

Can employment equity achieve a representative workforce?

In the light of contestation around affirmative action and whether it has succeeded in leveling the playing fields in the workplace, **Geoffrey Modisha** raises some interesting questions.

The Minister of Finance, Trevor Manuel, was recently quoted as saying that BEE (Black Economic Empowerment) should be reviewed. This has fuelled a similar call from organisations such as the Democratic Alliance, Solidarity, Inkatha Freedom Party and Freedom Front Plus. Their arguments, however, do not spell out what elements of BEE/Affirmative Action (AA) need to be reviewed.

These groups argue that policies marginalise whites and the poor of previously disadvantaged groups. AA policies benefit a group of already established black elite and middle class which undermines the goal of creating a united society.

The Employment Equity Act (EEA) assumes that labour market transformation comes as a result of the inherent ability for markets to deal with racial inequities. Hence, their argument continues, there is a need for a sun-set clause or class-based affirmative action. I would rather argue that there is a need to review the idea of representivity embedded in the EEA.

A closer look at class-based AA arguments suggests that there is a

tendency to associate AA in South Africa with 'Africanisation' policies in post-colonial countries such as Zambia or Algeria. The economies of such countries have not been sustainable as AA was implemented at the expense of economic efficiency. Africans with less skills and experience were employed even if expatriates with relevant skills could occupy vacancies.

It is important, however, to note that the EEA's emphasis on the acquisition of skills for AA candidates makes it different from other African countries' policies. The skills development strategy serves to redress skills imbalances of the past, and simultaneously to utilise skills possessed by whites for the undisturbed running of the economy. The ultimate goal is to include the white minority in the creation of a united society. The government's JIPSA (Joint Initiative for Priority Skills Acquisition) is the latest development in an attempt to create this by encouraging expatriates with skills to return to the country.

The class-based argument is more appropriate to countries like the United States, New Zealand and Malaysia, because the

designated groups constitute the minority to be assimilated into the mainstream economy. A need to facilitate representative participation of previously disadvantaged groups, who constitute the majority of the population, makes South Africa different.

The proponents of AA argue that the policy attempts to address historical injustices and will also minimise discrimination in the labour market so as to create diversity in the workforce. This enables South African companies to adapt to globalised and diverse markets.

The ideology of representivity, however, seems to be at the core of implementing AA. In his book, *Affirmative Action Around the World*, Thomas Sowell believes that the representiveness of all racial/ethnic groups in the workforce is an unachievable goal. He argues that different ethnic groups have specific occupational preferences. For example, in South Africa, whites dominate the economy, while blacks dominate politics; Afrikaners dominate agricultural occupations and amaXhosa government employment and so forth.



This may be because of the historical context, but the remaining question is to what extent is AA able to reverse this history?

The pursuance of representativeness in South Africa is also challenged by ILO Convention 111, which stipulates that AA policies have a limited life-span in order not to create unnecessary inequalities and punish those who are not the direct perpetrators of racial inequalities. According to this Convention, "A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which

the Convention first comes into force..." In addition, it will start to become increasingly difficult to assess whether job applicants are black or white in South Africa because of growth in inter-racial marriages.

This means that the government has until 2008 to 'denounce' AA policies. Nonetheless, we hear little from the Employment Equity Commission (EEC) on how the policy's legitimacy can be maintained. Instead, it argues that there is a need to intensify monitoring and enforcement to achieve representivity in the workforce.

The argument that AA policies, EEA in particular, discriminate against the white minority is not strong enough in South Africa. Developments suggest that the implementation of AA policies are a concerted effort to create a united society. Nonetheless, there might be a need to review some elements of the policy, with a view to the ILO provisions, if legitimacy of the BEE project is to be maintained. ^{LB}

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