

# “The advancement of people with disabilities in the private sector: a case of South Africa”

## AUTHORS

Edward M. Rankhumise

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## SECTION 1. Macroeconomic processes and regional economies management

Edward M. Rankhumise (South Africa)

### The advancement of people with disabilities in the private sector: a case of South Africa

#### Abstract

Immediately after the inauguration of the democratic Government in 1994, the government intervened and embarked by applying legislative and institutional measures, upon strategies to integrate and enable people with disabilities to fully participate in the mainstream labor market. This article examines the analysis regarding employment equity in the advancement of people with disabilities in the private sector in South Africa. A secondary analysis and qualitative methodology were used in this specific study. A Commission for Employment Equity Report was analyzed and semi-structured interviews were conducted among four officials in Commission for Employment Equity component of the Department of Labor. The objective of the study is to understand the progress made by private sector in giving people with disabilities an opportunity to advance in their respective careers and to determine whether they are given training. The analysis revealed that strides are made to advance and train people with disabilities. The trend in these levels shows that there are still problems in advancing blacks compared to the whites who are physically challenged and the monitoring mechanism used to manage the intervention. It further highlights that blacks dominated semi and unskilled job levels. This, however, is accounted for historical educational disadvantages created by the apartheid government. In general, employment of people with disabilities is progressing well.

**Keywords:** people with disabilities, discrimination, apartheid.

**JEL Classification:** J7.

#### Introduction

Inequalities and discriminatory practices in the work place have been an order of the day in the Apartheid South Africa. Immediately after the 1994 elections, the democratic Government was faced with challenges of addressing the imbalances, *inter alia* with racial discrimination, job reservations, impediment of blacks to perform professional work in the urban areas and the exclusion of people with disabilities from mainstream employment. Historically, throughout various societies people with disabilities were discriminated against. This marginalization and ignorance have resulted in lack of access to education and employment which resulted in widespread poverty. In this case, will democratic government stamp its authority on the advancement of people who were previously disadvantaged, particularly people with disabilities? The key issues facing South African government are the employability of people with disabilities which requires conscious effort and commitment of all role-players to ensure non-discrimination, representivity as well as good governance in human resources practices. This, however, requires intensive management of the advancement of people with disabilities by Employment Commission component of the Department of Labor to ensure that they are advanced in the employment and also to make sure that there is enabling legislation. The following issues

are seen to be imperative to manage the advancement of people with disabilities: enabling legislations, supporting roles, training, and awareness promotion of the advancement of people with disabilities.

Munetsi (1999) asserts that the introduction of discriminatory legislation, such as the industrial Conciliation Act (Act 11 of 1924), through apartheid meant that racial privileges were afforded to certain people, particularly white Afrikaners, providing the foundation for the policy of job reservation on the basis of skin color, and this, however, constituted racial discrimination in South Africa, hence apartheid. According to Kahlenberg (1996), and Du Plessis (1995), the legacy of discrimination has caused a concentration of blacks in lower-level positions in the workplace for the following reason: "*Black people were regarded as servants and considered lacking direction for life or as people to whom orders should be given, not from whom orders should be taken.*" In terms of section 10 of the *Constitution of the Republic of South Africa* (1996) (hereafter referred to as the Constitution), the South African government, with its role of representing all people in South Africa, was mandated to review all legislations that discriminated against people and to ensure compliance to the legislations. The foundation for non-discriminatory employment and employment practice for people with disabilities is embedded in the Constitution and in the Employment Equity Act, 55 of 1998.

In the quest to address all these imbalances, in particular the advancement of people with

disabilities, Employment Equity Act (hereafter referred to as EEA), 55 of 1998 was introduced. The Act requires that designated employers to target people with disabilities in order to make the country's workforces more representative of the South African demographics. In terms of Section 1 of the Act, people with disabilities are defined as "people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment". The EEA introduces legislative measures to address, promote and manage disability equity. This provision, however, focuses on the compliance with the EEA's provisions on non-discrimination and affirmative action; workforce profiling policies procedures and training. This, however, suggests that once affirmation is done, the beneficiaries of the programs should be exposed to training intervention to enable them to function effectively in their positions. For effective implementation of EEA to take place, The Technical Assistance Guidelines on the Employment of People with Disabilities (TAG) was introduced to assist in the employment and advancing of people with disabilities. The primary purpose of the guidelines is to assist employers, employees, trade unions and people with disabilities to understand the EEA and its code of practice on the employment of people with disabilities. The aims of TAG are to assist the people with disabilities to understand:

- ◆ their right not to be discriminated against in all aspects of employment;
- ◆ the affirmative action measures to which they may entitled to through the provision of the Act;
- ◆ their right to the provision of reasonable accommodation if required; and
- ◆ opportunities that exist to prepare for entering and advancing in the workplace.

In order for all these initiatives to be implemented and monitored properly, a Commission for Employment Equity was established in terms of section 28 of the Employment Equity Act with the view of advising the Minister of Department of Labor (DOL) about the implementation of Employment Equity Act as well as employers who submitted their equity reports, in particular employers with more than 150 employees (DOL, 2006).

In complying with labor legislation, some employers are making appointment just to meet numeric targets. In many occasions they appoint people but such people have no decision making powers. This matter has been highlighted by Innes et al. (1993), Mathur-Helm (2006) and Martins and Von der Ohe (2003). They state that organizations appoint people with disabilities to higher positions,

but their positions are devalued to avoid damage that could be caused by the perceived incompetence of the appointees. This type of situation has to be managed and monitored drastically to ensure that the advancement of people is done properly, not merely window dressing. They may also expect the candidates to function effectively without assistance forgetting that they were not entitled to same educational and career development opportunities as their white counterparts (Naidoo and Kongolo, 2004). This affects both the self-confidence and performance of the candidates appointed under such circumstances. The implication of this practice is that the candidates could be seen as window dressing in the organizations in the sense that their colleagues could regard them as incompetent and they are appointed because they are physically challenged. At one stage or the other, the appointment of people with disabilities raises some fears or myths that they are not fit for purpose. To alleviate these negative attitudes about their abilities there is a need for vigorous education and training and it is imperative to manage these initiatives to ensure that they have a success.

This article aims to articulate on the facts whether the private companies have made progress in the advancement of people with disabilities and whether the intervention as it is properly managed. The research focused mainly on the analysis of the employment equity report of 2008 from Department of Labor. The rest of the paper covers the research design, analysis, interpretation and discussion of findings and conclusions as well as implications.

**The objectives of the paper.** Based on the background to this specific article, the following objectives are formulated:

- ◆ to determine the extent to which people with disabilities are advanced in the employment in the private sector; and
- ◆ to determine how effective Department of Labor is in managing the advancement of people with disabilities.

## 1. Research design and procedure

The research followed in this article is secondary analysis involving document analysis and literature review. According to McMillan and Schumacher (2006, p. 406), secondary research involves the analysis of data that has already been collected. There are some reasons for utilizing this type of research, namely: time saving, cost effectiveness, data quality and increased sample size. According to Gillham (2000) and Henning, Rensburg and Smit (2007), this methodology is used when the researcher intends to study documents, records,

reports and policies pertaining to the subject under investigation. In this case, the Commission for Employment Equity report (2008) was analyzed and interpreted. The focus was only on the private sector reporting. In order to strengthen the findings of the analysis, exploratory, descriptive and contextual qualitative design was used (Mouton and Marais, 1996) to explore and understand how the advancement of people with disabilities is managed by Department of Labor. Babbie and Mouton (2009, p. 270) describe a contextual study as one in which the phenomenon under investigation is studied in accordance with its

intrinsic and immediate contextual significance. Semi-structured interviews were conducted among four managers in the Commission for Employment Equity to understand how they manage the advancement of people with disabilities, particularly in the private companies. The interview results were converged into the analysis results to create synergy of the findings.

## 2. Discussion of the findings

As a result of the analysis, the findings can be summarized in the following table and discussed thereafter.

Table 1. Occupational level by gender and racial groups

Occupational level	Male				Female				Foreign nationals		Total
	African	Colored	Indian	White	African	Colored	Indian	White	Male	Female	
Top management	7	6	7	123	4	3	0	27	2	0	129
	3.9%	3.4%	3.9%	68.7%	2.2%	1.7%	0%	15.1%	1.1%	0%	100%
Senior management	28	5	15	145	7	2	6	57	6	2	273
	10.3%	1.8%	5.5%	53.1%	2.6%	0.7%	2.2%	20.9%	2.2%	0.7%	100%
Professionally qualified and experienced specialists and mid-management	55	40	24	376	25	11	15	131	10	2	689
	8.0%	5.8%	3.5%	54.6%	3.6%	1.6%	2.2%	19.0%	1.5%	0.3%	100%
Skilled technical and academically qualified workers, Junior management, foreman and superintendents	621	165	98	995	137	120	33	468	77	3	2 717
	22.9%	6.1%	3.6%	36.6%	5%	4.4%	1.2%	17.2%	2.8%	0.1%	100%
Semi-skilled and discretionary decision making	1 502	209	74	463	331	195	62	416	203	0	3 455
	43.5%	6.1%	2.1%	13.4%	9.9%	5.6%	1.8%	12%	5.9%	0%	100%
Unskilled and defined decision making	2 552	173	20	92	176	122	8	38	1 362	2	4 645
	54.9%	3.7%	0.4%	2.0%	5.9%	2.6%	0.2%	0.8%	29.3%	0%	100%
<b>Total permanent</b>	4 765	598	238	2.194	780	453	124	1.137	1.660	9	11 958
	39.9%	5%	2%	18.4%	6.5%	3.8%	1%	9.5%	13.9%	0.1%	100%

From the table above, it is evident that the advancement of blacks with disabilities (Africans, Coloreds and Indians) into top management accounts for 15.1% [65.3%] (the bracket percentage hereafter denotes 2007 comparison) and this, however, includes both genders. Black males with disabilities account for 11.2% of all top management level positions and black females represent only 2.2%. Top management is predominantly white with 83.8% of all employees with disabilities. The white males are dominant with 68.7% and white females 15.1% in the top management in comparison with other racial groups. *“...From the look of things, private sector will never change the way they used to operate...” “...They are actually not prepared to put black people in top position and I suspect that they prefer whites because they believe that blacks will hamper the performance of their businesses...”* This raises a serious concern when considering the implementation of EEA. In general, it could be argued that top management levels are predominantly occupied by males from both black and white employees.

In the senior management level, blacks account for 23.1% [35.3%] of all people with disabilities and whites represent 74% (white males 53.1% and white females 20.9%). White males are still taking a lead in senior management. The analysis clearly indicates that whites are still dominating the upper echelon in the private sector despite being physically challenged or not.

In terms of professional and middle level management to advance blacks into middle management levels, blacks accounted for 24.7% [70.5%] whilst whites represented 73.6% [29.4%] of all employees with disabilities. The results as such do not give positive outlook when considering the implementation of employment equity act since its promulgation in 1998 and this raises some questions as to what measures the Commission for Employment Equity is taking about this situation. This shows that companies encounter serious problems in implementing the Act. *“We do manage the implementation of affirmative action, particularly the advancement of people with disabilities, but the problems that we are facing are that companies will tell you that they*

*will not just put a person in a position just to satisfy government requirement they work on profitability and sustainability...*” *“In many instances our management focuses mainly on the targets...”* As a result of little progress made to advance blacks with disabilities, many questions can be posed. Among them are: At what level does the Government have authority to implement EEA in the private sector? Is the Government not having unified mechanism to address non compliance?

It is evident from the analysis that the majority (67.7%) [97.7%] of unskilled employees with disabilities are blacks, and whites accounted for a mere 2.8% [2.3%] of the total unskilled workers. Based on the history of South Africa, as contained in the Black Builders Workers Act (Act 27 of 1951), blacks were prohibited from performing skilled jobs such as plastering, painting, sign writing and plumbing and these jobs were reserved for whites as well as previous exclusions of people with disabilities in terms of access to education and employment. *“...I think the situation is not good at all, but let me indicate that the fact that many blacks were not afforded opportunity to be educated and again the long standing stereotype that blacks are not capable of performing and they are lazy...”* This situation is not pleasing because the result is also applicable even to able people. It is, therefore, not a surprise to see such a huge number of employees from blacks being unskilled because of the previous disparities. This results from the fact that designated people were not allowed to do professional work in the urban areas and not given the opportunity to be educated (Greef and Nel, 2003; De Beer, 1998). These are some of the consequences of apartheid system that was practiced. It is pleasing that all people with disabilities received training interventions to fast track their effective functioning. This, however, is in line with the Skills Development Act.

### **Conclusions and implications**

Different legislative and Department of labor measures create a rich and valuable environment for preventing unfair discrimination against people with disabilities as well as promoting and sustaining disability equity in the workplace. From policy perspective it is imperative to advance them because they were excluded from the employment practices previously and this has to be managed properly. It is pleasing to find that people with disabilities are advanced in different occupational levels. The only challenge that is applicable at all levels is that whites are still dominating the occupational levels.

Blacks are still under-represented in the top management. It is noted that the majority of top and senior positions are occupied by whites and this raises a question as to when would other racial groups be going to close that gap. White males dominate all levels. The findings further revealed that male employees from all racial groups are dominant and this, however, shows a little progress in the advancement of women. It can further be concluded that in the professional and middle management level white employees are dominating this level of management. Furthermore, this imbalance could be attributed to the fact that blacks were not given opportunities to be trained and educated. It can be concluded that majority of semi and unskilled employees are blacks. This is the result of historical educational injustices experienced in the past, where there were two systems of education, namely superior education which was only for the whites and inferior education which was specifically for blacks. In order for designated groups to close skills gap, radical affirmative action should be imposed to the private sector to address this problem. It is also pleasing that the private sector is advancing people with disabilities from other countries.

The implications of the findings are that, government seems to be strict in the management of public sector compared to the private one which, however, creates a skew implementation of Employment equity Act of 1998. The results suggest that the government seems to have little or no control over private sector.

In conclusion, the discussion in this article provides valuable information as to what steps the government could take to address the identified shortfall in the advancement of people with disabilities and to get an understanding why there is still some lag in other levels of employment. Valuable guidelines and management measures could be developed based on the findings to ensure that private companies comply with the requirements of Commission for Employment Equity.

Although the advancement of people with disabilities is taking place, the concern is what monitoring mechanism is there that Commission for Employment Equity is using to manage this intervention. There seems to be lack of management efforts on the part of Commission for Employment Equity as evident in the interviews conducted to ensure that the advancement of people with disabilities is done according to the requirements set out.

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