

**HR PRACTITIONERS' PERCEPTIONS OF THE IMPLEMENTATION OF EQUAL EMPLOYMENT
PROVISION UNDER A SELECTED SUBDIVISION OF THE SA LABOUR LEGISLATION**

ANDREA KIM VAN HEERDEN

Thesis presented in partial fulfilment of the requirements for the degree of Master of
Commerce in Industrial Psychology at the University of the Western Cape



**UNIVERSITY of the
WESTERN CAPE**

Supervisor: Prof. Bright Mahembe

Department of Industrial Psychology

November 2022

PLAGARISM DECLARATION

Hereby I, Andrea Kim Van Heerden, declare that *HR Practitioners perceptions of the implementation of equal employment provision under a selected subdivision of SA labour legislation* is my own original work and that all sources have been accurately reported and acknowledged, and that this document has not previously in its entirety or in part been submitted at any university in order to obtain an academic qualification.

I understand that if any part of this declaration is found to be false, I shall receive no marks for this assignment and that I will not be allowed to complete this module and that charges will be levied against me for plagiarism before the Central Disciplinary Committee of the University.

Student Number:

3330255

Initials and Surname:

Miss Andrea Kim Van Heerden

Signature: 



Date: November 2022

ACKNOWLEDGEMENT

I would like to extend my gratitude and appreciation to the following people, without whom this study would not have been possible:

Prof. Bright Mahembe, my supervisor, for his patience both as a supervisor and as head of the department in the completion of this dissertation.

Dr. Jeremiah Machingambi, for his quick response, unwavering kindness and assistance with all areas related to the thesis. You helped me complete a project in two months that has taken me three years,

All the participants in this study, as without your sacrifice and contribution none of this would be done.

My fellow students motivated me to complete this dissertation and provided me with guidance through this process.

My partner Wade, who motivated me when it seemed like the project had no end in sight, I will be forever grateful.

My closest friends who remained positive and supporting of this endeavour throughout even through the times of self-doubt and frustration - you were all instrumental in the determination to finish.

My mother, Gayour for ensuring that I received quality education throughout my schooling career and sacrificed everything she had to make me the success I am today – I will never be able to repay you but I am proud to dedicate this dissertation to you.

My late father who laid the foundation for my perseverance and undoubtedly would be my biggest inspiration in accomplishing all my goals.

ABSTRACT

Affirmative action was an initiative created by the government in an attempt to readdress the imbalances of the past in response to the discrimination of “non-whites”. The discrimination faced by the designated “non-whites” referred to the limited access to jobs, facilities and education opportunities to mention a few. It is this setting of discrimination that created the setting for the racially charged society of today. However, while Affirmative action has been proclaimed as a method of restoring the equilibrium to previously disadvantaged groups, it has not been met with the enthusiasm envisioned by policymakers. Thus, the aim of this study is to delve into the real life application of affirmative action from the perspective of human resource professionals within the current employment market. The study adopted the Interpretivism research paradigm, wherein primary data was collected using the qualitative design. Five respondents were chosen for the study through the convenience sampling technique. The data collection process utilised a semi-structured in-depth interview, which was accompanied by an interview guide created beforehand by the researcher. The sample encompassed five participants who were human resource professionals in Cape Town with varying degrees of experience, qualifications and job grades. The findings revealed that affirmative action is perceived in the workplace by the following concepts: tokenism, affirmative action is hard work and costly target based recruitment. The study also identified various barriers to affirmative action initiatives: education gaps, lack of adequate facilities, ignorance towards diversity, lack of progressive legislation, resistance from management, vague legislation and special time sensitive vacancies. According to the respondents, the role of human resources in the employment equity space relates to ensuring compliance, providing guidance and critically analysing skills development and employment equity. The conclusion, therefore, is that if organisations in South Africa remain abreast of all barriers to employment equity there is a possibility of shedding light on the grey areas in legislation, however it is clear that all organisations require support by creators of legislation and investigations into developing the legislation needs to be launched. The recommendations that emerged from this study involved a revision of current legislation to adapt to current labour landscape, more diversity training throughout organisations and ensuring skills development is a big priority for all.

Keywords: *Affirmative action, legislation, on-whites, initiative, discrimination, employment equity, tokenism, previously disadvantaged, skills development, national economically active population*

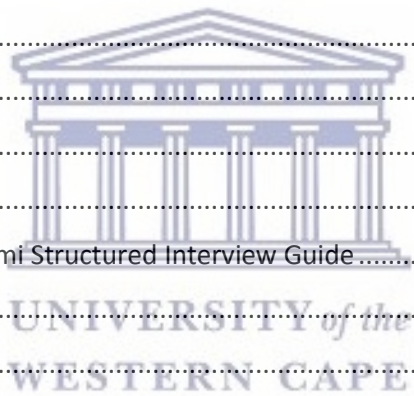


Table of Contents

LIST OF TABLES	viii
LIST OF FIGURES	ix
LIST OF ABBREVIATIONS	x
CHAPTER I	1
INTRODUCTION AND BACKGROUND OF THE STUDY	1
1.1 Introduction	1
1.2 Background of the research study	1
1.3. Statement of the problem	2
1.4. Research Questions	2
1.5. Research objectives	2
1.5A Main research objective	2
1.5B Specific research objectives	3
1.6 Significance of the research	3
1.7. Scope of the research	4
1.8. Preliminary literature review and Bronfenbrenner’s framework	4
1.9. Ethical considerations of the research	4
1.10. Concluding remarks	5
CHAPTER II	6
LITERATURE REVIEW	6
2.1 Introduction	6
2.2. The history behind Affirmative Action	6
2.2.1 The Australian Experience	7
2.2.2 The American Experience	8
2.3 What is Affirmative action and its intent?	9
2.4 Legislation for Equal Employment	9
2.4.1 Labour relations Act No 66 of 1995	9
2.4.2 Basic Conditions of Employment Act	11
2.4.3 Employment Equity Act	12
2.4.4 Occupational Health and Safety Act	12
2.4.5 Compensation for Occupational Injuries and Diseases Act	12
2.5 Steps for Employment Equity	13
2.6 Defining Affirmative Action	15



2.7 The responsibilities of the employer	17
2.8. The reverse racism debate.....	17
2.8.1 The Opponents of Affirmative action	18
2.8.2 The Supporters of Affirmative Action	19
2.9 Affirmative action within the Human Resource function	20
2.9.1 AA within Recruitment.....	20
2.9.2 AA within the Training and Skills Development Framework	21
2.9.3 AA within Compensation	22
2.10 Bronfenbrenner’s theory of ecology.....	22
2.11 Conclusion.....	25
CHAPTER III	26
RESEARCH METHODOLOGY	26
3.0. Introduction	26
3.1 Research Philosophy	26
3.2 Research Approach	26
3.3 Research Design.....	27
3.4. Population and Sampling	28
3.5. Sampling Strategy	28
3.6. Data Collection.....	30
3.6.1. Research Instrument: Semi Structured Interview Guide	30
3.6.2. Data Collection Process.....	31
3.6.3 Data Analysis.....	31
3.6.4 Trustworthiness and Credibility.....	32
3.7. Ethical Consideration	33
3.8. Summary of Chapter	35
CHAPTER IV	36
ANALYSIS AND RESULTS.....	36
4.0 INTRODUCTION.....	36
4.1 DEMOGRAPHIC DATA	36
4.2 CROSS CASE ANALYSIS	37
4.2.1 HR PROFESSIONALS’ PERCEPTIONS OF AFFIRMATIVE ACTION.....	38
4.2.1.1 Tokenism.....	38
4.2.1.2 EE is a quick fix	39
4.2.1.3 AA is hard work and costly.....	40



4.2.1.4 Target based recruitment	41
4.2.2 WHAT ARE THE ISSUES YOU FACE WITH IMPLEMENTING AFFIRMATIVE ACTION EFFECTIVELY?	42
4.2.2.1 Education gaps	42
4.2.2.2 Lack of adequate facilities.....	42
4.2.2.3 Ignorance towards diversity	43
4.2.2.4 Lack of progressive legislation	44
4.2.2.5 Resistance from management	44
4.2.2.6 Vague legislation and guidelines.....	45
4.2.2.7 Special skills and time sensitive vacancies.....	46
4.2.3 WHAT IS THE ROLE OF HUMAN RESOURCES WITHIN THE AFFIRMATIVE ACTION SPECTRUM?.....	47
4.2.3.1 Ensure Compliance	47
4.2.3.2 Provide guidance.....	48
4.2.3.4 EE creates a conversation	50
4.2.3.5 Equality across all spectrums	51
4.2.3.6 Creates opportunity to develop staff.....	51
4.3 CONCLUSION.....	52
CHAPTER V	54
DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS	54
5.0 INTRODUCTION.....	54
5.1 SUMMARY OF FINDINGS & DISCUSSION	54
5.1.1 HR PROFESSIONALS’ PERCEPTIONS OF AFFIRMATIVE ACTION.....	54
5.1.2 Barriers to implementation	56
5.1.3 Role of human resources within Employment equity	60
5.2 IMPLICATIONS TO THEORY	62
5.3 IMPLICATION TO HUMAN RESOURCE PRACTICES	63
5.4 LIMITATIONS TO THE STUDY.....	64
5.5 RECOMMENDATIONS.....	65
5.6 CONCLUSION.....	65
REFERENCES	67
APPENDIX A INTERVIEW SCHEDULE.....	72
ETHICAL CLEARANCE CERTIFICATE.....	75



LIST OF TABLES

Table 4.1	Participants demographics	44
-----------	---------------------------	----



LIST OF FIGURES

Figure 2.1	Steps to Affirmative Action	27
Figure 2.2	Bronfenbrenner's theory of development in the wellbeing of employees	33



LIST OF ABBREVIATIONS

BBBEE	Broad Based Black Economic Empowerment
NEAP	National economically active population
AA	Affirmative Action
EE	Employment Equity
EOC	Employment Opportunity Commission



CHAPTER I

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

The concept of Affirmative action based on the Employment Equity Act, of 1998 (Act 55 of 1998) is not solely used with reference to the South African landscape but is known as a concept that can be related to the American employment landscape. According to Machan (1988), President John F. Kennedy coined the term “affirmative action” during an order created called the Executive order 10925, which led to the formulation of the Employment Opportunity Commission (EOC), which created the framework for introducing the incentive for contractors to utilise affirmative action to address the discrimination faced by designated groups. This incentive had to be implemented within the full spectrum of employee engagement from recruitment to engagement and ultimately employee retention. Thus, the importance of creating formalised legislation to guide employers as they navigate the labour environment.

Because one of the defining features of the South African labour market is the availability and access to quality education, it is important to ascertain what the appropriate action would be with regards to creating equal opportunity for all.

1.2 Background of the research study

The initial subjects of the research were students, as the aim was to determine their perception of the mechanisms used for creating equal opportunity within the workplace they met. Upon further examination, It was decided to open the study to all individuals in the human resource function, as the information given from various levels can provide a varying perspective and it would be beneficial to receive the information about disparities from active professionals who have a background of the academic understanding of human resources by virtue of having received a qualification from an academic institution. It is also through using employees at different levels that one can

determine the level of knowledge sharing occurring within a human resource department. This research is important, as the majority of the research done is quantitative and does not delve into the subjective experience of the practitioners across the human resource function, which can provide some insight into the deficiencies with legislation, issues of implementation and provide opportunities for development of current laws. The idea for this research came from my experience as a student interacting in the workplace and discovering that the legislation is not put into effect in every organisation and that the true meaning for all initiatives implemented is not truly understood or supported by employees. Thus creating a quest to discover the opinions of those who are the custodians and seen as the communication to the business, to determine their feelings on the mandates written at a political level and how it fits into the employment landscape today.

1.3. Statement of the problem

The perception of Affirmative Action amongst human resource (HR) practitioners was examined to determine the effectiveness of the programmes implemented and investigate the undesired outcomes of the initiatives. Whilst determining suitable adjustments to the types of programmes currently implemented.

1.4. Research Questions

1. What are HR professionals' perceptions of Affirmative action at the workplace?
2. What are the issues you face with implementing affirmative action effectively?
3. What is the role of human resources within the Affirmative action spectrum?

1.5. Research objectives

- To determine if affirmative action is creating a perception of equality in the workplace.
- To determine the unintended outcomes of implementing affirmative action.
- To make recommendations regarding interventions to ensure equality.

1.5A Main research objective

To determine the perception of affirmative action amongst human resource practitioners at a retailer in Cape Town.

1.5B Specific research objectives

- To determine the difficulties with implementation of employment equity and affirmative action initiatives
- To determine the purpose of employment equity.
- To determine the perceptions of human resource professionals in relation to affirmative action in the workplace
- To determine what the role of human resources is in the employment equity spectrum

1.6 Significance of the research

The research would be beneficial, as it would allow organisations to develop techniques/programmes to assist in the employment equity plans. It would be informative to employers, as it would educate them on the possible techniques at their disposal and the consequences of not developing an effective technique to manage the implementation of the initiative. The central objective of this study is to determine employees' perceptions of fairness of the procedures used to implement employment equity within the retail industry in South Africa.

This research will be adding to a body of knowledge that currently exists by providing a deeper understanding of the quantitative data interpreted by other authors who have taken affirmative action and made the analysis from the point of job satisfaction models and perceived fairness by way job inequality or dissonance. This study provides deeper knowledge related to the perceptions of the very professionals in charge of spearheading these EE campaigns in line with legislation. According to Van Wyk (2002), it is vital to understand the perceptions of EE within the workplace and how these impact on the implementation of programs, as they are proponents adding to the success of the business. And while South Africa has created a platform for development of transformative structures created to be eradicate social practices and attitudes that have formed as a result of previous oppressive regimes, there is still a long road ahead to provide an equal playing field for individuals across the spectrum. Lastly, it will help organisations to understand the link between effective communication, applied legislation and employee perception.

1.7. Scope of the research

When determining the scope of the research delineation and delimitation will be considered. In terms of delineation, the boundary is all the human resource managers within a sector.

1.8. Preliminary literature review and Bronfenbrenner's framework

The research was supported by the Bronfenbrenner's theory of ecology which showed the developmental cycle of adults and their perception pertaining to Employment equity and affirmative action. In particular, the Employment Equity Act which denotes the requirements imposed by legislation in addition to the initiative which examine organisations' contribution towards aspects linked to the development of designated group. Both of these segments of legislation will help provide the foundation for exploring the perception of the initiative.

1.9. Ethical considerations of the research

This research study considered the following ethical concerns namely Confidentiality, Informed consent. These two ethical concerns addressed the broader issues such as the extent of harm inflicted on participants, ensuring informed consent by participants, the degree of privacy and the extent of deception experienced. When addressing informed consent, participants were informed of the nature of the research, the aim of the study and were informed of any deception/non-disclosure after the research has been conducted. Participants were informed of individuals who have access to their results; they were be allowed to participate under anonymity and could receive access to the final paper upon request. All participant documents /recordings were secured with restricted access and participants were not asked to divulge any information which would compromise their anonymity and adversely affect the individual. The measure utilised was developed in order to minimise the impact on the participant, participants were asked in a follow up meeting if they suffered any adverse impacts

based on the participation in the research and professionals will be recommended based on the severity of the effect.

1.10. Concluding remarks

This chapter illustrates the importance of utilising effective techniques to achieve strategic goals; specific mention has been made to the theoretical framework created to support the creation of equilibrium within the workforce. It is from this frame work that the development of perception is understood and was utilised to make inferences about the topic based on the subjective experience of the participants. Therefore, the aim of this study was to determine the perception of affirmative action amongst human resource practitioners at a retail company within the Western Cape.



CHAPTER II

LITERATURE REVIEW

2.1 Introduction

The previous section provided the rationale for conducting this study through defining the objectives of the studying. The following section will delve into the legislation that focuses on ensuring employment equity with specific focus on the affirmative action initiative. It also presents the views of both supporters and opponents of the initiative in an attempt to provide a balanced perspective upon which to base the research. In South Africa, in order to gain or maintain a competitive advantage within the workplace, organisations are tasked with finding innovative ways to implement EE strategies without creating negative perceptions amongst employees and focusing on diminishing barriers that challenge the success of EE procedures.

2.2. The history behind Affirmative Action

Affirmative action was established as a means to rectify the irregularities caused by the Apartheid system implemented by the government from 1948 until 1994. The Apartheid system created racial classifications namely White, Coloured, Asian/Indian or Black and based on these classifications allocated benefits and rights to members of each group with White individuals receiving preference (Boddy-Evans, 2008). Affirmative action and the policies that stem therefrom are widely known within the South African context but have application within global settings as well.

Lederer (2013) postulates that two well-known treaties serve as examples of temporary measures of affirmative action namely the Convention on the Elimination of All forms of racial discrimination (CERD) and the Convention on the Elimination of All forms of discrimination against women (CEDAW). These treaties are international and serve as the framework for measures designed globally. The main drawback inherent in these treaties, however, is the lack of a deadline for the achievement of equity which makes judging the treaties and the subsequent initiatives for effectiveness difficult.

According to Herholdt and Marx (1999), in America, Affirmative action was created with the intention of promoting the advancement of African Americans and was later developed to encompass other minorities such as American-Indians, Hispanics, Asians, women and the disabled. In both South Africa and America the minority groups (in particular the members of the black/African American) represent a large part of the population which could make providing opportunities of advancement daunting.

Employment equity has applications across various countries across the world many of which share the same frustrations experienced within the South African context and can also aim to provide a guide for areas of success for integrating the framework into the labour landscape.

2.2.1 The Australian Experience

Australia can be described as a melting pot of cultures and ethnicities since 1945 where a population of 22 million people had a staggering 44% of its inhabitants being born outside of the country or having a parent who immigrated (Australian Government, 2011). The policies and principles implemented by the government contained the core focus of employment equity legislation but were promoted as principles that promote inclusion with the saying “a fair go for all” which is a popular phrase referring to an equal opportunity for all. A focus was put on developing equality for women in particular as the Affirmative Action (Equal Opportunity for Women) Act was introduced in August 1986. According to Strachan and Burgess (2000), the Act defines Affirmative action as appropriate action to remove discrimination by the employer against women and encompasses the actions taken to promote equality for women in the workplace.

This Act further required all organisations with a headcount of more than 100 employees in the private sector to implement these initiatives. However, a guideline which consisted of 8 steps that had business analysis at the core was given to organisations to assist.

The framework for a plan of development was given to organisations and based on the analysis specific strategies were developed. Issues within this method of imposing AA is that less frequent reporting was expected from organisations deemed as submitting “good” reports (Strachan, 1987). This in itself could create an incentive to submit exaggerated reports to avoid the annual reporting requirement. In addition, as in South Africa the penalty for non-compliance is lax as within the Australian landscape non-compliance was merely published to parliament. The issue with this being that employment equity is seen as a marketing ploy instead of an intrinsic system for development and equality within the organisation.

2.2.2 The American Experience

The significance of Affirmative action within an American context is important to note as it is the origin of the need for equal footing within the labour market having coined the term initially.

Herholdt and Marx (1999) postulates America has a similar classification system as South Africa with the difference being terminology, within an American context Black and Coloured people are referred to as African-Americans with the exception being made if one of the two groups has heritage stemming from Latin roots or other cultures. Thus, minority groups who have experienced the brunt of discrimination can be African Americans, Asian people and members of Latin heritage.

The key points that can be deduced from each global perspective are summarised by Boikhutso (2004) as follows: education affects the quality of opportunities that previously disadvantaged groups experience therefore it is not merely enough to employ members from those groups but also to uplift the offspring of those employees in order to create an equal playing field. Secondly, in order to ensure improved effectiveness training and development should have a unique approach for the individuals that it is intended to uplift; many members of previously disadvantaged groups do not share the same colloquialisms and concept framework as educated white individuals. Lastly, managerial buy-in and the perceptions of white employees will need to be addressed in order to avoid the ostracisation of members of previously disadvantaged groups.

2.3 What is Affirmative action and its intent?

Affirmative action is an ever-changing concept which creates difficulty in defining the true definition of the concept as the employment landscape changes to encompass the various new genders or discoveries of barriers not previously identified.

Bruno (1998) states that the meaning of affirmative action has developed over time as it started as measures to correct previous discrimination but currently is equated to targets set for the recruitment of individuals from previously disadvantaged groups. However, one can accept the understanding that Affirmative action is rooted in developing those who were denied access to education as well as training and higher paying jobs. Affirmative action is seen as the intentional action of allocating a portion of jobs in the workplace to a group that is not well represented. This term is implemented to focus on showing preference to groups based on concepts like gender, ethnicity, skin colour, social class or disability who have experienced inequality due to these traits (Premdas, 2016). A key point that is often forgotten in the definition of Affirmative action is "suitably qualified", as the importance of the Act has developed with targets creating a barrier for non-compliant organisations to receive funding/tenders, the competency of the individual has lost its merit. Bendix (2001) states that AA is the intent of placing and or developing a competent or partially competent individual into a role that they were previously exempt from occupying as a means of rectifying the previous discrimination and hardships experienced, with the intent of creating a workforce that represents the population. This statement highlights the importance not only of the individual being competent but also the need for development should the person not be at the desired skill level in order to occupy the role.

2.4 Legislation for Equal Employment

There are various pieces of legislation that govern the relationship between employers and employees and create a framework for equality within the labour market. These pieces of legislation will be discussed below.

2.4.1 Labour relations Act No 66 of 1995

This act came into effect in 1996 as per the definition seeks to create equilibrium between international competitiveness and protecting the interests of workers with

accomplishing stated goals and the principle of reconstruction and development programme of the government of National Unity (Gerber, Nel & Van Dyk, 1998). According to the Labour Relations Act (1995), the intent behind this section of legislation is as follows:

- “to give effect to and regulate the fundamental rights conferred by section 27 of the Constitution, including the right to fair labour practices, to form and join trade unions and employer’s organisations, to organise and bargain collectively, and to strike and lock out.
- To provide a framework for regulating the relationship between employees and their unions on the one hand, and employers and their organisations on the other hand. At the same time it also encourages employers and employees to regulate relations between themselves.
- To promote orderly collective bargaining, collective bargaining at sectoral level, employee participation in decision-making in the workplace and the effective resolution of labour disputes.”

Cillié (2020) stated that according to the world Competitiveness report of 2017/8, South Africa is ranked as having the worst labour-employee relations in the world indicative of the low levels of trust between employees and employers. This is largely due to a history of mistrust and inability to cultivate and retain talent. Cillié (2020) further gives the following guidelines for managing the labour relations aspect of the relationship:”

- ✓ Realising the potential value of conflict;
- ✓ Dealing with conflicts as soon as they register themselves;
- ✓ Learning how to have difficult conversations;
- ✓ Keep employees, both individually and collectively engaged and informed;
- ✓ Developing an organisational conflict management strategy;
- ✓ Promoting conflict literacy;
- ✓ Measuring conflict management styles;
- ✓ Building conflict management skills;
- ✓ Developing team working approaches;
- ✓ Creating options for conflict resolution through internal grievance procedures that provide for ‘loop-back’ to collaborative processes for resolution such as internal mediation; and

- ✓ Embedding a new conflict management culture.”

Talukdar (2022) supported this view by stating that employee relations can be seen as the efforts exerted by employers in creating a good relationship with their employees. Furthermore, it is paramount to the continued success of the business and subsequent growth, which contributes to the overall experience of employees.

This Act in essence can be seen as a guideline for how issues related to the employment relationship will be handled therefore affording both parties some means of having equal rights while remaining mindful of the dynamics of the employment relationship.

2.4.2 Basic Conditions of Employment Act

This piece of legislation, as the name suggests, describes the entitlements encompassed in the employment and creates a guideline for employers to follow as the minimum or the basics when it comes to the employees leave/ hours of work and other benefits. In contrast this Act allows for employers to be protected in terms of the standard of working hours / requirements for leave to be taken, the compensation for the types of hours worked, and leave owed to employees.

Specht (2021) states that The Basic Conditions of Employment Act of 1997 was created with the goal of ensuring fair labour practices were free from exploitation and fair for all. The BCEA as it is known stems from section 23 of the constitution and relays the employment conditions with reference to leave/working hours/terminations and many more.

“The purpose of this Act is to advance economic development and social justice by:

- Giving effect to and regulating the right to fair labour practices as outlined in the Constitution
- Establishing and enforcing basic conditions of employment
- Regulating the variation of the basic conditions of employment
- Giving effect to obligations incurred by the Republic as a member state of the International Labour Organisation” (Specht, 2021)

2.4.3 Employment Equity Act

Archibong and Adejumo (2013) state that the Employment Equity Act No 55 of 1998 was passed with the intent of bridging the gap between disadvantaged groups and access to education and skills. There have been developments within the Act based on issues that have arisen, a formidable one being HIV/AIDS and the stigma surrounding this disease. This Act has since been amended to encompass the reporting required by small and medium enterprises for the purposes of meeting Affirmative action targets (Department of Labour, 2006). This reporting is encouraged as businesses who are compliant are given the opportunity to bid for tenders and create business relationships not only with government sectors but also with large businesses within the industry.

2.4.4 Occupational Health and Safety Act

As mentioned above illnesses play a large role in the dynamic of the employment relationship as illnesses affect the ability of the employee to potentially function at maximised capacity. Illnesses can also affect the livelihood of the employee. It is based on this notion that the Occupational Health and Safety Act 85 of 1993 was passed with the following purpose:

- “providing safety and ensuring health of people at work especially those who use machinery
- providing protection to all against hazards connected to the activities conducted by employees
- to create a council for occupational health & safety” (Department of labour,1993)

Thus this legislation seeks to provide for the protection of all who enter the business be it employees/clients or anyone who interacts with those who deal with plants and machinery.

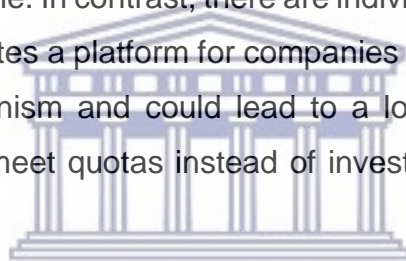
2.4.5 Compensation for Occupational Injuries and Diseases Act

The Compensation for Occupational Injuries and Diseases Act (COIDA) created a compensation fund from which injured employees can gain compensation for occupational injuries or diseases contracted within the workplace. This Act is free from

liability regarding the cause of injury/disease as employees are compensated regardless of if said injury/disease was as a result of negligence at the hands of either the employee or employer. Employers are required to contribute towards the fund by means of assessments and are thus tasked with ensuring that the analyses conducted by health and safety departments are done continually to ensure limited risk for incidents at work. It is also the responsibility of the employer to ensure training regarding safety procedures and machine usage is conducted as preventative measures.

2.5 Steps for Employment Equity

There are varying opinions regarding the effectiveness of EE, according to Vavi (2004) “EE is fundamental to eradicating the discrimination associated with gender and social class that exists within the workplace. In addition, Human (1996) has supported this statement by stating that employment equity is essential for the stability and success of the country on a global scale. In contrast, there are individuals who are of the opinion that employment equity creates a platform for companies to employ techniques which create a perception of tokenism and could lead to a lower quality of work due to employers simply trying to meet quotas instead of investing in the suitably qualified people (Maritz, 2002).



UNIVERSITY of the
WESTERN CAPE

One of the most fundamental mechanisms for change is arguably the Employment Equity Act (EEA) No. 55 of 1998. The Act was created to be a catalyst of change in a society shaped by the historical imbalances as a result of Apartheid. It is important to consider that these historical imbalances did not only disadvantage the population that existed in the timeframe of the apartheid regime but rather had a detrimental effect on the generations that followed. An issue that remains prevalent in South Africa is the gap that exists regarding equal opportunities within the workplace for members of designated groups. The Employment Equity Act No 55 of 1998, was created with the purpose of addressing these inequalities as a result of apartheid. The Act was created with the following intention to promote and achieve equitable employment opportunity and secondly create an environment that assists in fostering participation from members of designated groups. According to the Employment Equity Report as per the government gazette the aim is promoting equitable treatment through eliminating

unfair discrimination. In addition to the implementation of affirmative action measures assists in achieving the following objectives:

- a. Promoting equal and fair treatment in employment through the elimination of unfair discrimination;
- b. Implementing affirmative action measures to redress the disadvantages in employment experienced by Designated Groups or Previously Disadvantaged individuals (Employment Equity Report).

According to Abella (1984) the issue in achieving equity is not due to a lack of effort exerted by members of designated groups but rather due to the formulation of structures that are unable to be conquered without the interventions.

According to Day (2010), the employment equity life cycle is a framework that was adapted from the project management discipline in order to ensure a smooth implementation. This cycle is characterised by five steps which will be detailed below:

STAGE 1: Enabling Environment

- i. A strategy is designed based on the current organisational climate and standing and it is this strategy that guides stakeholders. It also sets the numerical parameters for the organisation.
- ii. Design an employment equity policy for authority structure and create reporting lines for progress. It is imperative that this policy assigns accountability for implementation and warns stakeholders about the consequences of non-compliance.
- iii. Create the structures for consultation and define the amount of times consultations will take place.

STAGE 2: Employment Equity Planning

This stage is characterised by the following activities:

- a. Examination of policies, current practices and staff profile;
- b. Determining the barriers to achieving employment equity;
- c. Designing the Affirmative Action measures;

- d. Setting Numerical goals.

STAGE 3: Implementation

This stage is characterised by the implementation activities, which consists of:

- a. Communication and training of all stakeholders;
- b. Implementing the designed affirmative action measures;
- c. Change management activities.

STAGE 4: Monitoring

It is essential to note that this step is crucial as this cycle is:

- a. Implementation of affirmative action measures;
- b. Achievements of numerical goals;
- c. The transformation maturity of the organisation;
- d. Procedural and substantive compliance



STAGE 5: Review

This review provides the conclusion to the cycle, however, it is an iterative process thus there is always improvements to be made whether it be due to new legislation or a change in the composition of the workforce. It encompasses the following:

- a. Transformation strategy;
- b. Employment equity compliance;
- c. Director-General (DG) review;
- d. Department of Labour inspections;
- e. Progress against employment equity plan
- f. Employment equity arrangements and resources.

2.6 Defining Affirmative Action

According to Human, Bluen and Davies (1999), the following guidelines should provide both the definition and the intended implementation of affirmative action:

- ✓ It is a method of generating equal employment opportunities.
- ✓ The proportions of the workforce should be considered with specific reference to the qualified labour pool.
- ✓ The concept of Affirmative action should not be linked to the quotas set in place by legislation.

Wingrove (1993) postulates that the origin of “affirmative action” is rooted within the American culture first introduced by President Kennedy in 1961, however it was only brought into legislation in 1965. Its origins date back to Universal Declaration of Human Rights which was articulated in the 1940s by the International Labour Organisation, which proposed that every individual has the right to pursue his/her material well-being and spiritual development irrespective of his/her race, colour, sex or any other factors.

The Employment Equity Act 55 of 1998 defines affirmative action as all actions designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are represented in equal proportions across all occupational categories. Thus, Affirmative action is a systematic approach to creating equilibrium in the workforce with special attention to being made to provide opportunities to designated groups who had limited access to quality education and employment opportunities. It is this limitation in access to these opportunities that has created a “gap” in the workforce as members of designated groups do not meet the minimum requirements for higher-level positions and lack the exposure to the working world has stunted their ability to advance within the corporate structure.

Kahlenberg (1996) mentions the issue of cultural values within the workforce as an important factor as black people have been stereotyped as “poor” or subordinates thus reducing the perception of the ability to effectively govern decision making. Wingrove (1993) elaborates by stating that even in the event that black individuals are appointed in a position of power, the decisions are orchestrated without their involvement.

The Employment Equity Act 55 of 1998 has highlighted the importance of promoting equal opportunity for employment and equitable treatment within the employment situation. The Act has also illustrated the use of affirmative action as a method of redressing the discrimination as experienced by designated groups in order to ensure a proportionate workforce comprising of the members of the designated groups (South Africa, 1998). According to South Africa (1998) these designated groups are classified in the Act as “Blacks (including Africans, Coloured (mixed race) and Indians), women and people with disabilities”.

2.7 The responsibilities of the employer

The legislation that governs the Affirmative action initiative namely the Employment Equity Act has set guidelines to ensure that employers fulfil their legislative requirements. According to Burger and Jafta (2010), the first course of action for an employer would be having consultation with the employees and their respective trade unions to open the flow of communication. Thereafter an audit needs to be conducted on the current policies in the workplace with a view to identify any barriers to employment or development of members from previously disadvantaged groups. It should also identify whether the various designated groups are equally represented in the workforce. Furthermore Burger and Jafta (2010), state that the outcomes of such an investigation needs to have a detailed plan regarding corrective actions which are timeline bound, the results thereof are required to be submitted to the Department of Employment and Labour. According to Bezuidenhout, Bischoff, Buhlungu and Lewins (2008), designated employers are divided into two groups based on their reporting requirements: businesses with lower than 150 have to submit their reports every two years in contrast, businesses with an excess will be required to submit a report each year. In order to ensure compliance with the legislation, the Department of labour reserves the right to have enterprises investigated on site to determine the accuracy of the submitted reports.

2.8. The reverse racism debate

As with all legislation, Affirmative action has been met with both critics and supporters of the initiative. Due to the complex nature of this particular piece of legislation, it is important to consider a holistic view of the topic. Thus contrasting opinions of

Affirmative Action will be explored below. First the opposing views of Affirmative action will be explored and thereafter the views of supporters of the initiative will be discussed.

2.8.1 The Opponents of Affirmative action

One of the main arguments in opposition to AA initiatives pertains to the lack of development of the members of designated groups. According to Rankchumise, Netswera and Meyer (2001), the candidates selected through targeted AA lack empowerment and adequate training in order to successfully execute the work outcomes expected by the organisation. Another issue stated by the authors, is the resistance faced by AA candidates from previously advantaged individuals (Whites) which in turn evolved into demotivation by White individuals.

McWhirter (1996) states that the selection of designated individuals to simply meet a quota or target as set by legislation results in a stigmatisation regarding the selection, promotion and development of individuals selected with the affirmative action in mind. Thus creating a pressing need for implementing the initiatives effectively.

One of the main criticisms of AA relates to the perception that it is an initiative that rewards individuals based on demographical factors such as gender, race etc. Which result in a lack of compensatory justice as individuals are not selected on their ability. Another issue would be the discrimination faced by White males who are held accountable for the actions of their ancestors thus punishing members who never benefited from the discrimination of the past (Poovalingam, 1995).

Critics further state that membership to a designated group does not warrant preferential treatment as personal injury should be demonstrated. As harmony amongst race utilising AA will not ensure groups rather it will result in hostility as deprivation experienced by white individuals can only be attributed to the colour of their skin. Furthermore, a perception amongst critics is that Affirmative action, results in a lowering of the standards within the workplace as employees are placed in positions just meet quotas created by government.

Lastly, Van der Aardt (1994) states that members of designated groups can get a position without utilising their maximum potential. Quain (2019) also states that affirmative action can have a negative perception in the workplace of being labelled as reverse racism. Therefore, the ideology is that assistance from the government replaces the internal drive by candidates.

2.8.2 The Supporters of Affirmative Action

Leonard (1985) states that Affirmative action was created to involve the members of designated groups back into society through encouraging active participation. The reintroduction of the previously disadvantaged members into institutions like government will help advocate for tolerance for diversity within the country. In support of this Gaille (2017) postulate that affirmative action stop homogenous thinking and limits hire like me bias as members of management are forced to hire employees outside of their race. Affirmative Action is a means of allowing the youth of previously disadvantaged groups to see members of their own race in authority and in respected positions thus restoring the morale lost during Apartheid and encouraging aspirations among the youth (Ezorsky, 1991).

Affirmative action also as previously mentioned is the most effective way to achieve equality for members of designated groups thus affording them the opportunities that they would never have had previously. Davis (2021) supports this by stating that members from previously disadvantaged groups had systematic barriers that limited access to certain fields due to means and opportunities thus affirmative action acts a technique to abolish this. Lastly, in response to AA being likened to reverse racism, Rosenfeld (1991) had the following to say “justice as revisable reciprocity” which refers to the fact that it is through placing the previously advantaged in the shoes of the previously disadvantaged will they truly feel empathy and perhaps understand the true meaning of Affirmative Action. Swanepoel, Erasmus, Van Wyk and Schenk (2000) highlighted the fact that laws can require organisations to hire and promote historically disadvantaged individuals but the law cannot remove societal barriers arising from people’s attitudes.

2.9 Affirmative action within the Human Resource function

Affirmative action and all employment legislation are at the heart of the human resource function with principles being applied to recruitment, training and skills development and compensation. Swanepoel, Erasmus, Van Wyk and Schenk (2000) summarised the process of affirmative action implementation as per the diagram below:

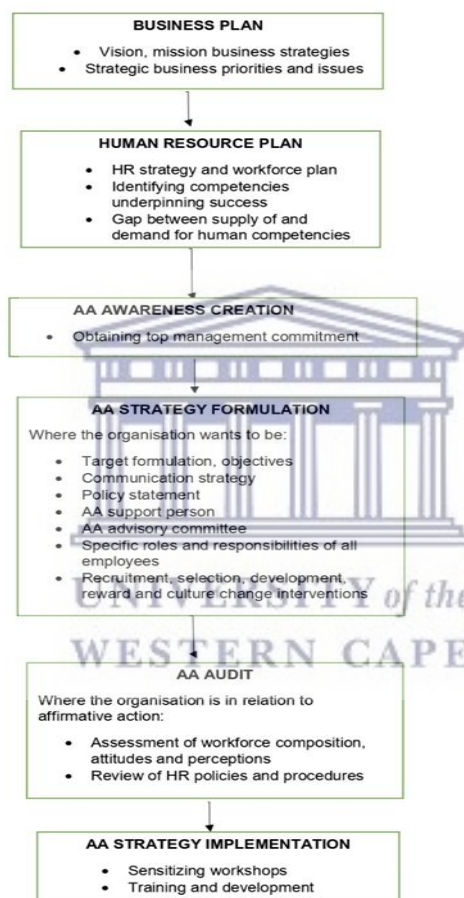


Figure 1: Steps to Implementing Affirmative action Initiatives

2.9.1 AA within Recruitment

Affirmative action within the recruitment, selection and promotion element of the Human resource function refers to the enterprise making an active effort to select

suitably qualified individuals for vacant positions and as a priority for promotions (Rasila, 2021)

Durc (2017) lists the three important components of the scorecard as: Skills Development, Ownership and Enterprise Development. The Human resource portion of the BBBEE scorecard in this aspect also entails the training component in addition to the amount of “black” employees that are employed by the organisation at the end of learning opportunities like learnerships and bursaries. The headcount portion of the card does not merely refer to the amount of designated employees but also the levels of management that they encompass in relation to the ownership aspect.

2.9.2 AA within the Training and Skills Development Framework

Within the human resource scope, training and development is at the forefront of Affirmative action as it relates directly to affording the previously disadvantaged members of society access to learning and growth opportunities that they otherwise would have had limited or no access to under previous legislation. Dekker (2004) states the skills development section for the balanced scorecard accounts for 15% and the expenditure of the organisation in relation to skills development is measured in this sector.

According to Geldenhuys (2021), the Skills development Levies Act urges all employers irrespective of size, to contribute to the training and development of their employees and contribute 1% of their payroll amount to the relevant SETA. However, organisations can claim back this expenditure through the submission of the SETA stipulated documents even if the organisation does not contribute to the Skills Development Levy. Furthermore, Thulo (2022) ascertained that it is through SETAs that organisations can also learn about opportunities for industry based bursaries/funding opportunities for which businesses can claim back the funds upon completion of said programmes by employees. This is by means of a discretionary grant while mandatory grants can be claimed through the submission of an Annual Training Report (ATR) and Workplace Skills Plan (WSP). As a result, this provides

dual benefits for the business as the expenditure can be claimed back and the initiatives are counted as part of the scorecard/employment equity plan submitted.

2.9.3 AA within Compensation

Affirmative action within compensation just refers to there be equal remuneration for employees within the same roles irrespective of race/gender or any other classifying traits.

Decenzo and Robbins (2004) state whether salaries of the lowest remunerated employees are pegged at the lowest living level or not, the gender/race should not be a measuring factor in the determination of remuneration. It is even through union negotiations that some conversation is created regarding the request for adjustments in respect to cost of living/productivity. Furthermore, Ebrahim (2018) supports this through stating that the Employment equity Act was amended to include the provision for remuneration and provided the following criteria for unfair wage discrimination : if employees are not receiving equal pay for the same work, substantively the same work or work that has the same value. It is this point stated by the above authors that reiterates that remuneration should be based on calculations that are free of discrimination and that unions are a means of starting conversations for equality.

2.10 Bronfenbrenner's theory of ecology

In this study it is particularly important to understand the schematics of perception and how they are informed by outside influences, no theoretical framework is more appropriate than Bronfenbrenner's theory of ecology when dissecting the realms of social and external influence. This theory delves into the development from child to adult which is important as perceptions are often times as a result of parental teachings and observations.

Bronfenbrenner was instrumental in the 1970s for his development of a theoretical framework which he dubbed as "an ecological model of human development" which delves into the fit between an individual and their environment (Bronfenbrenner, 1975). The development of the individual is based on the compatibility with their environment, Bronfenbrenner went on to expand on this theory by stating that four spheres exist

within an individual's environment. These spheres are known as the (1) Micro, (2) Meso, (3) Exo and (4) Macro spheres which range from the small perspectives to the large societal perspectives.

Renn and Arnold (2003) define the spheres as the following:

- ✓ “Microsystem: Made up of the groups that have direct contact with the individual i.e. home/workplace/school.
- ✓ Mesosystem: The relationships between the groups from the first system i.e. home and work/ home and peers.
- ✓ Exosystem: Factors that affect an individual’s life but the elements of this system don’t have a direct relationship with the individual.
- ✓ Macrosystem: Contains those cultural elements that affect the individual and everyone around them i.e. laws/regulations and norms”

This model serves as a means of understanding why an individual has certain opinions and understandings of concepts of fairness and historical injustices that can form the basis of perceptions cultivated into adulthood.

In application to the workplace the sphere of influence can be described as follows:

- ✓ Individual spheres are defined by personal knowledge, skills, behaviours and attitudes
- ✓ Interpersonal spheres are defined by attitudes and behaviours of employers, co-workers, family members, peers and service providers.
- ✓ Organisational spheres are defined by organisational practices, policies, norms and standards.
- ✓ Macro sphere are defined by an external environment which comprises of structures, systems and cultural norms

It is through this application of the model that the importance of individual development plays an important role in the development of the members of the workforce. Bone (2015) created the following diagram to illustrate the role that Bronfenbrenner’s theory of development plays in the wellbeing of employees (Figure 2)

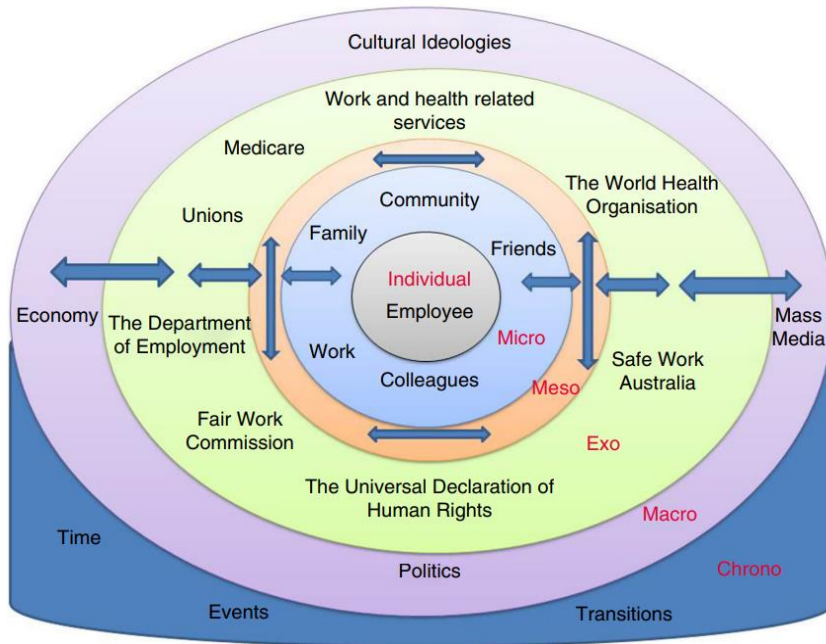


Figure 2: Bronfenbrenner’s theory of ecology in application to employee welfare.

Bone (2015) further states that the employee is at the centre of the Bio-ecological theory being influenced by the environmental landscapes like the workplace, home, community and broader society. Which can shed light on how people have created their perceptions of the topic at hand, parents of employees could have been members of previously disadvantaged groups and as a result created generational resentment for those non-designated employees in positions of management/ownership. Micro settings as depicted above relate to the employee within home/workplace and describe the setting in which perceptions can be formed which can be vastly different even if the environment is the same.

Bronfenbrenner’s theory of development highlights how historical influences, parents and education are factors that can influence the employee’s perception upon entering the work environment, however, that perception grows in depth and richness through interacting with the workplace and the elements within. Thus policies related to equal employment, human resource practises aimed at improving diversity, processes of initiating this strategic alignments can all either exacerbate an employee’s current

perception of the surrounding if it is negative or vastly improve it based on the foundation of development.

2.11 Conclusion

This chapter focused on describing the existing literature on the topic of employment equity and further provided context into the related term, Affirmative action. The legislation related to equal employment by means of the EE Act, Labour Relations Act, Basic Conditions of Employment, Compensation Act, Occupational Health and Safety Act in addition to the role of human resources in ensuring equality. The literature review provided gave an international perspective in addition to the arguments in favour of affirmative action and those against affirmative action. This chapter also discussed the importance of understanding development by utilising Bronfenbrenner's theory of ecology, which described the various elements related to development and subsequent perception of the workplace and the environment within.



CHAPTER III

RESEARCH METHODOLOGY

3.0. Introduction

This study aims to examine the perceptions of human resource practitioners in reference to the implementation of equal employment provision under a selected subdivision of SA labour legislation namely the Employment Equity Act and its policies related to Affirmative Action. This chapter outlines the research methodology and design utilised in the study. The population and sample upon which the study is based will be discussed in addition to the data collection and analysis methods employed by the researcher. Lastly, the ethical considerations for the study are examined.

3.1 Research Philosophy

Business Bliss Consultants (2018) refer to a research philosophy as a set of beliefs and practices that govern the investigation within a subject of interest by providing a lenses and processes in order to conduct the study. This study was qualitative in nature and focused on the subjective experiences of participants, which can be classified as Interpretivism as it examines perceptions, which vary across individuals. Polit and Beck (2008) support this through the idea that each person interprets the phenomena of interest through different lens, which are based on their own views. This philosophy was selected as the study focused on the subjective experiences about the topic under investigation and sought to explore perceptions and feelings. It was done through extensive interviewing without any manipulation of the environment or feelings of the participants.

3.2 Research Approach

The qualitative approach was deemed as the most suitable for this study as it allowed for rich information to be collected regarding the participants' feelings and attitudes towards the subject matter and thereafter analysed to create a thematic analysis upon which the findings were based. A qualitative approach is one whereby a researcher focuses on gaining an in-depth and detailed view on the subject matter being studied

(Patton, 1990). A qualitative approach is best suited for this study as it allows for a flexible means of eliciting responses from participants in order to gain a deeper understanding of the phenomena. This approach is also iterative in nature which allows for probing questions to be asked based on the responses of employees. It is through this approach that the researcher allowed participants to elaborate on their answers without having limitations on the response of the participants.

3.3 Research Design

The research design that was selected for this study was qualitative in nature. An exploratory and descriptive research design was selected for this study. An exploratory design is necessary when a researcher is breaking new ground in an identified field. When this design is applied it brings new insights into the topic being researched (Rubin & Babbie, 2014). Exploratory research as key to the study as various literature had been published regarding the stigmas of affirmative action but there was limited exploration into the practical implications and the struggles experienced by the individuals responsible for ensuring the compliance. Incorporating an exploratory approach allowed for the natural formation of themes within the study.

This design was selected due to the need to gain a holistic view on the subjective views of human resource practitioners within the retail sector. The study not only focused on the current mechanisms used for compliance with the Affirmative Action policy but also elaborated on the difficulties associated with its implementation. In addition to the various stigmas attached to the legislation and how the mechanisms are communicated to members of the organisation. According to De Vaus (2001), a good description is the core to any research process, as it develops the body of knowledge related to the shape and nature of a society. Through this study the challenges encountered by human resource practitioners when implementing equal employment initiatives were described with reference to their experiences. Both a descriptive and an exploratory research design were selected in order to provide sufficient rich information from the human resource practitioners due to the limited research available on the challenges they experience when implementing such a key piece of legislation within the organisation. The combination of both research designs provided the participants the opportunity to elaborate on the description of the experiences which provided richer information and the natural progression of additional themes

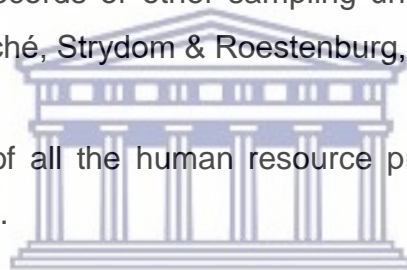
relating to the subject matter. The study was also essential as it allowed for the participants to compare legislation with the practical application of compliance and to determine how close the alignment is.

3.4. Population and Sampling

The population comprised of 15 human resource practitioners working in the Western Cape in Cape Town region in the year 2020. The practitioners ranged from administrators to the heads of human resources, all depending on the availability of the participants.

Polit and Hungler (1999) state that a population is best defined as all subjects that conform to a set of characteristics, resulting in an entire group of persons that is of interest to the researcher and to whom the research results can be used to make generalisations about. In other words, it is the “totality of persons, events, organisational units, case records or other sampling units with which the research problem is concerned” (Fouché, Strydom & Roestenburg, 2021).

The population comprised of all the human resource practitioners within the retail sector within the Cape Town.



UNIVERSITY of the
WESTERN CAPE

3.5. Sampling Strategy

Due to time and resource constraints, it was decided that 5 participants would be selected to provide insight into the subject under examination in order to avoid data saturation. The time constraints for the research project also contributed to a limited amount of participants. These five participants would come from four retailers within the Western Cape. Due to the current pandemic fewer organisations are operating from office spaces with many employees opting to work from home given the current COVID 19 health regulations and the ability to perform effectively off site as a result employees are known to struggle with accomplishing work life balance leaving limited time to partake in research endeavours. Another consideration was the limited time frame as the ethical clearance was obtained within the four year of the programme resulting in a narrower timeline for both the recruiting of willing participants and the analysis of the detailed interviews that were held. As a result a lower sample was used with a recommendation for future studies to expand on the body of knowledge.

Krathwohl (1997) as well as Fouché, Strydom and Roestenburg (2021) define sampling as a process in which the researcher is able to survey a smaller part of the population depicted for the study enabling the researcher to draw conclusions about the larger population. There are two types of sampling methods known as probability and non-probability sampling. The types of sampling are characterised by the method in which participants are selected, taking into consideration what the aim of selection will be, will it be the participants that are convenient for the researcher? Or do participants have to meet a certain criteria in order to be used in the research. It is important to note that the amount of resources available to the researcher, the nature of the study and the aim of the research, largely inform the means of sampling selected.

Non-probability sampling was utilised in the study, with convenience sampling being the non-probability method of choice with specified criteria. This type of sampling is described as a means of disqualifying individuals who do not meet the criteria as defined by the researcher with an emphasis on ease of access to the participant. According to Saunders, Lewis and Thornhill (2019), the probability of each case selected from the target population is not known. McCombes (2022) describes convenience sampling as simply inclusive of the individuals who happen to be most accessible to the researcher.



Non-probability sampling was selected as the participants needed to fit a set of criterion specified by the researcher and have ease of accessibility for gathering the sample. In this study, only human resource practitioners who had experience with recruitment or employment equity within the Cape Town region were selected for this study. All five respondents had to have sufficient knowledge of their equal employment initiatives employed by the business in order to provide powerful insights to the phenomena.

Etikan, Musa and Alkassim (2016) define purposive sampling as the data collected contributing to the theoretical framework of the study. The researcher must be critical of the participants selected as they need to contribute to the study through either their knowledge or experience. This means of sampling is tailored for qualitative research

as it assists in the identification of rich information sources to ensure that resources are optimised.

3.6. Data Collection

Data collection is a considered a methodical process of gathering interpretations or measurements. Irrespective of the nature of the study, data collection creates opportunities to gain first-hand knowledge and form original insights into the phenomena under examination. Data collection is guided by three main segments the aim of the research, the type of data collected and the methodology used to collect, store and process the data (Bhandari, 2022). Kabir (2016) states that the aim for all data collection is to collect quality evidence that then is converted to rich data for analysis and permits the creation of a credible answer to questions that have been posed by the researcher.

The data was collected using a semi structured interview guide. Therefore, the idea was to create a semi structured interview in which the core aims would be addressed while allowing the participants to elaborate thereby exploring more themes in the process. The researcher interviewed five participants who were employed in the retail sector, at various levels from human resource administrators to senior level human resource managers. The main condition being that the participant had to have knowledge or have worked within the recruitment process. Participants also needed to have knowledge of the employment equity policies and initiatives put in place to ensure compliance. The interviews lasted between 30-60 minutes and were conducted face to face where possible but in the event that the participant was unable to, telephonic interviews were conducted.

3.6.1. Research Instrument: Semi Structured Interview Guide

According to Adams (2015), a semi structured interview is defined as a method of data collection whereby the data collection is conducted conversationally with each participant by asking a series of open and close ended questions with prompts should the answer be lacking depth. The interview guide included as Appendix A was used to guide the flow of the interview ensuring that the aims of the study are addressed while leaving enough flexibility for elaboration and the development of natural themes.

The interview guide contains open ended questions and gave the participants the ability to elaborate and provided prompts for question follow-ups.

3.6.2. Data Collection Process

The initial step in the research process was to obtain ethical clearance from the University and the organisations from which the participants were drawn in order to conduct research in organisations within the human resource function in the Western Cape. After the ethical clearance was obtained, the researcher created an information sheet which contained information that answered any potential questions participants might have regarding the aims of the research, the purpose behind conducting the research and any other concerns that might occur. Each participant had to provide the researcher with a signed consent form (Annexure B) before the interviews could be scheduled. Once the signed form was submitted to the researcher, participants were asked if they would prefer a telephonic interview or a face to face interview. If the participant selected a telephonic interview, a time and date was confirmed and the researcher would call the participant in a quiet space with a recording device ready. In the event that the participant chose a face-to-face interview, the date and time was confirmed with a venue of the participant's convenience being selected. The participants were informed of the necessity of a recording device during the interview for transcription purposes. Participants were only recorded after their consent was given and thereafter the interview sessions were transcribed verbatim by the researcher.

3.6.3 Data Analysis

The researcher employed thematic analysis as it was ascertained to be the best method based on the exploratory nature of the study. The interviews were transcribed before the data analysis. Pseudonyms were assigned to the participants to ensure anonymity. Then the data was analysed through thematic analysis. The data obtained during the interviews was analysed to identify underlying patterns that became apparent after transcribing all eight interviews. The themes discovered were discussed in the results section of the dissertation. During each interview, the researcher made notes and also recorded the interviews in order to have a reference for accurate

transcription. Braun and Clark (2006) state that there are six steps for thematic analysis and these steps were used in the analysis of the data.

The first step was to become familiar with the data, the researcher achieved this through reading through the transcriptions twice to get an understanding of the text being analysed. Thereafter the task of generating initial codes was undertaken, this was done through reviewing each question posed by the researcher and creating and highlighting key phrases within each response. Next the themes were created and the codes were grouped under the themes identified. Themes that were repetitive or did not serve the purpose of the research were removed and the remaining themes were defined.

3.6.4 Trustworthiness and Credibility

According to Korstjens and Moser (2018), the quality of research is dependent on four characteristics, namely credibility, transferability, dependability, confirmability and reflexivity. These criteria will be elaborated on below:

- *Credibility* refers to whether the findings presented by the researcher are deemed to be the truth derived from the information received from participants. It investigates the plausibility of the findings to portray the participants' authentic views. In order to ensure credibility the semi structured interview guide was pilot-tested with a human resource practitioner who met the criteria of the study. There were no adjustments to be made.
- *Transferability* relates to the ease at which the results of a study which is qualitative in nature can be applied to other fields of study or respondents. This trait is achieved through a thick description. The results of the study can easily be applied to other industries or geographical locations due to the limited sample, the study can even be expanded on by future researchers.
- *Dependability* examines the reliability of the findings over time as the findings and recommendations should all be based on the participants' contributions. The recommendations are supported by the participants'

actual narratives and were not modified in any manner. Each recommendation is tied to various statements made by the participants.

- *Confirmability* examines the extent to which the findings of the research can be verified by fellow researchers. The themes and recommendations mentioned in the study are similar in nature to the studies previously published and can be found within literature.
- *Reflexivity* allows the researcher to examine their position as a researcher, identifying bias, projections and their impact on the answers of participants. The researcher attempted to remain objective within the thematic analysis and had an external party read the themes and codes to verify the objectivity based on the submissions of participants.

3.7. Ethical Consideration

Ethical consideration is of the utmost for any research study as the research should not bring harm to the participant. The researcher needs to ensure the following ethical considerations are implemented when conducting the research study and data collection (Fouché, Strydom & Roestenburg, 2021; Saunders, Lewis & Thornhill, 2019; Sekaran, 2000):

- Voluntary Consent

Each participant that was interviewed had to provide consent prior to data collection, a consent form attached as addendum B which required a signature from the participant stating that they understood their rights and reiterated their right to withdraw from the study should they wish to at any point within the study. Before the interview started, the participant was again informed of their right to withdraw from the study and asked if they provided consent to continue with the interview. Only then did the interview commence.

- Provide Information

The researcher provided the participants with accurate information about the purpose of the research study. The aims and objectives of the study were explained to the participant both in a written format (on the consent form) and verbally when approached for the study. The participant was encouraged to contact the supervising professor if they had any queries.

- Confidentiality and Anonymity

The information obtained during the interviews was only accessible to the researcher and the supervisor on request to ensure confidentiality. When processing the data, participants were differentiated in terms of race, gender and designation, no identifying characteristics were noted in the results of the study. Participants were not asked to state their name on the audio recording or any identifying characteristics like the company they are employed at. All participants were afforded the ability to receive the final submission once completed for added surety.

- Harm

The aim of research is to improve the understanding of the subject undertaken, therefore no harm in either a physical or emotional capacity or the researcher should ensure that measures are implemented to ensure that no harm is done. All questions were vetted by the supervisor to ensure that no questions could trigger a harmful experience for any participant. However, in the event that participants were uncomfortable or experienced any trauma from the contents of the interview, they were advised to contact a counsellor and on request, the researcher would provide details of a counsellor.

- Participant Personal Information

The protection of personal information is of utmost importance as participants are offering their insights freely and expect their personal information to only be exposed to the researcher. The participants were simply identified within the study according to numbers and the information collected was stored on the researchers' laptop in a folder that was password protected.

- Bias in Qualitative Study

Even though the topic is one that is applicable to the researcher's daily life, objectivity should be present throughout the research process. Any personal insights or views on Affirmative action and the related policies should not inform the research data or the analysis thereof. As a result the study was reported in an objective manner, with the findings and recommendations being supported by data collected. The objectivity was also verified by the supervisor, as the chapters within the study with submitted various times to ensure objectivity and a study that was free from bias.

- Reporting of Data Collected

The data collected should be accurate to the information shared by the participants in the interview. The researcher should not alter the outcomes of the study to fit the researchers understanding of the phenomena. Extracts of the interviews were included within the reporting and recommendations to provide context for deductions made.

- Beneficence

The ethical considerations outlined are created with the intent of ensuring the well-being of the interviewee throughout the research process. And all of these considerations were noted and implemented to ensure that no harm was done to any individuals participating in the study.

3.8. Summary of Chapter

This chapter explained the research methodology employed by the researcher, delineating the research philosophy then delving into the research approach and design. The data collection process was described and the research instrument of choice was expanded upon. The population and sample of the study were defined and the sampling method was explained. Thereafter the data analysis methodology was unpacked; highlighting the elements linked to ensuring the study was trustworthy and credible. Lastly, the ethical implications were explored and the means to ensure ethical compliance were described.

CHAPTER IV

ANALYSIS AND RESULTS

4.0 INTRODUCTION

The preceding chapter detailed the research methodology that is the research approach, research design, how data was collected and analysed in the current study. This section provides the analysis and presentation of results on perceptions of affirmative action amongst HR professionals. The presentation of results was guided by the following research questions:

1. What are HR professionals' perceptions of Affirmative action at the workplace?
2. What are the issues you face with implementing affirmative action effectively?
3. What is the role of human resources within the Affirmative action spectrum?

4.1 DEMOGRAPHIC DATA

This section provides demographic data for five participants. The data was collected using semi structured interviews and gathered the information from five human resource professionals. Since the respondents were providing information on a sensitive topic, their true names and the organisations they work for were omitted. As a means of distinguishing each participant, they were referred to as, Participant 1 to Participant 5, as a means of ensuring anonymity.

Table 4.1

Demographic information

Participant	Age & Gender	Highest Qualification	Job Title
participant 2	27 Female	& Bcom Honours :Industrial Psychology	Senior Human resource Consultant – 3 years' experience National company
participant 1	32 Male	& Masters degree: Industrial Psychology	HR Officer – 5 years experience within a national company
Participant 5	28 Female	& Masters degree : Industrial Psychology	Human Resource Consultant – 3 years and 11 months experience
Participant 3	30 Male	& Masters degree: Industrial Psychology	BBBEE & SETA consultant 4 years experience
Participant 4	36 Female	& Bcom General	Head of Human Resources 7 years' experience within various companies.

4.2 CROSS CASE ANALYSIS

Cross case analysis allows researchers to look beyond the initial techniques, impressions and see evidence through multiple lenses. Eisenhardt (2008) states that the purpose of cross case analysis is to enable case study researchers delineate the combination of factors that may contribute to the outcomes of the case , seek or construct explanations, as to why one case is different or same as others, make sense of puzzling or unique findings (Eisenhardt, 2008). Cross case analysis in the current research, addressed the research questions put forward earlier in the chapter.

4.2.1 HR PROFESSIONALS' PERCEPTIONS OF AFFIRMATIVE ACTION.

This section details the HR professionals' perceptions of affirmative action. The themes that emerged with regards to the HR professionals' perceptions of affirmative action are; tokenism, EE is a quick fix , Affirmative action is hard work and costly and target based recruitment.

4.2.1.1 Tokenism

Tokenism can be defined according to Huziej (2022) "as including minority groups because it is deemed politically correct or, moreover, economically advantageous, to do so." This inclusion is done superficially to create a diverse picture without providing minority group members with the inclusive behaviours that matter. The participants highlighted that tokenism was a key tenet that defined affirmative action at the workplace. The participants were of the view that tokenism is linked to affirmative action, people are being put in position, but the people are not actually able to change things or make valid and solid decisions to contribute to the organisation. This was shown by the following excerpts:

"I would say I do agree with the statement where in now some of these people are putting in those positions where they are beneficiaries of the legislation then at what cost or what level of power do they get to have. Or they are busy making a beneficiary from the legislation. For example we are saying that we get we can appoint an hr officer for another operations but then now comes in you need to appoint people from diverse levels but the power to function within the position gets to be limited so I would say as that in a way it is detrimental towards them".

Participant 1 quote 4

"let's say for example we have appointed a chief safety officer or any other person for that matter and this person out of all the people at that level at the HOD level or at the senior level is the only beneficiary according to the legislation obviously this person will not have power secondly they might be overlooked because the only reason that they are here is because of the current legislation that is put in place". **Participant 1 quote 5**

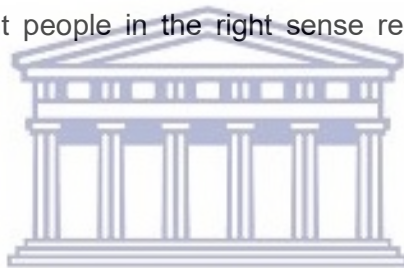
"we focus on getting the best candidate so if you are an EE candidate in high-ranking position you won't feel that you just got here because of the colour of your

skin where is I feel like other companies you get those people that pride themselves on level 1 BBBEE and I've heard of companies where they write out only EE candidates are allowed to apply for this role kind of thing, and I think that that creates the perception and could create the perception that I'm only here because of the colour of my skin and I feel like that negatively impacts the employee and their sense of self-worth. **Participant 5, quote 3**

“what happens is the suitably qualified disclaimer part of That goes out the window and it's just about putting people in positions and then you end up with people that that or maybe not competent but it's for the sake of employment equity”
Participant 4 quote 3

”I think again it's a matter of perception and there's a lot of perceptions especially now that with the affirmative action now it could be people looking at appointment at the senior level being like ok that a token appointment they need a black person or they need a coloured person at that level it's perception again that's why I said I think if we get the right people in the right sense regardless of our targets”
Participant 4 quote 6

4.2.1.2 EE is a quick fix



The ideology behind employment equity lends itself to being likened to a diverse workforce which is illustrative of the community the organisation encompasses. Often times in order to demonstrate this ideal, recruitment is focused on securing a member from a minority group to meet the standards promised on reports submitted to the Department of Labour prior. The issue within this process is, the lack of foresight as to how to retain these staff, how to ensure these members are providing insight into different ways of operating, and how to map a career for these individuals within the organisation.

Due to the attractiveness of being compliant many candidates from designated groups are spoilt for choice in terms of which organisation to join but the issue highlighted by the participants was the longevity of the candidates' careers in terms of employment opportunities and the ability to grow within the organisation.

This is evident by excerpts below:

“EE groups they don't spend much time in our company for some reasons and for us now to recruit again but takes us more than the time it should to replace this person because we definitely cannot say we are replacing a designated group candidate with someone not from the disadvantaged group This point I'm sitting in the position where I wouldn't say what is the biggest misconception because I'm sitting with vacancies where we still need to appoint people from the designated groups and it is taking so much longer than it should.” **Participant 1 quote 7**

“in a certain way yes I do because when you you come across EE candidates most of them overpaid which limits them completely because obviously companies want to keep their EE candidates so then you end up in a situation where the great EE candidates are overpaid and sometimes like with any job if you don't have experience and you start getting high salary for another company to provide an opportunity that will be beneficial to you it's gonna be difficult because you may be paid higher than what the position can afford so if you are overpaid it detrimental to your career then most the times you can't move into bigger things if you're not wanting to move within the same organisation. **Participant 5, quote 10**

4.2.1.3 AA is hard work and costly

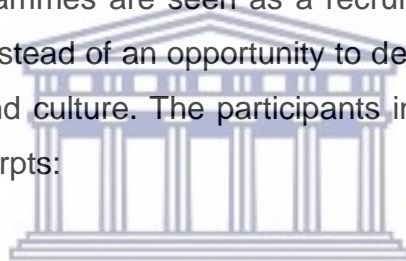
The participants acknowledge that an obstacle in promoting EE is the idea held by management that efforts would be strenuous and expensive which could be attributed to the fact that Affirmative action is often limited by budgets and homogenous thinking. The excerpts below highlight that creating a diversity driven workplace can involve revamping current methodology and increasing funding to meet basic requirements for equality:

“practical perspective I think they need to look at that in terms of budgetary constraints can you can't you and if that's something that that's why I'm saying if there's something that's in the company or organisations employment equity to say we going to do that then the budget needs to allow that but if we just gonna say okay no but we are not going to to renovate or add-on to the existing sleeping quarters but we want female drivers where exactly were going to put them so that's one of them the other thing that I did notice at certain of our organisations and I'm speaking from operations perspective” **Participant 4 quote 7**

“I think that the people in power are just trying to avoid affirmative action measures so I think people just don't want to put in all the hard work .Like I said if we are going back to question 9 in terms of reverse racism it's the same particular thing people don't want to work as hard and they want to protect their own things and it doesn't cost much money to change the things in our company it doesn't cost a lot it just takes time and a few brainstorming sessions to identify what a certain problems in the organisation and how can we put our heads together and how can we fix it how can we move on. that is about it.” **Participant 3 quote 5**

4.2.1.4 Target based recruitment

In order to remain compliant with legislation, organisations are required to submit EE plans which detail opportunities to either maintain or improve the diversity and empowerment of members from designated groups. One of the barriers to EE has been described by embracing diversity as a tickbox requirement, Thomas (2002) illustrated that EE/AA programmes are seen as a recruitment tool to fill the targets placed by an organisation instead of an opportunity to develop an employee with the organisational framework and culture. The participants interviewed shared a similar view through the below excerpts:



“I think the biggest misconception is that people think it's a number game and affirmative action is not there to say you know we have this many people from this group and this many people from this group It gets lost in the numbers because then the company is obviously You get a lot of benefits from being compliant so then company just start chasing that number and then they don't focus on the people and the human aspect of it.” **Participant 5, quote 5**

“I think to be honest I think the intention is good but the execution in a lot of different businesses the way I've seen it it is not always that great I think because sometimes there's a perception that if we set this target we need to have so many of this particular group at this level so people” **Participant 4 quote 12**

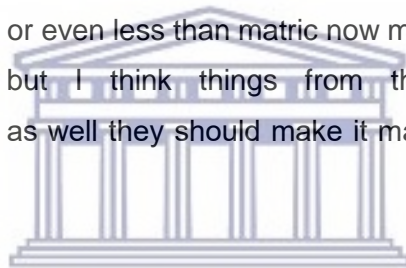
4.2.2 WHAT ARE THE ISSUES YOU FACE WITH IMPLEMENTING AFFIRMATIVE ACTION EFFECTIVELY?

4.2.2.1 Education gaps

The skills imbalance between various genders and races due to the historical framework of South Africa is still prevalent today, creating a workforce where literacy and numerical perception are skills which cannot be guaranteed in all potential candidates. This poses a problem for SA to remain progressive with the tools used to inform designated groups of employment and development opportunities as evident from comments from participant 3 and 4:

“For where I'm currently sitting in the business now no in certain areas but especially with the blue collar workers it's a little bit difficult because some of them do struggle especially with the numeracy and literacy” **Participant 4 , quote 1**

“It is difficult to manage and train and guide the workforce given that most of our workforce has matric or even less than matric now majority of the youngsters normally have matric but I think things from there as well from a BBBEE compliance part as well they should make it mandatory.” **Participant 3 quote 7**



4.2.2.2 Lack of adequate facilities

Adequate facilities and cost are the two prevalent barriers to creating equity especially amongst gender groups and disabled individuals. Participants noted that the structure of the workplace was a factor that is often overlooked in construction and ignored when listed as cumbersome to differently abled individuals as supported by participant 5 while participant 4 noted that a simplistic division of facilities can create a barrier to integrating females into traditionally male dominated roles:

“some of our offices there are only stairs with no lift and I mean that's not exactly accommodating and at the newer places we have we have that so obviously if there's a place with if there's a place with stairs and someone's in a wheelchair they won't be able to get into the office so I definitely think as a business we can do more in terms of that.” **Participant 5, quote 7**

“example what's definitely a barrier is that some at some of the depots we don't have ablution facilities for the female drivers and because our drivers they are obviously drivers who are long distance they are sleeping quarters which means that you need to have for females and males that's a big challenge” **Participant 4**, **quote 8**

4.2.2.3 Ignorance towards diversity

Education about diversity is paramount to ensuring the successful EE policy implementation, it is vital to ensure that all members of the workforce are both inclusive of diversity and educated about the various groups that make up the diverse workforce we see today. Booyesen and Nkomo (2010) postulated that “a lack of cultural awareness programmes and of an organisational culture that values diversity can create a strong barrier to employment equity strategies. This view is supported by excerpts by participants 3, 4 and 5:

“I think perception so we would definitely need to do more training on people on sensitivity and desensitizing or sensitivity regarding people with disabilities that are differently abled even the employment equity situation we can even put more training into those initiatives.” **Participant 5, quote 8**

“I've noticed that the operation gets quite picky when it comes to people with disabilities so what works and what doesn't and I think that something that I've picked up and again I've only been here for a year there's a genuine fear of people with mental disabilities it could be a fear or it could be not knowing how to deal with it but I think the operational side they seem to be quite picky of what type of disability they want or that they want to be able to accommodate I don't know what the reasons are I don't know if they've been burnt in the past or if there's been incidents or something like that but they are quite picky so yeah I think that is a problem because if you speaking about equal treatment and fair opportunities for everyone a Disability is a disability and it shouldn't matter so then it either could mean a that it's an educational or training issue that we need to address with our managers on how to deal with people with certain disabilities or it's a barrier like it's a diversity type awareness type of barrier that we also need to address with our staff so you had that something that I just noticed.” **Participant 4 quote 10**

“it is outdated it is not inclusive of the transgender community so now again we have employment equity that only has males and females that is reported on what is going to happen in the next 5 or 10 years if there are more transgender individuals entering the workplace how are you going to classify those people as other” **Participant 3 quote 3**

4.2.2.4 Lack of progressive legislation

The reporting statistics required by legislation classified individuals according to set races and genders. However, in the employment landscape that we exist in today, gender is a spectrum with various individuals having transitioned from their documented gender at birth. Participant 3 noted that legislation as it exists today lacks the inclusivity of the spectrum of gender while also failing to consider the current state of the economy and unemployment rate. This is supported by the below excerpts:

“well, my opinion is that the current legislation is doing as much as it can it must be a little bit more progressive I think it should be a little bit more progressive with regards to the current state of the economy the current state of the the unemployment rate the current state of ownership in the country there is a lot of things where the previously or the individuals who had ownership like in apartheid they dominate the economy a lot and obviously now me having “ **Participant 3 quote 1**

“it is outdated it is not inclusive of the transgender community so now again we have employment equity that only has males and females that is reported on what is going to happen in the next 5 or 10 years if there are more transgender individuals entering the workplace how are you going to classify those people as other” **Participant 3 quote 3**

4.2.2.5 Resistance from management

Thomas and Ely (1996) mention that one of the main reasons that organisations do not reap the benefits of a diverse workforce is due to the leader’s paradigm for managing diversity. This statement is supported by participant 4 who emphasised the

importance of change management in dealing with this particular barrier as evidence by the below excerpt:

“especially at senior levels you have and it's not here specifically but it's in a lot of places that I've worked at, you find the people hear the words employment equity and Compliance and they roll their eyes and oh my word another thing that we have to comply with or we gonna have to pay a fine and there are benefits to it and there are things that I feel are a little bit unnecessary and a little bit rigid that need to be taken out so I think that it's a change management process in getting your senior levels to buy into it” **Participant 4 quote 4**

4.2.2.6 Vague legislation and guidelines

One of the key tenets identified in touching on the issues experienced in implementation of Affirmative action initiatives, was the lack of guidance towards achieving equitable representation. Participants were also of the view that the criteria for the submission of an equity plan is vague as the classification of the members of management is at the discretion of the employer. While participant 1 illustrated the issue of an overarching approach to the guideline for equity as all the various geographical zones of the country have a different image of diversity. These views are supported by the below comments:

“I think that one of the pitfalls is that one of the big pitfalls for me is that they let the organisations choose their own management level in terms of seniority What's employment equity you obviously have the levels one through eight and organisations they classify that themselves so the label department doesn't know and verify that your levels 1-8 or actually levels 1-8 Like the criteria for for me is not strict enough so that leaves the door open for organisations to manipulate the system” **Participant 5, quote 4**

“will taking note of what you said now I think it does because we need to look at the times and we need to move with the times and as much as time is moving what is applicable somewhere else be becomes difficult for Some areas to be applicable like in our case the legislation Can be well implemented or rather well covered around areas like Joburg or wherever but down to areas that we are at now it becomes a pitfall because you only have out of this whole area 90% of the

people are Swati speaking then what else do you have you need to go externally in order to be compliant” **Participant 1 quote 6**

“Secondly I think it must be mandated I think there are some legislation where there are a lot of loopholes and there's a lot of ways to circumvent people can find find small loopholes to circumvent and there's not harsh enough punishment for perpetrators then I think the other thing that they must I think the main thing that they must focus on is making sure that the act is amended every two years try to make it much more stricter giving harsher penalties making sure that there is a system that you must report on things making sure that the company has a true reflection of provincial EAPS” **Participant 3 quote 4**

“company competing in a global world so the skill development I think must put more initiatives and Compliance rules in skills development because it will supplement how we appoint people in employment equity because if you set a target for African males what skills are we looking for and do we know exactly what skills Development” **Participant 3 quote 6**

4.2.2.7 Special skills and time sensitive vacancies

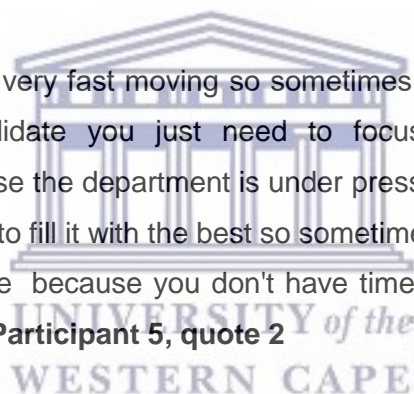
Due to operational requirements, it is sometimes difficult to ensure every appointment is based on equity goals as organisations who are in developmental stages can require vacancies to be filled quickly. Employees who match the required skill set required by the business might be from a non-designated group due to a fast moving industry or organisation as mentioned by participant 5. A new site or branch of a business can require a special skill set at an accelerated rate which could hamper the aim to ensure recruitment from designated groups. Participants have provided insight into the above through the following excerpts:

“Because if it's a new site I understand it's not just like a place where it's up and running where you can just get whatever or whomever it is that you looking for to just continue from where the operation is now. Most of the operations we are just starting from scratch so there is that special skills that they need so that is their leg to stand on to say this is who we want and it's obviously not from the disadvantaged group” **Participant 1, quote 1**

“Because if it's a new site I understand it's not just like a place where it's up and running where you can just get whatever or whomever it is that you looking for to just continue from where the operation is now. Most of the operations we are just starting from scratch so there is that special skills that they need so that is their leg to stand on to say this is who we want and it's obviously not from the disadvantaged group” **Participant 1 quote 2**

“that is obviously part of the previously disadvantaged groups as well so that has been identified as a sort of hard-to-fill or scarce skill kind of vacancy and what in the Greater group that we are part of what we have actually trying to implement is to do learnerships for female drivers to to put them on a learnership programme to have them complete the national certificate in professional driving so that they ultimately so that we can ultimately start filtering them into the business.”
Participant 4 quote 11

“in the business I am at very fast moving so sometimes you can't wait until you find the right EE candidate you just need to focus on finding the right candidate quickly because the department is under pressure And you need to fill a vacancy and you need to fill it with the best so sometimes you can't always look for the best EE candidate because you don't have time and I think that's a big barrier in our business.” **Participant 5, quote 2**



4.2.3 WHAT IS THE ROLE OF HUMAN RESOURCES WITHIN THE AFFIRMATIVE ACTION SPECTRUM?

4.2.3.1 Ensure Compliance

The Human Resources Department plays a key role when considering compliance with legislation and ensuring that stakeholders are given guidance in navigating the implementation of EE strategies. Compliance can be particularly difficult when there are external agreements with unions or communities but as a human resource professional it is the act of balancing the external and internal factors in order to remain compliant. Participant 2 highlighted how metrics play a role in monitoring

targets and identifying deviations from goals. The role of human resources as compliance is supported by the below excerpts:

“My role is to ensure that we comply.” **Participant 1 quote 9**

“I do yes because currently I am in HR so I run monthly reports and one of the report that I run is a BBBEE stats And we have a set goal within the company that we need to reach in order to BBBEE standards and we strive for this each month when we employ new people.” **Participant 2 quote 1**

4.2.3.2 Provide guidance

Mishra and Sharma (2010) postulated that human resource management should be integrated into the organisation's core planning efforts and ideals with working steps to achieve them. Therefore, it can be said that Human resources are a guiding tool in the employment equity implementation as participants have mentioned grey areas in legislation, it has created the opportunity for HR professionals to create business specific means of reaching diversity targets. Often such practices can be as simplistic as promoting the recruitment of designated candidates and identifying opportunities to boost diversity. Participant 4 also touched on the role of HR in providing guidance from a consistency principle in reference to discipline and remuneration. The views of participants are illustrated by the excerpts below:

“i so I regularly have chats with the managers especially when we are employing and I'm always trying to recruit EE candidates so we use in-house recruitment and we use recruitment consultants most of the time if I'm using a recruitment consultant and we paying them I tell them they can only bring me employment equity applicants so it definitely just about being open with the manager and telling them look if I look at your team I think you're lacking on this type of employee and it's about the recruiting and headhunting for that specific employee that we missing.” **Participant 5, quote 9**

“maybe know someone in management and maybe they want to give him a second chance as HR in my advisory capacity it's my duty to make sure that, that manager understand that if he doesn't consistently apply the rules there's going to be a consequence for that.” **Participant 4 quote 9**

4.2.3.3 Critically Analyses Skills Development and Employment Equity

Thomas and Robertshaw (1999) list the responsibilities of HR in relation to Employment Equity as the evaluation of terms of employment, benefits and facilities to ensure fair treatment to people from designated groups, particularly women and people with disabilities and focusing on training and development needs. Human Resources is seen as a vehicle of transformation having to balance management expectations and organisational compliance. The participants shared this view in excerpts below:

“because I always try and make sure that we look at our plan yet I also need to take note of the collective agreement between the stakeholders so if then we can't get locally then what's the next step that we advertise we have reasonable justification to say why we doing something outside of the scope of the arrangement I always make sure that I try and balance the two.” **Participant 1 quote 10**

“I ask hard questions as an EE person to make sure all the procedures and practices are in line with what the Act and legislation stipulates and specifies. the repercussions of not doing these things and the benefits of doing them the benefits of changing your website to make it more diverse the benefits of insuring they put funding aside and being transparent with your staff w we have a 300k budget we are going to implement a training development policy.” **Participant 3 – quote 7**

Having discussed the role of HR within the Affirmative action spectrum, the participants were asked further on the purpose behind Employment Equity. The themes that emerged from the interviewed participants are given below:

The purpose behind Employment Equity

It is clear that participants view EE as a transparent transformative process that is ongoing and requires buy-in from the workforce and management alike. The value behind Employment Equity was described by the participants as an opportunity to develop staff, a conversation starter and also a platform to create equality.

4.2.3.4 EE creates a conversation

Employment Equity is a means of creating an information sharing platform and can provide different perspectives which can assist employees in feeling committed to the organisation. Employment Equity meetings were seen as forums for collaboration and opportunities to include the workforce in the progress as evident by Participants 1, 2 and 5. Participant 3 also emphasised how crucial the conversation element is in creating an employment equity plan which is developed with consideration for barriers that are specifically identified by staff:

“from us at the HR office and from management we sit in on the EE meetings where we communicate with each other and then from there as HR we take lead in the future for a meetings a future forum consists of one candidate from each category that we have as an operation and that is mixed with both genders and the different range of grades someone at the general worker level an artisan a manager and male and female so we've got about close to 20 members in that forum that include all of the operations that we have .those are the platform whereby now we communicate.” **Participant 1 quote 8**

“but it's literally meant for collaboration in the workplace and to make sure that there is no discrimination and I think that that the core purpose of employment equity and you know getting that diverse workplace.” **Participant 5, quote 6**

“we also have something called fireside chats where the entire company goes on to a live stream platform where we talk we talk about the disabled people and they actually run that live session and they speak about how the company has uplifted them and how the company has made it easier for them to work like a normal person because they are treated equally like everybody else.” **Participant 2 , quote 2**

“because employment equity when you approve an employment equity plan you need to speak about the barriers from recruitment to appointment to advertising to training and development to succession planning to to HIV AIDS and all those particular things so when you have the committee they speak about the Recruitment and the current state of recruitment within the organisation.” **Participant 3 – quote 5**

4.2.3.5 Equality across all spectrums

The main focus in the EE process is creating equity which not only means providing equal opportunities but also providing support to those who might require it to explore the opportunities offered. There are various factors that need to be considered from gaps in skills to remuneration scales. Participant 1 refers to a global remuneration scale called the Paterson grading scale which classifies remuneration according to grades of jobs with minimum and maximum bands for remuneration for a role. The focus on having impartial practises is evident by the below excerpts:

“It's almost like I feel like employment equity is at the centre and it almost regulates how or tells us we need to treat everybody the same and fairly equitably.”

Participant 4 quote 5

“definitely we've got remuneration structures because before we can do any recruitment you need to know what is the package for the position so you obviously have you because we use the Paterson grading where in it will be the A1 - B then you will have the C until we got until d so we've got the entry and the upper band so that is in place” **Participant 1, quote 11**

4.2.3.6 Creates opportunity to develop staff

It is through having the conversations emphasized prior that development can take place. Participant 3 mentioned a key point with reference to the opportunities of development that these meetings can have as many members of management are unaware of the living circumstances of diverse workforce members. Participants were of the view that household factors are vital to understanding employees as supported by the below excerpts;

“we do have a woman Society in the entire company we were Incorporated all of the women in the organisation to uplift one another with its previously disadvantaged black women whether it is women that need support from home abuse if there are women that need to understand how to have a work-life balance

Participant 2 quote 3

“Sometimes this one client that is white dominated they do have African males and females and so forth But they don't recognise the background of these people who

of the particular African demographics because they think we live in the 21st century and that things are happy.” **Participant 3 quote 9**

As the depth of Employment Equity and its purpose was unpacked, human resource professionals were probed to investigate the extent to which EE specific initiatives were utilised within their organisation, the main sub themes within the recruitment spectrum were the EE specification within advertisements, using entry level graduates as opportunity for progression and community based recruitment. Participants mentioned the techniques that were currently employed by their enterprises and were effective to a considerable extent. However, in some instances historical agreements referred to as collective agreements made being equitable difficult. Participants noted the community being a source of supply for EE candidates for lower level roles while unemployed graduates are the target opportunity for progressive growth in the organisation. These views are supported by the comments below:

“we do put it on the advert when we running adverts but remembering the fact there is also a collective agreement.” **Participant 1, quote 3**

“in terms of our graduate program that we've had there's been a strong Focus on bringing in EE candidates so that eventually our management program our management team within the business can be from the affirmative action candidates.” **Participant 5, quote 1**

“is if there is any positions available Especially the yard staff and especially the yard staff at the depots I know word of mouth works quite well so once they know let's say for example we've got 10 vacancies in season time in the Peak season time I know what works quite well is when people in the actual community get the word out there that that's how we quickly get CVs and applications and things in.” **Participant 4 quote 2**

4.3 CONCLUSION

This current chapter focused on the results based on the themes that emerged from the coding process. These themes gave the researcher a greater understanding of the perception of affirmative action amongst human resource professionals in the retailing

sector. The main themes that emerged were human resource perceptions of affirmative action, the implementation issues with employment equity initiatives and the role of human resource practitioners in employment equity, summarised below.

1. The perceptions of affirmative action expanded on the perceptions of affirmative action within the workplace. It included the following subthemes: tokenism, EE is a quick fix, AA is hard work and costly, target based recruitment.
2. The issues with implementing Affirmative action were discussed and included the following subthemes: education gap, lack of adequate facilities, ignorance towards diversity, lack of progressive legislation, resistance from management, vague legislation and special skills vacancies.
3. The role of human resources in employment equity was discussed in the research. It included the following sub themes: ensure compliance, provide guidance and critical analysis of skills development and employment equity.



CHAPTER V

DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter encompasses three parts with integration into the literature collected and seeks to provide answer to the following questions:

1. What are HR professionals' perceptions of Affirmative action at the workplace?
2. What are the issues you face with implementing affirmative action effectively?
3. What is the role of human resources within the Affirmative action spectrum?

The first part examines the findings regarding the respondents' views on the perception of affirmative action in the workplace. The second part delves into the issues with the implementation of affirmative action and lastly the role of human resource practitioners within the employment equity space.

5.1 SUMMARY OF FINDINGS & DISCUSSION

5.1.1 HR PROFESSIONALS' PERCEPTIONS OF AFFIRMATIVE ACTION

Based on the results of the study, the respondents' perceptions on affirmative action were categorised into four distinct categories. The first category relates to the participants' view of affirmative action as being linked to tokenism. The ideology behind this being that employees who are selected with AA in mind often are mere faces of diversity in positions of power without actually being able to evoke such change. Gillespie (2020) states tokenism is about inserting diverse characters because you feel you have to; whereas true diversity means having people that are not just defined by the colour of their skin, and casting the right people for the role. This reference was made in reference to the acting industry but shows the universal picture of affirmative action being seen as a gesture of good ethics on a superficial level. Human (1993) further supports the idea of affirmative action being linked to tokenism through the mention that affirmative action seeks to increase inclusivity of diverse individuals without the recourse to tokenism (in the sense of bringing in "unqualified persons").

This idea is linked to another perspective shared by participants that Affirmative action is target based recruitment which leads to a drop in standards as employees are selected purely to meet goals set in order to appear compliant without considering the qualifications or skills needed to successfully occupy the role. A large contribution to the perception of affirmative action, would be the individual's experiences within their own lives, examining if parents were advocates for affirmative action or simply remained silent in compliance with the legislation before 1994. Each participant's view of target based recruitment could then also be inherently based on their belief on how attractive their potential job opportunities are based on their classification.

The investigation into the perception of affirmative action revealed the idea that “Employment equity is a quick fix”, whether it be in terms of addressing compliance issues or simply improving public perception, human resource professionals illustrated that stakeholders perceive initiatives whether it be recruitment, diversity training or skills development as tick box exercises that lacked fundamental change management. Human (1991) supports this through emphasising that members from designated groups cannot simply be expected to thrive in an employment landscape that catered predominantly to individuals who had access to skills and qualifications, by just being given training and qualifications. The training and development of these individuals takes time and it is therefore imperative that management is committed to ensuring the advancement of these individuals. Therefore, the idea that employment equity is a quick resolution is incorrect and there is work to be done in emphasizing the employment equity plan as ongoing and transformative.

The third perspective, illustrated by respondents of the study was the notion that “Affirmative action is hard work and costly”. This perspective gave some insight into the resistance of management to provide buy-in to the transformation of non-representative workforce. It revealed the importance of top level management in the acceleration of affirmative action projects and practices as many changes were shot down in favour of using recruitment as a cover for all aspects of the scorecard. With the Management resisting the required skills development expenditure or simply just spending the minimum amount vastly limits the growth potential for all employees especially those who are previously disadvantaged as they might require additional training which in turn requires more funds for Skills development.

The fourth and last perceptive relates to target based recruitment, participants illustrated that the true ideal behind employment equity is lost when goals are solely linked to quantitative accomplishments. This is supported by Hixson-Vulpe (2018) who argues that the core intention of creating a workforce encompassing diversity is moot if diversification is considered as “checking off a box”. Goals should be created in conjunction with organisational ethos so that every venture that the organisation attempts is in consideration of the diversity. Human (1993) and Thomas (2002) support this view through by stating employment equity is generally seen as a recruitment matter to fill targets that have been set instead of the introduction into and development of people into the organisation and culture. Thus, the organisation's actions need to penetrate deeper than the superficial picture of diversity.

5.1.2 Barriers to implementation

The study illustrated various barriers to the effective implementation of employment equity initiatives within the organisation. The barriers were defined into seven main categorisations, which were listed below:

- 
- ✓ Education gaps
 - ✓ Lack of adequate facilities
 - ✓ Ignorance towards diversity
 - ✓ Lack of progressive legislation
 - ✓ Resistance from management
 - ✓ Vague legislation and guidelines
 - ✓ Special skills and time sensitive vacancies

Participants mentioned education gaps as a barrier for effective implementation, with the participants noting that due to historical injustices, many members of the previously disadvantaged groups not being in equilibrium with literacy levels of those who had a more advantageous historical background.

According to Ismail (2012), the remnants of apartheid in the country are still felt 18 years into the new regime as the majority of African and coloured learners are still experiencing subpar education at schools by the same ill-prepared educators. Africans and coloured learners particularly have not benefited from the benefits of the internet

and technology, which are available to the majority of white learners in well-resourced schools.

The Code states that “designated employers” are responsible for affording employees in the designated groups with training opportunities with the goal of helping them to meet the required standards and to work and progress in the workplace (Du Plessis & Fouché, 2015). This section of legislation is a perfect example of the onus that employers have to ensure the equality of the employment landscape.

A lack of equilibrium in literacy means that automatically members of non-designated groups are disqualified from positions or opportunities for a reason that can be attributed to historical injustices. In some cases, a lack of a certain standard of literacy required to promote might not stop-designated employees from entering the workforce but can keep them stagnated within their role without any progression. Furthermore, Burger and Jafta (2006) argue that in order for South Africa to achieve a true sense of equity, there needs to be an equal divvy of the resources for historically black institutions.

Employers have the responsibility of ensuring the education gap is closed, this is supported by the Labour relations Act which states that not providing the necessary training to address competency limitations can be considered unfair labour practice. (LRA, (section 186(2) of the Labour Relations Act 66 of 1995).

The next barrier mentioned by participants is the lack of adequate facilities, which can encompass the workplace itself in reference to facilities. A historical issue with creating an equal workforce is gender bias, as it limits the roles open to both ends of the gender spectrum, with some roles historically being male dominated organisations have only made considerations for one gender. An easy example mentioned by a participants is heavy duty drivers, this occupation was by definition always occupied by males which required little development into a broad scope of thinking so ablution facilities were catered to men by means of urinals or in some instances no facilities due to the ability of males to relieve themselves almost anywhere. The challenge becomes evident when women who are by definition previously disadvantaged individuals; have to be absorbed into male dominated environments.

A challenge within the South African Human resource function is the managing of cultural differences and the diverse nature of the country (Horwitz, Browning, Jain & Steenkamp, 2002). This is supported by the participants of the study as the ignorance towards diversity was listed a barrier to the effective implementation of employment equity initiatives. A key element would be the disability element, which shares a link to the above mentioned facilities implication, disability in the workplace creates more need for development in the workplace whether it be for ease of access or sensitivity training. As a result businesses are much more selective on the disabled employees selected and oftentimes there is a negative stigma attached to mental disability which means upon disclosure of this information employees can be perceived differently or will not be employed.

According to Social Research and demonstration corporation (2020) “Youth with mental health issues can feel a dehumanising sense of not belonging in the labour market”. Therefore, it is imperative that human resources with the support of senior management, works at dispelling misconceptions regarding these forms of disability and being leaders in reinforcing tolerance for these individuals.

Lack of progressive legislation was a common barrier listed by participants as there lacked an emphasis on remaining in touch with the shifts within the labour market. An interesting observation was one regarding the lack of progression towards gender regarding the various spectrums of gender that exist today. This is supported by who stress the importance of inclusive polices for transgender/gender non-conforming individuals, development for generating positivity towards those individuals to bar any potential for unhealthy or unsafe working environments (Hixson-Vulpe, 2018).

Management is integral to the change management process for all things related to the business, which is why a large barrier to implementing affirmative action is listed by participants as resistance from management. Often the financial expenditure and transformative process of change management are a cost to the organisation, which management can deem too expensive to bear. Björnsund and Grundström (2016) state that the efforts and resources invested towards affirmative action are central to the success of the initiatives as employees’ attitudes are dependent on the instructions given by top level management to use resources and job tasks in favour of BBBEE

implementation. This supports the participants' view of how a lack of support towards initiatives can inhibit the success of all activities planned by human resources. Employees want to believe that the organisation they work for and the employees at senior management emulate this way of thinking instead of simplifying employing techniques to appear compliant.

The basis of all initiatives is a legislative framework, therein lies the foundation for organisations to create change, however, if the framework is dated and lacks a clear strict guideline, efforts can seem frustrating and futile. Participants shared this view as vague legislation and guidelines also represented a barrier to their affirmative action efforts, a strong factor was the grey areas within legislation, the EE plans that relied heavily on internal classification of the elements related the scorecard that are a particular hindrance. Participants also felt that there was a lack of strict penalties for non-compliance or fraudulent reporting, one participant mentioning that it is only a company's reputation and dominance in a market that forces ethical compliance while other organisations "fudge the numbers" to avoid detection. There is a lack of stricter auditing protocol for employment equity plans submitted by organisations, in addition there is a requirement for guidance to be given in situations where the environment does not allow for a progression in equity status. Zulu and Parumasur (2009) support this by stating that the Department of Labour has stated that the gender and race categories are the most significant aspects of the report and that employees are seen as an instrument for whistleblowing on companies which are non-compliant.

Lastly, the vacancy in the organisation plays a large role in the ability to utilise the recruitment process for affirmative initiatives, participants noted that time sensitive vacancies and special skill vacancies limit the scope of integrating development opportunities. In some instances a new branch of the enterprise is being developed which can result in a need for an experienced immediate starter irrespective of if the individual is from a predesignated group. Similarly, if an employee has a certain skill set that is usually founded within a certain demographic whether it be a certain race or gender. It can be difficult to ensure it is an opportunity open for all. Traditionally, roles like IT managers or Executive roles are held by white males due to historical privilege of access to funding or opportunities to excel within these careers which

would make it difficult to employ designated members within these roles. The circumstances surrounding a vacancy dictate the type of candidate employed.

5.1.3 Role of human resources within Employment equity

The participants listed three core functions of human resource professionals in relation to employment equity namely ensuring compliance, providing guidance and critical analysis of skills development and employment equity.

Ensuring compliance with legislative requirements was listed as a core function of the human resource profession, with particular emphasis on monitoring statistics and reporting. HRS Group (2016) stressed the importance of human resources in ensuring compliance with particular emphasis on the creation and implementation of an Employment Equity strategy and conducting regular audits on organisational practices and policies.

According to the Employment Equity Act, 55 of 1998, designated employers are tasked with the following duties:

- identify and eliminate employment barriers
- implement measures to further diversity in the workplace
- make reasonable accommodation for people from designated groups
- ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce
- retain and develop people from designated groups and to implement appropriate training measures

The above-mentioned requirements have the some implications for the human resource function. In addition to HR ensuring the compliance with the above, human resources needs to eliminating unfair discriminatory practices and constantly being alert of changes in legislation.

In the complexity of diversity and navigating the sensitives of the labour market, it is important to ensure that the line management and all other stakeholders are correctly equipped to deal with diversity. Line management might also require guidance in consequences of unfair practices, opportunities for development and ensuring equality in the workplace. Oftentimes there can be an oversight on the part of line managers

regarding navigating the complexities of historical imbalances and ensuring sensitivity is exercised in difficult situations. Human resource planning acts as a guide to action, largely dependent on the organisations actions as a result of the plans (Boonzaier & Boonzaier, 1999). This perspective illustrates that human resource professionals are a guide for all employment equity actions but require buy-in in order for plans to yield results. Therefore, Human resource management is seen as a guiding tool for all stakeholders from senior management to supervisors whether it be to generate long term goals for employees in line with strategic development or advising someone on how to remove gender bias in recruitment.

The critical analysis of Skills development and employment equity within the organisation is the third core competency of a human resource professional. In this aspect of the role, human resource professional can be expected to complete the following duties:

- identify training needs;
- provide effective mentoring and coaching;
- provide structured and meaningful on the job training; and
- identify employees with potential and provide accelerated development programmes.



In doing so, human resources ensures that organisations are compliant and have strategic goals linked to the above-mentioned duties. In the analysis of skills development, in particular it is imperative to develop comprehensive job profiles with clear requirements and to ascertain which skills/ qualifications are vital to the success of the incumbent irrespective of race or gender. According to Carrell, et al. (1998) states one of the greatest inequities of the past and the root cause of the skewed distribution of income and of senior jobs on the basis of race and gender is the fact that selection for training and resources allocated to training were biased in favour of White males. Therefore it is imperative that an analysis is done to ensure skill and education gaps are bridged, especially in instances where an education deficiency is due to historical imbalances.

It was through this process that participants also touched on their perception of the purpose of employment equity with the key tenets being that it creates a conversation, creation of equality and creation of development opportunities for staff. As mentioned throughout this study, employment equity provides equality through the analysis of all policies, practices, and activities of the organisation to ensure that everyone is afforded access to opportunities.

Participants also reiterated the importance of employment equity for developing staff through employees indicating deficiencies within the organisation and the workforce, it allows staff a seat at the table and is particularly important for staff buy-in. It is EE forums and internal communication tools that allow a holistic view that is sometimes missing in strategic discussions. It also alerts employers and human resources to feelings of stagnation and educational aspirations which can be translated into training and development goals.

5.2 IMPLICATIONS TO THEORY

This study yielded various implications for Bronfenbrenner's theory of ecology and subsequent human development.

The first implication would be the issue of gender or the spectrum thereof not being applied within the model or the current applications thereof, as gender is an individual sphere but has impact on the relationships built in ecosystem and macro system. The second implication would be the lack of translation to an adult development level, Bronfenbrenner's theorem gives possible applications based on mental wellbeing within a work context but does not delve into the means of understanding perceptions of the workplace. The theory while providing foundation to the development of perception, fails to provide the framework for altering perceptions once they have been formed or creating a positive undertone within the work context. Bronfenbrenner's theory can be used as a means of starting the investigation into the cultural makeup of the workforce and providing context into the socio economic backgrounds of employees, which can shed light on current views.

Bronfenbrenner also indicates the importance of education through formal schooling and parental values, employees who have parents who are not as focused on academia or carry a negative view in relation to the workplace have a greater chance of being disengaged thus stressing the importance of parents demonstrating constant support and knowledge sharing.

Lastly, Bronfenbrenner's theory should be seen as a reminder to engage employees socially, through organisational processes/procedures and through the unification of common goals. As employees are better, equip to adapt to the climate of an organisation if peers that are likeminded have demonstrated support for the goals.

5.3 IMPLICATION TO HUMAN RESOURCE PRACTICES

The study yielded various implications for human resource management and those in charge of driving employment equity in the workplace.

The first implication would be ensuring that although legislation might be dated, human resource professionals need to remain mindful of the subjective classification of individuals in terms of race, gender and other classifications used for statistical purposes.

As various changes in the societal structure have left gaps within legislation that are not addressed by legislation, hence it is the duty of human resource individuals to be sensitive to these changes while remaining compliant with the legislation as it currently stands. Secondly, due to the grey areas in reporting, the onus is on human resource practitioners to remain ethical and sound when submitting reports, not merely taking liberties with the open interpretation of categories for the sake of being classified as more compliant. Thirdly, Human resource professionals are not to be the sole drivers of Equal employment policies and practices, that equity and the promotion of designated employees should be the ethos of the organisation and that the organisation should be representative of that ethos. Human resource professionals should be critical of all policies and practices to ensure objectivity in the identification of barriers to members of designated groups. Furthermore, these barriers should be addressed through employment equity meetings thus creating a collaborative

environment rich with various perspectives. Lastly, there should be a strong focus on the selection, recruitment and retention of diverse individuals with emphasis on being mindful on the skills development that could be required due to differences in socioeconomic status and upbringing. Diverse individuals should be given the opportunities as afforded to non-designated individuals, with added support for inadequacies experienced.

5.4 LIMITATIONS TO THE STUDY

This research project accomplished the aims as specified but some limitations with the study exist.

The study was intended to have more participants but due to time constraints, only five participants were interviewed. Additionally the interviews were to be conducted face to face but due to COVID restrictions and difficulty in securing a convenient location for the interview, majority of the participants were interviewed on Zoom or telephonically. The recording of the interview thus was in some cases mediocre and made the transcription process tedious.

The nature of qualitative research lends itself to a subjective experience, which means the results lacked the ability to be the basis of generalised findings. Another issue experienced was that the nature of the topic was sensitive which could lead to participants feeling like their company would be impacted by negative statements. In addition to this the topic involved a concept sensitive to South Africans as it has yet to be resolved in the country.

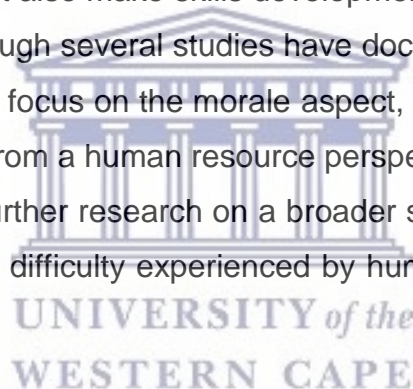
The participants could also feel judged by their answers as the topic involves race, legislation and the perception of equality in the workplace. The fear of judgement in their role of non-compliance could leave participants feeling the need to overcompensate the businesses actual efforts towards equity.

Another limitation is the dated literature on affirmative action and the developments that have a significant impact on the employment landscape.

5.5 RECOMMENDATIONS

Based on the findings and in line with the conclusion drawn from the study, the following recommendations were made:

1. There should be more emphasis put on increasing the diversity of the management/executive team of organisations in South Africa. The implementation of these diverse team members should be done with caution navigating the perceptions of staff through hiring suitably qualified individuals.
2. There should be regular revision of current legislation to keep up with the subjective perceptions of gender/race etc. which create issues of classification and reporting.
3. There is a need diversity training within the organisation on all levels.
4. Clearer communication regarding actionable plans towards recruiting and retaining members from designated groups.
5. EE plans need to not only encompass the numerical target for members of designated groups but also make skills development a bigger priority.
6. It is notable that although several studies have documented the history behind affirmative action and focus on the morale aspect, there is a limited amount of insight into the topic from a human resource perspective.
7. There is a need for further research on a broader scale to determine the level of understanding and difficulty experienced by human resource professionals in other industries.



5.6 CONCLUSION

This study has provided insights into the perception of human resource professionals in relation to affirmative action and employment equity. Upon conclusion of the thematic analysis of narratives from the respondents, several themes and subthemes unfolded. The identified themes include human resource professionals' perception of affirmative action, barriers to effective implementation of employment equity initiatives and the role of human resource professionals concerning employment equity. The study explored the respondents' perspectives on the affirmative action and four sub-themes emerged. These include tokenism; that employment equity is a quick fix; Affirmative action is hard work and costly and target based recruitment. It was revealed that the perception of affirmative action was a term that could hold negative perceptions if it is not understood correctly. Through the discussion of affirmative

action, respondents also reiterated how difficult implementation of these initiatives and it is through this discussion that seven sub themes in relation to difficulties faced in implementation occurred. These subthemes are: education gaps, lack of adequate facilities, ignorance towards diversity, lack of progressive legislation, resistance from management, vague legislation and guidelines and special skills vacancies. Managerial support is paramount to abolishing these barriers stated and it is emphasised that employment equity is a transformative process, which is a long-term goal. It is also important that employment equity is not superficial and bears the true rewards of employing diverse team members. Legislation is also a large part of transformation as it serves as a guideline for all organisations and needs to remain revised in order correctly provide guidance to all organisations. The role of human resources in relation to employment equity was explored with three subthemes namely ensuring compliance, providing guidance and critically analyses skills development and employment equity. Human resources is a large driver for employment equity but cannot be the sole driver of equity, it is therefore imperative for equity to be tied into the organisations mission and values. This study concludes that the perception of employment equity and affirmative action may seem to corroborate the existing literature but the barriers experienced by human resource professionals transcend current literature. Based on this study of selected organisations in South Africa, it is evident that the perceptions of affirmative action, is largely effected by socio economic state and the culture embedded within the county.

REFERENCES

- Archibong, U., & Adejumo, O. (2013). Affirmative Action in South Africa are we creating new casualties? *Journal of Psychological issues in organisational culture*, 3(1), 14-27.
- Australian Government (2011). *Department of Immigration and Citizenship, The people of Australia*. Australia's multicultural policy.
- Bhandari, P. (2022). *A step-by-step guide to data collection*. Retrieved from <https://www.scribbr.com/methodology/data-collection/>
- Bendix, S. (2001). *Industrial relations in South Africa*. 4th edition. Lansdowne: Juta
- Björnsund, J., & Grundström, F. (2016). *The impact of affirmative action on employees' attitudes towards equality* [Master's thesis]. <https://www.diva-portal.org/smash/get/diva2:932638/FULLTEXT01.pdf>
- Boddy-Evans, A. (2008). *Apartheid legislation in South Africa*. Retrieved from <http://africanhistory.about.com/library/bl/blsalaws.htm>
- Bone, K. D. (2015). The Bioecological model: Applications in holistic workplace well-being management. *International Journal of Workplace Health Management*, 8(4), 256-271. doi:10.1108/ijwhm-04-2014-0010
- Boikhutso, R. (2004). *Qualitative analysis of the Perceptions of Affirmative Action Beneficiaries In South African Parastatals*. University of Pretoria.
- Booyesen, L. A., & Nkomo, S. M. (2010). Employment equity and diversity management in South Africa. *International Handbook on Diversity Management at Work*. <https://doi.org/10.4337/9781849806893.00017>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.
- Bruno, Andorra (1998) Affirmative action in employment. Nova Science Publishers
- Burger, R., & Jafta, R. (2006). Returns to race: Labor market discrimination in post-apartheid South Africa. *Stellenbosch Economic Working Papers*, 4(6), 1-41
- Business Bliss Consultants. (2018). *Philosophy of Quantitative and Qualitative Research*. Retrieved from <https://nursinganswers.net/essays/philosophy-of-quantitative-and-qualitative-nursing-essay.php?vref=1>
- Carrell, M. R., Grobler, P. A.; Elbert, N. F.; Marx, M.; Hatfield, R. D., & van der Schyf, S. (1998). *Human Resource Management*. New Jersey. Prentice-Hall.

- Cillié, G. (2020). *How to improve labour-employer relations in the workplace*. Retrieved from https://www.usb.ac.za/usb_news/how-to-improve-labour-employer-relations-in-the-workplace/
- Davis, O. (2021). *Affirmative Action in the Workplace: Pros, Cons & Examples*. study.com. <https://study.com/academy/lesson/affirmative-action-in-the-workplace-pros-cons-examples-statistics.html>
- De Beer, J. (2011). *Towards Guidelines For Effective Diversity Management In South African Organisations* [Master's thesis]. University of Pretoria.
- Dekker, C. (2004). *The Way to BEE, a Guide to Broad-based Black Economic Empowerment in South Africa* [online]. <http://www.cliffedekker.com/literature/bee/index>
- Department of Labour, Republic of South Africa. (2006). *Employment Equity Regulation of 18 August 2006*. Retrieved from <http://www.labour.gov.za/legislation/acts/employment-equity/amendments/amended-employment-equity-regulation-download-in-smaller-file-sizes/>
- De Vaus, D. (2001). *Research Design in Social Research*. London: SAGE.
- Downe-Wamboldt, B. (1992). *Content analysis: Method, applications, and issues*. *Health Care for Women International*, 13(3), 313-321
- Du Plessis, J. V., & M. A. Fouché. (2015). *A practical guide to labour law*. 8th Edition. LexisNexis.
- Festinger, L. (1957). *The theory of cognitive dissonance*. California: Stanford University Press.
- Durc. (2017). *Skills development and the BBBEE scorecard*. Retrieved from <https://eee.co.za/skills-development-and-the-bbbee-scorecard/>
- Ebrahim, S. (2018). "Reviewing the Suitability of Affirmative Action and the Inherent Requirements of the Job as Grounds of Justification to Equal Pay Claims in Terms Of the Employment Equity Act 55 of 1998" PER / PELJ 2018(21) - DOI <http://dx.doi.org/10.17159/1727-3781/2018/v21i0a1367>
- Etikan, I., Musa, A. S., & Alkassim, R.S. (2016). Comparison of Convenience Sampling and Purposive Sampling. *American Journal of Theoretical and Applied Statistics*, 5(1), 1-4.
- Fredman, S. (2011). *Discrimination Law*. Oxford University Press. Second edition.

- Fouché, C. B., Strydom, H., & Roestenburg, W. J. H. (2021). *Research at grass roots. For the social sciences and human services professions*. 5th Edition. Pretoria: Van Schaik Publishers.
- Gaille, L. (2017). 12 advantages and disadvantages of affirmative action. Vittana.org. <https://vittana.org/12-advantages-and-disadvantages-of-affirmative-action>
- Gerber, P. D., Nel, P. S., & Van Dyk, P. S. (1998). *Human Resources Management*. 4 th Ed. SA. International Thomson Publishing.
- Geldenhuys, J. (2021). How you can benefit from the skills development Levy. Moonstone. <https://www.moonstone.co.za/how-you-can-benefit-from-the-skills-development-levy/>
- Gillespie, C. (2020). *Diversity and inclusion are important goals—But tokenism isn't the way to do it*. Health. <https://www.health.com/mind-body/health-diversity-inclusion/tokenism>
- Harwood, T. G., & Garry, T. (2003). An overview of content analysis. *The Marketing Review*, 3, 479–498.
- Herholdt, W., & Marx, M. (1999). *Employment equity in South Africa: a guide to affirmative action success*. South Africa: Prentice Hall.
- Hixson-Vulpe, J. (2018). Hiring Across All Spectrums: A Report on Broadening Opportunities for LGBTQ2+ Jobseekers.
- Hsieh, H., & Shannon, S. E. (2005). *Three Approaches to Qualitative Content Analysis*. *Qualitative Health Research*, 15(9), 1277-1288.
- Human, L. (1993). *Affirmative action and the development of people: a practical guide*. Kenwyn: Juta & Co. Ltd.
- HRS Group. (2016). The role of employment equity in HR. HRS GROUP | BUSINESS PARTNERING WITH THE HRS GROUP. <https://hrsgroup.co.za/2016/09/01/the-role-of-employment-equity-hr/>
- Huziej, M. (2022). What is tokenism? CPD Online College. <https://cpdonline.co.uk/knowledge-base/business/tokenism/>
- Ismail, A. (2012). UCT deserves praise for tackling wrong of the past. Cape Argus, 14 February: www.uct.ac.za/usr/admissions_debate/2012/admissions.

- Kabir, S. (2016). *Basic Guidelines for Research: An Introductory Approach for All Disciplines*. Book Zone Publication.
- Korstjens, I., & Moser, A. (2018) Series: Practical guidance to qualitative research. Part 4: Trustworthiness and publishing. *European Journal of General Practice*, 24(1), 120-124, DOI: 10.1080/13814788.2017.1375092
- Lederer, N. (2013). *Affirmative Action: A Never-Ending Story?* [Doctoral dissertation]. <https://hdl.handle.net/2440/81051>
- Maritz, G. (2002). The most critical issues facing managers in South Africa today. *Acta Commercii*, 2, 1 – 10.
- Mishra, N., & Sharma, G. (2010). Ethical organisation and employees. *Asian Journal of Management Research*, 4, 59-80
- Patton, M. Q. (1990). *Qualitative Evaluation and Research Methods*. (2nd ed). California: SAGE Publications.
- PECHT, L. (2021). *The basic conditions of employment act in South Africa: What you need to know*. SEIFSA -. <https://www.seifsa.co.za/article/blog/the-basic-conditions-of-employment-act-in-south-africa-what-you-need-to-know/>
- Polit, D. F., & Beck, C.T. (2008). *Nursing Research: Generating and Assessing Evidence for Nursing Practice*. 8th Edition, Wolters Kluwer Health/Lippincott Williams & Wilkins, Philadelphia, 796 s.
- Polit, D. F., & Hungler, B. P. (1999). *Nursing research: principles and methods*. 6th Edition. Philadelphia: JB Lippincott.
- Premdas, R. (2016). Social justice and affirmative action. *Ethnic and Racial Studies*, 39(3), 449-462.
- Quain, S. (2019). Advantages and disadvantages of affirmative action in the workplace. *Small Business* - Chron.com. <https://smallbusiness.chron.com/advantages-disadvantages-affirmative-action-workplace-18141.html>
- Rasila, T. (2021). Recruitment and selection and the impact it has on employment equity. LinkedIn. <https://www.linkedin.com/pulse/recruitment-selection-impact-has-employment-equity-rasila>
- Renn, K. A., & Arnold, K. D. (2003). Reconceptualizing Research on College Student Peer Culture. *The Journal of Higher Education*, 74(3), 261–293.
- Republic of South Africa. (1995). Labour relations Act No 66 of 1995. Pretoria: Government Printers.

- Rubin, A., & Babbie, E. R. (2014). *Research Methods for Social Work*. 9th ed. Boston: Cengage Learning
- Sekaran, U. (2000). *Research Methods for Business: A Skill Business Approach*. John Wiley & Sons, New York
- McCombes, S. (2022). Sampling methods | Types, techniques & examples. Retrieved from <https://www.scribbr.com/methodology/sampling-methods/>
- Social Research and Demonstration Corporation (2020). *Employment Supports for Youth with Mental Health and/or Substance Use Barriers to Employment. Literature Review and Environmental Scan: Final Report*.
- Strachan, G., & Burgess, J., 2000. W(h)ither Affirmative Action Legislation in Australia. *Journal of Interdisciplinary Gender Studies*, 5(2),
- Talukdar, A. (2022). 7 benefits of having strong employee relations in your organisation. Retrieved from <https://blog.vantagecircle.com/strong-employee-relations/>
- Thomas, A. (2002). Employment Equity in South Africa: lessons from the global school. *International Journal of Manpower*, 3, 237-255
- Thomas, D. A., & Ely, R. J. (1996). Making differences matter: a new paradigm for managing diversity. *Harvard Business Review*, September-October: 79-90
- Thomas, A., & Robertshaw, D. (1999). *Achieving employment equity: a guide to effective strategies*. Randburg: Knowledge Resources.
- THE PARLIAMENTARY INFORMATION SERVICES. (2000). *Summary: Labour Relations Act*. <https://static.pmg.org.za/docs/2000/appendices/000229LRASummary.htm>
- Thulo, L. (2022). SETA funding for small businesses. SME South Africa. <https://smesouthafrica.co.za/seta-funding-for-small-businesses/>
- What is Bronfenbrenner's Ecological Systems Theory? (2019). Retrieved, from <https://www.psychologynoteshq.com/bronfenbrenner-ecological-theory/>.
- Zhang, Y., & Wildemuth, B. M. (2009). *Qualitative Analysis of Content*. In B. Wildemuth (Ed.), *Applications of Social Research Methods to Questions in Information and Library Science*, pp.308-319. Westport, CT: Libraries Unlimited
- Zulu, P.S., & Parumasur, S. B. (2009). Employee perceptions of the management of cultural diversity and workplace transformation. *SA Journal of Industrial Psychology*, 35 (1), 9.

APPENDIX A INTERVIEW SCHEDULE

SECTION 1: Biographical and work-related information

These questions make reference to biographical, lifestyle and work related information and will be used purely for statistical purposes.

1. Age (in years): _____

2. Gender :

FEMALE	MALE
---------------	-------------

4. How long have you been working for this (your current) employer/organization?

Years: _____; Months: _____

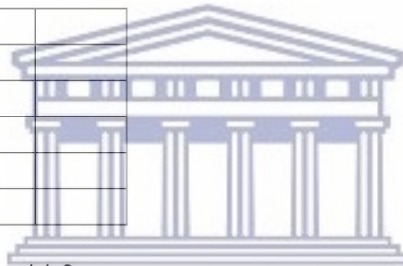
5. How long have you been working in total i.e., since you left school/university?

Years: _____; Months: _____

6 .Population group (for statistical purposes only)

Tick the appropriate response

Black	
White	
Colored	
Indian	
Asian	
Other	



7. What industry do you work in?

8. What is your position at your current company?

UNIVERSITY of the
WESTERN CAPE

SECTION B: The questions for the interview

Compliance

1. What is your opinion regarding the extent of equal representation groups of individuals within the workplace ?
2. Does your organization have policies for addressing equal employment opportunity as provided for by legislation
3. What are the policies aimed at addressing equal employment opportunities within the workplace?
4. How easy or difficult do these initiatives make your job?

Perception

5. Some people feel that current legislation could be detrimental to intended beneficiaries, what is your opinion?
6. How would you improve the current initiatives at your organization?
7. Do you feel that the current beneficiaries of the legislation are stigmatized?
8. What are the pitfalls of employing the legislation as it stands currently?
9. Affirmative action has been coined as "reverse racism", what are your feelings regarding this statement?
10. What are the negative/unintended consequences of the implementation of Employment Equity legislation?
11. What do you feel is the biggest misconception regarding AA?

Implementation

12. What communication have you received regarding the AA actions implemented or future implementations by your organizations?
13. Are there any other pieces of legislation that you feel obliged to observe in order ensure employment equity?
- 10 a) If yes, please specify the legislation and the means of implementation.
- 10.b) if no, please state why.

14. What are the barriers to the implementation and how are they being addressed at your organization (if any)?
15. How do you play a supportive role in monitoring and ensuring EE is being adhered to within your organization?



ETHICAL CLEARANCE CERTIFICATE



UNIVERSITY of the
WESTERN CAPE



11 May 2021

Ms A Van Heerden
Industrial Psychology
Faculty of Economic and Management Sciences

HSSREC Reference Number: HS21/2/27

Project Title: HR practitioners' perceptions of the implementation of equal employment provision under a selected subdivision of SA labour legislation.

Approval Period: 11 May 2021 – 11 May 2024

I hereby certify that the Humanities and Social Science Research Ethics Committee of the University of the Western Cape approved the methodology and ethics of the above mentioned research project.

Any amendments, extension or other modifications to the protocol must be submitted to the Ethics Committee for approval.

Please remember to submit a progress report by 30 November each year for the duration of the project.

The permission to conduct the study must be submitted to HSSREC for record keeping purposes.

The Committee must be informed of any serious adverse events and/or termination of the study.

Ms Patricia Josias
Research Ethics Committee Officer
University of the Western Cape

NHREC Registration Number: HSSREC-130416-049

Director: Research Development
University of the Western Cape
Private Bag X 17
Bellville 7535
Republic of South Africa
Tel: +27 21 959 4111
Email: research-ethics@uwc.ac.za