

**AGENDA of the  
Portfolio Committee :Management Services  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting :24 June 2015)**

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**2.  
REVISION OF EMPLOYMENT EQUITY POLICY**

4/10/B

L Bucchianeri

(028) 3138120

Corporate Head Office

24 April 2015

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**1. Executive Summary**

The purpose of this report is to recommend to Council to approve the reviewed Employment Equity Policy.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Directorate: Management Services  
Department: Human Resources

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Provision and maintenance of municipal services

**4. Delegated Authority**

None

**5. Legal Requirements**

- Local Government: Municipal Systems Act, 2000 (Act 32 Of 2000) [Systems Act]
- Employment Equity Act, 1998 (Act 55 of 1998) [EEA]
- Skills Development Act, 1998 (Act 97 Of 1998) [SDA]

**6. Background/Discussion**

Policies are introduced in the workplace to inform employees of rules of employment relationships and employee practices and also to maintain consistency within the workplace.

The concept of an employment systems review in the context of the Employment Equity Act is a comprehensive examination of an organisation's policies and practices to identify and permit the removal of systemic and attitudinal barriers to employment opportunities for persons in the designated groups.

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It not only helps in identifying systemic barriers to the designated groups but also enables an organisation to institute or formalize non-discriminatory policies and practices.

The Employment Equity Policy was approved by Council on 26 November 2008 and reviewed by the Human Resources Technical Working Group in order to ensure that the said policy remains current, useful and aligned with applicable legislation and collective agreements.

The following notable amendments have been made to the policy:

Par (Item) re:	Amendments	
	Delete	Insert
<b>Table of contents</b>		New table of contents
<b>Introduction</b>	First paragraph.  Last two words- <b>and categories</b> of second paragraph.	
<b>List of Acronyms</b>	List of Acronyms deleted.	
<b>Legislative Framework &amp; Interpretation</b>	... & Interpretation deleted from heading.  All the paragraphs deleted	Insert the following: <ul style="list-style-type: none"> <li>· Employment Equity Act, 1998 (Act 55 of 1998 As Amended)</li> <li>· Labour Relations Act, 1995 (Act 66 of 1995 As Amended)</li> <li>· Local Government Municipal Systems Act, 2000 (Act32 of 2000 As Amended)</li> <li>· Skills Development Act, 1998 (Act 97 of 1998 As Amended)</li> </ul>
<b>Purpose of the Policy</b>	Third bullet point: (including Africans, Coloureds, Asian and Chinese persons)	
<b>Principles underlying the policy</b>	Third bullet point: /categories	

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<p><b>Definitions</b></p>	<p>Categories and</p> <p><b>“Career pathing”</b>, means to map out a career path for an employee in accordance with his/her own competencies, skills and abilities.</p> <p><b>“Differentiation”</b>, means having differences between individuals or groups of people that is objectively justified, fair and defensible.</p> <p><b>“Disadvantaged”</b>, means any person or group deprived of rights who were subject to discrimination on the basis of race, gender or disability.</p> <p><b>“Discrimination”</b>, means any actions/decisions based on bias, prejudice or stereotyping that are taken against a person or group, resulting in their being treated differently or less favourably.</p> <p><b>“Employee”</b>, as defined in the Basic Conditions of Employment Act, Act 75 of 1997 and the Labour Relations Act, No. 66 of 1995.</p> <p><b>Employment equity</b>”, means the removal of discrimination and the implementation of affirmative action to create equality of environment and opportunity at work.</p> <p><b>“Equal opportunity”</b>, means a situation where everyone has the same chance of applying for a benefit and confirms the right of any person to be protected</p>	<p><b>“Affirmative action”</b> in employment, means all actions and interventions to eliminate past racial and gender imbalances, overcome barriers to equal employment opportunity, mobilise latent human resources and to offer opportunities for advancement to the previously disadvantaged in a planned and accelerated way. It includes measures to:</p> <ul style="list-style-type: none"> <li>✦ identify and eliminate employment barriers</li> <li>✦ further diversity in the workplace</li> <li>✦ make reasonable accommodation for people from designated groups to ensure they enjoy equal opportunities and are equitably represented in the workforce</li> <li>✦ ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce; and</li> <li>✦ to retain and develop people from designated groups and to implement appropriate training.</li> </ul> <p>Such measures include preferential treatment and numerical goals but exclude quotas and do not require from an employer to take decisions that would establish an absolute barrier to the prospective or continued employment of people who are not from designated groups.</p> <p><b>“candidate”</b> means an</p>
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	<p>against unfair discrimination and to be treated on personal merit.</p> <p><b>“employment policy or practice”</b>, means recruitment procedures, appointment process, job classification and grading, remuneration employment benefits and terms and conditions of employment, job assignments, working environment and facilities, training and development, performance evaluation systems, promotion, transfer, demotion, disciplinary measures.</p> <p><b>“Job enrichment”</b>, means a process through which the existing job content of a post is upwardly adjusted in accordance with the development abilities displayed by the incumbent of the post.</p> <p><b>“Merit”</b>, means well-deserved, earned recognition for superior job performance.</p> <p><b>“Municipality”</b>, means the Council and its employees.</p> <p><b>“Potential”</b>, means the identified potential for development of an employee/prospective employee as determined by a validated and culturally unbiased assessment.</p> <p><b>“Practical and legal necessity”</b>, mean situations where decisions must be taken based on legal and practical requirements to be met to</p>	<p>applicant for a post;</p> <p><b>‘designated group’</b> means Black people, women and people with disabilities who – (a) are citizens of the Republic of South Africa by birth or descent; or (b) became citizens of the Republic of South Africa by naturalisation— (i) before 27 April 1994; or (ii) 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;</p> <p><b>‘black people’</b> is a generic term and means African, Coloured and Indian persons;</p> <p><b>‘people with disabilities’</b> 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; and</p> <p><b>a ‘suitably qualified’ person</b> means a person contemplated in section 20 (3) and (4) of the employment Equity Act.</p>
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	<p>ensure the smooth running of the organisation.</p> <p><b>“Prejudice”</b>, means having a preconceived opinion or especially in the negative sense, a biased and partial view about something or someone.</p> <p><b>“Relevant labour market”</b>, refers to the economically active people between the ages of 18 and 65 within the jurisdictional area of Overstrand Municipality.</p> <p><b>“Skills assessment”</b>, means a culturally unbiased assessment of a person’s latent or actual skills.</p> <p><b>“Stereotype”</b>, means to attribute characteristics to an individual solely because that person appears to belong to a group of people with the same characteristics.</p> <p><b>“Sexual harassment”</b>, means unwanted conduct of a sexual nature and therefore not welcome or mutual”. Such behaviour will be regarded as sexual harassment if:</p> <ul style="list-style-type: none"> <li>✦ it is persisted in, although a single incident can also be seen as an act of sexual harassment;</li> <li>✦ it is considered as offensive by the recipient and clearly communicated as such;</li> <li>✦ the perpetrator should have known that the behaviour will be regarded as unacceptable.</li> </ul>	
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	<p>Any unwanted conduct of a sexual nature as described above, whether it is in a physical, verbal or non-verbal form or in exchange for other sexual favours or advances, is regarded as an act of sexual harassment.</p> <p>“<b>Trade union</b>”, means a trade union recognised by the Overstrand Municipality, i.e. SAMWU and IMATU.</p>	
<p><b>Mission and Ethos</b></p>	<p><b>1. <u>MISSION</u></b></p> <p>The employment equity mission of the Overstrand Municipality is the following:</p> <p>“To give effect to the letter and spirit of applicable legislation relating to employment equity in such a manner that Overstrand Municipality becomes a prime example of how employment equity results in the effective, efficient and economic rendering of services.”</p> <p><b>2. <u>ETHOS (CULTURE)</u></b></p> <p>The role-players involved in the implementation of affirmative action and employment equity are committed to:</p> <ul style="list-style-type: none"> <li>✦ the principles of equity, non-discrimination and diversity as enshrined in the Constitution and the Employment Equity Act and this policy;</li> </ul>	

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	<ul style="list-style-type: none"> <li>✦ the creation of an inclusive and supportive culture in which employees feel supported and respected;</li> <li>✦ using employment equity as both a redress mechanism and a key strategy for enhancing existing human resources;</li> <li>✦ the continued training and development of all employees irrespective of the category or group employees belong to;</li> <li>✦ the development of an effective and efficient administration thus building on current excellence;</li> <li>✦ to co-operate in achieving the objectives stipulated in the Employment Equity Plan for which this policy forms the basis.</li> </ul>	
<p><b>Role- players and responsibilities</b></p>	<p>1. <b><u>COUNCIL</u></b></p> <p>As the political executive structure of the Municipality and the employer, the Council must ensure that legislation pertaining to employment equity is implemented as prescribed but in doing so that an effective and efficient administration is achieved to serve its ultimate goal namely effective service delivery to the community.</p>	

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	<p>This policy provides a governing instrument to the Council.</p> <p><b>2. <u>MANAGEMENT</u></b></p> <p>Head of Management Services</p> <p>All directors are responsible to assist with the determination of numerical goals in their respective directorates, to implement employment equity practices to achieve such goals; to establish a culture conducive to the principles of employment equity in the workplaces there are responsible for; to monitor and measure the performance of individual employees – whether from designated groups or not – to ensure training needs are identified, communicated to the designated official and addressed and to report on progress with employment equity in their own performance appraisal process.</p>	<p>Head of Management Services replace with Senior Manager Human Resources</p>
<p><b>Awareness, Consultation &amp; Communication</b></p>	<p>... and practices (as defined), an update of numerical goals based on the relevant labour market (as defined), the implementation and annual update of the EEP to record progress and the Employment Equity Report (EER) submitted on an annual basis to the</p>	<p>of:</p> <ul style="list-style-type: none"> <li>· any further analysis of its employment policies and practices,</li> <li>· an update of numerical goals based on the relevant labour market,</li> <li>· the implementation and annual update of the EEP</li> </ul>

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	<p>Department of Labour.</p> <p>will in co-operation with the LLF.</p> <p>EEP in the sentence ...as well as the annually updated EEP to EER.</p> <p>This policy and EEP will also be available in electronic format via e-mail and will be posted on the official website of Overstrand Municipality.</p> <p>The Municipality has and will proceed to display a summary of the EEA on its notice boards. Should it be needed, the Municipality will in consultation with the LLF, design and implement awareness in respect of diversity management and what is considered discriminatory practices. In the latter regard the Municipality is in the process of adopting a Sexual Harassment Policy, which will be communicated to all employees.</p> <p>Consultation takes place on a monthly basis as per the Council's meeting cycle and will, as is currently the case, as far as possible aim to reach consensus decisions or a sufficient degree of agreement to ensure the buy-in of all role-players.</p>	<p>To record progress and the Employment Equity Reports (EER) submitted on an annual basis to the Department of Labour.</p> <p>Copies of this... add EEC and</p>

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<p><b>Planning and Monitoring</b></p>	<p><b>1. <u>WORKFORCE PROFILE ANALYSIS</u></b></p> <p><b>1.1 <i>Relevant Labour Market</i></b></p> <p>The Municipality has adopted as its departure point in determining the representivity of its workforce, percentages based on the economically active people between the ages of 18 and 65 within the jurisdictional area of Overstrand Municipality. The percentages as derived from STATSSA 2007 will be updated as more recent statistics are available to form the basis of Overstrand's workforce profile and will be used to determine the levels of under-representivity of the designated groups and with the latter as the departure point to measure progress towards the achievement of the aims of this policy and the targets set out in the Employment Equity Plan (EEP).</p> <p><b>1.2 <i>Numerical Goals</i></b></p> <p>The percentages of the 'relevant labour market' will be applied to the total personnel structure of Overstrand Municipality and each Directorate as per all occupational levels and categories defined by the Department of Labour</p>	
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	<p>and further set out in the five-year EEP.</p> <p><b>1.3 Factors Impacting</b></p> <p>It is accepted that the numerical goals will have to take cognisance of various factors impacting on the targets set for each Directorate and the ability of Overstrand Municipality to reach such targets with the result that the targets set for the Directorates will vary. Inter alia, the following factors must be taken into account when setting numerical goals for the municipality and each directorate to ensure these are reasonable and attainable:</p> <ul style="list-style-type: none"> <li>◆ Degree of under-representation of designated employees in the various employment categories;</li> <li>◆ Availability of suitably qualified people from designated groups in the 'relevant labour market';</li> <li>◆ Internal skills profile of designated employees;</li> <li>◆ Present and anticipated economic &amp; financial factors of the municipal sector;</li> <li>◆ Economic &amp; financial circumstances of the Council to ensure overall staff costs are kept within acceptable</li> </ul>	
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	<p>limits;</p> <ul style="list-style-type: none"> <li>◆ Expected turnover of employees (natural attrition); and</li> <li>◆ Labour turnover trends and underlying reasons;</li> <li>◆ The employment needs arising from alignment of organisational structures to the IDP;</li> <li>◆ The need to ensure an economical, effective and efficient administration.</li> </ul> <p>It is accepted that the recruitment area from which the Council would reasonably be expected to recruit employees will vary depending on the level of responsibility and degree of specialisation involved. Therefore, for some positions, the recruitment area will be wider than the 'relevant labour market' to acquire suitably skilled persons but this necessity will not be practised to exclude current staff or potential applicants residing in the 'relevant labour market' from applying for these positions.</p> <p><b>2. <u>POLICIES &amp; PRACTICES ANALYSIS</u></b></p> <p>Employment policies or practices (as defined) will be reviewed on an ongoing basis to ensure that they do not serve as barriers to the Municipality's employment equity</p>	
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	<p>initiatives. In the event that any such barriers are identified, the Employment Equity Plan will include remedial measures to address these barriers.</p>	
<b>Affirmative Action Measures</b>	<p>Besides remedial measures, in respect of employment policies and practices (as defined) affirmative action measures will be implemented as further detailed in the Employment Equity Plan to ensure the aims and principles of this policy are achieved. The matters identified below will receive specific attention.</p> <p><b>3.1 Selection and Recruitment</b></p> <p>The selection and recruitment policy of the Council makes provision for affirmative action and employment equity in accordance with the principles contained herein. Important principles are that:</p> <ul style="list-style-type: none"> <li>◆ The right of every person including external applicants for employment to fair labour practices is recognised;</li> <li>◆ Employment criteria will be re-assessed to ensure that they are appropriate to differentiate between essential and preferred requirements for the job;</li> <li>◆ Selection, recruitment and appointment processes will be</li> </ul>	<p><b>Increasing the pool of available candidates</b></p> <p>A policy on recruitment and selection 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.</p> <p><b>Appointment of employees from designated groups</b></p> <p>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 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.</p> <p>Further efforts will include:</p>

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	<p>transparent and shall favour, as determined by targets, suitably qualified applicants from the designated groups; and</p> <p>✦ Suitably qualified internal candidates will receive preference over external candidates while minimum requirements may be relaxed for internal advertisement in order to promote employees.</p> <p><b>3.2 Training and Development</b></p> <p>From an internal training and development perspective, the Council has adopted a training policy that promotes the principles contained in this policy. The Training Committee formed to oversee the implementation of the Training Policy will also ensure that the principles of employment equity are served.</p> <p>Accelerated training will be targeted at new recruits from the designated groups appointed on the basis of having the capacity or potential to acquire the ability to do the job and prioritised, focused training to further the career-plans of employees and enable successful succession planning.</p> <p>Overstrand recognises that it and its employees are part of the broader community and as such it will offer:</p>	<ul style="list-style-type: none"> <li>· Compliance with numerical targets and annual benchmarks.</li> <li>· The advancement of designated groups, but bearing in mind that the municipality will not resort to window-dressing, tokenism and favoritism, but will advance designated groups by providing the necessary guidance, training and development, and support.</li> <li>· Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the municipality.</li> </ul> <p><b>Training and development of people from designated groups</b></p> <p>The municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees. The Municipality has adopted structured training programmes for employees. These programmes include:</p> <ul style="list-style-type: none"> <li>· Study bursaries for secondary and tertiary education</li> <li>· Job-related training</li> <li>· Training in line functioning,</li> </ul>
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	<ul style="list-style-type: none"> <li>✦ Internships, learnerships, mentorships and job shadowing opportunities for selected students to enable them to receive practical experience in their chosen vocations;</li> <li>✦ Ongoing liaison with the educational institutions and authorities, e.g. the Local Government Sector Educational and Training Authority and the National Skills Fund to assist with the enrolment of community members in national skills projects.</li> </ul> <p><b>3.3 Performance Management</b></p> <p>Employment equity goals and objectives will be an integral part of the Performance Management System (PMS) in the Municipality and form part of the key performance indicators of senior management on which they are appraised on a quarterly and annual basis.</p> <p>The Performance Management Implementation Policy makes provision for cascading performance appraisals to all staff members. Such appraisals will be used to determine the training needs of employees and to acknowledge outstanding employee performance.</p>	<p>management, and supervisory skills</p> <ul style="list-style-type: none"> <li>· Learnerships</li> <li>· Skills programmes</li> </ul> <p>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 training is 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 the municipality.</p> <p><b>Corrective Measures to Eliminate Barriers Identified During the Analysis</b></p> <p>Employment policies and practices are continuously reviewed by the municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices. 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</p>
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	<p><b>3.4 Retention</b></p> <p>Overstrand is committed to the retention of staff through:</p> <ul style="list-style-type: none"> <li>◆ Fair remuneration</li> <li>◆ Career planning</li> <li>◆ Succession planning where required</li> <li>◆ Recognition of outstanding performance through the implementation of performance appraisals and acknowledgement thereof through the Rewards &amp; Incentives Policy to be adopted by Council.</li> </ul> <p><b>4. <u>MONITORING AND EVALUATION</u></b></p> <p>The implementation of this policy and the EEP will be monitored by the parties as indicated in this policy with particular emphasis on:</p> <ul style="list-style-type: none"> <li>◆ Ensuring the realisation of the purpose and principles as stated;</li> <li>◆ Awareness, consultation and communication taking place as stated;</li> <li>◆ The employment equity objectives being actively pursued;</li> <li>◆ The workplace profile being correctly applied and progress of its implied percentages monitored; and</li> <li>◆ Reporting to the Department of Labour taking place as</li> </ul>	<p>ensure that the measures adopted does not discriminate in any way against persons from the non-designated groups.</p>
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	prescribed.	
<b>Communication</b>		Circulars, messages and notices on notice boards will be utilised in order to inform all employees of the availability of the Employment Equity documentation. Copies of Employment Equity documentation will also be distributed to the parties that took part in the consultation process.
<b>Record keeping</b>		A copy of all relevant employment equity documents must be kept at the Department of Human Resources for perusal by employees of the Municipality.
<b>Dispute resolution</b>		Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.
<b>Reporting</b>	The Department of Labour has instituted a reporting process consisting of a number of prescribed forms of which two, i.e. the EEA2 and EEA4 forms must be submitted on an annual basis. The EEA2 form deals progress made in respect of implementation of the Employment Equity Plan and the EEA4 form deals with the remuneration paid to employees in each of the occupational categories in order for the Department to assess the	The Department of Labour has instituted a reporting process consisting of a number of prescribed forms of which two, i.e. the EEA2 and EEA4 forms must be submitted on an annual basis. The EEA2 form deals with progress made in respect of implementation of the Employment Equity Plan and the EEA4 form deals with the remuneration paid to employees in each of the occupational levels in order for the Department of Labour to assess

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	<p>income differentials of the Municipality. Of importance in respect of this policy is the EEA2 form and an understanding of how this form fits into the employment equity process of the Municipality. The following diagram indicates the relationship between this policy, the EEP and the EEA2 Report.</p> <p>Therefore both the EE Policy and the EE Report impact on the EE Plan and effectively dictate the content thereof. However, the EEP remains organisation-specific to Overstrand detailing the numerical goals, analysis, measures and monitoring activities implemented in Overstrand.</p>	<p>the income differentials of the municipality.</p>
<p><b>Resources</b></p>	<p>The Municipality has appointed a senior person to manage the implementation and monitoring process.</p> <p>Resources allocated to the implementation of the EEP will be provided for in the operating expenses of the Municipality. The funds so provided for will cover areas such as:</p> <ul style="list-style-type: none"> <li>◆ Costs of the recruitment and selection processes;</li> <li>◆ Meeting annual reporting requirements;</li> <li>◆ Consultation and communication costs in respect of the process;</li> <li>◆ Actual staff costs when the employment of members of the designated groups is confirmed.</li> </ul>	

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**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

The policy was discussed and reviewed by the local Human Resources Technical Working Group. This item served before the Local Labour Forum on 14 April 2015 for cognisance and was supported by management and organised labour.

**10. Annexures**

Annexure A: Employment Equity Policy

**RECOMMENDATION TO THE COUNCIL:**

that the reviewed Employment Equity Policy be **approved**.

**RESPONSIBLE OFFICIAL :**

**L BUCCHIANERI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2015**

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**4/10/B**

**L Bucchianeri  
24 April 2015**

**(028) 3138120**

**Corporate Head Office**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 JUNE 2015, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the reviewed Employment Equity Policy be approved.

**RESPONSIBLE OFFICIAL :**

**L BUCCHIANERI**

**TARGET DATE FOR IMPLEMENTATION :**

**01 JULY 2015**

Annexure A  
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# **OVERSTRAND MUNICIPALITY**

## **EMPLOYMENT EQUITY POLICY**

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## 1. INTRODUCTION

Overstrand Municipality is committed towards providing democratic and accountable governance and therefore acknowledges its mandate to take affirmative action measures to ensure equitable representation of suitably qualified people from designated groups in all occupational levels.

To fulfill its mandate, commitments and act in compliance with legislation Overstrand Municipality will strive to realise employment equity implementation through this policy and it's Employment Equity Plan.

This policy provides a link between the legislative framework and the operational institutionalisation thereof in the municipality. It provides a governance tool for the Council that, with the buy-in of all role-players, will be the legitimate driving force for the implementation of employment equity in an organisation-specific manner and the development of an Employment Equity Plan which ensures that the Council remains accountable to the principles contained in this policy.

## 2. DEFINITIONS

"Affirmative action" in employment, means all actions and interventions to eliminate past racial and gender imbalances, overcome barriers to equal employment opportunity, mobilise latent human resources and to offer opportunities for advancement to the previously disadvantaged in a planned and accelerated way. It includes measures to:

- identify and eliminate employment barriers
- promote diversity in the workplace
- make reasonable accommodation for people from designated groups to ensure they enjoy equal opportunities and are equitably represented in the workforce
- ensure the equitable representation of suitably qualified people from designated groups in all occupational levels in the workforce; and
- to retain and develop people from designated groups and to implement appropriate training

"candidate" means an applicant for a post;

'designated group' means Black people, women and people with disabilities who –

- (a) are citizens of the Republic of South Africa by birth or descent; or
- (b) became citizens of the Republic of South Africa by naturalisation—
  - (i) before 27 April 1994; or
  - (ii) 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' is a generic term and means 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; and

a 'suitably qualified' person means a person contemplated in section 20 (3) and (4) of the employment Equity Act.

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### 3. LEGISLATIVE FRAMEWORK

- EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998 AS AMENDED)
- LABOUR RELATIONS ACT, 1995 (ACT 66 OF 1995 AS AMENDED)
- LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000 AS AMENDED)
- SKILLS DEVELOPMENT ACT, 1998 (ACT 97 OF 1998 AS AMENDED)

### 4. PURPOSE OF THE POLICY

The purpose of the policy is:

- To transform and maintain Overstrand Municipality as a non-racial and non-sexist institution that seeks to provide redress to previously disadvantaged individuals;
- To identify and abolish all barriers and policies including unfair discrimination that hampers the employment of and/or advancement of employees;
- To implement affirmative action measures to redress the disadvantages in employment experienced by individuals from the designated groups namely Black people, women and persons with disabilities;
- To optimise the potential of all employees in order to achieve municipal transformation as a national goal to enhance the performance of the municipality in serving the community and to achieve an effective and efficient administration;
- To ensure that Overstrand Municipality is broadly representative of Provincial workforce profile;
- To serve as a basis for the drafting, completion and continued review of Overstrand Municipality's Employment Equity Plan.

Underlying the purpose of this policy is the recognition and acknowledgement that:

- All employees have the right to be treated fairly, equally and to be protected from any form of unfair discrimination while at work including sexual harassment;
- Past practices did cause unfair discrimination to exist in the workplace that needs to be addressed;
- Overstrand has already made progress in exercising its legal obligation to establish and maintain fairness and equity in the workplace to ensure an equal employment opportunity environment for all its employees;
- Implementation of employment equity is an integrated and holistic process involving the entire Municipality and all its employees to expand the skills pool of the Directorates;
- Overstrand needs to further transform to operate within the current economic, political and legislative framework;
- Central to such transformation is the development of human potential and the implementation of affirmative action and employment equity aimed to further enhance the effectiveness and efficiency of its administration;

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- Affirmative action is the development tool that must be used to re-evaluate its current policies, practices and procedures and institute specific actions to comply with the applicable legal requirements.
- Affirmative action is an intervention of specific duration designed to create equal employment opportunities, upholding standards and acting to the advantage of the career aspirations or expectations of employees who are competent in their jobs;

## 5. PRINCIPLES UNDERLYING THE POLICY

Overstrand Municipality believes:

- Nobody should be unfairly discriminated against on the basis of race, gender, sex, 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 or any other arbitrary ground.
- Anyone found unfairly discriminating against anyone else should be subjected to disciplinary action and any unfair discriminatory practices in the work spectrum will be removed.
- Special attention must be given to the disadvantaged, e.g. blacks, women and the disabled and that such preferential treatment shall not be considered unfair discrimination therefore preference in future appointments for groups that are underrepresented in the different occupational levels will form a key feature of achieving employment equity;
- Gender equity is of considerable importance to the Municipality and no form of sexual harassment will be tolerated;
- Employment equity does not involve making appointments just to meet numerical goals without ensuring that the individual is suitably qualified for the position therefore affirmative action measures will not include the appointment of persons who are not suitably qualified (as defined) for the posts they are expected to fill;
- Promotion from within and on merit is the major means of advancement with merit including formal qualifications, relevant prior learning and related experience.
- Central to changes focused to ensure, affirmative action and employment equity is the efficient utilisation of the human resources at its disposal;
- Recruitment and selection methods must be culture free, non-sexist and carefully evaluated for predictive validity with respect to job performance (e.g. to do the job to the required standards);
- Where representivity in an occupational level has been reached or over-representivity in an occupational level is evident, fair labour practices of recruitment and selection practices will be applied;
- Affirmative action form part of the broader ongoing aim of training and developing all employees in the organisation to fulfill their potential.
- Development needs are not only met via the broad approach of providing training, but also through examining the individual's specific training needs;
- Each individual must take responsibility and make an effort to develop him/herself.
- Development should also take place on the job with senior personnel and colleagues acting within their respective abilities as mentors/coaches.

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## 6. ROLE-PLAYERS AND RESPONSIBILITIES

The role-players who will be involved in the implementation of employment equity and their responsibilities are further discussed below.

### 6.1. MANAGEMENT

The Municipal Manager, as the head of the administration and the Employment Equity Manager, is ultimately accountable for the extent to which and the manner and timeframe in which employment equity is implemented. The Municipal Manager assisted by his/her Directors must achieve the objectives set out in the Employment Equity Plan (EEP) while keeping a balance between the requirements to have a suitably qualified workforce in respect of all positions to ensure an effective and efficient administration and the accelerated advancement of persons from designated groups who, in certain circumstances, might involve the appointment of persons with the ability to become suitably qualified through training and development.

The Senior Manager Human Resources and human resources officials in his/her department are responsible for overseeing the implementation of this policy and the administration of employment equity including the analysis, measures, monitoring and evaluation as addressed. Further responsibilities include: an annual update of the EEP to record progress made; ongoing consultation with employees through the Employment Equity Committee and the LLF; updating of numerical goals based on the "relevant labour market" and the prescribed annual reporting to the Department of Labour.

### 6.2. LOCAL LABOUR FORUM (LLF)

The Local Labour Forum (LLF) is a representative and legitimate body that, in accordance with the Labour Relations Act, Act No. 66 of 1995, is vested with the responsibility to ensure that implementation of inter alia affirmative action and employment equity take place as envisaged in the applicable legislation and this policy and in accordance with the EEP and to monitor such implementation. An ad hoc Employment Equity Committee (EEC) has been established under the auspices of the LLF and will if necessary be utilised to give dedicated attention to this important matter.

### 6.3. EMPLOYEES

All employees are expected to respect cultural diversity and to build teams in which such diversity is used as an advantage. Employees whether from designated groups or not are not passive participants in their own or the municipality's advancement, therefore each individual must take responsibility and make an effort to develop him/ herself to enable promotion to higher positions.

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#### 6.4. AWARENESS, CONSULTATION & COMMUNICATION

In accordance with legislative requirements, the municipality has consulted the EEC and LLF, and will further do so as required in respect of:

- any further analysis of its employment policies and practices;
- an update of numerical goals based on the relevant labour market;
- the implementation and annual update of the EEP

To record progress and the Employment Equity Reports (EER) submitted on an annual basis to the Department of Labour.

Copies of this policy and the EEP will be distributed to all parties that take part in the consultative processes of the EEC and LLF. The municipality ensures that all employees take note of this policy and the EEP through it being made available for copying and perusal by employees at the offices of the municipality. Circulars and messages on official notice boards will inform all employees of the availability of the EEP as well as the annually updated EER to make progress visible.

#### 7. AFFIRMATIVE ACTION MEASURES

##### Increasing the pool of available candidates

A policy on recruitment and selection 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.

##### 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 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:

- Compliance with numerical targets and annual benchmarks.
- The advancement of designated groups, but bearing in mind that the municipality will not resort to window-dressing, tokenism and favoritism, 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 the municipality.

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

The municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees. The Municipality has adopted structured training programmes for employees. These programmes include:

- Study 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 training is 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 the municipality.

### **Corrective Measures to Eliminate Barriers Identified During the Analysis**

Employment policies and practices are continuously reviewed by the municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

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.

## **8. COMMUNICATION**

Circulars, messages and notices on notice boards will be utilised in order to inform all employees of the availability of the Employment Equity documentation. Copies of Employment Equity documentation will also be distributed to the parties that took part in the consultation process.

## **9. RECORD KEEPING**

A copy of all relevant employment equity documents must be kept at the Department of Human Resources for perusal by employees of the Municipality.

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## 10. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy. For all external candidates, the recognised labour relations mechanisms shall be applied.

## 11. REPORTING

The Department of Labour has instituted a reporting process consisting of a number of prescribed forms of which two, i.e. the EEA2 and EEA4 forms must be submitted on an annual basis. The EEA2 form deals with progress made in respect of implementation of the Employment Equity Plan and the EEA4 form deals with the remuneration paid to employees in each of the occupational levels in order for the Department of Labour to assess the income differentials of the municipality.

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