



Employment Equity Policy

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1 Introduction

Emakhazeni Municipality recognizes that meeting the goals of employment equity is best achieved in the workplace that promotes equality of opportunity in a positive and supportive working environment

Emakhazeni will make every effort to ensure that:

No one is discriminated against in their employment on the basis of race, ancestry, and place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, marital status and disability amongst others.

Discrimination as defined in this document is prohibited at Emakhazeni and constitutes punishable offences under this policy.

Emakhazeni recognizes its legal and moral responsibility to protect all of its employees from discrimination and to take action if such behaviour does occur. To this end it has developed a policy on, procedure for, dealing with complaints arising out of such behaviours including a range of disciplinary measures up to and including dismissal.

2 Purpose

The intention of this policy and its procedures is to prevent discrimination and harassment from taking place and where necessary to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.

The purpose of this policy is to state and affirm the broad and general principles of Employment Equity to which the Emakhazeni Municipality is committed, and to describe, in a general manner, how it intends to realise these principles in practice.

This document is a policy and it does not constitute the Employment Equity Plan of the Municipality.

This document sets out the general framework and underlying principles that will govern the development of an Employment Equity Plan

3 Scope of Application

This policy is applicable to all the Employees of Emakhazeni Municipality regardless of the nature of their work contracts.

4 Definitions

The following definitions are relevant to this policy:

Reasonable Accommodation:
Accommodation means making adjustment to employment policies and practises that unnecessarily block progress of otherwise qualified employees and applicants. Accommodation measures might include: accessibility for people with disabilities, flexible work hours or job sharing.

Special Measures:

Special measures are specific initiatives to remove the effects of the past discrimination. Some can be long term and of benefit to everyone, such as developing objective, job related criteria for selection, or more flexible working arrangements. Others might be considered remedial and are short term, designed specifically to allow disadvantaged groups to catch up. Examples might be outreach recruitment to designated groups or special training programs.

Discrimination:

Discrimination means differential treatment of an individual or group of individuals which is based, in whole and in part on more than one of the prohibited grounds of discrimination, and which thus has an adverse impact on individual or group of individual.

'Designated group'

Means black people, women and people with disabilities.

'Black people'

Is used as a generic term to include African, Coloured and Indian persons.

'People with disabilities'

Means people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in, employment.

'Disadvantaged persons'

Means persons or categories of persons disadvantaged by past or present unfair discrimination.

'Suitably qualified'

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

5 Employment Equity Policy Objectives

5.1 This policy aims to —

- (a) Foster diversity in the organisation through the introduction of diversity initiatives;
- (b) Eliminate all forms of unfair discrimination in the workplaces and employment practices, including those relating to people living with disabilities and
- (c) Ensure that all the people of South Africa are adequately and appropriately represented within the workplaces.

5.2 To achieve the aims set out in 5.1 above, the Emakhazeni Municipality will

- (a) Prohibit and combat unfair discrimination and harassment among employees;
- (b) Create an organisational culture that is built on the foundations of diversity, equality and dignity for all in the workplace;

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- (c) Promote the equitable representation of persons from designated groups and disadvantaged persons at every organisational level and Head of Departments shall be assigned with this responsibility to ensure that the set equity targets are achieved;
 - (d) Accommodate the reasonable needs of designated persons and groups;
 - (e) Prepare the ground for successful change through appropriate and ongoing investment in people by means of training and education;
 - (f) Match best-practice benchmarks for Employment Equity.
 - (g) Set-up the necessary forums required to champion Employment Equity, Diversity and Disability awareness and interventions in the workplace

5.3 EMPLOYMENT EQUITY PRINCIPLES

- 5.3.1 As an employer and as an organisation, the Emakhazeni Municipality is committed to the principles of equity, anti-discrimination and diversity as enshrined in the Constitution and the Employment Equity Act of 1998.
- 5.3.2 The Emakhazeni Municipality will seek to create an organisation that reflects the diversity of South African society, and which contributes to maximizing the human resource potential of all our people.
- 5.3.3 The Municipality's commitment to Employment Equity is based on the following 3 key principles: to be ratified by management and employees:
 - (a) The recognition that the disparities inherited from the apartheid past have created major inequalities for the large majority of our population and that these disparities require urgent redress if we are to succeed as a nation in the new economy;
 - (b) The need to expand the skills-pool of all functioning sections within the Municipality;
 - (c) The full utilisation of the knowledge and skills of all employees through development opportunities in order to ensure effective service delivery and performance excellence.
- 5.3.4 The Municipality's approach to Employment Equity will be governed by the following principles:
 - (a) Employment Equity is both a redress mechanism and a key strategy for enhancing existing human resources.
 - (b) In an attempt to redress some of the imbalances of the past, which created lack of access into certain senior occupations and positions, preference in future appointments for groups that are under-represented in the different occupational levels / categories, will form a key feature of the Municipal's strategy.

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- (c) The Emakhazeni Municipality believes in the business case for Employment Equity — this means that an effective and efficient strategy and process will enable it to provide excellent service and increasingly motivate our employees.
 - (d) Designated group status may be used as a tie-breaker in the recruitment process, to ensure that where two suitably qualified job candidates are available, the Emakhazeni Municipality may prefer to appoint the employee from a designated group if that group is in fact under-represented in that position or occupation.
 - (e) Employment Equity does not involve tokenism or making appointments simply to meet numerical requirements without also ensuring that the individual is suitably qualified for the position. Instead, affirmative recruitment, which is key to our Employment Equity strategy, will involve creating equitable representation of designated groups across all occupational levels and categories.
 - (f) Employment Equity is important to the Municipality, not because it is the law, but because it will enable us to ensure effective and efficient service delivery, employee and team performance and because it will assist in the creation of an organisation of excellence. In this way the Emakhazeni Municipality will be able to make a contribution to the growth and development of the South African society as full and equal participants in the empowerment of our people.
 - (g) The Employment Equity Strategy will be aligned with the organisational objectives and priorities of the Municipality, the human resource development requirements and the needs of the people, the organisations and the country we serve.
 - (h) The Emakhazeni Municipality understands the concept of managing diversity as a process whereby we create an environment that allows all kinds of people to reach their full potential while pursuing their business objectives.
 - (i) That people with disabilities will have the same rights and privileges as all other employees and that disability related issues cannot be dealt with in isolation but will form an integral part of the Employment Equity and Diversity policy.

5.4 CONSULTATION ABOUT EMPLOYMENT EQUITY AND DIVERSITY

The Emakhazeni Municipality will engage in transparent and constructive consultation with its own employees and their representatives in agreed upon forums. These forums will be tasked with co-ordinating the following key projects, Skills Development, Employment Equity and Disability issues in the workplace

5.4.1 Employee forums will be established

5.4.2 Such consultation is required for, but not limited to the following:

- (a) The collection of information and the compilation of a workforce profile;

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- (b) The analysis of existing employment policies, procedures, practices and the working environment;
 - (c) The development of an Employment Equity Plan based on the workforce profile and the analysis from employment policies, procedures and practices; and
 - (d) The fulfillment of any statutory reporting requirements as they may apply to the Municipality.

5.5 WORKFORCE PROFILE

- 5.5.1 The EE Manager will collect information and draw up a profile of its workforce in order to ascertain the degree to which members of designated groups and designated persons are represented within each occupational category and level.
- 5.5.2 This profile will be used both as a basis for planning and as an instrument of measurement.
- 5.5.3 The HR within Emakhazeni Municipality with the assistance of line management and agreed upon forums will regularly collate and aggregate this information to form the basis of the Municipal's profile that will be used to measure progress towards the achievement of the aims of this policy and the targets set out in the Municipal's EE Plan.

5.6 ANALYSIS

- 5.6.1 The HR within the Emakhazeni Municipality will collect and scrutinise all information necessary to analyse employment policies, procedures, practices and the general working environment in order to identify employment barriers that adversely affect designated groups.
- 5.6.2 This analysis will also ensure that no elements of direct or indirect unfair discrimination persist in the Municipal's employment policies, procedures, practices and the general working environment.
- 5.6.3 The techniques used to gather information and to do the analysis will ensure that a basis is laid for statutory reporting and record-keeping requirements.

5.7 AFFIRMATIVE ACTION MEASURES

- 5.7.1 Because the Emakhazeni Municipality is an organ of state in terms of section 239 of the Constitution of South Africa, 1996, the Employment Equity Act 55 of 1998 applies.
- 5.7.2 As a result of being a 'designated employer' for the purposes of the Employment Equity Act, the Emakhazeni Municipality will implement affirmative action measures to achieve an equitable workplace.
- 5.7.3 Affirmative action measures will include setting goals for equitable representation of persons of designated groups in all occupational categories and levels.
- 5.7.4 Affirmative action at the Emakhazeni Municipality will, however, not only be about numbers, but will also include efforts to develop policies and an organisational culture which treats every employee and job applicant equitably and fairly.
- 5.7.5 The Municipal's affirmative action measures will not include the appointment of staff who are not suitably qualified (as defined in 4 above) for the environment in which it operates and for the posts they are expected to fill.
- 5.7.6 Merit will remain a key consideration in determining the profile of the staff, but merit does not only refer exclusively to formal qualifications. Merit also includes considering whether the person has relevant prior learning and related experience.
- 5.7.7 Merit may not be determined in a manner that is arbitrary, nor is length of experience the only criteria to the exclusion of all other criteria.
- 5.7.8 The focus of the Emakhazeni Municipality is to develop current, internal employees, and to advertise only if the organisation does not have the necessary skills and expertise. A fair process will be followed in relation to all positions, and this will include advertising widely to ensure that as wide a pool of possible job applicants has access to information about vacancies.
- 5.7.9 In order to create a diverse workplace that is representative of South African society, the Emakhazeni Municipality will give preference in employment to members of the designated groups identified in the Employment Equity Act (black people, women and people with disabilities).
- 5.7.10 The effect of the preference for employees from designated groups, is that where applicants for a position are suitably qualified and have similar levels of qualifications, experience, etc, the applicant from the designated group will receive preference over and above white male applicants.
- 5.7.11 The Emakhazeni Municipality shall build an environment that supports and enables people with disabilities to fulfill their maximum potential and derive the maximum benefit of their diverse skills and talents.
- 5.7.12 The Emakhazeni Municipality shall not discriminate against people with disabilities and shall provide equal opportunities and protection against exploitation and treatment of an abusive or degrading nature.



5.8 EMPLOYMENT EQUITY IN RECRUITMENT

5.8.1 The Municipal recruitment, selection and appointment policy and procedure will reflect this general Employment Equity & Diversity Policy.

5.9 SUBMISSION OF REPORTS AND DRAFTING OF PLANS

5.9.1 The Emakhazeni Municipality will designate a manager to take responsibility for the drafting of the Municipal EE reports and plans.

5.9.2 The Emakhazeni Municipality will submit annual reports on the 30th June every year to the Department of Labour on progress made on the previous years plans.

5.9.3 Plans and reports will be consulted on through the established forums for Employment Equity.

5.9.4 The Manager Corporate Services will remain responsible for timeous and accurate reporting to the Department of Labour and the Municipal Council.

6 Roles and Responsibilities

6.1 The Role of the Human Resource Function:

- Ratify the contents of this policy through discussion and debate with employees and management.
- Make relevant changes to the EE policy.
- Obtain sign-off of the policy with relevant stakeholders.
- Agree timeframes and mechanisms for implementation.
- Ensure sufficient understanding by line management for implementation.
- Monitor and advise on implementation.



- ❑ Provide assistance and guidance to stakeholders to ensure seamless implementation.
- ❑ Collect necessary data for submission to the Department of Labour.
- ❑ Establish monitoring mechanisms to guide and assist in EE implementation.
- ❑ Evaluate whether reasonable progress is being made towards achieving equity objectives.
- ❑ Draft the EE plan.
- ❑ Submit the relevant reports to the Department of Labour timeously.
- ❑ Assist, guide and direct line management in the seamless implementation of EE with all other work streams.
- ❑ Monitor compliance and non-compliance by various stakeholders.
- ❑ Advise on strategic implementation with other HR processes i.e. recruitment, succession planning, training and development, mentoring and coaching.

6.2 The Role of the Line Manager

1. Sole responsibility for implementation of EE policy and plans with special emphasis on the following:
 - ❑ Reach agreed targets in recruitment and selection;
 - ❑ Build a culture free from discrimination;
 - ❑ Promote equal opportunities;
 - ❑ Address any agreed affirmative action measures as outlined in the EE plan, including disability measures and diversity initiatives;
 - ❑ Submit to HR all relevant data for tracking and measuring EE performance;
 - ❑ Advise HR of inadequate systems or processes which inhibit the reaching of agreed EE goals;
 - ❑ Place EE on every agenda to ensure its seamless implementation with other work processes.
2. Every manager will be responsible for effectively meeting the human resource needs of their components to deliver on the goals of the Municipality. They must ensure that employees are managed in an enabling and supportive environment, which promotes their further development. This must be done in a climate that is affirming to all, and especially those who have been most disadvantaged (blacks, women and people with disabilities) by the implementation of past discriminatory practices.

6.3 The Role of the Employment Equity Manager:

The Head of Corporate Services will appoint the EE Manager.
The employment equity manager is responsible for:

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- Establishing the employee forums and agreeing their roles and responsibilities.
 - Implementing Emakhazeni Municipality wide employment equity initiatives and for managing the budget thereof.
 - Providing professional advise to line managers
 - Preparing the skills plan
 - Submitting the Employment Equity Report to the Department of Labour annually.
 - Conducting the workplace profile.

7 Monitoring, Evaluation and Reporting

The Municipality Employment Equity Manager will draft an Employment Equity Plan that shall be used to guide the EE implementation. In addition an annual report will be submitted to the Council and a copy to the Department of Labour outlining the Municipal progress with regards to Employment Equity.

Annexure

1. Employment Equity Plan