



**EMPLOYMENT EQUITY POLICY
2023/2024**

TABLE OF CONTENT

1. Vision	3
2. Mission	3
3. Values	3
4. Preamble	3
5. Purpose of the policy	3-4
6. Scope of application	4
7. Duration of the plan	4
8. Legislative and policy framework	4-5
9. Definitions	5-6
10. Policy provisions	7-11
11. Purpose and scope of Employment Equity Committee	11-12
12. Functions of the committee	12
13. Representation of the committee	12-13
14. Frequency of the meetings	13
15. Roles and responsibilities in terms of the Act	13-15
16. Budget	15
17. Communication	15
18. Dispute resolutions	15
19. Policy monitoring and evaluation	16
20. Implementation of the policy	16

1. MARULENG VISION

"The power house of socio-economic development through sustainable and integrated agriculture and tourism

2. MARULENG MISSION

In order to achieve its vision, the Maruleng council accepted the mission below:

"Maruleng Local Municipality is committed to the accelerated provision of quality basic services and promotion of socio-economic development through the harnessing of all resource endowments in an integrated and sustainable manner."

3. MARULENG VALUES

The values describe the interrelationship between the people they serve. As such, it describes the business practice applied and values placed on certain principles. The following values were identified:

- (i) Value for money
- (ii) Accountability
- (iii) Accessible
- (iv) Transparency
- (v) Trustworthy
- (vi) Professionalism**

4. PREAMBLE

The Municipality has embarked on a process to implement the provisions of the Employment Equity Act (1998). 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 staff members, staff members in all the job categories and occupational levels, and senior managers responsible for implementation of the programme.

5. PURPOSE

- a. The broad objectives of Employment Equity are the following:
 - i. 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 Employment Equity Act and people with disabilities would be identified during the numerical analysis as presenting special challenges which the Municipality has to address.

- ii. 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.
 - iii. 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.
 - iv. To establish procedures for monitoring and enforcing the implementation process.
 - v. To establish procedures to address and resolve disputes regarding implementation and enforcement of Employment Equity.
- b. 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:
- i. Take into account the output of the Municipality planning phase;
 - ii. The particular circumstances of the Municipality; and
 - iii. The alignment and inclusion of the plan in the broad strategy of the Municipality.

6. SCOPE OF APPLICATION

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

7. DURATION OF THE PLAN

In terms of section 20(1) of the Employment Equity Act the employment equity plan must be for a period of three to five years and thereafter successive plans must be submitted. The municipality Employment Equity plan will be in line with the term of council. The duration of the plan is based on the planning needs of Maruleng Local municipality with specific reference to the need to set attainable numerical goals to be achieved over a reasonable period of time.

8. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Skills Development Act, (Act No. 97 of 1998)
- Local Government: Regulations on appointment and conditions of employment of senior managers,

N.S

2014

- Local Government: Municipal Staff Regulations, 2021
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- National Skills Development Strategy
- National Qualifications Framework
- South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
- Department of Employment and Labour: Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices, 2005
- Department of Employment and Labour: Code of Good Practice on the Preparation, Implementation and Monitoring of the Employment Equity Plan, 2017

9. 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.

N.S.

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 (LRA198B) "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 earning 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"

N.S

10. POLICY PROVISIONS

a. Underlying principles for prevention of unfair discrimination

- i. No person may unfairly discriminate, directly or indirectly, against a staff member 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.
- ii. 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.
- iii. Medical testing may only be permissible when legislation requires testing or when this is justifiable for various reasons.
- iv. HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.
- v. Psychological testing and similar assessments are prohibited unless the test is scientifically valid, and reliable, can be applied fairly to all staff members and is not biased against any staff member or group.
- vi. Disputes regarding unfair discrimination shall be handled in terms of the grievance procedure.

b. Affirmative Action Measures

i. Increasing the pool of available candidates

Policies on employment practices adopted by the Maruleng 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.

ii. Appointment of staff members from designated groups

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

2. More efforts to advance appointment of staff members 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. Recognizing that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Municipality.

iii. Training and development of people from designated groups

Maruleng Municipality recognizes the obligations placed on it by the Skills Development Act of 1998 to train and develop staff members and has adopted structured training programmes for staff members. These programmes include:

1. Bursaries for tertiary education
2. Job-related training
3. Training in line function, management, and supervisory skills
4. Learnerships
5. Skills programmes
6. Mentorship and coaching of new staff members
7. Career planning and development

iv. Retention of people from designated groups

Maruleng 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.

v. Reasonable accommodation of people with disabilities

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

1. Adapt or replace existing physical facilities such as offices, ablutions, canteens, parking, office equipment, etc., to make them accessible and usable
2. Reorganize workstations for, example, free movement of wheelchairs
3. Adapt training and assessment materials, systems and facilities, by consulting staff members with disabilities on their career advancement and possible needs
4. Consult staff members with disabilities, as well as obtain expert advice to establish appropriate mechanisms to optimize accommodation
5. Create practical environment and provide necessary tools and aids for optimal participation in social and developmental activities
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. 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
8. Re-integrate staff members 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
9. Provide additional work tools and aids, such as readers, Braille equipment, sign language, interpreters
10. Encourage disclosure to ensure optimisation of accommodation measures
11. Provide specialised supervision, training and support

vi. Meaningful participation in strategic decision-making processes

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

vii. Affirming diversity and harnessing potential of all staff members

1. The consultation at the Municipality shall include staff members from different levels and seniority and be representative of all designated and non-designated groups.
2. Maruleng 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 staff members.
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.

c. Corrective measures to eliminate barriers identified during the survey

- i. 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.
- ii. 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.

d. Procedure for numerical goals

- i. A numerical analysis shall be carried out to determine representation of staff members 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.
- ii. On the basis of the analysis, the Municipality shall set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality.
- iii. Numerical goals shall be developed for the appointment and promotion of people from designated groups to address under-representation of the designated groups.
- iv. The following factors shall be taken into consideration in developing numerical goals:
 - (a) Degree of under-representation of designated groups in various employment categories at the Municipality as determined by the numerical analysis.
 - (b) Determine staff turnover rate at the Municipality to guide implementation rate of affirmative action measures and the setting of numerical goals.

e. Consultation and consensus with staff members

- i. Prior to implementing this policy, the Employment Equity manager (accounting officer) shall ensure that staff members are consulted within the Local Labour Forum (LLF) Equity Committee.
- ii. After approval awareness in terms of approved policy be conducted.

N.S

- iii. Efforts shall be made to reach consensus on all key issues relating to this policy.
- iv. In particular, staff members (or their nominated representatives) shall be consulted about:
 - 1. the conducting of the employment equity survey;
 - 2. the preparation and implementation of the employment equity plan; and
 - 3. the submission of statutory reports to Department of Employment and Labour.
- v. In the course of the above-mentioned consultations, all relevant information to allow effective consultation shall be disclosed by the Municipality.
- vi. Where confidential information is disclosed in the course of consultations, it shall be clearly identified as confidential information and staff members shall be informed that it is a criminal offence to breach such confidentiality.
- vii. Staff members may be required to sign confidentiality agreements in certain circumstances.
- viii. In addition, staff members shall be informed of, and given access to:
 - 1. the most recent statutory report submitted to Department of Employment and Labour;
 - 2. any compliance order, arbitration award or court order concerning the provisions of the Employment Equity Act and Municipality;
 - 3. any current employment equity plan and other documents prescribed by the Act

11. PURPOSE AND SCOPE OF THE EMPLOYMENT EQUITY COMMITTEE

- (a) To conduct 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.*
- (b) Preparing and implementing an employment equity plan which will achieve reasonable progress towards employment equity in the company's workforce.*
- (c) The preparation and compilation of the report required to be submitted to the director-general of the department of labour.*
- (d) The internal procedures to resolve any dispute about the interpretation or implementation of the employment equity plan.*
- (e) 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.

(f) The tenure of the committee shall be for a period of Employment Equity plan (five years).

12. 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,

- (a) Obtain mandates from their respective constituencies on those matters identified for consultation;*
- (b) 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;*
- (c) 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 "Maruleng Municipality" to ensure the successful implementation of "Maruleng Municipality's employment equity plan.*

13. 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 Manager**
- **Managers and Senior Officers**
- **Officers, Accountants**
- **Secretaries, Clerks, Coordinator**
- **General Assistant, Drivers**
- **People with disability**
- **SAMWU**

- **IMATU**

Any representative who ceases to be representative of the constituency which he or she represents, or ceases to be an employee of "Maruleng Municipality" if his or her appointment as a representative was conditional on him/her being an employee of "Maruleng 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.

14. FREQUENCY

- (a) The committee shall meet on quarterly basis or other offices as advised by the employment equity manager.
- (b) 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.
- (c) The chairperson of the committee shall be biannually elected by the committee. The committee shall be constituted by a quorum of 50% plus one.
- (d) Maruleng municipality will be responsible for the implementation and monitoring of recommendations and suggestions of the committee.

15. ROLES AND RESPONSIBILITIES IN TERMS OF THE ACT

i. Employment Equity Manager

- 1. The Municipal Manager is appointed as the Employment Equity Manager to take specific responsibility to implement and monitor employment equity in the Municipality. The Municipal Manager is entitled to delegate this responsibility to any senior manager in the Municipality.
- 2. The Employment Equity Manager 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.

ii. Duties of Employment Equity Manager

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

N-S

1. conduct employment equity surveys in accordance with this policy;
2. keep and monitor lists of the designated group members employed;
3. collect and analyse external data on the profile of suitably qualified applicants available for employment;
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;
5. comply with the relevant statutory reporting requirements;
6. identify discriminatory or potentially discriminatory practices and devise strategies and systems to eliminate such practices;
7. devise and recommend training and sensitisation strategies relating to affirmative action for members of the designated groups;
8. co-ordinate recruitment strategies, policies and procedures to ensure compliance with this policy;
9. advise and assist in carrying out recruitment programmes and training and sensitisation sessions;
10. monitor performance under this policy, receive complaints and recommend strategies for improvement;
11. obtain legal advice where necessary and ensure that the policies and practices comply with legal requirements;
12. provide periodic reviews of the implementation of this policy;
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

iii. Employment Equity Committee

1. The main role of the committee is to –
 - a. conduct an analysis of the workplace;

215

- b. prepare and implement an employment equity plan; and
- c. assist with the drafting of the employment equity report by reporting on those trained, promoted and recruited.

16. BUDGET

Maruleng 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 labour forum.

17. COMMUNICATION

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

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.

18. DISPUTE RESOLUTIONS


- i. 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 Maruleng 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
- ii. 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 10 days after the referral of the matter to such person or persons.
- iii. 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
- iv. 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.

19. POLICY MONITORING AND EVALUATION

- a. This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- b. Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- c. Director Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

20. IMPLEMENTATION OF THE POLICY

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

Resolution Number	SC05/05/2023
Version	01
Compiled by	Human Resources
Date Approved	29/05/2023
Effective Date	01/07/2023
Signature	

NS