CHALLENGES IN THE IMPLEMENTATION OF EMPLOYMENT EQUITY ACT: A CASE STUDY OF THE UNIVERSITY OF LIMPOPO

by

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DECLARATION

I **Takalani Violet Phaduli** hereby declare that this mini- dissertation titled **'Challenges in the Implementation of Employment Equity Act: A case study of the University of Limpopo'**, hereby submitted by me, has not been previously submitted in part or full to any degree at this or another university, and that this is my own work in design and execution. All references and materials contained within have been duly acknowledged.

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Signature   Date

ACKNOWLEDGEMENT

DEDICATION

This dissertation is dedicated to the following people:

- My sons Rollet Nthangeni and Adivhaho Phaduli
- Tshifhiwa Phaduli
- Tendani Phaduli
- Aron Maovhelwana
- Thinandavha Maovhelwana
- Mpho Phaduli
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- Maanda Maphangule
- Maduwa Ndifelani
- Livhuwani Mbedzi
- Thivhadini Ravhura
- Thivhileli Ravhura

ACRONYMS

BBBEE:	Broad-Based Black Economic Empowerment
BCEA:	Basic Conditions of Employment Act
CEE:	Commission for Employment Equity
CGE:	Commission on Gender Equality
DG:	Director-General
DHET:	Department of Higher Education and Training
DoL:	Department of Labour
EAP:	Economical Active Population
EEA:	Employment Equity Act
EEP:	Employment Equity Plan
HEA:	Higher Education Act
HEI:	Higher Education Institution
LRA:	Labour Relations Act
NGAP:	New Generation of Academic Programme
NPHE:	National Plans for Higher Education
PEPUDA:	Promotion for Equality and Prevention for Unfair Discrimination Act
SDA:	Skills Development Act
SPSS:	Statistical Package for the Social Sciences
UCT:	University of Cape

ABSTRACT

The purpose of this study was to investigate challenges in the implementation of Employment Equity Act in the University of Limpopo. The design of the research in this study is both qualitative and quantitative. Data were collected from HODs and Human Resources Officers. Structured interviews and questionnaires were used to collect data form the participants. Data were analysed quantitatively and qualitatively. Results revealed that there are more males in Senior Management levels than females in the University. Data further showed that the majority of Senior Management fall under age category 50-64 years old. The results show that most of the respondents hold highest qualifications which is masters and doctoral degree. It was found that most of the respondents are from Sepedi and Tshivenda speaking communities. The finding revealed that the University of Limpopo has been implementing the Employment Equity Act. However, the implementation of the EEA encountered certain challenges including among other resistant to change, poor networking, lack of employment equity awareness, undermining of the HR Officers by Selection Committee members and lack of qualified people with disabilities in certain positions.

Another finding shows that the University has Employment Equity Plan with numerical target to be achieved. It found that the successful implementation of EEA will address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation. The findings further show that the University is strictly adhering to the stipulations of the EEA. It was found that employees in the University are not well informed of the Employment Equity Policies. Another finding shows that the University Employment Equity has been a very useful tool to promote equality in the University. The study recommends that the University should not deviate from the EEA especially when filling positions reserved for designated groups. It is recommended that HODs should familiarize themselves with the Act. It is recommended that the University use provincial demographics to set the EE targets. University must have EE Plan targets on the agenda at all meetings of the University's Executive Committees. It is recommended that further discussion and monitoring need to be conducted at Executive Management level.

Key words: *Employment Equity Act, Employment Equity Plan, HODs, EE targets, Employment Equity Policies.*

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CHAPTER 1: INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

The study is about the investigation of challenges in the implementation of Employment Equity Act in the University of Limpopo. The researcher investigates the challenges in the implementation of the Employment Equity Act by focusing on the lack of access to training, poaching, multiple legislations and targets addressing equity, insufficient budget and education, management incompetency to implement Employment Equity Act and poor commitment by management. This chapter also covers problem statement, motivation for the study, significance of the study, aim and objectives of the study, research questions and limitations of the study. Furthermore, this chapter contains definitions of the major concepts and chapter divisions of the study.

1.2 Background

The history of apartheid and other discriminatory practices in South Africa triggered discrepancies in employment, occupation and income within the national labour market and created such pronounced disadvantages for certain categories of people to such an extent that they could not be simply redressed by repealing discriminatory laws. It involves implantation of various measures such as: supporting the constitutional right of equality; exercising true democracy; eliminating unfair discrimination in employment; ensuring the implementation of Employment Equity to redress the effects of discrimination; realising a diverse workforce broadly representative of the people of South Africa; and promoting economic development and efficiency in the workforce (South Africa, 1998). Most notably, recent changes in the South African labour market requires employers to adhere to Employment Equity Act 55 of 1998. The Employment Equity Act No 55 1998, has had a profound influence on the lives of organizations in South Africa. Recruitment practices have been revised to meet the requirements of the Employment Equity Act No 55 of 1998. Employment Equity Legislation provides a framework for guidelines on how to implement employment equity principles. Employers in the academic institutions are not excluded from the above compliance (South Africa, 1998).

The 1997 White Paper on Higher Education and the resultant Higher Education Act (HEA, 1997) require certain major changes, such as a reduction in funding and different funding formulas and also require each institution to submit three-year rolling plans. Unfortunately, the three-year rolling plans do not correspond to that of the development and reporting the requirement of the employment equity plans. University of Cape Town in line with its history of struggle in opposition to apartheid appears to have a well-developed and consistent record of policy formulation regarding transformation and the promotion of employment equity. However, the general failure to reach targets set in the 1999-2002 Employment Equity Plan, coupled with proposals for a new approach of developed target setting and increased line management accountability for employment equity, suggests a lack of drive in respect of the employment equity process to date. University of Western Cape as a previously disadvantaged institution that has continually expressed a commitment to pursuit of employment equity goals beyond compliance with the Employment Equity Act has also experienced uncertain progress in this regard (HEA,1997).

According to Padayachee (1998) employers are required to incorporate principles of affirmative action, including preferential treatment, to appoint and promote suitably qualified people from designated groups. This will ensure representation of people from designated groups at all levels and categories in the work-place. From the above statement, it is clear that every employer is obliged to give fair employment opportunities to people from designated groups that is namely, black, women and people with disabilities. University of Limpopo is not excluded from the above process. The university has gone to various stages of transformation process. The process also includes the challenges on the implementation of employment equity in the University of Limpopo. Despite the above Act, some of the Departments at the University are not complying with the requirements of the Employment Equity Act No 55 1998, hence the study on the challenges in the implementation of employment equity in the University of Limpopo (Thomas, 2002).

1.3 Motivation to the study

The researcher as an Employment Equity and Transformation Specialist in the University of Limpopo has observed that there are challenges in the implementation of the Employment Equity Act and the University is expected to comply and achieve

its Employment Equity Plan targets on annual basis. The transgression of Employment Equity Act No 55 of 1998 and fine that the Universities receive from Department of Labour, has motivated the researcher to embark on the study of challenges to the implementation of employment equity in the University of Limpopo. All employers are expected to have fair representation in terms of gender and race against all occupational levels. This process will assist the employer to have a diverse workforce that will represent the demographic population of South Africa. Noncompliance of the Employment Equity Act and the Commission on Gender Equality requirements has created polarity between the Line Managers and the Human Resources Department. The differences were caused by lack of understanding on issues pertaining to Employment Equity Act. This problem has been left unattended for a long period of time, hence it motivated the researcher to investigate on the issue.

1.4 Problem statement

The implementation of the Employment Equity Act implies a major impact on both the recruitment and the administration of universities. The management change and transformation in the higher education exerted a lot of pressure on employers to change their way of recruiting and selecting their employees in their sphere of operation. Due to challenges such as lack of clarity on policy issues, resistance to change, lack of capacity, scarce skills among the designated groups and other related challenges hamper the implementation of employment equity in the University of Limpopo (Thomas, 2002). According to Kola (2012) despite the implementation of employment equity to promote the employment opportunities for the designated groups, the University still displays the characteristics of non-compliance. Due to non-compliance with the workplace the Department of Labour has been mandated to enforce and monitor compliance on employment equity in all public and private sectors. Every institution is compelled to adhere to the employment relations Acts at the workplace. The Employment Equity Act states that, every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. Section 6 of Chapter 2 further states that, no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social

origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth (South Africa, 1998).

The Employment Equity Act No 55 1998 was introduced to do away with apartheid and other discriminatory laws and practices. There have been labour recruitment processes which led to disparities and inequities. Those imbalances cannot simply be rectified by abandoning discriminatory laws (Kola, 2012). Mawila (2006) attests that incorrect implementation of Employment Equity Act makes many institutions of higher learning to transgress the above Act, hence they receive noncompliance fines from the Department of Labour based on the level of contravention. The National Plan for Higher Education supports the view that the staff composition of Higher Education Institution has not changed in line with the student composition. Blacks, Women and those with disabilities remain under-represented in academic and professional position (NPHE, 2011).

Based on the above-mentioned problems, the designated employers had to come up with the management strategies, to ensure the effective implementation of employment equity. Hence the study on the challenge to the implementation of equity in the University of Limpopo

1.5 Significance of the study

The study on the challenges in the implementation of employment equity in the University of Limpopo will assist:

> ➢ The study will assist the university management to develop relevant strategies that will assist them to comply with the requirement of the Employment Equity Act 55 of 1998 in the University.
> ➢ The study will also contribute to the body of knowledge and human resources management as a field of study. The recommendations that will be presented and deliberated by the researcher will add value to knowledge.

1.6 Aim of the study

The aim of this study is to investigate the challenges in the implementation of employment equity in the University of Limpopo.

1.7 Objectives of the study

In order to achieve the above aim the following objectives will be pursued:

- ➢ To ascertain the strategies and processes put in place to effectively implement employment equity in the University of Limpopo.
- ➢ To identify the challenges faced by the University of Limpopo in the implementation of employment equity.
- ➢ To suggest the strategies that can be used by the management to comply with the Employment Equity Act No 55 of 1998.

1.8 Research questions

The aim of the study is to investigate the challenges in the implementation of the Employment Equity Act in the University of Limpopo. In order to address the aim and the objectives of the study the researcher consider the following three critical research questions:

- ➢ What are the strategies and process put in place to effectively implement employment equity in the University of Limpopo?
- ➢ What are the challenges faced by the University of Limpopo in the implementation of employment equity?
- ➢ What should be done to improve the implementation of Employment Equity Act No.55 of 1998 in the University of Limpopo?

1.9 Definitions of concepts

Employee means any person other than an independent contract who works for another person and for the State and who receives or is entitled to receive, any remuneration and in any manner assist in carrying on or conducting the business of an employer (South Africa, 1998). In this study employee means people who are employed by the University of Limpopo including race, gender, age and people with disabilities.

Employment Equity is a process which aspires to create a reflection of the population demographics of the surrounding environment in which the organisation exist through the provision of equal and fair opportunities (Esterhuizen, 2008).

Employer refers to an organization that appointed fifty or more employees. In this study the employer refers to the University of Limpopo (South Africa, 1998).

Employment Opportunity refers to the formal right of all to be treated equally in employment irrespective of race, gender and disability (South Africa, 1998).

Higher Education Institution means any institution that provides higher education on a full-time, part-time or distance basis and which is -

(a) merged, established or deemed to be established as a public higher education institution under this Act;

(b) declared as a public higher education institution under this Act; or

(c) registered or provisionally registered as a private higher education institution under this Act (Higher Education Act No. 101 of 1997). In this study higher education institution refers to the University of Limpopo (HEA, 1997).

Policy Implementation encompasses those actions by public and private individuals that are directed at the achievement of objectives set forth in prior policy decisions. This includes both one-time efforts to transform decisions into operational terms as well as continuing efforts to achieve the large and small changes mandated by policy decisions (Van Meter & Van Horn, 1975). Policy implementation in this study refers to the implementation of employment equity policy in the University of Limpopo.

1.10 Division of study

Chapter 1: Introduction and Background of the study.

This chapter provides a detailed introduction and background of the study. It also covers problem statement, motivation of study, significance of the study, aim of the study, objectives of the study, research questions and limitations of the study. Furthermore, the chapter contains the definition of the major concepts and division of the study.

Chapter 2: Literature Review

This chapter covers the review of previous research studies or relevant information which discussed the challenges in the implementation of employment equity in order to provide the background to the research. It looks extremely into the background of

the employment equity in South Africa in order to provide a better understanding in the implementation of Employment Equity Act in the University of Limpopo.

Chapter 3: Research Design and Methodology

This chapter provides the nature and type of research methods and the choice of research methods. This chapter also provides a clear and detailed explanation of how the research instrument, population, location and ethical issues were selected.

Chapter 4: Data presentation, Analysis and Interpretation

The research results are presented and discussed. This chapter includes a description of data collected from the interviews and questionnaires as well as analysis and interpretation of data. The study data is in relation to the research instrument of the study and the results are in correspondence with the research instrument. The data and results of the study answer the questions on the instrument.

Chapter 5: Conclusions and Recommendations

This chapter provides the interpretation of the study findings by the researcher. The researcher presents the findings of the study, recommendations and conclusions drawn from the study. The researcher provides her own recommendations in relations to the literature review.

1.11 Conclusion

This chapter introduced the background of the study and motivation of the study. The chapter also highlighted the research questions, aim of the study and objectives of the study. A statement on the significance of the study is also presented. In the next chapter the literature review will be presented

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter presents the literature review of the study. It reviews views of other authors in relation to the topic of the study. The researcher ensures that there is correlation between the major research questions and the research instrument.

The apartheid system caused severe pain, injustice and financial loss to the majority of South African people. To redress the aftereffects of racial discrimination in the workplace, the Employment Equity Act (EEA) of 1998 was established. Most notably, recent changes in the South African labour market requires employers to adhere to Employment Equity Act 55 of 1998. The Employment Equity Act No 55 1998, has had a profound influence on the lives of organizations in South Africa. Recruitment practices have been revised to meet the requirements of the Employment Equity Act No 55 of 1998. Employment Equity Legislation provides a framework for guidelines on how to implement employment equity principle. Employers in the academic institutions are not excluded from the above compliance. It was expected to increase the numbers of the designated group members in elite positions in the workplace, such that their proportion reflects the economically active population (South Africa, 1998).

2.2 Conceptualising employment equity

Employment Equity is a process which aspires to create a reflection of the population demographics of the surrounding environment in which the organisation exist through the provision of equal and fair opportunities. Gender is not yet acceptable and realised as an aspect of transformation especially with regard to male and continues to state that males would still like to dominate over females at workplaces (Esterhuizen, 2008). According to Portnoi (2009) a significant area of transformation involves reconfiguring institutions' staff complements to achieve a welcoming environment for staff from all backgrounds and more equitable workplace. Affirmative action and employment equity are two different but related terms. According to Van Wyk (2010) the historic advantage needs to be reversed in order to make up for the past. He further states that six years after the first democratic elections took place in South Africa, a study from UCT's institutional documents showed that the profile of its staff remained

significantly unrepresentative of the broader population of South Africa in terms of race, gender or persons with disabilities.

Mekwa (2012) on her dissertation states that the definition of employment equity emphasise the essential factors necessary to make a work environment conducive to enabling individual employees to realise their potential without any adverse impact deemed discriminatory or any unfair labour practices. She further indicated that employment equity can be understood as a transformational process aimed at affording fair and equitable opportunities to all employees, with specific focus on those who were previously discriminated against. The Commission for Employment Equity Annual report (2017-2018) shown that Educational institutions are predominantly represented by the White Population group (63%) with the Indian Population group representation much higher than their EAP at the Top Management level. In the context of this study equity in the workplace refers to equal employment opportunities for black, women and people with disabilities.

2.3 International law on employment equity

Employment equity, as defined in federal Canadian law by the Employment Equity Act, requires federal jurisdiction employers to engage in proactive employment practices to increase the representation of four designated groups: women, people with disabilities, Aboriginal peoples, and visible minorities (Canada, 2009). The act states that "employment equity means more than treating persons the same way but also requires special measures and the accommodation of differences. In Canada, like South Africa the duty to accommodate is based on the legal obligations obtained in the Charter, the Canadian Human Rights Act, and the EEA, and is a requirement that must be respected throughout the selection process. According to the Canadian Public Service Commission, the duty to accommodate refers to the obligation of an employer or service provider to take actions to eliminate disadvantages to employees, prospective employees or clients that result from a rule, practice or physical barrier that has, or may have, an adverse impact on individuals or groups protected under the Canadian Human Rights Act or identified as a designated group under the EEA. Adverse impact may be deemed to have occurred when the application of an apparently neutral rule, standard, policy, practice, etc., results in a disproportionate

disadvantage, whether intentionally or not, for an individual or a group protected under the above legislation.

According to EEA (Canada, 2009) the act requires that employers eliminate barriers to employment that disadvantage members of the four designated groups. The term reasonable accommodation is often used for the removal of such barriers to employment. Wheelchair inaccessible buildings, or practices that make members of a designated group uncomfortable are examples of employment barriers. Employers are also required to institute positive policies for the appointing, training, retention, and promotion of members of the designated groups. The Canadian Human Rights Act has long prohibited discrimination on the basis of gender, race, ethnicity, and certain other grounds. The Canadian Human Rights Act continues to be in force alongside the Employment Equity Act. The key difference between the two laws is that the Canadian Human Rights Act merely prohibits discrimination, whereas the Employment Equity Act requires employers to engage in proactive measures to improve the employment opportunities of the four specific groups. Note that the Canadian Human Rights Act protects a wider range of minorities (such as sexual minorities and religious minorities), while the Employment Equity Act limits its treatment to the aforementioned four protected groups. In Canada, employment equity is a specific legal concept, and should not be used as a synonym for non-discrimination or workplace diversity (Canada, 2009).

2.4 Background of employment equity in South Africa

The history of apartheid and other discriminatory practices in South Africa triggered discrepancies in employment, occupation and income within the national labour market and created such pronounced disadvantages for certain categories of people to such an extent that they could not be simply redressed by repealing discriminatory laws. It involves implantation of various measures such as: supporting the constitutional right of equality; exercising true democracy; eliminating unfair discrimination in employment; ensuring the implementation of Employment Equity to redress the effects of discrimination; realising a diverse workforce broadly representative of the people of South Africa; and promoting economic development and efficiency in the workforce (South Africa, 1998).

Most notably, recent changes in the South African labour market requires employers to adhere to Employment Equity Act 55 of 1998. The Employment Equity Act No 55 1998, has had a profound influence on the lives of organizations in South Africa. Recruitment practices have been revised to meet the requirements of the Employment Equity Act No 55 of 1998. Employment Equity Legislation provides a framework for guidelines on how to implement employment equity principles. Employers in the academic institutions are not excluded from the above compliance. Employment Equity Act seeks to address, among others, the problem of under-utilisation of Designated Groups, create a more equitable workplace, promote equal opportunity through elimination of unfair discrimination and implementation of Affirmative Action measures meant to redress disadvantages experienced by Blacks, women and people with disabilities. Previous failures seriously impaired the Previously Disadvantaged persons' ability to accumulate specific knowledge, skills and experience (Bendix, 2015).

Designated Groups in South Africa and in terms of the Employment Equity Amendment Act 47 of 2013 refer to people with disabilities, women and Black people (Africans, Coloureds and Indians). Section 6 (2) of the Employment Equity Act provides that discrimination based on the inherent requirements of a job may be regarded as fair discrimination. The Employment Equity Act No 55 1998 recognises that as a result of apartheid and other discriminatory laws and practices, there have been labour recruitment processes which led to disparities and inequities. Those imbalances cannot simply be rectified by abandoning discriminatory laws (Kola, 2012). The purpose of implementing the Act was "promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce (South Africa, 1998).

To achieve the above process, the management of diversity also needs to be taken into consideration. The University of Limpopo has Employment Equity Plan with the objectives and numerical targets to be achieved in order to have a diverse workforce. South African Employment Equity Act addresses the problem of underutilisation by

ensuring that people with disabilities, women, and Black people are equally utilised and represented in the workforce of Designated Employers. A Designated Employer in terms of the Employment Equity Act (1998) is an employer who has a staff complement of fifty (50) or more or has a total annual turnover of R2m or more, municipalities and organs of states and an employer bound by a collective agreement in terms of Section 23 or 31 of the Labour Relations Act 66 (1995) which appoints it as a Designated Employer in terms of the Employment Equity Act to the extent provided for in the agreement (South Africa, 1998).

In the study conducted by Meyer (2014) on the challenges facing the implementation of the employment equity Act in Public FET Colleges in the Western Cape, the method used was mixed methods (qualitative and quantitative approaches). The findings indicated that certain racial groups did not feature in the staff make-up of some Colleges and some of the Colleges claimed that there are no funds to make their buildings accessible for students and staff with disabilities. According to the findings in Mayor (2014) indicated that there are gaps in the Colleges staff profiles that need to be corrected and he further recommended that any challenges or barriers they face in implementing the Act should be noted and forwarded to the Executive Committees. As far as people with disabilities are concerned, it has been recommended that all College buildings should be made accessible for them. The study conducted by Mekwa (2012) on the implementation of employment equity in the public service with specific reference to the Department of Justice and Constitutional Development indicated on the findings that there is misalignment of training and development programmes with Employment Equity Plan, lack of management commitment and poor communication among staff members to ensure effective implementation of employment equity.

2.4.1 South African legislations

* The Constitution of the Republic of South Africa (No. 108 of 1996)

South Africa became a democratic country in 1994. The Constitution of the Republic of South Africa, which was signed by President Nelson Mandela on 18 December 1996 was implemented during February 1997. An important component of the Constitution is the Bill of Rights Chapter 2 which states the right to equality, all must be equal before the law and all must be entitled to equal protection of the law. The state may unfairly

discriminate directly or indirectly against anyone on one or more grounds including race, sex, gender, sexual orientation, language, marital status or birth. Parliament developed the Promotion for Equality and Prevention for unfair Discrimination Act no 4 of 2000 (PEPUDA) to ensure the delivery of section 9(4) of the South African Constitution (Grobler, Warnich, Carrell, Elbert and Hartfield, 2011).

* Employment Equity Act (No. 55 of 1998) as amended)
The Employment Equity Act which was approved by Cabinet on 12 October 1998, aims to achieve equity in the workplace by promoting equal opportunities and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups (Africans, Coloureds, Asians, Women and people with disabilities) to ensure that their equitable representation in all occupational categories and levels in the workplace. The workforce of South Africa has been dramatically increased and different people from different races, gender, cultures and religions are working together. There was an introduction of Employment Equity Act 66 of 1995 (EEA, as amended) by the government. The aim of the EEA is to prevent and prohibit unfair discrimination and to promote, protect and advance persons who were previously disadvantaged because of unfair discrimination by means of affirmative action measures (South Africa, 1998).

The EEA was introduced to rectify the wrong doing of the past to promote fair employment opportunities to the designated groups. Affirmative action is measures identified to address the barriers preventing the designated groups to benefit in the employment environment in various job categories and intended to overcome the effects of past or present discriminatory policies or practices or other barriers to equal employment opportunities. Employment equity and affirmative action assists in diversifying the workforce by bringing people into the career opportunities. The organisations will be able to create a work environment that fosters trust and mutual respect if diversity is effectively managed, this develops an organisational culture that values diversity and recognizes the importance of individuality and in turn builds powerful teams and organisation (South Africa, 1998).

Designated employers are required to develop Employment Equity Plan with the objectives and numerical targets to achieve within a period between one year and five years. The establishment of the equity plan commences with a review of affirmative action policy and objectives of the organisation, as this will inform the plan and in particular the targets established. Designated employers are required to conduct an analysis on policies, procedures and processes to identify the barriers that prevent designated groups equal opportunities in the workplace and develop measures or strategies to address the problems. Workforce profile must also be analysed to identify the underrepresentation of designated groups, the employer must develop the strategies to balance the gender and race in the workplace to promote diverse workforce (Grobler et al, 2011).

To support the above statement Bendix (2015) states that it is necessary to analyse the total workforce at all levels and in all job categories in terms of race and gender. In order to identify areas in which persons from the designated groups are under-represented and attention also needs to be paid to the employment of people with disabilities. Three additional grounds were included in the Equity Act, namely, pregnancy, HIV status and birth, while the Employment Equity Amendment Act has added the words or any other arbitrary grounds. The Employment Equity Act confirmed that affirmative action initiatives and differentiate based on the inherent requirements of a job are not regarded as unfair. The Act further provided that applicants for positions would also be regarded as employees. The plan should be reviewed and revised as necessary through consultation to ensure reasonable progress (South Africa, 1998).

The purpose of the Employment Equity Act No 55 of 1998 according to section 2, is to achieve equity in the workplace by:
  ➢ Promoting equal opportunity and fair treatment through elimination of unfair discrimination; and
  ➢ Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order with their equitable representation in all occupational categories and levels in the workplace.

Organisations are required through the stipulations of the Act to implement various forms of favoured treatment to people from designated groups in all levels in the workplace. The designated groups are made up of Blacks, Women and people with disabilities. The Employment Equity Act (1998) is supported by the Skills Development Act 97 of 1998 and Skills Levies Act 99 of 1999. These Acts move the focus from employment equity appointment to the employment equity training and development of employees from the designated groups (Jooste, 2014). According to Burger and Jafter (2010) the effect of affirmative action in reducing the employment and wage gaps have not been successful and is described as marginal best. The employment equity had an impact on employee motivation.

The purpose of the Employment Equity Act of 1998 is to implement the requirements of the EE Act in the organisations are set in chapter 111, of the EE Act, under duties of designated employers. In terms of Section 15, designated employers must implement affirmative action measures for people from designated groups. In order to do this, employers must consult with employees (section 16), conduct work place analysis (section 19), prepare an employment equity plan (section 20), and report to the department of labour on the progress made in implementing the employment equity plan (section 21) (South Africa, 1998).

* Reasonable Accommodation

The Employment Equity Act, No. 55 of 1998: Code of Good Practice: Key Aspects on the Employment of People with Disabilities (2002) states that employers should reasonably accommodate the needs of the people with disabilities. The aim of the accommodation is to reduce the impact of the impairment of the person's capacity to fulfil the essential functions of a job. The Code of Good Practice identified areas where reasonable accommodation may be required, namely:

➢ During the recruitment and selection processes;

➢ In the working environment;

➢ In the way work is usually done, evaluated and rewarded; and

➢ In the benefits and privileges of employment.

The University of Limpopo is committed to offer reasonable accommodation for the designated employees (blacks, women and people with disabilities) from all occupational levels positions. Employees with disabilities are encouraged to disclose

their disability status using declaration by employees form (EEA1) obtained from the Department of Labour. Provision of reasonable accommodation can be used as the strategies to attract and retain employees with disabilities in the University. There is a huge challenge in accommodating people with disabilities because it involves modifying buildings so that they can be accessible to physically disabled employees, acquiring special equipment to be used by employees who are partially sighted or hearing challenged (Ngwena, 2006).

To support the above statement, the Code of Good Practice (Key Aspects on the Employment of People with disabilities, 2002) states that the obligation to make reasonable accommodation may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self – evident to the employer. Reasonable accommodation includes but not limited to, namely:

- ➢ Adapting existing facilities to make them accessible;
- ➢ Adapting existing equipment or acquiring new equipment including computer hardware and software;
- ➢ Re-organizing workstations;
- ➢ Changing training and assessment materials and systems;
- ➢ Restructuring jobs so that non-essential functions are re-assigned;
- ➢ Adjusting working time and leave; and
- ➢ Providing specialised supervision, training and support in the workplace.

South African Human Rights Commission Equality Report (2012) states that the gender and disability components of employment equity tended to be ignored, in contravention of the Employment Equity Act. There was a general lack of coherence in terms of gender transformation policies and policies addressing disability in the working environment. Lack of suitable candidates from designated groups for the positions concerned as reasons for their failure to comply with the Employment Equity Act. The Employment Equity and Transformation Office in collaboration with Reakgona Disability Centre within the University of Limpopo is responsible to ensure that the University is complying with the Employment Equity Act and employees with disabilities have been given a special treatment to cater for their special needs.

* Broad-Based Black Economic Empowerment Act 53 No. of 2003 (as amended)

The main aim of the Broad-Based Black Economic Empowerment Act 53 of 2003 (BBBEE, as amended) is to address inequalities resulting from systematic exclusion of the majority of South Africans from meaningful participation in the economy. It is therefore intended to address the imbalances caused by oppressive policies which exclude black South Africans economically from actively participating in and owning big businesses. The Broad- Based Black Economic Empowerment Amendment Act 46 of 2013 published in the government gazette in January 2014, emphasizing the economic empowerment of all black people including women, workers, the youth, people with disabilities and people living in rural areas by utilising integrated socioeconomic strategies. The Broad-Based Black Economic Empowerment Act No. 53 of 2003 seeks to advance economic empowerment of historically disadvantaged South Africans and not just employment opportunities through socio-economic strategies (Esterhuizen, 2008) which include, but is not limited to the following:

- ➢ Increasing black ownership, management and control of enterprises;
- ➢ Facilitating enterprise ownership and management by communities, workers, cooperatives
- ➢ and other collective enterprises;
- ➢ Skills development;
- ➢ Attaining equitable representation in all occupational categories;
- ➢ Preferential procurement;
- ➢ Investment in black owned enterprises.

According to Gobind (2013) the purpose of the Broad-Based Black Economic Empowerment Amendment Act (2013) is to establish a legislative framework for the promotion of black economic empowerment, to empower the Minister to issue codes of good practice as well as to publish transformation charters with regard to establishing the Black Economic Empowerment Advisory Council. The Broad-Based Black Economic Empowerment Amendment Act No.26 of 2013 removed white disabled people and white women from the definition of historically disadvantaged individuals (South Africa, 2003).

* Labour Relations Act No. 66 of 1995 (as amended)

The Labour Relations Act which became law on 11 November 1996 aims to advance economic development, social justice, labour peace and the democratisation of the workplace. It states the right to freedom of association, workplace forums and dispute resolution (South Africa, 1996). The first legal intervention towards greater equity came in the form of a rewording of the definition of an Unfair Labour Practice to focus specifically on discrimination. The Act prohibit unfair discrimination either directly or indirectly against an employee on any arbitrary ground, including but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, belief, political opinion, culture, conscience, language, marital status and family responsibility (Bendix, 2015).

* The Basic Conditions of Employment Act No. 75 of 1997 (as amended)

The purpose of the Act is to ensure that all employees enjoy certain minimum conditions of employment. It has an effect on the individual employment relationship, which is otherwise largely regulated by the common law. The Act also covered the aspects such as working time, leave, remuneration, deductions, notice of termination and administration obligations (South Africa, 1997). Diversity and the management include the protection of female employees during pregnancy and after the birth of their child (Meyer, 2011). Human resource managers must comply with this Act to ensure that employees are receiving equal treatment, equal benefits and remuneration structure cannot unfairly discriminate in terms of race and gender (Grobler et al, 2011).

* Promotion of Equality and Prevention of Unfair Discrimination (Act No. 4 of 2000)

Two codes of good practice published in terms of the Labour Relations Act should also be kept in mind when dealing with diversity matters, namely the Code of Good Practice: Key Aspects of HIV/Aids and Employment and the Code of Good Practice: Handling of Sexual Harassment Cases. No employee or applicant for employment may be required to undergo an HIV test to ascertain their HIV status, HIV test may be taken under certain condition and can be voluntary and anonymous. Employers are required to provide a safe workplace and ensure that the risk of occupational exposure to HIV is minimised in terms of both the Occupational Health and Safety Act No. 85 of 1993 and the Mine Health and Safety Act No. 29 of 1996 (South Africa, 1996).

Sexual harassment has developed into one of the most controversial, complex and perhaps widespread human resource problems in the world. With more women entering the workplace as a results of the implementation of the Employment Equity Act, sexual harassment is becoming more prevalent and this new dimension of discrimination is causing concerns to management (Grobler et al, 2011).

* Skills Development Act No 97 of 1998

The Skills Development Act 97 of 1998 was developed by the government in 1998 when the country experienced high unemployment rate, inequality of opportunities and income differential due to the legacy of apartheid (South Africa, 1998). In order to redress the overall enhancement of skills and to increase productivity to compete in the global economy the government introduced the Skills Development Act 97 of 1998. The purpose of the Skills Development Act is to:

- ➢ Develop the skills of the South African workforce,
- ➢ Encourage employers,
- ➢ Encourage workers to participate in leadership and other training programmes,
- ➢ Improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education,
- ➢ Increase the levels of investment in education and training in the labour market and to improve the return on that investment,
- ➢ Assist work-seekers to find work, retrenched workers to re-enter the labour market and employers to find qualified employees.
- ➢ Ensure the quality of education and training in and for the workplace and

In support of this Act, the Skills Development Levies Act 99 1999 manages a compulsory levy scheme to fund education and training in the organisations within various sectors in South Africa. It aims to increase the knowledge and competencies of the labour force and in so doing, increase the supply of skilled labour in South Africa, providing for greater productivity and employability (Jooste, 2014).

2.4.2 Affirmative action measures to achieve employment equity

The Employment Equity Act 55 of 1998 as amended provides for the implementation of the Affirmative Action to redress the imbalances of the past which disadvantaged people from designated groups (Blacks, Women and people with disabilities). The purpose of Affirmative Action as an employment equity intervention is to correct the inequalities of the past by giving all South Africans to gain equal access the opportunity from which they were denied by the previous government (Thomas, 1996). The purpose of the White Paper on Affirmative Action in the Public Service Department (1998) is to establish the requirements and guidance on the steps which the departments should take to develop and implement their affirmative action programme.

According to Mkhwanazi (1993) Affirmative Action is a deliberate and sustainable interim strategy aimed at enhancing the abilities and capacity of disadvantaged groups to enable them to compete on an equal footing with those who benefitted from the apartheid system. Thomas (2002) describes Affirmative Action as the procedure followed in compensating one group for previous discrimination through giving it preferential treatment over other groups in selection and training procedures. Employment Equity and Affirmative Action are two aspects of the greater process of transformation. Transformation as defined by (Thomas, 2002) is the process whereby an institution actively promotes and engages in steps that lead to a working environment where there is no discrimination and all employees can enjoy equal opportunities. Managers and Employees have to recognise the fact that there is diversity in this country, therefore for the Employment Equity and Affirmative Action to be realised they should understand and learn how to manage diversity (Thomas, 2002).

To support the above statement White Paper in the Public Service Department (1998) states that affirmative action the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment. The Employment Equity Act, No. 55 of 1998: Code of good practice on the integration of Employment Equity into Human Resource Policies and Practices (2005) states that employers can increase motivation and productivity in the workplace when they invest

in their employees and continues to note that it is only protected by eliminating the historical barriers that prevent the advancement of the designated groups (black people including African, coloured and Indian, women and people with disabilities). The code of good practice, ensures that positive or affirmative action measures are in place to expedite their development and progression. The University of Limpopo has Training and Development Department that offers employees from designated groups the opportunity to develop themselves and also finance their studies. After completion of their studies the University paid its employees the performance bonus as reward system to motivate people from designated groups to further their studies to become academics.

The aim of the Policies and Processes for the New Generation of Academics Programme (nGAP) to recruit support universities to recruit new academics in line with their staffing and development plans. The nGAP is transformative in nature, therefore 80% of the positions must be allocated to black/or women South African citizens and priority must be accorded to persons who are 40 years younger in age (DHET, 2017). The Centre of Academic Excellence within the University of Limpopo is responsible to ensure that this programme is implemented and the objectives of the nGAP is achieved.

Designated Employers are obliged in terms of the Employment Equity Act 55 of 1998 to implement Affirmative Action measures in order to achieve Employment Equity. Affirmative Action measures are in terms of the Act designed to ensure that people from the Designated Groups who are suitably qualified for the job have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a Designated Employer. Suitably qualified refers, in terms of the Employment Equity Act, to a person who possesses any or a combination of formal qualification, prior learning, and relevant experience or has a capacity to acquire, within a reasonable time the ability to do the job (South Africa, 1998).

According to the Employment Equity Act 55 of 998 as amended Affirmative Action measures implemented by the designated employer must include the following:

➤ Measures to identify and eliminate employment barriers, including unfair discrimination which adversely affect people from designated groups.

- Measures designed to further diversity in the workplace based on equal dignity and respect of all people.
- Making reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of the designated employer.
- Measures to ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce.
- Retain and develop people from designated groups and to implement appropriate training measures, including measures in terms of an Act of Parliament providing for skills development (South Africa, 1998).

There are two views of the Affirmative action measures that support and are against the unfair discrimination. Section 6 (1) of the EEA states that no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. In the same section 6 (2) the of the same Act states that it is not unfair discrimination to promote affirmative action consistent with the Act or to prefer or exclude any person on the basis of an inherent job requirement (South Africa, 1998).

* Consultation with the employees

Section 16 of the EEA states that a designated employer must take a reasonable step to consult and attempt to reach agreement on the matter with a representative trade union representing members at the workplace. The employee or their nominated representatives must reflect the interests of employees from across all occupational categories and levels of the employer's workforce, employees from designated groups, and employees from non-designated groups (South Africa, 1998).

The University of Limpopo is complying with the above section on the matter of consultation, there is Employment Equity Policy and Employment Equity Committee

that is active in the University. However, the Committee does not reflect the interest of people from non-designated groups (White males) (South Africa, 1998).

* **Matters for consultation**

According to section 17 of the EEA, a designated employer must consult with the employees concerning the following:

➢ Conduct an analysis - Collect information and conduct an analysis of the employment policies, practices, procedures and the working environment, in order to identify the employment barriers which adversely affect people from designated groups. An analysis conducted must include the profile of the designated employer's workforce within each occupational category and level in order to determine the degree of under-representation of people from designated groups in various occupational categories and levels in that employer's workforce.

➢ Prepare an Employment Equity – A designated employer must prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in that employer's workforce. An Employment Equity Plan must include the following:

- The objectives to be achieved for each year of the plan
- The affirmative action measures to be implemented
- The numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational category and level in the workforce
- The time table for each year of the plan for the achievement of the goals and objectives other than numerical goals
- The duration of the plan which may not be shorter than one year or longer than five years
- The procedure that will be used to monitor and evaluate the implementation of the plan
- The internal procedures to resolve any dispute about the interpretation and implementation of the plan
- The person in the workforce including senior managers responsible for monitoring and implementing the plan

- Any other prescribed matter
- Report - Section 21 of the EEA requires the designated employers to submit a report to the Director- General once every year on the first working day of October and the report must contain the prescribed information and must be signed by the CEO of the Organisation (South Africa, 1998).

There was a DG review by the Department of Labour in 2016 and the recommendation was to review the University Employment Equity Plan to align it with the Employment Equity Act requirements. During the reporting year 2015/16 and 2016/17 the University has managed to submit the Annual Report to the Department of Labour before the due date.

* Publication of the report

Section 22 of the EEA states that every designated employer must publish a summary of a report in the employer's Annual Financial Report and the Minister responsible for that employer must table that report in Parliament (South Africa, 1998).

2.5 Implementation of employment equity in South Africa

In terms of the Constitution of South Africa (1996) everyone has the right to equality. Employment Equity Act 55 of 1998 drawn its mandate from the Constitution and require all designated employers to achieve equity in the workplace. The Act promote equal opportunities and fair treatment through the elimination of unfair discrimination in the workplace. Employers have the obligation to display the summary of the provisions of the act in all languages relevant to their workplace, to ensure that employees are conversant with it (Thomas,1996). Every designated employer is required to complete the Employment Equity plan and submit it annually to the Department of Labour, hence it must be in possession of the following documents: the code of good practice, the employment equity act document, the regulation under the employment equity act and the User Guide. The Employment Equity plan is a formal report used by the Department of Labour to measure Employment Equity Act compliance and implementation.

Mazur (2010) states that managing diversity concerns the management of people irrespective of race, gender, ethnic background, disability, sexual orientation. Managing diversity represents a management approach which includes different management practices and strategies aimed at developing and empowering a diverse workforce. To support the above statement, the Department of Education (DoE, 1997) White Paper made clear that an important task in planning and managing a single national co-ordinated system was to ensure diversity in its organisational form and in the institutional landscape, and offset pressures for homogenisation, and to diversify the system in terms of the mix of institutional missions and programmes that will be required to meet national and provincial needs in social, cultural and economic development. Higher education plays an important role in developing the society both socially and economically.

According to Kola (2012) higher education institutions in South Africa are faced with the challenge to eradicate the historical imbalances and realign its programmes in order to serve the new social order. Universities may not take seriously enough the need for employment equity in their own workplaces. In order for universities to be leaders and role models for democracy, they must themselves practice the politics of inclusion and forge democratic principles. The above challenge was caused by the legacy of apartheid. The effect of apartheid is still predominant in terms of skills distribution among white and black people. The racial basis of all higher education institutions which were created in the past racist regimes in South Africa, twists the current situation of each institution in relation to employment equity and sets them apart from traditional business employers (Thomas, 1996). The university frequently employs people with highly specialised skills in academic and technical or administrative category, which take an extended amount of time to acquire the EEA presents a particular set of challenges and constraints for the higher education institution as an employer.

Employment Equity Act (1998) section 20(a) of the Employment Equity Act requires all designated employers including the University of Limpopo to prepare and implement a plan to achieve employment equity. The Employment Equity Plan, in this case, refers to a strategic document that details the plan of action on how the employer, in this case the University, is going to reach its transformational goals.

During the period in question, the University has had an approved five-year Employment Equity Plan starting from 2015 to 2020, which reflected a narrative part describing the challenges, affirmative action measures and Employment Equity (EE) targets (statistics) that reflect the employment equity profile of the University per occupational level, race and gender (South Africa, 1998).

Various pieces of legislation in South Africa strive to foster nation-building and to unite diverse communities. The Constitution of South Africa Act 108 1996, which stipulates in section 195 that public institutions must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity and fairness. Public managers cannot discriminate against personnel members on one or more of the following, race, gender, sex, ethnic and social origin, language, colour, sexual orientation, religion, belief and culture. (Du Toit, Van der Waldt, Bayat & Cheminais, 1998).

To support the above statement Kola (2012) states that equality includes full and equal access and enjoyment of all the rights and freedoms entrenched in the Constitution of the Republic of South Africa 1996. The preamble to the Employment Equity Act makes provision for promoting the constitutional right of equality and the exercise of true democracy. The South Africa is country rich in racial and cultural diversity. Ignoring one race or culture would mean depriving the public service of its experience and talent.

Table 2.1: 2016 National EAP by population group, race and gender

Population Group	Male	Female	Total
African	42.8%	35.1%	78.0%
Coloured	5.3%	4.5%	9.8%
Indian	1.8%	1.0%	2.8%
White	5.3%	4.2%	9.5%
Total	55.2%	44.8%	100%

Source: Economical Active Population (compiled and adopted from statistics SA 2016)

Table 2.2: 2016/2017 Commission for Employment Equity report received by business type

Business Type	Report Received	Percentage	Employees
National Government	49	0.2%	365 045
Provincial Government	136	0.5%	498 360
Local Government	193	0.7%	173 580
Private Sector	24 899	94.8%	5 224 047
Non-Profit Organizations	561	2.1%	265 115
States-Owned Enterprises	116	0.4%	255 081
Educational Institutions	301	1.1%	290 221
Total	**26 255**	**100%**	**7 071 449**

Source: 17th Commission for Employment Equity Report 2016/2017

Educational institutions accounts for 1.1% of the reports submitted to the Department. This is an indication that educational institutions still have the challenge in the implementation of the Employment Equity Act.

Table 2.3: Workforce profile at top management level by race, gender and business type

Business Type	Male				Female				Foreign Nationals		Total
	African	coloured	Indian	White	African	coloured	Indian	White	Male	Female	
National Government	39.3%	6.6%	6.2%	10.5%	26.0%	3.0%	3.0%	4.8%	0.2%	0.5%	100.0%
Provincial Government	47.4%	5.6%	2.4%	6.8%	28.4%	3.4%	1.5%	4.2%	0.0%	0.2%	100.0%
Local Government	54.1%	6.0%	5.0%	8.2%	21.0%	1.3%	1.5%	2.6%	0.2%	0.1%	100.0%
Private Sector	7.5%	3.0%	6.7%	59.1%	3.3%	1.7%	2.3%	13.0%	3.0%	0.5%	100.0%
Non-Profit Organisation	22.55	4.5%	3.5%	26.8%	13.0%	2.9%	3.4%	18.6%	2.6%	2.1%	100.0%
States-Owned Enterprises	35.0%	4.3%	7.4%	16.2%	22.0%	2.8%	3.3%	7.7%	1.2%	0.2%	100.0%
Educational Institutions	15.1%	4.6%	2.7%	35.8%	7.5%	1.8%	2.3%	26.2%	2.5%	1.5%	100.0%

Source: 17th Commission for Employment Equity Report 2016/2017

White representation remains overwhelming in the Educational Institutions as compared to other racial groups. There is an overrepresentation of White racial group in the Educational Institutions.

South African Human Rights Commission Equality Report (2012) indicated that the gender and disability components of employment equity tended to be ignored, in contravention of the EEA. There is a general lack of coherence in terms of gender transformation policies and policies addressing disability. The report further states that the assignment of responsibility for gender transformation and inclusion of gender criteria in the performance management of appropriate managers remains a problem for many of the departments. Booyens (2007) indicated that there is large overlap between the barriers to effective EE implementation and retention of blacks. A limited external pool of previously disadvantaged individuals to recruit and select from was also identified as external barriers. She further indicated that there is no shared understanding of or communication of the value of EE implementation, which is mostly still seen as compliance issue. It seems that Money Bank has a backlog regarding talent management for all employees and especially for black employees. Thomas' (2004) study on employment practices at selected companies in South Africa clearly shows the importance of ongoing communication and feedback through different media, especially direct face-to-face communication as well as consultation at all levels in this regards.

2.6 Challenges in the implementation of Employment Equity Act in the Institution of higher learning in South Africa

2.6.1 Lack of access to training

In the past more resources were channelled to advance white education system while black people were not allowed to attend universities that were for white people only. Consequently, white people became more skilled than black people and received preference in the workplace (Greef & Nel, 2003). To resolve the above challenge, the institution need both equal opportunities and diversity management. Equal opportunity is a policy to support and appreciate representation in the workplace while diversity management establishes an inclusive culture that stimulates employees' optimal participation that yields competitive advantages (Noon & Ogbonna, 2001).

Another strategic barrier affecting designated group development, being caught in the lower position and the ability to access high levels of training to achieve the required skill is almost impossible. Employers have attempted to overcome this with integrated training and educational development, but this is very limited in comparison to the demand which always requires expansion to address the development of core skills (Regmi & Naidoo, 2009). According to Cross (2000) designated employers are required to develop the skills of designated groups to address the imbalance of the past during the apartheid era. Department of Labour has been mandated to monitor the progress on the implementation of Employment Equity Act to promote equal opportunities and fair treatment through elimination of unfair discrimination in the workplace.

To support the above statement Elmuti (1993) states that diversity management should be presented to employees in the form of diversity training in order to empower them to manage the attitudes, prejudice and bias. It should further assist people from different backgrounds to value diversity and to empathise with those who are different from themselves. According to Thomas (2002) non-designated groups will be helped to feel comfortable and to eliminate their fears and anxieties, while designated groups will be assisted with assertiveness skills through diversity management programmes. The University of Limpopo has ULWASA organisation to support the development of female employees irrespective of race. Booyens (2007) states that it also seems that in general development opportunities are open for all, and EE quotas were adhered to in terms of training, even though more blacks are presently seen in training and development programmes, the perception prevails that not enough is being done regarding management training and development for black staff.

2.6.2 Poaching

Instead of creating new jobs for new entrants in the labour market, employees will move from one employer to another for better salary where their skills are required. Department of Education (DoE, 1997) White Paper made clear that an important task in planning and managing a single national co-ordinated system was to ensure diversity in its organisational form and in the institutional landscape, and offset pressures for homogenisation, and to diversify the system in terms of the mix of institutional missions and programmes that will be required to meet national and

provincial needs in social, cultural and economic development. According to Ngwena (2006) Higher education plays an important role in developing the society both socially and economically, blacks with qualifications, mostly African men and women, are highly wanted by other higher education institutions. It is becoming common for employers to headhunt designated groups candidates from one institution to another in order to achieve their Employment Equity Plan target. The issue of poaching impacts on an employer such as a university for the senior academic positions.

2.6.3 Multiple legislations and targets addressing equity

Thomas (2002) points out that South Africa has a number of legislations governing the country's transformational agenda and created confusion and is unlikely to be adhered to due to gaps that exist between the Employment Equity Act 55 of 1998, and the Skills Development Act and the Broad-Based Black Economic Empowerment Act. Employment equity targets are informed by the Economic Active Population from Statistics South Africa. Section 15 of the Employment Equity Act requires designated employers to implement affirmative action measures designed to ensure that suitably qualified people from designated groups have equal opportunities to employment and are equitably represented in all occupational levels in the workforce of designated employer (South Africa, 1998). Employer are required to use both National and provincial EAP as a guide, together with an evaluation of the suitably qualified available labour pool.

2.6.4 Insufficient budget and education

The biggest threat posed to advancement of people from designated groups to senior positions in South Africa is the lack of access to quality high schools and tertiary education (April, Dreyers & Blass, 2007). Transformation requires budget to re-arrange the workstation and adjust facilities to accommodate people with disabilities. People from designated groups need training in order to acquire skills to be able to perform their job in effective way. In 2016 December in the 54th African National Congress National Congress at Nazerec the then president of the ANC announced free education in higher education institutions. In the implementation of government announcement for free education the institutions will have less budget to fill the vacant position. Botha (2011) states that expectation of the community often exceeds the capacity and resources available to address challenges and can be deduced that

public policies are not always effective. Managers who are responsible to implement employment equity do not have knowledge on how to go about this matter. There is a need for training by the Department of Labour to capacitate the managers and responsible employees to coordinate employment equity in the University (Ngwena, 2002). It was also mentioned that more money needs to be allocated for attraction and recruitment of black people. Previously advantaged whites have to mentor the previously disadvantaged blacks (Booyens, 2007).

2.6.5 Lack of understanding on how to implement Employment Equity

Some managers do not have adequate understanding regarding employment equity issues. Poor management and understanding on employment equity issues by line managers. There is no shared understanding of the value of the Employment Equity implementation and it is still seen as a compliance issue (Human, 1999). A number of separate implementation processes are running simultaneously in the organisation and there is no shared understanding of the value of EE implementation and is still seen as a compliance issue the business case for EE has also not been communicated effectively (Booyens, 2007). Thomas (2004), Booyens, Nkomo and Beaty (2002) and Booysen (2006) all argue that effective communication and shared understanding of EE strategy are imperative for effective implementation.

2.6.6 Lack of commitment by management

According to Human (1999) the reasons why employment equity often fails is that management of the organisations are not committed. Transformation function in most organisation is allocated to the junior personnel to coordinate, however management have the responsibility to ensure that Employment Equity Plan targets are achieved within a specified time frame. Booysen (2007) mentioned that it also became quite evident that a breakdown in implementation happens on middle management level. Managers who are responsible to implement EE are not committed. Perception exists that managers were only responding to legal imperatives, with little commitment to integrated coordinated and overarching formulation of EE strategies and related employee development practice. This is related to the resistant organisational culture and lack of commitment since the EE policies and strategies have not yet been internationalised.

2.7 Conclusion

The aim of the employment equity is addressing the imbalances of the past and promote equal employment opportunities and fair treatment for the previously disadvantaged people. The lack of commitment from senior management, poor human resources management, lack of adequate resources, lack of skilled workforce and lack of proper retention strategy to retain people from designated groups especially people with disabilities contribute contrary and negatively to the main purpose of the Employment Equity Act.

The University faces a number of challenges that set them apart from most designated employer when considering the employment equity in South Africa. These challenges have implications in which the Employment Equity Act can be interpreted in the University context. From the foregoing it can be deduced that the Employment Equity policy was created with a view to accommodate the previously disadvantaged groups and to bridge the gap created by the apartheid regime in terms of equal or equitable representation in the work place, by placing people from the aforementioned group in strategic positions in the workplace. The University of Limpopo should pay more attention on employing blacks (African, Coloured and Indian), women and people with disabilities, quality of work life conducive for women and people with disabilities and winning the support of the previously advantaged groups (in the form of participation and buy-in). It is also worth noting that while Employment Equity and Affirmative Action policies are important in addressing the past inequalities, and as such they should not compromise excellence and quality. The University should do its best to ensure that there is a proper retention strategy suitable for both employees from previously disadvantaged and previously advantaged groups. One may also conclude that if the above is undertaken properly, there is no doubt that the effective implementation of the dictates of Employment Equity Act is certainty.

CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter covers the methods used in this study. The chapter provides research design, area of the study, population, sampling, data collection, data analysis, ethical considerations and limitations of the study are discussed in this chapter.

3.2 Research method

According to Maree (2007) research design refers to the strategy of how to proceed in determining the nature of the relationship between variables. Qualitative research is an interdisciplinary, transdisciplinary and sometimes counter disciplinary field, i.e many things at a time (Schurink, 2011). According to Creswell (2005), qualitative research focuses on the selection of people and sites to get a detailed description of what is to be studied. To support the above statements, Badenhorst (2010) attests that qualitative research relies on data in the form of words, and further views qualitative researchers as those who depend on description to express their data. Quantitative research, on the other hand, is concerned in predictions and attempts to maximise objectivity and generalisations of findings. Objectivity, predictions and generalisations are the three most important elements that describe what quantitative research is.

For the purpose of this study, the researcher will utilise both qualitative and quantitative approaches by interviewing and distributing questionnaires to respondents. According to Creswell (2007) mixed research design is the process where both qualitative and quantitative research approaches are used in a single study. Mixed research involves the mixing of quantitative and qualitative research methods, approaches, or other paradigm characteristics. The exact mixture that is considered appropriate will depend on the research questions and the situational and practical issues facing a researcher. According to mixed research, it is important to understand both the subjective and objective realities in our world. Although it is important not to influence or bias what you are observing, it also is important to understand the insiders' meanings and viewpoints. In this study, the researcher adopted a mixed method of research approach in order to collect information by interviewing and distributing questionnaires to respondents. The researcher will use mixed method in the study to have broader, deeper and more useful information.

Mixed methods involve both quantitative and qualitative approaches, when combined these methods can generate a more complete and accurate understanding of social phenomena than could be produced when using only one method (Arthur, Waring, Coe and Hedges, 2012). According to Morse (2011) methodological triangulation involves the use of at least two methods. This study design will correspond with the explanation since the study uses both qualitative and quantitative methods. The two approaches are used in concurrence in order to ensure that the most comprehensive data possible is obtained to resolve the research problem.

3.3 Research design

Research design is the plan according to which the researcher obtains participants and collect information from them (Welman, Kruger & Mitchell, 2007). According to Babbie & Mouton (2011) the research design is a plan structure and execute the research to maximise the validity of the findings. It gives guidelines from the underlying philosophical assumptions to research design, and data collection. To support the above statement Bryman and Bell (2007), research design is a comprehensive plan of how an investigation will take place. A research design will normally include how data is to be collected, what instruments will be employed, how the instruments will be used and the proposed means for analysing data which was collected.

3.4 Purpose of the study

The purpose of this study is to investigate the challenges in the implementation of employment equity in the University of Limpopo. For the purpose of this study, the researcher will utilise both qualitative and quantitative approaches by interviewing and distributing questionnaires to respondents. According to Creswell (2007) Mixed research design is the process of where both qualitative and quantitative research approaches are used in a single study. Mixed research involves the mixing of quantitative and qualitative research methods, approaches, or other paradigm characteristics. The exact mixture that is considered appropriate will depend on the research questions and the situational and practical issues facing a researcher. According to mixed research, it is important to understand both the subjective and objective realities in our world. Although it is important not to influence or bias what you are observing, it also is important to understand the insiders' meanings and viewpoints. In this study, the researcher adopted a mixed method of research approach in order to collect information by interviewing and distributing questionnaires to respondents. The

researcher will use mixed method in the study to have broader, deeper and more useful information.

3.5 Population and location of the study

The study was conducted at the University of Limpopo which falls under Limpopo province in South Africa. University of Limpopo is one of the Universities in Limpopo Province and situated 30km from Polokwane City. The University is situated in one of the poorest province in the country. The researcher selected this location of the study because of the challenges faced by the University towards the implementation of Employment Equity Act. The University mostly receive its staff from the rural communities. The majority of them are blacks and women at lower positions.

The population is the study and consists of individuals, groups, organisations, human products and events or the conditions to which they are exposed (Welman et al, 2007). According to Neuman (2011) population is an abstract idea of large group of many cases from which research draw a sample and to which result from the sample are generalized. Out of the total 88 Heads of Departments in the University, 44 (50%) have been selected, ten (10) Human Resource staff members and two (2) inspectors from the Department of Labour.

3.6 Sampling procedure

Sampling is the process of selecting a little from a bigger group to become the basis for estimating or predicting the prevalence of unknown pieces of information, situation or outcome. There are two types of sampling strategies namely, the probability and non-probability sampling. Probability sampling, as stated by Barker (in De Vos, 1998) includes simple random sampling, which gives each individual case in the population a chance to be selected, systematic sampling, in which only the first case is randomly selected, preferably from a random table; and stratified random sampling, which is suitable for heterogeneous populations because inclusion of small subgroups percentage-wise can be ensured. Non -probability sampling is a case where the probability is including every element of the population in a sample is unknown (Kagee, 2006).

In this study the researcher used simple random and purposive sampling to select the participants. Out of the total 88 Heads of Departments in the University, 44 (50%) was

selected randomly for survey. In addition, purposive sampling was used to select ten (10) Human Resource staff members and two (2) inspectors from the Department of Labour for one-on-one interview. Brink (2006) attests that purposive sampling is a technique based on the judgement of the researcher regarding subjects or objects that are typical or representative of the study phenomenon and who are specifically knowledgeable about the question at hand. Kumar (1999) declares that the primary consideration in purposeful sampling is the judgement of the researcher. The researcher has to decide who can provide the best information to meet the aims of the study.

3.7 Data collection method

According to Ragin (1994) data collection methods refer to the various methods social researchers have developed for collecting evidence in a systematic way. They include observation, interviewing, survey, focus group and questionnaires. The researcher used interviews and questionnaires as a data collection method.

3.7.1 Questionnaires

Questionnaire is a sequence of questions and other prompts for the purpose of gathering information from respondents (Creswell, 2003). Questionnaires were used to collect data from the Heads of Departments. All the Heads of departments received the questionnaires using their University email addresses; however, the researcher also distributed the questionnaires and personally collect the completed questionnaires from the respondents. The reason is that the rates of responses of e-mailed questionnaires were extremely low.

3.7.2 Interviews

Interview is defined as one of the main data collection method tools in qualitative research and it is a very good way of accessing people's perceptions. Unstructured interviews are informal and are used to explore a general area of interest in depth (Welman et al, 2007). Human Resource Officers, Inspectors from Department of labour and Organisation Development and Talent Management staff was interviewed. The researcher was conducted face-to face interview in order to record the answer from the respondent accordingly. Interview involves an interaction between at least two people (Olsen, 2012). Kumar (1999) describe interviewing as a method commonly

used for collecting information from people. He states that face-to-face interaction between two or more individuals with a specific purpose in mind is called an interview. Open-ended and semi-structured interviews helped to connect and engage with respondents about their knowledge and experience concerning the research topic and helped to achieve rich data from respondents.

3.8 Data analysis

The process of data analysis involves making sense out of text and image data. It involves preparing the data for analysis, conducting different analysis, moving deeper and deeper into understanding the data, representing the data and making an interpretation of the larger meaning of the data (Creswell, 2003).

3.8.1 Quantitative data analysis

Quantitative data analysis is done by analysing the statistical or numerical information gathered through questionnaires by using a scientific or mathematical methodology of analysis. The information from questionnaires was analysed through a Statistical Package for the Social Sciences (SPSS), a statistical software widely used to interpret and manipulate numerical data in order to give an account of the actual proceedings that took place in the field where a study was conducted. Descriptive statistics also used to analyse frequencies, percentages, mean and standard deviations.

3.8.2 Qualitative data analysis

Qualitative data analysis has to do with categorising data either by coding or indexing. In order to bring meaning to words an analyst has to identify themes and patterns so as to organise those words into logical categories that give a summary and meaning to a text (Taylor-Powell & Renner, 2003). For this study the researcher analysed qualitative data by classifying it into themes, coding, translate, transcribe and interpret.

3.9 Ethical consideration

Ethics are set of moral principles that are suggested by an individual or group that are widely accepted and which offer rules and behaviour expectations about the correct conduct for experimental and respondents (Mawila, 2006). According to the following ethical issues will be considered:

- Ethical clearance for this study was obtained from the Research office to allow the researcher to continue with the study.

- The research was being carried out according to the research ethics and standards.

- The researcher requested the approval to conduct the study from University management before embarking on the study.

- During the data collection process, the respondent answered the questions on voluntary basis.

- The researcher explained to the respondents that the information will be used for research purposes only, and no individual names will be revealed.

- Confidentiality will be always maintained and the respondents were assured that no information will be given to the University management or the immediate supervisors without their consent. In this study, the researcher makes commitment that the respondent privacy will be protected and that the information will be utilised strictly for the study. The respondent identity will be protected; their identities will not be revealed in the report. The researcher will ensure that the data and its sources remain confidential unless there is a written consent from the respondent. Furthermore, in this study confidentiality will be maintained by keeping the collected data confidential and not revealing the subject identities when reporting or publishing the study.

- The researcher ensured that there was no harm to participants and their rights and dignity were always protected.

- Permission was granted by management before the study was conducted.

- Consent forms were filled by all the participants before the commencement of the study. Plagiarism was avoided by the researcher as it is one of the unethical things to do.

3.10. Limitations of the study

The researcher acknowledged that the study had some limitations. The University of Limpopo was historically dominated by African personnel and caused negative response from the participants. The Inspectors from Department of Labour was not interviewed as they are law enforcement officers to monitor the implementation of the Employment Equity by the employers. Management expedites the platform for both

affirmative action and employment equity and promoting a diverse workforce and it is a strategic instrument to achieve employment equity (Walbrug & Roodt, 2003). Time frame for the study was a challenge because the researcher is a full time employee and the study was only for one year.

3.11 Summary

This chapter outlined the research design and methods used by the researcher in this study. The researcher used mixed method research methodology (qualitative and quantitative research method). The researcher provided an explanation of the research design, area of the study, population, sampling, data collection, data analysis. Purposive sampling was used by the researcher to select the sample.

The population sample of this study was 44 Heads of Departments and ten (10) Human Resource staff. Questionnaires and face-to-face interviews were used to collect data from respondents. The researcher employed Statistical Package for the Social Sciences (SPSS) to analyse quantitative data and qualitative data was classified into themes, coded, translated, transcribed and interpreted.

This chapter also outlined ethical considerations and limitations of the study. Participants were informed about the study and assured that their identity will not be revealed. The researcher obtained approval to conduct the study from management before embarking on the study. The next chapter focuses on presentation and analyses of the findings of the study.

CHAPTER 4: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

The purpose of this study was to investigate the challenges in the implementation of employment equity in the University of Limpopo. The study made use of a mixed methods design to determine the challenges experienced by management officials to implement employment equity in the University.

In this chapter the researcher reports on the data presentation, analysis and interpretation of findings. It contains the responses from the management personnel on what they perceived as the contributing factors to the implementation of employment equity.

4.2 Quantitative data analysis and presentation

The quantitative data were collected by means of questionnaires. The data were analysed using statistical software SPSS and descriptive statistics. A questionnaire (see Appendix A) was given to the University staff management personnel and was self-administered. Their responses were analysed statistically and presented in a form of bar graphs or tables. For the tabling of the results the respondents were asked to respond with 'yes/no', and some other tables in appendix A required from the management personnel to indicate their responses by means of 'strongly disagree', 'disagree', 'neither disagree nor agree', 'agree' or 'strongly agree'. 'Strongly disagree' and 'disagree' were grouped as negative responses while 'agree' and 'strongly agree' were grouped as positive responses.

It has to be appreciated that there are several statistical indexes that may be used to measure internal consistency. Examples include the Average Inter-Item correlation, Average Item Total Correlation, Split-Half Reliability, and the Cronbach's alpha (Wells & Wollack, 2003). For the purposes of this study, the Cronbach's alpha was adopted as the measure of internal consistency for the measurement scale. According to (Wells & Wollack, 2003) the Cronbach alpha provides a measure of the extent to which the items on a measurement scale or test provide consistent information. Cronbach's alpha is often considered a measure of item homogeneity, that is, large alpha values indicate that the items are tapping a common domain. The scale in Cronbach's

reliability test ranges from 0 to 1. Scores that are close to 1 indicate that the instrument has a high reliability, while scores close to 0 indicate that the reliability of the instrument is very low (Wells & Wollack, 2003). Most researchers require a reliability of at least 0.7 before they can use the instrument. In this study, the Statistical Package for the Social Sciences (SPSS Version 25) was used to test the reliability of the measuring instrument.

Once again, Cronbach's alpha test proved to be both appropriate and handy as it provided a summary of inter-correlations that existed among the items on the challenges in the implementation of employment equity in the University of Limpopo. In order to determine the reliability and validity of the data collection instruments used in this study, Cronbach's alpha was used. Sekaran (2000) cited in Nyengane (2007), stipulates that "coefficients less than 0.6 are considered poor, while coefficients greater than 0.6, but less than 0.8 are considered acceptable and coefficients greater than 0.7 are considered good". The table below shows Cronbach's alpha for the study variables, and for all items coefficient is greater than 0.7 which is good as stipulated by Sekaran (2000) in Nyengane (2007).

Table 4.1: Reliability testing

	Cronbach's Alpha	Average inter-item correlation	Item no
Overall	0.651	0.184	19

Each component (as categorized by documentation provided) was examined for internal reliability using the Cronbach Alpha. Table 4.4 shows the overall Cronbach's Alpha is 0.651 for 19 items, which are acceptable.

The researcher was assisted by a University statistician who is an expert in quantitative research. The expert provided assistance in various areas of the study. First, the statistician provided guidance on the applicable research design as well as the design and construction of the data collection instrument. When the data was ready for analysis, the statistician provided guidance on choosing the most appropriate

data analysis methods as well as how to use the SPSS software to analyse the data. Furthermore, the statistician also assisted by double-checking to see whether the interpretations done by the researcher were accurate. After the questionnaires were returned, they were screened to eliminate those that were incomplete as well as those in which the same question was answered throughout, which indicated that some of the respondents had not read the questions. This procedure was immediately followed up with the capturing of the data on a Microsoft Excel computer package. The Excel document was then imported into the IBM SPSS Statistics Version 25 where it was coded in preparation for data analysis.

Descriptive statistics are techniques that help to state the characteristics or appearance of sample data (Zikmund et al, 2013). Frequency tables and the mean score ranking technique are the major descriptive statistics employed in this study.

Frequency distributions such as percentages, graphs, line charts, pie charts, histograms and bar charts were utilised to display research findings. Frequency distributions are used to depict absolute and relative magnitudes, differences, proportions and trends (Zikmund et al, 2013). These methods use both horizontal and vertical bars to examine different elements of a given variable (Malhotra, 2011). The use of frequency distributions facilitated the assessment of gender, age of the founder or managing member, race, education, number of employees and etc.

4.2.1 Demographic profile of the respondent

This section provided information about the respondent's backgrounds. The respondent's backgrounds were asked in order to ascertain if they are appropriate participants of the study. Twelve (12) aspects were included in this section, namely gender, age group, level of education, occupational level, citizenship, ethnicity, home language, disability, current position, number of years in current position and number of years at the University of Limpopo. The results on the biographical background of the HODs who are at Senior Management level are presented below.

Respondents'_ gender
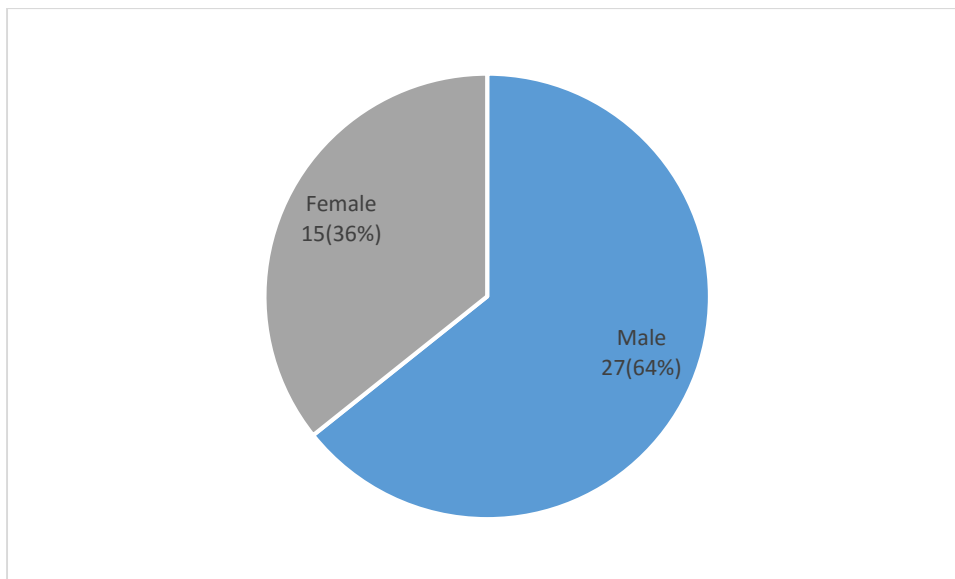
Figure 4.1: Gender of respondents (n=42)

The gender distribution of the respondents is shown in Figure 4.2 above. Analysis of the Figure provides that greater proportion of **64%** of respondents were Males and only **36%** were female. These indicate that female representation is low compared to their male counterparts. In terms of gender diversity in the workplace the results confirm that there is inadequate gender balance at Senior Management level in the University.

Age group of respondents

For the purposes of data analysis, the frequencies and percentages pertaining to the ages of respondents were grouped as illustrated in Figure 4.2 below.

	30-49 years old	50-64 years old
Frequency	20	22
Percent	47,6	52,4
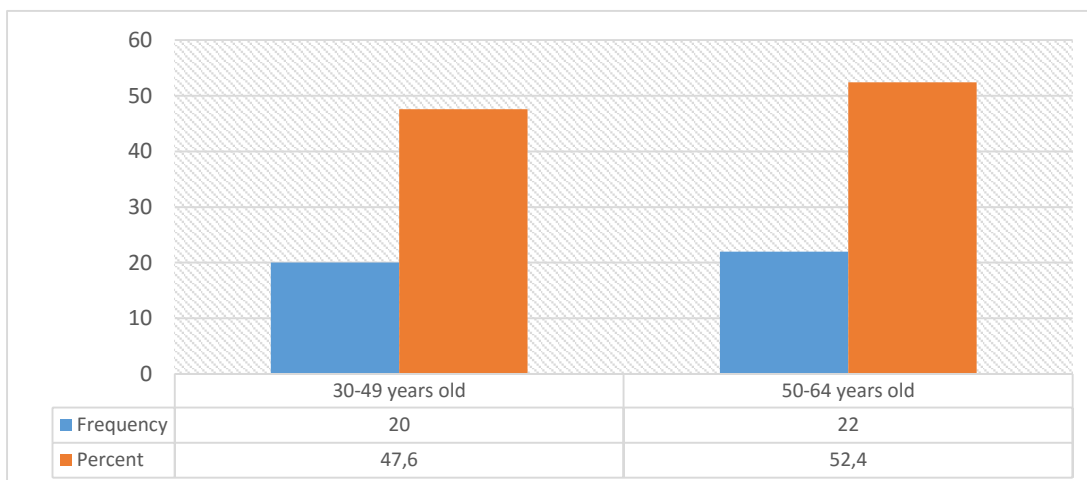
Figure 4.2: Frequencies and Percentages of the Age Groups of Respondents (n=42)

The age distribution within the 42 Senior Management officials from University of Limpopo (Figure 4.2) is interesting. A majority (52,4%: n=22) of the respondents ranged from 50- 64 years while 47,6% (n=20) ranged from 30-49 years. The majority of Senior Management in the University fall under age category of 50-64 years old.

Educational level

The results in figure 4.3 illustrate the education level of the study participants.
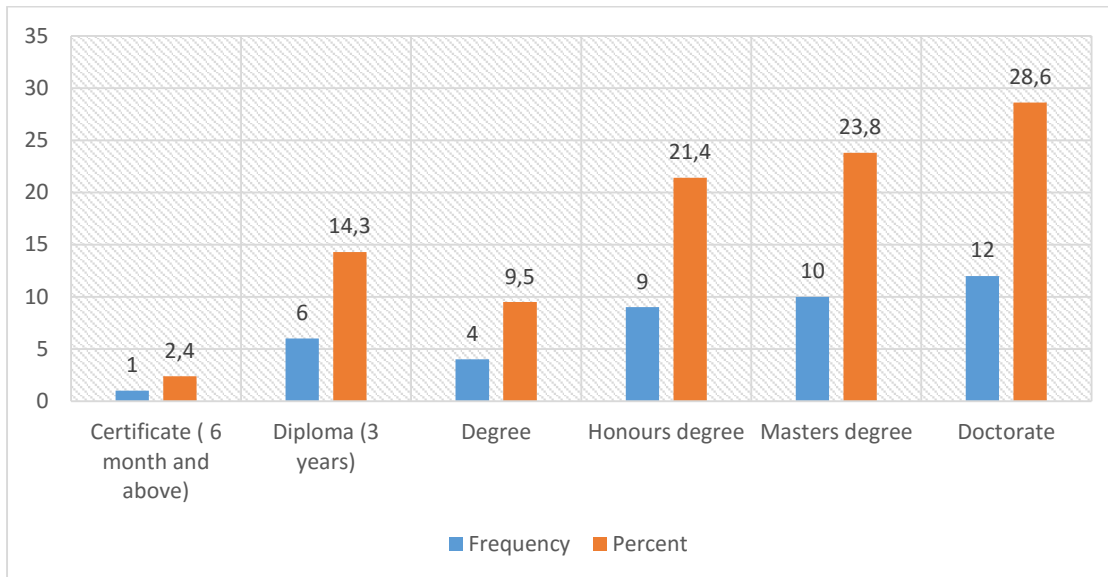
Figure 4.3: Level of education

Figure 4.3 indicates the educational level of the respondents, 2% of the respondents have certificates (6 months and above), 14% have diplomas, 10% have degrees, 21% have honours degrees, 24% have masters degree while the majority of the respondents (29%) have doctorates. The results show that most of the respondents hold highest qualifications which are masters and doctoral degree.

The occupational level of the HODs

Figure 4.4 indicates the occupational level of the parents of the learners.
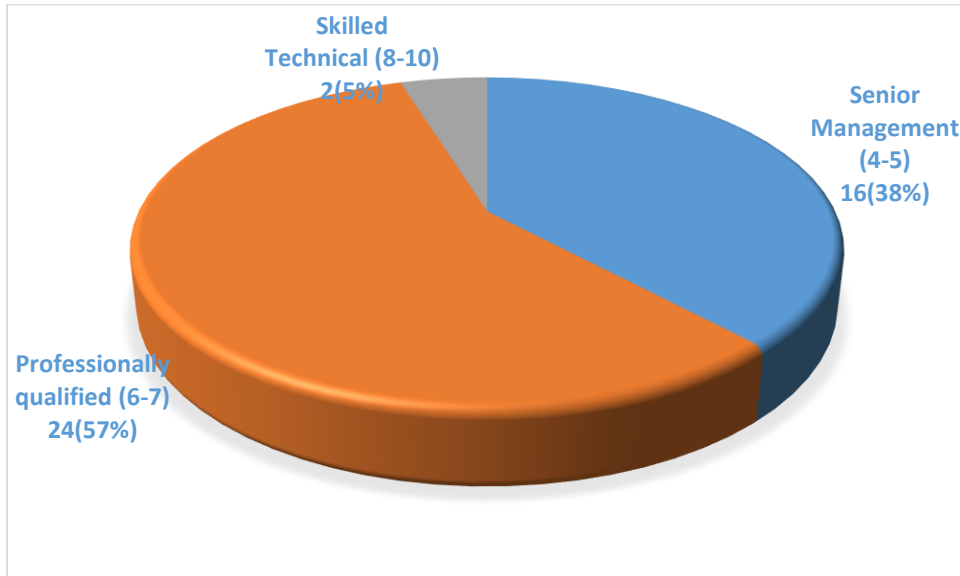
Figure 4.4: Occupational level (n=42)

Figure 4.4 shows that majority of respondents 57% are professionally qualified, 38% respondents are in senior management positions. However, only 2% are skilled technically ranging between grade 8-10. The results indicated that the significant proportion of respondents was in Professionally Qualified and less percentage in Skilled technical.

Ethnicity of the respondents
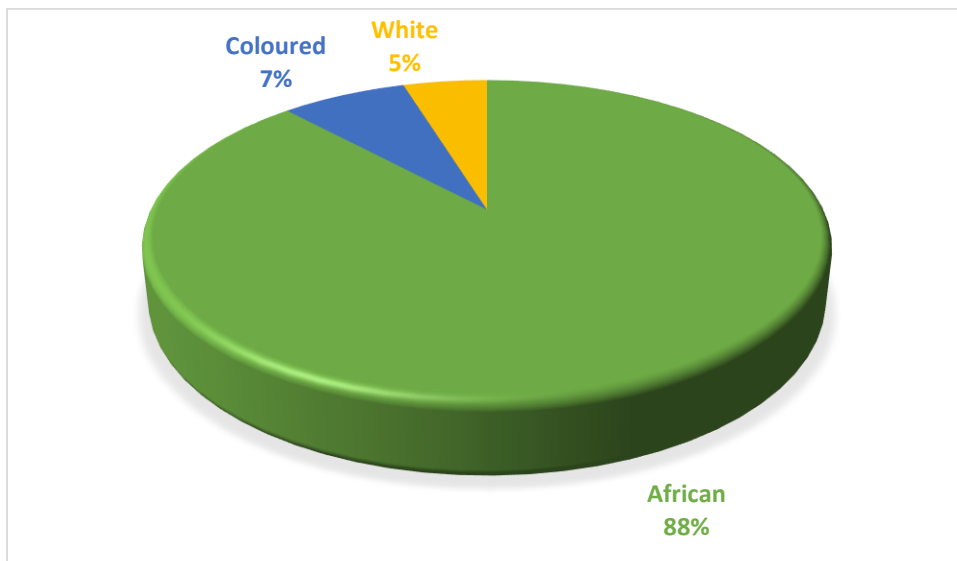
Figure 4.5: Ethnicity of the respondents

The types of races represented in figure 4.4 are: Africans, Coloureds and Whites, in the same order.   Most of the respondents are of African origin (proportion of 88%), followed by Coloureds (with a 7% proportion) and then Whites (with a 5% proportion). The finding shows that the majority of Senior Management are from African Origin.

Home language

Table 4.2: Home language

	Frequency	Percent
Sepedi	18	42.9
English	3	7.1
Afrikaans	2	4.8
Tshivenda	8	19
Other	11	26.2
Total	42	100

From Table 4.1, it is clear from the findings that Sepedi (43%) and Tshivenda (19%) are the two most dominant home languages of the respondents. Only English (7%) and Afrikaans (5%) speaking people. While other home languages constitute 26%. The findings show most of the respondents are from Sepedi and Tshivenda speaking communities. This is because the University is situated in Limpopo Province where the majority of the people speak such languages.

Number of years in current position

	< 1 year	1 - 3 years	4 - 5 years	6 - 10 years	11 - 15 years	>15 years
■ Frequency	5	12	8	12	3	2
■ Percent	11,9	28,6	19	28,6	7,1	4,8
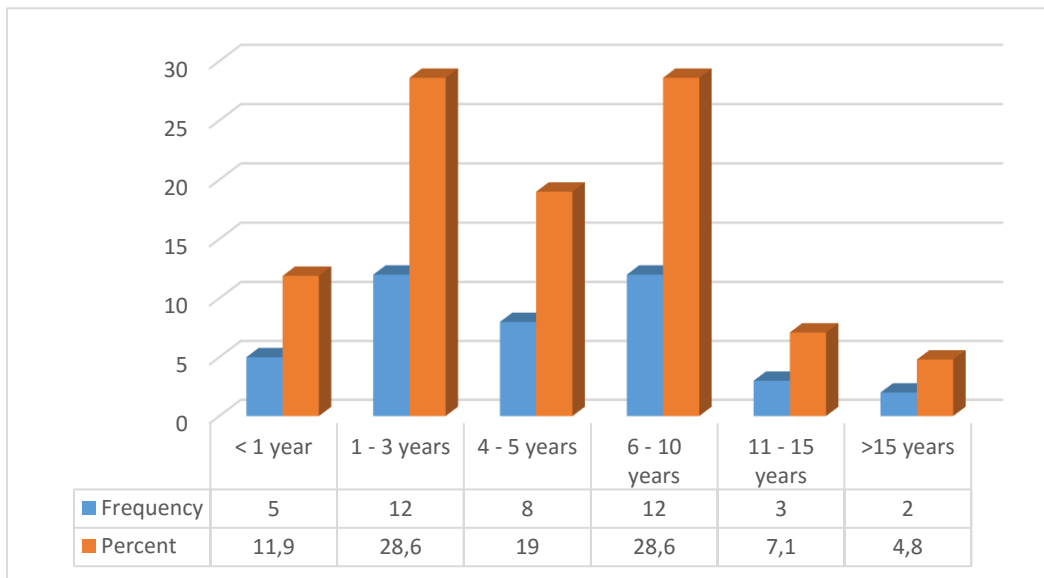
Figure 4.6 indicates very interesting trends; respondents with 1-3 years and 6-10 years' experience are in the majority (29%), followed by those with 4-5 years with 19%; less than 1 year in the current position with an 12%; 11-15 years with a 7% and finally those with more than 15 years being in the experience in the current position with a 5%. The majority of respondent have less than 5 years in the current positions.

Number of years at the University of Limpopo
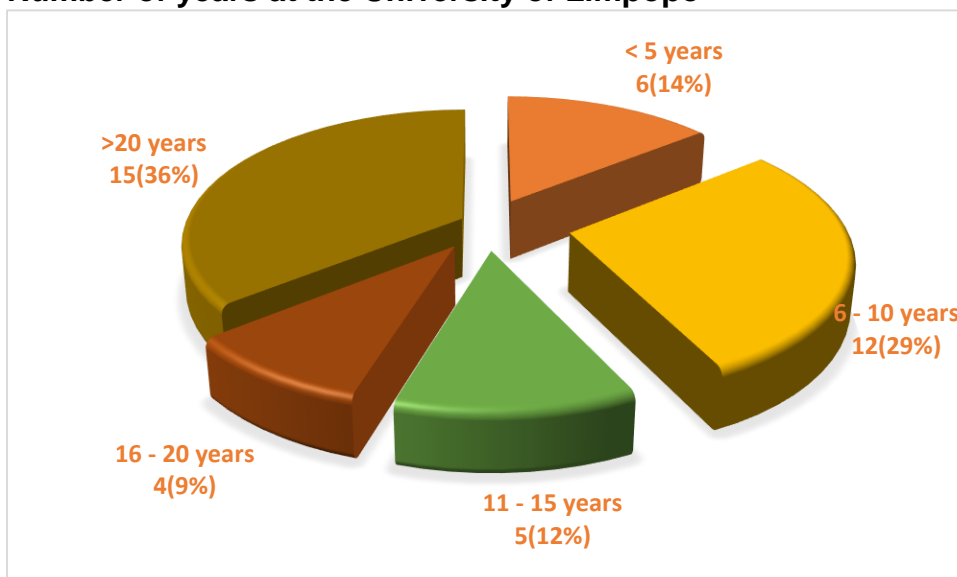
Figure 4.7: Number of years at the University of Limpopo

Figure 4.7 indicates the same trend as figure 4.6 above, where the majority of those with more than 20 years' experience with 36%, followed by 6 – 10 years with an 29%', less than 5 years working at the University with 14%; 11-15 years with 12% and finally

those with 16-20 years being in the University with 9%. and then 6 – 10 years decide to stay with the same company for long periods. The findings show that the majority of the respondents have more than 20 years at the University of Limpopo.

4.2.2 Ascertain the strategies and processes put in place to effectively implement employment equity in the University

This section covers the results of the responses provided by the respondents on ascertaining the strategies and processes put in place to effectively implement employment equity in the university. Analysis of the responses from question 1 to 11 are as follows:

B1: The University has fully complied with the employment Equity Act.

B2: The University has Employment Equity Plan with the numerical target to be achieved.

B3: The University has Employment Equity Committee fairly represented.

B4: The EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation.

B5: The University has recruitment and retention strategies to attract people from designated group.

B6: Employment Equity have produced positive results in promoting diverse workforce in the University.

B7: Employment Equity has managed to bridge-up the gap created by the legacy of the past.

B8: Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups.

B9: The employment Equity is still necessary for the University to ensure equal employment opportunities.

B10: Appointment is made according to the minimum requirements for the position.

B11: The workforce profile has been analysed to inform the Employment Equity Plan target.

	B1	B2	B3	B4	B5	B6	B7	B8	B9	B10	B11
Strongly agree	5%	31%	12%	10%	2%	0%	7%	7%	52%	31%	22%
Agree	19%	43%	21%	31%	29%	31%	26%	36%	36%	50%	27%
Not sure	38%	17%	60%	48%	33%	40%	38%	36%	12%	14%	44%
Disagree	36%	10%	5%	7%	26%	19%	19%	14%	0%	5%	0%
Strongly disagree	2%	0%	2%	5%	10%	10%	10%	7%	0%	0%	7%
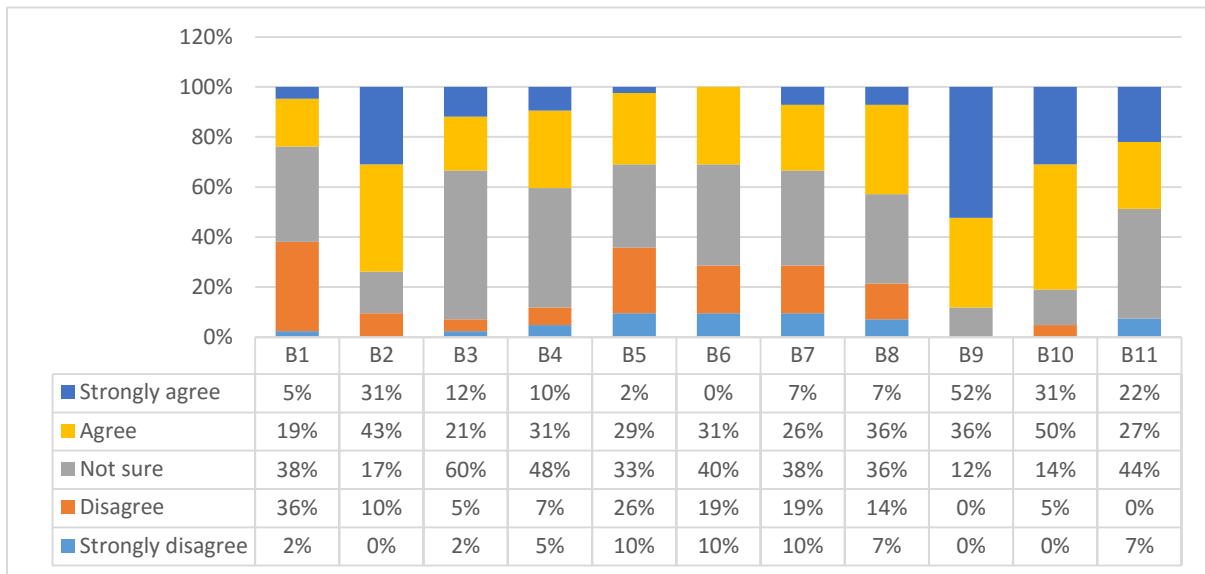
Figure 4.8: Response (%) of items on Ascertain the strategies and processes put in place to effectively implement employment equity in the University

Figure 4.8 above shows the results of item B1 – B11, results are summarised below: -

- B1: The findings show that the majority of the respondents disagree with the views that the University has fully complied with the Employment Equity Act. 24 percent of the respondents agree with the statement that the University has fully complied with the employment Equity Act, 38 percent of the respondents disagree with the views that the University has fully complied with the employment Equity Act, while only 38 percent of the respondents neither agree nor disagree with the statement.

- B2: The findings show that the majority of the respondents agree with the views that the University has Employment Equity Plan with the numerical target to be achieved. 74 percent of the respondents agree that the University has Employment Equity Plan with the numerical target to be achieved, 17 percent of the respondents neither agree nor disagree with the statement, furthermore, 10 percent of the respondents disagree with the fact that the University has Employment Equity Plan with the numerical target to be achieved.

- B3: The findings show that the majority of the respondents neither agree nor disagree with the views that the University has Employment Equity Committee

fairly represented. 60 percent of the respondents neither agree nor disagree, 33 of the respondents agree that the University has Employment Equity Committee fairly represented furthermore, 7 percent of the respondents disagree with the fact that the University has Employment Equity Committee fairly represented.

- B4: The finding shows that the majority of respondents neither agree nor disagree with the views that the EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation. 48 percent of the respondents neither agree nor disagree with the statement, 41 percent of the respondent agree that the EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation furthermore, 12 percent of the respondents disagree with the fact that The EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation.

- B5: The finding shows that the majority of respondents disagree with the views that the University has recruitment and retention strategies to attract people from designated groups. 36 percent of the respondents disagree, 33 percent of the respondents neither agree nor disagree, 31 percent of the respondents agree that the University has recruitment and retention strategies to attract people from designated groups.

- B6: The findings show that the majority of the respondents neither disagree nor agree with the views that Employment Equity have produced positive results in promoting diverse workforce in the University. 40 percent of the respondents neither agree nor disagree with the statement, 31 percent of the respondents agree that the Employment Equity has produced positive results in promoting diverse workforce in the University, furthermore, 31 percent agree with the question. Conversely, 29 percent of the respondents disagree with the fact that the Employment Equity has produced positive results in promoting diverse workforce in the University.

- B7: The finding shows that the majority of the respondents neither disagree nor agree with the views that Employment Equity has managed to bridge-up the gap created by the legacy of the past. 38 percent of the respondents neither disagree nor agree that Employment Equity has managed to bridge-up the gap created by the legacy of the past furthermore, 33 percent of the respondents agree with the question. Conversely, 29 percent of the respondents disagree with the fact that Employment Equity has managed to bridge-up the gap created by the legacy of the past.

- B8: The finding shows that the majority of the respondents agree with the views that Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups. 43 percent of the respondents agree that the Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups, furthermore, 38 percent of the respondents neither disagree nor agree, 21 percent of the respondents disagree with the statement that Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups.

- B9: The majority of the respondents agree that the employment Equity is still necessary for the University to ensure equal employment opportunities. 88 percent of the respondents agree that the Employment Equity is still necessary for the University to ensure equal employment opportunities furthermore, 12 percent of the respondents neither disagree nor agree with the views that the Employment Equity is still necessary for the University to ensure equal employment opportunities.

- B10: The findings show that the majority of the respondents agree with the views that appointment is made according to the minimum requirement for the position. 81 percent of the respondents agree that the appointment is made according to the minimum requirement for the position furthermore, 14 percent of the respondents neither disagree nor agree with the statement, furthermore, 5 percent of the respondents disagree with the question.

- B11: The finding shows that the majority of respondents agree with the views that the workforce profile has been analysed to inform the Employment Equity Plan target. 49 percent of the respondents strongly agree that the workforce

profile has been analysed to inform the Employment Equity Plan target furthermore, 44 percent of the respondents neither disagree nor agree with the statement, 7 percent of the respondents disagree with the question.

4.2.3 Challenges faced by the University of Limpopo in the implementation of Employment Equity Act.

This section covers the results of the responses provided by the respondents on ascertaining the strategies and processes put in place to effectively implement employment equity in the university. Analysis of the responses from question C1 to C8 are as follows:

C1: The University has all resources needed to accommodate people with disability.

C2: All employees in the University are well informed of Employment Equity Policies.

C3: Line managers take the implementation of EEA seriously in their respective departments.

C4: The less qualified people are being appointment from designated groups to achieve employment equity targets.

C5: Employment from designated groups are being trained in order to replace the current job incumbents.

C6: Employment Equity has been a very useful tool to promote equality in the University.

C7: Every employee in the University knows what constitutes fair and unfair discrimination which is specifically based on race, gender, disability and sexual orientation.

C8: The University managed to achieve a diverse workforce broadly representative of the people in South Africa.

	C1	C2	C3	C4	C5	C6	C7	C8
■ Strongly agree	7%	10%	0%	5%	0%	2%	2%	2%
■ Agree	29%	14%	38%	7%	7%	43%	31%	17%
■ Not sure	14%	36%	31%	52%	55%	33%	33%	38%
■ Disagree	33%	26%	26%	14%	26%	14%	14%	31%
■ Strongly disagree	17%	14%	5%	21%	12%	7%	19%	12%

Figure 4.9: Response (%) of items on challenges faced by the University in the implementation of EEA

Analysis of the responses from question C1 to C8 are as follows:

- C1: The findings show that the majority of the respondents disagree with the views that the University has all resources needed to accommodate people with disability. 50 percent of the respondents disagree that the University has all resources needed to accommodate people with disability, furthermore, 36 percent agree with the statement,14 percent of the respondents neither agree nor disagree that the University has all resources needed to accommodate people with disability.

- C2: The findings show that the majority of the respondents disagree with the view that all employees in the University are well informed of Employment Equity Policies. 40 percent of the respondents disagree that all employees in the University are well informed of Employment Equity Policies, furthermore, 36 percent of the respondents neither agree nor disagree, 24 percent of the respondents agree with the views that all employees in the University are well informed of Employment Equity Policies.

- C3: The findings show that the majority of the respondents agree with the view that the line managers take the implementation of EEA seriously in their respective department. 38 percent of the respondents agree that line managers take the implementation of EEA seriously in their respective departments, furthermore, 31 percent disagree with the question, 31 percent

of the respondents neither disagree nor agree that line managers take the implementation of EEA seriously in their respective departments.

- C4: The finding shows that 52 percent of the respondents neither agree nor disagree with the view that the less qualified people are being appointed from designated groups to achieve employment equity targets. 35 percent of the respondents disagree that the less qualified people are being appointment from designated groups to achieve employment equity targets, furthermore, 12 percent agree with the question.

- C5: The finding shows that the majority of the respondents neither disagree nor agree with the views that employees from designated group are being trained in order to replace the current job incumbents. 55 percent of the respondents neither disagree nor agree, 38 percent of the respondents disagree that Employment from designated group are being trained in order to replace the current job incumbents furthermore, 7 percent agree with the question.

- C6: The finding shows that the majority of the respondents agree with the views that Employment Equity has been a very useful tool to promote equality in the University. 45 percent of the respondents agree that Employment Equity has been a very useful tool to promote equality in the University, 43 percent of the respondents neither disagree nor agree with the statement, furthermore, 21 percent of the respondents disagree with the fact that Employment Equity has been a very useful tool to promote equality in the University.

- C7: The finding shows that 33 percent of the respondents agree with the view that every employee in the University knows what constitutes fair and unfair discrimination which is specifically based on race, gender, disability and sexual orientation, furthermore, 33 percent of the respondents neither agree nor disagree that every employee in the University knows what constitutes fair and unfair discrimination in terms of race, gender, disability and sexual orientation.

- C8: The findings show that the majority of the respondents disagree that the University managed to achieve a diverse workforce broadly representative of the people in South Africa. 43 percent of the respondents disagree that the University managed to achieve a diverse workforce broadly representative of the people in South Africa. Furthermore, 38 percent of the respondents neither
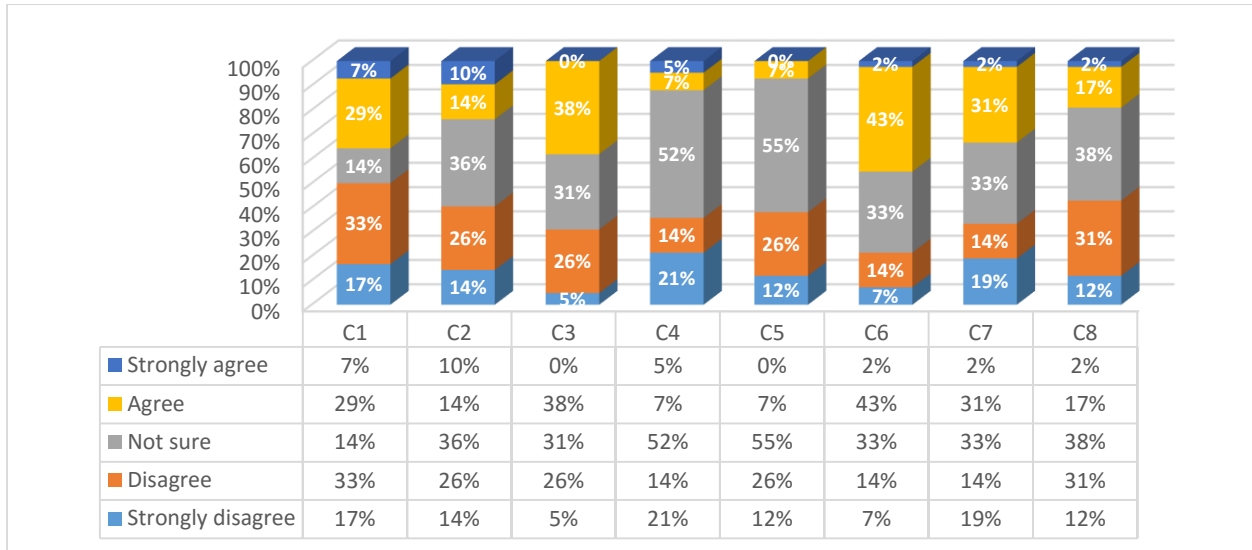
agree nor disagree with the statement, 17 percent of the respondents agree with the view that the University managed to achieve a diverse workforce broadly representative of the people in South Africa.

4.3 Analysis and Interpretation of Qualitative data

The qualitative data were collected by means of interviews. This data was analysed using NVivo software of qualitative data analysis. The analysis of the qualitative data was with a view to understanding the participant's experience (Thomas, 2006; McMillan & Schumacher, 2010). The researcher transcribed the information collected from the interviews. These transcripts were then read and important categories were identified; and data were sorted and grouped according to similar concepts - this was done to separate the data into workable units (McMillan & Schumacher, 2010; Thomas, 2006). The data were then scrutinized to find how one concept influenced another, and alternative explanations were searched for. This was done by describing the responses from the respondents. Patterns were sought from this (Thomas, 2003) and were then interpreted. The findings were then reported. Since this was a method of triangulation both the qualitative and quantitative analyses were reported on simultaneously.

The data solicited through the open-ended semi-structured interviews were with regard to the implementation of the EEA and barriers to its implementation. Other questions posed to the participants related to their current staff profile and challenges that Universities present.

Nine (9) themes emerged from the analysis of the interviews. Each theme is discussed in detail below. These themes were:

1. Implementation of the EEA and Contribution towards the implementation of EEA successfully in the University
2. The importance and benefits of the EEA in the workplace
3. The EEA in relation to recruitment and appointments based on race, gender and nationality
4. Challenges in the implementing the EEA in the University
5. Reporting the achievement on the implementation of EEA
6. Role in monitoring the adherence of the EEA in the University
7. Supporting role in assisting disadvantaged groups to function effectively

8. Strategies to address the challenges in the implementation of employment equity

9. Employees with disability and equal pay for work of equal value.

4.3.1 Implementation of the Employment Equity Act and contributions towards the of EEA successfully in the University

With regard to the implementation of the EEA, participants expressed various views and beliefs about how the EEA is and should be implemented in University. They also reflected on the demands of the EEA and how at times it was implemented for the sake of, and not because everybody believed in it. Their views of nine (9) participants are expressed in the table below: -

Table 4.4: Participant views on the implementation of the Employment Equity Act

Participants	Responses
1	For the University to employ the right people as per the employment equity target.
2	To assist the University to choose the right person for employment equity target.
3	It is long overdue and there are people who are still resisting to change because the way they used to operate.
4	It is a good thing that it's been implemented, slowly but surely it's moving towards the right direction.
5	It will help the disadvantaged group.
6	Not sure
7	If it could be implemented correctly there will be fair representation in top management.
8	The University will have diverse workforce.
9	More work needs to be done on education and awareness, resources should be made available by employer in order to effectively implement the EEA.

Participant 1 believed that in order for the EEA to be implemented effectively at their University, their equity targets should match the demographics of the Limpopo Province, these was supported by participant 2 who said if the university can employ the right people will assist the University to achieve its objective. Hence, they have an EE policy in place at the University that guides them towards making the right decisions when appointing staff at their university. Participants felt that things had to reach a point where all applicants were treated equally, which might imply that they did not feel that everyone received equal treatment. Everyone, they believed, should, ideally, have the same employment opportunities. What they meant were that when someone is employed, it should be on the basis of their knowledge and whether they are the right persons for the job regardless of their background. The participant 5 further argued that 'It will help the disadvantaged group'. She further expressed the opinion that 'we have got to reach a situation in this country where you don't have to have such a policy or such an Act' so that people can be appointed based on their abilities and not their historical background.

The participant 6 spoke about "The University will have diverse workforce" he believed that if the Employment Equity Plan can be implemented could diversified the workforce. Some participants were not sure of the implementation of Employment Equity Plan, she thought that the Employment Equity Plan of their University should not be underestimated at any point in the workplace because it (the workplace) was where you needed the best people for the job. She stated that the University needed people with experience and qualifications to perform optimally. She explained that once employees were qualified, the University took them through training and mentoring programme in order to 'get the best value out of them'. Moreover, she argued that 'you did not want to train people only to find they move on to other institutions'. She believed that the EEA should be very specific as to what it required as it is, in her opinion, ambiguous. She emphasised the fact that they wanted to retain the services of people in whom they were investing resources and training programmes. In addition, she mentioned that when employees came back from training, they usually realised that they had 'a ladder of progression within their institution', meaning that these employees can be promoted within the university.

There were feelings among the participants that at times the EEA legislation was imposed on the university. Erasmus (2010) explains that the South African

government requires information pertaining to racial redress which includes the implementation and monitoring of race classification and that this practice is not without controversy. Furthermore, he states that some opponents suggest that access to higher education and employment should be based on 'merit' alone and not background.

From the statements drawn from the participants, one could infer that in some cases the EEA was implemented for the sake of and not because the custodians of the EEA believed in it however, believed that it was difficult for their University to implement the Act. He regretted that their attempts to meet equity targets were not consistent with what the Act required of them to apply equity in the workplace by employing people from designated groups.

4.3.2 The importance and benefits of the EEA in the workplace

All nine participants indicated that there were benefits for the successful implementation of the EEA at University. The participant 3 felt that, because the University served a diverse clientele, staff should reflect this diversity, He said "it needs to start before recruiting new employees, university will have diverse workforce. When having different ideas and university will be able to produce quality graduates". The Participant 4 believed that if they met their equity targets, staff morale would improve because people would see that there were opportunities for disadvantaged employees. Furthermore, he maintained that it would ensure that they attracted the best people. The Participant 5 stated that successful implementation of the Act would show how seriously they sought to ensure equity. He felt that the Act could become one of the University's marketing tools. Additionally, he mentioned that he did not want an organisation that was seen to be predominantly served by a single race.

The participant 7 and 8 indicated that if they could reach their targets and goals, it would mean that they would have an equitable workforce and that they would have done what they set out to do. They also felt that if they employed people in equity positions where there had previously been gaps or a shortfall, it would be deemed successful. She stated that in order for them to stay within EE targets, when people left or retired, they replaced them with the 'same equity group' so that they would not have an imbalance afterwards. Participant 9 said "there is a need or compliance with

legislation, addressing the imbalances of the past will ensure an all-inclusive and progressive workforce."

4.3.3 The EEA in relation to recruitment and appointments, race, gender and nationality

The Code of good practice (2005) notes that when advertising positions, employers may state that preference will be given to members of designated groups. It also states that where possible, employers should place their advertisements nationally so that it is accessible to groups that are under-represented. If there is under-utilisation for a particular job, and members of a protected class group (women, ethnic minorities) are not being forwarded for interviews in the hiring process, it calls for the possibility of expanding the interview pool to include the highest-ranked applicants from the under-utilised groups who meet the required qualifications for the position.

Participants agreed that there will be gender and race balance in the University if the EEA in relation to recruitment and appointments based on race, gender and Nationality, however participant 3 believed that "it needs to start before recruiting new employee, University will have diverse workforce. When having different people will have different ideas and University will be able to produce quality graduate". According to Rhoda (1999) EEA did not comprehensively dealt with the issues like discrimination because referring to discrimination against Blacks and discrimination about White women in the same vein is to conflate this materially-driven distinction. The same argument can be applied when the differentiation is made on the grounds of gender. White women did not suffer to the same extent as Black men and women under the apartheid regime.

4.3.4 Challenges in the implementation of the EEA in the University

Compliance is the greatest challenge because the CEE report (2009-2010) indicates that most companies are lagging far behind the numerical targets. It is followed by the organisational cultural change, which implies transformation of both the management and staff's perceptions and behaviours. This is still unfavourable for Black managers and skilled workers, with discrimination still rife, as shown by the promotions, training and recruitment of White males. Other challenges not mentioned above include:

- Skills deficit

- Resistance to change

- Poor networking

- Little diversified

- Lack of education and knowledge of EEA

Participants raised these as the major constrain in the implementation of the EEA in the University. Participant 4 mentioned poor networking, he said "no network connections, line managers are not using networks or associations to attract people from designated groups and inconsistency in the implementation of EEA. Some participants noted that they are lack of education constraints as the major factor in the implementation of EEA. Participant 8 further stated that "there is no cooperation by employees, they interpret the act differently and selection committee members don't want to listen from the HR Officers on employment equity target if the Employment Equity Officer is not available in the meeting."

The participant 9 also mentioned that the greatest challenge that they faced was appointment of people with disability in certain categories, there were simply no qualified applicants with disabilities. He perceived it as a serious obstacle to the implementation of the Act when it came to black persons with disabilities. Similarly, he mentioned that it was difficult to find black males and females with disabilities in certain categories, especially in the management posts. He acknowledged, however, that they had full support from their top and senior management.

4.3.5 Reporting the achievement of the implementation of EEA

All participants in this expressed different opinions in terms of reporting to achievement on the implementation of EEA.

Table 4.5: Opinion of participants in regards to reporting the achievement on the implementation of EEA

Participant	Responses
1	Every time after appointment has been made
2	Every month through equity office''
3	Report monthly
4	Reporting through executive management through recruitment and selection reporting
5	Mostly when don't find the required candidate
6	Don't report
7	When done with the shortlisting and interviews
8	After each interviews on the recruitment report
9	Once per year to the Department of Labour

4.3.6 Role in monitoring the adhere of the EEA in the University

The nine participants who participated in this study believed that they adhered strictly to the stipulations of the EEA. Participant 1 said "by appointing the right people as per the advertisement", Participant 2 said "to implement the decision of the employment equity committee'', Participant 3 said "by attending school board meetings to present the employment equity policy and processes that need to be followed to comply", Participant 4 said "by engaging the department of labour to check their database if they have employment equity target", Participant 5 said "as adhering to the policy or requirement of the position", Participant 6 said "to ensure the policy is being implemented", Participant 7 said "by adhering to the policy and advert employment equity target group requirement", Participant 8 said "by reminding the panel members to be in line with the advert employment equity requirement", Participant 9 said "arranging quarterly meetings of the committee and having Human Resources Departmental meetings".

4.3.7 Supporting role in assisting disadvantaged groups to function effectively

Cassim (2005) states that geographic location and racial profile of staff might be variables influencing the adoption of equity and diversity. An understanding of the barriers could assist in the development of appropriate strategic intervention in Higher Education Institution (HEI). An important but often ignored barrier to diversity and equity relates to the geographical location of HEIs and continues to mention that institutions located in isolated geographical locations, present particular challenges to equity and diversity, these isolated locations of these historically disadvantaged institutions, Cassim (2005) says contributes to their isolation of academics and students who prefer urban sites of learning. Cassim (2005) state that Native Americans lag behind other racial groups in employment attainment and that is unclear why these differences exist. They explain that one of a few possible explanations offered are their place of residence (rural versus urban). Participant 1 stated that they were trying to implement equity at their university by employing people from designated groups. Participant 8 and 9 mentioned that the geographical location of their university limited them when recruiting staff from all racial groups: they had an over-representation of whites. They mentioned that the geographical area of the University required people who spoke Afrikaans. The participant 7 was of the view that by engaging with the line to provide special needs and liaise with the department concern will guarantee the person comfortable. The impact of language on the appointment and performance of foreign nationals was highlighted earlier in the previous section.

4.3.8 Strategies to address the challenges in the implementation of employment equity

Among the obstacles that the university face in implementing equity is the continuous cycle of having to review its structure and employment equity plans because of new businesses emanating from mergers and acquisitions, and constant realignment of the company's goals and targets in order to maintain its competitiveness within the HEIs. It appears as if the company not only experiences difficulties in finding suitably qualified applicants from the designated groups to recruitment, but also in terms of retention. High levels of attrition among blacks after the company has invested in their training affects both the equity figures, and possibly also commitment to equity. This is because they are poached by their competitors by offering them attractive packages. Participant 1 said "abiding by the advertisement preference and provide training to the

designated groups skills transfer and ensure that they have relevant qualification", Participant 2 said "to conduct employment equity awareness so that they can understand the role of EEA'' Participant 3 said "to have more roadshows and attend the school board meetings to share employment equity issues" Participant 4 said "to communicate with other institutions, encourage postgraduate students to apply positions, headhunting people from designated groups or encouraging others racial groups that are underrepresented to apply". Participant 5 said "making an awareness to departmental Head and line managers to have same understanding on the employment equity issues", Participant6 said "by advertising through national and local newspapers", Participant 7 said "by encouraging people from designated groups to further their studies". Participant 8 said "training of employees on the employment equity issues and new amendment of the legislation", while participant 9 said "through the compilation, review and monitoring the effective implementation of the Employment Equity Plan".

4.3.9 Employees with disability and equal pay for work of equal value

Issues in relation to the EEA and people with disabilities were highlighted by the participants. For instance, the participant 1 expressed the sentiment that not all people indicated their disability status when they applied for work or study. He also stated that when they recruited staff, they did always pay attention to the appointee's disability unless it interfered with the job itself. Furthermore, he explained that people in wheelchairs were not the only type of applicant with a disability but that they also had people with other disabilities that did not hamper them in the completion of their tasks. However, he also acknowledged that the university is still in the learning process, there is inconsistency in doing things.

When asked whether there were persons with disabilities employed at or attending campus the question of budgets came, participant 2 stated that employees are paid according to the University salary scale. He believed that when it came to assistance for persons with disabilities, it was not included in the campus budget and that the university must make a plan.

The participant 8 further indicated that not all universities were opening their doors and workplaces to people from historically disadvantaged groups because many chose to restrict selection of staff to criteria of skills and experience. He mentioned that the EEA allowed people to be brought into workplaces with fewer skills and less

experience. This, he felt, was not necessarily a negative factor but that it allowed people to grow into the organisation. He also mentioned that the EEA levelled the playing fields, making employment even and accessible to people from all disadvantaged groups. Likewise, the most participants agreed that University is implementing equal pay for work of equal value this includes even the disadvantaged groups and disabilities. A new section has been inserted on EEA No. 47 of 2013 as amended that makes a new ground of unfair discrimination, which relates to the terms and conditions of employment between employees of the same employer performing the same or substantially the same work, or work of equal value. The employer has to show that such differences in wages or other conditions of employment are based on fair criteria such as experience and skills (South Africa, 2013).

4.4 Summary

This chapter presented and analysed the findings of the study. Participants in this study identified barriers to the successful implementation of the EEA and challenges that are faced at the University who participated in the study. The importance of the EEA and the University's performance management systems and accountability was discussed. Quantitative analysis was done and presented graphically and in tabular form. Findings were that black males were more dominant in top management positions and whites, coloured and Asians were not adequately represented in top positions or at other levels at University. In Chapter 5, a brief discussion is presented and recommendations are made.

CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The current chapter is the final chapter in the study. It succeeds the analyses and interpretations that were conducted in Chapter 4 and it also intends to discuss the implications of these findings. First, it seeks to present conclusions to each of the aspects that were examined, based on the objectives of the study. Second, it seeks to recommend strategies that may be adopted and implemented in order to ensure that organisational performance is enhanced, in line with the findings emanating from the study. Third, the chapter acknowledges the limitations of the current study. It is important to acknowledge the limitations of the study because it enables the reader to become conscious of the shortcomings of the study, which adds to the credibility of the findings (Creswell, 2002). Fourth, the chapter suggests directions for possible future studies. Finally, the chapter states an overall conclusion in which the contribution of the study to both theory and practice is also emphasised.

5.2 Summary of the Chapters

This research project aimed at examining whether EEA was implemented in the University of Limpopo, and if not, what the barriers were to implementation. The investigation aimed at determining whether people from historically disadvantaged groups were adequately represented in these Universities. In order to achieve the objectives of this research, open-ended, semi-structured interviews were conducted with participants. An interview schedule (see Appendix A) was drawn up to gather information which formed the basis of the research. Statistics were obtained from the EEA Reports of the University of Limpopo to ascertain that equity had been respected. The evidence illustrated that the University of Limpopo is making a concerted effort to implement the EEA.

Chapter 1 introduced the background to the study and focused on historical disparities and inequalities caused by and inherited from the apartheid system.

Chapter 2 presented pertinent literature on the EEA. Literature revealed that staff has to represent equitably the demographic profile of the country at all levels in the workplace. The theoretical framework for this thesis comprised critical social theory which was discussed in this chapter.

Chapter 3 research design and methodology were presented, followed by detailed discussion of data collection, data analysis methods and ethical considerations. **Chapter 4** reported on the findings of empirical evidence obtained from open-ended, and semi-structured interviews. Quantitative data was analysed and presented in graphs and tables. As shown in Chapter 4, nine themes emerged from the data. **Chapter 5** presents an analytical discussion of these themes. This section includes recommendations for future research and provides some concluding comments.

5.3 Summary of the key findings

Objective 1: Ascertain the strategies and processes put in place to effectively implement employment equity in the University

The finding shows that:

- The findings show that the majority of the respondents disagree with the views that the University has fully complied with the Employment Equity Act. 38 percent of the respondents disagree with the views that the University has fully complied with the employment Equity Act, while only 38 percent of the respondents neither agree nor disagree with the statement.
- The findings show that the majority of the respondents agree with the views that the University has Employment Equity Plan with the numerical target to be achieved. 74 percent of the respondents agree that the University has Employment Equity Plan with the numerical target to be achieved.
- The findings show that the majority of the respondents neither agree nor disagree with the views that the University has Employment Equity Committee fairly represented. 60 percent of the respondents neither agree nor disagree, 33 of the respondents agree that the University has Employment Equity Committee fairly represented.
- The finding shows that the majority of respondents neither agree nor disagree with the views that the EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation. 48 percent of the respondents neither agree nor disagree with the statement, 41 percent of the respondent agree that the EEA in the University implemented successfully to address the

problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation.

- The finding shows that the majority of respondents disagree with the views that the University has recruitment and retention strategies to attract people from designated group. 36 percent of the respondents disagree; 33 percent of the respondents neither agree nor disagree.

- The findings show that the majority of the respondents neither disagree nor agree with the views that Employment Equity have produced positive results in promoting diverse workforce in the University. 40 percent of the respondents neither agree nor disagree with the statement, 31 percent of the respondents agree that the Employment Equity have produced positive results in promoting diverse workforce in the University.

- The finding shows that the majority of the respondents neither disagree nor agree with the views that Employment Equity has managed to bridge-up the gap created by the legacy of the past. 38 percent of the respondents neither disagree nor agree that Employment Equity has managed to bridge-up the gap created by the legacy of the past furthermore, 33 percent of the respondents agree with the question.

- The finding shows that the majority of the respondents agree with the views that Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups. 43 percent of the respondents agree that the Employment Equity ensured that there is an improved quality of working life and access to resource for the previously disadvantaged groups, furthermore, 38 percent of the respondents neither disagree nor agree.

- The majority of the respondents agree that the employment Equity is still necessary for the University to ensure equal employment opportunities. 88 percent of the respondents agree that the Employment Equity is still necessary for the University to ensure equal employment opportunities.

- The findings show that the majority of the respondents agree with the views that appointment is made according to the minimum requirement for the position. 81 percent of the respondents agree that the appointment is made according to the minimum requirement for the position.

- The finding shows that the majority of respondents agree with the views that the workforce profile has been analysed to inform the Employment Equity Plan target. 49 percent of the respondents strongly agree that the workforce profile has been analysed to inform the Employment Equity Plan target furthermore, 44 percent of the respondents neither disagree nor agree with the statement.

- From the statements drawn from the participants, one could infer that in some cases the EEA was implemented for the sake of and not because the custodians of the EEA believed in it however, believed that it was difficult for their University to implement the Act. He regretted that their attempts to meet equity targets were not consistent with what the Act required of them to apply equity in the workplace by employing people from designated groups.

- All nine participants indicated that there were benefits for the successful implementation of the EEA at University, staff should reflect diversity, equity target will be met, EEA will become the University marketing tools and there will be equitable workforce.

- Participants agreed that there will be gender and race balance in the University if the EEA in relation to recruitment and appointments based on race, gender and Nationality.

- The nine participants who participated in this study believed that they adhered strictly to the stipulations of the EEA.

Objective 2: Challenges faced by the University of Limpopo in the implementation of employment equity Act employment equity act

The finding shows that:

- The findings show that the majority of the respondents disagree with the views that the University has all resources needed to accommodate people with disability. 50 percent of the respondents disagree that the University has all resources needed to accommodate people with disability, furthermore, 36 percent agree with the statement.

- The findings show that the majority of the respondents disagree with the views that all employees in the University are well informed of Employment Equity Policies. 40 percent of the respondents disagree that all employees in the

University are well informed of Employment Equity Policies, furthermore, 36 percent of the respondents neither agree nor disagree.

- The findings show that the majority of the respondents agree with the views that the line managers take the implementation of EEA seriously in their respective departments. 38 percent of the respondents agree that line managers take the implementation of EEA seriously in their respective departments, furthermore, 31 percent of the respondents neither disagree nor agree that line managers take the implementation of EEA seriously in their respective departments.

- The finding shows that 52 percent of the respondents neither agree nor disagree with the views that the less qualified people are being appointment from designated groups to achieve employment equity targets. 35 percent of the respondents disagree that the less qualified people are being appointment from designated groups to achieve employment equity targets.

- The finding shows that the majority of the respondents neither disagree nor agree with the views that employment from designated group are being trained in order to replace the current job incumbents. 55 percent of the respondents neither disagree nor agree, 38 percent of the respondents disagree that Employment from designated group are being trained in order to replace the current job incumbents.

- The finding shows that the majority of the respondents agree with the views that Employment Equity has been a very useful tool to promote equality in the University. 45 percent of the respondents agree that Employment Equity has been a very useful tool to promote equality in the University, 43 percent of the respondents neither disagree nor agree with the statement.

- The finding shows that 33 percent of the respondents agree with the views that every employee in the University knows what constitutes fair and unfair discrimination in terms of race, gender, disability and sexual orientation.

- The findings show that the majority of the respondents disagree that the University managed to achieve a diverse workforce broadly representative of the people in South Africa. 43 percent of the respondents disagree that the University managed to achieve a diverse workforce broadly representative of

the people in South Africa. Furthermore, 38 percent of the respondents neither agree nor disagree with the statement.

- Participants raised the major challenges such as resistant to change, poor networking, lack of employment equity awareness, undermining of the HR Officers by the Selection Committee members and lack of qualified people with disabilities in certain positions.

5.4 Conclusion

Based on the findings of this study, it can be concluded that progress is slow with regard to implementation of the EEA at the University of Limpopo. Although the Act is highly respected by the majority of respondents, slow progress in implementing it could be attributed to certain serious challenges or barriers that the University faces, many of them overtly or covertly inherited from the past.

This research project, within the confines of its limited scope, has identified the barriers that still remain in the path to full implementation of EEA goals. In the Universities in South Africa, none of the institutions examined is free from historical and current impediments. The complicated nature of the interaction of opposing elements of resistance needs to be researched in greater breadth elsewhere.

University of Limpopo management complemented by human resources personnel as custodians of the EEA should be completely conversant with the laws which affect the education sector. They need to be able to implement the terms of EEA even in the face of opposition. Further research needs to be undertaken regarding their knowledge of the EEA.

5.5 Recommendations

The university is required by law to implement the Act. Therefore, it is imperative for the University of Limpopo to abide by this legislation. The University should not be allowed to deviate from the Act especially when filling positions reserved for designated groups. It is recommended that further discussion and monitoring need to be conducted at Executive Management level of the University with regard to the progress of the implementation of the Act. Furthermore, it is recommended that Heads of Department should familiarise themselves with the EEA. They should be informed about EE targets and take such information into account when staff members are appointed. Human Resource Development officers should develop and empower staff from previously disadvantaged groups internally by means of induction at faculty level. The University should ascertain how many current staff members with disabilities they employ in order to provide the necessary support for such persons to function effectively and without inconvenience. Based on the findings of this study, it is recommended that University use provincial demographics to set their EE targets. Employment Equity and Transformation Officer need to provide the Executive Management with monthly updates on progress made with regard to the EE targets. Any challenges or barriers they face in implementing the Act should be noted and forwarded to the Employment Equity Committee. In addition, it is recommended that EE targets should be permanently on the agenda at all meetings of the University's Executive Committees.

It is recommended that the Universities need an active EE Committee chaired by the EE Manager who reports to the Vice Chancellor and Principal. It is also recommended that EE Manager should conduct awareness on employment equity issues to departmental meetings. Based on the findings of this research, EEP should be applied fairly at the departmental level in the University. Shortlists should be drawn up as far as possible with EEP provisions in mind.

With regard to recruitment for vacancies at University, it is recommended that advertisements should be placed in regional newspapers, in bilingual community newspapers and on the Internet. University should give preference to persons with disabilities in their advertisements at all times because no indication of persons with

disabilities was provided by the University. As far as persons with disabilities are concerned, it is recommended that all University buildings should be made accessible for them. In addition, lifts, ramps, railings and designated parking areas should be provided for them. It is further recommended that all public University buildings should be audited by the Department of Public Works and Department of Higher Education and Training to ensure that their infrastructure is suitably equipped for persons with disabilities. It is further recommended that there should be as few budgetary constraints as possible for making buildings accessible for persons with disabilities. It is recommended that University should employ a Disability Coordinator to support staff and students with disabilities.

5.6 Limitations of the Study

This study was limited in certain ways therefore this research must be viewed in light of the following limitations:

- The University of Limpopo was historically dominated by African personnel. The effective implementation of employment equity by management will result on the diverse workforce in the University. This may sometimes cause negative response from the participants.

- All respondents are salaried staff members of staff at the organisation i.e. administrators, supervisors. It would have been ideal to have more focus groups with different groups within the University. As a result of operational reasons this was not possible. Time constraints as a result of the scope of the research, and productivity concerns for the University impacted on spending more time with the employees in the factories. The constant change in HR Managers (who acted as point of contact) impacted on the research as this meant that there was not meaningful continuity with the contact persons in the University.

- Race is not an identifying factor of the respondents as the focus is on management as a group. The respondents were reluctant to be categorised according to race and felt it might give away their identity.

- Sample size doesn't represent Top Management views.

- The study is only conducted in one institution and findings cannot be generalised to other Higher Education Institutions.

- Inspectors form Department of Labour did not participate in the research due to the reason that they are law enforcement officers to monitor compliance.

5.7 Suggestions for Further Research

It is necessary that further research goes beyond the employees directly involved in the implementation of EE and involve all employees in the University of Limpopo to investigate their experiences with employment equity in the University. Such research should aim to investigate the employment equity in the University. The research should deepen the understanding of employment equity issues affecting employees as the country is grappling with the issues of representation of previously disadvantaged groups in sectors, which were previously white male dominated.

It would be interesting to also investigate how the entire institution of Higher learning in South African and elsewhere are responding to challenges confronting the sector, such as globalization and skills shortages. Another issue, which was raised by the employees in the interview group, is that of equal remuneration for work of equal value, which was not reported on, as it was not related to the research aim. This is an issue that is likely to have a discrimination connotation and needs to be investigated as to how it plays itself in the Universities. Other researchers can do similar studies in other Universities by including Top Management of the Higher Institutions.

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APPENDIX A: CONSENT FORM

I………………………………………………………………… (Participant) hereby voluntarily consent to participate in the following project titled, "Challenges in implementation of Employment Equity Act" I realise that:

1. The purpose of the study is to identify in the implementation of Employment Equity Act in the University of Limpopo and to recommend strategies to deal with the identified challenges.

2. The researcher is a master's student in the Department of Public Administration at the University of Limpopo, Turfloop Graduate School of Leadership.

3. The researcher will make efforts to safeguard and adhere to the confidentiality of the information provided by the respondents and anonymity is guaranteed.

4. I may withdraw from the study at any time.

5. I am aware that it is anticipated that my participation in this study will enhance my understanding of challenges facing the University of Limpopo in the implementation of Employment Equity Act.

6. If I have any question or problems regarding the study I will contact the University Research Office (the University of Limpopo, Private Bag X1106, Sovenga, 0727, Tel: 015 268 2401)

7. My signature below indicates that I have given my informed consent to participate in the abovementioned study.

Signature of respondent: ……………………………Date…………………...

Signature of the researcher……………………………..Date……………………

SECTION A: PERSONAL DEMOGRAPHIC DETAILS (please tick the appropriate block)

1. Title

Miss		Dr	
Mr		Prof	
Other (please specify)			

2. Gender

Male	
Female	
Other(please specify)	

3. Age (years)

18-29 years old	
30-49 years old	
50-64 years old	
65 years and above	

4. Citizenship

South African	
Other(please specify)	

5. Ethnicity

African	
Coloured	
Indian	
White	

6. Home language

Sepedi	
English	
Afrikaans	
Venda	
Other, specify…………………………	

7. Disability – if applicable (if not applicable please proceed to question 8)

Hearing challenged	
Physically challenged	
Partially challenged	
Other, specify……………………….	

8. Current Position

9. Number of years in current position

10. Number of years at the University of Limpopo

11. Occupational level

Top Management (1-3)	
Senior Management (4-5)	
Professionally qualified (6-7)	
Skilled Technical (8-10)	
Se-mi skilled (11-15)	
Unskilled (16)	

12. Highest educational qualification

Lower than grade 12		Degree	
Grade 12		Honours degree	
Certificate (6 month and above)		Masters' degree	
Diploma (3 years)		Doctorate	
Other (please specify)			

13. Have you been appointed to your current position according to employment equity?

Yes	
No	
Not sure	

SECTION B: TO ASCERTAIN THE STRATEGIES AND PROCESSES PUT IN PLACE

TO EFFECTIVELY IMPLEMENT EMPLOYMENT EQUITY IN THE UNIVERSITY

1 = Strongly Disagree   **4 = Agree**

2 = Disagree   **5 = Strongly Agree**

3 = Not sure

Please tick the appropriate block

		1	2	3	4	5
1.	The University has fully complied with the Employment Equity Act.					
2.	The University has Employment Equity Plan with the numerical targets to be achieved.					
3.	The University has Employment Equity Committee fairly represented.					
4.	The EEA in the University implemented successfully to address the problem of unfair discrimination that people suffered as a result of race, gender, disability and sexual orientation.					
5.	The University has recruitment and retention strategies to attract people from designated group.					
6.	Employment equity have produced positive results in promoting diverse workforce in the University.					
7.	Employment equity has managed to bridge-up the gap created by the legacy of the past					
8.	Employment equity ensured that there is an improved quality of working life and access to resources for the previously disadvantaged groups.					
9.	The employment equity is still necessary for the University to ensure equal employment opportunities.					
10.	Appointment is made according to the minimum requirement for the position.					
11.	The workforce profile has been analysed to inform the Employment Equity Plan target.					

SECTION C: TO IDENTIFY CHALLENGES FACED BY THE UNIVERSITY OF LIMPOPO IN THE IMPLEMENTATION OF EMPLOYMENT EQUITY ACT

1 = Strongly Disagree   4 = Agree

2 = Disagree   5 = Strongly Agree

3 = Not sure

Please tick the appropriate block

		1	2	3	4	5
1.	The University has all resources needed to accommodate people with disability?					
2.	All employees in the University are well informed of employment equity policies.					
3.	Line managers take the implementation of EE seriously in their respective department.					
4.	The less qualified people are being appointed from designated groups to achieve employment equity targets.					
5.	Employees from designated group are being trained in order to replace the current job incumbents.					
6.	Employment equity has been a very useful tool to promote equality in the University.					
7.	Every employee in the University knows what constitutes fair and unfair discrimination.					
8.	The University managed to achieve a diverse workforce broadly representative of the people in South Africa.					

APPENDIX B: INTERVIEW SCHEDULE FOR HR OFFICERS

1. What are your views on the implementation of the Employment Equity Act (EEA)?
2. What are your views on implementing this legislation successfully and how will it benefit the University?
3. What type of challenges exist in implementing the EEA at the University?
4. How often do you report on your achievements regarding the implementation of EEA?
5. How do you contribute towards implementing the EEA successfully in the University?
6. How do you play a supportive role in monitoring that the Employment Equity Policy is being adhered to within the University?
7. How do you play a supportive role in assisting disadvantaged groups to function effectively in their appointed roles?
8. What are the strategies to address the challenges in the implementation of employment equity?
9. What are the benefits of implementing the EEA in the workplace?
10. Does the University have the Employment Equity Plan outline the numerical goals and targets to be achieved?
11. Does the University practice equal treatment for work of equal value?

APPENDIX C: LETTER REQUESTING PERMISSION TO COLLECT DATA

Letter requesting permission

TO	:	Chief Human Resource Officer
FROM	:	Takalani Violet Phaduli

SUBJECT : REQUEST FOR A PERMISSION TO CONDUCT RESEARCH

I Takalani Violet Phaduli, a research student from Turfloop Graduate School of Leadership hereby request permission to conduct research within the University of Limpopo. In this study, I will investigate on the challenges in the implementation of Employment Equity Act in the University of Limpopo.

Approximately 44 Head of the Departments will be involved in a survey, 10 Human Resource staff members and 2 inspectors from the Department of Labour for one-on-interview in which they will be able to share their challenges in the implementation of Employment Equity Act.

Take note that there will be opportunity to make recommendations to provide guidelines for the successful implementation thereof.

The discussions might take approximately one hour long and participation is voluntary. Participants may withdraw at any time and no name will be attached to specific responses.
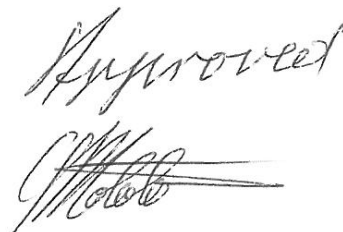
Thank you in anticipation.

Regards

_____

Ms TV Phaduli

_____

Date

APPENDIX D: TURFLOOP RESEARCH ETHICS COMMITTEE CLEARANCE CERTIFICATE

University of Limpopo
Department of Research Administration and Development
Private Bag X1106, Sovenga, 0727, South Africa
Tel: (015) 268 3935, Fax: (015) 268 2306, Email: Anastasia.Ngobe@ul.ac.za

| TURFLOOP RESEARCH ETHICS |
| COMMITTEE CLEARANCE CERTIFICATE |

MEETING: 07 February 2018

PROJECT NUMBER: TREC/32/2018: PG

PROJECT:

Title: Challenges in the implementation of Employment Equity Act: A case study of the University of Limpopo.

Researcher: TV Phaduli
Supervisor: Dr AA Asha
Co-Supervisors: N/A
School: Turfloop Graduate School of Leadership
**Degree:**   Master of Public Administration

PROF TAB MASHEGO
CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**

| Note: |
| i) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee. |
| ii) The budget for the research will be considered separately from the protocol. **PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.** |

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APPENDIX E: GATEKEEPERS LETTER
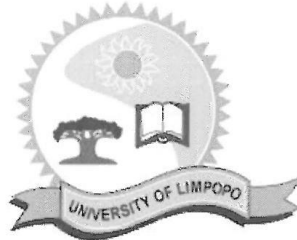
University of Limpopo
Office of the Registrar
Private Bag X1106, Sovenga, 0727, South Africa
Tel: (015) 268 2407, Fax: (015) 268 3048, Email: Kwena.Masha@ul.ac.za/Retha.Balie@ul.ac.za

01 October 2018

Ms. TV Phaduli

Email: Tkalani.Phaduli@ul.ac.za

Dear Ms. Phaduli,

GATEKEEPER PERMISSION TO CONDUCT RESEARCH

TITLE: **CHALLENGES IN THE IMPLEMENTATION OF EMPLOYMENT EQUITY ACT: A CASE STUDY OF THE UNIVERSITY OF LIMPOPO**

SUPERVISOR:	**Dr. AA Asha**
CO-SUPERVISOR:	**n/a**
SCHOOL:	**Turfloop Graduate School of Leadership**
DEGREE:	**Master of Public Administration**

Kindly be informed that Gatekeeper permission is granted to you to conduct research at the University of Limpopo entitled: **"Challenges in the implementation of Employment Equity Act: A case study of the University of Limpopo".**

Kind regards,

PROF. JK MASHA
ACTING UNIVERSITY REGISTRAR

Cc. Prof. RN Madadzhe, Acting Deputy Vice-Chancellor: Teaching and Learning
Mr. T Mabila, Acting Director: Research Development and Administration
Prof. TAB Mashego – Chairperson: Research and Ethics Committee
Ms. N Monene – Office Manager: Research Development and Administration

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APPENDIX F: FACULTY APPROVAL OF PROPOSAL

University of Limpopo
Faculty of Management and Law
OFFICE OF THE EXECUTIVE DEAN
Private Bag X1106, Sovenga, 0727, South Africa
Tel:(015) 268 2558, Fax: (015) 268 2873, Email: johannes.tsheola@ul.ac.za

08 November 2017

T.V Phaduli (200812828)

TURFLOOP GRADUATE SCHOOL OF LEADERSHIP

Masters of Public Administration

Dear Ms TV Phaduli

FACULTY APPROVAL OF PROPOSAL

I have pleasure in informing you that your Masters proposal served at the Faculty Higher Degrees Committee meeting on **18 October 2017** and your title was approved as follows:

"Challenges in the Implementation of Employment Equity Act, a Case of University of Limpopo".

Note the following: The study

Ethical Clearance	Tick One
Requires no ethical clearance	
Proceed with the study	
Requires ethical clearance (Human) (TREC) (apply online)	√
Proceed with the study only after receipt of ethical clearance certificate	
Requires ethical clearance (Animal) (AREC)	
Proceed with the study only after receipt of ethical clearance certificate	

Yours faithfully,

Prof MP Sebola

Chairperson: Faculty Higher Degrees Committee

CC: Dr AA Asha, Supervisor, Dr E Zwane, Acting Programme Manager and Prof MX Lethoko, Acting Director of School

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APPENDIX G: LANGUAGE EDITING CERTIFICATE

Fax: 0152682868

Tel. 0152862684   Dr J R Rammala

Cell: 0822198060   440B Mankweng

Rammalaj@ul.ac.za   Box 4019

                                                   Sovenga

                                                   0727

To whom it may concern

16 August 2019

Confirmation letter: Ms Phaduli T V (200812828)

Dear Sir/Madam

This memo serves to confirm that I edited a Masters' research report titled: **Challenges in the implementation of Employment Equity Act: A case study of the University of Limpopo.**

Editing was done on language, typesetting and technical appearance. Language errors were very minimal. Technically the document had issues with in-text referencing and punctuation on the list of references.

I confirm that the document is now readable and clean with regard to language issues and recommend that it can be submitted for assessment.

Thanks

Signed:

        Dr J R Rammala