

THEMBISILE-HANI LOCAL MUNICIPALITY



EMPLOYMENT EQUITY POLICY 2024/25

EMPLOYMENT EQUITY POLICY

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EMPLOYMENT EQUITY POLICY

1. PREAMBLE

The Municipality has embarked on a process to implement the provisions of the Employment Equity Act. A consultation process to ensure that the process is fully inclusive and transparent would be followed with all interest groups, namely designated and non-designated employees, employees in all the job categories and occupational levels, and senior managers responsible for implementation of the programme.

2. PURPOSE

2.1 The broad objectives of Employment Equity are the following:

2.1.1 To address under-representation of designated groups in all occupational categories and levels in the workforce. Specifically, under-representation of black people, as defined in the Act and people with disabilities would be identified during the numerical analysis as presenting special challenges which the Municipality has to address.

2.1.2 To identify and develop strategies for the elimination of employment barriers in the employment policies and practices of the Municipality. All barriers identified by the Municipality would be addressed in this policy.

2.1.3 To develop operations-oriented strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of the Municipality.

2.1.4 To establish procedures for monitoring and enforcing the implementation process.

2.1.5 To establish procedures to address and resolve disputes regarding implementation and enforcement of Employment Equity.

2.2 The purpose of Employment Equity is also to develop an Employment Equity Plan that provide for a timetable for the fulfilment of specific objectives, and these objectives should:

2.2.1 Take into account the output of the Municipality planning phase;

2.2.2 The particular circumstances of the Municipality; and

2.2.3 The alignment and inclusion of the plan in the broad strategy of the Municipality.

3. SCOPE

The policy shall apply to all permanent and fixed-term contract employees, and candidates who apply to the Municipality for employment, including designated groups as well as non-designated groups.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Occupational Health and Safety Act 85 of 1993
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act 58 of 1995

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

To address under-representation of designated groups in all occupational categories and levels in the workforce. Specifically, under-representation of black people, as defined in the Act and people with disabilities would be identified during the numerical analysis as presenting special challenges which the Municipality has to address.

7. POLICY PROVISIONS

7.9 Underlying principles to prevent unfair discrimination

- 7.1.1** No person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, or one or more grounds including race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.
- 7.1.2** It is not unfair to promote affirmative action consistent with applicable legislation or to prefer or exclude any person on the basis of an inherent job requirement.
- 7.1.3** Medical testing may only be permissible when legislation requires testing or when this is justifiable on various reasons.
- 7.1.4** HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.
- 7.1.5** Psychological testing and similar assessments are prohibited unless the test is scientifically valid, and reliable, can be applied fairly to all employees and is not biased against any employee or group.
- 7.1.6** Disputes regarding unfair discrimination shall be handled in terms of the grievance procedure.

7.10 Affirmative Action Measures

7.2.1 Increasing the pool of available candidates

Policies on employment practices adopted by the Municipality shall provide for the internal and external recruitment of suitable candidates from designated groups. A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

7.2.2 Appointment of employees from designated groups

7.2.2.1 In support of the employment practices policies, selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures are implemented to contribute to the appointment of suitable candidates from designated groups

7.2.2.2 More efforts to advance appointment of employees from designated groups shall include:

- a. The review of employment application forms and contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- b. Increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and have low predictive validity of true ability of candidates to perform in a work environment.
- c. The increased use of competency-based recruitment and selection methods, whereby the potential of the candidate and the ability to perform the job plays an increasingly prominent role.
- d. Compliance with numerical targets and annual benchmarks.
- e. The advancement of designated groups, but bearing in mind that the Municipality will not resort to window-dressing, tokenism and favouritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- f. Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Municipality.

7.2.3 Training and development of people from designated groups

The Municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees, and has adopted structured training programmes for employees. These programmes include:

7.2.3.1 Bursaries for tertiary education

7.2.3.2 Job-related training

7.2.3.3 Training in line function, management, and supervisory skills

7.2.3.4 Learnerships

7.2.3.5 Skills programmes

7.2.3.6 Mentorship and coaching of new employees

7.2.3.7 Career planning and development

7.2.4 Retention of people from designated groups

The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated groups, and shall accordingly conduct exit interviews to develop further strategies regarding the retention of people from designated groups.

7.2.5 Reasonable accommodation of people with disabilities

The Municipality shall adopt practices regarding the accommodation of people with disabilities and their employment and career development, within justifiable resource means, and as follows:

7.2.5.1 Adapt or replace existing physical facilities such as offices, ablutions, canteens, parking, office equipment, etc., to make them accessible and usable

7.2.5.2 Reorganise workstations for, example, free movement of wheelchairs

7.2.5.3 Adapt training and assessment materials, systems and facilities, by consulting employees with disabilities on their career advancement and possible needs

7.2.5.4 Consult employees with disabilities, as well as obtain expert advice to establish appropriate mechanisms to optimise accommodation

7.2.5.5 Create practical environment and provide necessary tools and aids for optimal participation in social and developmental activities

7.2.5.6 Indicate welcoming of people with disabilities through explicit stating of such fact on job advertisements, using disability-friendly application methods, direct advertisements to organisations promoting issues of people with disabilities

7.2.5.7 Identify and remove all job requirements that unfairly discriminate against some or all disabilities. Place requirements upfront in all job advertisements to aid screening, and not during interviews, selection, job offers and induction

7.2.5.8 Re-integrate employees who became disabled at work by exploring, where reasonable, the possibility of offering alternative, reduced or flexible work placement, so that they are not compelled to terminate their employment

7.2.5.9 Provide additional work tools and aids, such as readers, Braille equipment, sign language, interpreters

7.2.5.10 Encourage disclosure to ensure optimisation of accommodation measures

7.2.5.11 Provide specialised supervision, training and support

7.2.6 Meaningful participation in strategic decision-making processes

The Municipality shall appoint and promote suitable candidates from the designated groups in positions where they could participate meaningfully in decision-making.

7.2.7 Affirming diversity and harnessing potential of all employees

7.2.7.1 The consultation at the Municipality shall include employees from different levels and seniority and be representative of all designated and non-designated groups.

7.2.7.2 The Municipality shall adopt an overall HR strategy which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purposes of ensuring the maximum utilisation of all employees.

7.2.7.3 This HR strategy shall include reducing negative stereotyping and discrimination, creating an acceptable and welcoming environment, and integrating affirmative action programmes with general management practices and strategies.

7.11 Corrective measures to eliminate barriers identified during the survey

7.3.1 Employment policies and practices shall be continuously reviewed by the Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

7.3.2 The affirmative action measures implemented at the Municipality are designed to prevent the creation of absolute barriers for the appointment or promotion of persons from non-designated groups, and care is taken to ensure that the measures adopted does not discriminate in any way against persons from the non-designated groups.

7.12 Procedure for numerical goals

7.4.1 A numerical analysis shall be carried out to determine representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on a national level.

7.4.2 On the basis of the analysis, the Municipality shall set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality.

7.4.3 Numerical goals shall be developed for the appointment and promotion of people from designated groups to address under-representation of the designated groups.

7.4.4 The following factors shall be taken into consideration in developing numerical goals:

7.4.4.1 Degree of under-representation of designated groups in various employment categories at the Municipality as determined by the numerical analysis.

7.4.4.2 Determine staff turnover rate at the Municipality to guide implementation rate of affirmative action measures and the setting of numerical goals.

7.13 Consultation and consensus with employees

7.5.1 Prior to implementing any part of this policy the Employment Equity Officer shall ensure that employees are consulted within the Local Labour Forum (LLF), which shall also serve as, among other things, the *de facto* Employment Equity Committee. Efforts shall be made to reach consensus on all key issues relating to this policy.

7.5.2 In particular, employees (or their nominated representatives) shall be consulted about:

7.5.2.1 the conducting of the employment equity survey;

7.5.2.2 the preparation and implementation of the employment equity plan; and

7.5.2.3 the submission of statutory reports to Department of Employment and Labour

7.5.3 In the course of the above-mentioned consultations, all relevant information to allow effective consultation shall be disclosed by the Municipality.

7.5.4 Where confidential information is disclosed in the course of consultations, it shall be clearly identified as confidential information and employees shall be informed that it is a criminal offence to breach such confidentiality. Employees may be required to sign confidentiality agreements in certain circumstances.

7.5.5 In addition, employees shall be informed of, and given access to:

7.5.5.1 the most recent statutory report submitted to Department of Employment and Labour;

7.5.5.2 any compliance order, arbitration award or court order concerning the provisions of the Employment Equity Act and Municipality;

7.5.5.3 any current employment equity plan and other documents prescribed by the Act

7.14 Roles and responsibilities

7.6.1 Employment Equity Officer

7.6.1.1 The Municipal Manager is appointed as the Employment Equity Officer to take specific responsibility for implementing and monitoring employment equity in the Municipality. The Municipal Manager is entitled to delegate this responsibility to any manager within the Municipality.

7.6.1.2 The Employment Equity Officer shall report directly to the Council who, will have free access to all information on employment within the Municipality, and will be entitled to attend any meeting or hearing dealing with any employment issue.

7.6.2 Duties of Employment Equity Officer

The duties of the Employment Equity Officer and any staff assigned by him/her are to:

7.6.2.1 conduct employment equity surveys in accordance with this policy;

7.6.2.2 keep and monitor lists of the designated group members employed;

7.6.2.3 collect and analyse external data on the profile of suitably qualified applicants available for employment;

7.6.2.4 based on these surveys, lists and external data, prepare and recommend an employment equity plan including the setting of measurable goals and timetables for the recruitment, advancement and enhancement of the work environment of members of the designated groups;

7.6.2.5 comply with the relevant statutory reporting requirements;

7.6.2.6 identify discriminatory or potentially discriminatory practices and devise strategies and systems to eliminate such practices;

7.6.2.7 devise and recommend training and sensitisation strategies relating to affirmative action for members of the designated groups;

7.6.2.8 co-ordinate recruitment strategies, policies and procedures to ensure compliance with this policy;

7.6.2.9 advise and assist in carrying out recruitment programmes and training and sensitisation sessions;

7.6.2.10 monitor performance under this policy, receive complaints and recommend strategies for improvement;

7.6.2.11 obtain legal advice where necessary and ensure that the policies and practices comply with legal requirements;

7.6.2.12 provide periodic reviews of the implementation of this policy;

7.6.2.13 ensure that notices about the provisions of the Employment Equity Act (in a format prescribed by the Act) are prominently displayed in the workplace

7.6.3 Employment Equity Committee

The Local Labour Forum (LLF) shall also serve as, among other things, the *de facto* Employment Equity Committee for the Municipality.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Approved by Municipal Council on the 23rd of May 2024 and signed by the Municipal Manager

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DJD Mahlangu

6/5/2024

Date