

# EMPLOYMENT EQUITY POLICY



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MUNICIPAL MANAGER  
DATE: 23/06/2021

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DATE: 23/06/2021

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## **1. PURPOSE OF POLICY**

The purpose of this policy is to;

- a) Prevent unfair, discrimination and harassment from taking place, where necessary act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.
- b) State and affirm the broad and general principles of Employment Equity, to which the Mbhashe Local Municipality is committed.

## **2. OBJECTIVE OF POLICY**

- a) Addressing 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 were identified during the numerical analysis as presenting special challenges which the Municipality has to address.
- b) Identifying and developing strategies for the elimination of employment barriers in the Employment Policies and Practices of the Municipality. A number of barriers were identified by the Municipality and will be addressed in this policy.
- c) Developing business-orientated strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of the Municipality.
- d) Establishing procedures for the monitoring and enforcement of the implementation process.
- e) Establishing procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

## **3. SCOPE**

The policy shall apply to all candidates who apply to the Municipality for employment and all employees of the employer, including designated groups as well as non-designated groups.

## **4. POLICY DEFINITION**

- a) candidate" means an applicant for a post which substantially limits a person towards performing his/her duties
- b) 'designated group' means Black people, women and people with disabilities;
- c) 'black people' is a generic term and means African, Coloured, Indian and Chinese persons;
- d) 'people with disabilities' means people who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment;



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- e) 'disadvantaged persons' means persons or categories of persons disadvantaged by past or present unfair discrimination; and
- f) a 'suitably qualified' person means a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time,

## **5. LEGISLATIVE FRAMEWORK**

- a) Employment Equity Act, Act 55 of 1998
- b) Skills Development Act, Act 97 of 1998
- c) Labour Relations Act

## **6. POLICY PROCEDURE**

- a) The responsibility for implementing affirmative action measures and ensuring compliance with the provisions of the Employment Equity Act of 1998, rests with the Municipal Manager of the Employer or his/her delegated assignee(s) in terms of section stipulations of the Employment Equity Act, 1998 (Act 55 of 1998).
- b) The following affirmative action measures have been identified and developed to address the employment barriers and under-representation identified during the numerical analysis and the review of the Employment Policies and Practices of the Municipality:

### **6.1. Affirmative Action Measures**

#### **6.1.1 Increasing the pool of available candidates**

- a) A policy on recruitment has been adopted which provides for the internal and external recruitment of suitable candidates from designated groups.
- b) A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

#### **6.1.2 Appointment of employees from designated groups**

- a) Existing policies have been scrutinized to identify employment barriers to members of designated groups, and appointment and selection policies should increase the possibility of appointing candidates from the designated groups in employment categories and levels where they are under-represented.

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- b) Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures be implemented. Such procedures will help contribute to the appointment of suitable candidates from designated groups. Further efforts will include:
- c) The redrafting of employment application forms and employment contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- d) An increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and also have low predictive validity of the true ability of candidates to perform in a work environment.
- e) 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.
- f) Compliance with numerical targets and annual benchmarks.
- g) 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.
- h) 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.

#### 6.1.3 Training and development of people from designated groups

- a) The Municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees.
- b) The Municipality has adopted structured training programmes for employees.
- c) These programmes include: ° Bursaries for secondary and tertiary education ° Job-related training
- d) • Training in line functioning, management, and supervisory skills

#### 6.1.4 Learnerships

##### 6.1.4.1 Skills programmes

- a) Strong emphasis is also placed on mentorship and coaching of new employees, since the development of employees is seen as long-term upliftment measure as against a temporary corrective measure.
- b) Career planning and development therefore, becomes an integral part of the development of the human resources, and is training only the first step in the process whereby attained abilities are eventually put into practice.
- c) This eventual goal can also be observed in the outcome-based nature of the training provided and the purpose of the training to accelerate the advancement of designated groups within the Municipality.



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## 6.1.4 .2 Retention of people from designated groups

- a) The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated members.
- b) Accordingly, the Municipality has adopted a new policy regarding exit interviews in order to enable the Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with the Municipality.
- c) This will also enable the Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups.

## 6.1.5 IA Reasonable accommodation of people with disabilities

- a) The Municipality has adopted a policy regarding the accommodation of the disabled, with specific reference to adapt physical facilities that will be implemented gradually with a view to making the grounds and buildings accessible to people with disabilities.
- b) Special attention will be given to the employment and career development of disabled people.

## 6.1.6 Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes

- a) The Municipality adopted policies with regard to appointment and promotion that should ensure that candidates from the designated groups have the opportunity to be appointed in positions where they will be able to participate meaningfully in the decision-making of the Municipality.
- b) The appointment policy reflects the selection criteria of section 21 of the Employment Equity Act by requiring candidates to be suitably qualified for positions into which they will be appointed.

## 6.1.7 Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees

- a) The consultation forum of the Municipality includes employees from various different levels and seniority and is fully representative of all designated and non-designated groups at the Municipality.
- b) The Municipality also recognizes the importance of adopting an overall strategy which highlights the importance of managing a diverse, multiracial and

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multicultural workforce, for the purposes of ensuring the maximum utilization of all employees.

- c) This includes reducing negative stereotyping and discrimination, creating an acceptable and welcome environment, and the integration of affirmative action programmes with general management practices and strategies.

## **6.1.8 Corrective Measures to Eliminate Barriers Identified During the Analysis**

- a) Employment policies and practices are continuously reviewed by the Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practice.
- b) The selection criteria at the Municipality are continuously revised in order to allow for the definition of suitably qualified candidates as contained in the Employment Equity Act to serve as standard for selection.
- c) 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.

## **6.1.9 Numerical Goals**

- a) A numerical analysis must be carried out to determine the 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 both a regional and provincial level.
- b) This analysis enables the Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality as an employer.
- c) Numerical goals must be developed for the appointment and promotion of people from designated groups in order to address under-representation of the designated groups.

6.1.10 The following factors must be taken into consideration in developing the numerical goals:

- a) The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- b) The labour turnover rate at the Municipality must be determined to be extremely low.
- c) This presents a significant limiting factor as regards the implementation rate of affirmative action measures and the setting of numerical goals by the Municipality.



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d) Possible measures that could be considered in order to address this problem include offering voluntary severance packages to senior employees by mutual consent.

## **6.1.9 Consensus**

- a) The representative unions as well as the management structures of the Municipality must be involved in the consultation process surrounding the numerical analysis, the review of employment systems and policies and the drafting of the Employment Equity Plan.
- b) The parties must strive to reach a high degree of consensus in the consultation process.
- c) Workshops, attended by representative trade unions and management, must be held which will be utilised as opportunities to consult, inform and educate all parties as to the process to be followed and the roles to be played by parties.

## **6.1.10 Implementation and monitoring**

- a) A report detailing the progress with the implementation of Employment Equity, with specific reference to achievement of numerical goals, has to be compiled every six months by the person with the responsibility for implementation and monitoring.
- b) The above-mentioned report must be made available to all consulting parties for perusal and comment. A summary of the above-mentioned report must be circulated to all staff members by means of circulars, and notices on notice boards.
- c) The abovementioned summary must contain an invitation to all employees to submit their comments or questions on the progress with the implementation of the plan to the responsible person or persons specified in the plan.

## **7. GENERAL POLICY PROVISIONS**

The policy shall apply to all candidates who apply to the Municipality for employment and all employees of the employer, including designated groups as well as non-designated groups.

## **8. PROCEDURES FOR IMPLEMENTING POLICY**

The Municipality will implement this policy and apply remedial actions in line with the outlined processes

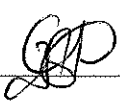
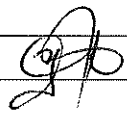

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## 9. POLICY GOVERNANCE

### EMPLOYMENT EQUITY POLICY

#### Policy Governance

Policy Title	EMPLOYMENT EQUITY	
Policy Version		
<u>Role &amp; Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
<b>Senior Manager Corporate Services</b>	Ms N. Mahlathi - Nkuhlu	
Policy Custodian		
Policy Author		
LLF Consultation Date		
LLF Consultation Reference		
Council Approval Date	26/05/2021	
Council Approval Reference		
<b>(UNIT) eg. Manager Human Resources</b>	N. Hanise	
Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
<b>Comments</b>		