

**CHALLENGES FACING THE IMPLEMENTATION OF THE
EMPLOYMENT EQUITY ACT IN PUBLIC FET COLLEGES IN THE
WESTERN CAPE**

by

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DECLARATION

I, Malcolm James Meyer, declare that the contents of this thesis represent my own independent work, and that this thesis has not previously been submitted for academic examination towards any qualification. Furthermore, it represents my own views and opinions and not necessarily those of the Cape Peninsula University of Technology.

.....
Signed

.....
Date

ABSTRACT

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. While there is some research on the challenges of implementing the EEA legislation in universities, there is a paucity of research on the difficulties faced by Further Education and Training (FET) Colleges.

The purpose of this research project was to investigate the extent to which the EEA has been implemented in public FET Colleges located in the Western Cape Province, with the specific objective of identifying possible barriers to the implementation of the EEA in these Colleges. The research question was: What types of challenges¹, or barriers (if any), exist in the implementation of the EEA in public FET Colleges in the Western Cape? This study is informed by critical social theory. The design of research in this study is both qualitative and quantitative. Data were collected from Deputy Chief Executive Officers (Corporate Services), Human Resources Managers and Campus Heads from each of the four Colleges. Semi-structured, open-ended interviews and documentary analysis were used. Data were analysed quantitatively and qualitatively. Four of the six FET Colleges in the Western Cape Province were selected on the basis of their geographical location and the diversity of their personnel.

Results revealed that in public FET Colleges in the Western Cape, white males and coloured females dominate top management positions. Data further showed that the Indian group is the least represented at both top and bottom levels of these FET Colleges. Although white females are fewer than their coloured female counterparts in top positions, they are nonetheless more than double the number of their black female counterparts. These results have serious implications for implementation of EEA legislation in general, and in the Western Cape specifically.

¹ 'Challenges' is a term used broadly throughout this thesis to include both structural barriers within the administration of Colleges as well as the intellectual difficulties and social prejudices that sometimes face officers in administration in their effort to come to terms fully with the EEA.

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DEDICATION

With tears in my eyes, I dedicate
this thesis to my late mother,
Helen Rhoda Ann Meyer;

I know you are smiling and proud
of me. Thank you for raising me
as a single parent in very difficult
circumstances and during
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GLOSSARY

Terms/Acronyms/Abbreviations	Definition/Explanation
BEA	Bantu Education Act
CEO	Chief Executive Officer
CH	Campus Head
DCEO	Deputy Chief Executive Officer
DHET	Department of Higher Education and Training
EE	Employment Equity
EEA	Employment Equity Act
EPP	Employment Equity Policy
FET	Further Education and Training
GAA	Group Areas Act
HEI	Higher Education Institution
HRM	Human Resources Manager
LRA	Labour Relations Act
RSA	Republic of South Africa
SASA	South African Schools Act
TVET	Technical and Vocational Education and Training
WCED	Western Cape Education Department

CHAPTER 1

INTRODUCTION

1.1 Introduction and Background

For over 40 years the Nationalist Government of the Republic of South Africa (RSA) implemented a systemic programme of racist social engineering called apartheid. According to Choksi, Carter, Gupta, Martin and Allen (1995), the aim of apartheid was to maintain white power and domination while extending racial separation and subjugation of others. This domination was directed by its architect, Prime Minister and former Minister of Native Affairs, Dr H.F. Verwoerd.

Dr H.F. Verwoerd then drafted the Bantu Education Act (BEA) (Act 47 of 1953) for Black Education in the Department of Native Affairs. The Department of Native Affairs, of which Dr Verwoerd was the minister, compiled a programme of lower-grade training which disadvantaged² millions of people in South Africa. According to Ali (2003:91), the political dominance of apartheid in 1948 and the *de jure* application of its policies and programmes, the racist regime of South Africa implemented and formulated separate, unequal and essentially inferior programmes of education that it called Bantu Education (BE) for the African population of South Africa. The BE, as stated by them, was also intended to entrench the so-called superiority of Afrikaners. These Apartheid laws led to discrimination, inequalities and gross injustices against the majority of South Africans.

According to Dr Verwoerd, the aim of the BEA was to prevent all historically disadvantaged people from receiving the kind of education that would enable them to obtain or compete for jobs reserved for whites. Similarly, dating back to when the slaves

² For the purpose of this research project 'historically disadvantaged' or 'disadvantaged' are collective terms used in this research study, without any sense of prejudice or discriminatory implication, to refer to all those millions of individuals who were marginalised, humiliated or financially disadvantaged by the systemic political racism of apartheid: this includes all persons with disabilities, gay men and women, all women, Indian, coloured and black groupings.

were forbidden to learn to read and write under threat of physical harm or death, African Americans have invested education with mythic qualities, holding it up as both salvation and hope for the future. Nonetheless, no matter how much education African Americans have achieved since then, they have still suffered discrimination based on their skin colour (Allen, Teranishi, Dinwiddie & Gonzalez, 2002:440).

The BEA states that these disadvantaged groups were allowed to receive only lower-grade training that would equip them to work as labourers for whites or to serve their own people in the homelands where they were obliged to live. Hofmeyr (2000) notes that the RSA had different racially-defined education sectors administered by separate government entities: the House of Assembly (white), House of Delegates (Indian), House of Representatives (coloured³) and the Department of Education and Training (black). He maintains that these departments were funded according to race: whites receiving the greatest share, blacks the least. Many of the laws enacted during British and Dutch colonial rule, negatively affected the employment opportunities of African, coloured and Indian people (Portnoi, 2003:81). Jansen (2001:555) emphasises that higher education institutions were ranked in terms of efficiency rather than quality, and the focus rather being on how well institutional resources were managed. He further stated that there was a problem though, in applying a standard measure of efficiency given the enormous disparities in capacity and resources between white and black universities in South Africa which was a direct legacy of apartheid. Norris (2001:219) mentions that education in South Africa was always segregated along racial lines, and the apartheid system of social engineering ensured that the majority of blacks were denied access to white institutions and education of quality. Portnoi (*ibid*) states that as the apartheid regime began to unravel in 1980s and early 1990s, the discussion of affirmative action and employment equity gained momentum. The provision of vocational training under apartheid was characterised by unequal access to learning opportunities based on race, the division between practice and theory and an unequal allocation of funding between historically white institutions that were described as state-aided Colleges and historically black

³ For the purpose of this research project, terms such as disadvantaged 'black' or 'coloured' are typed in lower case.

Colleges (Department of Education, 2001:3). Whereas apartheid was de-humanising, educational transformation should seek to restore the dignity of all human beings (Van Wyk, 2005:15). In the U.S. affirmative action programmes were established in the 1960s to compensate for 250 years of governmental, societal and cultural supremacy by the dominant group. Affirmative action programmes were intended to 'level the playing field' for African Americans due to 250 years of slavery followed by 100 years of institutionalised caste system (Lindsay, 1999:189).

The White Paper on Affirmative Action in the Public Service Department (1998:8) clearly states that because of South Africa's history, affirmative action policies were introduced for the first time in 1994 to bring into the administrative heart of government, people from those groups who had been marginalised and systematically discriminated against in the former area. The year 1994 marked the demise of apartheid and the birth of democracy. All historically disadvantaged South Africans who were previously disenfranchised could, for the first time, cast their vote. The elections in 1994 led to South Africa's first democratically-elected government led by President Nelson Rolihlahla Mandela, who ultimately formulated and adopted South Africa's democratic Constitution. The constitution of South Africa (in Chapter 1) was founded on the following values: (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms; (b) Non-racialism and non-sexism; (c) Supremacy of the constitution and the rule of law and (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness. In Chapter 2, section 9 subsection (2) of the constitution, it states that equality includes the full and equal enjoyment of all rights and freedoms and to promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. In Chapter 2, Section 9 Subsection (4)National legislation must be enacted to prevent or prohibit unfair discrimination. Vally and Tleane (2001:180) says that educational reform since 1994 has seen the articulation of new policy goals regarding access, equity, quality, redress, efficiency and democracy. Therefore, in order to guarantee such equality, the Employment Equity Act (EEA) (Act 55 of 1998) was one of

the first new bills passed in Parliament. Its point of departure was to ensure racial equity in the future.

In the preamble of the EEA, it is stated that due to the apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws. Therefore, the EEA recognises that, as a result of apartheid, many inequalities still remain in the labour market in terms of income, employment and occupation. The EEA also acknowledges that disparities are particularly pronounced for historically disadvantaged people (blacks, women and people with disabilities). These disparities could never have been corrected merely by repealing discriminatory laws. Systemic injustices had to be redressed. This process of redress sought to repair at least some of the damage caused by apartheid. The EEA was therefore established to reverse the effects of discrimination of the past regimes, to eliminate unfair discrimination in employment and to achieve a diverse workforce broadly representative of the people of South Africa. Similarly, policies in Canada were designed to increase the representation of particular groups in both the labour market and to professional and senior positions were the distinguishing feature of the Canadian federal policy in the 1980s (Osborne, 2012:255).

Clarke (2003:41) notes that we should ensure that designated groups are equitably represented in the workplace at all levels. He defines designated groups as black people, women and people with disabilities⁴. Similarly, the Employment Equity Act (Act 55 of 1998) Chapter 1 Subsection (1) describes designated groups as black people, women and people with disabilities. The EEA further describes black people as a generic term that refers to Africans, Coloureds and Indians. For the purpose of this study, designated groups, including black people, women and people with disabilities will form the basis of

⁴ The Employment Equity Act (EEA) (Act 55 of 1998) describes persons with disabilities as 'people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment'. Therefore, for the purpose of this research project, the term 'persons with disabilities' is used.

this research project. According to Malherbe (2005:105-6), affirmative action is relevant for the appointment of educators; a matter extensively addressed by the Employment of Educators Act (Act 76 of 1998). The purpose of the EEA is to achieve equity in the workplace by: (a) promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination, and (b) 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. Soni (1999:578) emphasises that the current affirmative action debates involve many on-going, as well as new arguments and that on the one hand: (1) affirmative action is no longer needed as we have largely solved the problem of employment discrimination, (2) affirmative action is unfair to white males because they are losing opportunities to women and minorities strictly based on their race and gender, and (3) it promotes inefficiencies in the workplace because minorities and women are hired and promoted to positions for which they are not qualified. Soni, (ibid) further expresses that the proponents on the other hand argue that (1) discrimination is very much a current as well as prevalent issue, (2) it is difficult to define merit and it is often used as a pretext to exclude minorities from jobs and higher education, and (3) current discrimination is a result of past social and historical practices and that it requires colour and gender conscious remedies to provide access to societal goods, i.e., jobs and education.

Affirmative action in the White Paper in the Public Service Department (1998:9) is defined as 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. Osborne (2012:254) reports that the debate in Canadian universities has periodically addressed the issues of representation and diversity especially amongst academic staff or faculty.

The Group Areas Act (Act 41 of 1950) (GAA) was designed to restrict the black and coloured race groups to their own residential and trading areas. It was also meant to control the acquisition or occupation of land or houses in a specified area under the Act.

Indians and coloureds were uprooted from their homes at an enormous cost and stress to the families. Due to these removals caused by the implementation of the GAA, forced physical separation of people from different racial backgrounds occurred, thereby creating different residential areas for different race groups. Reporting on the same issue, Gray and Beresford (2008:198) mention that diversity in Australia is further underpinned by the dispossession of land as well as the impact of consecutive government policies since white 'settlement' in 1788.

Affirmative action is therefore relevant in the education sector in order to guarantee the equitable appointment of educators from all race groups. This is particularly true because many white educators were traditionally appointed to superior schools in affluent areas while disadvantaged educators were employed in 'their own' geographical areas as stipulated by the GAA under apartheid. The White Paper on affirmative action in the Public Service Department (1998:13) acknowledges that national departments' and provincial administrations' affirmative action programmes will be shaped and managed to reflect their own particular circumstances. The Paper further notes that, to ensure that the Government's affirmative action policies are implemented consistently throughout the Public Service, and that they comply, amongst other things with the statutory requirements of the Employment Equity Bill, programmes must contain common elements that are compulsory. Relaxing affirmative action pressures would only undermine the progress made over the past four decades in these areas (Selden 2006:911).

The EEA stipulates that all Education Departments, College Councils and School Governing Bodies (SGBs) have to, by law, correct the imbalances of the past. Emphasis has to be on equality and equity. College Councils and School Governing Bodies are statutory bodies enshrined in the South African Schools Act (SASA) (Act 84 of 1996) and the FET Act (Act 16 of 2006) that govern schools and Colleges. The SGBs and College Councils must, according to the Employment of Educators Act (Chapter 3), offer recommendations for candidates to the Head of Department of the Provincial Education Departments. Chapter 4 Section 20, subsection (1), states clearly that FET Colleges, in their capacity for appointing lecturers and support staff, bear full legal responsibility as

employers. In Subsection (2), subject to the Act, the Basic Conditions of Employment Act (BCEA), Labour Relations Act (LRA), the EEA, as well as any other applicable law, the College Council must establish posts for support staff and lecturers. Section 20 (7) states that support staff and lecturers contemplated in subsection (1) are to be employed in compliance with the basic values and principles referred to in section 195 (1) of the Constitution of the Republic of South Africa (Act 108 of 1996). Factors to be considered when making appointments must include, but are not limited to: (a) the ability of the candidates, (b) the principle of equity, (c) the need to redress past injustices, and (d) the need for representation.

Van Wyk (2010:361) investigated the implementation of the EEA in relation to racial inequality at the University of Cape Town (UCT). His findings revealed that there were still inequities in the appointment of historically disadvantaged groups: the staff profile of UCT has not changed significantly since the EEA was passed into law. He further found that at UCT, which should be a leader in diversity, the EEA was not implemented properly. His findings, based on an analysis of its staff and student statistics, illustrated that the staff profile of UCT was not consistent with the new requirements of EEA. In his research, he examined UCT's 2003 staff profile. He established that, during the previous decade, the staff profile had not changed significantly. He contended that the equity targets at UCT in 2004 had not been met satisfactorily. In the document published by the Department of Education (2009), the 2007 statistics showed the following percentages for the staff profile at UCT: black, coloured and Indian/Asian staff comprised only 38.6% of permanently employed academics (instruction and research), while white females totalled 42.8%. Van Wyk (2010:361) argues that these statistics indicate employment inequalities in the higher education system in 2007.

On the same issue, Soudien (2010b:883) states that formal exclusion in the higher education system continues to be characterised by racism. His study of staff employment based on race and gender at UCT showed that disadvantaged people were not succeeding in the system. He states that, in accounting for previously disadvantaged people not succeeding in the system, it is important to note that racist attitudes continue

to lurk within the system both structurally and ideologically. Soudien continues that it must be understood that historically disadvantaged people are confronted with far more challenging social forces than their white colleagues. The acuity of this challenge, and not professional shortcomings, account for the majority of failures.

At the Durban University of Technology (DUT), findings from the 2009 Employment Equity (EE) Report by Hemson and Singh (2010:939) clearly stated that the staff at the university comprised more males across all races. It became evident that there were difficulties in correcting the imbalances of social injustice with regards to the implementation of the EE at this institution. Their findings illustrate that at DUT, male staff is in the majority: there are many more Indian and white employees than black and coloured. Van Wyk (2010), Soudien (2010) and Hemson and Singh (2010) find in their research on the implementation of the EEA in the Higher Education sector, specifically regarding universities in South Africa, that there are still many entrenched disparities in the implementation of this Act. They all conclude that the EEA has not been implemented effectively in higher education.

The studies discussed above focus mainly on possible barriers⁵ to implementing the EEA in Higher Education Institutions (HEIs), specifically universities. Such studies remain largely silent regarding the challenges of implementing the EEA in other institutions, such as Further Education and Training (FET) Colleges, public primary and secondary schools.

⁵ The Employment Equity Act, No. 55 of 1998: Code of good practice on the integration of Employment Equity into Human Resource Policies and Practices (2005:8) describes barriers as something that exists where practice and policy, which also includes procedures, guidelines or rules, or an aspect of it that limits the opportunities of employees.

1.2 A brief history of FET⁶ Colleges in South Africa

Bisschoff and Nkoe (2005:205) mentions that the National Department of Education (as a means of further transforming and improving the FET sector) has decided to embark on a process of merging the FET Colleges for the following reasons: (a) the re-integration of resources, which are both human and material resources, (b) the determination of the best, efficient and effective use of these resources, (c) the avoidance of duplication of these resources, (d) the introduction of effective management by detecting and utilising powerful resources out of existing resources, (e) the improvement and upliftment of the standard of education to meet the challenges of the labour market, and (f) the enhancement of co-operative governance, co-operative management, co-operative leadership and co-operative education. They further state that the FET sector is at the cross-roads between school, work and higher education.

Maharaswa (2013:5) the Deputy Director-General at the Department of Higher Education & Training, responsible for Technical and Vocational Education and Training Colleges, stated at the conference of Rebranding the Further Education and Training (FET) sector through leadership and organisational development, that the FET Act 98 of 1998 was enacted and it had since been replaced by the FET Colleges Act 16 of 2006. This FET Act, according to her, has been amended to mainly transfer FET Colleges' functions from the Provincial competence to the Department of Higher Education and Training established in 2009. She continued to mention that all Technical Colleges were as per the FET Act, declared FET Colleges between 2001 and 2003. She further stated that 152 Technical Colleges in South Africa merged to fifty mega FET Colleges with a total of 264 campuses in pursuance of efficiency and improved access to intermediate level skilling opportunities. Similarly, Bisschoff and Nkoe (2005:207) mention that South Africa had initially 152 technical/vocational Colleges, which were reduced to 50 Colleges for

⁶ When the researcher started with this research project, Colleges were known as FET Colleges and subsequently, according to the White Paper for Post-School Education and Training, as of January 2014, FET Colleges are now known as Technical and Vocational Education and Training (TVET) Colleges. The Title of this thesis will remain the same; however the term TVET Colleges will be used from this point forward.

FET. They explain that each new multi-site of FET Colleges is a legal entity, with a single governing college council and a principal within the framework of a single institution.

Like elsewhere in South Africa during the period of the merger of higher education institutions in 2001, the thirty-eight technical Colleges in the Western Cape merged into six FET Colleges in 2003. Maharaswa (2013:4) also stated that the Manpower Training Act of 1981 was established and it facilitated racially inclusive access to skilling opportunities i.e. artisanship. She continued to say that more technical Colleges were subsequently established in the rural and peri-urban areas of the South Africa and that these technical Colleges were small, weak and poorly resourced, fostered inequalities and racial seclusion, had poor access and industry and community linkages and partnerships. The process of the declaration and merging of FET Colleges in South Africa was introduced by the Department of Education as a means of removing connotations of inequalities and inequities in FET Colleges (Van Wyk, 2004b:171).

The Further Education and Training Act (Act No. 98 of 1998) states in Chapter 3, section 14 subsection (6) that the staff contemplated in subsections (2) and (3) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution. In this section it is stipulated that factors to be taken into account when making appointments include but are not limited to (a) the ability of the candidates, (b) the principle of equity, (c) the need to redress past injustices and (d) the need for representivity.

The National Norms and Standards for Funding Further Education and Training Colleges (NSF-FETC) states that the bulk of Provincial Education Departments' (PED) funding of Colleges is in the form of formula funding of programmes, where the formula takes into account a range of service delivery issues. These issues include the type of programmes offered (the NC (V) programmes as approved in a national register), full-time equivalent (FTE) students, cost of delivery including staff, need for capital infrastructure and the ability of Colleges to utilise resources effectively. The FTE formula for funding of

programmes is also intended to cover the recurrent costs of delivering FET programmes, but also certain capital costs associated with those programmes, specifically costs relating to the replacement of facilities and equipment used. Additionally, the NSF-FETC further requires Colleges to incorporate targets relating to gender, race and special needs representivity within the three-year strategic plans that they draw up in collaboration with PED. As highlighted earlier, this study seeks to establish whether these targets are met and the EEA is implemented effectively in the TVET Colleges in Cape Town.

1.3 Statement of the problem

Further Education and Training Colleges are now part of the Department of Higher Education and Training (DHET). The Further Education and Training Colleges Amendment Act, Act 3 was enacted in 2012. Its aim was multifold. The first aim was to amend the FET Colleges Act (Act 16 of 2006), so as to remove all references to provincial authority. The second was to assign functions previously assigned to the Member of the executive Council to the Minister. The third was to remove all references to 'Head of Department' and replace them with 'Director-General'. The 'Chief Executive Officers'⁷ and 'Deputy Chief Executive Officers' are called 'Principals' and 'Deputy Principals' respectively. Furthermore, the Act aimed at regulating the conduct of members of the council, members of a committee of the council and staff of a public FET College engaging in business with the relevant college. In addition, it was aimed at providing afresh for the appointment of staff and to provide for transitional arrangements and for matters connected with it. Due to the 2012 amendment to the FET Act, FET Colleges now fall within the ambit of the Higher Education sector. As shown above, while there is some research regarding the barriers in implementing the EEA in universities, not much research has been conducted concerning the challenges faced by FET Colleges in

⁷ When the researcher started with this research project, positions at Colleges were known as Chief Executive Officers (CEOs) and Deputy Chief Executive Officers (DCEOs) and subsequently, according to the White Paper for Post-School Education and Training, as of January 2014, these positions are now known as Principals and Deputy Principals respectively. However, for the purpose of this study, these positions of CEO and DCEO will remain from this point forward.

implementing the EEA legislation. Therefore, in order to close this gap, there is an urgent need to investigate the challenges in the implementation of the EEA in the FET sector.

1.4 Purpose

This study aims to investigate the nature of the challenges that exist in the implementation of the EEA in public FET Colleges within the Western Cape Province. In order to do this, the appointment of disadvantaged groups is investigated to establish whether they are equitably represented in the public FET Colleges in the Western Cape. Since the FET College sector has been in existence for ten years, it is appropriate to undertake such an investigation, as it (investigation) will determine whether issues of equity are taken seriously or not in the FET sector. The study will further identify barriers (if any) which might impact negatively on the implementation of the EEA in this sector over the past decade. This study is crucial in assessing whether they correspond with those recorded by Van Wyk (2010), whose empirical evidence and findings present an overview of the decade since 1994 at UCT. In this study, Van Wyk reveals that the staff profile of UCT has not changed significantly and that equity targets outlined in UCT's previous employment equity plan have not been met.

1.5 Rationale of the study

This study is necessary in order to ascertain whether the terms of EEA have been adequately addressed in FET Colleges in the Western Cape. This study is undertaken to determine that South African citizens from disadvantaged groups are represented fairly in the workplace. It provides recommendations based on the outcomes of documents received from participating Colleges and interviews with respondents. Finally, this research provides recommendations to other FET Colleges in South Africa and the DHET. These recommendations will probably challenge but also assist those Colleges that struggle with the implementation of the EEA to find innovative ways of addressing the legislation. In addition, this study provides statistical data on the implementation of EEA in FET Colleges; an area that has arguably not been sufficiently examined in South African higher education.

1.6 Research question

This study seeks to answer the following research questions:

What types of challenges or barriers (if any), exist in the implementation of the EEA by its custodians in public FET Colleges in the Western Cape?

SUB-QUESTIONS:

- a) To what extent has the EEA been implemented in public FET Colleges in the Western Cape?
- b) What are the possible barriers (if any) to its implementation and how are they being overcome?

1.7 Objectives

The objectives of this study are:

- to ascertain the extent to which the EEA is implemented
- to identify barriers (if any), in the implementation of the EEA
- to make recommendations about how to build on areas in which the EEA has been successfully implemented

1.8 Methodology

The design of this study is both qualitative and quantitative. McMillan and Schumacher (2006:315) state that qualitative research is a method of inquiry by which researchers collect data in face-to-face situations and interact with selected people in their surroundings. Open-ended, semi-structured interviews were conducted and college EEA2 Report Forms analysed. A prepared interview schedule was used (see Appendix A). Audio recordings were made to ensure that data collection was as accurate as possible. At the end of the data collection process, recorded data was transcribed using Microsoft Word.

Four out of six TVET Colleges in the Western Cape were selected for this study so that this research could represent more than 50% of the Western Cape Colleges. The alphabetical letters A, B, C and D were used to represent the four Colleges. Sample data was gathered first-hand from officers at each college: Deputy Chief Executive Officers (DCEO) for Corporate Services, Human Resources Managers (HRM) and Campus Heads (CH). A more detailed explanation of the research design is provided in Chapter 3 (Methodology) of this thesis.

1.9 Research ethics

The participants in this research were fully informed regarding the purpose of the study. They voluntarily agreed to sign the consent forms indicating that participation was voluntary and that their identities would remain anonymous (see Appendix B). A letter to the Chief Executive Officers (CEOs) of the four Colleges (see Appendix C) requesting permission to conduct research in the Colleges assured them that alphabetical letters would be used and that confidentiality would be maintained. Permission to conduct research within the institutions was also granted by the Western Cape Education Department (WCED) (see Appendix D) and the DHET (see Appendix E). Ethical procedures were adhered to and ethical clearance was obtained from CPUT.

1.10 Overview of the study: A summary

Chapter 1 presents the background to the study, focusing on disparities and inequalities caused by apartheid⁸. The aftereffects of apartheid are still apparent today. The rationale of the study establishes that there is a need to investigate the implementation of the Act in TVET Colleges in the Western Cape. Research questions as well as sub-questions are outlined in this chapter.

In *Chapter 2* literature pertinent to the study is provided. Some of the researchers included are Fataar (2011), Soudien (2010), Van Wyk (2010), Hemson and Singh (2010) and Le Grange (2010). The underpinning theoretical framework, namely, critical social theory, is also discussed in Chapter Two.

Chapter 3 outlines research design and methodology. A detailed discussion is presented regarding data collection, data analysis, ethical considerations and procedures when coding transcribed documents.

Chapter 4 reports on, and analyses, the qualitative and quantitative findings of empirical evidence gathered from open-ended, semi-structured interviews and documentary analysis. These results are presented in graph form.

Chapter 5 presents an analytical discussion of results gathered in Chapter Four. It makes recommendations for future research and provides some concluding comments.

⁸ It is necessary to note that, although terms of racial classification had to be employed in the course of this research, it is no longer accurate, possible or desirable, after liberation in 1994, to use such terms. In an important way such usage may arguably be deemed as an instance of sustaining the vocabulary of a previous discriminatory structure. Furthermore, apartheid set out to reverse a pattern of racial integration which began from the very start of the first Dutch settlement. Genealogical studies demonstrate the extent of such integration to the point that few established South African settler families can or should be regarded as white. The endeavor to do so was the political intention of apartheid. Since the country has regained the right to legal integration it will obviously be increasingly difficult and inappropriate to employ terms of racial classification. This project, which seeks to promote equity in the workplace, may to some appear a contradiction in terms since racial categorisation is inevitably used. This project is undertaken with an awareness of such sensitivities yet proposes that the nature of the overall enquiry compensates or, in a measure, justifies the unavoidable terms. A full apology is extended in advance for any offence caused. It is hoped that the author's awareness of the possibility of any offence may at least demonstrate the *bona fides* of the undertaking as a whole.

1.11 Summary of Chapter 1

Chapter 1 presented the background of the study on the implementation of the EEA in four Colleges in the Western Cape. This Chapter provided a synopsis of the state of the EEA in higher education, particularly in universities. The data presented highlighted the focus of research that exists in this area and the dearth of research conducted in TVET Colleges in this area. The Chapter also presented a brief overview of the history of FET Colleges in South Africa, as well as the legislative requirements that influence this sector. In addition, Chapter 1 included the purpose, research questions, rationale of the study, and a summary of the methodology and ethical considerations. A more comprehensive and in-depth overview of the study is given below.

CHAPTER 2

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

Public TVET Colleges and universities in South Africa form part of the Department of Higher Education and Training in the Republic of South Africa. The implementation of the EEA is imperative in these institutions which, by critically monitoring staff profile, can correct imbalances of the past.

2.2 Theoretical framework

The theory that informs this study is critical social theory. According to Leonardo (2004:16), 'critical social theory is a multidisciplinary knowledge base with the implicit goal of advancing the emancipatory function of knowledge'. He explains that critical social theory approaches this goal by promoting the role of criticism in the search for quality education. Quality is proportional to the depth of analysis that students have at their disposal. He further contends that, as a critical form of classroom discourse, this theory cultivates the ability of students to critique institutional as well as conceptual dilemmas, specifically those that lead to domination or oppression. According to him, it is imperative to educate students so that they are able to analyse society critically, expose and put right social injustices.

Leonardo (*ibid*) mentions that critical social theory generates a language of transcendence that complements a language of critique in order to forge alternative, less oppressive social arrangements. Agger (2006:23 in MacKinnon's 2009:513) study, states that critical social theory aims to invite critique and stimulate social activism. Leonardo (2004) maintains that critical social theory can contribute to the emancipation of both social systems and people, thereby reconstructing society in order to establish justice.

Furthermore, he asserts that this theory-based critical, social movement in education highlights relations between social systems and people; how they shape each other.

Ultimately, this movement can contribute to the emancipation of both social systems and people. Mabry (2010:85) describes social theory as part of the history of the search for knowledge and, with enriched understanding, the improvement of the human condition. He explains that critical theory is called *radicalism* or, in Britain, *cultural studies*. He contends that critical theory refers less to theory than to an examination and critique of society. For Mabry (2010), social restructuring is required to ensure future equity. He calls for a radical restructuring of society whether in terms of staff profile or changing the entire mind-set of society.

Freeman and Vasconcelos (2010:7) define critical social theory as both the process and outcome of a transformational agenda. They contend that such a theory brings together multiple beliefs about human understanding, the role of critique, education in society as well as the nature of change. They also regard social theory as an evaluative as well as a political activity that assesses how things are in order to transform them into what they ought to be. Furthermore, they argue that social theorists are required to be critical of whatever they perceive to be pervasive injustices in everyday social relations. Leonardo (2004) and Freeman and Vasconcelos (2010) argue that critical social theory itself needs to be critiqued in order to break any bonds of inequality. They suggest that critical theorists view society as a human construction in need of constant reconstruction. Carrington and Selva (2010:45) state that critical social theory informs the design of the reflection process: it enables a shift from knowledge transmission towards knowledge transformation.

They further maintain that critical social theory is the collective term for a certain critical approach advocated by a group of participatory, pedagogical and action-orientated theorists who broadly share a common academic endeavour. They claim that critical theorists play an integral part in building and sustaining a more just society in which all feel empowered to carry out their practices in ways that foster democratic processes and outcomes. They do this, while continuing to monitor those processes and outcomes, for any evidence of possible social injustices. The terms of this social analysis are therefore

entirely consistent with this study of the EEA and how the EEA is implemented to counter social imbalances of the past.

Banks (2008) is of the view that immigration and quests for rights worldwide cause educators and social scientists to raise serious questions about liberal assimilationist conceptions of citizenship which historically has been dominated by citizenship education in some nation states. Educators and social scientists ask critical questions about injustices caused to people worldwide. Giroux (1999) is of the opinion that crises in schooling and higher education should be dealt with in the realms of politics. While at the same time engaging with fundamental beliefs, the purpose and meaning of education should be its relation to democracy.

The ideas of Banks (2008) and Giroux (1999) question injustices imposed by one group upon another within a democratic dispensation: they indicate that politics should play a major part in schooling and higher education. They interrogate the correlation between the two. They suggest that probing questions need to be asked. Given South Africa's past social upheaval, it is essential to identify any imbalances and ensure that they are being corrected. Thus, the orientation of Banks (2008) and Giroux (1999) is germane to this study. Their critical point of departure reinforces this study's attempt to ascertain whether the EEA is being adhered to and if it addresses past issues in a democratic way, specifically in higher education.

The theorists examined above make convincing arguments around their definition of critical social theory as a robust mechanism for inculcating a body of critically responsive and socially engaged citizens. This speaks of a society in need of constant transformation. Inequalities are imposed on people, and citizens need to find ways to emancipate both individuals and social systems. The core outcome of the literature reviewed is to determine ways of guaranteeing future equity by asking critical questions and, in so doing, eventually transforming society as a whole. Mahomed (2001:105) mentions that as policy evolves towards its practical application, barriers and distortions to its successful execution become apparent.

At all times, it is essential to bear in mind that those caught in the invidious position of selecting and finally appointing new academic and support staff are in a dilemma not of their own making. On the one hand, they have a contractual responsibility to students to provide the very best educational standards, while on the other hand they have an ethical responsibility to ensure political equity. The challenge is to balance the two and ensure that issues related to the EEA are at the core of their employment practices.

The aim of the White Paper on Affirmative Action in the Public Service Department (1998:8) is to set out the mandatory requirements and guidance on the steps which national departments and provincial administrations should take to develop and implement their affirmative action programmed, and to sketch out the accountability, monitoring, coordinating and reporting responsibilities of various players within affirmative action programmed. Furthermore, it states that one of the post-1994 Government's foremost tasks has been to transform the Public Service into an efficient and effective instrument capable of delivering equitable services to all citizens and of driving the country's economic and social development. However, (the White Paper states) its ability to do so has been severely limited by its legacy of ineffectiveness, unfair discrimination and division on the basis of race and gender, and which virtually excluded people with disabilities.

Foucault (1982:781) mentions that generally, it can be said that there are three types of struggles: either against forms of domination (ethnic, social, and religious); against forms of exploitation which separate individuals from what they produce; or against that which ties the individual to himself and submits him to others in this way (struggles against subjection, against forms of subjectivity and submission). These notions emphasise the need for redress in society. A form of power makes individuals' subjects, and he says that there are two meanings of the word 'subject': subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to (Foucault, *ibid*). Lemke (2010:32) cites Foucault, the French sociologist, who maintains that in the Western political tradition, power is principally understood in terms of rights. From the

perspective of repression, such legal terms as interdiction, censure and constraints are key. He continues to note that Foucault's 'juridico-discursive' representation of power is dominated by the idea of the freedom of the (sovereign) subject, on the one hand, and political sovereignty, on the other. His understanding of power is focused on the critical tension between state sovereignty and individual autonomy. Lemke (2010:32) suggests that Foucault prefers a strategic and nominalistic concept of power. He argues that power is not the exclusive possession or right of certain individuals, groups or classes which exclude others from power. Lemke discusses Foucault's issues of dominance, subjectivity, exclusion and marginalisation as essential to the concept of inequality.

Lemke (2010:35) states that according to Foucault, since the eighteenth century, security has been an important part of government rationality: a fundamental objective for governmentality is the mechanism of control. He further mentions that the role of freedom within governmentality articulates the rights of individuals to oppose power legitimately. Lemke (2010:35) characterises Foucault's governmentality as a decisive factor in several regards. He asserts that governmentality leads to a threefold 'theoretical shift'. First, is the notion that government offers a view of power beyond a perspective that focuses either on consensus or on violence. Second, he differentiates between power and domination. Third, is the clarification of relations between ethics and politics. Power, according to Foucault, is contained in one person's ability to affect the actions of another, power relations are not *per se* good or bad, but are so in their potential for grave consequences and they may solidify into states of domination or subjection (Lemke, 2010:37). This notion was evident when oppressed South Africans resorted to violence to show disapproval of the domination of one racial group and its government over others during the apartheid years. Any social injustice should provoke critique and stimulate social activism: a just society should want changes to take place through dialogue, negotiation, debate or protests from its citizens (Leonardo, 2004).

In Lave and Wenger's (1991:95) basic argument, they argue that communities of practice are everywhere: that we are involved in a number of them whether at school, home, work or in our civic and leisure interests. They contend that in some groups we are core members and in others, we are at the margins. Furthermore, they suggest that people

initially join communities and learn at the periphery. As they become more competent, members move towards the centre of the specific community. They also view institutions as communities of practice in which members are legitimated in terms of equal access: so that some are at the centre where they are privileged, while others find themselves on the periphery. Lave and Wenger (1991) maintain that there may be situations in which the community of practice exhibits dysfunctional power relations or is structurally weak: such fundamental, organisational flaws seriously inhibit entry and participation. Post-apartheid South Africa may, by inheritance of dysfunctional power relations and structural social weaknesses, be legitimately classified within this definition. Predictably, therefore, entrants to the educational community of practice in South Africa encounter barriers in entry and participation. Lave and Wenger (1991:98) also affirm that the concept of community underlying the notion of legitimate peripheral participation and hence of 'knowledge' and its 'location' in the lived-in world is both subtle and crucial.

Some citizens find themselves at the core of society where they have many privileges in all sectors: while others are marginalised and at the periphery in society where they enjoy few advantages. Such discrimination is most observable in the workplace. This is still commonplace today. Such movement is predicated upon a fully functional and socially secure community of practice. Similarly, Allen *et al.*, (2002:441) maintains that equal opportunities and affirmative action programmes gave minority groups, women and others who were routinely pushed to their society's fringes the chance to prove their worth.

2.3 Literature review

According to Portnoi (2003:80) John F. Kennedy, the president of the United States, is credited with coining the term 'affirmative action'. This is because in 1961, during the height of the civil rights movement, Kennedy created the Committee on Equal Employment Opportunity (EEO) and issued Executive Order 10925. It was in this Order that for the first time he used the term 'affirmative action' to refer to practices aimed at assisting women and ethnic minorities who had historically been discriminated against to enter and be recognized in the workplace and other social institutions. Portnoi (*ibid*) state

that elements of affirmative action have been adapted and adopted in several international contexts, such as in Malaysia, Canada, Zimbabwe, Australia and the United States. She continues to say that in most cases, affirmative action is a part of what is termed 'EE' and that the EE legislation in the international context generally contains two main components: (1) affirmative action to redress injustices of the past, and (2) weeding out unfair discrimination. She further mentions that in certain countries, affirmative action in terms of race applies to the majority of a country's citizens, as is the case in South Africa and Malaysia and in other countries, like United States and Canada, the minority of its population are its beneficiaries. She further states that other countries such as Australia focus on women and more recently persons with disabilities.

The Employment Equity Act, No. 55 of 1998: Code of good practice on the integration of Employment Equity into Human Resource Policies and Practices (2005:2) states that research has shown that employers can increase productivity, motivation and resourcefulness in the workplace when they invest in their people and that them with fairness and dignity and continues to note that this is secured 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 Act also, according to the code of good practice, ensures that positive or affirmative action measures are in place to expedite their growth and advancement. The proven value and effectiveness of affirmative action programmes are under extensive and severe attack yet make no mistake about it: affirmative action is currently being challenged precisely because of its effectiveness (Allen *et al.*, 2002:441). The historical role of institutions of higher learning needs to be considered when trying to redefine affirmative action policy (Lindsay, 1999:190).

The Code of good practice also emphasises that in the context of challenges of a compounded diverse global economy and constraints around infrastructure, skills poverty, unemployment and service delivery, employers are increasingly aware that having racial, gender and disability diversity is key to business growth and development. In an effort towards sustaining diversity, commitment toward eliminating barriers,

including skills development, in its general and specific forms is required. It is also stated in the Codes of good practice that some of the main challenges for employers include; attracting, managing, developing and retaining talent in the workforce through effective human resource management. In the Codes it is also shown that the implementations of effective employment equity strategies assist employers to maximise human resource development through eliminating unfair discrimination, barriers and by promoting affirmative action.

The EEA: Code of good practice on the integration of Employment Equity into Human Resource Policies and Practices (2005:17) first, mentions on the implementation of EE: recruitment and selection must be aligned to the employer's affirmative action strategy, as reflected in its EEP, which sets out the detail in relation to the numerical targets for each designated group by occupational categories and levels, second on disability: the employer should not unfairly discriminate on the ground of disability and in this context, there are specific recruitment and selection issues that arise, in particular and employer is required to make reasonable accommodation for the needs of applicants with disabilities. It continues to mention that employers should seek guidance from the Code of Good Practice on the Employment of People with Disabilities and the Technical Assistance Guidelines on the Employment of People with Disabilities.

A study by Portnoi (*ibid*) suggests that affirmative action and employment equity are complex terms, with many different meanings and in different international contexts. She refers to the fact that proponents generally regard affirmative action and employment equity as a positive tool or measure that empowers people who have been discriminated against in the past (particularly in the workplace), while opponents consider affirmative action and efforts toward EE to be discrimination in reverse. To some, she states, affirmative action and EE are considered to be interchangeable concepts. She further states that affirmative action is a strategy geared toward achieving employment equity. On the one hand Portnoi (2009:373) states that with regards to diversifying the staff base at HEIs, the 1998 EEA plays a significant role and it pertains to all employers, including universities and focuses on affirmative measures for the designated groups, blacks,

women and persons with disabilities. On the other hand, Portnoi (2003:81) argues that the EEA was designed for the 'traditional' business employer and that universities are different and have challenges as it is characterised by many organisational elements, such as the function, management style and 'product'. She further state that in addition, the core business of HEIs require high level skills, specialisation and qualifications for a majority of positions, both technical and academic or administrative. Cassim (2006:432) raises the fact that South African HEIs are not alone in the challenges they face in embedding equity and diversity in their institutions and continues by saying that while the focus of activities and the particular circumstances may differ in different countries, the challenges and underlying principles they face are similar. Similarly, Brennan and Naidoo's (2008:292) view is that HEIs are no different from other large organisations and they must show concern for gender and racial equality among their staff and students and to seek ways of improving it. They highlight the fact that HEIs must provide facilities for the disabled.

Bisschoff and Nkoe (2005:212) showed that despite the existence of legislation, which governs relationships between people and which prescribes adherence to principles of equality, equity, transformation and redress, people still have emotions. She continues that the attitude of discrimination and racial prejudice has not yet completely come to an end and that in some cases only pretence and tolerance are in place. Bisschoff and Nkoe (2005:212) alludes that we still have a cultural and societal problems, for example, not being able to share offices, division between whites and blacks in staffrooms of TVET Colleges, unwillingness to hold meetings together and so on. Norris (2001:221) argues that the process of transformation , organisational change and the management of diversity in HEIs also require that attention be given to implementing a policy of equity and redress for previously disadvantaged academics, students and administrators. He further argues that it is imperative that the focus must be on the human being, and a move away from a 'white male-orientation' in management, all levels of academic, administrative staff and student body.

The findings of Norris (2001:220) revealed that the affirmative action and diversity issues at the five selected American universities showed that: (1) affirmative action programmes have to redress the imbalances of the past, but have not been successful as individual institutions, (2) more importantly was the management of diversity created by affirmative action, (3) for diversity to succeed, it must form part of an institution's strategic management process, and (4) for diversity to succeed, it must have the support of the highest ranking official in an institution and be managed by a highly qualified academic who holds a senior position. However, Norris (*ibid*) conducted a survey at seven traditionally 'white' SA technikons and revealed that there were no strategic management processes being applied that adequately addressed the issues related to the management of diversity and affirmative action.

According to Bisschoff and Nkoe (2005:211), gender equality is not yet acceptable and realised as an aspect of transformation especially with regard to males and continues to state that many males would still like to dominate over females at workplaces and that this will take time before men can accept to be on equal footing as women. In the DoE (2008:27-8) document, the committee agreed that sexism or gender discrimination should also receive special attention and like racism, it is an ideological phenomenon, based on unequal relations of power between men and women and underpinned by the ideology of patriarchy. Portnoi (2009:373) says that 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 distinct but related terms (Portnoi, 2003:80).

Botman (2007), in his installation speech mentioned that equity is defined in terms (*inter alia*) of the bringing about of a corps of excellent students and academic and administrative staff members that is demographically more representative of South African society, must be fundamental to all our actions, including our redress of the inequalities of the past and our repositioning of the University for the future. Similarly, Professor Ndebele in UCT 's (200-2008) institutional document says that in formulating our transformation agenda we wished to accomplish the following objectives: (1) to

redress past injustices, (2) to promote equal opportunity for all, (3) to reflect in the profile of our students and staff the demographics of South Africa to safeguard human rights, and (4) to ensure that our system of governance, our teaching and learning, and our research and service uphold the inherent dignity of all and meet the development needs of South Africa's emerging democracy.

The view presented by Clarke (2003:41) is that we should ensure that all disadvantaged groups are equitably represented at all levels in the workplace. He believes that those who have been marginalised in the past should be represented equally at all levels in the workplace, giving each individual opportunities they were denied before. Furthermore, his view is that since these groups were the most vulnerable and marginalised in society, they must now be represented equitably in the workplace.

Clarke (2003) and Botman, (2007) concur that the workplace should be more diverse and that redressing the imbalances of the past is mandatory. Choksi *et al.*, (1995), says that strategists in the National Party invented apartheid as a means to cement their control over the economic and social system. Van Wyk (2010:359) proposes that, historically, whites were privileged first of all by Dutch settlers (in the 1600s) at the Cape, later through British Colonialism and lastly through the system of apartheid which was characterised by racial oppression and economic exploitation of black, coloured, Indian and others from minority groupings. Soudien (2010a:221) feels that it is crucial to contextualize the process at UCT in particular because it began with a debate that took place around 'justness' and the appropriateness of using 'race' as a factor in determining appointments at UCT. This idea of Van Wyk's highlights the extent to which whites were advantaged and enjoyed many opportunities, both in the economy and in the workplace. According to La Belle and Ward (1994), they stated that in New York, USA, after 1873 where integration occurred, many African American teachers lost their jobs because most integrated schools had exclusively white staff.

This historic advantage (Van Wyk, 2010) needs to be reversed in order to make up for the past. Van Wyk (2010:359-60) provides an example: six years after the first democratic

elections took place in South Africa, a study of UCT's institutional documents showed that UCT (2000) acknowledged that the profile of its staff remained significantly unrepresentative of the wider population of South Africa in terms of race, gender, or persons with disabilities. The problem, according to UCT's (2000:2) institutional documents, was not to be defined in terms of numbers or proportions as such but by what they reflected: underlying institutional racism, sexism and other forms of discrimination and inequity which created barriers for disadvantaged people. Van Wyk (2010:360) cites UCT's institutional documents (UCT 2000:3) which indicate that a fundamental goal for achieving equity is to become a truly equal-opportunity institution in which all have access to develop their full potential irrespective of race, sexual orientation, gender, beliefs or disabilities.

In the study conducted by Taylor and Taylor (2010:911), they cite Kgosana's (2005) views concerning universities. In his study, Kgosana argues that former President Thabo Mbeki received reports concerning universities such as the University of Witwatersrand (Wits) which were allegedly 'unwelcoming to black staff and students'. Former white universities remained resistant to change in South Africa, although such change was imminent through new legislation. Van Wyk (2004a) interviewed employees from UCT in order to develop an understanding of challenges related to employment equity within the institution. One respondent answered that UCT is experiencing the revolving door syndrome by which, as soon as they recruit people, they lose them again. He continues that UCT is still far from realising its equity targets although that there is a lot of pressure to make such equity appointments. The university experiences difficulty filling posts with black people or applicants from disadvantaged groups generally. The challenges at UCT in 2004 are immense and it is difficult to ensure that staff fairly includes disadvantaged groups. It seems that staff turnover is high because staff members leave soon after they are appointed. Taylor and Taylor (2010:911) state that it is not at all surprising that Potgieter's survey (2002:12) found that for black academics to succeed at historically white institutions they have to be 'super human beings'. Similarly, Vandeyar's (2010:931) findings were that black academics had to work harder to prove their competence even though they had excellent academic credentials and years of teaching experience at

tertiary institutions. Therefore, Vandeyar (2010:930) cites Potgieter (2002) and mentions the phenomenon of 'black academics on the move'. This phenomenon has been widely observed because many black academics struggle to find a sense of belonging at formerly white universities. Extra pressure is put on black academics to succeed at historically white institutions. The DOE's (2008:29) final report indicated that given the emphasis on race as the primary transformation issue, historically black institutions' submissions tended to be different from those of their historically white counterparts and the latter, in the light of their history, and predictably so, were more comprehensive in explaining their transformation agendas. In many countries, there is a regional dimension to social equity and it is likely to be reflected in the agendas of HEIs (Brennan & Naidoo 2008:292).

Taylor and Taylor (2010:907) examined the Shell Affair at Rhodes University's (RU) East London campus (RUEL) in 2001. The director of the Population Research Unit (PRU) there was Robert Shell. Taylor and Taylor (2010:907) found that it was not just unsuitable for progressive scholars such as Shell but for all staff and students who happened to be black. Robert Shell stated that it began with a sense of growing unease: there were strange machinations and a non-transformative management style at the East London campus. Illogical course closures, nepotistic employment patterns and racially-biased redundancies were just some of the issues most evident at the campus. Thaver (2003:147) maintains that a key aspect related to the transformation of the staffing profile, is that there is a limited pool from which to recruit competent black academics and that this marshaled market forces as explaining the lack of representation of black academics in the institutions. Van Wyk's (2004b:177) argument is that we cannot do away completely with performativity in educational transformation, but that we need less performativity if we are to enact deep transformation. She continues by saying that less performativity means less emphasis on performance indicators to enact educational transformation. Portnoi's (2003:79) study focused on the situation in universities as designated employers in relation to the requirements of the EEA and argues that universities face a unique set of constraints and challenges regarding EE specialised higher education legislation and policy developments, the 'pool' issue (a lack of qualified

people from designated groups to select from), funding and rationalisation, universities as a unique workplace, and the individual legacies of universities.

Soudien (2010b:889) argues that some changes have taken place with regards to the head count of black academic staff nationally. He states that black academic staff marginally increased from 23% in 2003 to 25% in 2007, which is an annual average increase of 2%, while white staff decreased from 62% to 59%. He explains that in relation to executive and managerial staff, black staff increased from 23% in 2003 to 24% in 2007, while white staff decreased from 61% to 59%. He also notes that in relation to gender, female academic staff constitutes 43% and only 35% of executive and managerial staff. Under half of all female appointees are at junior lecturer and lecturer level. Soudien (2010b:890) further maintains that this is reversed in the case of the university's administrative staff; blacks average 42% and whites 34% in 2007. Overall, there are 67% females and 33% males employed in this category of administrative and support staff. His argument is that black people are not succeeding in the system. Owing to the demonstrable reluctance and failure of so many tertiary institutions to change, it would be almost impossible for black academics to succeed in such retrograde systems.

In support of Soudien's (2010) observation, Hemson and Singh's (2010:939) table illustrates that, in a DUT (2009) EE report, the composition of academic staff at the university was 19.6% black, 2.5% coloured, 45.3% Indian and 31.3% white with more males in all races. In a similar study, Van Wyk (2010:361) looked at UCT's staff profile in 2003. He showed that in the decade since 1994 it had not changed significantly. He contends that at UCT equity targets in 2004 was less than satisfactorily met. He further asserts that the 2007 statistics of UCT equity targets (Department of Education, 2009) showed the following percentages: 38.6% of permanently employed (instruction and research) academics were black, coloured and Indian/Asian, while whites totalled 42.8%. In his opinion, these statistics signal employment inequalities in the higher education system in 2007.

Similarly, Vandeyar (2010:919) states that, in a research study she conducted at Equity University, a former Afrikaans medium university, the percentage of academic staff categorised by 'race' at the university comprised the following: 76% white, 15% black; 5% Indian; 4% coloured. The percentage of academic staff by gender comprised 66% female and 34% male. Van Wyk (2010:360) acknowledges that commitment to employment equity at UCT has been somewhat uneven and has not always reflected the commitment of top management to implement employment equity. The institutional document also states that mistakes have been made by fast-tracking appointees from previously disadvantaged groups without training or allowing sufficient time to gain necessary experience. Van Wyk (2010:360) states that UCT is concerned that employment equity should not be reduced to 'a numbers game'. But this response begs the question: how will the institutional culture be changed? He argues that the institution still has not begun to change its essential institutional culture. In addition, he states that in 2000, UCT replied that this issue remained central and needed to be confronted and dealt with urgently. This shows that the process of EEA implementation is unacceptably slow and not within the parameters set by EEA. Van Wyk (2010) continues, citing UCT's (2000) institutional document, that people from previously disadvantaged groups, blacks, women and the disabled, feel there is a lack of understanding of the difficulties they face working at UCT. He asserts that people from disadvantaged groups feel that they lack support and mentoring. As a result, they feel alone, alienated and undermined by experiences related to racism and sexism. Some women and black staff feel their contributions are not always valued and that their professional development plans are limited at UCT.

Presenting a somewhat different perspective regarding the transformation agenda, Le Grange (2010:332) argues that, in order to provide restitution for the wrongs of the past, equity appointments are necessary. He states that he serves on the appointments committee at his university and, in the interest of the greater public good, he supports decisions to appoint black and women staff with potential so as to diversify the overwhelmingly white male staff complement. He asserts that, to diversify the workplace, is to right historic social injustices. This is in line with the thinking in the present study. However, his argument that the appointment of black staff should take place only at lower

level academic ranks and not at professorial level, is questionable. The perspective presented in the present study is that if a higher ranking academic, for example, a senior lecturer or Head of Department needs to be appointed to a higher level and has the experience from another university or internally, he or she needs to be given the opportunity to be appointed.

Although the above discussion relates largely to the barriers faced by universities in implementing EEA, it raises interesting questions regarding the nature of challenges to achieve equity at TVET Colleges. The challenges facing universities inform the questions that are put to respondents in this study in order to ascertain whether similar challenges are identified in the TVET College sector. There appears to be a dearth of literature focusing on FETs in existing literature. Hence this study that seeks to establish why such lacunae exist.

2.4 Summary

The theory which informs this study is critical social theory. The reviewed literature from Freeman and Vasconcelos (2010), Mabry (2010), Leonardo (2004) and others provides an elaborate discussion of the theoretical framework.

Pertinent literature by Fataar (2011), Soudien (2010), Van Wyk (2010), Hemson and Singh (2010) and Le Grange (2010) and others, around the staff composition of universities in South Africa, was presented. Specifically, this section includes inequalities and discrimination and the question of whether there are challenges facing employment of staff from disadvantaged groups within the universities reviewed. Literature reveals that staff members from disadvantaged groups have to be equitably represented at all levels in the workplace. Thaver (2003:146) states that equitable (racial) representation of staff in all employment sectors of society is a necessary condition for the economic functioning of a diverse democracy. The EEA in its preamble states that it should promote the constitutional right of equality and the exercise of true democracy; eliminate unfair discrimination in employment; ensure the implementation of employment equity to

redress the effects of discrimination; achieve a diverse workforce broadly representative of the South African people and to give effect to the obligations of the Republic of South Africa as a member of the International Labour Organisation.

In the next chapter, the methods employed in collecting and analysing data are presented in order to assist in answering the main research question and sub-questions.

CHAPTER 3

RESEARCH METHODOLOGY AND DESIGN

3.1 Introduction

Chapter 3 presents the study design, sampling procedure and data collection by discussing interviews and documentary and data analysis. This chapter also discusses research ethics conversing with ethical considerations, validity and reliability as well as demarcation of the study and concludes with a summary of Chapter 3.

3.2 Study design

The design of research in this study is both qualitative and quantitative. Arthur, Waring, Coe and Hedges (2012:147) argue that mixed methods involve both qualitative and quantitative 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. Creswell and Clark (2007:5) state that the central premise of mixed methods is to provide a better understanding of research problems.

Hammer (2011) asserts that qualitative research is not always well-understood. Often, qualitative methods are equated with descriptive studies that involve a handful of participants with little methodological rigour. Such confusion, according to her, can compromise the accuracy of results. Qualitative studies cannot be equated with descriptive studies. Qualitative research arises from strong theoretical traditions that apply rigorous methods. In this study, qualitative design allowed the researcher to interact with participants, fostering trust and enhancing sound relations.

According to McMillan and Schumacher (2006:178), quantitative measurement uses a device or instrument to obtain numerical tables that correspond with the characteristics of subjects. They further state that numerical values are summarised and presented as the results of the study. Results depend heavily on the quality of measurement. The

quantitative approach is relevant to this study which uses the Employment Equity Act 2 (EEA2) Report Form of the four participating Colleges to tabulate statistics and make graphical illustrations derived from these documents. The EEA2 Report Form is a mandatory legal document submitted annually by the CEO and EEM to the Department of Labour regarding statistics on the implementation of the EEA. Creswell and Clark (2007:13) state that the intricacy of research problems in the present project demands answers beyond simple words in a qualitative sense or numbers in a quantitative sense. This, according to them, implies that a research problem goes beyond words and numbers. They continue that a combination of both qualitative and quantitative data can provide the most complete analysis of a problem. Therefore, a mixed method approach is particularly appropriate for this study.

Kvale and Brinkmann (2009:24) affirm that the purpose of a qualitative research interview is to understand themes of the daily world from the subject's own perspective. The qualitative design by McMillan and Schumacher (2006:315) is appropriate for this study: it allows the researcher to interact closely with participants, thus fostering trust and enhancing relations. This interaction between respondent and researcher fostered trust and maximum interaction, creating an environment which was mutually beneficial and conducive to candid discussion. These two approaches are used in conjunction in order to ensure that the most comprehensive data possible is obtained to resolve the research problem. Triangulation provides a comprehensive set of data.

According to Morse (2011:120), methodological triangulation involves the use of at least two methods. These correspond with the design of this study since it uses both qualitative and quantitative methods. The two methods are used to resolve the same research problem. Morse (*ibid.*) asserts that, often a single research method is inadequate in dealing with complex and sensitive issues: triangulation is used to ensure that the most comprehensive approach is taken to solve the research problem. Creswell and Clark (2007:62) note that a triangulation design is used when a researcher needs to compare and contrast quantitative statistical results directly with qualitative findings, or validate and expand quantitative results with qualitative data. Therefore, in order to ensure that the

most comprehensive approach is taken to solve the research problem of this study, use of a quantitative approach on its own would not suffice. A qualitative approach was conducted by means of open-ended, semi-structured interviews in order to triangulate findings.

3.3 Sampling procedure

Of the 50 Colleges nationally, I purposely limited and selected four Colleges in the Western Cape Province with two urban and two rural Colleges for this research project so that more than fifty percent of the Colleges in the Western Cape Province could be represented. The EEA should therefore play an integral part with decisions in the appointment of designated groups in order to redress the imbalances of the past.

The reason for selecting this sample was that more than 50% of the Colleges in the Western Cape could then be researched. This selection allowed data to be drawn from a statistical majority of Colleges in the Western Cape. Selection of Colleges was based on the geographical locations of the different Colleges. Two of the four Colleges lie in a suburban location whereas the other two were selected on the basis of their rural surroundings. It was hoped that different geographical locations would present a wider range of possible barriers regarding implementation of the EEA. The sample for this study is comprehensive: it includes all those officers at the Colleges chosen who deal directly with the EEA. These individuals perform different functions within the college, such as adopting and implementing policies as well as evaluating the implementation of legislation, an aspect which is directly related to this research.

Kumar (1999:162) 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. He states that the researcher alone approaches those people who, in her or his opinion, are likely to have the required information and who would be willing to share it. Similarly, McMillan and Schumacher (2006:126) claim that purposeful sampling, which is sometimes called purposive, judgemental or judgement sampling is best undertaken when the researcher selects particular elements

from the population that will be representative or informative concerning a particular topic of interest. They state that, on the basis of the researcher's knowledge about the population, judgement is made regarding which respondents or subjects should be selected in order to provide the best information to meet the objectives of the research. The respondents at each of the four research sites were purposely selected: they were able to provide relevant answers to questions, based on the positions they held in the institution. Therefore, the sample was taken from each of the four campuses at the four Colleges: comprising the Deputy Chief Executive Officer (DCEO) for Corporate Services, the Human Resources Manager (HRM) and a Campus Head (see Table 1).

The Deputy Chief Executive Officers for Corporate Services from the four Colleges (see Table 1) selected are responsible for Human Resources. They are the Employment Equity Managers (EEMs). The DCEOs, together with the Chief Executive Officers (CEOs), sign new appointments within their departments. Thus, they could be identified as custodians of EEA legislation. They are in a position to answer questions relating to the EEA legislation, its implementation or barriers related to it. The Code of good practice (2005:14) indicates that employers should have written policies and practices that outline their approach to recruitment and selection and the document should: (a) reflect the values and goals of the employer's employment equity policy or ethos, and (b) include a statement relating to affirmative action and the employer's intention to redress past inequalities.

Questions directed to the HR Managers are based on the EEA2 Report Form and the Employment Equity Policy (EEP) of each of the four Colleges. The EEP is ratified by the College Council and is in line with EEA legislation. The EEA2 Report Form enables employers to comply with Section 21 of the EEA (Act 55 of 1998). The role of HR Managers in a college is an important one: advising executive management on the progress of EEP within the college. This professional advice assists CEOs and EEMs to check on how a college is progressing towards reaching its EE targets.

The Campus Head (CH) from each of the four campuses in this study recommends candidates, including academic appointments by nominating them from first to third after the interview processes are complete. They have first-hand knowledge of EEA challenges faced at each of the four campuses. Questions directed to the Campus Head focus on difficulties faced at campus level after staff members have been appointed.

Table 1 represents respondents at the four Colleges. The number of respondents initially planned and identified was four DCEOs, four HR Managers and four Campus Heads from the Colleges selected. Only three DCEOs and three Campus Heads, however, were willing to participate in the study. Those reluctant to participate said that they did not engage in research studies during working hours. All four HR Managers participated in the interviews and provided relevant documents required to complete documentary analysis. More than half of the Colleges in the Western Cape were studied: this renders the data gathered preponderant and valid.

Table 1: *Respondents in the four Western Cape TVET Colleges*

RESPONDENT	SAMPLE NUMBER
Deputy CEO: Corporate Services	3 (1 per College)
Campus Heads	3 (1 per College)
Human Resources Managers	4 (1 per College)

3.4 Data collection

3.4.1 Interviews

Data was collected using open-ended, semi-structured, face-to-face interviews (see attached interview schedule in Appendix A). Kumar (1999:109) describes 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. Similarly, Olsen (2012:33) mentions that interviewing involves an interaction between at least two people.

Walsh (2001:12) maintains that face-to-face interviews build a rapport between researcher and respondents. Arthur *et al.*, (2012:170) state that in-depth interviews are purposeful interactions in which a researcher attempts to learn what another person knows about a topic. They explain that these in-depth interviews, which are purposeful interactions, serve to discover as well as record what the interviewee has experienced and what she or he thinks and feels concerning the research topic. Walsh (2001:63-4) claims that open-ended questions allow for better responses and do not show that the researcher has any preconceptions on the topic. Some advantages of open-ended questions are that respondents' answers can be compared and data obtained relatively quickly. Open-ended, semi-structured interviews helped to connect and engage with respondents about their knowledge and experience concerning the research topic. Interviews helped to obtain rich data from respondents.

The exact wording of questions in open-ended interviews was not necessarily the same for all respondents because interviewees held different positions and performed different roles within Colleges. Each interview lasted for approximately 40 minutes. This duration was appropriate since it provided enough time to elicit answers to questions and to query information where necessary. The interviews were, as far as possible, held in a neutral venue such as the boardroom, so that respondents would be relaxed when asking and answering questions. Questions posed to respondents were as brief and pertinent to the research project as possible.

Interviews were recorded on a digital tape recorder and transcribed *verbatim*. Olsen (2012:39) explains that the creation of a transcript involves typing or writing down the text of an interview or other sound file. Kvale and Brinkmann (2009:178-79) assert that the most common way of recording interviews has been by using an audio recorder: this method frees the interviewer to concentrate on the dynamics of the interview and the topic. They recommend that recordings be transferred directly onto a computer where

they can be stored, played for analysis and transcribed by use of a word processor. Taking notes in the interviews was not required: digital audio recordings were employed to ensure data collection was as accurate as possible. Audio recordings were played back several times, stored on the computer drive and on a flash-drive as back-up. All interviews were audio-taped in order to amass data. At the end of the data collection, recorded data were transcribed using a word processing package (Microsoft Word). Bailey (2008:127-131) states that recordings are transcribed into written form so that they can be studied in detail. Transcriptions were linked with analytical notes and coded.

3.4.2 Documents

Documentary analysis was imperative in this study because critical information was derived from these documents. The EEP dictated the form of questions used in the open-ended, semi-structured interviews. The EEA2 Report Form was equally important because crucial statistical information could be gleaned from information contained in this document.

Olsen (2012:79) mentions that documents are accessed in workplaces, from internet sources, archives and libraries. According to McMillan and Schumacher (2006:426), documents are records of events from the past and comprise both printed and written materials. Documents may be unofficial or official, private or public, published or unpublished. They are prepared intentionally to preserve historical records or to serve an immediate practical purpose. EEA2 Report Form documents were obtained from each HR Manager at each of the four Colleges in the Western Cape in order to obtain information regarding their current staff complement and the progress of the Colleges towards implementing the Employment Equity Act among employees from previously disadvantaged groups.

3.4.3 Data analysis

The specific type of data analysis used in this research is inductive analysis. Thomas (2006:238) identifies two data analysis approaches: inductive and deductive analysis. He explains that the inductive approach primarily uses detailed readings of raw data to derive

concepts, models or a concept through interpretations made from raw data by a researcher. Thomas (*ibid.*) asserts that the primary purpose of the inductive approach is to allow research findings to emerge from frequently cited or dominant themes inherent in raw data without the restraints imposed by structured methodologies. Colour coding was used to identify themes, sub-themes and to organise data. Olsen (2012:46) notes that coding creates a database of connections between various terms which establishes data items from among the whole body of evidence. According to Ryan (2003:1), at the heart of qualitative data, is the task of discovering themes. By themes is meant abstract, often nominally indistinct constructs which rise into prominence before, during and after data collection.

Ryan (2003:1) holds that themes emerge gradually from a literature review and that richer literature produces more themes. He further proposes that those researchers who consider themselves part of the qualitative tradition in the social sciences field deduce themes from texts obtained from respondents' responses. Themes are developed from interviews and linked for analysis purposes. McMillan and Schumacher (2006:367) are of the view that it is almost impossible to interpret data unless a person is organising it. Corresponding and concordant material was arranged together and analysed as such. Dissimilar and contradictory responses were synthesised into respective themes. A highlighter was used to highlight descriptive words. Respondents' answers were coded by breaking data down into smaller parts in order for it to be categorised. Categorised data was then formulated in a systematic and logical order for analysis.

Documentary and statistical analysis of the EEA2 Report Form which is submitted to the Department of Labour annually regarding staff profile and composition of staff was conducted. This documentary analysis was crucial in order to ascertain the extent to which the terms of the EEA had been implemented regarding current employment of staff from disadvantaged groups. The EEA2 Report Form from each college was analysed: a synopsis of analysis was tabulated and presented as graphs. Variables were established by means of the comparison of percentages of staff from historically disadvantaged groups at four Colleges in the Western Cape. In discussions within institutions especially

from the compliance angle in terms of submitting its equity plans to the Department of Labour, raised tension and anxiety in the academy as a whole (Thaver 2003:145). Similarly, Portnoi (2009:373) also mentions that all HEIs are required to complete audits of their existing policies aimed at eliminating unfair discrimination and to draft and implement an employment equity plan. The Code of good practice (2005:20) state that by conducting an audit of policies and practices, an employer may identify barriers in the probationary process that impact on designated groups and that strategy to remove these barriers may then be developed and incorporated into the Employment Equity Plan. Gray and Beresford (2008:213) points out that the sustainability of policies in Indigenous education is challenged by a range of interacting factors, among others: schools located in the many geographic isolated Indigenous communities face added burdens in sustaining good educational outcomes and that these challenges include cultural barriers and language, frequent turnover of staff, the presence of inexperienced, newly teachers who have just graduated and the relative absence of wider institutional support.

Graziano and Raulin (2004:101) assert that graphs often clarify data or help to interpret a statistical test or summary. Graphic representations are easier to understand than other forms of statistical analysis. Tables and graphs are excellent supplements to purely numerical statistical formats. Similarly, Kumar (1999:230) suggests that the main objective of a graph is to present data in such a way that it is easy to interpret, understand and interesting to look at. He notes that the decision to use a graph should be based mainly on this consideration. Furthermore, Kvale and Brinkmann (2009:287) assert that quantitative data is often presented visually in the form of figures and graphs. The EEA2 Report Forms which contained data for previously disadvantaged people at the four Colleges in the Western Cape was analysed and presented by means of graphs and tables with percentages. This is appropriate because it is easy to interpret and understand such findings.

According to Kumar (1999:228-9), depending on the number of variables about which information is displayed in a table, tables can be categorised as bivariate (containing two variables), univariate (containing information about one variable) and

polyvariate/multivariate (containing more than two variables). He explains that the use of percentages or column percentages is a common procedure in the interpretation of quantitative data. Both univariate and polyvariate tables are used to analyse data obtained from the documents. Kumar (1999:233) states that bar diagrams are an effective way of visually displaying the magnitude of each sub-category of a variable.

3.5 RESEARCH ETHICS

Ethical considerations, validity and reliability were respected in research methods and limitations are discussed.

3.5.1 Ethical considerations

Kvale and Brinkmann (2009:70) assert that informed consent entails informing research participants about the overall purpose of the investigation, about the main features of the design, as well as any possible risks and benefits from participation in the research project. They state that consent involves attaining voluntary participation of respondents and informing them of their right to withdraw from the study at any time. Respondents signed a consent form stating that participation was voluntary and that they could withdraw from the study at any time (see Appendix B).

Ethical clearance for this study was obtained from the ethical review board at CPUT. Permission was also granted to conduct this study in the four Colleges from the WCED, college CEOs and DHET. Kumar (1999:194) claimed that it is unethical to identify an individual or respondent. It is essential to ensure that, after information has been collected, its source cannot be disclosed. The EEA2 Report Form of each college was collected for analysis to study staff composition. Alphabet letters A, B, C, and D were used.

3.5.2 Validity and reliability

Triangulation of data collection through interviews and documentary analysis was used to cross-check dependability and accuracy. The same questions were posed to all

respondents to ensure consistency. This instrument has little margin for error: rendering it scientifically reliable.

Kumar (1999:137) asserts that, in the social sciences, there appear to be two main approaches to establishing the validity of a research instrument, namely, statistical and logistical evidence. He further states that statistical procedures provide hard evidence by way of calculating the coefficient of correlations between questions and outcome variables. Logic implies justification of each question in relation to the objectives of the study. According to Key (1997:1), validity refers to 'the degree to which a test measures what it is supposed to measure'. To measure validity of information, four out of six Colleges in the Western Cape were tested to ensure that this study was based on a demonstrable majority of TVET institutions in the Western Cape. Respondents were in positions to answer questions pertinent to the implementation of the EEA which renders this study reliable, trustworthy and dependable.

Graziano and Raulin (2004:88) maintain that good measurements provide consistent results regardless of who does the measuring. This is referred to as the reliability of the measure. Similarly, Kumar (1999:140) states that the greater the degree of stability and consistency in an instrument, the greater is its reliability. The research instrument used in this study was trustworthy and consistent. The EEA2 Report Form is a legal document submitted to the Department of Labour to ensure compliance in implementing the EEA. For this reason statistics provided by Colleges regarding staff composition of disadvantaged groups are objective, accurate and valid.

3.5.3 Demarcation of the study

As discussed in Chapter 1, of the 50 Colleges nationally, I purposely limited my sample and selected only four Colleges in the Western Cape Province, with two urban and two rural Colleges for this research project. This decision was taken so that more than fifty percent of the six Colleges in the Western Cape Province could be represented. Four EEA2 Report Forms for document analysis were used. Four HR Managers and three DCEOs for Corporate Services, as well as three Campus Heads were interviewed to obtain data for this study. One DCEO for Corporate Services and one Campus Head declined to be

part of this study. The selection of only four Colleges is a limitation as this number is not representative of all the Colleges in it does not reflect other provinces in South Africa.

3.6 Summary

This chapter discussed the research methodology. The research design used was qualitative and quantitative. The data-collection methods included open-ended, semi-structured interviews conducted with purposefully selected respondents, as well as documentary analysis. A representative sample from four TVET Colleges was provided and justified. This sample comprised one Deputy Chief Executive Officer for Corporate Services and a Campus Head from the three participating Colleges as well as a Human Resources Manager from the four participating Colleges. Ethical considerations were observed. Issues of validity, reliability and limitations were also explained in this chapter.

In the next chapter, analysis of data obtained through interviews and documents is made. This chapter presents thematic analysis of data from interviews as well as bar graphs and tables generated as quantitative data obtained from documents provided by four Colleges in the Western Cape.

CHAPTER 4

FINDINGS

4.1 Introduction

Chapter 4 presents the findings derived from the open-ended, semi-structured interviews and from the analysis of the EEA2 Report Form documents. In this chapter, qualitative data is presented according to information received from participants and transcribed from audio tapes. Quantitative data obtained by analysing the EEA2 Report Form documents from four Colleges is presented by means of tables and graphs.

4.2 Qualitative data

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 Colleges present.

Five themes emerged from the analysis of the interviews. Each theme is discussed in detail below. These themes were:

1. Implementation and demands of the EEA
2. The EEA in relation to recruitment and appointments based on race, gender and nationality
3. Employees with disability
4. Geography and language as impediments to the EEA implementation
5. The importance and benefits of the EEA

In the methodology, it was indicated that alphabetical letters A, B, C and D were used to keep proper names of four participating Colleges anonymous. In Colleges A, C and D there were three DCEOs for Corporate Services from each of the three Colleges. Four HR Managers from each of the four Colleges and three Campus Heads from each of the three Colleges participated in the study. In College B, only the HR Manager participated

in the study. As indicated earlier, in this College, the DCEO for Corporate Services and the Campus Head declined to be interviewed. All DCEOs for Corporate Services and HRMs interviewed were males. The HR Managers in this study were three males and one female. Of the three Campus Heads (CHs) who participated in this study, two were female and one was male. The DCEOs were black, coloured and white while the HR Managers were white and coloured. The CHs were black, coloured and white.

Qualitative data obtained from the interviews with participants shed light on the implementation (or lack thereof) of the EEA at college and campus levels. The importance and benefits of the Act, as well as barriers to implementing the act were highlighted.

4.2.1 Implementation and demands of the Employment Equity Act

With regard to the implementation of the EEA, participants expressed various views and beliefs about how the EEA is and should be implemented in TVET Colleges. 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 are expressed in this section.

At College A, the Campus Head believed that in order for the EEA to be implemented effectively at their campus, their equity targets should match the demographics of the Western Cape Province. Hence, they have an EE policy in place at the college that guides them towards making the right decisions when appointing staff at their college. She felt that things had to reach a point where all applicants were treated equally, which might imply that she did not feel that everyone received equal treatment. Everyone, she believed, should, ideally, have the same employment opportunities. What she meant was 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 Campus Head of College A further argued that 'that's what we are aiming for; it doesn't matter what colour, what gender they are or what age for that matter'. 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 Campus Head of College D held that the EEP of their college 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 college needed people with experience and qualifications to perform optimally. She explained that once employees were qualified, the college 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 college.

The Campus Head of College C explained that their college was a product of a recent merger and that, as a result, staff was drawn from disparate communities and had to work together as a united staff. He felt that, unless a policy was spelt out and staff profile was regularly checked, the EEP could not be applied fairly. He, like the Campus Head of College C, expressed a belief that the Act was not fairly applied at their college when considering the statistics of their staff profile.

The four HR Managers who participated in this study believed that they adhered strictly to the stipulations of the EEA. The HR Managers in Colleges A and C claimed that the Act was implemented adequately in their institutions. The HR Manager of College B was of the view that their college had moved away from implementing the Act inadequately in the past to doing so adequately in the present, but with some challenges. The HR Manager of College D reflected that they were implementing the Act both adequately in some regards and inadequately in other regards because gaps still existed in their systems. It could be inferred that the HR Managers of the four Colleges were of the view

that the EEA was implemented adequately but that there were still some challenges with its implementation. However, the CHs felt that the EEA was not applied fairly. The HRMs of Colleges A and C did however indicate that it was not always possible to implement the Act because of the barriers they encountered.

The HR Manager of College C was of the view that his role in implementing the EEA involved making recommendations after the appointment process, from advertising to appointment, had been dealt with. He reported that as an HR Department, they were expected to present guidelines and information. He explained that the HR Department could only advise as to whom to appoint based on equity targets. He also mentioned that ultimately, the decision rested with the CEO and the executive committee of the college as to whether or not to appoint a specific candidate. This could mean that although as HR they are custodians of the EEA, their hands are tied when it comes to the final appointment decisions. All the CHs concurred with this statement, also confirming that ultimately the decision to appoint a candidate lies with the CEO of the organisation. The HR Manager of College D reported that he perceived his role as that of a custodian of the EEA. He felt that he had to ensure that their college adhered exactly to the terms of the EEA. This view was contrary to that of the other HRMs who felt that they were there in an advisory capacity. The HR Manager of College B felt that it was important for him to keep their equity plan alive by referring constantly to the Act and college policy.

There were feelings among the participants that at times the EEA legislation was imposed on the Colleges. Erasmus (2010:244) 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. For instance, the CH of College A felt that they appointed people from

disadvantaged groups in order to keep the ratios, whereas she would have preferred to appoint on merit alone. The Campus Heads of Colleges A and C expressed a belief that they did not have to contribute to the implementation of the Act at campus level. They felt that the EEP was a college policy issue and not a campus issue. They explained that the HR Department would inform them if they were not meeting equity targets. The Campus Head of College A mentioned that she did not go into shortlisting and interviews 'with the Act in mind'. She mentioned that she was not interested in it because all they wanted was the right person for the job. The Campus Head of College D, in a dissimilar vein, expressed the view that they were trying to contribute to equity goals by undertaking the sort of marketing that would attract people from their communities. This policy of recruiting from their rural communities, they hoped, would eventually plough back capital into their communities when they do not migrate to cities. Their graduates should not leave after studying to migrate to cities and urban areas. The Campus Head of College C, however, believed that it was difficult for their college 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.

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

The Code of good practice (2005:14) 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 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 (Fujimoto, 2012:264).

The HR Manager of College A explained that when they did not find an equity appointee, they would appoint an applicant on a contract basis and then re-advertise. He

emphasized that this was especially true if they had already targeted a certain position as an equity goal. He stated that the panel was always informed. All of the four HR Managers interviewed expressed a belief that their role was to inform everyone involved in the recruitment process regarding equity appointments.

In Colleges B and D, in which recruitment strategies provided for the implementation of the EEA, the HR Manager of College B claimed that they advertised widely in newspapers and on the Internet to attract equity candidates. He stated that they had 'proper' panels, meaning professional and experienced staff, for interviews and shortlisting and that it was not done 'loosely'. He believed that they also kept accurate records and that, if an equity candidate was not appointed, they would have to explain in detail to the CEO and provide a strong motivation as to why an equity appointment had not been made. He further explained that if an equity candidate scored well in the interview, there had to be a very good reason for appointing a non-equity competitor. The HR Manager of College D indicated that they were 'very clear' when it came to identifying a position reserved for equity. He indicated that they had mostly black and coloured general assistants and seldom any white general assistants. He confirmed that they were clear about how they advertised as well as how they made their nominations. The DCEO of College A mentioned that they had asked themselves whether they were placing the advertisements in the right newspapers and how they could improve because of the lack of persons from designated groups applying at their college.

Participants cited their staff profile from the EEA2 Report Form at their respective Colleges and the difficulties they faced in implementing the Act, especially as it related to recruitment and appointments of candidates from designated groups. The DCEO of College D stated that if implementation of the EEA was fake, it created more conflict in the workplace with staff feeling that candidates are not appointed on merit alone but for being from designated groups. In other words, people would see that they were appointed on the grounds of a disadvantage and not according to the value they brought to the company. At College C, the DCEO believed that most of their lecturing staff was qualified, but that some were not because they were recruited from industry or the private sector.

He reported that these staff members had to be sent on courses in order for them to become qualified lecturers. He mentioned that the challenge was that across the whole spectrum of faculties at college they did not have enough skills. He further stated that when they advertised, they were unable to attract staff members already fully qualified for the posts advertised. In addition, he pointed out that, although you wanted to achieve the goals of EEA, there was an academic contract that had to be honoured. In striking a balance, he mentioned that they found it difficult to recruit the desired personnel because of the impact it has on equity targets which are set at their college. This is by filling the post with people from designated groups with the vacant skills required at their college

He used an example that they had, for instance, been advertising and re-advertising a post for one-and-a-half years because they could not find the 'right person' to meet their employment equity statistics. He mentioned that if they failed to fill an equity post, this placed a burden on the Department because staff had to do the work of that vacant position by using their free periods to teach the students in the class with the vacant lecturer and that this could cause labour relations issues. He maintained that with perseverance they had advertised 'again and again' and ultimately found the 'right person' for the post. He explained that while waiting for one-and-a-half years to fill a particular equity post, they had to use other resources to supplement the shortfall. He argued that this was not sustainable. He lamented the fact that they sometimes had to make an appointment even if that appointment did not really assist them in terms achieving their EE targets. His point was that there were six public TVET Colleges in the Western Cape and all of them competed for the same resources. Consequently, there were not enough clients. He further expressed a concern that there was a skills shortage and that they did not have enough staff. Furthermore, he mentioned that, because of the low salaries offered at Colleges, they were unable to attract the right personnel. He further stated that they lost engineering staff to industry because industry paid more money and offered more incentives. The lure of more competitive salaries and the ongoing crises of high staff turnover experienced at Higher Educational Institutions HEIs add to the difficulty of retaining and attracting quality staff (Cassim, 2005:659).

Issues of race and gender also came up. A more detailed discussion of the variables of race, gender and disability is included in more detail later during the presentation of the quantitative findings. With regard to race, the HR Manager of College A felt that they were under-represented when it came to particularly black males. She maintained that when it came to engineering, the majority of engineers were historically whites who, after retiring from industry or special schools, applied for work at Colleges. Therefore, it was a problem for them to employ black male engineers. The feeling of the HR Manager of College D was that some of their campuses respected the terms of equity. Some campuses were predominantly of a certain race, which helped them to meet their equity targets easily for example, one campus was predominantly of one race and at another campus more staff of a different race and this, he says, balances their EE targets. The DCEO of College A found that black people in certain positions did not always have sufficient confidence to apply for positions in certain areas, especially management posts.

The matter of nationality also came out strongly in the conversations with the participants. At College A, the Campus Head mentioned that one of their difficulties at campus level was that there were more foreign applicants for Information Technology posts than from South Africa. For example, there were few South African blacks in the industry willing to migrate from the private sector to the college sector. She also highlighted the fact that language was a challenge for foreign nationals at campus level where English or Afrikaans were used as the medium of instruction. It was important to have a person who lectured to be fluent in these languages so that students could understand. She mentioned that if foreign nationals were appointed, they were often suitable for the position, but could not express themselves clearly in both languages. Similarly, the Campus Head of College D was of the view that even though one could find equipped artisans they were, however, not necessarily qualified as lecturers or teachers. In the same vein, the DCEO of College C felt that finding the right people in order to adhere to the Act was in his view nearly impossible. The HR Manager of College D estimated that they had about twenty foreign nationals employed at their college. He stressed, however, that when it related to the EEA, they could not acknowledge them because the Act did not allow them to. This, according to the college, skewed the statistics of how many

blacks were employed at the college, noting that African foreign nationals are not included in the EE statistics.

4.2.3 Employees with disability

Issues in relation to the EEA and people with disabilities were highlighted by the participants. For instance, the DCEO of College A 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

When asked whether there were persons with disabilities employed at or attending campus the question of budgets came to the fore. The Campus Head of College A believed that when it came to assistance for persons with disabilities, it was not included in the campus budget and that the 'college must make a plan'. At College D, the Campus Head stated that 'there will definitely be a budget, but then we need to know in advance that I'm going to have a person like that'. Similarly, the Campus Head of College C also indicated that it was very difficult to find sufficient funding because of budget constraints. As part of Van Wyk's (2004b:171) findings in universities, she noted that there are budgetary constraints HEIs and that it may be the single most notable barrier to EE.

The CH of College D further indicated that not all companies 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 leveled the playing fields, making employment even and accessible to people from all disadvantaged groups. Likewise, the DCEO of College C felt that the EEA was important because it created an environment in

which staff 'worked comprehensively and their performance was optimal'. He regarded optimal performance as critical because, when a person does not feel a sense of belonging, he or she feels alienated, which obstructs the organisation as a whole and prevents it from reaching its targets.

At College A, the HR Manager stated that sometimes a healthy person contracted an illness which renders them with a disability while employed at the college although the condition did not manifest itself immediately. In such cases, the college would assist them with working flexi-hours as long as they worked the hours required for the week. The HR Manager of College B mentioned that they had sent out a questionnaire to staff to ask them to declare their disabilities. He acknowledged that they were aware that staff members were not compelled to declare such disabilities. This provided them with a more accurate reflection of how many people had disabilities in the college. He stated that if they knew of the person's disability, they could provide the necessary assistance: extra tools, certain types of computers, etc. He mentioned that as far as wheelchair access was concerned at campuses, they had done as much as they or their budget allowed them to do. He said that 'we were working on the disabled thing as well'. At College D, the HR Manager stated that they had never made a proper effort in the past to provide for persons with disabilities, or ensure that such persons were employed fairly. He said that 'even in an advertisement we have not been bold enough to say this will be for a disabled person' and for that reason he did not think that the 'applications have truly done justice to the people that's disabled'.

The issue of insufficient funding seemed to be a recurring matter especially with regard to the renovations that had to be made in order to accommodate people with disabilities. The feeling of the DCEO from College C was that funding could be an obstacle when it came to renovating inherited buildings in order to make institutions accessible to persons with disabilities. Similarly, the DCEO from College D felt that large capital investments had to be made in order to make buildings accessible for students and staff. The four HR Managers who were interviewed were asked about any barriers facing them in implementing the Act. The HRM of college D raised the point that another challenge was

their infrastructural limitations. He further stated that, because their central office was rented, they could not make any renovations. This meant that, because they could not provide access, they could not employ persons with disabilities. He further mentioned that they would scrutinise the next fifteen appointments in an attempt to achieve equity. Campus Heads at both Colleges C and D thought that they could use bottom-floor classrooms for persons with disabilities and that they were either in the process of building ramps or already had some. The Campus Head of College D mentioned that they had to assist students with disabilities to walk up the stairs. Campus Heads at Colleges A and D believed that they were well equipped for persons with disabilities but that they were not perfect because they needed to construct railings going upstairs. The Campus Head of College D stated that they had to repair their elevator because it was not in working order. At College C, the Campus Head stated that he had not so far thought about accepting any person with a disability at their campus, not even among the students because this was not fair on students with disabilities because of their infrastructure as it was not accessible for persons with disabilities. He continued that if students with disabilities applied to their campus, they should rather be sent to other campuses which could accommodate them easily. He mentioned that 'there's no policy for that'. At College A, the Campus Head mentioned that when they spoke about equity, she immediately thought about race and gender, and the thought of those with disabilities did not even cross her mind.

The DCEO of College A also mentioned that the greatest challenge that they faced was disability as in certain categories, there were simply no 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.

4.2.4 Geography and language as impediments to the EEA implementation

Cassim (2005:657) 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 HEIs. 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 (2005:660) says contributes to their isolation of academics and students who prefer urban sites of learning. Harrington *et al.*, (2012:36) 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).

The HR Manager of College A stated that they were trying to implement equity at their college by employing people from designated groups. Both HR Managers of Colleges B and D mentioned that the geographical location of their college limited them when recruiting staff from all racial groups: they had an over-representation of whites. They mentioned that the geographical area of the college required people who spoke Afrikaans. The HR Manager of College B was of the view that black people spoke mainly English and IsiXhosa. The shortage of black people who spoke Afrikaans created an impediment as the majority of students at their campuses spoke Afrikaans. Language use in HEIs presents an additional challenge toward achieving equity because English and Afrikaans were privileged over African and other languages during apartheid and those applying for administrative or academic positions in HEIs must often communicate in their second or third language (Portnoi, 2003:83). The impact of language on the appointment and performance of foreign nationals was highlighted earlier in the previous section.

4.2.5 The importance and benefits of the EEA

All four HR Managers indicated that there were benefits for the successful implementation of the EEA at Colleges. The HR Manager of College C felt that, because their college served a diverse clientele, staff should reflect this diversity. The HR Manager of College B 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 HR Manager of College D 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 college'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 HR Manager of College A 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. She 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. All of the HR Managers felt that their aim was to respect their equity targets. The HR Managers of Colleges A and B felt that, although the EEA had to be implemented, the main purpose was recruiting the best person for the job.

All four HR Managers of Colleges A, B, C and D were of the view that their role was to advise the interview panel on their college's targets with regards to equity and to recommend appointments based on their EEP. They felt that they were responsible for being custodians of the EEA. These managers were all accountable to the CEO and College Council with regards to equity statistics and reported on the progress of their equity targets.

The DCEO in College A mentioned that they had an Employment Equity Constitution in their college. He went on to show that their Employment Equity Plan as well as their EEP indicated their commitment to employment equity. The DCEO in College D thought that they needed a 'willing organisation' that believed in the EEA to be able to implement the Act properly, meaning that management and staff should embrace the stipulations of the Act. At College C, the DCEO mentioned that it was a struggle: their core business was that of teaching and learning.

At College A, the DCEO was of the view that you needed to ensure committed employees to the implementation of the EEA and the buy-in from all employees, management and college council. His contention was that if you did not have full commitment from all, you would encounter opposition to the implementation of the EEA. Redressing historical imbalances relating to both staff appointments and student access is therefore important for South African HEIs, as it has been declared policy of the SA government to make access to a quality education a reality for all its citizens (Norris, 2001:219). At College D, the DCEO claimed that it was difficult to attract staff to rural areas because of the distance in travelling; people spent a lot of money in travelling costs and would therefore rather work in the city than the rural areas. He mentioned that some areas did not have public transport such as trains and buses.

The DCEO of College C indicated that they faced two major challenges: first, adherence to the EEA; and second, their responsibility to deliver a service. According to him, these two challenges were not always compatible because staff members became overburdened with doing two people's work if no appointments were made. He said that this could lead to labour relations issues. He could not emphasise enough that in terms of the EEA, one of the most important things they had to check was the issue of skills development. He explained that it was through skills development that they would be able to attract the right personnel for the right places.

The Department of Economic Development describes the Broad-Based Black Economic Empowerment's (B-BBEE) aims as to ensure that the economy is structured and

transformed to enable the meaningful participation of the majority of its citizens and to further create capacity within the broader economic landscape at all levels through skills development, employment equity, socio economic development, preferential procurement, enterprise development, especially small and medium enterprises, promoting the entry of black entrepreneurs into the mainstream of economic activity, and the advancement of co-operatives. DCEOs of Colleges A and D indicated that all their campuses were accessible to persons with disabilities. On the contrary, the DCEO of College C reported that the structural lay-out of their institution was a barrier. He cited the example of a student with a physical disability who wanted to apply for a particular programme but could not attend due to the lack of facilities for persons with disabilities. Eventually the student had to be transferred to another campus where he could be accommodated on the ground floor. It was easier to adapt theory classrooms for persons with disabilities on the ground floor than change them into practical workshops overnight. He further indicated that the lack of facilities for persons with disabilities presented a barrier for employing staff with special needs. The DCEO of College D mentioned that their central office was not amenable for persons with disabilities but hoped that it would change in two years' time. Similarly, the DCEO of College A stated that accessibility for persons with disabilities at one campus was their biggest challenge but that they were dealing with this challenge.

Furthermore, the participants cited various reasons related to importance of the EEA. The three participating DCEOs from Colleges A, C and D stated that, because of South Africa's history, the EEA was in place to guarantee equity and fairness for the future. The three DCEOs for Corporate Services unreservedly stated that the EEA was an important piece of legislation: it brought about opportunities for all in the workplace, especially for people who otherwise would not have had them. The DCEO of College D maintained that, if a person had the right qualifications and the right experience, and depending on the company's recruitment policy, he or she might still find it difficult to gain a position in the workplace. He stated that the EEA provided such a person with an advantage over a white male, for instance, with fewer restrictions and barriers than before.

He further mentioned that the benefits of having the EEA were that, when an institution or organisation adhered to the EEA correctly, it was able to ensure that its taskforce performed to the best of its ability. He believed that their senior management was representative of the demographics of the country in terms of the EEA and that this created an environment that made them feel that: 'this is our company, this is our institution, and this is our country'. He therefore held that the country would perform better and achieve its goals if the EEA were implemented effectively. In addition, he thought that the EEA could be of great benefit to the country because South Africa would be able to share skills and attract youth to participate in all sectors. The DCEO of College A believed that if an organisation failed to implement the EEA successfully, it could not distribute its workload fairly. All three DCEOs appeared to believe that the EEA created a diverse workforce in South Africa by which everyone in the country was represented.

All of the four HR Managers interviewed unanimously agreed that the EEA was an essential piece of legislation. The HR Manager of College C claimed that the EEA brought clarity and equality to the college sector, while the HR Manager of College B maintained that they placed great emphasis on equity at their college. Of the four HR Managers interviewed, those in Colleges A, B and D concurred that the EEP was important. The HR Manager of College C mentioned that it was hard to keep track of what the policy expected of them. He felt that, first and foremost, the EEP had to make provision for the needs of clients; most of whom were students.

As indicated in the methodology, three Campus Heads (CHs) participated in the study. They all indicated that the EEA was crucial because of South Africa's past and that equity in the workplace had to be achieved by law. The Campus Head of College D mentioned that the EEA should be not merely perfunctory but fully functional. At College C, the Campus Head felt that the EEA needed to uplift everybody, but 'it shouldn't be indefinite'; meaning that the Act should not be in effect forever. In the same vein, various rationales have been advanced by those opposed to affirmative action in U.S. and some say that: affirmative action has served its purpose and is no longer necessary in our newly

'colourblind' society and others assert that affirmative action is unfair, that it represents 'reverse discrimination' against guiltless whites (Allen *et al.*, 2002:442).

Similarly, the Campus Head of College A thought that the Act had its place at the moment, but 'somewhere along the line there should not be such an Act'. She felt that, eventually, staff should be appointed on merit only and that background disadvantages should eventually be ignored. Equity and redress therefore, is more than merely providing equal opportunities and should be an intervention that aims at getting rid of the historical deficits completely, which implies that equity and redress must be a temporary intervention that has to dissolve as soon as the objective has been accomplished (Thaver, 2003:222). Soni's (1999:585) argument on merit have two contrasting approaches for selecting people for jobs and educational opportunities, suggested by supporters and opponents of affirmative action, first, the approach involves employment and admission based on merit and selecting the best candidate for the job, second, this approach allows group membership to influence selection decisions, which theoretically dilutes the strict merit principle. When interviewed, the three DCEOs, four HRMs and three CHs unanimously agreed that the EEA was an important piece of legislation in South Africa. However, although the DCEOs and HRMs felt this way, the CHs of Colleges A and C believed that they did not actively recruit employees from disadvantaged groups, but simply the best person for the job. They believed their college did not reflect what the EEA required of them. They also felt that the EEA should not be in place indefinitely.

4.3 Quantitative data from participating Colleges: Current statistics and future planning

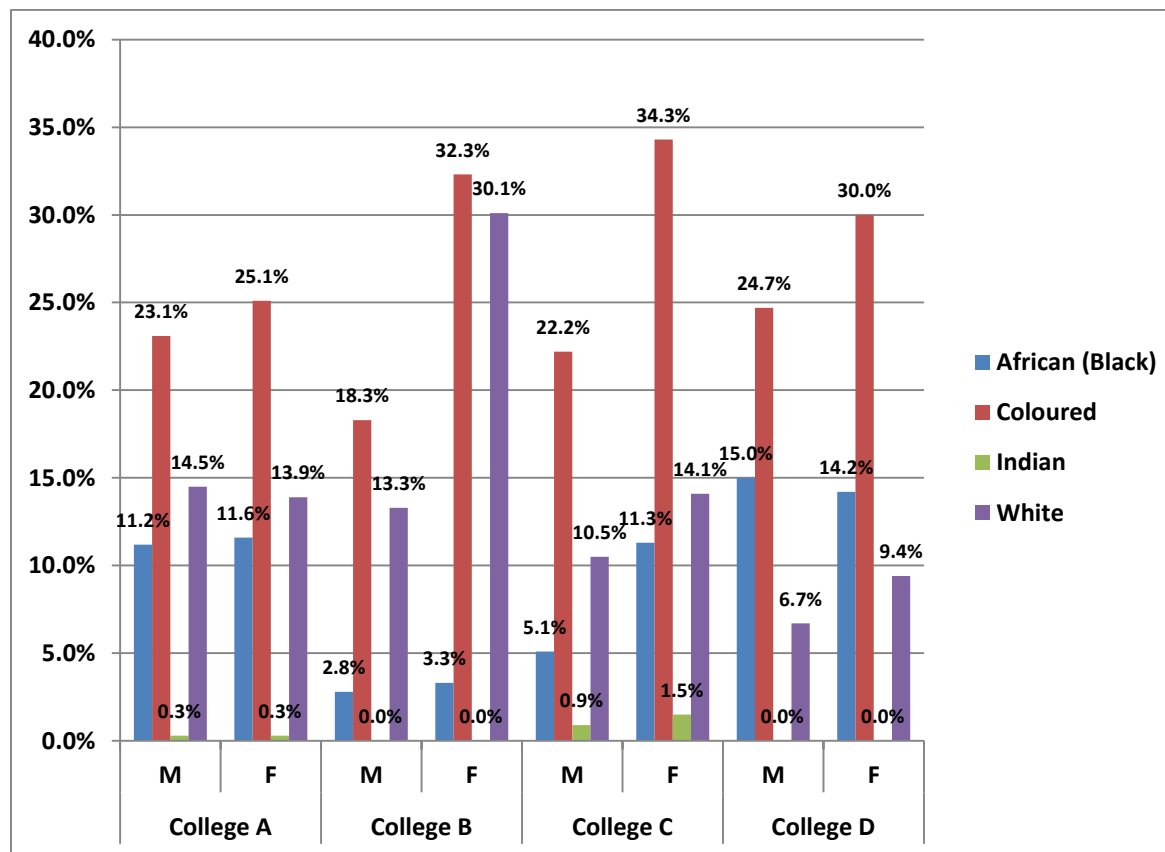
This section presents the results drawn from the EEA2 Report Form document obtained from the four Colleges that participated in this research. As indicated earlier, these documents are submitted to the Department of Labour annually to measure their employment equity progress.

4.3.1 Quantitative data from the EEA2 Report Forms

Quantitative data was analysed from the EEA2 Report Form received from the four Colleges that participated in this study.

The data presented in Graph 1 represents the gender distribution of staff from all four Colleges in the Western Cape. This information stems from the analysis of the EEA2 Report Form received from the Colleges. According to Clarke (2003:41), it should be ensured that all disadvantaged groups are equitably represented in the workplace at all levels.

Graph 1: *College staff by gender and race at the end of 2012*



Graph 1 shows that in College A, coloured males are the highest represented with 23.1%: white males are the second highest represented with 14.5%. Blacks are the second least represented group with 11.2% and Indian males are the least with 0.3%.

Similarly, at College B, coloured males outnumber all males at 18.3%, with white males being the second highest represented group: 13.3%. Black males are the third most represented with 2.8% but there were no Indian males. These results indicate, as the HR Manager of College B had mentioned during the interviews, that they were struggling to recruit black lecturers because, as he put it, of the 'language barrier' at campus level, especially in rural areas. This is confirmed in Graph 1 above where College B has 2.8% males and 3.3% females. Coloured males of College C represent an outright majority (22.2%) with white males the second highest represented at 10.5%. Black males are second lowest in College C with 5.1%: Indians have no representation. This is different from Colleges A and B where black males are the second lowest represented with 11.2% and 2.8% respectively. Colleges A and C have few Indian male staff members: 0.3% and 0.9% respectively. No Indian males were represented at Colleges B and D. These statistics could explain why the DCEO of College C felt that their staff profile was disappointing. This could also be the reason that he indicated they were struggling to meet EE targets. Although some departments were, according to the DCEO of College C 'fairly okay', other departments within the college were not well represented.

College D has coloured males as the majority in their staff complement (24.7%), with black males being the second highest (15.0%). This is quite significant compared to Colleges A, B and C where coloured males are in the majority and blacks the second lowest. Black males represent the most in College D even though they have the second lowest representation in College D. White males are the third highest staff complements (6.7%). There were no Indian staff members. This is confirmed when the HR Manager of College D expressed that they had 'failed dismally' because they had no Indian staff in academic or support positions.

At College A, coloured females are the highest with 25.1% while white females are the second highest staff members at 13.9%. Black females rank second lowest with 11.6%: they have one Indian female. The female staff complement at College B shows that coloured females are in the majority with 32.3%, while white females are a close second with 30.1%. Black females are significantly fewer with 3.3% and there are no Indian

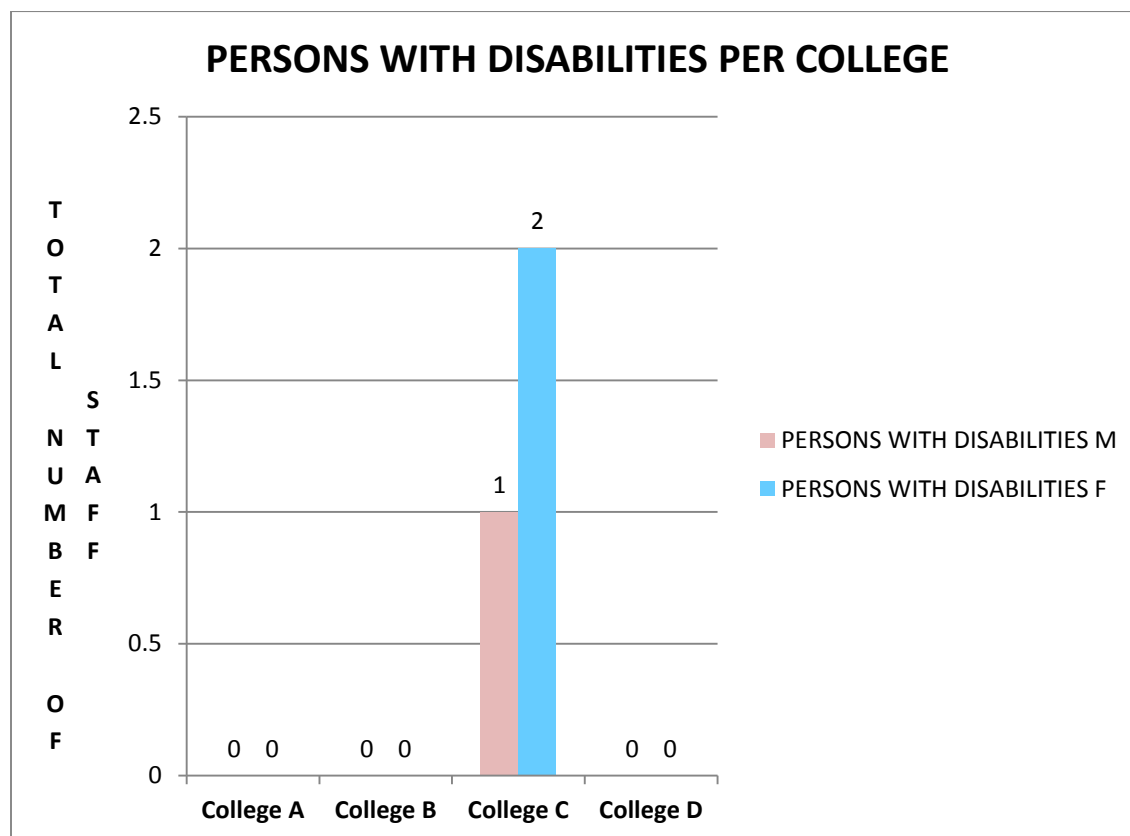
females. In College C, coloured females are in the majority with 34.3%: with whites the second highest at 14.1% and black females the second lowest with 11.3%. Indian females are the lowest at 1.5%, but are much higher than Colleges A and B where there are none. In College D coloured females are in the majority with 30.0% and, quite significantly, black females are the second highest staff members with 14.2% compared to Colleges A, B and C. White females are the second lowest with 9.4% but there are no Indian females.

The majority of staff complements at all four of the Colleges who participated in this study are coloured males and females. White males and females are the second highest in number at all Colleges, except for College D where black males and females are second highest.

Black males and females are the second lowest in all the Colleges except in College D where white males and females are the second lowest in total.

The Employment Equity Act (EEA) (Act 55 of 1998) (EEA) states that recognising as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws. Therefore the EEA recognises that, as a result of apartheid, many inequalities still remain in the labour market in terms of income, employment and occupation. The EEA also acknowledges that disparities are particularly pronounced for historically disadvantaged people. The findings indicate that blacks and Indians are underrepresented at these Colleges in the Western Cape Province and does not in any manner adhere the aims of the EEA. This is similar with regard to persons with disabilities in Graph 2 (see following page).

Graph 2: Breakdown of college staff in terms of persons with disabilities



Based on data from the EEA Report Form, Graph 2 was reduced and indicates staff with disabilities at Colleges A, B, C and D.

Graph 2 shows that College C is the only one that has employed persons with disabilities: one male and two females out of 531 staff members. Colleges A, B and D have no persons with disabilities listed in their EEA statistics.

Significantly, in Graph 2, College C has documented persons with disabilities: one male and two females. Colleges A, B and D have no persons with disabilities listed on their EEA2 Report Form. The overall staff complement for male persons with disabilities at Colleges A, B, C and D is 0.18% and females 0.37%. In the next section, Table 2 represents a synopsis of the statistics for the staff profile of Colleges A, B, C and D according to gender and positions held within the respective Colleges in the Western Cape.

Table 2: Synopsis of permanent staff profile at Colleges A, B, C and D in 2012 according to gender and positions held

	black		coloured		Indian		white		persons with disabilities	
	M	F	M	F	M	F	M	F	M	F
Top Management (Exec)	15.8%	5.3%	21.1%	21.1%	0%	0%	26.3%	10.5%	0%	0%
Senior Management	4.4%	8.9%	22.2%	6.7%	2.2%	2.2%	20.0%	33.3%	0%	0%
Professionally qualified and experienced specialists and mid-management	7.1%	5.7%	19.9%	20.1%	0%	0.2%	18.5%	28.5%	0%	0%
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	8.3%	9.6%	20.8%	29.2%	0.9%	1.3%	12.7%	17.2%	0.2%	0%
Semi-skilled and discretionary decision making	2.7%	18.5%	18.9%	47.3%	0%	0%	2.7%	9.9%	0%	0.5%
Unskilled and defined decision making	10.7%	9.8%	30.3%	46.6%	0%	0%	0.4%	2.1%	0%	0.4%

Table 2 shows the top management structure regarding males: white males were the highest with 26.3%, coloured males second with 21.1%. In third place were black males with 15.8% and Indian males 0%. Similarly, Lindsay (1999:188) state that regardless of the indicator used in her study, white males remain the favoured group in all areas of higher education and these data will serve as a context for our future discussion for affirmative actions and equity in American higher education.

Female top management was 21.1% coloured; second highest were white females with 10.5%. The second lowest in top management were black females with 5.3%: Indian females were 0%.

In the category of senior management positions, coloured males were highest with 22.2%, the second highest were white males with 20.0%. The second lowest number of males in senior management positions was black with 4.4% and the lowest were Indian males at 2.2%.

Of females in senior management positions, the highest were whites with 33.3%. The second highest were black with 8.9%. The second lowest number of females in senior management positions was coloured: 6.7%. Females with the least representation in senior management positions were Indians with 2.2%. Coloured males were in the majority in professionally qualified and experienced specialists and mid-management positions with 19.9%. The second highest were white males with 18.5%. The second lowest were blacks with 7.1% and Indian males the lowest with 0%.

The majority of females in professionally qualified and experienced specialists and mid-management positions were white: 28.5%. The second highest in this category were coloured with 20.1%. The second lowest in these positions were black with 5.7% and the lowest represented race amongst professionally qualified and experienced specialists and mid-management position were Indian with 0.2%.

The highest number of males in skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents positions was coloured: 20.8%. Second highest were white males: 12.7%. The second lowest represented in these positions were black: 8.3%. The lowest were Indian: 0.9%. Females in skilled technical and academically qualified workers', *et al.* positions were coloured: 29.9%. White females were the second highest with 17.2%. Second lowest in these positions were blacks at 9.6%. The lowest were Indian with 1.3%. The majority of males in semi-skilled and discretionary decision-making positions were coloured with 18.9% and the second highest were white and black males both with a representation of 2.7%. Indians had 0% representation in these positions.

The highest number of females in semi-skilled and discretionary decision-making positions was coloured: 47.3%. The second highest number of staff in this position was black: 18.5%. The second lowest were white: 9.9%. The lowest represented females in this position were Indian: 0%. In the position of unskilled and defined decision-making, the highest number of males was coloured: 30.3%. The second highest represented groups were black: 10.7%. Second highest were white males: 0.4%. Lowest in this position were Indian: 0%. The highest number of females in unskilled and defined decision-making positions was coloured: 46.6%. The second highest was black: 9.8%. Second lowest were white females: 2.1%. Lowest were Indian: 0%.

Male persons with disabilities in Top Management positions at all four Colleges that participated in this research were 0%. Similarly, female representations in such positions were 0%. Persons with disabilities in Senior Management positions who participated in this research were 0% males. Similarly, females' representation in these Senior Management positions was 0%. Male persons with disabilities in professionally qualified and experienced specialists and mid-management positions at all four Colleges that participated in this research were 0%. Similarly, female representations in this position were 0%.

Persons with disabilities in skilled technical and academically qualified workers', *et al.* positions at all four Colleges that participated in this research, were 0.2% males. Female representations in this position were 0% at the Colleges. Male persons with disabilities in semi-skilled and discretionary decision-making positions who participated in this research were 0% males. Female representations in this position were 0.5%.

Persons with disabilities in unskilled and defined decision-making positions at all four Colleges that participated in this research were 0% male. Female representations in this position were 0.4%.

4.3.2 Further analysis of Table 2

White males were in the majority in top management positions with 26.3% in public TVET Colleges in the Western Cape. Indians were the least represented with no staff members. White males were the highest in the position of top management; their position in senior management was the second highest (it was very close to the highest with coloured males 22.2% and white males 20.0%). White males in professionally qualified and experienced specialist and mid-management positions were the second highest: 18.5% (very close to the highest; coloured males at 19.9%). White males in skilled technical and academically qualified workers', *et al.* positions were the second highest: 12.7%. In comparison, black males in similar positions at top management were the second lowest: 15.8%. In senior management positions, they were the second highest: represented at 4.4%. Black males in professionally qualified and experienced specialists and mid-management positions were the second lowest with 7.1% and in skilled technical and academically qualified workers', *et al.* positions, they were the second lowest with 8.3%. The EEA2 Report Form analysed from the four Colleges that participated revealed that white males were more represented at top levels and less represented at lower levels. In contrast, black males were better represented at lower levels than at top levels in public TVET Colleges in the Western Cape.

Coloured females were in the majority in top management positions in public TVET Colleges in the Western Cape with 21.1%. Indians were the least represented with 0%. Notably, white females in this position were more than double the number of blacks. Coloured females were in the majority in skilled technical and academically qualified workers', *et al.* positions: 29.2%. Indian females were the least represented with 1.3%. Coloured females were in the majority in semi-skilled and discretionary decision-making positions in public TVET Colleges in the Western Cape: 47.3%. Indians were the least represented with 0%. Coloured females were in the majority in unskilled and defined decision-making positions at 46.6%. Indians were the least represented with 0%.

Coloured males were also in the majority in professionally qualified and experienced specialist and mid-management positions in public TVET Colleges in the Western Cape: 19.9%. White males were just 1.4% lower. Indian males were the least represented in

these positions with 0%. Coloured males were in the majority in skilled technical and academically qualified workers', *et al.* positions in public FET Colleges in the Western Cape with a representation of 20.8%. Indians were the least represented in these positions with 0.9%.

Coloured males were also in the majority in semi-skilled and discretionary decision-making positions in public TVET Colleges in the Western Cape: 18.9% representation. Indians were not represented. Coloured males were the majority in unskilled and defined decision-making positions with a representation of 30.3%. Indians were not represented.

Coloured males and females were generally well represented at all levels within college structures. White and coloured (both males and females) were in top echelon positions while blacks and coloureds (both male and females) were in the majority in unskilled and defined decision-making positions which were the lowest positions.

White females were in the majority in senior management positions in public TVET Colleges in the Western Cape: 33.3%. Indians were the least represented at 2.2%. White females were the majority in professionally qualified and experienced specialists and mid-management positions with a representation of 28.5%. Indians were the least represented with 0.2%. White females held the second highest number of positions in top management with a representation of 10.5%. White females held the highest number in senior management with 33.3%, the highest in professionally qualified and experienced specialists and mid-management positions with 28.5% and the second highest in skilled technical and academically qualified workers', *et al.* positions with a representation of 17.2%. In comparison, black females in similar positions in Top Management were the second lowest with 5.3% and in senior management positions were the second highest represented with 8.9%. In professionally qualified and experienced specialists and mid-management, black females were the second lowest represented at 5.7% and in skilled technical and academically qualified workers', *et al.* positions, they were also the second lowest: 9.6%. White females were better represented at top levels and less so at lower levels. In contrast, black females were better represented at lower levels than top levels at public TVET Colleges in the Western Cape.

In positions of semi-skilled and discretionary decision-making, black females were more represented than white females: 18.5% and 9.9% respectively. Similarly, in positions of unskilled and defined decision-making, black females were better represented than white females with 9.8% and 2.1% respectively. This accords with the literature which shows that the BEA was established by the Black Education Department in the Department of Native Affairs devised an education programme which deliberately held back all races except whites. Blacks were prohibited from filling any positions except those of manual labour. The designer of the BEA was Dr H.F. Verwoerd and he indicated that the aim of the BEA was to inhibit blacks from receiving the kind of education that would enable them to obtain or compete for jobs earmarked for whites. Blacks could only receive an education that would give them the skills to be labourers: to work for white people or to serve their own people in the homelands where they were obliged to live. Therefore, research shows that black and coloured people still tend to occupy labourer positions while there are hardly any whites in such positions. In this respect, little has changed since 1953.

In the positions of semi-skilled and discretionary decision-making, black males were represented equally: white males with 2.7%. In positions of unskilled and defined decision-making, black males were more widely represented than white males, with 10.7% and 0.4% respectively.

Blacks were not well represented at top management and senior management positions or other such levels within public TVET Colleges in the Western Cape. Indians were not represented at all. Whites were in the majority at senior levels but not at lower levels. Literature showed that the composition of academic staff at university comprised more males from all races at universities. The findings of this research project indicate that females were the most represented in all the Colleges researched: coloured, white, black and Indian in order of gender and race were represented respectively.

Persons with disabilities were not represented at all at top and senior management levels; or at most levels within the structures of public TVET Colleges in the Western Cape. Literature and data reveal that there are still inequalities in the employment of historically disadvantaged groups at universities and that staff profiles at the Colleges researched

have not changed significantly since the EEA was brought into force. More has to be done to ensure and enforce equity in the workplace.

Lave and Wenger's (1991) literature and data analysed also confirm that in some groups marginalised people are core members and in others, marginalised people are more at the periphery. People initially join communities and learn at the periphery. As they become more competent, they should move towards the 'centre' of that particular community. Literature and data confirm that the community of practice is weak or exhibits power relations that seriously inhibit entry, if participation and such eventual movement to the centre are not observed. This is the case in this study.

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 Colleges who participated in the study. The importance of the EEA and the Colleges' performance management systems and accountability was discussed. Document analysis was done and presented graphically and in tabular form. Findings were that white males were more dominant in top management positions and blacks were not adequately represented in top positions or at other levels at Colleges in the Western Cape.

In Chapter 5, a brief discussion is presented and recommendations are made.

CHAPTER 5

ANALYTICAL DISCUSSION AND RECOMMENDATIONS

5.1 Introduction

Chapter 5 presents the summary of the research, discussion and recommendations based on the findings in Chapter 4 and ends with a conclusion.

5.2 Summary of the research

This research project aimed at examining whether EEA was implemented in TVET Colleges situated within the Western Cape Province, 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 Colleges. In order to achieve the objectives of this research, open-ended, semi-structured interviews were conducted with respondents (see Table 1). An interview schedule (see Appendix A) was drawn up to gather the information which formed the basis of the research. Statistics were obtained from the EEA Reports of the four TVET Colleges to ascertain that equity had been respected. The evidence illustrated that the Colleges are 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. In *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, semi-structured interviews and documentary analysis. Quantitative data was analysed and presented in graphs and tables. As shown in Chapter 4, five 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 Discussion

Analysis of data indicated that, in implementing the Act and assessing its impact and that of EEP at Colleges, the EEA presented a dilemma for all the Colleges that participated in this research. Campus Heads preferred to select the best person for the job but, at the same time, they needed to meet equity targets. Portnoi (2009:378) highlights the same dilemma: that there was pressure for their university to implement the EE but there was equal pressure to select the best candidate. Part of the reason for this dilemma could be that many Technical and Vocational Education and Training (TVET) Colleges were once white institutions. Redress had to take place after 1994 to create parity, especially at these institutions so as to address the existing imbalances in the name of social justice alluded to in the theoretical framework. Qualitative data from the interviews revealed that all respondents felt that the EEA was an important piece of legislation. But some appeared to believe that the Act should not be applied indefinitely. In other words, appointments, they felt, should eventually be made on merit and not because an applicant was from a historically disadvantaged group.

From these statements, one can infer that the EEA is exercised with some apprehension. Some participants seem to believe that it is being implemented merely for the sake of meeting quotas: to create parity for those from previously disenfranchised populations. This view was confirmed by a suggestion from Campus Heads A and C: that the Act should not be implemented indefinitely. The need for merit or 'fit-for-purpose' appointments seems to pose a challenge, however, for some Campus Heads in their efforts to implement EEA. If Campus Heads appointed candidates purely based on merit, this situation could have serious implications because institutions would not be able to meet their equity targets.

Further data indicated that all HR Managers are responsible for EEP at Colleges. They make recommendations to the EE committees at their respective Colleges. Campus Heads reported that appointment decisions lay ultimately with the central office and not with them. It appears that there are still impediments regarding the correct implementation and interpretation of EEA by Campus Heads, DCEOs for Corporate Services and HR Managers. Budgetary constraints, roles of custodians and EE statistics within Colleges appear to remain contested areas. The implications for the custodians of the EEP not implementing processes responsibly and not having the Act in mind when making appointments, places Colleges at risk regarding policy and procedures related to the EEA. What this implies is that implementation of the EEA should be a social agenda. It should stimulate social activism of everybody in the Colleges, a fact raised earlier in the theoretical framework (Agger, 2006:23 in MacKinnon, 2009:513).

From data, it was found that Colleges either implemented the EEA adequately or inadequately. It was mentioned that inadequate implementation of the Act posed challenges and created barriers to the custodians of the EEA at Colleges. The failure of some Colleges to implement EEA adequately could be the reason why some of these Colleges do not meet their final EE targets, as reflected in the quantitative data presented in this study.

It is important to note that CHs, DCEOs and CEOs who are in the position of selecting and finally appointing new academic and support staff are caught in a dilemma not of their own making. On the one hand, they have a contractual responsibility to students to provide the best educational standards in terms of quality teaching and learning. On the other hand, they have an ethical obligation to ensure political equity by means of implementing legislation to redress the imbalances of the past.

From the findings emanating from interviews, the Human Resources Manager of College D indicated that certain racial groupings did not feature in the staff make-up of some Colleges. These Colleges were 'very clear' when it came to identifying a position reserved for equity. Findings from the quantitative data (see Table 2) corroborated that particular

groups were consistently under-represented, such as black males in the top positions at Colleges. For example, data from Colleges A, B, C and D (see Table 2) showed mostly black and coloured general assistants at the bottom levels. Seldom were there any white general assistants at these levels. There was a shortage of Black males and females in the top positions of many Colleges. This situation was corroborated by findings from quantitative data. These findings could have serious implications for the EEA's fundamental purpose of equity and its failure to redress the imbalances of the past. What this data reveals is that some groups operate at the margin and highlighted earlier in the theoretical framework. There is a need for all the groups to be brought in from the periphery to the centre of the institutions' top management so as to fulfill the EEA's equity agenda.

Infrastructural limitations seem to have presented barriers and cause for concern at some Colleges, as proper facilities for people with disabilities were reportedly insufficient. For example, it was reported that some buildings were either inherited or leased, the latter that could make it difficult for Colleges to make renovations that would cater to people with disabilities. Structural limitations could be the reason why no persons with disabilities were employed or registered in the statistics of certain Colleges. In addition, Colleges did not indicate the number of persons with disabilities employed at their Colleges. This lack of facilities and statistics shows neglect and lack of concern for persons with disabilities, as one respondent indicated. The low statistics of people with disabilities employed at the Colleges support this criticism.

The issue of budget constraints arose during interviews: some Colleges claimed they lacked the funds needed to make their buildings accessible for student and staff with disabilities. Some Campus Heads were of the opinion that budget allocations for improvements to infrastructure should come from the central TVET budget. The implication of this, however, could be that individual campus might request funding, but not receive any money. This situation might prevent the Colleges from providing facilities for persons with disabilities and subsequently, from hiring them.

Geographical location of a TVET College, that is whether it lies in a rural or an urban area, is decisive when it comes to recruitment of skilled staff from designated groups to apply at these Colleges. Foreign nationals could not legally be cited in College statistics. This provision skewed the total representation of black members of staff. It is important to note that the EEA stipulates that redress is for disadvantaged groups within SA and should reflect as far as possible designated groups from SA. Language was of concern at Colleges situated in most rural areas and some urban areas if the medium of instruction was Afrikaans because persons from designated groups, especially blacks or foreign nationals are not always able to read Afrikaans newspapers for positions advertised at Colleges. Consequently, they might miss opportunities to apply for appointments. This could have serious implications for appointing persons from designated groups.

Some Campus Heads believed that, in order for the EEA to be implemented effectively and justly at their campus, their equity targets should match the demographics of the Western Cape Province. DCEOs said that they must ensure that equity is followed, and that it is in line with the demographics of the WC. Because these Colleges are situated in the WC, it is fair to rely on the demographics of this province instead of national demographics.

The findings indicated that there are gaps in the Colleges' staff profiles: that they needed to be corrected. Under-represented designated groups need to be appointed in the workplace. Colleges do not meet their targets for persons with disabilities even ten years after TVET Colleges were established (see Graph 2). This, one could be led to believe, that inequalities still exist regarding employment of persons from disadvantaged groups such as blacks, women and persons with disabilities at Colleges within the Western Cape Province. TVET Colleges are ten years old. Yet data obtained from them shows that redressing the imbalances of the past is less than satisfactory. As indicated, this has major implications for righting the wrongs of the past and for correcting social injustices caused by apartheid system in South Africa.

5.4 Recommendations

With regard to the implementation of the Act, recommendations are that the co-operation and/or mutual investment of all custodians is required. Those in positions to make decisions and entrusted to implement this Act need to collaborate closely. All Colleges are required by law to implement the Act. Therefore, it is imperative for them to abide by this legislation. Colleges 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 Colleges with regard to the progress of the implementation of the Act.

Furthermore, it is recommended that Campus Heads should be familiar with the EEA. They should be informed about EE targets and take such information into account when staff members are appointed. CHs should develop and empower staff from previously disadvantaged groups internally by means of induction at campus level. Colleges 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 Colleges use provincial demographics to set their EE targets.

HR departments at Colleges act in an advisory capacity only with regard to appointments. It is recommended that HR departments should not merely advise the interview panel before appointments are made, but should be in a position to give strong recommendations. HR Managers need to provide their Executive Management and College Council with monthly updates on progress made with regard to their EE targets. Any challenges or barriers they face in implementing the Act should be noted and forwarded to their Executive Committees. In addition, it is recommended that EE targets should be permanently on the agenda at all meetings of the Colleges' Executive Committees.

During interviews, it emerged that only one college had an EE constitution. In fact all Colleges should have an EE constitution and a realistic EE plan, in order for them to measure targets effectively and efficiently. It is recommended that all Colleges need an active EE committee chaired by the EE Officer who reports to the HRM. The HRM should report to the Executive Committee which in turn accounts to the College Council. It is also recommended that Colleges should have a designated Employment Equity Officer to be the custodian of the EEP. This person should report via the EE Committee to the HR Manager on a monthly basis, especially when there is a high staff turnover. Based on the findings of this research, EEP should be applied fairly at central office and at campus level. Shortlists should be drawn up as far as possible with EEP provisions in mind.

With regard to recruitment for vacancies at Colleges, it is recommended that advertisements should be placed in regional newspapers, in bilingual community newspapers and on the Internet. Colleges should give preference to persons with disabilities in their advertisements at all times because no indication of persons with disabilities was provided by Colleges. When appointments are made, they are to be transparent and communicated via college intra-email. As was highlighted earlier, language remains a concern at Colleges situated in rural areas where some people are required to communicate in a third language such as Afrikaans. This problem still remains unresolved, but should be dealt with in an effective manner as soon as possible. Another issue closely related to recruitment is the lack of scarce skills' staff especially in rural Colleges. Scarcity of certain skills faced by Colleges in rural areas means that such Colleges should offer incentives for scarce skills' subjects such as mathematics, science and engineering in order to attract experts to rural areas, especially persons from designated groups.

As far as persons with disabilities are concerned, it is recommended that all College 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 TVET College 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.

Some Colleges lacked an Inclusive Education Officer who is employed to support persons with disabilities. It is recommended that all Colleges should employ an Inclusive Education (Occupational Therapist) staff member at their Central Office (one staff member per two campuses) to support staff and students with disabilities.

5.5 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 Colleges selected for this study. 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 Colleges face, 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 TVET Colleges in the Western Cape Province, 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.

Campus Heads, Human Resources Managers, Deputy Chief Executive Officers and Chief Executive Officers 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.

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APPENDICES

- APPENDIX A – INTERVIEW SCHEDULE FOR RESPONDENTS
- APPENDIX B – PARTICIPANT CONSENT FORM
- APPENDIX C – LETTER FOR PERMISSION TO CEOs TO CONDUCT RESEARCH
- APPENDIX D – LETTER OF PERMISSION FROM WCED
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APPENDIX A – INTERVIEW SCHEDULE FOR RESPONDENTS

THE DEPUTY CEO: CORPORATE SERVICES

QUESTIONS FOR INTERVIEW

1. What are your views on the importance of the Employment Equity Act (EEA)?
2. What are your views on the reason for having this (EEA) legislation in our country?
3. What are your views on implementing this legislation successfully and how will it benefit our country?
4. To what extent has the EEA been implemented?
5. What types of challenges exist in implementing the EEA at your college?
6. What are the barriers to the implementation and how are they being addressed (if any)?
7. How often do you report on your achievements regarding the implementation of the EEA?
8. What type of performance management system do you have in place to ensure that the EEA is being implemented at all levels in your college?
9. What do think of your current staff profile?
10. If you should have or do have a five year plan, what do you envision your staff profile to be like in five years' time?

APPENDIX A

THE HUMAN RESOURCES MANAGER

QUESTIONS FOR INTERVIEW

1. What are your views on implementing the Employment Equity Act (EEA) successfully and how will it benefit your college?
2. What are your views on the importance of the Employment Equity Policy (EEP) at your college?
3. To what extent has the EEA been implemented?
4. What types of challenges exist in implementing the EEA in your college?
5. What are the barriers to the implementation and how are they being addressed (if any)?
6. How do you contribute towards implementing the EEA successfully at your college?
7. What is your recruitment process from placing an advert to final appointment?
8. How do you play a supportive role in monitoring that the EEP is being adhered to within your college?
9. What process is being followed in reporting on your college's staff profile?
10. What do think of your current staff profile?

APPENDIX A

THE CAMPUS HEAD

QUESTIONS FOR INTERVIEW

1. What are your views on implementing the Employment Equity Act (EEA) successfully and how will it benefit your campus?
2. What are your views on the importance of the Employment Equity Policy (EEP) at your college?
3. To what extent has the EEA been implemented at your campus?
4. What types of challenges exist in implementing the EEA at your campus?
5. What are the barriers to the implementation and how are they being addressed at your campus (if any)?
6. How do you contribute towards implementing the EEA successfully at your campus?
7. What process is being followed in reporting on your campus staff profile?
8. How do you play a supportive role in assisting disadvantaged groups to function effectively in their appointed roles at your campus?

APPENDIX B - PARTICIPANT CONSENT FORM

PARTICIPANT CONSENT FORM

CONSENT TO PARTICIPATE IN RESEARCH STUDY TOWARDS A MASTERS THESIS

TITLE:

**CHALLENGES FACING THE IMPLEMENTATION OF THE EMPLOYMENT EQUITY
ACT IN PUBLIC FET COLLEGES IN THE WESTERN CAPE**

You are asked to participate in a research study conducted by Malcolm Meyer – *student at faculty of Education & Social Sciences, student number 206 007 493* at the Cape Peninsula University of Technology (CPUT).

If you have any questions or concerns about the research, please feel free to contact Dr. L. Sosibo (supervisor) at CPUT, telephone: 021 680 1539.

OBJECTIVES:

The objectives of my study are:

- to identify the challenges and/or barriers in the implementation of the EEA,
- to make recommendations pertaining to building on the successes of the implementation of the EEA, and
- to ascertain the extent to which the EEA is implemented.

PROCEDURES

If you volunteer to participate in this study, I would ask you to do a face-to-face semi-structured interview for approximately 45 minutes. The interview will be recorded in order to capture all data.

POTENTIAL BENEFITS TO PARTICIPANTS AND/OR TO SOCIETY

The benefits for the participant will be that the participant will contribute to playing an integral part in identifying challenges in the implementation of the EEA and to make recommendations pertaining to building on the successes of the implementation of the EEA in Colleges nationally thereby contributing positively to society.

PAYMENT FOR PARTICIPATION

The participant will receive no payment.

CONFIDENTIALITY

The participant's identity and that of the college will remain anonymous and every effort will be made to ensure confidentiality.

PARTICIPATION, WITHDRAWAL AND RIGHTS OF PARTICIPANTS

I hereby agree to be a willing participant as a respondent in this study and do so voluntarily. I can at any stage withdraw from this study without any consequences or penalty.

SIGNATURE OF RESEARCH PARTICIPANT

I have read the information provided for the study "CHALLENGES FACING THE IMPLEMENTATION OF THE EMPLOYMENT EQUITY ACT IN PUBLIC FET COLLEGES IN THE WESTERN CAPE" as described herein. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Name of Participant (please print)

Signature of Participant

Date

SIGNATURE OF WITNESS

Name of Witness (please print)

Signature of Witness

Date

APPENDIX C – LETTER FOR PERMISSION TO CEOs TO CONDUCT RESEARCH

Malcolm Meyer
XXXXXX

The CEO

Dear XXXXXXXX

PERMISSION TO CONDUCT RESEARCH

My name is Malcolm James Meyer and is currently doing a Magister Educationis (M.Ed.) course at CPUT, student number: 206007493. My supervisor is Dr L. Sosibo.

My thesis is entitled:

CHALLENGES FACING THE IMPLEMENTATION OF THE EMPLOYMENT EQUITY ACT IN PUBLIC FET COLLEGES IN THE WESTERN CAPE.

My research question is:

What types of challenges exist in the implementation of the EEA in public FET Colleges in the Western Cape?

The objectives of my study are:

*to identify the challenges and/or barriers in the implementation of the EEA,

*to make recommendations pertaining to building on the successes of the implementation of the EEA, and

*to ascertain the extent to which the EEA is implemented.

I hereby wish to ask your permission to grant me to do research at False Bay FET College during my proposed dates, which are, 23 July 2012 to 26 July 2012. The interviews will be on one of those dates as proposed. I will be conducting interviews with the following respondents: DCEO: Corporate Services, Human Resources Manager and one Campus Head.

After you have granted me permission as the head of the institution, will I seek permission from the respondents, negotiate convenient times if they cannot meet me at the proposed date and time and forward them the questions.

I can assure you of the college's anonymity by using pseudonyms and the respondents' identity will remain anonymous.

I thank you for your consideration and look forward to hearing from you via email, if possible. Should you need any further information, please feel free to contact me.

Yours in education.

Malcolm Meyer
Cell no:
[Email:](#)

APPENDIX D – LETTER OF PERMISSION FROM WCED

Audrey.wyngaard2@pgwc.gov.za

tel: +27 021 467 9272

Fax: 0865902282

Private Bag x9114, Cape Town, 8000

wced.wcape.gov.za



WCED

REFERENCE: 20120620-0102

ENQUIRIES: Dr A T Wyngaard

Mr. Malcolm Meyer

FET Colleges

Dear Mr. Malcolm Meyer

RESEARCH PROPOSAL: CHALLENGES FACING THE IMPLEMENTATION OF THE EMPLOYMENT EQUITY ACT IN PUBLIC FET COLLEGES IN THE WESTERN CAPE

Your application to conduct the above-mentioned research in schools in the Western Cape has been approved subject to the following conditions:

1. Principals, educators and learners are under no obligation to assist you in your investigation.
2. Principals, educators, learners and schools should not be identifiable in any way from the results of the investigation.
3. You make all the arrangements concerning your investigation.
4. Approval for projects should be conveyed to the District Director of the schools where the project will be conducted.
5. Educators' programme are not to be interrupted.
6. The Study is to be conducted from **23 July 2012 till 28 September 2012**
7. No research can be conducted during the fourth term as schools are preparing and finalizing syllabi for examinations (October to December).
8. Should you wish to extend the period of your survey, please contact Dr A.T Wyngaard at the contact numbers above quoting the reference number?
9. A photocopy of this letter is submitted to the principal where the intended research is to be conducted.
10. Your research will be limited to the list of schools as forwarded to the Western Cape Education Department.
11. A brief summary of the content, findings and recommendations is provided to the Director: Research Services.
12. The Department receives a copy of the completed report/dissertation/thesis addressed to:

The Director: Research Services

Western Cape Education Department

Private Bag X9114

CAPE TOWN

8000

We wish you success in your research.

Kind regards.

Signed: Dr Audrey T Wyngaard

for: **HEAD: EDUCATION**

DATE: 20 June 2012

APPENDIX E - LETTER OF PERMISSION FROM DHET



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

Private Bag X174, PRETORIA, 0001, 123 Schoemán Street, PRETORIA, 0002, South Africa
Tel : (012) 312 5911 Fax : (012) 321 6770
Private Bag X9192, CAPE TOWN, 8000, 103 Plain Street, CAPE TOWN, 8001, South Africa
Tel: (021) 469 5175 Fax: (021) 461 4761

Enquiries: Mmaphake Ramasodi

Email: Ramasodi.m@dhet.gov.za

Telephone: 012 312 5345

Mr MJ Meyer
314 8th Avenue
GRASSY PARK
7941

Fax: 021 782 6131

Dear Mr MJ Meyer

REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN FET COLLEGES

I acknowledge receipt of your request for permission to conduct research in FET Colleges as part of your studies towards a Masters degree in Education at the Cape Peninsula University of Technology in the Faculty: Education and Social Sciences.

The Department has evaluated the request and supports the research project. You are however still requested to follow the necessary protocols and obtain permission from the relevant Principals of the FET colleges concerned before commencing any research activities (**see 7.2 in the application form**). In general an ethical code of conduct is expected in obtaining information from respondents. We trust that you will abide by this expectation.

You are reminded to provide the results of the research to the DHET as soon as they are available.

I wish you all of the best in your studies.

Yours sincerely

Mr GF Qonde
Director-General

Date: 13/08/2012

• Higher Education and Training • Hoër Onderwys en Opleiding • Inkundiso Laphakamo Nkuzekesha • Kuzo Ephakentso Nebanduzo
• Ifundo Ephakamo Nokuqashisa • Ifundo ePhakamileyo noQeqesho • Dyoniso ya le Ntshona na Vulelwa
• Ifundo ya Ngha na Inqubo • Thuto ya Godimo la Thando • Thuto e Phakamileyo la Thupho • Thuto e Kqizane la Kuzo