



## EMPLOYMENT EQUITY POLICY

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### 1. PURPOSE

The purpose of this policy is to state the broad principles of employment equity to which UMhlabuyalingana Municipality is committed and to describe in general how the Municipality seeks to realise these principles. This policy document sets out the framework and guiding philosophy that will govern an Employment Equity Plan.

### 2. PREAMBLE

The UMhlabuyalingana Municipality is committed to implement the provisions of the Employment Equity Act. A consultation process must be followed with all interest groups in order to ensure that the process is fully inclusive and transparent:

- designated and non-designated employees
- employees in all the job categories and occupational levels
- representative Unions
- senior managers responsible for the implementation of the process

### 3. DEFINITIONS

**"candidate"** means an applicant for a post which substantially limits a person towards performing his/her duties

**'designated group'** means Black people, women and people with disabilities;

**'black people'** is a generic term and means African, Coloured and Indian persons;

**'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;

**'disadvantaged persons'** means persons or categories of persons disadvantaged by past or present unfair discrimination; and

**a 'suitably qualified' person** means a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time, the skills and competencies necessary to perform a particular job.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

### 4. LEGAL FRAMEWORK

- The Constitution of the Republic of South Africa, 108 of 1996
- Employment Equity Act, Act 55 of 1998

- Skills Development Act, Act 97 of 1998
- Basic Conditions of Employment Act, 75 of 1997
- Labour Relations Act, 66 of 1995
- Local Government: Municipal Systems Act, 32 of 2000

## **5. SCOPE AND APPLICATION**

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.

## **6. OBJECTIVES OF POLICY**

The Employment Equity Act requires that the Employment Equity Plan state the broad objectives of the plan and provide for a timetable for the fulfillment of these specific objectives. These objectives should:

- 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
- Identify people with disabilities were identified during the numerical analysis as presenting special challenges which the Municipality has to address.
- Identifying and developing strategies for the elimination of employment barriers in the Employment Policies and Practices of the Municipality.
- 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.
- Establishing procedures for the monitoring and enforcement of the implementation process.
- Establishing procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

## **7. POLICY CONTENT**

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) to be designated as Employment Equity Manager as in terms of section 24 of the Employment Equity Act, 1998 (Act 55 of 1998 ).

The following affirmative action measures have been must be 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:

## **7.1 Affirmative Action Measures**

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

A policy on recruitment must be aligned to provide for internal and external recruitment of suitable candidates from designated groups and have approaches to increase the level of interest of potential candidates from designated groups in applying for vacancies.

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

Existing policies must be reviewed 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.

Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures be implemented considering the following factors:

- Employment contracts must be reviewed so that all discriminatory or prejudicial provisions and clauses are removed.
- Awareness on psychometric tests and evaluation methods which tend to be culturally biased and discriminatory and also have low predictive validity must be reviewed,
- 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 must be considered.
- Ensure compliance with numerical targets and annual benchmarks.
- The advancement of designated groups, but not amounting to window-dressing, tokenism and favoritism, but through providing the necessary guidance, training and development, and support.

### **7.1.3 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. The Municipality has to adopt structured training programmes for employees. These programmes include:

- Job-related training
- Training in line functioning, management, and supervisory skills
- Learnerships
- Skills programmes
- Coaching and Mentoring

#### **7.1.4 Retention of people from designated groups**

The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Termination Policy will be reviewed 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. 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.

#### **7.1.5 Reasonable accommodation of people with disabilities**

The Municipality has draft 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. Special attention will be given to the employment and career development of disabled people.

#### **7.1.6 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**

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. 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.

#### **7.1.7 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**

The Local Labour forum of the Municipality includes employees of all designated and non-designated groups at the Municipality. The Municipality also recognises the importance of adopting an overall strategy which highlights the importance of managing a diverse workforce, for the purposes of ensuring the maximum utilisation of all employees. 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.

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

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 practices.

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.

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.

## **7.3 Numerical Goals**

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. This analysis enables the Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality as an employer. The use of relevant Census must be considered as it reflects the demographics of the country, provincial, district and local which can be used as a source document when identifying targets.

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.

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

- The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- The labour turnover rate at the Municipality must be determined.

## **7.4 Consensus**

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. The parties must strive to reach a high degree of consensus in the consultation process.

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.

### **8. IMPLEMENTATION AND MONITORING**

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.

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.

The above-mentioned 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.

### **9. COMMUNICATION**

Circulars, messages and notices on notice boards will be utilised in order to inform all employees of the availability of the Employment Equity Documentation. Copies of Employment Equity documentation will also be distributed to the parties that took part in the consultation process.

### **10. POLICY REVIEW**

In terms of section 20(1) of the Employment Equity Act the Employment Equity Plan for Municipality is for a period between 1 and 5 years in duration however there must be annual review to assess the achievement of employment equity targets. The policy must be reviewed annually and if and when the need arise.

### **11. BUDGET AND RESOURCES**

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

### **12. ROLES AND RESPONSIBILITIES**

The Municipal Manager accepts overall responsibility for the implementation and monitoring of the employment equity process.

**13. RECORD KEEPING**

A copy of all relevant employment equity documents must be kept at the Department of Human Resources for perusal by employees of the Municipality.

**14. PENALTIES**

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

**15. DISPUTE RESOLUTION**

An employee or union which is dissatisfied with any aspect of the implementation of the employment equity process may refer a grievance in this regard to the Human Resources Department in the Municipality who then has to inform the person and/or persons responsible for the implementation and monitoring of the employment equity process:

Once a grievance has been referred to a person and/or persons responsible for the implementation and monitoring of employment equity such person or persons must arrange a consultation with the aggrieved parties and the management which must be dealt with in terms of Grievance Procedure as stipulated in the Main Collective Agreement.

If a satisfactory resolution of a grievance as previously described cannot be found within 30 days after the referral of such dispute to the responsible person, the aggrieved party may refer the dispute to the relevant forum in terms of the relevant Acts.

**16. AUTHORITY**

Council Approval: Date: 22/01/2018

Municipal Manager: S.E. Bakrosini Signature: 