

THE IMPACT OF EMPLOYMENT EQUITY LEGISLATION ON
LAND REFORM DELIVERY WITHIN THE PROVINCIAL LAND
REFORM OFFICE OF THE DEPARTMENT OF RURAL DEVELOPMENT
AND LAND REFORM IN THE WESTERN CAPE

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University of Technology

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DELIVERY WITHIN THE PROVINCIAL LAND REFORM OFFICE OF THE
DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM IN THE
WESTERN CAPE**

TONY RODNEY CLARK

Thesis submitted in partial fulfilment of the requirements for the degree

Magister Technologiae: PUBLIC MANAGEMENT

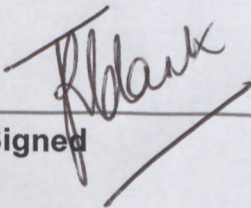
in the Faculty of BUSINESS

at the Cape Peninsula University of Technology

Supervisor: PROF IW FERREIRA

DECLARATION

I, **Tony Rodney Clark**, hereby declare that this research report is my own original work and all sources have been accurately reported and acknowledged, in addition this document has not been previously in its entirety or in part been submitted at any institution in order to obtain an academic qualification.



Signed

12.09.2011

Date

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DEDICATION

I wish to thank my Heavenly Father for granting me the strength; wisdom and courage to complete this research project.

ABSTRACT

The main objective of this research was to evaluate the impact of Employment Equity Legislation on land reform delivery within the Provincial Land Reform Office of the Department of Rural Development and Land Reform in the Western Cape Province. In order to achieve this goal the researcher conducted a literature search of relevant books, journal articles, academic papers, news paper articles, legislation and subordinate legislation, policy documents, official reports, other applicable published and unpublished research materials.

In conjunction with the literature search, the researcher developed a survey questionnaire to establish whether employment equity legislation does have a negative impact on land reform delivery within the provincial land reform office in the Western Cape. The survey was conducted amongst 60 employees within the Provincial Land Reform Office in Cape Town, including the District Offices of the Provincial Office. Fifty four (54) responses were used in the analysis, which represent a 90% rate of return.

Based on the findings of the literature study and the empirical survey, 51.9% respondents' are of the opinion that the implementation of employment equity legislation does have a negative impact on land reform delivery within the provincial land reform office of the Western Cape.

The researcher recommends that the department should consider using provincial demographics when employing staff within its provincial offices to ensure a more stable workforce. This is a true reflection of the responses as the majority of the respondents (81.5 %) agreed that Employment Equity (EE) targets should be based on provincial demographics rather than national demographics, whilst 13% of the respondents disagreed with this statement. Seventy seven comma eight percent (77.8 %) of the respondents also agreed that EE should reflect the target market being served. This will go a long way to foster good employer – employee relationships.

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LIST OF ACRONYMS

AA	: Affirmative Action
ACLA	: Advisory Commission on Land Allocation
ANC	: African National Congress
BCEA	: Basic Conditions of Employment Act
CPUT	: Cape Peninsula University of Technology
CRM	: Client Relations Management
DLA	: Department of Land Affairs
DRD & LR	: Department of Rural Development and Land Reform
EEA	: Employment Equity Act
ILO	: International Labour Organisation
IT	: Information Technology
LRA	: Labour Relations Act
LRAD	: Land Redistribution for Agricultural Development
NEAP	: National Economically Active Population
NP	: National Party
NLC	: National Land Committee
PLRO: WC	: Provincial Land Reform Office – Western Cape
LRRP	: Land Redistribution and Restitution Programmes
RDP	: Reconstruction and Development Programme
PWD	: Persons with Disabilities

CHAPTER 1

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

The National Department of Rural Development and Land Reform (DRD & LR) previously known as Department of Land Affairs, has been mandated in terms of the Constitution of the Republic of South Africa (Act 108 of 1996) to implement Land and Tenure Reform. Since the dawn of the new democratic dispensation in South Africa in 1994, little has been achieved in terms of land reform delivery. The government's land reform programme failed to make a significant impact on the lives of ordinary South Africans in respect of the alleviation of poverty, redistribution of land to the poor and the fate of the landless.

Section 195 of the Constitution of the Republic of South Africa (Act 108 of 1996) states *inter alia* that Public Administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation (SA Constitution, Act 108 of 1996).

In terms of a ministerial imperative issued by then Minister of Land Affairs (DLA Strategic Plan 2008 - 2011: February 2008), the department has set itself a target in terms of the Land Redistribution for Agricultural Development (LRAD) sub-programme and the White Paper on South African Land Policy September 1998, to redistribute 30% of white-owned agricultural land in terms of the processes as prescribed and outlined in the LRAD, to Black South Africans by 2014 in order to:

- (i) restitute land to provide equitable redress to victims of racial land dispossession; and
- (ii) address land tenure insecurity daily experienced by rural South Africans living on commercial farms.

Up to the present, the Department of Rural Development and Land Reform (DRD & LR) experienced difficulty in reaching its land reform targets because of the slow pace of land reform delivery. In their State of the Nation Addresses of 2008 and

2009, both President Thabo Mbeki and Interim President Kgalema Motlanthe referred to the slow pace of land reform delivery. According to both presidents the slowness of land reform delivery is a result of a number of weaknesses in the current Land Redistribution and Restitution Programme (LRRP). This can also be attributed to the lack of available funding, lack of suitably qualified and the appointment of unqualified human capital in the field of land reform, high staff turn-over and the high vacancy rate within the department. As a result of the slow pace of land reform delivery, in two occasions, President Thabo Mbeki extended the cut-off date for the settlement of all land claims.

The aim of this study is therefore to investigate the perceived negative impact Employment Equity Legislation (Employment Equity Act, Act 55 of 1998) (EEA) and the relevant sub-ordinate legislation has on land reform delivery within the provincial land reform office of the Western Cape, with specific reference to particular human resources management problems, such as the high staff turn-over, the retention of staff, lack of gender equity and lack of disability mainstreaming.

1.2 Problem Statement

1.2.1 The main problem

The main problem of implementing an effective land reform delivery in the Western Cape emanates from the negative impact of the Employment Equity legislation in the Provincial Land Reform Office Western Cape (PLRO: WC). To enable the DRD & LR to achieve its employment equity targets the department has to adhere to requirements in terms of the National Economically Active Population (NEAP) as outlined in the Statistic South Africa Labour Force Survey report of 2008. All the provincial and district offices of the DRD & LR therefore have to set targets employment equity targets in terms of NEAP. In terms of NEAP, the African population is the largest economically active population, and should thus reflect so in all the offices employment equity plans. Although the provincial demographics of the Western Cape favours the employment of coloured people, being the largest population in the Western Cape (Census: 2001), the focus of employment in the DRD & LR mostly supports the employment of African people in order to comply with equity targets as contemplated in the Employment Equity Plan (EE Plan 2006-2009).

The DRD & LR faces a number of challenges in so far as the provisions of human capital are concerned. To ensure efficient and effective land and tenure reform delivery and improved service delivery, the DRD & LR have to consider taking a different approach when recruiting human capital. The current process, even though it is outsourced, is very cumbersome and expensive. Not enough is done to attract and retain the right skilled human capital, which results in a high staff turn-over and over-worked including stressed work force.

The following are some of problems contributing to the overall negative impact of effective implementation of land reform delivery in the Western Cape, namely:

- A shortage of suitably qualified staff.

Currently the Department of Rural Development and Land Reform (DRD & LR) experience a shortage of suitably qualified and experienced staff. This can be attributed to the fact that land reform is a fairly new phenomenon in South Africa.

- A high staff turn-over.

The department experience a high staff turnover due to job hopping which is prevalent amongst the planning staff component. This problem is compounded because other provincial offices advertise positions on higher levels, which causes staff to move from one office to another, without really gaining much experience. As a result of this, the Provincial Land Reform Office (PLRO) constantly has to re-advertise their positions at great expense.

- The lack of skills.

The PLRO in the Western Cape experiences a lack of skills, because the work performed by the planning staff is being regarded as scare skills. Staffs do not stay very long in one position before they move onto the next.

- The retention of staff.

The retention of staff policy in the department is inconsistently applied which result in a low staff morale and highly dissatisfied staff.

- The lack of gender equity, and disability mainstreaming.

Not enough is done to promote gender equity and disability mainstreaming in the department. Disability mainstreaming and gender equity basically refers to the equalisation of opportunities for persons with disabilities and women within all programmes of the department and the workplace.

1.3 The research objectives

The aim of this study is to investigate the impact that legislations such as the Employment Equity Act 55 of 1998, have on land reform service delivery within the Provincial Land Reform Office (PLRO) of the Western Cape Province, with specific reference to particular human resources management problems, such as high staff turn-over, the retention of staff, lack of gender equity and lack of disability mainstreaming, and to provide recommendations to the Provincial Land Reform Office, which could assist the department to improve and streamline the land reform delivery process and goal achievement. The objectives of the study therefore are:

- to conceptualise the nature and extent, as well as the implications of the research problem,
- to ascertain the existing legislative framework pertaining to the research problem,
- to undertake a literature search to gain knowledge and insight into the research problem,
- to undertake an empirical survey with a concomitant statistical analysis and subsequent interpretation of the results of the analysis, and
- to make recommendations to alleviate the research problem.

1.4 Limitations of the study

The research was conducted in the Western Cape and is limited to the Provincial Land Reform Office of the Department of Rural Development and Land Reform in the Western Cape. The Western Cape is the 4th largest province in South Africa. It covers a total area of 129 462 square kilometres, with a population of 4 524 335 million. This figure is currently estimated at 4 739 090 (Annexure A - Census 2001).

Although the findings and conclusions are limited to the Western Cape, it can be used as a case study by other provincial land reform offices that may experience the similar problems.

1.5 Research methodology

1.5.1 Literature search

The researcher conducted a literature search on the research topic, which included searches of relevant books, journal articles, academic papers, newspaper articles, legislation and subordinate legislation, policy documents, official reports, unpublished research and other applicable published and unpublished materials.

1.5.2 Empirical survey

A survey was conducted during which anonymity and confidentiality enabled respondents to provide honest and truthful answers by means of a self-administered questionnaire. The questionnaires were electronically distributed, because it was speedier and more economical. It also provided assurance to the respondents that their answers will not be misused by the researcher and their employer. The researcher approached all the employees (60) at the PLRO Western Cape offices to participate in the study. A total of 54 questionnaires were returned representing 90 % of the 60 employees.

The PLRO was specifically selected for this study because the researcher worked in this office before and noticed that the office experienced a high staff turnover. The questionnaire contained research statements to which the respondents indicated their respective preferences by means of a 5-point Likert attitude scale. The questionnaire consisted of two sections. Section A dealt with biographical data and section B with statements and questions specific to the aim of the study. This type of questionnaire intends to obtain the respondents attitude or perception about the phenomenon.

1.5.3 Statistical Analysis

Appropriate response percentages were determined in collaboration with a registered statistician by determining relative values from the empirical data and transferring such values in a codified form to a computer database. The data thus analysed were interpreted by utilising the approved Statistical Package for Social Sciences (SPSS), a selected statistical method and analytical instrument. A description of the analysis and research methodology is provided in Chapter 4. In the case of a quantitative survey approach, the relevant numerical evaluation scale, namely, the Likert attitude scale was used to describe the responses.

1.5.4 Interpretation and articulation of the results

Upon the receipt of the statistical analysis from the registered statistician, the results were interpreted by the researcher and the findings were expressed in terms of the various analytical instruments and described by the researcher by way of tables, charts and figures, followed by a brief textual explanation of each analysis event.

1.6 Organisation of the study

In investigating the research problem, the study is divided into six chapters.

Chapter 1: Introduction and background to the study.

Chapter 1 presents the introduction and background to the study, the problem statement, and the objectives of the study as well as the limitations of the study area. This chapter also addresses the research methodology and the organisation of the study.

Chapter 2: Historical overview of Land Reform Delivery and Employment Equity in the Department of Rural Development and Land Reform.

This chapter focuses on the historical developments of land reform and employment equity in the department. Following this chapter is historical overview of Land Reform and Employment Equity in the South African context.

Chapter 3: Legislative framework for land reform and employment equity.

This chapter presents the legislative frameworks for Land Reform and Employment Equity within the Department of Rural Development and Land Reform.

Chapter 4: Research Methodology.

This chapter's objective is to outline the research methodology. The research methodology for the study includes a literature search of available secondary sources, such as books, journal articles, legislation, research reports, minutes of meetings, consolidated instructions, ad hoc policies and decisions and finding selected normative criteria in the literature (theory). This is followed by an empirical survey, where-after a statistical analysis will be undertaken under the guidance of the Cape Peninsula University of Technology (CPUT) qualified statistician. This culminated in presentation, articulation and interpretation of the research results and statistical analysis which will be presented in chapter five.

Chapter 5: Statistical Analysis and Research results.

This chapter is devoted to the presentation, interpretation and articulation of the results of the statistical analysis. Following the elucidation and interpretation of the results of the statistical analysis, the researcher will make recommendations, which could assist the department of rural development and land reform to improve and streamline the process of land reform delivery and goal achievement.

Chapter 6: Recommendations and concluding remarks.

Chapter 6 concludes the study. In this chapter, the study will be summarized, with conclusion being drawn from the research findings and recommendations will be made.

CHAPTER 2

HISTORICAL OVERVIEW OF LAND REFORM DELIVERY AND EMPLOYMENT EQUITY IN THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

2.1 Introduction

Land reform delivery and employment equity have developed substantially since the inception of the democratic government of 1994 in South Africa. In this chapter, the researcher explores the history of land reform and employment equity developments in South Africa and the Department of Rural Development and Land Reform respectively, as well the impact it had on the lives of the poor, the landless, women and people with disabilities. This chapter explains both the historical overview of policies of land reform delivery and employment equity in the DRD & LR.

2.2 Historical overview of Land Reform Service Delivery and Employment Equity in the Department of Rural Development and Land Reform

2.2.1 Land Reform Delivery

Land Reform in South Africa has indeed come a long way. The South African society is characterised by a very long history of land dispossession and land struggles. The government of 1994 has inherited very racially skewed land distribution dispensation with whites constituting 10% of the population but owning nearly 90% of commercial farms and agri-businesses (Le Roux, 2008:7). This skewed land distribution dispensation started in the seventeenth century. Levin (1996:101) in his paper on Policy Debates in the 1990's, states that the struggle for land and land dispossession started as far back as 1658, when Jan Van Riebeeck notified the Khoi communities that they could no longer dwell to west of the Salt and Liesbeeck Rivers (Transformation in South Africa: Policy Debates, 1996:101).

This practice of land dispossession continued to the present. In the early 1900's South Africa experienced a great competition for land because of the discovery of minerals. This resulted in large scale dispossession of land, which was institutionalised by the promulgation of the Natives Land Act (Act 27 of 1913). In terms of this Act, land was distributed according to racial lines (Joubert, 1973:9). Black South Africans were forced into native reserves, better known as Bantustans. In terms of this Act, 8 929 328.4 hectares (10 422 935 morgen) were originally

allocated to specific regions within each of the then four provinces (Cape Province, Transvaal, Natal and Orange Free State) for these Bantustans (Joubert, 1973:9). Again in the 1950's and 80's the Nationalist Party continued with land dispossession and forced removals (Le Roux, 2008:8). The rationale behind these forced removals was to remove these 'black-spot' communities in white farming areas to 'homelands'. Approximately 3.5 million people were resettled from rural and urban areas as a result of these forced removals (Le Roux, 2008:8). According to Le Roux (2008:8), evictions were accelerated in the early 1990s as some evictees were moved to overcrowded homelands, while many erected shacks in urban settlements (Le Roux, 2008:8). It was estimated that between 4.5 to 11 million of South African residents lived in the former homelands (Turner & Ibsen, 2000:2). By 1991, the former homelands covered 13% of the national area. The White Paper on SA Land Policy, DLA (1997: 28) stated that over 80% of the population was squeezed into townships and South Africa's ex-homeland areas as a result of the racial land laws.

In the late 1970's the then Nationalist government acknowledged that black people should have permanent land rights in urban areas with the introduction of the 99-year leasehold system (White Paper on SA Land Policy, DLA: 1997). The 99-year leasehold was just another mechanism by the nationalist party to further oppress and dehumanise Black South Africans. This meant, black people would never be able to own property or land under this system. According to Le Roux (2008:8), this further contributed to social and economic displacement of the poor and necessitated racial distribution of land ownership and reform.

In 1991 the National Party (NP) introduced its White Paper on Land Reform. This has been seen as the start of the nationalist party's way of redressing land reform in South Africa, which was clearly in favour of the whites. According to Weideman 2004:220) the NP's aim was to maintain the *status quo* in so far as property ownership was concerned. In essence, this White Paper called for the abolishment of all land laws based on racial discrimination. This resulted in the promulgation of the Abolition of Racially Based Land Measures Act of 1991, as amended in 1993. The following laws were repealed by this Act, namely, The 1913 and 1936 Land Acts, the Group Areas Act, the Asiatic Land Tenure Act and the Black Communities Development Act of 1988. As the struggle for land-ownership continues, the newly-

elected ANC government of 1994, promised to address all imbalances of the past. The ANC embarked on an extensive process of public consultation, which resulted in the drafting of The White Paper on South African Land Policy in 1997. This policy clearly outlined the government's vision in terms of land reform for South Africa. It also spelt out the implementation strategy as to how the new government should go about dealing with land issues in both rural and urban areas, the redressing of apartheid injustices, national reconciliation, underpinning economic growth, improving house-hold welfare and alleviating poverty (Land and Agrarian Reform: 1994 - 2006).

As part of its new visions for land reform, the South African government first published the Reconstruction and Development Programme (RDP) in 1994, outlining the strategy to be followed to implement land reform. This strategy and the principles underlying it are entrenched in South African Constitution approved by Parliament in 1996 (Land and Agrarian Reform: 1994 - 2006). In 1994 the government established the Department of Land Affairs (DLA) now called Department of Rural Development and Land Reform (DRD & LR) who, under the leadership of Minister Derek Hanekom, embarked on a land reform programme that rested on three pillars as illustrated in Figure 2:1:

- (i) Land Redistribution;
- (ii) Land Restitution;
- (iii) Land Tenure Reform

- Land Redistribution. The redistribution of land to the disadvantaged and poor for productive and residential purposes; including urban and rural poor, labour tenants, farm workers and new entrants to agriculture (White Paper on SA Land Policy, DLA: 1997).
- Land Restitution, which covers restitution of land to those dispossessed of land in terms of racially based policies of the past (White Paper on SA Land Policy, DLA: 1997).
- Land Tenure Reform to those whose tenure of land is legally insecure in order to improve security of tenure (White Paper on SA Land Policy, DLA: 1997).

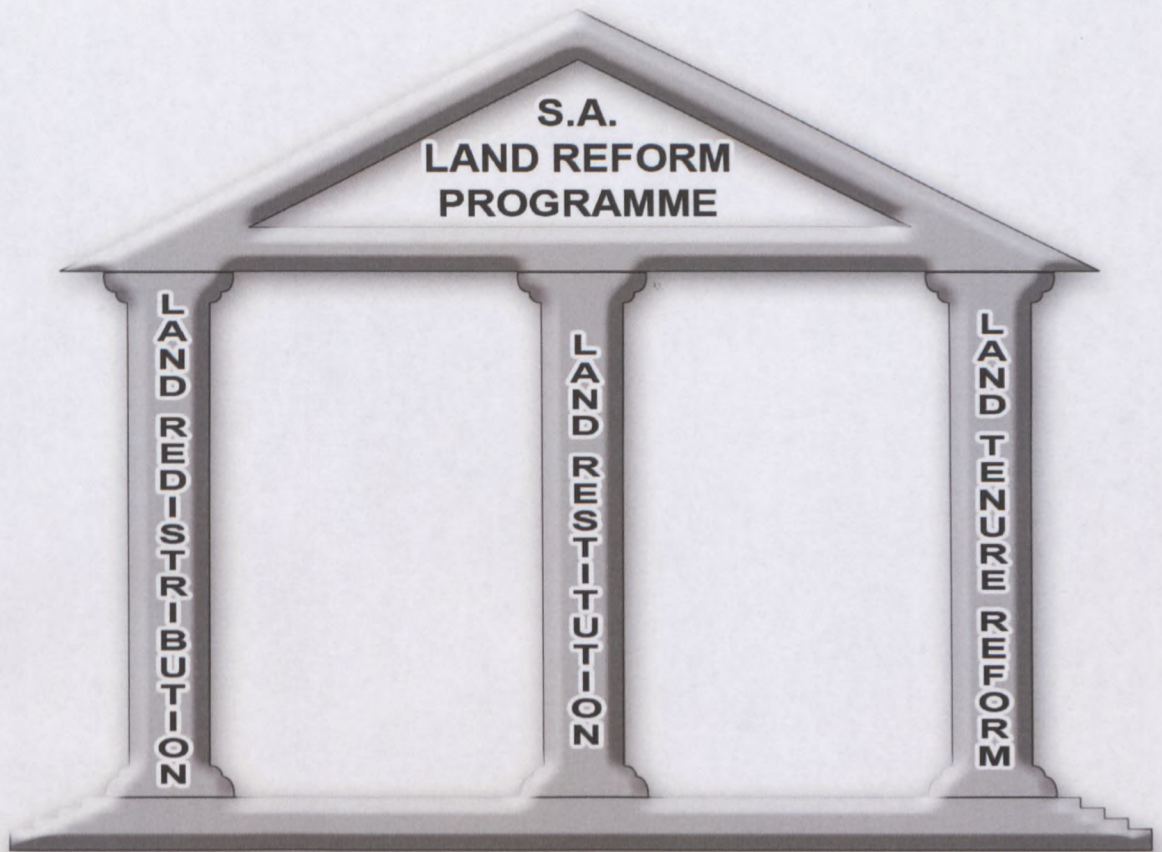


Figure 2.1: Key components of Land Reform in South Africa

(Source: Adapted from Joubert, R. Kruger, G.K. (2005) Land reform and redistribution implementation in the Mpumalanga province sugar industry, South Africa.)

As part of its new land reform strategy the government undertook to redistribute at least 30% of white - owned agricultural land to Black South Africans by 2014 (White Paper on SA Land Policy, DLA: 1997). The process of addressing the issue of land reform delivery is still continuing, where all stake holders are working on ways and means to speed up the process of land reform delivery. During the National Land Summit held at the National Sports, Recreation and Exhibition Centre (NASREC) from 27- 30 July 2005, a resolution was passed which gave a clear mandate to DRD & LR to speed up the land reform process. This resulted in a slight improvement in the number of hectares delivered for land reform (National Land Summit: 2005). The DRD & LR has been criticised widely by civil society for the slow pace of land reform delivery since the inception of the programme in 1994. The then Minister of DRD & LR, Ms Thoko Didiza and the President Thabo Mbeki acknowledged the slow pace of land reform in South Africa (National Land Summit: 2005) and agreed to come up with drastic measures to address the issue. To accelerate the pace of Land Reform,

the ministry of Land Reform introduced the new Proactive Land Acquisition Strategy (PLAS) which resulted in a significant improvement in hectares delivered as shown in figure 2-2 below (Le Roux, 2008: 9).

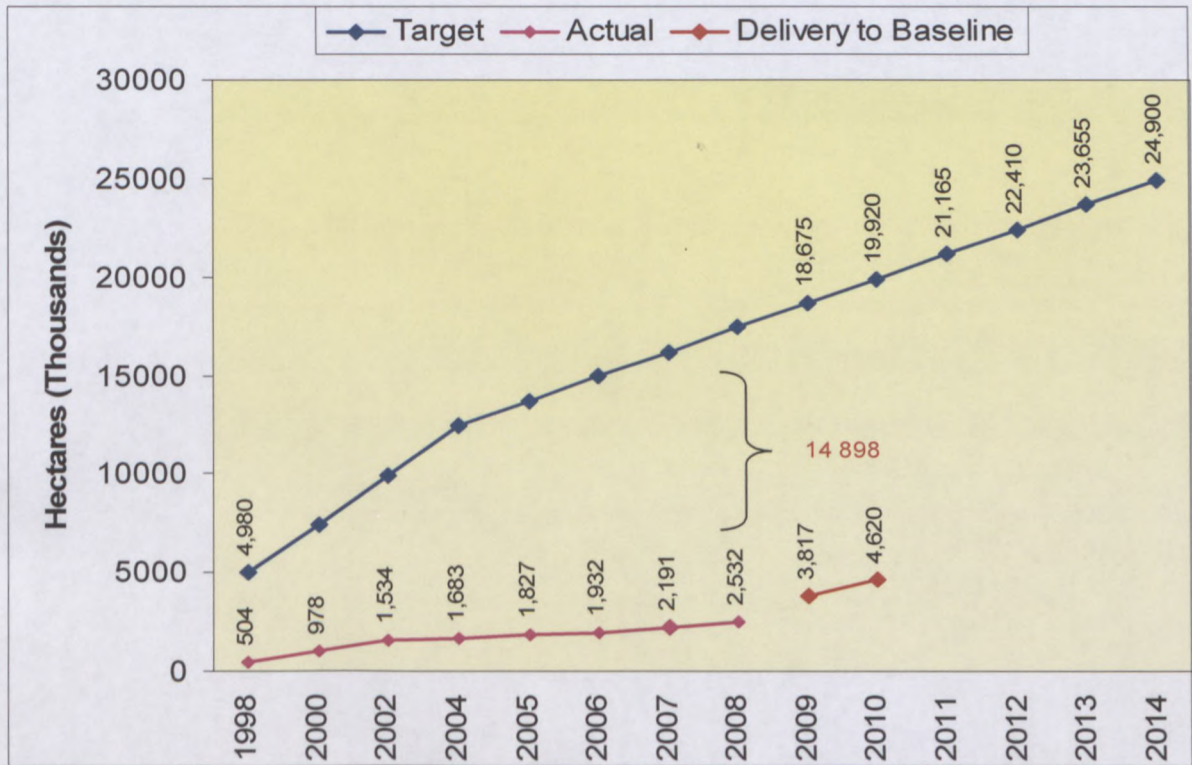


Figure 2.2: Hectares delivered through redistribution against 2014 target for the period 1998 – 2014.

(Source: Adapted by author from Branch: Land & Tenure Reform statistics.)

According to Le Roux (2008: 10), Figure 2.2 illustrates the target rate at which the department of rural development and land reform have to deliver 30% of all agricultural land against the actual delivery for the redistribution. In terms of this graph the DRD & LR (redistribution, restitution and tenure) only delivered 4.9 million hectares out of the 24.9 million hectares, which must be delivered by 2014 in order to reach the 30% target. In Figure 2.2, Le Roux (2008: 10) also illustrates the current and desired paced of land reform delivery in South Africa. This gives us a picture of the progress made with regards to hectares delivered through the redistribution programme up to the end of March 2008. Le Roux (2008: 10) is of the opinion if a linear approach was followed; 17.4 million hectares had to be distributed by 31st March 2008 to reach the 30% target. According to Le Roux (2008: 10), the programme only succeeded in distributing 2.5 million hectares of land to the previously disadvantaged, leaving a deficit of 14.9 million hectares. Le Roux (2008: 10) further states, given the National Treasury allocation of funding for the next two

years and taking the current land prices into consideration, an additional 2 088 hectares will have to be delivered during 2009 - 2014, resulting in a shortfall of 15.3 million hectares with only 4 years left to deliver the remainder.

2.2.2 Employment Equity

The 1994 South African government has inherited a legacy of discrimination in relation to race, gender and disability which resulted in a large majority of black South Africans being denied access to opportunities like education, employment, promotion, health and welfare, housing and so forth. As a result of this legacy, the government was faced with some challenges in ensuring that the public and private sector are broadly represented of the South African population. Shortly after the 1994 democratic election, the government embarked on a series of initiatives and strategies to address all forms of discrimination. One of the achievements was the promulgation of the Employment Equity Act (Act 55 of 1998)(EEA) and various other pieces of legislation and policies which promote equality and equity in South Africa. Examples of such legislation and policies are The Skills Development Act (Act 97 of 1998), The Skills Development Levies Act (Act 9 of 1999), the Basic Conditions of Employment Act (Act 75 of 1997), the Labour Relations Act (Act 66 of 1996) and the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000).

The main purpose of the EEA is to achieve equity in the workplace and to address the legacy of the past by:

- (i) Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination: and
- (ii) Implementation of Affirmative Action (AA) 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. Chapter 2 (a) and (b) of the Act. (SA: Employment Equity Act, Act 55 of 1993)

The EEA together with the Skills Development Act, The Skills Development Levies Act and the Promotion of Equality and Prevention of Unfair Discrimination Act form a basis for sound human resource development in government and civil society. The government has also made provision for establishment of various institutions to promote gender equity, disability mainstreaming and youth empowerment.

The Department of Labour as the custodian of this Act, has to ensure that the objectives of these laws are achieved in an effective manner. In terms of Chapter 3 of the Employment Equity Act, all employers employing more than fifty employees are required to implement affirmative action measures to ensure the achievement of employment equity in the workplace. All such employers including government departments are required to submit reports to the Department of Labour on an annual basis. Chapter 10, section 195 of the Constitution of the Republic of South Africa (Act 108 of 1996) compels all employers to put mechanisms in place to achieve representivity in the work place.

To comply with the provisions of the Constitution, the Department of Rural Development and Land Reform (DRD & LR) implemented a series of transformation strategies and diversity management training sessions for all staff in the late 1990's. The purpose of these training sessions was to empower staff and to assist them to deal with the challenges of a new democracy. As follow-on to this, a series of Employment Equity Training sessions was conducted early in the year 2000. The outcome of this was not only to educate and empower staff on the EEA, but also to facilitate the development of the Employment Equity Plan for the period 2006 to 2009, expiring on 31 March 2009. The purpose of this plan was to support the creation of an enabling environment for improved service delivery as outlined in its strategic plan for the period 2006 to 2010. The Employment Equity Plan set itself out to achieve equity in the work place by promoting equal opportunities and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures, which was designed to achieve equitable representation of members of designated groups in all occupational categories and levels (DRD & LR Employment Equity Plan 2006-2009: 59).

In the Employment Equity Plan (2006-2009: 71) the department outlines the mechanisms which enable management to acquire, develop and retain highly skilled, motivated and talented individuals who are representative of the national demographics of the country to meet its strategic objectives. As part of the process of developing an acceptable Employment Equity Plan the Department has also developed a set of guiding principles to ensure achieving of a representative workforce. The Employment Equity Plan and guiding principles have specifically been

designed as tools to assist managers with the implementation thereof, as well as a means for staff and stakeholders to monitor progress against targets and objectives. In order to guide the successful implementation of employment equity, the department designed and agreed that the following employment equity principles to govern the implementation of the Employment Equity Plan (DRD & LR EE Plan: 2009/14):

- Redress (In this context redress means “to set right, remedy or repair”.)

Employment Equity will be used as a vehicle to redress past systemic inequalities which became entrenched in the employment context as a result of apartheid policies and practices (DRD & LR EE Plan: 2009/14).

- Fairness (In this context fairness means free from bias, dishonesty, or injustice)

Fair process will be followed in respect of all Human Resource policies and procedures and any form of unfair discrimination, whether direct or indirect, will be identified and eliminated (DRD & LR EE Plan: 2009/14).

- Diversity (In this context diversity means difference in respect of race, gender, ethnic origin, religion, language, culture, age and social class.)

The department values diversity because it creates a workforce that is rich with potential, encourages creativity and challenges preconceptions. In terms of the Employment Equity Plan the Department will seek to establish a workforce that is diverse not only in respect of race and gender, but also in respect of other demographic characteristics such as the employment of persons with disabilities. The Department endeavours to create a work environment in which a diverse group of employees feels welcome and where the potential of all is optimised (DRD & LR EE Plan: 2009/14).

In its 2005 - 2006 annual report, the DRD & LR acknowledges that the pace of land reform delivery is slow. A number of reasons have been put forward as to why the pace of land reform delivery was so slow. Amongst other the lack of capacity and the high vacancy rate have been identified as some of the reasons. According to this report, although the overall staff turnover in the department is low, some chief

directorates experience high staff turnover, especially in areas where scarce skills employees are needed. The Land and Tenure Reform Branch have been identified as the branch with the highest staff turn-over (DLA Annual Report: 2005-2006).

As a solution, the department decided to review the recruitment and selection process as per DLA Annual Report (2005-2006), hoping to speed up the process of land reform delivery to achieve its target of 30% and to reduce the vacancy rate to below 10%. The DRD & LR determined its workforce profile in terms National Economically Active Population (NEAP) as outlined in The Commission for Employment Equity (2008-2009: 4) report.

National Demographics versus Economically Active Population

Population Group	National population distribution (Census 2001)			Economically Active (QLFS, September 2008)		
	Male	Female	Total	Male	Female	Total
African	16,887,830	18,528,336	35,416,166	7,002,000	6,169,000	13,171,000
	37.7%	41.4%	79.0%	39.4%	34.7%	74.1%
Coloured	1,920,426	2,074,079	3,944,505	1,042,000	864,000	1,906,000
	4.3%	4.6%	8.9%	5.9%	4.9%	10.8%
Indian	545,050	570,417	1,115,467	340,000	207,000	547,000
	1.2%	1.3%	2.5%	1.9%	1.1%	3%
White	2,080,734	2,212,905	4,293,639	1,208,000	944,000	2,152,000
	4.6%	5.0%	9.6%	6.8%	5.3%	12.1%
Total	21,434,040	23,385,737	44,819,777	9,592,000	8,184,000	17,776,000
	47.8%	52.2%	100%	54%	46%	100%

Table 2.1: National demographics versus Economically Active Population

From the above table, it is clear that Africans constitute the largest portion, at 79% of the total population. The whites represent 9.6% of the total population, more than Coloureds (8.9%) and Indians (2.5%). Africans therefore forms the largest portion of the Economically Active Population at 74.1%, which is slightly less than the portion (79%) of the total population. However, the portions of Economically Active Population for whites (12.1%), Coloureds (10.8%) and Indians (3%) respectively are relatively more than its respective portions of the total population.

Based on the Commission on Employment Equity Report (2009: 4) and the National Economically Active Population (NEAP) demographics as reported by Statistics SA in

its Quarterly Labour Force Survey conducted in September 2008, the DRD & LR determined its workforce profile which looks as follows:

National Economically Active Population for DRD & LR

AFRICAN		COLOURED		INDIAN		WHITE		DISABLED	
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
39.12%	35.77%	5.38%	4.70%	1.79%	1.12%	6.78%	5.34%	1.25%	1.25%
74.89%		10.08%		2.91%		12.12%		2.50%	

Table 2.2: DRD & LR NEAP workforce profile as per 2008 Statistic SA Quarterly Labour Force Survey.

As indicated in table 2.2 the DRD & LR has set itself an annual employment target of 74.89% for Africans (Male 39.12% & Females 35.77%), 10.08 % for Coloureds (Male 5.38% & Females 4.70%), 2.91 % for Indians (Male 1.79% & Females 1.12%), 12.12 % for whites (Male 6.78% & Females 5.34%), and 2.50 % for disabled persons across the board. The departmental employment equity statistics as at the end of June 2006 is summarised in table 2.3.

EMPLOYMENT EQUITY STATISTIC FOR THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM									
30 JUNE 2006									
MALE RACE					FEMALE RACE				TOTAL
SALARY LEVELS	A	C	I	W	A	C	I	W	RACE
LEVELS 15-16	3	0	0	0	2	0	0	0	5
LEVELS 13-14	26	1	2	17	12	3	1	5	67
LEVELS 9-12	240	27	14	131	178	21	17	98	726
LEVELS 7-8	320	44	13	83	284	52	19	232	1047
LEVELS 4-6	181	43	4	29	269	84	17	169	796
LEVELS 1-3	207	53	3	15	188	44	5	5	520
TOTAL	977	168	36	275	933	204	59	509	3161

Table 2.3: Departmental Workforce Profile - EE Statistics: Departmental EE Plan: 2006
A= African C= Coloured I= Indian W= White

As indicated in table 2.3, the department had a total of 1456 males and 1705 females in its employ 30 June 2006, with 997 positions vacant. Table 2.4 summarises the total percentage of employees in terms of the racial and gender composition as determined by the NEAP.

TOTAL RACE, GENDER AND DISABILITY DISTRIBUTION FOR DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM							
30 JUNE 2006							
BLACK (AFRICAN, COLOURED AND INDIDIAN)		WHITE		DISABLED EMPLOYEES		TOTAL POSTS	
MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	FILLED	VACANT
1181	1196	275	509	4	38	3161	997
2377 = 75.20%		784 = 24.80%		38 = 1.33%		4158	

Table 2.4: Race, Gender and Disability distribution for department of rural development and land reform at 30 June 2006

In the Employment Equity Report for 2007/08 the department outlined its strategy for the filling of 997 vacant posts, see table 2.6 as identified in the 2006 report. In terms of the 2006/07 Employment Equity Plan the total staff establishment of the department was calculated at 4158 of which 3161 posts were filled and 997 vacant posts in June 2006. In the 2007/08 reporting period the department approved the recreation of 123 additional posts on its establishment. The total number of positions vacant in the department increased to 1120. The department succeeded in filling all vacancies with the current establishment at 4281 (EE Report, 2007/08). In terms of this report the department has shown significant progress in making appointments in line with the Employment Equity Plan. In addition to the departmental Employment Equity Plan, each chief directorate within the department had to develop its own directorate Employment Equity Plan. All chief directorate plans feed into the National Employment Equity Plan, based on National Demographic in terms of the National Economical Active Population (NEAP). The same applies to the PLRO: WC Employment Equity Plan.

The Provincial Land Reform Office: Western Cape (PLRO: WC) has made great strides to recruit staff in line with the Provincial Employment Equity Plan. Table 2.5 summarises the staff composition according to the different occupational levels as at the end of March 2008.

Different occupational levels the PLRO –WC – 31 March 2008

Occupational Levels	MALE						FEMALE				TOTAL				
	Post Filled	Vacancies	African	Coloured	Indian	White	African	Coloured	Indian	White	Black	White	Male	Female	Disability
Senior Management (level 13 – 14)	1	1		1							1		1		0
Professionally qualified and experienced specialists and min-managers (level 9 -12)	22	8	4	3		3	4	6		2	17	5	10	12	0
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents (levels 7 - 8)	10	11	2	1			2	5			10		3	7	0
Semi-skilled and discretionary decision making (levels 4 - 6)	12	5					6	4		2	10	2		12	0
Unskilled and defined decision making (levels 1 – 3)	8						1	7			8			8	0
TOTAL PERMANENT	53	25	6	5		3	13	22		4	46	7	14	39	0

Table 2.5: Employees by Occupational Levels as at 31 March 2008

The PLRO: WC had to re-advertise critical posts a number of times to attract suitably qualified individuals from the targeted group. This excluded a number of internal staff members and people from population groups other than the targeted group, who would otherwise have qualified for the positions as advertised. As a result of this a number of skilled and experience officials resigned from the department, because of the lack of career-pathing and lack of promotion opportunities. Table 2.8 provides a summary of the work force profile on the different occupational levels, according to race and gender classification as required in terms of the NEAP.

The EE status in the PLRO: WC on 31 March 2008 looks as follows:

EMPLOYMENT EQUITY WORKFORCE PROFILE FOR THE PLRO: WESTERN CAPE AT 31 MARCH 2008									
SALARY LEVELS	MALE RACE				FEMALE RACE				TOTAL
	A	C	I	W	A	C	I	W	RACE
LEVELS 15-16	0	0	0	0	0	0	0	0	0
LEVELS 13-14	0	1	0	0	0	0	0	0	1
LEVELS 9-12	4	3	0	3	4	6	0	2	22
LEVELS 7-8	2	1	0	0	2	5	0	0	10
LEVELS 4-6	0	0	0	0	6	4	0	2	12
LEVELS 1-3	0	0	0	0	1	7	0	0	8
TOTAL	6	5	0	3	13	22	0	4	53

Table 2.6: Workforce Profile - EE Statistics for PLRO: WC
A= African C= Coloured I= Indian W= White

On 31 March 2008 the PLRO: WC had 78 approved funded posts on its establishment. Fifty three (53) (Table 2.6) posts were actively filled with 25 vacancies (Table 2.7). In terms of the new Employment Equity Plan the PLRO: WC plans to recruit 25 new employees in accordance with the national demographics statistics. Females comprise seventy three point fifty nine percent (73.59%) of the total staff composition of the PLRO: WC.

TOTAL RACE, GENDER AND DISABILITY DISTRIBUTION FOR PLRO: WESTERN CAPE AT 31 MARCH 2008							
MALE		FEMALE		DISABLED		TOTAL POSTS	
BLACK	WHITE	BLACK	WHITE	MALE	FEMALE	FILLED	VACANT
11	3	35	4	0	0	53	25
14 = 26.41%		39 = 73.59%		0			

Table 2.7: Race, Gender and Disability distribution for PLRO: WC at 31 March 2008

The current status of EE in the PLRO: WC looks as follows:

EMPLOYMENT EQUITY WORKFORCE PROFILE FOR THE PLRO: WESTERN CAPE AT 30 JUNE 2009									
SALARY LEVELS	MALE RACE				FEMALE RACE				TOTAL
	A	C	I	W	A	C	I	W	RACE
LEVELS 15-16	0	0	0	0	0	0	0	0	0
LEVELS 13-14	0	0	0	0	1	0	0	0	1
LEVELS 9-12	4	5	0	3	3	5	0	2	22
LEVELS 7-8	3	0	0	0	3	8	0	1	15
LEVELS 4-6	6	0	0	0	13	3	0	2	24
LEVELS 1-3	0	0	0	0	0	5	0	1	6
TOTAL	13	5	0	3	20	21	0	6	68

Table 2.8: Workforce Profile - EE Statistics for PLRO: WC at the end of June 2009
A= African C= Coloured I= Indian W= White

TOTAL RACE, GENDER AND DISABILITY DISTRIBUTION FOR PLRO: WESTERN CAPE AT 30 JUNE 2009							
MALE		FEMALE		DISABLED		TOTAL POSTS	
BLACK	WHITE	BLACK	WHITE	MALE	FEMALE	FILLED	VACANT
18	3	41	6	0	0	68	9
21 = 30.88%		47 = 69.12%		0			

Table 2.9: Race, Gender and Disability Distribution for PLRO: WC at 30 June 2009

As indicated in tables 2.8 and 2.9, on 30 June 2009 the PLRO: WC has 78 approved funded posts on its establishment. Sixty eight (68) posts are actively filled with 9 positions vacant. Females comprise sixty nine point twelve percent (69.12%) of the total staff composition of the PLRO: WC.

2.3 Government and Service Delivery Principles for the Department of Rural Development and Land Reform

To ensure the acceleration of the pace of land reform service delivery and the eradicate poverty as well as unemployment, the DRD & LR, like any other government entity has to adhere to certain service delivery principles. To successfully drive the process service delivery it is also important to take a closer look at the vision, mission, value statement and service delivery standards for the DRD & LR. Through the successful implementation employment equity is able to determine the appropriate vision, mission and values of the department.

2.3.1 Departmental Vision

To be a global leader in the creation and maintenance of an equitable and sustainable land dispensation that results in social and economic development for all South Africans (DLA Strategic Plan, 2008-2011).

2.3.2 Departmental Mission

To provide enhanced land rights to all South Africans, with particular emphasis on black people, that would result in increased income levels and job opportunities, productive land use well planned human settlements (DLA Strategic Plan, 2008-2011).

2.3.3 Departmental Values

The department has committed itself to the following core business values, namely:

- Batho Pele,
- Commitment,
- Accountability,
- Work Ethic and Innovation (DLA Strategic Plan, 2008-2011).

2.3.4 Service Delivery Standards of the Department of Rural Development and Land Reform

The department developed the following service standards and strategic objectives to accelerate land reform delivery. These objectives have been divided into three categories, namely:

Core objectives

- Provision of tenure security that creates socio-economic opportunities for people living and working on commercial farms and in communal areas.
- Redistribution of 30% of white-owned agricultural land by 2014 for sustainable agricultural development.
- Settlement of all outstanding land claims and implementation of restitution awards.
- Provision of land for sustainable human settlement, industrial and economic development.
- Provision of efficient land use and administration services.
- Provision of efficient state land management that supports development.
- Provision of skills development framework for land and agrarian reform to relevant stakeholders.
- Development programmes for empowerment of women, children, people with disabilities and those living with HIV/Aids and older persons within the context of the Department's mandate (DLA Strategic Plan, 2008-2011).

Supportive objectives

- Development of an efficient information and knowledge management strategy supported by a unified Information Technology (IT) architecture and appropriate IT skills.
- Improving of Monitoring and Evaluation framework.
- Development of a pro-active, analytical and needs- based communication strategy.
- Repositioning of the Communications function to be an integral part of strategic decision making processes.
- Development of Policy guidelines to amplify the core objectives.
- Creation of an enabling environment for improved service delivery through leadership alignment and appropriate organisational culture and architecture.
- Development of pro-active strategies for risk and compliance management.
- Provision of adequate safety and security measures to ensure protection of state assets and information (DLA Strategic Plan, 2008-2011).

Contextual objectives

- Improvement and management of inter governmental and intra-departmental relations and integration.
- Mobilisation of our social partners towards partnerships to accelerate land and agrarian reform.
- Participation in land and agrarian related activities and programmes aimed at consolidation of the African agenda (DLA Strategic Plan. 2008-2011).

By developing these standards the department have undertook to strive for service excellence in delivery an effective and efficient land reform service through:

- Commitment, enthusiasm, pioneering, innovation, training, skills development, staff development, staff motivation (DLA Strategic Plan, 2008-2011).

According to Fox and Meyer (1995:118) the term service delivery is synonymous with the delivery of basic services such as water, electricity health care, education and housing by the public sector. Fox and Meyer (1995: 118) further define service delivery as the provision of activities, benefits or satisfactions. Services delivered relate to both, the provision of tangible public goods and intangible services. Cloete (2000:6) states that governments and their agents are supposed to promote the public interest, and especially protect society, regulate conflict and promote the welfare of citizens.

As part of its constitutional mandate the newly elected South African Government had provide appropriate services to all its citizens. According to Cloete (2006: 6) this was, still is, and will continue to be a massive responsibility of government, and one that requires total commitment by people at all levels of government, if it is going to be fulfilled. The constitution compels the government to provide adequate legislative and policy frameworks for the provision of effective and efficient service delivery. Examples of such legislative and policy frameworks are the White Paper on Transformation in the Public Sector, 1995 and the Batho Pele Handbook: A Service Delivery Improvement Guide, 2003. In the White Paper on the Transformation of the Public Service 1995, the government outline a broad policy framework for transforming the South African public service. In addition to the White Paper on the Transformation in the Public Service, Dr Zola Skweyiya, the then Minister of State

Administration, in a Presidential Review Commission Report in 1998 reported that the government of National Unity is committed to continually improving the lives of the people of South Africa by a transformed Public Service which is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all" (Presidential Review Commission, 1998). In the Presidential Review Commission report Dr Zola Skweyiya states that the government have to demonstrate accountability to all citizens when it comes to the following:

- (i) what they (citizens) are getting from the use of public funds in terms of products and services;
- (ii) how these expenditures benefit their lives or the lives of those they care about, and
- (iii) how efficiently and effectively these funds are used (Presidential Review Commission Report: 1998).

Service delivery in the public sector is also guided by Batho Pele Principles as outlined in the Batho Pele Handbook: A Service Delivery Improvement Guide 2003. The objective of the Batho Pele Handbook on service delivery is to help improve public service delivery, supporting the transformation of the public service into a citizen-orientated organisation through a deeper understanding and application of Batho Pele. The new government made a promise to South Africans that they would serve them without discrimination, respecting the dignity of all and ensuring that the needs of the majority of the population, who have been disadvantaged in the past, are met efficiently and effectively.

2.4 Summary

This chapter provides a historical overview of land reform delivery and employment equity in the Department of Rural Development and Land Reform. According to the White Paper on South African Land Policy (1997:90), land reform is not only a means to correct past injustices, reconciliation and peace to the country, but also to ensure other vital socio-economic benefits such as addressing unemployment and access to sufficient food on a consistent basis to more households. The next chapter provides an overview of the legislative frameworks of land reform delivery and employment equity.

CHAPTER 3

LEGISLATIVE FRAMEWORK FOR LAND REFORM DELIVERY AND EMPLOYMENT EQUITY

3.1 Introduction

This chapter provides the legal framework in terms of the current legislation in respect of land reform delivery and employment practices for the Republic of South Africa. The Constitution of the Republic of South Africa (Act 108 of 1996) provides an enabling legal framework for land reform and employment equity in both the social and work environments. Section 2 of the Constitution, therefore declares any law or conduct inconsistent with it, as invalid and obligations imposed by it, must be fulfilled. In this chapter, the researcher investigates these issues from a legislative point of view to establish what the Department's Constitutional mandate and responsibility is to ensure that these issues are effectively addressed.

3.2 Legislative framework for Land Reform

The government's land reform policy is affected by a number of issues as outlined in the White Paper on South African Land Policy (DLA: 1997), as well equity issues which is enshrines in the Constitution. Land Reform implementation in the Republic of South Africa is made possible through the following legislation.

3.2.1 The Constitution of the Republic of South Africa, Act 108 of 1996

Section 25 of the South African Constitution, Act 108 of 1996, outlines the framework for the implementation of land reform in South Africa. The Bill of Rights guarantees existing property rights, but at the same time, places the Department of Rural Development and Land Reform (DRD & LR) under constitutional duty to take reasonable steps to ensure that citizens gain equitable access to land, to promote security of tenure, and to provide redress to those who lost rights to land (White Paper on SA Land Policy, DLA: 1997). In terms of the White Paper on Land Policy, the allocation of powers and responsibilities to national and provincial government has an impact on implementation of land reform, and the administration of State Land (SA Land Policy, DLA: 1997). In terms of Section 44 of the Constitution, the Department of Rural Development and Land Reform is responsible for Deeds

Registration, Land and Cadastral Surveys and Land Reform. These include amongst other land reform: redistribution, restitution and land tenure reform. On the other hand, Schedule 4 of the Constitution regards agriculture, environment, soil conservation, housing, regional planning, urban and rural development as a provincial competency. Local Government and Traditional Authorities also have constitutional functions pertaining to land, which at times are conflicting with one another (SA Land Policy, DLA: 1997). Section 146 of the Constitution prescribes how such conflict needs to be resolved. Furthermore, it must be noted that Parliament has an 'over-ride' power in terms of Section 44 of the Constitution to pass legislation at a national level, which overrides provincial and local government legislation.

3.2.2 White Paper on South African Land Policy, 1997.

The White Paper on Land Reform as drafted and first published in 1997 sets the tone for Land Reform Delivery in South Africa. It outlines the vision and implementation strategy for the SA Land Policy. The White Paper forms the cornerstone for reconstruction and development and seeks to effectively address the following needs:

- The injustices of racially based land dispossession of the past;
- The need for more equitable distribution of land ownership;
- The need for land reform to reduce poverty and contribute to economic growth;
- Security of tenure for all; and
- A system of land reform management which will support sustainable land use patterns and rapid land release for development (White Paper on South African Land Policy: 1997).

3.2.3 Provision of Land and Assistance Act (Act 126 of 1993)

This Act, as amended, empowers the Minister of Rural Development and Land Reform to acquire land and provide development assistance for the redistribution of land and security of tenure to occupiers of rural land belonging to other persons. The Act provides for the designation of land for settlement purposes and financial assistance to people acquiring land for settlement purposes or any agricultural venture (White Paper on South African Land Policy: 1997).

3.2.4 Restitution of Land Rights Act (Act 22 of 1994)

The Restitution of Land Rights Act, as amended provides for the restitution of rights in land to those who have been dispossessed of land in terms of the racially based policies, practices and laws of the past dating back to 1913. In terms of the Constitution and this Act, a Commission on Restitution of Land Rights has been established to deal with all land claims. The Act empowers the Minister to purchase, and acquire land in any way for the purpose of restitution (White Paper on South African Land Policy: 1997).

3.2.5 The Upgrading of Tenure Rights Act (Act 112 of 1991)

The Tenure Act makes provision for the upgrading of various forms of tenure to ownership. Linked to the Upgrading of Tenure Rights Act, is The Extension of Security of Tenure Act (Act 62 of 1997), The Land Reform (Labour Tenants) Act (Act 3 of 1996), The Communal Property Association Act (Act 28 of 1996), The Transformation of Certain Rural Areas Act (Act 94 of 1998), The Communal Land Rights Act (Act 11 of 2004) and the KwaZulu-Natal Ingonyama Trust Act (Act 3 of 1994). All these pieces of legislation provide for security of tenure in various different forms (White Paper on South African Land Policy: 1997).

Apart from the above-mentioned legislation, the DRD & LR is also custodian of the following pieces of legislation, which have been implemented to enhance Land Planning and Information.

- The Deeds Registration Act (Act 47 of 1937)
- The Professional and Technical Surveyors Act (Act 40 of 1984)
- The Sectional Titles Act (Act 95 of 1986)
- The Development Facilitation Act (Act 95 of 1995)
- The Land Survey Act (Act 8 of 1997)
- The Planning Profession Act (Act 36 of 2002)
- The Spatial Data Infrastructure Act (Act 54 of 2003)
- The Land Title Adjustment Act (Act 111 of 1993)

3.3 Legislative Framework for Employment Equity

Employment Equity plays a crucial role in the implementation of land reform, because the department has set itself a target to equitably redistribute 30% of all white owned agricultural land to the previously disadvantaged by 2014. The objective of the EEA is therefore to help achieve equity and fairness in the workplace and to improve land reform delivery through setting of recruitment targets, developing and promoting people from the designated groups. Employment equity also encourages the establishment of working conditions that are free of employment barriers for the previously disadvantaged, women and persons with disabilities. This section particularly covers the legislation that has an impact on employment equity issues as enshrined in the Constitution.

3.3.1 The Constitution of the Republic of South Africa, Act 108 of 1996

The Constitution provides an enabling legal framework for equality and unfair discrimination. Section 9 (2) (Bill of Rights) provides for the enactment of the Employment Equity Act (EEA) to prevent and prohibit unfair discrimination as well as to promote the achievement of equality. The Constitution further states in section 195 (i), that public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

3.3.2 Employment Equity Act (Act 55 of 1993) (EEA)

Section 2 of the Employment Equity Act (EEA) provides for employment equity in all sectors of employment, and recognises the disparities in employment, occupation and income, caused by apartheid discriminatory laws and practices. In terms of Section 5 of the EEA all employers are obligated to promote equal opportunities in the workplace by eliminating unfair discrimination in all forms of employment policies or practices.

The Employment Equity Act further seeks to:

- Promote the Constitutional right of equality and exercise of true democracy;
- The elimination of unfair discrimination in employment;

- Ensure the implementation of employment equity to redress the effects of discrimination;
- Achieve a diverse workforce broadly representative of our people;
- Promote economic development and efficiency in the workforce; and
- Give effect to the obligations of the Republic as a member of the International Labour Organisation (ILO). (SA: Employment Equity Act, Act 55 of 1993)

To further give effect to Section 9 of the Constitution, other transformation acts have been promulgated by Parliament to effectively prohibit unfair discrimination and achievement of equality: These are:

3.3.3 Labour Relations Act (Act 66 of 1995) (LRA)

The Labour Relations Act (LRA) covers dismissals for discriminatory reasons and other unfair labour practices not catered for in the EEA. The purpose of the LRA is to advance economic development, social justice, labour peace and the democratisation of the workplace by fulfilling the primary objectives of the Act, which are:

- To give effect to and regulate the fundamental rights conferred by section 27 of the Constitution;
- To give effect to the obligations incurred by the Republic as a member state of the International Labour Organisation (ILO);
- To provide a framework within which employees and their trade unions, employers and employers organisations can –
 - Collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest; and
 - Formulate industrial policy;
- To promote –
 - Orderly collective bargaining;
 - Collective bargaining at sectoral level;
 - Employee participation in decision-making in the workplace; and
 - The effective resolution of labour disputes.

3.3.4 Basic Conditions of Employment Act (Act 75 of 1997) (BCEA)

The Basic Conditions of Employment Act (BCEA) outlines fair basic conditions of employment for all employees, to avoid exploitation of workers. The purpose of the BCEA is to advance economic development and social justice by fulfilling the primary objectives of the Act, which are:

- To give effect to and regulate the right of fair labour practices conferred by section 23 (1) of the Constitution –
 - By establishing and enforcing basic conditions of employment; and
 - By regulating the variation of basic conditions of employment;
- To give effect to obligations incurred by the Republic of South Africa as member state of the International Labour Organisation.

3.3.5 The Skills Development Act (Act 97 of 1998) and Skills Development Levies Act (Act 9 of 1999)

The Skills Development Act and Skills Levies Act promote training and development and encourage employers to improve the employment prospects of employees who were previously disadvantaged. These Acts provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce as well as to provide for the imposition of a skills development levy and for matters connected therewith.

3.3.6 The Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000)

The Promotion of Equality and Prevention of Unfair Discrimination Act, also known as the PEPUDA guarantees constitutional rights to Equality and prevent unfair discrimination in all sectors of society. Whilst the EEA provides for equity in the work place the PEPUDA provides for equality rights outside the work place.

In addition to all the South African legislation mentioned above, South Africa has international obligations under binding treaties and customary international law in the field of human rights, which promote equality and unfair discrimination. Amongst these obligations are those specified in the:

- Convention on the Elimination of all forms of Discrimination Against Women; and
- Convention on the Elimination of All Forms of Racial Discrimination (Employment Equity Workshop- unpublished course material Vuyani Industrial Consultants: 1998).

South Africa is also a member state of the International Labour Organisation (ILO). The ILO is a United Nations specialised agency who promotes social justice and international human and labour rights. As a member state of ILO, South Africa is obliged to comply with ILO Conventions.

3.4 Summary

In this chapter the researcher has provided an overview of the legislation that has an impact on land reform delivery. All the above-mentioned pieces of legislation provide the necessary guidelines within which the department should operate to ensure speedy and effective land reform delivery which will contribute to reconstruction and development, the eradication of poverty and economic growth. In terms of employment equity, all employers must take the necessary steps to promote equal opportunities in the workplace by eliminating all barriers and unfair discrimination in the work place. The next chapter focuses on the research methodology used to collect data to address the research problem.

4.1 Introduction

According to Welman and Kruger (1999: 2) research involves the application of various methods and techniques in order to create scientifically obtained knowledge by using objective methods and procedures. In this chapter the researcher describes the research methodology and methods used for this study. As part of the research methodology the researcher studied existing literature on the research problem. The research methodology utilised both qualitative and quantitative approaches to achieve the objective of the study.

4.2 Research methodology

Research methodology can be defined as the method used to collect data and the processing of it within the structure of the research process (Brynard & Hanekom, 1997: 28). Given the various definitions of research methodology in the discipline of research, O'Sullivan *et al* (2002: 24) best describes research methodology as a process that outlines the steps used to collect and analyse data. These methods can be in the form of specific instruments, such as questionnaires, structured interviews or participant observation whereby the researcher listens to and observes behaviour of participants (Bryman & Bell, 2003: 15). Throughout this study, the researcher focused on gaining an understanding on why the implementation of employment equity legislation has a negative impact on land reform delivery in the province.

4.3 Research design

Research design refers to the framework or guide that defines the data collection and analysis of the data. According to Mouton (1996: 107), research design is like a route planner, a step-by-step set of instructions and guidelines which need to be followed to reach the goal set, and therefore regards it as the blueprint of how the researcher intends conducting the research. The study was conducted in two parts, namely literature search and empirical survey. For the literature search, the researcher made use of documentary sources and for the empirical survey questionnaires as primary sources of data were applied.

4.3.1 Literature Search

The purpose of a literature search is to inform the researcher about existing literature on a topic. A literature search can therefore be described as the review of material on a particular topic, which includes searches of relevant books, journal articles, academic papers, newspaper articles, legislation and subordinate legislation, policy documents, official reports, and other applicable published and unpublished material. Blaxter *et al* (2001: 120) and Babbie (2007: 114) describe literature search as the process of what others say about a specific topic, the finding-out process of whether other research exists and whether such findings are consistent and also whether past studies disagree. Through literature search other researchers are able to contribute to the already existing body of knowledge. Literature search can therefore be described as the most important part of any research project. Literature searches can be undertaken in a variety of ways with different purposes in mind. For the purpose of this research, the researcher conducted a literature search such as a review of relevant books, journal articles, academic papers, legislation, and policy documents, official reports, and published and unpublished research material.

Given its mandate to implement land and tenure reform, the vision of the Department of Rural Development and Land Reform is to be a global leader in the creation and maintenance of an equitable and sustainable land dispensation that results in social and economic development for all South Africans. These tie in with the overall vision of the government to improve service delivery to all South Africans (Strategic Plan 2008-2011). Through the literature search, it was found that the process to improve land reform service delivery is severely hampered by negative impact of the implementation of the employment equity legislation. The literature review also highlights the imbalances created in land ownership as a result of the previous skewed land dispensation. From the literature search, the researcher also identified the link between impact of employment equity on land reform delivery as well as slow pace of land reform delivery. The incorrect implementation of employment equity legislation contributed negatively to process of land reform delivery in the Western Cape Province. To address the issue of the imbalances in land ownership and the negative impact of employment equity legislation on land reform delivery, there is need for the correct implementation of employment equity legislation to ensure the appointment of suitably qualified individuals with the necessary skills and experience to take land reform delivery to the next level.

4.3.2 Empirical Survey

The empirical survey involves collecting data from a sample of participants in order to investigate the particular phenomenon. According to Hutton (1990: 8), survey research or empirical survey is a method of collecting information by asking a set of reformulated questions in a predetermined sequence in a structured questionnaire to a sample of individuals drawn as to be representative of a defined population. Leedy (1999: 191) identifies questionnaires, interviews and rating scale checklist as techniques for gathering survey data. According to Saunders, Lewis and Thornhill (1997: 244), questionnaires are one of the most widely used data collection methods. They state that questionnaires provide an effective way of collecting responses from a large number of respondents beyond the physical reach of the researcher prior to a quantitative analysis. For the purpose of this research, the researcher made use of a structured questionnaire to collect the survey data. The questionnaire was divided into two sections and consisted of both open and close ended questions. Section A consisted of close-ended questions that required respondents to select choices which describe themselves. Section B Sections 2 and 3 consisted of open-ended questions that required respondents to rate their responses from 1 to 5. Through this type of questionnaire, the intention was to obtain the respondents attitude or perception about the phenomenon. The respondents' anonymity was guaranteed by not including any details on the questionnaire that might be directly linked to any respondent. Out of a total of 60 questionnaires distributed, 54 were returned which gives a response rate of 90%. A copy of the questionnaire is included as Annexure "C".

4.3.3 Research Approaches

There are two different research approaches one can adopt to analyse data collected during the research process. Larson and Farber (2003: 8) distinguish between two types of research approaches, namely qualitative research and quantitative research. The researcher used both qualitative and quantitative research approaches in this study. Each of these is unpacked below.

4.3.3.1 Quantitative Research

Babbie (2007: 405) defines quantitative research methods as the numerical representation and manipulation of observations for the purpose of describing and

explaining the phenomena that those observations reflect. Quantitative research statistical results are often presented in a form of tables and graphs. In layman language one can therefore say quantitative research is aimed at determining the relationship between one thing (an independent variable) and another (a dependent or outcome variable) in a population. A survey questionnaire was used to collect the quantitative data as part of an accepted mathematical model in determining the normative criteria which is presented in numerical form.

4.3.3.2 Qualitative Research

Qualitative research refers to research that is descriptive of nature, which usually presents itself in the form of written or spoken word. Babbie (2007: 378) defines qualitative research as the non-numerical examination and interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships. Brynard and Hanekom (1997: 29) on the other hand, describe qualitative research as the process of discovering facts. Through this type of research the researcher aims to gain an in-depth understanding as to whether the employment equity legislative negatively impact on land reform delivery.

4.4 Research Population

The research population for this study was limited to the Provincial Land Reform Office of the Western Cape, which consisted of 7 district offices. The provincial office is situated in Cape Town, with district offices in the following towns, namely; Worcester, George, Bredasdorp, Clanwillian, Stellenbosch, Beaufort West and Cape Town.

4.4.1 Total Research Population

Mouton (1996: 135) states that defining the total research population involves two steps, namely, (i) identification of the target population and, (ii) construction of the sampling frame. The research was limited to the PLRO in the Western Cape. The research sample for this research project consisted of past and current officials in the PLRO: WC. The total of 60 officials mainly included administrative and planning staff.

4.4.2 Target Population

According to Dane (1990: 336) and Du Plooy (2001: 100) there is a distinction between the population and the target population: the population is all possible units of analysis, while the target population is the population to which the findings can be generalised. The target population for this research project included all current and past administrative and planning staff in the provincial land reform office of the department of rural development and land reform in the Western Cape.

4.4.3 Response Population

The response population is the percentage of the target population from which a response is drawn. A total of 60 questionnaires was distributed electronically amongst the target population of which 54 (90%) were returned.

4.5 Data Analysis

The process of data analysis according to Feldman (1995: 33) is regarded as one stage in the research process. According to Feldman (1995: 33) process of data analysis is preceded by gathering data and succeeded by a process of interpreting of the collected data. The data was collected via questionnaires that were distributed electronically to staff in the provincial land reform offices of the DRD & LR in the Western Cape. A total of 54 questionnaires were returned representing 90% of the 60 employees. Eleven (11) (or 20.37%) of the respondents were administrative staff and forty three (43) (or 79.63%) were planning staff. The collected data was captured, encoded and statistically analyzed in collaboration with a registered resident CPUT statistician, using the Statistical Package for Social Sciences (SPSS) software.

4.6 Summary

This chapter discussed the methodology design that was used for this research. The responses of the empirical survey together with the results of the findings are analysed and interpreted in the next chapter.

CHAPTER 5

STATISTICAL ANALYSIS OF RESEARCH RESULTS

5.1 INTRODUCTION

This chapter is devoted to the presentation, interpretation and articulation of the results of the statistical analysis. In order to determine the perceptions and attitudes the respondents were asked to rate the level of agreement with a range of relevant questions pertaining to the impact of employment equity legislation on land reform delivery within the Provincial Land Reform Office in the Western Cape (PLRO: WC). The Likert Scale was used with the following options' available as responses:

- | | |
|------------------------|----|
| 1. Strongly Disagree = | SD |
| 2. Disagree = | D |
| 3. Undecided = | UD |
| 4. Agree = | A |
| 5. Strongly Agree = | SA |

A summary of the respondents' perceptions, attitudes and reaction to the impact of Employment Equity Legislation on Land Reform Delivery in the PLRO is arranged in tabular form and is presented in the same sequence that it appears in the survey questionnaire. As there is a close relationship between SD & D, and A & SA responses, it was necessary to group these responses for a greater understanding of the results. Each of the responses are analysed and interpreted separately.

5.2 Presentation and Interpretation of Findings

A total of 60 questionnaires were electronically distributed amongst the targeted population of which 54 (90%) were returned. The data were collected using a questionnaire which consisted of two sections. Section A dealt with biographical detail and questions pertaining to the perceptions of land reform delivery and employment equity legislation. Section B consisted of questions that required respondents to rate their responses from 1 to 5. The responses to each question were individually captured and are presented in the tables and graphs below.

5.2.1 Frequencies

Frequency Table

Table 5.1

		Gender			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	21	38.9	38.9	38.9
	Female	33	61.1	61.1	100.0
Total		54	100.0	100.0	



1. Figure 5.1: Gender

Table and Figure 5.1 illustrate the gender composition within the Provincial Land Reform office: Western Cape (PLRO: WC). The majority of the staff members in the PLRO: WC is female, which is an accurate reflection of population demographics for the Western Cape. In terms of Census 2001 estimates 51.5 % of the population in Western Cape is female.

Table 5.2

Are you disabled?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid No	54	100.0	100.0	100.0

None of the staff in the PLRO: WC is disabled. In terms of NEAP the desired representation of Persons with Disabilities (PWD) at all occupational levels in the PLRO and the department as a whole is 2.5%.

Table 5.3

Employment status in organisation

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Junior Management L1 - L6	16	29.6	29.6	29.6
Middle Management L7 - L12	38	70.4	70.4	100.0
Total	54	100.0	100.0	

Employment status in organisation

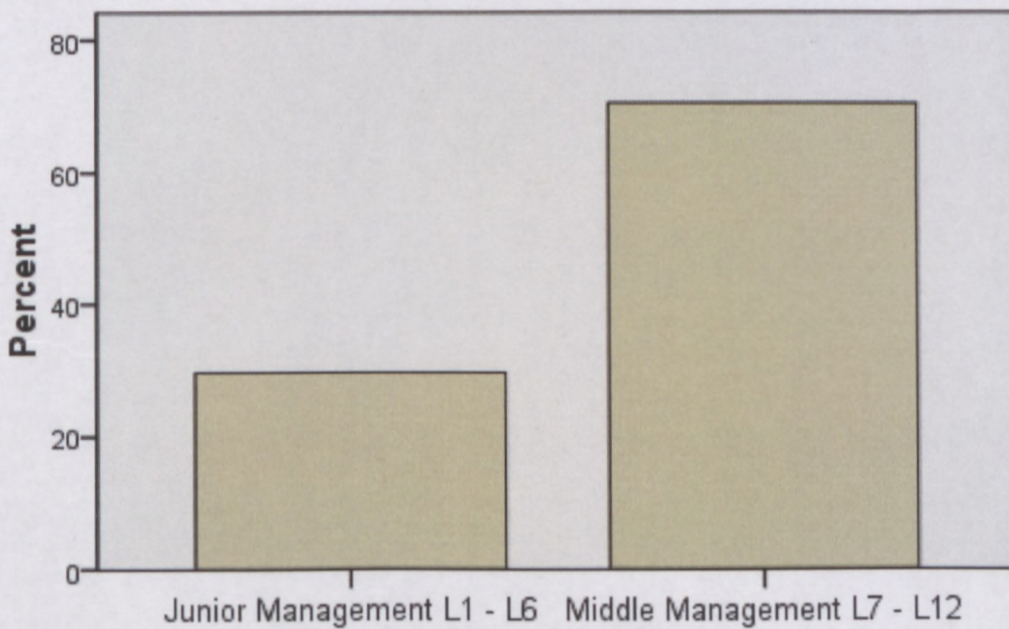
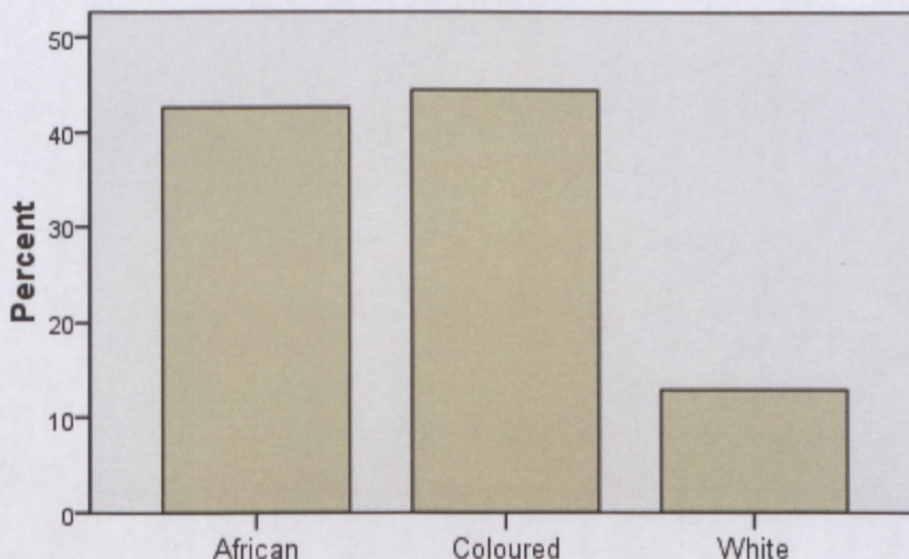


Figure 5.3: Employment status in organisation

The results in Table and Figure 5.3 reflect the staff's employment status within the PLRO. Thirty eight (38) of the staff members are currently on Middle Management Level within the PLRO. This represents 70.4% of staff, whilst 29.6% of staff is on Junior Management Level.

Table 5.4**Population Group**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	African	23	42.6	42.6	42.6
	Coloured	24	44.4	44.4	87.0
	White	7	13.0	13.0	100.0
	Total	54	100.0	100.0	

Population Group**Figure 5.4: Population Group**

In terms of Table and Figure 5.4, the PLRO: WC has a diverse workforce consisting of 42.6% African, 44.4% Coloured and 13 % White employees. This is an accurate reflection of the population composition in the Western Cape. In terms of a high court ruling in June 2008, Chinese people have been declared black and should be included in the population group for coloureds. It must be noted that none of the respondents are South African born Chinese or Indian, which means there is dire need for recruitment of employees of the afore-mentioned population groups. Indian population forms a very small portion of the Western Cape population.

Table 5.5

Nature of appointment

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Probation	2	3.7	3.7	3.7
	Permanent	49	90.7	90.7	94.4
	Contract	3	5.6	5.6	100.0
	Total	54	100.0	100.0	

Nature of appointment

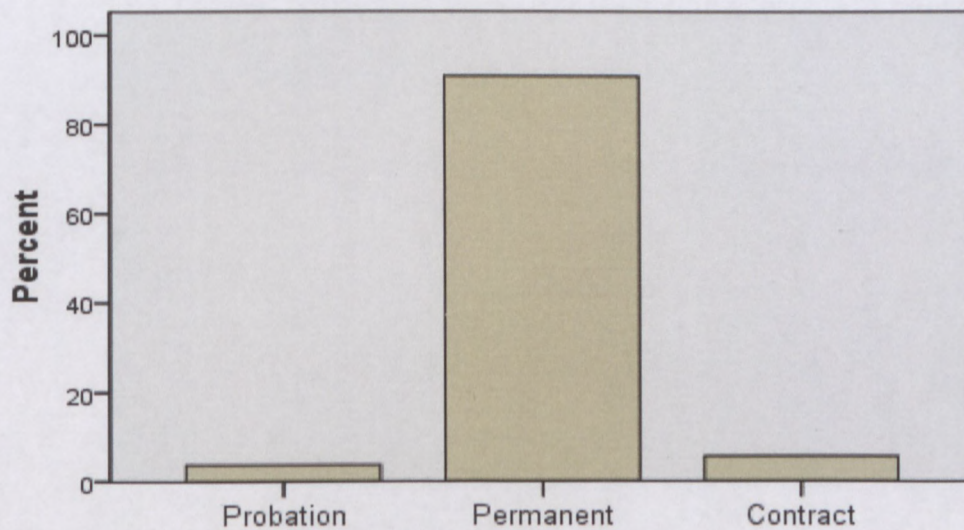


Figure 5.5: Nature of appointment

Almost 91% of the staff in the PLRO is permanently appointed, whilst 3% is on probation (twelve months). The remainder of the staff (5.6%) is appointed on contract.

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	Contract	3	5.6	5.6	100.0
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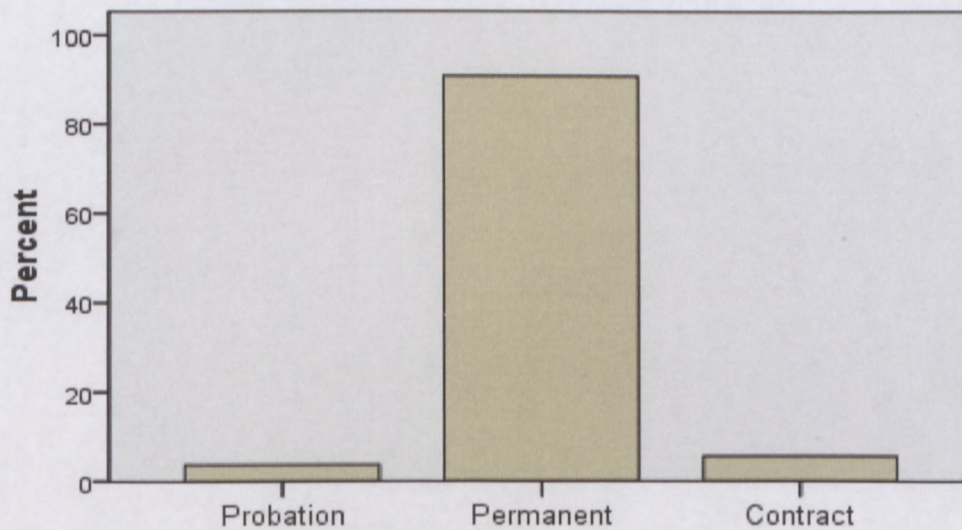


Figure 5.5: Nature of appointment

Almost 91% of the staff in the PLRO is permanently appointed, whilst 3% is on probation (twelve months). The remainder of the staff (5.6%) is appointed on contract.

Table 5.6

Years or length of service

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0 - 10 years	42	77.8	77.8	77.8
11 - 20 years	10	18.5	18.5	96.3
21 + years	2	3.7	3.7	100.0
Total	54	100.0	100.0	

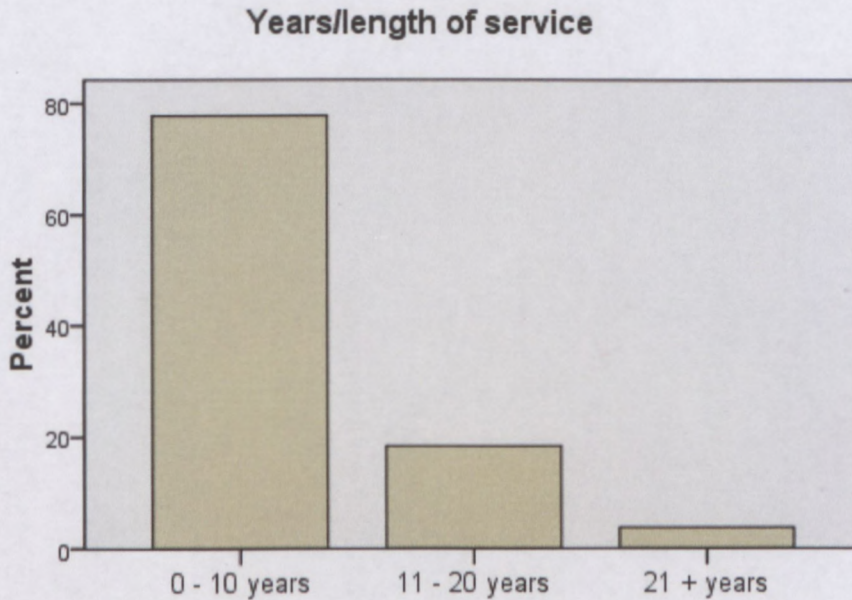


Figure 5.6: Years or length of service

Table and Figure 5.6 indicate that the majority of the respondents (77.8%) have been employed in the PLRO: WC for five and more years, whilst 18.5% has fifteen or more years of service. This indicates that a large percentage of staff is ready for advancement to the next level within the organisation.

Table 5.7

Home language

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Afrikaans	25	46.3	46.3	46.3
	English	10	18.5	18.5	64.8
	Xhosa	14	25.9	25.9	90.7
	Other	5	9.3	9.3	100.0
	Total	54	100.0	100.0	

Home language

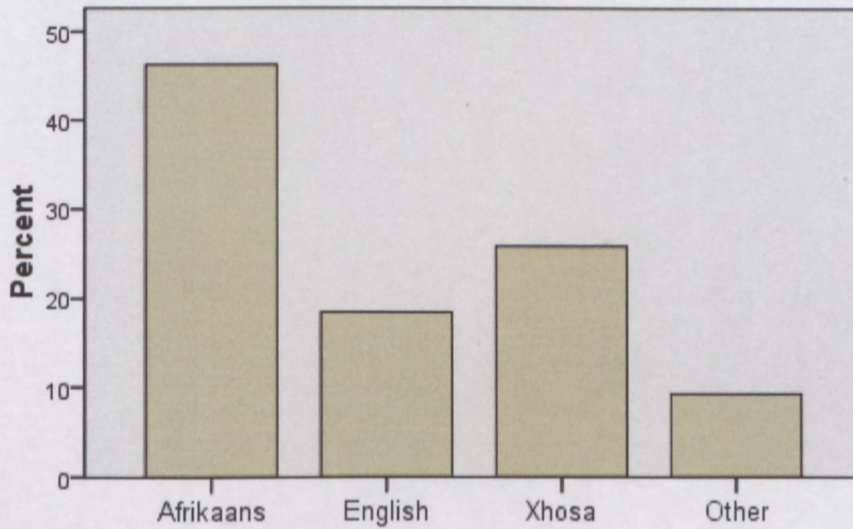


Figure 5.7: Home Language

Table and Figure 5.7 illustrates that a large majority of the staff in the PLRO's home language is Afrikaans, Xhosa and English, with more people speaking Afrikaans. This is an accurate reflection of the regional languages in the Western Cape. Nine point three percent (9.3%) of the employees indicated other languages as being their home language.

Table 5.8

Statement: 1.1

Implementation of the Employment Equity Act results in “reverse discrimination”

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	9	16.7	16.7	16.7
Disagree	17	31.5	31.5	48.1
Undecided	11	20.4	20.4	68.5
Agree	12	22.2	22.2	90.7
Strongly Agree	5	9.3	9.3	100.0
Total	54	100.0	100.0	

Implementation of the Employment Equity Act results in “reverse discrimination”

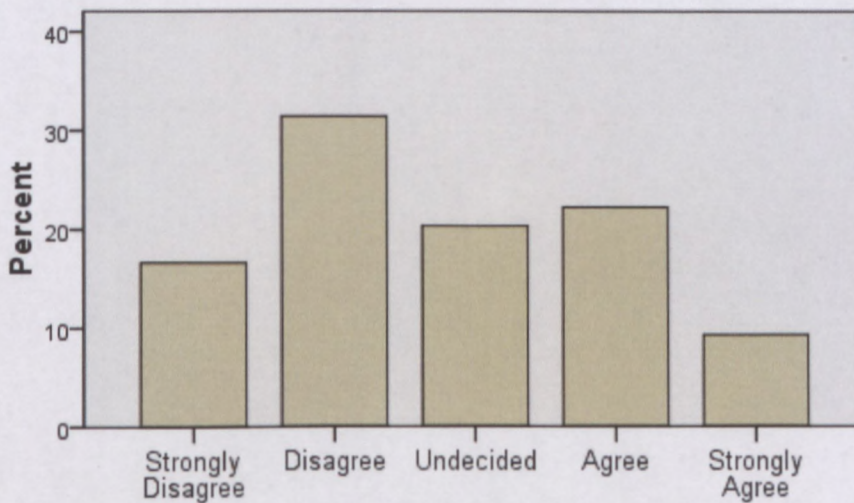


Figure 5.8: Implementation of Employment Equity Act (EEA) results in “reverse discrimination”.

Whilst 31,5% of respondents agreed that the implementation of EEA results in reverse discrimination. A large portion of the respondents (48.2%) is in disagreement about whether implementation of the Employment Equity Act results in reverse discrimination. Implementing Employment Equity thus means everyone has equal opportunities and not only a select few. It also means eliminating barriers faced by designated groups.

Table 5.9

**Statement 1.2
Employment Equity (EE) is all about achieving quotas.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	4	7.4	7.4	7.4
	Disagree	16	29.6	29.6	37.0
	Undecided	8	14.8	14.8	51.9
	Agree	16	29.6	29.6	81.5
	Strongly Agree	10	18.5	18.5	100.0
	Total	54	100.0	100.0	

Employment Equity (EE) is all about achieving quotas.

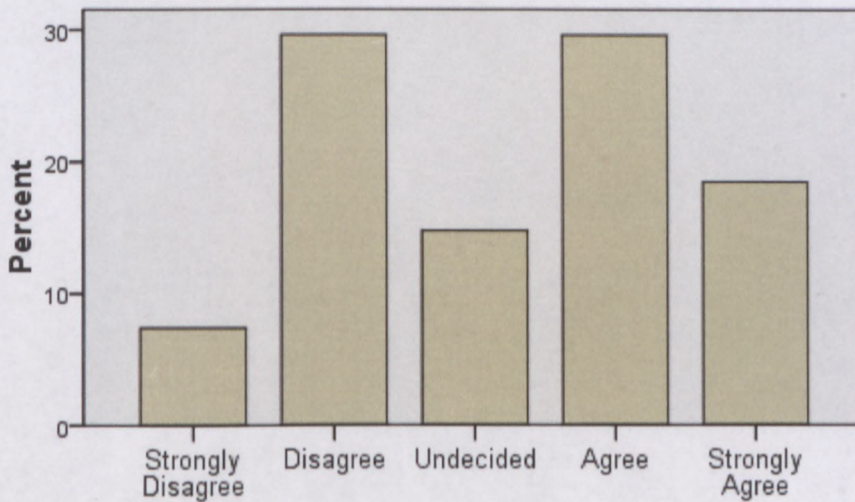


Figure 5.9: Employment Equity (EE) is all about achieving quotas.

In terms of this statement, 48.1% of the respondents agree that EE is about achieving quotas. Thirty seven percent (37%) of the respondents disagree with this statement. A significant percentage (14.8%) of the respondents was uncertain about this statement. The reality is that Employment Equity is about setting targets to achieve fairness within the workplace within realistic timeframes as contemplated in the employment equity plan of the DRD & LR.

Table 5.10

**Statement: 1.3
EE means hiring unqualified people.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	18	33.3	33.3	33.3
	Disagree	17	31.5	31.5	64.8
	Undecided	6	11.1	11.1	75.9
	Agree	9	16.7	16.7	92.6
	Strongly Agree	4	7.4	7.4	100.0
	Total	54	100.0	100.0	

EE means hiring unqualified people.

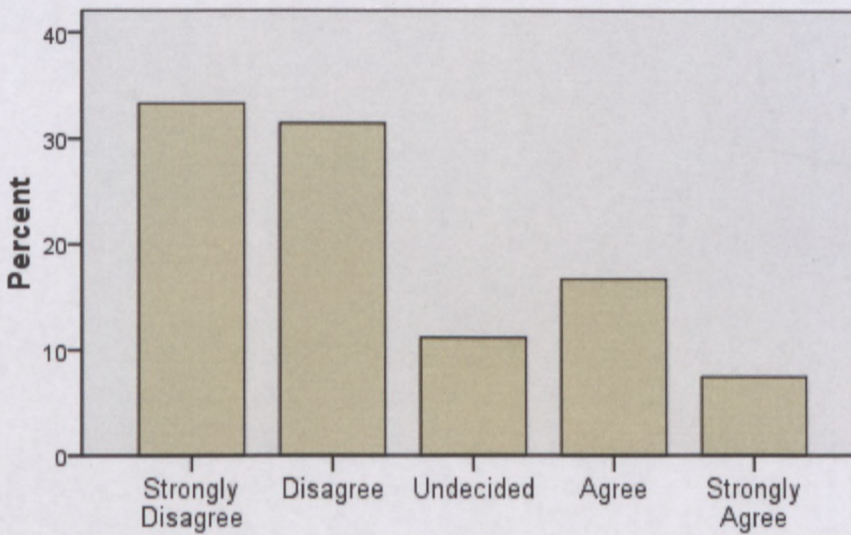


Figure 5.10: EE means hiring unqualified people.

Table and Figure 5.10 clearly indicate that the overwhelming majority (64.8%) of the respondents is in agreement that implementation of EE does not mean the hiring of unqualified people but rather the provision and hiring of suitably qualified individuals.

Table 5.11

Statement: 1.4
EE means lowering job requirements and standards.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	18	33.3	33.3	33.3
	Disagree	14	25.9	25.9	59.3
	Undecided	5	9.3	9.3	68.5
	Agree	15	27.8	27.8	96.3
	Strongly Agree	2	3.7	3.7	100.0
	Total	54	100.0	100.0	

EE means lowering job requirements and standards.

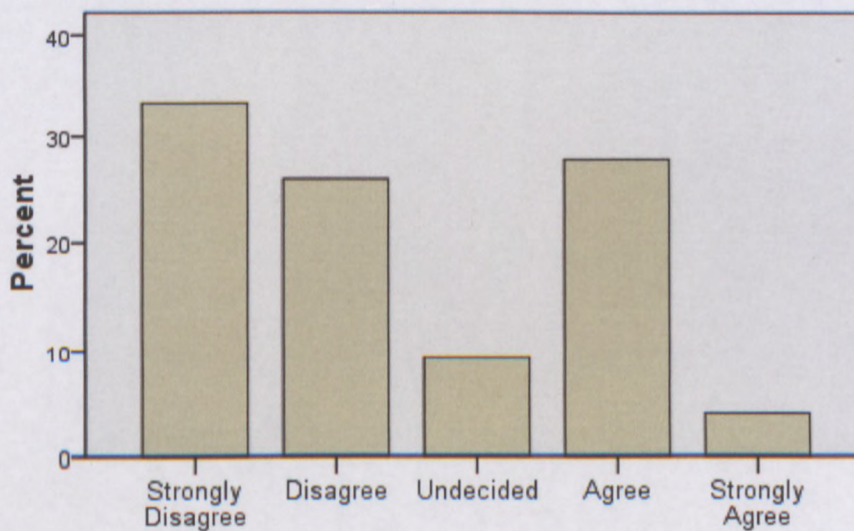


Figure 5.11: EE means lowering job requirements and standards

More than half of the respondents, 59.2% disagrees with this statement, whilst 31.5% of the respondents agree. Employment equity should in fact examine job standards to ensure that the job requirements and criteria are realistic and job related.

Table 5.12

Statement 1.5
EE targets should reflect your target market (clients) in terms of land reform delivery.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	3	5.6	5.6	5.6
	Disagree	8	14.8	14.8	20.4
	Undecided	1	1.9	1.9	22.2
	Agree	27	50.0	50.0	72.2
	Strongly Agree	15	27.8	27.8	100.0
	Total	54	100.0	100.0	

EE targets should reflect your target market (clients) in terms of land reform delivery.

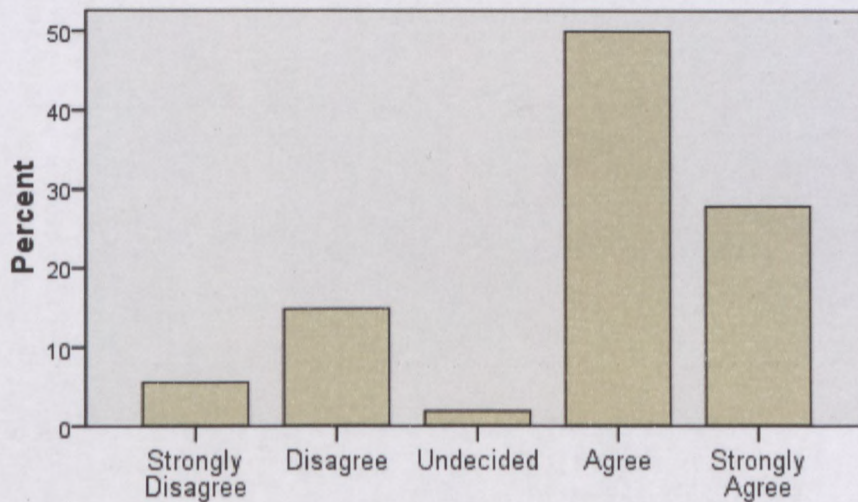


Figure 5.12: EE targets should reflect your target market (clients) in terms of land reform delivery

The majority (77.8%) of the respondents agrees that EE should reflect the target market being served, whilst a very small percentage, 20.4% disagrees. One point nine percent (1.9%) remained undecided about this.

Table 5.13

Statement 1.6
EE is mainly for Blacks, excluding white male and females.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	12	22.2	22.2	22.2
	Disagree	20	37.0	37.0	59.3
	Undecided	3	5.6	5.6	64.8
	Agree	10	18.5	18.5	83.3
	Strongly Agree	9	16.7	16.7	100.0
	Total	54	100.0	100.0	

EE is mainly for Blacks, excluding white male and females.

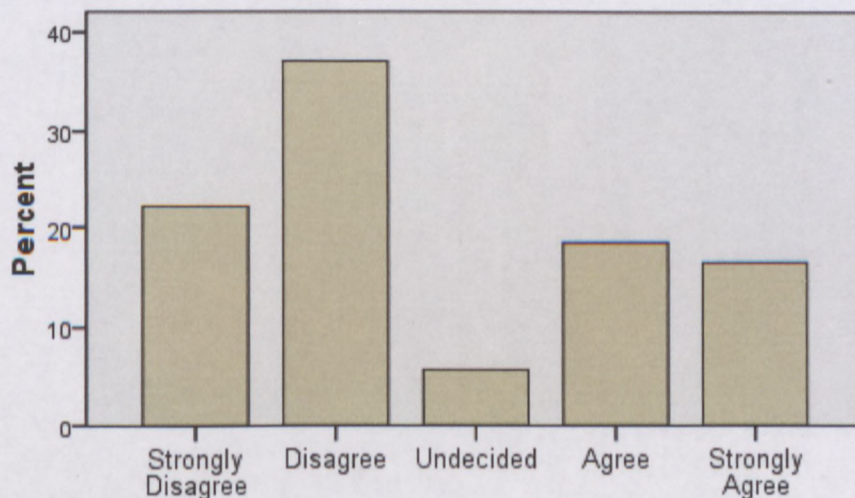


Figure 5.13: EE is mainly for Blacks, excluding white male and females.

More than half the respondents (59.2%) disagree that EE is mainly for blacks, excluding white male and females, while a smaller percentage, 35.2% agrees with the statement.

Table 5.14

Statement 1.7
Achieving EE targets negatively affect the retention of existing skills and capacity.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	4	7.4	7.4	7.4
	Disagree	12	22.2	22.2	29.6
	Undecided	3	5.6	5.6	35.2
	Agree	22	40.7	40.7	75.9
	Strongly Agree	13	24.1	24.1	100.0
	Total	54	100.0	100.0	

Achieving EE targets negatively affect the retention of existing skills and capacity.

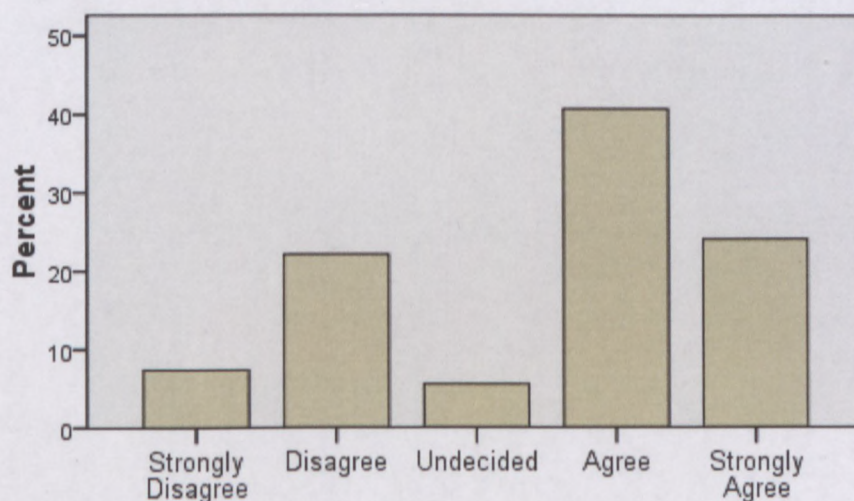


Figure 5.14: Achieving EE targets negatively affect the retention of existing skills and capacity.

Table and Figure 5.14 clearly indicates that the overwhelming majority of the respondents at 64.8% are in agreement with this statement. The results of this analysis is also particularly relevant to the negative impact of EE legislation on land reform delivery.

Table 5.15

Statement 1.8

In appointing new staff, the weight afforded to population group is higher than competency.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	6	11.1	11.1	11.1
Disagree	8	14.8	14.8	25.9
Undecided	14	25.9	25.9	51.9
Agree	13	24.1	24.1	75.9
Strongly Agree	13	24.1	24.1	100.0
Total	54	100.0	100.0	

In appointing new staff, the weight afforded to population group is higher than competency.

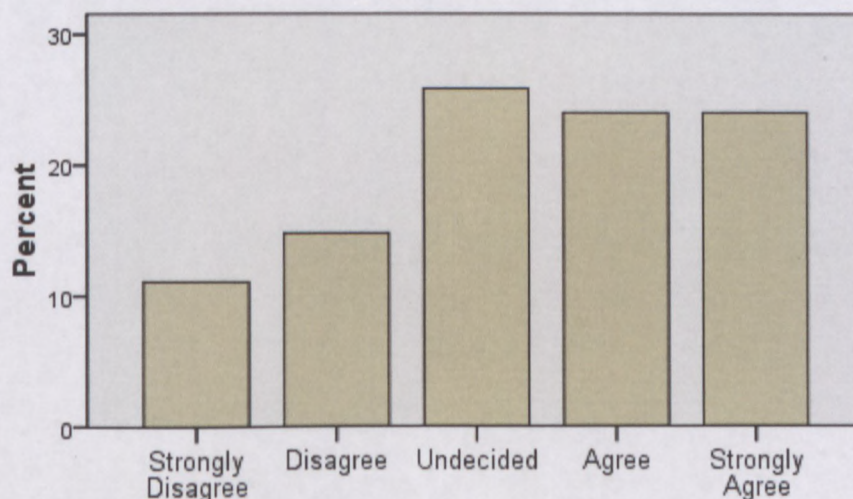


Figure 5.15: In appointing new staff, the weight afforded to population group is higher than competency.

Less than 50% of the respondents agrees that in appointing new staff, the weight afforded to population group is higher than competency. However, of the 54 respondents 25.9% does not agree with this statement.

Table 5.16

Statement 1.9

New appointees should be familiar with the local context of EE as it relates to Department of Rural Development and Land Reform.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	1	1.9	1.9	1.9
Undecided	9	16.7	16.7	18.5
Agree	32	59.3	59.3	77.8
Strongly Agree	12	22.2	22.2	100.0
Total	54	100.0	100.0	

New appointees should be familiar with the local context of EE as it relates to department of rural development and land reform.

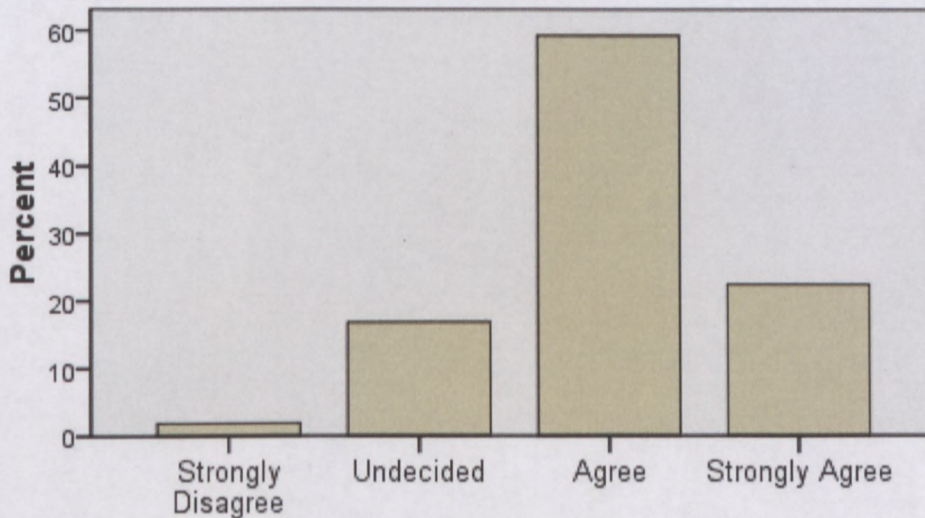


Figure 5.16: New appointees should be familiar with the local context of EE as it relates to the Department of Rural Development and Land Reform.

The responses for this statement are generally in favour of new appointees being familiar with the local context of EE as it relates to the Department of Rural Development and Land Reform. A total of 44 respondents at 81.5% tends toward agree and strongly agree while 1(1.9%) respondent strongly disagrees and 9 (16.7%) remain undecided.

Table 5.17

Statement 1.10
The effect of EE is that citizens do not get services in the language they understand or prefer.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	9	16.7	16.7	16.7
Disagree	12	22.2	22.2	38.9
Undecided	2	3.7	3.7	42.6
Agree	14	25.9	25.9	68.5
Strongly Agree	17	31.5	31.5	100.0
Total	54	100.0	100.0	

The effect of EE is that citizens do not get services in the language they understand or prefer.

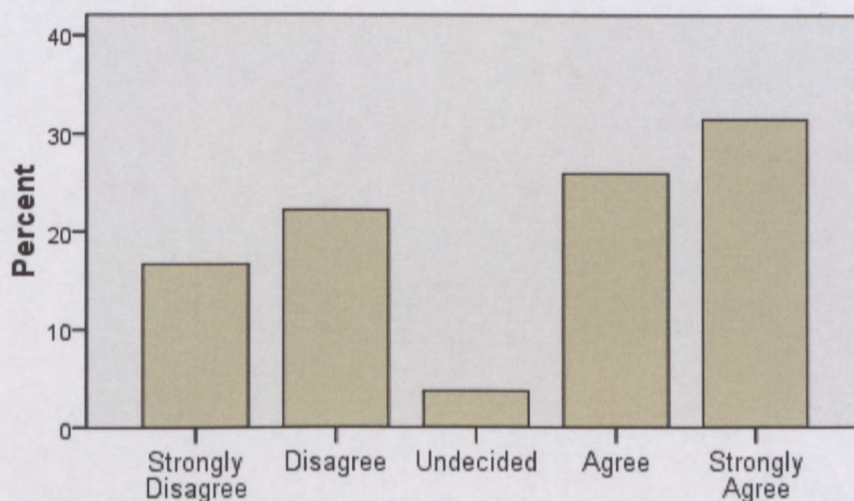


Figure 5.17: The effect of EE is that citizens do not get the services in the language they understand or prefer.

A total 57.4% of the respondents are of the sentiment that EE results in citizens not receiving services in the language they understands or prefer. On the other hand 38.9% of the respondents disagrees with this statement, whilst a small percentage (3.7%) of the remained undecided. This statement is particularly relevant to the fact that the department experiences a high staff turnover, because non-mother-tongue speakers don't remain in the post for long before they move on, because of the language barrier.

Table 5.18

Statement 1.11
Meeting EE targets are having a negative impact on service delivery.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	9	16.7	16.7	16.7
	Disagree	13	24.1	24.1	40.7
	Undecided	4	7.4	7.4	48.1
	Agree	15	27.8	27.8	75.9
	Strongly Agree	13	24.1	24.1	100.0
	Total	54	100.0	100.0	

Meeting EE targets are having a negative impact on service delivery.

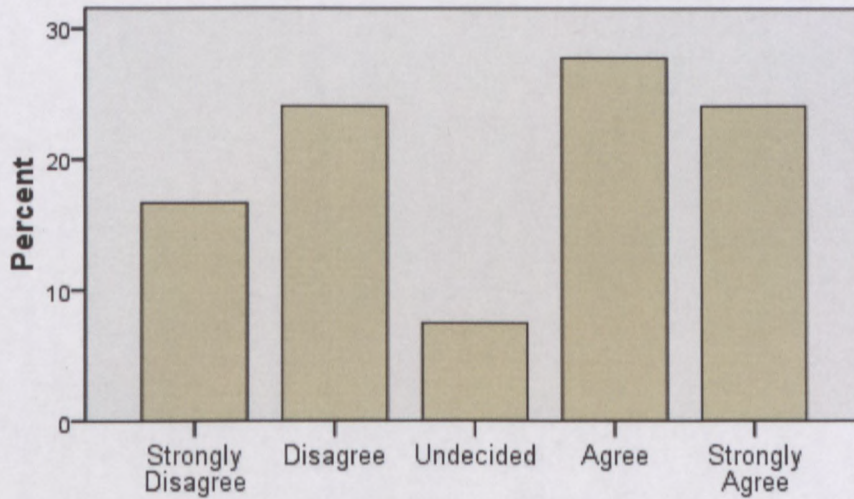


Figure 5.18: Meeting EE targets are having a negative impact on service delivery.

Slightly more than half the respondents (51.9%) agree that meeting EE targets are having a negative impact on service delivery. Forty point eight (40.8%) of the respondents disagree.

Table 5.19

**Statement 1.12
Implementation of EE does not consider excellent service
delivery in government sector.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	5	9.3	9.3	9.3
	Disagree	12	22.2	22.2	31.5
	Undecided	8	14.8	14.8	46.3
	Agree	19	35.2	35.2	81.5
	Strongly Agree	10	18.5	18.5	100.0
	Total	54	100.0	100.0	

**Implementation of EE does not consider excellent
service delivery in government sector.**

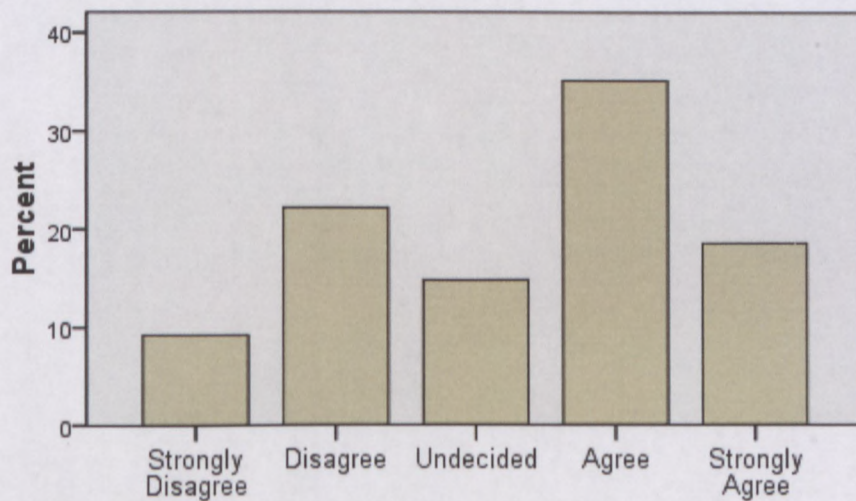


Figure 5.19: Implementation of EE does not consider excellent service delivery in government sector.

A total of 53.7% of the respondents agrees that EE does not consider excellent service delivery in government sector, while 31.5% of the sample disagrees and only 14.8% remained uncertain.

Table 5.20

Statement 1.13
EE targets should be based on provincial demographics rather than national demographics?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	6	11.1	11.1	11.1
Disagree	1	1.9	1.9	13.0
Undecided	3	5.6	5.6	18.5
Agree	14	25.9	25.9	44.4
Strongly Agree	30	55.6	55.6	100.0
Total	54	100.0	100.0	

EE targets should be based on provincial demographics rather than national demographics?

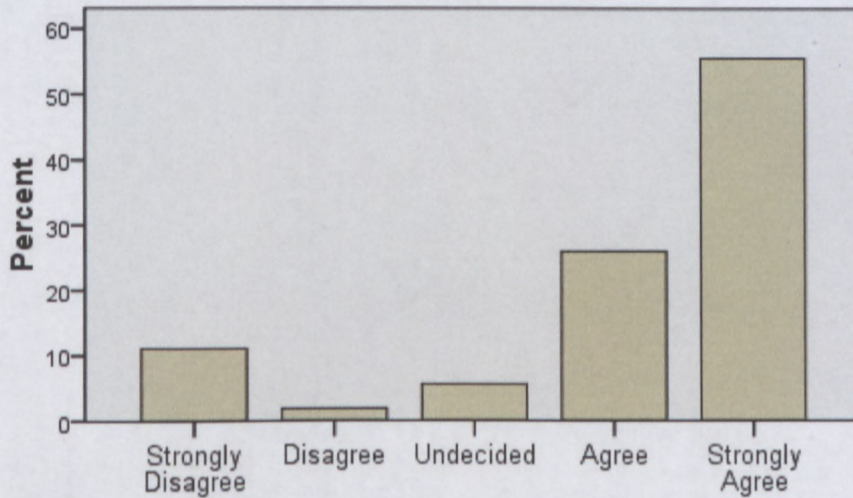


Figure 5.20: EE targets should be based on provincial demographics rather than national demographics.

The majority of the respondents (81.5%) agree that EE targets should be based on provincial demographics rather than national demographics, however 13% of the respondents disagree with this statement.

To what extent would you agree or disagree, that not enough is done to promote disability mainstreaming and gender equity in Rural Development and Land Reform within the department?

Table 5.21

Statement 2.1
Employment Equity means treating everyone the same regardless gender, race and disability.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	3	5.6	5.6	5.6
	Disagree	7	13.0	13.0	18.5
	Undecided	3	5.6	5.6	24.1
	Agree	23	42.6	42.6	66.7
	Strongly Agree	18	33.3	33.3	100.0
Total		54	100.0	100.0	

Employment Equity means treating everyone the same regardless gender, race and disability.

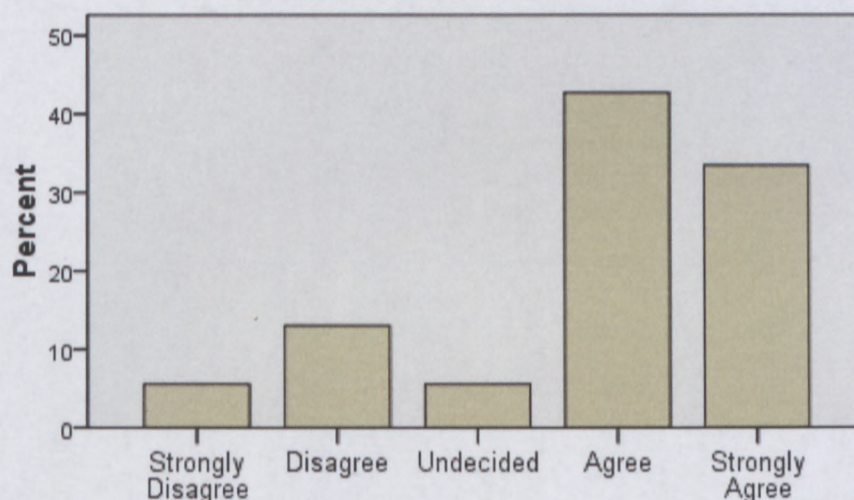


Figure 5.21: Employment Equity means treating everyone the same regardless of gender, race and disability.

This research statement provides feedback suggesting that the majority of the respondents (75.9%) are of the opinion that Employment Equity means everyone should be treated the same regardless of gender, race and disability. The remainder (18.6%) disagree on this statement, whilst 3 respondents (5.6%) remained undecided.

Table 5.22

Statement 2.2

The department has implemented reasonable measures to eliminate employment barriers that affect people from designated groups.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	9	16.7	16.7	16.7
Disagree	12	22.2	22.2	38.9
Undecided	15	27.8	27.8	66.7
Agree	16	29.6	29.6	96.3
Strongly Agree	2	3.7	3.7	100.0
Total	54	100.0	100.0	

The department has implemented reasonable measures to eliminate employment barriers that affect people from designated groups.

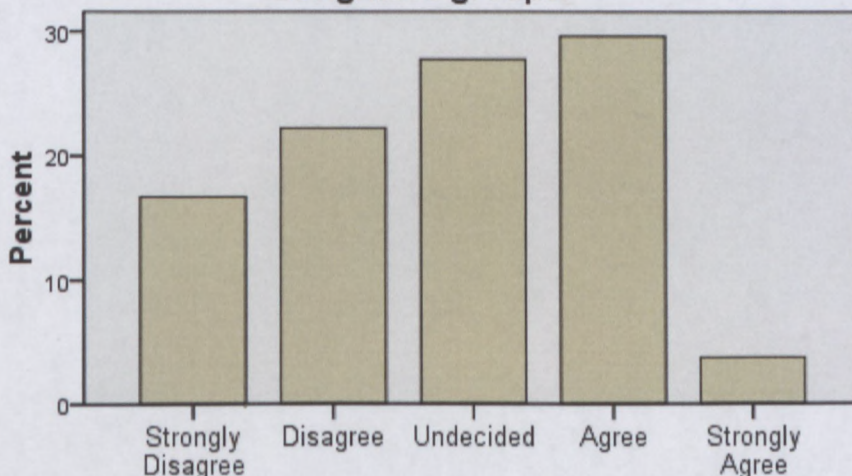


Figure 5.22: The department has implemented reasonable measures to eliminate employment barriers that effect people from designated groups.

Whilst 33.3% of the respondents agrees that the department implemented reasonable measures to eliminate employment barriers that effect people from designated groups, slightly more (38.9%) disagrees with this statement and is of the opion that not enough is done to eliminate employment barriers. A significant percentage,27.8% of the respondents remained undecided.

Table 5.23

Statement 2.3

There are specific policies within the department that support advancement of women in rural development and land reform.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	2	3.7	3.7	3.7
Disagree	11	20.4	20.4	24.1
Undecided	14	25.9	25.9	50.0
Agree	23	42.6	42.6	92.6
Strongly Agree	4	7.4	7.4	100.0
Total	54	100.0	100.0	

There are specific policies within the department that support advancement of women in rural development and land reform.

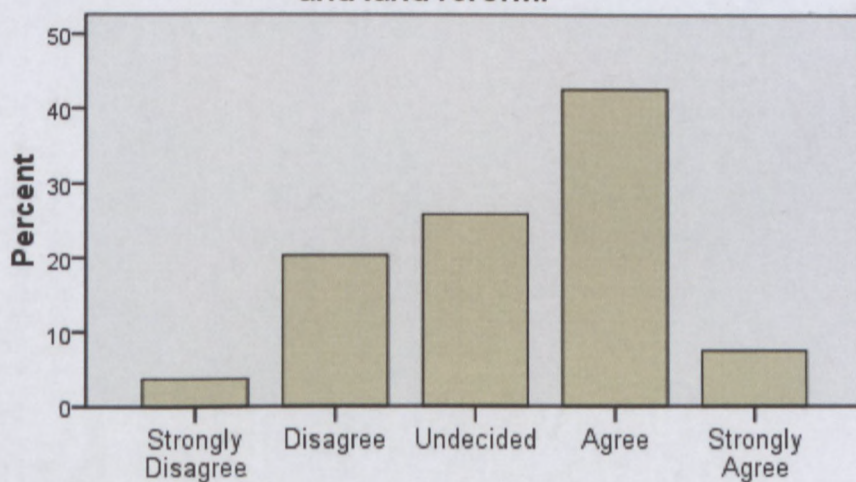


Figure 5.23: There are specific policies within the department that support advancement of women in rural development and land reform.

Half (50%) of the respondents agree that the department has implemented specific policies to support the advancement of women whilst 24.1% of the other half of the respondents felt that not enough policies are implemented to support women in rural development, whilst 25.9% remained undecided.

Table 5.24

Statement 2.4
Women are represented at all levels of management in the department.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	7	13.0	13.0	13.0
	Disagree	15	27.8	27.8	40.7
	Undecided	7	13.0	13.0	53.7
	Agree	19	35.2	35.2	88.9
	Strongly Agree	6	11.1	11.1	100.0
	Total	54	100.0	100.0	

Women are represented at all levels of management in the department.

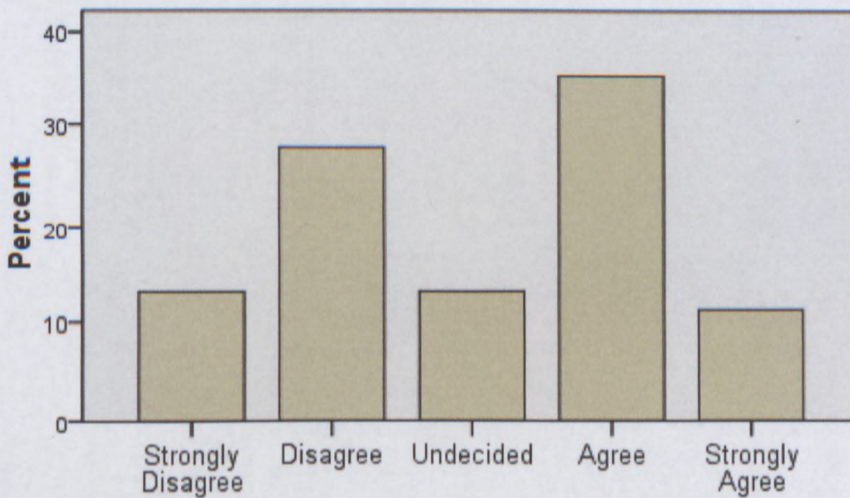


Figure 5.24: Women are represented at all levels of management in the department.

Whilst 40.8% of the respondents disagree that women are not represented at all levels of management in the department, 46.3% feels that women are represented and even (7)(13 %) respondents remained undecided.

Table 5.25

**Statement 2.5
Women are encouraged to apply for bursaries and scholarships
to enhance their skills.**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	1	1.9	1.9	1.9
Disagree	12	22.2	22.2	24.1
Undecided	11	20.4	20.4	44.4
Agree	21	38.9	38.9	83.3
Strongly Agree	9	16.7	16.7	100.0
Total	54	100.0	100.0	

**Women are encouraged to apply for bursaries and
scholarships to enhance their skills.**

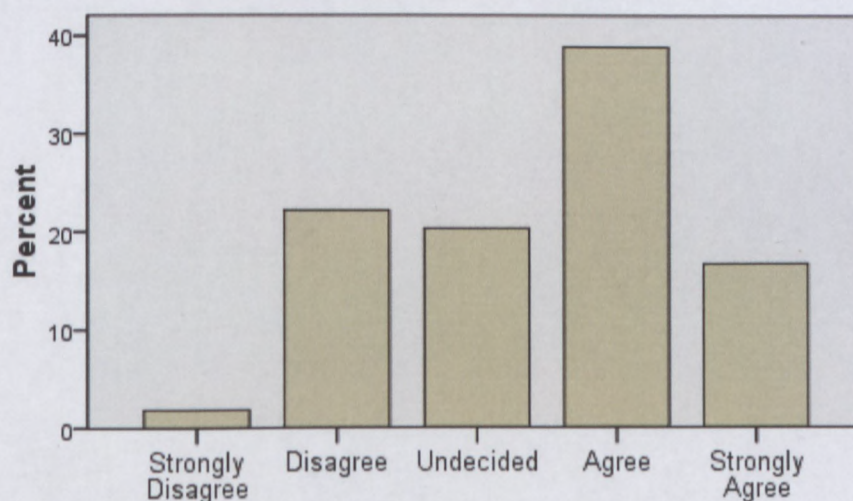


Figure 5.25: Women are encouraged to apply for bursaries and scholarships to enhance their skills.

The largest portion of the sample (55.6%) agrees that women are encouraged to apply for bursaries and scholarships to enhance their skills, while 20.4% is uncertain and 22.2% disagree.

Table 5.26

Statement 2.6

The SA environment and the department in particular are favourable and ready to meet and address the needs of women.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	3	5.6	5.6	5.6
Disagree	17	31.5	31.5	37.0
Undecided	14	25.9	25.9	63.0
Agree	13	24.1	24.1	87.0
Strongly Agree	7	13.0	13.0	100.0
Total	54	100.0	100.0	

The SA environment and the department in particular are favourable and ready to meet and address the needs of women.

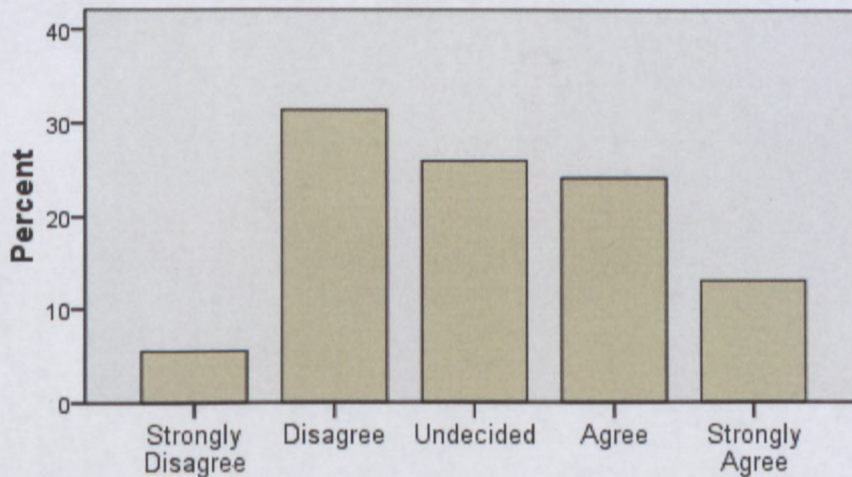


Figure 5.26: The SA environment and the department in particular are favourable and ready to meet and address the needs of women.

Whilst 25.9% of the respondents remained undecided as to whether the SA environment and the department in particular are favourable and ready to meet and address the needs of women, 37.1% of the respondents disagree and agrees with the statement.

Table 5.27

Statement 2.7

The SA environment and the department in particular are favourable and ready to meet and address the needs of persons with disabilities.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	4	7.4	7.4	7.4
Disagree	17	31.5	31.5	38.9
Undecided	14	25.9	25.9	64.8
Agree	14	25.9	25.9	90.7
Strongly Agree	5	9.3	9.3	100.0
Total	54	100.0	100.0	

The SA environment and the department in particular are favourable and ready to meet and address the needs of persons with disabilities.

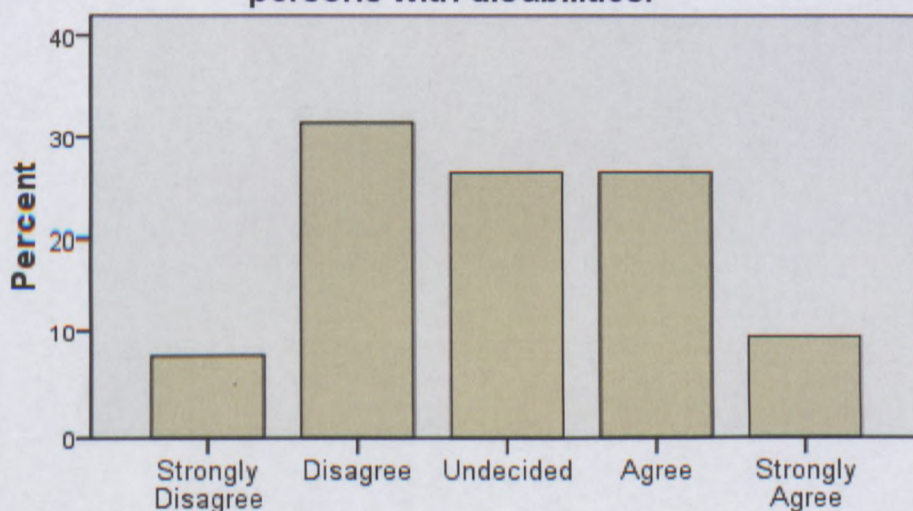


Figure 5.27: The SA environment and the department in particular are favourable and ready to meet and address the needs of persons with disabilities.

Whilst 38.9% of the respondents feel that the SA environment and the department in particular, are not favourable and ready to meet and address the needs of persons with disabilities, 35.2% though feels that the SA environment and the department is ready to meet and address the needs of persons with disabilities.

Table 5.28

Statement 2.8

Disability mainstreaming should be broadly applicable across all programmes of land reform and rural development.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Disagree	1	1.9	1.9	1.9
Undecided	4	7.4	7.4	9.3
Agree	30	55.6	55.6	64.8
Strongly Agree	19	35.2	35.2	100.0
Total	54	100.0	100.0	

Disability mainstreaming should be broadly applicable across all programmes of land reform and rural development.

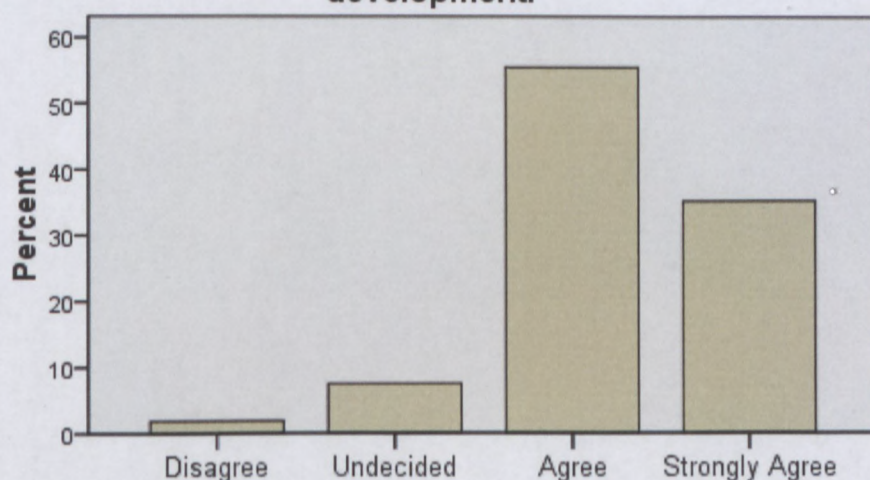


Figure 5.28: Disability mainstreaming should be broadly applicable across all programmes of land reform and rural development.

The overwhelming majority (90.8%) of the respondents agree that disability mainstreaming should be broadly applicable across all programmes of land reform and rural development. One respondent (1.9 %) disagrees with this statement, whilst 7.4% of the respondents remained uncertain.

Table 5.29

Statement 2.9
The ultimate goal of disability mainstreaming is to achieve disability equality.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Disagree	3	5.6	5.6	5.6
	Undecided	11	20.4	20.4	25.9
	Agree	30	55.6	55.6	81.5
	Strongly Agree	10	18.5	18.5	100.0
	Total	54	100.0	100.0	

The ultimate goal of disability mainstreaming is to achieve disability equality.

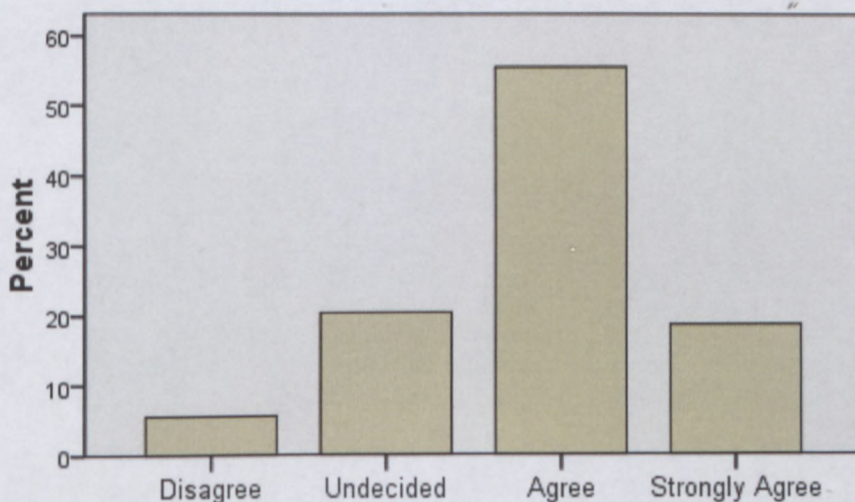


Figure 5.29: The ultimate goal of disability mainstreaming is to achieve disability equality.

Although 74.1% of the respondents indicated that the ultimate goal of disability mainstreaming is to achieve disability equality, 26% of the respondents disagree with this statement, whilst 20.4% remains undecided.

Table 5.30

Statement 2.10
It is difficult and expensive to accommodate persons with disabilities.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	14	25.9	25.9	25.9
Disagree	14	25.9	25.9	51.9
Undecided	8	14.8	14.8	66.7
Agree	9	16.7	16.7	83.3
Strongly Agree	9	16.7	16.7	100.0
Total	54	100.0	100.0	

It is difficult and expensive to accommodate persons with disabilities.

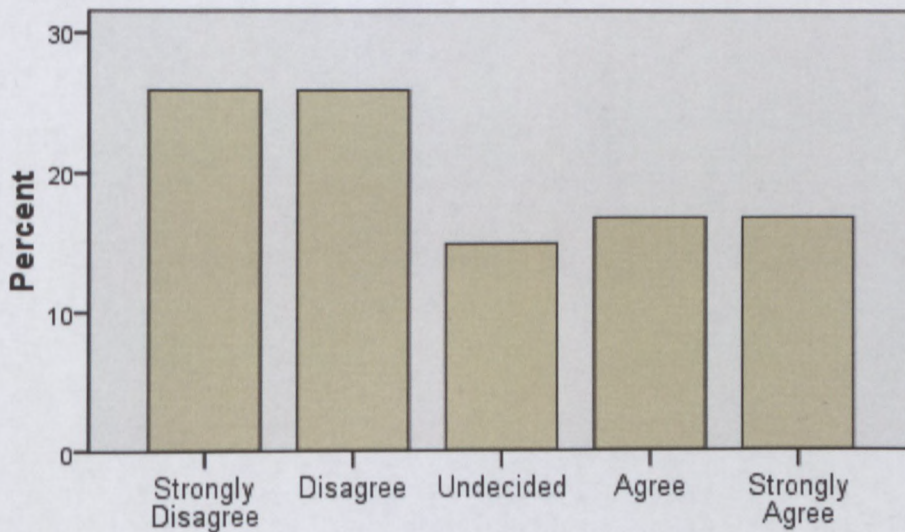


Figure 5.30: It is difficult and expensive to accommodate persons with disabilities.

This table indicates that 51.9% of the respondents are of the opinion that it is not difficult and expensive to accommodate persons with disabilities; however 33.4% feels that it is expensive and difficult to accommodate persons with disabilities.

To what extent would you agree or disagree, that the current Retention Policy is able to ensure the retention of employees of a high calibre to meet the growing demands of rural development and land reform delivery?

Table 5.31

Statement 3.1

Because of EE there is no career-pathing for non-targeted groups, which in most cases are the experienced employees in government.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	3	5.6	5.6	5.6
Disagree	9	16.7	16.7	22.2
Undecided	10	18.5	18.5	40.7
Agree	16	29.6	29.6	70.4
Strongly Agree	16	29.6	29.6	100.0
Total	54	100.0	100.0	

Because of EE there is no career-pathing for non-targeted groups, which in most cases are the experienced employees in government.

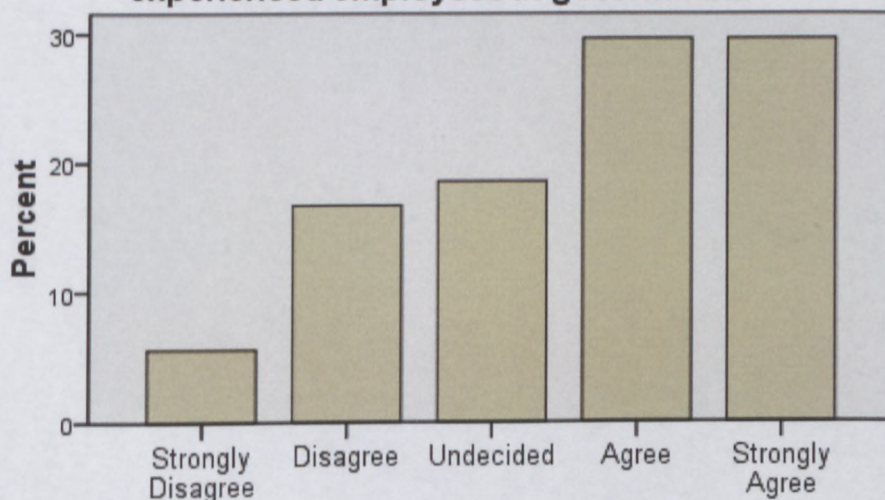


Figure 5.31: Because of EE there is no career-pathing for non-targeted groups, which in most cases are the experienced employees in government.

More than half (59.2%) of the respondents agree with this statement. A total of 22.3% of the respondents disagree with the statement.

Table 5.32

Statement 3.2
Succession planning should be implemented to retain skilled and experienced staff.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Disagree	2	3.7	3.7	3.7
	Undecided	2	3.7	3.7	7.4
	Agree	22	40.7	40.7	48.1
	Strongly Agree	28	51.9	51.9	100.0
	Total	54	100.0	100.0	

Succession planning should be implemented to retain skilled and experienced staff.

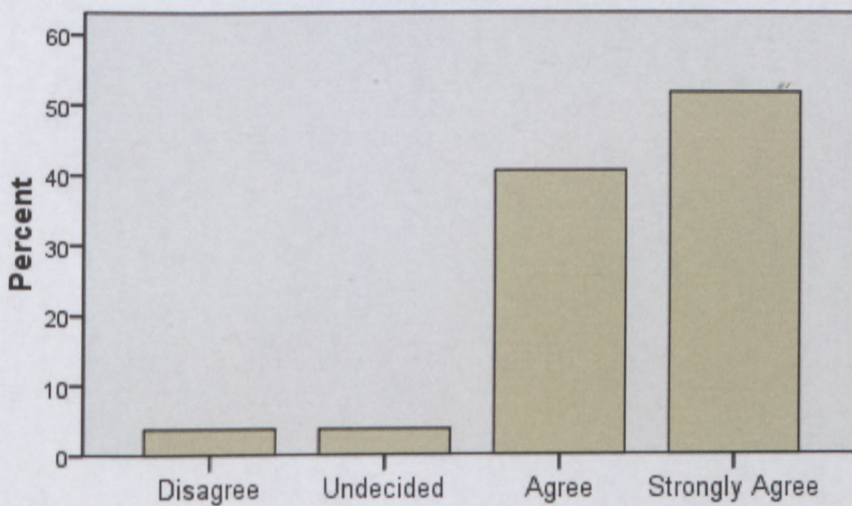


Figure 5.32: Succession planning should be implemented to retain skilled and experienced staff.

An overwhelming majority of the respondents, 92% agree that succession planning should be implemented to retain skilled and experienced staff.

Table 5.33

Statement 3.3
Proper job descriptions should be designed for each job category.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Disagree	2	3.7	3.7	3.7
Undecided	1	1.9	1.9	5.6
Agree	16	29.6	29.6	35.2
Strongly Agree	35	64.8	64.8	100.0
Total	54	100.0	100.0	

Proper job descriptions should be designed for each job category.

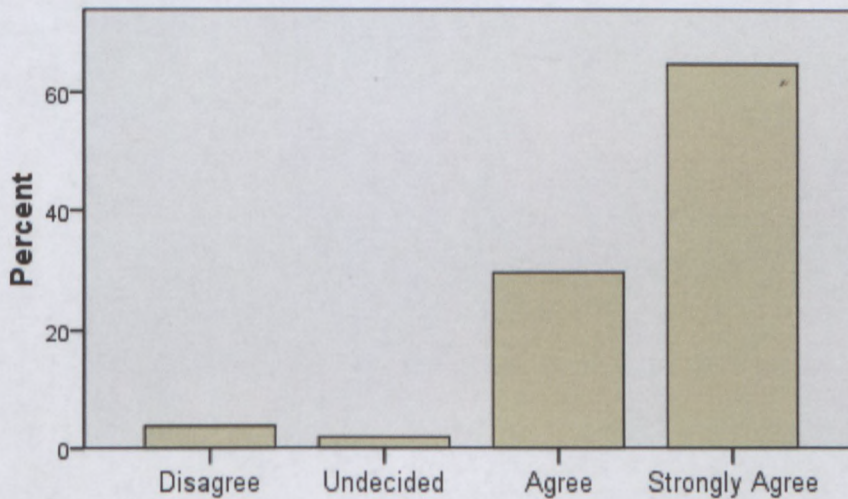


Figure 5.33: Proper job descriptions should be designed for each job category.

From this statement it is very clear that job descriptions are seriously lacking in the PLRO: WC, as the vast majority of the respondents (94.4%) agree that the drafting proper job descriptions should be regarded as a priority.

Table 5.34

**Statement 3.4
Exceptional achievements should be rewarded.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	1	1.9	1.9	1.9
	Undecided	1	1.9	1.9	3.7
	Agree	16	29.6	29.6	33.3
	Strongly Agree	36	66.7	66.7	100.0
	Total	54	100.0	100.0	

Exceptional achievements should be rewarded.

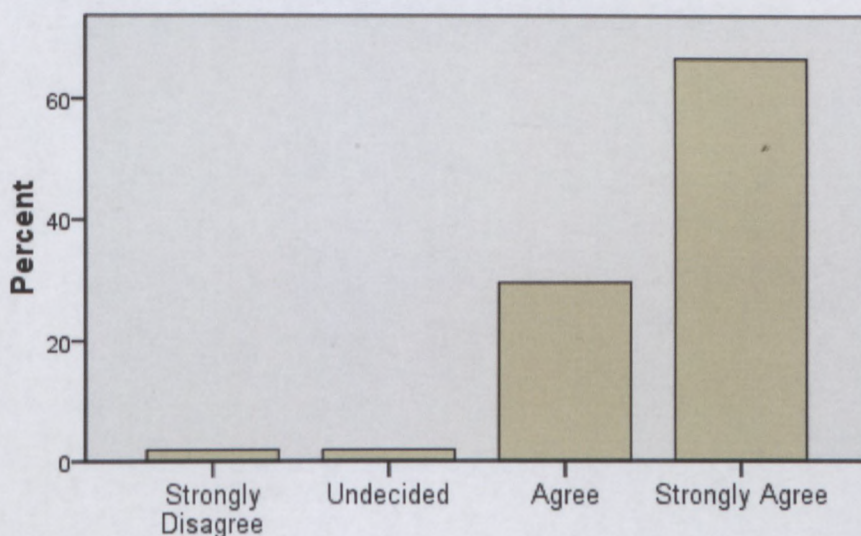


Figure 5.34: Exceptional achievements should be rewarded.

Nearly 96.3% of the respondents are of the opinion that exceptional achievements should be rewarded. Just about 1.9% of the respondents did not agree with this statement.

Table 5.35

Statement 3.5
Scarce skills should be acknowledged and retained.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	1	1.9	1.9	1.9
	Disagree	1	1.9	1.9	3.7
	Agree	18	33.3	33.3	37.0
	Strongly Agree	34	63.0	63.0	100.0
	Total	54	100.0	100.0	

Scarce skills should be acknowledged and retained.

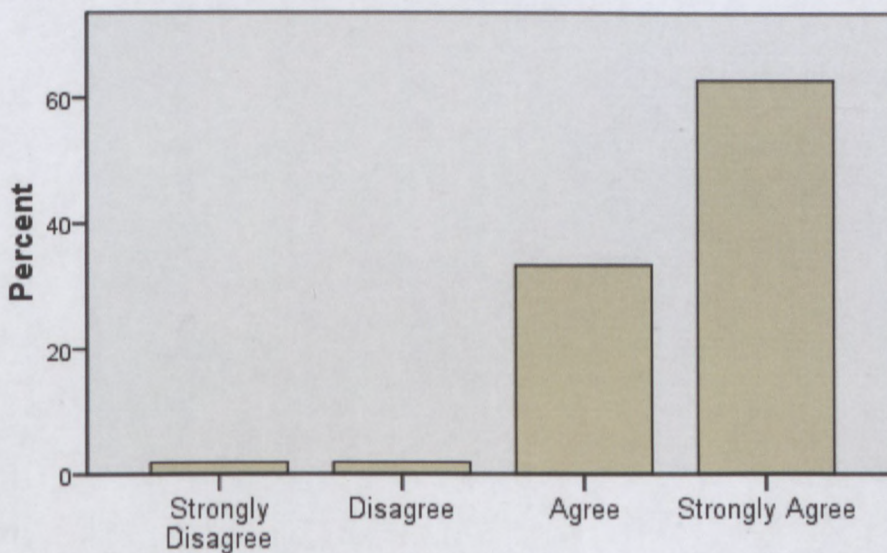


Figure 5.35: Scarce skills should be acknowledged and retained.

The majority of the respondents agreed that department should take reasonable steps to retain and acknowledge scarce skills. Three point eight percent (3.8%) of the respondents disagreed with this statement.

Table 5.36

Statement 3.6

The department provides ongoing training which support work performance and career development.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	10	18.5	18.5	18.5
Disagree	17	31.5	31.5	50.0
Undecided	8	14.8	14.8	64.8
Agree	12	22.2	22.2	87.0
Strongly Agree	7	13.0	13.0	100.0
Total	54	100.0	100.0	

The department provides ongoing training which support work performance and career development.

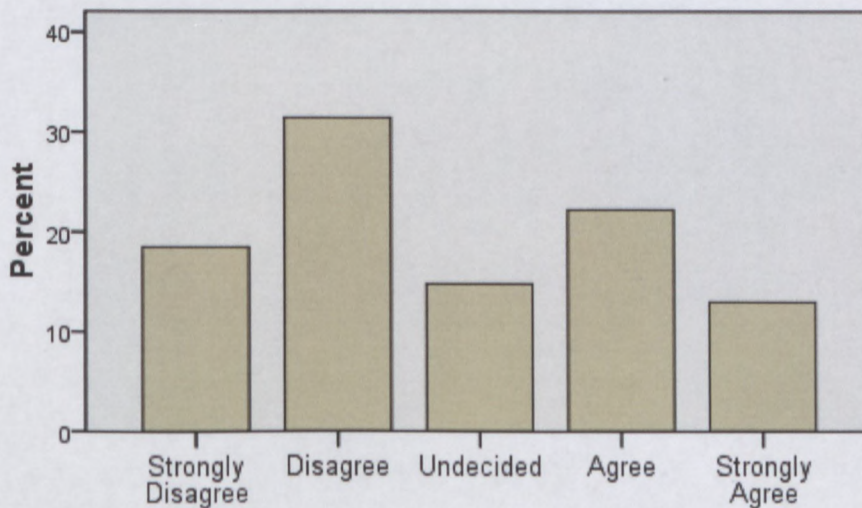


Figure 5.36: The department provides ongoing training which support work performance and career development.

Half (50%) of the respondents agrees that the department should be providing ongoing training that support work performance and career development. Whilst 14.8% of the respondents remain undecided on this statement, 35.2% of the respondents agree that the department does provide ongoing training to support work performance and career development.

Table 5.37

Statement 3.7

The current retention policy is not flexible enough to accommodate different employees' needs and circumstances.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	2	3.7	3.7	3.7
Disagree	7	13.0	13.0	16.7
Undecided	11	20.4	20.4	37.0
Agree	19	35.2	35.2	72.2
Strongly Agree	15	27.8	27.8	100.0
Total	54	100.0	100.0	

The current retention policy is not flexible enough to accommodate different employees' needs and circumstances.

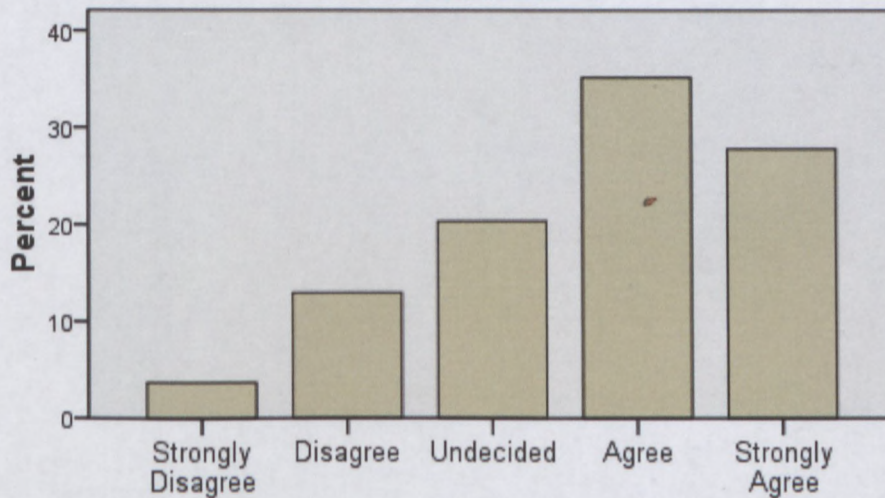


Figure 5.37: The current retention policy is not flexible enough to accommodate different employees' needs and circumstances.

Whilst 16.7% of the respondents agree that the current retention policy is flexible enough to accommodate different employees' needs and circumstances, more than 60% of the respondents are of the opinion that the current policy is not flexible enough.

Table 5.38

**Statement 3.8
The current retention policy is implemented correctly.**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Disagree	12	22.2	22.2	22.2
Disagree	10	18.5	18.5	40.7
Undecided	26	48.1	48.1	88.9
Agree	5	9.3	9.3	98.1
Strongly Agree	1	1.9	1.9	100.0
Total	54	100.0	100.0	

The current retention policy is implemented correctly.

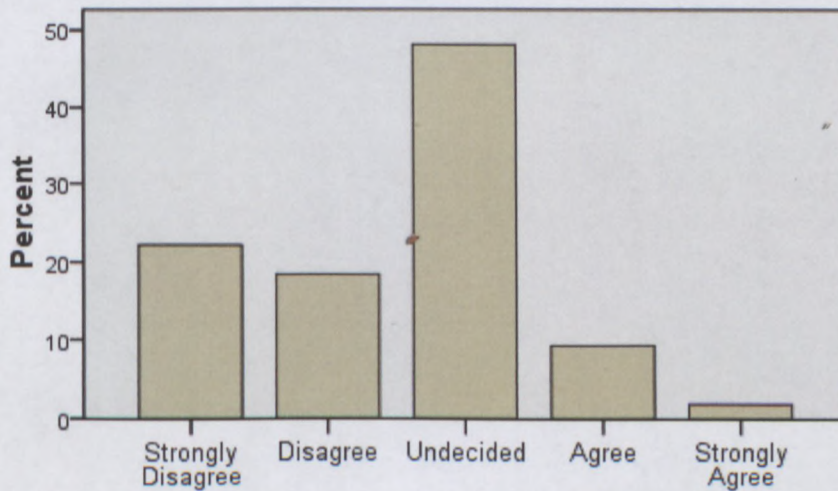


Figure 5.38: The current retention policy is implemented correctly

Forty eight point one (48.1%) of the respondents is uncertain about whether the employer is implementing the current retention policy correctly or not, whilst 40.7% disagree with the statement. The remainder of respondents (11.2%) agree that the policy is implemented correctly.

5.3 Summary

In this chapter the researcher analysed and offered interpretations of the research findings. The data is collated in numeric values according to the perceptions of the respondents. Of the 60 questionnaires distributed amongst the targeted population 90% of the potential respondents returned their questionnaires. The different population groups interviewed are reflective of national demographics. However, no South African born Chinese and Indians and persons with disabilities are employed

within the PLRO: WC and therefore their perceptions are not represented by the sample. Chapter 6 concludes the study and the researcher offers some recommendations.

6.1 Introduction

This chapter concludes the study. The literature search and the empirical survey confirm the extent to which employment equity impacts on land reform delivery within the PLRO: WC. Recommendations are made that could assist the PLRO: WC the correct implementation of employment equity and in so doing, speed up the process of land reform delivery in the Western Cape.

6.2 Findings

The literature search highlighted the fact that the South African legislation as mentioned and discussed in chapter 3, recognises the management of diversity, fairness and the prevention of unfair discrimination, skills development and equality to achieve employment equity in the workplace as well as the need for land reform delivery. The Employment Equity Act (Act 55 of 1993) is a progressive piece of legislation that was designed to fairly alter the historical imbalances in terms of job occupation. It seeks to redress the effects that arise from the racial job reservation imposed by the apartheid government. The purpose of the Employment Equity Act (Act 55 of 1993) is to ensure the eradication of unfair discrimination in the workplace.

The researcher is of the opinion that the incorrect implementation of employment equity legislation does contribute to the slow pace of land reform delivery, because a greater emphasis is placed on the achievement of employment equity targets rather than concentrating on speeding up the process of land reform delivery. The empirical survey has also shown that land reform delivery is compromised as a result of incorrect implementation of the employment equity legislation. As a result the Provincial Land Reform Office (PLRO) struggled to fill key positions, to the extent that some of the positions have been abolished from the establishment of the office. The findings in terms of the empirical survey highlights the realities of Employment Equity, which, if implemented correctly will positively contribute to achieving the goals and objectives of the PLRO: WC and the DRD & LR as a whole. These realities can be summarised as follows:

- Treating all people fairly regardless of race or gender. The focus should be on ability to perform the task which you are employed for;
- Everyone has an equal employment opportunity;
- Employment Equity does not mean people will lose their jobs to make way for designated employees. The department responded to political pressure with little concern for land reform delivery and performance;
- Employment Equity is not about achieving quotas but rather ensuring that targets are achieved;
- Employment Equity does also not mean hiring unqualified people or people from a selected group. It means hiring suitably qualified people who will contribute to the achieving the goals of the organisation;
- Employment Equity certainly does not mean lowering job standards to boost equity targets. In real terms employment equity seeks to examine job standards. All applicants should therefore meet the job requirements.
- Employment Equity is not a costly exercise to adapt the workstation to accommodate persons with disabilities. Employment Equity favours the creating of a workplace environment that is accessible to all persons with disabilities. Whilst some disabilities may prevent active participation and employment, Employment Equity generally promotes disability and gender mainstreaming.
- Employment Equity also supports the targeted recruitment of women and persons with disabilities.

6.3 Recommendations

Employment Equity can be used positively to benefit all, if it is correctly and carefully (thoughtfully) planned and managed. It should not be implemented at the cost of existing staff that has the necessary qualifications, experience and the ability to fill certain positions. Staff development and succession planning should be as much part of the department's responsibility towards its employees, as the achieving of employment equity targets. The PLRO: WC should therefore embark on a process of identifying to eliminate all forms of unfair discrimination in the workplace, and in doing so, speed up the process of land reform delivery.

It is therefore recommended that:

- Employment Equity in the Western Cape should be based on provincial demographics, to reflect the economically active population within the province. Eighty one point five percent (81.5%) of the respondents agree that employment equity targets should be based on provincial demographics rather than national demographics. According to Census 2001, Coloured people constitute 53.9% of the population in the Western Cape, with Africans 26.7%, Whites 18.4% and Indian people 1.0%. In terms of a Pretoria High Court ruling on 19 June 2008, Chinese people have been declared Black for the purpose of Black Economic Empowerment (BEE). Prior to this court ruling they were classified as Coloured people.
- The needs of persons with disabilities and women should become an integral part of all decision-making processes in the Department of Rural Development and Land Reform. The research results provided feedback suggesting that the majority of the respondents (75.9%) are of the opinion that employment equity means everyone should be treated the same regardless of gender, race and disability. Currently there are no disabled persons employed in the PLRO: WC. The target for employment of persons with disabilities in the PLRO is 2.5% as contemplated in the provincial offices employment equity plan. Furthermore, the PLRO: WC should create an environment that is accessible to accommodate persons with disabilities and women. A concerted effort must be made to employ persons with disabilities and as well as Indian and Chinese persons to ensure a reflection of all population groups within in the Western Cape.
- Seventy seven point eight percent (77.8 %) of the respondents also agree that employment equity should reflect the target market being served. It is therefore recommended that the department develop and implement mechanisms which will enable management to acquire, develops and retain highly skilled, motivated and talented individuals who are representative of the provincial demographics. Not only will this enable the department to meet its strategic objectives but will also go a long way to foster good employer–employee relationship.

- The majority of the respondents agreed that the department should take reasonable steps to retain, train and acknowledge scarce skills. Research results suggest that the department should be providing ongoing training that supports work performance and career development. Katz (1988: 35-36); Brown (1989: 90-93) and Blem (1995: 116-118) state that there are various ways in which an organisation can train, retain its employees with scarce skills. They suggest that the employer can begin by analysing the existing pool of skills in order to identify and determine the training needs and design training programmes accordingly.

- That the department conduct a need analysis (audit) on the existing pool of skills, and implement training interventions where employees receive one-on-one training, mentorship and coaching. The department should also focus more on career development practices and career-pathing, to maximise human potential and create a pool of suitably qualified human capital. Blem (1995: 117-118) argues that the objective of this type of training is to provide the employees with an opportunity to evaluate their personal effectiveness and attitude in relation to their own work and life goals. To determine and establish the competence levels of suitably qualified human capital in the department, it should in accordance with Sections 20(3) and 20(5) of the Employment Equity Act establish a database with the following information:
 - Qualifications;
 - Prior learning;
 - Relevant experience;
 - Capacity to acquire the skills within reasonable time.

The audit will assist management in the process of succession planning.

More than 50% of the respondents agreed it is not a costly exercise to adapt the workstation to accommodate persons with disabilities. Employment Equity favours the creating of a workplace environment that is accessible to all persons with disabilities. It is further recommended that the department review all infrastructures to improve accessibility for persons with disabilities. According to Freemantle (1993: 89-90) organisations must not view improvements to infrastructure as a cost but rather as an investment in their employees and customers. The researcher suggests that

improvement and investment in infrastructure and training will encourage employees to deliver their utmost and increase delivery within the organisation.

Best practice organisations used Customer Relationship Management (CRM) programmes and strategies in order to ensure excellent customer relationship and improved service delivery. Research has proved that a CRM model is sustainable and that it creates a win-win benefit for all stakeholders (Hallberg, 2001: 19). In order to further accelerate land reform delivery within the PLRO: WC it is recommended that the department embraces and implement a CRM strategy that incorporates the critical aspects of excellent customer service.

6.4 Concluding Remarks

The significance of Employment Equity should not only be reduced to numbers or quotas but also to issues of national transformation, skills development and improved accelerated land reform service delivery. The focus should therefore not be on the achieving equity targets at the expense of land reform service delivery. Affirmative Action policies promoting the achievement of Employment Equity in the workplace should not be a permanent system, it should be constantly monitored and checked if its national imperatives have been met. Given the current global and economic conditions prevailing in the country it would be difficult for any organisation or department to disregard the importance of retaining good reliable, skilled and knowledgeable employees. Management should therefore make sure that they have a clear understanding of the needs, abilities and goals of their employees. So, in case employees leave the department due to reasons beyond management's control, management will at least know they had the necessary systems in place to retain those employees. Finally, the department should use its Employment Equity Plan as a tool to establish a workforce that is diverse not only in respect of race and gender, but also in respect of other demographic characteristics.

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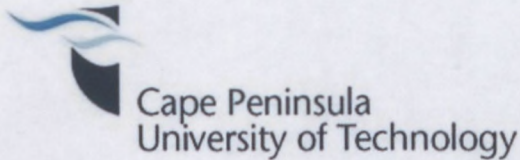
ANNEXURE: "A"

Census 2001.

Province	1996	2001
Western Cape	3 956 875	4 524 335
South Africa	40 583 573	44 819 778



ANNEXURE: "B"



Faculty of Business
Department of Public Management
PO Box 652
Cape Town
8000

November 2009

Provincial Land Reform Office Staff
WESTERN CAPE

Dear Respondent

RE: LETTER OF INTRODUCTION AND REQUEST FOR PARTICIPATION IN PERCEPTION
SURVEY OF PROVINCIAL LAND REFORM OFFICE STAFF IN THE WESTERN CAPE

RESEARCH PROJECT ENTITLED:

" AN EVALUATION OF THE IMPACT OF EMPLOYMENT EQUITY LEGISLATION ON LAND
REFORM DELIVERY WITHIN THE PROVINCIAL LAND REFORM OFFICE OF THE DEPARTMENT
OF RURAL DEVELOPMENT AND LAND REFORM IN THE WESTERN CAPE"

I am currently conducting research on the above title as part of the requirements for a master's of technology degree through the Cape Peninsula University of Technology. The main objective of the study is to investigate the perceived negative impact of Employment Equity legislation on Land Reform delivery within the Provincial Land Reform Office of the Department of Rural Development and Land Reform in the Western Cape. The information collected will be used solely for the purposes of the research.

Anonymity and confidentiality are guaranteed.

Your participation is entirely voluntary and you may withdraw your permission to participate in this study without explanation at any time.

Your assistance is highly valued in completing the relevant questionnaire. If necessary, for further clarification on any aspect of this research, please feel free to contact me at any time.

My contact details are: 082 456 5666

Yours sincerely

Researcher
Student no 208201351

ANNEXURE: "C"



Cape Peninsula
University of Technology

QUESTIONNAIRE

SECTION A: BIOGRAPHICAL INFORMATION

KINDLY MAKE AN "X" IN THE APPLICABLE BOX.

1. POPULATION GROUP

1.1	AFRICAN		1.2	COLOURED		1.3	INDIAN		1.4	WHITE	
-----	---------	--	-----	----------	--	-----	--------	--	-----	-------	--

2. GENDER

2.1	MALE		2.2	FEMALE	
-----	------	--	-----	--------	--

3. ARE YOU DISABLED?

3.1	YES		3.2	NO	
-----	-----	--	-----	----	--

4. EMPLOYMENT STATUS IN ORGANISATION (INDICATE APPLICABLE ONE)

4.1	JUNIOR MANAGEMENT L 1-6		4.2	MIDDLE MANAGEMENT L 7 - 12		4.3	SENIOR MANAGEMENT L 13 - HIGHER	
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5. NATURE OF APPOINTMENT

5.1	PROBATION		5.2	PERMANENT		5.3	CONTRACT	
-----	-----------	--	-----	-----------	--	-----	----------	--

6. YEARS/LENGTH OF SERVICE

6.1	0 – 10 years		6.2	11– 20 years		6.3	21 + years	
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7. HOME LANGUAGE

7.1	Afrikaans		7.2	English		7.3	Xhosa		7.4	Other	
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SECTION B

QUESTION 1

To what extent would you agree or disagree, that Land Reform Delivery suffers at the expense of achieving employment equity targets?

LEGEND:

1= STRONGLY DISAGREE; 2= DISAGREE; 3= UNDECIDED; 4= AGREE; 5= STRONGLY AGREE
Land Reform Delivery and Employment Equity Legislation

STATEMENTS		DEGREE OF PREFERENCE				
		1	2	3	4	5
1.1	Implementation of the Employment Equity Act results in "reverse discrimination"					
1.2	Employment Equity (EE) is all about achieving quotas.					
1.3	EE means hiring unqualified people.					
1.4	EE means lowering job requirements and standards.					
1.5	EE targets should reflect your target market (clients) in terms of land reform delivery.					
1.6	EE is mainly for Blacks, excluding white male and females.					
1.7	Achieving EE targets negatively affect the retention of existing skills and capacity.					
1.8	In appointing new staff, the weight afforded to population group is higher than competency.					
1.9	New appointees should be familiar with the local context of EE as it relates to department of rural development and land reform.					
1.10	The effect of EE is that citizens do not get services in the language they understand or prefer.					
1.11	Meeting EE targets are having a negative impact on service delivery.					
1.12	Implementation of EE does not consider excellent service delivery in government sector.					
1.13	EE targets should be based on provincial demographics rather than national demographics?					

Comments:

QUESTION 2

To what extent would you agree or disagree, that not enough is done to promote disability mainstreaming and gender equity in Rural Development and Land Reform within the department?

LEGEND:

1= STRONGLY DISAGREE; 2= DISAGREE; 3= UNDECIDED; 4= AGREE; 5= STRONGLY AGREE
Disability Mainstreaming and Gender Equity

STATEMENTS		DEGREE OF PREFERENCE				
		1	2	3	4	5
2.1	Employment Equity means treating everyone the same regardless gender, race and disability.					
2.2	The department has implemented reasonable measures to eliminate employment barriers that affect people from designated groups.					
2.3	There are specific policies within the department that support advancement of women in rural development and land reform.					
2.4	Women are represented at all levels of management in the department.					
2.5	Women are encouraged to apply for bursaries and scholarships to enhance their skills.					
2.6	The SA environment and the department in particular are favourable and ready to meet and address the needs of women.					
2.7	The SA environment and the department in particular are favourable and ready to meet and address the needs of persons with disabilities.					
2.8	Disability mainstreaming should be broadly applicable across all programmes of land reform and rural development.					
2.9	The ultimate goal of disability mainstreaming is to achieve disability equality.					
2.10	It is difficult and expensive to accommodate persons with disabilities.					

Comments:

QUESTION 3

To what extent would you agree or disagree, that the current Retention Policy is able to ensure the retention of employees of a high calibre to meet the growing demands of rural development land reform delivery?

LEGEND:

1= STRONGLY DISAGREE; 2= DISAGREE; 3= UNDECIDED; 4= AGREE; 5= STRONGLY AGREE

Retention of staff

STATEMENTS		DEGREE OF PREFERENCE				
		1	2	3	4	5
3.1	Because of EE there is no career-pathing for non-targeted groups, which in most cases are the experienced employees in government.					
3.2	Succession planning should be implemented to retain skilled and experienced staff.					
3.3	Proper job descriptions should be designed for each job category.					
3.4	Exceptional achievements should be rewarded.					
3.5	Scarce skills should be acknowledged and retained.					
3.6	The department provides ongoing training which support work performance and career development.					
3.7	The current retention policy is not flexible enough to accommodate different employees' needs and circumstances.					
3.8	The current retention policy is implemented correctly.					

Comments:

CAPE PENINSULA
UNIVERSITY OF TECHNOLOGY

