

# GREAT KEI MUNICIPALITY



## EMPLOYMENT EQUITY POLICY

2016/17

TABLE OF CONTENT	PAGE
FOREWORD	3
DEFINITION OF TERMS AND CONCEPTS	4
1. INTRODUCTION	5
2. REGULATORY FRAMEWORK.	6
3. OBJECTIVES	7
4. PRINCIPLES, VALUES AND PHILOSOPHY	8
5. SCOPE OF APPLICABILITY	8
6. PROCEDURES	9-10
7. ROLES AND RESPONSIBILITIES	11
8. RESOURCE IMPLICATIONS	11
9. MONITORING AND EVALUATION	11
10. POLICY REVIEW	11

## INTRODUCTION

The Government inherited a local government sector which was strongly influenced by discriminatory employment policies and practices based on race, gender and disability. These groups are poorly represented at decision-making levels and in other technical occupational classes. The Constitution identifies representativeness of the local government sector as one of the main foundations of a non-racist, non-sexist and democratic society that integrates people with disabilities. When the current government came into power in 1994, initiatives were put into place to remove discriminatory practices and policies in employment.

The White Paper on Affirmative Action together with the Employment Equity Act of 1998 bears testimony to the government's commitment to the transformation of the local government sector into an Institution whose employment practices are underpinned by equity. The local government sector which is representative and draws on the talents and Skills of the diverse spectrum of South African Society, will not only be geared towards providing better services for all sectors of our society but will also enjoy legitimacy in the eyes of South African people.

The South African Government has put in place comprehensive suite of enabling legislation to accelerate the transformation process. These pieces of legislation collectively seek to provide a comprehensive framework within which municipalities can develop their own affirmative action programmes, structures, mechanisms and guidance. It also aimed at closing gaps and accelerating the pace of greater compliance of all government departments and all municipalities reflecting on the employment equity progress made in the country in particular over the last decade there are signal of greater progress on the race dimension with very slow progress on gender and with minimal to no visible disability representatively across the administration.

The Municipality is committed to addressing the imbalance caused by discriminatory policies of the past by:

- Enhancing the capacities of historical disadvantaged, through the development and introduction of practical measures that support their advancement within the local government sector
- Inculcating a culture that values diversity and supports the Affirmation of those who have previously disadvantaged, and
- Speeding up the achievement and progressive improvement of numeric targets for the municipal workforce.

The Policy that is reflected here must particularly be understood within the framework of the Employment Equity Act No. 55 of 1998.

## DEFINITIONS OF TERMS AND CONCEPTS

'**Affirmative Action**' is the process to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of the designated employer.

'Black' is generic term that refers to African, Coloured and Indian.

'**Broad representation**', in this policy, refers to the achievement of a Local Public Service that is inclusive of all historically disadvantaged groups in a manner that represents the makeup of the population within all occupational classes and at all post levels of the municipality.

'**Constitution**' refers to the Constitution of 1996.

'**Designated Employer** refers to Great Kei Municipality.

'**Designated Group**' refers to Black people, women and people with disabilities.

'**Disability**' means persons having a physical or mental impairment, which is long term or short recurring, and which substantially limits their prospects of entry into, or advancement in employment.

'**Disadvantaged groups/ historically disadvantaged groups** refers to those groups identified as having been discriminated against on the basis of past legislation, policies prejudice and stereotypes.

'**Employment Equity**' refers to the elimination of unfair discrimination as well as the implementation of specific measures to accelerate the advancement of target groups towards the achievement of equality.

'**Equal Employment Opportunity**' refers to the formal right of all to be treated equally in employment irrespective of race, gender and disability.

'**Equality**' refers to the full enjoyment of rights and freedoms by all in similar/ proportionate manners.

'**Gender**' an analytical concept used primarily in scientific study and research. It refers to the social and cultural differences between women and men, i.e. to qualities and capabilities that our society attaches to each. Our perception of what constitutes female and male gender tends to change and be reassessed over time.

'**Gender Equality**' is a political term. The goal of gender equality policy is to ensure that women and men have the same rights, duties and opportunities in all walks of life this encompasses, equal distribution of power and influence. Equal terms and opportunities in relation to business practice, employment, working conditions and advancement, equal access to training and opportunities for developing personal ambitions, interests and talents, shared responsibility for the home and family, freedom from gender related violence.

'**Gender perspective**' is to considering proposals and activities on the basis of women's and men's opportunities, situations and needs with a view to achieving gender equality. Gender Equality is a perspective that can be applied to other issues and perspectives.

**'Gender mainstreaming'** is a strategy for achieving gender equality, adopted by the world community at the 1995 conference on women in Beijing. The strategy involves integrating a gender perspective into ordinary day-to-day issues at all levels of decision-making and in all policy areas. Gender equality is to be achieved by changing norms and redistributing power and resources in the area of activity concerned.

**'Managers'** refers to all people who are responsible for the work of others.

**'Reasonable Accommodation'** means any modification or adjustment to a job or the working environment that will enable a person from a designated group to have access to or participate or advance in employment.

**'Unfair discrimination'** refers to unjust measures, attitudes, and behaviour that obstruct the enjoyment of equal rights and opportunities in employment for Black people, women and people with disabilities.

**'The Municipality'** refers to the Great Kei Municipality.

## 1. INTRODUCTION

Employment equity concerns itself with the eradication of unfair discrimination in the workplace. It ensures that employers take positive measures to transform the organization and remove barriers to equity for previously disadvantaged groups. The rationale for the implementation of employment equity legislation centres around eradication the legacy of discrimination in relation to race, gender and disability that has denied the majority of South Africans the opportunity for education, employment, promotion and wealth creation. In addition to the above, employment equity legislation was enacted to encourage economic growth and satisfy the requirements of the Constitution and the International Labour Organization.

The White Paper on Affirmative Action, 1998 together with the Employment Equity Act of 1998 is a testimony of the Government's commitment to the transformation of the Public Service into the Institution whose employment practices are underpinned by equity. The Public Service which is representative and draws on the talents and skills of the diverse spectrum of South African Society, will not only be geared towards providing better services for all Sectors of our society but will also enjoy legitimacy in the eyes of South African people.

The Municipality strongly believes that the employment of a labour force that is diverse in race, culture and gender and which broadly reflects the demographics of the municipality can facilitate the effective and efficient implementation of the municipality's current and future service delivery mandates. This, notwithstanding, it is apparent that the municipality has inequalities and discriminatory practices with respect to recruitment and selection, skills and competency training and development, which need to be completely eliminated. The targets in this policy framework are for the current budget year.

## 2. REGULATORY FRAMEWORK

This policy is cognisant of and is formed by the following legislation, policy, codes, rules and standards:

- Constitution of the Republic of South Africa, Act 108 of 1996
- Employment Equity Act No. 55 of 1998
- Labour Relations Act, 1995
- Basic Conditions of Employment Act, 1997
- Skills Development Act, 1998
- South African Qualifications Authority (SAQA) Act, 1995 and National Qualification Framework (NQF)
- White Paper on Affirmative Action in the Public Services, Notice No. 564 of 1998
- Access to Information Act, 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 2000
- Code of good practice: On the employment of people with Disabilities
- Code of good practice: HIV/AIDS
- Municipal Systems Act
- Municipal Structures Act

### **3. OBJECTIVES**

The purpose of this policy is to give strategic direction in order to ensure that the Municipality complies with the various provisions of the Employment Equity Act, 1998 which fundamentally obligates municipalities to develop an employment equity plan in order to achieve equity in the workplace by:

- a. Promoting the Constitutional right of equality for all employees and the exercise of true democracy in the workplace.
- b. Creating equal opportunities and fair treatment in the employment through the elimination of unfair discrimination.
- c. Implementing affirmative action measures designed to redress the historical disadvantaged in employment experienced by black people, women and persons with disabilities (referred to as designated groups) in order to ensure their equitable representation in all occupational categories and levels in the workplace.
- d. Achieving a diverse workforce that is broadly representative of the South African economically active population, and
- e. Promoting economic development and efficiency in the workplace

### **4. PRINCIPLES, VALUES, AND PHILOSOPHY**

The Municipality is committed to redressing the injustice caused by discriminatory policies and practices of the past, particularly against Black people, women and people with disabilities, and to improve the quality of and equity in service delivery by drawing upon the diverse skills and talents of all South Africans in order to derive the benefits of the broader perspective that a more representative Local Public Service can deliver.

The Municipality strongly believes that the employment and development of the Public Labour Force that is diverse in race, culture and gender and which broadly reflects the demographics of the country will facilitate the effective and efficient implementation of service delivery and advocacy on Public service delivery principles, predominantly Batho Pele. The Municipality Employment Equity Policy serves to transform current policies and practices, achieve representivity and employment equity, and to eliminate all forms of unfair discrimination in the Local Municipal administration within the legislative framework as stipulated in the Employment Equity Act. No. 55 of 1998 and White Paper on Affirmative Action, Notice No. 564 of 1998.

The purpose of this policy is to ensure that the Municipality demonstrate its commitment in creating an equitable workplace climate, free of unfair discrimination through building a sound organizational culture and environment conducive to effective people management, sound labour relations and effective service delivery – a transformation and impact that encompasses everybody. The Municipality would further like to stress the departments role and responsibility when developing, implementing and monitoring their employment equity programmes for consideration of practices relating to the management of HIV & AIDS in the workplace, to ensure that people living with HIV & AIDS are not discriminated against.

A sustainable and equitable public administration that is free of unfair discrimination that utilizes its diverse workforce, will with no exception require a firm and ongoing commitment by all staff members and from all levels within the administration. The implementation of employment equity legislation leads to a workforce that is diverse in race, culture and gender.

## **5. SCOPE OF APPLICABILITY**

This policy is applicable to all staff and management of the Municipality, Schedule 4 of the Employment Equity Act, 1998 states that all designated employers, that is employment with fifty (50) or more employees have to comply with the requirements of the Employment Equity Act, 1998. The Municipality is thus compelled to comply with the provisions of the employment Equity Act, 1998. This Policy primarily targets the three groups; black people, women, and people with disabilities who are identified in the Employment Equity Act, 1998 as having suffered most from unfair past discrimination.

## **6. PROCEDURES**

The Employment Equity Act, 1998 provides guidelines for the implementation of the process of which the municipality, being a Designated Employer, must comply to. A designated employer must prepare and implement an equity plan, which will achieve reasonable progress towards employment equity in that employer's workforce.

According to section 20 of the Employment Equity Act of 1998, the Employment Equity Plan must reflect the following:

- The objective to be achieved for each year of the plan.
- The employment barriers to be identified in the analysis and the steps the employer will take to eliminate these.
- The positive measures that the employer will implement.
- The numerical goals to achieve equitable representation of people from designated groups within the workplace: the timetable within which is to be achieved and the strategies by which the employer intends to achieve these goals.
- The duration of the plan, this may not be shorter than 1 year, but not longer than 5 years.
- The procedures that will be used to monitor and evaluate the implementation of the plan and whether reasonable progress is being made towards bringing about the employment equity.
- The internal procedure for resolving disputes about the implementation or interpretation of the plan.
- The person in the workforce, including senior managers, responsible for monitoring and implementation of the plan.

The guidelines that follow for the compilation of the employment equity plan are taken from the Code of Good Practices on the preparation, Implementation and Monitoring of Employment Equity Plans, issued by the Department of Labour.

According to the aforementioned Code, the development of a plan should be undertaken as an inclusive process that will result in a documented plan. This process of developing a plan should have three sequential phases, as in the figure below.



## **Phase 1: PREPARATION (PLANNING)**

Step 1: Assign responsibility and accountability to one or more senior managers.

Step 2: Conduct communications, awareness and training programmes.

Step 3: Consult with the relevant stakeholders.

Step 4: Analyses the existing workforce profile and relevant demographic information – and appreciate benchmarking exercise to compare the organization's workforce profile with those of other organizations within the same sector, or the development of other meaningful comparisons.

## **Phase 2: IMPLEMENTATION**

### **Employment Equity Strategy**

- Under the Act every designated employer is required to undertake four processes when developing a strategy to implement employment equity and eliminating unfair discrimination from the workplace:
- Consulting with its employees and representative trade unions;
- Auditing and analysing all employment policies and practices in the workplace and developing a demographic profile of its workforce;
- Preparing and implementing an employment equity plan which includes numerical targets to ensure demographic representation of all designated groups; and
- Reporting to the Department of Labour on progress made on the implementation of its employment equity plan.

Step 5: Establish correct measures and objectives.

Step 6: Establish time frames.

Step 7: Allocate resources.

Step 8: Communicate the plan.

## **Phase 3: MONITORING**

Step 9: Monitor, evaluate and review the plan.

Step 10: Set up an Employment Equity Form

## Step 11: Reporting

Implementation and monitoring are an ongoing process and continue to include components of earlier phases, such as communication, consultation, awareness and training.

## 7. ROLES AND RESPONSIBILITIES

Responsibilities and accountability for implementing the Employment Equity Plan rests with the Municipal Manager and ultimately the Municipal Council. Developing and implementing an Employment Equity Plan in line with the Employment Equity Act, 1998 will involve everyone in the department, from top management to the most junior staff. Hence managing the process will be a major undertaking. Within the municipality, the implementation of the policy should be incorporated into Director Corporate Service's performance contracts. It is envisaged that the practice of developing performance contracts between the Municipal Manager and the Council will also be extended to Section 57 Managers and their functions.

### Assignment of Responsibility to Senior Managers

- In terms of Section 24 of the Act, the Municipality assigns responsibility for the role as Employment Equity and Diversity Manager to the Corporate Affairs Executive for:
- The development, implementation and monitoring of the Municipality Employment Equity Plans.
- Creating awareness of and advocating the Employment Equity Policy within the organisation;
- Giving guidance to subsidiary companies and/ or business units on how to formulate and implement Employment Equity Plans;
- Monitoring the implementation of this policy and the Equity Plan;
- Assisting in the evaluation of all Employment Equity-related policies and procedures on an ongoing basis to identify unfair discrimination, barriers to the designated groups and non-compliance with existing legislation.
- The Municipality will appoint the Employment Equity and Diversity Manager, in writing, and the appointment will be valid for a period of one (1) year.

## 8. RESOURCES IMPLICATIONS

In addition to budget allocations the following resources are necessary:

- People such as the manager/s assigned with the responsibility
- Time off for stakeholders involved in the process
- Infrastructure such as meeting room
- Training and information sharing
- Any other resources that may be appropriate in the circumstances

The cost of securing and advancing black people, women and women and people with disabilities in relation to the immeasurable value of their contribution to improve services and heightened Local Public Service credibility and legitimacy, cannot be seen as a deterrent for not implementing Affirmative Action.

### 9. MONITORING AND EVALUATION

Council, the Standing Committee on Institution and Finance, and Department of Labour require periodic information on Equity Implementation, for purposes of monitoring, evaluation and reporting to the relevant bodies.

Labour inspectors are appointed to inspect employer's compliance with the Employment Equity Act, 1998. They have power to demand undertakings to comply from designated employers and to issue compliance orders to employers and to issue compliance orders to employers who refuse to comply as required. Fines are imposed for contravening the Employment Equity Act, 1998.

An employee, who has a complainant or grievance relating to the implementation of this policy document, has recourse to the remedies provided in terms of the Labour Relations Act, 1995 and other relevant Labour Legislation, including collective agreements. The Municipal Manager and Director Corporate Service are responsible for monitoring the implementation of this policy through the Employment Equity Plan (EEP).

### 10. POLICY REVIEW

This policy shall be reviewed one year from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary to reflect substantial organizational changes required by law.

Signature of the Municipal Manager.....

Signature of the Mayor .....