

Appointments, Equity and Leadership Positions

There is much muddled and dangerous thinking about the appointment of people to key *leadership* positions in institutions.

Some are of the view that 'race' (or/and gender) should be the sole or overriding criterion, resulting in what we may term a 'blind equality' principle. Others think that membership of a political party or being well-disposed to a political party should be the key principle. Yet others consider that merit, established by qualifications, knowledge, expertise, experience and the like must trump all else.

At the same time, it is clear that often there is a grave lack of appreciation and serious underestimation on the part of individuals and committees of the expertise and qualities that a person must possess to *lead* an institution. It is glibly imagined that one or other virtue or positive quality is sufficient for someone to *lead* an institution.

When an appointment is for someone to *lead* an institution (not to be the deputy or one among various deputies or senior managers, but to be *the* CEO or President or Vice-Chancellor), one sometimes hears that a person being considered to *lead the institution* has the 'potential'.

Yet when appointing someone to lead an institution, can one be satisfied with *potential*? Is it not *proven abilities and capabilities* that are being sought, rather than merely potential? Especially in institution where there is no strong second layer of leadership or the second layer is vacant and has to itself be appointed, is *potential* as opposed to *proven ability and capability* sufficient?

If the above are scenarios of muddled and dangerous thinking about appointments to leadership positions, there are also instances where weak and malleable 'leaders' are sought deliberately. Here, certain kinds of institutional politics and constituency and personal interests may predominate and conspire to appoint a weak 'leader' even if at grave institutional costs and at the expense of other constituencies.

Consider when a person has to be appointed as a pilot, and entrusted with flying an airbus of 400 passengers and twenty crew members regularly between Johannesburg and New York. Given the gravity of the responsibility it would be inviting disaster and criminal if 'race', gender or political affiliation were used as the sole or key criteria in such an appointment. We would never (I hope) adopt such an approach.

Note that the first officers who may fly the plane from time to time as part of their apprenticeship do so under the supervision of accomplished pilots. They must earn their stripes.

Yet, we rather nonchalantly, either as a consequence of muddled thinking or deliberate vested interests, appoint or consider appointing persons to pilot major institutions solely or largely on the basis of 'race', gender, political affiliation and potential – whose failure or ineffectual functioning could have devastating impact on thousands, and perhaps sometimes millions of people.

The 1996 South African *Constitution* proclaimed the values of "human dignity, the achievement of equality" and "non-racialism and non-sexism". The *Bill of Rights* states unambiguously that individuals and "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth".

However, the Constitution could not be blind to the effects of the legacies of colonialism and apartheid. It could blithely assume that the advent of democracy would in itself be a sufficient condition for erasing the institutional conditions, policies and practices that had for decades grounded and sustained inequalities in employment. It is this reality that gave and continues to give ives salience to the idea of redress and makes it a necessary dimension of transformation in South Africa.

Thus, the *Constitution* acknowledged that "to promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken".

One measure is affirmative action, which can take different forms including quotas, targets and preferences. Affirmative action seeks to proactively "reduce or address the impacts of discrimination with the ultimate goal of eliminating differences between genders, race and ethnicities, underrepresented and dominant groups".

The aim of affirmative action, as Albie Sachs notes, "is not to establish a form of anachronistic or disjunctive compensation for past injustices. It is to rectify the way in which these injustices continue to permeate the world we live in". Furthermore, the aim is also not to "replace one form of social inequality with another, that is, to elevate 'now-its-our-turnism' into a principle of equitable redress. The objective must be to overcome all forms of structured advantage". Sachs also makes the crucial point that "we should never lose sight of the fact that the goal is to establish a non-racial society in which social and cultural diversity is celebrated and seen as a source of vitality, and in which race as such ultimately has no political or economic significance. That must always be our goals".

One purpose of the *Basic Conditions of Employment Act* of 1997 is to ensure "the right to fair labour practices". In terms of the 1998 *Employment Equity Act*, as amended, there can be no *absolute barriers* to any individual applying for any post, being employed or promoted. The same Act, however, observed that "as a result of apartheid and other discriminatory laws and practices" there (were) disparities in employment, occupation and income". These disparities

established “such pronounced disadvantages for certain categories of people that they (could not) be redressed simply by repealing discriminatory laws”.

A policy of employment equity was necessary to “promote the constitutional right of equality”, “eliminate unfair discrimination in employment”, and “achieve a diverse workforce broadly representative” of South Africans. All institutions, as highly unequal workplaces, were obligated to devise strategies and implement measures (such as affirmative action) to address the effects of past discrimination against ‘designated groups’ – defined by law as Black (African, Coloured and Indian) South Africans, Chinese South Africans, women and the disabled. In terms of the law, if two candidates are deemed to be equally suitable for an academic post and one is from a designated group, the post must be awarded to the member of a designated group.

‘Race’ or gender as the sole or principal consideration in appointment to any key leadership position is illegal as it constitutes an absolute barrier to any individual applying for any post, being employed or promoted. It also represents unfair discrimination – institutions “may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex...”. When persons are not equipped for a leadership position it can have grave consequences for institutions and the public more generally. The ‘blind equality’ principle may confer benefits on individuals but has dubious institutional, societal and public benefits.

The cadre deployment policy of the ANC has been cited as an example of political affiliation over-riding any other considerations in appointment. Yet such an approach may not be the preserve of the ANC alone. In any event, besides being illegal beyond a narrow range of public posts, the disastrous consequences of political affiliation trumping all else has become all too evident, especially at local government levels.

Merit, as measured by qualifications, knowledge, expertise, skills and experience as the sole criterion for appointment to leadership positions is an attractive proposition. An indeed, accomplishment in these terms must be highly valued and promoted. Yet it is arguable whether such accomplishment must always trump all other considerations when it comes to appointments to leadership position. This is because where privilege and disadvantage has been structured along lines of class, ‘race’, gender and the like, such an approach would reproduce historical and prevailing social inequalities.

Thus there is a case for leadership appointments not being reduced to accomplishment - qualifications, knowledge, expertise, skills and experience – alone; in the light of inherited legacies, constitutional and social imperatives, institutional vision and mission, the needs of society and development objectives, to deliberately employ, in *addition* (not *substitute*) a wider set of criteria that include geographic origins, ‘race’, gender, home language, hardships overcome, civic involvement, special talents and abilities, and the like. Such a more inclusive approach has greater prospects of eroding social inequalities.