

**An investigation of the implementation of the Employment Equity Act (No. 55 of 1998)  
of South Africa by organisations in Cape Town in the Western Cape**

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**MSocSc. Social Policy & Management**

**Submitted:**

**A dissertation submitted in fulfilment of the requirements for the award of the degree of  
Masters of Social Science – Social Policy and Management**

**Faculty of the Humanities**

**University of Cape Town**

**2020**

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## **Acknowledgements**

I would like to thank my family and all my friends for supporting me to this day. Your support has been the driving force behind my accomplishments.

To my supervisor, Prof. Ndangwa Noyoo, a warm thank you to you for being such an inspiration. This research was challenging, but your guidance and assurance made it seem like a walk in the park. Ukwanda kwaliwa ngumthakathi.

Thank you ☺

An even bigger thank you goes to the Human Resource managers who took part in my study. Your participation in this study has contributed greatly to my academic growth and expertise as a master. Izandla zidlula ikhanda.

Thank you ☺

Last but not least, ngibonga Ophezulu, bengingeke ngifinyelele la ngaphandle kothando nezibusiso ongiphe zona. Somandla, Ngonyama yezizwe, ngiyabonga ☺

*“The horse is made ready for the day of battle, but victory rests with the Lord” (Proverbs 21:31)*

## **Abstract**

The South African Government has committed itself to redressing the injustices of the past by passing laws such as the Employment Equity Act No. 55 of 1998. The Act was promulgated for the purpose of bringing equity and parity to the workplace. However, findings from this research study and other initiatives, such as those from the Employment Equity Commission Report of 2017, reveal that South African organisations are still predominantly run by White males. This study then sought to find out why the implementation of the Act has not resulted in more people of colour ascending into management positions.

A qualitative research method was employed as a methodology for the study, while using structured face-to-face interviews as a data collection tool. The study's population was a convenience sample of human resource managers working for corporate organisations in Cape Town, in the Western Cape. To collect the data, 20 human resource managers were interviewed for close to an hour each. Once the data was collected, it was transcribed and then analysed using Creswell's data analysis spiral, which moves in analytic circles instead of a fixed linear approach.

The findings of this study revealed that management in corporate Cape Town was still predominantly the preserve of White males. The organisations that participated in this study indicated that their management was comprised of individuals who were experts in their fields and who have been with these organisations for extended periods of time. As a result, it was not easy to move them out of such positions as the organisations would be losing out on their expertise; rather they waited for them to age and retire or voluntarily resign. Some organisations had succession plans for managerial positions, however, the problem they faced was that several individuals who were part of the succession plan were impatient and ended up leaving the organisations, taking up offers elsewhere. Other organisations without succession plans or with individuals who were not yet ready for management positions, struggled to find Black candidates to fill the positions. In one case, a qualified Black candidate refused an offer because he was to be relocated to Cape Town. In addition, disabled individuals do not seem to be considered part of the Employment Equity policies as organisations are more focused on Black people and women, and neglect disabled people.

Overall, findings show that organisations in the Western Cape are committed to the Employment Equity Act, however it will take some time before Blacks, people with disabilities and women to fill management positions.

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## Chapter One

### 1. Introduction

The government of the Republic of South Africa has shown its intention to redress the injustices of apartheid by passing laws which allow previously disadvantaged citizens the opportunity to participate in the running of the country. One of the ways in which the South African government has done this is by enacting the Employment Equity Act No. 55 of 1998 (EEA). The Employment Equity Act aims to redress discrimination against previously disadvantaged groups in the workplace and promote their employment opportunities (Hideg & Michela, 2011). This Act is based on the country's Constitution which guarantees all citizens the right to equality (Van Zyl & Roodt, 2003). Moreover, the Employment Equity Act aims to promote equal representation in the workplace, ensuring that it is representative of the general population, in line with the demographics of the country (Smith & Roodt, 2003).

The Act aims to redress injustices perpetuated by the exclusionary and oppressive laws of the past such as the Mines and Works Act and the Industrial Conciliation Act of 1904 and 1952 (Jian, Horwitz & Wilkin, 2012). The Mines and Works Act and the Industrial Conciliation Act ensured that all the elite and most affluent positions were reserved for White people, while Black people only qualified for low-level/menial jobs or whichever other low-end job was available. Such laws were introduced to ensure that Black people did not move up the socioeconomic ladder, and prevented them from ever gaining enough economic power to compete with White people (Smith & Roodt, 2003). Another law which helped ensure that Black people did not move up the socioeconomic ladder was the Bantu Education Act No. 47 of 1953 (Smith & Roodt, 2003). This law allowed racially categorised education to be introduced in schools and ensured that Black people received subpar education which educated them not only enough to perform menial jobs, but not to progress further.

The Employment Equity Act asserts that its purpose is to achieve equity in the workplace by promoting equal opportunities and fair treatment by eliminating unfair discrimination and introducing affirmative action measures to redress the disadvantages in employment experienced by designated groups. This is so as to warrant equitable representation of designated groups in all categories and levels in the workplace. The Employment Equity Act further states that employers with more than 50 employees have to implement affirmative action measures to encourage the equitable representation of Black people at all levels in the workplace as well as a certain number of people with disabilities and women (Thomas & Jain,

2004). In practice, this means that employers ought to give due consideration to suitably qualified Black candidates, people with disabilities and women. These candidates should have the relevant experience, prior learning/training, qualifications or the capacity to learn the necessary skills for the job within a reasonable time. Employers are required to follow the above measures and provide training for Black candidates under the Employment Equity (EE) Act, as well as the Skills Development Act (Thomas & Jain, 2004). Thus, employers are required to give preference to Black candidates, and provide them with skills development which will allow them to move up to higher positions in the workplace (Oosthuizen & Naidoo, 2010; Thomas & Jain, 2004).

The Employment Equity Act further outlines the grounds on which no person should be discriminated against, such as skin colour, sexual orientation and marital status. However, the Act does not make provision for indirect discrimination such as colleagues choosing not to associate with a certain employee because of their skin colour, HIV status and culture. This is an important aspect to consider because management might not be aware of such practices which may be experienced in the workplace. Furthermore, Black people tend to be looked down upon in predominantly White workplaces, because there is an assumption that they were employed because of the requirements of the Employment Equity Act, and not on merit (Hideg & Michela, 2011). This has been found to lead to Black people feeling inadequate and undeserving of the opportunities afforded to them.

Although the Act makes provision for inspectors to monitor the progress that has been attained and allows employees and trade unions to monitor the progress made in terms of this law, it does not make provision for independent researchers, monitors and evaluators to monitor the progress and give feedback. Hence, there is a need for this provision, because government inspectors, along with employees and trade union representatives, are prone to be biased, while independent researchers are likely to be objective. Furthermore, making provisions for research to be conducted on the matter allows for funds to be availed, and in addition, this research will be able to evaluate the progress that has been achieved thus far. It will also gain input from both employers and employees on the progress made in terms of the Act, and how the Act can be adjusted to widen its reach and effectiveness. It is also important to note that the Employment Equity Act alone is not enough to redress the injustices of the past, hence it is aided by other legislation such as the Skills Development Act No. 97 of 1998 and the Promotion of Equality Act and Prevention of Unfair Discrimination Act No. 4 of 2000. Together, these

Acts work to improve the representation of Black people, people with disabilities and women in the workplace and attempt to redress social injustices suffered in the past.

## **1.2. An Analysis of the Employment Equity Act**

The Employment Equity Act's scope is to aid those who had been negatively affected as a direct "result of apartheid and other discriminatory laws and practices" (Government Gazette, 1998, p. 2). It recognises that the apartheid era resulted in disparities in employment, occupation and income within the national labour market (Government Gazette, 1998).

Furthermore, it aims to enable those who have directly or indirectly been unfairly discriminated against as an employee, to take action. The grounds for discrimination include: race, gender, sex, pregnancy, marital status, family responsibility, ethnic/social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth (Government Gazette, 1998). It can be seen from the above that the domain of this Act aims to include all forms of discrimination. Therefore, the former can be categorised as the promotion of equal opportunity in the workplace through the elimination of discrimination arising as a result of any employment policy or practice.

The overt objectives of the Employment Equity Act are expressed in its preamble. They seek to:

- 1) Promote the constitutional rights of equality and the exercise of true democracy;
- 2) Eliminate unfair discrimination in employment;
- 3) Ensure the implementation of employment equity to redress the effects of discrimination;
- 4) Achieve a diverse workforce broadly representative of our people;
- 5) Promote economic development and efficiency in the workforce; and
- 6) Give effect to the obligations of the Republic as a member of the International Labour Organisation (Government Gazette, 1998, p. 2).

Furthermore, a report released by the Commission for Employment Equity in South Africa in 2017 revealed that senior management positions in South Africa were still occupied by White people as 68.5% of senior management members were White while, 28.8% were Black (African 14.4%, Coloured 4.9% and Indian 8.9%). The report also shows that this discrepancy is more prominent in the private sector as 72% of its senior management members were White and only 24.4% were Black (African 10.7%, Coloured 4.7% and Indian 9.0%). In contrast, the public sector seems to have implemented the Employment Equity Act more radically as 87.9% of its senior management members are Black (African 73.2%, Coloured 8.1% and Indian

6.6%). This means that the public sector is more reflective of South Africa's racial demographics as compared to the private sector. In addition, it could also be said that the public sector is under more scrutiny as it is public and administered by the government, and therefore must lead by example, while the private sector only does what is best for those whom it serves. Furthermore, disabled people only comprise of less than 2% of the employed population in both public and private sectors. This is alarming given that disabled people are still disadvantaged yet so few are employed.

The Employment Equity Act No. 55 of 1998 seeks to safeguard employment equity by exercising the constitutional rights of equality and true democracy. The Act links with other Acts such as: (a) The Skills Development Act No. 97 of 1998 which is implemented alongside the Employment Equity Act. The Acts aim at developing the skills of the South African workforce through: improving the quality of life of workers, improving productivity in workplaces and allow for employers to use the workplace as an environment for active learning; (b) The Unemployment Insurance Act No. 63 of 2001, which strives to provide protection for workers that become unemployed, with services such as: claiming for maternity leave, illness, etc. (Department of Labour, 2017); (c) The Guidance and Placement Act No. 62 of 1981 and the Manpower Training Act No. 5 of 1981, that focus on all aspects and matters concerning the relationship between employer and employee, including matters relating to negotiations in respect of the remuneration and other conditions of employment of the employee, the prevention and settlement of disputes between employer and employee; (d) The Labour Relations Act No. 66 of 1995, works hand-in-hand with the Employment Equity Act by providing a framework within which employees and their trade unions, employers and employees' organisations are able to bargain for wages or conditions of employment (Department of Labour, n.d); (e) The Basic Conditions of Employment Act No. 75 of 1997, which focuses on establishing and enforcing the basic conditions of employment linking up to the Employment Equity Act (Department of Labour, 2004:6). The above-mentioned Acts are all interconnected to the Employment Equity Act and they support it in making it effective.

In addition, the Employment Equity Act aims to be in compliance with the international legal obligations of South Africa, in particular, those contained in the International Labour Organization (ILO) Convention concerning discrimination in respect of employment or occupation. Furthermore, the Act seeks to achieve goals 5 & 8 of the Sustainable Development Goals (SDGs). Goal 5 seeks to achieve gender equality by providing women and men with

equal access to employment without any gender disparity. The equal remuneration convention, 1951 (No.100), requires that countries ensure the principle of equal remuneration for all men and women for work of equal value. In defining remuneration, the instrument describes it as a basic or minimum wage or salary plus any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment (International Labour Organization, n.d). This goes hand-in-hand with the Employment Equity Act as it also seeks to achieve this goal by ensuring that there is no discrimination in employment and that there are equal constitutional rights and true democracy (Government Gazette, 2014).

On discrimination, Convention 1958 (No.111) of the International Labour Organisation, notes that discrimination is any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunities or treatment in employment or occupation. The above described conventions, coupled with SDG goals No. 5 and 8, are directly linked to the thrust of South Africa's Employment Equity Act. It is evident that a complementary relationship exists between global (macro) efforts and local (micro) efforts in bringing about equity in the work environment.

Also, the Employment Equity Act seeks to achieve goal No. 8 of the SDGs. The goal talks of achieving decent work and economic growth with an inclination towards promoting the status of women in the workplace, school and family. The same inclusive development approach is pursued by the United Nations Development Programme (UNDP) in the Human Development Report of 2016. The report points out that gender equality and women's empowerment are fundamental dimensions of human development. The notion of equality and inclusive growth resonates well with other policies such as the quality health policy and the education policy. Investing in girls and women has multidimensional benefits. For instance, if girls in developing countries completed secondary education, the under-five mortality rate would be halved (United Nations Development Programme [UNDP], 2016). The Employment Equity Act seeks to achieve this specific, sustainable goal by protecting labour rights and promoting a safe and secure working environment for all workers.

The Act is a legal obligation that is enshrined in the Constitution. Thus, at a national level, the Constitution is the guiding principle that oversees the implementation of the policy and can be analysed as a macro instrument that safeguards workers' well-being.

### **1.3. Problem Statement**

Despite affirmative action being pursued by the South African government after the demise of apartheid in 1994, and especially after it passed the Employment Equity Act in 1998, there seems to be a paucity of research that has been undertaken to investigate the implementation of the Act in South Africa. Furthermore, the Employment Equity Act seems to have a large focus on the quantity of Black people in the corporate sector, however, this research sought to bring to light a somewhat neglected aspect of quality, the quality of Black people who are currently in the corporate sector. This current research thus arrived at updated findings on the implementation of the Employment Equity Act by looking at organisations in the corporate sector in Cape Town, in the Western Cape Province. These findings were gathered from individuals who are responsible for implementing the Employment Equity Act in their organisations, such as human resource managers in Cape Town.

### **1.4. Rationale**

Previous report's findings by the Commission for Employment Equity Act of South Africa of 2017 on the implementation of the Employment Equity Act in South Africa show that senior management is still predominantly White. This was supported by the Commission's 2019 report which also maintained the above findings. It is this occurrence that prompted the need for this research, namely to investigate the effectiveness of the implementation of the Employment Equity Act, especially when it pertains to the employment of blacks in senior positions.

### **1.5. Title**

An investigation of the implementation of the Employment Equity Act (No. 55 of 1998) of South Africa by organisations in the Western Cape.

### **1.6. Research Questions**

The research questions of this research were:

- i. How were organisations implementing the Employment Equity Act?
- ii. What challenges and opportunities did organisations face in implementing the Employment Equity Act of 1998?
- iii. What role did the Employment Equity Act play in the organisations' productivity?
- iv. How did staff members respond to the Employment Equity Act of 1998?

### **1.7. Objectives**

The objectives of this research were:

- i. To find out how organisations in the Western Cape were implementing the Employment Equity Act.
- ii. To establish the role which the Employment Equity Act had in the organisations' productivity.
- iii. To investigate how staff members responded to the Employment Equity Act.
- iv. To establish the challenges (or opportunities) organisations faced in implementing the Employment Equity Act.

### **1.8. Aim**

The aim of this research was to investigate how organisations in the Western Cape were implementing the Employment Equity Act.

### **1.9. Concept Clarification**

For this study, concepts that need clarification are:

- i. **Blacks:** South African citizens who are of the African, Coloured (mixed race) and Indian race (Zondi, 2009).
- ii. **Employment Equity Act (1998):** A piece of legislation introduced in South Africa and other parts of the world to redress past injustices in the workplace, eliminate discrimination, promote equality and introduce measures which give previously disadvantaged people access to the workplace.
- iii. **Staff:** Individuals who are employed by organisations to perform tasks for which they are remunerated on a monthly basis (Omomowo, 2011).

### **1.10. Summary**

This section sought to introduce the context in which the research was conducted. Thus, it presented the problem statement, rationale, research questions and various other areas which serve the above-mentioned introduction. The next section, the literature review, focusses on works which guided this research study.

## **Chapter Two**

### **Literature Review**

#### **2. Introduction**

This chapter seeks to review past literature on the implementation of the Employment Equity Act No. 55 of 1998 in South Africa and similar legislation in other countries, as well as the legislation and theoretical models which informed the study. In so doing, this chapter first presents the reasons why the Employment Equity Act (EEA) is necessary in South Africa by looking at how apartheid caused discrepancies in the employment of the different races, people with disabilities and women. After coming to power in 1994, the newly elected democratic government of South Africa, led by the African National Congress (ANC), attempted to redress discrimination in the workplace by introducing the Employment Equity Act No. 55 of 1998 (Thomas & Jain, 2004). This Act was modelled along the lines of the Canadian Employment Equity Act of 1986, which, like the South African Employment Equity Act, attempted to prevent and eliminate unfair discrimination in the workplaces against racial groups, people with disabilities and women. Therefore, the democratic government of South Africa introduced the Employment Equity Act in recognition of the negative effects of apartheid and other discriminatory practices, such as discrepancies in employment and salaries within the national labour market (Dweba, 2012). These discrepancies could not be addressed by simply repealing discriminatory laws or implementing the Employment Equity Act to increase numbers of racial representation in the workforce, but it also sought to change the behavioural and attitudinal gaps that still create barriers between South Africans (Dweba, 2012; Jordaan & Ukpere, 2011).

Dweba (2012) further asserts that the Act also sought to deal with the qualitative problems which give effect to the pronounced marginalisation of previously disadvantaged people. As such, the Act needs to permeate all aspects of organisational operation, because if it is to truly change and yield fruitful outcomes, organisational culture needs to change. This assertion is supported by Brzuzy (1998) cited in Thomas and Jain (2004), namely that when policies are enacted to redress injustice they allow for and give rise to structures of acceptable behaviour. In addition, they stretch rights and privilege parameters to previously disadvantaged groups, and can also increase opportunities and resources. This means that the trend of recruiting White people for managerial positions, and the recruitment of Black people for low to semi-skilled occupations, needs to come to an end (Marriotti, 2012). Through this, the Employment Equity Act aims to redress the legacy of apartheid in the workplace and, over time, promote equal opportunities for and fair treatment by eliminating unfair discrimination, and implementing

affirmative action. This is to encourage the representation of people with disabilities, women and Black people in the workplace (Thomas, 2002). This unfair discrimination was strengthened under colonialism and apartheid through policies and legislation. Key among other pieces of legislation is the Industrial Act of 1924.

### **2.1. Industrial Conciliation Act of 1924**

Bendix (2000) cited in Jordaan & Ukpere (2011) states that the Witwatersrand strike, held in 1922, gave way to the promulgation of the Conciliation Act of 1924. As a result of the post-World War II worldwide depression, South Africa experienced inflation and mine owners sought ways to cut costs and keep their profits, in order to avoid the closing down of profitable mines. As such, they did not increase mine workers' salaries (Webster, 2001). Thus, this led to mine workers striking during the 1920's. Mine owners responded by buying labour-saving machines to be operated by Black employees. However, this was not accepted by the White workers because it meant that they could lose their jobs, as Black people were willing to work for a minimum wage (Callinicos, 1980, cited in Jordaan & Ukpere, 2011). Ultimately, White mine workers lost the fight for increased wages, accepted lower wages and some were retrenched, whereas Black mine workers led the more productive work at lower wage levels.

Though White mine workers lost the strike, this is said to have been the beginning of workers' militancy in South Africa (Nel, Swanepoel, Kristen, Erasmus & Tsabadi, 2005). As a result of these strikes, the then Minister of Mines and Industries, F.S. Malan, passed the Industrial Conciliation Act in 1924. It allowed for the creation of employee-employer councils which had the power to negotiate and determine wages for White mine workers only. The Act catered for White mine workers only, because Black employees did not fall under the definition of employee, and this allowed for a major incentive to separate the country's labour sector (Webster, 2001). However, employers were not happy about the Act because, among other reasons, it did not make provisions for employer associations (Nel et al, 2005). The government responded by passing the Wage Bill Act of 1925 which allowed for the state to establish a wage board that could invest in certain industries to determine minimum wages for selected jobs (Webster, 2001). In hindsight, the Wage Bill Act of 1925, put Black employees out of jobs and reserved jobs for White employees. Consequently, White employees saw it as a disgrace to earn a low wage similar to what Black workers earned (Callinicos, 2005 cited in Jordaan & Ukpere, 2011). In this regard, it can be argued that the reason why the Mines and Workers Act of 1926 was passed, is that it was a means to reserve jobs for Whites and Coloureds with no consideration of African employees (Webster, 2001).

Furthermore, during this period, the Minister of Mining and Industries, F. S. Malan, justified the promulgation of the Act saying that it aimed to protect White employees from the benefits of using Black workers, because they were a more attractive source of labour and worked harder than White employees for lower wages (Callicios, 2005, cited in Jordaan & Ukpere, 2011). Vettorri (2005) cited in Jordaan and Ukpere (2011) observe that these Acts were given the platform to surface by a Pact Government that was formed before 1924. The government consisted of Afrikaner nationalists and immigrant representatives. It is believed that it was this Pact Government that influenced the passing of the Native Labour Regulation Act of 1911, which denied Black employees the privilege to strike. It gave rise to legislation such as the Wage Act of 1925 and allowed for discrimination based on sex and race within the labour market (Vettorri, 2005 cited in Jordaan & Ukpere, 2011). Although Black people were not allowed to do any skilled jobs, the Building Workers Act of 1951 allowed them to be trained as artisans in the building industry, previously reserved for White workers. However, this was merely a token for Black workers as they were only allowed to work in designated areas, as working in White areas was a criminal offence, and the government would pass more discriminatory laws in the following years (Vettorri, 2005 cited in Jordaan & Ukpere, 2011).

## **2.2. The Bantu Education Act of 1953**

Recognising that the Building Workers Act of 1951 could potentially threaten White employees' jobs prospects, the then Minister of Education, Hendrik Verwoerd, introduced the Bantu Education Act of 1953. The intention of the Bantu Education Act was to create a syllabus tailored for Black people, and to educate them enough to serve their own people in the homelands or work under White people (Vettori, 2005 cited in Jordaan & Ukpere, 2011). It is also noteworthy that the need for, and implementation of the Bantu Education Act (1953) was further propelled by the fact that the Pact Government wanted to create employment for all White people, especially the poor, unskilled and semi-skilled (Jordaan & Ukpere, 2011; Mariotti, 2012). These and all other discriminatory Acts that were promulgated during apartheid were made possible by the passing of the Industrial Conciliation Act of 1924. Nonetheless, it was the amended Industrial Conciliation Act of 1956 that intensified discrimination in the labour market (Marriotti, 2012).

For instance, the amended Act of 1956 required that all unions be totally racially segregated and that they exclude Africans from participating in formal trade union representation. This law denied Africans a voice and increased White people's ability to declare certain occupations as reserved for Whites because they had representation, whereas Africans could not be

represented because they were not even recognised as employees (Webster, 2001). Furthermore, the Bantu Education Act (1953) served to ensure that job reservation for White people would continue, even in a world where job reservation was outlawed. This is because the Bantu education syllabus was so inferior that even if given the opportunity to work in a previously reserved occupation, Black people, especially Africans (the Bantu Act was solely designed for Africans and no other race), would fail. In addition, apartheid laws and the quality of education for Black people prohibited them from gaining access to higher education, thereby allowing White people options with regards to occupation. Mariotti (2012) highlights that even though entry into higher education allowed White people access to highly skilled occupations, the government continued to reserve a number of low skilled occupations, because it wanted to cater for poor White people as well. This left very few options for Black people with reference to professional occupations. As a result, Black people were at the mercy of White people, and took any job that they were offered.

### **2.3. Purpose of the Employment Equity Act No. 55 of 1998**

Prior to 1994, apartheid used racial classification to entrench disparities and inequalities among South Africans. Apartheid did this by providing various levels of services to the different races and also designated areas for each racial group (Nel et al., 2008). One most notable difference in service was in the area of education. Of all the races in South Africa, Africans received the most inferior quality of education, followed by Indians and Coloureds, while Whites received the most superior education. This resulted in the different races being in occupations relative to the quality of education that they had received, leading to the current state of South Africa's social and occupational disparities. The current state of South Africa's social and occupational disparities has led to Africans being the poorest and least represented in positions of power in the corporate world. By that, it is safe to say that apartheid achieved its goal of dividing the people of South Africa, but this is no surprise as the meaning of the word apartheid is "apartness" (Dweba, 2012). Such discrimination led to Black people not being educated enough to be recruited into skilled, technical and managerial fields and this is what the new democratic government of South Africa inherited when it came to power in 1994.

The new democratic government inherited a society where one society (Whites) was well developed and highly educated, while other societies (Black people) had little to no development and were poorly educated (Thomas & Jain, 2004). Faced with these challenges, the new government set out to redress the effects of apartheid by repealing discriminatory laws and introducing a new Constitution which treated everyone equally. The government also

recognised the injustices of the past, as such, made provisions for certain laws to discriminate based on the same measures used by apartheid; race and gender. However, the difference is that the new Constitution sought to uplift those who were previously discriminated against and disadvantaged, so as to put them on an equal footing with those who were privileged by apartheid. Those are, respectively, Black people and White people.

One of the provisions made by the new Constitution was the promulgation of the Employment Equity Act No. 55 of 1998, which seeks to promote the representation of Black people and women at all levels in organisations, especially senior management. It is in this Act that ‘previously disadvantaged’ refers to Black people; Africans, Coloureds, Indians, and later included South African born Chinese (Nevin, 2008 cited in Dweba, 2012). The term ‘previously disadvantaged’ also includes women and people with disabilities. Blakey and Harvey (1988) cited in Dweba (2012) avow that some of the purposes of the Employment Equity Act are to attend to the issue of under-utilisation of Black people, promote more demographically representative workspaces, and eliminate unfair discrimination.

Borrowing from the Canadian experience, under-utilisation refers to systematic discrimination by the government in the provision of social services such as education, housing and employment, with the intention of depriving Black people of social and economic advancement, hence the under-utilisation of their abilities (Blakey & Harvey, 1988 cited in Dweba, 2012). In addition, the Employment Equity Act seeks to implement affirmative action measures to create equal employment opportunities by eliminating unfair discrimination and disadvantages which were experienced by women, Black people and people with disabilities (Jongens, 2006 cited in Dweba, 2012). This under-utilisation is further described as the government’s failure to acknowledge and reward the abilities, skills and knowledge of Black people thereby hampering Black people’s ability to accrue experience, skills and knowledge. The Employment Equity Act (1998) of South Africa thus addresses under-utilisation by ensuring that employers with 50 or more employees equally employ Black people, women and people with disabilities (Dweba, 2012).

#### **2.4. Challenges to the Employment Equity Act of 1998**

This section focuses on the challenges related to the implementation of the Employment Equity Act. They are the following:

#### (a) Organisations

Since its promulgation, the Employment Equity Act has been met with a lot of challenges from organisations, non-beneficiaries, and beneficiaries (Verbeek, 2011). Consequently, the Employment Equity Act's objective of organisations being representative of the national demographics, has not been achieved. The Commission for Employment Equity's 2019 report affirms this as it reported that in the corporate sector in 2018 White people comprised 66.5% of top management in contrast to 15.1% of Africans yet, Africans comprise 78.8% of the total workforce versus that of White people of 9.0%. One factor recognised by Booysen (2007), as one of the reasons for this, is that organisations are not willing to change their organisational cultures to accommodate Black people. This is because merely having national legislation with no actual change is not enough as the experiences of Black people inside organisations will neither be welcoming nor accommodating (Heyden, 2013). Aware of this, some organisations can recruit Black people and purposefully put them in a 'hostile' environment with the hope that they, of their own free will, resign, thereby giving organisations a reason not to recruit Black people because 'they do not stay' in organisations for long (Roman & Mason, 2015).

Furthermore, organisations face the challenge of costs that come with attracting, recruiting, retaining, training and developing Black candidates to fit in the respective positions (Thomas & Jain, 2004). Thomas and Jain (2004) further state that it is difficult to find qualified Black candidates in South Africa, and when organisations do find them, they are usually wanted by other organisations as well. Therefore, organisations have to compete for those candidates and offer them competitive packages, which might result in Black people being offered a higher salary compared to their White counterparts in the same position. Thus, this may create tensions between Black and White employees, and between White people and their employers, because White employees may feel that they are not valued as much as the Black employees (Hideg & Michela, 2011). As a result, organisations not only spend a lot of money recruiting Black people, but also spend money on implementing programmes which are meant to help them adapt to the organisations' culture, changing White employees' attitudes towards Black employees, and resolving any conflict which may have arisen as a result of the recruitment of Black people. Once Black employees have been recruited, organisations spend time on their training and development, and also have to ensure that they are happy in their organisations, because other organisations are scouting for them (Roman & Mason, 2015). With that, organisations need to safeguard Black employees by ensuring that they are happy and have more reason to stay than to leave the organisation. However, one question needs to be asked,

why is it that Black people ought to be the ones who change so as to fit into organisations' environment? Why are organisations not reluctant to change so to accommodate Black people? Is it because organisations value their White employees more than they value Black employees?

Subsequently, organisations are required to mould their culture to the satisfaction of Black employees, keep White employees happy and ensure that they do not feel threatened by the Black employees, while at the same time delivering quality services to their clients (Hideg & Michela, 2011). The abovementioned reveal that it costs organisations more to recruit Black candidates as compared to recruiting White candidates, and spending money on Black people does not guarantee that they will remain with the organisation or that they will perform to the satisfaction of the organisation's standards (Tlhatlosi, 2010). This is why, some argue, that organisations prefer to recruit White candidates because they do not have to compete with other organisations to employ them or change the organisational culture, plus they can guarantee the same quality service delivery, if not better. Therefore, organisations present the abovementioned, as some of the reasons for the slow progress in implementing the Employment Equity Act of 1998. However, organisations themselves also hinder the Employment Equity Act's progress. Is it really a matter of costs that is preventing organisations from being EEA compliant? This is as organisations keep coming up with reasons why the EEA is ineffective instead of coming up with solutions. Could there possibly be fears that once Black people are in managerial positions they will do away with White employees? Or is it a matter of being comfortable and greedy?

Arguably, the management of some companies or organisations are resistant to implementing the Employment Equity Act (1998) because they do not see the benefit of doing so and would rather pay the fine imposed by the Department of Labour for non-compliance. Booysen (2007) identified that in some cases, management pay lip service with regards to the necessity of implementing the Employment Equity Act (1998) but do not act on it. To support this assertion, the Commission for Employment Equity's report of 2019 shows that between 2016, 2017 and 2018 as the number of White people in senior management has slowly decreased, respectively, from 68.5%, 67.7% to 66.5%. Similarly, the number of Africans in top management is moving at a snail's pace with 14.4% in 2016, 14.3% in 2017 and 15.1% in 2018. Without management's support, the staff responsible for implementing this Act do not feel obliged or encouraged to implement it, thus leading to no action being taken. There are also inconsistent levels of commitment between departments, leading to uneven amounts of progress within

organisational departments in the implementation of the Act (Heyden, 2013). In such a state, departments are likely to be in conflict as some departments may accuse other departments of a lack of commitment, while others may be blamed for being disloyal or disrespectful to the organisational culture and history. Furthermore, organisations lack cultural sensitivity and expect new Black employees to assimilate into organisations' existing cultures (Leonard & Grobler, 2006). There is also a deficiency of cultural diversity and cultural awareness programmes that would allow for the accommodation of the various cultures of South Africa, thus eliminating cultural insensitivity.

Moreover, the phenomenon of White male dominated organisations continues to exclude Black recruits and dissuades them from even considering such organisations (Oosthuizen & Naidoo, 2010). When Black people are eventually recruited, they are not fully integrated into organisational operations, but instead are selected as token employees with little responsibility or authority (Leonard & Grobler, 2006). This is exacerbated by the lack of systematic development and training given to Black employees, leading to them not having effective management skills, and feeding the stereotype that Black people are not fit to manage or lead organisations (Oosthuizen & Naidoo, 2010). Booysen (2003) highlights that there are no Black role models or mentors to guide Black employees, resulting in Black employees being demotivated, and not believing that they can succeed in management. Thus, they eventually leave.

#### (b) White employees

Hideg and Michela (2011) assert that the Employment Equity Act (1998) is an important tool with which to build a nation and to promote equal employment opportunities for all, but some White people see it as a weapon to destroy their livelihoods. The Employment Equity Act was promulgated to address past injustices, promote social justice and widen the pool of candidates, but at the same time, this increases the competition for jobs. As a result, some White people feel threatened and react negatively to this law because they see it as a form of reverse racism, as it not only increases competition, but it also gives preference to the competition, thus decreasing White people's chances of securing jobs and being promoted. As such, White people, especially those already employed, react negatively to the implementation of the Employment Equity Act in their organisations because they feel that its prescripts are a breach of contract. These breached contracts are not necessarily actual signed contracts, but are psychological contracts, defined as promises either implied or expressed, and which refer to agreements between the employee and their employer (Rousseau, 2004). Is it really a breach

of contract or is it insecurity? In addition, since White employees are used to working with just White colleagues, could it be that they still possess a racist mentality thus feel uncomfortable having Black people as colleagues and spending, on average, eight hours a day with them?

At their core, psychological contracts are imbedded in a relationship of exchange and reciprocity, meaning that, for instance, when employees perform well they are rewarded for it and when the employer treats their employees well, employees become more motivated in their work and accomplish tasks both efficiently and effectively. However, when organisations start implementing the Employment Equity Act (1998) policies and focus more on changing the organisational status quo to accommodate Black employees, White employees feel neglected and betrayed by their organisations (Wocke & Sutherland, 2008). Thus, they become demotivated, withdraw their services and resist the implementation of Employment Equity Act policies within their organisations as a form of protest.

Furthermore, it is alleged that the Employment Equity Act diminishes White employees' sense of psychological ownership of the organisations they work for. Pierce, Kostova and Dirks (2003) refer to psychological ownership as being a state of mind or feeling that an individual has ownership of the organisation they work for. Psychological ownership serves to satisfy the employees' need to be efficacious, in charge of their work environment, to have an identity and a place to belong. With the above needs met, psychological ownership leads to individual accountability and ownership of their work. Employees become protective of not only their work, but also of the organisations they work for; accordingly, they give more of themselves to the organisation as they feel that they own it and have to do everything they can to ensure that it succeeds (Olckers & van Zyl, 2016). Psychological ownership is further promoted by allowing employees control over their targets and intimately informing them of their targets; this in turn encourages them to invest themselves in their targets (Van Dayne & Pierce, 2004).

Psychological contracts and psychological ownership work hand-in-hand to encourage employees' loyalty to organisations, thereby ensuring that organisations operate without hindrance (Wocke & Sutherland, 2008). However, White employees feel that their psychological contracts are being breached, and psychological ownership diminished, because the Employment Equity Act (1998) puts an emphasis on Black people and favours them but disregards White employees and their loyalty to organisations (Olckers & van Zyl, 2016). As a result, organisations reluctantly implement this legislation's regulations as a means to please their White employees whom they know are loyal and perform well. Hence, companies prefer

to pay the penalty for not meeting the Employment Equity Act requirements instead of recruiting Black employees whom they are not sure of, that is, whether they will be loyal or perform according to organisational expectations.

(c) Previously disadvantaged status: Black people

The Employment Equity Act (1998) was promulgated to redress the injustices that were experienced by Black people during the apartheid era, however, it seems that Black people, who are the intended beneficiaries of this Act, are experiencing challenges (Zondi, 2009). One unexpected reaction from Black people is that they are perceived to have been employed due to a biased system which favours them instead of them being hired based on merit (Hideg & Ferris, 2014). Furthermore, the Employment Equity Act puts pressure on Black recruits because they are then expected to perform to the highest standard in organisations. This is because, not only are they qualified for the position, but they also receive training and development to enable them to perform in their respective jobs (Zondi, 2009). Failure to perform after being given such opportunities adds to the stereotype that Black people are incapable of holding positions of high authority. Even when Black employees do well in their positions, they tend not to be seen as competent because of the advantage that the Employment Equity Act supposedly provides (Oosthuizen & Naidoo, 2010).

Other reasons why Black people react negatively to the Employment Equity Act are that it treats Black and White women as one group. Organisations have thus capitalised on this by recruiting White women instead of Black people as a means to satisfy the Employment Equity Act requirements (Leonard & Grobler, 2006; Thomas & Jain, 2014). As such, Black people are left with low positions in organisations, and in other cases, disregarded, because they have less qualifications and experience compared to White women. Hideg and Ferris (2014) also found that organisations have a tendency of hiring Black people who studied abroad because they are perceived as more capable and are more likely to fit into the organisational culture without the organisations having to make any changes or spend money on their training and development, while receiving quality services from the Black recruits. As such, this belittles Black people, and sends out the message that Black people, especially those who studied in South Africa are incompetent, thus should not be recruited. At the end of the day, this leaves a large number of Black people unemployed or in low level positions in corporate organisations. As such, the racial divide remains, that is if it is not widened.

The Employment Equity Act (1998) has also created conflict between the three groupings of Black people: namely African, Indian and Coloured. This is because the Act puts more focus on Africans, and seemingly not the other races, thus leaving Indians and Coloureds feeling neglected, even though they also suffered during apartheid (Leonard & Grobler, 2006). As a result, Coloureds and Indians feel neglected in the Republic of South Africa because during apartheid they were 'not white enough' to benefit from the system, and now in the new democracy they are 'not black enough' to benefit. In addition, women and people with disabilities also are neglected in the implementation of the Employment Equity Act because they are thought to cost organisations more than men (Zondi, 2009). Women are sometimes overlooked because at some point in their occupations, they will have family responsibilities to attend to, and they will need to leave work early or go on maternity leave; this leaves their work incomplete and organisations have to recruit extra staff. Most women are also unable to work overtime because they have family responsibilities, so they are unable to take on more work than assigned (Thomas & Jain, 2004). On the other hand, men are able to work overtime and do not have to go on maternity leave, so organisations prefer to recruit men because they can maximise on their abilities. Organisations avoid recruiting people with disabilities as well because of the costs that come with hiring such people, like restructuring office space and catering to their other needs which able bodied people do not have.

## **2.5. Legislation**

### *2.5.1. Constitution of the Republic of South Africa (1996)*

The Constitution of the Republic of South Africa acknowledges that there was injustice in the past in the country and therefore commits itself to redressing these injustices and healing the divisions of the past, as well as promoting quality of life for the people of South Africa. As such, the Constitution of the Republic of South Africa was used to investigate how the Employment Equity Act honours and promotes its values as it is the supreme law of the country. Though the Employment Equity Act is based on the Constitution, a number of corporates that participated in this research noted that the Employment Equity Act (EEA) had aspects which were contrary to the Constitution. Thus, they were of the view that the EEA needed to be amended. Details about this issue will be further discussed in the results section.

## **2.6. Theoretical Models**

It is important to note that, the people who were disadvantaged in the past were disempowered in several ways by the apartheid government through its use of, among others, political and

economic power. However, this research study focusses on economic power. Other forms of power such as information and political power will be touched on in relation to economic power.

i) Power theory

“Power means having the ability to achieve desired ends despite resistance from others” (Macionis & Plummer, 2008:515). However, Mills (2003) notes that power is not infinite as whenever there is power, there is resistance from those over whom power is being exerted. The power theory was used to show how the apartheid government used its power to introduce legislation which favoured White people, focusing on the workplace sphere, and how this led to the current state of the workplace in South Africa. In addition, the power theory was also employed to shed light on how organisations are currently resisting the government’s use of power in the form of the Employment Equity Act No. 55 of 1998.

Mills (2003) asserts that power can also be seen as a chain of relations spread throughout society, where individuals are not seen as the recipients of power, but as the setting in which power is enacted and resisted. This speaks to how the apartheid government enforced the Job Reservations Act through various means such as providing poor education for Black people through the department of education, and ensuring that certain occupations were reserved for White people through the department of labour. Similarly, the democratic government attempted to reverse the effects of apartheid when it introduced the Employment Equity Act through parliament. It enforces the Act through the department of labour and imposes penalties on those individual corporates that do not comply. Furthermore, the corporates that do not comply with the Act provide the setting in which power is resisted.

Power further needs to be applied continually for it to be effective, which is why the Employment Equity Commission constantly publishes reports on the progress made in the implementation of the EEA thus far, even though the findings still show a negative picture (Mills, 2003). This is an example of the continued resistance by corporates with economic power. However, the findings from the Employment Equity Commission report of 2017 show that there has been a slight improvement in the number of corporates complying with the EEA, but there is still more work that needs to be done. The resistance displayed by corporates could be a sign of a misalignment of power or other issues, thus this research study sought to investigate this matter and arrive at empirical evidence that could be relied on when trying to understand the former issues.

Power varies in form and in how it presents itself, but the fundamental powers are economic capital, cultural capital and social capital (Bourdieu, 1989). To begin with, economic capital refers to money, property or any other assets of monetary value, whereas social capital refers to the potential resources available to an individual through a network of relationships with mutual acquaintances, or through membership of a particular group (Bourdieu, 1986).

Bourdieu (1986) supposes that moving from economic capital to social capital, from a narrow base of economic capital, can be seen as pure wastage because it entails spending a large amount of time, care, attention and concern, in an endeavour to transform the financial aspect into one that is socially meaningful and yields long term social benefits. This is tedious for those with a narrow and short-term economic standpoint. It could be argued that corporates in South Africa are reluctant to implement the EEA because it requires great investment of resources for an extended period of time, but ultimately does not guarantee success or returns. On the other hand, the current investment in White employees yields the expected returns, if not more, and thus organisations feel that the change required by the EEA will be too costly for them; they would rather pay the penalties for non-compliance (Zondi, 2009).

## ii) Racism theory

Racism is the discrimination and prejudice against a group of people based on their skin colour (Newman & O'Brien, 2013). Furthermore, racism is based on the ideal that people can be divided into subgroups which are distinguished by their social behaviour and innate abilities; therefore, one subgroup is deemed inferior to another. Due to this superior-inferior relationship, the inferior group is subjected to the powers of the superior group, be it humane or inhumane (Newman & O'Brien, 2013). With that said, the racism theory was used to analyse the intentions of the apartheid government through Acts such as the Job Reservations Act No. 49 of 1953. Furthermore, this theory also helped shed light on why racism is still prominent today in all its forms in a democratic South Africa.

Vaught and Castagno (2008) state that racism is a system that shapes institutions and relations; it adapts to socio-cultural changes as it alters how it is expressed, hence it never disappears or diminishes. This perspective explains why, in the findings of this research study, some Black employees were treated in particular ways by some corporates, leading to their departure. In addition, this research sheds light on why White people are reluctant to either recruit or retain Black employees in their corporate organisations, especially for senior management positions.

Furthermore, there are individuals who are neutral and colour-blind, and such individuals are said to be part of the reason why racism does not disappear, because through their colour-blindness or ignorance, racism is kept alive (Vaught and Castagno, 2008). Such a stance explains that certain organisations consider themselves to be neutral and thus they give everyone an equal opportunity when it comes to recruitment and promotions. Even though the EEA states that preference ought to be given to Black candidates, such organisations have the same employee racial demographics as those that have not been implementing the EEA at their organisations.

## **2.7. Summary**

This section first introduced the literature available on similar topics and then it outlined the legislation and theories which inform this study. The literature review began with an overview of the coming to power of the democratic government, and it then covered the early 1900's when the foundation of apartheid was laid and later followed with findings on the implementation of the Employment Equity Act in the RSA context. Following the literature review, is the methodology section which details how the study was conducted.

## **Chapter Three**

### **Methodology**

#### **3.1. Introduction**

This section discusses the methodology of the research, and illustrates how it was conducted. The chapter also examines the processes that were involved in finalising the research such as the sampling of research respondents, data collection tools, and the analysis and interpretation of data.

#### **3.2. Methodology**

This study adopted a qualitative research approach which uses an insider's perspective as its departure point to social research (Babbie & Mouton, 2015). In qualitative research, researchers always seek to understand human behaviour from the social actors' perspective. Qualitative research typically aims to study subjects in their natural habitat. However, in this study, participants described their habitat to the researcher. This still forms part of qualitative research as participants, and social actors shared their perspectives of the implementation of the Employment Equity Act No. 55 of 1998 within their organisations.

De Vos, Strydom, Fouché, and Delport (2011) further assert that in qualitative research, researchers are a key instrument, collect data themselves, and keep a focus on understanding the participants' problem. To gain insights for this study, the researcher used face-to-face interviews and interviewed participants, for 45-60 minutes per interview session, so as to understand how participants viewed the implementation of the Employment Equity Act in their organisations. Kumar (2005) as cited in De Vos et al. (2011) assert that qualitative research is unstructured and makes it the best fit for exploring the nature of an issue or phenomenon.

Furthermore, this study was explorative as Schutt (2004) states that explorative studies are concerned with finding out what is happening within a particular setting without any explicit expectations. An explorative study aims to develop an explanation based on the responses to the abovementioned research questions. As such, exploratory studies look at how people relate to each other, the meanings they attach to their actions and their concerns in the setting of interest. This study aimed to gain insight into the implementation of the Employment Equity Act in the Western Cape, with the objectives being to understand how organisations were implementing it, its role in organisational productivity, how staff members were responding to it, and the challenges or opportunities which surfaced as organisations attempted to implement it.

### **3.3. Population and Sampling**

Gravetter and Forzano (2003) as cited in De Vos et al. (2011) note that a population is a larger group of individuals from which a sample would be drawn. Schutt (2004) states that a population is generally too large to include in a study, so a sample, which is a subset of a population, is used in a study in order to gain a general finding about the population. For this study, the researched organisations all operated in Cape Town in the Western Cape Province, however, the sample was drawn from Human Resource (HR) managers who worked for corporate organisations in Cape Town. This study sampled a minimum of 20 organisations as it needed participants from at least 20 organisations for the study to be conclusive and produce reliable findings. These organisations were approached by the researcher via email with a request to meet with their Human Resource managers at a time suitable for them. De Vos et al. (2011) assert that in qualitative research, there are no rules that govern sample size as it depends on what the researcher seeks to know, usefulness of the collected information, and what is feasible within the given time and resources. As such, this study found it useful to have 20 participants and believed that these participants will provide concrete and in-depth information to the research questions. Furthermore, time and resources were limited, thus the use of 20 participants, located in Cape Town, as they were feasible within the means and proved to be significant enough to enrich the research. It is noteworthy that the researcher approached more than 125 organisations requesting them to take part in the research, however, not many were able to participate. This statement is made to make known that the researcher sought to have more than 20 participants in the research, but circumstances did not allow.

This research employed purposive sampling to sample the respondents because it allows for the researcher to use his/her judgement in selecting a sample that contains the most characteristics or typical attributes of the population that serve the interest of the study (Burton, 2000; De Vos et al., 2011). Such a technique was suitable for the researcher considering that the research was not funded and had limited resources. Hence, the research was confined to Cape Town as the area was purposefully chosen and could be accommodated within the limited financial and time resources available for the research. Therefore, the researcher chose a sample that was representative of the population and served the purpose of the study. Furthermore, in purposive sampling, each participant is selected for a purpose, typically because of their position, and in this study HR managers were selected because they are the ones who are usually responsible for the implementation of the Employment Equity Act (Schutt, 2004). Rubin and Rubin (1995:66) as cited in Schutt (2004:150) suggest that selected participants

should be “knowledgeable about the cultural arena or situation or experience being studied”. Accordingly, HR managers were the most suitable participants as they are knowledgeable about the implementation of the Employment Equity Act in their organisations.

#### **3.4. Data Collection Approach and Tool**

This study used structured face-to-face interviews as a data collection tool. Babbie and Mouton (2001) state that when conducting face-to-face interviews, the researcher’s presence should not affect the participant’s perception of the interview. To ensure this, Babbie and Mouton (2001) state that the researcher should have some characteristics which are similar to those of the participant such as speaking the language of the respondent, coming from a matching ethnic group, sex and age category, and having interview skills. For this research, the researcher had interview skills, matched some of the categories stated above, and worked to ensure that differences between the interviewer and participants did not negatively impact the study.

De Vos et al. (2011) and Robson (2002) avow that face-to-face interviews are also appropriate for small-scale in-depth studies where the researcher has limited resources, is conducting the study alone, or is a student. Using face-to-face interviews as a research tool, the researcher was able to gain insight into the meaning that participants hold about the implementation of the Employment Equity Act in their organisations. Robson (2002) adds that interviewing is a widely used data collection tool in qualitative research; it involves the researcher going into the field, asking questions and hopefully obtaining answers from the participants. Moreover, the study used open-ended questions which allowed participants the liberty to add other views, answer in-depth and gave the researcher the opportunity to explore other areas of interest based on the participants’ responses (Robson, 2002; Schutt, 2004). Moreover, with open-ended questions, the researcher does not presume to know the type of responses which the respondent might give; instead, these types of questions allow them to give responses based on their experiences (Schutt, 2004).

#### **3.5. Data Analysis**

Cozby (2009) states that once data has been collected, it needs to be analysed and interpreted into an understandable language such as graphs, tables, writing and statistics. Schwandt (as cited in De Vos et al., 2011:399) asserts that data analysis is the making sense of and interpreting data collected through the rereading of interview and focus group notes, transcripts; and listening to the recordings and developing themes found within the interactions. Creswell (2009:184) states that data analysis starts as soon as data collection begins because it

is conducted simultaneously with data collection, interpreting and writing reports. In this study, data was analysed using Creswell's data analysis spiral (as cited in De Vos et al., 2011:403) which moves in analytic circles instead of a fixed linear approach. The steps involved include:

- planning for recording of data,
- data collection and preliminary analyses,
- managing data,
- reading and writing memos,
- generating categories and coding the data,
- testing emergent understandings and searching for alternative explanations, interpreting and developing typologies and then presenting the data.

Once data was analysed, findings were weighed against existing research on the research theme and then presented.

**3.6. Trustworthiness:** The trustworthiness of the study was enhanced through ensuring the following:

**3.6.1. Credibility:** seeks to ensure that the findings and interpretations produced are credible (Babbie & Mouton, 2015). In ensuring credibility, the researcher had supervision sessions with his supervisor to ensure that the proper research process was followed. Lincoln and Guba (1985) assert that having a supervisor provokes the researcher to critically think about research and refine it to one of high quality with credible findings. At the conclusion of the study, the findings were presented along with its methodology in an effort to convince readers of the credibility of the study (Neuman, 2007 as cited in Creswell, 2009:92).

**3.6.2. Transferability:** This provides an adequate description of the study to allow other researchers to replicate it and obtain similar findings (Babbie & Mouton, 2015). To ensure transferability, the researcher provided a detailed description of the study, starting with introducing the study, the reasons why it was conducted and its intentions, followed by the literature review, looking at what other researchers found, the methodology, which described the context and the starting process. The researcher also detailed the type of study this was, the context, the participants, the data collection and the compilation of the results. Lastly, the researcher presented the results of the study followed by a discussion of the results and then a conclusion.

**3.6.3. Dependability:** Refers to how the research was ensured through detailed descriptions of the research process including the research design, how it was implemented, and an evaluation of the research project (Babbie & Mouton, 2015). To ensure this, the research was conducted under the watchful eye of a supervisor, who also ensured that the research process is fully detailed in the presented document. In addition, the use of literature and other academically accredited sources to support the research process and explain the reasoning behind this research further increased its dependability.

**3.6.4. Confirmability:** Seeks to eliminate researcher bias. It was promoted by presenting a document which outlined the research process including the literature review, methodology, data collection, data analysis, findings and conclusion, and the raw data was also attached (Babbie & Mouton, 2015).

### **3.7. Ethical considerations**

Babbie and Mouton (2015) assert that researchers have the responsibility to search for truth, but this search must not be at the expense of other people's rights. Furthermore, it is essential that social research be based on mutual benefit and respect (Hollway & Jefferson, 2013). It is for the above-mentioned reasons that this research took into consideration six ethical measures to ensure that participants were respected. The measures which were taken were voluntary participation, anonymity, informed consent, deception of respondents, confidentiality and avoidance of harm.

#### *3.7.1. Voluntary Participation*

De Vos et al. (2011) contend that research participation should always be voluntary, and respondents should always have the option to withdraw at any time with no consequences. In this study, participants were invited to participate in the study via a phone call and then through an email. Also, they had the option to withdraw if they wished to do so. In addition, the study had no tangible rewards, therefore participants were not compelled or enticed to participate because they wanted to be rewarded; participation was totally voluntary. Schutt (2004) states that ensuring voluntary participation in interview research is often not a challenge, hence in this study, participation was without any form of coercion and participants were fully aware of their rights.

#### *3.7.2. Avoidance of Harm*

Babbie and Mouton (2015) emphasise that no harm should come to participants, and that the researcher should try by all means to avoid harm to participants. De Vos et al. (2011) add that participants need to be made aware beforehand of the possible impact of the study, be it positive or negative. In addition, researchers need to avoid asking questions that might possibly make participants feel uncomfortable. In this study, no harm came to the participants as they were not asked any personal questions and their responses were kept confidential. Participants were made aware of the fact that they had the option to withdraw at any time if they felt uncomfortable.

### *3.7.3. Confidentiality*

Confidentiality speaks to the researcher's non-disclosure of the participants' information to any party, be it funders, academic institutions or the public (Babbie & Mouton, 2015). For this study, participants were made aware of confidentiality and assured that their information would not be disclosed. Moreover, participants' personal information (names and surnames), which was needed to give consent, was not made available to anyone; this was to ensure that participants were not punished for taking part in the study. During interviews and in the writing up of the dissertation, participants were neither asked to reveal their personal information nor were they referred to by their original names or the organisations they worked for. Once the interviews were completed, participants were assigned random pseudonyms such as participant A for the purpose of transcribing the interviews and writing up the research report. This helped to ensure that participants' confidentiality was not compromised.

### *3.7.4. Anonymity*

Anonymity refers to there not being any information that may result in the identification of the participants (Babbie & Mouton, 2015; De Vos et al., 2011). This research was conducted through interviews, which were recorded, and when participants mentioned anything that might have led to them being identified, that part was removed to ensure that they remained anonymous. The researcher had participants' identifying information because it was needed in order to identify and secure them for the research. However, no information relating to them or their identity was requested during the process of the research or divulged. This included, but was not limited to, their names, contact information or organisations.

### *3.7.5. Deception of Respondents*

Deception refers to the intentional misinterpretation of information or misleading participants by encouraging them to participate in the research when they would possibly have refused to take part (De Vos et al., 2011). In this research, participants were not deceived as they were informed about the true purpose of the study and they also had the opportunity to ask questions.

#### 3.7.6. *Informed Consent*

Informed consent relates to a form which details the purpose and procedures of the study, and also highlights participants' rights with reference to the study (De Vos et al., 2011). For this research, the consent form was a document which participants were able to view prior to taking part in the study. Participants then signed the forms which were kept in a safe place by the researcher.

### 3.8. **Limitations**

#### 3.8.1. *Securing Participants*

One of the biggest limitations for this research was securing participants. A number of the organisations approached stated that their HR managers were based in Johannesburg and others in Durban. Other responses were that organisations were busy with audits and other functions, and as such could not spare time to take part in the research.

For two organisations which were approached, one could not take part in the research because the organisation was in the process of being acquired by another company, while the other one, the HR manager had only been with the organisation for two days at the time of making contact with them.

For other cases, organisations did not have HR managers, and were not implementing the EE because they were too small or had been recently established. Other participants merely declined to take part in the research. As such, the researcher worked with those who were available and willing to take part in the study because the situation was beyond the researcher's control.

#### 3.8.2. *Successfully contacting HR Managers*

Successfully contacting HR managers also proved to be a two-fold challenge. First, HR managers would be reached. They would then request that an email with more details on the research be sent to them, promising they would respond after looking at it. However, they would often not respond, even after numerous follow-up emails and telephone calls. Secondly,

some HR managers were not reachable; at times their receptionists or colleagues would provide the HR managers' email addresses but there would still be no response. In a few cases, colleagues would provide their own email addresses and request that a detailed email about the research be sent to them so that they could forward it to HR managers; however, they also did not respond to further communication or were unreachable via telephone calls. The best course of action available to the researcher was to keep contacting other HR managers and work with those who were willing, and not waste time on those were giving him the run-around.

### *3.8.3. Representation*

Furthermore, there was an attempt to obtain an even number of representatives from the various sectors. This proved to be quite a challenge as a number of the organisations stated that the information requested was available publicly on their websites, and as such they saw no need to partake in the research. Other organisations, especially banks, stated that the information requested was confidential. One of the banks stated that it had taken part in a research study similar to this one, but that the identity of the bank was leaked to the public. As a result, a balanced representation could not be achieved because initially, the researcher contacted an equally representative number of organisations, but those willing to participate did not amount to an equally representative study of organisations. Furthermore, furthermore, racial and gender representativity could not be achieved due to the aforementioned circumstances. Due to time and resource constraints, the researcher worked with those who were available, as trying to balance representativity would have prolonged the study further than it was allowed.

### *3.8.4. Interview Responses*

In addition, during interviews, some of the respondents were not forthcoming in their responses; even after the researcher probed or clarified the questions, they were not keen on giving detailed responses. However, in some cases, respondents stated that they had not been with their respective organisations long enough to respond to some of the questions or give fully informed responses. As such, the researcher opted to ask indirect questions and make assertions to provoke more detailed responses. Furthermore, the researcher asked hypothetical questions and made examples in order to elicit responses.

### *3.8.5. Time*

Time also proved to be a limitation. There was a case whereby the participant forgot about the research meeting and scheduled a business meeting at the same time, consequently the research

interview ended up being 30 minutes instead of the scheduled 60 minutes. In another case, the research interview had to be rescheduled as the participant also forgot about the research interview and as he/she had meetings the whole day. In addition, a number of the interviews were not completed or got cut short due to time running out, interruptions or new commitments by the participants. After cutting the interviews, these particular HR managers were no longer available for another interview. As a result, the researcher opted to ask more direct questions to elicit straight answers that needed minimal elaborations.

#### *3.8.6. Research Questions*

The research questions could be said to have also caused a limitation as they were set to answer the study's premeditated research questions, thus limiting participants' responses. Though the study did make provisions for participants to add other perspectives outside of the research questions, having known the focus of the study may have influenced participants to opt to be silent. As such, the responses from participants favoured the study, and minimizing the scope which the study could have covered. In addition, some of the participants did not understand some of the questions, thereby requiring explanations from the researcher.

### **3.9. Conclusion**

This section discussed how this study was structured by looking at the population and sample, data collection, data analysis, limitations and time frame. These topics showed that the research was limited to the Western Cape and that human resource managers were the participants. In addition, the section expressed how the researcher might have caused limitations to the study but also presented the ways, in the data analysis, in which limitations were minimised.

## **Chapter Four**

### **Findings**

#### **4.1. Introduction**

This chapter presents the findings of the study, and discusses them with the purpose of interpreting and adding meaning to them. These findings are presented in line with the objectives and themes of the study, as well as in the order of its research questions. However, before the findings are presented, a backdrop of the study and profile of the participants are presented to give a context of the study, followed by the themes and sub-themes, and then lastly, the findings.

#### **4.2. Backdrop of the study**

This study sought to investigate how organisations were implementing the Employment Equity Act No. 55 of 1998. This study was limited to corporate organisations based in Cape Town, in the Western Cape Province of South Africa. It was limited to Cape Town due to the fact that the researcher is studying at an institution located in Cape Town. In addition, the study was conducted in Cape Town because of time and financial constraints, and the fact that the study was a minor dissertation.

This study's objectives were:

- i. To find out how organisations in the Western Cape were implementing the Employment Equity Act.
- ii. To establish the role that the Employment Equity Act had on organisations' productivity.
- iii. To investigate how staff members responded to the Employment Equity Act.
- iv. To establish the challenges (or opportunities) organisations faced in implementing the Employment Equity Act.

The research questions were the following:

- i. How were organisations implementing the Employment Equity Act?
- ii. What challenges and opportunities did organisations face in implementing the Employment Equity Act of 1998?
- iii. What role did the Employment Equity Act play in the organisations' productivity?
- iv. How did staff members respond to the Employment Equity Act No. 55 of 1998?

### 4.3. Participants' Profile

The study was conducted on Human Resource managers from 20 corporate organisations which were all based in Cape Town.

The organisations' profiles are as follows:

Sector	Number	Gender		Race			
		Male	Female	White	African	Coloured	Indian
Finance	5	2	3	2	2	1	-
Gambling	2	-	2	-	-	2	-
Furniture	2	1	1	1	-	1	-
Mining	1	-	1	-	-	-	1
Storage	1	1	-	1	-	-	-
Investment	1	1	-	-	-	1	-
Media	2	-	2	1	2	-	-
Hospitality	3	1	2	-	3	-	-
Textile	1	1	-	1	-	-	-
Transport	2	2	-	2	-	-	-

This study was qualitative in nature because it used the insider's perspective as the point of departure (Babbie & Mutton, 2015). In qualitative research, the aim is to understand human behaviour from the actor's perspective by studying the subjects in their natural setting. However, for this research, participants described their setting to the researcher through one-on-one, and face-to-face interviews that lasted between 45-60 minutes per session. De Vos et al. (2011) assert that researchers are a key instrument in qualitative research and collect data themselves, hence the researcher personally conducted the research interviews. This study was fit to be an explorative study as it sought to discover what was happening in corporate organisations in the Western Cape, with no explicit expectations. Consequently, the study formulated an explanation as to how these corporate organisations were approaching the implementation of the Employment Equity Act based on the responses from the respondents (Schutt, 2004).

The population of this study were corporate organisations in the city of Cape Town in the Western Cape. However, the sample comprised 20 Human Resource managers in Corporate Cape Town. Furthermore, the study employed a purposive sampling technique as it allowed

for the researcher to use his judgement in choosing a sample that had the most attributes of the population and which served the interest of the study (Burton, 2000).

Before the researcher could begin collecting data, he first had to identify corporate organisations which were based in Cape Town. He searched for them through various means such as the internet, newspapers, and referrals by classmates and colleagues who were aware of the proposed study. Initial contact was made telephonically and then the researcher asked to be referred to the Human Resources (HR) Manager of each organisation. Thereafter, introductions were done and a summary of the study was provided. If HR managers were interested in the study, their email addresses were requested and an email containing more details on the study was sent to the potential research participants. Furthermore, when the HR managers agreed to take part in the study, meetings and venues were arranged, at the HR managers' convenience. With the interviews, 19 of the 20 meetings were held at the HR managers' organisations, while the remaining meeting was held at an external location.

#### **4.4. Themes**

This subsection presents the themes that formed and guided the study, and were derived from the objectives. The sub-themes are presented hereafter.

##### *4.4.1. Objective One*

The first objective sought to find out how organisations in the Western Cape (WC) were implementing the Employment Equity Act (EEA). The first theme is thus compliance. The most prominent issue in establishing how organisations were implementing the EEA was that: *There is implementation of the EEA, but it varies and is with limitations.*

The Employment Equity Act attempts to prevent and eliminate unfair discrimination of racial groups, persons with disabilities and women in the workplace. Currently, there is still racial discrimination, however, the Act is aimed at making provision for those who were previously discriminated against. The Employment Equity Act's 'positive' discrimination could be said to be necessary or fair as it is meant to promote the EEA's aim of redressing the legacy of apartheid in the workplace. Over time, it plans to promote equal opportunities for previously disadvantaged groups, fair treatment by eliminating unfair discrimination, and to implement affirmative action so as to encourage the representation of persons with disabilities, women and Black people in the workplace (Thomas, 2002). It is also important to note that this study found that prominent positions in corporate organisations were still occupied by White people.

#### 4.4.1.1. *Sub-theme: Preferential treatment*

Preferential treatment is a sub theme linked to the theme of compliance. When policies are enacted to redress injustice, they allow for and give rise to structures of acceptable behaviour, stretch rights and privilege parameters to previously disadvantaged groups, and can also increase access to opportunities and resources. Therefore, preference is given to Black candidates, but sometimes it is difficult to find Black candidates that are suitably qualified hence positions are offered to White candidates.

In contrast to the early 1920s' context, where Black people were willing to work for a minimum wage (Callinicos, 1980 cited in Jordaan & Ukpere, 2011), this study found that it is sometimes difficult to employ Black people who are the 'right fit' for the job, not because they do not exist, but because they demand a high salary. In addition, there is strong competition amongst corporates to engage suitable Black candidates, so much so that the bigger corporates offer higher salaries that small companies cannot match. Furthermore, this competition has also led to job hopping amongst Black people. This creates instability in organisations as they constantly have to recruit new Black candidates; thus they prefer to hire White employees as they are more likely to stay for longer periods as compared to Black employees (Roman & Mason, 2015).

Other issues which were identified in light of the foregoing are as follows:

- No special treatment for Black employees.
- Compliance is in different forms, and at different levels.
- Organisations are largely Black, but as suggested by the Commission on EE, Black people are largely in less distinguished positions, while management and executives are still largely White and male.

Historically, there was an assertion that the intention of the Bantu Education Act No. 47 of 1953 was to create a syllabus tailored for Black people. This syllabus educated them enough to serve their own people in the homelands or work under White people (Vettori, 2005 cited in Jordaan & Ukpere, 2011). Based on this statement, it could be said that a majority of Black people are still not yet well-educated or skilled enough to occupy certain positions in organisations. Hence, to this day, management and executive positions are still predominantly occupied by White people. As one of the respondents suggested, maybe the government should have started off with implementing skills development initiatives such as the Skills

Development Act, and then implemented the EEA once Black people were competent enough to occupy the intended positions.

#### 4.4.2. *Objective Two*

Objective two sought to ascertain the role that the Employment Equity Act played in the organisations' productivity. This understanding was prompted by the fact that the apartheid government passed Acts which were meant to keep Black people unskilled and unable to perform any role which required specialised skills (Thomas & Jain, 2004). Hence the new democratic government passed Acts to redress these effects and skill Black people so they could have the same opportunities that White people were afforded by the apartheid regime. However, the focus of this study was on EEA, as it looked at how organisations had performed since they were mandated to recruit Black people and allow them representation at all levels (Dweba, 2012).

In looking at the role of the EEA in organisational productivity, it appears that there were several factors influencing it, and that the EEA cannot be solely credited with influencing organisational productivity. As such, the theme: *Influence on productivity*, guided the study.

Previous research determined that when recruiting Black candidates and retaining them, organisations usually had to dedicate more resources as compared to when recruiting White candidates (Roman & Mason, 2015). Such resources are dedicated to the training and development of Black employees' there also need to be follow-ups to monitor whether the Black employees are adapting to the organisational culture and grasping the work content. Furthermore, organisations had to shape their organisational culture to accommodate. Subsequently, organisations needed to safeguard Black employees by ensuring that they were happy and had more reasons to stay than to leave the organisation, but also make sure that they kept their old employees (White) happy, and productivity high (Tlhatlosi, 2010).

#### 4.4.3. *Objective Three*

The third objective sought to investigate how staff members responded to the Employment Equity Act 1998, in their respective organisations. Previous studies such as that by Hideg and Ferris (2014) found that Black people were not completely in support of the Act, because people tended to question their capabilities, viewing them as employees of a biased system instead of being employed on merit.

Furthermore, Black employees are also expected to perform to the highest standard because not only are they recruited on 'merit', but they also undergo a number of training and development programmes to equip them with all the necessary skills and information required for the position (Oosthuizen & Naidoo, 2010). To add more pressure, failure to perform at expected levels further feeds the stereotype that Black employees are incompetent, but even if they do perform, they are still questioned and perceived as incompetent. White employees, on the other hand, feel threatened by the Act, because it means that there are now fewer employment opportunities for them, thus threatening their livelihoods (Rousseau, 2004). The Act is meant to be a tool to build but White employees feel that it is a weapon which will destroy their livelihoods.

Staff members reacted differently to the EEA in their organisations. The reactions were not specific to one race or group of individuals. Some of the issues that emerged from this section are the following:

- Black employees are in support of the EEA in their organisations.
- White employees feel anxious, unsafe and uncertain about the EEA.
- The EEA has not had a significant impact on the relationship between black and white employees.
- The Act in itself, does not influence staff's loyalty to their organisations.

#### *4.4.4. Objective Four*

The fourth and final objective was to establish the challenges (or opportunities) organisations faced in implementing the Employment Equity Act.

Previous research reveals that organisations encountered various challenges in the implementation of the EEA, such as resistance from management and employees, both Black and White, as well as financial constraints (Thomas & Jain, 2004; Roman & Mason, 2015). For instance, organisations resist implementing the EEA because it obligates them to change their organisational culture and hire people they do not deem suitable for the positions (Roman & Mason, 2015). Thus, some organisations create hostile environments for Black recruits, so much so that all the Black recruits quit 'on their own accord', thereby giving organisations 'just cause' not to hire Black candidates due to them not staying (Roman & Mason, 2015). Organisations do this to discourage and discredit the EEA because the EEA is meant to result in organisations that are reflective of the general population of the Republic of South Africa, however, if the EEA fails to achieve this, then it will need to be reconsidered (Heyden, 2013).

When it came to employees, White employees felt neglected because now they were being overlooked for Black employees and that Black employees were supposedly receiving special treatment since they were sent on various training programmes and received first preference when it came to recruitment and promotions (Wocke & Sutherland, 2008). Black employees, on the other hand, felt pressured to perform to unrealistic expectations since they were receiving various training opportunities and supposed special treatment. This then suggested that they were more than equipped to perform beyond expectations, and if they failed, it added to the stereotype that Black people are incapable (Oosthuizen & Naidoo, 2010). Furthermore, Black employees felt that their merit was being undermined because they were perceived as being hired due to a system that is biased in their favour instead of merit (Hideg & Ferris, 2014).

As highlighted in the previous sections, it was determined that implement the EEA was challenging, but with persistence and adaptation to the changing world of work, it is possible to implement it. However, the pace at which it is implemented varies.

#### 4.5. Findings

Findings show that it is difficult for the EEA to promote the employment of Black people on its own. However, it serves as a platform on which organisations can develop various approaches to help promote the recruitment of Black candidates and the promotion of Black people as well other disadvantaged groups.

##### 4.5.1. Theme: Compliance with the EEA

The research asked questions whether organisations had EEA policies and how they were implementing them. Questions ranged from what the policies stated, to how they recruited the previously disadvantaged (Black people and others), how they orientated them to their organisations and how they were treated compared to their White counterparts.

Before delving further into the findings of the study, it is noteworthy that all the organisations that took part in this study were in compliance with the EEA, in one way or another. Some respondents stated that:

*“We don’t have employment equity policy in place, we submit an employment equity plan, which is in place for a five-year period, so when we do post out job ads, we make appointments in accordance to the plan. We have targets for the first four years and then the last year we have goals.” (Respondent D)*

*“We do not have specific policy, we go according to what the law says.” (Respondent P)*

*“Our policy is that we will not create positions because we cannot afford it, but if there is a position open, we will do our utmost to fill it with an EE person.” (Respondent H)*

The above responses show that organisations were in compliance with the EEA, in various ways. However, Respondent Q gave a response which perceived the EEA as being ambiguous in how it is to be implemented, thus frustrating organisations in their attempts to implement it:

*“We have an Employment Equity policy, but the policy simply states that we believe in Employment Equity, we believe in diversity as a key driver to our success, we believe that our organisation needs to represent our client base.” (Respondent Q)*

*“The guys who wrote the policy, left and went into business and got frustrated by the Department of Labour’s interpretation of the Act, because it is not what they had intended.” (Respondent Q)*

Fortunately, Respondent Q’s organisation’s client base is mostly Black, thus it recruits mostly Black people. However, this could work against the EEA if the client base was to change to mostly White. This could be said to mean that Respondent Q’s organisation has the power to not comply with the EEA, but since the race of their clientele is Black, they are ‘forced’ (motivated) to recruit mostly Black people so their clients can relate to them. As such, for Respondent Q’s organisation, both race and power theory interplay to influence them to comply with the EEA. Nevertheless, one has to wonder if there still would be compliance in the abovementioned organisation if a majority of their clientele was not Black?

In addition, Respondent Q further confirmed the finding from this study, namely that the EEA, on its own, is limited, hence it needs aid from the various strategies which organisations adopt to ensure compliance with the EEA:

*“So, we have taken the equity thing as far as the equity thing will take us. We are now starting to work on the culture of the business.” (Respondent Q)*

Other issues were:

- i) Preference was given to Black candidates, but sometimes it was difficult to find Black candidates that were the right fit.

In terms of reaching candidates from previously disadvantaged backgrounds, the majority of organisations in this research did not necessarily have means by which they specifically recruited candidates from previously disadvantaged backgrounds. However, they did give preference to candidates from previously disadvantaged groups. Respondent E stated that his organisation used newspapers to reach people from rural areas since people in rural areas still relied a great deal on newspapers to find job advertisements:

*“So, most of our branches are in rural areas, we post ads in newspapers, and that is how we get a large number of applicants from people who don’t have access to computers or the internet.” (Respondent E)*

On the other hand, one organisation stated that it did not use newspapers because...

*“Newspapers don’t give us any responses, in the last four years, a company I was in placed an ad costing close to 60k (60 000 South African Rands), I think we got 10 responses from that. But word of mouth will still give you 10 but you haven’t spent.” (Respondent P)*

The point made by Respondent P supports Thomas and Jain’s (2004) assertion that organisations face the challenge of the costs that come with attracting Black candidates to their organisations. In addition, Respondent P brings to light the issue around the costs associated with recruiting Black candidates and how this does not guarantee fruitful results. This could possibly lead to the assumption that this is why organisations rarely go out of their way to recruit Black candidates, but rather prefer to use the standard methods of recruitment and then give those Black candidates who are eligible, preference. Hence this could be the reason why other organisations provided bursaries and recruited workers from their bursary recipients’ pool, or recruited directly from universities, corporate social investment programmes, internal recruitment, referrals, and why the most popular means of recruitment were online platforms. This inability to go the extra mile to recruit Black candidates indicated a lack of power, but it could also be possible that organisations such as that of Respondent P, are using this as an excuse to systematically exclude Black people from joining their organisations. As such, it could be said that organisations need to be more creative as to how they go about recruiting Black candidates, that is if these organisations even have the intentions of recruiting Black

people. There was one surprising finding where Respondent H's organisation used walk-ins as a recruitment method:

*"We put ads in (post ads) or else they just walk-in, for recruiting on that level, it's not an issue."* **(Respondent H)**

It was also made evident that one organisation had an internship programme that gave preference to Black candidates, after which it stated:

*"We trained you, we think you're great, we'd like you to stay, hope to God that they stay and don't get offers with six times more money."* **(Respondent A)**

Respondent A's rationality for hoping that their interns do not get higher salary offers was because:

*"There are not enough graduates in the maths and science fields, hence you end up with a lot of companies throwing lots of money at engineers."* **(Respondent A)**

This could explain why one organisation stated that they looked at the skills gap in its organisation, and then grew its own talent:

*"The way we do that, we start our own academies, especially in scarce spaces, specifically IT, we start our own academies. Most of our new recruits are recruited from these academies."* **(Respondent Q)**

This research further discovered that, in giving preference to candidates from previously disadvantaged backgrounds, organisations looked for several qualities in candidates. One organisation stated that before they give preference to Black candidates:

*"They must first meet the requirements then we look at our targets then we decide."* **(Respondent O)**

The aforementioned reveals that Black people must first meet the requirements before they can be considered for recruitment. However, for Respondent O, that did not necessarily guarantee consideration for recruitment or employment for Black candidates, because they also had to look at their targets. If their targets were short, then Black candidates had first preference over White candidates, but if their targets were met, then everyone had an equal chance. As much as this approach may seem fair, or even compliant, in a way it gives the impression that this organisation is implementing the EEA for compliance purposes only, if it was not for the EEA, then they would not be implanting such. This brings to the light the power of the government,

through the EEA, that it can use its power to influence change. However, at the same time, organisations are also using their creative power to do what the government wants them to do whilst at the same time, doing what they want to do, retaining White people in their organisations. So in a way, racism is still prominent in a number of organisations, however, this new age racism is covert.

With starting their own academies, it could be said that organisations are likely to save great amounts of money because now, organisations do not necessarily have to spend as much money on remoulding organisational culture and training as stated by Thomas and Jain (2004). This research assumed that organisations could easily pull Black recruits from their academies and have them hit the ground running in their new positions within the organisations, because through training in their academies, the Black recruits would already have been orientated and initiated into the organisational culture. What this shows is that when organisations have the will, they can use their power and resources to creatively recruit Black candidates, instead of making excuses and finding reasons to not recruit Black candidates.

On the other hand, one organisation specified that recruiting for potential candidates gave them more leverage to employ Black people, because then they were able to surmount some of the barriers that made it difficult to recruit candidates from previously disadvantaged backgrounds:

*“We prefer to employ for potential, not only for competence. If you only employ for competence, you will find it very difficult to find (experienced) designated candidates.”*

**(Respondent Q)**

According to Respondent K, they have preference for Black candidates at graduate level, whereas experienced hires are expected to hit the ground running:

*“At a graduate level, what we basically do, if there are people with potential but don’t qualify just based on academics and backgrounds, we have a specific programme they join, it has support programmes in place, mentors and courses.”* **(Respondent K)**

*“When you hire them (experienced Black candidates), you expect that the previous experience is aligned with the role they are applying for.”* **(Respondent K)**

This reveals that organisations did give preference to Black candidates as indicated in the Employment Equity Act No. 55 of 1998, however, organisations “*have various assessment tools*” **(Respondent L)** which they used to give preference. With that said, it can be inferred that having various assessment tools and methods of implementing the EEA made it difficult

to have one measuring tool to evaluate the progress organisations made in implementing the EEA. This is because organisations are in different fields and operating under different circumstances. For instance, for some organisations, there were very few candidates available to recruit from and they were competing with organisations that spend more money than they have to recruit and keep Black candidates. Here, it seems bigger organisations had more financial power compare to the smaller organisations, and they used that to their advantage of recruiting Black candidates. Be that as it may, smaller organisations might be using the abovementioned as an excuse to not implement EEA policies in their organisations, because they could use their creative power to come up with a strategy to recruit Black people, especially when taking into account the high number of unemployed Black people in South Africa. What this means is that organisations have a large pool to choose from, however, they have specific demands which most of the Black candidates do not meet, however, like Respondent Q's organisation, they could start their own academies for training and developing Black candidates and recruit from that pool. However, initiatives such as that of Respondent Q require will, open mind and non-racist mindset in order for it to be implemented and successful. Taking into account the fact that the Bantu Education Act No. 47 of 1953 was enacted for the sole purpose of holding Africans back, whilst other Acts such as the Industrial Conciliation Act of 1956 were promulgated to propel White people ahead economically, the following issues emerged and were taken into consideration:

- There was no special treatment for Black employees.
- There was retention of Black staff.

The research uncovered that organisations did not have retention policies specifically for EEA employees:

*“We don't have anything specifically for EE candidates, because it will be seen as reverse racism.” (Respondent M)*

*“We don't have anything specifically for EE candidates.” (Respondent A)*

*“We don't have policies specifically for EE candidates.” (Respondent P)*

*“Not specifically for Black people, for everyone.” (Respondent Q)*

As such, they had retention policies across the board. Even though retention is done across the board, organisations felt differently about retention when it came to making counter offers.

Some organisations made counter offers in an effort to retain their employees, whilst other organisations did not.

*“We interview employees when they want to leave, find out why they want to leave, if we can accommodate them.” (Respondent F)*

Whereas another organisation felt that:

*“It’s always greener on the other side because they have more (swear word, unprintable), because if we pay more, the other guy will threaten to leave because they also want an increase.” (Respondent H)*

It is possible that Respondent H’s organisation believed that making counter offers would lead to many more people demanding increases, or otherwise threaten to leave. As such, to prevent that, they did not make counter offers. Considering how the apartheid government went out of its way to disadvantage and hold Africans back, with legislation such as the Bantu Education Act No. 47 of 1953, it would not be counterproductive for organisations such as that of Respondent H to go an extra mile to accommodate Africans who have shown dedication, loyalty and commitment to them. Seeing how Africans were disadvantaged, it is not insensible for organisation to use their power, which some got mostly due to apartheid privileges, to recruit, train and retain Africans. If they do not want to do this for themselves, they could do it for their country, because at the end of the day, they will also benefit from such initiatives, be it directly or indirectly. Do the benefits of such initiatives not outweigh the costs?

Skills development is another issue that came under scrutiny. Similar to retention policies, organisations did not have skills development programmes specifically for designated employees, however, they did give preference to designated employees:

*“Not for Black people only, it’s for all talent.” (Respondent O)*

*“Not specifically for Black people, for everyone.” (Respondent Q)*

Respondent J went a step further to explain why the organisation gave preference to designated employees stating that:

*“Let’s say we find an EE candidate, we have a rigorous recruitment process, reason for that if I am to take someone, and take a chance on someone, I need to assess the person to see the gaps, and know how am I going to make sure I narrow down those*

*gaps, and close those gaps. Because I always say what is the use of hiring a person of colour and put them in the corner.” (Respondent J)*

Integration was another crucial issue that came to the fore in the study. In line with the issues raised earlier related to the special treatment of Black candidates, organisations highlighted that they had integration programmes for everyone, not specifically for Black employees:

*“No, not specifically, we have inductions for everyone.” (Respondent P)*

*“No, it’s for all.” (Respondent O)*

*“No, no we don’t, I mean we would orientate all our employees in the same way.” (Respondent N)*

*“I wouldn’t say specifically just for Black employees, I would say overall.” (Respondent K)*

*“You know we don’t, we were actually talking about this the other day, do we need it?” (Respondent A)*

As declared by Respondent Q, his organisation had a mentoring programme. Specifically referring to Black recruits in the programme the former stated that:

*“They have mentors, but the problem is, guess which nationality and ethnicity their mentors are? White! So, it’s not working perfectly.” (Respondent Q)*

This statement referred to compatibility, pointing out that Black mentees found it difficult to relate to their White mentors, and this posed a challenge to their mentoring programme. Even though this is not necessarily racist, it brings to light the need to have more Black people recruited in corporate organizations so as to have people whom Black recruits can relate to and look up to when they join the corporate world.

Looking at the aforementioned issue related to retention, skills development and integration, it would not be unfavourable to have policies or means that are designed specifically to cater for Black employees in organisations, because they have not yet had as much exposure to the corporate world or been prepared for it due to the effects of apartheid discriminatory laws, such as the Bantu Education Act No. 47 of 1953 and the Industrial Conciliation Act No. 11 of 1924 (Jordaan & Ukpere, 2011). These and other Acts were tailored for the benefit of White people, whilst placing Black people at a disadvantage in various ways. Therefore, it would only be right and just to have policies or means which, to some extent, allow Black people to have an

advantage to enable the system to be fairly balanced. However, based on the findings of this paper, it seems organizations fear that White people see this approach as reverse racism and a threat to their livelihoods, and would greatly minimize their chances for promotions (Hideg and Michela, 2011). As such, this maintains, if not exacerbate the racial divides in corporate organizations.

Nonetheless, as found by Heyden (2013) and Hideg and Michela (2011), having policies that cater only for Black people would create tension in organisations. Organisations, on their own accord, are not too keen on introducing such policies for reasons such as the costs that come with having these policies, and also, Black people, themselves, are likely to find such policies patronising and demeaning. For this research, findings show that there are a few other reasons why organisations do not have opportunities specifically meant for Black people. Some organisations state that it would be too financially taxing as there are not enough Black employees in organisations, or that Black people do not stay in the organisations for long periods. Consequently, creating these policies would be an investment without a return. As argued in the previous section, having these policies would create conflict amongst employees. Respondent M expressed that Black employees would feel undermined and not deemed as being of the same calibre as White employees.

ii) Black people are largely in low positions.

In line with the findings from the Employment Equity Commission Report of 2017, findings show that all the organisations that took part in this study had a majority of Black employees compared to White employees...

*“...Which is good, but I always have a problem with that because I always say it looks good, but when I ask, where are we (Black employees) sitting? Then I see the 70% is sitting at the bottom, so don't be fooled by the 70%.” (Respondent J)*

As in the above statement, all of the organisations in the study revealed that most of the Black employees in their organisations were in subordinate positions, while White people dominated the highly esteemed positions.

To further support the Employment Equity Commission's (2017) findings, Respondent E asserted that his organisation has a Black-to-White ratio of 75:25, however:

*“If you take senior executives out, this organisation would be 99.98% Black.”*  
**(Respondent E)**

These findings reveal that White people still occupy esteemed positions in corporate organisations.

It was difficult to provide conclusive information on whether the number of Black people in corporate organisations has increased since the promulgation of the EEA, because a number of the HR managers did not have that information for the below mentioned reasons:

*“I wasn’t around when it was first implemented.” (Respondent P)*

*“I have only been here since 2013 so I don’t know how to answer that question, it will be fair to say, since 2013, there has been a change since then.” (Respondent M)*

However, a number of those respondents who did have the information, painted a positive picture in relation to the number of Black people employed by their organisations since the promulgation of the EEA:

*“Our biggest gains are in mind-management downwards.” (Respondent L)*

*“The ratio has not changed much, but the numbers have grown.” (Respondent B)*

*“It has increased, well, still unbalanced, but I do definitely have more black staff now than I did before.” (Respondent A)*

*“Here 99% of the company is black, the only thing is that the top-top structure is still very white, not totally white, but more white than we would want it to be.” (Respondent H)*

The first theme has revealed that organisations are implementing the EEA, or at least attempting to. Nevertheless, they are going about it in various ways and thus they have different perspectives and experiences.

#### 4.5.2. Theme: Influence on productivity

It can be seen from this theme that there are various factors that impact on productivity, but what seems to be in agreement is that the EEA provides a roadmap with which organisations can create inclusive organisations that embody the ethos, and are representative of the demographics of the democratic Republic of South Africa.

Other points for consideration are the following:

- i) There are other mitigating factors that affect productivity.

Findings from this research demonstrate that there are mixed feelings with regards to the impact of the EEA on productivity. A majority of organisations clearly stated that the EEA does not play a role in the productivity of their organisations:

*“I don’t think it plays a role either way.” (Respondent B)*

*“No, it’s all on competence.” (Respondent O)*

*“No.” (Respondent E)*

Other organisations were in a grey area as to what the impact of EEA was on productivity in their organisations:

*“It’s difficult to say or prove that.” (Respondent M)*

*“It probably does have an impact on productivity, but not that it improves it.” (Respondent P)*

*“It is a guide.” (Respondent C)*

These responses unveil the uncertainty that is linked to the impact of the EEA on productivity. Conversely, there were some organisations that indicated that it had a positive impact on the productivity of their organisations:

*“Definitely does, in the sense that it creates opportunities for people previously disadvantaged to be promoted and to grow.” (Respondent L)*

*“Yes, it does. I often talk about the engaged workforce, once people are engaged and included, they can do wonders, they can surprise you. Once people feel that they matter, there is growth, they will surprise you.” (Respondent J)*

*“Yes, it does because the training and the development and skilling of people is on top of the agenda for the EE.” (Respondent F)*

The above findings reveal that there are organisations whose productivity has been positively affected by the EEA, thus supporting the need for the EEA. However, there are also organisations that maintained otherwise, thereby begging the question: why do some of them have a positive experience with the EEA, while others do not? Deducing from the findings, this study infers that the different experiences are likely due to the different attitudes that organisations have towards the EEA; the size of organisations, the manner in which they

implemented the EEA and staff's reaction to the Act's implementation in their organisations; these were all contributing factors.

Previous research found that when recruiting Black candidates and retaining them, organisations usually had to dedicate more resources compared to when recruiting White candidates (Roman & Mason, 2015). These resources are dedicated to the recruitment, training and development of Black employees, and also have follow-ups to check on whether Black employees are adapting to the organisational culture and grasping the work content. Furthermore, organisations have to shape their organisational culture to accommodate Black employees, whilst at the same time not exclude White employees. Subsequently, organisations need to safeguard Black employees by ensuring that they are happy and have more reasons to stay than to leave. They also make sure that they keep their longer serving employees (Whites) happy, and productivity high (Tlhatlosi, 2010).

With that narrative added to the mix, it seems that when implementing the EEA, organisations need to find a balance between recruiting and retaining Black employees, and keeping White employees happy and loyal to their organisations. Yet, it appears there is a very thin line in doing this, which is why organisations struggle to find this balance. Furthermore, it became evident in this study that organisations with a national footprint, or that were subsidiaries of such organisations, were better positioned to implement the EEA and keep productivity high or improve it. The conclusion for this sub-theme is that, for productivity to improve when implementing the EEA, organisations need to keep everyone happy. Nevertheless, seeing that the Employment Equity Commission Report of 2017 found that organisations were not implementing the EEA as prescribed by law, it can then be concluded that organisations are finding it difficult to satisfy everyone. Thus, some preferred to adhere to their former structure, because their old formula has been proven to work, whereas the one imposed by the EEA is yet to demonstrate a track record of success.

Another issue that emerged was as follows:

- ii) Employees are generally motivated to increase productivity.

Organisations stated that employees are motivated, however, they believed that there was little correlation between the EEA and their motivation. They rather attributed the motivation to other factors, for instance:

*“I think there is an alignment between performance and remuneration.”* (**Respondent K**)

*“When we have a variety of people in different levels it gives people at the bottom an aspiration to be promoted and to work hard.” (Respondent C)*

*“People are motivated by different things, even just recognition that I see you, being acknowledged.” (Respondent J)*

According to Respondent E, the former’s organisation had a survey in which:

*“Employees felt that the company is providing them with good working conditions and remuneration is on par.” (Respondent E)*

The findings here make no specific reference to the EEA but show that organisations have various methods which they use to motivate their employees. This speaks to psychological contracts which refer to the relationship of exchange and reciprocity between employer and employee, whereby when the employer treats employees well and values them, they become motivated and perform effectively and efficiently (Rousseau, 2004). Furthermore, Pierce, Kostova and Dirks (2003) refer to psychological ownership; this is when employees feel that they own their work and the organisation they work for and therefore they feel more motivated and proud of their work. With that said, it is fair to infer that the respondents in this study took the necessary steps to ensure that their employees were motivated and performed to their optimum best, and thus keep the organisational productivity high. Though the Employment Equity Commission’s (2017) Report demonstrated that the uptake of the EEA had been slow, these findings reveal that it is possible to implement the EEA and maintain, if not, improve organisational productivity. It is but a matter of will and persistence. Wocke and Sutherland (2008) added that psychological contracts and psychological ownership work hand-in-hand to promote employees’ loyalty to organisations. Hence it is vital for organisations to implement the EEA in a manner which promotes these two contracts, in order to ensure that organisations operate without hindrance and promote productivity.

Moreover, Respondent G made a distinction between young employees’ and older employees’ levels of motivation, by proclaiming that:

*“The young upcoming employees are well motivated. Obviously, the older employees are not motivated like the young ones.” (Respondent G)*

Respondent P felt that it was difficult to say because employees assumed that it was the responsibility of other people to motivate them:

*“There’s always an excuse, people expect other people to motivate them.” (Respondent P)*

To expand further on the above statement, Respondent P went on to say that:

*“You have your old staff members who are old and negative; those are toxic. You have those just here for the experience, and those here for the long run, those are the ones you need to recruit.” (Respondent P)*

The foregoing statement is partly in support of the first statement that there are older employees who are not as motivated as organisations would like them to be, and thus became toxic in the work environment. Conversely, these older employees, who are generally White and male, perceive the EEA to be a weapon which will be used to destroy their livelihoods, thus contradicting its intention to be a tool with which to build a nation that promotes equal employment opportunities for all. Hideg and Michela (2011) assert that the EEA widens the pool of candidates for positions and increases competition for jobs, hence the above-mentioned consequence; older employees feel threatened because of the increased competition. Due to this, their chances of attaining new positions or promotions are now slim, and thus they become despondent and inevitably, toxic.

Another key issue that informed the research study was that the EEA had a positive impact on organisations' performance compared to their competitors.

Unlike some of the previous responses where organisations did not give a clear picture, here a majority of organisations stated that the EEA had given them a competitive edge over their competitors. They claimed that:

*“The more Black talent we get... it gives us a competitive edge.” (Respondent C)*

*“We have performed great, if you look at our competitors, they are poaching us, they want our staff.” (Respondent J)*

*“That’s difficult to say because since implementing the Act we haven’t had bad years. We have a long streak of good years now.” (Respondent H)*

These statements support the assertion that there were organisations whose performance had been positively affected by the EEA.

Furthermore, Respondent P, whose response could be said to be ambiguous, said:

*“That is an unfair question because the gaming industry has performed relatively well.”*

**(Respondent P)**

According to Respondent P’s words, it appears that her industry had experienced a few successful years at the time of this research, so it was difficult for her to compare performance between her organisation and its competitors.

Though previous work by researchers such as Heyden (2013); Hideg and Michela (2011); and Tthatlosi (2010) found that there were quite a number of organisations with negative perceptions and experiences with the EEA, this study has uncovered that there are organisations that have had positive experiences with the EEA and are now reaping the rewards of its implementation. Previous research found that it had cost more to recruit and train Black employees, and also that this did not guarantee that they would perform as expected, or stay in their respective organisations. Yet, Respondent C and J have had such great experiences with the recruitment of Black candidates in their organisations that they are seeing their organisations having a competitive edge over their competitors, and their competitors were poaching their recruited Black employees. As stated previously in the motivation section, it can be argued that the impact of the EEA on organisations is dependent on its implementation and the organisational attitude towards it. Seeing that the above-mentioned respondents had positive attitudes towards the Act, this research deems it fit to argue that having a positive attitude towards the EEA is key to its successful implementation. However, a disclaimer is necessary here; it will neither be easy nor quick to do so.

Another matter that emerged during the research is that the general consensus appeared to be a mixed one, as respondents expressed different feelings about the EEA. In some organisations, respondents stated that:

*“Staff are happy about it.”* **(Respondent E)**

*“There is a mixed feeling.”* **(Respondent F)**

*“Anecdotal, I don’t think it makes a major difference in their lives.”* **(Respondent B)**

*“My staff do not really have a view on the EE, it’s either a black or white thing or it’s a favouritism thing, it’s never about the Act.”* **(Respondent P)**

The view that staff members did not really attribute much of what was happening in their organisations to the EEA was supported by Respondent H whose staff members did not pay much attention to the EEA:

*“I think staff members never talk about the Act, although it gets published, gets sent to unions, but nobody really talks about the Act.”* **(Respondent H)**

These responses that staff members did not pay much attention to the EEA could mean that there is apathy among staff members as specified by Respondent A:

*“I just think there is apathy.”* **(Respondent A)**

Based on these responses, it could be argued that staff members are not really concerned about the Act or do not feel that it affects them in any way. One question that arises in the analysis of the above findings for this research is that, the reason that some employees expressed no feelings towards the EEA could possibly be because their organisations are seamlessly implementing the EEA. Alternatively, maybe they have seen no difference in their organisation since the implementation of the EEA.

These were general feelings about the EEA which did not differentiate between Black and White employees. To evaluate whether there was a difference between how Black and White employees felt, the following issues were outlined to exclusively evaluate the feelings of the two:

Findings show that Black employees are generally accepting and supportive of the EEA:

*“They feel it’s the right thing.”* **(Respondent C)**

*“Black people are for it.”* **(Respondent J)**

*“I think similar, I think Black employees are comfortable, they can see representivity, they can see that the company takes their views and their perspective seriously.”*  
**(Respondent N)**

*“They are fully committed; they’ve been behind the consultation process.”*  
**(Respondent D)**

The above are in contrast to some of the findings in previous studies such as those presented by Oosthuizen and Naidoo (2010), who found that Black employees felt patronised by the EEA because it implied that they could not make it on their own, as they needed assistance to get to

where they were going, and that the EEA positions came with a lot of expectations which, if a Black candidate could not meet, they were then judged as incompetent. One question which arises from the above narrative is, do Black people in corporate organisations really feel patronised? Or are the ones already inside the corporate trying to close the door on other Black people?

Nevertheless, even though they are accepting of the EEA, one respondent believed that some Black employees had unrealistic expectations, because they wanted high positions but were not willing to put in the work:

*“They must probably feel that they should be CEOs of the company but they don’t want to study for that. They don’t want to up their qualification, but those few who have started studying are going up the ranks. Those who remain in the same position, it’s because they don’t want to study.” (Respondent H)*

Surprisingly, there are Black employees who feel that the EEA is not working in their favour because they:

*“Feel that the government has gazetted the Act, it’s not helping them.” (Respondent M)*

Respondent M went further to support the response by stating that:

*“I hate it when people think that I’m an EE candidate, because there is an inference of lower quality, I’ve got a lower mental capacity, and I must undergo perpetual personal development.” (Respondent M)*

To further elaborate on this point, Respondent M gave an example where he asserted:

*“I used to work at Organisation X (pseudonym) when they appointed Mark (pseudonym for a White employee) and they would all call us and say ‘Mark has been appointed to head strategy, and wish him all the best, Mark brings the best skill and capability to do this’. When they appoint Shabalala (pseudonym for a Black employee), ‘Shabalala has been appointed, but for the next six months Shabalala will be working closely with Roger (pseudonym for a White employee) as Roger...’ listen to the narrative. And then the Black child develops the thinking that ‘so when a Black person gets appointed they need help from a White person’ and so we cannot think, you question that.” (Respondent M)*

The above mentioned present a narrative with mixed feelings as Black employees feel differently about the EEA. There are those who accept it with its terms and conditions, and there are also those who accept it, but who have unrealistic expectations of the Act as, according to the respondents, they expect to be given high positions by virtue of being Black. On the other hand, there are Black employees who feel that the Act has “sold them out”. This means that they believe the Act depicts them as incompetent individuals who need an Act to give them leverage before they can achieve anything (Hideg & Ferris, 2014). However, though the Act has good intentions, its implementation may seem malicious and derogatory to Black employees as organisations sometimes make it look as though Black employees always need help before they can achieve anything, such as legislation in their favour or development and training (Zondi, 2009). One point that this research finds is that there is a great need to explain in detail, and make people aware of the background and core intentions of the Employment Equity Act. Maybe then organisations will better implement the EEA and employees, both Black and White, will be more receptive of the Act. Furthermore, there is a need for the government to better explain the EEA (provide more clarity) and set standard guidelines (enshrined in the Act) for implementing the Act.

Findings from this study reveal that White employees are generally not in favour of the EEA for various reasons; some of them were stated earlier. Respondents further expressed that White employees felt:

*“A lot of discomfort, insecurity, subconscious worry that they could be kicked out of their jobs because they are White.” (Respondent B)*

*“They feel they don’t have enough positions.” (Respondent C)*

*“They will say ‘but you guys have been here for long and reaped the benefits but now you’re taking that away from me’.” (Respondent Q)*

*“It’s reverse racism, it’s unfair... didn’t Mandela teach us about reconciliation?’ They are the first one to jump on the reconciliation bandwagon.” (Respondent M)*

Hideg and Michela (2011) assert that the EEA was promulgated as a tool to rebuild the Republic of South Africa into a country of equal opportunities. However, the above findings reveal that White employees feel that the EEA is a weapon designed to destroy their livelihoods. Findings from this study align with those by Rousseau (2004), who found that White employees are threatened by the EEA because it has increased the pool of candidates for

positions, thus limiting their chances of employment or promotion. White employees do not like this increased competition for jobs, and thus felt the need to be negative towards the EEA and resist its implementation.

Conversely, Respondent J avowed that White employees in her organisation were now feeling better about the EEA, because the organisation communicated with and included them in all their decision-making processes. The respondent expressed that:

*“The moment you bring White people in, they get a better understanding of the policy, and we get to evaluate our policies and check if there are any barriers.” (Respondent J)*

Pierce et al. (2003) and Rousseau (2004) respectively, avow that psychological ownerships are increased when employees feel valued and appreciated, and are included in organisational decision-making processes. Thus, in this study, there is an understanding that White employees in Respondent J’s organisation have an increased sense of psychological ownership of their organisation. Their employer is honouring their psychological contracts, hence there is an increased productivity level, so much so that, as stated earlier, other organisations are poaching Respondent J’s employees. Even though other organisations could be poaching Respondent J’s employees for various reasons, one reason that stands out in this study is increased productivity levels and pride.

There were also instances where White employees in their organisations had not said anything about the EEA or the organisation did not ask White employees for their opinions. Respondents stated that:

*“Never thought to ask them.” (Respondent A)*

*“I don’t think they have ever voiced their opinion, so I don’t know.” (Respondent D)*

One respondent responded uniquely to the question, and argued that:

*“Whites? I don’t know. The company says the person is qualified and got the position, taking into consideration the factors, if you don’t like it then nobody is holding a gun to your head. You have a decision to make, either you live with it go somewhere where your life will be better.” (Respondent H)*

This statement expresses a unique view compared to the other responses as the organisation believes that what they are doing is right, and if employees do not like it, they could leave.

However, is this the right approach? What effect does it have on relationships between Black and White employees? The following issue focusses on the relationship between Black and White employees, taking into consideration their different perspectives regarding the implementation of the EEA in their organisations.

This study found that some respondents felt the EEA either, did not have any effect on the relationship between Black and White employees or, if there was an effect, it was not attributed to the EEA alone. For instance:

*“I would say definitely no for us.” (Respondent K)*

*“Not the Act. Just remember, the Act is more of a compliance, it’s more transactional, that goes as far as diversity and inclusion, unconscious bias as well.” (Respondent M)*

There were also respondents who believed that the EEA helped foster relationships between Black and White employees. However, there were differences in how this happened, as expressed by respondents:

*“Yes, because they have to learn to work together.” (Respondent L)*

*“I think yes, they hang out and sit together, but there is an undercurrent that exists.” (Respondent P)*

Hideg and Michela (2011) state that the EEA is a tool to build a relationship between people who would not have thought it possible. The EEA has, for some organisations, fostered relationships between Black and White employees as they have now learned to work together, and hopefully built relationships (friendships) that transcend the workplace.

The second response brings about the point of there being an ‘undercurrent’, which could mean that there are feelings or concerns which employees do not bring to the fore, even though they hang out together. This undercurrent was articulated in this manner:

*“It’s difficult interaction but it’s... there’s positive results that come from it.” (Respondent D)*

Provoking the supposition that maybe employees found it difficult to interact with each other because they did not know much about each other or they saw each other as rivals.

It was also expressed that the EEA was doing more harm than good as one respondent alleged:

*“It is more divisive than unifying.” (Respondent B)*

There could be a number of variables that cause the divisions which were not stated by the organisation; these variables could have potentially shed light on how and why the EEA is dividing organisations more than it is unifying them. Although previous findings align with the belief that EEA is a tool to build, this finding supports Hideg and Michela (2011) who maintain that the EEA can also be a weapon to destroy. Thus the EEA divided Black and White employees in Respondent B's organisation more than it united them. Therefore, the Act in itself does influence staff's loyalty.

It seems that the EEA has had little to no effect on staff's loyalty to organisations, as most respondents indicated that the EEA either had no effect on staff loyalty or attributed little credit to the Act for fostering staff loyalty. For instance, some respondents stated:

*"It might have, in some of the retention plans."* (**Respondent B**)

*"I wouldn't have thought so."* (**Respondent A**)

*"I don't think that it has had a massive effect on loyalty, I would say that it's a generic thing these days, people are not necessarily loyal to companies."* (**Respondent G**)

Moreover, there was also a view that sometimes employees struggle to adapt to the diversity of organisations, so they leave:

*"I would say that, if people don't adapt to the mindset of a diverse workforce, they will remove themselves."* (**Respondent L**)

This was corroborated by another respondent who maintained that the EEA does influence staff's loyalty, but it also depends on the staff:

*"Yes, but it depends on the person."* (**Respondent P**)

The remaining few respondents expressed that the EEA did influence staff's loyalty. One respondent went even further to elaborate that sometimes, instead of leaving the organisation completely, staff ask if they can be transferred to another branch of the organisation:

*"Funny enough, you don't get White people leaving, so much as Black people. Sometimes Black people will leave because the family is relocating, and mostly they are from the Eastern Cape, so a lot of them come to ask if there is a possibility for them being transferred."* (**Respondent J**)

Seeing that the EEA does not solely influence staff's loyalty, this study finds that there are various factors which interplay to influence staff's loyalty to organisations. Such factors include, but are not limited to, benefits which staff receive by being part of organisations, staff's own personalities and how they perceive their organisations. Furthermore, as touched on earlier, this study supposes that the aforementioned factors add to staff's psychological contract and ownership (Pierce et al, 2003). The more that organisations take the necessary steps to keep their staff happy whilst implementing the EEA, the more that staff feel valued and perceive their contributions to be worthy of the organisations. Thus they feel a sense of ownership of the organisations (Olckers & van Zyl, 2016). As a result, the relationship between staff and organisations then becomes a reciprocal one where staff are loyal to the organisations and protective of it, and on the other hand, organisations value, appreciate and reward their staff. This is confirmed by Rousseau (2004) who states that when staff members feel that they are treated well and their efforts recognised, they become motivated to perform efficiently and effectively, and pride themselves in not only their work, but also their organisations, which through the lenses of this study, amounts to loyalty. What this translates into is that the EEA provides a platform on which organisations can implement measures so as to be inclusive of all races in South Africa.

Another issue worth considering is that organisations found it challenging, but possible to implement the EEA. Findings from this study reveal that the majority of the organisations in this study were able to implement the EEA. However, some respondents mentioned that there were also challenges in implementing the EEA. Respondents who were happy with the EEA stated:

*“So yes, I think we are proud of the track record over the past 18 years of how we move with the Equity.” (Respondent H)*

*“I think it is very straight forward, I think what helps here is that the organisation here is very structured.” (Respondent D)*

*“I think it's been a fair experience, it hasn't been difficult, I have to say.” (Respondent N)*

On the other hand, respondents who had some difficulty with implementing the Act felt that the Act was challenging because:

*“Government implemented it upside down, they should have implemented the Skills Development Legislation first, then followed with the EE.” (Respondent P)*

*“The slow economic progress makes it difficult to implement the EE because it limits job opportunities, jobs created, limits the scopes and spaces that people can grow into.” (Respondent A)*

Respondent J spoke of internal challenges whereby staff members questioned why they were implementing the EEA:

*“But we have certain individuals who will challenge you, and you have to keep on delivering the same message. So, it is discouraging, I will not say the company, but certain individuals.” (Respondent J)*

One of the challenges faced, for both those able and not fully able to implement the EEA, is finding the right talent to fill positions, especially senior positions. For example, one respondent noted that his organisation was looking to replace their chief executive officer:

*“We have spent a year looking for, at considerable cost, a suitable replacement, and our preference was for a designated person. We first advertised internally, and had three internal candidates, and advertised externally, and interviewed a number of them but there were no suitable candidates. Then went to a headhunting company, in no less than six months, and on three occasions, we went back to them and said we were not happy with the candidates; we had interviews, and ended up selecting one from the internal candidates, and ended up appointing an EE candidate, a woman, but White. We would have loved for it to have had been a person of colour.” (Respondent G)*

It was also stated that Black candidates tend to want high salaries at senior management positions. One respondent even went as far as to make a comparison between Black and White candidates:

*“The other thing is that, at that sort of level, your designated people command a very high salary. If I were to put a number to it I would say, as high as 35% premium on White females and on White males even higher premium than that.” (Respondent F)*

The above-stated are views of respondents who were able to implement the EEA but who also faced some challenges in the process.

There were also respondents who proclaimed that the EEA was difficult to implement, for various reasons. To begin with, one respondent found planning for the EEA challenging:

*“It’s been quite difficult, to think that I had to sit down to put the plan together, it is quite a complex policy.” (Respondent C)*

Another respondent further divulged that:

*“To be honest, it is quite difficult to implement this Act.” (Respondent K)*

When delving deeper into the challenges faced in implementing the EEA, it emerged that all the organisations had challenges. These challenges varied from the Act being complex to finding, recruiting, and retaining the right talent. For example, the EEA was found to be:

*“Very complicated, over complicated, time consuming.” (Respondent C)*

It was also indicated by another respondent that for her:

*“Main challenge, finding and retaining candidates, and being able to train them.” (Respondent P)*

In addition, respondents stated that the recruitment, training and retention of Black candidates required a lot of resources, which organisations did not have, especially regarding time and finances. There was one respondent who was due to retire, and he referred, in part, to this issue by stating:

*“Take my position, we don’t have money to appoint a person a year ahead and I must train the person, we can’t afford that.” (Respondent H)*

These findings confirm Thomas and Jain’s (2004) findings that organisations face the challenge of costs which go hand in hand with attracting, recruiting, retaining, training and developing Black candidates to fill the respective positions and perform accordingly. In addition to this, there is competition amongst organisations for the select few suitably qualified Black candidates. Therefore, organisations offer such candidates large salary packages; which some organisations cannot afford.

Moreover, one respondent further explained one of the reasons why organisations struggled to find Black talent by highlighting that:

*“There is a shortage of skill and high unemployment rate, we have a high unutilised human resource.” (Respondent A)*

When looking further into the recruitment process, there is a feeling among respondents that the EEA focuses more on males than females and neglects persons with disability, thereby creating a second struggle for females and a third one for persons with disabilities:

*“I think females have been ignored in the EE Act, I think what we do, we tend to focus on bringing in males who are Black. It’s almost like it’s a second struggle with the ladies, and I worry about that. It’s almost like, yes, we are doing the EE, but we are still perpetuating the male dominance. For me I survive because I am a male, so there is a way of thinking, it’s a testosterone way.”* **(Respondent M)**

To shed more light on the struggle of persons with disabilities, Respondent M went further to assert:

*“The one Black person we had who was disabled, we have lost.”* **(Respondent M)**

When this statement was followed up on as to why the organisation lost the employee with a disability:

*“You put two and two together. Remember if you bring me as a disabled person, as corporates there is so much focus on bringing in EE candidates, but no one looks at this, has the organisation been prepared enough to be receptive of the candidates.”* **(Respondent M)**

Respondent M’s assertions align with those of Zondi (2009) who asserts that even though organisations implement the EEA, they have a tendency to focus more on recruiting males than they do females and also persons with disabilities. This has led to another disparity whereby women and persons with disabilities are neglected, and thus underutilised. As a result, organisations can meet the EEA requirement of being demographically representative, but still perpetuate gender disparities in organisations, hence the second and third struggles for women and persons with disabilities. Such a perspective begs the question of whether there is a shortage of talent in general or are there other issues which corporate organisations are oblivious to?

There was also the question of the successful implementation of the EEA that came up during the study.

Findings from this study indicate that organisations have been successful in the implementation of the EEA but with limitations. For instance:

*“Well, we have been successful with some limitation.” (Respondent F)*

*“I think we have been very successful, taking all the constraints.” (Respondent H)*

*“In certain parts yes, but in senior management we have not been successful.”*  
**(Respondent M)**

*“Progress has been made, slow progress in senior management.” (Respondent E)*

The limitations noted by respondents were those that have been previously highlighted under the challenges; i.e. enlisting the right EE candidates, recruiting persons with disabilities, and also implementing EEA at senior management level. These findings confirm that it is possible to implement the EEA, however, there are associated challenges. For instance, the Employment Equity Commission’s report of 2017 found that the organisations were implementing the EEA, but there was a huge challenge when it came to senior management, because that is where the White people are still dominant.

In terms of the mixed feelings related to the modification of the EEA, this research found that respondents had different opinions as to whether the EEA needed to be modified or not. Some respondents felt that the EEA did not need to be modified, others felt that it required minor modification and another felt that the Act needed to be repealed and replaced with a new one.

For instance, those who felt that the EEA did not need modification observed:

*“Oh no, because I understand why it’s there.” (Respondent B)*

*“I don’t necessarily think so.” (Respondent G)*

Those who felt that the EEA needed modification had varying opinions:

*“I do, I have an issue with the fact that White disabled are not included in the Act.”*  
**(Respondent P)**

*“I think in terms of speed of what we want to achieve, our targets and goals, may be more focus on disabled people and the opportunities out there for them.” (Respondent L)*

One respondent could be said to have had been neutral as she believed that the Act is fine for now but would necessitate modification in the future:

*“I think right now no, and then yes, I think in the future.” (Respondent K)*

Another respondent who believed that the Act needed to be modified stated:

*“I think there should be a sunset clause for that, you know, and it doesn’t have to be one that goes for every company, I think if your company is very close to that and very balanced, you should be exempt from doing all the planning.”* **(Respondent H)**

Conversely, there was one respondent who had a rather different opinion on the Act, and felt that the EEA:

*“Needs a major overhaul, modified is too timid, because modify is like tweaking it.”* **(Respondent M)**

The study solicited responses from respondents and asked if they had any advice for other organisations on how to implement the EEA. The advice given by respondents varied, but what was most prevalent was that leadership needed to be on board, and that organisations needed to have a strategy and make it be part of their overall business strategy. Others noted that such efforts needed to be realistic and genuine. Respondents also noted the following:

*“Leadership, everything starts with leadership, leadership commitment, and leadership driving it as well. What happens, in most companies EE becomes an HR issue, EE is not an HR issue, it’s a business issue.”* **(Respondent M)**

*“Start with getting leadership on board then leadership can make staff understand the Act and how it works, get the demographics right, understand what the challenges are going to be.”* **(Respondent P)**

Other participants advised that:

*“Organisations need to have a strategy, it needs to be part of their overall strategy, to avoid misalignment.”* **(Respondent J)**

Furthermore, respondents pointed out that organisations needed to:

*“They must be practical about the Act.”* **(Respondent H)**

*“You need to be genuine about it.”* **(Respondent L)**

*“Set specific targets each year and make sure you are living up to them.”* **(Respondent K)**

Respondent J reiterated that it is also important that organisations be careful that they:

*“Don’t take for granted people’s fears.” (Respondent J)*

Organisations were also advised that they:

*“Shouldn’t see it only as a have to do, it’s definitely a strategic tool, and then secondly there must be a commitment to the greater economic development” and “do the best you can, do it in good faith.” (Respondent D)*

#### **4.6. Conclusion**

This chapter presented the results from this study. The results highlight how organisations were implementing the Employment Equity Act, and how they experienced it. Some of the findings presented strong responses leaning towards one specific perspective, while others were mixed. To begin with, this chapter looked at whether organisations had EEA policies in place or not, and if they did, it tried to ascertain how were they implementing it. The findings showed that the majority of organisations were implementing the EEA in their organisations, but their approaches varied. Furthermore, organisations were demographically mainly Black, but Black people were largely in lower level positions, while senior management was still largely White and male dominated. The next chapter will discuss the findings and conclude the dissertation.

## **Chapter Five**

### **Conclusion**

#### **5.1. Introduction**

This study sought to explore the manner in which the Employment Equity Act No. 55 of 1998 has been implemented in the Western Cape Province. The need for the study was prompted by, among others, the Commission for Employment Equity Report (2007) which discovered that senior management positions were still largely occupied by White people at 68.5% whereas 28.8% were Black (African 14.4%, Coloured 4.9% and Indian 8.9%). The report revealed that the private sector has a much wider discrepancy in implementing the Act as its senior management is 72% White compared to 24.4% who are Black (African 10.7%, Coloured 4.7% and Indian 9.0%). In contrast, the public sector could be said to be representative of South Africa's racial demographics as it has 87.9% of senior management who are Black (African 73.2%, Coloured 8.1% and Indian 6.6%).

Furthermore, the Commission for Employment Equity's 2019 report maintained that demographic representation of Black people in senior management positions was still disproportioned in corporate South Africa. The findings revealed that Black people occupied 26.9% (African 11.8%, Coloured 5.1% and Indian 10.0%) of senior management positions in the country's corporate sector. In contrast, White people comprised a majority of 69.6%, leaving 3.5% occupied by foreign nationals. However, when looking at the government's senior management positions, Black people made up 90.8% (African 76%, Coloured 8.8% and Indian 6.0%) of the senior management positions in government, leaving the remaining 9.2% split into White people at 8.9% and foreign nationals at 0.3%.

With the abovementioned, this study saw that despite the democratic government's pursuit for justice in the workplace through the implementation of the Employment Equity Act (EEA), there seemed to be a paucity of research on the implementation of the Act. As such, the student undertook this research to investigate the implementation of the EEA by corporate organisations in Cape Town, in the Western Cape Province of South Africa. Furthermore, the aim of this study was to investigate how organisations in the Western Cape were implementing the Employment Equity Act. In pursuit of this, the study gathered findings from human resource managers as they are the individuals responsible for the implementation of the Employment Equity Act.

In addition, the study sought to review the available literature on EEA. Previous literature revealed that the EEA was modelled on the Canadian Employment Equity Act of 1986, as it also endeavoured to reduce and eliminate unfair discrimination in the workplace (Dweba, 2012). As such, South Africa introduced the Employment Equity Act No. 55 of 1998 as an acknowledgement of the bad outcomes of apartheid such as unequal salaries and discrepancies in employment.

The EEA was introduced with the aim of redressing workplace injustices which were perpetuated by past exclusionary and oppressive laws (Jian, Horwitz & Wilkin, 2012). One of the purposes of the EEA is to promote equal opportunities and achieve equality by eliminating all forms of unfair discrimination such as those that are based on race and gender. For example, employers ought to give due consideration to suitably qualified Black candidates, who may possess prior learning, relevant experience or the capacity to learn the needed skills for the job in reasonable time (Thomas & Jain, 2004). However, the Commission for Employment Equity (2017) found that the implementation of the EEA has only been successful in government entities, whereas the corporate sector has failed to implement the EEA as the majority of senior managers remain White. As such, this study set out to investigate how corporate organisations in the Western Cape, South Africa were implementing the EEA.

Furthermore, this study employed the qualitative approach. The qualitative methodology was employed because it makes primary use of the insider's perspective as a lens through which to look at the world (Babbie & Mouton, 2015).

This final chapter endeavours to bring all the study's discussions together and summarise them by tracing them back to where they began and looking at the literature that informed the research. Initially, the study presented the reasons why the Employment Equity Act No. 55 of 1998 (EEA) was promulgated. When the new democratic government of the Republic of South Africa came to power in 1994, it expressed its intentions to redress the injustices of apartheid which discriminated against Black people (Hideg & Michela, 2011). One of the means through which the democratic government worked to redress discrimination was the promulgation of the Employment Equity Act No. 55 of 1998. The EEA is rooted in the Constitution of the Republic of South Africa; it is intended to redress the discrimination of Black people in the work environment, and afford them equality (Van Zyl & Roodt, 2003).

At its core, the Act aims to redress the injustices of exclusion such as those that were perpetuated by oppressive past laws like the Mines and Works Act No. 12 of 1911 and the

Industrial Conciliation Act No. 11 of 1904 and No. 28 of 1952 (Jian, Horwitz & Wilkin, 2012). These Acts meant that all the prestigious and better paying jobs were reserved for White people, whilst the low-level and backbreaking jobs designated as cheap labour were reserved for Black people. Furthermore, such legislation put a ceiling on jobs in the country to ensure that Black people remained at a low socio-economic level and posed no threat to the status of White people (Smith & Roodt, 2003). To make matters worse, the Bantu Education Act No. 47 of 1953, was promulgated to provide Black people with inferior quality education, just enough for them to perform menial duties but too low for them to reach top levels.

It is further stated in the EEA that under no circumstances should a person be discriminated against on the grounds of skin colour, marital status or sexual orientation. Furthermore, there is a limitation on the EEA as it does not cover employees' refusal to associate with other employees based on culture, race or HIV status; as such some employees, particularly Black people, could face perpetuated discrimination (Hideg & Michela, 2011).

In addition, the EEA makes provisions for inspectors and trade unions to monitor the progress made in terms of implementation of the Act. Also, there is no requirement or mandatory compliance for independent researchers to look into such progress. There could potentially be a need for independent researchers to look into the progress made in terms of the implementation of the Act as inspectors and trade unions may be prone to being subjective instead of being objective. Another point worth noting is that the EEA does not work in isolation, it is accompanied by other legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act of No. 4 of 2000 and the Skills Development Act No. 97 of 1998.

It is the EEA's intention to aid individuals who have been negatively affected by the apartheid era's discriminatory practices and laws (Government Gazette, 1998). The Act further intends to enable employees or potential employees who were unfairly discriminated against, to be included. It is also noteworthy that the EEA covers multiple forms of discrimination in an effort to eliminate discrimination, and promote equal opportunities for all in the workplace.

Even though the Act was introduced with good intentions, it has been met with a number of challenges; such challenges stem from organisations and employees, both Black and White (Verbeek, 2011). Some organisations are resistant to the EEA because it is purported that it is expensive to recruit Black people as they sometimes require further training, and they also require the organisational culture to change to accommodate them (Booyesen, 2007). In

addition, some organisations have opted to recruit Black people only to put them in hostile environments, which results in them quitting. As a consequence, organisations complain that Black people do not stay for long, thereby frustrating the Act and making it seem redundant (Roman & Mason, 2015). It is asserted that the EEA is a tool to build livelihoods but a number of White people perceive it as a weapon to destroy theirs, because by giving Black people a platform to better their livelihoods, it threatens theirs as this means there are fewer opportunities for them (Hideg & Michela, 2011). The opposition by White people does not come as a surprise, but that of Black people is perplexing. The EEA was promulgated to benefit Black people, but the research findings determined that Black people have also reacted negatively to the Act (Zondi, 2009). This is partly because Black people felt that their intellect has been demeaned because they are perceived to have been recruited due to the EEA favouring them instead of due to their merit (Hideg & Ferris, 2014). What further intensifies the situation is that Black recruits are put through added training and development classes, and, as such, they are expected to perform to their utmost best (Zondi, 2009).

Once the study was concluded, the interview sessions were transcribed and analysed using Creswell's data analysis spiral (as cited in De Vos et al., 2011:403) and coded to develop themes and sub-themes. Once the analysis was concluded, findings were presented according to the themes which emerged in the study, with various narratives from participants to elaborate on the findings. A summary of these findings is hereby presented.

The findings were that organisations had various implementation strategies and these strategies had limitations. Organisations have made provisions to recruit Black candidates, and this has been mostly successful in low level positions. However, as one moved up the hierarchy, it becomes challenging as it is difficult to find Black candidates for top positions. In other cases, where available, Black candidates have high salaries, while others who accept offers, do not stay for long. Furthermore, there are cases whereby organisations prefer to retain White employees and allow them to leave on their own accord, or more specifically, retire, as it is better if they leave on good terms, instead of being forcefully removed.

Moreover, the study found that the EEA does not necessarily have an impact on the productivity of organisations. Organisations stated that there are other factors which impact productivity. Among the other factors mostly referred to were resources, such as the training and development of Black employees, and reshaping organisational culture to accommodate Black people. It is also vital for organisations to ensure that they do not exclude White employees

when they accommodate Black employees. Some organisations go as far as to consult White employees on how best they can be accommodated in the cultural restructuring process.

Findings further revealed that staff members did not share the same sentiments towards the EEA in their organisations. Black employees were said to be in support of the EEA whereas White employees felt unsafe, anxious and uncertain about the EEA. White employees were said to have feelings of uncertainty because due to the Act, they had to compete for positions within a wider pool of people and others were unsure about how the EEA works; as such, some even feared losing their jobs. However, these feelings, as expressed by Black and White employees, did not seem to have a huge impact on the relationships between the two groups of people, as most organisations stated that their relationships did not change. On top of that, the EEA did not necessarily influence staff's loyalty to organisations, because organisations felt that there was a multitude of factors which influenced staff loyalty.

The abovementioned effects of the EEA were some of the reasons that made it difficult for organisations to implement the EEA. The EEA was found to be complicated and time consuming. Organisations stated that it is complicated because it has a lot of grey areas which are difficult to navigate, and it is time consuming because of the challenges in finding suitable candidates. For instance, recruiting Black candidates is time consuming because there are few of them, and those that are available have high demands which most organisations cannot meet. Furthermore, because of the limited number of Black candidates, only those organisations with the best offers could recruit them, as a number of Black candidates were found to command high salaries.

## **5.2. Recommendations**

Based on the foregoing, the study therefore makes the following recommendations:

1. The findings suggest that organisations need to be flexible and shape their EEA policies in line with their organisational status as there does not seem to be a 'one size fits all' approach to the EEA.
2. Organisational leaders need to be on board and promote EEA policies, and EEA policies need to be part of the overall organisational strategy.
3. EEA strategies and policies need to be inclusive of everyone in the organisations, and staff members need to be consulted and informed.
4. White employees also need to be part of the strategic planning, as that will put them at ease and hopefully minimize resistance to the EEA.

5. Individuals responsible for the implementation of the EEA need to have thorough understanding of the Act, and have a positive attitude towards EEA.
6. EEA policies should have a monitoring and evaluation strategy embedded in it so to allow organisations to keep an eye on their progress and adjust accordingly, should the need arise.
7. It seems that there is confusion among some of the organisations as to how to implement the EEA, as such, it would be vital for the government to have explicit instructions on how to implement EEA. Since there is the Employment Equity Commission, the government could either use this commission or setup another body to investigate the most effective ways of implementing the EEA, then use those findings to put together explicit instructions for organisations.
8. Moreover, since the current setup of the EEA has not produced the expected results, the government needs to amend the Act, and consider the different structural makeups of organisations. Therefore, have sub sections directed at the different organisations make ups, and also add timelines for organisations to achieve the necessary racial makeup.
9. The findings show that there is a lack of accountability when it comes to EEA, the government is not holding organisations accountable for their failures. Government ought to have stringent accountability measures which will encourage organisations to implement and apply EEA policies in their organisations.
10. In addition to accountability, having a rewards system might prove beneficial. This is as the research made evident that at the moment, a number of organisations would rather pay the penalty (noncompliant) fee, instead of complying. With stringent accountability measures and a worthwhile reward system, organisations will, hopefully, be more willing to implement the EEA.
11. A number of participants eluded to the government having a lacking or weak monitoring and evaluation system, which means, for the above governmental recommendations to be effective, the government must strengthen its monitoring and evaluation system. This will ensure that those who are compliant are rewarded, and those who choose to be mavericks get what is rightfully due to them, harsh punishment.

### **5.3. Conclusion**

This chapter concludes this research study which investigated the Employment Equity Act No. 55 of 1998. In concluding the study, this chapter presented a summary of the research process from inception to the presentation of the findings. The study was prompted by the Commission

for Employment Equity Report from 2017 which revealed that senior management was still predominantly White. However, the corporate sector had a wider discrepancy when compared to the public sector. As such, this study sought to investigate how organisations were implementing the EEA using face-to-face interviews to collect data. Findings were then presented and revealed that organisations were implementing EEA, and though there were some successes, there were also a number of challenges.

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