

**UNIVERSITY OF KWAZULU-NATAL**

**En Evaluation of the implementation of the  
Employment Equity Act in the employment  
of academic staff in higher education  
institutions in KwaZulu Natal**

**Bawinile Winnie Joyce Mthanti  
2004**

**An evaluation of the implementation of the *Employment Equity Act* in  
the employment of academic staff in higher education  
institutions in Kwa-Zulu Natal**

**By  
Bawinile Winnie Joyce Mthanti**

**Dissertation submitted to the Faculty of Humanities, School of  
Educational Studies in partial fulfilment of the requirements for the  
degree of**

**Master in Education (Educational Management)**

**At the  
University of KwaZulu Natal**

**Supervisor : Dr Thengani Ngwenya  
Date submitted : May 2004**

# **DECLARATION**

I hereby declare that this dissertation is my own original work. All sources consulted during the course of this study have been acknowledged. This dissertation has not been submitted for a degree at any other University.

---

**BJ MTHANTI**  
DURBAN  
MAY 2004

**ALL WORK FOR THIS THESIS WAS COMPLETED AT THE FORMER  
UNIVERSITY OF DURBAN-WESTVILLE**

# DEDICATION

This work is humbly dedicated to my husband,

**Xolani Mthanti**

for his vision and inspirational support,  
and to my children:

**Luyanda and Lwethu**

May this piece of work be a source of  
encouragement and inspiration throughout  
their lifetime.

# ACKNOWLEDGEMENTS

This dissertation is dedicated to those who helped to make it happen and without whose support it would not have materialized.

These include **Dr T. Ngwenya** my supervisor; for his guidance and helpful ideas during the constructive stages of this study.

**Nathi Ngcobo** and **Jill D'Eramo** for proof reading and editing.

My husband and my family for their constant support,

My colleagues at Technikon Mangosuthu, especially **Mapho Kunene** and the  
Research Unit;

DAAD and NRF for financial assistance.

All individuals who were involved in this research.

The University of KwaZulu Natal for its educational  
and financial support.

## **CHAPTER ONE**

### **INTRODUCTION**

<b><u>CONTENTS</u></b>	<b><u>PAGES</u></b>
1.1. Introduction	1-2
1.2. Rationale for the study	2-3
1.3. Problem statement	3-4
1.4. Critical questions	4
1.5. Definition of key concepts	4
1.5.1. Employment equity	4-5
1.5.2. Gender	5
1.5.3. Recruitment	5
1.5.4. Designated groups	5
1.5.5. Black people	6
1.6. Literature review	6-7
1.7. Analytical framework	7-11
1.8. Limitations of the research	11

## **CHAPTER TWO**

### **LITERATURE REVIEW**

2.1. Introduction	12-13
2.2. Behavioural policy tools	13-14
2.3. Background relating to transformation in higher education	14-16
2.4. Education White Paper 3 and gender equity in higher education	16-19
2.5. Higher Education Act, 101 of 1997	19-22
2.6. National Plan for Higher Education, 2001	22-23
2.6.1. Primary Purpose of the Plan	23
2.6.2. Race and gender equity in higher education	23-28

2.7.	Skills development strategy	28-29
2.8.	Equal pay and pay equity	29-31
2.9.	Legislation and policies issued by the labour department	31
2.9.1.	Labour Relations Act No 66 of 1995	31-33
2.9.2.	Affirmative Action Policy in higher education institutions	33-36
2.9.3.	Disability discrimination	36-37
2.10.	Employment Equity Act No. 55 of 1997	37-38
2.10.1.	Why discrimination?	38
2.10.2.	Basic clauses that govern the EEA	38-39
2.10.3.	Guidelines in the development of employment equity plan	39-41
2.11.	Law in the workplace and employment equity	41-42
2.12.	A critique of the Employment Equity Act	42-43
2.13.	Behavioural policy tools and Employment Equity Act	43-44
2.14.	The need for the EEA in higher education institutions	44-48
2.15.	Conclusion	48-49

### **CHAPTER THREE**

#### **RESEARCH METHODOLOGY**

3.1.	Introduction	50
3.2.	The data	50
3.2.1.	Primary data	50
3.2.2.	Secondary data	50-51
3.3.	Research instruments	51
3.4.	Sampling procedure	51-52
3.5.	Pilot study	52-53
3.6.	Method of collecting data	53
3.7.	The content validity of the research	54

3.8.	Ethics of the study	54
3.9.	The specific treatment of sub-problems	54
3.9.1.	The problem statement	54-55
3.9.2.	Sub-problems	55
3.9.2.1.	The hypothesis	55
3.9.2.2.	The data needed	55
3.9.2.3.	The location of data	56
3.9.2.4.	The means of collecting data	56
3.9.2.5.	Treatment of data	56
3.9.2.6.	The interpretation of data	56-57
3.10.	Procedure for analysing data	57
3.11.	Concluding remarks	57-58

## **CHAPTER FOUR**

### **PRESENTATION AND ANALYSIS OF DATA**

4.1.	Introduction	59
4.2.	Presentation of research findings: Questionnaires	59-69
4.3.	Analysis of interview findings	69-78
4.4.	Other sources of data: Employment Equity Plans documents	78-79
4.5.	Statistical profile of staff equity in KZN higher education institutions	79-85
4.6.	Institutional forum policy framework	85-87
4.7.	Specific challenges facing higher education institutions in managing equity and suggested solutions to them	87-92
4.8.	Conclusion	92-95

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

5.1.	Introduction	96
5.2.	A general overview of the study	96-105
5.3.	Recommendations	105-106
Bibliography		107-114
Appendix A : The Questionnaire		115-122
Appendix B : Questions for interviews		123-126

## **LIST OF TABLES**

<b>Table no.</b>	<b>Title</b>	<b>Page</b>
Table 1	Headcount of women staff with permanent appointments in South African universities, 1999 – 2002	24
Table 2	S. African universities: Headcount of personnel with permanent appointments according to personnel category, racial identification and sex, 2002.	26
Table 3	S. African technikons: Headcount of personnel with permanent appointments according to personnel category.	27
Table 4	S. African technikons: Educators with permanent appointments.	46
Table 5	Outcome achieved with regard to African women and disabled persons within the relevant academic category.	68
Table 6	Changes in the number of instruction/research staff in the KZN higher education institutions by race and gender in 2000-2002.	78
Table 7	Total number of permanent disabled staff by race and gender in the KZN higher education institutions in 2002.	80
Table 8	Total number of promotions in higher education institutions in KZN by race and gender in 2002.	81
Table 9	Headcount of total number of staff according to personnel category in race and gender in the KZN higher education institutions in 2002.	82
Table 10	University staff by race and institutional type.	87

## **LIST OF FIGURES**

<b>Figure no.</b>	<b>Title</b>	<b>Page</b>
Figure 1	Profile of respondents	59
Figure 2	Profile of respondents according to age	60
Figure 3	Profile of sample according to population group	61
Figure 4	Profile of respondents according to level of appointment	62
Figure 5	Profile of institutions with Employment Equity Plans in place	62
Figure 6	Percentage of respondents being aware of Employment Equity Plans in their institutions	63
Figure 7	Extent of support of the Employment Equity Plans	64
Figure 8	Percentage of institutions with Employment Equity Forums in place	65
Figure 9	Is Employment Equity Forum able to promote issues of equity on campus?	66
Figure 10	Does your institution have an affirmative action policy?	67

**ABBREVIATIONS USED IN THIS STUDY**

EEA	Employment Equity Act
EEF	Employment Equity Forum
EEP	Employment Equity Plan
HAIs	Historically Advantaged Institutions
HATs	Historically Advantaged Technikons
HBIs	Historically Black Institutions
HBUs	Historically Black Universities
HDI	Historically Disadvantaged Institutions
HDTs	Historically Disadvantaged Technikons
HEIs	Higher Education Institutions
HWUs	Historically White Universities
KZN	KwaZulu Natal

## ABSTRACT

This study examines the reasons why South African higher education institutions are still faced with major discrimination against black women, black people in general and people with disabilities. The study was prompted by the recognition that there is a discrepancy between the national employment policies and their interpretation and implementation in public higher education institutions. The study explores the implementation of the *Employment Equity Act (EEA)* in the employment of academic staff in higher education institutions (HEIs) in KwaZulu Natal (KZN). Historically, in the South African context, the issues of gender and race are closely interwoven. For this reason, it is impossible to consider gender issues without reference to race. Further, the broad principle of employment equity is that the workplace should reflect diverse groups within the population. In recent years the greatest publicity and attention has been given to issues of representivity in terms of race and gender, and only now are people with disabilities being given rightful access to workplace opportunities.

One of the aims of the study is to examine the gap between policy formulation and policy implementation. Linked to this is the tension between national policies and institutional policies.

The purpose of this study is to evaluate and assess the implementation of the *Employment Equity Act* in the appointment and promotion of academic staff in higher education institutions in KwaZulu Natal.

The study was carried out in HEIs in KZN. Only universities and technikons were included in this study. Out of seven higher education institutions in KwaZulu Natal, five were selected. These are: University of Durban Westville (UDW), University of Natal

(NU), University of Zululand (UniZul), Technikon Mangosuthu (Mantec) and the Durban Institute of Technology (DIT). University of South Africa (UNISA) (Durban branch) and Technikon South Africa (TSA) (Durban Branch) will be excluded from the survey simple because their head offices are out of the KwaZulu Natal region.

Ten questionnaires were distributed to each higher education institution in KwaZulu Natal to be filled by two Vice Principals (who were selected randomly), two Deans of faculties (who were randomly selected), Director Human Resources, four Heads of Departments (academics selected randomly) and an Employment Equity manager. In total fifty questionnaires were distributed to the above-mentioned institutions. The key informants in this study were equity managers of each institution.

Upon review of the interview transcripts it emerged that *Employment Equity Act* strategies were recognized as another vehicle of managing employees fairly and equally. Out of five transcripts analysed, three institutions accepted the *Employment Equity Act* and its strategies and two institutions interpreted the *Employment Equity Act* as another form of reverse discrimination against non-designated groups. From this study it appeared that in some institutions an attempt to implement an employment equity plan was made, but through lack of support from certain individuals from non-designated groups and lack of management support, the plans died a natural death.

The study recommended that once the Employment Equity manager had been appointed or seconded she/he must immediately be relieved from his/her original duties so as to concentrate fully on employment equity issues. The study further recommended that intensive awareness programmes on the *Employment Equity Act* implications be emphasised especially to line managers. The *Employment Equity Plan* drawn must not be kept on shelves, but be communicated to everyone, especially the line managers.

# CHAPTER ONE

## 1.1. INTRODUCTION

This chapter outlines the rationale of the study followed by a discussion about the problems or issues to be investigated. The chapter further defines the key concepts used in the study. Finally, a brief overview of the literature and a theoretical framework thereof is provided.

This study explores the implementation of the *Employment Equity Act (EEA)* in the employment of academic staff in higher education institutions (HEIs) in KwaZulu Natal (KZN) in 2003. The broad principle of employment equity is that the workplace should reflect diverse groups within the population. The study was prompted by the recognition that there is a discrepancy between the national employment policies and their interpretation and implementation in public higher education institutions. Historically, in the South African context, the issues of gender and race were closely interwoven. For this reason it is impossible to consider gender issues without reference to race. In recent years the greatest publicity and attention has been given to issues of representivity in terms of race and gender. And only recently are people with disabilities being given rightful access to workplace opportunities (Deglon 2002:1). Legislated apartheid policy gave rise to a system which marginalized black people and women in all sectors of education and impacted most negatively on African women and disabled people. Further, the South African patriarchal society locates women as inferior to men and consequently denies women equal opportunities for education and training (National Research Foundation, Thuthuka Programme 2002: 5)

African women have suffered the most from both racial and gender discrimination due to the apartheid laws and the patriarchal social system. During the apartheid era African women were relegated to a position of subservience. Very few took on professional roles and their educational development lagged behind those of members of other races. Added to this were the limitations placed on them by a patriarchal society within African culture.

A programme to promote women and black people must therefore, by its very nature, target women and especially African women as the most disadvantaged in South African society. *The Employment Equity Act (EEA)* was developed specifically to deal with any form of unfair discrimination either directly or indirectly on one or more grounds including race, gender, ethnicity, family responsibility, age, disability, religion, political affiliation, beliefs, and other attributes. According to the preamble of the *Employment Equity Act, 1998*, every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.

The purpose of this study is to evaluate and assess the implementation of the *Employment Equity Act* in the appointment and promotion of academic staff in higher education institutions in KwaZulu Natal (KZN). The study provides a brief overview of the policies that were formulated and implemented during the apartheid white minority rule, and how these policies changed after democratic elections in 1994. This chapter will further examine five current models (emerging models) that have been identified in higher education institutions towards developing strategies for implementing employment equity.

## **1.2. RATIONALE FOR THE STUDY**

The purpose of the study is to evaluate the implementation of the *Employment Equity Act* in the appointment and promotion of academic staff in higher education institutions in KwaZulu Natal. One of the aims of the study is to examine the gap between policy formulation and policy implementation. Linked to this is the tension between national government policies and institutional policies.

When South Africa became a democratic society it faced many demands made in the name of freedom and equality. For example, higher education institutions have been affected by such demands. These demands relate to equal participation of all academic and non-academic personnel in all higher education institution matters whether academic or non-academic; equal access for all persons to university/technikon studies equal rights

of all persons to continue such studies for the prescribed number of years equal rights to all persons to teach in the higher education institutions irrespective of colour, race, gender, disability, religion, political affiliation. According to the *National Plan for Higher Education, (2001)* this should be the case with South African higher educational institutions during this period of transition.

This study is worth doing because of the following reasons:

- The study will assess and evaluate the challenges that the higher education institutions in KZN face when implementing the provisions of the *Employment Equity Act*. Thus the study will focus mainly on policy interpretation and the subsequent implementation strategies.
- The study also hopes to show that if properly implemented, the *Employment Equity Plan* will benefit higher education institutions because higher education institutions' committees will review all human resources, policies and practices to ensure that both the equity and efficiency requirements are fulfilled.
- The study will suggest viable models of employment equity implementation within the context of the higher education system in South Africa.

### **1.3. PROBLEM STATEMENT**

The central hypothesis, which this study seeks to examine may be formulated as follows: There is a perceived discrepancy between national employment equity policies and their interpretation and implementation in higher education institutions. The study focuses on the implementation of the *Employment Equity Act* in the following public higher education institutions in KZN: Technikon Mangosuthu, Durban Institute of Technology, University of Zululand, University of Durban Westville and University of Natal.

For historical reasons, higher education institutions in South Africa have been predominantly staffed by white academics with very few blacks, women and disabled people. There is obvious under-representation of women, blacks and disabled people in various categories of academic and administration posts in higher education institutions (*South African Education White Paper 3 1997:2*).

Higher education plays a central role in the social, cultural and economic development of modern societies. In South Africa today, the challenge is to redress past inequalities and to transform the higher education system to serve a new social order, to meet pressing national needs, and to respond to new realities and opportunities. Applying the principle of equity implies a critical identification of existing inequalities which are the product of policies, structures and practices based on racial, gender, disability and other forms of discrimination or disadvantage (*South Africa Education White Paper 3 1997:3*).

#### **1.4. CRITICAL QUESTIONS**

- How do higher education institutions in KZN interpret the implementation of the *Employment Equity Act*?
- Is there a relationship between gender, race and disability and recruitment and retention policies and practices in the South African higher education institutions?
- What is the nature of the relationship between institutional policies and government policies on staff equity in the higher education system?

#### **1.5. DEFINITION OF KEY CONCEPTS**

##### **1.5.1 Employment Equity**

Pons and McGregor (1994:8-9) define employment equity as follows:

Employment Equity refers to a process of ensuring that all job applicants and employees have a fair chance in the workplace. That is no person is denied employment opportunities for reasons unrelated to his/her ability, and identifying barriers taking short-term measures and making reasonable

accommodation in order to give opportunities to those who have been excluded from advancement in the past.

#### 1.5.2. Gender

Gender is the culturally specific set of characteristics that identifies the social behaviour of women and men and the relationship between them. Gender, therefore, refers not simply to women or men, but to the relationship between them, and the way it is socially constructed (Williams 1999:1). Gender influences behaviour, thoughts, feelings in individuals and social interactions of individuals; and it helps determine the structure of social interactions. Gender equality implies that everyone is equal before the law and has the right to equal protection and benefits relating to the law.

Gender equality therefore is found when the law treats all people alike regardless of sex.

#### 1.5.3. Recruitment

Gerber, Nel and Van Dyk (1987:144) define recruitment as a set of activities an organisation uses to attract job candidates who have the abilities and attitudes needed to help the organisation to achieve its objectives. Recruitment policy spells out the goals, procedures and guidelines pertaining to the recruitment process. It is intended to enable management to draw the most competent individuals for each job, to fill the post with the best qualified applicant (Gerber, Nel & Van Dyk 1987:145).

#### 1.5.4. Designated groups

According to section 25 of the *Employment Equity Act of 1998*, designated groups are black people, women, and people with disabilities.

#### 1.5.5. Black people

“Black people” is a generic term used to refer to Indians, Coloureds and Africans (*Employment Equity Act, s35 1998:4*).

### 1.6. LITERATURE REVIEW

This section (chapter 2) provides a brief but fairly comprehensive survey of publications dealing with the problem of employment equity in the South African higher education system. Simultaneously, the chapter on the literature review also provides the theoretical or analytical framework to be used in this study. As this is a study of policy implementation, the study will rely on the model of policy tools as outlined by Mbokota (2001:64-66). These models will be used within the broader conceptual and analytical framework of the policy process. The study argues that the *Employment Equity Act* is essentially a re-distributive policy as its central aim is to distribute opportunities equally to all citizens of South Africa regardless of race, gender, class, religion and other attributes.

There is no doubt that South African society has experienced and is experiencing considerable socio-economic and political transformation. These fundamental changes are largely as a result of the movement away from apartheid to a new democratic dispensation. The apartheid policy had a pervasive negative influence on higher education institutions, university/technikon education and academic and non-academic personnel. Similarly the new dispensation will have a profound effect on higher education institutions especially with regard to institutional policies.

Institutional policies will be expected to conform to national policies as outlined in the constitution and other forms of legislation. As public institutions funded by the

government, higher education institutions are expected to implement national policies, which could take the form of reports, recommendations and legislation.

In conclusion, from the literature that has been reviewed, it has become evident that there is a gap between policy formulation and policy implementation in this country. Once the policy had been formulated there is no one really responsible for the monitoring of the implementation process of such policies that have been formulated by national government.

### **1.7. ANALYTICAL FRAMEWORK**

Apart from the “policy tools” model mentioned above, the analytical framework that this study is based upon is the combination of the emerging models in the HEIs and their equity policies. These models are outlined by Mbokota (2001:64-66). Each of these emerging models has features which hinder or facilitate the equity process (advantages and disadvantages of equity process). If these models were to be applied, they would facilitate the implementation of the employment equity process in higher education institutions. Thus, equity policies in selected institutions will be assessed against the key principles of the models explained below. Emerging models will be examined below and these models are: *The Employment Equity Forum (EEF) / Office-driven model*, *Human Resources-driven model*, *institutional forum (IF)* and *employment equity / affirmative action office-driven model*, and *consulted-assisted model*. Lastly, the equity policy theory will be discussed below.

#### ***The Employment Equity Forum (EEF) / office-driven model***

“Implementation is the responsibility of the Human Resources function as well as the respective faculties and departments, which are accountable to the forum and council. The rationale is mainly that, for employment equity to be effectively implemented, it has to be driven from the Employment Equity Forum” (*Centre for Higher Education Transformation (CHET)* 2001:64). Out of five institutions consulted, two did not have the

*Employment Equity Plan (EEP)* in place and there was no Employment Equity Forum to drive this process of implementing the employment equity.

One of the advantages of this model is that the employment equity is given the attention it deserves. There is recognition of employment equity as a strategic imperative as it derives support from top management. Secondly, the employment equity office is able to monitor all processes of employment equity in the various faculties and departments without limitation. Lastly, the EEF includes all stakeholders, together with members of designated groups. Thus there is likely to be maximum buy-in and commitment from the stakeholders concerned (Mbokota 2001:64-65). The disadvantages of these models were seen as follows. Firstly some forums did not have decision-making powers; they could only recommend to the council; secondly employment equity may be perceived as the responsibility of the Employment Equity office if not integrated into the organisation's overall strategic goals. Implementation may therefore suffer (Mbokota 2001:65).

### ***Human Resources-driven model***

This model recognizes human resources as key to the employment equity process, and thus places it within the Human Resources (HR) Department, to be facilitated at that level. The Human Resources function drives the process and takes responsibility for formulation, in conjunction with the Employment Equity Forum, of policy, strategies and monitoring mechanisms. Implementation becomes the responsibility of faculties and departments (Mbokota 2001:65). According to Mbokota (2001:64) this model is successful only in institutions where the Human Resources Manager/Director occupies a position at the level of Deputy Vice-Chancellor and therefore commands high level of authority and has decision-making powers. In institutions where the Human Resources Manager is not positioned at a higher level, success is limited.

One of the advantages of this model is that academic departments can be used to provide technical support to the HR function. The disadvantages might occur, where the EEF

office is linked to an HR function that does not have decision-making powers or support at a higher level; success in that case may be limited (Mbokota 2001:65).

### ***Institutional forum (IF) and employment equity / affirmative action office-driven model***

The institutional forum (IF) is an advisory body to the council, set as per *Higher Education Act, 101 of 1997*. Its function is, among others, to advise council on matters pertaining to race and gender equity. The institutional forum thus takes responsibility of formulating the employment equity policy, strategies and monitoring implementation (Mbokota 2001:66). The advantages of this model is that those institutions who opted for this route when forming the Employment Equity Forum will minimise the number of committees to be created to deal with employment equity issues in the institution. Secondly, the institutional forum is an already existing and approved structure.

### ***Consulted-assisted model***

This model is a combination of any of the three above with the use of the consultants to help to facilitate the process of equity issues. According to Mbokota (2001:66), this model is opted for in cases where the institution does not have sufficient internal capacity, or requires specialised skills to deal with specific issues of the process. For example, some institutions may commission a consultant to help with the development of their *Employment Equity Plan*, and so forth. The main advantage of this model is that the specialised skills of a paid outsider are sought to facilitate the process faster. The main disadvantage of this model is that ownership of the process is at stake. The process may be viewed as a temporary arrangement that has a fixed time limit. If internal people are not part of the process, continuity after exit of the consultant may be a problem (Mbokota 2001:66).

### ***Equal opportunity and affirmative action policy***

This policy is based on the premise that people are a university / technikon's most important resource. Successful achievement of equal opportunity in appointment, promotion and education can bring about a more equitable and effective use of these Human Resources and ultimately work to the benefit not only of the well-being of individuals who make up the institution, but of the creative and intellectual life of the corporate body.

According to this policy, every employer must formally commit to the principle of promoting equal progress of women and men in academic work, in staffing and in the decision-making structures in the institution. Under this policy, the employer must accept responsibility, both as an employer and as a provider of education, to take active steps to eliminate discrimination against women, especially African women and people with disabilities in all aspects of the institution's work. Since the enactment of this legislation, including the *Employment Equity Act of 1998*, the Ministry of Education has required educational institutional to put strategies in place to address the issue of gender, race and disability discrimination. The process whereby the institution seeks to establish an environment of equal opportunity is through the implementation of affirmative action measures. These are compatible with appointment and promotion on the basis of merit, skills and qualifications. These affirmative action measures are applicable to general, academic and research staff and refer to all phases of employment including selection and appointment, promotion, training, and terms and conditions of appointment. An important principle of an affirmative action programme for staff is that the most suitable person is selected for appointment regardless of gender, race and disability. Affirmative action programs contribute to the environment which is free from prejudice and discrimination on the basis of gender, race, disability, religion, etc (Wills 1994:1-2).

Various studies have shown that the implementation of employment equity in higher education institutions has been their greatest challenge and a very slow process.

Challenges associated with the implementation of employment equity can be aided by applying the combination of the above models. In the EEF/office-driven and Human Resources-driven models developed by CHET (2001), it is stated that Human Resources is the key to the employment equity process and that the HR function drives the process and takes the responsibility for formulation, in conjunction with EEF. This study argues that the HR components of institutions of higher education drive the process of equity. Out of five institutions visited, two institutions had no *Employment Equity Plans* or Employment Equity Forums in place. These institutions had no decision-making powers to drive the equity process, but they merely gave advice the top management. Until all or more institutions have the *Employment Equity Plans* in place and legitimate EEF with decision-making powers, the implementation of the employment equity process will remain a problematic exercise.

Under the equal opportunity policy, the employer must accept responsibility, both as an employer and as a provider of education, to take active steps to eliminate discrimination against women, especially African women and people with disabilities in all aspects of the institution's work. This study agrees with the implications of equal opportunity policy in higher education system.

## **8. LIMITATIONS OF THE RESEARCH**

- Due to the limited scope of the study private colleges have not been included in this study; this study concentrated on higher education institutions in KwaZulu Natal only.
- The study concentrated on higher education institutions with reference to academic staff only.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1. INTRODUCTION

The purpose of this chapter is to provide an overview of the literature on employment equity especially with reference to higher education institutions; to examine behavioural policy tools as outlined by Schneider and Ingram (1990); to examine the background of transformation process in higher education; to examine the relevant legislation and policies in higher education institutions including the *Education White Paper 3 of 1997*, *Higher Education Act 101 of 1997*, *National Plan for Higher Education* and other relevant policy frameworks including skills and development policy, quality assurance, pay equity, and related policies. Moreover, the purpose of this chapter is to examine the legislation issued by the Department of Labour including *Labour Relations Act of 1995*, the *Employment Equity Act of 1998*, *Affirmative Action Policy*, *Disability Discrimination Policy*, *Gender Discrimination Policy* and other policy frameworks.

In this chapter various policy tools are employed to provide a framework to capture the behavioural attributes to policy content that can be used to bring laws and regulations to success. Policy tools are means through which government seeks to influence citizen behaviour and achieve policy purposes or goals (Schneider & Ingram 1990:513-523). These include sanctions, public corporations, contracts, grants and so forth. Any new law enacted needs to be backed-up by the use of policy tools or a combination of policy tools so as to induce the target population to comply with policy objective (Schneider & Ingram 1990:513-514).

This chapter also examines the need for *Employment Equity Plans* in higher education and the challenges facing higher education in this regard. Lastly this chapter will examine the statistical profile of staff equity in the KZN higher education institutions.

## 2.2. BEHAVIOURAL POLICY TOOLS

Various behavioural policy tools are discussed in this chapter to provide a framework to capture the behavioural attributes to policy content that can be used to bring laws and regulations to success. Policy tools are means through which government seek to influence citizen behaviour and achieve policy purposes or goals. These include sanctions; public corporations; contracts; grants and so forth (Schneider & Ingram 1990:511).

Through policy tools, the underlying assumption is that public policy always attempts to get people to do things that they might not otherwise do, or it induces people to do things that they might not have done otherwise. This is because for policies to have the intended impact on society, a large number of people in different situations must make decisions and take actions in concert with policy objectives. These actions may involve compliance with policy rules, utilization of policy opportunities and self-initiated actions that promote policy goals. It is further assumed that if people are not taking actions needed to ameliorate social, economic, or political problem, there are five reasons that can be addressed by use of policy tools. These include the beliefs that the law does not direct them or authorise them to take action; they may lack incentives or capacity to take the actions needed; they may disagree with the values implicit in the means or ends; or the situation may involve such a high level of uncertainty that the nature of the problem is not known, and it is unclear what people should do or how they might be motivated. Policy tools address these problems by providing authority, incentives, capacity; or by using symbolic or hortatory proclamations to influence perceptions or values; or by promoting learning to reduce uncertainty (Schneider & Ingram 1990: 514). Behavioural policy tools include authority tools, incentive tools, capacity tools, symbolic and hortatory tools. **Authority tools** are statements backed by the legitimate authority

government that grant permission, prohibit, or require action under designated circumstances. *Incentives tools* are those policy techniques which rely on tangible payoffs, positive or negative, to induce compliance or encourage utilisation while *capacity tools* provide information, training, education, and resources to enable individuals or groups to make decisions or carry out activities. *Symbolic and hortatory tools* assume that people are motivated from within and decide whether or not to take policy related actions on the basis of their beliefs and values (Schneider & Ingram 1990: 514-517).

The above policy tools will be further discussed in this chapter in association with certain sub-topics; that is, affirmative action, skills development strategy and the *Employment Equity Act* to provide a framework to capture the behavioural attributes to policy content that can be used for enforcements of rules and regulations successfully.

### **2.3. BACKGROUND RELATING TO TRANSFORMATION IN HIGHER EDUCATION INSTITUTIONS**

While the pressure on higher education institutions in South Africa is mainly to provide equal opportunities and equality in employment, it is important to point out that transformation is not really new. The present higher education institutions, especially the historically disadvantaged institutions (HDIs), have undergone a complete metamorphosis from the “tribal colleges” that were established by the previous government. When they were created, they were based on racial considerations. They were established not with the support of the communities they were supposed to serve. According to Dlamini (1995:14), black students were compelled to go to these universities against their will, even if they could afford to be in historically-advantaged institutions (HAIs). This created a legitimacy crisis for these institutions where equality of access was not practiced. Most of the black students who attended these universities were not proud to be there and when they left they did not want to be identified with these institutions.

The first Act dealing with universities was enacted by parliament in 1959; it was the *1959 University Act*. According to this Act, Africans were provided with education ranging from primary, secondary, vocational and technical training, teacher training colleges and university education. Africans were allowed to attend the universities of Natal, Cape Town and Witwatersrand before the implementation of the *Bantu Education Policy* (Govender; Mnyaka, & Pillay, 1999:181). However, in 1959 the *Extension of Education Act* was passed which prevented Africans from attending White universities. Separate “tribal” university colleges were established for Africans at Fort Hare, Turfloop and the University of Zululand. Africans who were already enrolled at “White” universities had to leave at the beginning of 1961. This Act further led to the establishment of separate ethnic universities in order to give expression to the Verwoedian concept of “self-determination for each population group within its own sphere” (Behr 1987:3). According to Govender et al (1999:182) the *Extension of University Act of 1959* led to the establishment of The *Coloured Persons’ Education Act of 1963* and *Indian Persons’ Education Act of 1965*, the *Coloured Persons’ Act* led to the formation of Coloureds’ University College which was established at Bellville (Western Cape in 1959), while the *Indian Persons’ Education Act* led to the establishment of an Indian university at Salisbury Island; in 1972 it was relocated to Westville and called the University of Durban-Westville.

According to Dlamini (1995:12), the historically-disadvantaged institutions (HDIs) lacked autonomy and academic freedom; they were regarded more as outposts of the Department of Bantu Education. The administration was centralised in the Department so that at the beginning even the appointment of a clerk had to be approved by the minister. Gradually there was devolution of power so the minister had to approve the appointment of senior staff such as professors. Black members of staff who decided to teach at these institutions had to face many difficulties and inconsistencies, simply because black staff were seen as incapable of teaching in higher education institutions.

This situation, however, did not remain static; there were changes which were introduced at these universities which resulted in greater autonomy in the South African higher education institutions.

In 1983, the government introduced a Bill to repeal some of the sections of the *Act 45 of 1959*. The aim of the 1983 Bill was to make historically-white universities (HWUs) more open to “non-white” races. In spite of the opposition from HWUs, this Bill was passed, and it provided for the conditional acceptance of African students to white universities provided they had obtained a written Ministerial consent to register for degrees / courses that were not offered by the Black universities.

The current calls for transformation of higher education institutions therefore do not mean that there has been no change whatsoever. There is however, scope for improvement and as a result the *Employment Equity Act, of 1998*, has been enacted to deal with all inequalities in the workplace including higher education institutions. Furthermore the *Labour Relations Act of 1995* was the first labour relations law to apply to both the public and private sector. It covers all employees except members of the security forces and intelligence services. The harmonisation of aspects of the law of collective bargaining, dispute resolution and unfair dismissal is one of the most significant reforms introduced by the *Labour Relations Act of 1995*. Furthermore, the *Higher Education Act, of 1997* is linked to the imperative to address the inequalities of the past and to eradicate all forms of unfair discrimination in relation to access and equality of opportunity within higher education for historically and socially disadvantaged groups.

#### **2.4. EDUCATION WHITE PAPER 3 AND GENDER EQUITY IN HIGHER EDUCATION**

South Africa’s transition from apartheid and minority rule to democracy requires that all existing practices, institutions and values are viewed anew and rethought in terms of their fitness for the new democratic era. Higher education plays a central role in the social,

cultural and economic development of modern societies. In South Africa today the challenge is to redress past inequalities and to transform the higher education system to serve a new social order, to meet pressing national needs, and to respond to new realities and opportunities. The principle of equity requires fair opportunities both to enter higher education programmes and to succeed in them. Applying the principle of equity implies a critical identification of existing inequalities which are the product of policies, structures and practices based on racial, gender, disability and other forms of discrimination or disadvantage (*Education White Paper 1 1997:1*).

Despite the negative consequences of the apartheid legacy, some higher education institutions have introduced many changes in terms of access and equal opportunity for staff and students in higher education institutions. The study conducted by Subotzky (2001) revealed that the overall approximate proportion of staff in the university system by race was: African (40%); coloured (7%); Indian (3%) and white (50%). However, the embedded racial stratification of higher education labour is immediately apparent when studied across the board of various professions and non-professional personnel category. In the professional category of staff, only 19% is African and 77% is white, whereas among non-professionals, Africans constituted 55% of the total and white 31% (Subotzky 2001:23).

However, if higher education is to contribute to the reconstruction and development of South Africa and existing centres of excellence maintained, the inequalities, imbalances and distortions that derive from its past and present structure must be addressed. Higher education needs to be transformed to meet the challenges of a new non-racial, non-sexist and democratic society committed to equity, justice and a better life for all (*Education White Paper 3 1997:2*). Table 2 of this chapter reveals that some higher education institutions in KwaZulu Natal had started with the programme of dealing with inequalities and imbalances of the past by employing people from designated groups where possible.

Some changes have occurred in higher education system after eight and half years of democracy. However, there is still an under-representation of the disabled and of African women in higher education system, especially at senior levels. Senge (1995) cited by Majola (1999), further stated that lack of consultation and /or link between policy makers and the implementers of policy within the institutions has also a negative impact on the implementation of equity policies and further leads to under-representation of women. Men, regardless of ethnicity, once in power and in status positions protect their own interests by controlling the admission or employment of categories of people to the organisations thus limiting their occupancy to key positions in tertiary institutions (Majola 1999:64).

Contemporary forces of social and economic transformation have destabilised, and in many respects, worsened women's lives. Visvanathan; Duggan; Nisonoff and Wiegersma (1997) confirm this assertion:

affirmative action and equity pay policies have proved to be important instruments in the pursuit of gender equality, and lately, to accommodate people with disability. Yet the progress made through these policies at some levels is being undermined in the current restructuring of the economy through the creation of new structures of production – such as part-time work and other practices of work flexibilisation – that relegate women again to the lower echelons of the labour hierarchy. This is one of the social criticisms in the implementation of social change

Despite efforts to alleviate problems associated with the recruitment of women and the disabled in higher education institutions, problems still exist. In one study conducted at the University of Queensland in 1997, 1998 and 2000 respectively it was indicated that women in academia are still under-represented, but over-represented in general staff (Ngaire 2000:3).

The *Education White Paper 3* as a central policy in higher education, is viewed in this study as a means of closing the gap that still exists between the HDIs and the HAIs, where the former were disadvantaged, especially in governance, while the latter were advantaged in terms of both governance and facilities, and so forth. Thus *Education White Paper 3* is appropriately sub-titled “*A Programme for the Transformation of Higher Education*”.

## **2.5. HIGHER EDUCATION ACT, 101 OF 1997**

The administration of the *Employment Equity Act* is the buzz-word in managing higher education today. In addition to the *Employment Equity Act*, the *National Plan for HE, 1997*, in conjunction with *White Paper 1 (1997)* and *Higher Education Act, 101 of 1997* (HEA), are also crucial documents in redressing inequities in the higher education system and the three-year rolling plans. As part of the three-year rolling plan, institutions were required to submit Human Resources development plans, including equity goals, to the Department of Education. According to Kabaki and Molteno (2001:50) the human resource development plans had to include, but were not limited to:

- Staff recruitment and promotion policies and practices;
- Staff development, including academic development, that is, improved qualifications, professional development and career pathing, instructional development, management skills, technological re-skilling and appropriate organisational environment and support;
- Remuneration and conditions of service, taking into account the increasing competition from the public and private sectors for well-qualified black people and women;
- The transformation of institutional cultures to support diversity.

The HEA states that it is desirable to redress past discrimination and ensure representivity and equal access, and to pursue excellence, promote the full realisation of the potential of every student and employee and tolerate ideas and appreciation of diversity (Kabaki & Molteno 2001:8). This study argues

that redressing of past inequalities was supposed to be made compulsory from the onset when this Act was enacted so as to commit every institution's official to this struggle. One of the key aspects of the HEA is the requirement that every public higher education must establish an Institutional Forum.

The Institutional Forum rose from groupings such as broad transformation forums, which played an important role in the contribution made by educational institutions to South Africa's struggle for democracy and freedom, both for the nation and educational institutions themselves. Because of the significance of this past role, and because the need for the democratisation of institutions of higher education was ongoing and could not be completed merely by means of policy and legislation, and through the intervention of the Department of Education, the *Higher Education Act* established Institutional Forums, and defined their roles, on a legal basis.

Clearly the Act intends institutional forums, firstly, to assist in the transformation of institutions, and thus to act as change agents and facilitators of "co-operative governance," which is a key concept in the Preamble of the Act. Secondly, in order to advise the Council, to be the Council's eyes and ears in each institution (*Higher Education Act, 101 of 1997*). The preamble of this Act is important because it establishes the spirit and the letter of the law as it applies to the governance of institutions of higher education.

The HEA states it is desirable to:

Establish a single co-ordinated higher education system which promotes co-operative governance and provides for programme-based higher education; restructure and transform programmes and institutions to respond better to the human resource, economic and development needs of the Republic; redress past discrimination and ensure representivity and equal access; provide optimal opportunities for learning and creation of knowledge; promote the values which underline an open and democratic society based on human dignity, equality and freedom; respect and

encourage democracy, academic freedom, freedom of speech and expression, creativity, scholarship and research; pursue excellence, promote the full realization of the potential of every student and employee, foster tolerance of ideas and appreciation of diversity; respond to the needs of the Republic and of the communities served by the institutions; contribute to the advancement of all forms of knowledge and scholarship, in keeping with the international standards of academic quality;

be it therefore enacted by Parliament of the Republic of South Africa, as follows:

The Institutional forum of a public higher education institution must-

(a) advise the council on issues affecting the institution, including:-

- (i) the implementation of this Act and the national policy on higher education;
- (ii) race and gender equity policies;
- (iii) the selection of candidates for senior management positions;
- (iv) codes of conduct, mediation and dispute resolution procedures; and
- (v) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and

(b) perform such functions as determined by the council (*Higher Education Act, 101 of 1997*).

During the last eight years of South Africa's new dispensation, as educational policy and legislation was being planned it became clear that policy and legislation alone would be insufficient to reshape institutions. This was because institutions had developed habits shaped by the old hierarchical dispensation. It was realised that the continued presence and influence of the Institutional Forum would be needed. This led to the legislated establishment of Institutional Forums (Phelps, Mamba & Guma, 2001:1).

Understandably, the more conservative the institution was, and the more it still carried forward the personnel of the past with the attitudes of the past, the more confrontational such conservatism would be towards institutional forums. To institutions with a top-down administrative structures of the apartheid era, the idea of a new democratically elected, and intentionally democratizing agent with direct access to the Council, such as an institutional forum, was, to say the least, a most uncomfortable one. The concept of co-operation instead of subordination was, in some instances, like a red rag to a bull (Phelps, Mamba & Guma 2001:1).

This study views the enactment of this Act as one of the most important initiatives taken by the South African Department of Education, because it is clear that without the formulation of this Act, the duty to reshape the higher education away from the past inequalities would not be possible. This Act led to the formation of institutional forums which assist in the transformation of institutions and which give advice to the institutions' councils on issues affecting the institutions, including, race and gender equity, the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights, etc. Ideally this will eventually lead to equality for all staff members as equity has been met within the student body in South African higher education institutions.

## **2.6. NATIONAL PLAN FOR HIGHER EDUCATION, 2001**

The development of the National Plan has been informed by the institutional planning process which was started in 1998, the ongoing analyses of higher education the Department of Education and the "*Report of the Council on Higher Education (CHE), towards a new Higher Education: Meeting the Equity, Quality and Social Development Imperatives of South Africa in the 21 Century*". The Plan outlines the framework and mechanisms for implementing and realising the policy goals of the *Education White Paper 3*. The *White Paper 3* was introduced to plan the development of an education and training system for the benefit of the country as a whole and all its people; it was to create a system that would fulfil the vision to open doors of learning and culture for all and to

build a just and equitable system which provided good quality education and training to learners young and old throughout the country. The Plan aimed at addressing every institution on their landscape, as the landscape was a product of the geo-political imagination of apartheid planners (*National Plan for HE 2001:10*).

The *National Plan for Higher Education* therefore provides the strategic framework for re-engineering the higher education system for the 21 century. This includes, but does not limited, size and shape of policy framework, financing and self-governance of higher education institutions.

### **2.6.1. Primary Purpose of the Plan**

The National Plan provides a framework for ensuring the fitness of the higher education system to contribute to the challenges that face South Africa in the 21<sup>st</sup> Century. Its primary purpose is to ensure that:

- The higher education system achieves the transformation objectives set out in the White Paper and is responsive to societal interests and needs.
- There is a coherence with regard to the provision of higher education at the national level.
- Limited resources are used efficiently and effectively and there is accountability for the expenditure of public funds.
- The quality of academic programmes, including teaching and research, is improved across the system.

### **2.6.2. Race and gender equity in higher education**

Changes in demographic profile of the student body of the higher education institution system have generally improved. There is now a fairly equitable representation of different racial groups. These improvements in student representivity has not been accompanied by a similar change in the staff profile. Women and Black people remain under-represented in academic and professional positions, especially at senior levels.

Between 1999 and 2000, the overall proportion of women in universities rose marginally from 36% to 37%. These figures must be studied across the board in terms of personnel categories and rank in order to identify where women are over- and under-represented in the system.

Table 1 below depicts the spreading over of figures in terms of personnel in terms of personnel in higher education institutions.

**Table 1:** Headcount of women staff with permanent appointments in S. African universities, 1999-2002

	Personnel Category	Year	No
Professional Staff	Instruction/Research	1999	3536
		2002	4022
	Executive/Admin/Managerial	1999	134
		2002	198
	Specialist / Support employees	1999	1036
		2002	1248
Non-Professional	Technical employees	1999	577
		2002	553
	Non-Professional Administrative	1999	5327
		2002	5563
	Crafts / Trades employees	1999	68
		2002	132
	Service employees	1999	2631
		2002	2020

**Source:** Subotzky, 2001:30, 2002 data by Department of Higher Education: Planning, 2002

Table 1 reveals that the proportion of women still vary widely according to personnel category, with women, not surprisingly, still under-represented among instruction / research and executive / managerial categories (with 4022 and 198 respectively in year 2000), while female staff were highly represented among non-professional administrative and specialist support categories. However, it is still noteworthy that this picture has not changed over the past three years.

There is a sharp improvement in the proportion of women in the craft / trades category (a double increase from 68 to 132) – this provide a possible opportunities for improving gender equity.

By spreading over the personnel categories, research conducted by Subotzky (2001) and the *Department of Higher Education Planning* (2002) reveal a similar pattern in the technikons, with women highly concentrated in the administrative, specialist support categories. There has been a sharp improvement among the executive / managerial categories, the number of women in this category rose from 58 to 101 in 2002. This further provides opportunities for improving gender equity in HEIs. However, the overall women staff in other categories reveal numerous drops; that is, in the instruction / research category, women dropped from 1357 to 1258 in the year 2002; technical women employees dropped from 121 to 95 in the year 2002, non-professional administrative women employees dropped from 2171 to 2070 in 2002 among crafts / trades categories, women dropped from 25 to 12 in the same year. This suggests that these may be a higher turnover of women. It might suggest that some women might have left the company for better offers or they might have been promoted; this pattern needs to be investigated, as this reduces the possible opportunities for improving gender equity in the higher education system.

**Table 2:** Total universities:  
Headcount of personnel with permanent appointments according to personnel category, racial identification and sex, 2002

Personnel category	Racial identification and sex					Sex		
	White	Coloured	Indian	African	All other	Total	Male	Female
<b>Professional staff – sub total</b>	<b>8833</b>	<b>284</b>	<b>868</b>	<b>2975</b>	<b>16</b>	<b>12976</b>	<b>7508</b>	<b>5468</b>
Instruction /research	6862	197	703	2247	11	10020	5998	4022
Executive /managerial	584	22	49	178	0	833	635	198
Specialist/support	1387	65	116	550	5	2123	875	1248
<b>Non-professional – sub total</b>	<b>4938</b>	<b>1115</b>	<b>1027</b>	<b>8352</b>	<b>17</b>	<b>15449</b>	<b>7181</b>	<b>8268</b>
Technical employees	823	161	232	400	2	1618	1065	553
Non-professional admin	3744	425	600	3059	15	7843	2280	5563
Crafts/trades	236	98	20	236	0	590	458	132
Service employees	135	431	175	4657	0	5398	3378	2020
<b>Total</b>	<b>13771</b>	<b>1399</b>	<b>1895</b>	<b>11327</b>	<b>33</b>	<b>28425</b>	<b>14689</b>	<b>13736</b>

**Source:** Department of Higher Education: Planning: 2002

*Note: information not available for the University of Cape Town and the Western Cape*

Table 2 reveals that white employees are still dominating in numbers in almost all categories in South African universities and in all race groups with the exception of two categories (crafts / trades and service categories). African males were second on the list in terms of representation in HEIs. For example, in the instruction / research categories, the total number of whites in 2002 was 6862, while Africans numbered 2247 in the instruction / research categories. In similar categories, Coloureds totalled 198 and Indians 703. In the executive / managerial categories, whites these were 584 whites, Africans totalled 178, Indians 49 while Coloureds stood at 22. The majority of Africans were found in the service categories with 4657 employees, while whites totalled 135,

Coloureds 431 and Indians 175. Furthermore, men are still over-represented in all other categories with the exception of non-professionals, administrative and specialist support categories (where women totalled 1248 and men were 875, and 5563 and 2280 in the non-professional admin category). However, it is not surprising that men are still dominant in the overall categories with the overall total of 14689 while women stood at 13736 in the year 2002.

**Table 3:** Total technikons:  
Headcount of personnel with permanent appointments according to personnel category, racial identification and sex for the year 2002.

Personnel category	Racial identification and sex					Sex		
	White	Coloured	Indian	African	All other	Total	Male	Female
<b>Professional staff –sub total</b>	<b>2716</b>	<b>361</b>	<b>184</b>	<b>1081</b>	<b>5</b>	<b>4337</b>	<b>2559</b>	<b>1778</b>
Instruction / research	2009	215	145	765	5	3139	1883	1256
Executive /managerial	245	73	25	119	0	462	361	101
Specialist/support	462	63	14	197	0	736	315	421
<b>Non-professional – sub total</b>	<b>1432</b>	<b>791</b>	<b>86</b>	<b>3030</b>	<b>0</b>	<b>5339</b>	<b>2311</b>	<b>3028</b>
Technical employees	163	82	14	197	0	736	315	421
Non-professional admin	1154	471	65	1274	0	2964	894	2070
Crafts/trades	68	28	5	67	0	168	156	12
Service employees	47	210	2	1575	0	1834	983	851
<b>Total</b>	<b>4148</b>	<b>1142</b>	<b>270</b>	<b>4111</b>	<b>5</b>	<b>9676</b>	<b>4870</b>	<b>4806</b>

**Source:** Department of Education HE: Planning. 2002

*Note: information not available for ML Sultan and Natal Technikon*

From table 3, it is apparent that whites dominated in almost all employment categories. Among academic staff, the overall number of whites came to 2009 compared to 215 Coloureds, 145 Indians and 765 Africans in 2002. Women are still under-represented in all categories with the exception of one category (non-professional administrative) where the number of women was 2070 compared to 894 male employees.

Although some changes occurred, it remained unsatisfactory. More equity planning needs to be done. This study suggests that time frames to meet equity targets formulated in the South African higher education need to be reviewed as many institutions failed to submit their reports to the Department of Labour on prescribed dates.

## **2.7. SKILLS DEVELOPMENT STRATEGY – DEPARTMENT OF LABOUR**

The adoption or the implementation of skills and development by higher education institutions was brought in as an incentive tool to South African companies. Incentive tools according to Schneider and Ingram (1990:515) include instruments or tools that rely on tangible payoffs, either positive or negative payoffs in order to induce compliance or encourage utilization of such policy. Incentive tools assume that individuals, in this case companies, are utility maximisers and will not be positively motivated to take policy-relevant action unless they are influenced, encouraged or coerced by manipulation of money, liberty, or other tangible payoffs. With skills and development strategy, South African designated companies are induced to implement a service to promote skills and development for all employees, especially the target / designated groups so as to promote training and development of staff irrespective of race, gender, age, colour or position one holds in a company. This is done in the form of positive payoffs, such as grants, to induce employers' participation in policy-preferred activity. If companies don't comply with this policy certain, sanctions are applied upon them. According to Schneider and Ingram (1990:515) sanctions imply disproportionately severe penalties for failure to comply.

According to this study it is assumed that skills and development strategy assume that some of the company staff members have no proper training needed to undertake their duties effectively and efficiently. Therefore, it would be helpful if companies designed programmes to help the untrained employees and retrained for other employees to learn new skills. Furthermore, capacity tools are employed in this strategy of skills and development. Capacity tools provide information, training, education, and resources to enable individuals, groups, or agencies to make decisions or carry out activities with confidence.

According to the *Green Paper Skills Development Strategy*, against the above objectives, a new set of principles and standards emerge to underpin the work of the new *Employment Services*. This includes:

- The individual's right to freedom of career choice and freely chosen employment within the constraints and realities of the labour market,
- Employment promotion, rather than mere job placement,
- Responsiveness to the economic and social developmental needs of clients, particularly those in targeted groups and rural communities,
- Services to be rendered by suitably trained staff,
- Up-to-date career / labour market information provided in a user-friendly way,
- Culture-fair and unbiased evaluation and tests,
- Inclusion of targeted groups in special employment and training programme

According to the *Skills Development Policy* (SD) every institution is required to have a committee in place so as to pursue the requirements of this policy. In most higher education institutions, the Employment Equity manager is part of the SD committee. This study believed that the involvement of Equity Managers opens doors to designated groups to gain access to training and career advancement. Institutions must therefore endeavour to have the Equity Manager in the structure of the SD committee.

## **2.8. EQUAL PAY AND PAY EQUITY**

Pay is one area of concern to many employees. Not only do employees want to be paid well, they want to be paid fairly. The desire to receive equal pay for equal work is among the most important workplace issues, according to national survey of 40,000 women (Jackson & Schuler 2000:13). The *Equal Pay Act of 1963* makes it illegal to pay men and women differently for doing equivalent work. Nevertheless, many women feel that their employers don't live up to the principle on which this law is based. Of nearly equal importance was desire for secure and affordable health insurance, paid sick leave, and assured pension, child-care benefits and retirement benefits. Newell (1995:25) supported Jackson and Schuler (1990) in stating that the *Equal Pay Act* sets out to eliminate

discrimination between men and women in pay and other terms and conditions of employment. Under this Act women have the right to equal pay and terms of contract when she is employed.

Equal pay and pay equity are terms used to describe solutions to the dilemma of unequal pay. In 1963, the *Equal Pay Act* was enacted, which outlawed the standard business practice of paying women less than men even when they were doing exactly the same work. The *Equal Pay Act* mandate is straightforward: equal pay for equal work. However, other forms of discrimination, including setting lower wages for “women’s jobs” continue to depress wages for women.

Pay equity is the term more often used to describe the remedy for wage discrimination against women – or equal pay for work of equal value (Hartmann and Whittaker: 1997:1). According to the S.A. Bureau of Labour Statistics, women make up to one third of all minimum wage earners. At the managerial level, the gap is greater and most noticeable for women of colour. According to the 1998 report on the *Status of Women* in New Zealand, women earn 76,8 cents for every dollar earned by men, and within the same occupation, male fulltime employees receive higher incomes than female fulltime employees. In South African higher education institutions the issue of wage gap is being resolved especially in the academic category. For example, when a female academic member is a senior lecturer she receives remuneration equal to a male senior lecturer.

Despite the UK’s effort in the form of the *Equal Pay Act, 1970*, the *Sex Discrimination Act of 1975* and *Equal Opportunities Commission, 2000a and 2001* to protect women’s employment rights gender equity expectations have still never been met. Women are often victims of discrimination. According to this study not only they are victims of low paid employment but they also have restricted access to senior and boardroom management positions.

To support the above Acts, the Department of Labour introduced the following key pieces of legislation affecting employment equity during the 1994-1999 period: the

*Labour Relations Act* (for the promotion of fair labour practices); *Affirmative action policy* (for the elimination of discriminatory employment practices against designated groups), *Disability Discrimination Act* and lastly, the *Employment Equity Act* (providing guidelines for affirmative action and for increasing access for designated groups, including blacks, women and people with disabilities (McMillan 2001:3). These pieces of legislations affect employment in a positive way by ensuring that all South African people have access to employment, irrespective of colour, race, gender or disability.

The researcher is of the opinion that if the above-mentioned legislation could be implemented correctly, within an agreed national framework, an attempt to address inequity in higher education institutions can be achieved successfully.

## **2.9. LEGISLATION AND POLICIES ISSUED BY THE DEPARTMENT OF LABOUR**

This study will further examine the following Acts which were issued by the Department of Labour and suggest input on each where necessary. These Acts are: *Labour Relations Act*, *Affirmative Action Policy* and *Disability Discrimination policy*.

### **2.9.1. Labour Relations Act No. 66 of 1995 (LRA)**

The *New Labour Relations Act* reveals greater government interference in labour relations as for example regards the compulsion to form workplace forums at the request of the majority of union members in an enterprise, the onus to engage in consultation and joint decision-making with workplace forums on certain prescribed matters and the onus to disclose information required for the purpose of collective bargaining and so forth (Gerber; Nel & Van Dyk 1999:370). The government has adopted a policy of promoting this kind of co-operation and information-sharing to promote the establishment and maintenance of labour peace. It is evident that the government is clearly attempting to give as much protection to employees and unions as possible, but still maintain the principles of voluntarism and free collective bargaining.

The purpose of this *New Labour Relations Act* is to advance economic development, social justice and labour peace. The harmonisation of aspects of the law of collective bargaining, dispute resolution and unfair dismissal is one of the most significant reforms introduced by the Labour Relations Act of 1995. Regarding the scope of the Act, it applies to all employment relationships between employers and employees and this Act makes no distinction between relationships in the private sector or the public sector. All previous exclusions of employees from the ambit of the *Labour Relations Act* have been removed, but the National Defence Force, the National Intelligence Agency and the South African Secret Service are now specifically excluded (Section 2 of the Labour Relations Act, as cited by Gerber et al 1999:345). This brings an entirely new dimension to the *Labour Relations Act* as the public services, the South African police, the nursing and teaching professions as well as agricultural and domestic employees now have virtually the same rights as other employees. However, in certain instances, specific procedures are established for these sectors.

The status of the Act is such that in the case of any conflict between the provisions of the *Labour Relations Act* and any other Act (except the Constitution), priority will be given to the provisions of the *Labour Relations Act*. According to Gerber et al (1999:370) the *Labour Relations Act* automatically supersedes the *Basic Conditions of Employment Act*. This exclusion enables bargaining councils to enter into agreements which contain conditions of employment less favourable than those provided for in the *Basic Conditions of Employment Act*. Furthermore, the Act prescribes disputes settlement procedures, procedures for legal strike or lock-outs and provides for the declaration of unfair labour practice disputes and for certain disputes to be heard by a labour court. This act also introduces a permanent Commission for Conciliation, Mediation and Arbitration (CCMA), which replaced the old system of conciliation board, and rules out some of the processes of the old industrial court through the introduction of the Labour Court (Gerber et al 1999:371).

As shown above the Labour Relations Act an important document which must be used hand in conjunction with the *Employment Equity Act* in an attempt to address inequalities in higher education institutions in terms of, for example, determining wages for all employees irrespective of race, gender or disability, and also resolving some disputes arising during the implementation of the *Employment Equity Act*.

### **2.9.2. Affirmative action policy in higher education institutions**

The study will first outline the definition of affirmative action in its origin and other definitions as applied by other scholars. Affirmative action originated from America where it was used in an attempt to eliminate discriminatory employment practices against minority groups: African Americans, Hispanic Americans, etc. It was later applied to women and other groups who have been disadvantaged. Today affirmative action is directed at all disadvantaged groups, including women, gay people, ethnic minorities, and the disabled (Sarakinsky 1993:6). In South Africa, affirmative action carries both narrow and wide connotations. At both levels, there is a great deal of confusion as Maphai (1993:6) pointed out as quoted by Gerber et al (1999:148). The narrow conception involves the recruitment of groups, previously discriminated against, into positions of common, though not exclusive, sites of affirmative action. In general it appears that affirmative action in South Africa is viewed as an instrument of reconstruction and not just a superficial adaptation of the system. Gerber et al (1999:155) describes affirmative action as follows:

Affirmative action consists of positive corrective steps to correct historical inequalities by means of training and development opportunities, both in the work environment and in the wider community.

Makakane (2000:43) defines affirmative action as a measure for organisations to practice and apply equity principle, as well as, to avail management opportunities to previously disadvantaged groups.

In terms of current higher education legislation and policies, institutions of higher education should develop an affirmative action strategy and vision through broad consultation and have everyone share the vision regarding recruitments, development, opportunities and promotion. A specific pitfall to be avoided is affirmative recruitment designed as window-dressing mechanisms. The ultimate objective of affirmative action should be to empower individuals from the disadvantaged group to function successfully within the institutional environment.

Today most higher education institution, if not all, in South Africa proclaim themselves to be “equal opportunity” or “non-discriminatory” employers, and some have gone so far as to adopt, in principle, policies of affirmative action. However, when one looks at the staffing profile of South African higher education institutions, the equilibrium has not been reached between different races, gender, and disabled (see table 2 in this chapter).

Sarakinsky (1993:20) stated that it is clear that most black employees in South African higher education institutions are in the non-academic sectors (maintenance, service, catering and security), while the overwhelming majority of academic staff is white, especially in historically white universities.

This study would differ slightly from the ideas of the above scholar. In most historically disadvantage institutions (HDIs) the majority of staff is black but there are fewer women in senior and middle management levels and very very few, if any, disabled staff at all levels of academic staff, not to mention in the senior posts. Likewise, white employees are over-represented in HWIs, especially in the senior and management positions. This idea has been supported by Peacock as cited by Sarakinsky (1993:21) who indicated that within the academic staff there is not only a racial division but also a sexual division of labour and status: most senior lecturers and professors are white and males. However, many more women are now equitably represented in the junior and general academic positions, but not senior and management positions. This study will differ from the above scholar in that white male domination varies from one institution to another. For example,

African academics are over-represented at Mangosuthu Technikon and white academics are over-represented at the university of Natal.

It is the contention of this study that the success of the affirmative action policy rests heavily on the use of symbolic and hortatory tools. Here the assumption is that people/employees are motivated from within and decide whether or not to take policy-related actions on the basis of their beliefs and values. The affirmative action policy which was meant to correct historical inequalities by means of training and development opportunities for the designated groups was not favoured by most of the South African private and public employers at first, until authority tools were used to coerce employers to comply with this policy in their hiring and recruitment policies and procedures. Most employers felt that affirmative action was another form of reverse discrimination, so as to eliminate the chances for whites to gain employment and/or advancement. Authority tools is one of the oldest and most common techniques used by government to achieve policy aims, which in this case is the promotion and advancement for the historically-disadvantaged individuals or groups. When authority tools are used they are always accompanied by motivating devices but without tangible payoffs (Schneider & Ingram 1990:514). Payoffs in the South African situation are in the form of recognition and praise from the government officials for those companies who comply with affirmative action provisions.

In researcher's point of view, the adoption and implementation of affirmative action was one of the boldest steps the government had ever taken to redress disadvantages for the disadvantaged groups in the South African workplace. The *De Lange Commission Report of 1981* supported the idea of equal opportunity and affirmative action policies in higher education system. J.P. de Lange expressed a view that equal opportunities for education, including equal standards in education, for every inhabitant, irrespective of race, colour, creed, should be the purposeful endeavour of the country. Equality of opportunity in this sense attempts to ensure that those who are equal are equally treated, the idea being that discrimination on the grounds of race, colour, and so forth, be eliminated (Pearce, G.J. 1983:4).

Affirmative action must be linked to the broader restructuring of the economy and in particular education and training. This is because equal employment measures on their own are insufficient to meet broad equitable objectives of the *Employment Equity Act*. Furthermore affirmative action policy, together with the *Employment Equity Act* must not be viewed as merely a replacement of white labour with black labour to redress inequality and injustices, because then we have no chance of improving South Africa's competitiveness.

### **2.9.3. Disability discrimination**

The *Employment Equity Act* recognizes that certain categories of people have been most profoundly affected by inequalities of the past, resulting in disparities in employment, occupation and income. To this end, the Act specifies that black people, women and people with disabilities should be specifically targeted through the provisions of the Act. In recognizing people with disabilities as a designated group, the Act implies that people with disabilities have a constitutional right to equality in the workplace, and they have been unable to realize this right in the past, primarily as a result of discrimination. Similarly, by incorporating the concept of diversity, the Act recognizes that if a labour force is broadly representative of all people then it must, of necessity, be made up of a range of different skills, interests, capabilities, capacities, needs and attitudes. It is within this framework that the Act is intended to provide a legislative basis for the creation of employment equity for people with disabilities (Howell 2001:12).

According to Howell (2001:13) despite the important breakthrough that the Act has made in recognising the levels of discrimination which people with disabilities have experienced in the past and targeting them as a designated group, addressing equity as a key provision of employment equity remains an after thought in the minds of most employers. Little has been done in terms of accommodating this category of people within the workforce of higher education institutions (see table 7 in chapter 4 of this

study). In this study, the aim is to raise awareness in people with disabilities about their rights in the workplace.

Although many people with disabilities are fully qualified to pursue many different jobs or do better than physically unchallenged person, some believe that a person with a disability cannot perform certain jobs satisfactorily.

## **2.10. EMPLOYMENT EQUITY ACT NO. 55 OF 1998**

According to *The Bill of Rights*, unfair discrimination is prohibited, but affirmative action and fair discrimination are allowed. The bill of rights prohibits any discrimination on the grounds of race, gender, etc, and it further states that human dignity must be respected and protected. The purpose of the *Employment Equity Act* is to achieve employment equity in the workplace by eliminating every discriminatory law in the workplace. This is in line with the bill of rights. Equity at the workplace can be achieved by:

- Promoting equal opportunity and fair treatment through the elimination of unfair discrimination,
- Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups (black people, women and people with disabilities) in order to ensure their equitable representation in all occupational categories of the workforce. (*Employment Equity Act no. 55 of 1998*).

The term “Employment Equity” was coined by Judge Rosalie Abella in her Royal Commission Report on Discrimination in Employment against women, racial minorities, aboriginals, and persons with disabilities in Canada in 1984 (Thomas & Robertshaw 1999: 63). *The Employment Equity Act* gives effect to the Republic of South Africa’s constitution’s commitment to equality as applied to the arena of employment and at the same time fulfils South Africa’s obligations in terms of *International Labour Organisation Convention 111*. The *Employment Equity Act* is founded on the recognition that the mere removal of discrimination will not lead to the development and

advancement of groups that have been systematically denied such opportunities. Employment equity measures are essential to ensure that equality is not just a formality but is achieved in a substantial way (Kabaki & Molteno 2001:4).

#### **2.10.1. Why discrimination?**

In this Act fair discrimination is acceptable and encouraged. It is not unfair to discriminate where the action taken is consistent with affirmative action measures. Discrimination is applied to make people aware that people are different so that people become:

- Sensitive
- Responsive
- Appreciative
- Embrasive
- Tolerant – then acceptance of each other

#### **2.10.2. Basic clauses that govern the Employment Equity Act**

This Act only applies to a person who employs 50 or more employees (designated employer). In US companies this Act applies to businesses with 15 or more employees and, at times to even lesser than 15 employees (Jackson & Randall 1999:98).

According to this Act no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, sex, gender, marital status, pregnancy, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, HIV status, conscience, belief, political opinion, culture, language and birth.

Every designated employer must, in order to achieve employment equity, formulate their Employment Equity Plan, which details every information and steps to be following in

fulfilling the objectives of the *Employment Equity Act*. In formulating the EEP, following steps need to be followed:

### **2.10.3. Guidelines in the development of employment equity plan**

This study suggests that development of the employment equity plan should begin with the compilation of statistical data to make it possible to identify race and gender targets. This should be followed by assignment of responsibility; that is; appointment of a senior employee to facilitate issues of the employment equity plan in each institution. Systematically, the development of the plan should take the following pattern, but not limited:

- Assignment of responsibility
- Communication of the Act / awareness campaigns
- Consultation
- Analysis and reviewing of human resource policies, procedures and conditions of work.

#### ***Assignment of responsibility***

It is the responsibility of the CEO or Principals and Vice Chancellors to assign duties of the employment equity programmes to one senior member of staff, for example, the Deputy Vice Principal. The duties of the Deputy Vice Principal are to oversee the operational side of the programme and to act as the chairperson of the Employment Equity Forum. Over and above that the equity manager should be appointed and seconded and his/her duties are, broadly, to implement the issues of equity together with the whole crew of the Employment Equity Forum. It is highly significant that once the Equity Manager has been appointed he/she must be relieved of her original duties so as to give full commitments to equity issues.

### ***Awareness campaign***

According to the *Employment Equity Act*, an awareness campaign should be conducted, that is, the Act should be communicated during the early stage of the implementation in order to sensitise deans, managers and heads of departments and the staff members at large on matters relating to equity policy, systems and procedures. The easiest and most popular strategy used by most institutions is to mount the summary of the Act on all the institutions' notice boards. The most important strategies that must be used include equity training programmes, discrimination awareness programmes, etc.

### ***Consultation***

A consultation process between members of the employment equity should takes place at least once every week during the initial stage of the implementation, and meetings should be held regularly and feedback should always be relayed to all stakeholders so as to keep them abreast of equity issues. According to section 18 of the *Employment Equity Act*, management should commit itself to disclose all relevant information to support effective consultation. The *Labour Relations Act* and/or the *New Employment Standards Policy* should be used as guidelines in disclosing of information and judicial interpretation of those principles.

### ***Analysis and reviewing of Human Resources policies, procedures and working conditions***

The Act requires every institution to do an analysis of its Human Resources policies, procedures and working conditions so as to accommodate people from designated groups who were not catered for in the formulation of these policies and procedures and working conditions. The building of ramps for disabled persons is an example of reaching all.

### ***Equity budget***

Every organisation must have a budget allocated to the Equity office to run matters pertaining to equity, for example, for the training of managers, etc. Higher education institutions should be no exception to this requirement according to this study.

## **2.11. LAW IN THE WORKPLACE AND EMPLOYMENT EQUITY**

In both private and public sectors, government legislation can delegate authority for rule making and enforcement of administrative regulations (Jackson S.E. and Schuler R.S, 2000:94). For example, in the United States of America, the federal *Employment Opportunity Act* gave power to enforce *Title VII of the Civil Rights Act* to the *Equal Employment Opportunity Commission* (EEOC). Title VII prohibited discrimination by employers, employment agencies, and unions on the basis of colour, race, religion, sex, pregnancy or national origin. The EEOC also administers the *Equal Pay of 1963* and the *Age Discrimination in Employment Act of 1967* (ADEA) (Jackson & Schuler 2000:97-98).

In carrying out their duties, agencies such as these make rules or decisions and can set standards. They conduct investigations, make judgments about guilt and impose sanctions. In practice, this means these federal agencies have the responsibility and authority to prosecute companies they believe are in violation of the law. Likewise, in South Africa, especially pertaining to the *Employment Equity Act* clause, the Labour Inspector has authority to prosecute employers who are in violation of the terms and conditions of the *Employment Equity Act of 1998*. Both the EEOC and the *Employment Equity Act* require companies to monitor their own behaviour and file reports. For example, the *Occupational Safety and Health Administration* (OSHA) conducts safety and health inspections, investigates accidents and alleged hazardous conditions, issues citations for violations, levies fines, collects mandatory reports prepared by employers

and compiles statistics on work injuries and illness. This was further supported by Calleja (2001:62) who stated that the *Canadian Human Rights Commission* (CHRC) auditors expect organisations to conduct an extensive employee survey to determine where gaps exist. They are also expected to complete an employment systems review to find out whether any written or unwritten corporate policies act as a barrier to hiring, retaining and promoting members of the designated groups. They expect the removal of all those barriers. In short companies are responsible for implementing employment equity.

In this study the initiative taken by the government indicates great responsibility towards its people, especially in the workplace, to ensure non-discrimination at all cost. The study encourages the laws enforced by government thus ensuring equality for all.

## **2.12. A CRITIQUE OF THE EMPLOYMENT EQUITY ACT**

The flaws in the theory of employment equity lie in two mistaken ideas about economics and justice. The first is the conviction that in a perfectly just world all groups be represented, in every occupation and at every level of responsibility, in exact proportion to their share of the overall population. The second is the belief that any deviation from such strict proportional representation must be as a result of discrimination by employers (Crowley 1993:2).

Yorkshire men, for instance, happen to be born in a county that virtually floats on coal, and generation after generation of miners learned the culture and the practices of coal mining with every breath they drew. These people were taking advantage of the fact they came from a region and culture that exposed them to an intensive knowledge of a particular industry. Their

over-representation in that industry was not the result of prejudice but it was a reflection of their experience, Crowley added. Furthermore, the imbalances in group representation can result from any large number of factors. Among other things, different groups may possess widely differing levels of education. Therefore, if more educated groups are present in disproportionate numbers in an occupation requiring advanced training, it isn't

the result of discrimination by employers – rather, it's the effect of the higher levels of schooling these groups have received. The place to address such inequalities is in the educational system, not the office. Crowley further points out that employers are willing to pay for experience. It makes perfect sense that members of previously advantaged ethnic groups that are, on average, older, should be employed in higher-paid jobs more often than people from other groups. While the age differential is not enough to explain the entire difference in average income between these two groups, it is one of several factors that proponents of employment equity often overlook in crude comparisons of average income.

This study agrees with the above scholar in that overrepresentation of certain people in certain industries was not pre-planned. However, this study suggests that this can eventually be achieved if the implications of the *Employment Equity Act* can be followed and practiced accordingly and most importantly, not taken as another form of reverse discrimination to the non-designated groups.

### **2.13. BEHAVIOURAL POLICY TOOLS AND EMPLOYMENT EQUITY ACT**

In this study the combination of policy tools through the change agents from higher education institutions in the implementation of *Employment Equity Act* are looked at. In implementing the *Employment Equity Plan* capacity tools must be used to ensure that target population of the EEA, in this case, African women, black people and people with disabilities, receive proper training, education and resources to enable them to perform their duties effectively and with confidence. Capacity tools provide information, training, education, and resources to enable individuals, groups, or agencies to make decisions or carry out activities (Schneider & Ingram 1990: 517).

The clause of the *Employment Equity Act s 12* is compulsory for the designated employers, but the Act encourages non-designated employers to voluntarily implement this Act in their companies. The law or authority passed by the government companies all South African employers to implement the *Employment Equity Plan* to achieve equity in

the workplace is one of the strategies used to ensure compliance from the employers' side. Failure to comply with the implications of this Act lead to certain sanctions passed by the government. These sanctions and charges tools come in the form of monetary fines. This Act sets out the maximum fine that may be imposed for contravention of certain provisions of this Act. Contravention of any provision of sections 16, 19, 20, 21, 22 and 23 lead to various fines commencing from R500 000 to R900 000. These sanctions tools enforce compliance in order to achieve the Employment Equity Act goal. The goal is equity and eventual demise of discrimination in the workplace.

Another policy tool looked at in this study is the incentive tool which is in a form of inducement. The incentive category includes tools that rely on tangible payoffs, positive or negative, to induce compliance or encourage utilisation (Schneider & Ingram 1990:515). Inducements offered in this study are in the form of grants and scholarships which are received from the government and other interested parties in the form of grants and scholarship for both the students and staff members to enhance the culture of learning, especially to postgraduate levels.

#### **2.14. THE NEED FOR THE EMPLOYMENT EQUITY ACT IN HIGHER EDUCATION INSTITUTIONS**

The goal of equity in the *Education White Paper 3* and *National Plan for Higher Education 2001* is linked to the imperative to address the inequalities of the past and to eradicate all forms of unfair discrimination in relation to access and equality of opportunity within higher education for historically and socially disadvantaged groups. Although whites and males are still preferred, the shift in distribution in favour of women and blacks is evident.

The *White Paper on Transformation for HE* (1997) identified some deficiencies which characterized the situation in higher education. Those deficiencies were identified in 1997 but five years later many of them still exist. The deficiencies stated in the HEA, 101

(1997) posed the need for the implementation of the *Employment Equity Act* in the higher education system. Identified deficiencies are as follows:

- There is still inequitable distribution of access and opportunity for staff along lines of race, gender, class and geography.
- There are visible imbalances in the ratios of blacks, female and disabled staff as compared to whites and males.

The student profile in higher education is now equitable in terms of numbers but not in what they are enrolled for. This is indicated by the fact that female head count enrolments increased by 89 000 between 1993 and 1995, that is, from 202 000 to 291 000. In marked contrast, male head count enrolments grew by only 2 000 during the same period (*South Africa. National Plan for Higher Education, 2001: 37*).

However, many more blacks and female students are found within the faculty of humanities. The spread of black students across different programme areas, in particular those which generate the highest levels of private benefits for graduates, is still uneven. Research reveals that African students remain clustered in the humanities, with low enrolments in science, engineering and technology and in postgraduate programmes. This is illustrated in the study conducted in the *National Plan for Higher Education (2001)*. In two universities where the majority of students in 1998 were black, inequalities existed in the distribution of students across the various categories of intended majors. For example, in one of these institutions, only 5% of African students were registered for qualifications leading to majors in science, engineering and technology, and only 4% were registered for both science, engineering and technology and business and commerce, compared to 24% for white students in both science, engineering and technology and business and commerce. While in two universities, where the majority of students in 1998 were white, inequalities distributed across majors were significantly less evident. In one of these institutions, 44% of African students were registered for engineering and technology and 21% for majors leading to business and commerce, compared to 42% and 27% for white students.

Unlike the changing student profile in higher education, the composition of staff still fails to reflect demographic realities. In the universities, the proportion of white academic staff in permanent posts as a whole declined slightly from 87% to 80% between 1993 and 1998, while the proportion of black staff increased from 13% to 20%. In technikons, the proportion of permanent white academic staff declined from 88% to 72% during the same period, while black staff increased from 12% to 29% (*South Africa National Plan for Higher Education, 2001:38*). Women and disabled are still, in varying degrees, under-represented especially in senior academic and management positions.

In addition, in June 2001, taking account of permanent appointments, the proportions of various ethnic academics in various higher institutions (technikons) was, as depicted in table 4 below. In short, the bigger proportion of teaching staff is still white (64.4%) followed by Africans with at only 19.4%.

This study suggested that the focus of employment equity should not focus only on the current staff but also on the future staff. African students, especially female students, must be encouraged to enrol in the non-traditional fields so as to increase future intake of targeted groups for staff employment equity purposes especially in non-traditional work.

**Table 4 :** Educators with permanent appointment in South African  
Technikons % Ethnic distribution, June 2001

% of	Border	Cape	EC	FS	MLS	MAN	NW	NTL	TNG	PTA	Pen	TA	SA	Vaal	Wits	Tot
Asian	.9	.3		.0	8.8	4.6	2.4	3.7	.7	.0	.0	.6	.9	.6	.0	0.0
African	7.9	.3		.4	5.8	9.3	9.0	.1	0.0	.5	.4	.5	2.3	6.9	0.6	9.4
Coloured	.1	.3		.2	.2	.2	.0	.2	.4	.6	4.9	.4	.9	.0	.9	.2
White	3.1	8.1		3.4	4.2	3.9	.6	9.0	2.9	5.9	7.7	0.5	8.9	6.6	2.5	4.4

**Source:** Committee of Technikons' Principals (CTP)

**Keys:**

*Border* = *Border Technikon*

*Cape* = *Cape Technikon*

<i>EC</i>	<i>= Eastern Cape Technikon</i>
<i>FS</i>	<i>= Free State Technikon</i>
<i>MLS</i>	<i>= ML Sultan Technikon</i>
<i>Man</i>	<i>= Mangosuthu Technikon</i>
<i>NW</i>	<i>= North West Technikon</i>
<i>Ntl</i>	<i>= Natal Technikon</i>
<i>PE</i>	<i>= Port Elizabeth Technikon</i>
<i>Pen</i>	<i>= Peninsula Technikon</i>
<i>PTA</i>	<i>= Pretoria Technikon</i>
<i>TSA</i>	<i>= Technikon South Africa</i>
<i>Vaal</i>	<i>= Vaal Triangle Technikon</i>
<i>Wits</i>	<i>= Witwatersrand Technikon</i>
<i>Tot</i>	<i>= Total</i>

From the above table, it is clear that figures for black academics dominate in the so-called historically disadvantaged institutions (HDIs) and white academics dominate in the historically advantaged institutions (HAIs). In 2001 at Pretoria technikon, for example, white academic staff were over-represented with 90.5%, while other racial staff were extremely under-represented (Committee of Technikon's Principals). However, there is no mention of the most severely thwarted group under apartheid i.e., people with disabilities. If represented, there is no indication of the extent.

From the above statistical results, there is a need to implement the *Employment Equity Act* in order to:

- Develop staff, improving their of existing qualifications and allowing for professional development and career pathing. Promoting instructional development, management skills, technological re-skilling, and appropriate organisational environment.
- Improve equitable remuneration and conditions of service, taking into account the increasing competition from the public and private sectors for well-qualified black people, women and disabled persons. This study reveals that the remuneration packages of the staff members are still unequal in some institutions. This was evident in one institution visited where an African director was paid less than the Indian director while doing a job of similar value.

Historically disadvantaged institutions have changed considerably – driven by staff, students, management, government and donors – from their inception as apartheid-era showcases of inferiority, to important units of a flexible and differentiated South African higher education system (Subotzky 2001:41). However there is a perceived resistance between HDIs and HAIs with regard to an employment equity framework. In HAIs whites are still over-represented in all professional categories, and at HDIs, in the historically Asians higher education institutions. Asians staff have a higher representation. In the historically African higher education institutions, the African staff is over-represented. In 2001, ML Sultan technikon (now DIT), consisted 68.8% Asians academic staff, followed by Africans with 15.8% and whites with 14.2%. In the same year, Technikon Mangosuthu consisted of 49.3% African academic staff followed by Asians with 24.6% and whites with 23.9%. This information is depicted in table 4 above.

The above statistical results further posed the need for the implementation of the *Employment Equity Act* in the employment of academic staff in higher education institutions.

## **2.15. CONCLUSION**

The implementation of the *Employment Equity Act* aims at promoting equality in the workplace and prohibition of any unfair discrimination. In the above literature that has been reviewed it appears that legislations that has been enacted in South Africa supports the implementation of the *Employment Equity Act* in many ways. For example, The *Bill of rights* states that no one can be discriminated against and that human rights must be respected and protected. Furthermore, the affirmative action policy supports the *Employment Equity Act* when stating that institutions of higher education should develop an affirmative action strategy and vision through broad consultation and everyone ought to share the vision regarding recruitment, developments, opportunities and promotion. In the above literature it also appears that South African employers are working towards achieving employment equity, though the process is very slow. To achieve employment

equity for affirmative action policy together with the *Employment Equity Act* must not be viewed as merely a replacement of white labour with black labour to redress inequality and injustices. In doing so, we have no chance of improving South Africa's competitiveness. If, however, we assess our country's skills profile in the context of broad development to improve our skills base of both organisational and individual, we will be on the road to improvement and success.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. INTRODUCTION**

In this section the methodology used is discussed followed by the sampling procedure and then followed by research instruments. This is followed by a discussion of data analysis techniques and data collection methods.

#### **3.2. THE DATA**

The data of this investigation is two fold: primary data and secondary data. The nature of each of these categories of data is described below.

##### **3.2.1. Primary data**

Wegner (1995:13) states that primary data is obtained at the moment where it is produced and such data is initially for a specific purpose. For the purpose of this research the primary data was obtained from Employment Equity interview schedules that were conducted in various South African higher education institutions (HEIs) to establish the relationship between gender, race and disability and recruitment practices in the South African higher education institutions. Follow-up unstructured interviews were also conducted as a means of obtaining additional information.

##### **3.2.2. Secondary data**

Secondary data which was compiled and prepared by other investigators in chapter two of the research, and the various literature sources available on the subject matter were reviewed. These literature sources were also presented in a systematic manner to

distinguish between gender, race and disability equality approaches. They also touched on how these approaches relate to recruitment practices when an Employment Equity programme is implemented. Documentary analysis or content analysis technique was used to make replicable valid inferences of data received from the questionnaires. Krippendorff (1980:56), as quoted by Robson (1995:273) defines content analysis as a research technique for making replicable and valid inferences from data to their context. Document analysis was used to analyse Acts, policies and procedures used for recruitment purposes in higher education institutions.

### **3.3. RESEARCH INSTRUMENTS**

The data-collection methods used in this study are semi-structured interviewing schedules, questionnaires and documentary analysis, that is, *Employment Equity Plans* of each selected institution. The main instrument of collecting data is semi-structured interviewing schedules. Questionnaires and documentary analysis are secondary instruments of collecting data. *Employment Equity Plans* were used to make replicable and valid inferences from data to their context (Krippendorff 1980:21) as cited by Robson (1995:40). Semi-structured interviews were opted for since they are more flexible and open; few restrictions are placed on the respondent's answers (Kerlinger 1992:441). Audio-tape was also utilised because it enables the researcher to judge from the intonation of the respondent whether a particular comment should be taken in a sarcastic or ironic sense or not (Robson 1995:275).

### **3.4. SAMPLING PROCEDURE**

The researcher endeavoured to confine the study to higher education institutions in KwaZulu Natal. The sample of this study was drawn from universities and technikons only. Out of seven higher education institutions in KwaZulu Natal, five were selected. These are, University of Durban Westville (UDW); University of Natal (NU); University of Zululand (UniZul); Technikon Mangosuthu (Mantec) and Durban Institute of Technology (DIT). University of South Africa (UNISA) (Durban branch)

and Technikon South Africa (TSA) (Durban branch) were excluded from the survey, simply because their head offices are out of the KwaZulu Natal region. Ten questionnaires (10) were distributed to each higher education institution in KZN to be filled in by two Vice Principals (who were selected randomly), two Deans of faculties (who were selected randomly), Director Human Resources, four Heads of Departments (academics who were selected randomly) and an Employment Equity manager. In total, fifty questionnaires (50) were distributed to the above-mentioned institutions.

Interviews as a main instrument of collecting data were conducted with each Employment Equity manager of each selected higher education institution in KZN. These interviews were coded using a tape recorder.

### **3.5 PILOT STUDY**

The first stage of any data gathering should be a “dummy run” or pilot study. This helps the researcher to throw out some of the problems of converting the research design into reality. The researcher undertook a pilot study before interviews were conducted with the selected sample. The Human Science Research Council (HSRC) also advised that the initial pilot study should include a broader spectrum of respondents to increase the content precision of the interviews, in terms of relevance, clarity and understanding. Therefore, 10 participants administered the initial pilot study.

Two higher education institutions in KwaZulu Natal were contacted telephonically. A meeting was set up with a contact person in each institution and the researcher left 5 copies of questionnaires which were completed by the contact person plus four respondents in management positions as identified by the contact person in each institution. Follow-up meetings with each respondent were arranged to collect questionnaires. During these meetings, a personal interview technique was used to

elicit the opinion of the respondent and identify problems encountered when the questionnaire was administered. It also to probe and get in-depth information.

Based on the information that was obtained during the first pilot study, changes were made to the questionnaires. A second pilot study, following the exact procedure discussed above, was conducted. Changes were made to the questionnaire based on the second pilot study.

### **3.6. METHOD OF COLLECTING DATA**

- The study focused on higher education institutions in KwaZulu Natal only.
- Questionnaires, as a secondary instrument of collecting data, were utilized.
- Questionnaires were divided into two themes. Theme 1 consisted of general questions, which were to be answered by every selected sample population, and theme 2 was designed strictly for Employment Equity managers only.
- Interviews, as the main instrument of collecting data, were conducted with each Employment Equity manager of the selected institutions to obtain in-depth information and for review purposes. Interviews were coded using the tape-recorder and each interviewee was assigned to one cassette. Cassettes were given numbers ranging from 1-5, and dates of the interviews were written on each cassette.
- Questionnaires were forwarded personally to each institution to be filled in by ten respondents, that is, two Vice Principals, two deans of faculties, Director Human Resources, four heads of departments (academics) and the Employment Equity manager. Follow-ups were made telephonically for the researcher to collect questionnaires.
- *Employment Equity Plans* of each institution were requested from the Employment Equity managers or from the Department of Labour as another means of collecting data.

### **3.7. THE CONTENT VALIDITY OF THE RESEARCH**

In drawing up the questions for semi-structured questionnaires, the content validity of measuring instruments needs to be determined to ensure that the questionnaires cover the necessary content relevant to the hypotheses that have been formulated (Rudestam & Newton 1992:67). In this study, multiple data collection methods were used in order to increase validity and reliability of the research findings. Therefore, both qualitative and quantitative techniques were used in collecting data. Thus, an integrated approach called triangulation was used in this study which involved combining different methods of data collection in order to unravel the various layers that the data yielded and to double-check findings from a variety of vantage points (Fitzpatrick, Secrest & Wright 1998:45).

### **3.8. ETHICS OF THE STUDY**

According to Robson (1995: 32), good research is possible only if there is mutual respect and confidence between the investigator and participants. In view of this, all the participants were not compelled to participate in this study and permission was always requested before their participation. Subject to the requirements of legislation, including the *Data Protection Act*, the information obtained about a participant during an investigation is confidential, unless otherwise agreed in advance. Wherever possible the investigator informed all participants of the objectives of the investigation.

### **3.9. THE SPECIFIC TREATMENT OF SUB-PROBLEMS**

The specific treatment of the hypothesis is as follows:

#### **3.9.1. The problem statement**

Higher education institutions have been predominantly staffed by white academics with very few blacks and disabled people at the lower ranks of the hierarchy. After 1994, transition from apartheid and minority rule requires that all existing practices, institutions

and values are viewed and rethought in terms of their fitness suitability for the era. Democratic rule necessitated changes and there have been some changes in terms of blacks entering the academic employment since then. Despite efforts to alleviate problems associated with women and recruitment of black people in higher education institutions, problems still exist.

What is the impact of gender, racial and/or disability inequality on the successful implementation of the *Employment Equity Act* with reference to academic staff in higher education institutions in KwaZulu Natal?

### **3.9.2. Sub-problems**

- The first sub-problem investigated was: How do higher education institutions in KwaZulu Natal interpret the *Employment Equity Act* strategies that have been devised by the Department of Labour for the successful implementation of the *Employment Equity Act*?
- Is there a relationship between gender, race, disability, recruitment and retention policies and practices in the South African higher education institutions?
- Is there a relationship between institutional policies and government educational policies in higher education institutions?

#### **3.9.2.1. The hypothesis**

The central hypothesis which this study seeks to examine may be formulated as follows: There is a perceived discrepancy between national employment equity and its interpretation and implementation in higher education institutions in KwaZulu Natal.

#### **3.9.2.2. The data needed**

The data for testing the hypothesis was obtained from the responses to the employment equity semi-structured interview schedules, questionnaires and documentary analysis.

#### **3.9.2.3. The location of data**

Only the responses from the selected sample (n=5) that had been interviewed were included in the study.

#### **3.9.2.4. The means of obtaining data**

The data required to accept or reject the second hypothesis was collected by means of the employment equity unstructured interviewing schedules, questionnaires and documentary analysis.

#### **3.9.2.5. Treatment of data**

The completed semi-structured questionnaires were screened to determine whether all the questions were completed.

#### **3.9.2.6. The interpretation of data**

The Chi-square statistic was used to interpret the data. This statistical tool establishes whether a categorical variable, in this instance the employment equity approach followed in the higher education institution, follows certain patterns of outcomes in the population.

The Chi-square statistic tests the null hypothesis by comparing a set of observed frequencies (from the responses to the questionnaire), which was based on sample findings, to a set of expected frequencies.

The Chi-square statistic measures the extent to which the observed and expected frequencies differ. If this measure of difference is small, then the null hypothesis is accepted. Conversely, large differences resulted in the null hypothesis being rejected. The

Chi-square test is used in testing the relationship between two variables to establish whether two categories are related. In this study two variables to be tested are the implementation of the *Employment Equity Act* and academic staff. For example, on the academic staff one finds more men in senior positions than on the junior academic staff.

### **3.10. PROCEDURE FOR ANALYSING DATA**

The following procedure was followed in analysing the data. Five higher education institutions selected were entered on a database using the Microsoft Word 2000 package (Cassel 1994:279-339; Neibauer 1997:119-148). The data was captured according to the divisions of the institutions, i.e. technikon or university, using a full description of the institution's name and address. Each entry in the database was allocated a consecutive number (ranging from 1 to 5), which corresponded with the number of the questionnaire eventually submitted to the institution in order to simplify the verification of responses.

The sample obtained was captured on the Statistic Package for the Social Sciences (SPSS) to analyse data to determine whether the hypotheses would be supported, or rejected (Hull, Jenkins, Steinbrenner & Bent 1975:1-5).

### **3.11. CONCLUDING REMARKS**

Chapter three described the research tools and methods that were used during this investigation to obtain relevant information from the sample population. For the purpose of this research the primary data was obtained from the employment equity semi-structured interviewing schedules that were conducted in various higher education institutions to establish the relationship between gender, race and disability and recruitment practices in the South African higher education institutions. Semi-structured interviewing schedules were used as the main instrument of collecting data. Secondary instruments of collecting data were both questionnaires and *Employment Equity Plans* of the selected higher education institutions. The study was confined to the KZN region. Out of eight higher education institutions in KZN, only five (5) were selected. These are:

University of Zululand, University of Durban-Westville, Technikon Mangosuthu, Durban Institution of Technology and University of Natal. Technikon South Africa (Durban branch) and UNISA (Durban branch) were excluded from the survey sample because their head offices are out of KZN.

Interviews were conducted with Employment Equity managers of each of the selected institutions. Ten questionnaires were distributed personally to each institution. In total fifty, (50) questionnaires were distributed to the above-mentioned higher education institutions. The pilot study was conducted as the first stage of data gathering. In this chapter multiple data collection methods were used in order to increase the validity and reliability of the research findings. Both qualitative and quantitative techniques were used in collecting data.

Good research is possible only if there is mutual respect and confidence between the investigator and participants. All participants were therefore not compelled to participate in this study and permission was always requested before their participation.

Data gathered was analysed by using the Microsoft Word 2000 package and the sample obtained was captured on the Statistic Package for Social Sciences (SPSS), to analyse data to determine whether the hypotheses would be supported or rejected.

In chapter four, based on the materials and methods described above, the results of the research will be reported.

## CHAPTER FOUR

### PRESENTATION AND ANALYSIS OF DATA

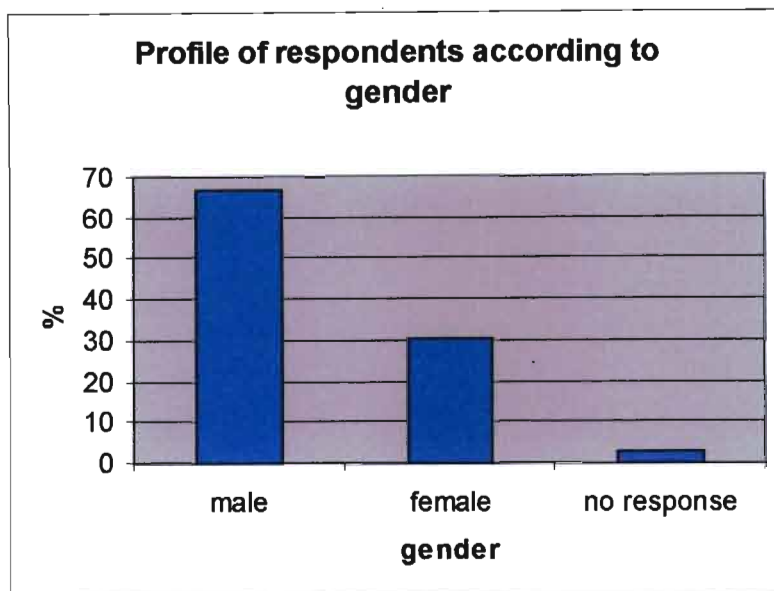
#### 4.1. INTRODUCTION

This chapter presents a brief description of the data analysis and further reports on the findings based on the data analysed. Data gathered through questionnaires, semi-structured interviews and *Employment Equity Plans* will be discussed in this chapter. This will be followed by a topic on specific challenges facing higher education institutions in managing equity. Lastly, concluding remarks will rap up this chapter.

#### 4.2. PRESENTATION OF RESEARCH FINDINGS: QUESTIONNAIRES

The research findings from this study are presented in the form of graphs, a table and descriptive statements. General frequencies and cross-tabulations are described. The findings are presented in terms of the following:

1. Description of sample
2. Profile of institutions with the *Employment Equity Plan* (EEP) in place
3. Percentage of respondents being aware of EEP in place
4. Extent of support of the EEP
5. Institutions with Employment Equity Forum (EEF) in place
6. Progress of equity issues on campus
7. Outcomes achieved so far

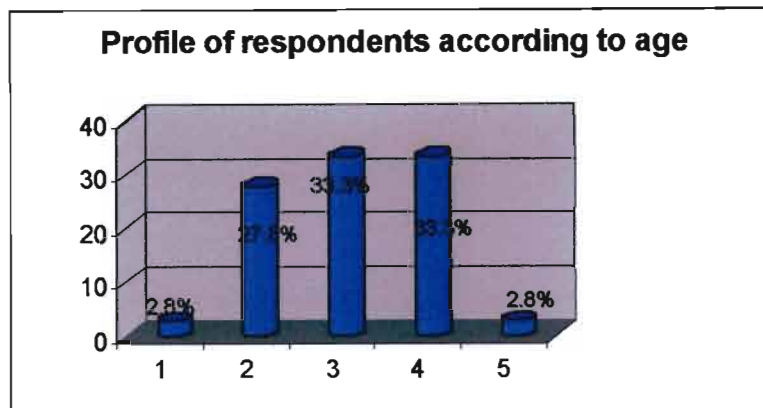


**Figure 1:** Profile of respondents according to gender

Figure 1 reflects that 66.7% of the respondents were males, while 30.5% were females and only 2.8% of respondents did not respond. The above information reflects a situation where more male staff are found within senior positions or within higher ranks at each institution. Since the participants in this study were within the categories of two Vice Principals, two deans of faculties, director Human Resources, four heads of departments (academics) and one Employment Equity manager. This information revealed that currently men still dominate in higher positions in higher education institutions in KwaZulu Natal.

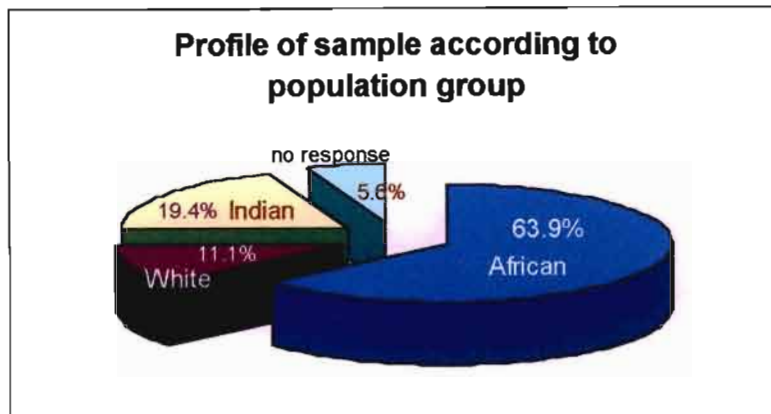
In higher education institutions in KZN the problem exists because men still outnumber females in the most senior positions. This simple means that the implementation of credible equity programmes and policies are far from being implemented. Only when

there is a more or less equal presentation of both men and women, especially in the senior management positions; will equity be possible.



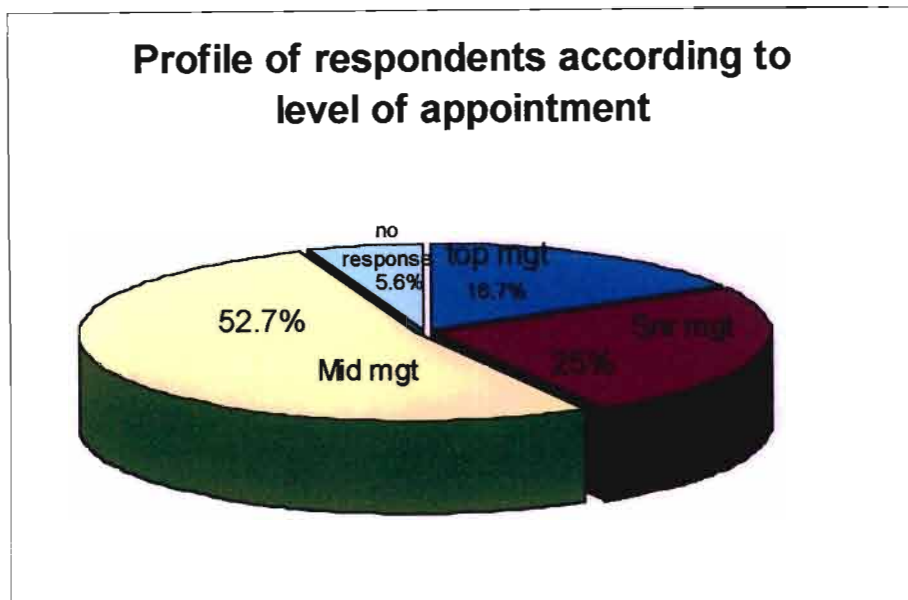
**Figure 2:** Profile of respondents according to age

Figure 2 reflects that 2.8% of the respondents fell in the 21-30 year age group, 27.8% were in the 31-40 year age group, 33.3% were in the 41-50 year age group, another 33,3 % were between 51 and above, and only 2.8% of the respondents did not respond. The above graph reveals that higher education institutions do not discriminate in terms of age groups when recruiting or promoting people to various senior positions. It is also interesting to note that there are people who are in the 21-30 year age group who hold senior positions in the higher education institutions.



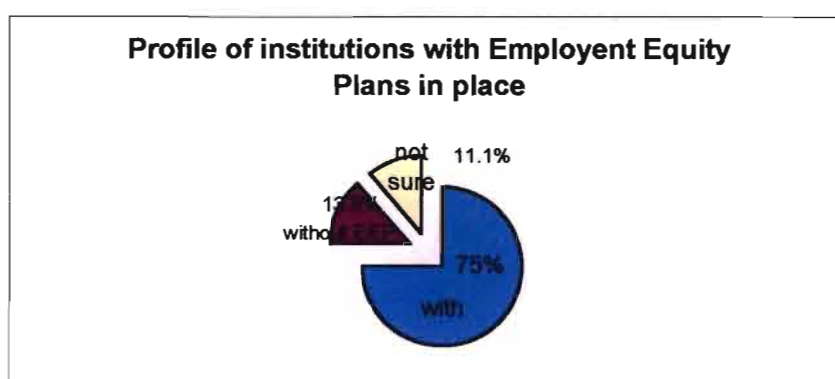
**Figure 3:** Profile of sample according to population group

Figure 3 indicates that 63.9% of the sample was from the African population group, 11.1% of the sample was from White population group, while 19.4% of the sample was from the Indian population group and 0% from the coloureds population. There was no response from 5.6%. The above sample revealed that most of the respondents come from the African population group, which reflects a situation suggesting that many more Africans are climbing the ladder and reaching the top rungs of the management ladder.



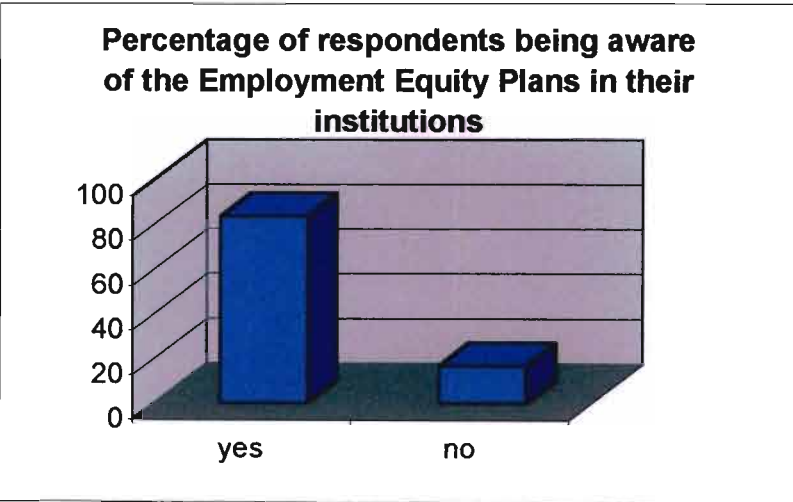
**Figure 4:** Profile of respondents according to level of appointment

Figure 4 reflects that 16.7% of the respondents were from top management, 25% of the respondents were from senior management, while 52.7% of the respondents were from mid management and only 5.6% of the respondents did not respond.



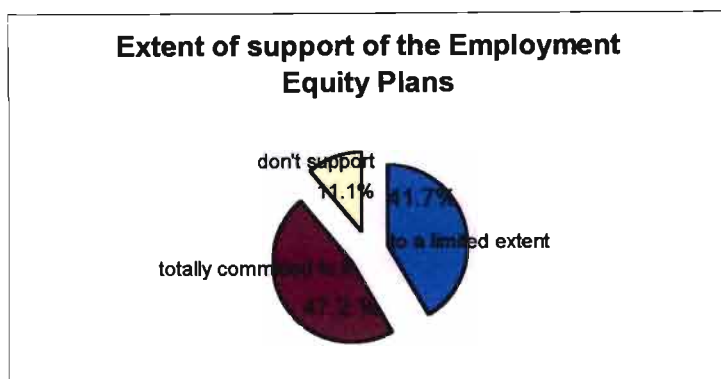
**Figure 5:** Profile of institutions with Employment Equity Plans in place

Figure 5 reflects that 75% of respondents have an *Employment Equity Plan* (EEP) in place, 13.9% of the respondents said that they didn't have an EEP in place, while 11,1% of respondents said that they were not sure whether their institutions had an EEP in place or not. Figure 5 shows that the majority of higher education institutions use the *Employment Equity Plans* as a means to achieve equal opportunities in the workplace. It was surprising to learn that after five years the *Employment Equity Act* was enacted some, higher education institutions still did not have a plan in place.



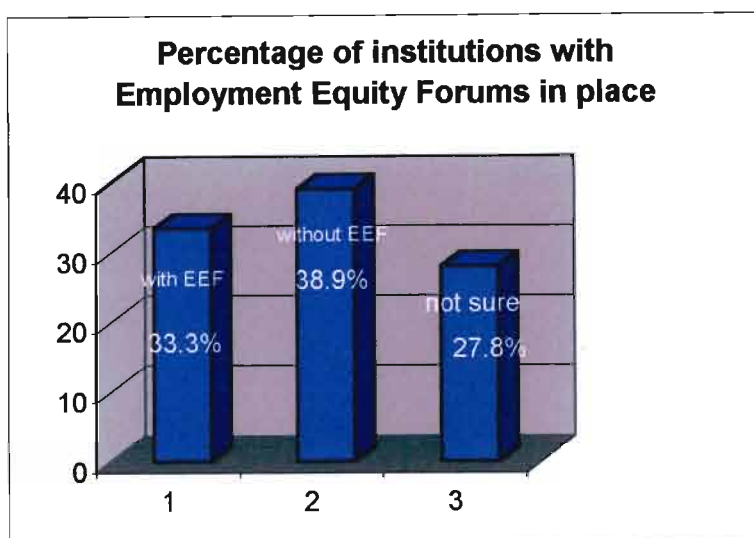
**Figure 6:** Percentage of respondents being aware of the Employment Equity Plans in their institutions

Figure 6 reflects that about 80% of the respondents were aware of the *Employment Equity Plans* (EEP) in their institutions and only 16.7% of the respondents were not aware of the *Employment Equity Plans* in their institutions. Awareness of the existence of *Employment Equity Plans* suggests that the plans were communicated to various stakeholders and this also means that the respondents were involved in the matters pertaining to *Employment Equity Plans*.



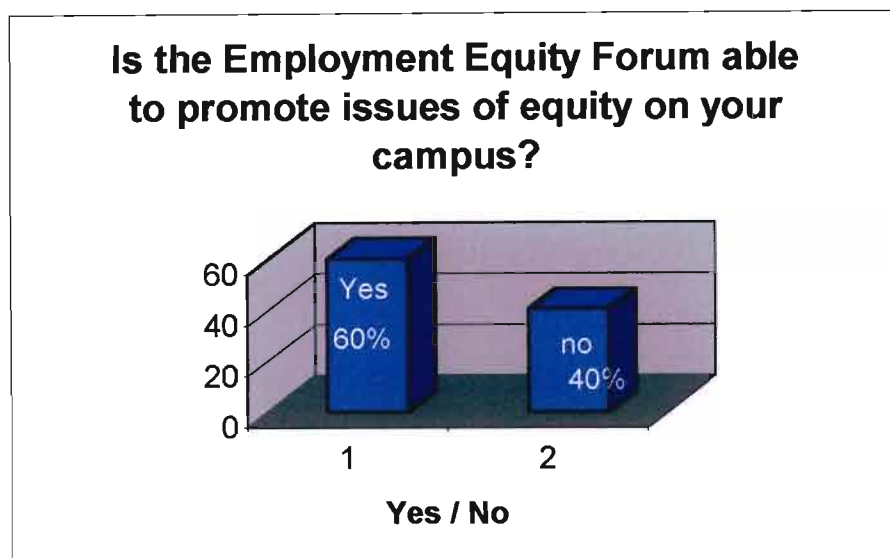
**Figure 7:** Extent of support of the Employment Equity Plans

Figure 7 reflects that 41.7% of the respondents support *Employment Equity Plan* (EEP) to a limited extent, 47.2% of the respondents are totally committed to *Employment Equity Plan*, while 11.1% of the respondents don't support the *Employment Equity Plan*. Although figure 6 above revealed that an overwhelming 80% of respondents are aware of the existence of *Employment Equity Plans* in their institutions, figure 7 reflects little support from the respondents for the plans, as a legislated vehicle towards achieving employment equity in the workplace.



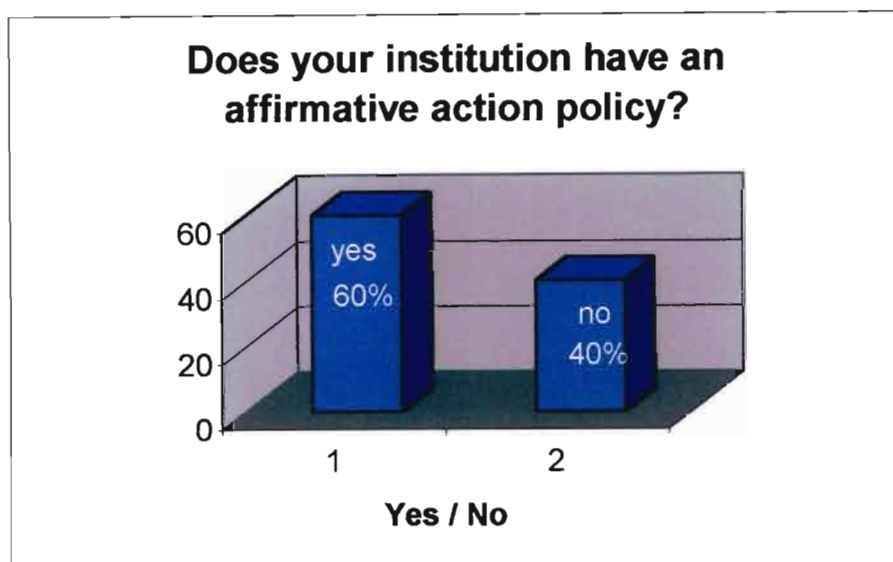
**Figure 8:** Percentage of institutions with Employment Equity Forums in place

Figure 8 indicates that 33.3% of the respondents have the Employment Equity Forum (EEF) in place, 38.9% of the respondents indicated that they don't have an Employment Equity Forum in place, while 27.8% of the respondents were not sure. A very low percentage of respondents who know that their Employment Equity Forum is in place, suggests that very few institutions have the *Employment Equity Plan* in place. This is because the existence of the Employment Equity Forum goes hand in hand with the existence of the *Employment Equity Plan*.



**Figure 9:** Is the Employment Equity Forum able to promote issues of equity on your campus?

Figure 9 indicates that 60% of the respondents indicated that the EEF is able to promote issues of equity on their campuses, while 40% of the respondents indicated that the EEF is unable to promote issues of equity within the campus. The 40% of the respondents indicate that there is no compliance with the *Employment Equity Act* in higher education institutions in KwaZulu Natal.



**Figure 10:** Does your institution have an affirmative action policy?

Figure 10 indicates that 60% of the respondents confirm that an affirmative action (AA) policy is in place as a legislated vehicle to promote employment equity while 40% of the respondents say they don't have an affirmative action policy. The lack of an affirmative action policy at certain higher education institutions in KZN suggests that some institutions are not yet ready to implement the *Employment Equity Act* to achieve equity. This is so because, section 15 (1) of the *Employment Equity Act* states that for employers to achieve employment equity, affirmative action measures must be implemented to ensure that suitable qualified people from designated groups have equal employment opportunities and are equitable represented in all occupational categories and levels in the workforce of the designated employer.

**Table 5:** Outcome achieved with regard to African women and disabled persons within the relevant academic category.

Outcomes achieved	African women	Disabled	%	%
Yes	0	0	0	0
No	0	0	0	0
No response	5	5	5	5

Table 5 reflects that none of the informants indicated outcomes achieved with regard to African women and disabled persons within relevant academic category. No one responded. Non-response to this crucial question on implementation of the employment equity may denote that in implementation the equity policy implementers in higher education institutions in KZN are overlooking some important aspects of the *Employment Equity Act*, section 20 (1) of the Act.

### 4.3 ANALYSIS OF INTERVIEW FINDINGS

This chapter will look at the findings reached through interactive interviews with Employment Equity Managers/Officers. According to Thabane (2000:41) interviews with key informants, in this case Employment Equity managers, are very important, especially when the study pertains to sensitive and confidential issues.

The study reveals some interesting responses from the Employment Equity managers about their views and perceptions on the implementation of *Employment Equity Act* in the employment, promotion and retention of academic staff in higher education institutions in KwaZulu Natal. The study will only focus on the academic staff with reference to designated groups.

Responses will be analysed according to three themes formulated/used during the interview process.

#### **4.3.1. Responses of the Employment Equity managers**

##### **4.3.1.1 Theme 1 : General questions**

The key informants in this study were five Employment Equity managers from the above selected institutions.

*On being asked whether their institutions had the EEP in place*, four EE managers said they had the plan in place, while one key informant did not have the plan in place. One of the four respondents who had the *Employment Equity Plan* in place stated that though they had the plan nobody was actually responsible for it.

*When asked whether their institutions had the Employment Equity Forum in place*, three respondents stated that they had the Employment Equity Forum (EEF) while the last two respondents did not have the EEF in place. The former stated that they had the EEF in place but through the lack of support from management Employment Equity Forum “died”. Four respondents stated that they had an affirmative action policy in place as a vehicle towards achieving employment equity. One of the four respondents did not have an affirmative action policy in place. Of the four interviewees with an affirmative action policy, one stated that the policy was there but it was not being implemented.

#### **4.3.1.2 Theme 2: Conducting of analysis**

*When asked what procedures were used to develop an Employment Equity Plan,* informants with EEP in place stated that all procedures as stipulated by the EEA were followed. These are:

- Formal written communications
- Summary of the Act displayed
- Employment equity training programmes
- Diversity management programmes and
- Discrimination awareness programmes.

*On being asked whether had they done an analysis of their existing workforce, Human Resources policies and working conditions,* three out of five respondents stated that an analysis was done but not finished because their Employment Equity Forums were not in existence, and the last two stated that an analysis was done, but some issues were unresolved due to institutional merger issues.

*On being asked what significant findings informed their Employment Equity Plan,* informant number two stated that there were a lot of discrepancies within the policies at her institution. The Equity manager then requested human resources to give her copies of all policies that they (HR) had. Employees, including the respondent were not aware of the policy contents. The EEP was on paper but not applied. People with disabilities were not included in any policy and procedures which governed her institution.

She found her institution's policies discriminated against certain sectors of employees. If one asked for an explanation it wouldn't be clarified because that was how the university operated. For example, when looking at the benefits for Directors, some Directors had more than others but if one asked what the distinction was between these Directors there was no reason for how anyone decided.

On the academic staff most of the African staff, particularly African females, were placed on the lowest levels and many were on contract, for example, a one year renewable contract. Some had been holding these positions for six year as contract associate lecturers. The management of this particular institution stated that these people were in developmental posts; this is against the South African *Labour Relations Act*.

Middle management reflects a mixture of blacks and whites in various positions. The policies were not very specific but when analysed these policies were general and were meant to apply to anybody without necessarily catering for the previously advantaged or designated groups. No emphasis or preference was given to the designated groups.

Informant number two stated that HR and workforce audits were conducted. He stated the problem or challenge is management. The plan is there but implementation is not taking place, HR desperately needs management's co-operation and support and to put funds in place to get *Employment Equity Plan* off the ground.

While informants number three to five stated that they were required to do HR audits which included statistical analysis of the workforce according to gender and race, they also had to do HR audits in terms of policies and practices. All that was done. These informants stated that there were quite a number of gaps found especially in the representivity of previously disadvantaged groups, i.e. Africans, Indians, Coloureds. They found that Africans who were the primary target group for employment equity were the least represented in terms of workforce profiles. Blacks, especially the primary targets (African females and people with disabilities) were not equitably represented in all employment categories and levels, and more so in the academic sector. When it came to policies of the institution, it was found that they had to work hard at putting together and formulating policies that would assist in advancing the Africans higher positions in all nine categories of the workforce.

***When asked how the affirmative action policy linked up the with Employment Equity Plan in their institution,*** informant number three stated that affirmative action as a

legislated step towards righting previous imbalances was a vehicle for equity. As long as the demographics of the country and that of the region did not show representivity in terms of representation in workforce profiles something needed to be done by way of affirmative action. He felt one must always put previously-disadvantaged groups ahead of others. They have tried through policy formulation/policy reviews which they had done just before the merger and gain after the merger. They had tried to improve the intake of Africans and coloureds where possible as well as Indians where necessary. Informant number two of this study supported the idea of placing previously-disadvantaged group ahead of others.

The appointment procedure included the role of the equity officer in monitoring the appointment processes. Firstly the advertisement for the job had to be equity friendly in the sense that it was clear that preferences in making an appointment would be given to the previously disadvantaged groups. Also when it comes to staff development, Africans are given first preference. When it comes to staff promotions Africans were given the first chance too. This EEF of this particular institution was trying to follow the equity formula throughout their human resource practices.

Informant number three further stated that the academic faculties were part of the institution and had to fall within the institution's policies and procedures all managers including managers in the academic and administration such as heads of departments were included. All these people knew what they must do when they employed or promoted and when they trained staff; that there was no one who is an exception monitoring line of the equity officer.

Informant number 4 stated that the institution was determined to do something in terms of analysis of the above but it was blocked by white heads of departments and senior staff members who held totally different views. The problem was that almost all managers, even in the administration side were white. These white managers felt that EEA was another form of reverse discrimination. Since 1998 they had been engaged in the process of aligning themselves with the provisions of *Employment Equity Act*. Unfortunately in

the higher education institutions those who not academic staff did not have a voice. Everything relies revolves around academics. Analysis of policies was not done because the whole process came to a halt after the resignation of the director of equity. Since the new director of human resources had been employed the implementation of equity seemed to get off the ground.

She further added that the skills audit has been done, but the data had not been revealed. Most departments ignored the call for *Employment Equity Act*.

***When asked what had been done to correct the above situation***, informant number one responded by stating: “ there is nothing that can be done to equip people from designated group because getting people into higher levels is very difficult one finds that those higher positions are already filled, there is no space left for them. In terms of grades, there is not even a single African on the executive level”. Management is only willing to correct the situation through Training Unit.

Informant number two stated that nothing has been done to correct that situation. Informant number three stated that they had tried through policy formulation/policy reviews which they had done just before the merger and a gain after the merger. They had tried to improve the intake of Africans and, coloureds, where possible as well as Indians where necessary. The appointment procedure included the role of the equity officer in monitoring the appointment processes. Firstly the advertisement for the job to be equity friendly in the sense that it was clear that preferences in making appointment would be given to the previously disadvantaged groups. That in itself was an important step for managers when they were selecting. They had to explain if there was any deviation from that principle. Also when it came to staff development, Africans were given first preference. When it came to staff promotions Africans were also given the first chance. They were trying to follow the equity formula throughout their HR practice.

Informant number four revealed that nothing has been attempted to correct the situation. Informant number five stated that little has been done to correct the situation but they were working towards that.

***When asked what progress has been made to meet objectives with reference to academic staff,*** informant number one revealed that when they advertised for any position they targeted designated groups, but in some areas of specialization like engineering they had a problem, often not a single person from a targeted groups met the requirements. She further stated that of course there were African male staff in the engineering faculty, but all of them were foreigners. This is due to scarcity of certain skills in the disadvantaged South African groups.

Two informants responded by stating that there was a progress but nothing was being recorded due to the non-existence of the *Employment Equity Plans*. Designated group members were employed or promoted by chance.

***On being asked what challenges emerged during the implementation of the EEP,*** the first informant revealed that for the past 5 years, people had been acting in positions. Skilled people left jobs in 1997 and then it was a disaster. The university then appointed people to act in of those who resigned, and most of those individuals were unqualified for those positions. Since unqualified people had been acting in those positions for a long time applying the process of *Employment Equity Act* was really difficult. People from designated who were suitably qualified for those positions lacked experience.

Informant number two responded that in any workforce there were always abnormalities. There were people who were placed in higher positions which they did not deserve, and there were those in lower positions where they didn't belong. When analysing the staff profile it was evident that, the people at higher levels were mostly whites and people at the lowest levels were mostly Africans and women. In the middle it was more or less a mixture. Informant number five stated that some abnormalities did exist within their workforce in that white were over-represented in almost all categories.

The third informant stated that there would always be challenges as long as inequities existed. Challenges involved the continual education of managers and training them to understand their role and to adhere to the principles and procedures for implementing equity. As in all sectors of employment, one finds that some are ahead of others and some are behind when it comes to filling their roles. Disadvantaged employees need to be encouraged.

***Are there any factors identified that positively promote employment equity with reference to academic staff?*** The first informant stated that there was a training unit which also aided in promoting EEA by means of training people. But training is only provided for senior academics and other senior staff; junior lecturers are normally not given a chance to attend conferences / seminars. All other four respondents indicated that they had training unit or staff development unit which tried to provide people with skills.

***Are there any barriers that have been identified which contribute to the underutilization and under-representation of designated groups.*** The first informant revealed that most of the African employees were well qualified. Some with degrees and some Masters degrees and even Phds, but most of them work at lower levels. Most of the African employees were underutilised.

Informants number two and three did not answer this question because of the absence of the *Employment Equity Plans* in their institutions, while informant number 4 stated that if a person found himself/herself to be underutilised, it was that person's responsibility to make known of his/her desires in terms of career goals and the way in which they needed assistance to get ahead and to go where they wanted to be, be it lecturing/management/administration and so forth. Fortunately they had got the skills development plan which assisted the *Employment Equity Plan* in identifying such individuals for training, or whatever, for different courses. The skills development plan was intertwined with the *Employment Equity Plan*. As an equity officer, he was a

member of the skills development and a facilitator of both the Employment Equity Forum and the Skills Development Committees since they complemented each other.

#### **4.3.1.3 Theme 3: Numerical goals**

*When asked whether there were any necessary appointments that had been made which were designed to target academic staff from designated groups*, informant number one revealed that there were necessary appointments that had been made, but the respondent was unable to give statistics to say how many exactly had been employed. Informants number 2 and 3 had nothing on records, while informant number four stated that there was a deliberate plan which was developed to target people from designated groups to meet employment equity targets in the academic sector of the technikon and currently there was necessary support for these plans to go ahead and for these numerical goals to be achieved. Informant number four further stated that numerical goals were not revised due to an impending merger.

Informant number four further stated that one needed to be careful when coming to gender equity figures because in that category they had a clear formula which stated that they must start with African women, coloureds, Indian, then White women. It was very important to always keep this in mind when employing/promoting people. They had priorities but were short of positions to fit their African women so they could not start to prioritise people who were not the target of equity; women, in terms of legislation were not the target of equity. They got the job by default when Africans, Indians and coloured women were not available or qualified enough for the job. Since EEP was implemented it was evident that a good percentage of previously disadvantaged groups, particularly women were moving to senior positions. The informant was not in a position to give out percentages they were still in the process of merging.

*When asked how EEA impacted on the selection and retention of non-designated academic staff*, informant number three stated that non-designated groups always got jobs because they had received training; had skills, knowledge, experience and everything

that was previously denied to African women to some extent. White women normally got a better chance than women from other races if the skill needed was not offered by African/Coloured/Indian woman.

***When asked what strategies had been used to retain academic staff of designated groups academic.*** Three informants stated nothing had been done to retain skilled employees, another informant (informant number three) added that if one wanted to resign from his/her duties he/she just left and could even leave earlier without serving the usual notice. Informants number two and five appeared to have had a good strategy to retain skilled designated employees. They both stated that there were three main areas of focus in terms of retaining skilled people from target groups:

- They had tried to make a working environment friendly and for them to feel accepted especially the within academic category,
- They tried to place them into programmes which were meant to fast-track them in terms of being ready for promotion and advancement in their positions from one rank to another. They found it that the sooner they rose to positions of responsibility through participation in the skills development plan, the sooner they rose to senior positions, and the better for them to be retained because they were now in authority and nobody could be easily frustrate them or chase them away.
- They had specialised programmes in the academic sector, as indicated earlier, by introducing graduate assistance programmes and other programmes in the non-teaching sector which assisted their staff members to be retained in terms of their leadership profile and in terms of their management skills.

#### **4.4. OTHER SOURCES OF DATA: EMPLOYMENT EQUITY PLANS DOCUMENTS**

The *Employment Equity Plans* (EEP) received revealed interesting information regarding the study being investigated.

Upon analysis of the EEP documents, it emerged from one institution that EEA strategies as a vehicle for and diversity was supported. This was further supported where the Principal and Vice Chancellor of this institution was a Chairman of the Employment Equity Forum (EEF). In another plan that was analysed, it appeared that the Equity manager had not been relieved from her duties to attend to employment equity issues on a full time basis. Furthermore there was no budget allocated to this institution thus far. Sadly, the Senior Equity manager resigned and the post for the Equity manager was never filled.

Upon review of the EEP document number one, it appeared that there was a relationship between institutional policies and national government policies. In this institution, the *Employment Equity Plan* was developed against the backdrop of the work of the then Transformation Forum, whose work was to examine all aspects of institutional change. In the very same year, the affirmative action policy was formulated in this institution to mark the beginning of a new dispensation with greater emphasis on redressing the effects of racial and gender discrimination in the workplace.

Upon review of the EEP document number two, it appeared that this particular institution is willing to align itself with the national government calling for diversity and equal opportunities in the workplace. In the document it stated, “a broad range of policies, procedures and programmes were being developed and implemented to promote employment equity and diversity. In this section a statistical profile of staff in higher education institutions in KZN will be discussed. This will assist the reader to identify where the central challenges for employment equity lie and for future research.

#### **4.5. A STATISTICAL PROFILE OF STAFF EQUITY IN KZN HIGHER EDUCATION INSTITUTIONS**

The aim of this statistical equity profile is to provide an updated regional overview of the race and gender patterns of academic and senior administrative staff in KwaZulu Natal higher education institutions. In creating this regional overview, the principal inequalities

in the system become apparent. This helps to identify where the central challenges for employment equity and affirmative action lie, to track the most recent changes and to highlight where change has not occurred.

It is hoped that this regional overview will assist in the process of formulating employment equity plans and strategies by providing some benchmarks (Subotzky 2001:22). For the purpose of illustrating the most recent trends, data from 2000 and 2002 are compared in table 6 below.

**Table 6:** Changes in the number of instruction/research staff in the KZN higher education Institutions by race and gender in the year 2000-2002

Institution	Year	Male				Female				Total
		A	C	I	W	A	C	I	W	
Mantech	2000	28	0	19	24	24	1	13	12	127
	2002	53	0	23	22	26	2	8	7	141
Natal Univ.	2000	75	6	100	509	57	8	65	302	1122
	2002	116	15	174	472	97	21	113	351	1359
UDW	2000	-	-	-	-	-	-	-	-	-
	2002	50	4	112	62	10	3	88	24	353
UniZulu	2000	-	-	-	-	-	-	-	-	-
	2002	152	1	21	64	117	0	6	39	400
DIT(ML Sultan Campus)	2000	-	-	-	-	-	-	-	-	-
	2002	16	2	41	4	17	1	28	0	119
DIT(Technikon Natal campus)	2000	21	3	22	194	18	3	19	131	411
	2002	-	-	-	-	-	-	-	-	-

**Source:** Different institutional employment equity reports obtainable from S.A. Department of Labour

**Note:** incomplete data from some of the above institutions was mainly due to non-submissions to labour department and non-availability of information in some instances.

Table 6 reveals that between 2000 and 2002, the number of African academics of both gender increased slightly. The underlying data show that at Mangosuthu Technikon, African male academics increased from 28 to 53, while African female academics increased very slightly - from 24 to 26. Natal University data show that both African and Indian academics increased considerably within two years. The number of African males rose from 75 to 116 and African female academics rose from 57 to 97. These increase gives hope for equity in higher education in terms of race and gender. Furthermore, the number of coloured academic staff at the University of Natal rose from 6 to 15 in the male section, while an increase of female disabled academics rose from 8 to 21. However, in the overall proportion of academic staff, whites are still over-represented in the HWIs and Africans and Indians are over-represented in the historically black institutions (HBIs).

There were also overall reductions in the number of white academics at Mangosuthu Technikon, where white male academics decreased from 24 to 22 and from 12 to 7 in the female section. This suggests that there may be a higher turnover of white academics in this institution. This pattern needs verification, as this provides possible opportunities for improving both racial and gender equity in the above institutions.

**Table 7:** Total number of permanent disable staff by race and gender in the KZN higher education institutions in the year 2002

Institution	Male				Female				Total
	A	C	I	W	A	C	I	W	
Mantech	1	0	0	0	0	0	0	0	1
Natal Univ.	0	0	4	8	2	0	1	7	22
UDW	1	0	1	0	2	0	0	1	5
UniZulu	1	0	0	0	0	0	2	1	4
DIT(MLSultan Campus)	1	0	0	0	2	0	0	1	4
DIT(Technikon Natal campus)	-	-	-	-	-	-	-	-	-

**Source:** Various institutional employment equity reports obtainable from S.A. Department of Labour

NB: data from DIT (Technikon Natal campus) was unavailable.

**Keys:**

A = African                      C = Coloured  
I = Indians                      W = Whites

Table 7 reveals that people with disabilities are still under-represented in higher education institution. University of Natal has 22 disabled employees; while University of Zululand, University of Durban Westville had 5 and DIT (ML Sultan campus) had 4 disabled employees. Technikon Mangosuthu had only one disabled staff member.

**Table 8:** Total number of promotions in higher education institutions in KZN  
by race and gender in the year 2002

Institution	Male				Female				Total
	A	C	I	W	A	C	I	W	
Natal University	43	4	54	63	30	7	44	77	322
UniZulu	1	1	0	1	3	0	1	2	9
DIT (ML Sultan campus)	1	0	0	0	1	0	3	0	5
UDW	4	1	8	2	0	0	7	22	44
Total	49	6	62	66	34	7	55	81	360

*Source:* Different institutional employment equity reports obtainable from S.A. Department of Labour.

Table 8 indicates that in the year 2002 a number of employees were promoted to various positions in higher education institutions. Tremendous promotions occurred across the board at the University of Natal, where 77 white females were promoted followed by 63 white males, 54 Indian males and 43 African males. This provides possible opportunities for race and gender equity in this university. At the University of Durban Westville slightly number of promotions occurred with only 44 staff being promoted across the board, while at the University of Zululand and DIT (ML Sultan campus) little has been to done to promote members of staff as another strategy to improve equity in higher education institutions.

**Table 9:** Headcount of total number of staff according to personnel category in race  
and gender in the KZN higher education institutions in the year 2002

**Source:** Different institutional employment equity reports obtainable from S.A. Department of Labour

**Note:** data from Mangosuthu Technikon and DIT (Technikon Natal campus) was not available.

Table 9 reveals that white personnel numbers still dominates in higher education institutions, especially in the senior management positions. The underlying data show that

Personnel Category	Male				Female					Total
	A	C	I	W	Total	A	C	I	W	
Legislators / Senior Managers	23	3	47	50	123	11	2	10	16	39
Professionals	334	22	348	602	1306	241	25	172	423	861
Technicians & associate professionals	73	12	163	92	340	84	6	83	76	249
Clerks	192	4	197	18	411	343	54	340	316	1053
Service & Sales Workers	122	8	33	3	166	32	1	4	4	41
Craft/trades	18	3	28	7	56	2	0	0	0	2
Plant & machine	76	1	13	0	90	2	0	0	0	2
Elementary Occupations	171	4	210	16	401	105	4	144	12	265
Total Permanent	1009	57	1096	788	2893	820	92	753	847	2512
Non-permanent	121	22	438	745	1326	367	21	317	385	1090
Total	1130	79	1534	1533	4219	1187	113	1070	1232	3602

the overall male staff is still over-represented in the instruction/research category. The overall male instruction/research numbers were 1306 compared to 861 female academics. Not surprisingly, women still dominate in the lower ranks of the institutions' hierarchies.

This is evident where the number of the female clerks was double the number of male clerks (1053 female clerks compared to 411 male clerks).

Table 9 further reveals a growing number of non-permanent staff in higher education institutions, which suggests that though affirmative action and equity policies may be used in the pursuit of gender and racial equity, the creation of part-time and contract workers' posts are undermining the progress made through these policies at some levels. The creation of part-time and contract workers' positions further relegate women to the lower echelons of the institutional hierarchy. The institutional forums in higher education institutions were created to advise councils on issues affecting the institutions, including race and gender equity policies. In the following topic institutional forums will be briefly discussed

#### **4.6. INSTITUTIONAL FORUMS POLICY FRAMEWORKS**

Institutional forums were created in higher education institutions but the question arises whether they were created and recognised and whether they are functioning according to their roles as in terms of the *Higher Education Act*. The existence and smooth running of an institutional forum will automatically lead to the feasible implementation of the *Employment Equity Act*. This so because when one looks at section 31(1) (a) of the *Higher Education Act*, it spells out clearly the duties of the institutional forum, i.e. to advise the council on issues affecting the institution, including, (i) race and gender equity policies, the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research, and learning, etc.

The researcher will now comment on some responses made by some higher educational institutions about the existence and functioning of the institutional forum. The following is correspondence between the then Principal and Vice Chancellor of the university of X, and the Chairperson of the institutional forum of the university of X. One can see from it the resistance to, and the call for understanding of, co-operative governance. The

correspondence led to a special meeting of the Executive Council and the institutional forum, which confirmed that the institutional function was to advise Council on any matters affecting the institution.

Dear Dr X

When I noted that you have arrogated to yourself the right to communicate directly with the Chairperson of the Council I felt that I needed to write to you and draw your attention to a few important matters: Although you are the chairperson of the institutional forum, it does not mean that you are above the conditions of service and that you should do as you please. I do not remember receiving any communication from you on any matters you raised with the Chairperson of the Council. I assume what you did was not deliberate although it is not the first time you did this. Because it is not the first time you did this, I need to give you a warning and to ask you to desist from such conduct. If you do that again in future I shall be forced to take disciplinary action against you.....

Below is a response from the chairperson institutional forum from X University:

Dear Professor X

Thank for your letter dated \_ August.

In the first instance we must place the Act and Section 31 establishing the institutional forum, and our institution, in the context of the constitutionally based democracy of South Africa. The concept of the separation of powers is central to our, and all sound democratic states, and civil institutions within such states. This concept applies in the separation between the executive, legislative and judicial branches of our government. The purpose of the separation of powers is to ensure there are checks and balances in the system to counteract the tendency towards the one-sided, corrupt or dictatorial exercise of power. Separation does not mean conflict but balance. To perform its legalised purpose the institutional forum takes what necessary steps it deems fit to ensure that it is informed to the best of its ability so that it may advise council on issues affecting the institution.

We do not feel it correct that disciplinary action be brought against me for conducting my duties as chairperson of the institutional forum and at the same time I do not wish any

disrespect to you or your office. We are therefore referring your letter and this reply to the chairperson of council and the Minister of Education for their assistance in resolving the interpretation of the functions of the institutional forum, and my position as chairperson *visa a versa* my position as an employee of the university.

From the above correspondence it is clear from the researcher's point of view that the existence of institutional forums from the beginning was made this particular the university/technikon management uneasy. It was seen as an intruding on the power structure of the institution. Up to so far, out of 5 institutions visited, at least only one institution was unable to establish the IF as an advising structure to the Council on issues affecting the institution, including race and gender equity policies. If the requirements of HEA to establish legitimate IF in every public institution was followed adequately, the duty to implement employment equity should have been an easy exercise to do.

#### **4.7.1. SPECIFIC CHALLENGES FACING HIGHER EDUCATION INSTITUTIONS IN MANAGING EQUITY AND SUGGESTED SOLUTION TO THEM**

Challenges facing higher education institutions were evident in studies undertaken by Nadison (2001:82-85). To date no solution had been suggested to aid the above challenges. This study will therefore look at the existing and upcoming challenges and then provide suggested solutions to challenges.

Implementing employment equity in South African public and private sectors is on its own a big challenge. The EEA requires every designated employer to take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy and practice. According to section 43 of EEA, if an employer fails to comply by submitting an EEP within a specified period, he/she may write a letter requesting an extension. Failing this the Director-General may refer the matter to a Labour Court or a fine will be issued to the non-compliant employer.

The implementation of employment equity has been a challenging task due to a number of factors. One of the factors is that the distinctive nature of higher education institutions creates particular challenges for effective implementation of employment equity planning. Higher education institutions are complex organizations with hierarchical authority structures, each with a distinctive culture and barriers to equity. As a result the higher education institutions' mindsets were hierarchically structured. Subotzky (2001:82) states that other factors or barriers to equity in higher education institutions rest on two key conceptual distinctions. The first barrier is the distinction between (strict) equality and equity. Strict equality is a universal enlightenment notion of identity, upon which our human and constitutional rights as equal citizens and human beings are protected in law. Equity, on the other hand, rests on recognizing and addressing significant differences arising from unequal power relations. The second theoretical framework is between assimilationist and transformational models of social change. In the former, members of a designated groups are deemed responsible as individual agents to overcome barriers and to succeed within the status quo. The latter by contrast, implies that the discriminatory elements within institutional cultures and social practices must be eliminated and substituted with ones that affirmatively accommodate and advance marginalized groups and individuals. The researcher is of the opinion that the assimilation model led to the establishment of "tokenism", where it was "nice" to have a black person in a senior position as a symbol of compliance with affirmative action and the transformation process in higher education system.

According to Subotzky, 2001:36:

The stratification of broader society by race and gender is reproduced within the higher education occupation structure, within the various employment categories fields and disciplines, and by rank and qualification levels. Consequently, in order to identify where race, gender and disability groups are over- and under-represented within various categories, fields and levels, data must be analysed in highly disaggregated categories.

Given these patterns of race and gender stratification, the challenges for employment equity in the higher institute of education is not merely to correct race and gender imbalances, but to ensure that these balances are restored within higher ranks, fields, personnel categories where under-representation is evident. In addition, this study revealed that people with disabilities are the most thwarted group within the categories of higher education institutions (see table 3 in chapter 4 of this study). Therefore, within the stratification of gender and race, the disability category must also be the first on the list to be dealt with.

This study revealed that the patterns of stratification of gender and races varies between the HWUs and HDUs, and between historically advantaged technikons (HATs) and historically disadvantaged technikons (HDTs) and from one category to another. In HWUs and HATs women, blacks and disabled are still far from being represented within the professional and executive/managerial categories, whereas in HDUs and HDTs, black men are now fairly represented within the professional and senior position instructional/research categories. Ironically, women are in numbers within general and junior level of academic category but, very few in the senior and managerial/executive category. Disabled persons are not represented in either of these categories in all types of institutions. The following table depicts the above as shown in the study done by *SAPSE* as cited by Kabaki & Molteno (2001:24) in a study done pertaining the university staff.

**Table 10:** University staff by race and institutional type, 1999

		African		Coloured		Indian		White		Other		Total	
University type	Category	No	%	No	%	No	%	No	%	No	%	No	%
HAUs	Professional	374	5%	98	1%	215	3%	6760	91%	18	0%	7465	100%
	Non-Professional	4155	39%	1713	16%	442	4%	4214	40%	30	0%	10554	100%
	<b>Total HAUs</b>	<b>4529</b>	<b>25%</b>	<b>1811</b>	<b>10%</b>	<b>657</b>	<b>4%</b>	<b>10974</b>	<b>61%</b>	<b>48</b>	<b>0%</b>	<b>19019</b>	<b>100%</b>
HDUs	Professional	1775	58%	66	2%	122	4%	1113	36%	7	0%	3083	100%
	Non-Professional	4638	89%	56	1%	29	1%	487	95	2	0%	5212	100%
	<b>Total HDUs</b>	<b>6413</b>	<b>77%</b>	<b>122</b>	<b>1%</b>	<b>151</b>	<b>2%</b>	<b>1600</b>	<b>19%</b>	<b>9</b>	<b>0%</b>	<b>8295</b>	<b>100%</b>
Unisa	Professional	159	9%	16	1%	25	1%	1516	88%	0	0%	1716	100%
	Non-Professional	641	50%	22	2%	13	1%	613	48%	0	0%	1289	100%
	<b>Unisa Total</b>	<b>800</b>	<b>27%</b>	<b>38</b>	<b>1%</b>	<b>38</b>	<b>1%</b>	<b>2129</b>	<b>71%</b>	<b>0</b>	<b>0%</b>	<b>3005</b>	<b>100%</b>
	<b>Grand total</b>	<b>11742</b>	<b>40%</b>	<b>1971</b>	<b>7%</b>	<b>846</b>	<b>3%</b>	<b>14703</b>	<b>50%</b>	<b>57</b>	<b>0%</b>	<b>29319</b>	<b>100%</b>

**Source:** Kabaki & Molteno 2001:24. **Note:** No data available for UWC, UDW and Rhodes

Another big challenge faced by higher education institutions in implementing equity is the market competition for qualified candidates. The outflow from higher education of appropriately qualified and quality graduates in under-represented fields to private sectors exacerbate the situation within the education system. Without sufficient academic staff in the designated groups as role models and facilitators of student advancement, this flow remains constricted. Without improved schooling, particularly in mathematics and science, and resultant improved inflow of under-represented groups into the higher education system, the longer-term prospects for improved outflows remain limited. In addition, progress towards equity, where suitable candidates are available, depends on the existence of vacant post. In a climate of financial constraint, few new posts are being created. Most unfortunately, according to the researcher, even if these posts are created it is very unlikely that they are made to be permanent, rather contracts or part-time positions without fringe benefits are available.

In addition to this was the issue of work experience among the targeted groups. This study further revealed that targeted groups are unemployable due to lack of work experience and skills in certain areas of specialisation like engineering. In one of the institutions visited the researcher discovered that the institution set its target, but reality, the target groups lack even a month's experience. That made the process of equity static. However, there are many African males in specialisation such as engineering.

Another big challenge facing higher education institutions and any other employment sector is that the institutions have to respond to the growing HIV/Aids epidemic. Statistics reveal that the number of cases of HIV/Aids is overwhelming among youth of this country. In an attempt to fight HIV/Aids, most institutions have developed HIV/Aids committees.

Lastly, there is a need for HR practitioners to have a full knowledge and understanding of the legislative framework that surrounds their practices, and for them to be able to use and apply it proactively in the interests of employees and the institutions at large.

Specific challenges facing higher education can be briefly summarised as follows, but not limited:

- Promoting equity in employment practices.
- Empowering employees through skills development and training.
- Attracting, developing and retaining staff.
- Developing policies and practices in relation to HIV/AIDS.
- Developing recruitment and selection policies for new forms of employment such as short term academic contracts.
- Training in new labour laws and applications.
- Establishing of a central database on above.
- Investigating outsourcing practices (Subotzky 2001:38).

The following are some possible solutions and strategies shared by participants during the workshop led by Nadison (2001:75) and other solutions generated in this study:

- Embarking on highly consultative processes to buy-in stakeholders to equity practices.
- Identifying project managers within the existing staff. According to the researcher, the identified member must come from the pool of senior staff in addition, the appointed member must be quite knowledgeable about the institution's current culture, norms and standards. The equity manager must be someone who has a passion for this job.
- According to this study, the appointed manager must be completely relieved from his/her old duties so as to work effectively in his/her new appointment.
- This study further suggested that continuous training should be provided to the Equity Managers.
- Promoting Human Resources credibility through visibility – through fostering relationships with Deans, heads for departments, faculties and staff associations.

In conclusion, the above challenges can be solved bit by bit through co-operation between the policy makers and policy implementers and if this is done in the interests of all stakeholders in higher education institutions, and if the implementation of equity can be taken as a business strategy, not as another form of document to keep on shelves, or another report to be submitted to the Department of Labour.

#### **4.8. CONCLUSION**

Upon review of the interview transcripts it emerged that *Employment Equity Act (EEA)* strategies was recognised as another vehicle for managing employees fairly and equally. Out of four transcripts analysed, two institutions accepted the EEA and its strategies and two institutions interpreted EEA as another form of reverse discrimination against non-designated groups. From this study it appeared that in some institutions an attempt to implement an employment equity plan was attempted, but through lack of support from

certain individuals of non-designated groups and lack of management support, the plans died a natural death.

The study further revealed that a certain category of the designated groups were catered for in the recruitment plan, while one category of designated groups (disability) was not catered for. This category does not even exist on the system of the entire institution. There was no support system for these employees to date. In the very same interview it also appeared that this institution has no retention policy in place to retain skilled employees within the institution, “nothing is done to retain skilled employees in this institution.”

Little or no progress has been made in employing or promoting people from designated groups within the academic sector, particularly the most thwarted category, which is African women and people with disabilities. Furthermore, the study reveals that nothing has been done to retain well qualified and skilled Blacks, with the exception of one institution which has the Graduate Assistance Programme which aims at fastracking the promotions and advancement of designated groups and also to retain them.

It can be summarised that EEA strategies were recognised as another vehicle of managing employees fairly and equally. Out of four transcripts analysed, three institutions accepted the EEA and its strategies and two institutions interpreted EEA as another form of reverse discrimination against non-designated groups. It also that emerged in some institutions an attempt to an implement employment equity plan was attempted, but due to lack of support from certain individuals of non-designated groups and lack of management support, the plans never saw the light of day.

Upon review of *Employment Equity Plans* (EEP) documents, it emerged from one institution that AA policy strategies as legislated vehicle for diversity was supported at heart. This was further supported when the Principal and Vice Chancellor of this institution was a Chairman of the Employment Equity Forum (EEF). In another EEP that was analysed the Equity manager had not been relieved of her original duties in order to

attend to issues pertaining to EEA. furthermore, no budget was allocated for the employment equity office thus far.

Upon review of theme two (conducting of analysis) of the questionnaires it appeared that two institutions do cater for gender, race, and disability in their recruitment policies. Out of five institutions, two does not specifically cater for designated groups in their recruitment plans.

It further emerged that in the implementation of EEA, four institutions have objectives in mind, that is, to promote career paths and opportunities for all staff members in general and designated groups in particular, and to promote equal opportunities and fair treatment in employment, etc.

A certain category of the designated groups were catered for in the recruitment plan of institution number two, however, one category of designated groups which is disability was not catered for this category does not even exist on the system of the entire institution. It further appeared that their recruitment policy was too general and sketchy; it was meant to apply to anybody, without necessarily catering for the previously disadvantaged groups.

Institution number three and five had policies in place for both recruitment and retention of designated employees, while institution number four had no retention or recruitment policy in place which were meant to cater for people from designated groups.

Upon review of *Employment Equity Plan* document number one, it appeared that there is a relationship between institutional policies and national government policies. This was revealed in the document where it stated that in 1995 the Transformation Forum was installed and its recommendations included a commitment to affirmative action policy as basis for employment equity. In the very same year, an affirmative action policy was formulated at this institution to mark the beginning of a new dispensation with greater emphasis on redressing the effects of racial and gender discrimination in the workplace.

This was further verified in the interview transcript (number three) where the interviewee stated that they had both *Employment Equity Plan* and an affirmative action policy in place that is coupled with a retention policy designed especially for designated groups.

Upon review of the *Employment Equity Plan* document number two, it appeared that this institution is willing to align itself with the national government calling for diversity and equal opportunities in the workplace. In the document it stated, “ A broad range of policies, procedures and programmes are being developed and implemented to promote employment equity and diversity.

Upon review of *Employment Equity Plan* document number three, it appeared that reviewing of policies, procedures and working conditions of this institution was never touched. Stakeholders of this institution were prepared to do something but due to lack of support especially from top management, the implementation of the plan, which includes the reviewing of the human resources policies and practices, was never done. Furthermore there is no affirmative action policy in place as a first legislated step towards employment equity. Information from *Employment Equity Plan* document number three was verified in the interview with number two; the interviewee stated, “the problem in this institution is management, management does not support the *Employment Equity Act* at all despite, the plan being drawn up in 2000. Implementation is not taking place.”

Upon review of the transcript of interviewee number four, it emerged that there is no affirmative action policy or *Employment Equity Plan* in place. Existing policies, procedures and working conditions were never reviewed and workforce profiles were never analysed.

Lastly, upon review of transcript of interview number one, it emerged that both affirmative action policy and employment policies are in existence but there were many aspects that were put into those policies that were not followed and not applied; they are just on paper but not applied in practical situations. It also appeared that the *Employment Equity Plan* is in place though its progress is very very slow.

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1. INTRODUCTION**

This chapter provides a general overview of the findings of this study as discussed in the previous chapter. This chapter further provides general recommendations regarding the implementation of the *Employment Equity Act* in higher education institutions in KwaZulu Natal.

The primary aim of this study was to evaluate the implementation of the *Employment Equity Act* in the employment of academic staff in higher education institutions in KwaZulu Natal and to explore the relationship between the employment policies and gender, race and disability. The results will be employed to discuss the implementation of the employment equity plan in terms of gender, race and disability, the support upon these employment equity plans and the progress made so far.

Graphs and tables from the Results chapter will be referred to in order to elaborate upon findings of the results.

#### **5.2. A GENERAL OVERVIEW OF THE STUDY**

The implementation of the *Employment Equity Plan* is such an important and crucial exercise which must be carried out by all South African public and private sectors. The assigned Employment Equity managers should always bear in mind or be reminded that the enactment or introduction of the *Employment Equity Act* is as an interim measure to enable persons that were affected by the discriminatory policies of the past political system to access employment opportunities which would otherwise not have been accessible to them. This will in turn redress the disparities in employment, occupation and income which are the result of

apartheid and other discriminatory laws and practices. Once all South Africans people are broadly represented in the place of work, this will in turn promote economic development and efficiency in the workplace.

In chapter one of this study three critical questions were formulated and answered by means of questionnaires, semi-structured interviews and documentary analysis, and in this case *Employment Equity Plans* of the selected sample population. Critical question number one states: “ How do higher education institutions in KwaZulu Natal interpret the implementation of the *Employment Equity Act*?” Mixed feelings about the implementation of this Act were observed. For example, in one institution visited, the implementation of employment equity is viewed as another form of reverse discrimination, however, some institutions do support the implementation of employment equity and it is viewed as a legislated vehicle to address inequalities of the past. It further emerged that the non-implementation of the *Employment Equity Plans* in some higher education institutions were due to lack of support, mainly from management and at times from the non-designated group of individuals.

The second critical question states: “Is there a relationship between gender, race and disability and recruitment and retention policies and practices in the South African higher education institutions in KwaZulu Natal? The study revealed that out of five institutions visited, three had no retention policies in place for the designated groups. Two institutions appeared to have a good strategy to retain these people. These institutions placed designated groups into programmes which were meant to fast-track them in terms of being ready for promotions and advancements in their positions from one rank to another.

Some of the higher education institutions in KwaZulu Natal are not yet ready to review their institutional policies in order to commence the implementation of the *Employment Equity Act*.

The last critical question states: “What is the nature of the relationship between institutional policies and government policies on staff equity in higher education institutions in KwaZulu Natal? According to the EEA, all designated employers must, in order to achieve equity, analyse all existing policies, procedures, working conditions and staff profile. The study revealed that out of five institutions visited, three managed to do human resource audits but had not finished. This implies that some of the higher education institutions in KZN were not yet geared to implement the employment equity policy to address the effects of discrimination in order to achieve a diverse workforce in their institutions.

In this study emerging models of equity were outlined for higher education institutions. If these models were applied they would facilitate the implementation of employment equity process in higher education institutions.

Chapter two of this study outlines the background of transformation in higher education institutions in South Africa. It was noted that the present higher education institutions, especially historically disadvantaged institutions, had undergone a complete metamorphosis from “tribal colleges” that were established by the then government. When these institutions were created, they were based on racial considerations. Black students were not allowed to attend the historically advantaged institutions even if they were academically qualified and could afford to enrol there. The historically-disadvantaged institutions lacked autonomy and academic freedom. They were regarded more as outposts of the Department of “poor” Bantu Education. Black members of staff who decided to teach at these institutions had to contend with many difficulties and inconsistencies, simply because Black staff were seen as incapable of teaching in higher education institutions.

The study further examined behavioural policy tools which are used by the government to provide a framework to capture the behavioural attributes to the *Employment Equity Act* content that can be used to allow laws and regulations to

success. The combination of policy tools was employed through the change agents from higher education institutions in the implementation of the employment equity. For example, capacity tools were suggested to ensure that the target group of equity, in this case, African women and people with disabilities, receive proper training, education and resources to enable them to perform their duties effectively and with confidence. This chapter further outlined the need for employment equity in higher education institutions. It appears that though the student profile in higher education is now equitably represented in terms of numbers, the composition of staff still fails to reflect demographic realities of this country. Briefly, this chapter revealed that the bigger portion of the instruction/research staff is white with 64.4% followed by Africans with only 19.4%. Therefore, there is a great need for implanting equity in higher education institutions in KwaZulu Natal.

To address the inequalities of the past within higher education institutions, the Ministry of Education introduced an *Education White Paper 3* and *Higher Education Act of 1997* to deal with unfair discrimination in relation to access and equality of opportunities. In South Africa today, the challenge is to redress past inequalities and to transform higher education system to serve a new social order. The principle of equity requires fair opportunities both to enter higher education programmes and to succeed in them. Applying the principle of equity implies a critical identification of existing inequalities, which are product of policies, structures and practices, based on racial, gender, disability and other forms of discrimination.

The *Education White Paper 3* and *Higher Education Act* as central policies in higher education are viewed in this study as means of closing the gap that still exist between historically disadvantaged institutions and the historically advantaged institutions. Despite efforts to alleviate problems associated with the recruitment of designated groups in higher education institutions, problems still exist. African women, Blacks and disabled people are still underrepresented

within the academic staff. Furthermore, the *National Plan for Higher Education, 2001*, was introduced by the Ministry of Education. It outlines the framework and mechanisms for the implementation and realisation of the policy goals of the *Education White Paper 3*. Some of these goals were to plan the development of education and training system for the benefit of this country as a whole. The *National Plan for Higher Education* aimed at addressing every institution on their landscape, as the landscape was a product of the geo-political imagination of apartheid planners. The Plan, therefore, provides the strategic framework for re-engineering the higher education system, this includes, but not limited to size and shape of policy framework, financing and self-governance of these institutions.

In collecting data various instruments were used, and these include, questionnaires, semi-structured interviews and documentary analysis. The key informants in this study were Employment Equity managers of the selected institutions. In this study it was noted that Employment Equity managers work with the consultative forums.

Consultative forums, in this case, Employment Equity Forums, must be formed in higher education institutions to facilitate the issues of employment equity. In this study it appeared that some higher education institutions still don't have the Employment Equity Forums as a body which facilitate the issues of employment equity in the workplace. The major functions of the Employment Equity Forums are to formulate the employment equity policy, strategies and to monitor the implementation process. Figure 8 of chapter four in this study indicated that a low 33.3% of the respondents have the Employment Equity Forums in their institutions, while 38,9% of the respondents indicated that they don't have the Employment Equity Forums in place, and 27.8% of respondents were not sure. Employment Equity Forums must be formed by members from various stakeholders from every institution. A well-represented forum is a forum headed by a Senior Employment Equity manager (a member delegated by the top management of each institution, for example, Vice Principal: Administration)

T050176

over and above the existence of the Employment Equity manager. The duty of the Senior Employment Equity manager is to oversee the running of the employment equity issues and she/he is supposed to liaise directly with the Employment Equity manager of each institution. She/he will, in turn report any progress or failure of the forum back to management and other higher bodies of the institution. In this study it appeared that some institutions did not delegate or nominate a member from the top management to be part of the Employment Equity Forums. One institution in this study was a good example where the Principal and Vice Chancellor of this institution was a Chairman of the forum. No participation of the member from top management constitutes a first step in non-support on the work of the forum as a whole.

Section 13 of the *Employment Equity Act of 1998* further states that every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups. According to section 15 (1) of the *Employment Equity Act*, affirmative action measures are measures designed to ensure that suitably qualified people have equal employment opportunities and are equitably represented in all occupational categories and all levels in the workforce of a designated employer. This study revealed that not all higher education institutions in KwaZulu Natal have affirmative action policies and other reviewed employment policies in place as a means to achieve equity in the workplace. Upon review of the EEP document number 2 in the previous chapter it appeared that this particular institution is keen to align itself with the government calling for diversity, equal treatment and, above all, equal opportunities for all staff members. This particular institution had a broad range of policies, procedures and programmes which were being developed and implemented as a strategy to promote employment equity and diversity. In chapter four of this study it was revealed that 60% of the respondents had affirmative action policy as a legislated vehicle toward achieving employment equity, while the remaining 40% seem not to be yet ready to implement employment equity. However, it was noted that some of these institutions

perceived affirmative action as a legislated step towards achieving representivity of the demographics of the country and that of the KwaZulu Natal region. To achieve equity institutions must always put previously-disadvantaged people ahead of others whenever they are employing or promoting staff members.

The study further examines whether the Human Resources policies and procedures and working conditions were analysed in terms of employment equity. The study revealed that analyses were done but were not finished due to various reasons such, effect of institutional mergers and general lack of support and initiation from management. During the analysis of policies, procedures and working conditions, it appeared that though all the category of designated groups were affected, the people with disabilities were heavily affected. In one of the higher education institutions in question it appeared that people with disabilities are employed but their plight is not recognised in any of the university policies and they are not catered for in terms of their special needs as it is supposed to be. These institutions in KwaZulu Natal employed very fewer people with disabilities. For example, Mangosuthu Technikon had only one permanently disabled staff member in 2002. The highest number of disabled staff members are found at the university of Natal. (Check table 7 of this study for more information). It can be concluded that no progress has been made so far in terms of equity for people with disabilities. The second category of people who were affected was African women. On the instruction/research staff, most of the African female staff are found on the lowest ranks and they are mostly on contract. For example, one or two year renewable contracts. Some of these people had been employed for more than five years as contract employees they work without receiving fringe benefits for many years. Generally, gaps were found in every institution when the Human Resources audits were conducted. It was found that the Africans, as primary target of employment equity, were the worst underrepresented in terms of workforce profiles of these institutions.

Although the target group of employment equity were worst off in underrepresentation, it was noted that some improvements in terms of promotions had been taking place in various areas in higher education institutions in KwaZulu Natal. The University of Natal had the most number of promotions in terms of race and gender during the year 2002. Table 8 of this study revealed that more whites were promoted with 77 women and 63 males, followed by 54 Indians and 43 African males, and 44 Indian females and 30 African females respectively. The Total number of promotions at the University of Natal was 322 in 2002, followed by University of Durban Westville with 44 promotions to various positions of the institution. At the University of Durban Westville only 4 African males and 8 Indian males were promoted, while there were more white women promoted (22 promotions), followed by 7 Indian women, no Africans and no Coloureds. Promotions had occurred where possible, however, the target group for employment equity is still lagging behind when promotions and advancements are taking place in these higher education institutions. In KwaZulu Natal, little progress has been made so far in terms of achieving equity.

Furthermore, an attempt to achieve equity was done in these institutions in terms of employing more suitably people qualified from designated groups. A comparison was done for the year 2000 and 2002 intake of number of instruction/research staff in the KwaZulu Natal higher education institutions. Still the target of the employment equity group was not satisfactorily improved. At the University of Natal 41 African males were employed. This rose from 75 to 116 African lecturers while 40 African females were employed arise from 57 to 97 lecturers, compared to 74 Indian males and 65 Indian females employed in the same year. At this university there were 472 white male instruction staff compared to 351 white women instruction/research staff. More information is obtainable in table 6 of this study.

The number of staff according to personnel category in race and gender in the KwaZulu Natal higher education institutions in 2002 revealed that males still

dominate in terms of representivity. More white male legislators/senior officials are found at the top of the institutions' hierarchy followed by Indian males. In total 123 senior male officials are found in these institutions compared to only 39 female senior officials.

The *Employment Equity Act of 1998* is generally supported by the majority of staff members in higher education institutions in KwaZulu Natal. This was reflected in chapter four of this study. Such an overwhelming support (88.9%) from the staff members may ultimately convince management to see a need to implement and support the existence of the *Employment Equity Plans* in those higher education institutions which are still reluctant to implement the Employment Equity Plan. The implementation of the EEP is through the work of the consultative forums of each institution.

The data collected in this study managed to answer all the key questions or problems that are outlined in chapter one of the study. It can be concluded that discrepancies do exist between national government employment equity and their interpretation and implementation in higher education institutions. When we examine one aspect where the national government called upon every employment institution eight years ago to formulate an affirmative action policy as a legislated vehicle towards employment equity, it appeared that out of five institutions in KZN, two do not have this policy to date. It further appeared that out three institutions which have the policy, one has the policy in black and white but it was neither applied nor followed. Blacks, especially the primary targets of equity (African females and people with disability) are not equitably represented in all categories, and are worst off in the academic sector.

While in most historically disadvantaged institutions there was equity in terms of race, the representation of women was low. A strong patriarchal culture prevailed as reported in chapter four of this study. The segregation of gender figures

revealed that women are under-represented in senior and management positions, while over-represented in the non-professional category.

The national government introduced the *Employment Equity Act* in 1998 and institutions were expected to at least have this Act in place from year 2000. Out of five institutions two did not have the plan as yet. Furthermore in one institution it emerged that the EEP existed but certain individuals perceived it as another form of reverse discrimination, where section 6(1) of the EEA states, ‘no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.’”

### **5.3. RECOMMENDATIONS**

- Once the Employment Equity manager has been appointed or seconded she/he must immediately be relieved from his/her original duties so as to concentrate fully on employment equity issues.
- A Chairman or Senior Employment Equity manager must be nominated to be part of the Employment Equity Forum to oversee the running of the employment equity issues in each institution.
- Intensive awareness programmes on *Employment Equity Act* implications should be emphasized especially to line managers. *Employment Equity Plans* drawn must not be kept on shelves, but be communicated to everyone, especially the line managers.
- Employment Equity managers must receive appropriate training in order to deal with equity issues.

- Carefully considered Consultative Forums or Employment Equity Forums must be formed.
- Once these forums are in place they must consult with all stakeholders and unions in their respective institutions. Every member of the forum must endeavor to report to his or her constituency all matters arising in the meetings of the forum.
- A nominated outside consultant must be delegated by Labour department to do Human Resources audits at specific intervals to check whether institutions are moving towards the targets they have set themselves.
- Higher education institutions in KwaZulu Natal must adhere to reporting procedures as stipulated in section 21 of the *Employment Equity Act of 1998*.

## BIBLIOGRAPHY

- Behr, A.L.** 1987. South African universities today: Perceptions for a changing society. *SAJHE*. 1 (1): 3.
- Byfield, T.**1994. A woman academic pins down exactly what is at stake in the campus “gender war”. *Alberta Report/News magazine*. 21 (10): 1-2.
- Calleja, D.** 2001. Equity or else. *Canadian Business*. 74 (5): 28.
- Cassel, Herbert S.** 1994. *Developing microcomputer models for cost analysis and decision making*. London: McGraw.
- Central Statistical Services.** 1996. *Manufacturing statistics – products manufactured: Food, beverages and tobacco products*. Pretoria: Government printers.
- Cole, P.** 2002. Men, women and changing managements of further education. *Education journal for further and higher education*. 24 (2): 5.
- Committee of Technikons’ Principals (CTP).** [online]. [<http://www.technikons.co.za>].
- Crowley, B.L.** 1993. Does counting bodies add up to fairness. *Canadian business*. 66 (11): 71.
- Deglon, U.** 2002. The Optimi team specialising in employment for people with disabilities. *UCT Career Magazine*. 12 (1): 2.
- Department of Education (DoE).** 1998. Policy framework for quality assurance in education.

**Department of Labour.** 1999. [online]. [<http://www.polity.org.za/govdocs>.]

**De Villiers; B., Van Vuren; D.J. & Wiechers, M.** 1992. *Human rights: documents that pave the way*. Pretoria: HSRC.

**Dlamini, C.R.M.** 1995. The transformation of South African universities. *South African journal for higher education*. 9 (1): 42-43.

**Ferguson, G.A.** 1976. *Statistical analysis in psychology and education*. Kogakusha. Tokyo: McGraw-Hill.

**Fitzpatrick, J.; Secrest, J.; & Wright; Debra J.** 1998. *Secrets for a successful dissertation*. Calif: Thousands Oaks.

**George, C.; Pavlich, F.M.; Orkin & Richard C. Richardson.** 1995. Educational development in post-apartheid universities: framework for policy analysts. *SAJHE/SATHO*. 9 (1): 65.

**Gerber, P.D.; Nel, P.S. & van Dyk, P.S.** 1987. *Human resources management*. Southern Africa: International Thomson Publishing.

**Gerber, P.D.; Nel, P.S. & van Dyk, P.S.** 1999. *Human resources management*. Southern Africa: International Thomson Publishing.

**Govender, S.P.; Mnynaka, M. & Pillay, G.** 1991. *New generation history standard 10*. New generation publishers: Musgrave.

**Green Paper on new employment standards.** 1996. Department of Labour. SA.

**Hanke, J.E. & Reitsch, A.G.** 1991. *Understanding business statistics*. Homewood

Illnois: Irwin.

**Hartmann, H. & Whittaker, J.** 1997. The impact of social security reform on women –report. [online] <http://women.ky.gov/summit/hartmannbio.htm>

**Herholdt, M.** 1998. *Employment Equity in South Africa*. Cape Town: Prentice Hall S.A. (Pty)Ltd.

**Howell, C.** 2001. Employment Equity Act: Implications and challenges for higher education. Centre for higher education transformation (CHET). Sunnyside: CHET.

**Higher education research institute.** 1999.

**Human, L. & Bowmaker-Falconer, A.** 1992. Productivity: A “true” story. *People dynamics*, 10 (12) : 25.

<http://.users.iafrica.com/m/mw/mwkenn.Opinion/Legal/Overlap.html>

<http://www.sportsci.org/jour/0001/wghdeign,2000>.

[http://www.uwc.ac.za/Institutional Redress research project](http://www.uwc.ac.za/Institutional%20Redress%20research%20project)

<http://www.businessballs.com/adamsequitytheory.htm>

**Jackson, Susan E., and Schuler, Randall S.** 2000. *managing Human resources: A partnership perspective*. South Western College Publishing: USA.

**Kabaki, J. and Subotzky. G.** 2001. *Employment Equity Act: Implications and challenges for higher education*. Centre for higher education transformation (CHET). Sunnyside: CHET.

**Kabaki, J. and Molteno, F.** 2001. *Employment Equity Act: Implications and challenges for higher education*. Centre for higher education transformation (CHET). Sunnyside: CHET.

**Kerlinger, F.N.** 1992. *Foundation of behavioral research*. New York: HRW.

**McMillan, J.** 2001. Globalisation and higher education views from the South. *In:* KaBaki J. *The academic labour market: workplace changes within higher education: proceedings of the International conference held at the university Western Cape, March: Oxford university press*.

**Majola, N.T.** 1999. An investigation of the impact of transformation on academic staff development at the University of Natal. Social science dissertation.

**Makakane, M.E.** 2000. Training needs of affirmative action appointees. MBA dissertation. Cape Town.

**Maphai, V.** 1993. *South Africa: the challenge of change*. Harare: Sapes.

**Mason, R.D. & Lind, D.A.** 1990. *Statistical techniques in business and economics*. Homewood Illinois: Irwin.

**Meadows, D.** 1991. *The Global citizen, talks about changing the status quo*. Washington: Island Press.

**Millen, D.** 1997. *Some Methodological and epistemological issues raised by doing research on non-feminist women*. Washington: Island Press.

**Ministry of Education, National Plan for Higher Education**, March 2001:11.

**Molteno, F.** 2001. *Employment Equity Act: Implications and challenges for higher*

*education. Centre for higher education transformation (CHET).*  
Sunnyside: CHET.

**Nadison, D.** 2001. *Employment Equity Act: Implications and challenges for higher education. Centre for higher education transformation (CHET).*  
Sunnyside: CHET.

**Naidoo, M.; Potts, L. & Subotzky, G.** 2001. *Employment Equity Act: Implications and challenges for higher education. Centre for higher education transformation (CHET).* Sunnyside: CHET

**National Plan for Higher Education:** South Africa. 1997.

**National Research Foundation (NRF),** Thuthuka Programme. 2002.

**Neibauer, Alan R.** 1997. *Access 97 for busy people: the book to use when there's no time to Lose.* Osborne: Berkeley.

**Newell, S.** 1995. *The healthy organisation: Fairness, ethics and effectiveness management.* Biddles Ltd, Guildford and King's Lynn: New York.

**Nie, N.H.; Hull, C.H.; Jenkins, J.G.; Steinbrenner, K.; & Bent, D.H.** 1975. *SPSS: Statistical package for social sciences.* New York: McGraw-Hill Book company.

**Organisation for economic co-operation and development.** 1970. General report: conference on policies for educational growth.

**Pavlich, George C., Orkin, F.M., & Richardson, C.** 1995. Educational development in post-apartheid universities: framework for policy analysts. *South African Journal for Higher Education.* 9 (1): 65.

- Peacock, K.S.** 1992. South African universities: race and gender factors in employment patterns. Independent Education Developmental Agency, Johannesburg (unpublished by then).
- Pearce, G.J.** 1983. Affirmative action and the South African open universities. Masters degree dissertation University of Natal.
- Phelps, Mamba & Guma.**2001. Institutional forum newsletter – University of Zululand. *UZIF news & views*. 1.(1) :1. Available online [http://.www.uzulu.ac.za/admin/iframe/learn 1.html].
- Phillips, R.** 2002. Recruitment and retaining a diverse faculty. *Journal for planning for higher education*. 30 (4): 35.
- Phillips, R.** 2002. Recruitment and retaining a diverse faculty. *Planning for higher education*. 30. (4): 8.
- Pons, A. & McGregor, A.** 1994. *Making affirmative action work: An affirmative action strategy document*. Rivonia: S.P.A. Consultants.
- Rudestam, K.E. & Newton, R.R.** 1992. *Surviving your dissertation: A comprehensive guide to content and process*. Newbury Park, London: Sage Publications.
- Sarakinsky, M.** 1993. The case for affirmative action in higher education. *South African journal for higher education*. 7 (1): 6.
- Schermerhorn, J.R.; Hunt, James G, et al.** 1991. *Managing organizational behaviour*. United States of America: John Wiley & Sons. Inc.

- Schneider, A. and Ingram, H.** 1990. Behavioural assumptions of policy tools.  
*Journal of politics*. 52 (2): 155.
- Senge, P.** 1995. *Learning organisation*. United States of America: Eindhoven.
- South Africa. 1995. General Notice.** (Notice No. 1367 of 1998. Government Gazette.
- South Africa.1998. General Notice.** (Notice No. 7047 of 1998). Government Gazette. 22209. 20 April.
- South African Labour Relations Act no. 66 .1995 (LRA).**
- South Africa. Department of Education.**1997. *White Paper 3 on Higher Education transformation*. Pretoria. Government Printer.
- Subotzky, G.** 2001. *Employment Equity Act: Implications and challenges for higher education*. Centre for higher education transformation (CHET). Sunnyside: CHET.
- Subotzky, G.** 1999. Education policy unit. University of Western Cape. [online]  
[[http://www.uwc.ac.za/Institutional Redress Research Project](http://www.uwc.ac.za/Institutional%20Redress%20Research%20Project)]
- Thabane, M.** 2000. *Essays on aspects of the political economy of Lesotho*. Lesotho: Department of History, National University of Lesotho.
- Thomas, A & Robertshaw, D.** 1999. *Achieving Employment Equity: A guide to effective strategies*. Randburg: Knowledge Resources (Pty) Ltd.
- United States Department of Labour.** [online]  
[[http://www.dol.gov.dol/wb/public/wb\\_pubs/disabled.htm](http://www.dol.gov/dol/wb/public/wb_pubs/disabled.htm)]

**Visvanathan, N, Duggan, L, Nisonoff, L. & Wiegersma, N.**1997. *The women, gender and development reader*. ZED Books LTD: Cape Town.

**Waitley, D. & Witt Remi, L.** 1994. Human resource management, Investments and affirmative action. *IPM*, 10 (7): 2.

**Wegner, T.** 1995. *Applied business statistic: methods and applications*. Kenwyn, Cape Town: Juta & Co. Ltd.

**Williams, W.**1999. Gender-based Analysis: Will it make things better for women? *Network Fall*. 2 (4): 1.

**Wills, N.** 2003. Handbook of university policies & Procedures. [online].  
[<http://www.uq.edu.au/hupp>]

## **APPENDIX A**

### **THE QUESTIONNAIRE**

# **QUESTIONNAIRE**

**EVALUATION OF THE IMPLEMENTATION  
OF THE EMPLOYMENT EQUITY ACT IN  
HIGHER EDUCATION INSTITUTIONS IN  
KZN**

---

## QUESTIONNAIRE TO HIGHER EDUCATION INSTITUTION STAFF

---

### AIM OF THE INVESTIGATION

The aim of this investigation is to evaluate the implementation of the *Employment Equity Act* in the appointment and promotion of academic staff in higher education institutions in KwaZulu Natal.

### TO THE RESEARCH PARTICIPANT

This questionnaire is part of research project on employment equity in higher education institutions in KwaZulu Natal. I would like to request your assistance in completing the following questions. All information will be treated with confidentiality and will only be used for research purposes. Please do not put your name on any of the pages.

**Please complete the appropriate box by making with an X where applicable**

1. Institution    

UND		UDW		UNP		UniZul		DIT		Mantec	
-----	--	-----	--	-----	--	--------	--	-----	--	--------	--

2. Gender        

Male		Female	
------	--	--------	--

3. Race          

African		White		Indian		Coloured		Other	
---------	--	-------	--	--------	--	----------	--	-------	--

4. Age            

21-30yrs		31-40yrs		41-50yrs		51 and above	
----------	--	----------	--	----------	--	--------------	--

5. Disability     

Yes		No	
-----	--	----	--

6. Qualification	Std 8 & below		Matric		Diploma or Certificate		Degree		Masters		Phd	
------------------	---------------	--	--------	--	------------------------	--	--------	--	---------	--	-----	--

7. Level of appointment	Top Mgt		Snr Mgt		Mid Mgt	
-------------------------	---------	--	---------	--	---------	--

8. What is the length of service in your current position?	Below 3yrs		3-5yrs		6-8yrs		9-15yrs		Above 15yrs	
--	------------	--	--------	--	--------	--	---------	--	-------------	--

## THEME 1 – GENERAL QUESTIONS

Please complete the following questions that are applicable to you by making with an X

1. Does your institution have employment equity policy in place?  
 Yes                                      No                                      Not sure
2. Are you aware of the employment equity plan in your institution?  
Yes                      or                      No
3. If yes to the above, do you support it?                                      Yes                      or                      No
4. To what extent do you support it?  
 To a limited                      extent                      Totally committed to it                      I don't support it
5. Do you have a standing Employment Equity Forum/committee in place?  
 Yes                                      No                                      Not sure
6. Is the above committee recognized in your institution?  
 Yes                      No                                      Not sure
7. In implementing employment equity, did your institution engage in the following awareness strategies?
  - 7.1. Formal written communication to all stakeholders    Yes                      or                      No
  - 7.2. Summary of the Act displayed.                                      Yes                      or                      No
  - 7.3. Employment equity training programmes.                      Yes                      or                      No

- |   |     |    |    |
|---|-----|----|----|
| 7.4. Diversity Management programmes.     | Yes | or | No |
| 7.5. Discrimination awareness programmes. | Yes | or | No |
| 7.6. Don't know                           |     |    |    |
8. The following stakeholders were involved in the consultation process prior to the development of your employment equity plan:
- |  |     |    |    |
|--|-----|----|----|
| 8.1. Institutional Forum                     | Yes | or | No |
| 8.2. Consultative body or forum              | Yes | or | No |
| 8.3. Registered trade union/s                | Yes | or | No |
| 8.4. Faculty Board and Departmental meetings | Yes | or | No |
| 8.5. Don't know                              |     |    |    |

**THEME 2 – TO BE ANSWERED BY EMPLOYMENT EQUITY MANAGERS ONLY**

**Please answer the following by making with an X in the appropriate box.**

1. Has your institution aligned its employment equity plan with the national Employment Equity Act?  

Yes	No	Not sure
-----	----	----------
2. Is the equity forum able to advocate issues of equity on campus?  

	Yes	or No
--	-----	-------
3. Do you have an Affirmative action policy in place?  

	Yes	or No
--	-----	-------
4. How does your institution cater for gender, race and disability in its recruitment plan.  

By targeting designed groups when advertising posts?		
By targeting designated groups when short-listing candidates?		
By reserving posts for designated groups?		
A mixture of all of the above?		
Other (please specify) _____		
5. How successful are employment equity strategies of your institution?  

Moderately so	Average	Very successful	Don't know
---------------	---------	-----------------	------------

6. In implementing Employment Equity Act, one has objectives, which will guide the implementation of equity in your institution. Please tick (✓) those applicable to you below.

To promote openness and encourage inclusivity in the decision making process relating to employment equity

To eliminate all forms of direct and indirect discrimination in all employment policies and practice and working conditions.

To promote career paths and opportunities for all staff in general and designated groups in particular.

To promote equal opportunity and fair treatment in employment.

To utilize the process of affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure equitable representation in all occupational categories.

All of the above.

7. What outcomes have been achieved in terms of achieving equity with regard to black women academic staff and disabled academic staff? Please provide numbers or percentage below.

Number of disabled persons \_\_\_\_\_

Number of black women \_\_\_\_\_

8. Are timeframes of Employment Equity Act appropriate in achieving your objectives?

Yes                      No                      Not sure

9. If your answer is **No** to the above, which timeframe do you think would be appropriate in achieving your objectives?

6 Years                      8years                      Other (please specify)\_\_\_\_\_

10. In promoting the employment equity process, do line managers engage in the following process/es?

By ensuring that members of staff are fully informed about Equity Act.

By actively promoting objectives of the employment equity plan

By developing strategic plans for their departments  
By developing skills development plans for their departments.  
By identifying skills gaps of staff and record appropriate training.  
All of the above

11. In doing analysis of employment policies, practices, procedures and working conditions in your institution the main aim was to:

Identify any barriers that may contribute to the under-representation or under-utilization of employees from the designated groups?

Identify other employment conditions that may adversely affect designated groups?

Identify practices that positively promote employment equity and diversity in the workplace?

Mixture of all of the above?

Other

(please specify) \_\_\_\_\_

Kindly provide me with a copy of your employment equity plan and/or report.

***Thank you so much for your time and co-operation!!!!!!!***

---

**APPENDIX B**

**QUESTIONS FOR INTERVIEWS**

## Questions for interviews

### *Introduction - why the plan/report for employment equity?*

Driven by inequalities in employment patterns and practices with respect to an access to employment, training, promotion and equitable remuneration especially for black people, women and people with disabilities and the visible lack spontaneous employment equity, government has put in place legislation, that is, EEA to foster and promote sound and fair workplace practices which will correct the imbalances of the past and to create a workforce which reflects the demographic of our country.

### Theme 1 - General questions

1. Does your institution have EE policy in place?  
Yes      or      No
2. Does your institution have an equity forum / committee in place?  
Yes      or      No
3. Does your institution have an AA policy in place?  
Yes      or      No

### Theme 2 : Conducting of analysis

1.      What process was used to develop an EE plan?

According to EEA, the Equity managers should conduct analysis of the existing workforce profile, analysis of employment policies, procedures and practices as a first step to develop the EE plan.

2. As equity manager of this institution, have you done analysis of your existing workforce profile?
3. What were significant findings which informed your EE plan?
4. Have you also conducted an analysis of your employment policies (recruitment, selection, etc), procedures and practices?
5. What were significant findings which informed your EE plan?

The purpose of the analysis is to identify any possible barriers that may contribute to the lack of affirmation of diversity in the workplace, and to identify practices/factors that positively promote employment equity & diversity in the workplace.

6. What progress has been made to meet the objectives with reference to academic staff?
7. What challenges emerged during the implementation of the plan with reference to academic staff?

8. Are there any factors identified that positively promote employment equity & diversity in the workplace with reference to academic staff?

Furthermore, purpose of analysis of employment policies, etc, is to identify any barriers that may contribute to the under-representation and under-utilization of employees. For instance, you might have a person working as a secretary while according to his qualification he qualifies and willing to be a lecturer.

9. Have you identified such a situation? And what you have done in an attempt to correct that situation?

### Theme 3 : Numerical goals

According the EEA, numerical goals should be developed for the appointment and promotion of people from designated groups.

1. Are there any necessary appointments that have been made which were designed to target academic staff from designated groups?  
Yes or No
2. How many people from designated groups had been employed as part of the plan?
3. How many women (in terms of African, Indians, Coloureds, Whites, etc)?
4. How many disabled persons?

5. Apart from employment of people from designated groups, are there any necessary promotions that have been made which were designed to promote people from designated groups?
6. How many people had been promoted so far?

#### Theme 4

A good plan does not cause or result in unfairness. It does not look upon the rights of non-designated groups. For example, it cannot require the dismissal of a non-designated groups and their replacements with designated employees, nor it can create an absolute barrier to the advancement of non-designated groups.

1. How has EEA impacted on the selection and retention of non-designated academic staff?
2. What strategies have been used to retain designated groups academic staff?

Thank so much for allowing me to take your time to interview you. I really appreciate. A copy of the dissertation will be available to you on request.

=====