Analysis of selected contemporary public human resources management policy initiatives

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ABSTRACT

This article describes certain processes of change adopted by the South African Government after the 1994 elections in an attempt to transform human resources management in the public sector. It shows that the government is faced with a number of problems (reasons for change), some of which emanate from the legacy of the apartheid past. Drawing on the content of current Acts, Bills, White Papers and a code of conduct, the article identifies and discusses some of the concerns and issues in public human resources management. The article concludes with some final remarks.

1 INTRODUCTION

South African citizens pay millions of rands (of tax) to the government for public services. In return they demand a more careful allocation of scarce resources and evidence that the services rendered are of an adequate quality. These demands have led the South African public sector (throughout the article 'public sector' will be used, because it is regarded as the all-inclusive term) to become much more attentive to quality and proper service delivery. Obviously there are various mechanisms through which improved service delivery is established. By far the most common way to do this is by transforming the internal component of service delivery, namely human resources management. Indeed, human resources management plays a major role in ensuring that public sector institutions will survive and prosper and in adding value to the delivery of services, though in an indirect manner. Therefore, it is of the utmost importance that government in its current transformation initiatives also pays attention to the human resources component.

Historically, public human resources management has been regarded largely as an administrative or technical matter rather than receiving the strategic management concern it deserves (Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa, chapter 4, 1998:1). In the past there have been rapid, turbulent and often strained developments in the
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public human resources management environment. Some solutions in the previous dispensation included the putting into operation of rationalisation projects, productivity improvement systems, executive leadership arrangements and merit career systems (Annual Report of the Public Service Commission for the year 1990:1). Although these projects were tackled with great enthusiasm, it was still done by means of the old-style personnel administration, which implies uniformly applied central rules and prescripts. However, post-1994 public human resources management faces a quite different set of trends and challenges. Currently it is regarded as a key activity in public administration and plays an important role in guiding future activities. Post-1994 public human resources management faces enormous challenges, both in terms of its own transformation within the broader context of change in the public sector, and in terms of the transformation of the services which it provides to its clients. What brought this urgent need for change to the fore? Of course the most obvious reason is the tendency all over the world to embark on a thorough re-evaluation of the role, structure and functions of the state and public sector institutions in general, and human resources management and development in particular. Moreover, this different look at the state and the public sector and the strategic importance of public human resources management brought nine crucial elements to the light: (i) an increasing emphasis on quality, performance, efficiency and cost-effectiveness; (ii) the devolution and decentralisation of managerial responsibility and accountability; (iii) the introduction of new and more participative organisational structures; (iv) the development of less rule-bound organisational cultures; (v) the upgrading of existing management information systems; (vi) an increasing emphasis on equal opportunities and employment equity; (vii) the introduction of more flexible staffing and recruiting practices; (viii) the introduction of effective forms of career pathing; and (ix) an increasing emphasis on performance management (Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa, chapter 4, 1998:1).

These challenges are currently being addressed through a comprehensive programme of transformation by government and manifest in different policy initiatives, most of which are underpinned by an integrated and strategic process of progressive new Acts, White Papers and other policy instruments. This article will seek primarily to provide a synopsis of the policy framework within which human resources functions are currently managed and (in some instances) are expected to be managed in future. In general the author will follow a descriptive approach by merely looking at the content of the policy initiatives. Moreover, the content of the policy initiatives will be linked up with the broader human resources issues as it unfolds in the public sector. For this reason, the article also becomes slightly analytical in nature but does not give lengthy theoretical explanations of the changes in public human resources management. The reader will be introduced merely to the new human resources policy initiatives which came to the fore over the past four years; the list is therefore by
no means exhaustive. Because the author tried to cover all of the most important policy initiatives, the article is quite lengthy. However, this does not mean that the reader will not get a clear understanding of current public human resources management concerns. Three key issues are discussed: reasons for change; current policy initiatives for public human resources management; and some concluding remarks with recommendations on a limited scale.

2 REASONS FOR CHANGE

Nothing affects the work of those in public sector institutions more clearly than the different variables or problems in the environment. Of course the South African public human resources management environment is no exception. It needs to be said at the outset that the existing South African public sector inherited enormous problems in 1994 when it took over from the apartheid-driven National Party Government, which was characterised by a number of problematic policies and practices. For this reason, it may be helpful to review some of the key problems currently experienced by public human resources management - which in turn could be regarded as reasons for change.

The first is a lack of representativeness in terms of race, gender and disability. Up to 1 September 1996 the management echelon (that is from director level and upwards) was dominated by whites, who comprised 94 per cent of the entire public sector management echelon, compared to blacks (blacks in the context of this article include so-called African, coloured and Indian people) who made up only 6 per cent of the total. The dominance of white males in the public sector of the former South Africa is also evident. For example, less than 5 per cent of the management echelon at that time were women, with no women at all at the level of director-general (the head of a state department) (Annual Report of the Public Service Commission for the year 1996:17-18; White Paper on the Transformation of the Public Service, 1995:17).

The second key problem is the lack of service delivery. This suggests that the system of service provision (internally and externally) that developed under the apartheid system of the previous National Party Government was discriminatory and exclusionary, particularly towards black South Africans. There has occasionally been a recognition that the previous system of public administration was more concerned with the application of rules and procedures than with the development of a culture and ethos of quality service delivery to the community. This problem is referred to as 'centralised control' or 'top-down management'. To date, the public sector human resources legislative framework, which includes the Public Service Act of 1994, the Public Service Regulations issued in terms of section 41(1) of the Public Service Act of 1994, the Public Service Staff Code issued in terms of section 42(1)(b) of the Public Service Act of 1994, and the Personnel Administration Standards (that is, the grading system covering all work performed in the public sector) reflects and perpetuates the problem of
'centralised control'. The content of these documents is structured in such a manner as to ensure that employees comply with the complex set of rules and regulations rather than concentrate on quality output and service delivery. Overall, public human resources management practices are ineffective, discriminatory and inefficient. For example, it takes around three months, and in extreme cases up to 12 months, to recruit a new entrant. One of the reasons for this inefficiency lies in the multiple provisions stipulated in the existing public human resources legislative framework. In practice, the Public Staff Code and Regulations comprise approximately 1 700 pages and the Personnel Administration Standards a further 3 600 pages (Annual Report of the Department of Public Service and Administration, 1996:18; White Paper on Human Resource Management in the Public Service, 1997:18; White Paper on the Transformation of the Public Service, 1995:17).

A third central problem in human resources management in the public sector is a lack of accountability. Previously, accountability within the public sector was limited to 'bureaucratic accountability'. Public officials were almost always expected to adhere to the rules rather than strive for higher efficiency in order to be more productive. Despite the international shift towards operational accountability, where public officials are directly accountable to end-users, citizens and communities, public officials in the old South African public sector acted only according to set policies and regulations. That this style of public administration has had a negative effect on service delivery cannot be denied. The low productivity figures, particularly in terms of the ability to deliver services that meet the needs, demands and expectations of the citizenry, illustrate this most dramatically. National and provincial departments are extremely dissatisfied with current human resources management practices, which are perceived to be overcentralised, excessively bureaucratic and rule-bound (White Paper on Human Resource Management in the Public Service, 1997:18; White Paper on the Transformation of the Public Service, 1995:18; Sunday Times, 1997:22).

But the problems are certainly not limited only to the above. A fourth problem, conflicting labour relations, is probably one of the most serious problems public human resources management inherited. If one examines the practices of the past, it is clear that labour relations were either prohibited or closely regulated according to race. The result of this approach is that many public officials, particularly black employees, were denied the opportunity of improving their conditions of service through collective bargaining. This system of managing labour relations encouraged public officials to follow a more militant approach in dealing with the government. This resulted in a situation where relations between the state and its employees became strongly adversial. Today one finds that disputes are frequently mediated by force rather than negotiation (White Paper on the Transformation of the Public Service, 1995:18).

That these problems have had a negative effect on general public human resources management in South Africa is undoubtedly true. In short, it appears
that the public sector's capacity to meet its human resources needs and demands is inadequate. On this note, political commentator Tom Lodge has reviewed the performance of South Africa's current Cabinet by rating members on a scale of 1 to 10. On the performance of the human resources portfolio, Lodge writes: 'Minister of Public Service and Administration, Dr Zola Skweyiya, failed to create a more efficient and less costly bureaucracy. It is time for a change. He scores 4 out of 10' (Ngidi 1998:9). From Lodge's perspective it is evident that public human resources management is not performing well, but what has the government done over the past few years to incorporate all the demanding change requirements? One way to begin to answer this question is to summarise some of the thinking about public human resources management in terms of the guidelines set in the policy initiatives already taken. It is possible to identify a series of policy initiatives through which the government has intervened to transform public human resources management practices. The author will set out to examine the content of these initiatives in the following sections and to indicate to the reader the main lines of thought around the broader context of public human resources management.

3 CURRENT POLICY INITIATIVES FOR PUBLIC HUMAN RESOURCES MANAGEMENT

The recruitment, appointment and treatment of public sector employees often seem to be bound up in rules, regulations and 'red tape'. The South African public sector is no exception and at present all personnel instructions are basically recorded in directives on a national level contained in, among others, the Public Service Act of 1994, the Public Service Regulations, the Public Service Staff Code, and the Personnel Administration Standards. Because of the prescriptive nature of these instructions (which result in lengthy delays) measures are currently being taken to devolve human resources management authority to the lower hierarchical levels and also to streamline decision-making processes. The Department of Public Service and Administration has produced a number of policy papers and documents which have an important bearing on human resources management in the public sector. These include the Constitution of the Republic of South Africa of 1996; the Reconstruction and Development Programme (RDP) and the Growth, Employment and Redistribution strategy (GEAR); the White Paper on the Transformation of the Public Service, 1995; the Public Service Laws Amendment Act, 1997 and the Public Service Commission Act, 1997; the Labour Relations Act, 1995; the Basic Conditions of Employment Act, 1997; the Employment Equity Bill, 1997; the White Paper on Human Resource Management in the Public Service, 1997; the White Paper on Public Service Training and Education, 1997 and South African Qualifications Authority Act, 1995 (SAQA); the White Paper on Affirmative Action in the Public Service,
3.1 Constitution of the Republic of South Africa, 1996

For many years Parliament, by means of laws and regulations, provided the primary statutory basis for human resources practices in the public sector. That changed with the passage of time and the implementation of the Constitution of the Republic of South Africa in 1996 — hereafter referred to as the New Constitution. For example, section 2 of the New Constitution stipulates that it is the supreme law of the Republic; any law or conduct that is inconsistent with it is invalid, and obligations imposed by it must be fulfilled. Consequently, all aspects of public administration on all levels of government (including human resources management) are subject to the provisions of the New Constitution. An understanding of how public human resources management systems operate therefore also includes a sensitivity to the principles highlighted in the New Constitution. It is impossible to deal here with all the public administration provisions of the New Constitution. However, the most significant human resources management ones include basic human rights (a bill of rights), specific public administration values, the establishment of certain administrative structures such as the Public Service Commission, and the delegation of responsibility. The following guidelines derived from the New Constitution will underpin human resources management in the public sector:

- Increased emphasis on basic human rights in the workplace. In accordance with section 8(1) of the New Constitution, the Bill of Rights applies to all legislation (which includes current human resources management acts and regulations), and binds the legislature, executive and judiciary and all organs of state. In practice, this means that decisions on human resources matters such as disciplinary measures, retirements, promotions and remuneration cannot be taken in an arbitrary manner and their constitutional implications should be considered thoroughly. The basic rights referred to above, which should serve as guidelines for public human resources management, relate among others to equality, freedom of association and freedom of expression. Freedom of expression for public servants, for example, can be compared to the concept of whistleblowing (that is notifying higher authority of public funds wasted, fraud and an abuse of authority (Taylor 1998:13).

- Setting specific values to govern public administration. Chapter 10 of the New Constitution begins by raising a set of basic values and principles about the management of public administration which is also the target of public human resources management. For instance, the New Constitution requires human resources management in the public sector to be efficient, economic and effective; development-oriented; impartial, fair, equitable and without bias; accountable; transparent; and broadly representative of the South African
people. Given the history, where human resources were basically managed on the separate development principles of apartheid which created huge backlogs in representivity, it is contended that the emphasis in future will be placed mostly on the equity and representativeness values.

- In addition to these values and principles, chapter 10 of the New Constitution also provides for an independent Public Service Commission with specific powers and functions (this aspect will be dealt with in section 3.4 below).

- Perhaps the most striking feature of the New Constitution is the requirement that provincial governments are responsible for almost the entire human resources management function. More specifically, it includes human resources activities such as recruitment, appointments, promotions, transfers and dismissals of members of the public service in their respective administrations. The New Constitution made clear for the very first time which human resources issues provincial authorities were to have a say on. Obviously this stipulation places enormous responsibility on provincial administration human resources managers and practitioners in the provincial administrations. Members should as a matter of good practice be made aware of this responsibility and be encouraged to take on the important human resources task assigned to them by the New Constitution.

It is interesting to note that in the New Constitution a whole chapter is devoted to public administration (in effect, to public human resources management, because so many issues deal with the human element) – this shows how much importance the government attaches to this aspect in the day-to-day governing of the country. It is a worldwide tendency that constitutional law is of great importance to public human resources management. Moreover, if these stipulations in the New Constitution are violated by managers or any other human resources practitioner, they may be held liable for it and disciplined for their unconstitutional actions. Consequently, knowledge of the New Constitution and how to deal with it should form part of the job description of every public manager and human resources practitioner.

3.2 Reconstruction and Development Programme (RDP) and the Growth, Employment and Redistribution strategy (GEAR)

Going into the 1994 elections, the African National Congress produced a vision document, the Reconstruction and Development Programme (RDP), which provided detailed policy directions of what the party would like to achieve in government. Five key themes were proposed: meeting basic needs; developing human resources; building the economy; democratising the state and society; and implementing party policy (RDP White Paper, chapter 1, 1994: online).

From its inception, and throughout its application, there was considerable confusion as to what the RDP really was and how to implement it successfully.
Not surprisingly, the RDP faded as a visionary programme and policy initiative of the by then ANC-dominated government. Collective ownership could not be obtained for it and there was a lack of overall coordination among the different institutional roleplayers. This led to a rapid rethinking of government policy which culminated in an overall socio-economic strategy, namely the Growth, Employment and Redistribution strategy (GEAR), with the emphasis on international competitiveness and economic growth. In addition, the GEAR strategy calls for a major transformation in both the private and public sectors, including: a competitive platform for expansion by the tradeable goods sector; a stable environment to encourage private investment; a restructured public sector to improve capital expenditure and service delivery; new sectoral and regional emphasis on industrial and infrastructural development; improved labour market flexibility; and enhanced human resources development (Fitzgerald, McLennan & Munslow, 1997:44–51; Policy Document on Growth, Employment and Redistribution: a macroeconomic strategy, chapter 1, 1996: online).

Four key questions can be asked regarding the GEAR strategy on public human resources management. First, are the parameters laid out for a flexible labour market the right ones for a developing and transforming public sector such as in South Africa? This question is asked in particular in the context of efforts by the government to overregulate the human resources management environment by introducing numerous additional human resources regulations. One need only look at the content of the human resources policy initiatives dealt with in this article for the answer to this question. Second, is there enough emphasis on human resources development to fully operationalise the development of occupational skills in the public sector? On the surface there appears to be a lack of coordination in the training activities of the government. But this is not the only training dilemma the government is faced with. It is also clear that there is not enough training capacity in the current structures to address the training needs of the public sector properly (Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa, chapter 4, 1998:26–27).

Third, given the high corruption rate, is the government capable of establishing a proper ethical climate in the public sector (and has it the willpower to do so) so that the well-intended policy initiatives on social reconstruction and development (socially and economically) can be put into place effectively? Fourth, will it be possible for government to synchronise the well-intended objectives of better service delivery with its representative bureaucracy (affirmative action) plans?

There have been several debates recently concerning the effectiveness of the GEAR strategy and how the labour market has been handled. However, it is not the purpose of this article to give answers to these questions.
3.3 White Paper on the Transformation of the Public Service, 1995

The combination of the New Constitution, the RDP and the GEAR strategy poses enviable challenges in terms of the changing of public human resources management. Most provisions in the New Constitution, the RDP and the GEAR strategy are formulated in a fairly general manner and are unduly complicated. Consequently, the government (more specifically the Ministry for Public Service and Administration) developed the White Paper on the Transformation of the Public Service, which is quite specific on transformation issues. The principal aim of the White Paper is to establish a policy framework to guide the transformation process. In addition, it outlines a strategic framework to carry the transformation process forward in the following priority programmes: rationalisation and restructuring of the public sector; institution building and management; making the public sector more representative (affirmative action); transforming service delivery; democratising the state; human resources development and training; creation of better employment conditions and labour relations; promotion of a professional service ethos (White Paper on the Transformation of the Public Service, 1995:86).

It is clear that the government is approaching the complex task of public sector transformation in the presence of a clear policy framework. Although the White Paper does not attempt to elaborate on detailed implementation methods, it certainly presents specific guidelines as to how transformation should be driven. In scope the White Paper is very specific on human resources issues. Notable examples are the emphasis on representivity, training and development, employment conditions, labour relations and professionalism and ethics.

Although it is true that clear policy guidelines are set through the White Paper, most of the documents relating to human resources management transformation, which were produced by state departments and provincial administrations, share no common vision and understanding. On the one hand, it is obvious that the general vision (laid down for the public sector as a whole where the emphasis is placed on a 'transformed public sector' which is representative, coherent, transparent, efficient, effective, accountable and responsive) does not have the same meaning for all the roleplayers. On the other hand, it is equally clear that many state departments and provincial administrations have a very partial view of transformation.

The most favourable opinion is that transformation is to be reflected in a more representative workforce, with transparency, efficiency, effectiveness and responsiveness ignored or seen as unimportant. Others continue to suggest that transformation refers solely to better service delivery, with little emphasis on the other aspects (Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa, chapter 4. 1998:2–4). Secondary to the New Constitution the White Paper represents the first major change in human resources management policy in the public sector. Its confirmation of the
principles of transformation and its attempts to tackle multiple transformation issues simultaneously and to emphasise the less visible aspects of change relating to human resources management have been significant. However, it remains to be seen whether these efforts will be undermined by a lack of co-operation, funding and capacity in future.


Concerns have been raised for decades about the effect of the phenomenon of 'politics' in public human resources management. Confusion remains, however, over which areas are included in personnel politics. Two types of personnel politics are 'elective' and 'generic' politics. According to Thompson (in Tompkins 1995:22), 'elective' refers to 'the involvement by elected officials and their appointees in specific personnel decisions, such as whom to hire and 'generic' refers to 'efforts by various individuals - elected officials, political appointees, career civil servants, legislators and interest group representatives - to influence the substance of personnel politics'.

An increased willingness to alleviate politics from human resources management and to introduce the merit principle can be seen in the current layout of the personnel systems of the government. The initiatives that most dramatically illustrate this are the implementation of the Public Service Laws Amendment Act, 1997, and the Public Service Commission Act, 1997. An examination of these acts reveals that public human resources policies are built around the so-called commission model (with quasi policy-making powers) and public service and administration model (with full policy-making powers) respectively. In practice this means the establishment of the Public Service Commission that must consist of the number of commissioners prescribed by the New Constitution (at present, section 7 of the New Constitution stipulates 14 commissioners). There is one principle in the Public Service Commission Act of 1997 that stipulates that the Public Service Commission should not have policy formulation and executive powers simultaneously - which from a policy standpoint one can understand. It was therefore a constitutional imperative that the Ministry of Public Service and Administration assumed the policy-making powers and that the executive powers were allocated mostly to the heads of state departments and provinces - referred to as the so-called senior executives (Annual Report of the Department of Public Service and Administration, 1996:3). The purpose of granting senior executives such powers is to provide the flexibility needed to recruit and retain highly competent and qualified managerial talent. With this arrangement, the government hopes to create effective management and more expeditious administration for state departments and provincial administrations. In short, the Ministry of Public Service and Administration (according to sections 3(1) to 3(3) of the Public Service Laws Amendment Act, 1997) is in direct control of the mechanisms and
infrastructure involved in the formulation of policy and the broader administration of the public sector. The more notable responsibilities include provision for the realignment of the functions of the Public Service Commission; formulation and clearance with Cabinet on government policy with regard to, among others, the functions of and organisational arrangements in the public sector, employment and other personnel practices, salaries and other conditions of service and information management and information technology; acting on behalf of Cabinet as collective employer in the conducting of labour relations; and management and administration of the South African Management and Development Institute (Annual Report of the Department of Public Service and Administration, 1996:4). On the other hand, the Public Service Commission, according to Part III of the Public Service Commission Act of 1997, is entitled to quasi-policy-making powers. These include inspection of departments and other organisational components in the public sector; conducting enquiries into any matter as authorised by the New Constitution and the Public Service Act, 1994; and making rules which are consistent with the Public Service Commission Act, 1997. The Public Service Commission oversees and guards the values of the public sector.

There are good reasons for the way human resources management systems have developed in the public sector. In the previous dispensation, policy-making powers and executive powers were the responsibility of the Public Service Commission. Certainly this was not a healthy situation and it could be argued that objectivity was not always possible. With the implementation of the Public Service Laws Amendment Act of 1997 and the Public Service Commission Act of 1997 this situation was rectified and the policy-making powers and executive powers were divorced. This led to new relationships among the Department of Public Service and Administration, the Public Service Commission, senior executives and departmental human resources officers. At national level, the Department of Public Service and Administration is responsible for policy-making and the Public Service Commission for quasi-policy-making functions such as rule-making and monitoring, to ensure that the procedures comply with the New Constitution. Senior executives at departmental level in their turn are responsible for executive human resources functions. Obviously, this allows senior executives to utilise human resources more efficiently. This benefit notwithstanding, greater executive control could increase the potential for abuses of power – something to which the Department of Public Service and Administration and Public Service Commission should be alert.

In the final analysis, it is important that the Department of Public Service and Administration and Public Service Commission should look continuously at establishing specific checks and balances between them, so that the values of efficient and effective human resources management are adhered to at all times.
3.5 Labour Relations Act, 1995

After decades of pressing for higher wages and better working conditions, and of being mainly excluded from the mainstream of collective bargaining, public sector employees suddenly find themselves able to bargain collectively in the same way as the private sector. This is the result of the Public Service Labour Relations Act of 1994 being replaced by the Labour Relations Act of 1995, dramatically transforming the labour and employment environment in which the public sector operates.

Although the public sector is still in the implementation phase with the Labour Relations Act of 1995, collective bargaining has matured and gained acceptance in the public sector over the last few years. It is therefore envisaged that collective bargaining will remain a well-established feature of public human resources management in future (Shear & Sirkhot 1996:1–2).

Broadly speaking, the main provisions of the Act are the creation of one Act which covers both private and public sector employees (except those employed in the Defence Force, the National Intelligence Agency and the Secret Service); the establishment of a Public Service Co-ordinating Bargaining Council to deal with all matters relating to pay and employment conditions that are uniform across sectors; the establishment of sectoral bargaining councils to deal with matters pertaining to specific sectors; the establishment of a Commission for Conciliation, Mediation and Arbitration; the identification and designation of essential services which will not have the same rights to strike as other public sector workers; and the introduction of workplace forums which will consist of elected employees who have the right to consult with management on a day-to-day basis on matters which affect them and to reach joint agreement (Shear & Sirkhot 1996:11; White Paper on the Transformation of the Public Service, 1995:70–71).

The Labour Relations Act of 1995 is an important step towards improving collective bargaining and protecting employee rights in the public sector. In addition to laying down basic organisational rights for employees and employers, the Labour Relations Act of 1995 establishes mechanisms for collective bargaining and the resolution of disputes. In short, the Act protects public officials from arbitrary and capricious treatment. This emphasis on employee rights places enormous responsibility on those involved in labour relations activities. Skills such as joint problem-solving, conflict resolution and the handling of strikes will become increasingly important.

3.6 Basic Conditions of Employment Act, 1997

Soon after its inauguration in 1994 the government realised that a precondition for the development of an efficient, productive, honest and well-motivated public sector, committed to a professional service ethos and work ethics, would be the introduction of more equitable employment conditions for public officials.
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Whereas the Labour Relations Act of 1995 spells out the conditions for collective bargaining, the intention behind the Basic Conditions of Employment Act of 1997 is to give effect to and regulate the right to fair labour practices as conferred by section 23(1) of the New Constitution. In addition, the Act also motivates the Republic of South Africa as a member state to comply with the requirements of the International Labour Organisation and to provide for matters related to these. In summary, it is possible to identify the following structural elements in the Act for regulating the conditions of employment in the public sector: regulation of working time; leave arrangements; particulars of remuneration; termination of service; employment of children and forced labour; establishment of an Employment Conditions Commission; and appointment of labour inspectors.

In contrast to the Labour Relations Act of 1995, which is more focused on the organisational arrangements of collective bargaining, the Basic Conditions of Employment Act of 1997 is directed more at the specifics of labour-management relationships. For government departments it marks a shift away from the arbitrary managing of people to one of management through specific guidelines. Obviously there is a need to identify mechanisms to expand employee protection. Such interventions as the Basic Conditions of Employment Act of 1997 visibly demonstrate an agenda of transforming employment conditions in the public sector. However, the Act also has a negative side. Most of the provisions of the Basic Conditions of Employment Act of 1997 exist to protect public employees from unfair labour practices; however, in some cases the Act appears to make public human resources management unduly complicated. It can certainly be argued that officials in the higher echelons (particularly those who are excluded according to section 6(1)(a) of the Act, namely senior managerial employees) could feel excluded and will become reluctant to apply all the provisions of the Act. In addition, the language used in the Act is not simple. It contains numerous cross-references to other acts which make it difficult to apply, let alone understand or study.

Another negative implication is that the public sector won’t be in a position to afford the implementation of the Bill. Two examples are maternity leave and overtime pay which could cost the public sector millions of rands. The implication is that it could take a long time to implement the Act (AHI Response to Basic Conditions of Employment Act, 1998: online; Coetzee 1998:22).

3.7 Employment Equity Bill, 1997

The apartheid system of separate development for the different ethnic groups has left a legacy of gross inequalities in the public sector. Because of this system black people, women and people with disabilities in particular face significant disadvantages, which include occupational segregation, inequalities in pay and a lack of access to training and development opportunities.

Section 9 of the New Constitution guarantees everyone the fundamental right of
equality, for example equality for all in the social, political and economic spheres of society. This is a demonstration by government (in fact, by all of South African society) that it is eager to get rid of the imbalances of the past, and so, in fact, is the Employment Equity Bill of 1997. An evaluation of the content of the Employment Equity Bill of 1997 draws two telling conclusions about its intentions. First, the Bill makes provision for positive measures to promote a diverse and representative public sector workforce. Second, it stresses the need for this to be done in a manner which does not put barriers in the way of the employment advancement prospects of any individual.

The Employment Equity Bill of 1997 brings to a conclusion almost three years of discussions among government, business, the unions and other stakeholders on how to correct four decades of workplace imbalances. More specifically, the Bill attempts to deal with a number of employment equity issues. One is the prohibition of unfair discrimination. According to section 4 of the Bill, all public sector employers must take positive steps to eliminate unfair discrimination in any employment policy or practice. If any employee in the public sector is unfairly discriminated against on the grounds of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language or birth, a dispute can be declared and referred to the Commission for Conciliation, Mediation and Arbitration (see section 3.5 on p 31). Questions continue to be debated. For example, what is the current representivity situation in the public sector?

Despite considerable attention to employment equity in many public sector institutions over the past four years, a survey by the Presidential Commission revealed that a number of departments (particularly Home Affairs, Justice, Housing and the South African Revenue Service) had made much less progress towards representivity. For example, in the Department of Home Affairs no women, no coloureds and no Asians were represented at management level (from chief director to director-general). For this reason, the White Paper on the Transformation of the Public Service of 1995 laid down a number of broad targets with regard to increasing representivity: within four years all departmental establishments must be at least 50 per cent black at management level; within four years at least 30 per cent of new recruits to middle (directors and deputy directors) and senior management (chief directors and upwards) echelons should be women; and within ten years, people with disabilities should comprise 2 per cent of public sector personnel (Cloete 1994:224; Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa, chapter 4. 1998:8; White Paper on the Transformation of the Public Service. 1995:55).

A second feature of the Bill refers to the paraphrasing of certain duties and responsibilities for public sector employers with regard to employment equity. Two of the most interesting responsibilities assigned to employers are the
preparation and implementation of an employment equity plan and submission of an annual report on the progress made in implementing the plan. The employment equity plan must contain information about how black employees (Africans, coloureds, and Asians), women, and disabled people are currently represented in each occupational category and level of the workforce. If, for example, an employer fails to comply with the employment equity plan, a labour inspector may request an undertaking to comply and may issue a compliance order. A third important element that the Bill proposes is the establishment of a Commission for Employment Equity which must advise the Minister of Labour on policy matters and any other matter concerning the Bill (Randa 1998:6; White 1998:37).

Overall, the Employment Equity Bill of 1997 represents a long overdue effort to achieve employment equity in the public sector. Obviously public officials who are responsible for the implementation of the Bill may feel that it is just another personnel system which is a roadblock to effective public administration. At the root, however, it should be realised that the policy of employment equity reflects the principle of representative public administration on which the New Constitution (see section 195 (1)(i)) is very specific. It is therefore necessary to find a balance in all the change efforts of government, since the public sector must also respond to numerous other human resources priorities such as better service delivery. It may be easy to argue that a change effort such as employment equity, which is now being proposed in the Bill, could be counter-productive to better service delivery. However, recognising that public sector institutions are confronted with a multiplicity of demands, and are operating in a political environment, it may be realistic to accept that in the interim employment equity also has its place.

Although there is considerable support for the Employment Equity Bill of 1997, there is a strong supposition that problems will arise when the various prescribed procedures are put in practice. Basically, two major problems are envisaged. First, there is a constitutional imperative. The stipulation regarding equity plans, which requires occupational information based on racial categories, seems to open the possibility of a new form of apartheid. Consequently, this stipulation could be unconstitutional since section 9 of the New Constitution states very clearly that the state may not directly or indirectly discriminate against anyone.

A second problem is that the Bill emphasises a very punitive and administrative (bureaucratic) approach in addressing employment equity. Most prominent in this regard are the extensive powers and roles of the relevant Minister, director-general (head of the department) and labour inspectors. There is reason to speculate, however, that these allocated powers (for example the issuing of a compliance certificate after submission of an employment equity plan) are far too wide and seek to undermine the managerial responsibility, accountability and authority needed to ensure operational efficiency. A similar concern is that the human resources management environment will become overregulated, which
means that a lot of time and effort will have to be put into the administration of the Bill. Obviously these additional administrative responsibilities will clearly require additional public funds – something the public sector can ill afford at this stage (AHI Response to Employment Equity Bill, 1998: online; Swart 1998:15).


It is undoubtably true that public human resources management does not exist in isolation, but is connected with the process of contemporary institutional change. A notable feature of public human resources management in the past was that it was often used to operationalise the government's change plans – in other words, it was used as a 'political vehicle' to bring about changes in public sector institutions. Indeed, it might be said that it took on the role of an 'agent for change'. Human resources management in the public sector faced its sternest test in the form of the first half of 1994 with its emphasis upon restructuring, downsizing and rightsizing. Focusing on the set of basic values and principles about the management of public administration as listed in the New Constitution (see section 3.1 above on page 25), which propagates, among others, an efficient, equitable and transparent public sector, one sees clearly that it will require something close to a revolution (White Paper on Human Resource Management in the Public Service, 1997:7). What are the characteristics of the White Paper? Perhaps the most obvious is the establishment of a vision, mission and values for the public service. The vision reads as follows:

The vision is that human resources management in the public service will result in a diverse, competent and well-managed workforce, capable of and committed of delivering high quality services to the people of South Africa.

Obviously the vision statement is not formulated in detailed action plans. Therefore the Department of Public Service and Administration went further and spelt out the following mission statement:

The mission of human resources management in the public service is that it should become a model of excellence, in which the management of people is seen as everyone's responsibility and is conducted in a professional manner.

In conjunction with the ideals mentioned in this vision and mission, the White Paper identifies specific values as to how future public human resources management activities should be managed. This is an identification that under the new dispensation wider goals are envisaged which are directed inter alia at the protection of the rights and freedom of public officials and the broader citizenry. The emphasis is on values such as fairness, equity, diversity, transparency and professionalism, all of which give a whole new dimension to the day-to-day

How can the ideals found in the vision, mission and values become a reality in the public sector? The Department of Public Service and Administration is adamant about the realisation of these ideals and is of the opinion that the old style of personnel administration, which has been perceived as controlling and overcentralised, should be transformed. The White Paper argues that in future the management of human resources will require a new, locally developed style of doing things.

Basically, the White Paper locates four perspectives within its framework. Although these contain strong distinguishing characteristics, they are by no means mutually exclusive. What are these perspectives? The White Paper implies that future public human resources management should develop a culture of diversity, be outcomes-based in terms of service delivery, should be delegated to the lowest managerial level and will develop a more professional role (White Paper on Human Resource Management in the Public Service, 1997:56).

The key to the realisation of these ideals seems to be that a new framework should be established so that it can be linked up with the vision, mission and values. Seeking to develop a culture of diversity requires active steps and goes well beyond simply maintaining a representative workforce. The White Paper goes on to highlight some action plans in developing a culture of diversity. It argues that national departments and provincial administrations need to develop a diversity management strategy which will identify and raise awareness of cultural differences. Ultimately diversity will be institutionalised by integrating it with the institution's management practices. In terms of outcomes-based service delivery, the implications are quite significant. In practice this will mean that institutional structures will need to be far more closely aligned to the strategic service delivery goals of the relevant institution. It will also have to be flexible enough to adjust, as these goals change in line with the changing needs and priorities of the client/citizen. Closely related to the concern of outcomes-based service delivery will be the public human resources management concerns of multi-skilling and continuous personnel development. In an outcomes-based service delivery environment employees will obviously have to become more multi-skilled, will need to be continuously updated to keep abreast of new policy demands and will have to develop more economical and efficient working processes. While a strategy of outcomes-based service delivery cannot hope to tackle all the issues, delegated responsibility will have to be added as another layer in the new framework. In essence, delegated responsibility will bring about a fundamental shift in roles and responsibilities for human resources management in the public sector. Of particular importance is the fact that in future it will be for national departments and provincial administrations to determine, within
nationally defined parameters, their human resources management policies and practices. Ultimately, the day-to-day responsibility for managing human resources will become primarily the responsibility of individual line managers. It is foreseen in the White Paper that line managers will have increasing freedom, within the limits of their budgets, to determine, among other things, the number of employees, levels of skills and career development practices.

Finally, the White Paper also foresees that public human resources practitioners will develop a more professional role. One important way in which this responsibility could be fulfilled is by providing policy advice as well as guidance on such matters as employment legislation, public sector-wide norms, labour market trends and employee development issues (Annual Report of the Department of Public Service and Administration, 1997:18; White Paper on Human Resource Management in the Public Service, 1997:11-15).

On balance, the White Paper has good intentions and gives better insight into the rationale behind the thinking of the Department of Public Service and Administration. However, the White Paper also has unintended consequences. Obviously, the policies cannot be implemented overnight and this could dampen enthusiasm. In addition, it is important to be aware of the number of challenges posed by the White Paper by asking a series of questions. Is the current management culture in the public sector ready to adopt the new framework of human resources management? Does the public sector have the infrastructure and systems (capacity) to support the new proposed human resources management practices? What are the financial constraints? Has everything been cleared out with the local representatives of organised labour? What is the gap between existing human resources management policies and practices and future requirements? Will all line managers be informed of their new responsibilities?


In section 3.3 (pp 28-29) government commits itself to transforming the public sector through the White Paper on the Transformation of the Public Service, 1995. In this White Paper it is clearly spelt out that transformation is inspired by the vision of a people-centred and people-driven public administration characterised by the principles of efficiency, effectiveness, quality and professionalism. Inherent to these principles are the concepts of education, training and development. Government has realised the importance of these and identified a strategic framework for transformation by specifying objectives, guidelines and instruments to carry the process forward in a priority programme such as human resources development and training (White Paper on the Transformation of the Public Service, 1995:13-14).

What are the dimensions of current problems in the training and education field? The first is the low priority accorded to training and education. The recent
history of public service training and education is one in which training components and trainers enjoyed a relatively low status. For example, recent data assembled by the Chief Directorate Training Policy emphasised that most state departments and provincial administrations failed to utilise their training budget for the 1996/97 financial year effectively.

Second, there is a lack of funding and efficient management of training budgets. A brief examination of the financial situation revealed that departments have generally failed to make adequate financial and human resources provision for training components within their respective institutional structures. Interestingly, in the majority of the cases, the actual expenditure on training and education represents less than 1 per cent of annual salary expenditure. As a result of this mismanagement, many training sections are seriously understaffed and under-resourced. The third dimension is a lack of coordination and communication. This is perhaps the key problem that inhibits efficient delivery of training and education services in the public sector. At present the training needs of various occupational categories are met by a variety of providers spanning the public and private sectors on national and international level. For example, training courses for senior managers (that is the director-general, deputy director-general and the chief director) are provided by domestic and international private sector institutions, departmental training units and state training institutions. This approach results in confusion, duplication and overlapping (White Paper on Public Service Training and Education, online).

These considerations highlighted the need for adapting a more contingent view of training and education that will lead to new policies, procedures and practices. This transformed view should be aimed at changing public service training and education into a dynamic, needs-based, outcomes-based and competency-based approach which is directly related to the developmental needs of public officials. Developing effective training and education programmes begins with the formulation of detailed principles. In developing such principles, it is vital that there should be full consultation and involvement with all roleplayers to achieve ownership and commitment. According to section 5.5 of the White Paper, the formulation, implementation and evaluation of programmes of public service training and education will be carried out in accordance with, among others, the following broad principles: access and entitlement – all public officials will be entitled to ongoing and meaningful opportunities for training and education; a competency-based approach – the new approach to public service training and education will focus on outcomes rather than inputs; learning institutions – public service training and education will be promoted in ways which will enable public service institutions to become learning institutions, capable of continuous development and adaptation (White Paper on Public Service Training and Education, online).

Existing training and education structures may fail to deliver on these above principles. Appropriate transformation in the institutional arrangements is
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therefore central to the successful delivery of public service training and education. It is foreseen that there will be a continuous adaptation in these structures in future, because of the changing needs in the training and education environment. But is effective training and education possible in a field littered with different priorities, objectives and action plans? Within this context, a number of institutional support programmes will be established to assist in the operationalisation of the new initiatives. The institutional support programmes will include a fast-track training and education programme; an institutional development programme to support the establishment of such institutions as the Public Service Learning Organisation; and a strategic planning and management support programme to assist national state departments and provincial administrations in the establishment of effective strategic planning mechanisms and processes (White Paper on Public Service Training and Education, online).

The penultimate stage in the training and education process is monitoring and evaluation. To be able to monitor training and education efforts, a set of key performance indicators need to be put into place. On this issue the White Paper is very clear and it is proposed that, among other things, the following broad criteria should form the basis for the evaluation of public service training and education: effectiveness – were the results envisaged in the goals achieved?; efficiency – were human, financial, institutional and technical resources used in the most cost-effective ways?; and adequacy – to what extent were core policy problems resolved by public service training strategies? (White Paper on Public Service Training and Education, 1997:65).

Another important development that will have a huge effect on training and education in the public sector is the South African Qualifications Authority Act of 1995, which provides for a National Qualifications Framework. It is clear from the content of the Act that the old institution-led, time-based models of training and education are in the process of being replaced by a standardised system which recognises skill and competence as the new goal of all training and education. In general, the Act provides for a National Qualifications Framework which is established to register national standards and qualifications for training and education. The following question now arises: What does the South African Qualifications Authority Act of 1995 mean in practice for public human resources management?

First, the Act has to do with outcomes-based training. Outcomes-based training means that training is going to become more skills-oriented, with the focus on developing concrete skills or competencies in a learner. These competencies will be defined through unit standards, which are the building blocks of the new training system. A unit standard describes the outcomes of learning and the standard of performance that must be met for an employee to be deemed competent in a specific area of skill or knowledge. Second, the South African Qualifications Authority Act of 1995 spells out the structural framework for the National Qualifications Framework (NQF). In brief, the structural arrangements
include the South African Qualifications Authority (SAQA), Standards Generating Bodies (SGBs), National Standards Bodies (NSBs), and Education and Training Quality Assurers (ETQAs). The SAQA has final authority over the NQF and oversees its constitution, accreditation and financing. It will also advise the Ministers of Education and Labour on the registration of standards and qualifications. Another strategic structure in the NQF is the SGBs. SGBs are vital in generating unit standards in accordance with the SAQA requirements, and recommending these to the NSBs for registration at SAQA. More specifically, the NSBs are responsible for overseeing the work of the SGBs and ensuring that the standards they generate meet SAQA requirements. They must also recommend to SAQA standards for registration in the NQF. Finally, the ETQAs are responsible, among others, for monitoring and promoting the quality of training provision, certifying learners and recommending modifications of new standards where problems are identified. The fundamental question to ask is: What can human resources practitioners and managers in the public sector do to facilitate the implementation of the NQF? Clearly, implementing the NQF in the public sector means a restructuring of the existing training programmes as well as preparing trainers for competency-based training. Crucial steps to be taken include the identification of training gaps; the training of trainers in line with the NQF policies and procedures; implementation of quality assurance systems to ensure trainers meet ETQA requirements; communication of the NQF requirements to all employees; and creation of standards-based training programmes.

Although the White Paper and the South African Qualifications Authority Act of 1995 provide a comprehensive outlook on public service training and education, a number of further basic considerations apply. It is necessary to emphasise that public sector training and education need a new methodology at ground level. What is the new methodology? Schütte (1997:306) refers to this as an interactive methodology which means that the role of the trainer shifts dramatically from the ‘expert’ telling learners what to do to one of facilitating learning and encouraging discussion. In this methodology trainers are no longer responsible for the content alone, but also for the process of learning.

It is doubtful whether training providers are fully equipped (have the required skills) for this interactive methodology of training and education. Therefore, each public sector institution undertaking training must ensure that research is done and must start developing such skills in their trainers. Another important thing to remember is that the content of training material should also be written in this interactive context. This brings a whole new dimension into the training field, for which the White Paper and the Act do not provide. ‘Interactive’ in this context means that the training material should be written in such a manner that it reflects, among others, specific learning objectives, learning activities, figures, tables, diagrams, memory charts, self-evaluation activities and case studies. A more modern training approach is also concerned with utilising technology to its fullest extent. By its very nature this approach refers to the use of computers,
video conferences and distance training methods. By following such an approach one could achieve significant cuts in training costs and raise the productivity levels of trainers.


For nearly one hundred years discriminatory employment policies and practices provided the primary statutory basis for public human resources management. Even if one goes back to 1896, one finds that at the specific request of a craft union the Republican Government approved the necessary legislation to enforce the employment only of certified white drivers in the public sector. On assuming power in 1924 the Hertzog Government immediately set about introducing the so-called ‘civilised labour policy’, which was mainly to benefit white employees at the expense of black employees. This issue was particularly pronounced during the Hertzog, Verwoerd, Vorster, and Botha eras, when tens of thousands of blacks employed in the public sector lost their jobs and were replaced by ‘poor whites’ at ‘civilised’ rates of pay (Pieterse 1998:44).

In 1994 the newly elected government inherited a public sector which had been strongly influenced by these discriminatory policies and practices. The result was that all public sector institutions were characterised by political, racial, gender and disability patronage.

Not surprisingly, when the government came into power in 1994, initiatives were put into place to rectify this negative situation. Therefore, equal accessibility to the public sector became one of the most strategic objectives. Measures were immediately developed to remove the wrongdoings of the past, with the White Paper on Affirmative Action in the Public Service of 1998 one of the outcomes. Indeed, the White Paper is a testimony to the government’s commitment to the transformation of the public sector into an institution whose employment practices are underpinned by equal accessibility. Obviously the content of the White Paper must be understood particularly within the framework of the Employment Equity Bill of 1997 (see section 3.7 on p 32-35 above) and the White Paper on Human Resource Management in the Public Service (see section 3.8 on p 35–37 above) (White Paper on Affirmative Action in the Public Service, 1998:5).

The White Paper has two main objectives: to set out the mandatory requirements and guidance on the steps state departments and provincial administrations should take to develop and implement their affirmative action programmes; and to sketch out the accountability, monitoring, co-ordinating and reporting responsibilities of various players within affirmative action programmes.

Further, the White Paper identifies specific duties for public sector employers within the context of the set objectives. They must prepare an affirmative action programme which must contain, among others, numeric targets, employee profiles and a policy statement; make managers on all levels (from director-
Analysis of selected contemporary public human resources management policy initiatives

general downwards) responsible for putting into effect the human resources and other practices through which the affirmative action programme will be implemented; integrate affirmative action principles and objectives into human resources management practices, including human resources planning, recruitment and selection; develop and train the human resources personnel within the affirmative action target group; earmark funds for affirmative action programmes; and designate someone to manage and administer the affirmative action programme on a day-to-day basis.

The White Paper also contains three other important proposals. First, the Department of Public Service and Administration will support departments and administrations in several ways. For example, it will conduct, in conjunction with departments and administrations, a public sector-wide communication campaign, aimed at familiarising all public employees with the goal, objectives and principles set out in the White Paper. Second, the implementation of affirmative action will be monitored through performance management contracts with directors-general, through reporting to the Public Service Commission and Department of Labour and through hearings before the Portfolio Committee on Public Service and Administration in Parliament (White Paper on Affirmative Action in the Public Service, 1998:1-17).

The inclusion of the White Paper on Affirmative Action in the Public Service in the government's overall plan to allow for employment equity in the public sector is another demonstration of the real changes that have taken place in the public sector. In this way, the government has moved some way towards fulfilling a key guideline of the Employment Equity Bill of 1997, namely that the implementation of employment equity must be a holistic intervention and involve the whole public sector as well as all of its roleplayers. With the completeness of the content of the White Paper in mind, it is clear that government has done its homework and taken steps to address employment equity with the seriousness it deserves.

However, the White Paper is not without flaws. Certainly, the realisation of a White Paper is of critical importance, but that only tells half of the story. What are its managerial and administrative implications?

First, there is the issue of financial costs – how much will it cost the taxpayer to put into operation affirmative action programmes in the public sector? Linked to this, how available are Government funds for affirmative action projects, seeing that there are so many other priorities (for example health and education) that need attention? Obviously affirmative action projects will require lots of public money. It is important to take note of this, because the appointment of affirmative action managers alone will imply large amounts of money. Moreover, the earmarking of additional funds for affirmative action projects will also reach deep into public sector coffers.

Second, the White Paper does not provide specifically for the issue of organisational culture interventions, in other words, sensitising public employees (especially those who will be negatively affected by it) to the effects of affirmative
action. It is of the utmost importance that an organisational culture be built which is supportive of affirmative action (for example addressing racial, gender and disability tension and dealing with stereotypes).

A key to understanding affirmative action in the public sector is understanding the perceptions groups hold of each other. In a participative survey on racial perceptions in ten South African institutions (one must not forget gender perceptions either) it was found that the dominant negative racial perceptions blacks have of whites include the following: whites are cold racists; whites have a superior attitude to blacks; and whites cannot accept black leadership and authority. White perceptions regarding blacks in their institutions were also very negative. They perceived blacks as non-contributors, with limited knowledge and expertise, and with an entitlement mentality; unreliable, particularly in terms of time-keeping, appointments and promises; and with a diminished sense of personal accountability (Mbigi & Westbrook 1998:36-37).

The author of this article is of the opinion that if certain groups are placed in an institutional environment, owing, for example, to entrenched and preferential treatment, without sensitising other employees, affirmative action becomes meaningless and the negative perceptions mentioned earlier are aggravated. This points to the need for pro-active measures, more specifically the introduction of affirmative action issues during induction processes, the teaching of affirmative action on training courses (the management thereof) and the creation of multi-cultural teams where there are racial, gender, disability, and cultural differences.

Further, it is important that the mutual expectations of various ethnic, gender and disabled groups should be identified and managed accordingly. On the one hand, whites should be urged to accept the historical imbalances of the past and be sensitised to the need to redress these. On the other hand, blacks should be encouraged to stop blaming whites, take responsibility for their own situation and be more loyal towards the institution they work for (stop job-hopping).

3.11 Code of Conduct for the Public Service

If one analyses the human resources change processes in the public sector over the past four years it is obvious that government has been faced with a number of serious ethical implications. Over the past four years there have been some dramatic ethical transgressions in the public sector.

One of the most troublesome issues in the field of public administration is corruption. Dr Frene Ginwala, Speaker of the National Assembly, indicated that South Africa is battling with a public sector that weakens the democratic order daily, public officials having corrupted the system of welfare payments and the collection of revenue and payment of salaries and wages for personal profit. According to a Transparency International Corruption Index, South Africa ranks 33rd out of a poll of 52. Corruption has cost taxpayers between R13 and R20 billion in the past three years.
Another ethical question of concern is the lack of responsiveness. A survey by the Human Sciences Research Council has shown that the public’s satisfaction with the government and the public sector has taken a sharp negative turn over recent years. Actually, at present citizens feel that their requests and demands are not met by the government (Van der Westhuizen 1998:18).

With these ethical problems in mind, what has the government done to rectify the situation? One of the key measures relevant here was the introduction of a code of conduct for public employees. The code of conduct was put into operation to give practical effect to the relevant constitutional provisions relating to the public sector. The code should also act as guidelines to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with the legislature (for example allegiance to the Republic and the Constitution), political and executive office-bearers (for example the degree to which public officials loyally execute the policies of the government) and other public employees (for example refraining from favouring relatives and friends in work-related activities). In addition, the code of conduct is there to indicate the spirit in which public officials should perform their duties, what should be done to avoid conflicts of interest, and what is expected of them in terms of their personal conduct in public and private life (Annual Report of the Public Service Commission, 1997:5–8; Code of Conduct for the Public Service, 1998:3–5).

Although the code of conduct was drafted to be as comprehensive as possible, it does not provide for the details of managing ethical issues in the public sector. However, how do public officials, within these broad guidelines, promote ethical behaviour in practice? Broadly speaking, public officials (especially those at managerial levels of the hierarchy) are, in terms of section 7(3) of the Public Service Act of 1994 responsible inter alia for the efficient management and administration of their institutions and the maintenance of discipline. This instruction places certain responsibilities on the shoulders of all public managers with regard to the code of conduct. One of these responsibilities is that they may also be required, on behalf of their institutions, to supplement the code of conduct in order to provide for their unique circumstances after the matter has been considered by the appropriate Chamber of the Public Service Bargaining Council (see section 3.5 on p 31 above). Of course, any public official may be prosecuted for breaching the code of conduct.

Although the primary purpose of the code is a positive one, namely to promote exemplary conduct, a public official shall be guilty of misconduct if he or she fails to comply with its provisions. Generally, in the case of misconduct, a public official is dealt with according to section 20(t) of the Public Service Act of 1994.

One might ask whether the introduction of a code of conduct would help to promote a more ethical public sector? Obviously, government is of the opinion that more ethical practices are necessary, since it has considered additional steps to facilitate the process – steps that will contribute towards greater honesty, integrity and efficiency in the public sector as a whole.
One of these was the establishment of an Ethics Component in the Office of the Public Service Commission. Responsibilities of this institution include the promotion of a high standard of professional ethics; the monitoring and identification of tendencies that may prohibit ethical behaviour; and the promotion of responsible public administration (Van der Westhuizen 1998:19).

One may, of course, further question whether ethical issues would be successfully handled if public sector employees were not aware of the available channels for reporting transgressions. Regulations should therefore be set in place that require each public sector institution to outline the internal channels that can be utilised for reporting unethical practices.

Finally, one may wonder why so few legislative measures have been developed to demonstrate how ethical issues should be dealt with in practice. Here lies the most significant aspect of ethical management in the public sector. One of the key practices in modern public human resources management is the resignation of the accountable person involved. This is something which should be implemented to the letter.

3.12 Open Democracy Bill, 1997

A policy initiative on democracy would not have been an important issue in public human resources management five years ago. The dramatic emphasis on the democratic ideals of openness and transparency, however, has moved the establishment of democratic principles to the forefront of the human resources function in the public sector. Section 32(1) of the New Constitution provides as follows: everyone has the right of access to (a) any information held by the state; (b) any information held by another person that is required for the exercise or protection of any rights. Further, it is stipulated in section 32(1), read with item 23(1) of schedule 6 thereto, that national legislation must give effect to this right within three years of the commencement of the New Constitution.

To give effect to this stipulation, the government proposed the Open Democracy Bill of 1997. What can be expected of this Bill? One important objective is to provide for public access to information held by state institutions subject to certain exemptions. This is, among other things, not only intended to provide a mechanism for individuals to correct information about themselves held by state institutions, but also to restrict serious maladministration or corruption in the public sector.

There are several other proposals in the Bill which aim at promoting democratic public human resources management. One important element is the designation of information officers for each governmental institution. This raises important issues of human resources selection and appointment. Those who are responsible for implementation should remember that the designation of information officers must take place within the parameters of legislation governing the employment of personnel of the public sector. Most people would agree that unique job
descriptions should be formulated for these posts, based on the real requirements of the task.

A second important proposal is the requirement that the head of a state institution must publish in at least two official languages a manual containing, among others, a description of the institution’s structure, powers, and duties; the postal and street addresses, telephone and fax numbers and electronic mail addresses of information officers; and the procedure of how to facilitate a request for access to the relevant institution (in sufficient detail).

Obviously, putting this manual into operation will put pressure on the human resources information systems of the various public sector institutions. In practice, of the head of the institution, according to section 6(2) of the Bill, is expected to update the manual at intervals of not more than one year.

Finally, the Bill also proposes the protection of persons who make known evidence disclosing contraventions of the law, serious maladministration or corruption in public sector institutions. Section 63(1) of the Bill states very clearly that no person is civilly or criminally liable, or may be subjected to disciplinary action in any court of law or administrative or other tribunal, on account of having disclosed any information, if the person was disclosing evidence about a contravention of the law, corruption, dishonesty or serious maladministration in a public sector institution.

According to the content of the Open Democracy Bill of 1997 it seems, indeed, that the elixir for democratic public human resources management has been found. However, it is a matter of debate how far one should go with the emphasis on openness and transparency. From a practical point of view, for example, should institutional meetings be open to the public or should only the outcome (for example decisions taken at the meeting) be placed in newsletters, papers or the Internet?

In most cases, the answer is no. This is not to say that existing stipulations do not provide for the proper release of information. However, a few problems are envisaged with its implementation. While guidelines are set for the heads of public sector institutions and information officers on information distribution in the public sector their execution part remains ambiguous and could be particularly sensitive. The ambiguous nature of the Bill could result in difficult judgement calls by certain institutional roleplayers. For example, heads of public sector institutions or designated information officers often may not be sure what personal information they should release (or safeguard) under the Bill. This is a contentious point and becomes even more complex if one looks at the possible list of requesters of information with their unique demands and own agendas. Because of this added complexity, the Bill brings along with it the issue of payment for information made available in some or other format. It is well known that lack of government funding was an issue in the past, and always will be. As the provision of government information is not of strategic importance in relation to other public priorities (such as health or education), it is suggested that all
requesters pay for all their requests for information in real terms. At this point, a calculation of the real costs should be made. If one takes into consideration the costs in terms of searching hours, scrutiny of contents to determine what can be divulged, and reproduction, it seems only fair to let the requester pay a fair price for the service.

4 CONCLUSIONS AND FINAL REMARKS

What lessons can be drawn from the ideas put forward that might guide the actions or thoughts of the contemporary public human resources manager? One way to begin to answer this question is to summarise the points of departure highlighted here.

Many of the thoughts seem to suggest that:

- The changing environment of public human resources management with its infinite problems (also from the past) needs to be taken into consideration on a continuous basis. An understanding of the problems public human resources management is faced with not only puts the negative effects into perspective, but also facilitates the change efforts of the future. The observation has also been made that public human resources management is not performing well at the moment.

- The New Constitution should be regarded as the supreme law for public human resources management and all actions be guided by it. This implies that constitutional provisions such as the increased emphasis on basic human rights in the workplace (for example freedom of expression) and the setting of specific values to govern public administration (such as transparency) should be adhered to. Basically, it suggests performing every human resources activity in the light of the anticipated conditions of the New Constitution, thus putting the relevant public human resources section in the best position to deal with constitutional provisions.

- The RDP has faded away as a policy initiative of government. In its place, the GEAR strategy was created, with the only human resources emphasis on improving labour market flexibility. The question one encounters about GEAR is: Are the parameters laid out for a flexible labour market the right ones for a developing and transforming public sector like that of South Africa? Indications are, if one only looks at all the human resources policy initiatives mentioned in this article, that the government is overregulating the field and limiting flexibility.

- Although there is a clear policy framework for public sector transformation through the White Paper on the Transformation of the Public Service of 1995, it becomes clear that most public sector institutions do not share the common vision of transformation. Some are of the opinion that transformation is only reflected in a more representative workforce.

- Public human resources management policy-making powers and executive
powers cannot, simultaneously be vested in one institution, as was the case in the past. Thus, the government promulgated the Public Service Laws Amendment Act of 1997 and the Public Service Commission Act of 1997. This led to new relationships among the Department of Public Service and Administration, the Public Service Commission, senior executives and departmental human resources officers. At national level the Department of Public Service and Administration is responsible for policy-making and the Public Service Commission for quasi-policy-making functions such as rule-making and monitoring. In their turn, the senior executives at departmental level are responsible for the executive human resources functions. It is important that the Department of Public Service and Administration and the Public Service Commission should be looking continuously at establishing specific checks and balances between them so that the values of efficient and effective human resources management are adhered to in the public sector.

- The Labour Relations Act of 1995 is an important step towards improving collective bargaining in the public sector and places enormous responsibilities on the shoulders of the various roleplayers. It also means that a high degree of uncertainty is likely to surround the management of labour relations in the public sector. Therefore, those involved in labour relations must be made skilful in joint problem-solving, conflict resolution and the handling of strikes.

- The Basic Conditions of Employment Act of 1997 sets specific guidelines for labour-management relations. Unfortunately, the Act will make public human resources management unduly complicated, because it creates a situation where those in the higher echelons could feel excluded and become reluctant to apply all the provisions of the Act.

- The Employment Equity Bill of 1997 seems to create a new form of apartheid with the stipulation that equity plans should provide occupational information based on racial categories. Interestingly, however, this requirement also creates an additional administrative burden in the bureaucratic machinery of the government. Indeed, one might even say that the extensive powers and roles of the relevant Minister, director-general and labour inspectors give the reader some idea of the overregulated employment equity environment.

- The White Paper on Human Resource Management in the Public Service, 1997, devotes a substantial part to the issue of delegated responsibility, one of the leading human resources issues in the public sector over the last decade. It is foreseen that the policy initiatives set out in the White Paper cannot be implemented overnight and this could dampen enthusiasm.

- Apart from the stipulations of the White Paper on Public Service Training and Education, 1997, and the South African Qualifications Authority Act, 1995, a new interactive training methodology needs to be followed in the public sector. The implications of this new training methodology are profound. It means that the role of the trainer shifts from the ‘expert’ (trainer) telling trainees what to do to one of facilitating learning and encouraging discussions. It also means
that training material should be written in an interactive context. As an illustration, this implies that training material should reflect specific learning objectives, learning activities, figures, tables, diagrams, memory charts, self-evaluation activities and case studies.

- The White Paper on Affirmative Action in the Public Service, 1998, is not without flaws and its managerial and administrative implications are profound. For example, the amount of money it will cost the taxpayer to put into operation the affirmative action programmes in the public sector will be enormous. The appointment of affirmative action managers alone will cost the public sector a lot of money.

- The Code of Conduct for the Public Service does not provide for the details of managing ethical issues in the public sector. For this reason, senior executives have to supplement the code of conduct in order to provide for their own unique circumstances. Obviously a single code of conduct would not help promote a more ethical public sector. Therefore, the government considered additional steps such as the establishment of an Ethics Component in the Office of the Public Service Commission.

- The Open Democracy Bill of 1997 and its emphasis on openness and transparency raises some practical problems. For example, should institutional meetings be open to the public? Which personal information must be released (or safeguarded)? Should the requester pay for the information?

It is clear that the contemporary public human resources manager faces enormous challenges. It can be accepted that public human resources managers are in daily contact with the issues of the human resources function. In order to enhance an understanding of the contemporary issues the public human resources manager should have proper knowledge of the content of the latest Acts, regulations, Bills, White Papers and codes. The human resources manager is actually the one who deals with the human resources function in its totality. Therefore, he or she must not lag behind but react positively to all the developments and implement them accordingly. This can be achieved through a proper study of all the latest documents and attendance at courses, workshops, conferences and seminars which deal with the relevant human resources topics. He or she must also try to bring all the stipulations of these documents to the attention of all the relevant roleplayers, who include immediate subordinates, line managers, senior and middle managers and other colleagues.

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