



# **EMPLOYMENT EQUITY POLICY & AFFIRMATIVE ACTION MEASURES**

Council Approved: 15/12/2017

Council Resolution Nr: C.5

<b>Policy Number</b>	
<b>Policy Name</b>	Draft Employment Equity Policy
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<b>Date of Approval</b>	
<b>Date of First Implementation</b>	
<b>Date Last Amended</b>	
<b>Date of Next Review</b>	
<b>Purpose</b>	To redress of the disparities of the past to achieve equity in the workplace; and to comply with the requirements of the Employment Equity Act No. 55 of 1998.
<b>Policy Custodian</b>	Executive Manager – Corporate/Strategic Services
<b>Related Policies and Legislation</b>	Local Government Municipal Systems Act, Act No. 32 of 2000 Labour Relations Act, Act No. 66 of 1995, as amended Employment Equity Act, Act No 55 of 1998.
<b>Approving Authority</b>	Council
<b>Applicability</b>	This policy is applicable to Eden District Municipality
<b>Stakeholders Consulted</b>	MANCOM, Employment Equity Committee, HR Section, Unions, Local Labour Forum

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## 1. EDEN VISION

**“Eden, the leading, enabling and inclusive district, characterised by equitable and sustainable development, high quality of life and equal opportunities for all.”**

## 2. EDEN MISSION

In order to achieve its vision, the Eden District Council accepted the mission below. The Eden District Municipality as a category C local authority strives, to deliver on our mandate through:

1. Unlocking resources for equitable, prosperous and sustainable development.
2. Provide the platform for coordination of bulk infrastructure planning across the district.
3. Provide strategic leadership towards inclusive / radical / rigorous socio-economic transformation to address social, economic and spatial injustice.
4. Redress inequalities, access to ensure inclusive services, information and opportunities for all citizens of the district.
5. Initiate funding mobilisation initiatives/ programmes to ensure financial sustainability.
6. Coordinate and facilitate social development initiatives.

## 3. EDEN VALUES

**In addition to our six values, Eden District Municipality also ascribe to the eight Batho Pele principles. Integrity, Excellence, Inspired, Caring (Ubuntu), Respect and Resourcefulness.**

### **Eden Strategic goals**

1. Healthy and socially stable communities.
2. Build a capacitated workforce and communities.
3. Conduct regional bulk infrastructure planning, implement projects, roads maintenance & public transport; manage & develop council fixed assets.
4. Promote sustainable environmental management & public safety.
5. Ensure financial viability of the Eden District Municipality.

6. Promote good governance.
7. Grow the district economy.

#### 4. PURPOSE

Establish a framework for the redressing of the disparities of the past to achieve equity in the workplace; and to comply with the requirements of the Employment Equity Act no. 55 of 1998.

#### SCOPE

Applicable to all employees in the service of “Eden District Municipality” as well as applicants for employment.

#### DURATION OF THE PLAN

In terms of section 20(1) of the employment equity act the employment equity plan for Eden district municipality must be for a period of five years and thereafter successive plans must be submitted. The duration of the plan is based on the planning needs of Eden district municipality with specific reference to the need to set attainable numerical goals to be achieved over a reasonable period of time.

#### 5. DEFINITIONS

**Designated group** - “means black people, women and people with disabilities”

**Black people** – “is a generic term which means Africans, Coloured and Indians”

**Employee** – “means any person, excluding an independent contractor who works for another person or for the state and who receives, or is entitled to receive, any remuneration”.

**Temporary employee** – “means an employee appointed for a specified period of time or to complete a specified task in terms of his contract of employment and which includes a casual worker”.

**Fixed term contract employee** - is a person who is employed on a contract that includes an agreement detailing the relationship between the employer and employee, which is determined by an objective condition that creates no false expectations of renewal of the contract, and is based on a specific duration or time frame with dates or the completing of a specific task or happening or event.

**Seasonal employee** – “means an employee who is employed to work a full season, of not less than a continuous period of six months and who should

*qualify for all benefits in terms of employment conditions, except housing and pension benefits”*

*Labour relations act, amendment act, 2014, section 198 (B-D) - “regulation of non-standard employment and general provisions (section 198 B, C, D)”.*

**Section 198B** – *fixed term contracts with employees earning below earning threshold*

**Section 198C** – *part-time employment of employees earning below earning threshold*

**Section 198D** – *general provisions applicable to sections 198a to 198c*

**Headhunting** - *is defined as the process of selecting individuals with a proven track record (reputation, work history, professional acquaintance and minimum academic qualification) within a particular field, who can be evaluated to fill a vacant post.*

**Medical testing** - *“includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition”*

**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”*

**Reasonable accommodation** - *“means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment”*

**Remuneration** - *“means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the state”*

**Suitably qualified** – *a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-*

- (A) Formal qualifications;*
- (B) Prior learning;*
- (C) Relevant experience; or*
- (D) Capacity to acquire, within a reasonable time, the ability to do the job.*

**Recognition of prior learning** - *as defined by South African Qualifications Authority (SAQA) is a process whereby people’s prior learning can be formally recognized in terms of registered qualifications and unit standards, regardless of where and how the learning was attained. RPL acknowledges that people never stop learning, whether it takes place formally at an educational institution, or whether it happens informally.*

**Candidate** - *” means an applicant for a post”*

Employees on fixed term contracts earning below the earning threshold (LRA 198B)

“means a contract of employment that terminates on –

- The occurrence of a specific event;
- The completion of a specified task or project; or
- A fixed date, other than an employee’s normal or agreed retirement age

**Part – time employment of employees earning below the earnings threshold (LRA 198C)**

“an employee who is remunerated wholly or partly by reference to the time that the employee works and who works less hours than a comparable full-time employee”

**Protection of employees and persons seeking employment (applicant) - no. 66 of 1995: *Labour Relations Act, 1995.***

- (1) no person may discriminate against an employee for exercising any right conferred by this act.
- (2) without limiting the general protection conferred by subsection (1), no person may do, or threaten to do, any of the following-
  - (a) require an employee or a person seeking employment-
    - (i) not to be a member of a trade union or workplace forum;
    - (ii) not to become a member of a trade union or workplace, forum; or
    - (iii) to give up membership of a trade union or workplace forum;
  - (b) prevent an employee or a person seeking employment from exercising any right conferred by this act or from participating in any proceedings in terms of this act; or
  - (c) prejudice an employee or a person seeking employment because of past, present or anticipated-
    - (i) membership of a trade union or workplace forum;
    - (ii) participation in forming a trade union or federation of trade unions or establishing a workplace forum;
    - (iii) participation in the lawful activities of a trade union, federation of trade unions or workplace forum;
    - (iv) failure or refusal to do something that an employer may not lawfully permit or require an employee to do;

- (v) disclosure of information that the employee is lawfully entitled or required to give to another person;
  - (vi) exercise of any right conferred by this act; or
  - (vii) participation in any proceedings in terms of this act.
- (3) no person may advantage, or promise to advantage, an employee or a person seeking employment in exchange for that person not exercising any right conferred by this act or not participating in any proceedings in terms of this act. However, nothing in this section precludes the parties to a dispute from concluding an agreement to settle that dispute.
- (4) a provision in any contract, whether entered into before or after the commencement of this act, that directly or indirectly contradicts or limits any provision of section 4, or this section, is invalid, unless the contractual provision is permitted by this act.

## **6. LEGAL FRAMEWORK**

### **6.1 Constitution**

The South African constitution asserts that employment equity is necessary to ensure equality. Section 9(2) of the constitution provides that:

“Legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.”

### **6.2 Labour Relations Act - Schedule 7 of the Labour Relations Act No 66 of 1995 (LRA) stipulates that:**

“An employer is not prevented from adopting or implementing employment policies and practices that are designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination.”

### **6.3 Employment Equity Act**

Sections 2 of the employment equity act no 55 of 1998 (EEA) sets out the purpose of the act are to achieve equity in workplace by:

“promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups in all occupational categories and levels of the workforce.”



## 6.4 Unfair Discrimination

Section 6 of the employment equity act no 55 of 1998 (EEA) states that no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds, including race gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscientious belief, political opinion, language, birth or any other arbitrary ground.

(herewith some examples - unfair discrimination can take many forms. For example, where an employee is unnecessarily sidelined because he/she is disabled this could be unfair discrimination. If an employee is sexually harassed this is a form of unfair discrimination based on sex.

If a worker is paid less than his/her colleagues because he is male or she is female this would constitute prohibited gender discrimination. Age can also be grounds for unfair discrimination.

There are two forms of discrimination related to 'unfair discrimination', namely—

- \_ Direct discrimination; and
- \_ Indirect discrimination.

**Direct discrimination** is easily identifiable and involves overt differential treatment between employees and job applicants on the basis of arbitrary grounds. For example, an employer follows a policy of remunerating a female employee on a lower scale simply because she is a woman, whereas a male employee is remunerated at a much higher scale for doing the same work.

**Indirect discrimination**, on the other hand, is not as easily recognizable as it is a more subtle form of discrimination. It involves the application of policies and practices that are apparently neutral and do not explicitly distinguish between employees and job applicants but that, in reality, have a disproportionate and negative effect on certain individuals or groups.

The laws also emphasize that—

- \_ Sexual harassment will be prohibited;
- \_ Medical testing will not be allowed unless it is an inherent requirement of the job;
- \_ Psychological testing or other assessment cannot be done unless such tests are validated and will not be biased;

\_ In addition, HIV testing can only be carried out if authorized by the labour court; and

\_ All these protections also apply to applicants for employment.

### **6.7 Fair discrimination**

The law sets out four grounds on which discrimination is generally allowed—

\_ Discrimination based on affirmative action;

\_ Discrimination based on inherent requirements of a particular job;

\_ Compulsory discrimination by law; and

\_ Discrimination based on productivity.

### **6.8 Discrimination based on affirmative action**

Affirmative action measures are designed to promote employment equity (fairness in favour of the designated groups — blacks, women and disabled persons). Affirmative action aims to achieve equality at work without lowering standards and without unduly limiting the prospects of existing employees, for example by getting rid of discrimination in company policies, procedures and practices. Its main aim is generally to ensure that the previously disadvantaged groups are fairly represented in the workforce of a particular employer.

### **6.9 Discrimination based on inherent requirement of a job**

Any discrimination based on the inherent requirement of the particular job does not constitute unfair discrimination. An inherent requirement of a job depends on the nature of the job and required qualifications. If such requirements can be shown, discrimination will be fair, for example a person with extremely poor eyesight cannot be employed as an airline pilot.

### **6.10 Fair compulsory discrimination by law**

The law does not allow the employer to employ children under the age of 15 years, or pregnant women four weeks before confinement and six weeks after giving birth.

### **6.11 Discrimination based on productivity**

It is also fair by law for the employer to discriminate on the basis of productivity when giving an increase, for example increases based on merit. This, of course, would be dependent on the fairness of the criteria utilized for assessing performance and productivity.

**7. The broad objectives of Employment Equity are the following:**

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 Eden District Municipality has to address.

Identifying and developing strategies for the elimination of employment barriers in the Employment Policies and Practices of Eden District Municipality. A number of barriers were identified by Eden District Municipality and will be addressed in this policy.

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 Eden District 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.

**8. What is the role of the employment equity committee?**

**THE PURPOSE AND SCOPE OF THE EMPLOYMENT EQUITY COMMITTEE SHALL BE TO CONSULT ON:**

- **The conduct of an analysis of its employment policies, practices, procedures and the working environment, in order to identify employment barriers which adversely affect people from designated groups.**
- **Preparing and implementing an employment equity plan which will achieve reasonable progress towards employment equity in the company's workforce.**
- **The preparation and compilation of the report required to be submitted to the director-general of the department of labour.**
- **The internal procedures to resolve any dispute about the interpretation or implementation of the employment equity plan.**

**The committee shall at all times have regard to the provisions of the act, and any regulations, codes of good practice, directives and administrative guidelines published in terms of the act. The tenure of the committee shall be for a period of three years.**

## Functions

Such representatives shall represent their constituency in the employment equity committee in respect of those matters identified for consultation set out in these terms of reference.

The representatives shall, where possible,

- Obtain mandates from their respective constituencies on those matters identified for consultation;
- Report back to their constituencies on the progress of and matters discussed in the committee meetings, utilising the official committee meeting minutes as the basis for their report-backs;
- Perform all responsibilities, tasks, duties, investigations and surveys assigned to them from time to time by the committee, always acting in good faith and in the interests of “Eden District Municipality” to ensure the successful implementation of “Eden District Municipality’s employment equity plan.

## Representatives

The committee shall be comprised of the following member’s representative of the following interests. Representatives shall be representative of all designated groups and represent a cross section of occupational levels and categories: -

### Employment Equity Committee Representatives

- Senior officials and managers
- Professionals
- Technicians and associate professionals
- Clerks
- Service and sales workers
- Craft and related workers
- Plant and machine operators & assemblers
- Elementary occupations
- SAMWU

- IMATU
- Gender

Any representative who ceases to be representative of the constituency which he or she represents, or ceases to be an employee of “Eden District Municipality” if his or her appointment as a representative was conditional on him/her being an employee of “Eden District Municipality”, shall cease to be a member of this committee. In such instances, an alternative representative shall be nominated by the appropriate constituency in the same manner in which the first representative was nominated as a representative.

### Frequency

The committee shall meet once every second month at its head office offices (Eden District Municipality), or other offices as advised by the employment equity manager. Special meetings may be called by the chairperson or requested by any representative by giving forty-eight (48) hours’ notice to the employer representative. The representative requesting a special meeting shall set out the grounds and reasons for requesting such meeting.

The chairperson of the committee shall be biannually elected by the committee. The committee shall be constituted by a quorum of 50% plus one.

“Eden District Municipality” will be responsible for the implementation and monitoring of recommendations and suggestions of the committee.

### **Dispute procedures**

Where any representative has a dispute regarding any matter under consideration by the committee, such dispute shall be referred to the employment equity manager who shall establish a dispute meeting and mediate the dispute. Where formal dispute procedures have been consulted upon in terms of section 20(2)(g) of the employment equity act, all disputes relating to the interpretation or implementation of the employment equity plan shall be processed in terms of such dispute procedures.

### **Minutes and record-keeping**

The employer representative shall be responsible for the recording of all meetings, resolutions and recommendations made by the committee.

The employer representative shall prepare an agenda for discussion prior to each meeting and distribute to the representatives such agenda seven (7) days in advance of the meeting.

The employer party shall arrange for the release of all representatives from their normal work duties for the purpose of:

- Attending committee meetings;
- Consulting with their constituencies;
- Preparing for such meetings;
- Providing feedback to their constituencies using the official minutes of the employment equity committee meeting.

All meetings shall take place during normal working hours, and representatives shall be paid their usual pay for attending such committee meetings and related duties.

Meetings shall be chaired by the employer representative / employment equity manager or his / her nominee.

All representatives shall indicate their acceptance of or record their objections or additional comments to any resolutions made by the forum, including any dissenting opinions.

Official minutes of all meetings shall be placed on company notice boards designated for such purpose in the employer's workplace(s).

### **Sub-committees**

The employer representative or the consultative forum may establish ad hoc or permanent sub-committees to conduct research and or investigations on behalf of the forum. The sub-committee may be comprised of members from outside the employer's workforce, subject to the prior approval of the municipal manager. The sub-committee shall prepare its findings in writing and present such findings to the forum for consultation.

### **Expert advice**

“Eden District Municipality” reserves the right to consult with and obtain advice from any person, body or association. The committee may invite resource people from various external associations and agencies to provide assistance and advice to the forum whenever required, subject to the approval of the municipal manager.

## **9. POLICY**

### **9.1 AFFIRMATIVE ACTION MEASURES**

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 Eden District Municipality:

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

A policy on recruitment has been adopted which provides 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.

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

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. 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:

- ◆ The redrafting of employment application forms and employment contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- ◆ 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.
- ◆ 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.
- ◆ Compliance with numerical targets and annual benchmarks.
- ◆ The advancement of designated groups, but bearing in mind that Eden District 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.
- ◆ Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for Eden District Municipality.

#### **9.4 Training and development of people from designated groups**

Eden district municipality recognises the obligations placed on it by the skills development act of 1998 to train and develop employees. Eden district municipality has adopted structured training programmes for employees. These programmes include:

- \* bursaries for secondary and tertiary education
- \* job-related training
- \* training in line functioning, management, and supervisory skills
- \* learnerships
- \* Skills programmes

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. 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. 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 Eden District Municipality.

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

Eden district municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, Eden District Municipality conducted exit interviews in order to enable Eden District 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 Eden District Municipality. The outcome of exit interviews and inter alia recommendations made by MANCOM be forwarded to the EE Committee for deliberations on a half yearly bases this will also enable Eden District Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups. The outcome of exit interviews and inter alia recommendations made by MANCOM be forwarded to the EE Committee half yearly for deliberations.

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

Eden District Municipality subscribe to the principles in accommodating people with disabilities, with specific reference to adapt physical facilities that will be implemented. For this purposes funding will be made available to make the



grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

**9.7 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**

Eden District 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 Eden District 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.

**9.8 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 consultation forum of Eden District Municipality includes employees from various different levels and seniority and is fully representative of all designated and non-designated groups at Eden District Municipality. Eden district municipality also recognizes the importance of adopting an overall strategy which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purposes of ensuring the maximum utilization 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.

**9.9 CORRECTIVE MEASURES TO ELIMINATE BARRIERS IDENTIFIED DURING THE ANALYSIS**

**9.9.1** Employment policies and practices are continuously reviewed by Eden District Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

**9.9.2** The selection criteria at Eden District 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.

**9.9.3** The affirmative action measures implemented at Eden District 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.

## **10. NUMERICAL GOALS**

- 10.1** 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 Eden District Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of Eden District Municipality as an employer.
- 10.2** 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.
- 10.3** 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 Eden District Municipality as determined by the numerical analysis (as per the approved EE Plan).
  - The labour turnover rate at Eden District Municipality as determined by terminations, and determined quarterly.
  - Affirmative action measures as contained in paragraph 4.1 of the policy.

## **11. CONSENSUS**

- 11.1** The representative unions as well as the management structures of Eden district 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.
- 11.** Workshops, attended by representative trade unions and management, must be held quarterly which will be utilized as opportunities to consult, inform and educate all parties as to the process to be followed and the roles to be played by parties.

## **12. BUDGET**

Eden district municipality is committed yearly to make the necessary funding

available to address the short comings on implementing EE objectives and strategies such as buildings, grounds, awareness campaigns on diversity, gender etc. Budget to be compiled by chairperson of EE committee for presentation to EE committee and council.

## **12.1 DISBURSEMENTS AND EXPENSES**

“Eden District Municipality” shall reimburse all representatives for all reasonable expenses or disbursements incurred by them provided: -

- Such expenses are directly related to the duties and tasks entrusted to the representatives; and

“Eden District municipality” regards as reasonable, the following expenses:-

- Reasonable travel and accommodation expenses.

All employment equity representatives will be required to undergo the following compulsory training courses: -

- Human rights training in terms of the bill of rights
- Employment equity training on legislative terms and concepts
- Diversity training
- Aids training

## **12.2 ASSIGNMENT OF RESPONSIBILITY**

Eden District Municipality has nominated the Municipal Manager as Administrative Head in conjunction with the Employment Equity Manager to accept responsibility for the implementation and monitoring of the employment equity process. The Municipal Manager will remain functionally accountable for the implementation of the Employment Equity Process.

## **13. PROCESS**

### **13.1 DISPUTE RESOLUTION**

**13.1.1** 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 section at Eden District Municipality who then has to inform the person and/or persons responsible for the implementation and monitoring of the Employment Equity process as referred to in paragraph

**13.1.2** Once a grievance has been referred to the 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 within 14 days after the referral of the matter to such person or persons. The consultations may be joint consultations or separate consultations at which the person and/or persons responsible for the arrangement of the consultations as previously referred to must act as a mediator between the parties in an attempt to find a mutually acceptable resolution of the dispute

**13.1.3** 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 committee in terms of the relevant acts.

## **13.2 COMMUNICATION**

**13.2.1** A copy of all relevant employment equity documents must be kept at the section of human resources for perusal by employees of the municipality.

**13.2.2** Circulars, messages and notices on notice boards will be utilized in order to inform all employees of the availability of the Employment Equity Documentation referred in above.

## **13.3 MONITORING AND EVALUATION**

**13.3.1** A report detailing the progress with the implementation of employment equity, with specific reference to achievement of numerical goals, has to be compiled every three (3) months by the person with the responsibility for implementation and monitoring.

**13.3.2** The above-mentioned report must be made available to all consulting parties for perusal and comment.

**13.3.3** That a quarterly report of the EE plan be submitted to the following structures:

- MANCOM;
- Employment Equity Committee;
- Labour Forum

**13.3.4** That the following Sub-Committee be appointed:

- The Chairperson of the Employment Equity Committee;
- Executive Manager: Corporate Services; or designee
- Chairpersons of the two Trade Unions; or designee's
- Designated Employment Equity Manager;

**13.3.5** The following duties shall be assigned to the Sub-Committee mentioned in 13.3.4 above:

- To peruse and approve the amended EE targets on a monthly basis. (The second week of the new month).

**13.3.6 EE Targets applicable on the day of the closing the advert will prevail until the appointment is concluded.**

**13.3.7 Before any deviation of EE actuals is approved for specific posts by the Municipal manager, it be consulted with the Chairpersons of the EE Committee, SAMWU and IMATU.**

#### **14. IMPLEMENTATION OF THE POLICY**

The policy shall be implemented after consultation with the employment equity committee and the approval of the municipal manager.

**THIS DOCUMENT WAS SIGNED ON THE \_\_\_\_\_ OF \_\_\_\_\_ 20\_\_.**

\_\_\_\_\_  
**MUNICIPAL MANAGER**

\_\_\_\_\_  
**Union Representative (SAMWU)**

\_\_\_\_\_  
**Union Representative (IMATU)**

## Affirmative Action Measures

Table A1: A Affirmative Action Measures Timelines

Nr	Identified AA Measures	Solutions identified to address this problem	Please indicate when you anticipate completion and implementation of AA Measures				
			Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
1	Access to the workplace for people with disabilities (PwDs)	<ol style="list-style-type: none"> <li>Do a workplace analysis (appoint a company specializing in environmental scanning, etc.) to establish what barriers hinder access to the workplace for people with a disability and what possible solutions there are to alleviate those barriers</li> <li>Execute action based on issues raised in the analysis, e.g. build ramps: budget for infrastructure development (over MTEF period)</li> <li>Provide sensitizing training regarding disabilities.</li> </ol>		X	X	X	
2	Disclosure of PwDs	<ol style="list-style-type: none"> <li>EEA1 of all employees</li> <li>Develop a disclosure process and action</li> <li>Address reasonable accommodation as required</li> <li>Access gaps</li> </ol>	X X		X X		
3	Targeted recruitment of PwDs	<ol style="list-style-type: none"> <li>Launch a AA project regarding targeted recruitment of PwDs to reach 4% target</li> </ol>		X	X	X	X

Nr	Identified AA Measures	Solutions identified to address this problem	Please indicate when you anticipate completion and implementation of AA Measures				
			Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
4	Participation in skills development of PwDs in Labour market	<ol style="list-style-type: none"> <li>Appoint interns with disabilities (as part of a broader skills development drive).</li> <li>Develop and participate in a disability learnership programme.</li> </ol>		X X			
5	Targeted recruitment of women in Management (50%)	<ol style="list-style-type: none"> <li>Launch an AA program for the targeted recruitment of women to the Executive and SMS positions.</li> <li>Maintain representivity i.t.o. the Eden DM directives.</li> </ol>			X X		
6	Shortage of women in Executive and SMS categories	<ol style="list-style-type: none"> <li>Train and develop women currently employed in the Municipality to build a</li> </ol>	X	X	X	X	X

		strong contingent of women in the feeder categories to fill certain vacancies					
7	Targeted recruitment of Africans.	1. Ensure that the setting of targets is considering the recruitment and promotion of African male and females to all levels.	X	X	X	X	X
8	Participation in skills development in Labour market	1. Appoint interns	X	X	X	X	X
		2. Appoint learners	X	X	X	X	X
		3. Allocate bursaries to employees regarding study directions where a skills gap has been identified.					

Nr	Identified AA Measures	Solutions identified to address this problem	Please indicate when you anticipate completion and implementation of AA Measures				
			Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
		4. Provide mentorship/ coaching and enhancement programmes for senior and middle management especially in support of members from designated groups	X	X	X	X	X
9	Regular assessment of staff morale	1. Regular assessment of staff morale by means of a "climate survey" and behavior risk management surveys (BMR) to be included in Wellness programme with service provider).	X	X	X	X	X
10	Targeted training	Provide training, focusing on under-represented groups and scarce skills training.		X	X	X	X