

## **AFFIRMATIVE ACTION 1994-2004: A VIABLE SOLUTION TO REDRESS LABOUR IMBALANCES OR JUST A FLAT SPARE TYRE?**

**Chitja Twala<sup>1</sup>**

### **1. INTRODUCTION**

This article explores the interesting and controversial question of whether affirmative action in South Africa poses a possible solution to redress imbalances of the past in labour circles. Is it permissible to sideline white males or people from more advantaged backgrounds in order to be seen to be complying with the provisions of affirmative action? Affirmative action became a 'buzz' word after 1994. Indeed, the Government of National Unity (GNU) had good intentions about redressing inequalities of the past through its introduction, but it is evident that between 1994 and 2004 affirmative action increased the very evil it seeks to cure, that of racial discrimination. Critics of this programme believed that affirmative action was a new form of job reservation. Others believed that it was apartheid reversed or reversed discrimination; and giving jobs on preferential treatment. Some dubbed it 'rent a black' programme. Some believed that affirmative action is an attempt to create *Umlungu omnyama*' (a white black man). The article also argues as to whether there is such a person as an 'affirmative action candidate'.

Since affirmative action targeted a certain group in the society, it is not surprising for it to be left open to criticism. In this article the author poses a question on whether it is possible to implement affirmative action without re-introducing race classification. It questions the justification for the implementation of affirmative action programmes and looks at its successes and shortcomings within a ten year period of democracy in South Africa.

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<sup>1</sup> Department of History, University of the Free State.

To fully understand the background of affirmative action as promoted in South Africa, the historical background of this concept is briefly narrated. The 'regstellende aksie' of the 1950s is also looked at in an attempt to understand the present motives of affirmative action. South Africa, being a unique country, the article argues whether foreign, imported programmes like affirmative action is a viable solution in redressing the imbalances of the past.

## 2. AFFIRMATIVE ACTION: MEANING AND HISTORICAL BACKGROUND

Generally, affirmative action refers to selective policies and programmes by government and non-governmental institutions aimed at the provision of special opportunities for certain people, on the basis of their belonging to specific groups, in order to redress inequalities suffered as a result of racial, ethnic, gender or caste affiliations.<sup>2</sup> The term 'affirmative action' is not only emotive but also controversial. Between 1994 and 2004 it provoked a number of reactions, varying from outright rejection to acceptance and support by advocates who stress its necessity in a society such as that of South Africa, which has through history developed unequal access to resources and opportunities by various groups.

The terms affirmative action and employment equity are often used interchangeably in South Africa. However, they are conceptually different. In the United State (US) context, affirmative action originated as a response to segregation and the disadvantage of blacks in employment, education, and other areas of life. It was introduced in the US in the mid-1960s by President Lyndon Johnson. The emphasis was on taking active measures to ensure that blacks and other minorities enjoyed the same opportunities for promotion, salary increases, career advancement, and financial aid that had been the domain of the whites.<sup>3</sup> When it was introduced some people described it as 'hiring by numbers', due to its focus on increasing the representation of designated groups through targeted hiring, and to some extent training and promotion.<sup>4</sup>

From the outset affirmative action in the US was articulated as a temporary measure that was necessary in order to level the playing field for Americans of every race. Broadly it took two forms, namely, policies to alter the composition of the labour force, and/or policies to increase the representativeness of public

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<sup>2</sup> Y Sadie, "Affirmative action in South Africa: A gender development approach", *Africa Insight*, 25(3), 1995, pp. 180-5. See also A Puddington, "What to do about affirmative action", *Commentary*, June 1995, pp. 21-8.

<sup>3</sup> S Steinberg, "The affirmative action debate", *Unesco courier* (Pretoria, 1996), pp. 17-21.

<sup>4</sup> <<http://www.now.org/nnt/affirmhs.html>>

committees, political parties, and educational institutions.<sup>5</sup> In South Africa arguments in respect of affirmative action differ slightly, depending upon whether the reform is addressed to the labour market or to political and educational institutions. For the latter the claim is often made that these institutions ought to reflect, to an extent, the composition of the population.

In South Africa, the discourse around affirmative action policies in education, employment and the political sphere centred around their ability to level the playing field. The newly elected GNU insisted that the competition for jobs was often unfair, particularly to blacks, women, and people with disabilities.

When democracy came to South Africa in 1994, the country's black majority hoped that its new political strength would bring them a share in the riches of one of Africa's wealthiest nations. Though blacks make up over 75 per cent of the country's population, they hold only 17 per cent of the skilled jobs in the country and just more than 5 per cent of the management positions. In an effort to narrow the gap between black and white South Africans, the government passed a series of employment laws in 1998 mandating, among other things, affirmative action.<sup>6</sup>

William Makgoba, Vice Chancellor of the University of KwaZulu-Natal, adopted a radical stance for affirmative action by claiming that this programme has been part and parcel of South Africa's history since 1652 when the white society applied this process not only to affirm themselves, but also their values and systems in their society. Over three centuries the white community developed and refined strategies for affirmative action to maintain control of the national agenda. Makgoba argued that in most cases the blacks who are appointed in white companies and institutions are there not for the transformation of the black society but for the benefit, survival and preservation of the white society. Such companies and institutions sought blacks who would bring in capital, win contracts, save their masters' consciences and remain loyal and faithful to them.<sup>7</sup>

In the 1950s, shortly after the National Party (NP) had gained power as the government of South Africa, it embarked on what was known as 'regstellende aksie'. This was the job reservation programme introduced by the NP government aiming at reserving senior positions in government and institutions for white Afrikaners only.

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<sup>5</sup> CL Bacchi, **The politics of affirmative action: Women, equality and category politics** (London, 1996), p. 15.

<sup>6</sup> W Herholdt and M Marx, **Employment equity in South Africa: a guide to affirmative action success** (Pretoria, 1999), pp. 1-145. See also L Human, S Bluen and R Davies, **Baking a new cake: how to succeed at employment equity** (Randburg, 1999), pp. 1-35.

<sup>7</sup> **City Press**, 25 January 1998.

This in itself was affirmative action. Therefore the issue of affirming people in South Africa is not something new.

### 3. THE DILEMMAS OF AFFIRMATIVE ACTION IN SOUTH AFRICA

There were various reasons for South African organizations to embark upon programmes of affirmative action, particularly during the last ten years. Attempts to appear acceptable to the new political regime in the country, fears of future labour legislation, the hope of maintaining and attracting new government contracts and the strategic advantage in being seen to reflect the sentiments of the Reconstruction and Development Programme (RDP), all emerged as reasons for engaging in affirmative action programmes. Such programmes generally involved targeting and placing historically disadvantaged people in strategic positions in the corporate world or public service. Adele Thomas argues that in most cases affirmative action is nothing more than window-dressing whereby the so-called disadvantaged people are employed.<sup>8</sup>

In October 1991, former President Nelson Mandela made the speech which became a guide in the application of affirmative action measures: "We are not ... asking for handouts for anyone, nor are we saying that just as a white skin was a passport to a privileged past, so a black skin should be the basis for privilege in the future. Nor ... is it our aim to do away with qualifications ... The special measures that we envisage to overcome the legacy of the past discrimination are not intended to ensure the advancement of unqualified persons, but to see to it that those who have been denied access to qualifications in the past can become qualified now, and those who have been qualified all along but overlooked because of past discrimination, are at last given the due ... The first point to be made is that affirmative action must be rooted in principles of justice and equality."<sup>9</sup>

When considering the above statement in judging the implementation of affirmative action between 1994 and 2004, it is apparent that the principles as expressed by Mandela as a motivation for the introduction of affirmative action measures, were not fully supported as this speech was mainly seen as a politically motivated statement from the recently unbanned ANC. Mandela's successor, Thabo Mbeki, also echoed the same sentiments.<sup>10</sup> With the introduction of affirmative action, people who were against it claimed that the ANC government shares two obsessions with the NP government, namely racial ideology and state control. Like the apartheid

<sup>8</sup> A Thomas, **Beyond affirmative action: managing diversity for competitive advantage in South Africa** (Randburg, 1997), pp. 35-6.

<sup>9</sup> **Sunday Times**, 31 August 2003. For further reading see also R Louw, "Mandela says white supremacy is over", **Southern Africa Report** 14(47), 1996, pp. 7-8.

<sup>10</sup> **City Press**, 13 June 1999.

government, it was accused of seeing the government in racial terms, hence the introduction of affirmative action programmes. As the NP had been condemned for ruling the country along racial lines, the ANC government also experienced criticisms with the introduction of affirmative action and was seen as operating on racial lines too.

It must be understood that affirmative action is an agent of equitable relations, but it is not equality or equity in itself. For South Africa, affirmative action should be understood to be part of the transformation away from apartheid, poverty and exploitation.<sup>11</sup> Blanchard and Crosby lament that some affirmative action programmes are problematic, but not irremediable. To recognize the reasons why people resist affirmative action is not to advocate abandonment of the policy. On the contrary, people need to improve and strengthen affirmative action programmes so that they can be and appear to be fair and effective. They argue that affirmative action should not benefit only a chosen few.<sup>12</sup>

On 21 August 1998, Labour Minister Membathisi Mdladlana submitted to parliament the Employment Equity Bill which would compel businesses employing 50 or more people and with an annual turnover of more than R10 million, to submit within 18 months employment equity plans outlining methods to remove discrimination and ensure the creation of a more diverse and representative labour force. This stance by Mdladlana forced employers to progressively reduce the wage gap between workers and employers and disclose to government the remuneration packages of all employees. According to Mdladlana this would speed up the process of affirmative action.<sup>13</sup> Since affirmative action is a programme that requires a victim-versus-oppressor paradigm, what Mdladlana intended was bound to fail as many companies tried to bypass what he had proposed.<sup>14</sup> It was argued that Mdladlana's equity policy would have detrimental effects for small businesses. It will be inappropriate to sue small businesses for not complying with equity legislation because if they get fined it can bring down the businesses.<sup>15</sup>

When affirmative action was introduced in South Africa, those who did not support it advocated that the wrongs of the apartheid government in discriminating in the labour market do not become right under the new African National Congress (ANC) government. They asked whether the ANC was suffering from the

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<sup>11</sup> J Schreiner, "Affirmative action and reconstruction: a basis for changing race, class and gender inequalities", in B Nzimande and M Sikhosana (eds), **Affirmative action and transformation** (Durban, 1996), p. 81.

<sup>12</sup> FA Blanchard and FJ Crosby, **Affirmative action in perspective** (New York, 1989), pp. 3-7.  
<sup>13</sup> **Sunday Times**, 23 August 1998.

<sup>14</sup> **Mail and Guardian**, 31 May 2001.

<sup>15</sup> **Ibid.**

syndrome called 'it's my turn to make the same mistakes'. These people claimed that two wrongs do not necessarily make a right. They believed that affirmative action in the workplace, where a black or coloured person gets preference for a job offer, is discriminatory. Those competing for the jobs find it unfair and employers often feel dissatisfied because in most cases best candidates for those jobs are not the ones who get appointed. This statement shows that there is a deeply racist element to the reasoning against affirmative action. This element is based on the contention that whites naturally inherited positions of dominance because of superior skills and heritage, while the opposite holds for blacks.<sup>16</sup>

Those who are against affirmative action argue that its introduction is bad for business because appointing staff according to criteria other than merit reduces productivity and could hamper South Africa's economic recovery and ability to compete in the world economy.<sup>17</sup> Nkuhlu negates the above argument and states that it is self-evident that in order to achieve effective equality of opportunity, blacks have to be afforded preferential support to enable them to attain a higher level of technological and managerial capacity.<sup>18</sup> This argument by Nkuhlu is without doubt neglected in South Africa. Those who are opposed to affirmative action condemn it as window-dressing whereby black people are appointed to senior positions for the sake of complying with affirmative action principles. They say it results in the promotion of incompetents and blocks the promising careers of whites. It is also embarrassing and demeaning for blacks and women who are labelled 'affirmative action appointments'.

In the **Sunday Times** Jon Qwelane indicated that both black empowerment and affirmative action failed the people. He stated that the two concepts are not accompanied by any practical enforcement such as legally binding definitions. Affirmative action having been stigmatized by its detractors by likening it to wholesale blackening of the workplace, the programme never had a credible start.<sup>19</sup> He further argued that affirmative action was not grounded in the political and historical context of South Africa. Many of the emerging élite used it to advance their personal interests. Affirmative action should not just be about putting black people in positions they were previously denied, but it should deal with the inequities.<sup>20</sup>

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<sup>16</sup> F Sonn, "Afrikaner nationalism and black advancement as two sides of the same coin", in C Adams, (ed.), **Affirmative action in a democratic South Africa** (Kenwyn, 1993), pp. 1-5.

<sup>17</sup> **Making affirmative action work: A South African guide, published by IDASA.**

<sup>18</sup> W Nkuhlu, "Affirmative action for South Africa in transition: from theory to practice", in Adams, p. 13.

<sup>19</sup> **Sunday Times**, 19 December 1999.

<sup>20</sup> **Business Day**, 22 October 2003.

The success of affirmative action in South Africa, one may argue, depends very much on the willingness of the white male managers to open up their domain so that black and female managers can be appointed. To date, there is currently less commitment from white male managers to appoint black and female workers into decision-making positions. This fear of white managers may be attributed to the following possibilities: they may lose their positional power, and they could encourage bigger competition for more senior positions, their incompetence may be exposed and their inability to manage senior black and female managers may also be exposed. Some of the strategies employed by white male managers to protect their domain include the following: promoting and publishing policies and mission statements which give their companies a good and positive image - such as 'equal opportunity employers', yet with few female or black directors on the board; employing people who are not competent or suitable for senior positions and who are not prepared to challenge critical issues; changing of the job content or position when a person is appointed; embarking on constructive dismissal whereby affirmative action appointees are frustrated and ultimately forced to leave the company.

The main argument against affirmative action in South Africa is the fact that it is viewed as discrimination in reverse because it implies preferential treatment of certain racial, ethnic and/or sexual groups. The charge is usually that the policy discriminates against persons who were not the actual perpetrators of past discrimination. Young whites, especially male Afrikaners, see this programme as a kind of reverse apartheid which discriminates against them. They contend that they are victims of the past imbalances of which they were not part of. Equally, coloureds and people of the Asiatic extraction harbour resentments by indicating that sometimes they are neglected when affirmative action is implemented. They state that, in apartheid days they were not considered white enough, in the ANC-led government they are not considered black enough.<sup>21</sup>

Richard van der Ross, the well-known academic, fully supports the implementation of affirmative action in South Africa. What frustrates him is the plight of the coloured people in the whole advancement of affirmative action. He indicates the following about affirmative action: "The need for affirmative action is not denied, nor the need for a policy of equal opportunity for Africans. There is also widespread resentment that Africans are in so many cases given unfair advantage over our sons and daughters. The general cry is that before 1994, we were not white enough; now we are not black enough. Oppression by whites must not be replaced by oppression by Africans."<sup>22</sup>

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<sup>21</sup> **Sunday Times**, 19 December 1999.

<sup>22</sup> **Sunday Times**, 28 September 2003; **Finansies en Tegniek**, 28 November 2003.

Aligned to the above cry on the implementation of affirmative action, some critics believe that it is the way of endorsing black domination and English monolingualism by the ANC's government. In the public service the English language is made the workplace language as many blacks who are appointed on an affirmative action basis mainly speak this language. Therefore, through the introduction of affirmative action, the English language dominates at the expense of other languages. This move is termed the 'Anglo-African gevaar' by Koos Malan, an ardent supporter and protector of the Afrikaans language. According to Malan, South Africa's peculiar brand of Afro-nationalist affirmative action is not designed to achieve diversity, but to entrench uniformity, and that is the opposite of what affirmative action is meant for.<sup>23</sup>

Another objection to affirmative action is the quota system or the setting of targets. Elmo Wilken agrees that for affirmative action to succeed in South Africa an element of reverse discrimination must be included to ensure representativity and further the aim of equality. For example, some applicants for posts argue that blackness does not necessarily imply that an individual was previously disadvantaged. This highlights the need to balance efficiency and representativity, which should be seen as linked rather than as competing aims.<sup>24</sup> Koos Malan argues that in order to comply with the dictates of representativity, Afrikaner organizations or institutions should become predominantly black institutions, under black control, and in order to function they will obviously have to sacrifice their Afrikaans character in favour of English, as the only possible means of communication within a representative workforce.<sup>25</sup> Such approaches might suspend or alter the utilization of merit criteria as a basis for access or entitlement to jobs or other positions. In some instances, employers or institutions are pushed, regardless of the formal requirements of the job, towards the lowering of standards to meet some quota to be seen practicing affirmative action.

One may also argue that objections relating to the above-mentioned quota system and the envisaged consequent lowering of standards, are based on the incorrect premise that affirmative action programmes only address issues of quantity (quotas) while allowing quality to suffer. A variety of factors, for example the willingness of employers and other institutions to carry out the policy, could ensure the institution of affirmative action without any quotas. It is also argued that the setting of quotas or other goals could serve as a mechanism which does not leave the implementation of affirmative action to the goodwill of the very people who are threatened by it.

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<sup>23</sup> **This Day**, 11 November 2003; **Beeld**, 30 April 2003.

<sup>24</sup> **Sunday Times**, 31 August 2003.

<sup>25</sup> **This Day**, 11 November 2003. See also M Anstey, **Problems in developing an appropriate culture fo affirmative action** (Kenwyn, 1997), pp. 1-23. See also **Rapport**, 3 February 2002.



While it is true that enforced quotas can be costly, this does not necessarily have to be the case because it is not the concept affirmative action that is the problem but the way in which it is applied which might create some problems.<sup>26</sup>

The debate around the best method of implementing affirmative action in organizations, namely by increasing numbers of black and female managers in order to redress past inequalities fairly quickly, which underpins the quota system; or at the extreme promoting only on merit, again evokes tremendous emotion. People who holds to the latter position very often argue that they fear standards will drop. The counter-argument raises the question of whose standards are being applied and whether they are relevant in an emerging South Africa. One may argue that a good affirmative action programme is the one that promotes organizational effectiveness by expanding standards so that they can be applied sensibly to individuals who are in some senses non-standard.

While many people reject the quota system, Charlton and Van Niekerk argue that the success of affirmative action in South Africa requires innovative approaches. These should be based on negative (quotas) and positive (tax incentives) reinforcement mechanisms. The authors argue that there is an inherent assumption that since inequalities are the outcomes of apartheid in South Africa, the eradication of apartheid would therefore mean the eradication of such inequalities. It would therefore be unnecessary to institute mechanisms such as introducing affirmative action programmes to ensure the elimination of inequalities.<sup>27</sup>

Not only individuals reject affirmative action, organizations and institutions also showed signs of its rejection, whether directly or indirectly. As early as the beginning of January 1998, the South African Chamber of Business (SACOB) had a problem with the implementation of affirmative action programmes. This chamber indicated that it supported the principles of non-discrimination and equality of opportunity, but questioned the policy's effect on small and medium-sized business. It viewed the implementation of affirmative action as being a crippling burden for this grouping. The chamber also believed that affirmative action introduced prescriptive interventions by government which could effectively lead to a quota system. Justifying its stance, the chamber stated that the introduction of affirmative action could raise unrealistic expectations among the target groups who may think that affirmative action means guaranteed employment for such groups. It further

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<sup>26</sup> <<http://www.isiswomen.org/pub/wia/affirmative.htm>>

<sup>27</sup> G Charlton and N van Niekerk, **Affirmative action: beyond 1994** (Kenwyn, 1997), pp. 42-4. See also Thomas, pp. 1-117. See also **Die Burger**, 29 May 2003.

argued that this policy would alienate the broad business community in South Africa and certainly lower investor confidence.<sup>28</sup>

It is ironic that the implementation of affirmative action does not take into consideration the fact that the rate at which people can be employed or promoted is determined by the growth of the company and by the personnel turnover. Both these factors are normally related to the size of the company. The existing racial composition of the workforce is also relevant in this regard. It is logical, therefore, that when evaluating a company's affirmative action plans, the size of the company as well as the racial composition of its workforce should be taken into consideration. Under the pretext of implementing affirmative action, some companies favour immigrants on the basis of skin colour, but they did not suffer discrimination in South Africa. Others poach people who have already reached their full potential to convey an illusion of equity.

The Afrikaanse Handelsinstituut (AHI) warned that indiscriminate enforcement of affirmative action could have an adverse effect on the competitiveness of the organizations in South Africa and lead to increased joblessness. It supported the development and implementation of affirmative action plans to facilitate a change in organizational profiles, but opposed the promotion of "numbers rather than trained employees who can contribute to the performance of the company". From the above-mentioned statement, it is clear that the AHI did not understand how this policy would function because no employer was obliged to appoint a person who was not suitably qualified.<sup>29</sup> These sentiments were also echoed by Lynton Rowlands who stated that affirmative action was just another name for so-called redistribution of wealth, but no new wealth is created and then it becomes redistribution of poverty. He argues that in this case, even the beneficiaries of affirmative action are eventually impoverished.<sup>30</sup>

Steve Friedman, director of the Centre for Policy Studies, lamenting on the implementation of affirmative action, stated that, if government believes job preference is needed to right the wrongs of the past, it should be obliged to spell out clearly how and under what rules this would be implemented. If the government has no interest in retaining young whites in the economy and society, it should indicate to such people to look outside the country for jobs. If it does want to retain them, it needs to devise and publicize a policy which tells them under what conditions they are to be accommodated.<sup>31</sup> This argument by Friedman was an indication that the

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<sup>28</sup> **Business Day**, 26 February 1998; **Business Day**, 25 February 1998.

<sup>29</sup> **Business Day**, 20 February 1998.

<sup>30</sup> **The Natal Witness**, 29 July 1997.

<sup>31</sup> **Business Day**, 18 May 1998.

whites were prepared and preferred to be considered for competition with the other designated groups rather than not being considered at all, in which case South Africa would experience the Afrikaner diaspora.<sup>32</sup>

It is thus clear that affirmative action is a controversial method of reform. In South Africa it attracted great controversy after its introduction. Its critics describe it as at odds with notions of equal opportunity and as undermining procedures designed to appoint the best person for the job. Affirmative action by which women are involved is even more controversial. It is frequently argued that women are not really disadvantaged. In some ways, they are advantaged by the special treatment they sometimes receive from chivalrous men, and now through affirmative action. Besides that, it is a common scenario in South Africa that women who benefit from affirmative action are already élite who have no need to be affirmed. Women's perceptions that they were hired because of their sex relate to low job satisfaction, low job commitment, and high role stress. In most cases when women believe that their selection is on the basis of sex rather than merit, they devalue their performance and take less credit for successful outcomes.

The above argument shows that the affirmative action policy may have subtle, harmful consequences for those it is intended to benefit. Some policy analysts argue, for example, that affirmative action delegitimizes the achievements of women because others presume that those hired through affirmative action are under-qualified. Some claim that affirmative action undermines the self-confidence of the direct beneficiaries of the policy.

While many people viewed affirmative action as reversed discrimination, in some corners of South Africa there were collaboration between the whites and the blacks under the pretext of advancing affirmative action. The **Sunday Times** published an article entitled "Municipality built on backhanders", reporting that an AWB member, G Anderson, went into business with a former black mayor, M Nyembezi, to form a front company to secure an affirmative action job from a municipality. A report by KwaZulu-Natal's auditor-general on the affairs of the Kokstad municipality found that these two people had registered their company as Mpuma Kapa and were awarded contracts by the town's former municipal manager, L Barnard, who is believed to have received R652 314 in return for this favour.<sup>33</sup>

Not only individuals and institutions rejected the implementation of affirmative action. On 12 July 2001, the white trade union, the Mineworkers' Union Solidarity, launched a campaign in Pretoria to fight what it referred to as the 'neo-racist

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<sup>32</sup> **Die Burger**, 5 August 2003; **Die Burger**, 16 May 2003.

<sup>33</sup> **Sunday Times**, 23 November 2003.

tendencies' of policies such as affirmative action. The union alleged that the ANC government's affirmative action policies, which favoured blacks, affected their lives negatively because many whites were losing their jobs to the benefit of black people. The union claimed that affirmative action also contributed to the depletion of South Africa's skills base, as white people felt that they had no role to play in the development of the country. The union's spokesperson indicated that it would be dishonest to assert that equality is being created in South Africa, when in fact the real process that is taking place is nothing other than the transfer of inequality from one group to another.<sup>34</sup>

Workers' unions expected to see an imminent implementation of the affirmative action programme. As early as January 1998, salvos of the police union, the Police and Prisons Civil Rights Union (POPCRU), were heard when the union planned a series of mass disruption in the police and correctional services departments to protest against the slow implementation of affirmative action in the South African Police Service (SAPS). Central to the looming tensions were allegations of deep-seated racism within the police force and continuing victimization of union members by senior white officers. A case highlighted by POPCRU involved a commission appointed by the Gauteng MEC for Safety and Security, Jessie Duarte, in December 1996 to investigate allegations of racism in Alexandria township. These white senior officials were accused of derailing the progress and implementation of affirmative action.<sup>35</sup>

Some critics contended that despite affirmative action policies as proclaimed by the government, government print tenders were still given to big companies. They argued that if the government was practicing what it was preaching and following its policies to the letter, small emerging black businesses should benefit when tenders for printing government paperwork are issued. On the other hand it was a question whether these small businesses would cope with the volume of printing given by the government. However, to bypass such problems, these small businesses could be accommodated as service providers for work within the printing industry, for example, supplying transport mechanisms after printing had been done.<sup>36</sup> It was still surprising that even larger black-owned printing firms like Formeset were also struggling in getting government tenders.<sup>37</sup> This suggests that the awarding of tenders is more than empowering people, but what matters most is, which people within the black communities deserve this in line with affirmative action policies.

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<sup>34</sup> **Business Day**, 13 July 2001; **Rapport**, 27 April 2003.

<sup>35</sup> **Mail and Guardian**, 30 January 1998.

<sup>36</sup> **Mail and Guardian**, 3 October 1997.

<sup>37</sup> **Ibid.**

Affirmative action, as a policy, is usually said to be in place when a company or institution takes action to remedy any discriminatory behaviour which has occurred in the past. Most people would agree with such a policy on ethical grounds, although some would question the wisdom of enforcing the policy by law. Mpumelelo Sikhosana argues that some objections to affirmative action policies are sometimes not justifiable. To view affirmative action as 'discrimination in reverse' could only be valid in instances where no discrimination existed or exists against members of those groups to whom the policy is to be applied. Sikhosana further argues that affirmative action is based on the premise that discrimination against target groups existed or does exist and it intends to bring about equality, not domination by one group as it happened under the apartheid rule.<sup>38</sup>

Wendy McElroy states that the introduction of affirmative action was based on many arguments. According to her affirmative action is for social good, or utilitarian and society will be enriched by advancing previously disadvantaged people.<sup>39</sup> However, in South Africa, it may be argued that the above notion carries relatively light justification because for the past ten year period, advocates of affirmative action generally conceded pushing equality even if it lowered the overall good of society by looking at the long-term consequences.

The author of this article cites many ways in which white resistance to affirmative action and African occupational upward mobility manifests itself. The first is explicitly racist, and is based on the belief that African people are innately incapable of managerial and mental work. The second is more sophisticated. The main argument of many white managers is that African managers do not advance rapidly because their cultural background does not adequately prepare them for managerial positions in the corporate world. The third manifestation of white resistance is through the ideology of meritocracy. White managers often argue that affirmative action promotes and places blacks in positions which they do not deserve or for which they are unqualified as if discrimination against blacks and women was only restricted to the unskilled or unqualified. One may argue that while affirmative action aims to raise the level of qualifications so that underprivileged groups can compete on merit, it is sometimes difficult to delineate what counts as qualification. In South Africa, where standards and qualifications are equated to white or western values, these can be used as a convenient means of exclusion rather than of providing services of real value.

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<sup>38</sup> M Sikhosana, "Affirmative action: Possibilities and limitations", in Nzimande and Sikhosana, p. 68.

<sup>39</sup> <<http://www.zetetics.com/mac/affirm.htm>>

Sometimes affirmative action is interpreted to mean that the best qualified person will not be hired. However, it has been demonstrated many times in hiring and academic recruitment that tests and educational qualifications are not necessarily the best predictors of future success. This does not mean unqualified people should be hired. It means basically qualified people who may not have the highest test scores or grades, but who are eminently ready to do the job may be hired. Employers in South Africa traditionally hired people not on test scores, but on personal appearance, family and personal connections, school ties and race and gender preferences, demonstrating that talent or desirability can be defined in many ways. Affirmative action should be used as an instrument to change the mindset of the black people, whether educated or not. Black people must overcome the feelings of anger, alienation and even inferiority produced by the excruciating, dehumanizing experiences under apartheid. Although the past cannot be forgotten, it must not be allowed to detract attention from today's challenges.

Besides the above criticisms of affirmative action, this policy can impact positively on the reduction of racial and sexual discrimination in recruitment, selection, promotion and other practices of accession. However, while affirmative action can alter the racial composition of the occupational structure and other labour market institutions and start changing the ethos of the bureaucracies, this in itself is not transformative.<sup>40</sup> In some cases, affirmative action appointees in most institutions are not given space and opportunities to explore. It becomes a futile exercise if such appointees are not able to access positions of leadership and decision-making, a situation which is prevalent in most companies. Affirmative action has had little success in changing the mind set of white managers who continue to sideline affirmative action programmes. There is another argument namely that the appointees are the ones to change and the white managers must continue managing as they have always done. It is the new people who must adapt.

A question which is repeatedly asked when dealing with affirmative action is, how far is it true that white candidates are being discriminated against or are losing out because of affirmative action programmes? In South Africa, if one looks at the composition of various professions such as law, medicine, architecture, academics and journalism, or at corporate management, the average income levels of white men are still significantly higher as compared to that of black people. This in itself widens the income gap amongst the citizens of the same country.<sup>41</sup>

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<sup>40</sup> Sikhosana, p. 75.

<sup>41</sup> <<http://www.inmotionmagazine.com/pkivel.html>>

Key issues to be addressed by affirmative action in South Africa include the removal of all forms of discrimination, formal and informal, and all obstacles to equality of opportunity. In South Africa this is hampered by the fact that apartheid has conditioned many people over decades to see themselves not as individuals but as members of different racial groups and as a result racism is ingrained in the minds and hearts of many South Africans. The biggest question for South Africa is, now that apartheid has been eradicated, why is there such a slow pace in the implementation of affirmative action. This fact should be understood and taken into account in formulating strategies to promote an equal opportunity environment, something that is missing in the implementation of affirmative action. In most cases the environment for the implementation of affirmative action is not conducive enough, especially in companies and institutions where it is not welcomed.

It is often argued that affirmative action can widen rather than narrow the inequality gap and may lead to tokenism and a lowering of standards. This is put forward as a justification for retaining current entrance criteria for jobs and for the failure, on job, of some blacks and white women who are brought into the organization against the wishes of many of the white men working with them. It is true that in some instances blacks and white women do fail to meet the challenges of the job. It is also true, however, that a lowering or changing of entrance criteria (such as years of experience or educational qualifications deemed necessary for the performance on the job) with respect to a particular position in order to allow blacks and white women to compete, will only lead to tokenism if it can be proved that the level of entry qualifications has predictive validity with respect to performance on the job.<sup>42</sup>

It is clear that the above scenario of the relationship between job performance and selection criteria is an enormous exercise. Having a number of people with the same qualifications doing the job well, does not prove that other people with other qualifications or competencies would not do the job equally well, given the chance. One may also argue that an individual's performance on the job is not dependent only on what that person brings to the job in terms of education and experience. Performance also depends on the way in which the person is managed and, in particular, the expectations that his manager has of him.

The introduction of affirmative action raises questions like; can an organization survive this transformation and remain efficient? This type of consideration is a key concern for many companies and organizations. It has, for example, been asked: What about other women's responsibilities? What about the loss of skills and expertise that has been accumulated by the senior members of staff? Therefore the

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<sup>42</sup> L Human, "Women in the workplace: a programme to counteract gender discrimination at work", in Adams, pp. 77-9.

implementation of affirmative action may lead to sacrificing some of the people with expertise. In the long term, affirmative action is probably a requirement for efficiency in South Africa. For the companies and organizations, affirmative action should not be seen as a matter of appointments and promotions, but as a question of overall transformation.

In South Africa many supporters of affirmative action view it as a milestone, but many opponents see it as a millstone, and many others regard it as both or neither. Plous wrote that there are some popular myths about affirmative action which makes its implementation difficult. He indicated that the introduction of affirmative action by governments leads to the creation of a colour-blind society by adopting colour-blind policies like affirmative action. Although this statement sounds intuitively plausible, the reality is that colour-blind policies often put racial minorities at a disadvantage. Unless pre-existing inequalities are corrected or otherwise taken into account, colour-blind policies do not correct racial injustice, but reinforce it. It is argued that South Africa wants to cure discrimination with discrimination. Job discrimination is grounded on prejudice and exclusion, whereas affirmative action is an effort to overcome prejudicial treatment through inclusion. Despite the above problems, affirmative action policies increase job satisfaction and organizational commitment among beneficiaries.<sup>43</sup>

Some writers have criticized affirmative action as a superficial solution that does not address deeper societal problems by redistributing wealth and developing true educational equality. One may disagree with this kind of thinking because affirmative action was never proposed as a cure-all solution to inequality. Rather, it was intended only to redress discrimination in hiring and academic admissions. In assessing the value of affirmative action, the central question is merely this: In the absence of sweeping societal reforms, unlikely to take place at any time, does affirmative action help to counteract the continuing injustice caused by discrimination? Adam Habib, a researcher at the School of Development Studies at the University of Natal, is of the opinion that the transformation agenda, encapsulated in programmes and policies like affirmative action, is largely based on race. While black pigmentation has become a valuable commodity, the negative side is that the benefits of this redress policy have been monopolized by a small élite minority within the black population.<sup>44</sup>

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<sup>43</sup> LM Graves and GN Powell, Effects of sex-based preferential selection and discrimination on job attitudes, *Human relations*, Vol.47, pp. 133-75.

<sup>44</sup> *Sunday Times*, 28 September 2003.



It must also be stated that there are some practical negatives of affirmative action. In some cases black people abuse the system. Lumka Associates, a company that specializes in finding the cream of black professionals and placing them in senior positions, indicated that a major stumbling block to affirmative action is blacks' own attitudes to employment. The company indicated that in most cases these blacks either use affirmative action to get ahead within their existing jobs, or to job-hop. The problems encountered vary from secretaries overpricing themselves to senior managers either not pitching up for work or executives letting companies down before they even start. Some of these appointees do not even bother to call the company and indicate the sudden unwillingness to join them.<sup>45</sup>

It must be noted that while in South Africa some big companies and conglomerates go all out to make their companies more representative of the population, some blacks are discrediting the very system that is intended to help them. Employers do bear in mind that affirmative action is not about dangling financial incentives and lull black people to go job-hopping and thereafter accusing them of not respecting jobs offered to them. It might also happen that the competition to attain black skills has led to poaching. While the demand for affirmative action candidates continues, the process is being frustrated by a tendency for employees from formerly disadvantaged groups to change jobs frequently. Sometimes it is not because of luxury offers that people decide to switch job, something that is interpreted as undermining affirmative action initiatives, but a stimulating environment is needed rather than financial rewards.<sup>46</sup>

In an attempt by the author to contextualize affirmative action in South Africa, it is clear that through the introduction of this programme, the government compared economy to race and uses the programme to achieve this goal. White people have an unfair historical advantage in as far as economy is concerned, and are miles ahead in the race, so it is not fair to expect blacks to compete in the same race and to force them to start a race at a disadvantage. This historical disadvantage should first be redressed so that all parties can compete on an equal footing. It must be noted that business is not a race. Its purpose is to create wealth as quickly as possible. The faster it does, the better the chance of sharing some of that wealth with employees through wages and creating more jobs through reinvestment and help the advancement of affirmative action. Proponents of affirmative action will be quick to retort that the idea is not to force whites to slow down production. It is to give blacks a boost so that they can run faster in the race. But the only way to give a black person such a boost is to take wealth from other people, for example taxing the other people to pay for training blacks or forcing them to give up jobs to

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<sup>45</sup> **Sunday Times**, 16 March 1997.

<sup>46</sup> **Rapport**, 27 April 2003.

be reserved for less productive blacks. If this is not achieved, the ideal of affirmative action will be sacrificed. As long as the underclass of unemployed black workers continues to grow, affirmative action fails. Any talk of redressing the wrongs of the past in the face of growing joblessness sounds very hollow.

What can be done to ensure that African people make rapid progress in the economy under affirmative action? That is the question provoked by the release of the figures from Census 2001 that show that African employees have since 1996 failed to increase their overall share of the top jobs. Affirmative action is bound to fail because the total number of African people in senior positions has actually increased sharply, but the number of white males at the top has also grown, so that the overall proportions have hardly changed. African leadership is tipped to be one failing affirmative action by dependence on Western models of leadership which to a certain extent undermines their ability to perform in such positions. One may argue that the notion that Western values are somehow different to African values is a myth. These African people can progress in senior positions if the employers can address the core problem, namely the lack of opportunities and the shortage of skills.

Sometimes the very same affirmative action appointees, when they find their professional performance wanting, are likely to blame racism for the unfortunate states in which they find themselves. At some point, those who realize that their excuses fail, suggest witchcraft for the lack of performance. One noted with concern that before Faith Gasa of the Inkatha Freedom Party (IFP) had been fired from her position as MEC for education in KwaZulu-Natal in 2001, she cried foul of being bewitched when signs of incompetence exhibited themselves.<sup>47</sup> These articulations undermine the progress of affirmative action.

In 1999, against the backdrop of the debate about whether companies could implement affirmative action without sacrificing productivity and motivation, South Africa Breweries (SAB) successfully implemented its own programme. The people behind the SAB success were Linda Human, Steve Bluen and Richard Davies. They argued that many companies are implementing affirmative action superficially, bringing black people in so they can appear to be in line with the affirmative action programme. In most cases such companies do little to dispel white fears or change the culture of the organization. This leaves people feeling threatened, marginalized and frustrated, and productivity suffers. They refer to this kind of running a company as "covering and icing rotten corporate cakes". In the SAB they recommended that people must feel at home when they come for work

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<sup>47</sup> **This Day**, 13 November 2003.

and this will make them feel less inclined to leave for other posts, avoiding job-hopping.<sup>48</sup> In some instances, the success claimed to be made by affirmative action programmes is somehow doubted. Some companies who are known to be advancing affirmative action principles are rather succeeding by recruitment and retrenchments than by training and development.<sup>49</sup>

Some black people blamed the government for the introduction of affirmative action, saying this programme only works for government departments and parastatals, and not private businesses because, instead of creating more jobs, those who are retrenched are not replaced to avoid a circle of undergoing the process of affirmative action. Some companies relocate to white suburbs and thereafter hire whites only and claim that in the area where the companies are situated there are no black people who could be given such jobs. These companies claim that the majority of companies hire black people and there is no issue about that, but when an all-white company does so, complains exist.<sup>50</sup>

When the matric results were released in December 2003, the Freedom Front Plus (FF Plus) called on the government to stop subjecting white matriculants to affirmative action when they apply for their first jobs. They argued that school leavers nowadays have had equal access to the education system; therefore, it would be unfair to whites to continue taking race into account when considering job application. They claimed that the white learners should be treated like the blacks, as the number of indigent white learners has increased because many of their parents had lost jobs because of affirmative action. According to the FF Plus, to continue applying race as a selection criteria to new labour market entrants is unfair and leads to racial polarization. The party also wanted the government to announce the cut-off point for affirmative action.<sup>51</sup>

#### 4. CONCLUSION

For the past decade it is clear that affirmative action in South Africa is open to scrutiny and challenge on whether or not it goes too far or oversteps the limits allowed, which is to ensure equal employment opportunities and equitable representation in the workplace. In other words, it could be unfair to absolutely prohibit the employment or promotion of able-bodied white males in the name of affirmative action, as there will then be no equitable representation. It is clear from this article that employers may still differentiate between job applicants on their

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<sup>48</sup> Human et al., pp. 1-35. See also Herholdt and Marx, pp. 1-54.

<sup>49</sup> **City Press**, 17 June 2001; **The Citizen**, 11 July 2000.

<sup>50</sup> **City Press**, 17 August 2003.

<sup>51</sup> <<http://www.news24.com/South Africa/Matric2003/html>>

suitability for a particular job, or between existing employees on seniority, skills, etc. However, differential treatment on any of these discriminatory grounds is prohibited by law.

After reviewing problems associated with affirmative action in South Africa over a ten year period, one may conclude that it incorrectly focuses on a form of group compensation as opposed to seeking to encourage victim specific policies of redress. In essence, affirmative action has not benefited the most deprived among the black community, but its beneficiaries have been those who have enjoyed equal educational and general standard of living backgrounds to that of whites. While it is true that affirmative action tends to benefit the affluent classes among the target groups, this issue has been used incorrectly to dismiss the exercise as a whole.

One may argue that the problem with affirmative action in South Africa is the failure to diagnose the problem. Guiding the apartheid policies was the principle of black exclusion, and not black incompetence. Understandably, many black scholars and professionals who made a success despite institutional obstacles, recoil at the suggestion that they are affirmative action appointees. Affirmative action has, however, proved to be a useful instrument for those with economic power to appoint incompetent and inexperienced, if not uneducated, blacks in the public and private sector under the pretext of affirmative action. There is nothing wrong with the black people who cannot make the grade in the posts given in companies because in some cases the structures of these corporations present a problem to these appointees. For affirmative action to succeed, the primary target should be correcting the problems in the working environments.