

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 383

PRETORIA, 31 MAY
MEI 1997

No. 18034

GENERAL NOTICE

NOTICE 851 OF 1997

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

MINISTRY FOR PUBLIC SERVICE AND ADMINISTRATION

1. The Minister for the Public Service and Administration requested the Department of Public Service and Administration: Chief Directorate Human Resource Management to publish a GREEN PAPER on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service.
2. This Green Paper is hereby published by the Department of Public Service and Administration in the Schedule hereto for general information, public comment and discussion with stakeholders.
3.
 - [a] All interested parties are invited to submit written comments on the Green Paper.
 - [b] Such comments should be addressed to the **Director-General: Department of Public Service and Administration, Directorate: Affirmative Action Policy, Private Bag X 916, Pretoria, 0001, for attention: Ms U Evans at fax number: [012] 324-5616/[0121 3147261 or E-mail: pramnath@psc.pwv.gov.za.**
 - [c] Comments should reach the Department by not later than 31 **July 1997.**
 - [d] **The** name, telephone number and/or fax number and address of the person who may be contacted in regard to the comments should also be clearly stated.

SCHEDULE

GREEN PAPER ON A CONCEPTUAL FRAMEWORK FOR AFFIRMATIVE ACTION AND THE
MANAGEMENT OF DIVERSITY IN THE PUBLIC SERVICE

**A CONCEPTUAL FRAMEWORK FOR AFFIRMATIVE
ACTION AND THE MANAGEMENT OF DIVERSITY IN THE
PUBLIC SERVICE**

Green Paper

Department of Public Service and Administration

TABLE OF CONTENTS

	<i>Page</i>
BACKGROUND AND POLICY CONTEXT.	9
CHAPTER 1	11
1. AFFIRMATIVE ACTION AND THE EQUALITY PRINCIPLE	11
CHAPTER 2	13
2. ANALYSIS OF THE AA MANDATE AS REFLECTED IN THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO 108 of 1996)	13
2.1 Public administration	13
2.2 Broadly representative of the South African people	13
2.3 Employment and personnel management practices based on ability, objectivity, fairness. and the need to redress imbalances of the past	14
CHAPTER 3	15
3. DEFINITIONS OF CONCEPTS: BROAD REPRESENTATION, EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION.	15
3.1 Broadly representative Public Administration	15
3.2 Equal opportunities	16
3.3 Affirmative action	16
3.4 Affirmative action and equal opportunities in the Public Service	16
CHAPTER 4	19
4. ANALYSIS OF THE EXISTING AA POLICY	19
4.1 In substance, Chapter B VII instructs:	19
4.2 Other general limitations of Chapter B VII	20
4.3 Major differences in the approach to AA between Chapter B VII and the White Paper on the Transformation of the Public Service and their policy implications	21
4.4 Difficulties of implementing AA according to Chapter B VII	24
4.5 Statement of the problem in summary	26
4.6 Recommendations for final policy guidelines.	27
CHAPTER 5	30
5. TOWARDS A MISSION OF AFFIRMATIVE ACTION	30
ACROSS THE PUBLIC SERVICE	30
5.1. Broad goals of affirmative action	30
CHAPTER 6	32
6. SERVICE DELIVERY-AND-APPROPRIATE HUMAN RESOURCE MANAGEMENT PRACTICES	32

	<i>Page</i>
6.1 Service delivery and human resources planning	35
6.2 Human resource provisioning and utilisation.	37
6.3 General Conditions of Service,	45
6.4 Human resource development, training and education.	45
6.5 The management of change and the valuing of diversity	49
6.6 Career pathing	49
6.7 Labour relations	49
6.8 AA and its relationship to the structures of transformation such as the Transformation Units and the Public Service Transformation Fora	50
CHAPTER 7 D	51
7. Way Forward	51
Glossary of terms	52

BACKGROUND AND POLICY CONTEXT

The transformation and reform of the public service is inspired by a vision of a people-centred and people-driven public administration characterised by the principles of equity, quality, timeousness, high ethical standards and professionalism.

Central to this vision is the transformation of the public service into an equal opportunities employer through the incorporation of affirmative action (hereafter, AA) into the business of public administration.

Consequently, the mission of AA can be defined as facilitating the development of an equitable, service-orientated public service that is effective, efficient, accountable and affirming of the disadvantaged. From this mission it is clear that it has a long life-span which begins in the transformation stage of public service reform.

Presently, AA within the public service is marked by various interpretations. This situation is problematic and undermining of the potential contribution AA could make to transformation and reform.

To maximise its transformation and reform contributions to public service delivery, it is imperative that AA is underpinned by a common value base to ensure that it is driven by common goals towards common outcomes.

Unless a holistic approach to AA is embraced that is driven by common principles, purpose and understanding, the danger exists that even if the management targets' of a 50% black management echelon and the 30% women in middle and senior management positions is reached, nothing much will have changed.

Hence the need for a conceptual framework that indicates the purpose, scope and objectives of AA as reflected within the broad parameters of public administration. This

Green Paper is a discussion of such a framework to facilitate common understanding and to guide AA practice. It is derived from an analysis of current AA policy in the public service and the difficulties around its implementation. The Paper focuses largely on the transformation period and attempts to:

- [i] contextualise AA within the equality principle,
- [ii] analyse the Constitutional AA mandate,
- [iii] clarify the concepts of broad representation, employment equity and affirmative action,
- [iv] analyse the current AA policy and difficulties of implementation,
- [v] develop a new mission and broad goals of AA in relation to public service transformation and reform,
- [w] locate AA within service delivery, human resource management and human resource development,²
- [vii] consider the role of organised labour in AA, and
- [viii] consider the links between AA and other transformation structures.

However, much more than a conceptual framework is needed to provide effective guidance to AA practice. Thus, this Green Paper should be considered as a first step towards the development of a broad policy framework for the required subsidiary administrative policies. The next stage should be the development of practically oriented, broad policies within the context of the conceptual framework that clearly set out:

- [i] benchmarks and broad performance objectives,
- [ii] appropriate administrative arrangements, and
- [iii] broad functions of AA practitioners as integrated into transformation and public service reform.

The process to be followed in the adoption of the broad guidelines will be based on consultation with stakeholders such as departments, administrations and other organisational components, the parliamentary Portfolio Committee on Public Service and Administration, the Affirmative Action Task Team and organised labour.

²

Note that the terms service delivery and service provisioning are used titer-changeably.

CHAPTER 1

1. AFFIRMATIVE ACTION AND THE EQUALITY PRINCIPLE

Equality has become a founding principle upon which the current constitutional dispensation of the country is built, in direct reaction to the inequities of South Africa's past. It is central to the Bill of Rights in which it is established as the first substantive right. Given its pivotal importance,

"equality", as a theme to be pursued in the building of a democratic and just society, permeates the concerns of the new government and its administration.

In the workplace, AA, has become the drive to materialise the value of equality. It seeks to achieve this through the removal of **any** conditions that violate the right to equality. As such, equality, is the point around which AA turns, where it has great resonance for all AA matters. Through AA's pursuit of equality, it becomes a tool of social justice in civil society and the workplace. In essence it is a tool to bridge the gap **between** the injustices of the past and a democratic future.

In the AA debate it is important to problematise the concept of equality. Generally speaking, equality is a broad term that invokes the concepts of impartiality, equitability, equity, fairness and justice. It also draws on the notion of commensurability which suggests comparisons with what is defined as the norm - the norm being the principle of equality.

Embodied in the concept of equality, as enshrined in the Constitution is both formal and substantive equality. In South Africa, the repeal of discriminatory legislation has created the formal conditions for equality of all South Africans. But repeal in itself has not created the substantive conditions of real equality amongst all, because of the deep systemic roots of inequality inherited from the former era.

Formal equality implies the removal of laws that result in discrimination and segregation. It prescribes the equal treatment of all people regardless of circumstances on the understanding that all bear the same rights and entitlements. Its underlying logic

is that by extending equal rights to all, inequality has been eliminated. However, in applying this logic, formal equality ignores the entrenched structural inequalities that continue to block access, participation and enjoyment of people's rights. The limitations of formal equality thus warrant the application of substantive equality for the achievement of meaningful equality.

In South Africa, the quest for AA is located within the pursuit of substantive equality in the workplace. Substantive equality **necessitates the acknowledgement and eradication of the actual social and economic conditions that generate inequality in individuals' and groups' lives.** Substantive equality presupposes the existence of formal equality. It is premised on the assumption that social goods (rights, entitlements, opportunities, access) are not equally distributed throughout society and that deeply entrenched indirect controls generate disadvantage and prevent the disadvantaged from equality of access and enjoyment of rights.

South Africa with its legacy of unequal distribution along race, gender and disability lines, has created an unequal playing field very largely through its discriminatory public spending policies. To achieve equality, the disadvantaged require programmes that are arranged to their specific advantage based on an analysis and remediation of those controls blocking access and enjoyment of equality. Hence the need for AA.

Contained in the Constitution is the implication that all employers are to be employment equity employers. This requirement is sought to be realised in the emergent Employment and Occupational Equity Statute proposal from the Department of Labour. In view of the substantive equality roots of AA, employment equity employers are required to remove the barriers to equality of access to employment and opportunities and to create the conditions for equality of outcomes.

Employment equity programmes are called for that include strategies to expose and redress the historic and systemic inequalities and injustices of groups and individuals, disadvantaged on the grounds of race, gender and disability.

Thus AA can be seen as a means to enable the disadvantaged to compete competitively with the advantaged of society, Its significance is to give real meaning to employment equity for the disadvantaged through the pursuit of substantive equality.

CHAPTER 2

2. ANALYSIS OF THE AFFIRMATIVE ACTION MANDATE AS REFLECTED IN THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO 108 OF 1996)

Section 195 [11 of the Constitution of the Republic of South Africa, 1996 [Act No 108 of 1996] is identified as the AA section for the public service. It stipulates that:

“Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.”

The intended meaning of the following crucial aspects of Section 195 [1][i] delimit the mandate of AA:

- [1] “Public administration...”
- [2] “... broadly representative of the South African people,...”
- [3] “...employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past”

The following is a discussion of these.

2.1 Public Administration

This subsection refers to ‘public administration’ in a general fashion. The term ‘public administration’, therefore, is interpreted as referring to the activities and practices involved in implementing the policies and programmes of government. This clause of the subsection qualifies government activities, policies and programmes as having to be broadly reflective of the South African people. A broad interpretation of this requirement suggests an emphasis on the principles of: [1] inclusiveness [2] diversity and [3] responsiveness to the needs and wants of the diverse people of the country in all public administration matters.

2.2 Broadly Representative of the South African people

Based on the above, it is important to emphasise that:

Broad representation does not merely refer to a traditional interpretation of representivity, but representation in the business of public service delivery as well as composition.

Premised upon this interpretation, the concept 'broad representation' is interpreted as:

The **ideal** of attaining and maintaining a public service which is marked by the principles of inclusiveness, diversity, responsiveness and equality which are reflected in:

- [a] culture of the organisation,
- [b] composition of the organisation,
- [c] human resource management practice, and
- [d] service delivery.

2.3 Employment and Personnel Management practices based on ability, objectivity, fairness and the need to redress imbalances of the past

This aspect of the subsection is premised on the assumption of formal equality, that all are equal and are, therefore, subject to the same treatment. The Constitution, thus, instructs the equal treatment of all and hence the application of equal employment and management practices on all based on the criteria of ability, objectivity and fairness. However, the last clause of this subsection explicitly instructs the need for substantive equality to address the matter of historic imbalances. Hence, the Constitution links the need for both formal and substantive equality in the application of human resource practices.

CHAPTER 3

3. DEFINITIONS OF CONCEPTS: BROAD REPRESENTATION, EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION

3.1 Broadly representative Public Administration

The Constitution does not specify its meaning of broad representation other than by pointing to the need to correct historic imbalances in representation in the public service. The White Paper defines the beneficiaries of this form of corrective action as persons with disabilities, women and black people in relation to public service composition, and the poor with regard to public service provisioning. It argues that women and blacks are under-represented at decision-making levels and that the organisational culture of the public service is white-male-centric. It also points out that disabled persons are almost absent in the public service and when present are recipients of discriminatory management practices. Disadvantaged communities were grossly under-resourced in service provisioning. Hence, redressing these imbalances requires the adoption of equal opportunities principles and the application of affirmative action programmed in both human resource management practices and service provisioning.

Thus the concept of a broadly representative public administration⁴ is defined as:
A broad concept that refers to a public service whose:

- [a] culture is based on the principles of inclusiveness, diversity, responsiveness and equality,**
- [b] composition is broadly reflective of South African demographics according to race, gender and disability and where the beneficiaries of AA are blacks, women and persons with disabilities,**
- [c] human resource management practices incorporate the values of inclusiveness and diversity and**
- [d] service provisioning practices are premised on responsiveness, equity and effectiveness.**

⁴

It must be emphasised that the notion of broad representation relates to population demographics of the country according to race, gender and persons with disabilities.

3.2 Equal Opportunities

Equal opportunities is a **principle** enshrined within the ideal of a representative public service to ensure equality in employment for the equal enjoyment of rights, opportunities, benefits and access in the workplace, As such, it is a tool to eradicate discrimination and unfairness in the workplace in pursuit of the goal of a representative public service.

3.3 Affirmative Action

Affirmative action is a **strategy** for the achievement of employment equity through redressing imbalances in:

- [i] organisational culture,
- [ii] staff composition,
- [iii] human resource management practices and
- [iv] service provisioning

and by ameliorating the conditions of individuals and groups in the workplace. It is achieved through the creation of laws, programmed and activities designed to eradicate unfairness and discrimination in the workplace as it pertains to disabled persons, women and black people.

3.4 Affirmative Action and Equal Opportunities in the Public Service

Workplace discrimination against the disadvantaged takes on subtle as well as obvious forms throughout the public service. It has become part of the organisational culture and forms part of the **hidden**, basic assumptions which invisibly drive the life of the organisation. These assumptions, which are acted out unconsciously, are reflected in practices and policies and have come to be the norm. Workplace discrimination operates in **favour** of the advantaged and is a function of hidden assumptions. It is these assumptions that need to be challenged and it is in this direction that employment equity needs to be applied and AA channeled.

Some of the more obvious areas of discrimination in need of urgent attention, to name a few, are:

[a] Criteria for defining Person Specifications for filling posts and the criteria specified in the Personnel Administration Standards (PASS).

A common complaint amongst departments and administrations is that the norm set by the PAS works against the recruitment of the best candidate for a job, due to its rigid adherence to formal educational requirements. The standards are often experienced as inappropriate for the majority of the disadvantaged and are poorly matched to post requirements. The matter of setting norms for appointment requires the application of equal opportunities principles. Through its demand for educational qualifications the PAS effectively serves to function in favour of the formally qualified, particularly the tertiary qualified and reinforces a hiring bias in this direction.

The reliance on standard formulae provided by the PAS provides little guarantee that persons appointed have the necessary skills to perform the tasks required. What is needed instead is an assessment of the skills of applicants and hence a move towards testing of competencies.

[b] Prescribed training and study aid schemes in the Public Service and Career Pathing

The bias towards formal qualifications is further reinforced by public service measures relating to 'prescribed courses' and 'study aid schemes'.

According to Chapter L of the Public Service Staff Code (hereafter PSSC), 'prescribed training courses' are courses prescribed by the Public Service Commission in the PASS, or elsewhere. These courses are deemed essential throughout the public service for appointment or promotion to particular post grades. Such training course prescriptions tend to limit flexibility in employment decisions by focusing on formal training courses and qualifications rather than competencies of candidates. To overcome such limitations, the Green Paper on Public Service Training and Education envisages a shift from the prescription of training courses, to that of competencies in order to promote flexibility. Such a move would also enhance the possibilities of recognizing prior learning core-experience.

As a general trend, training and education interventions in the public service tend to favour higher ranking public servants rather than those at lower levels. For example, there is a strong skew towards management training as compared to the training of lower level employees, particularly ABET programmed.

The study assistance schemes further illustrate this bias. Presently bursaries are only offered to public servants for tertiary education and training.

[c] Advertising Practices

The dominant method for publicizing vacancies outside the public service is the newspaper. While readership of some newspapers may be wide, perhaps other techniques are required to access the disadvantaged, particularly persons with disabilities, more effectively.

[d] Employment of Disabled Persons

It is commonly accepted that the attitude of the public service to the employment of disabled persons leaves much to be desired. Even when they are employed, so many difficulties are encountered in bringing changes to the physical environment that such changes tend to be neglected. Thus the disabled are put at a double disadvantage to the non-disabled and suffer undue discrimination due to the lack of equal opportunities principles for them.

[e] Prejudices to Women and Sexual Harassment

Despite the fact that there are qualified women in the public service, few are appointed at senior levels. Moreover, research suggests that women, like blacks and disabled persons, suffer serious discrimination during procedures such as interviews. Their opinions are considered less valuable than men's and in a male-centric culture such as the public service, suffer sexual harassment with very little real recourse for fear of further reprisal. Gender sensitisation programmes are needed and effective redress mechanisms are called for in order for women to access the opportunities available in the public service.

Besides these, there are numerous policies and practices that require the application of employment equity principles which need researching in AA programmes, so that substantive equality of employment for all can be brought about.

CHAPTER 4

4. ANALYSIS OF THE EXISTING AFFIRMATIVE ACTION POLICY

Presently, Chapter B VII constitutes the broad policy framework that guides AA within the public service. It receives its mandate largely from Section 212 of the Interim Constitutional goal of a 'broadly representative' public service. The Chapter, draws a distinction between **representivity** and **affirmative action** and posits AA as the vehicle for the achievement of representivity. Because of its emphasis on representivity as a numbers driven process, Chapter B VII falls prey to a popular mechanistic approach to AA that strips it of its intention as an effective tool of social redress to address historical imbalances. Chapter B VII does not present a coherent mission of AA nor does it contextualise AA within the transformation and reform debate or the Bill of Rights. It is also not contextualised within reconstruction and development.

It is important to mention that the creation of this policy predated the White Paper as a guiding document on public service transformation and has remained unhinged from it in large measure.

4.1 In substance, Chapter B VII instructs:

[a] The creation of special components to assist departments'/administrations'/organisational components' management in promoting representivity.

The function of the component is to conduct a quantitative analysis of staff composition to identify racial, gender and disability imbalances across all levels, in all occupational classes. This exercise, it argues, is necessary to ascertain the extent of AA needs of departments, administrations and organisational components.⁵ However it neglects to draw in qualitative matters of discrimination in the workplace and it fails to reflect a broader understanding of employment equity.

⁵ The terms departments, administrations and organisational components will hereafter be referred to as departments (or depts) and administrations (or admins) or depts/admins.

[b] The appointment of Special Programmed Officers to facilitate the functions of representivity.

[c] The development of programmed to achieve a balanced staff composition after ascertaining representivity needs (i.e. imbalances in numbers). In this regard departments/administrations are requested to:

- [i] clarify and specify detailed objectives for its programmed,
- [ii] specify the tasks that flow from these objectives, locate responsibility for these and identify key role players,
- [iii] develop a time-frame for the attainment of these objectives,
- [iv] develop and specify plans to transform the cultural milieu of depts/admins into milieu that are receptive and responsive to the need for a broadly representative public service, and
- [v] develop and specify effective monitoring systems that ensure success.

At no point is the argument for [iv] above (transformation of the cultural milieu) presented and it is brought in cold without contextualisation or motivation. Thus it has no compelling base in the Chapter other than being a prescript and, as can be expected, it is **generally** neglected. Should [iv] be given primacy and located within a culture of change, it would be implied that the special programmed components/officers are to act as agents and managers of change for the attainment and management of representivity within a diversity programme. In many senses, the demands of representivity, therefore, would require many new and complex skills, It would further suggest that representivity and AA are at the cutting edge of change in the public service and, as such, is a long term project.

In summary, Chapter B VII provides a technician and mechanical approach to AA that is devoid of a deeper interpretation of AA as a tool of social redress. It limits the role of AA within the public service and is non-transformative as it is premised upon an assimilationist model of AA where organisational context is not required to change.

4.2 Other general limitations of Chapter B VII

Chapter B VII offers no definition of representivity nor does it definitively identify who the disadvantaged are.

Chapter B VII offers no guidelines on the management of change related to AA, yet AA management is littered with the need for the management of change. In adopting AA, practitioners usually run headlong into constraints and resistance. Some of these are related to its perception as reverse discrimination, a lack of commitment to it, tokenism and the fear of a drop in standards. Practitioners in the field as change agents have to be equipped to be able to confront this baggage dispassionately and effectively and to deal with the tensions that change brings. As a result AA practitioners often find themselves acting as mediators in conflict, counselors, enforcement monitors, regulators of the work environment and management consultants to name a few of their 'fringe' functions. AA involves policy development, project development, implementation and monitoring, performance reviews and evaluations, grievances, mediating the work environment, job training, recruitment and outreach, mentoring, career pathing, compensation and benefits, succession planning, employee counseling, etc.

Thus AA programmed ought to be holistic and should include strategies for the management of change and diversity. These should be accompanied by effective human resource development programmed for both practitioners and AA beneficiaries. (The matter of human resource development is dealt with later in paragraph 6.3) Without effective human resource development, AA employment strategies will surely flounder but worst still, they will render the public service increasingly dysfunctional. Appropriate AA policy cannot stop short of embracing all of these concerns.

There are several important differences in approach to AA between the Chapter B VI I and the White Paper. The following is a brief discussion of these as they relate to major policy implications.

4.3 Major differences in the approach to AA between Chapter B VII and the White Paper and their policy implications.

The following three major differences have been extracted to illuminate major policy shifts for AA within the public service:

4.3.1 Firstly, although Chapter B VII vaunts representivity **the White Paper, while covering similar ground, emphasises a more holistic approach to the topic of representivity and AA.** For instance Chapter B VII defines AA as 'actions measures and/or programmed designed in the staffing and administration of the public service, as well as the development of human resources with a view to **achieving representativeness**'. The White Paper on the other hand while also

emphasizing the need for a representative public service, does so by stressing the **redressing of past imbalances** and **ameliorating conditions of individuals and groups** who have been disadvantaged on the grounds of race, colour, gender and disability.

When the White Paper's definition is contextualised in the workplace, then it is clear that AA is seen as a broad redress tool. It addresses both imbalances in staff composition through corrective action in career incidents, as well as unfairness in the workplace as a function of 'ameliorating conditions', for those defined as disadvantaged, whatever form unfairness may take.

This definition of AA implies the overhauling of Chapter B VII and requires the introduction of an emphasis that gives substance to the clause 'ameliorating conditions in the workplace', contextualised within the legacy of past inequality.

- 4.3.2 Secondly, the White Paper, in specifying who the beneficiaries of AA are, requires the **acknowledgment of the specific disadvantages** faced by the different beneficiary groups. It also requests the development of equally **specific and distinct strategies for overcoming the relative disadvantage of each group**.

By this emphasis, it is able to address the matter of both individual and group redress. Through the neglect of group consciousness, Chapter B VII was only able to address individual redress.

The emphasis on acknowledging specific disadvantages of groups implies an important research responsibility: Not only is it important to do a quantitative analysis of staffing composition, **but it is equally important to conduct qualitative research to understand the context and manner in which discrimination operates and entrenches itself for the various groups within the disadvantaged collective**, It, therefore, is necessary to understand and investigate the barriers, prejudices, practices and legacies that contribute to the disadvantaged status of women, disabled persons and black employees. It also implies an analysis of differential skill levels, qualifications and experiences of the different beneficiaries and the development of programmed targeted specifically to redress these. Central to the development of AA programmed will be the redefinition of merit and the identification of potential for the staffing of the

public service. This in turn will imply a redefinition of the PASS and relevant sections of the PSSC.

It is only from in-depth knowledge of such issues that effective and goal directed reforms can emerge for social redress to occur.

- 4.3.3 But perhaps the most important and greatest distinction between Chapter B VII and the White Paper, is the **White Paper's location of representivity and AA within the need for equitable and improved service provision as well as its contextualisation of these matters within the politics of race-class.** The

White Paper argues that to improve quality and equity of service provision, it is imperative to draw on the skills and talents of ALL South Africans for their CONTRIBUTION to the development of new and BROADER perspectives on service provision.

This requirement has far reaching implications. It requires a consciousness about service delivery transformations needed based on a **reframed** service delivery dispensation geared towards greater responsiveness to communities and effectiveness within depts/admins. Crucial to this is the location of AA employees within these changes, because of the potential role they could play in reframing public service delivery.

The practical implications of the link between AA and service delivery are that AA be, firstly, integrated into the new strategic visions and plans that depts/admins are developing to meet the need for **equitable and effective services**. AA is guided by the transformation visions of departments and administrations. Without this it could become **directionless** and unable to generate the heightened and improved delivery expected of the new public service. Greater equity, responsiveness and effectiveness in turn presupposes an intimate knowledge of communities and their needs for adequate service provision (hence, situation analyses of communities *vis-a-vis* services needed are required). This requirement in conjunction with the need to skew service delivery in **favour of the most marginalised and impoverished communities** suggests a special place for employees who know those communities intimately and enhance representivity. Hence employees from the AA beneficiary groups should have a direct role to play in the formulation of policy on appropriate service provision and manner of delivery. Should this recommendation be

adopted in depts/admins, given the great criticism of public service delivery, it can be assumed that new service provision methodologies will differ fundamentally from the old. The question needs to be asked, how is AA to be integrated into this goal ?

4.4 Difficulties of implementing AA according to Chapter B VII

4.4.1 Creation of Special Programmed Component

While Chapter B VII provided the technical means for the implementation of AA programmed, through the creation and staffing of AA/Special Programmed Components, AA is progressing very slowly. The difficulties experienced or weaknesses identified which perhaps account for slow delivery are reflected below:

- [a] There generally was no AA vision and depts/admins were at a loss at what to do, and when something was done, a mechanical, piece-meal and technician approach was followed relevant to specific occupational classes. Because of a lack of AA vision in depts/admins, there was no incentive to embark on AA and it was seen as another burden. As depts/admins by and large had not carved out strategic transformation visions in which AA could be located, it had not been integrated into primary functions. AA had thus become ghettoised, There was no deep-seated commitment to AA and special programmed functions.
- [b] Special Programmed Components were under- staffed with 1 Special Programmed Officer (hereafter, SPO) per dept/admin. This uniform standard recommended by the Public Service Commission made little sense given the differences in size between departments and also between departments and administrations. This uniform standard is also detached from an intimate understanding of the varied nature of the work that SPOS perform within their respective depts/admins.
- [c] The location of the SPO posts within the hierarchy of the bureaucracy presented a problem. Most had been created at low levels and, therefore, had no authority with the contradictory assumption that they could usher in broad changes. For instance, the Director-General was regarded as responsible for AA, but the SPO who drove the process did not report to the DG. Thus the contradiction existed that SPO functions

required high level skills for low-level positions - a situation that has caused dissatisfaction and could result in turnover of AA practitioners.

- [d] SPOS were under-skilled for their many complex tasks. The functions of the SPOS were enormous as they cut across so many functions as to render the job unmanageable.
- [e] Contradictions exist between the prescripts of Chapter B VII and other PSSC prescripts.
- [f] SPOS were not regarded nor trained as agents and managers of change.

As a result, relatively few programmed were in place and there was a lack of concrete policies to guide programmed. Programmed which were created were occupation class specific and did not reflect the strategic vision and plan of depts/admins. Also they did not occur within a climate of change.

4.4.2 **Organizational Climate**

Transformation demands have generated a sense of urgency about everything. As an old staid structure entrenched in outmoded thinking and strategies, the public service is struggling to:

- [a] make the ideological shift,
- [b] transform new thinking into reforms of old practice, and
- [c] take on new programmed.

Many public servants are overwhelmed hence inaction results. These difficulties are often reflected as resistance to or fear of change and ignorance about what to do once change has been accepted.

Moreover, the devolution of responsibility for AA from the central level to depts/admins in a rule bound culture has resulted in incapacitation on the ground. The lack of specific rules to guide action is experienced as bewildering in the face of past dependencies.

A threat is created by the perception that non-beneficiaries are missing out on advancement opportunities which could lead them to sabotage the process. The entire process emphasises their loss of control.

Attitudes and perceptions with regard to disability as the equivalent of illness and factors such as:

- [a] the inaccessibility of the physical environment,
- [b] ignorance about disabled persons, and
- [c] lack of knowledge on how to gainfully employ persons with disabilities in the public service

...remain enormous hurdles in the affirmation of the disabled.

With regard to women, gender stereotyping continues to block access to strategic positions and deny recognition of the magnitude of their contribution to public administration.

4.4.3 Policy Formulation

The formulation of Chapter B VII did not occur with much consultation from stakeholders and its implementation has occurred without much systematic monitoring beyond reporting to political principals. The objectives of formative evaluation were not considered when developing the policy.

The language of the policy has been criticised as inaccessible, awkward and that it fails to communicate its intention effectively. The policy also does not reflect benchmarks and performance objectives as a means of guidance.

4.5 Statement of the problem in summary

Chapter B VI I represented a reductionist view of AA that facilitated a mechanistic and piece-meal approach that rendered AA problematic:

4.5.1 AA was not located within public service transformation debate.

4.5.2 Chapter B VII ignores the broader concept of employment equity and the requirement to ameliorate the conditions of the disadvantaged.

4.5.3 The Chapter does not establish a common value base to guide action and in that fails to live up to purposive interpretation on the constitutional requirements for equality in the workplace,

- 4.5.4 AA is delinked from service delivery.
- 4.5.5 The Chapter focuses on representivity and is not presented as an effective tool for the social redress of groups.
- 4.5.6 It under-emphasises the need for changing organisational climate.
- 4.5*7 Chapter B VII creates the impression that AA is synonymous with recruitment, employment and promotion.
- 4.5.8 The administrative arrangements recommended are inadequate as the roles of AA practitioners are unclear and practitioners are located at ineffectual levels in the hierarchy.
- 4.5.9 AA practitioners are largely under-skilled for the tasks involved in AA.
- 4.5.10 Chapter B VI I contradicts other PSSC prescripts.

4.6 Recommendations for final Policy Guidelines.

In view of the difficulties associated with AA in the public service, it is recommended that new prescripts are needed which are guided by a broad conceptual framework that reflect the spirit of AA, its ultimate vision and its areas of coverage.

Policy guidelines must effectively cover weaknesses in current policy and implementation strategies. Thus the policy guidelines must:

- 4.6.1 Provide compelling arguments for embracing AA and representivity beyond it being a constitutional requirement which is premised on the right to equality.
- 4.6.2 Be holistic and cannot **merely** focus on representivity as a numbers driven process. The guidelines must place at centre stage the requirement for the amelioration of conditions of the disadvantaged in the workplace contextualised within the legacy of inequality. The guidelines must present AA as an effective tool of social redress for groups as opposed to only individual redress as implied in Chapter B VII.

- 4.6.3 Advocate the need for qualitative and quantitative research for the uncovering of inequality and to identify how it entrenches itself in the workplace. It should provide recommendations for a redefined concept of merit and the integration of potential within that. These will be presented as the cornerstones for the development of goal directed redress programmed.
- 4.6.4 Locate AA within enhanced service delivery and demonstrate the vital links between AA, broad representation and service delivery as it relates:
- * to policy formulation on service delivery,
 - * knowledge of marginalised communities,
 - * effective service delivery strategies, and
 - * the development of effective human resource development programmed to fulfill this requirement.
- 4.6.5 Provide recommendations for the effective staffing of AA administrative structures and the location of AA practitioners at effectual levels of operation with adequate authority.
- 4.6.6 Provide guidelines for the effective skilling of AA practitioners and adequate definition of job descriptions.
- 4.6.7 Make recommendations for the elimination of contradictions between prescripts.
- 4.6.8 Advocate a methodology that is inclusive.
- 4.6.9 Advocate strategies for changing perceptions of disability as the equivalent of illness and emphasise disabled persons' ability to contribute.
- 4.6. 10Advocate strategies for shifting gender stereotyping, for generating gender sensitive and enabling work environments for women.
- 4.6.11 Advocate the need for effective consultation in AA that draws in practitioners from outside the public service.
- 4.6. 12Locate responsibility for the development of a comprehensive and enabling strategic plan, that goes beyond mere recruitment, in the domain of the highest accounting officer.
- 4.6.1 3Recommend the redefinition of Chapter B VII.

These recommendations should comprise some of the yardsticks by which to evaluate the final document. Only some of its concerns are covered in this Paper. Much of it will require in-depth research.

CHAPTER 5

5. TOWARDS A MISSION OF AFFIRMATIVE ACTION ACROSS THE PUBLIC SERVICE

AA is part of a thorough-going system of public service transformation instituted on the basis of institution-capacity building for good governance and the success of the transformation process more generally.

The broad mission of public service transformation is defined by the White Paper as providing high quality, effective and equitable services to the public in a professional and democratic manner. In terms of the broader mission of the public service, the mission of AA is to:

Facilitate the development of an equitable, service-orientated public service that is effective, efficient, accountable and affirming of the disadvantaged.

5.1. Broad goals of Affirmative Action

Its aims are to ensure that AA as a strategy contributes to the goals of:

- 5.1.1 bringing about representation in composition of staffing at all levels across all occupational classes in which the disadvantaged are under-represented,
- 5.1.2 legitimising the public service by transforming institutional culture and organisational environment in accordance with the principles of broad representation,
- 5.1.3 enhancing the effectiveness and efficiency of the public service by improving productivity and transforming service provisioning according to the principle of equitability and in manners that are responsive and sensitive to communities,
- 5.1.4 building institutional capacity and promoting a professional ethic by enhancing commitment, motivation and morale of public servants through *inter alia*, organisational development and the appropriate management of diversity,

5.1.5 developing **personnel management styles** which generate organisational cultures that:

- * accept, value and support diversity,
- * facilitate the development of staff through the use of empowering management methods,
- * solicit the behaviors needed for the achievement of organisational objectives through the development of suitable managerial tools,
- * create work environments in which all staff can work naturally.

5.1.6 employment equity through the development of equitable **personnel administration** policies and practices for the equalisation of access and outcomes through:

Personnel provisioning and utilisation that covers *inter alia*:

- * human resources planning which includes succession planning for AA,
- * recruitment mechanisms and processes, and
- * performance measurement and promotion mechanisms.

Equitable human resources development which *inter alia* covers:

- * effective induction, orientation and mentoring,
- * education and training opportunities, and
- * career pathing, particularly for employees at the lowest rungs of the employment hierarchy.

Employment conditions and conditions of service that

- * eradicate discriminatory practices and redress employment conditions for employees defined as disadvantaged.

5.1.7 democratizing the state by including the participation of stakeholders in **AA** matters that were traditionally excluded from policy making, planning, implementation, monitoring and evaluation in the public service.

CHAPTER 6

6. SERVICE DELIVERY AND APPROPRIATE HUMAN RESOURCE MANAGEMENT PRACTICES

The public **service** is now subjected to an unprecedented amount of pressure for drastic change. The change in government and the demands of transformation for sustainable growth and a viable democratic social order have brought with them numerous contradictions that require creative problem resolution. Never before has the country faced such great public expectation for improvement in public programmes at a time when calls for accountability in public spending are at their greatest. The public service is expected to:

- [I] trim down while simultaneously meeting the disadvantaged's expectation of greater recruitment into it,
- [II] develop new methods of service provision while improving current services, and
- [III] develop its competitive edge in a short space of time and achieve what other administrations have taken decades to do.

Thus the need for higher, more effective and responsive productivity calls for new ways of public administration. What is needed are administration styles that maximise the contributions of its smaller staff size, that unleash employee creativity, that allow for the development of innovative and appropriate **services**, that facilitate the development and implementation of human resource development strategies suited to the new challenges. In essence, this is nothing less than turning around the organisation that constitutes the public service. The sum total of these is a highly pressurised and stressful work environment. Now, more than ever, innovation in production and human resource processes are called for that can effectively manage these changes. In this scenario, AA brings with it its very own challenges.

AA assumes a diverse workforce which, in South Africa, differs on the basis of race, gender and disability. However, in reality, these are not the only differences between employees. Employees differ along a host of other factors which also impact on the work environment such as functional and educational background, language, experience, lifestyles, socio-economic class position, rank, etc. Thus race, gender and disability are part of a larger and even more complex picture, all of which must be taken into account in the development of effective and sustainable organisations.

The introduction of AA has made the task of management all the more difficult, thus enhancing the need for new management practices based on the principles of inclusiveness.

In an organisational environment characterised by diversity rather than homogeneity, the challenge is creating an organisational environment that works naturally for all employees. If the organisational environment does not work naturally for its employees, then the task of tapping into the potential of its workers is made very difficult.

Appropriate human resource management practices are at the hub of effective and sustainable AA strategies. There is a popular tendency in South Africa to equate AA with recruitment and hiring of the disadvantaged. This approach raises questions about the sustainability of AA once having attained recruitment targets. Will AA have been achieved if mere targets are achieved? Does recruitment in itself eradicate workplace discrimination and create equality in the enjoyment of benefits and opportunities, generate job satisfaction, stimulate creativity and create the outputs desired by organisations? Does successful recruitment result in sustainable AA programmes which result in enhanced efficiency and effectiveness?

Experiences in AA in South Africa suggest an assimilationist approach to AA. The models of AA are premised on the assumption that a company's or organisation's culture evolved over the years in response to business and organisational realities, and as such, it is therefore reasonable to expect that new recruits (including AA employees) should conform to the organisation or company. However, the experience of most AA employees is that organisational environments are alienating and hostile to race-gender-disability differences. Hence turnover and job dissatisfaction are high. More often than not AA appointees are seen as under-performers with candidates having been affirmed above their levels of competence and comfort. Assimilation models of AA expect newcomers to fit in and the burden of making the change falls onto AA employees. Managers have insisted that people who are different have to bear the brunt of adjusting. However, people are increasingly less willing to be assimilated and lose group identity. It is true of the many young and new recruits into management levels who question the wisdom of serving officials with outdated experience and who see little value in learning to be like them. But the greatest danger of assimilation for those who agree to conform is that new employees are so busy fitting in that they cannot focus on their personal strengths or on innovation. The consequence is lacklustre performance and dissatisfaction.

Turnover amongst black employees appears to be high in the private sector with a similar pattern beginning to emerge in the public service. The reasons for this appear largely to lie in dissatisfaction with work culture, management styles and an escalating demand for skilled and competent AA employees within the employment sector. Complaints about token black appointees given responsibilities of no consequence and general mistrust of the abilities of black employees are common place. In relation to women, it appears that women are used for work with high level responsibilities but are seldom appointed in responsible positions. Disabled persons on the other hand are denied employment opportunities. This points to gross abuse of management practices in South African organisations, including the public service. Thus if AA targets are achieved and effective, happy, and, therefore, committed and creative **workforces** developed, appropriate management practices are needed that value the diversity of its workforce and that harness its creativity and innovation. This scenario calls for new managerial tools that empower and enable which successfully solicit the behaviors necessary for achieving organisational objectives,

A new paradigm is required that moves away from AA as **merely** a numbers driven process to **corrective action on the organisation**. The new paradigm should require:

- [a] appropriate recruitment mechanisms for the achievement of broad representation,
- [b] effective management of diverse staffing,
- [c] interrogation of the culture of the organisation to eradicate discrimination,
- [d] consciously building a new organisational culture from its roots - its hidden assumptions about itself - on the principles of equality, inclusiveness, diversity, responsiveness, accountability and effectiveness,
- [e] changing organisational systems to support and reward the new culture, and
- [f] introducing a long-term change management strategy.

6.1 Service Delivery and Human Resources Planning

On the matter of service delivery, the White Paper sets out an administrative strategy to guide departmental/administration service provision. Its central elements are:

- [a] The development of a new mission statement by **depts/admins** which reflect service guarantees.
- [b] The:
- * identification of services to be provided
 - * identification of specific target groups
 - * clarification of service charges in line with the principle of affordability
 - * redirection of resources to areas and groups previously under-resourced
- ... in line with reconstruction and development objectives, and the principles of equity.
- [c] The clarification and definition of service standards, outputs, targets and performance indicators to assess success using international standards as the basis for benchmarking.
- [d] The development of staffing plans to specify human resource development, organisational development and institutional capacity strengthening needs.
- [e] The development of a culture of customer care and approaches to service provision that are sensitive to the issues of race, gender and disability.

These are the matters which constitute the framework onto which **depts /admins** AA plans are to be hinged and for which Chapter B VII requires a total reorientation. This shift will require a move away from **merely** representativeness as numbers driven process, as has become the case. In line with the White Paper recommendations and an AA ethos, it is suggested that the above incorporate the following to ensure integration of AA and coherence in strategy:

-
- [i] Situation analyses of communities which should:
- * identify the **marginalised** and impoverished communities in line with White Paper recommendation amongst other target groups.
 - * identify the differential needs of target groups.
- [ii] Development of plans and programmed of action to meet needs that prioritise impoverished and **marginalised** communities based on intimate knowledge of target groups. It is assumed that AA employees are more likely to know these target groups more intimately since they are part of them, hence they have the potential to make incisive contributions.
- [iii] Human resource planning based on the principles of AA and credible leadership in delivery. This step must include the identification of staff for fast tracking.
- [iv] Strategy for capacity strengthening of staff and organisation.
- M AA human resource development, training and fast tracking.

An AA approach skewed in the direction of service provision implies a **goal-directed** strategy skewed in the direction of enhancing performance of organisations. It also implies the integration of AA matters transversely into all the functions of depts/admins, rather than its marginalisation into separate specialist components which conduct separate pieces of work around correcting racial, gender and disability imbalances in staff composition. The integration of AA in this manner will require a **TOTAL COMMITMENT AND INVOLVEMENT** of the most senior management structure to ensure the reframing of normal line functions according to the principles of enhanced service provision and the location of AA and representivity within it. It also suggests quite clearly the areas for training and general human resource development of AA personnel.

6.2 Human resource provisioning and utilisation.

6.2.1 Publicity

[a] Problems related to publicity

It is generally accepted that the inequities of the past have created a deeply fragmented society and that there is uneven awareness amongst South Africans of the variety of vocational opportunities available in the public service. It is also true to say that the greatest information deficit on occupational opportunities, exists amongst the historically disadvantaged. From a historical point of view, transitions from authoritarian to democratic government have been accompanied by great public expectation for recruitment into the public service (as witnessed in the Jobs for South Africa exercise). However, public confidence in the public service as a source of employment could be at its lowest ebb because of the current rightsizing project. Thus, if the public service is to meet its objectives of downsizing while simultaneously meeting the historically disadvantaged's expectations for employment on the basis of their disadvantage, then new and innovative strategies are called for that meet their expectations in the face of great fiscal constraints.

A way to begin redressing this situation could be through the launching of publicity campaigns that reach out into communities to target information deficits and expectations for real employment. If such programmes are coupled with vocational counseling aimed particularly at those hard-to-fill occupational classes (hereafter, scarce occupational classes), then the possibility exists of beginning to build capacity amongst the disadvantaged in scarce occupational classes. Such an approach begins to create opportunities through the translation of awareness of potential job opportunities and the necessary qualifications and skills to fill these posts. An approach such as this would, therefore, necessitate a reconceptualisation of publicity in the public service.

Thus the goal of publicity in the public service amongst the disadvantaged is to create an **awareness of career opportunities available in the public service for all but especially among the disadvantaged and marginalised communities with special emphasis on scarce occupational classes.**

[b] Strategies

In view of the above argument, strategies for publicizing career opportunities in the public service should integrate methods of advertising with programmed of community outreach. These should create awareness of career possibilities and should simultaneously adopt a development approach in order to begin building capacity amongst the disadvantaged to meet the human resource needs of the public service.

[i] Community outreach publicity programmed

Community outreach should embrace programmed of publicity campaigns through community structures such as schools, universities and technikons. These could take the form of information brochures on the public service that are *inter alia* disability friendly, which reflect the variety of occupations needed in public service delivery. Campaigns should inculcate the value of the public service and the opportunities available in serving the state. Other structures to target are professional bodies and interest groups. Marginalised communities, such as black and rural communities, in particular, require targeting because of their historic neglect.

[ii] Advertising

Advertising should be aimed at publicizing career opportunities and should be directed at attracting the best candidates on the principles of employment equity. To access communities on a fair basis, the question of what constitutes 'accessible media' for the different groups that is sensitive to the issue of the 'rural-urban' divide needs to be problematised. This is particularly so for the disabled.

In consonance with the principles of employment equity, advertisements should **reflect the minimum requirements for a job** and should not include demands that are not essential to a position to comply with the requirements of fairness. These should be aligned with the post and person specifications for positions.

[11]

Recruitment mechanisms

According to PSSC, recruitment mechanisms are quite diversified yet, the public service relies heavily on a single mechanism thereby disadvantaging many. What is needed in addition to diversification of recruitment practice is the injection of a developmental orientation. Appropriate mechanisms for recruitment to the public service involve:

- [1] Awarding bursaries. Bursaries, however, cannot be tied into guarantees of employment for non-serving employees.
- [2] Offering internships or vacation employment.
- [3] Serious consideration of unsolicited applications for employment.
- [4] Head hunting.
- [5] Referrals.
- [6] The use of employment agencies.
- [7] Recognition of high performing employees.
- [8] The development of a skills data base and the identification of potential appointees from it.
- [9] Advertising internally through the use of internal circulars and advertisements.
- [10] Access to a national data base on disabled persons in which they could register their skills and competencies for possibilities of employment.
- [11] Advertising through professional bodies, educational institutions, interest groups and the media.

6.2.2 Selection

Selection mechanisms should be based on the principles of fairness. This entails using the inherent post and person specification requirements of positions which ought to be reflected in advertisements.

Current merit criteria are based on Section 11 of the Public Service Act (1 994) which for affirmative action purposes is limited. Section 11 is based on the understanding of formal equality. Upon this premise selection criteria are narrowed down to, amongst other things, 'only qualifications, level of training, merit, efficiency and suitability of candidates'. These criteria are qualified by the requirement to take into account any 'other prescriptions' from the Public Service Commission that relate to the filling of posts or appointments such as the Personnel Administration Standards, language specifications, age, etc. Despite the latter the main pillars of recruitment practice in the public service are qualifications, level of training, merit, efficiency and suitability of candidate.

From an AA or a substantive equality point of view, these criteria are problematic and are made worse by the inclusion of the word 'only'. The term 'only' is restrictive as it immediately eliminates candidates **with the required skills** but **without** formal qualifications from competing for posts against those with the formal qualifications. At issue in this sub-section too is the narrow interpretation of the terms:

- [a] '**qualifications**' to mean largely formally obtained certified qualifications, ⁶
- [b] '**level of training**' which in practice refers predominantly to

⁶

Although Chapter B VI/I [PSSC] draws in other criteria such as health, citizenship and character, it is argued that while they are contributing factors to appropriateness of candidature, they act more as factors for entitlement to appointment and are used as 'disqualifiers' in the initial screening for suitable candidates. They, by and large, do not constitute the core or hard criteria for vetting the best candidate. As such they are not **the** selection criteria.

formally obtained certified training,⁷

- [c] **'merit'** which according to common practice within the public service refers to reliance on promotability assessments based on work performance and hence merit placement on the preferential list for serving personnel,⁸
- [d] **'suitability of candidature'** which is measured by the 'degree of fit' between the candidate, post and person specifications of a job and significantly, the ability to fit into the specific context of the organisation/division. It is largely the absence of post and person specifications at this point in the public service and the need to 'fit in' that poses potential problems for AA candidates
- [e] **'efficiency'** as defined appears to be better suited to serving public service personnel. Efficiency ought to be dependent upon the implementation of a **performance appraisal** system not linked to upward mobility and monetary reward, but instead to capacity building received

7

Other specifications referred to in Chapter B VI/1 [PSSC] that should also be taken into account when considering 'level of training' are 'applicable work experience' and 'knowledge of specific field'. However, the major thrust is on formal training received.

B W/1 **makes** allowance for credentials from professional bodies, past work accomplishments and records of past work. However, in the case of serving public servants, it is the promotability assessment measures and preferential list placement that carries significant weight despite the recent prescripts to advise against this with the growing opening up of employment practice.

During this betwixt and between period of moving from the old to the new in the public service transformation process, there is great inequality between **depts/admins** in their transformation stages. At this point it would appear that the many of **depts/admins** have not yet completed their strategic transformation visions and plans. This implies that numerous **depts/admins**, if not the majority, will not yet have reframed their service delivery strategies and accordingly reframed their post and person specifications. Hence, it is not unfair to suggest that there is not yet great clarity on the type of candidate **required** to staff the **public** service to meet transformation objectives. Thus the combination of:

- * unclear or absent strategic visions and strategies
- * the lack of post and person specifications in general and
- * the lack of reframed post and person specifications

potentially **constitutes** a lethal cocktail for remittance of the 'right' types of people. In the absence of this one can assume that recruitment will occur according to the old objectives and it is in this context that 'suitability of candidate' will be defined. **Thus** the emphasis will be on conformity to the old rather than matching to the new vision. This poses problems for the issue of diversity implicit in the management of AA.

through the guidance of a review of staff performance. The system would appear to be absent in the public service.¹⁰

The application of these criteria has been criticised as discriminatory and insensitive to matters of diversity and has contributed to the legacy of inequality in the public service.

To broaden the understanding of selection **beyond conventional usage**, by giving skilled and potentially good but formally under-qualified a chance at entry, a redefinition of concepts and changes to the policy process is **needed**.¹¹ Should the current situation continue to apply, the danger exists that AA in its broadest sense will never be effected.

For instance, merit below the level of the management echelon should refer to (some of these are already reflected in PSSC):

- [1] minimum qualifications required for a job as opposed to maximum qualifications,
- [2] technical knowledge and expertise,
- [3] skills which are reflected in formal training received, informal training and prior learning obtained through non-formal education all of which could be assessed through appropriate competency based types of tests,
- [4] potential of candidate as reflected in the individual's self-development and past involvements, interests and knowledge,

¹⁰ **Concerns** raised by this Subsection are questions of how to measure 'efficiency' as defined in the absence of performance appraisals and in **the** context of the rather unstructured work processes of the public service. Also how can the efficiency of lateral entrants to the public service be measured? It is **thus proposed** that efficiency be **substituted** for effectiveness as it is a concept that lends itself easier to assessment through curricula **vitae** and appropriate forms of testing and is in line with the public service transformation.

¹¹ Most importantly, those applying **the concepts** need to be made aware and need to understand the broad interpretation of **the concepts**. This implies a **need** to examine the policy development process and the processes involved in the 'handing over' of policy for implementation to ensure common and thoroughness of understanding.

-
- [5] leadership qualities,
 - [6] understanding of organisation's vision and individual's commitment to it,
 - [7] language and communication ability,
 - [8] interpersonal skills such as being able to work in teams and openness to matters of diversity,
 - [9] past performance and experience,
 - [10] capacity to learn, ability to take initiative and be creative and problem solving, and
 - [11] office administration skills.

At the management echelon merit should include the above criteria as well as:

- [1] aptitude for human resource management,
- [2] capacity to coordinate and control especially with regard to team work,
- [3] capacity to conceptualise at a strategic level, plan and manage strategically,
- [4] ability to transfer skills,
- [5] ability to motivate others,
- [6] analytical skills,
- [7] computer literacy,
- [8] build and lead teams,

[9] knowledge on state of the art developments in field of operation, and

[10] capacity to engage in or ensure human resource development.

Selection panels should be constituted on the principles of representativeness and should reflect expertise on affirmative action issues of race, gender and disability.

6.2.3 Appointment

All appointments should be undertaken with the view to filling the public service with a stable and permanent staff in line with the goals of achieving broad representation and supportive of the principles of employment equity. Thus the practice of employing casual workers over extended periods with particular reference to the use of the disabled in this manner needs to be eliminated. Disability cannot be seen as an obstacle to appointment in permanent capacities. Moreover, the appointment of casual workers should not occur at the expense of the development of serving employees.

6.2.4 Promotion

Promotion as used in this section refers to the vertical movement of employees from one post level to another. The same criteria that apply to appointments must apply to promotion.

6.2.5 Transfer

Transfers should embrace the principles of fairness and be used for the purposes of multi-skilling and career pathing.

6.2.6 Discharge and termination of services.

In this section discharge is distinguished from termination of services. Discharge as meant in this document refers to the termination of services on the basis of misconduct and similar employer induced departures while termination of services refers to leaving the public service for reasons of ill health, early retirement, i.e. employee motivated departure. Ill health is not to be confused

with disability. Both are to be conducted in accordance with the requirements of the Labour Relations Act, 1995 (Act No 66 of 1995).

6.3 General Conditions of Service

Conditions of service should be characterised by fairness and equitability. Towards this end discriminatory conditions of service need to be eradicated, it is in this regard that the interests of serving disadvantaged employees require particular attention. For instance, the in-built discrimination relating to uneven contributions by different administrations to the Government **Service** Pension Fund is an example of such discrimination.

6.4 Human resource development, training and education.

Human resource development strategies ought to be inspired by the goals of diversity management, transformation and service delivery. Human resource development needs of AA employees can be dealt within the usual training opportunities available to all public servants. However, what needs to be built into public service human resource development strategies are thorough-going programmed of orientation to the public service and government and thorough-going inductions into depts/admins and line function responsibilities. These should be available to all public service appointees irrespective of whether they promote **representivity** or not. Thereafter, employees from the disadvantaged should be prioritised to receive generic training on offer by **SAMD** and the various skills specific training available through the variety of training organisations in the country already currently in use in the public **service**.

6.4.1 Types of HRD strategies

[a] Orientation

There are various types of orientation required. These could be

[i] Orientation of all new recruits to the **public service**.

With the current opening up of employment in the public service, new recruits join the public service at entry grade posts and higher levels. **All** new public servants need to be given a general orientation to:

- [a] the public service in general *vis-a-vis* the structure, links and purpose of the various depts, admins and other agencies,
- [b] the workings and goals of government with particular attention to parliament and its structures and
- [c] the **scope, context and purpose of public service transformation.**

However; the different target groups within the generic group of new recruits need to be identified by post level to determine the level of an orientation programme. In this sense there could be basic and advanced courses. To overcome the difficulties of timing of orientation programmed as recruitment occurs throughout the year, perhaps the utilisation of audio-visual self-instructional media could be explored. The benefit of such a method is that it could target the entire country at one go without being too costly as depts/admins already possess much of the hardware that would be needed. In doing this it would fill a much needed gap while ensuring a common level of consistency of information and acceptable levels of quality of information.

[ii] Orientation to departments/administrations of recruits and serving public servants

The purpose of orientation would be to acquaint the newly appointed with:

- [a] the structure, purpose and links of the various structures of a **dept/admin**,
- [b] the workings of depts/admins including submission systems, 'contents of the office manual', etc,
- [c] the peculiar work culture and work styles of depts/admins,
- [d] general conditions of service as it pertains to leave, medical aid, relocation, bursaries, etc,
- [e] senior management and **their** expectations, and
- [n] labour organisations operative

A similar approach could be followed as described in [i] above but limited to that dept/admin only.

[b] Induction into line functions

Induction into line functions occurs at chief directorate/directorate/sub-directorate level depending on level of appointment. The public service has a poor track record with regard to induction and it would appear that inductions are either very poorly done or not at all. Most new appointees are expected to simply sink or swim on entry because there usually is nobody available to induct and mentor them due to work pressure.

Given the state of:

- [i] induction and
- [ii] the lack of effective mentorship in the public service, in the face of public service dependency on it as the dominant method of developing public servants,

... it is worth exploring whether something could be done to ensure a minimum acceptable standard of training involving induction that is based on the development of core curricula for **related** occupational classes.

For instance, within the occupational class State Administration Officer, basic references that guide line functions are the Constitution, Public Service Act, Public Service Regulations, Labour Relations Act and Public Service Staff Code. Given this fact, a core curriculum presented in modules could be developed that is provided through the medium of computer assisted learning programmed with testing, all of which could be self administered. This would ensure minimum levels of competence with basic tools across all new recruits which could also be used to ensure that sewing employees are updated on policy adjustments. A modular approach would facilitate differential emphases of the various sections most needed by components in a department.

However, for this to be a viable method, the question that comes

to mind is whether there are other occupational classes who also use these basic texts and which these are, for tying into core curricula. If viable then the matter of which other core curricula are needed to augment line function induction, needs to be explored. According to the Occupational Family List, **the public service** has 46 occupational families and 335 occupational classes within these. However, even if such a concept were viable given the plethora of occupational families, effective induction would still require effective- **mentorship**. However, it needs to be emphasised that computer assisted learning cannot be a **substitute** for **mentoring**.

[c] **Mentoring programmed**

As a new recruit upon entry, it is common practice to have individuals in the public service identified for assistance when needed. These are usually supervisors who act as mentors. More often than not, mentors are very busy and make short shrift of this responsibility or lack the abilities and skills for effective mentoring. To redress the lack of ability to mentor, mentoring training programmed could be developed to enhance skills. These courses should inculcate the importance of matching personality of mentor to the task of mentoring.

[d] **Fast tracking/accelerated development**

The notion of fast tracking is most often linked to AA programmed in the public service. However, it is a common strategy in many public administrations and could serve all public servants.

[e] **Bursaries as a tool for building human resource capacity in scarce occupational classes and for adult basic education and training (ABET)**

Scarce occupational classes refer to positions that are hard to fill such as those in the area of IT and those based in the hard sciences. This is of particular relevance to AA and the section referred to under Publicity [1][a] bears significance. **Bursaries** or schemes for basic adult education need further exploration to

balance the tendency to provide life-long learning to only the professional occupational classes and management echelon.

6.5 The management of change and the valuing of diversity

Few managers in the public service have the skills and experience to manage long-term change. **Change** objectives are well intentioned and usually start off well, but eventually managers become frustrated and ineffective as the complexities and ambiguities of long term change arise and settle in. In view of the ambitious transformation and reform goals of the new public **service**, training in the management of long term change is sorely needed. In the face of South Africa's divisive past, programmes on the valuing of differences are also required.

6.6 Career pathing

There is currently much debate on the appropriateness of the current employment policy with questions about the virtues of an open versus a career system. In view of AA, it is argued that the career system in large measure be retained from entry level up to the level of assistant director, with flexibility for lateral entry, but that higher levels pursue an open system.

Multi-skilling of especially lower level employees becomes particularly important in preparation for their upward mobility and should be a function of lateral mobility within the public service.

6.7 Labour relations

The White Paper on the Transformation of the Public Service argues that to ensure workplace democracy, building effective Government-Community partnerships is a precondition of effective exchange. In relation to **labour** relations in the public service, this requirement presupposes the bringing together of the public service as employer and trade unions.

The White Paper on the Reconstruction and Development Programme also strongly advocates the reconstruction and development of industrial relations through the building of consensus and commitment to achieve innovation, creativity and flexibility in national norms and standards by effective communication and consultation. These objectives must be borne in mind in matters relating to fulfilling the constitutional goals of the broadly representative public service.

Labour organisations complain currently that they are not sufficiently able to participate in matters of AA. Thus they have requested the development of employee organisation policy guidelines to guide their involvement.

6.8 AA and its relationship to the structures of transformation such as the Transformation Units and the Public Service Transformation Fora.

Given the profound links between AA, service delivery and transformation, it is in the interest of AA and transformation to explore the links between transformation structures and the administrative arrangements of AA.

CHAPTER 7

7. WAY FORWARD

This Green Paper has argued for a holistic approach to AA and a move away from AA as merely a numbers-driven process and assimilationist models of AA. The conceptual approach favoured is the perception of AA as a comprehensive process of institutional capacity strengthening closely aligned to public service transformation and reform rather than the traditional approach of AA as recruitment and selection. The Paper too has further argued for affirmative action to be seen as a strategy for the attainment of equality for the disadvantaged as opposed to a strategy of reverse discrimination and preferential treatment.

It proposes the development of coherent, broad policy guidelines that occur in two stages:

- Stage 1: The development of a conceptual framework that builds common understanding, purpose and outcomes.
- Stage 2: The development of more practically oriented broad policy guidelines will be premised upon the variety of mandate sources that relate to AA.¹²

The next part of Stage 1 is consultation with departments and administrations and other stakeholders. This Paper should be considered an initial step in the evolution of an appropriate AA strategy for the public service.

It is hoped that this discussion has gone a long way in providing greater clarity on AA and in generating a common understanding.

¹² These are amongst others, the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996); the Public Service Act, 1994, as amended, Occupational Health and Safety Act, 1993 etc.

GLOSSARY OF TERMS

Affirmative Action

Refers to a strategy for the achievement of employment equity by redressing imbalances in organisational culture, staff composition, human resource management practices and service provisioning. Its express purpose is to ameliorate the conditions individuals and groups in the workplace. AA is achieved through the creation of laws, programmes and activities designed to eradicate unfairness and discrimination in the workplace as it pertains to the disabled, women and blacks.

Blacks

This is a generic term referring to Africans, Indians and Coloureds.

Broad Representation

A broad concept that refers to a public service whose:

- [a] culture is based on the principles of inclusiveness, diversity, responsiveness and equality,
- [b] composition is broadly reflective of South African demographics according to race, gender and disability and where the beneficiaries of AA are blacks, women and the disabled,
- [c] human resource management practices incorporate the values of inclusiveness and diversity and
- [d] service provisioning practices are premised on responsiveness, equity and effectiveness.

Career Planning

Refers to the set of activities that both the individual and the organisation engages in, in planning the individuals progression within

the organisation. This is accomplished through, *inter alia*, goal-setting.

Diversity Management

Refers to a comprehensive *managerial process* for developing an organisational environment that works *naturally* for all employees. Managing diversity seeks to tap the full potential of all employees, in pursuit of an organisation's objectives, where employees may progress without regard to irrelevant considerations such as personal attributes.

Effectiveness

Refers to the achievement of the organisation's objectives.

Efficiency

Refers to achievement of organisational objectives with minimum waste.

Equal opportunities

Equal opportunities is a **principle** enshrined within the ideal of a representative public service to ensure equality in employment for the equal enjoyment of rights, opportunities, benefits and access in the workplace. As such, it is a tool to eradicate discrimination and unfairness in pursuit of the goal of a representative public service.

Equitability

Occurring within the principles of fairness and justice.

Gender

- Sex refers to the physical definition of male and female. Gender refers to the social meaning attributed to the concepts of **man** and **woman**.

Historically Disadvantaged -

This refers to blacks, women and person with disabilities.

-
- Human Resource Development -** Refers to the development of the skills, knowledge and attitudes needed by an organisation's human resources to cope with the changing work environment. These include induction, orientation, mentoring, education and training.
- Human Resource Management -** Refers to the use of various *managerial* tools to enable people to practice the **behaviour** required for achieving the organisation's objectives.
- Organisational Culture** Refers to the basic assumptions driving the life of an organisation. These are usually unexpressed, unconscious and unexamined and differ from the organisational systems and values and norms.
- Organisational Environment -** Incorporates the notion of the culture of an organisation as well as its organisational systems (procedures and practices) and work styles.
- Public Administration** Refers to the activities and practices involved in implementing the policies and practices of government.
- Reform** Refers to a long-term and on-going process of administrative reform which is required so that the South African public service keeps in step with the changing needs and requirements of domestic and international environments.
- Transformation** Refers to a relatively short-term process, designed to fundamentally reshape the public service for its appointed role in the new dispensation.

CONTENTS

No.

*Page Gazette
No. No.*

GENERAL NOTICE

851 Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service	1	18034
-------------------------------------------------------------------------------------------------------------------------------------	----------	--------------
