The influence of labour brokering practices on employment equity in South Africa: A case of two universities

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Abstract

The purpose of this paper is to highlight the influence of labour brokering on employment practices, particularly those related to the Employment Equity Act 55 of 1998. The research reported on in this paper is based on a larger research project that investigated the barriers to and enablers of gender equity within two higher education institutions. Utilising a qualitative case study at the two South African universities, the findings demonstrate the contradictions between the intentions of employment equity policies and practices and the adoption of a labour brokering employment strategy. Employment equity policies and practices did not include employees in the cleaning and gardening job categories recruited through labour brokers. Most importantly, the practice has serious implications for the economic survival and development of the lowest level of employees at the universities. The implications of these findings are discussed in the light of the Labour Relations Amendment Act 6 of 2014.

Key words: *labour brokering, employment equity, higher education, race and gender, intersectionality theory*

1 Introduction

Temporary labour agencies are a growing phenomenon globally. In South Africa, the practice commonly known as labour brokering has gained momentum in the past two decades. Labour brokering is defined as a labour market service that is characterised by contractual labour agreements (ILO 2002a). The use of labour brokers has resulted in a significant shift by some employers from permanent employment to temporary contract-based employment. The rise in this practice includes a high number of third-party employers and a significant rise in casual employment contracts (Di Paola & Pons-Vignon 2013). Furthermore, this practice is plagued by controversy. It is perceived as a cheaper alternative to permanent employment and the accompanying labour-related obligations. The guidelines of the International Labour Organization (ILO 2002b) allow for labour brokering services but require that measures be put in place to ensure freedom of association, the right to collective bargaining, protection in terms of the minimum wage, employment benefits and social security benefits (ILO 2002b). Therefore, the ILO recommends regulation of this economic sector to protect employees from exploitation (Van Eck 2010).

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Nevertheless, most South African trade unions oppose labour brokering. In 2012 and 2014, the Congress of South African Trade Unions (Cosatu), the biggest trade union federation in South Africa, marched against labour brokering and called for it to be banned. The major issue for Cosatu was the lack of benefits, low wages and the job insecurity inherent in the conditions of employment. While formal employees receive the protection and benefit of a number of labour and employment laws, employees recruited through labour brokers have until recently been excluded (South Africa 2014).

In South Africa, employees taken on through labour brokers are classified as informal employees. National statistics on the informal economy may be distorted because this classification includes unregistered agencies and individuals (Valodia & Devey 2010). The available statistics indicate that the informal economic sector has more than doubled in the past decade compared to the formal economic sector. This change has been attributed to the growth in the number of labour brokers (Di Paola & Pons-Vignon 2013). However, it remains difficult to isolate the socio-economic impact of labour brokering because of the way the statistics were compiled.

Despite these debates, there has been very little empirical research into the effect of labour brokering on employees. The only study located was one on labour brokering practice and its effects on employees in Namibia (Klerck 2012; Van Eck 2010). The focus in this paper is on how labour brokering practices influence institutional practices, particularly employment equity. Specifically, it reports on a case study conducted at two South African universities to demonstrate the intersectional impact of labour brokering practices on the most vulnerable category of employees, consisting predominantly of black women in the lower socio-economic band of South African society.

The research found that employees acquired through labour brokers were excluded from employment equity policies and interventions. The negative effects were particularly pronounced for poor black women cleaners at both institutions, reflecting the confluence of gender, race and social class in shaping their exclusion from employment equity policies and interventions. Results highlight incongruence between the use of labour brokering employment practices and the promotion of gender equity as intended by employment equity legislation. The omission of poor, mostly uneducated black women from the benefits of employment equity policies and practices in organisations points to workplace inequalities experienced by the most vulnerable employees. The next section of this article provides a brief overview of labour brokering, as well as its practice in the South African context. This is followed by a description of the research design and methodology, the analyses and findings. The last section discusses the theoretical and practical implications of the research.

2 Labour brokering: An overview

Labour brokering is generally referred to as a temporary employment service and is practised globally. Labour brokers are variously referred to across the globe as temporary agencies, consultants and temporary contractors. In the United Kingdom (UK), labour brokering refers to practices such as outsourcing, which is mainly used to outsource public sector services for the purpose of improving the efficiency and effectiveness of public bureaucracies (Cooke 2005). Sweden uses labour brokers as human resource consultants within both the public and the private sectors and refers to them as human resource intermediaries (Kock, Wallo, Nilsson & Höglund 2012). In Australia, the labour brokers equate to temporary agencies (Hall 2005), which are similar to temporary employment services in Namibia (Botes 2013; Van Eck 2010).

These practices have resulted in significant cost reductions in human resource compensation globally, and have also given organisations considerable flexibility in adjusting their labour forces (Kalleberg 2003). However, the benefits to organisations are generally perceived to be at the expense of the general well-being of employees (Klerck 2012; Cooke 2005; Van Eck 2010; Hall 2005). The vulnerability of employees of the labour brokers in terms of job security, lack of social benefits and general exploitation by their employers are the pitfalls of labour brokering most frequently cited in the literature reviewed.

2.1 *Labour brokering in South Africa*

In contrast to the developed countries referred to above, the South African socio-economic context is characterised by poverty and very high unemployment, as well as a political history of racial segregation. In South Africa, labour brokering impacts heavily on the historically disadvantaged majority who are black and are predominantly poor people.

In the early years of South African democracy, the former South African President, Thabo Mbeki, referred to the existence of a second economy. He defined it as: *"An economy that was marginalised, underdeveloped, contributed very little to the GDP and contained of the majority of the country's population."*

President Mbeki (2004) maintained that this second economy was structurally separated from the first, global economy and operated concomitantly. The first economy is still better established and more substantively documented, while the second economy, in which the most current labour brokering practices operate, lacks coherence and has inadequate systematic data (Valodia & Devey 2010).

During the years between 1994 and 2004, South Africa also experienced an increase in the movement from a traditional full-time employee relationship to a triangular relationship between client/traditional employer, labour broker/agent and employee. According to existing research, labour brokers fall within the previously mentioned triangular relationship. The employer-employee relationship is characterised by temporary or fixed-term contracts. Government policy with respect to the regulation of this employment arrangement remains incoherent, inadequate and ineffective even after two decades of democracy (Van Eck 2010). As might be expected, significant challenges are still encountered within labour brokering in the low-income sector, as until recently there were very few regulatory measures to manage this sector. A labour broker employee, although working for the labour broker, provides services to the client. The Labour Relations Act, before the recent amendment, did not provide the same type of protection to labour broker employees as it did to non-labour broker employees. This omission perpetuated inequalities between client employees and labour broker employees doing the same job (Van Eck 2010).

Labour brokering was introduced into South Africa post-1994. Lee and Faller (2005) attribute the growth of labour broker practice to the democratisation of South Africa and the subsequent impact of labour relations laws, specifically the Labour Relations Act of 1995, on perceived lack of flexibility by employers. The labour broker agreements have afforded employers the flexibility to increase and decrease staff numbers in response to economic challenges without being restricted by labour laws.

What has been problematic in the practice of labour brokering in South Africa is the inadequate legislative and regulatory framework. This has often resulted in the abuse of employees by the labour brokering companies. These abuses include, but are not limited to, the contravention of employee rights and job insecurity. After the completion of the research reported on in this article, amendments were effected to existing labour laws and some of the concerns have been addressed. However, there is very limited research on labour brokering and more empirical examination is required to provide insight into the successful implementation of labour brokering in South Africa (Lee & Faller 2005; Valodia & Devey 2010; Van Eck 2010).

South African universities have gradually outsourced the services performed by lower-level employees such as cleaners and gardeners. They still employ a cohort of employees in this category, who were permanent before the new arrangement was introduced. The common practice adopted by employers is that when the services of permanent staff in a particular category are terminated through resignation, retirement, death or disability, no replacement is appointed. So, through natural attrition, these services will ultimately be wholly outsourced. Currently the reality is that within universities there are two classes of employees working in the same categories – those employed by the university and those employed by the labour brokers. This study focused on the employment experiences of employees in the lowest job categories hired through labour brokers.

3 Purpose and objectives of the study

The purpose of the study was to identify common themes emanating from the experiences of employees working within the lowest job categories at two universities. The research was guided by the following investigative questions:

- What are the perceptions of the employees about the influence of labour brokering practices on their working conditions?
- To what extent do employment equity policies and practices include employees recruited through labour brokering?
- How do the employees perceive the influence of the practice of labour brokering on their careers, social well-being and economic welfare?

The next section describes the theoretical framework.

4 Theoretical framework

The theoretical framework for the research draws upon black feminist epistemology and intersectionality theory. Black feminism originated in the United States in response to the omission of race and class in feminist treatments of gender equity and discrimination. Black feminists argued that the sole focus on gender as a basis of exclusion and discrimination failed to address the real issues of poverty and racial discrimination that continued to beleaguer black people in the USA, even after the abolition of slavery (Collins 2000).

Black feminists have argued for the interrogation of the three interlocking systems, namely gender, race and social class, in addressing gender issues in society and organisations (Holvino 2008; Tong 1998). African feminism is also relevant to understanding gender issues because of its focus on the societal role of women (Nkomo & Ngambi 2009). The common thread in both approaches to feminism is the need to review and improve the disadvantaged status of women relative to men within a particular cultural context (Mikell 1997; Nkomo & Ngambi 2009). The early efforts of black feminists have crystallised into what is currently known as intersectionality theory (Acker 2006; McCall 2005, Nkomo 2013). Intersectionality theory posits that race and gender are not experienced as separate or additive but as linked and simultaneous in their influence on individuals and groups. Consequently, the interlocking nature of race, gender and social class affects the social location of individuals and groups. Social location refers to the position an individual or a group of individuals occupy within a society, particularly in respect of race, gender, class or sexual orientation and other marked categories (Holvino 2008). Furthermore, some groups are marginalised because of their social location while others may enjoy relative privilege (Nkomo 2013). Since the study focused on a category of workers who were predominantly female and black and from the lowest socio-economic class, intersectionality theory was considered to be the most relevant for the study (Abib & Guerrier 2006).

The next section provides an outline of the research design and methods adopted to answer the above questions

5 Research design and methodology

5.1 *Research design*

The research design was informed by the key scientific beliefs adopted by the researchers, as well as the nature of the phenomenon examined. Scientific research paradigms are general conceptual frameworks within which some researchers work (Healy & Perry 2002). The specific paradigm adopted was social constructionism, which posits that human beings seek meaning from the world in which they work and live. These meanings are subjective and are influenced by social, historical and contextual factors (Creswell 2009; Mangan, Lalwani & Gardner 2004). The social construction paradigm recognises the centrality of work within a social context which includes politics, families, history and economic and legal dynamics (Creswell 2013).

5.2 *Qualitative methodology*

Qualitative methodology was used to execute the research. Qualitative methods study individuals within their natural setting through their own eyes (Creswell 2013). The overall goal is to understand a phenomenon within a particular context (Babbie & Mouton 2006). The specific qualitative design used was a multiple case study conducted at two diverse universities. A comparison of the two universities in terms of policies, practices and processes in achieving gender equity provided an opportunity to identify similarities and differences in labour brokering employment practices, particularly their effect on employment equity practices (Stake 2010). The choice was also based on the need for thick description in order to understand a relatively understudied phenomenon in South Africa. At the same time, the method provided an opportunity to clarify social, cultural and structural aspects of the research questions.

5.3 *The selection of the cases and research participants*

The population from which the cases were selected were the employees of 23 South African universities. Only two universities were selected for the study. In selecting cases for a multiple case study, Stake (2006) suggests a minimum of four cases. It would have been ideal if four or more universities could have been selected. However, the most important consideration is the “replication logic” (that is, the rationale for one’s choice) used to select the cases (Yin 2003, 2004). The choice of the two institutions was based primarily on their extreme contrast in terms of gender profiles. This was important because the goal of the larger research project was to understand the obstacles to gender equity in higher education. Stake (2006) proposes three criteria that scholars should consider in selecting cases: relevance to the phenomenon; diversity in context; and the opportunity to learn about complexity and diversity. Gerring (2007) supports this type of selection and refers to such case selection as a diverse case selection aimed at achieving maximum variance among relevant dimensions (Yin 2004; Parkhe 1993). Location and accessibility were secondary concerns because of financial constraints.

In order to select the appropriate cases, data on gender profiles (representation) were gathered for the 23 universities from the Higher Education Management Information System (HEMIS) reports which are compiled annually by the Department of Higher Education and Training. Based on the gender profiles, all the universities were placed in rank order (from high to low female representation). Universities at the top end and lower end were asked to participate in the research. While gender representation on its own is insufficient to measure gender equity, it did provide an adequate measure of relative progress. The cases in this study, UCU (Urban Comprehensive University) and RCU (Rural Comprehensive University), represented contrasts in high and low gender equity profiles, respectively. We have used pseudonyms to maintain their anonymity. They were both willing to participate in the study and their locations were favourable for data collection.

5.4 *Data collection procedures*

The study adopted a multiple data collection strategy with the object of triangulation. Both secondary data and primary data were collected at the two universities. Secondary data were collected first so as to allow the researchers to become familiar with the policies, practices and strategic direction adopted by each university in relation to gender equity. The data included institutional plans, employment equity policies, procedures and minutes from employment equity committee meetings. The primary data consisted of interviews. An interview guide was developed based on a gender-mainstreaming tool known as the 3R. Gender mainstreaming is an integrationist strategy aimed at tackling gender issues in existing development policies, strategies and priorities. Tools have also been designed to analyse the level of gender equity and gender equity practices within institutions (Commonwealth Secretariat 1999). The 3R tool measures gender equity by examining representation (demographic variables of race, social class and gender), realities (practices, policies and processes) aimed at gender equity promotion, and the resources allocated and utilised by the organisation to promote gender equity (Council of Europe 2000). The measures are applied to both men and women.

A total of 60 employees were interviewed at the two universities, ranging from senior managers, academic and support staff to lower-level employees, including those employed through labour brokers. Specifically, 12 labour broker employees were interviewed from both UCU and RCU (male and female cleaners, gardeners, maintenance staff and their supervisors). Standard informed consent forms and confidentially agreements were signed to assure participants’ anonymity. A brief outline of the study and the proposed questions were given to the respondents together with an interview guide. The interviews lasted an average of one hour per interviewee and were conducted in both English and the applicable home languages. All the interviews were subsequently translated and transcribed into English. The supervisors of the employees were given the transcripts so that they could confirm with the interviewees that the interviews had been accurately transcribed, as requested by both the supervisors and the employees involved.

5.5 *Data analysis*

The research questions were probed and the responses obtained were verified through triangulation. For example, if a policy suggests that all managers are responsible for gender equity promotion, the managers and their subordinates were questioned on the issue during the interviews to assess whether there was an implementation gap in the policy.

All data collected through interviews were tape-recorded and coded using ATLAS.ti software. The 3R Gender mainstreaming framework of representation, processes and practices was also used as the framework for analysing the interviews. The coding regime moved from first order codes to themes. The cross-case analysis methodology proposed by Eisenhardt (1989) in her classic article on building theory from case research was used to analyse where the themes from the two cases converged and diverged. The coding process and resultant themes were independently reviewed by an external reviewer who subsequently validated the coding results. A research diary was kept to record reflections and insights into the data during the research process (Creswell 2009; Miller, Dingwall & Murphy 2004).

6 Findings

6.1 *Case descriptions*

UCU is the product of a merger of three universities, UCU and two other universities with similar delivery modes. The new university retained UCU as the name of the three merged universities. The university is located within a large metropolitan area and is relatively well resourced. It is in close proximity to an established transport system and has world-class teaching and learning equipment. Eight black women and four black men (cleaners, gardeners, and maintenance staff) were interviewed at UCU. No other racial groups held such positions.

Employment equity policies and practices at UCU were formalised in 2008 when the employment equity policy was approved by the university governance structures. Subsequently, employment equity committees were put in place and the Directorate of Employment Equity became active in human resource processes. These activities included selection interviews, representation of employees in grievances related to discrimination and in high-level university structures that addressed employment equity related issues. At the time of the study, UCU was among the top three of the 23 universities in terms of gender equity.

UCU has a comprehensive employment equity system that includes employment policies, plans, procedures and a dedicated employment equity directorate. There is university-wide awareness of the employment equity strategic direction of the university. All the employees and stakeholders interviewed, from senior executives, academics, directors, managers, student leaders to union leaders, were aware of the interventions UCU had put in place to promote employment equity. The lower-level UCU employees were not aware of employment equity policies and interventions, however. The labour broker employees in the same category were also excluded from UCU employment equity initiatives. This is understandable, as the employees were not directly employed by UCU. UCU's employment equity policy was also silent on the treatment of labour broker employees contracted to UCU.

During the course of the research, the gender and racial profile of senior academics, including deputy vice-chancellors, professors and faculty deans, improved significantly.

However, all interventions and activities aimed at advancing women totally ignored the lowest level female employees at the university.

In the second case, RCU is a rural-based university established in 1982 during the apartheid era. Its mission was to cater to the higher education needs of black people in the former Bantustans. Bantustans were the creation of the South African apartheid system. The intention of the government of the time was to create universities in undeveloped rural areas in order to promote their agenda of separate development. The university is located in an area characterised by high levels of poverty and unemployment. RCU is a historically black institution with predominantly black students and staff. It is also one of the most under resourced universities in the South African higher education system.

RCU was among the bottom three of the 23 universities in terms of the number of women in senior and executive positions among both the academic and the academic support staff. An Employment Policy and an Employment Equity Plan were submitted to the Department of Labour. According to the Director of Human Resources, these documents were approved by the university governance structures. None of the senior managers interviewed supported the Director's statement, however. The senior managers interviewed knew about government and higher education initiatives to promote employment equity and gender equity but could not relate this national imperative to RCU policies and plans.

The lowest category of staff, which included gardeners, cleaners and maintenance staff, denied any knowledge of the existence of such plans and policies at RCU. RCU was providing their dependants with study grants to study at RCU. At the time, the employees were full-time employees of RCU with full benefits, including a medical aid and a pension fund. RCU was introducing labour brokering processes while the research was being conducted. The employees had been informed of their possible conversion to labour broker employees.

The lower-level employees at RCU were highly unionised and as a result of previous experiences of their National Union with labour brokering, they were vehemently opposed to it. The employees in this category at RCU included only black males and females. No whites, Indians or coloureds were employed in this category.

The employment equity policies applied at RCU were incoherent and inadequate compared to those at UCU. There was no evidence of systematic implementation of employment equity policies. Most of the senior managers interviewed showed a lack of knowledge of the institutional plans and policies for employment equity.

The next section describes the major findings on the perceptions and experiences of employees relative to labour brokering.

6.2 *Employee perceptions of labour brokering practices*

The emerging themes suggest that employees had experienced exploitation by labour brokers, inadequate communication, lack of respect for their rights regarding overtime, feelings of job insecurity and helplessness. The quotations below represent a synopsis of the dominant themes that surfaced during the interviews at both universities.

When asked about their perceptions of employment conditions, the words of one of the black women cleaners who is in her mid-forties echoed what was generally heard during the interviews:

> *I had no choice. I was employed by a previous labour broker. When his contract ended, I was told the day before the expiry about my appointment with the new one. I*

> *was told to sign papers immediately because I might lose my job. I have children who are more educated than me. If given the chance I would have consulted them so that I could understand my new working conditions. I had no choice but to sign. I needed the job. After a week, I realised that I was appointed on more hours than the previous one, but with the same salary. The contract did not reflect the mistake. The result was that I was paid less than the hours I worked. What can I do, I had no choice, and I have to provide for my family even if I knew beforehand I will still have taken the job.*

When asked about the type of benefits offered by the labour broker, a young black woman with a grade twelve certificate, employed as a supervisor of cleaners, said that her dream of further study was not going to be realised:

> *I am young and ambitious. I thought working for UCU could provide me with opportunities to study part-time. My employer (labour broker name) made me a supervisor within weeks due to my education compared to my colleagues. I supervise others, write reports, resolve work related disputes and problems and I know he recognises my potential. I have hinted to him that I would like to further my studies, but he just ignored me. I really think the labour brokers could negotiate a deal for those who want to advance in their studies with UCU but the real reason they do not is because they do not care. Sometimes we really think that the people involved with these contracts in UCU are receiving kickbacks from the labour brokers, maybe that is why they do not care.*

None of the employees recruited through labour brokers at UCU received educational benefits. On the other hand, UCU permanent employees have a medical aid, a pension fund and study benefits that enable them and their dependants to study further. Furthermore, UCU employment equity policies advocate support for employees to pursue higher-level qualifications, with black employees and female employees often prioritised for such support. Yet these benefits were not available to labour broker employees in similar job categories.

At both universities, employees recruited through labour brokering were predominantly black females. However, some gender differences in work experiences did surface. Black males were often exploited by being asked to provide additional external services above the normal duties attached to their jobs. The experience of a black male gardener who was also used as a maintenance worker because of his ability to repair electrical appliances was similar to the accounts of others:

> *I am a father of two. I live in a shack in a nearby informal settlement. My employer realises that I am hardworking. Over and above my normal duties, I am expected to work on weekends to help his friends or some UCU senior managers to move furniture, clean carpets or even fix their electrical appliances, free of charge. I am not paid for that. It would help if they paid me. I am afraid to complain because I fear that I would lose my job.*

A majority of those interviewed were reluctant to complain or protest against their employment conditions because they feared a loss of job security. There was a general feeling of helplessness among the staff. The most significant finding was that UCU employment equity policies did not address this category of workers despite UCU's espoused commitment to transforming the institution and attaining gender equity. Because these employees were employed through labour brokering, they were largely invisible and off the radar screen of those responsible for employment equity at UCU, despite the fact that the race and gender profiles of these employees were similar to those of employees prioritised in employment equity policies and proclamations.

In the case of RCU, labour brokering was in the process of being introduced at the time of the research. The agreement between RCU and the labour broker was finalised after the research was conducted. Although employees were not yet "labour brokered" employees, the overwhelming sentiment was negative towards labour brokering. This was largely due to the perception that benefits previously enjoyed would be lost. A quote from a supervisor of the lowest category of employees at the university, consisting of cleaners, gardeners and maintenance staff, illustrates the fears about job security expressed during the interviews:

> *We are highly opposed to the labour brokering practice. I came here semi-literate with only a grade 7 qualification. I was granted an opportunity to study in the evenings. Currently I have completed a diploma and my life has improved. I have a medical aid, pension scheme and I know that my family is provided for in case anything happens to me. This is a result of me being an employee of the university. Labour brokers are contractors; all they care about is getting as much money as possible. Employee wellness is not their concern. I suspect that this whole labour broker issue is about people getting kickbacks from those awarded with the contract.*

Lower-level RCU employees generally viewed the impending introduction of the labour broker system as a ploy by the university to abdicate its responsibility to lower-level employees and to put their rights as employees at risk. When interviewed about his perceptions about the impending introduction of labour brokers at RCU, a black male supervisor and union representative referred to the dominant position of the university because of its location and the employment situation in the area:

> *We are the lowest workers of employees, employed in a rural based university. Look around you. Our job prospects are minimal. Unlike those employed by universities that are based in metropolitan areas, we have very few job prospects. This university is an important employer for people living in this area. That is why we do not understand the reason behind the introduction of labour brokers. I have been working here for fifteen years; I came here with a grade 7 education. Currently I am a high school graduate and working on my tertiary qualification in public management. The university supported my education financially and gave me time off to study. Why would anyone take a decision that has such serious implications for the most vulnerable employees of the university? To me it is all about kickbacks and making money. I would not be surprised if someone up there has a stake in the business that is going to be appointed. Is this the better life that we voted for?*

As with UCU employees, RCU workers expressed their suspicions about who would benefit from labour brokering. All the lower-level employees interviewed at both universities expressed the opinion that their job status did not reflect what they had expected after the end of apartheid.

The next section provides a summary of the conclusions in relation to the perceived impact of labour brokering practices on employees at both UCU and RCU.

8 Discussion and conclusion

Labour brokering resulted in a reduction in benefits and job security for employees recruited through the practice. As the practice focused on cleaners and gardeners, it is this group of employees that were most affected. The data also revealed a gender and racial bias; that is, employees in these job categories are predominantly black women at both RCU and UCU. Black women were disproportionally employed in the lowest job categories at the universities and appeared to have had the most negative experiences. At both universities, there were no whites, Indians or coloureds in the lowest category of employees.

As a group, employees recruited through labour brokers were effectively excluded from employment equity policies and practices. The decision by management to use this subcontracting system was based on a business case aimed at increasing organisational efficiencies with little attention to national targets for employment equity and transformation. Acker (2006) refers to this type of practice as a change in inequality regimes, where inequalities are externalised, mostly in external organisations that are separate legal entities. She describes this as a means of increasing the number of temporary workers, who participate less in decisions and have less power and job security than regular workers.

The secondary data and interviews with management and HR managers revealed that employment equity policies and interventions did not apply to employees recruited through labour brokers. Ironically, at UCU, gender equity, particularly for black women, was vocalised by senior management as a critical goal. However, management appeared to be blind to the exclusion from its employment equity policies and practices of the most vulnerable black women occupying the lowest category of jobs. This finding points to a major omission in employment equity practice and even theory. Implicit in the employment equity practice of the universities, as well as in the extant scholarly literature on employment equity, is its bias towards employees at higher ranks of the university. Most diversity interventions, including training, are typically directed at the managerial and professional employee category, again revealing a social class bias (Adler & Jermier 2005; Scully & Blake-Beard 2006).

While the research design helped to document the subjective experiences of the targeted group under study, no study is without limitations. Two universities out of 23 were selected for the study. It is possible that a different selection approach might have resulted in the emergence of different themes. However, by choosing a theoretical sample, the research was able to capture the experiences of labour broker employees at two diverse universities. The similarity in the experiences of employees at both universities suggests that labour brokering has placed the lowest category of workers outside employment equity policies and practices.

Labour brokering is a relatively new practice in South Africa and remains a contentious one. It appears to be working against the national agenda aimed at redressing previous inequities by means of economic and social transformation to reduce the legacy of apartheid. As the results demonstrated, the two universities have not applied employment equity policies and practices to those employees hired through labour brokering. This result suggests further subjugation of those most affected by gender, racial and social class inequities (Klerck 2012).

The results of the study raise a question that requires further consideration: What impact has employment equity legislation had on improving the status of the most vulnerable group of employees, who are mainly black, uneducated women in the lowest job categories? It is ironic that this group of employees, the subjects of this study, work within an educational context but have few prospects of advancing their skills and knowledge, particularly under labour brokering contracts. Some scholars suggest that labour brokering practices have deepened inequalities in South Africa (Di Paola & Pons-Vignon 2013). The results also underscore the significance of section 198 of the Labour Relations Act 66 of 1995, as amended in 2014 to extend protection against unfair labour practices to contract workers and those employed through labour brokering companies. For the first time, thanks to the amendment, there will be legal avenues for labour disputes and protection against infringement of labour laws and other work-related abuses.

The new legislation and the results of this study suggest that organisations should be proactive in structuring labour brokering arrangements to ensure that employees hired under the system have access to good labour relations and human resource practices. While labour brokering may prove a cost-effective recruitment strategy, companies should avoid creating different classes of employees. Furthermore, it is important that employment equity interventions should include all levels of employees. The inclusion of the lower category of employees in organisational employment equity policies and practices will benefit black women in particular as they make up the majority of the cleaning staff. Additionally, research suggests that organisations should not overlook the strategic importance of lower-level employees and the effect of their employment status on motivation and organisational commitment (Arnolds & Venter 2007; Hughes & Palmer 2007). Ensuring that this category of employees remains motivated can prove beneficial to the attainment of organisational objectives (Arnolds & Venter 2007:21). For instance, organisations could consider providing opportunities for their development and access to benefits normally restricted to employees at higher levels.

The actual benefits of the recent labour reforms will only be known in future years. Future research should track the impact of the new legislation on changes in the inclusion of all employees in employment equity policies and practices. More investigation into and understanding of labour brokering is required to assist client companies and labour broker companies to structure their employment contracts in such a way as to achieve both workforce productivity and employee well-being (Lee & Faller 2005).

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