Affirmative Action in South Africa
Are We Creating New Casualties?

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Affirmative action policies in South Africa and other countries have been designed to address inequity and discrimination, and to manage a wide range of diversity in all spheres of life, particularly after the end of apartheid in 1994. Years after implementing affirmative action in South Africa, perceptions of its impact or even benefit seem to vary from person to person. This article presents the findings from a study utilizing different data sources including document review, interviews, and a consensus workshop on the perceptions of the impact of affirmative action in South Africa. It is part of a larger European Commission-funded comparative study of positive action measures across countries in North America, the European Union, and South Africa. Participants were drawn from different public and private organizational sectors, racial groups, genders, age groups, and people with disabilities. The analyzed data provided insight into how society might be perceiving and reacting to the operation of affirmative action in South Africa.

Background

South Africa went through a formalized apartheid system of government from 1948 until it was replaced by a democratically elected government in 1994. Before 1994, a series of about 25 statutes (Boddy-Evans, 2008) enacted between 1948 and 1974 institutionalized racial discrimination, classifying the people of South Africa racially into either White, Colored, Asian or Indian, and Black (African), in that order of importance and allocation of benefits within the apartheid system. The legislation specified where and how the different "races" could live, travel, work, be educated, get married, and mingle. The legacy of apartheid was deep-rooted differential treatment of the "non-White" population of South

Africa, resulting in imbalances and inequality in terms of type of housing, employment opportunity, education, medical care, and other public services. During the apartheid era, Black people were not allowed to run businesses or professional practices in areas reserved for White South Africans. Certain jobs were designated "White only," and Black education was specifically designed to prepare Blacks for the laboring class. Ownership of land was such that the Whites, about 10% of the total

population, owned more than 80% of the land (Shepherd, 1994), and Black women experienced both racial and gender discrimination. Black women further had few or no legal rights, very limited access to education, and generally had no right to own property.

Affirmative action was consequently established to redress the gender as well as racial imbalances perceived to be the consequence of apartheid in the country. The goal of affirmative action in South Africa was to make sure that those formerly disadvantaged, also referred to as designated groups in Section 1 of the Employment Equity Act No. 55 of 1998 (South African Government, 1998), enjoyed the same benefits and opportunities guaranteed in the postapartheid Constitution. The beneficiaries of affirmative action include "Black People"—a general term which refers to Africans, Indians, Colored (persons of mixed-race descent), and, most recently, ethnic Chinese; all women (White and Black; following the High Court ruling in June 2008 (High Court of South Africa, 2008)); people with disabilities; and urban dwellers.

Out of the population of 44 million South Africans from the 2001 census, 77% are indigenous African of whom 52% are women, 11% are White, 9% are Colored with 3% Indian and Asian. The Employment Equity Act (EEA) 55 (1998) and the Broad Based Black Economic Empowerment (BB-BEE) Act (2003) and the series of amendments thereafter provide the main legal frameworks for the implementation of affirmative action in South Africa.

Pre- and Post-Affirmative Action: A Comparison
Before the enactment and execution of affirmative action, unemployment rates among men and women were widely differential and disproportionate to the "races." The South African Institute of Race Relations (SAIRR, 1993) statistics revealed that the majority of domestic workers were Black women, and a majority of those unemployed in all the race categories were women (see Table 1). Indian, Colored, and Black women were employed in lower-paid and menial jobs. In specific occupations, Colored women were not represented in the public sector. However, White women were in better-paid jobs and enjoyed higher status with benefits.

The South African Institute of Race Relations (1995) statistics revealed that 3.1% of judges were women and 9.6% of magistrates were women. While 14% of White women had higher educational qualifications, only 4% of Indian women, 2% of Colored women, and 1% of African women had

Table 1

Unemployment Statistics in South Africa Before Affirmative Action

Unemployment Rates, 1993: Men	Unemployment Rates, 1993: Women
African men: 31.6%	African women: 43.9%
Colored men: 21%	Colored women: 26.4%
Indian men: 12.5%	Indian women: 23%
White men: 5.3%	White women: 12.9%

Source: South African Institute of Race Relations, 2008.

higher certificates. South African Institute of Race Relations statistics (1996) disclosed that in the public service 85% of senior managers were White men, 10% were African men, 2% were White women, and 0.6% were African and Indian women, while there was no representation of Colored women. In a survey conducted with 657 South African companies in 1995, 89% of senior managers were White men, 6% were Black men, and 5% were Asian and Indian men. Only 1.9% of directors were female directors and only 3.14% of executives were female. Looking at these statistics, it was presumed that affirmative action would transform society following the apartheid governments and bring about equality and social justice for all in South Africa.

Specific laws are involved in addressing representational diversity in terms of Black people, women, and persons with disabilities in South Africa (Ncholo, 1992). The Constitutional Act of 1993 (South African Government, 2005) presents the foundation for gender equality, nonracialism, and non-sexism. The Bill of Rights enshrined in Chapter 2 of the Constitution guarantees freedom from discrimination on the grounds of age, belief, birth, color, conscience, culture, disability, ethnic or social origin, gender, language, pregnancy, marital status, race, religion, sex, and sexual orientation.

EEA No. 55 of 1998 was passed by Parliament on August 21, 1998, to address disparities in access to jobs, skills, and education (South African Government, 1998). The Code of Good Practices on key aspects of HIV/AIDS was added to the EEA on December 1, 2000, because of the public health challenge related to HIV/AIDS in regard to human rights and employment as well as employee mortality rates (South Africa Department of Labour, 2000). The EEA was amended in May 2006 and published as the Employment Equity Regulation of August 18, 2006, in order to improve the reporting of companies and small businesses regarding the implementation of affirmative action as required by law (Department of Labour, Republic of South Africa, 2006). Companies and small businesses are required to report annually and bian- nually; with the new regulation, regular reporting now

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takes place quarterly. The regulation further clarified additional criteria for the eligibility of individuals in designated groups:

• Citizenship of the Republic of South Africa by birth or descent, or
• Citizenship of the Republic of South Africa by naturalization before the commencement date of the Constitution of the Republic of South Africa Act of 1993, or
• Citizenship of the Republic of South Africa after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but entitled to citizenship by naturalization prior to the commencement date of the Constitution in 1993.

Other legislation enacted to support the implementation of affirmative action policies include the controversial BB-BEE Act of 2003. The BB-BEE was initiated by government to redress the country's historic inequalities by helping those previously disadvantaged to commence their own trade or become part of existing businesses. Economic empowerment in businesses has been promoted across the country through transformation charters and codes of good practice. However, the application of BB-BEE has been criticized as benefiting the Black elite, while the majority of the Black population is yet to tap into and realize the opportunities available within BB-BEE.

The policy of affirmative action is applauded for recognizing disadvantaged groups, but its implementation has been criticized for giving preferential treatment to "non-White" at the expense of White people (Roberts, Weir-Smith, & Reddy, 2010). The African population has benefited the most from affirmative action in contrast to other racial groups categorized as Black. Critics see affirmative action as reverse discrimination and racism, without a specified time frame for the discontinuance of the policy (Modisha, 2007). This study, as part of a bigger comparative study of affirmative action in Europe, the United States, and South Africa, presents the findings on affirmative action in South Africa (Archibong et al., 2009). The focus of this article is on the views of study participants at the consensus workshops and interviews concerning their understanding of affirmative action, their ideas on the impetus for affirmative action, their view of the effectiveness of affirmative action, their thoughts on the impact of affirmative action, and their recommendations to make affirmative action work.

Methods

This study adopted a consensus workshop method to bring together the knowledge, understanding, and experiences of all stakeholders to provide the best possible outcomes and decisions concerning the context of affirmative action activities in South Africa (Spencer, 1989; Stanfield, 2002). The consensus workshop in South Africa was held following a series of flyers and invitations sent to identified people from various sectors, including public and private organizations and government and nongovernmental bodies. Specifically targeted were managers as well as those involved in human resource management and policy makers in health, education,

social welfare, labor, business and finance industry sectors in South Africa. The workshop was held in Johannesburg, as it was considered central for travel purposes from different parts of the country. Sixteen people took part in the consensus workshop.

Themes extracted from workshops were further validated by follow-on individual face-to- face or telephone interviews with workshop participants willing to discuss their views in more detail and those who did not attend the workshop but wished to contribute to the study. The interviews covered mostly context-specific questions. A total of 10 in-depth interviews were conducted. Most interviews were audiotaped and lasted approximately 30 to 60 minutes. The interviews were semi- structured in nature using an interview guide to aid guided conversations (Fielding & Thomas, 2008). The interview guide was developed, piloted, and modified in response to the feedback received and ongoing research team discussion.

Participants
The participants were drawn from central and provincial government establishments as well as private and nongovernmental organizations. There was also representation from health, higher education, farming industry, business, voluntary and community sector organizations, and faith-based organizations with a holistic racial representation of South Africa. Participants included men and women, persons with and without disabilities, and people of different sexual orientations.

Data Collection Procedure Before commencement of the fieldwork, the research team obtained ethics approval to ensure that the study complied with the Data Protection Act (1998) and satisfied the Institutional Code of Research Ethics. All participants were asked to sign a voluntary consent to participate and to be interviewed if necessary with clear options to opt out if need be. Participants were assured of anonymity in reporting and that no name of the person or organizational affiliation would be linked directly to any report emanating from the discussions.

Participants were divided into two groups, with three facilitators per group. One facilitator led the discussion, while the other two did the verbatim recording of the discussions and extracting of key points or concepts for further discussion and agree-ment with the participants respectively. The facilitators in each group enabled and directed the process and jointly intensified dialogue whenever necessary. These activities were rehearsed in a briefing session for all the assigned facilitators. The workshop followed five steps: setting the scene, generating new ideas, putting the ideas into clusters, labeling the clusters, and symbolizing the resolve. Four focus questions were used to inform the workshop discussions.

The two groups came together after approximately 90 minutes of consensus discussions for a plenary session to share what transpired in the groups and to further reach consensus on the ideas generated in the different groups. Key statements that

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emerged from both groups were put up for members to read and to confirm agreement through use of tokens to indicate the extent to which they agreed with the key statements.

Ten workshop participants agreed to be interviewed for further information on affirmative action measures in their various organizations. These volunteers provided telephone numbers and suitable time for follow-up contacts after the workshop. The reports from these interviews form part of the findings reported in the Findings section.

Data Analysis

Data gathered from the consensus workshop were analyzed on the spot, with all the participants making input into the authenticity of the drawn conclusions from the extracted concepts. The data collected from the consensus workshop and interviews were analyzed systematically around the identified themes using a framework approach to qualitative data analysis (Silverman, 2001; Smith & Firth, 2011).

Findings

Understanding of the Term *Affirmative Action* Participants generally understood the term *affirmative action* to mean affirming and promoting equal opportunities for people to empower them so as to have full engagement in the society. Their understanding includes interpreting affirmative action as development of previously disadvantaged individuals through systematic inclusion in the society through various efforts directed at correcting the disadvantage. To the participants, it is fair discrimination, as opposed to unfair discrimination. However, through the various ways that the participants have experienced affirmative action, it might also mean window dressing, disempower- ment of certain categories of people in the population, exclusion, and a whole lot of backlash if applied inappropriately (see Table 2). The explanations of the keywords in the table were either verbalized or written on the cards provided to the participants.

Impetus for Affirmative Action To the participants, legal obligation and a quest to adhere to laws appears to be a major driver of affirmative action, although participants further agreed that organizational core values, including justice, fairness, inclusiveness, emancipation, progress, and wealth, do drive the process. Favoritism and discrimination, agitation from the grassroots, political motives, and need for wealth are other factors seen as the impetus for affirmative action. Other participants viewed corporate social responsibility as the basis for designing affirmative action, including empowerment, stability, and skill development of disadvantaged groups. They expressed the desire to develop and empower people as an obligation of a

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socially responsible institution; corporate core values, "everybody must feel as if they are empowered." It was felt that dynamics of affirmative action need to be considered to understand the drivers, as one participant explained:

There are positive and negative dynamics emotions that drive affirmative action. A negative driver is the greed and self interest of some people behind it, the desire to achieve at the expense of others: e.g., the desire to be wealthy. Wealth is a negative driving force. Self-interest to me is negative, with a lot of emotions, hate, feeling of revenge, anger, payback feelings. These are all negative, but they are the drivers. Affirmative action to some people is not guided by principle, but emotions rather than reasoning.

It was reiterated that government policies provide the best attempt to introduce affirmative action to each and every company in South Africa. In this case, affirmative action was seen to be driven by people in key leadership positions (e.g., politicians, legislators, and policy makers), who have the will or resolve for change and have the will to monitor to achieve positive results.

Effectiveness of Affirmative Action Responding to whether affirmative action has been effective or not in South Africa, participants' key statements indicated a belief that affirmative action is effective only in terms of meeting numerical targets as quality has not been emphasized in the implementation. While some participants believed that the government was trying and appeared to be addressing some of the dynamics of the past, this was seen not to be effective enough. They were, however, of the opinion that there had been some form of "paradigm shift from how things used to be in the past." Reasons advanced for why affirmative action had not been effective enough included "stereotyping, corruption, nepotism, favouritism and lack of monitoring, as well as sabotage by previous beneficiaries [of apartheid]." There was also a feeling that affirmative action has not been effective because previously "disadvantaged people were not well equipped to take up new challenges, as the process allows unqualified people to hold key positions based on gender and race." One other reason why affirmative action was said not to be working was that it led to "brain drain," while some minority groups were still disadvantaged. Participants detailed examples of these success stories:

People of color now hold key positions and women have been mainstreamed into the workforce.

Policies have changed to accommodate women who are competing for positions; it's been effective in stopping discrimination.

The company's employment policy has changed to accommodate women; positions previously occupied predominantly by male have changed and now women are

competing for those promotions. Now management positions are also being occupied by people of color.

A few participants felt that although affirmative action had been successful in some instances, it seemed more focused on short-term initiatives and about quantity and targets (i.e., correct numbers, gender, race, empowerment of individuals). One respondent said:

Yes, but only 30% effectiveness because of the manipulation of implementers and nepotism; only about 30% of our procurement in rand value is from genuinely previously disadvantaged individuals or business.

Some participants viewed affirmative action as ineffective because "people living with disability are heavily marginalised; there is stereotyping, corruption, nepotism, lack of monitoring, favouritism, and the top has not changed." These participants felt that they were not properly consulted before affirmative action was introduced. They described affirmative action as driving "away White colleagues who are afraid of competitions, so because of incompetence they decided to leave companies."

Others described affirmative action as neo- apartheid, comparing the consequences of affirmative action in this way:

Affirmative action leaves casualties behind; with bitterness; and disaffected people working against affirmative action. Apartheid brought some casualties, this led to affirmative action, and affirmative action is also leaving casualties behind. It is like going in circles.

Some people are discriminated against as a result of affirmative action without necessarily being aware of it, because they don't have access to the information.

It was felt that for affirmative action to be effective, there needs to be commitment at the top. More education is needed especially at the top management to avoid abuse of the system.

Table 2
Keywords or Terminologies Used by Participants to Describe Affirmative Action with Sample Statements

Keywords or Terminologies Used by Participants	Representative Statements
Affirming people	A person must understand the true value of himself. We have a … who has been working with us, … able, and responsible; we have helped him open his own business … I am not affirmed in the business, they say I am young. I feel that I will always be young and need to be affirmed. Ensuring that everyone who has been put down is raised.
Correction of disadvantage/corrective measure	Designed to right the disparities of the past with regard to race, disability, and gender inequalities.
Disempowerment of a category	Means disempowering men.
Empowerment of a category	Empowerment of women.
Equal opportunity, equality, equity	Affirmative action is not unfair discrimination; it is about equal opportunities; in my organization, I was the first person who was physically disabled but now we have a deaf … and even about age. It does not mean that if a person is above a particular age must be told to go. Equality in opportunities for all races and genders and a balance in educational opportunities, therefore job opportunities.
Exclusion	It also means excluding some people.
Fair discrimination	This is no unfair discrimination; it is about equal opportunities.
Justice	Issues of justice are also addressed.
Provision of opportunity	Allows previously disadvantaged group to take advantage of new opportunities; is designed to allow the previously disadvantaged people to be given better position at workplace based on their qualifications.
Reaction to a precondition of disadvantage	Consideration of previously disadvantaged individual.
Recognition of competence	During apartheid, our families had low bracket earnings, but they managed to walk to school. When you get to the workplace, you work hard and not recognized, but with the introduction of affirmative action, people are beginning to be recognized.
Redress inequities	Measures taken to redress present and past inequities/imbalances in a particular society; address disparities of the past.
Systematic inclusion	Recognizing previously disadvantaged individuals and systematically including them into the mainstream business activity.
Training and skill development	Affirmative action goes together with training and development … we have been trained in order to be affirmed but on the basis of your skills.
Uplifting designated group	Affirmative action in my organization means uplifting the disadvantaged groups to a better standard or position in an organization. Uplift the designated groups, upgrade disadvantaged groups.
Window dressing	Reaching employment target without a principle to establish that there is a precondition for disadvantage. Is there a minimum or a maximum disadvantage instead of trying to achieve targets in terms of number? There should not be a blanket disadvantage.

Impact of Affirmative Action

The impact of affirmative action was viewed in terms of people targeted and benefiting or not benefiting from affirmative action. There was consensus on the groups not targeted in the South Africa's affirmative action. These were identified as gay people, transgendered people, hardworking White men, religious groups, and age groups who are not benefiting from affirmative action. Groups targeted but not benefiting from affirmative action were identified as people living with disability, as they are still underrepresented in the South African working population. Participants

agreed that the groups that were targeted and are benefiting the most include women across the board, Black men, "the kingmakers," further described by the participants as the "dynasties"; people who share similar languages, and people who work in historically White institutions. Those with political affiliations or families of those in management were also seen in these lights:

That black women have been given opportunities to empower themselves.

Productivity [has] increased and reporting structures improved.

Whites don't benefit as much as other groups from affirmative action, therefore encounter the process, sabotage success; hard working White men, competent youth members. SMMEs [small, micro and medium sized enterprise] by Blacks and Whites, gay people.

Not benefitting are societies in the rural areas, disadvantaged, disabled groups, poor low socio-economic groups; those who are not linked with high placed managers or not befriended with them. Also some of those who do not support the ruling party, those who were working for the previous dispensation. Measures to Make Affirmative Action Work Participants came up with a number of recommendations that they felt would make affirmative action work. These included making the targeted population clearly aware of the advantages of affirmative action by the management team. This should be achieved through continued sensitiza- tion. Implementers were urged to deemphasize statistics and integrate quality of skills development rather than concentrating on quantity. Honest and truthful dialogue was viewed to be essential by all persons involved in the process and implementation of affirmative action. Intervention of affirmative action was deemed to be timely, and government should put in place measures that would address poverty and turn the brain drain agenda into circulation of knowledge and expertise where people's services are remunerated. Participants also recommended proactive identification and the management of backlash from affirmative action. It is expected that the government would consider sustainability and introduce this into affirmative action, because, according to the participants, sustainability must be part of the process. More specific recommendations are shown in Table 3.

Table 3

Recommended Measures by Participants to Make Affirmative Action Work

Categories of Recommendation	Recommended Measures
Communication and awareness of target	In any company, just keep awareness about where you are going to. Even in the big companies if people do not know where we are going, keep on reminding groups of where we are going. Clear awareness to target the advantages of affirmative action by operatives or management, achieved by continued sensitization.
Honest communication	I think honest, honest and completely truthful dialogues, where you say what you mean so that people should not think that this is what you say. Honest and truthful dialogue by all persons involved, on the processes and implementation of affirmative action.
Based on skills and competence	Affirmative action should include measurement of people skills and measure competencies. It should have to do with performance of individuals.
Sustainability	Sustainability needs to be introduced into affirmative action; sustainability must be part of the process.
Quality and not just quantity	Deemphasise statistics and integrate quality of able skills than concentrating on quantity.
Proactive management of unintended negative effect of affirmative action	Intervention of affirmative action is proactive and government should put in place measures to deal with instances of marginalization when they occur. Address poverty and turn the brain drain agenda into circulation of knowledge and expertise where one's services are remunerated.
Plan for sustainability of positive effect of affirmative action	Sustainability of affirmative action policy: positive action versus affirmative discrimination should be considered for the future of the policy in South Africa.

Discussion and Conclusions

Buoyed by the provisions of the new Constitution and a series of acts and regulations formulated after 1994, affirmative action in South Africa emerged immediately after the dismantling of apartheid government in 1994. Affirmative action was one of several measures to address the systematic inequities brought about by racial segregation and unfair discrimination and treatment of women and people of color during the apartheid regime. According to Dhami, Squires, and Mohood (2006), affirmative action programs commonly are designed to tackle a series of inequalities, mainly focusing on minority groups (such as castes in India) but also focusing on specific majority groups (such as racial groups in South Africa). The type of group targeted is determined by the nature of discrimination and segregation in each society.

Participants' understanding of affirmative action varies but is more directed toward provision of equal opportunities for those who may have been disadvantaged as a result of the apartheid system of government. Affirmative action was understood to be a way to correct and arrest the imbalances that existed before 1994. To the participants, it meant development of skills and recognition of competence in the designated groups of women, people with disabilities, Black Africans, colored, and people of Asian descent who are South African citizens. These views resonate with the advocates of affirmative action who contend that it is needed to counteract ongoing disadvantage and inequality for minorities (Darity & Mason, 1998; Ladd, 1998; Yinger, 1998) as well as discrimination based on past treatment that has persevered over time that has limited the opportunities of minorities to reach their full potential (Holzer & Neumark, 2000).

The impetus for affirmative action in South Africa was agreed to be largely due to legislation and the incentive that the beneficiaries will get from the measures. Besides these responses, a number of moral and ethical factors were identified as essential drivers. These included emancipation, fairness, justice, inclusiveness, and grassroots agitations as the drivers for affirmative action. In contrast to a sense of commitment on the part of the operatives of affirmative action, participants also believed that other positive and negative dynamics, including emotions, politics, greed, favoritism, and nepotism, drive the process. It is worthy to note the caution expressed by Thomas and Jain (2004) in their report, which insists on employment equity being viewed from both micro- and macroperspectives with the real challenge of moving beyond legal compliance to ensure that management commitment to the holistic development of both individual and organizational cultures is free of historical discrimination.

Effectiveness of affirmative action was seen to be relative, as its objectives cannot be said to have been achieved in South Africa. Contrary to other studies (e.g., Dainty, Neale, & Bagilhole, 1999), which view affirmative action initiatives as being

"successful" when they have led to increased minority group recruitment, participants see the emphasis on numbers and proportionate representation at all levels and in all works of life to be a drawback of the effectiveness of affirmative action. Participants were of the opinion that quality should be a vital component, requiring that skills development and mentoring must be put in place to make affirmative action effective. Specifically, it was said that affirmative action had not been effective in providing opportunities for those living with disabilities and not enough women have been empowered and broken through the ranks that were generally reserved for men.

This confirms the findings of Mathur-Helm's (2005) study, which showed that despite affirmative action, South African women continued to face barriers in career advancement due to patriarchal dominance in organizations, which prevented women from rising to senior and executive management levels.

Although affirmative action may have affected the lives of South Africans, participants believed that the impact has not filtered down to the grassroots. Rather, the implementation of affirmative action was deemed to be full of negative stereo-types, stigmatization, lack of proper oversight, and malpractice. Politicians, people who are connected, the dynasties (a system of leadership based on family lineage), and relatives of powerful people are still deemed to be the main beneficiaries of affirmative action. The perception that beneficiaries of affirmative action in South Africa may be unqualified reflects the controversy that surrounds the predictive value of credentials in comparison with actual performance discussed by the interviewees in Dhami et al.'s (2006) study. Holzer and Neumark (2000) suggest that whereas it is much easier to point to shortfalls in credentials, it is harder to measure actual performance.

There was the feeling among some participants that affirmative action might be turning to a form of reverse discrimination and racism, as it gave preferential treatment to minorities at the expense of White people. This is similar to responses from interviews with scholars and practitioners of affirmative action in the United States and Canada (Dhami et al., 2006) confirming that perceptions of reverse discrimination, resistance, and backlash remain key problems with the imple-mentation of affirmative action. However, Pincus (2003) reports little support for this position and views reverse discrimination as a social construct utilized by critics to attack affirmative action.

Pincus argues that this discourse is a form of modern-day prejudice perpetuated against Black people.

A reminder of the challenges linked to affirmative action was captured by participants who compared the consequences of affirmative action with that of the apartheid system. The study highlights the paradoxical nature of casualties left behind as a consequence of both systems, in which the very communities that faced disadvantage during apartheid are worse off during the implementation of affirmative action. This

development of a political backlash toward affirmative action can produce inherent support and justification for oppressive and discriminatory practices in the workplace and society at large (Bakan & Kobayashi, 2002) and a cycle of oppression for those already disadvantaged.

Some of the participants might have also believed that affirmative action was benefiting only the Black middle class, thus widening the divide between the rich and poor. Notwithstanding this sense of discomfort, affirmative action was seen to have improved the condition of Black men and women. The challenge for South Africa is how to sustain the policy of affirmative action where many critics believe that people are appointed to positions based on gender and race rather than on competency. Fortunately, South Africa has adopted a parliamentary model of enacting and amending laws that provides for opportunities to revisit and amend laws as necessary. In regard to affirmative action, there may be a need to modify some aspects of the EEA to improve the implementation of policies where necessary. In particular will be those contentious sections of the EEA which may be seen to contradict the letters of the Constitution of the Republic of South Africa (1993). There is a need to revise the implementation process and revisit the interpretations of contentious clauses or lack of clarity in the acts and regulations. Issues like "what constitutes unfair discrimination" must be dealt with. Definite pronouncements must be made on matters such as the introduction of quota practices into the implementation of affirmative action as a result of the clause "equitable represen-tation of suitably qualified people from designated groups in all occupational categories and levels."

This study recommends that government and key stakeholders of affirmative action policies deal with the issues of lack of awareness of the reasons for affirmative action and communicate with the people who will benefit from such policy about the rationale for the measures. In an effort to attain positive balance, there is a need to enhance social development in secondary and tertiary education, to intensify the transformation of women participating actively in the workforce, and to continue with affirmative action policy until equality is achieved. Women and people living with disabilities should be helped to attain proportionate share of leadership and decision-making roles at all levels.

The inclusion, representation, and participation of disadvantaged groups should not be afterthoughts or add-ons but expected considerations in policy design and implementation in every organization and all sections of the South African society. Companies and organizations should be encouraged to document good practices as they develop programs or implement measures to increase the number of suitably qualified people from the designated groups. Finally, the government must not shy away from developing and implementing measures to militate against the development of another set of casualties of affirmative action. There is a need for policies or measures to manage the emotions of the people, and particularly

nonbeneficiaries, and to continuously engage in debating the issue of the sunset clause regarding when and where we draw the curtain on affirmative action.

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