



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

EMPLOYMENT EQUITY POLICY

POLICY CUSTODIAN	Human Resource Planning and Employment Equity
POLICY VERSION	1 st Version
APPROVAL DATE	
IMPLEMENTATION DATE	
POLICY REVIEW DATE	
AUTHOR	Human Resource Planning and Employment Equity

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A. Acronyms

ACRONYM	DEFINITION
AA	Affirmative Action
DG	Director-General
DHET	Department of Higher Education and Training
EEC	Employment Equity Committee
EA	Executive Authority
EEP	Employment Equity Plan
EEA	Employment Equity Act
EAP	Economically Active Population
EE	Employment Equity
HRD	Human Resource Development
HRP	Human Resources Plan
PSCBC	Public Service Co-ordinating Bargaining Council
PWD	People with Disabilities
SMS	Senior Management Services

B. Glossary of Terms

TERM	DEFINITION
DESIGNATED GROUPS	Black people, women and persons with disabilities who are citizens of the Republic of South Africa by birth or descent or became citizens of the Republic of South Africa by naturalisation – Before 27 April 1994; or After 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies.
BLACK PEOPLE	A generic term which means African, Coloured and Indian.
DEPARTMENT	Refers to the Department of Higher Education and Training.
PERSONS WITH DISABILITIES	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	Any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access or participate or advance in employment.
ACT	Refers to Employment Equity Act No. 55 of 1998, as amended, Act 47 of 2013.
STAKEHOLDER	Refers to DHET management, employees and recognised Union representatives.
AFFIRMATIVE ACTION	Are measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce.
NATIONAL TARGETS	Targets set by the DPSA for Persons with disabilities and women in SMS.

1. BACKGROUND AND INTRODUCTION

1.1 Pledge by the DHET

The Department of Higher Education and Training affirms its commitment to the government's socio-economic transformation policy. It pledges its support to the principle of employment equity and commits, to the best of its ability, to give effect to the letter and spirit of the Employment Equity Act, Act 55 of 1998.

The Department fully embraces the purpose of the Employment Equity Act, which is to:

- promote equal opportunities and fair treatment in employment through the elimination of unfair discrimination; and
- implement affirmative action measures to redress disadvantages in employment that was experienced by Black people, women and people with disabilities.

In order to ensure the implementation of employment equity, the Department also commits to create necessary partnerships with the employees of the Department, as envisaged by the Act.

Furthermore, the Department calls on all employees to commit themselves to the implementation of employment equity and in this context recalls the words of the preamble to the Act, as a reminder to all:

Recognising – that as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws.

“Therefore, in order to promote the constitutional right of equality and the exercise of true democracy; eliminate unfair discrimination in employment; ensure the implementation of employment equity to redress the effects of discrimination; achieve diversity in the workforce broadly representative of our people; promote economic development and efficiency in the workforce; and give effect to the obligations of the Republic as a member of the International Labour Organization”

1.2 Policy Statement

DHET fully embraces the provisions of the Act and affirms its commitment to government's socio-economic transformation policy. Employment Equity initiatives interlink and require complementary processes to be active and in place in the DHET, such as Change Management, effective management of diversity in the workplace and an Organisational Culture mind shift to accommodate previously disadvantaged groups namely Black people, Women and Persons with Disabilities.

1.3 Legislative Framework

- 1.3.1 Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- 1.3.2 Employment Equity Act, Act 55 of 1998, as amended, Act 47 of 2013;
- 1.3.3 The Labour Relations Act, Act 66 of 1995, as amended, Act 6 of 2014;
- 1.3.4 Public Service Act 103 of 1994, as amended, Act 30 of 2007;
- 1.3.5 Skills Development Act, Act 97 of 1998;
- 1.3.6 Public Service Regulations, as amended 2016;
- 1.3.7 Basic Conditions of Employment Act, (Act No. 75 of 1997);
- 1.3.8 White Paper on an Integrated National Disability Strategy (1997);
- 1.3.9 DPSA Policy on reasonable accommodation and assistive devices for employees with disabilities in the Public Service (2015);
- 1.3.10 The White Paper on Affirmative Action in Public Service (1998);
- 1.3.11 The White Paper on the Transformation of the Public Service (1995);
- 1.3.12 White Paper on the Human Resource Management in the Public Service (1997); and
- 1.3.13 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.

2. POLICY PURPOSE, OBJECTIVES AND PRINCIPLES

2.1 Purpose

To provide standard guidelines for all DHET employees on how to embrace Employment equity and Affirmative Action provisions, and implementing them to achieve transformational goals as part of the government's strategy to achieve a workforce that is truly representative of the South African population.

2.2 Objectives

2.2.1 The aim is to:

- (a) Ensure that all Regions, Branches, TVET and CET Colleges transform and comply with the provisions in the Employment Equity Act and other relevant prescripts;
- (b) Eliminate barriers that adversely affect people from designated groups and thereby creating a conducive working environment and equal access for all employees;
- (c) Promote and manage diversity in the workplace;
- (d) Ensure that all managers are responsible and accountable for the development and implementation of Regional, Branch, TVET and CET Colleges' Employment Equity Plans;
- (e) Ensure that all employees are conversant with the requirements of Employment Equity Act and thereby comply accordingly; and
- (f) Determine parameters and measures for the ongoing reviewing of processes, policies and practices that are discriminatory.

2.3 Principles

2.3.1 **Fairness** through application of fair Human Resources practices, policies and procedures which addresses past imbalances.

2.3.2 **Equity** by striving towards equitable representation that reflects the demographics of the country as well as equitable treatment for all employees.

2.3.3 **Transparency** by application of the principle of openness.

- 2.3.4 **Access** by providing relevant information, resources and facilities to all employees.
- 2.3.5 **Resources** providing resources within the limits of the budget for the realisation of this Policy.
- 2.3.6 **Participation** through consultation of all stakeholders and promotion of cultural understanding of diversity amongst employees.
- 2.3.7 Management and employees are **accountable** for making decisions that are in line with the achievement of the objectives of this Policy.
- 2.3.8 To provide **reasonable accommodation** that enables people from designated group to maximise their potential.
- 2.3.9 This Policy shall be applied in a **professional** manner in accordance with HR best practices.
- 2.3.10 Management and employees shall **commit** to support all employment equity initiatives and thereby create a supportive environment to all.
- 2.3.11 **Confidentiality** by ensuring that all matters related to employment equity are treated with the necessary sensitivity and confidentiality.

3. SCOPE OF APPLICATION

This Policy shall be applicable to all DHET employees. Foreign Nationals are not eligible for "redress" in the context of Affirmative Action, they may be included in the overall workforce profile audit of the DHET, but should not be taken into consideration when targets are developed for the Employment Equity Plan.

4. POLICY PROVISIONS

4.1 Affirmative Action Measures

4.1.1 Conducting an Analysis

Analysis shall be conducted on all employment policies, practices, procedures, and the working environment so as to:

- (a) Identify any barriers that may contribute to the under-representation or under-utilisation of employees from the designated groups.
- (b) Identify any barriers or factors that may contribute to the lack of affirmation of diversity in the workplace.
- (c) Identify other employment conditions that may adversely affect designated groups.

4.1.2 Implementation of Affirmative Action Measures

- (a) Affirmative Action measures shall be implemented to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational levels as well as provision of fair opportunities through meaningful participation in order to maximise individual potential.
- (b) Affirmative Action measures shall form part of the Employment Equity Plan in order to advance the achievement of EE objectives.

4.2 Fair treatment

- 4.2.1 Employees shall not be unfairly discriminated against, either directly or indirectly, in any employment policy or practice on any basis including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

- 4.2.2 Foreign nationals shall not ordinarily be included in the various designated groups. Foreigners shall only be recruited for a specific scarce skill in South Africa and foreign candidates can be sourced and shall be expected to transfer skills.
- 4.2.3 The implementation of this policy shall continue to promote and develop people from the designated group. However, it will not put an absolute barrier to the prospective or continued promotion or advancement of people from the non-designated group.
- 4.2.4 The Department shall only apply fair discrimination in the event where there are inherent requirements of the job/position or promotion or application of affirmative action measures.

4.3 Training and Development

- 4.3.1 This Policy seeks to encourage the development of skills and competencies required to achieve the strategic objectives of the Department.
- 4.3.2 The Employment Equity Plan shall be developed, amongst others, to ensure that people from the designated groups are empowered through the provision of Human Resource Development Strategy and the Departmental Retention Policy.

4.4 Disclosure of disabilities

The Department shall encourage employees to voluntarily disclose their disability status. Disclosure will enable the employer to provide reasonable accommodation to employees with disabilities.

4.5 Confidentiality

The disclosure of disability shall be treated with sensitivity, confidentiality and human dignity it deserves. The Department will create a climate that promotes trust by ensuring that such issues are addressed without fear prejudice and stigma.

4.6 Reasonable accommodation

Reasonable accommodation shall be provided to support designated groups to ensure equal opportunities in the work environment and that it is friendly, safe, accessible, sensitive and responsive to their needs. Reference shall further be made to Departmental policy and guideline on management of people with disabilities.

4.7 Recruitment and selection

4.7.1 The selection process shall be aligned to the targets as set out in the approved Employment Equity Plan and shall be driven by a broadly representative panel. Preference shall be given to candidates from the designated group during a selection process.

4.7.2 The following recruitment methods should be utilised to attract competent and qualified persons:

- (a) Utilising PWD recruitment Agencies and PWD NGOs;
- (b) Collaborative efforts with community outreach groups through radio stations;
- (c) Developed and maintained database of persons with disabilities for utilisation during recruitment and selection processes for consideration by the panel;
- (d) Headhunting;
- (e) All advertisements should indicate that preference shall be given to the designated group.

4.7.3 The following should form part of the recruitment processes:

- (a) Branch/Regional Employment Equity Plan must be presented in all Recruitment and Selection Processes;
- (b) Selection Panel must consider the EE targets as reflected in the Branch/Regional EE Plan and the updated Unit workforce profile;
- (c) Sufficient pool of targeted group must be shortlisted;
- (d) Employment Equity Committee (EEC) representative must form part of Selection Panel in all the recruitment processes in compliance with Recruitment and Selection and Employment Equity Policies; and

(e) All submissions for approval of SMS positions should indicate efforts taken by the Panel to consider target achievement.

- 4.7.4 EE Candidates must also be shortlisted based on the potential in line with the minimum requirements of the job.
- 4.7.5 All adverts shall indicate the commitment to achieving employment equity target.
- 4.7.6 Departmental/Regional EE plan shall be available and considered at the beginning of the recruitment and selection process.
- 4.7.7 The specific needs of PWD shall be discussed with the employee during the commencement of the recruitment process.

4.8 Non-permanent appointments

All non-permanent appointments, such as contract appointments, casuals, temporaries, internships, learnerships and volunteers shall be conducted in the manner that supports the objectives of this Policy of being broadly representative of the South African population.

4.9 Employment Equity Plans

- 4.9.1 An Employment Equity Plan shall be developed covering a period not less than three years and not exceeding five years which shall specify the measures that will be applied during the period to address equity.
- 4.9.2 The plan shall address the removal of barriers that adversely affect the designated groups as identified in the analysis of all employment policies, practices and the working environment.
- 4.9.3 The EE plan shall specify Affirmative Action measures that will ensure a more equitable representation of suitably qualified persons from designated groups in all occupational categories and levels.
- 4.9.4 The EE plan shall also specify numerical targets that have to be achieved during the lifespan of the plan which shall be the similar to the one submitted to the Department of Employment and Labour on an annual basis.

4.10 Numerical Goals/Target setting

The DHET Employment Equity numerical goals must be fully documented in the DHET approved EEP and includes:

4.10.1 Each regional office, TVET and CET college shall conduct the analysis of the Workforce Profile and set its targets accordingly with consideration of the National EAP for National Office and Provincial EAP for Regional Offices including TVET and CET colleges.

4.10.2 The workforce profile shall be analysed during each recruitment process and compared to the EE Plan to ensure that the workforce is fully representative. Each regional office, TVET and CET college shall after conduct an analysis of the workforce profile set targets that will be aligned to the Departmental EE plan. The targets set by the regions and branch shall be in line with the Public Service National targets.

4.11 Retention of designated groups

4.11.1 Retention of designated groups shall be in line with the approved EE targets/Plan to maintain diverse workforce;

4.11.2 Retention of designated group shall be informed by a Branch/Regional EE Plans; and

4.11.3 Retention of designated group shall be aligned to valued/scarce/critical skills.

4.12 Stakeholder involvement

4.12.1 Management and employees shall participate in the process of ensuring that the Department achieves its employment equity objectives and targets.

4.12.2 Human Resource Management and Development shall perform the following duties:

(a) Conduct Employment Equity and Diversity awareness workshops;

(b) Champion the development, implementation, monitoring and review of EE Plans and strategies to ensure successful implementation; and

(c) Consolidate and submit Employment Equity Reports annually to the Department of Employment and Labour.

5. ROLES AND RESPONSIBILITIES

5.1 Employment Equity Committees (EEC)

5.1.1 Employment Equity Committees (EEC) shall be established in Head Office, Regional Offices, all TVET and CET colleges.

5.1.2 All the Managers shall take the responsibility of establishing the EEC in their respective offices and colleges.

5.2 Composition of the EEC

5.2.1 The Head Office EEC shall be constituted as follows:

- (a) The Chairperson and Deputy Chairperson must be a member to the Senior Management Team (salary level 15–16) assigned according to section 24(1)(a) of the Act to take the responsibility for monitoring and implementing the Employment Equity Plan of the DHET;
- (b) Employer representative(s): two Senior Management Employees (salary level 13–14), one Middle Management (salary level 11–12), Junior Management (salary level 8–10), Semi-Skilled (salary level 5–7) and Unskilled (Salary level 1–4);
- (c) One representatives from designated groups (African Male/female, Coloured Male/Female, Indian Male/Female and persons with disabilities);
- (d) Representatives from undesignated groups (White Male/Female);
- (e) One representative from each recognised trade union; and
- (f) The nominations of the EEC will take place every three years of a period under review.

5.2.2 The Regional Office EEC shall be constituted as follows:

- (a) The Chairperson and Deputy Chairperson must be a member to the Senior Management Team (salary level 13 or salary level 11–12/Deputy Principal) assigned according to section 24(1)(a) of the Act to take the responsibility for monitoring and implementing the Employment Equity Plan

of the regional office;

- (b) Employer representative(s): four Professionally qualified (salary level 11–12);
- (c) Representatives from designated groups (African Male/Female, Coloured Male/Female, Indian Male/Female and persons with disabilities); and
- (d) Representatives from undesignated groups (White Male/Female).

5.2.3 The TVET and CET Colleges EEC shall be constituted as follows:

- (a) The Chairperson and Deputy Chairperson must be a member to the Senior Management Team (salary level 11–12/Deputy Principal) assigned according to section 24(1)(a) of the Act to take the responsibility for monitoring and implementing the Employment Equity Plan of the DHET.
- (b) Employer representative(s): one employees (salary level 11–12), three or four (SL 8–10/PL2–5 including Campus Managers and HODs), two (SL 5–7/PL 1), one (SL 1–4).
- (c) Representatives from designated groups (African Male/female, Coloured Male/Female, Indian Male/Female and persons with disabilities).
- (d) Representatives from undesignated groups (White Male/Female).
- (e) One representative from each recognised trade union.
- (f) The nominations of the EEC will take place every three years of a period under review.

5.2.4 The Regional EEC shall be constituted as follows:

- (a) The Chairperson must be a senior manager (salary level 13 or 14).
In absence of senior manager it could be someone at salary level 11/12.
- (b) Deputy Chairperson must be someone at salary level 11/12.
- (c) Other members must be chairpersons of respective TVET and CET colleges.

5.3 Functions and Duties of the EEC

The EEC shall perform the following functions:

- (a) Advise management in the development and implementation of the Employment Equity Plan.
- (b) Assist management in auditing employment policies, procedures and practices to ensure that there are no barriers that adversely affect employees.
- (c) Make inputs on the formulation and development of Employment Equity policy.
- (d) Assist in the consultation processes.
- (e) Participate as an observer in the recruitment and selection process.
- (f) Compile progress reports on the implementation of Employment Equity Plans.

5.4 Employment Equity Resources

5.4.1 EE Committee members shall be allowed time off to attend to Committee activities.

5.4.2 Line management must budget for Employment Equity activities in order to achieve EE Act objectives.

6. POLICY MONITORING AND EVALUATION

This Policy shall be monitored by the Directorate responsible for Employment Equity.

7. POLICY REVIEW


This Policy will be reviewed every three (3) years or as and when a need arises.

8. DISPUTE RESOLUTION

Any dispute arising out of the interpretation and/or application of this Policy shall be dealt following applicable legislations and policies.

9. POLICY APPROVAL SIGNATURE

Signed at Pretoria on this 30th day of March 2022



Dr Nkosinathi Sishi

Director-General: Department of Higher Education and Training