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DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

The **White Paper on Affirmative Action in the Public Service** is hereby published by the Department of Public Service and Administration. The purpose of this paper is to provide a policy framework that sets out the mandatory requirements and steps that national departments and provincial administration should take to develop and implement their affirmative action programmes. The paper also sketches the accountability, monitoring and reporting responsibilities of various players within affirmative action programmes.

The White Paper on Affirmative Action in the Public Service is also available on the Internet at <http://www.sacs.org.za/gov/psa/psa.hfm> with effect from 28 April 1998.

The White Paper on Affirmative Action in the Public Service will also be available in South Sotho, Zulu, Tsonga and Afrikaans on the Internet at <http://www.sacs.org.za/gov/psa/psa.hfm> with effect from 30 September 1998.

WHITE PAPER

AFFIRMATIVE ACTION IN THE PUBLIC SERVICE

Department of Public Service and Administration

March 1998

FOREWORD

The Government inherited a Public Service which was strongly influenced by discriminatory employment policies and practices based on race, gender and disability. Hence these groups are poorly represented at decision making levels and in other technical occupational classes. The Constitution identifies representativeness of the Public Service as one of the main foundations of a non-racist, non-sexist and democratic society that integrates people with disabilities.

When the Government came into power in 1994, initiatives were put into place to remove discriminatory practices and policies in employment. Measures were also developed as an interim arrangement to facilitate and promote accessibility to the Public Service for all.

This White Paper on affirmative action is a testimony of the Government's commitment to the transformation of the Public Service into an institution whose employment practices are underpinned by equity. The Public Service which is representative and draws on the talents and skills of the diverse spectrum of South African society, will not only be geared towards providing better services for all sectors of our society but will also enjoy legitimacy in the eyes of South African people.

The White Paper seeks to provide a comprehensive framework within which national departments and provincial administrations will develop their own affirmative action programmes, structures, mechanisms and guidance. It is also aimed at closing gaps and removing ambiguities in policies which were created by the previous measures of 1995.

The policy that is reflected here must particularly be understood within the framework of the Employment Equity Bill (December 1997) which is to become an Act later this year, and the White Paper on Human Resource Management in the Public Service (December 1997). This Paper is a product of consultation with national departments, provincial administrations, organized labour of the central bargaining chamber of the Public Service, non-governmental organizations, disability organizations and experts in the field of affirmative action. Public hearings were also held by the Parliamentary Portfolio Committee of the Public Service and Administration on the third draft White Paper.

The Department of Public Service and Administration wishes to express its sincere appreciation to ALL who made valuable contributions to the White Paper. A special word of thanks goes out to the Department for International Development of the British Government for the assistance availed to this Department. The White Paper is another significant milestone in the transformation of the Public Service.



DR Z S T SKWEYIYA

MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

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EXECUTIVE SUMMARY

CHAPTER 1

Purpose of the White Paper

- (i) The purpose of the White Paper is to set out the mandatory requirements and guidance on the steps which national departments and provincial administrations should take to develop and implement their affirmative action programmes, and to sketch out the accountability, monitoring, coordinating and reporting responsibilities of various players within affirmative action programmes.

Background

- (ii) One of the post-1994 Government's foremost tasks has been to transform the Public Service into an efficient and effective instrument capable of delivering equitable services to all citizens and of driving the country's economic and social development. However its ability to do so has been severely limited by its legacy of ineffectiveness, unfair discrimination and division on the basis of race and gender, and which virtually excluded people with disabilities. As a result, the Public Service lacked legitimacy and credibility in the eyes of the majority of South Africans. Restoring legitimacy and credibility through the development of a broadly representative Public Service has come to be seen as one of the keys to the transformation process. To this end, affirmative action policies were introduced for the first time in 1994 to bring into the administrative heart of government, people from those groups who had been marginalised and systematically discriminated against in the former area.
- (iii) The transformation of the Public Service is being undertaken within the new legislative framework that has been ushered in since the inauguration of the new Government and with particular reference to the Public Service Laws Amendment Act, 1997, and the new Public Service Regulations, which will come into effect this year. Stemming from the overarching vision for a modern and democratic Public Service that is set out in the White Paper on the Transformation of the Public Service, November 1995, all aspects of management are being comprehensively reviewed and transformed. This

White Paper develops further the vision of affirmative action in the aforementioned White Paper and builds on the framework and requirements of the Employment Equity Bill (December 1997) which defines affirmative action as part of Government's broader employment equity strategy.

- (iv) The White Paper on Public Service Training and Education (July 1997) and the White Paper: Human Resource Management in the Public Service (December 1997) have also been taken into account in its development. These policy documents, amongst other things, provide the new framework to ensure an equitable, representative and well-skilled Public Service, *in the medium to long term*. In the *interim* it is argued that additional, corrective steps in the form of affirmative action are needed to speed up the processes of achieving broad representation and equity by providing practical ways of redressing the disadvantaged status of those groups who have suffered most from past discrimination.
- (v) For the purposes of this paper affirmative action is defined **as the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment.**
- (vi) This White Paper is derived from a Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service (May 1997) developed by this Department which was widely consulted on. In response to the Green Paper, national departments and provincial administration pressed for clear direction on the steps which they should take to implement affirmative action policies as an integral part of their overall transformation programmes. This White Paper has been produced in response to this demand.

Scope of the White Paper

- (vii) The White Paper is primarily focused on the field of human resource management and targets the three groups — black people, women, and people with disabilities — who are identified in the Employment Equity Bill as having suffered most from unfair past discrimination. The term 'Black people' is used to refer to African, Coloured and Indian people. At this point the definition of disability remains contested within the disability movement. **ILO Convention 159, defines a person with a 'disability' as any individual whose "prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment".** However, criticisms against this definition are that it

ignores sensory impairment and medical conditions. The Paper thus calls for collaborative efforts that involve the disability sector and other role players in Government to collectively come up with a working definition of disability that will guide the implementation of affirmative action programmes for persons with disabilities.

- (viii) The mandatory provisions in the White Paper apply to the Public Service and were developed in consultation with national departments and provincial administrations and with other key stakeholders within and outside the Public Service. However, the policy is seen to be equally relevant to the wider public sector and it is hoped that this White Paper will be of assistance to structures such as local government and state enterprises.

CHAPTER 2

SETTING THE COURSE FOR AFFIRMATIVE ACTION

Goal

(i)

The goal of affirmative action in the Public Service is to speed up the creation of a representative and equitable Public Service and to build an environment that supports and enables those who have been historically disadvantaged by unfair discrimination to fulfil their maximum potential within it so that the Public Service may derive the maximum benefit of their diverse skills and talents to improve service delivery.

Objectives

- (ii) The objectives of the Public Service affirmative action policy are, within the framework of the Employment Equity Bill and other relevant labour and Public Service legislation, to:

1. **Enhance the capacities of the historically disadvantaged through the development and introduction of practical measures that support their advancement within the Public Service.**
2. **Inculcate in the Public Service a culture which values diversity and supports the affirmation of those who have previously been unfairly disadvantaged.**
3. **Speed up the achievement and progressive improvement of the numeric targets set out in the White Paper on the Transformation of the Public Service.**

Achieving the objectives

- (iii) The requirement to achieve broad representation within the Public Service is firmly established by the Constitution, and the role of affirmative action in helping to achieve this is supported by subsequent statutes and by policy documents such as the White Paper on the Transformation of the Public Service. However, affirmative action programmes will need to be developed and implemented in accordance with certain *key principles* in order to align them with other transformation goals.

The core principles for affirmative action are:

Integration with human resource management and development

Affirmative action programmes must be integrated with other human resource management and development practices, especially the management of diversity.

Productivity and improved service delivery

Affirmative action programmes must promote the development of more innovative work practices which maximize productivity and increase customer-responsiveness.

Cost effectiveness

Affirmative action programmes must focus on steps which optimize the Public Service's human and financial resources.

Communication

The purpose of affirmative action policies and programmes must be fully communicated to all public servants.

Participation

Affirmative action programmes must be developed with the active participation of employees at all levels, and with representatives of organised labour.

Transparency

Affirmative action programmes and practices must be open to scrutiny within and outside the Public Service, within reasonable limits.

Accountability

Accountability for the delivery of affirmative action must be vested at the highest level of the organisation, with all line managers being vested with the responsibility of driving the process.

Reasonable accommodation

Affirmative action programmes must strive to eradicate barriers to employment and advancement in the physical and organizational environment and provide support for all members of the target group.

Relative disadvantage

Affirmative action must take into account the relative disadvantaged status of groups, their needs within the target group and the needs of the organisation.

CHAPTER 3

DEVELOPING AND MANAGING AN AFFIRMATIVE ACTION PROGRAMME

Introduction

- (i) The White Paper argues for a fundamental shift in approach from existing policy. Affirmative action is not seen as an activity undertaken in addition to other administrative tasks, but is seen as an essential tool for achieving the organisation's strategic and operational goals. It follows therefore that affirmative action is not an isolated function carried out only by specially appointed staff, but rather an integral element of every aspect of the organisation's management practices. National departments and provincial administrations are required to develop their own policies which must incorporate a well-prepared and well-managed programme in line with this White Paper to ensure that affirmative action is firmly embedded in the management systems and practices of their organizations. In this sense the new requirements are a marked departure from the existing policy requirements which do not necessarily require an integrated and well managed programme. Central to the new affirmative action policy is the fact that responsibility for affirmative action is no longer the preserve of the affirmative action specialist but of *every* manager, supervisor and human resource practitioner, who will be required to implement affirmative action plans and be held responsible for these.
- (ii) The Paper acknowledges that national departments' and provincial administrations' affirmative action programmes will be shaped and managed to reflect their own particular circumstances. However, it is argued that, to ensure that the Government's affirmative action policies are implemented consistently throughout the Public Service, and that they comply, amongst other things, with the statutory requirements of the Employment Equity Bill, programmes must contain common elements that are compulsory. The White Paper stipulates the mandatory requirements, offers guidance for the development of affirmative action programmes and specifies the roles and responsibilities of the various players. The mandatory requirements will be incorporated into the new Public Service Regulations. The guidelines will contain more detail on implementation.

Affirmative action programmes — mandatory requirements

- (iii) Public Service affirmative action programmes must contain, as a minimum, the following:
- (a) Numeric targets
 - (b) Employee profile
 - (c) Affirmative action survey
 - (d) Management Practices Review
 - (e) Performance Management
 - (f) Affirmative action plan
 - (g) Responsibilities
 - (h) Policy statement

Roles and Responsibilities — Managing an affirmative action programme

- (iv) Developing and implementing an affirmative action programme will involve everyone in the organisation, from top management to the most junior staff. Hence managing the process will be a major undertaking. The following paragraphs set out the roles and responsibilities of those who have key roles to play in the management of the programme.

Executing Authorities

- (v) It is envisaged by this Paper that responsibility for ensuring that the respective affirmative action policies of national departments and provincial administrations are implemented, should rest ultimately with executing authorities. Executing authorities would then answer to Parliament or their respective legislatures for their department's or administration's performance.

Directors-General and Heads of Department

- (vi) Directors-General (i.e. Schedule 1 and 2 organizations of the Public Service Act, 1994) must ensure the development and implementation of the affirmative action programmes on their behalf. Objectives related to affirmative action should be included in the performance contracts of Directors-General.

Managers

- (vii) Managers will be primarily responsible for putting into effect the human resource and other practices through which the affirmative action programme will be implemented.

Heads of Human Resources

- (viii) The integration of affirmative action principles and objectives into human resource management practices, and their application throughout the organisation should be one of the main objectives of the of human resource managers and practitioners and will be one of the criteria by which their performance will be assessed.

Heads of Training or Human Resource Development

- (ix) As the success of affirmative action programmes depends on effective management and development of the human resources within the target group, the heads of training or human resource development, therefore, have a key role to play in the overall success of affirmative action programmes through their capacity enhancement responsibilities.

Heads of Finance and Provisioning

- (x) Those who are responsible for the organisation's financial and other resources will also have a vital roll to play in ensuring that, within the overall resources available, funds are identified and clearly earmarked for affirmative action projects.

Manager of the Affirmative Action Programme

- (xi) The Director-General or head of department is required to designate someone to manage the affirmative action programme on a day-to-day basis. The tasks of this individual will be to develop the programme, monitor it and play a supporting, facilitating and coordinating role across the entire organisation.

CHAPTER 4

IMPLEMENTATION

Introduction

- (i) In line with the fundamental shift of authority and responsibility for Public Service management from the centre to national departments and provinces, this White Paper provides a basic framework for implementing affirmative action policies. The responsibility for turning policy into practice rests firmly with national departments and provincial administrations. In this process DPSA will play a facilitative role.

The role of the Department of Public Service and Administration

- (ii) In order to add impetus to the implementation to affirmative action throughout the Public Service, the Department of Public Service and Administration will support departments and administrations' efforts in several ways. It will:
- conduct, in conjunction with departments, a Public Service-wide communication campaign, aimed at familiarizing all public servants with the goal, objectives and principles set out in this White Paper;
 - develop *practical guidelines* for developing affirmative action programmes, by building on existing good practice from within the Public Service and more widely;
 - seek to establish a network of affirmative action practitioners who, by sharing ideas and experience, can facilitate the development and rapid absorption of a body of good practice; and
 - seek to *abolish or amend rules and regulations which unnecessarily restrict* affirmative action activities and initiatives.
- (iii) The Department of Public Service and Administration will also evaluate and report to the Parliamentary Portfolio Committee on Public Service and Administration on the *effectiveness of the policy* set out in this White Paper, and propose refinements as necessary in the light of experience.

The Department will, in particular, review national departments' and provincial administrations' progress in achieving numeric targets for representation, and will propose improved and refined targets with the aim of reaching the ultimate goal of full demographic representation. It is proposed that targets be reset by the end of 2000.

- (iv) Special forms of disadvantage that cut transversely across national departments and provincial administrations and which affect just a few occupational classes will periodically require special measures. The Department of Public Service and Administration will play a facilitating and coordinating role to assist national departments and provincial administrations with the development of these transverse programmes.

Accountability for implementation: Enforcement of affirmative action

- (v) Within national departments and provincial administrations, the implementation of affirmative action policies will be incorporated into individual managers' performance objectives and specifically, into the performance contracts between Directors-General and executing authorities. It is envisaged that the practice of developing performance contracts between the Director-General and the executing authority, also be extended to all managers into which affirmative action will be built as one of the criteria.
- (vi) At the institutional level, the main mechanisms for ensuring progress will be through reporting to the Public Service Commission, Department of Labour and the Parliamentary Portfolio Committee on the Public Service and Administration. The Department of Labour and the Parliamentary Portfolio Committee on the Public Service and Administration both have the authority to take action against defaulting departments and administrations.
- (vii) The Portfolio Committee on Public Service and Administration may institute regular hearings to scrutinize the performance of national departments and provincial administrations in implementing affirmative action policies, and to hold the Department of Public Service and Administration to account for the overall success of the policies. Failure to implement affirmative action reasonably will result in the Parliamentary Portfolio Committee on the Public Service and Administration calling for the imposition of the full sanctioning mechanism of the Public Service, amongst other things, Employment Equity Bill.

WHITE PAPER

AFFIRMATIVE ACTION IN THE PUBLIC SERVICE

MARCH 1998

CHAPTER 1

INTRODUCTION

"To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken"

— Article 9 of the Constitution of South Africa

"Affirmative action can be defined as the laws, programmes or activities designed to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, gender and disability."

— White Paper on the Transformation of the Public Service

Purpose of the White Paper

- 1.1 This White Paper sets out the mandatory requirements and guidance on the steps which national departments and provincial administrations should take to develop and implement their affirmative action programmes, and sketches out the accountability, monitoring, reporting and coordinating responsibilities of various role players.

Background

- 1.2 One of the post-1994 Government's foremost tasks has been to transform the Public Service into an efficient and effective instrument capable of delivering equitable services to all citizens and of driving the country's economic and social development. However, the Government inherited a Public Service characterized by ineffectiveness, unfair discrimination and division on the basis of race and gender, and which virtually excluded people with disabilities. In the Public Service, employment inequalities mirrored the discrimination suffered by Black people, women and people with disabilities in the wider employment market with particular regard to opportunities in employment, earning levels, benefits and conditions of service. The Public Service thus lacked legitimacy and credibility in the eyes of the majority of South Africans. Restoring legitimacy and credibility through the development of a broadly representative Public Service has been seen, from the outset, as key to the transformation process. To this

end, affirmative action policies were introduced for the first time in 1994 to bring into the administrative heart of government people from the groups who have been marginalised and systematically discriminated against by apartheid. However, the restoration of legitimacy and credibility will require affirmative action measures that go beyond the appointment of Black people, women and people with disabilities. Affirmative action measures which permeate all practices and activities of an organisation are needed to ensure redress for the achievement of equality for these groups occurs.

- 1.3 Since 1994, a legislative framework has been set in place — through the Constitution and labour legislation such as the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997, and the Employment Equity Bill, December 1997, which will institutionalise modern, democratic and equitable employment practices in both the public and private sectors. The transformation of the Public Service is being undertaken within this legislative framework, and with particular reference to the Public Service Laws Amendment Act, 1997, and the new Public Service Regulations which will come into effect this year. Stemming from the overarching vision for a modern and democratic Public Service that is set out in the White Paper on the Transformation of the Public Service, 1995, all aspects of management are being comprehensively reviewed and transformed, including financial management and budgeting, service delivery, and the management and development of human resources. This White Paper develops further the vision of affirmative action in the White Paper on the Transformation of the Public Service. It also builds on the framework and requirements of the Employment Equity Bill which defines affirmative action as part of Government's broader employment equity strategy.
- 1.4 In the field of human resource management and development, the White Paper on Public Service Training and Education, published in July 1997, and the White Paper: Human Resource Management in the Public Service published in December 1997, provide a new framework for human resource development and management which should ensure, in the medium and longer term, an equitable, representative and well-skilled Public Service. However, these measures will take time to deliver the desired results. Additional measures, in the form of affirmative action, are therefore needed in the interim to speed up the process, by providing practical ways of redressing the disadvantaged status of those groups — black people, women, and people with disabilities — who have suffered most from past discrimination. In a modern economy, education, training and on-going skills development are seen as vital to mainstream socio-economic activity and it is essential that those from the target group receive priority in these processes to overcome their historic marginalisation.

- 1.5 In the light of these concerns, affirmative action is therefore defined as **the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment.**
- 1.6 In May 1997, the Department of Public Service and Administration issued a Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service. The Paper argues that affirmative action should be integrated into national departments' and provincial administrations' core businesses and, in particular, into their human resource management and development policies and practices. While welcoming the Green Paper's contribution to clarifying the key issues surrounding the affirmative action policies in the Public Service, national departments and provincial administrations have pressed for clear direction on the steps which they should take to implement affirmative action policies as an integral part of their overall transformation programmes. This White Paper has been produced in response to this demand for clear direction and guidance on implementing affirmative action.

Achieving broad representation

- 1.7 The Constitution requires, amongst other things, that the composition of the Public Service be broadly representative of South African Society as a whole and the White Paper on the Transformation of the Public Service sets out a number of specific targets to achieve this.
- 1.8 In 1995 the composition of the population of South Africa stood at 75% African, 13% White, 9% Coloured and 3% Indian people. Women who comprised just over half (51%) of the entire population were made up of 76% African women, 12% White women, 9% Coloured women and 3% Indian women. At this point figures on disability are not very reliable, however, it is generally accepted that people with disabilities comprise 5% of the population. The Constitution requires therefore that the Public Service will strive to reflect these proportions in its staffing in order for it to be representative.
- 1.9 The White Paper: Human Resource Management in the Public Service describes how national departments and provincial administrations will have to transform their human resource policies and practices in order to achieve increased representation. However these measures are unlikely, alone, to deliver the necessary results in the required timescale, as the following table indicates:

	White Paper on the Transformation of the Public Service	Position in December 1997	Gap to be filled
Percentage of black people at management level*	50% by 1999	33%	17%
Percentage of women new recruits to the management level	30% by 1999	13%	17%
Percentage of people with disabilities**	2% by 2005	0,02%	1,98%

* The term 'management level' refers to the ranks of Director and equivalent positions as well as higher ranking positions. ** Approximate figures. It is a feature of the dispensation on disability that reliable information on people with disabilities has not been systematically collected.

- 1.10 The targets in the White Paper on the Transformation of the Public Service are *minimum* national targets. They do not represent the ultimate goal, which is that all groups and levels within the Public Service should be representative of society as a whole. For example, the target of 2% for people with disabilities is still well below the 5% of people with disabilities in society as a whole; and the 30% figure for the recruitment of women is only an interim step to achieving their full demographic representation. The targets in the White Paper on the Transformation of the Public Service therefore represent only a *baseline*, on which national departments and provincial administrations should aim to improve. Moreover, national departments and provincial administrations must also develop more refined targets to deal with specific inequalities within particular occupation groups and levels. The Government will review and re-set the national minimum targets by the end of 2000 and every three years thereafter.

The nature of disadvantage in the Public Service today

- 1.11 Despite the removal of the statutory and other formal barriers to entry and advancement within the Public Service since 1994, and despite the creation of an increasingly equitable employment environment through improved human resource management practices, there are groups of people whose ability to thrive continues to be hampered by the legacy of past discrimination. For these groups additional steps that correct their disadvantaged status are required so that they too can enjoy the full benefits of employment. For example:

Black people

- 1.12 Systematic educational discrimination against black people in the past and the blocking of opportunities for economic advancement have denied many the formal educational qualifications and necessary experience for entry into and advancement within certain types of occupations, especially technical occupations and managerial level posts. Within the Public Service this has resulted in the majority of black people doing low level work with low pay. This in turn results in there being a significant gap in wages between the different race groups and the creation of an unrepresentative body at the strategic decision making levels of the Public Service.

Women

- 1.13 Similarly, gender stereotyping has resulted in the majority of women being employed in areas such as education and health in which they perform relatively lower level work, with very few in decision-making positions. As a result, the occupational structure in the Public Service has become skewed on the basis of gender and a significant gap in wages between men and women has developed. For example, the occupations School/College Educator, Professional Nurse, General Worker, Cleaner, Administration Clerk, Nursing Assistant, Staff Nurse, Security Officer, Household Worker, Road Worker, Groundsman and Trade Worker are considered the most popular occupations in Provincial Administrations as the majority of employees (84%) are to be found in them. These occupations however are positioned at generally low levels within the hierarchy of occupations and are also the more lower paid of occupations. Women constitute the majority in seven of these twelve occupations. Within national departments and amongst the top six occupations, the largest number of women are employed in low level clerical work and as cleaners.
- 1.14 Even where women are well qualified and experienced, the predominance of males at management level has resulted in a culture in which male behaviour patterns are perceived to be the norm, and in which women often find it difficult to be accepted as equals by their male colleagues. These problems are compounded by a working environment which makes few concessions to matters like maternity leave and domestic responsibilities, such as child-rearing, which are still primarily a female concern. Thus the challenge for affirmative action is to create those conditions that women need to:
- (i) overcome the barriers that block access to the wide spectrum of occupations within the Public Service;
 - (ii) overcome the barriers that block progression up the employment hierarchy for all women irrespective of rank; and
 - (iii) create an environment that affirms them.

This should include a review and a refocus of all training and development programmes geared towards the empowerment of women and a widening of the training focus beyond women in management.

Persons with disabilities

1.15 As in other employment sectors, disabled persons suffer greatest exclusion from Public Service employment in which they have a minuscule representation and are also greatly under-serviced. This is largely a result of the severe educational disadvantage they suffer, past discriminatory labour legislation and the numerous social and physical barriers which have all operated as a block against them. Even within the more equitable environment of South Africa today, prejudice, stereotyping and ignorance of disability, especially of the diversity of disabilities, and of how to manage them in the workplace continue to limit the recruitment of people with disabilities. Thus a tendency has developed to ignore the diversity of disabilities and to focus on just a few with the result that some groups are neglected and the variety of needs that disabled persons have are ignored or remain unknown. Within the Public Service little is known about disabled employees as little information on them is collected. To improve their status it is critical to increase the representation of disabled persons in it and to do so particularly at decision making levels. It is also vital to ensure that the Public Service:

- (i) offers an environment that is free of barriers to maximize access;
- (ii) eliminates prejudice and stereotypes in its practice and policies; and
- (iii) provides development opportunities and appropriate resources for training, which should include a review and a refocus of all training and development programmes to assess their sensitivity to the needs of people with disabilities and the capacity of trainers to meet these needs.

1.16 Despite the lack of real information on the status of disabled persons in the Public Service, it is true to say that most public service organisations make few concessions to the needs of people with disabilities. Negative attitudes, inaccessible and unsupportive working environments, inadequate training and development opportunities and the absence of appropriate resources within training situations all make it difficult, if not impossible for people with disabilities to gain employment and advancement within it.

1.17 Affirmative action should help to eradicate the disadvantages caused by these discriminatory practices and enable black people, women and people with disabilities to benefit on a fair basis from the opportunities that an equitable Public Service offers them. However, it is apparent that there are distorted ways of applying affirmative action whose effect is to boost some groups of the target group at the expense of others, thereby perpetuating their disadvantaged status. For instance, within some National Departments and Provincial Administrations there is a tendency to recruit one group of women at the expense of others as the requirement to affirm *women* is used to affirm White women only at the expense of African, Indian and Coloured women. So too, a practice has evolved in some instances to promote one group amongst the broad group, 'black people', while ignoring the others. Black is wrongfully interpreted as Coloured only, or African only or Indian only when it is an inclusive term for African, Indian and Coloured people. Persons with disabilities suffer in similar ways. There

is a clear hiring preference for black people and women rather than for people with disabilities. Such policies are not only unwise and not in keeping with the spirit and requirements of affirmative action but are a misrepresentation of Government policy. Practices such as these need to be stopped and strongly monitored. It must be strongly emphasised that all groups within the target group need to benefit directly from affirmative action in accordance with their relative disadvantaged status, their needs and the needs of the organization.

- 1.18 The legacy of racial discrimination, gender and disability stereo-typing and the compulsion to implement affirmative action as a statutory requirement, results in individuals from these groups having to face hostility on the job. Members of these groups are often stigmatised as token appointees and are seen to be unworthy of their jobs. Such hostility has cast a slur on many if not all members of these groups despite their levels of competence, capacity, and qualifications and even when black people, women or persons with disabilities are better at their jobs than anyone else. As a result, many individuals from the target group prefer not be associated with affirmative action. For the perpetrators and the victims of this behaviour, this Paper wishes to emphasize and remind Public Servants that affirmative action is a corrective measure of Government to bring about equality for the target group that has suffered innumerable historical injustices. For this reason the Public Service cannot and will not entertain an apologist stance to affirmative action nor should any individual from the historically disadvantaged feel apologetic about benefiting directly from this programme. To ensure the development of a professional Public Service based on sound ethical standards, employees are protected by the Code of Conduct, grievance procedure, and the dispute resolution mechanism of the Labour Relations Act. In addition employees have access to structures such as the Public Protector, Human Rights Commission and Commission for Gender Equality.

Developing a more diverse management culture

- 1.19 Chapter three of the White Paper: Human Resource Management in the Public Service, explains the importance of developing a diverse management culture not only in order to support broad representation and to achieve democratic legitimacy, but also to increase efficiency and effectiveness, improve service delivery and develop more participatory management styles. It goes on to describe the measures that national departments and provincial administrations should introduce in order to develop a more genuinely diverse and inclusive management culture.

Scope of the White Paper

- 1.20 The policy set out in this White Paper is focused primarily on the field of human resource management and targets the three groups — black people, women, and people with disabilities. These groups are identified in the Employment Equity Bill as having suffered most from past discrimination, and who are therefore most in need of support to enable them to achieve equality in employment. The term *'Black people'* is used to refer to African, Coloured and Indian people. At this point there is no common definition of disability within the disability movement. ILO Convention 159, defines a person with a 'disability' as any individual whose *"prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment"*. However criticisms from some disability organisations against this definition are that it ignores sensory impairment and medical conditions. It needs to be emphasised that efforts at arriving at a definition that will guide the implementation of affirmative action programmes for persons with disabilities are urgently needed so that people with disabilities do not suffer any further disadvantage because of the lack of an acceptable operational definition.
- 1.21 Within the three target groups there are some individuals and sub-groups, such as people with disabilities and black women in rural areas, who have suffered proportionately more than others. Affirmative action programmes must take account of the specific needs reflected in these differences, and not rely on blanket solutions. However this does not invalidate the need to address the generic needs of the three target groups.
- 1.22 Although affirmative action in the Public Service is focused on the three target groups, its *underlying principles* are equally applicable to individuals and other groups who have suffered from unfair discrimination and disadvantage and whose affirmation is essential to building an equitable Public Service in the new South Africa. However, identifying target groups for affirmation at any point in time will be determined by Government. At this point the criteria of *historical disadvantage* have been used as the determining factor.
- 1.23 The mandatory provisions in the White Paper apply to the Public Service and were developed in consultation with national departments and provincial administrations and with other key stakeholders within and outside the Public Service. However the policy is equally relevant to the wider public sector, and it is hoped that this White Paper will assist the other parts of the Public Sector such as local authorities and state enterprises.

Structure of the White Paper

- 1.24 Chapter 2 of the White Paper sets out the goal and objectives of the affirmative action policy, and the principles which will govern their implementation. Chapter 3 describes how affirmative action programmes should be developed and implemented, and the mandatory requirements which must be included in such programmes. Chapter 4 explains the steps which will be taken, following the publication of this White Paper, to assist national departments and provincial administrations with implementation and sketches the accountability mechanism that will guide implementation.

CHAPTER 2

SETTING THE COURSE FOR AFFIRMATIVE ACTION

Goal

2.1

The goal of affirmative action in the Public Service is to speed up the creation of a representative and equitable Public Service and to build an environment that supports and enables those who have been historically disadvantaged by unfair discrimination to fulfil their maximum potential within it so that the Public Service may derive the maximum benefit of their diverse skills and talents to improve service delivery.

Objectives

- 2.2 The objectives of the Public Service affirmative action policy are, within the framework of the Employment Equity Bill and other relevant labour and Public Service legislation, to:

1. Enhance the capacities of the historically disadvantaged through the development and introduction of practical measures that support their advancement within the Public Service.
2. Inculcate in the Public Service a culture which values diversity and supports the affirmation of those who have historically been unfairly disadvantaged.
3. Speed up the achievement and progressive improvement of the numeric targets set out in the White Paper on the Transformation of the Public Service.

Achieving the objectives

- 2.3 The requirement to achieve broad representation within the Public Service is firmly established by the Constitution, and the role of affirmative action in helping to achieve this is supported by subsequent statutes and by policy documents such as the White Paper on the Transformation of the Public Service. However, affirmative action programmes will need to be developed and implemented in accordance with certain *key principles* in order to align them with other transformation goals.

Integration with improved human resource management and development practices

- 2.4 Affirmative action programmes will only succeed if they are perceived as part of *good* human resource management within the Public Service and if they are used as essential tools for improving the management and development of human resources. They must therefore become fully integrated with human resource management and development practices, rather than being superimposed upon them. An Integrated affirmative-action-human-resource-development and management-approach brings to the fore the many advantages affirmative action can have to the organisation. For instance through integrating it with 'human resource development', affirmative action emphasises the capacity strengthening potential and responsibilities to the largest and therefore a strategic part of the workforce. Integrating affirmative action with 'human resource management' and especially 'diversity management' on the other hand, allows the Public Service to draw on the strength of its diversity and the talents and skills that lie within it which thus far have been all but capitalized on for improving its services. An integrated approach therefore develops the workforce and strengthens the organisation by returning to the Public Service a human resource capacity that formerly lay wasted. The need for integrating affirmative action with the general management and development of human resources, implies however that affirmative action programmes will be the responsibility of every manager rather than solely of specially designated staff.

A more productive, service delivery-oriented Public Service

- 2.5 Affirmative action programmes must play an important part in improving effectiveness, efficiency and productivity by maximising the contributions of a more diverse workforce. A more representative workforce will assist in the development of a more responsive and effective Public Service and an improved relationship with recipients of public services. This is achieved by, for example, increasing the number of public servants who are able to communicate in the variety languages that the clients they serve speak, and who have an in-depth understanding of the needs of sections of the community who were most neglected by past administrations. Or by increasing the numbers of Public Servants at decision making levels who have disabilities, which will not only speed up the recruitment of disabled persons thereby enriching the pool of diverse skills and talents available to the Public Service, but will lead to a better understanding of the needs of the disability community and thereby enhance the delivery of services. Likewise, the increase of women at decision making levels will lead to greater sensitization of the workplace on gender issues and more responsive delivery to women.

Cost effectiveness

- 2.6 The *cost* of securing and advancing black people, women and people with disabilities in relation to the *inestimable value* of their contribution to improved services and heightened Public Service credibility and legitimacy, cannot be seen as a deterrent for not implementing affirmative action. However, affirmative action does not override the goal of achieving an efficient and cost-effective Public Service. Rather, it ensures that those who are employed in the Public Service represent the diversity of the country's population, within the overall resources available. Investing wisely in affirmative action programmes will result in greater job satisfaction and more competent workforces which will improve the efficiency of the Public Service. It will also assist in retaining the services of employees from the three target groups and the Public Service will become an 'employer of choice', sought after by members of the target groups because of its good practice.
- 2.7 Given the need to contain public expenditure, affirmative action programmes must be budgeted for within normal line-item expenditure. For instance significant amounts of money are already being spent on working accommodation and facilities, working benefits, training and development, and recruitment, within these the needs of affirmative action programmes will have to be prioritised. In this sense, national departments' and provincial administrations' *must* contain funds earmarked especially for affirmative action activities. These need to be clearly identified so that the total cost of affirmative action programmes can be assessed to determine whether amounts involved are appropriate to achieve the organisation's affirmative action objectives. Provision however must be created for the possibilities of requesting additional funds for special projects that cannot be accommodated within existing budgets.

Communication, participation, openness and accountability

- 2.8 Affirmative action programmes depend above all on the willing support of public servants themselves, whether or not they are the beneficiaries of the programmes. It is essential that the rationale and purpose of affirmative action policies are fully communicated, understood and accepted throughout the Public Service. Further, affirmative action programmes should be developed in consultation with employees themselves, the representatives of organised labour, representatives from disability and gender organisations and other relevant stakeholders. Openness and accountability are important factors for ensuring support and acceptance of affirmative action. Affirmative action programmes should therefore be transparent, in terms of their objectives, activities and results, and open to scrutiny within reasonable limits both by public servants within the organisation and by the public. Moreover, given the importance of affirmative action as an element of the transformation of the Public Service, accountability for its delivery needs to be vested at the highest levels of organisations with all line managers having responsibility for driving the programme.

Providing reasonable accommodation

- 2.9 Members of the affirmative action target group experience innumerable barriers to entry and advancement within the Public Service. These take on many forms which range from physical barriers in the work environment to social and organizational barriers that result from prejudice and stereotypes which are consciously or unconsciously built into practices, policies and general organizational dynamics. The general effect of these is to either block access, marginalize or demoralize. For instance, the way in which the physical environment is designed and organized will determine to a very large extent the level of independence and hence, the equality that persons with disabilities will enjoy. The modification of the work environment, the provision of assistive devices and personal assistants, for instance will go a long way in providing greater equality for disabled persons with visual or physical impairments. The changes to be made to the work environment for all disabilities so that they may enjoy equally the right to and benefits of employment needs to be clearly understood and integrated into planning. Similarly, the introduction of flexible working hours and child care for parents will greatly ease the tensions between parental pressures and work requirements.

Relative disadvantage of groups within the target group and the needs of an organization

- 2.10 The practice of affirmative action must be guided by an understanding of the different statuses of the groups within the target group, their needs and the needs of an organization to achieve equality for all. In other words the relative disadvantaged status of, for instance, White women in relation to that of Coloured women, or White women in relation to Indian men and the representation needs of the organization need to be assessed in situations where a choice has to be made between competing members from different groups within the target group in the filling of a post.

Principles which will guide affirmative action

- 2.11 In the light of the above, the following principles will underpin all affirmative action programmes in the Public Service and therefor will apply in the development and application of these programmes:

Integration with human resource management and development

Affirmative action programmes must be integrated with other human resource management and development practices, especially the management of diversity.

Productivity and improved service delivery

Affirmative action programmes must promote the development of more innovative work practices which maximize productivity and increase customer-responsiveness.

Cost effectiveness

Affirmative action programmes must focus on steps which optimize the Public Service's human and financial resources.

Communication

The purpose of affirmative action policies and programmes must be fully communicated to all public servants.

Participation

Affirmative action programmes must be developed with the active participation of employees at all levels, and with representatives of organized labour.

Transparency

Affirmative action programmes and practices must be open to scrutiny within and outside the Public Service, within reasonable limits.

Accountability

Accountability for the delivery of affirmative action must be vested at the highest level of the organisation, with all line managers being vested with the responsibility of driving the process.

Reasonable accommodation

Affirmative action programmes must strive to eradicate barriers to employment and advancement in the physical and organizational environment and provide support for all members of the target group.

Relative disadvantage

Affirmative action must take into account the relative disadvantaged status of groups, their needs within the target group and the needs of the organization.

CHAPTER 3

DEVELOPING AND MANAGING AN AFFIRMATIVE ACTION PROGRAMME

Introduction

- 3.1 Affirmative action is not an activity undertaken in addition to other administrative tasks, but an essential tool for achieving the organisation's strategic and operational goals. It follows that affirmative action is not an isolated function carried out only by specially appointed staff, but rather an integral element of every aspect of the organisation's management practices. National departments and provincial administrations are required to develop their own policies which must incorporate a well-prepared and well-managed programme in line with this White Paper to ensure that affirmative action is firmly embedded in the management systems and practices of their organizations. In this sense the new requirements are a marked departure from the existing policy requirements which do not necessarily require an integrated and well managed programme. Central to the new affirmative action policy is the fact that responsibility for affirmative action is no longer the preserve of the affirmative action specialist but of every manager, supervisor and human resource practitioner who will be required to implement affirmative action plans and held responsible for these.
- 3.2 National departments' and provincial administrations' affirmative action programmes will be shaped and managed to reflect their own particular circumstances. Nevertheless, in order to ensure that the Government's affirmative action policies are implemented consistently throughout the Public Service, and that they comply with the statutory requirements of the Employment Equity Bill, programmes must contain certain common elements. The following paragraphs set out the *minimum mandatory requirements* and offer guidance for the development and management of affirmative action programmes.
- 3.3. The mandatory requirements will be incorporated into the new Public Service Regulations to be issued by the Minister for Public Service and Administration. Detailed guidelines will be developed in consultation with national departments and provincial administrations, during the implementation phase which will follow closely on the publication of this White Paper.

Affirmative action programmes — mandatory requirements

- 3.4 Public Service affirmative action programmes must contain, as a minimum, the following:

Numeric targets

- 3.5 The broad numeric targets set out in the White Paper on the Transformation of the Public Service for each of the three target groups must be translated into strategically prioritized, time-bound targets for each of the department's occupational groups and must be broken down by race into African, Coloured, Indian and White. Incremental targets must also be included for the period beyond 1999 (2005 in the case of people with disabilities) aimed at achieving full demographic representation within a specified time period.

Employee profile

- 3.6 Departments must maintain accurate and comprehensive statistics on all employees broken down by gender, race and disability information, which is updated annually. The categories women, men, African, Indian, Coloured, White and disability must be reflected in *all* the statistics collected which will include:
- The total number of employees broken down by occupation (e.g. nurse, teacher, admin clerk), level of the position (e.g. *senior* nurse, *grade two* clerk), salary grade, notch within the grade and status as temporary or permanent employee.
 - The total number of employees receiving fringe benefits and the type of fringe benefits (e.g. medical aid, home loan, housing subsidy and pension).
 - The total number of employees receiving monetary allowances and awards and the type of allowance or award (e.g. danger allowance, performance related pay such as merit awards, or second and third notch improvements).
 - The number of employees recruited in the previous 12 months, and the occupation and level within the position to which they were recruited.
 - The number of employees promoted in the previous 12 months and the level of the position to which they were promoted.
 - The number and type of training and development programmes provided, the number of employees and who participated in these and the levels of training provided.
- 3.7 The categories 'White' and 'men' must be included in the employee profile for reasons of comparison and to ensure that broad representation for all groups in being pursued. As there is a tendency not to apply the race-disability-gender categories to gender and disability information, it needs to be stressed that a race and disability analysis must be applied to the 'women' target group while race and gender must be applied to the 'disability' target group.

Affirmative action survey

- 3.8 The programme must include an in-depth survey, repeated at annual intervals, to assess the needs, priorities and perceptions of all staff, both within and outside the three target groups.

Management Practices Review

- 3.9 The programme must include a regular review of management practices to determine whether these constitute barriers to the recruitment, retention and advancement of members of the three target groups and identify what changes are needed to remedy the defects so that an organizational culture that respects and appreciates diversity can be developed.

Performance Management

- 3.10 Implementation of and demonstrable support for the organisation's affirmative action policies must be included in each employee's performance assessment criteria.

Affirmative action plan

- 3.11 An affirmative action plan must be prepared, adopted and promoted throughout the organisation, setting out:
- affirmative action objectives and time bound targets for their achievement,
 - who will be responsible for achieving them,
 - the financial and other resources to be allocated for achieving affirmative action objectives and targets,
 - monitoring, reporting and evaluation arrangements,
 - formal and informal procedures for resolving conflict, and
 - consultation arrangements.

Responsibilities

- 3.12 The responsibility of key players within the department for implementing the department's affirmative action programme must be identified, including the:
- Executing authority,
 - Director-General or Head of Department,
 - Line managers,
 - Head of Human Resources,
 - Head of Training or Human Resource Development and other senior managers, and
 - Manager of the affirmative action programme.

Policy statement

- 3.13 A policy statement setting out the department's commitment to affirmative action that comprises:
- the business imperatives for the organisation embarking on affirmative action,
 - the core values of the organisation that underpin affirmative action,
 - a summary of the strategies that will be used and
 - the benefits that will accrue to an organisation as a result of affirmative action.
- 3.14 The policy statement must be approved by the executing authority, marketed and communicated within the organisation and visibly displayed throughout a department or administration.

Guidance on developing an affirmative action programme*Establishing a business case for affirmative action and providing resources*

- 3.15 The case for affirmative action must be firmly rooted in the department's core business goals. Affirmative action objectives which demonstrate how affirmative action will lead to, for example, improved productivity, improved service delivery, capacity-building and employee development, must therefore be incorporated in the department's strategic plans, human resource plans and in its Medium Term Expenditure Framework. The 'business case' for affirmative action must be clearly articulated, communicated and understood throughout the organisation but it is particularly vital for top management to understand and promote its importance and benefit for the organisation. Once the business case for affirmative action has been established and committed to, support for affirmative action needs to be demonstrated through the provision of adequate resources, a clear mandate and sufficient authority to drive changes. To ensure the integration of the business case for affirmative action, existing plans and frameworks must be reviewed and revised as necessary. Further in order that affirmative action objectives are included, for instance, in the human resource management and development plans for recruiting and advancing each of the three target groups within the department's main occupational groups. Operational plans must identify who is responsible for achieving the objectives and what resources will be allocated for this purpose.

Establishing the current baseline

- 3.16 Decisions about what action should be taken to achieve the national department's and provincial administrations affirmative action objectives need to be taken in the light of accurate information about the current baseline, i.e. the existing status, needs and priorities of each of the three

target groups and the capacity of the organisation to deliver the required results. In the case of provincial administrations, this must be completed for each department. The baseline must be established by means of an *Employee Profile* and a *Management Practice Review*, which are discussed below:

Employee profile

- 3.17 A profile of employees must be developed from a *statistical survey* and *survey of affirmative action needs*.
- 3.18 The statistical survey should be comprehensive and should provide statistics on all employees broken down by gender, race and disability. The statistical survey will establish annually the numbers of women, people with disabilities and Black people, cross referenced with the categories African, Indian, Coloured and White, as well as the total number of these race groups by:
- the total number of employees,
 - the number of employees within each occupation,
 - the number of employees at the different levels within positions and their salary grade and notch within the grade,
 - the total number of temporary or permanent employees
 - the number of employees receiving fringe benefits and the type of benefit,
 - the number and type of training and development programmes provided, the number of employees who participated in these programmes and the levels at which they did so,
 - the number of employees recruited from outside the Public Service in the previous 12 months, and the occupations and levels of positions to which they were recruited, and
 - the number of employees promoted in the previous 12 months, occupations and the levels of the positions to which they were promoted.
- 3.19 The affirmative action *needs survey* must establish, annually, the needs and priorities of each of the three target groups and the barriers they perceive to achieving employment equity. The survey must take the views of employees from within and outside the target group into account and must cover, among other things:
- human resource and other management practices,
 - training and career development,
 - working hours, travel and other conditions of service,
 - accommodation and facilities, and
 - management style and organisational culture.
- 3.20 Comparative information must also be collected for all other employees.

Management Practice Review

3.21 An examination of all aspects of management must then be undertaken to determine whether existing practices and processes are capable of supporting the organisation's affirmative action objectives. The Review must determine not only whether any of the practices place barriers to the achievement of employment equity by members of the three target groups (or are perceived by them to do so), but also *where* changes are needed to accommodate and advance them. For instance, the service benefits structure of the Public Service have been heavily influenced by race and gender considerations, while the needs of persons with disabilities have been almost totally disregarded. Hence discriminatory practices have crept into policies and procedures. It is therefore, imperative, to have human resource management practices which eliminate these, such as advertisements which inadvertently discourage persons with disabilities from applying for jobs by the inclusion of unnecessary criteria. The Review, which should involve staff from within and outside the target group, should be carried out at least every three years and must cover, among other things:

(a) Human resource management practices, including:

- Human resource planning
- Job specifications and job descriptions
- Advertising
- Recruitment
- Selection
- Probation
- Performance management
- Career management including fast tracking
- Promotion
- Transfers
- Conduct and discipline
- Mechanisms for dealing with complaints against discriminatory behaviour and resolving conflict
- Termination of service
- Placement i.e. the placement of staff in different types of posts to ensure that they develop a variety of skills.

(b) Human resource development, including:

- Pre-entry training and development
- Induction and orientation training
- Range and content of formal training courses (internal and external), and opportunities and selection for such courses
- Opportunities and support for further education for career-enhancing qualifications
- On-the-job training
- Mentoring and coaching schemes

(c) Conditions of service, including:

Working hours
Leave arrangements
Support for employees with domestic responsibilities
Child care arrangements
Travel to work arrangements
Office accommodation, equipment and facilities for people with disabilities
Health and safety matters, including sexual harassment.

(d) Financial management, including:

Preparation and approval of budgets
Allocation of financial resources.

(e) Organisational style, including:

Language
Internal communications
Dress code
Management style
Behavioural code — implicit and explicit.

Affirmative action plan

3.22 The baseline information provided by the Employee Profile and the Management Practice Review will enable the organisation to identify the gap between where it is now, and where it needs to be in order to achieve its affirmative action objectives. An affirmative action plan must then be drawn up from these organisational needs to fill this 'improvement gap'. Employees, including employee organisations, themselves will provide an important source of ideas for the improvements that are needed, and the plan must therefore be drawn up on the basis of an organisation-wide consultative exercise.

3.23 The affirmative action plan must be practical, realistic, measurable and specific to each of the three target groups. The plan must include:

- Numeric goals for the recruitment, career-related training, development and advancement of members of each of the three target groups within a specified time period.
- Targets and dates for changes to existing structures, practices and procedures which will contribute to the achievement of these goals.
- Standards for corporate behaviour and management style which will support the affirmation of each of the three target groups.
- The avenues for complaint open to individual employees if they believe that they have been the subject of discrimination, or their legitimate needs and priorities have been undermined; and the action which will be taken against employees who are found guilty of discriminatory behaviour.

- Clear guidance on the roles and responsibilities of managers and employees at all levels for supporting the achievement of affirmative action.
- Guidance on the affirmative action criteria which should be included in performance assessments.
- Creative ideas for fostering a culture of diversity.
- The financial and other resources which will be provided for affirmative action activities.
- Monitoring, reporting and evaluation arrangements.

Getting buy-in — Communication and participation

3.25 Key to implementing affirmative action programmes that are effective and sustainable is the commitment and support of staff throughout the organisation, and of organised labour. It is essential to gain commitment and support to ensure that the goals and objectives of affirmative action are understood, and accepted by *all* staff to be in the interests of the entire organisation, and not only by those who benefit directly from affirmative action programmes. Organisations will therefore need to develop a sustained, effective marketing and communication programme which enables staff to see affirmative action as a positive tool for achieving the organisation's core business goals. The programme should include a two-way communication system which ensures that staff at all levels are kept informed of plans and achievements and which takes their views into account. The process should be sufficiently robust to ensure that genuine concerns and anxieties are dealt with, and that issues are addressed openly and honestly, without undermining the commitment to affirmative action.

3.26 The most effective affirmative action programmes are likely to be those in which staff themselves feel a genuine sense of ownership. The key to developing a sense of ownership is the active participation of staff. In many cases it will be the staff themselves who will have the best ideas about the practical steps which should be taken and affirmative action programmes should therefore be undertaken as a participative exercise, drawing on the ideas of staff at all levels.

Roles and responsibilities — Managing an affirmative action programme

3.27 It is clear from the foregoing paragraphs that developing and implementing an affirmative action programme will involve everyone in the organisation, from top management to the most junior staff, and that managing the process will be a major undertaking. The following paragraphs set out the roles and responsibilities of those who have key roles to play.

Executing authorities

3.28 It is envisaged by this Paper that responsibility for ensuring that affirmative action policies are implemented should rest ultimately with executing authorities, who should answer to their legislatures for their department's or administration's performance. This however will only become possible later through changes to the Public Service Laws Amendment Act. When this occurs executing authorities would be required to formally approve their organisation's affirmative action programme, and regularly monitor its implementation. Equally as important as these formal measures, however, would be the executing authority's leadership role in promoting understanding of and support for affirmative action. This could be achieved through, for example:

- including references to affirmative action in public statements and speeches,
- signing the department's/administration's policy statement,
- taking a personal interest in affirmative action activities within the department, and
- ensuring that affirmative action measures are assigned priority and resources within the department's or administration's transformation programme.

Directors-General and Heads of Department

3.29 While ultimate responsibility will rest with executing authorities, it is the Director-General (i.e. of Schedule 1 and 2 organizations of the Public Service Act, 1994) who must ensure the development and implementation of the affirmative action programmes on their behalf. Development and implementation of the programme should therefore be one of the criteria against which the Director-General's performance is assessed, and this should be included in his or her performance contract.

3.30 The Director-General is responsible for, among other things:

- providing leadership and demonstrating personal commitment and support for the affirmative action programme,
- putting institutional mechanisms in place for the efficient and effective implementation of the affirmative action programme,
- assigning responsibility and resources for the affirmative action programme,
- ensuring that the purpose and rationale for affirmative action is understood and accepted throughout the organisation,
- ensuring that affirmative action is integrated into the organisation's strategic and operational plans, and into its management practices,
- ensuring that objectives and targets are set for delivering the Government's affirmative action goals, and
- ensuring the development of a policy statement.

Managers

- 3.31 Increasingly, in the transformed Public Service, responsibility for implementing affirmative action, human resource and financial management will be delegated to line managers. Managers will therefore be primarily responsible for putting into effect the human resource and other practices through which the affirmative action programme will be implemented. For example, they will have a clear responsibility for the recruitment, training, performance management and career development of employees within their components from the three target groups.
- 3.32 Managers will also, on a day-to-day basis, be the people who, by their behaviour and example, and by their active support for those within the target groups, must demonstrate the organisation's commitment to affirmative action. Moreover, as the people who will interact most closely with members of the target groups, they will be an essential channel of communication between those who are responsible for driving the affirmative action programme, and the intended beneficiaries of the programme. Managers' implementation of affirmative action must therefore be one of the central indicators of their performance. Moreover, managers should be provided with guidance and training to enable them to exercise their affirmative action responsibilities.

Heads of human resources

- 3.33 Given the central importance of human resource management and development as a means of implementing affirmative action, the Head of human resources will play a key role in the successful implementation of affirmative action programmes. The integration of affirmative action principles and objectives into human resource management and development practices, should therefore be one of the main objectives of the Head of human resources' operational plan, and one of the main criteria on which his or her performance should be assessed. In particular, the Head of human resources will be responsible for integrating affirmative action into all human resource management and development practices, including:
- Incorporating specific targets for achieving the numeric goals set out in the White Paper on the Transformation of the Public Service into human resource planning, recruitment, and promotion practices.
 - Ensuring that recruitment advertising reaches and attracts candidates from the three target groups.
 - Ensuring that job descriptions and selection criteria do not place overt or implicit barriers to the recruitment and advancement of members of the target groups.

- Ensuring that selection panels are appropriately trained in selection and interviewing techniques especially for identifying potential.
- Ensuring that affirmative action objectives are incorporated into the performance management system, and that performance in supporting affirmative action is included in the assessment of staff at all levels.
- Maintaining personnel records which enable progress in implementing the affirmative action programme to be accurately tracked over time.

Heads of Training or Human Resource Development

3.34 The success of affirmative action programmes depends on many things, but above all else it depends on the effective management and development of human resources within the target group. Affirmative action programmes therefore must contain a well focused and meaningful education, training and development strategy that is specifically tailored to the development needs of the target group. These programmes should be built on the career development needs of these employees and the organizations' needs for their accelerated development to fill specific ranks and occupations. At this point the Public Service is noted for neglecting the purposive development of its employees, especially those from the target group. For these reasons Heads of Training or Human Resource Development have a key role to play in the overall success of affirmative action programmes. Some of their functions will entail:

- Ensuring the development and enhancement of induction, orientation, training, mentoring and other human resource development programmes for members of the three target groups and the tailoring of these to individual needs.
- Ensuring that the necessary resources for human resource development are made available and that participation in such programmes is supported by line managers.
- Ensuring that managers are trained to undertake their responsibilities for the career development of members of their staff from the three target groups and liaising with managers to ensure that the training provided is related to the competencies required for enhancing job performance.
- Liaising with training providers to ensure that training and education contributes meaningfully to career development.
- Ensuring that training is provided to line managers which enables them to undertake their affirmative action responsibilities.

Heads of Finance and Provisioning

3.35 Those who are responsible for the organisation's financial and material resources will also have a vital role to play in implementing affirmative action programmes, since decisions about how resources should be allocated and spent will impact directly on the ability of the organisation to promote affirmative action priorities. Their role will be to ensure that, within the overall resources available, funds are identified and clearly earmarked for affirmative action projects. The identifying of funds for affirmative action is needed so that management can decide whether these are adequate for meeting the organization's objectives. They will also be responsible for ensuring that affirmative action projects are cost-effective and in line with the organisation's strategic and operational plans.

3.36 Those responsible for preparing and approving budgets should therefore ensure that budget bids from individual components include the achievement of affirmative action objectives. Examples of the types of expenditure which will require particularly close scrutiny might be:

- Training and development activities, to ensure that there is adequate funding for the enhancement of opportunities for those from the three target groups.
- Working accommodation, facilities and equipment, to ensure that these include adequate provision for people with disabilities, and for women.

Those responsible for other aspects of departmental management and administration

3.37 There are other aspects of departmental administration which can significantly affect the implementation of affirmative action, and those responsible for them will need to bring them into line with affirmative action objectives. These include:

- Working hours and leave, which should be sufficiently flexible to facilitate increased employment opportunities for people with family responsibilities, for example, or those who are pursuing external studies, or who have transport problems. More innovative approaches to working hours should also benefit the public, for example by enabling offices to open earlier and stay open later.
- Child care provision, to enable people, predominantly women and single parents to pursue their careers while bringing up children.
- Working environments, which accommodate people with disabilities.

Members of the three target groups

3.38 Although successful affirmative action programmes depend, ultimately, on the extent to which they are used positively by those who are intended to benefit directly from them, responsibility for the success of the programme also depends on the quality of management and supervision they receive. It is therefore essential, if affirmative action is to achieve its objectives, that black people, women and people with disabilities see themselves as active partners with the organisation in the process. They should, for example:

- respond positively to opportunities for training, development and career enhancement;
- make their priorities and concerns clear to their line manager,
- be open and positive about their own values and seek to help others to understand them,
- contribute actively to the organisation's business goals, and
- not have an apologist approach to being members of the target group.

Employees outside the three target groups

3.39 Employees who are not members of the three target groups have an important role to play in demonstrating an active commitment to the affirmative action programme. They should:

- actively seek to understand the concerns and values of members of the three target groups, and demonstrate, through their attitudes and behaviour, that they support its aims,
- take an active part in developing affirmative action programmes,
- refuse to tolerate attitudes or behaviour among their colleagues which undermines the values of the target groups, which is overtly or tacitly discriminatory, or which hinders their advancement, and
- contribute actively to the organisation's business goals.

Manager of the affirmative action programme

3.40 Because of the wide-ranging nature of the affirmative action programme, the Director-General or head of department must designate someone to manage the programme on a day-to-day basis. (This should not be interpreted as the need for the creation of a post.) The tasks of this individual would be to develop the programme, monitor it, report on it and play a facilitating and coordinating role across the entire programme.

3.41 National departments and provincial administrations will have to decide on the most effective organisational arrangements they need to create in order to drive affirmative action. As departments and administrations differ greatly according to size and structure, decisions on arrangements best suited to needs must consider whether a single individual can undertake

the tasks unaided, or in combination with other duties, or whether additional staff or specialist units are needed. In large organizations the need to coordinate affirmative action throughout the organisation would be another factor that should be considered. National departments provincial administrations must also decide on the appropriate level and location of the person responsible for the programme on affirmative action within the organisation. Criteria for deciding on the level and location are, among others, that the individual should:

- report on affirmative action directly to the Director-General, and
- be located within the organisation in a position where he or she has wide access to the different parts of the organisation.

Transformation structures

- 3.42 In some departments, a transformation unit or group is already involved in developing affirmative action programmes. These structures can materially assist the implementation process, for example by operating as a forum for generating ideas and innovation, and for monitoring progress.

CHAPTER 4

IMPLEMENTATION

Introduction

- 4.1 In line with the fundamental shift of authority and responsibility for Public Service management from the centre to national departments and provincial administrations, this White Paper provides a basic framework for implementing affirmative action policy. The responsibility for turning policy into practice rests firmly with national departments and provincial administrations.

Steps to success

- 4.2 In putting into practice the requirements set out in this White Paper, a systematic approach which builds in the core principles mentioned earlier should be adopted. The following steps, linked to the guidance set out in Chapter 3 of this White Paper, will help to ensure a comprehensive implementation strategy:

Step 1: Assign responsibility

Clarify the respective roles and responsibilities of the executing authority, Director-General/Head of Department and other key players for direction and development and implementation of the affirmative action programme (paragraphs 3.28–3.42), and assign day-to-day responsibility to a designated person within the department for managing the programme.

Step 2: Establish the business case for affirmative action

Set out the case for affirmative action in terms of the department's strategic and operational goals; and set tangible goals and objectives for affirmative action (paragraph 3.15).

Step 3: Establish the current baseline

Assemble the facts and figures about the current status and needs of each of the three target groups, and comparative facts and figures about all other employees (paragraph 3.16).

Step 4: Identify the 'improvement gap'

Critically review existing management procedures, practices and behaviour against the desired affirmative action goals and objectives, and against the baseline information and identify the improvement gap between where the department is now, and where it wants to be.

Step 5: Develop an affirmative action plan

Develop a practical and realistic affirmative action plan to fill the 'improvement gap', built on the needs of the organization and perceptions of the three target groups. (paragraphs 3.22–3.23).

Step 6: Issue an affirmative action policy statement

Issue a statement committing the department to achieving its affirmative action goals, objectives and projects (paragraph 3.13).

Step 7: Communicate

Market and communicate the affirmative action programme interactively throughout the department. Encourage constructive criticism (paragraphs 3.25–3.26).

Step 8: Evaluate

Review progress against the affirmative action programme at regular intervals and be prepared to amend the programme in the light of experience.

The role of the Department of Public Service and Administration

4.3 In order to ensure that affirmative action policies are applied speedily and consistently throughout the Public Service, the Department of Public Service and Administration will support national departments' and provincial administrations' efforts in several ways. First, it will conduct, in conjunction with departments, a *Public Service-wide communication campaign*, aimed at familiarizing all public servants with the goals, objectives and principles set out in this White Paper.

4.4 The Department of Public Service and Administration will also develop *practical guidelines* for developing affirmative action programmes, building on existing good practice from within the Public Service and more widely. The Department will also seek to *establish a network of affirmative action practitioners* who, by sharing ideas and experience, can facilitate the development and rapid absorption of a body of good practice. The Department will build up a data base of practitioners in the field and of programmes developed which could be accessed by departments and administrations.

4.5 In implementing their affirmative action programmes, it is likely that national departments and provincial administrations will on occasion find that progress is hampered by centrally-controlled rules and regulations. The Department of Public Service and Administration will *seek to abolish or amend rules and regulations which unnecessarily restrict* affirmative action activities and initiatives.

- 4.6 The Department of Public Service and Administration will also evaluate and report to the Parliamentary Portfolio Committee on Public Service and Administration on the *effectiveness of the policy* set out in this White Paper, and propose refinements as necessary in the light of experience. The Department will, in particular, review national departments' and provincial administrations' progress in achieving numeric targets for representation, and will propose improved and refined targets with the aim of reaching the ultimate goal of full demographic representation.
- 4.7 At times special affirmative action measures will be needed to address specific forms of disadvantage that cut transversely across departments and administrations and which affect just a few occupational classes. Such *transverse measures* will be developed by the relevant departments and provincial administrations in collaboration with the *Department of Public Service and Administration who will play a coordinating and facilitating role*. Responsibility for implementing these measures and for their funding will be the responsibility of the respective national departments and provincial administrations.

Accountability for implementation: Enforcement of affirmative action

- 4.8 Responsibility and accountability for implementing affirmative action rests with national departments and provincial administrations, ultimately, with their executing authorities. Within departments, the implementation of affirmative action policies will be incorporated into individual managers' performance objectives and, specifically, into the performance contracts between Directors-General and executing authorities. It is envisaged that the practice of developing performance contracts between the Director-General and the executing authority also be extended to all managers, into which affirmative action will be built as one of the criteria.
- 4.9 At the institutional level, the main mechanisms for ensuring progress will be through reporting to the Public Service Commission, Department of Labour and the Parliamentary Portfolio Committee on the Public Service and Administration. (See Appendix 1). The Department of Labour and the Parliamentary Portfolio Committee on the Public Service and Administration both have the authority to take action against defaulting departments and administrations. (See Appendix 2). Reporting on the affirmative action programme's progress will take account of the requirements of the Public Service Commission who will specify their needs, and those of the Department of Labour as reflected in the Employment Equity Bill. Affirmative action progress will also be reflected in the annual report that is tabled at the various legislatures. These reports will provide the opportunity for bodies such as the Public Service Commission, and relevant portfolio committees to monitor the activities of individual national departments and provincial administrations in achieving affirmative action objectives.

- 4.10 The Department of Public Service and Administration will require information on affirmative action periodically, for purposes of monitoring, evaluating and reporting to Parliament on the effectiveness of the policy. A report by the end of 2000 and at three-yearly intervals thereafter, which proposes improved national minimum targets for representation of the three target groups, as well as desirable amendments to the policy based on experience will be tabled.
- 4.11 The Parliamentary Portfolio Committee on Public Service and Administration may institute regular hearings to scrutinize the performance of national departments and provincial administrations in implementing their affirmative action programmes. In turn the Department of Public Service and Administration to account for the overall success of the policy. Failure to implement affirmative action reasonably will result in the Parliamentary Portfolio Committee on the Public Service and Administration calling the relevant department or administration to account and requesting that a redress strategy be put into place with specific deliverables and within specific time-lines. Failure to deliver satisfactorily will result in the sanctioning mechanisms of the Public Service, amongst other things, the Employment Equity Bill being fully applied. In the event of national departments or provincial administrations having a monetary fine imposed upon them, all state monies used to pay for these need to be recouped from those identified as having been responsible for failing to implement affirmative action.

Glossary of terms

Black is a generic term that refers to African, Coloured and Indian.

Broad representation refers to the achievement of a Public Service that is inclusive of all historically disadvantaged groups in a manner that represents the make up of the population within all occupational classes and at all post levels of the Public Service.

Business case refers to the organizational imperatives of national departments and provincial administrations.

Constitution refers to the Constitution of 1996.

Disadvantaged groups / historically disadvantaged groups refers to those groups identified as having been unfairly discriminated against on the basis of past legislation, policies prejudice and stereotypes.

Employment equity refers to the elimination of unfair discrimination as well as the implementation of specific measures to accelerate the advancement of target groups towards the achievement of equality.

Equal employment opportunity refers to the formal right of all to be treated equally in employment irrespective of race, gender and disability.

Equality refers to the full enjoyment of rights and freedoms by all in similar / proportionate manners.

Managers refers to all people who are responsible for the work of others.

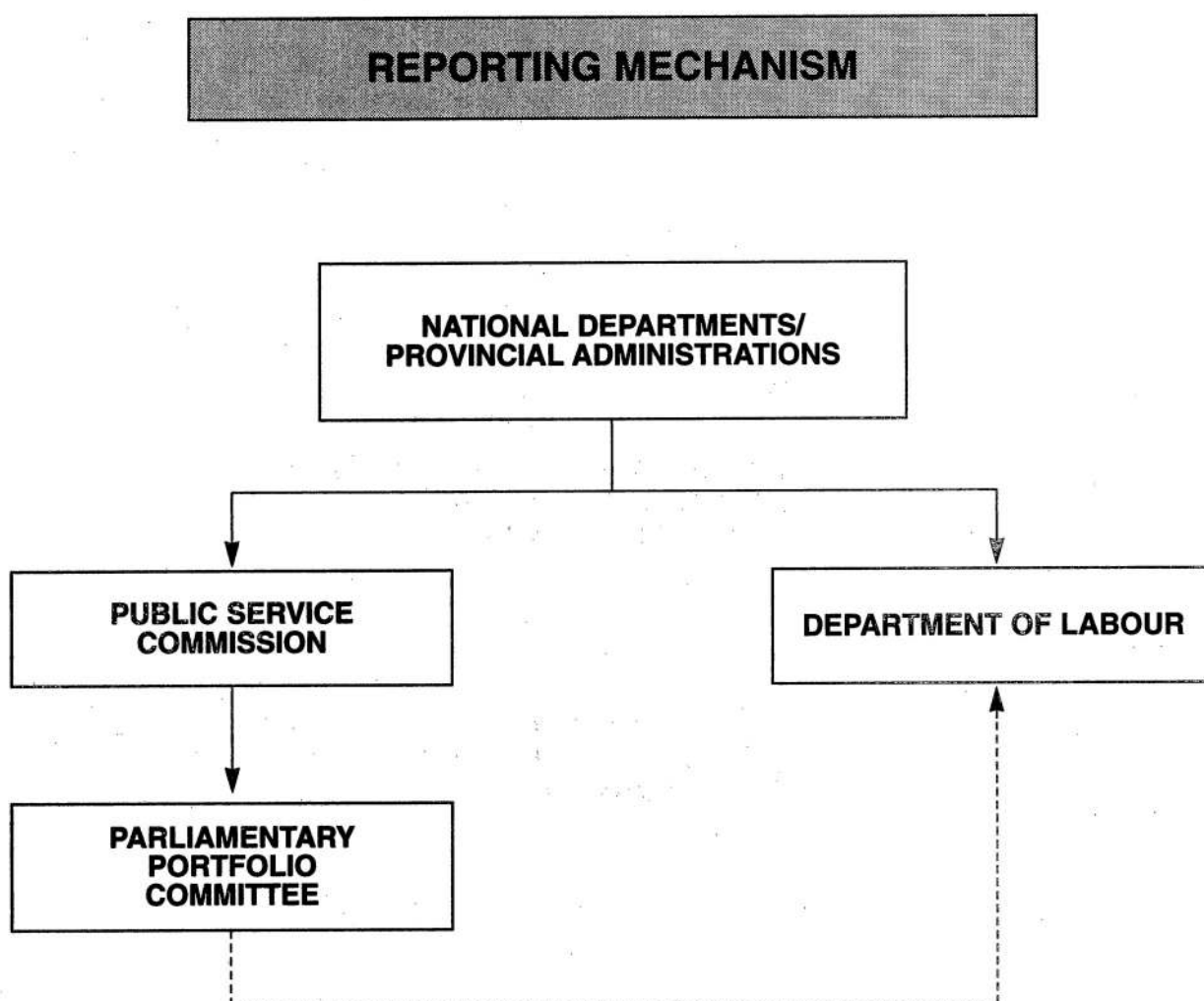
Mandatory provision refers to the minimum legal requirements for implementing affirmative action programmes in the Public Service as contained in the Public Service Regulations and Employment Equity Bill.

National departments refers to both Departments and Organizational Components as reflected in Schedule 2 of the Public Service Act of 1994.

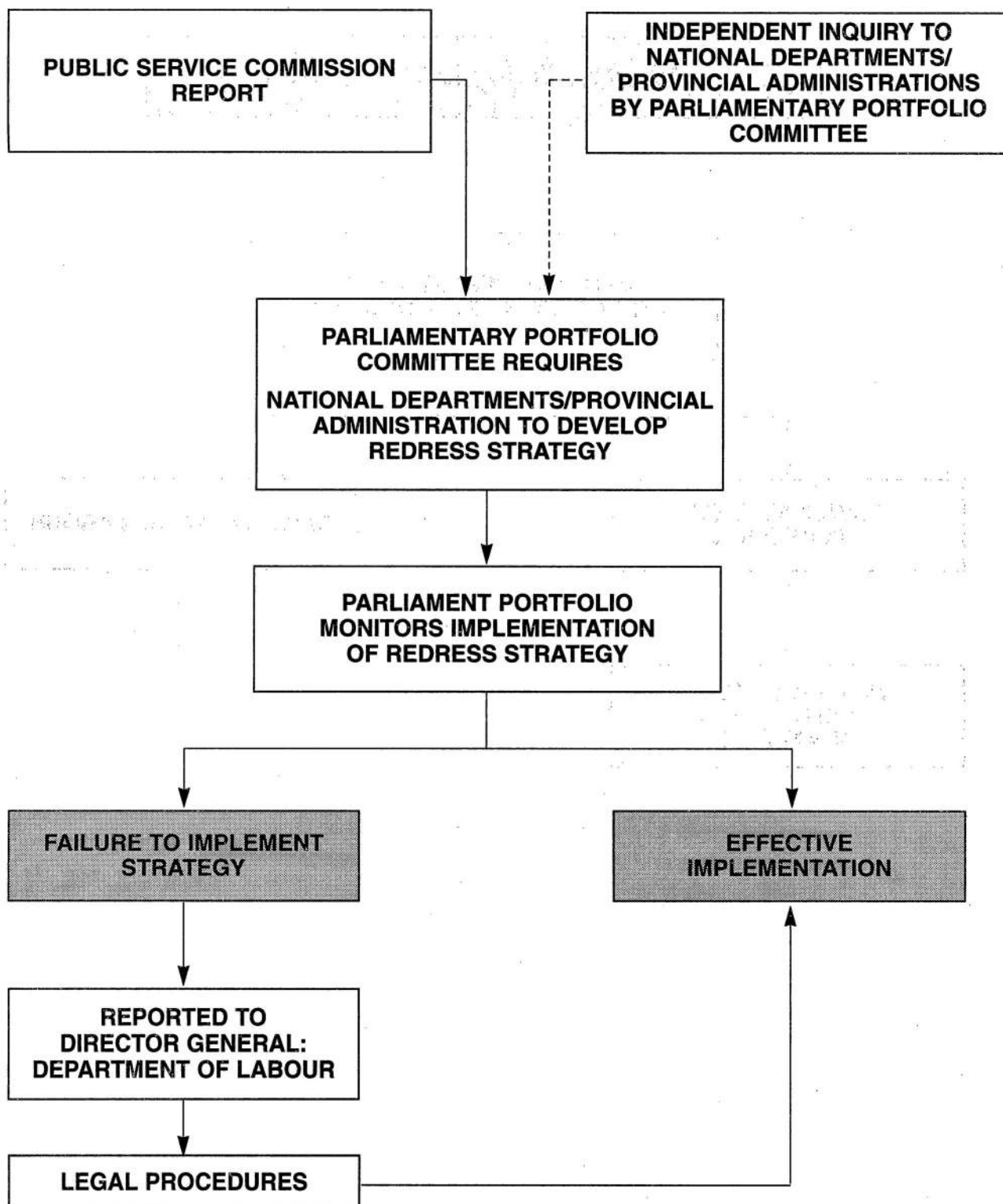
Target group / Designated group refers to Black people, women and people with disabilities.

Unfair discrimination refers to measures, attitudes and behaviours that obstruct the enjoyment of equal rights and opportunities in employment for Black people, women and people with disabilities.

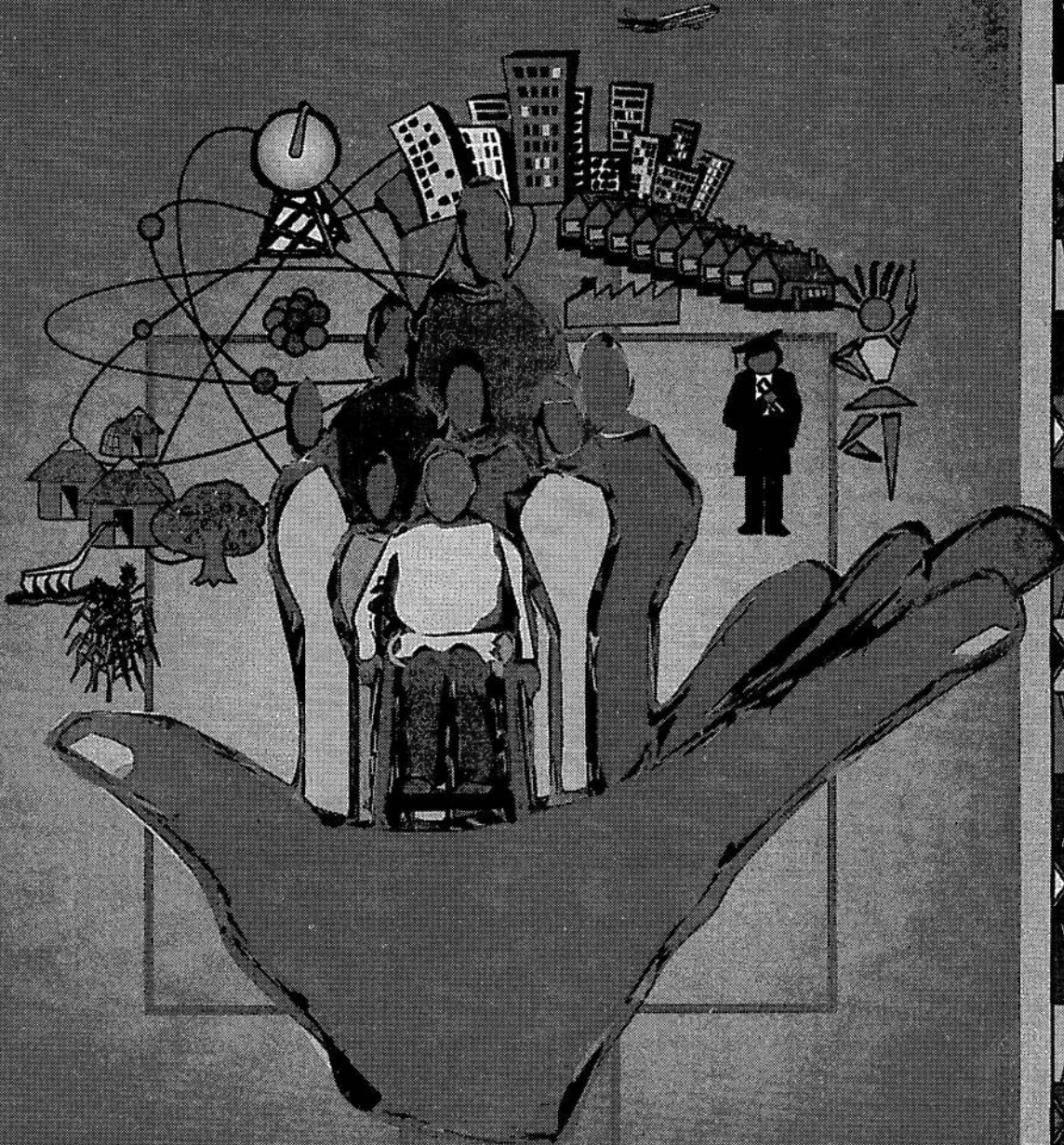
APPENDIX 1



APPENDIX 2

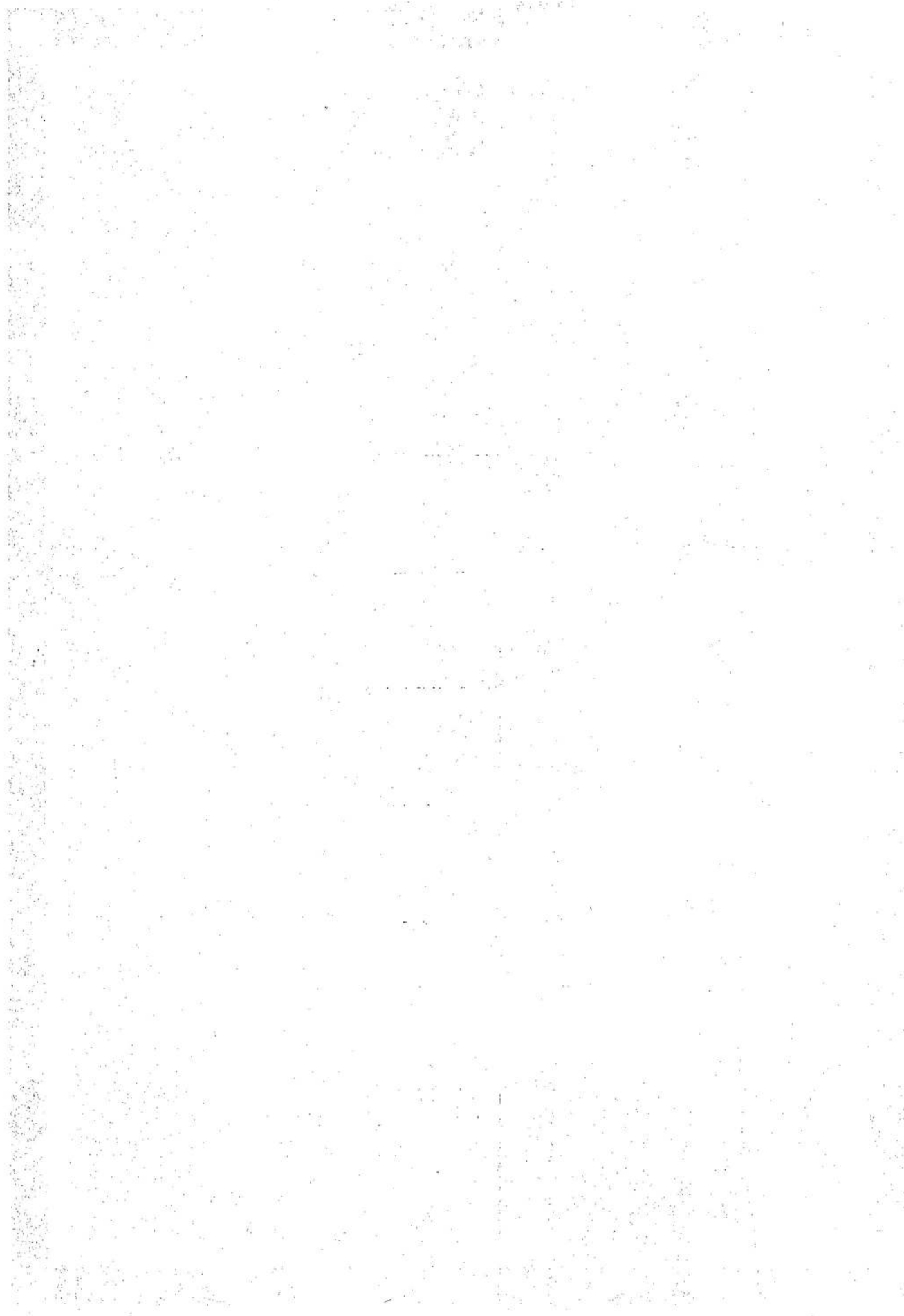
PROCESS FOR DEALING WITH NON COMPLIANCE

AFFIRMATIVE ACTION



- FOR BETTER SERVICE DELIVERY
- FOR EMPLOYMENT JUSTICE





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