workforce (Naidoo et al., 2007). Naidoo et al. (2007), Klerck (2009), Pons-Vignon and Anseeuw (2009) and Posel and Muller (2008) all report that rural workers have been subjected to a number of unjust labour practices by their employers. Such practices included:

- 'labour tenancy' in which the labour provided work in return to secure the right to reside on a given property (Pons-Vignon and Anseeuw, 2009),
- 'payment in kind' in which an employer would compensate a labourer in a non-monetary form for services rendered (Naidoo et al., 2007) and,
- 'piece work' in which a worker would undertake a specific given task for compensation (Naidoo et al., 2007, Posel and Muller, 2008)

Both Naidoo et al. (2007) and Klerck (2009) remark that these practices contributed towards the creation and perpetuation of both a paternal and parochial situation between the employer and employee. It was noted by the researcher that unskilled temporary workers employed by EKZNW reside either in the former 'homelands', on farms or urban centres neighbouring the various protected areas.

2.8.1 Vulnerable sectors in the workforce

While Posel and Muller (2008) remark that temporary employment does allow for a degree of flexibility in employment for the worker. Both Buhlungu (2008) and Kenny (2007), on the other hand, maintain that temporary work lacks any notable form of job security. In addition, they state that temporary workers often have little or no platform to negotiate from with their employers as in the case with EKZNW. Kenny (2007) and Pons-Vignon and Anseeuw (2009) remark that many employees simply work to earn enough to feed their families, creating a relationship of total reliance on the employer, and making it almost impossible for the employee to break this cycle in order to improve their lifestyle.

As is common in much of the world, Posel and Muller (2008) concur that temporary work makes up the primary source of employment for women in South Africa. Naidoo et al. (2007) and Klerck (2009) indicate that many temporarily employed women are given nonessential and menial duties. For example, Naidoo et al. (2007) remarks that farmers in the Eastern Cape Province often reimburse women according to duties and diligence, as is also raised in Klerck (2009) study. Horton (1999) concluded that as recently as 1999, men were frequently earning 30 percent more than their female counterparts.

Unlike their permanent co-workers, temporarily employed women are frequently characterised by being older, possessing less skills, supporting families while rearing children, not belonging to a Labour Union, receiving few if any benefits and obtaining lower incomes (Posel and Muller, 2008). Furthermore, Posel and Muller (2008) remark that temporary women workers, who are not the breadwinners, are often perceived to be tied down to their spouses employment and consequently accept lower wages. These problems are not unique to women in the developing

world who struggle to find work or are limited to menial tasks (Naidoo et al., 2007). Women in countries such as the USA are frequently paid less than their male counterparts while working alongside their male colleagues (Foroohar, 2011). Levinsohn (2007) therefore suggests creating meaningful long-term job opportunities for women. Thereby alleviating the high levels of unemployment experienced within the female sector of the market (Levinsohn, 2007).

The youth in South Africa face a particularly dire situation, with unemployment figures as high as 38,4% nationally, with the figure for KZN being 42.1% for persons ages 15 and 34 years (Anon, 2013). Statistics for unemployed women aged 15 to 24 years are as high as 81% (Anon, 2011). The problem is not unique to South Africa, Francis (1999) notes that in the USA, a quarter of all youth, described as adulterants between the ages of 14 to 24 years by (Altschuler et al., 2009), are only temporarily employed, this figure rising to 59% for persons over 24 years (Anon, 2011). According to Levinsohn (2007), one of the biggest downfalls of the youth securing gainful employment is related to their lack of marketable skills, inexperience and rapid employee turnover.

Both Horton (1999) and Earle and Paterson (2007) contend that the high numbers of unskilled workers in the country can partly be attributed to low levels of education. In addition, Earle and Paterson (2007) comments that businesses are shifting their focus towards hiring workers with the necessary tertiary credentials. In order to provide the youth with better opportunities to find gainful future employment, Levinsohn (2007) advocates for a programme aimed at transferring the necessary experience and skills onto unemployed and unskilled youth. This, Levinsohn (2007) suggests, can be achieved by way of developing the marketable skill sets and experience for temporary or unemployed workers.

While acknowledging Posel and Muller (2008) findings that women make up the larger portion of temporary employees in South Africa, this representation does not follow through in union affiliation, as noted by Buhlungu (2008). Buhlungu (2008) remarks that while permanent female workers constitute a significant portion of the Congress of the South African Trade Unions, the federations leadership is poorly

represented by women. This poses questions of gender representation within the structure, and means that unskilled women employed in a temporary capacity are largely unrepresented through trade unions (Buhlungu, 2008).

2.8.2 Organised labour

According to Naidoo et al. (2007), the susceptibility of the youth, women and rural workers results in them falling prey to dubious working conditions. Such circumstances, Naidoo et al. (2007) state, include unscrupulous employers who circumvent trade unions and the Department of Labour regulations due to their remoteness or the Departments inability to monitor and enforce them. The despondency in not finding work, as reported by Levinsohn (2007), leads to extraction from the job seeking process, apathy towards the future and the gradual loss of marketable skills. Pons-Vignon and Anseeuw (2009) contend that the perceived apathy shown by politicians towards unemployment, coupled with dire living conditions, lead to despair amongst workers. They also note that this is further exacerbated by the disillusionment of workers of organised labour. In addition, organised labour has become comfortable with their political relationships and therefore lack the determination or the means to support their purported constituents (Pons-Vignon and Anseeuw, 2009).

The early success of the trade unions, as argued by Buhlungu (2008), added in some ways towards casualisation and contracting out of the workforce, subsequently impacting on union membership numbers. This, Horton (1999) contends, resulted in layoffs and subsequent re-hiring of unskilled temporary labour. Accordingly Buhlungu (2008) reported that the Congress of South African Trade Unions membership within the occupational category 'unskilled worker' fell by from 30 percent to 12.3 percent between 1994 to 2004.

At the time of Naidoo et al. (2007) study, just over 11.5 percent of rural workers were affiliated to an organised labour body, with Klerck (2009) reporting that this was not unique to the South African context. Findings showed that in Namibia, temporary workers were frequently non-unionised and lacked any platform for collective bargaining. Buhlungu (2008) proposed that this lack of affiliation with

organised labour inadvertently resulted in temporary workers forfeiting their collective bargaining rights to the very unions that to which they were unaffiliated.

Kenny (2007) and Buhlungu (2008) remark that union conscription has largely focused on unionising permanent workers, giving unions more control over business. Accordingly by 2004 92 percent of the membership of Congress of the South African Trade Unions being workers holding permanent posts (Buhlungu, 2008). This has resulted in a decline in union membership (Kenny, 2007, Klerck, 2009), the changing in union affiliation being confirmed in a report by Kenny (2007), where he states that in one incident it was established that almost all the non-permanent workers working for a given retailer were un-unionised. Furthermore, Buhlungu (2008) and Klerck (2009) remark that employers had reasoned that by taking on greater numbers of temporary workers, businesses are able to circumvent unions. At the same time, businesses are able to ensure a competitive edge and higher profits by curbing production cost through lower wages (Klerck, 2009, Buhlungu, 2008).

According to Buhlungu (2008) temporary workers have provided businesses with an inexpensive and flexible approach for addressing global economic trends and demands. Furthermore, Kenny (2007) found that in some cases permanent workers were paid as much as 300 percent more than their temporary co-workers. This places organised labour in an awkward position, as noted by Buhlungu (2008), as unions are finding it harder to lay claim to the fact that they represent the ever increasing unskilled temporary and jobless sectors. Consequently, the federation has been portrayed as an institution for permanent workers (Buhlungu, 2008). To this extent, both Kenny (2007), and Buhlungu (2008), suggest that organised labour needs to redress how it attracts membership.

Kenny (2007) reported that, temporary workers frequently feel that they are considered 'cheap and exploitable labour' who toil as servants of permanent workers. The notion that temporary workers are inferior and that temporary work has a stigma attached to it is not unique to South Africa. In Bangladesh, temporary work is frowned upon by other workers and certain sectors in society (Ahmed,

1981), while according to Francis (1999), people in the developed world associate temporary work as a 'substandard' form of employment. This belief was born out by a temporary worker in EKZNW, O'Connor (2011), who commented that "The rules are not the same for us second class citizens (temporary workers)" when referring to aspects of injustice between temporary workers and permanent workers.

2.9 South Africa: Labour Legislation, Policies and Programmes

South African legislation makes specific provision for International Law both within the Constitution of the Republic of South Africa Act (Constitution) and the Basic Conditions of Employment Act. Chapter 2, Section 39(1)(b) of the Constitution makes specific provision for "... considering international law ..." (Republic of South Africa, 1996: 1267) when interpreting the Bill of Rights. Section 2(b), of Chapter 1, in the Basic Conditions of Employment Act refers to Section 39(b) of the Constitution by recognising South Africa's international obligations. The Basic Conditions of Employment Act makes specific provision for meeting the State's responsibilities in terms of the International Labour Organisation (Republic of South Africa, 1997). In addition, Section 2(b) acknowledges the Republic's membership of the International Labour Organisation while undertaking to meet International Labour Organisation obligations.

Vavi (2011) and Sasithorn (2011) reported that South Africa ratified, and subsequently implemented, the Decent Work Country Programme in September 2010. The Republic implemented the programme under the country's National Economic Development and Labour Council, enacted by parliament in 1994 (Republic of South Africa, 2010). Although South Africa ratified the convention, many workers continue to grapple with inadequate working conditions according to Vavi (2011). This too can be attributed to governments' failure to comply with norms laid down by the International Labour Organisation. Vavi (2011) goes on to note that the International Labour Organisation has called on member nations under the umbrella of the Decent Work Agenda to bring to an end a number of questionable workplace conditions, while acknowledging specific vulnerable sectors within the workforce.

The International Labour Organisation has over the years implemented numerous Labour Conventions aimed at alleviating the plight of workers (Republic of South Africa, 2010). While acknowledging the importance of these Conventions in easing injustices in the workplace, South Africa has until now not endorsed all the International Labour Organisation's Labour Conventions (Republic of South Africa, 2010). The government attributes this to concerns relating to enforcement of obligations and lack of familiarity of these Conventions (Republic of South Africa, 2010). Consequently, South Africa has yet to ratify several critical ILO Conventions, such as the Part-Time Work Convention C175 of 1994 (International Labour Organisation, 1994, Republic of South Africa, 2010). While noting the states response for not ratifying these Conventions, the large number of temporary workers and the trend towards casualisation of the workforce serves to perpetuate injustice in the workplace, as noted by Klerck (2009).

2.9.1 Provision in South African law for worker rights

Kenny (2007) and Naidoo et al. (2007) noted that South Africa's labour laws, prior to adoption of the Constitution and the subsequent Basic Conditions of Employment Act, were poor in upholding the rights of labourers. It was only with the advent of the Constitution of the Republic of South Africa Act in 1996, and the Basic Conditions of Employment Act of 1997, that labour started receiving adequate statutory protection (Kenny, 2007, Naidoo et al., 2007). A review of both the SA Constitution and the Basic Conditions of Employment Act established that neither document made mention of an 'unskilled temporary worker' nor did they use the term 'unskilled'; the word 'temporary' was used, but not in relation to a worker. It is noted that the Basic Conditions of Employment Act does not discriminate between temporary and permanent employees, apart from defining the duration of employment and calling for equal treatment of all employees (Republic of South Africa, 1997). The principles of social justice that advocates for equal liberties for everyone and in the event of societal and financial differences occurring that equitable opportunity be granted to everyone, and were differences do occur, that the most deprived citizens stand to gain the most do not appear to be addressed in terms of unskilled temporary workers. The rights of all individuals

in the country are endorsed through Chapter 2 of the Constitution, the Bill of Rights. Section 7(1) of the Bill upholds "... equality ..." (Republic of South Africa, 1996: 1245) of all people. The Bill of Rights goes further, by granting employees the right "... to fair labour practices" (Republic of South Africa, 1996: 1251) under Section 23(1), of Chapter 2. Although the Constitution does not directly address equality in terms of labour issues, the Bill, under Section 39(2), does speak of upholding "... the spirit ..." (Republic of South Africa, 1996: 1267) of the Act. When reflecting on the application of 'equality' and 'fair', as described in Section 39(2), it can be understood that the Bill implies parity amongst all people regardless of their position in the workplace. This view is affirmed in the Republic of South Africa's Decent Work Country Programme, in which mention is made of the Republic's Bill of Rights endorsing these principles (Republic of South Africa, 2010).

The Basic Conditions of Employment Act, under Chapter 1 Section 2(a), takes this process further by enacting Section 23(1) of the Constitution (Republic of South Africa, 1997). In addition, Section 2(a), under Chapter 1, of the Basic Conditions of Employment Act effects Section 7(1) of the Constitution through regulation that enshrines the rights of employees in calling for "... fair labour practises ..." (Republic of South Africa, 1997: 7) in the workplace. Although the Basic Conditions of Employment Act does not state that labour practises must be equitable, the Act does talk to "... fair labour practises ..." (Republic of South Africa, 1997: 7), which, if read in conjunction with Section 39(2) of the Constitution, can be interpreted to imply a non-discriminatory and even-handed application of the law.

Under Chapter 2 of the Constitution, Section 18 of the Bill of Rights affords individuals the right of "... freedom of association" (Republic of South Africa, 1996: 1249). In keeping with the Constitutions' progressive outlook, Section 23 of the Bill of Rights specifically addresses the rights of workers, employers and labour organisations on labour relation matters (Republic of South Africa, 1996). This the Basic Conditions of Employment Act expounds upon further under Chapter 10 Section 78(1) (a), in which employees are granted the right to raise concerns with "...a trade union representative, a trade union official or a labour inspector ..." (Republic of South Africa, 1997: 31). In addition, Section 78(1) (b), of the Basic

Conditions of Employment Act, grants employees the right to "...discuss his or her conditions of employment with his or her fellow employees, his or her employer or any other person" (Republic of South Africa, 1997: 31). The Bill, furthermore goes on to specifically grant workers the right to strike under Section 23(2) (c), provided that such gatherings are done without taking up arms and in a calm manner as recorded under Section 17 (Republic of South Africa, 1996). This intimates that employees have the right to broach and negotiate work related conditions.

The Bill of Rights not only grants all workers the right of affiliation with a trade union, but also the right "... to form ..." (Republic of South Africa, 1996: 1251) a trade union under Section 23(2) (a). Furthermore, discrimination of unionised workers is prohibited in terms of Section 23 (2) (b), of the Bill, which grants workers the right "... to participate in the activities and programmes of a trade union ..." (Republic of South Africa, 1996: 1251). Consequently, it may be understood that the Bill grants workers (regardless whether they are permanently or temporality employed) the right to solicit, organise, represent and affiliate with trade unions, without apprehension.

2.9.2 Public Works Programmes

Recognising the unemployment problem, the ILO Decent Work Country Programme calls on member states to create work for the jobless (International Labour Organisation, 2011b). Phillips (2004) reports that since 1994, South Africa has made significant strides in job creation, initially under the Department of Public Works who oversaw the Public Works Programmes. Changes made after the National Economic Forum brought about a National Public Works Programme that was initiated under the Reconstruction and Development Programme (Phillips, 2004). The National Public Works Programme aimed at alleviating unemployment through Community Based Public Works Programmes while intensifying the focus of public funds (Phillips, 2004).

Phillips (2004) reports that the President's State of the Nation address in February 2003, and the latter 'Growth and Development Summit' in June 2003, culminated in the establishment of the Expanded Public Works Programmes. This programme

aimed to provide skills and training to workers while temporarily alleviating poverty and addressing public needs. In 2003, Phillips (2004) reports, the government resolved to finance poverty alleviation programmes via its various Departments. Consequently, the Department of Public Works resources were allotted to municipalities via the Municipal Infrastructure Grant by the Department of Provincial and Local Government (Phillips, 2004).

In establishing the Special Public Works Programmes, Phillips (2004) comments that a Code of Good Practice was ratified after agreement was reached at National Economic Development and Labour Council. A Ministerial Determination brought effect to the Code of Good Practice, which was subsequently gazetted by the Department of Labour in 2002 (Phillips, 2004). The Code of Good Practice made provision for developing work experience and training, with the intention of making workers more marketable after exiting the projects (Phillips, 2004). The Special Public Works Programmes are designed to ensure that short-term employment opportunities would impart training that will be of long-term benefit to unskilled temporary workers (Phillips, 2004).

2.10 EKZNW's labour policies

The Labour Relations Policy of 2006 states that the intention of the Policy is to comply with Labour Relations legislation, serving to inform, guide and layout organisational protocol in handling worker issues (Ezemvelo KwaZulu-Natal Wildlife, 2006h). While the Labour Relation Policy serves as the overarching policy in administering human resources within the organisation, a plethora of subservient worker related policies was developed, each individually address specific aspects of human resources management (Ezemvelo KwaZulu-Natal Wildlife, 2006h). While the organisations Labour Relations Policy does not directly address social justice, it acknowledges the dignity of its workers, simultaneously striving for universal ideals and a united vision (Ezemvelo KwaZulu-Natal Wildlife, 2006h).

In order for a policy to be implemented by EKZNW's Executive, it is firstly ratified by the KwaZulu-Natal Conservation Board. EKZNW acknowledges the Constitution of the Republic of South Africa Act and Basic Conditions of Employment Act

through the organisations Labour Relations Policy, which both supersede and provide a legal mandate for EKZNW's own policies (Ezemvelo KwaZulu-Natal Wildlife, 2006h). EKZNW's therefore also endorses the fundamental principles of the ILO's 1988 International Labour Conference on Fundamental Principles and Rights at Work.

In reviewing the different labour policies, it was found that workers are referred to under a myriad of different terms, with no single policy defining the different terminology. Policies describe a worker as being an; employee, staff member, worker, seasonal worker, temporary, casual, TOGT (taken-on-government-terms), permanent, part-time, full-time or relief employee. It is therefore assumed that the term 'employee', 'worker', 'staff', or 'staff member' are synonymous in describing a worker that may be either a 'temporary' or 'permanent' worker', unless as specifically stipulated as in Maternity Leave Policy (Ezemvelo KwaZulu-Natal Wildlife, 2010b).

For the purpose of this study EKZNW's labour policies are described under the three headings; administration, wages and benefits along with leave:

2.10.1 Administration

A number of different labour policies have been adopted by EKZNW in order to administrate workers in the organisation. These policies set the framework for managing workers, ensuring compliance of legislated Acts, whilst providing workers with the right to protection in the workplace; these include the:

- **The Labour Relations Policy** acknowledges the importance of providing for the security and wellbeing of workers (Ezemvelo KwaZulu-Natal Wildlife, 2006h). A Safety, Health and Environment Policy was adopted that reactively diminishes and mitigates potential hazards to guests and workers (Ezemvelo KwaZulu-Natal Wildlife, 2005c). With the exception of the Health and Environment Policy, EKZNW appears to make attempts at ensuring that all workers, including unskilled temporary workers, are treated equitably.
- **The Sexual Harassment Policy** of 2006 was adopted to address incidents of sexual harassment in the workplace (Ezemvelo KwaZulu-Natal Wildlife,

2006m). This Policy strives to ensure gender equality in the workplace, and treats incidents of gender harassment or prejudice as a form of misconduct (Ezemvelo KwaZulu-Natal Wildlife, 2006m).

- **The Disciplinary Code and Procedure Policy** aims to apply reasonable and consistent control in the workplace. In ensuring a single set of disciplinary standards for all workers, and in context of the Disciplinary Code and Procedure Policy, Clause 6.1 Policy states that the Policy is applicable "... to all employees, including temporary staff / fixed term contracts and employees on probation ...". (Ezemvelo KwaZulu-Natal Wildlife, 2011b: 3). Simultaneously EKZNW's Grievance Resolution Procedure Policy aims to formally and timelessly address worker's grievances with the employer (Ezemvelo KwaZulu-Natal Wildlife, 1999a).
- **The Retrenchment Policy**, which makes provision for the retrenchment of workers in the event of financial and performance. The Policy permits EKZNW to discharge unskilled temporary workers before terminating the service of any unskilled permanent workers (Ezemvelo KwaZulu-Natal Wildlife, 1999c).
- **The Appointment, Transfers and Promotions Policy** makes allowance for the process of relocation and/ or advancement of workers for operational requirements. Amongst other things, this could be put into effect due to an incumbents specific skill set or on a transfer request by an worker (Ezemvelo KwaZulu-Natal Wildlife, 2011a).
- **The Retention Policy** provides EKZNW the means of delivering on its mandate by retaining key proficiency skills held by contract workers (Ezemvelo KwaZulu-Natal Wildlife, 2011f).
- **The Human Resources Development Policy** and the **Literacy Education Policy** consider the timely intervention and development of workers a critical aspect when delivering on acceptable standards (Ezemvelo KwaZulu-Natal Wildlife, 2006f, Ezemvelo KwaZulu-Natal Wildlife, 1999b). The Labour Relations Policy takes this further by adding that workers required to undertake statutory obligations are entitled to training and re-retraining (Ezemvelo KwaZulu-Natal Wildlife, 2006h). In addition, Literacy Education Policy makes provision for the education of unskilled temporary workers,

which the Policy describes as uneducated and semi-educated workers (Ezemvelo KwaZulu-Natal Wildlife, 1999b). The Literacy Education Policy further provides access to trainers, time for workers to study during work hours, venues for classes, access to training aids and then monitors the student's progress (Ezemvelo KwaZulu-Natal Wildlife, 1999b).

- **The Recruitment Policy**, which describes how workers are employed (Ezemvelo KwaZulu-Natal Wildlife, 2010c).
- The Employee Performance Management and Development System of 2011 (Ezemvelo KwaZulu-Natal Wildlife, 2011c)
- The Employee Relations Policy Framework of 2008 (Ezemvelo KwaZulu-Natal Wildlife, 2008)
- The Employment Equity Policy of 2010 (Ezemvelo KwaZulu-Natal Wildlife, 2010a)
- The Job Evaluation Policy of 2005 (Ezemvelo KwaZulu-Natal Wildlife, 2005a)
- The Succession Management Policy of 2010 (Ezemvelo KwaZulu-Natal Wildlife, 2010d)

2.10.2 Wages and Benefits

While acknowledging its legislated responsibilities, EKZNW's Labour Relations Policy states that workers are entitled to fair working conditions and a fair wage (Ezemvelo KwaZulu-Natal Wildlife, 2006h). The organisation further states that workers doing work of a similar nature shall receive a wage at an equivalent level (Ezemvelo KwaZulu-Natal Wildlife, 2006j). This, the Remuneration Package Policy states, is subject to the understanding that EKZNW has the exclusive and unconditional say in determining if the work is of a similar nature (Ezemvelo KwaZulu-Natal Wildlife, 2006j).

In terms of the Remuneration Package Policy, EKZNW acknowledges the need to grade workers according to their responsibilities (Ezemvelo KwaZulu-Natal Wildlife, 2006h). This aspect of the Remuneration Package Policy is brought into effect through the Job Evaluation Policy (Ezemvelo KwaZulu-Natal Wildlife, 2005a), which objectively evaluates and grades workers (Ezemvelo KwaZulu-Natal Wildlife, 2005a). Accordingly ensuring that unskilled temporary workers s performing work

of a similar nature receive an equivalent wage (Ezemvelo KwaZulu-Natal Wildlife, 2005a).

The Remuneration Package Policy states that EKZNW's Board may at its own discretion pay workers a wage outside of their daily compensation (Ezemvelo KwaZulu-Natal Wildlife, 2006j), such benefits entitle workers to:

- Annual bonus (Ezemvelo KwaZulu-Natal Wildlife, 2011c, Ezemvelo KwaZulu-Natal Wildlife, 2005a)
- Meritorious award (Ezemvelo KwaZulu-Natal Wildlife, 2005b),
- Overtime (Ezemvelo KwaZulu-Natal Wildlife, 2011e),
- Subsistence and travel (Ezemvelo KwaZulu-Natal Wildlife, 2006n),
- Standby allowance (Ezemvelo KwaZulu-Natal Wildlife, 2005d, Ezemvelo KwaZulu-Natal Wildlife, 2011g),
- Annual performance pay (notch) progression award (Ezemvelo KwaZulu-Natal Wildlife, 2007b),
- Transfer allowance, in the event of being relocated (Ezemvelo KwaZulu-Natal Wildlife, 2011a) and
- Transport allowance (Ezemvelo KwaZulu-Natal Wildlife, 2005d).

A number of policies state that certain benefits are reserved for permanent workers to the exclusion of the temporary workers, these include the:

- Housing Allowance Scheme (Ezemvelo KwaZulu-Natal Wildlife, 2007a), however unskilled temporary workers are permitted to use official staff accommodation in terms of the Housing Allowance Scheme, if work requirements necessitate the use thereof (Ezemvelo KwaZulu-Natal Wildlife, 2007a).
- Home Owners Subsidy Policy (Ezemvelo KwaZulu-Natal Wildlife, 2006e)
- Annual bonus (Ezemvelo KwaZulu-Natal Wildlife, 2011c, Ezemvelo KwaZulu-Natal Wildlife, 2005a),
- Retirement annuity (Ezemvelo KwaZulu-Natal Wildlife, 2006k, Ezemvelo KwaZulu-Natal Wildlife, 2006l),
- Acting allowance (Ezemvelo KwaZulu-Natal Wildlife, 2010c),

- Medical aid benefits (Ezemvelo KwaZulu-Natal Wildlife, 2006g) and
- Danger allowance (Ezemvelo KwaZulu-Natal Wildlife, 2005d).
- Collective Agreement February 2006 (Ezemvelo KwaZulu-Natal Wildlife, 2006b)
- Employee Assistance Programme May 2006 (Ezemvelo KwaZulu-Natal Wildlife, 2006c)
- Experimental Training and Learnership Policy February 2006 (Ezemvelo KwaZulu-Natal Wildlife, 2006d)
- Long Service Awards Policy February 2006 (Ezemvelo KwaZulu-Natal Wildlife, 2006i)

Several additional benefits are granted to workers outside of the policies, these include:

- Staff Housing; reserved for permanent workers required to work in remote areas.
- Free Bed Nights; allocated to permanent workers to use EKZNW and National Parks Board accommodation for personal use.
- Uniforms; for ensuring consistency in dress and in order to present a corporate image.
- Protective clothing; allocated to all workers for Health and Safety Reasons.

2.10.3 Leave

EKZNW's policies permit workers leave under eight broad categories which grants an absence from work without being discriminated against, either with or without pay, or for working on Sundays or public holidays (Ezemvelo KwaZulu-Natal Wildlife, 2006a, Ezemvelo KwaZulu-Natal Wildlife, 2006o, Ezemvelo KwaZulu-Natal Wildlife, 2005d); these eight different categories of leave include:

- **Annual Leave:** permits all workers to take paid 'annual leave' (Ezemvelo KwaZulu-Natal Wildlife, 2006a).
- **Leave Without Pay:** may be granted by the organisation subject to; considerations and approval of the workers request (Ezemvelo KwaZulu-Natal Wildlife, 2006o).

- **The third leave category:** which addresses workers employed on Sundays or public holidays (Ezemvelo KwaZulu-Natal Wildlife, 2005d). Such workers may either be financially reimbursed or provided 'time-off in lieu of work' at a rate of one and a half of the workers normal rate of compensation (Ezemvelo KwaZulu-Natal Wildlife, 2005d).
- **Sick leave:** is granted to all workers subject to Terms and Conditions of Service (Ezemvelo KwaZulu-Natal Wildlife, 2005d).
- **Family responsibility leave:** four days are granted per annum to all workers employed for more than four months (Ezemvelo KwaZulu-Natal Wildlife, 2006e).
- **Absence Without Pay:** is granted if a worker was arrested and brought before court, in the event that a worker is imprisoned or as a result of a worker being absent from work due to ill health, wrongdoing or inadequate action that resulted in injury (Ezemvelo KwaZulu-Natal Wildlife, 2006a).
- **Injury on Duty Leave:** this grants workers the right to 'Injury on Duty leave' for the full period that they are incapacitated resulting from an Injury on Duty (Ezemvelo KwaZulu-Natal Wildlife, 2006g). The Injury on Duty Leave Policy states that Injury on Duty Leave shall not form part of Sick Leave, and that workers are compensated at the same rate as what they received prior to going on Injury on Duty Leave (Ezemvelo KwaZulu-Natal Wildlife, 2006g).
- **Maternity leave:** is reserved exclusively for permanent workers only (Ezemvelo KwaZulu-Natal Wildlife, 2010b).

2.11 Summary

This chapter highlighted the theory of social justice and explored the concept of social justice within the ILO. Subsequent subsections describe the four fundamental principles of the ILO, as well as the associated ILO's Decent Work Country Programmes. This was followed by a description of trends in the South African labour context relating to unskilled temporary workers, South African Law and the ILO, provision in South African law for worker rights together with government intervention aimed at alleviating poverty. The ensuing subsections consider EKZNW's labour policies in relation worker regulations.

3 METHODOLOGY

3.1 Introduction

The topic investigated potential injustice of EKZNW's labour policies on unskilled temporary workers, while techniques focused on examining documentation and interviewing a limited number of senior managers within EKZNW. A case study approach was adopted in which a combination of techniques was applied to obtain the data. Such techniques included examining printed and electronic material as well as personal observations, with the main research technique consisting of semi-structured interviews with experienced EKZNW managers. A combination of these techniques served to explore potential injustice within EKZNW's labour policies towards unskilled temporary workers. The information has mainly been recounted in a narrative style. Besides dealing with these issues, this chapter goes on to describe the terminology applied, the study area, population and, sample selection; the procedure adopted for implementing the study, data evaluation and analysis techniques.

3.2 Research Design

This case study took on a quasi-participatory approach in which information obtained from a number of sources was examined with the aim of establishing whether or not unskilled temporary workers within EKZNW were disadvantaged through EKZNW's labour policies. The rationale for applying a case study methodology as described by Welman et al. (2005), Soy (2006) and Gerring (2004) in the research design, is outlined in the subsection hereafter.

Negron (2003), Gerring (2004), Welman et al. (2005) and Soy (2006) all contend that case study research raises a question about a particular problem, which is explored in the form of a case. As far as possible, the case is considered in its entirety in order to comprehend any peculiarities and individualistic issues (Welman et al., 2005). Like many research techniques, the use of case studies as a research method, has both benefits and shortcomings (Christensen, 2006, Neysmith, 2008, Gerring, 2004, Welman et al., 2005). Case studies are therefore

an excellent method through which contemporary issues can be examined and theories tested (Christensen, 2006, Zainal, 2007, Welman et al., 2005).

However, it is contended that case studies do not always allow for a clear action-reaction result, as single case studies do not constitute an all encompassing conclusion (Christensen, 2006) and there is a likelihood of partiality with the interviewer collecting and assessing the data (Christensen, 2006, Welman et al., 2005, Neysmith, 2008). While acknowledging that there could be problems in drawing conclusions around some case studies, Flyvbjerg (2011) argues that if case studies research methods are biased, then a similar conclusion could be reached of other qualitative research techniques. Accordingly Flyvbjerg (2011) remarks that case studies as a whole can assist in the collective advancement of learning. By the turn of the 19th century, case study research was being applied extensively in the field of human behavioural sciences (Johansson, 2003, Neysmith, 2008). Scholars continue applying case study research in contemporary settings, while the merits of case studies are vigorously debated amongst academics (Soy, 2006, Zainal, 2007, Hsieh, 2006, Gerring, 2004, Neysmith, 2008).

Two research procedures are commonly applied when implementing case studies, namely; 'participant observation' and 'unstructured interviews' (Welman et al., 2005). In conducting participant observations, the researcher immerses himself in the subject for an extended period of time and in so doing gains a personal understanding of the situation (Welman et al., 2005). Unstructured interviews are of an investigative nature and range between 'structured' and 'unstructured' interviews (Taylor-Powell and Steele, 1996, Welman et al., 2005), as depicted in Figure 3.1 by Welman et al. (2005).

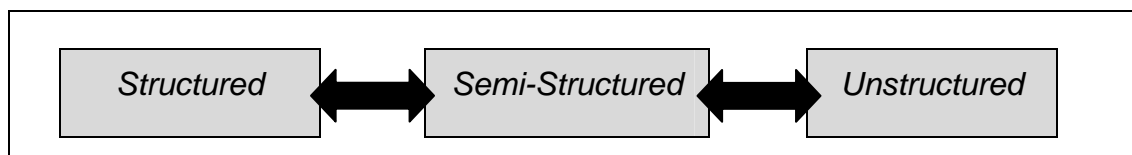


Figure 3.1 - Range of interview structures (Welman et al., 2005: 167)

Regardless of the procedure being applied, Welman et al. (2005), Johansson (2003), Hsieh (2006), and Taylor-Powell and Steele (1996) all suggest using multiple research techniques to cross-reference findings. Such techniques might consist of examining documents, personal observations and interactions with individuals (Welman et al., 2005, Taylor-Powell and Steele, 1996). With multiple techniques being available for researching cases, both Welman et al. (2005) and Hsieh (2006) remark that questions frequently arise around the use of one or other technique. This Hsieh (2006) comments, results in questions being posed around when to use a given technique and how the information was collected.

Of significance in deciding on using this method was that case studies allow the researcher to study a contemporary single case over a broad selection of units (Gerring, 2004, Zainal, 2007, Welman et al., 2005). Furthermore, as remarked by Hsieh (2006) and Zainal (2007), case study research offers an orderly method of assessing the problem, gathering and examining the information, as well as the re-collection and verification of data. This, Soy (2006) suggests, offers a logical method of reporting on the findings. While acknowledging that a case study methodology allows for in-depth research, it may also oversimplify issues when viewing entire populations. A case study method was therefore applied in which the implications EKZNW's labour policies were examined and considered on unskilled temporary workers within KwaZulu-Natal. As described by Davis (2006), Welman et al. (2005) and Taylor-Powell and Steele (1996), this study adopted a qualitative approach supported by quantitative data were applicable. The study was carried out following consultation with EKZNW management (Mkhize, 2011b) and with the consent of EKZNW's Chief Executive Officer (Mkhize, 2011a).

3.3 Study Population

The study population comprised of senior managers holding permanent positions within EKZNW. The sample size consisted of four managerial posts that were selected for interviews, these included the:

- **Chairperson of the Uniform Committee:** who reports to the General Manager East and in his capacity as Chairperson of the Uniform Committee oversees the implementation and standardisation of uniforms within EKZNW.
- **Acting/ General Manager Human Resources:** who reports directly to the CEO of EKZNW and holds the portfolio of overseeing all Human Resource operations in the organisation.
- **Human Resources Recruitment Officer:** who reports to the General Manager Human Resources and supervises recruitment, interactions with organised labour and coordinates labour policy.
- **Paymaster Administrator:** who reports to the General Manager Human Resources whilst coordinating and administering the payroll section.

Each of these positions are held by a manager who holds exclusive title to that position, and are all based at Head Office in Pietermaritzburg, apart from the Chairperson of the Uniform Committee, who works from Durban Office and holds the chairmanship title in a rotational capacity.

3.4 Type of Sampling

Unlike probability sampling, also referred to as random sampling, non-probability sampling does not entail random sampling (Trochim, 2006, Wretman, 2010). This does not infer that non-probability sampling is uncharacteristic of the population, rather that it does not rely on the philosophy of probability sampling. Whilst random sampling is considered more correct and precise by researchers, there are situations in social research in which it is either impossible, unrealizable or academically unsound to undertake probability sampling. Non-probability sampling is divided into two general categories; either accidental (in which the sample is selected by coincidence, in a hit-or-miss manner or due to some opportune factor) or purposive (in which a sample is selected with a purpose in mind) non-probability sampling (Trochim, 2006, Doherty, 1994, Wretman, 2010). Accordingly, the study adopted a non-probability sampling methodology in which a purposive approach was applied in selecting the sample.

3.5 Study Sample and Size

Criteria used in the selection of persons identified, as put forward by Taylor-Powell and Steele (1996), to be interviewed included senior managers within EKZNW who:

- had an intimate knowledge of employment conditions,
- held permanent positions of employment,
- had specific skills and experience relating to workers,
- had a background in labour policy, along with
- could apply due diligence in relation to confidentiality issues raised by EKZNW on the bases that they:
 - Understood the sensitive nature of the topic, and
 - Agreed to not disclose or disseminate information.

The linkages between the study sample and ILO principles are presented in Figure 3.2 with the arrows denoting perceived relations between the four ILO principle and participants.

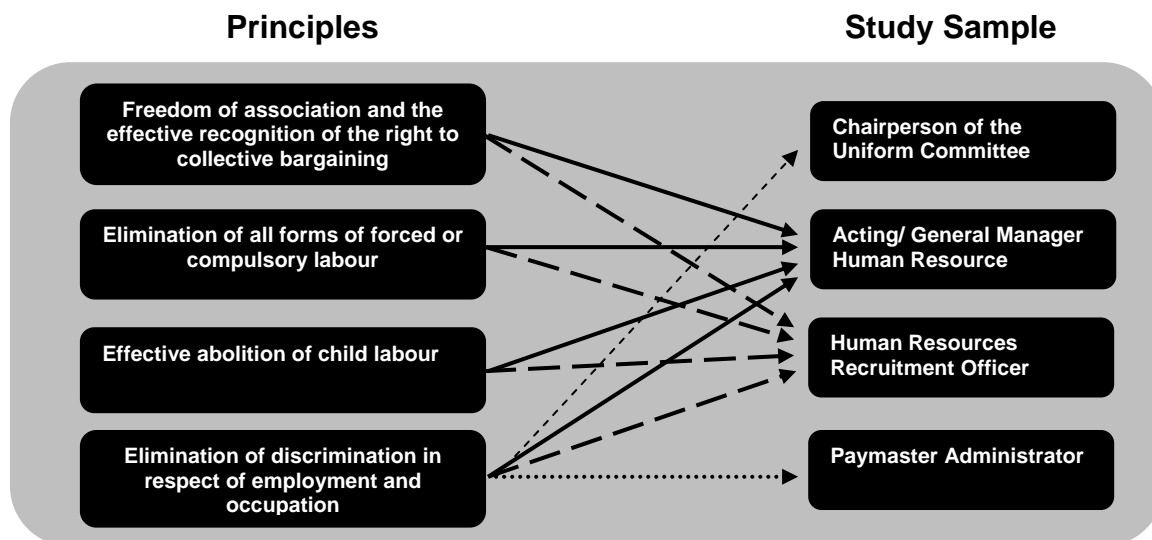


Figure 3.2 Conceptual diagram used to demonstrate assumed linkages between principles and study sample (Neysmith, 2008: 57).

3.6 Data Collection Instruments

In line with the concepts put forward by Welman et al. (2005), several techniques were used to obtain information from different sources against the respective

objectives. The instruments used in this study comprised of document examination from a number of sources along with semi-structured interviews, the following data collection tools were used to meet the Objectives 1, 2, 3 and 4 as follows:

Objective 1: Review International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers

The internet served as the platform through which the data was collected in order to undertake a review of ILO publications, with the purpose of determining internationally acceptable employment principles, Table 3.1. This review took place against the theoretical backdrop of Social Justice, under subsection 2.3.2 Fundamental Principles of the International Labour Organisation, in which the four fundamental principles of the ILO are described as:

- a. Freedom of association and the effective recognition of the right to collective bargaining;
- b. The elimination of all forms of forced or compulsory labour;
- c. The effective abolition of child labour;
- d. The elimination of discrimination in respect of employment and occupation (International Labour Organisation, 2006).

Objective 2: Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers.

The internet was again utilized to access the South African Constitution and the Basic Conditions of Employment Act, with respect to the four ILO principles identified in Objective 1, Table 3.1. This was done by using key words or phrases from the ILO principles with the aid of the Advanced Search function of Adobe Reader 11.0.04.63 (Adobe PDF):

- a. Freedom of association and the effective recognition of the right to collective bargaining
 - Key words: 'freedom' and 'bargaining'
 - Key phrases: 'freedom of association' and 'collective bargaining'
- b. The elimination of all forms of forced or compulsory labour

- Key word: 'compulsory'
- Key phrase: 'compulsory labour'
- c. The effective abolition of child labour
 - Key word: 'child'
 - Key phrase: 'abolition of child labour'
- d. The elimination of discrimination in respect of employment and occupation
 - Key word 'discrimination'
 - Key phrase: 'elimination of discrimination in respect of employment' and 'elimination of discrimination in respect of occupation'

Objective 3: Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers.

Two outcomes were envisaged for this section; the first being a comparison of the EKZNW policies against the four ILO principles; and the second being a gap evaluation of EKZNW policies identifying eligibility of unskilled temporary workers, Table 3.1. In terms of achieving Outcome 1 of Objective 3 the instruments used to obtain the data included the internet, EKZNW Intranet and literature through the EKZNW library, as the sources of information were confined to EKZNW labour relation policies, Table 3.1. As with Objective 2, the relevant EKZNW policies were reviewed using the same key words and phrases and four ILO principles with the aid of the 'Advanced Search' function of Adobe Reader 11.0.04.63, commonly referred to as a PDF (Portable Document Format) document, for PDF papers. To achieve Outcome 2, in addition to the instruments used in Outcome 1, the 'Find' search function was used in Microsoft (MS) Word 2007 for MS Word documents using either key words or phrases to assess EKZNW's labour policies, and consisted of:

- Key word: 'temporary'
- Key phrase: 'temporary worker' and 'all'

Objective 4: Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers.

The use of case studies as a research methods is well documented by numerous academics (Soy, 2006, Anon, 2010, Welman et al., 2005), each proposing different steps in carrying out a case study. After considering literature on the development of interview tools, and in line with suggestions put forward by Neysmith (2008) and Welman et al. (2005), a questionnaire was developed for the study, **Error! Reference source not found..** The use of an interview tool, as proposed by Soy (2006) and Welman et al. (2005), was used to understanding how EKZNW justified the gaps in eligibility of policies between unskilled temporary workers and permanent workers, described in Objective 3, in which semi-structured interviews were conducted with the study population. The gap evaluation, established in Objective 3 Outcome 2, used four criteria to assess if unskilled temporary workers were eligible to EKZNW's policies, namely whether:

- a. Unskilled temporary workers are eligible to the Policy
- b. Unskilled temporary workers are excluded from the Policy
- c. The Policy was 'silent' on whether unskilled temporary workers are eligible or not, or
- d. The Policy stated that 'all' workers are eligible. As noted in the Literature Review Chapter the terms 'temporary worker' or 'permanent worker' are used synonymously to describe 'all' workers in many of the policies, accordingly the study used the term 'all' workers to verify which policies applied the term.

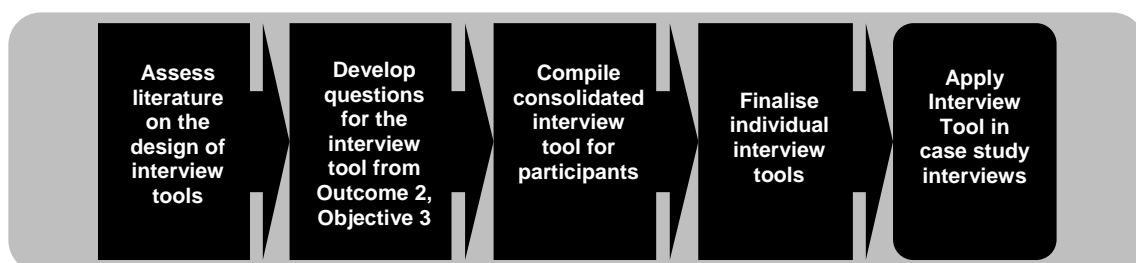


Figure 3.3 Interview tool development process outlining the development of the interview questions (Neysmith, 2008: 53).

The four ILO principles served as the framework around which the questions on the interview tool were structured. Questions were derived while reviewing the policies to determine whether they were applicable to unskilled temporary workers or not under Objective 3.

Soy (2006) and Welman et al. (2005) remarked that interview tools consisted of both closed- and open-ended questions. This, Soy (2006) and Taylor-Powell and Steele (1996) indicated, ensures that certain aspects are covered while attempting to solicit personal opinions from the participants. A process of consultation, trial and revision, as described by Neysmith (2008), would have broadened the scope of questions, however, for reasons as noted in 3.7 Pilot Study this was not possible. The final interview tool consisted of both generic and specific questions, aimed at probing the participant's knowledge of certain aspects or explored their expertise, as put forward by Welman et al. (2005).

After establishing potential inconsistencies in EKZNW's labour policies, under Objective 3, participants were identified using the criteria listed in 3.5 Study Sample and Size. Three interview tools were developed, one each for the Chairperson of the Uniform Committee and Paymaster Administrator respectively, as their management positions meant that it was not possible to use a standardised tool; and a separate tool for the Acting/ General Manager Human Resources and Human Resources Recruitment Officer, due to similarities of their positions. Each of the four was questioned with respect to the criteria used in establishing whether EKZNW's labour policies were applicable to unskilled temporary workers in relation to their area of speciality, as depicted in Figure 3.2.

- Mr J. WOOD: Chairperson of the Uniform Committee - was questioned on the ILO principle of eliminating discrimination in respect of employment and occupation. The questionnaire entailed understanding why EKZNW had no Uniform Policy, on what basis uniforms are issued to workers, whether unskilled temporary workers were eligible to have a uniform, if not why, and whether unskilled temporary workers received alternative compensation, Appendix 8.

- Mrs S. Mthembu: Acting/ General Manager Human Resources and Mr G. Muziwokukhanya: Human Resources Recruitment Officer - were questioned in relation to three of the ILO principles, namely:
 - The elimination of all forms of forced or compulsory labour; wage deductions.
 - The effective abolition of child labour; in relation to youth employment and training.
 - The elimination of discrimination in respect of employment and occupation; relative to the need for unskilled temporary workers, leave, recruitment, uniforms, contracts and Unemployment Insurance Fund (UIF), Appendix 7.
- Mrs S. Phillips: Paymaster Administrator - was questioned on the ILO principle of eliminating discrimination in respect of employment and occupation. The questionnaire entailed understanding the number of unskilled temporary workers employed, leave eligibility of unskilled temporary workers, Unemployment Insurance Fund (UIF) contributions of unskilled temporary workers and the 'equal work, equal pay' entitlement of unskilled temporary workers, Appendix 6.

In order to describe the relationship between techniques applied and the sources of information used **Error! Reference source not found.** depicts the study's objectives (Neysmith, 2008: 52)

Table 3.1 Table depicting objectives, methods and outcomes, along with instruments used and sources of information considered in answering the studies objectives (Neysmith, 2008: 52).

Study aim: to identify the differences in conditions of employment between unskilled temporary workers and unskilled permanent workers at EKZNW, to understand why these differences exist, and what the implications are for the unskilled temporary workers.					
Aim	Objectives	Instruments used	Methods	Outcomes	Sources of information
Assess EKZNW's labour policies in order to understand what the differences are in conditions of employment between unskilled temporary workers and permanent workers.	1 Review International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers	<ul style="list-style-type: none"> Internet EKZNW library 	Documentation Examine	<u>ILO principles identify:</u> <ol style="list-style-type: none"> 1. Freedom of association and the effective recognition of the right to collective bargaining; 2. The elimination of all forms of forced or compulsory labour; 3. The effective abolition of child labour; 4. The elimination of discrimination in respect of employment and occupation 	<ul style="list-style-type: none"> ILO publications
	2 Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers.	<ul style="list-style-type: none"> Internet Adobe Reader 11.0.04.63 'Advanced Search' function 	Documentation Examine	A comparison of the 4 ILO principles, listed above in Objective 1, against the South African Constitution and the Basic Conditions of Employment Act.	<ul style="list-style-type: none"> ILO principles identified in Objective 1. South African Constitution Basic Conditions of Employment Act.
	3 Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers.	<ul style="list-style-type: none"> Internet EKZNW Intranet Adobe Reader 11.0.04.63 'Advanced Search' function Microsoft (MS) Word 2007 'Find' function 	Documentation Examine	<u>Outcome 1 and 2:</u> <ol style="list-style-type: none"> 1. A comparison of the EKZNW policies against the four ILO principles, listed in Objective 1 2. Gap evaluation of EKZNW policies identifying eligibility of unskilled temporary workers 	<ul style="list-style-type: none"> The comparison compiled in objective 2. EKZNW policies
To understand why these differences exist.	4 Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers.	<ul style="list-style-type: none"> Interview guide developed from the gap evaluation compiled from the second outcome of objective 3. EKZNW Intranet Grey literature 	<ul style="list-style-type: none"> Conduct semi-structured interviews Policy examination Observations Data evaluation 	To understand why EKZNWs excludes unskilled temporary workers from certain conditions of employment.	<ul style="list-style-type: none"> Elected EKZNW officials Examination of policies Personal Observation Data evaluation
To determine what the implications are for unskilled temporary workers.	5 Establish the resulting implications for unskilled temporary workers.	<ul style="list-style-type: none"> Gaps in working conditions in EKZNW Policies between unskilled temporary workers and permanent workers compiled in objective 3. Information from the Interview guides compiled in objective 4. 	Evaluation of information	An assessment of the gaps in working conditions between unskilled temporary workers and permanent workers and subsequent implications for unskilled temporary workers	<ul style="list-style-type: none"> Interview guides compiled in objective 4. Gap evaluation compiled in objective 3.
Recommend measure aimed at bridging the gap between working conditions of unskilled temporary and permanent workers.	6 Suggest recommendations about making working conditions more equitable between unskilled temporary workers and unskilled permanent workers	<ul style="list-style-type: none"> Comparative assessment compiled in objective 5. Internet EKZNW publications Grey-literature within EKZNW 	Compile a report	A report suggesting recommendations aimed at bridging the gap in working conditions between of unskilled temporary and permanent workers.	<ul style="list-style-type: none"> The implications of the gaps in working condition identified in objective 5.

3.7 Pilot Study

Due to sensitivities raised by EKZNW, no pilot study was conducted. This was because each interview was specifically structured to accommodate each person being interviewed, and there was therefore no standard format. In addition, as the persons being interviewed were the most suitable persons in the organisation to answer these questions, it was not possible to pilot it on anyone else in the organisation. This was supported by Gilbert (2001), who indicated that due to the limited number of study participants, undertaking a pilot study would have exposed the main study participants to the research questions. In light of this, the literature review served as the basis for establishing the questions raised in the case study (Altman et al., 2006).

3.8 Data Collection Procedure

The procedure outlines the basic phases, terminology, processes, and techniques applied in the study. A flexible approach was adopted in gathering the data in line with suggestions made by Burke (2003) and Soy (2006). Where techniques deviated from the prescribed norm, such incidents were methodically recorded, as put forward by Welman et al. (2005). The theory associated with undertaking with a research project presented below with application to the study

A typical project management life-cycle Work Breakdown Structure was adopted in implementing the study, as suggested by Burke (2003), and consisted of the following four phases:

- a. Concept phase,
- b. Design phase
- c. Implementation phase and,
- d. Commissioning phase (Burke, 2003).

Each of these phases can in turn be replicated within each Objective. As with all projects, this study saw a significant portion of effort going towards the implementation phase, as depicted in Figure 3.4 (Burke, 2003). The conceptual phase entailed selecting a research topic, drafting and submitting a conceptual research proposal for approval by the School of Agricultural (Burke, 2003). This

was followed by the design phase, and entailed compiling the Ethical Clearance Certificate and obtaining the Schools permission to continue with the study, and EKZNW's endorsement to pursue the research topic within the organisation. The implementation phases entailed investigating Objectives 1 to 6 and preparing this submission. The commissioning phase of the study entailed submitting the Confirmation of Intention to Submit Thesis form to the faculty three months prior to submission of the final report. Upon completion of the study, a final report will be prepared and printed in triplicate, an electronic copy will be cut to computer disk and submitted to the faculty as proof of completion of the mini dissertation

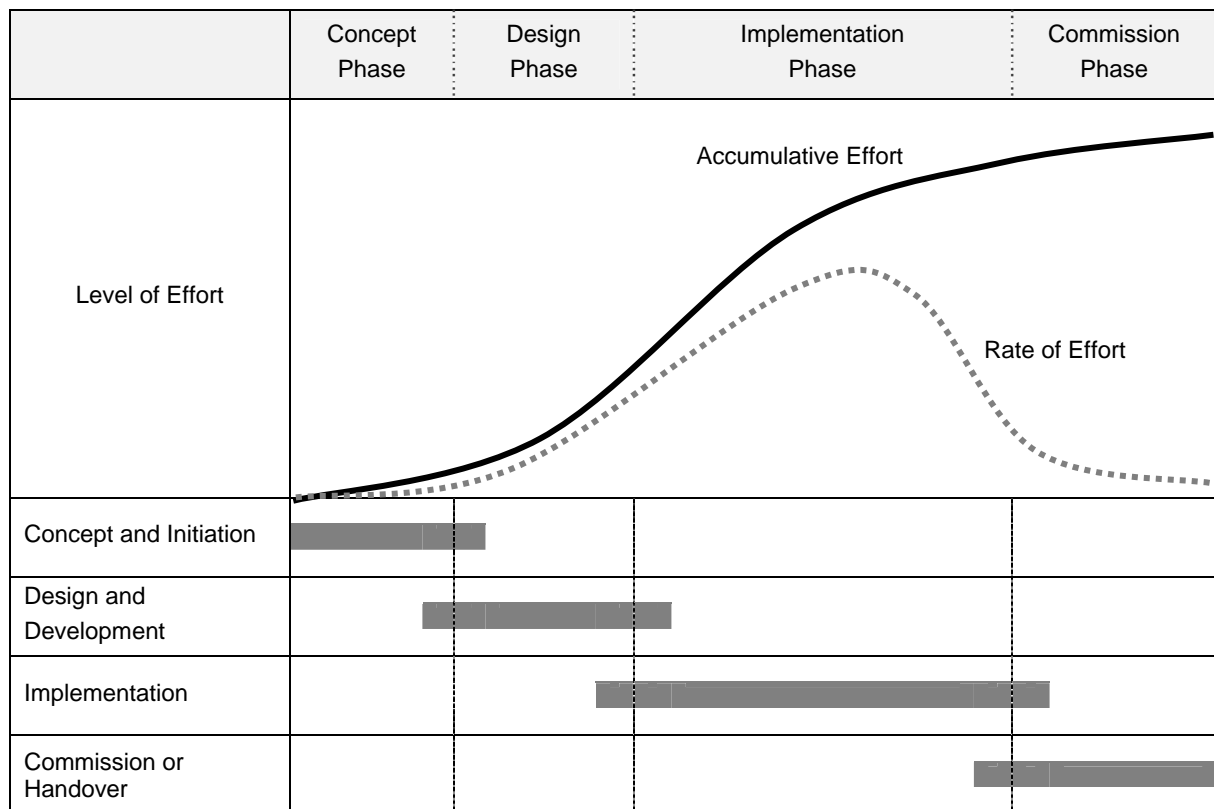


Figure 3.4 – Extract of a Project Life-Cycle, showing project phases, level of effort and accumulative effort (Burke, 2003: 29).

The data collection process consisted of two components, as indicated by Objectives 1, 2, 3 and 4, under which the respective steps will be outlined within a project framework:

Objective 1: Review International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers.

A review of the ILO documents indicated that their philosophy is informed by Social Justice, which is underscored by the four fundamental principles of:

- a. The freedom of association and the effective recognition of the right to collective bargaining
 - b. The elimination of all forms of forced or compulsory labour
 - c. The effective abolition of child labour
 - d. The elimination of discrimination in respect of employment and occupation
- (International Labour Organisation, 2006).

Objective 2: Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers

The relevant sections of legislation were reviewed in Chapter 2 with respect to the four ILO principles. Document examination was then undertaken of the South African Constitution and the Basic Conditions of Employment Act against the four ILO principles, listing a comparison of whether the legislation was either compliant or not.

Objective 3: Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers.

The procedure adopted for addressing **Outcome 1** of Objective 3, entailed extracting EKZNW's labour policies from the EKZNW's Intranet Site and examining

these documents against the International Labour Organisation employment principles, listed in Objective 1, in relation to the South African Constitution and the Basic Conditions of Employment Act.

Outcome 2 was addressed by reviewing EKZNW's labour policies in order to determine whether:

- Unskilled temporary workers are eligible to the Policy
- Unskilled temporary workers were excluded from the Policy
- The Policy was 'silent' on whether unskilled temporary workers are eligible or not, or
- The Policy stated that 'all' workers are eligible

Objective 4: Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers.

Participants were contacted personally to partake in this study, either telephonically or via email. An interview schedule served to set meetings with the participants, as suggested by Welman et al. (2005), with every effort being made to put them at ease, Appendix 9. As suggested by Neysmith (2008), Taylor-Powell and Steele (1996), appointments were made to meet the participants independently at a time and place of their choice with as little disruption to their daily operations as possible. While setting up the appointments, as suggested by Neysmith (2008) and Welman et al. (2005), participants were offered the use of an interpreter, however none took up the offer. They were asked to set aside an hour for each meeting, which was then conducted at their respective offices. In the case of one individual who came from Durban, a venue was arranged at the Douglas Mitchell Centre library, at Queen Elizabeth Park, thereby reducing travelling costs. Although several logistical hurdles had to be overcome around schedules, none of the participants objected to being interviewed.

Interviews were conducted with four management level personnel employed by EKZNW to implement their policies, the process being discussed further. The use of semi-structured interviews served as a focal research technique in delivering on

this objective. As suggested by Welman et al. (2005), Taylor-Powell and Steele (1996) and Soy (2006), data was gathered during the semi-structured interviews using an interview tool. The questionnaires posed a series of closed and open-ended questions to the participants, as suggested by Soy (2006) and Welman et al. (2005). Records were maintained in the form of field notes as suggested by Davis (2006), Welman et al. (2005) and Taylor-Powell and Steele (1996). Although somewhat time-consuming, as noted by Neysmith (2008), Welman et al. (2005) and Davis (2006), semi-structured interviews allow for a degree of flexibility, and can accommodate the sensitive nature of the topic while gaining insights into the participants expertise or views.

In line with reflections made by Flyvbjerg (2011), Soy (2006), Welman et al. (2005) and Davis (2006), by personally conducting the interviews, the interviewer could observe the behavioural reaction of the participants. Semi-structured interviews suited the study as it accommodated the confidential issues raised by the EKZNW managers, as suggested by Taylor-Powell and Steele (1996). In addition, this catered for the rights of individuals and any dissimilarities between cultures, as stipulated by the Universities Ethics Committee and advocated by Welman et al. (2005) and Taylor-Powell and Steele (1996).

As suggested by Soy (2006) and Taylor-Powell and Steele (1996), the open-ended questions of the interview tool were used to evoke discussions with participants, in which they were solicited to disclose information and observations that could provide further insights into the case study. Information gathered from the semi-structured interviews was recorded onto a laptop (Anon, 2010), either on the interview tool form or as typed field notes. A copy of the interview tool listing the individual questions is attached; see Appendix 6 to 8. Although the interviews systematically followed the questions posed in the interview tool, the open-ended questions aimed to provoke discussion and explore opinions, thereby gaining a broader insight of issues as suggested by Welman et al. (2005). The questions aimed to:

- Qualify inconsistencies,
- Establish the participants perspective of the situation and,

- Identify constraints hindering 'injustice' directed towards unskilled temporary workers in EKZNW.

Interviews started with an explanation of what the study was about, their rights and a description of the Informed Consent form, in line with the thinking of Welman et al. (2005) and Anon (2010), Appendix 1 to 5. Only after receiving a signed Informed Consent form and their contact details did the meeting proceed, this process is described in Figure 3.5.

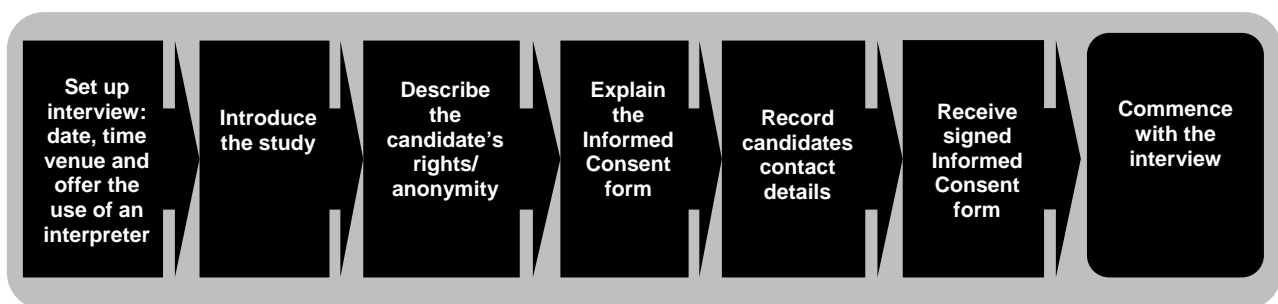


Figure 3.5 – Stages adopted in starting the interviews

As suggested by (Welman et al., 2005), Neysmith (2008) and Taylor-Powell and Steele (1996), the initial questions were aimed at putting participants at ease and developing a rapport. In line with the thinking of (Welman et al., 2005), questions were generally couched in an exploratory manner, in which expressions such as 'what', 'why', 'how' or 'in your opinion' were used. This was done to encourage discussion and gain their opinion, rather than getting them to defend a position, as suggested by Neysmith (2008). As the interview progressed, they were presented with questions more directly related to the main objectives of the study (Neysmith, 2008, Welman et al., 2005). Implementation of the research process outlining the steps taken in Objective 4 are described using project phases, as illustrated in Figure 3.6

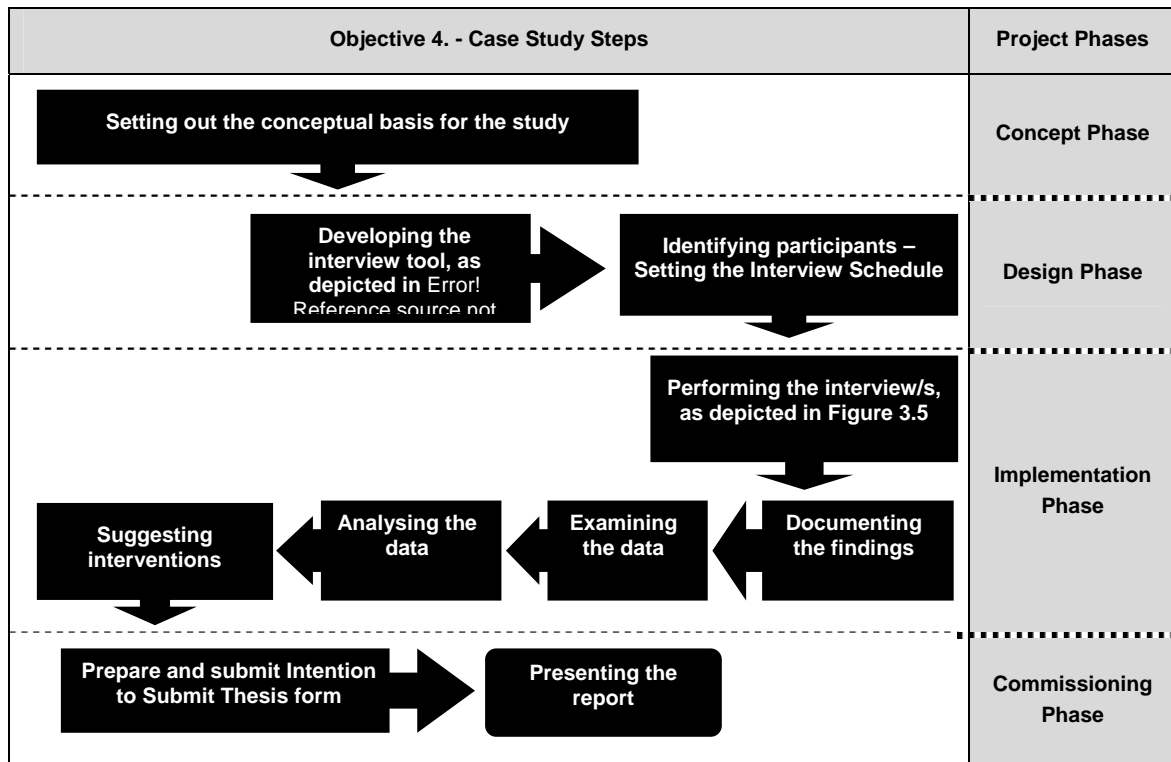


Figure 3.6 – Project plan used for implementing Objective 4, case study

The final technique used to a limited degree was direct observations. These related to interactions that the researcher had within EKZNW were recorded as direct observations in the field notes, as suggested by Davis (2006), Welman et al. (2005) and Taylor-Powell and Steele (1996). Both Welman et al. (2005) and Davis (2006) denote the importance of retaining these field notes for possible inclusion in the report and for documenting deviations from the prescribed norm. Such interactions related to both formal and informal communiqués conducted by the researchers during daily interactions with EKZNW workers, Health and Other Personnel Trade Union of South Africa officials and unskilled temporary workers. In retrospect, noting the importance of retaining such information, closer attention could have been given to recording data.

3.9 Data management

Due to the sensitive nature of the topic and the request related to releasing the findings by the Chief Executive Officer of EKZNW, as indicated in 1.7

Confidentiality of the report, access to all material was strictly controlled by the researcher. All completed interview guides, the semi-structured interviews and any field notes were personally recorded directly onto a laptop, thereby limiting unauthorised access, which Neysmith (2008) advocated against. An interview guide was completed for each candidate and observations were recorded into the respondents respective interview guide, which were backed up on an external hard drive (Anon, 2010). As noted in Welman et al. (2005) work, every effort was made to reduce disturbances and put the candidate at ease by conducting the interviews at the candidate's offices. Whilst several disturbances were encountered, they did not prove overly disruptive to the meeting. All data, as well as copies of all material referenced were archived and stored electronically on the researchers external hard drive. All computers and hard drives on which the data was stored were password protected, and only the researcher and the supervisors have been privy to this data. Due to the sensitivity of the data, it will be housed at EKZNW for a period of five years and thereafter destroyed.

3.10 Data Analysis

Both Welman et al. (2005) and Soy (2006) mention that a study's aim and objectives will either be validated or disproved through analysis of the data. This, Soy (2006) notes, can be achieved by examining the data and determining relationships in the data. Neysmith (2008) and Soy (2006) take this further by remarking that these relationships can then be further examined by uncovering patterns through the identification of differences and similarities in the relationships. Data was tabulated in order to undertake an analysis of Objective 2 under Table 4.1, Objective 3 Outcome 1 under Table 4.2, and Outcome 2 under Table 4.3 along with Objective 4 under Table 4.4, Table 4.5 and Table 4.6; described hereafter:

Objective 2: Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers

The relevant Acts were tabulated and the four Fundamental Principles of the International Labour Organisation, within each identified, namely:

- a. Freedom of association and the effective recognition of the right to collective bargaining;
- b. The elimination of all forms of forced or compulsory labour;
- c. The effective abolition of child labour;
- d. The elimination of discrimination in respect of employment and occupation.

Objective 3: Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers.

The relationship of EKZNW's labour policies to the South African Constitution and the Basic Conditions of Employment Act were analysed using the four Fundamental Principles of the International Labour Organisation to achieve Outcome 1 of Objective 3, and the results tabulated. Outcome 2 was addressed by identifying and tabulating the policies that:

- Listed unskilled temporary workers as eligible
- Excluded unskilled temporary workers
- Were 'silent' on whether unskilled temporary workers are eligible or not
- Stated that 'all' workers are eligible

Objective 4: Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers.

Hsieh (2006) comments that case study data collecting methods frequently appear open-ended and without design, and lack procedures for analysing the information. In addition, Neysmith (2008) and Welman et al. (2005) caution on possible bias on the part of the interviewer while recording data. Such bias Neysmith (2008) states, may have a direct bearing on the outcome of the study. In order to mitigate such incidents, Welman et al. (2005) advocates settling on a method of evaluation and analysis prior to gathering data. In addition, Soy (2006) suggests conducting

follow-up interviews where data appears inconsistent with findings. Findings from Objective 4 were used to understand the reasons for the differences identified under Outcome 2, of Objective 3. These were then discussed against the four ILO principles exploring the implications for unskilled temporary workers.

Following Welman et al. (2005) suggestion, the responses of the four study participants were coded against specific categories, thereby facilitating the interpretation of raw data. Welman et al. (2005) goes on to state that both the principles and their ensuing codes can be set prior, during and after obtaining the data. Codes were developed around aspects frequently raised by interviewees (Welman et al., 2005, Neysmith, 2008). Methods used to uncover the codes included comparing the answers of individuals and searching for missing information (Welman et al., 2005). The comparison method attempted to establish why sections of narrative deviated between interviewees (Welman et al., 2005). Welman et al. (2005) and Soy (2006) both describe using the search for missing information method to establish if what the interviewee had originally said was correctly recorded, to probe answers that had been presented, to verify and if necessary rectify the original data.

Although the study relied on qualitative data, quantitative data was obtained to substantiate the qualitative findings, as suggested by Welman et al. (2005), Anon (1998), Davis (2006) and Taylor-Powell and Steele (1996). The quantitative approach consisted of narratively contextualising the information, while the qualitative method considered of numerically displaying the data in figures and diagrams, as suggested by Welman et al. (2005) and Neysmith (2008). This resulted in the coded data from the interviews being assessed with respect to the quantitative data obtained from a review of the EKZNW policy documents and reports (Taylor-Powell and Steele, 1996, Zainal, 2007, Davis, 2006).

3.11 Credibility and Trustworthiness

Neysmith (2008) and Johansson (2003) concede that case study research can often be perceived as unscientific in nature. This Neysmith (2008) and Welman et al. (2005) go on to suggest can be overcome by emphasising the authenticity of

qualitative research, thereby ensuring the credibility and trustworthiness of the study. In order to strengthen the research's credibility and trustworthiness Neysmith (2008), Johansson (2003), Welman et al. (2005), Hsieh (2006), Taylor-Powell and Steele (1996) all suggest applying multiple research techniques in cross-referencing the findings. Techniques adopted in qualifying the findings of this study entailed conducting semi-structured interviews supported by quantitative data, in addition to unforeseen observations, albeit that more detailed field notes could have been maintained.

Similar to Neysmith (2008); a limitation of this study was the ability to judge and encourage participation by interviewees while recognising and removing obstacles that hindered interviewee participation. Christensen (2006) remarked that, case study research does not always allow for a clear action-reaction results. In addition both Christensen (2006) and Welman et al. (2005) state that single case studies do not constitute an all encompassing conclusion and there is always a likelihood of partiality with the interviewer collecting and assessing the data. As commented by Neysmith (2008) although the interview guide attempted to draw out responses from interviewees; questions either needed further interpretation or follow-up interviews were required to qualify responses.

3.12 Ethical considerations

Ethical considerations were addressed during the conceptual and design phases of the project, while due consideration was given to the sensitive nature of the topic as requested by the Chief Executive Officer of EKZNW, and described in 1.7 Confidentiality of the report. Permission to undertake the study was granted by the University of KwaZulu-Natal Ethics committee. After receiving permission from both the university and the Chief Executive Officer of Ezemvelo (Mkhize, 2011a), the study was in a position to proceed. All four study participants were requested to sign informed consent forms once the nature of the study had been explained to them.

3.13 Summary

This chapter commences by unpacking the research design, describing the study population along with the study sample and size. Subsequent subsections delineate any inclusion and exclusion criteria, data collection instruments and a brief overview of why a pilot study was not employed. The chapter is concluded with a description on data collection procedures employed, management and analysis of the data, a description on how validity and reliability issues was addressed and ethical considerations that were taken into account.

4 RESULTS AND DISCUSSION

4.1 Introduction

This chapter presents the studies' results and discussions of Objectives 2 to 5, with Objective 1, a review of the International Labour Organisation policies to determine internationally accepted employment standards, having been provided in the literature review of Chapter 2. Objective 6, relevant recommendations, is addressed in Chapter 5, the concluding chapter. While EKZNW has not specifically adopted the ILO's fundamental principles, they are used as subheadings in reviewing pertinent labour policies of the organisation. Objective 2 and Outcome 1 of Objective 3, are reviewed with respect to the following four ILO principles that were derived from the 1988 Declaration on Fundamental Principles and Rights at Work:

- a. The freedom of association and the effective recognition of the right to collective bargaining
- b. The elimination of all forms of forced or compulsory labour
- c. The effective abolition of child labour
- d. The elimination of discrimination in respect of employment and occupation (International Labour Organisation, 2006).

The results and discussion of Objective 2, 3 and 4 are presented in combination under each of the respective subheadings. Outcome 2 of Objective 3 is reviewed against the eligibility criteria of unskilled temporary workers. Objective 4 is discussed under the ILO principles, using the unskilled temporary worker eligibility criteria of Outcome 2, from Objective 3, whilst considering policies, finding from the interview tool, personal observations and data. The term 'unskilled temporary worker' and TOGT worker are used synonymously, as indicated in Chapter 1, when describing a worker without a certified trade or qualification, hired in a seasonal, part-time, relief, casual, fixed-term contract or permanent position, and holding a contract for a limitation period of employment.

4.2 Objective 2. Establish to what extent South African Constitution and the Basic Conditions of Employment Act complies with International Labour Organisation employment principles for unskilled permanent workers.

Findings of Objective 2 indicated that the SA Constitution appeared to be fully aligned to the ILO principles, Table 4.1. However, while the Basic Conditions of Employment Act acknowledged the need for 'social justice', the Act only complied with half of the ILO principles, it being unclear if the remaining ILO principles were addressed. As noted in the Literature Review Chapter, under 2.9.1 Provision in South African law for worker rights, neither the SA Constitution nor the Basic Conditions of Employment Act mentioned the term 'unskilled temporary worker' or used the word 'unskilled'. Whilst the word 'temporary' is used in both documents it was not expressed in context of a unskilled temporary worker. Whilst the SA Constitution and the Basic Conditions of Employment Act afford significant protection to workers; the concept of social justice which advocates that equitable opportunity be granted to everyone, and where differences do occur, that the most deprived citizens stand to gain the most does not appear to be specifically upheld in the case of unskilled temporary workers.

Table 4.1 Review of South African Constitution and the Basic Conditions of Employment Act in relation to International Labour Organisation employment principles.

South African Legislation	International Labour Organisation employment principles					
	Freedom of association and the effective recognition of the right to collective bargaining.		The elimination of all forms of forced or compulsory labour.	The effective abolition of child labour.	The elimination of discrimination in respect of employment and occupation.	
	Freedom of association	Collective bargaining	Compulsory labour	Abolition of child labour	Elimination of discrimination in respect of employment	Elimination of discrimination in respect of occupation
Republic of South Africa's Constitution	✓	✓	✓	✓	✓	✓
Basic Conditions of Employment Act	✗	✗	✓	✓	✗	✗

a. Freedom of association and the effective recognition of the right to collective bargaining

The Constitution of South Africa makes specific provision for workers rights under Section 23, which under Section 18 grants employees the right to “... freedom of association ...” and under subsection 23 (5) the right to “... collective bargaining ...” (Republic of South Africa, 1996: 24). This is strengthened when read in conjunction with section 17 that grants all citizens the right to gather, display their support, strike and appeal, provided such activities are conducted in a calm manner (Republic of South Africa, 1996). Accordingly the ILO principle of freedom of association, the recognition of the right to collective bargaining is enshrined in the South African Constitution.

The Basic Conditions of Employment Act states at the outset that the intention of the Act is:

To give effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state of the International Labour Organisation; and to provide for matters connected therewith.

(Republic of South Africa, 1997: 02)

This the Act further qualifies its purpose under section 2, in which it relates its function to promoting both “... economic development and social justice ...” (Republic of South Africa, 1997: 07); whilst giving “...effect to obligations incurred by the Republic as a member state of the International Labour Organisation.” (Republic of South Africa, 1997: 07). Whilst the Act does not specifically state that it recognises the right to collective bargaining, it does effectuate the Employment Conditions Commission under Chapter 9 section 59. The Commission has as its mandate, under section 59 (2) (e), the role of informing the Minister on “... trends in collective bargaining and whether any of those trends undermine the purpose of this Act” (Republic of South Africa, 1997: 25). The Act further makes provision for assigning labour inspector as the

appointed representatives to monitor, enforce and ensure compliance of procedures of bargaining councils as described under section 33 of the Labour Relations Act of 1995. As the Act takes on the role of monitoring, enforcing and ensuring compliance of bargaining councils, it gives effect to the ILO's principle of providing individuals the right to collective bargaining. Whilst it does acknowledge the states responsibilities in terms of ILO duties, it makes no mention of 'freedom of association'; accordingly it cannot be determined if the ILO principle is addressed or not.

b. The elimination of all forms of forced or compulsory labour

The South African Constitution under section 13, makes specific mention that no citizen "... may be subjected to slavery, servitude or forced labour" (Republic of South Africa, 1996: 19), as such supporting the ILO principle of eliminating of all forms of forced or compulsory labour. The Basic Conditions of Employment Act enforces section 13 of the Constitution and clearly subscribes to the ILO principle of eliminating of all forms of forced or compulsory labour through the Prohibition of forced labour, section 48 (1) that states that forcing an individual to work is a criminal offence (Republic of South Africa, 1997). Section 48 (2) of the Act further states that any gain to be had through the forced labour of someone else is a criminal offence.

c. The effective abolition of child labour

The Constitution defines a child is as anyone under the age of 18 years under section 28. The section also states that all children are protected from any form of abusive work and that such children shall not be expected to perform any work that might be unsuitable for the child's age, or put the child in any danger that may affect their "... well-being, education, physical or mental health or spiritual, moral or social development" (Republic of South Africa, 1996: 28). Consequently, this study found that the Constitution both endorsed and protected the ILO principle of abolishing child labour. Chapter 6; sections 43, 44, and 46; of the Basic Conditions of Employment Act prohibits the employment of children (Republic of South Africa, 1997). The Act acknowledges that anyone under the age of 18 years is a child; that children younger than 15 or who might

still be of a school going age may not be hired; that a child between the age 15 and 18 years may not be employed in an unsuitable position for someone of their age; nor may the organisation place the child in a position that may pose a danger to the individuals welfare, schooling, bodily or intellectual wellbeing, nor their beliefs, ethics or advancement in society (Republic of South Africa, 1997).

d. Elimination of discrimination in respect of employment and occupation

The Constitution does not specifically speak to the ILO principle of eliminating discrimination in respect of employment and occupation. Section 3 (3) of the Bill of Rights states that no citizen may be discriminated against by the state on the basis of "... race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." (Republic of South Africa, 1996: 12). In addition, the Constitution grants that all people have the freedom to decide on an occupation of their choice, in terms of section 22 (Republic of South Africa, 1996). In light of this, the study concludes that the Constitution protects citizens from being discriminated in their place of work and accordingly endorses the ILO principle. As a result of the investigation and discussion presented here, the study found that the South African Constitution fully endorsed the ILO principles.

The Basic Conditions of Employment Act makes provision for addressing discriminatory issues under section 46 (b), which states that it is a crime to under the Basic Conditions of Employment Act to discriminate against anyone that prohibits an under 18 year old from being hired. Further protection is afforded employees under section 78 of the Act, which protects them from discriminatory practises entailing: complaining to organised labour or labour officials, discussing their conditions of employment, not carrying out an order contra to the Act, viewing of personal files, contribute towards conditions of the Act and calling on organised labour to examine records maintained under this Act (Republic of South Africa, 1997). Finally, section 79 (2), Protection of Rights, prevents workers from being discriminated against, for an employee exercising their legal right or for any historical, current or expected actions, revealing information they are legally obliged not to, or in terms of their rights as bestowed

by this Act (Republic of South Africa, 1997). As such, the Act recognizes ILO obligations of the country, and only addresses specific issues related to discrimination. Consequently, the study found that it is unclear whether or not the ILO principle of 'eliminating discrimination in respect of employment and occupation' is fully addressed the Act.

4.3 Objective 3. Establish to what extent EKZNW complies with International Labour Organisation employment principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers.

Outcome 1. An evaluation of the EKZNW policies against the four ILO principles, listed in Objective 1, and the South African Constitution and the Basic Conditions of Employment Act.

Overall, 28, or 88.2%, of the policies made no mention of any ILO principles, one policy referred to only part of one principle, four of the policies referred to only one principle and the remaining policy, the Employee Relations Policy of 2008, referred to more than one ILO principle and both sections of legislation. Of the 34 policies reviewed, only five, or 14.7%, made specific reference to the South African Constitution, whilst the Basic Conditions of Employment Act was referred to in ten, or 29.4%, of the policies reviewed, see **Error! Reference source not found..** Three of the policies referred to both the South African Constitution and the Basic Conditions of Employment Act; namely the Recruitment and Selection Policy of 2010, Employee Performance Management and Development System of 2011 and the Employee Relations Policy of 2008. Apart from these multiple references the South African Constitution was referred to twice, whilst the remaining ten policies referred to the Basic Conditions of Employment Act. The inclusion of the four ILO principles in the 34 EKZNWs policies are presented below.

a. Freedom of association and the effective recognition of the right to collective bargaining

Only two, Table 4.2, or 5.9%, of the policies; namely the Collective Agreement Policy of 2006 and the Employee Relations Policy of 2008 referred to the principle.

A third policy, namely the Labour Relations Policy of 2006, made reference to only the 'collective bargaining' aspect of the principle. All three of these Policies also referred to the South African Constitution, however, only the Employee Relations Policy of 2008 made reference of the Basic Conditions of Employment Act.

Freedom of association is endorsed by EKZNW's Board in which membership of a Labour Union is sanctioned through the Collective Agreement Policy, in additions to EKZNW's Employee Relations Policy Framework (Ezemvelo KwaZulu-Natal Wildlife, 2008, Ezemvelo KwaZulu-Natal Wildlife, 2006b). Furthermore, Workers are permitted to organise co-workers and participate in the creation of a trade union under the Collective Agreement Policy (Ezemvelo KwaZulu-Natal Wildlife, 2006b). In granting all workers the freedom of association to belong to a trade union EKZNW, allows unskilled temporary workers the right to be appointed as shop stewards. The Policy goes on to state that such shop stewards are granted the right to bargain on behalf of, or, represent co-workers (Ezemvelo KwaZulu-Natal Wildlife, 2006b). EKZNW's Safety, Health and Environment Policy does state that a worker serving as an appointed Safety Representatives must be a permanent worker (Ezemvelo KwaZulu-Natal Wildlife, 2005c), thereby denying unskilled temporary workers freedom of association as worker Safety Representatives, and leaving them reliant on permanent workers to raise concerns on their behalf.

EKZNW's Labour Relations Policy states that the organisation views trade unions as constructive participants in the workforce and that it aims to ensure negotiations are undertaken in a positive and productive manner (Ezemvelo KwaZulu-Natal Wildlife, 2006h). To this extent, the Labour Relations Policy grants workers the entitlement to broach work related issues with management (Ezemvelo KwaZulu-Natal Wildlife, 2006h). Furthermore EKZNW has granted trade unions the right to train their representatives in order to promote the competencies of shop stewards. Union representatives are therefore better skilled to speak on behalf of their constituents while enhancing relationships between union officials and EKZNW (Ezemvelo KwaZulu-Natal Wildlife, 2006h).

b. The elimination of all forms of forced or compulsory labour

While no mention was made of forced labour in any of EKZNW's policies, the Labour Relations Policy declares that the purpose of the Policy is to ensure that the organisation complies with Labour Relations legislation (Ezemvelo KwaZulu-Natal Wildlife, 2006h). Chapter 6, section 48, of the Basic Conditions of Employment Act states that forcing an individual to work is a criminal offence (Republic of South Africa, 1997). The Labour Relations Policy therefore recognizes that forced labour is specifically prohibited under section 48 of the Basic conditions of Employment Act and Constitution, that forcing someone to work is considered illegal, and that any gain to be had through the forced labour of someone else is a criminal offence (Republic of South Africa, 1997). Accordingly, by agreeing to undertake Labour Relations legislation, under the Policy, the organisation also endorses the ILO's fundamental principle of bringing an end to forced or compulsory labour.

c. The effective abolition of child labour

The ILO fundamental principle relating to the abolition of child labour is not specifically addressed in any of EKZNW's policies. The Labour Relations Policy does however state that the purpose of the Policy is to ensure that the organisation complies with the terms of Labour Relations legislation (Ezemvelo KwaZulu-Natal Wildlife, 2006h). Chapter 6, sections 43, 44, and 46 of the Basic Conditions of Employment Act state that the act of hiring a child is a criminal offence (Republic of South Africa, 1997). The Policy therefore acknowledges that anyone under the age of 18 years is a child, that children younger than 15 or who might still be of a school going age may not be hired. It subscribes to the tenant that a child between the age 15 and 18 years may not be employed in an unsuitable position for someone of their age; nor may the organisation place the child in a position that may pose a danger to the individuals welfare, schooling, bodily or intellectual wellbeing, nor their beliefs, ethics or advancement in society (Republic of South Africa, 1997). In acknowledging the provisions stipulated in the Basic Conditions of Employment Act, through EKZNW's Labour Relations Policy, the organisation supports the ILO's fundamental principle of eradicating child labour.

d. The elimination of discrimination in respect of employment and occupation

The ILO principle was referred to in four, Table 4.2, or 11.8%, of the policies, namely: the Employee Relations Policy of 2008, the Recruitment and Selection Policy of 2010, the Experimental Training and Learnership Policy of 2006 and the Sexual Harassment Policy of 2006. Only the Employee Relations Policy of 2008 and the Recruitment and Selection Policy of 2010 referred to the South African Constitution the Basic Conditions of Employment Act. Neither of the remaining two Policies made any reference to either sections of legislation.

EKZNW adopted the Employment Equity Policy in 2010 aimed, in part, at rectifying and readdressing historic social injustices, such as gender and demographic imbalances in the workplace (Ezemvelo KwaZulu-Natal Wildlife, 2010a). This was strengthened with the provision of the Recruitment and Selection Policy, which addresses the disadvantaged sectors, including women, when appointing new workers (Ezemvelo KwaZulu-Natal Wildlife, 2010c). The Employment Equity Policy further states that in order to achieve equality, the Policy aims to address this by “promoting equal opportunity and fair treatment in employment through elimination of unfair discrimination” (Ezemvelo KwaZulu-Natal Wildlife, 2010a: 02).

Table 4.2 – Summary of EKZNW's labour policies reviewed in relation to the South African Constitution and the Basic Conditions of Employment Act.

Summary of Reviewed Labour Policies	Number of policies	International Labour Organisation principles						South African Legislation	
		Freedom of association and the effective recognition of the right to collective bargaining.		The elimination of all forms of forced or compulsory labour.	The effective abolition of child labour.	The elimination of discrimination in respect of employment and occupation.			
		Freedom of association	Collective bargaining	Compulsory labour	Abolition of child labour	Elimination of discrimination in respect of employment	Elimination of discrimination in respect of occupation	Republic of South Africa's Constitution	Basic Conditions of Employment Act
Administration	16	1	2	0	0	3	3	4	5
Wages and Benefits	15	1	1	0	0	1	1	1	2
Leave	3	0	0	0	0	0	0	0	3
Number of times reference was made to legislation:		2	3	0	0	4	4	5	10
Overall percentage that policy referred to legislation:		5.9%	8.8%	0.0%	0.0%	11.8%	11.8%	14.7%	29.4%

Outcome 2. Gap evaluation of EKZNW policies identifying eligibility of unskilled temporary workers

In determining whether policies were applicable to unskilled temporary workers or not; Outcome 2 used four criteria in establishing the gap, namely that:

- a. Unskilled temporary workers are eligible to the Policy
- b. Unskilled temporary workers were excluded from the Policy
- c. The Policy was 'silent' on whether unskilled temporary workers are eligible or not, or
- d. The Policy stated that 'all' workers are eligible

Of the 34 policies accessed, unskilled temporary workers are eligible to four, or 11.8%, of the policies, whilst six, or 17.6%, are reserved for permanent workers. It was found that 13, or 38.2%, of the policies broadly stated that 'all' workers are eligible for the policy. The remaining 32.4% are silent on whether or not unskilled temporary workers are included under the terms of the policies. Only 17.6% of EKZNW's policies expressly state that unskilled temporary workers are excluded from that policy, **Error! Reference source not found.** In reviewing the Policies, it was found that EKZNW's referred to workers under a myriad of different terms, with no definitions qualifying the different descriptions. Workers are described as being an employee, staff member, seasonal worker, temporary, casual, TOGT (taken-on-government-terms), permanent, part-time, full-time or relief employee in different policies.

Table 4.3 - Gap evaluation of EKZNW policies identifying eligibility of unskilled temporary workers.

Summary of EKZNW's Labour Policies Reviewed	Percentage of Policies	Number of Policies reviewed	Gap evaluation of EKZNW policies identifying eligibility of unskilled temporary workers			
			Unskilled temporary workers are eligible to the Policy	Unskilled temporary workers were excluded from the Policy	The Policy was 'silent' on whether unskilled temporary workers are eligible or not	The Policy stated that 'all' workers are eligible
Administration	47%	16	2	0	6	8
Wages and Benefits	44%	15	0	6	4	5
Leave	9%	3	2	0	1	0
Number of times reference was made to legislation:			4	6	11	13
Overall percentage that policy referred to legislation:			11.8%	17.6%	32.4%	38.2%

4.4 Objective 4. Understand the reasons for the differences in the Condition of Employment between unskilled temporary workers and unskilled permanent workers

The results and discussion of Objective 4 are presented in combination under the respective ILO principles.

a. Freedom of association and the effective recognition of the right to collective bargaining

In reviewing the policies it was noted that the KwaZulu-Natal Nature Conservation Board entered into a **Collective Agreement** with two trade unions representing workers; namely the National Education, Health and Allied Workers Union (NEHAWU), and, the Health and Other Personnel Trade Union of South Africa (HOSPERSA) (Ezemvelo KwaZulu-Natal Wildlife, 2006b). Whilst the Collective Agreement remains 'silent' on union membership of unskilled temporary workers, it defines a bargaining unit as anyone falling within Grades A1-C4 and stipulates under clause 5.5 that if union membership exceeds half of all 'permanent' workers then that union will be considered the majority union (Ezemvelo KwaZulu-Natal Wildlife, 2006b). Furthermore as acknowledged by Gabela (2011) unskilled temporary workers have not been graded and thus fall outside of Grades A1-C4; accordingly it is uncertain whether unskilled temporary workers form part of a bargaining unit or not. Accordingly whilst unskilled temporary workers may join a union their collective membership would not be acknowledged; as such denying them a vote in forming the 'majority union' through their collective status.

b. The elimination of all forms of forced or compulsory labour

The review of EKZNW policies found no mention of measures taken to prevent forced or compulsory labour. Accordingly it cannot be said whether EKZNW condones or condemns such practices.

c. The effective abolition of child labour

A review of EKZNW's policies did not reveal any policy addressing the effective abolition of child labour. However an assessment of EKZNW's Seasonal Worker payroll data, presented by Phillips (2011b), for the period 01st April 2010 to the 31st March 2011 revealed that the organisation employed 786 youth, or 35.7%, between the ages of 16 and 24 years (Anon, 2011), Table 4.4. The average age of

unskilled temporary workers was 34 years, with the youngest workers being 17 years and the oldest being 73 years, Table 4.5. The ILO Child Labour Convention 182 of 1999 (International Labour Organisation, 2009), Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Basic Conditions of Employment Act (Republic of South Africa, 1997) state that anyone under the age of 18 is a child. Gabela (2011) and Mthembu (2011a) confirmed that apart from the Experiential Training and Learnerships Policy, there were no additional programs specifically providing for the employment of youth (Ezemvelo KwaZulu-Natal Wildlife, 2006d). Accordingly, the reasons for employing the two children are not clear may be attributed to a lack of monitoring, supervision or training as advised by Gabela (2011) and Mthembu (2011a).

Table 4.4 – Summary of Seasonal Worker data for the period April 2010 to March 2011, provided by Phillips (2011b), depicting the age split between adult and the youth (16 to 24 years).

Age category	No. employed	% of temporary workforce	Wages by age group	% of wages allocation
Youth	786	35.7	R2 631 480.64	28.49
Adult	1 418	64.3	R6 605 925.42	71.51
Total	2 204	100	R9 237 406.06	100

Table 4.5 - Summary of Seasonal Worker data for the period April 2010 to March 2011, provided by Phillips (2011b), depicting the breakdown of youth employed by EKZNW (16 to 24 years).

Youth (16 to 24 years)					
Gender	Age	Number of workers per age group		Total wages paid out per age group	
Female	18	1		R 1 650.00	
	19	3		R 1 900.00	
	20	11		R 23 164.15	
	21	13		R 37 513.45	
	22	17		R 70 970.00	
	23	28		R 83 786.40	
	24	27		R 84 406.70	
	18	4		R 17 280.00	
	19	19		R 23 601.55	
	20	38		R 93 206.91	
	21	57		R 193 695.22	
	22	73		R 244 291.82	
	23	71		R 271 361.40	
	24	80		R 318 808.07	
Male	17		2		R 3 600.00
	18		4		R 17 280.00
	19		19		R 23 601.55
	20		38		R 93 206.91
	21		57		R 193 695.22
	22		73		R 244 291.82
	23		71		R 271 361.40
	24		80		R 318 808.07
Total		442		R 1 465 635.67	
			344		R 1 165 844.97
Grand total		786		R	2 631 480.64
Percentage		56.2	43.8	55.7	44.3

d. Elimination of discrimination in respect of employment and occupation

In understand the reasons for the differences in conditions of employment between unskilled temporary workers and unskilled permanent workers in relation to the elimination of discrimination in respect of employment and occupation the results are presented under the three subheadings; administration, wages and benefits, along with leave.

i. Administration

Labour policies adopted for administrative purposes and identified as restrictive to temporary are discussed hereunder:

- The **Employee Performance Management and Development System** aimed at improving service delivery through an objective assessment of an individual's performance (Ezemvelo KwaZulu-Natal Wildlife, 2007b). Gabela (2011) however remarked that unskilled temporary workers had not been assessed. Consequently as noted by Gabela (2011), it was possible that unskilled temporary workers were not being adequately compensated as prescribed by Succession Management Policy levels (Ezemvelo KwaZulu-Natal Wildlife, 2006j). In order to redress the situation Gabela (2011) stated that a job grading process was currently underway within EKZNW aimed at rectifying the situation. Once the work had been graded Gabela (2011) asserted that all workers performing work of a similar nature would be paid at equitable levels. Two years after the interview the researcher observed that this process has yet to be completed.
- The **Recruitment and Selection Policy** states under clause 12.9 (a) that vacancies will be placed "... simultaneously in the media ..." when advertising a post; whilst limiting the period of employment for unskilled temporary workers to four months (Ezemvelo KwaZulu-Natal Wildlife, 2010c: 06). Mthembu (2011a) however revealed that neither practise this was not being applied. Mthembu (2011a) went on to explain that the aspect of advertising had been amended in the Policy, however the document had not been withdrawn nor replaced on the Intranet Site. The Policy does however makes provision for granting of an extension of the employment period, after due consideration of the situation (Ezemvelo KwaZulu-Natal Wildlife, 2010c). This Mthembu (2011a) explained allowed for extending contracts if the project was not completed on time, or if EKZNW required the extended services of a worker. However, Mthembu (2011a) also acknowledged that there was no procedure in place for monitoring the process or preventing contracts from being indefinitely extending. This is substantiated by the fact that the researcher observed incidences were unskilled temporary workers being employed beyond three years. Provision is also made to hire unskilled temporary workers to fill vacant posts or to address an escalation in work (Ezemvelo KwaZulu-Natal Wildlife, 2010c). Clause 19.3 (a) of EKZNW's Recruitment and Selection Policy states

that “As a general rule, EKZNW does not operate its business with temporary employees” (Ezemvelo KwaZulu-Natal Wildlife, 2010c: 14). When questioned on this Mthembu (2011a) conceded that the process was not monitored and accordingly unskilled temporary workers may not be remunerated at equitable levels; she did undertake to investigate the reasons surrounding incidents of this nature.

- When reviewing the **Grievance Resolution Procedure Policy** (Ezemvelo KwaZulu-Natal Wildlife, 1999a) and the **Disciplinary Code and Procedure Policy** it was noted that copies should be made available to all workers. The Disciplinary Code and Procedure Policy states, under Clause 3, that:

... the code should be made available to each employee as well as any operational rules, regulations and codes of required behaviour, so that all employees are made aware of the required standards and conduct within the workplace ...

(Ezemvelo KwaZulu-Natal Wildlife, 2011b: 03)

Gabela (2011) and Mthembu (2011a) advised that access to EKZNW’s official repository for the storage of policies takes place through its Intranet Site. However neither Gabela (2011) nor Mthembu (2011a) could qualify how or if unskilled temporary workers were informed of the policies.

- The **Retrenchment Policy** provides the guidelines and rationale for retrenching workers (Ezemvelo KwaZulu-Natal Wildlife, 1999c). The Policy is however silent on the appointment of contractors to perform the work previously undertaken by permanent workers. While it was not investigated it appears that it is possible that EKZNW may fill the vacancies with unskilled temporary workers; brought in to do the work of the unskilled permanent workers.

ii. Wages and Benefits

Two policies are discussed in relation to wages and benefits, namely the Remuneration Packages Policy and the Housing Allowance Scheme.

- The **Remuneration Packages Policy** attempts to equitably compensate workers by stating, under Clause 1.2, that:

Staff members in similar positions shall be entitled to select their remuneration package from the same level of options.

(Ezemvelo KwaZulu-Natal Wildlife, 2006j: 02)

In addition Clause 4.1 of the **Labour Relations Policy** grants workers "... The right to fair remuneration ...". (Ezemvelo KwaZulu-Natal Wildlife, 2006h: 02). Gabela (2011) however remarked that although EKZNW had adopted the Employee Performance Management and Development System (Ezemvelo KwaZulu-Natal Wildlife, 2007b) to improve service delivery and objectively grade a workers work; however unskilled temporary workers were currently not being assessed. Accordingly Gabela (2011) acknowledged that because job grading had not taken place unskilled temporary workers may be remunerated less than their permanent colleagues while performing work of similar nature.

EKZNW is conscious of the impact that wages have on service delivery. This is reflected in an email by Mthembu (2011b) who states that "... competition was paying more than what we were paying ..." for unskilled temporary workers. Accordingly inferring that EKZNW was holding back on increasing temporary workers wages until neighbouring landowners paid more, thereby reducing organisational overheads. This practise of disproportionate wages was illustrated in EKZNW's Seasonal Worker payroll data, provided by Phillips (2011b) for the period 01st April 2010 to the 31st March 2011, in which the gender profile of unskilled temporary workers was assessed. Of the 2 204 unskilled temporary workers employed 31% were women, yet they were earning approximately 28% of the overall temporary wages, Table 4.6.

Table 4.6 – Summary of Seasonal Worker data for the period April 2010 to March 2011, provided by Phillips (2011b), depicting the gender breakdown of unskilled temporary workers.

Gender	No. of workers per gender group	% of temporary workforce	Wages by gender	% of wages by gender
Female	696	31.6%	R2 580 696.74	27.9%
Male	1508	68.4%	R6 656 709.32	72.1%
Total	2 204	100%	R9 237 406.06	100%

- The **Housing Allowance Policy** provides limited access to housing for unskilled temporary workers. In a restricted number of cases and depending on the availability the Housing Allowance Scheme grants managers the authority to house unskilled temporary workers for operational reasons (Ezemvelo KwaZulu-Natal Wildlife, 2007a). As observed, access to such accommodation is restricted to remote protected areas, which would otherwise need to provide daily transport for them.

iii. Leave

The Annual Leave Policy and Maternity Leave Policy are discussed in relation to differences on unskilled temporary workers.

- The **Annual Leave Policy** granted permanent workers either 23 or 26 working days leave per annum (depending on the workers years of service); whilst unskilled temporary workers received 15 days per annum (Ezemvelo KwaZulu-Natal Wildlife, 2006a). In assessing the reasons for the differences Gabela (2011) professed that this was intended to promote EKZNW as an “employer of preference”; thereby retaining and drawing capacity within the organisation. Gabela (2011) furthermore remarked that these terms had been negotiated with organised labour and that they complied with the terms of the Basic Conditions of Employment Act.
- The **Maternity Leave Policy** only granted maternity leave to permanent workers. Gabela (2011) and Mthembu (2011a) concurred during the interviews

that the practice of not compensating unskilled temporary workers with maternity leave was not equitable. Management further explained that the Policy was currently under review with the intention of ensuring that all workers were reimbursed while on maternity leave (Gabela, 2011, Mthembu, 2011a). Two years after the interview the researcher observed that the terms of the Policy had yet to be amended to include unskilled temporary workers.

4.5 Objective 5. Establish the resulting implications for unskilled temporary workers

The resulting implications of the differences in eligibility unskilled temporary workers are presented under the four ILO principles and in relation to those policies that impacted them.

a. Freedom of association and the effective recognition of the right to collective bargaining

The **Collective Agreements** 'silence' may be interpreted in one of two ways; it could infer that it endorses the unionisation of unskilled temporary workers; alternately, it might imply that as unskilled temporary workers have not been graded according to the Grade A1-C4 system that they are excluded from it. As Clause 5.5 of the Collective Agreement only recognises 'permanent' workers in forming the majority union (Ezemvelo KwaZulu-Natal Wildlife, 2006b); accordingly this negatively impacts on the effective recognition of unskilled temporary workers and their right to collective bargaining power.

b. The elimination of all forms of forced or compulsory labour

As the principle of forced or compulsory labour is not addressed in any of the policies, it is uncertain how unskilled temporary workers would overcome practises of this nature. It was however noted that the Employment Equity Policy of 2010 and the Employee Performance Management and Development System of 2011 acknowledge the Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Basic Conditions of Employment Act (Republic of South Africa, 1997); thereby endorsing the abolition of forced or compulsory labour. Accordingly whilst the policies were 'silent' on the ILO principle; unskilled temporary workers are protected in terms of national legislation.

c. The effective abolition of child labour

The implications of hiring an under 17 year old are in contravention of Chapter 6; sections 43, 44, and 46; of the Basic Conditions of Employment Act (Republic of South Africa, 1997) and the Constitution of the Republic of South Africa (Republic of South Africa, 1996). The Act does permit a child between the age 15 and 18 years to be employed provided that the employer ensures that; the employment is suitable for someone of their age; there is no risk to the child, their schooling is not effected, nor that their bodily or intellectual wellbeing, beliefs, ethics or advancement in society are effected (Republic of South Africa, 1997). Whilst EKZNW has not adopted the ILO principles it is noted that the incident is in contravention of the ILO Child Labour Convention 182 of 1999 (International Labour Organisation, 2009). It was noted by Gabela (2011) and Mthembu (2011a) that the Experiential Training and Learnerships Policy does provide for the employment of youth (Ezemvelo KwaZulu-Natal Wildlife, 2006d); which may have resulted in the hiring of the individual. The study did not investigate the circumstances under which the child was employed; accordingly it is uncertain if EKZNW contravened any laws.

d. Elimination of discrimination in respect of employment and occupation

In establish the implications for unskilled temporary workers in respect of discrimination of employment and occupation several policies related to this ILO principle are discussed, as indicated in chapter 2, under the subheadings; administration, wages and benefits, along with leave.

i. Administration

- As a result of the **Employee Performance Management and Development System** (Ezemvelo KwaZulu-Natal Wildlife, 2007b) not being implemented workers were not being paid at equitable levels for doing work of a similar nature; nor are they eligible to the financial incentives that are attached to the Policy (Gabela, 2011). This was born out by the fact that eight unskilled temporary workers earned R70.00 or less for a month, of which six of the eight workers earned R50.00 for the month; over the period 01st April 2010 to the 31st March 2011. Phillips (2011a) reported that a hard copy timesheet system

was used for capturing the total monthly wage of an unskilled temporary worker. It was therefore not possible to establish if a worker had worked more than one day for the wage that had been paid.

- As the updated **Recruitment and Selection Policy** (Ezemvelo KwaZulu-Natal Wildlife, 2010c) was not available on the Intranet Site and because the Policy had not been implemented as reported by Mthembu (2011a), unskilled temporary workers were unable to apply for vacancies. Furthermore because conditions of the Policy were not being enforced contracts were allowed to extend beyond the four month limit; thereby restricting unemployed individuals from securing gainful employment. Whilst acknowledging that there was a need to hire unskilled temporary workers to fill vacant posts, Mthembu (2011a) remarked that this was not being monitored and meant that they might be unjustly paid.
- Without access to the Intranet Site it is unclear how unskilled temporary workers without access the **Grievance Resolution Procedure Policy, Disciplinary Code and Procedure Policy** or other Policies without the assistance of a manager (Gabela, 2011, Mthembu, 2011a). Accordingly a worker may inadvertently contravene a policy without being aware of the error.

ii. **Wages and Benefits**

- The fact that job grading had not taken place, as stated by Gabela (2011), meant that unskilled temporary workers may be paid less than their permanent colleagues while performing work of similar nature. Whilst the **Remuneration Packages Policy** advocated for 'equal work equal pay' this was not being monitored or implemented in the workplace (Ezemvelo KwaZulu-Natal Wildlife, 2006j). Furthermore the practise of avoiding paying 'competitive wages' until neighbouring landowners salaries necessitated this (Mthembu, 2011b); is considered unjust and could be interpreted as a means of exploitation.
- The **Housing Allowance Scheme** provides for limited access to housing at remote protected areas, the lack of accommodation on site however restricts

the employment opportunities of unskilled temporary workers whilst increasing the cost of getting to work.

iii. **Leave**

As the **Annual Leave Policy** grants unskilled temporary workers only 15 days leave per annum, they receive eight days less than permanent workers (Ezemvelo KwaZulu-Natal Wildlife, 2006a). Although Gabela (2011) and Mthembu (2011a) concurred that the practise of not granting maternity leave to unskilled temporary workers was unjust, nothing had changed two years after the interview. Accordingly the study found that the Annual Leave Policy and Maternity Leave Policy discriminated in respect of employment and occupation of unskilled temporary workers.

4.6 Summary

This chapter presents a summation of findings and discussions relating to Objectives 2, 3, 4 and 5, in relation to the four ILO principles. Chapter 5 presents the final Objective 6, which suggests interventions aimed at bridging the gap in working conditions between of unskilled temporary and permanent workers, provides a statement on shortcomings recorded in the research methodology and options for future research.

5 CONCLUSION

5.1 Introduction

The study aimed to identify the differences in conditions of employment between unskilled temporary workers and unskilled permanent workers at EKZNW, to understand why these differences exist, and what the implications are for the unskilled temporary workers. This was undertaken by:

- Reviewing International Labour Organisation conventions to determine internationally accepted employment principles for unskilled permanent workers in Chapter 2, Objective 1;
- Establishing to what extent South African Constitution and the Basic Conditions of Employment Act compiled with the International Labour Organisation principles for unskilled permanent workers under Objective 2;
- Determining to what extent EKZNW's labour policies compiled with ILO principles, in relation to the South African Constitution and the Basic Conditions of Employment Act, with specific reference to unskilled temporary workers in Objective 3;
- Understanding the reasons for the differences in policies between unskilled temporary workers and unskilled permanent workers in Objective 4; and,
- Establishing the implications for unskilled temporary workers in Objective 5.

This Chapter addresses Objective 6, which suggests recommendations, using the four ILO principles, aimed at bridging the gap between unskilled temporary workers and unskilled permanent workers. The final subsections describe several inadequacies identified in the research methodology while recommending topics for further research.

5.2 Objective 6: Suggest recommendations about making working conditions more equitable between unskilled temporary workers and unskilled permanent workers.

These will be presented with respect to the four ILO principles.

a. Freedom of association and the effective recognition of the right to collective bargaining

The 'silence' of the Collective Agreement relating to union membership of unskilled temporary workers may result in uncertainty on whether or not unskilled temporary workers may affiliate to a union. Furthermore, the fact that only 'permanent' workers are considered part of the majority union negates the collective bargaining power of unskilled temporary workers. While the ILO documents do not specifically mention unskilled temporary workers, their implication is that the same rights apply to all workers.

To be in line with the ILO principles and the SA constitution, it is recommended that EKZNW's management and organised labour investigate reviewing the Collective Agreement and the Collective Agreement Policy. This needs to be done to ensure that unskilled temporary workers have access to union representation, and that their concerns are catered for in negotiations between Labour Unions and EKZNW. This would be in line with the principles of social justice, which asserts that everyone be given equal opportunity especially the most deprived.

b. The elimination of all forms of forced or compulsory labour

The EKZNW Employment Equity Policy of 2010 and the Employee Performance Management and Development System of 2011 acknowledge the Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Basic Conditions of Employment Act (Republic of South Africa, 1997). While these endorse the abolition of forced or compulsory labour, the ILO principle of eliminating of all forms of forced or compulsory labour were not raised under any policy. As such it is uncertain what EKZNW's position is on this principle.

It is therefore recommended that management consider either including the principle of eliminating of all forms of forced or compulsory labour into the organisations Labour Relations Policy or create a policy specifically dealing with the abolition of forced or compulsory labour. The ILO principle is based on the tenants of social justice that advocates that all people are free and equal; forced or

compulsory labour would deprive them of their freedom whilst promoting inequality amongst workers.

c. The effective abolition of child labour

A single case of hiring an 18 year old does not necessarily imply a trend of employing children, nor that the individual was hired without due consideration of legislation contained in the Constitution of the Republic of South Africa (Republic of South Africa, 1996) and the Basic Conditions of Employment Act (Republic of South Africa, 1997). It does however suggest that suitable measures need to be adopted in order to prevent future potential contraventions of legislation.

It is recommended that management explore and adopt measures that will prevent a reoccurrence while simultaneously conforming to the ILO principle of abolishing child labour. The principles outlined in the theory of social justice are intended to protect the vulnerable and those without a voice from exploitation. Despite much unemployment in the areas surrounding the EKZNW reserves from where people are employed, it is imperative that legislated rights and liberties of individuals are upheld in the workplace. Accordingly, the South African Constitution and Basic Conditions of Employment Act which strive for the abolition of child labour needs to be recognised.

d. Elimination of discrimination in respect of employment and occupation

Failure to timelessly implement the Employee Performance Management and Development System (Ezemvelo KwaZulu-Natal Wildlife, 2007b) has meant that the Remuneration Packages Policy that advocated for 'equal work equal pay' could not be implemented in the workplace (Ezemvelo KwaZulu-Natal Wildlife, 2006j). As such, unskilled temporary workers were not being equitably paid while being denied various benefits, including leave. It is recommended that the organisation implements measures aimed at realizing the Employee Performance Management and Development System, thereby eliminating discrimination in respect of employment and occupation in the workplace. This is recognised in the social justice theory, which asserts firstly that everyone has the right to equal liberties that are identical in design to the liberties of other individuals; and secondly, that

equitable opportunity be granted to everyone and were differences do occur, that the most deprived citizens stand to gain the most.

In recognising the problems associated with gaining access to policies by unskilled temporary workers on the intranet, this study suggests that management adopt measures that allow 'all' workers access to organisational policies. Furthermore, and in light of the out-dated version of the Recruitment and Selection Policy, it is recommended that systems be put into place that ensure that current policies are made available on their intranet. This would eliminate any discrimination in accessing of information in respect of occupation.

5.3 Limitations

Limitations of this study's methodology related to the size of the study population interviewed in the case study, all of the participants being managers holding senior positions within EKZNW. While the participants were forthcoming in providing information on their perceptions and experiences, the limited number of participants restricted the degree of input received. A further limitation of the study related to not being able to conduct a pilot study would have exposed the main study participants to the research questions. Whilst the literature review served as the basis for establishing the questions, a pilot study may have provided for insight into structuring of the questions in the interview tool used in Objective 4. This would have enabled a better understanding for the reasons in the differences in the Condition of Employment between unskilled temporary workers and permanent workers.

5.4 Further Research

As noted by Christensen (2006) and Welman et al. (2005) a single case study does not constitute an all encompassing conclusion. Accordingly it is suggested that EKZNW could benefit from conducting an extensive study into the position of unskilled temporary workers. Such a study would either challenge the findings of this research or highlight areas of injustice.

5.5 Conclusion

The study supports a statement made by Myeza in 2005, the former Officer-in-Charge at Cathedral Peak Nature Reserve, that “temporary workers were not being paid a working wage” (Myeza, 2005). While the Employee Performance Management and Development System of 2007 and the Remuneration Packages Policy of 2006 were adopted after Myeza’s remark, sufficient time has passed during which they could have been implemented. Hopefully, this study will serve to draw EKZNW’s management attention to the unjust nature that certain policies have on unskilled temporary workers, thereby supporting the need for intervention, improving on service delivery by nurturing employer/ worker relations, while strengthening EKZNW’s profile in labour relations management. Finally, while this study only focused on assessing EKZNW’s labour policies, it is hoped that on a wider scale, the study will draw attention and assist in bringing about greater justice for unskilled temporary workers.

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APPENDICES

Appendix 1. Informed consent form Mark Brassell 28/11/2011

INFORMED CONSENT DOCUMENT

Your input is required in order to qualify, shed light on or provide insight into aspects identified whilst investigating the practices employed by Ezemvelo in compensating temporary staff.

The topic is to establish how effectively Ezemvelo is applying wage compensation principles for temporary staff wages within the organisation.

The need to establish a method to pay temporary employees a fair working wage has for a long time been advocated by both park and line managers. Whilst managing the Northern Section of the uKhahlamba Drakensberg Park World Heritage Site I approached by several members of staff who raised concerns about the wages being paid to temporary workers. One such manager came to me and stated that "... staff were not being paid a working wage ...". These statements got me thinking and having significant staff under myself at the time I needed to ensure that Ezemvelo was in fact applying best practice principles when determining temporary staff wages.

The problem is quite simply to explore the hypothesis of, whether or not unskilled temporary employees working for Ezemvelo are equitably compensated.

In attempting to answer this question one would need to compare the criteria used by Ezemvelo in setting wages for casual labour against best optimal criteria and based on the outcome of a comparative study determine where there are any shortcomings.

Potential benefits from this study are that they study may assist Ezemvelo in determining shortfalls in the organisations wage compensation principles for temporary workers and hopefully provide the organisation timeless opportunity to rectify such instances.

In providing such assistance it is noted that:

- No financial or other reward will be provided for assistance given towards this study.
- All information is provided on a voluntary base by the participant.
- All information provided will be referenced to the participant.
- All information provided will be disposed of by returning personal property, shredding or burning any hard copies or deleting and electronic copies from and electronic storage device as either prescribed by the participant or the university.
- No information about the participant or institution nor the information that they might provide will be disclosed without the prior written consent of the participant or institution.
- It is noted that should the participant wish to either withdraw or not assist in the study any longer that no prejudice will be held towards the incumbent.

DECLARATION

I, MARK BRASSELL (full names of participant) hereby confirm that I have had sufficient time to read and understand the contents of this document and the nature of the research project, and I consent to participating in the research project on a voluntary base or my own free and fair will.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.



SIGNATURE OF PARTICIPANT

28/11/11

DATE

Mr. Robert Rees Faure
Cell: 084 421 7316
No: 76 Frances Staniland
Montrose
Pietermaritzburg
3201

Qualifications: National Diploma in Nature Conservation &
National Diploma in Project Management

My supervisors contact details:

Supervisor: Professor R Fincham
Contact Number: 071 678 6167
Email: fincham@ukzn.ac.za

Appendix 2. Informed consent form Sibongile Mthembu 17/11/2011

INFORMED CONSENT DOCUMENT

Your input is required in order to qualify, shed light on or provide insight into aspects identified whilst investigating the practices employed by Ezemvelo in compensating temporary staff.

The topic is to establish how effectively Ezemvelo is applying wage compensation principles for temporary staff wages within the organisation.

The need to establish a method to pay temporary employees a fair working wage has for a long time been advocated by both park and line managers. Whilst managing the Northern Section of the uKhahlamba Drakensberg Park World Heritage Site I approached by several members of staff who raised concerns about the wages being paid to temporary workers. One such manager came to me and stated that "... staff were not being paid a working wage ...". These statements got me thinking and having significant staff under myself at the time I needed to ensure that Ezemvelo was in fact applying best practice principles when determining temporary staff wages.

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In providing such assistance it is noted that:

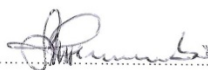
- No financial or other reward will be provided for assistance given towards this study.
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- All information provided will be referenced to the participant.
- All information provided will be disposed of by returning personal property, shredding or burning any hard copies or deleting and electronic copies from and electronic storage device as either prescribed by the participant or the university.
- No information about the participant or institution nor the information that they might provide will be disclosed without the prior written consent of the participant or institution.
- It is noted that should the participant wish to either withdraw or not assist in the study any longer that no prejudice will be held towards the incumbent.

DECLARATION

I, Sibongile Mthembu (full names of participant) hereby confirm that I have had sufficient time to read and understand the contents of this document and the nature of the research project, and I consent to participating in the research project on a voluntary base or my own free and fair will.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT



DATE

17/11/11

<p>Mr. Robert Rees Faure Cell: 084 421 7316 No: 76 Frances Staniland Montrose Pietermaritzburg 3201 Qualifications: National Diploma in Nature Conservation & National Diploma in Project Management</p>	<p>My supervisors contact details: Supervisor: Professor R Fincham Contact Number: 071 678 6167 Email: fincham@ukzn.ac.za</p>
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Appendix 3. Informed consent form Simmy Phillips 23/11/2011

INFORMED CONSENT DOCUMENT

Your input is required in order to qualify, shed light on or provide insight into aspects identified whilst investigating the practices employed by Ezemvelo in compensating temporary staff.

The topic is to establish how effectively Ezemvelo is applying wage compensation principles for temporary staff wages within the organisation.

The need to establish a method to pay temporary employees a fair working wage has for a long time been advocated by both park and line managers. Whilst managing the Northern Section of the uKhahlamba Drakensberg Park World Heritage Site I approached by several members of staff who raised concerns about the wages being paid to temporary workers. One such manager came to me and stated that "... *staff were not being paid a working wage* ...". These statements got me thinking and having significant staff under myself at the time I needed to ensure that Ezemvelo was in fact applying best practice principles when determining temporary staff wages.

The problem is quite simply to explore the hypothesis of; whether or not unskilled temporary employees working for Ezemvelo are equitably compensated.

In attempting to answer this question one would need to compare the criteria used by Ezemvelo in setting wages for casual labour against best optimal criteria and based on the outcome of a comparative study determine where there are any shortcomings.

Potential benefits from this study are that they study may assist Ezemvelo in determining shortfalls in the organisations wage compensation principles for temporary workers and hopefully provide the organisation timeless opportunity to rectify such instances.

In providing such assistance it is noted that:


- No financial or other reward will be provided for assistance given towards this study.
- All information is provided on a voluntary base by the participant.
- All information provided will be referenced to the participant.
- All information provided will be disposed of by returning personal property, shredding or burning any hard copies or deleting and electronic copies from and electronic storage device as either prescribed by the participant or the university.
- No information about the participant or institution nor the information that they might provide will be disclosed without the prior written consent of the participant or institution.
- It is noted that should the participant wish to either withdraw or not assist in the study any longer that no prejudice will be held towards the incumbent.

DECLARATION

I, S. Phillips (full names of participant) hereby confirm that I have had sufficient time to read and understand the contents of this document and the nature of the research project, and I consent to participating in the research project on a voluntary base or my own free and fair will.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT



DATE

23/11/2011

<p>Mr. Robert Rees Faure Cell: 084 421 7316 No: 76 Frances Staniland Montrose Pietermaritzburg 3201 Qualifications: National Diploma in Nature Conservation & National Diploma in Project Management</p>	<p>My supervisors contact details: Supervisor: Professor R Fincham Contact Number: 071 678 6167 Email: fincham@ukzn.ac.za</p>
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Appendix 4. Informed consent form with James Wood 24/11/2011

INFORMED CONSENT DOCUMENT

Your input is required in order to qualify, shed light on or provide insight into aspects identified whilst investigating the practices employed by Ezemvelo in compensating temporary staff.

The topic is to establish how effectively Ezemvelo is applying wage compensation principles for temporary staff wages within the organisation.

The need to establish a method to pay temporary employees a fair working wage has for a long time been advocated by both park and line managers. Whilst managing the Northern Section of the uKhahlamba Drakensberg Park World Heritage Site I approached by several members of staff who raised concerns about the wages being paid to temporary workers. One such manager came to me and stated that "... staff were not being paid a working wage ...". These statements got me thinking and having significant staff under myself at the time I needed to ensure that Ezemvelo was in fact applying best practice principles when determining temporary staff wages.

The problem is quite simply to explore the hypothesis of, whether or not unskilled temporary employees working for Ezemvelo are equitably compensated.

In attempting to answer this question one would need to compare the criteria used by Ezemvelo in setting wages for casual labour against best optimal criteria and based on the outcome of a comparative study determine where there are any shortcomings.

Potential benefits from this study are that they study may assist Ezemvelo in determining shortfalls in the organisations wage compensation principles for temporary workers and hopefully provide the organisation timeless opportunity to rectify such instances.

In providing such assistance it is noted that:

- No financial or other reward will be provided for assistance given towards this study.
- All information is provided on a voluntary base by the participant.
- All information provided will be referenced to the participant.
- All information provided will be disposed of by returning personal property, shredding or burning any hard copies or deleting and electronic copies from and electronic storage device as either prescribed by the participant or the university.
- No information about the participant or institution nor the information that they might provide will be disclosed without the prior written consent of the participant or institution.
- It is noted that should the participant wish to either withdraw or not assist in the study any longer that no prejudice will be held towards the incumbent.

DECLARATION

I, James Wood (full names of participant) hereby confirm that I have had sufficient time to read and understand the contents of this document and the nature of the research project, and I consent to participating in the research project on a voluntary base or my own free and fair will.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT



DATE

28/11/2011

Mr. Robert Rees Faure

Cell: 084 421 7316

No: 76 Frances Stenland

Montrose

Pietermaritzburg

3201

Qualifications: National Diploma in Nature Conservation &
National Diploma in Project Management

My supervisors contact details:

Supervisor: Professor R Fincham

Contact Number: 071 678 6167

Email: rfincham@uj.ac.za

Appendix 5. Informed consent form Muziwokukhanya Gabela 28/11/2011

INFORMED CONSENT DOCUMENT

Your input is required in order to qualify, shed light on or provide insight into aspects identified whilst investigating the practices employed by Ezemvelo in compensating temporary staff.

The topic is to establish how effectively Ezemvelo is applying wage compensation principles for temporary staff wages within the organisation.

The need to establish a method to pay temporary employees a fair working wage has for a long time been advocated by both park and line managers. Whilst managing the Northern Section of the uKhahlamba Drakensberg Park World Heritage Site I approached by several members of staff who raised concerns about the wages being paid to temporary workers. One such manager came to me and stated that "... staff were not being paid a working wage ..." These statements got me thinking and having significant staff under myself at the time I needed to ensure that Ezemvelo was in fact applying best practice principles when determining temporary staff wages.

The problem is quite simply to explore the hypothesis of, whether or not unskilled temporary employees working for Ezemvelo are equitably compensated.

In attempting to answer this question one would need to compare the criteria used by Ezemvelo in setting wages for casual labour against best optimal criteria and based on the outcome of a comparative study determine where there are any shortcomings.

Potential benefits from this study are that they study may assist Ezemvelo in determining shortfalls in the organisations wage compensation principles for temporary workers and hopefully provide the organisation timeless opportunity to rectify such instances.

In providing such assistance it is noted that:

- No financial or other reward will be provided for assistance given towards this study.
- All information is provided on a voluntary base by the participant.
- All information provided will be referenced to the participant.
- All information provided will be disposed of by returning personal property, shredding or burning any hard copies or deleting and electronic copies form and electronic storage devise as either prescribed by the participant or the university.
- No information about the participant or institution nor the information that they might provide will be disclosed without the prior written consent of the participant or institution.
- It is noted that should the participant wish to either withdraw or not assist in the study any longer that no prejudice will be held towards the incumbent.

DECLARATION

Muziwokukhanya Absalon Gabela (full names of participant) hereby confirm that I have had sufficient time to read and understand the contents of this document and the nature of the research project, and I consent to participating in the research project on a voluntary base or my own free and fair will.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT



DATE 28/11/2011

<p>Mr. Robert Rees Faure Cell: 084 421 7316 No: 76 Frances Staniland Montrose Pietermaritzburg 3201 Qualifications: National Diploma in Nature Conservation & National Diploma in Project Management</p>	<p>My supervisors contact details:</p> <p>Supervisor: Professor R Fincham Contact Number: 071 678 6167 Email: fincham@ukzn.ac.za</p>
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Appendix 6. Questionnaire: Mrs. Simmy Phillips

General Question:
1. How many unskilled temporary workers are hired annually?
A. Unskilled temporary workers are eligible to the Policy
2. Annual leave
2.1. Do unskilled temporary workers leave include or exclude weekends and public holidays?
B. Unskilled temporary workers were excluded from the Policy
C. The Policy was 'silent' on whether unskilled temporary workers are eligible or not
3. Unemployment Insurance Fund (UIF)
3.1. Do all unskilled temporary workers contribute towards UIF and PAYE?
3.2. Are all unskilled temporary workers issued a UIF card upon exiting the Organisation?
D. The Policy stated that 'all' workers are eligible
4. Do unskilled temporary workers doing the same work as unskilled permanent workers earn the same amount?
5. In your opinion should an unskilled temporary worker performing the same work as an unskilled permanent worker be paid the same amount?

Appendix 7. Questionnaire: Mrs. Sibongile Mthembu and Mr. Muziwokukhanya Gabela

General Question:
1. How many unskilled temporary workers are hired annually?
2. What is the reason for having unskilled temporary workers?
3. Why not just use unskilled permanent workers to perform the organisations work?
4. Contract of employment
4.1. What contract does EKZNW use for employing unskilled temporary workers?
A. Unskilled temporary workers are eligible to the Policy
5. Annual leave
5.1. What is the reason for granting unskilled temporary workers less leave days to unskilled permanent workers?
5.2. Do unskilled temporary workers leave include or exclude weekends and public holidays?
6. Recruitment
6.1. Although policy states that all posts will be advertised both internally and externally this does not appear to be the case, why?
6.2. Policy stipulates that unskilled temporary workers contracts may not surpass four months.
6.2.1. Is this rule applied?
6.2.2. How does the organisation ensure that contracts are not extended beyond four months?

6.2.3. How does the organisation go about assessing the renewal of contracts over four months?
6.3. In the event that an unskilled temporary worker is employed to undertake the duties of a vacant post.
6.3.1. Is the unskilled temporary worker compensated at equivalent levels to the unskilled permanent workers?
6.3.2. If not, why not?
7. Youth
7.1. What programs does the organisation have for hiring sectors within the youth?
7.2. What training programs does EKZNW have for training youth by way of:
7.2.1. Providing them with experience?
7.2.2. Developing capacity?
7.2.3. Other (state)?
B. Unskilled temporary workers were excluded from the Policy
8. Maternity protection
8.1. Why are unskilled temporary workers not granted equal maternity leave to their unskilled permanent co-workers?
C. The Policy was 'silent' on whether unskilled temporary workers are eligible or not
9. Unemployment Insurance Fund (UIF)
9.1. Do all unskilled temporary workers contribute towards UIF and PAYE?
9.2. Are all unskilled temporary workers issued a UIF card upon exiting the Organisation?
10. Uniform

10.1. Why is the Uniform Policy not listed on the intranet?
10.2. Why are uniforms issued to workers?
10.3. Are unskilled temporary workers equally entitled to a uniform?
10.3.1. If not: Why not?
10.3.2. Are unskilled temporary workers compensated in another way for not receiving a uniform?
10.4. Pay slip – stipulating deductions
10.4.1. Are all unskilled temporary workers issued with a payslip?
10.4.2. Are all deductions indicated on the unskilled temporary workers payslip?
11. Unemployment Insurance Fund (UIF)
11.1. Do all unskilled temporary workers contribute towards UIF and PAYE?
11.2. Are all unskilled temporary workers issued a UIF card upon exiting the Organisation?
D. The Policy stated that 'all' workers are eligible
12. Do unskilled temporary workers doing the same work as unskilled permanent workers earn the same amount?
13. In your opinion should unskilled temporary workers performing the same work as an unskilled permanent worker be paid the same amount?

Appendix 8. Questionnaire: Mr. James Wood

General Question:
A. Unskilled temporary workers are eligible to the Policy
B. Unskilled temporary workers were excluded from the Policy
C. The Policy was 'silent' on whether unskilled temporary workers are eligible or not
1. Uniform
1.1. Why is the Uniform Policy not listed on the intranet?
1.2. Why are uniforms issued to workers?
1.3. Are unskilled temporary workers equally entitled to a uniform?
1.3.1. If not: Why not?
1.3.2. Are unskilled temporary workers compensated in another way for not receiving a uniform?
D. The Policy stated that 'all' workers are eligible

Appendix 9. Interview Schedule

Interview Schedule		
Interviewee	Date	Venue
Acting/ General Manager Human Resource	2011/11/28	Queen Elizabeth Park – Office of the participant
Human Resources Recruitment Officer	2011/11/28	Queen Elizabeth Park – Office of the participant
Paymaster Administrator	2011/11/23	Queen Elizabeth Park – Office of the participant
Chairperson of the Uniform Committee	2011/11/28	Douglas Mitchell Centre library - Queen Elizabeth Park