



KwaZulu-Natal Provincial Treasury

Employment Equity Policy

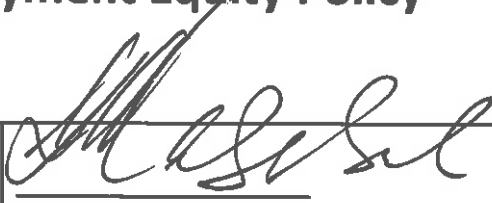
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1. INTRODUCTION

Section (9) of the Constitution of the Republic of South Africa, 108 of 1996 (Constitution) guarantees to everyone the fundamental right to equality. This includes quality in the social, political and economic spheres of all persons and groups in society.

Section 195(1) of the Constitution requires that the Public Service shall be broadly representative of the South African community. Despite the removal of the statutory and other formal barriers to entry and advancement within the Public Service since 1994, there are groups of people whose ability to strive continues to be hampered by the legacy of past discrimination. These groups constitute Blacks, Women and People with disabilities. Hence a comprehensive and well balanced policy framework is required, to give effect to the objectives of broader representativity as enshrined in the Constitution.

The KwaZulu-Natal Provincial Treasury is committed to achieving equity in the workplace by promoting equal opportunity and fair treatment in employment. The department aims at implementing affirmative action measures to eliminate all unfair discrimination to redress previous disadvantages in employment practices experienced by designated groups and to ensure equity in the workplace. Women and people with disabilities who are identified in the Employment Equity Bill as having suffered most from unfair past discrimination. This policy must be read in conjunction with the Employment Equity Plan of the Department.

2. PURPOSE

The purpose of this policy is to provide a framework against which the KwaZulu-Natal Provincial Treasury will promote representativity, equity and eliminate unfair discrimination.

3. AUTHORISATION

- Constitution of the Republic of South Africa, (Act 108 of 1996).
- Public Service Act, 1994, as amended.
- **Public Service Regulations, 2016.**
- Labour Relations Act, (Act 66 of 1995).
- Employment Equity Act, (Act 55 of 1998).
- White Paper on the Transformation of the Public Service.
- Skills Development Act, (Act 97 of 1998).
- Public Finance Management Act (No.1 of 1999 as amended by Act 29 of 1999).
- Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000.

4. OBJECTIVES

- (a) To identify and eliminate employment barriers that adversely affects people from designated groups;
- (b) To ensure that all other forms of discrimination in the employment practices whether based on race, creed, gender, disability or any other forms of stereotyping of persons or groups are eliminated;
- (c) To provide measures for the eradication of discrimination and to develop the Employment Equity Policy aimed at equality in the employment relationship and practices;

- (d) To provide a framework for the effective implementation of this policy (and related policies) and the Employment Equity Plan.
- (e) To monitor programmes and projects by determining parameters and measures for the review of the Employment Equity process within the department.
- (f) To inculcate and promote an understanding of cultural diversity in the workplace.
- (g) To fast track the achievement and progressive improvement of the National numeric target as determined by the Department of Public Service and Administration (DPSA)
- (h) To enhance the development of the designated groups.
- (i) To ensure an adequately represented workforce.
- (j) Provide reasonable accommodation for people with disabilities.
- (k) Develop, train and retain designated groups.
- (l) Provide equal employment opportunities through the implementation of affirmative action measures.

5. SCOPE OF APPLICATION

The policy applies to all employees who are employed in terms of Public Service Act, 1994 as well as prospective employees of KZN Provincial Treasury.

6. DEFINITION OF TERMS

- “Affirmative Action Measures” means measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are suitably represented in all occupational categories and at all levels in the workforce of a designated employer.
- “Blacks” means Africans, Coloureds and Indians.
- Barrier” refers to any practice or systems that is deemed discriminatory in the workplace and negatively impacts on the achievement of employment equity.
- “Department” refers to the KwaZulu-Natal Provincial Treasury.
- “Employment equity” refers to the elimination of unfair discrimination in employment policies as well as the implementation of specific measures to accelerate the advancement of designated groups towards the achievement of equality.
- “EEA” refers to Employment Equity Act, 1998 (Act no.55 of 1998)
- “Equal Employment Opportunity” refers to the right to be treated equally in employment irrespective of race, gender and disability, as well as the provision of open, transparent and fair employment practices and procedures.
- “Equality” refers to the full employment of rights and freedom by all in similar or proportionate manners.
- “Gender Equality” means envisaged equality between both sexes including employment, education and social rights.
- “Designated Groups” refers to black people (Africans, Coloureds, Indians), women and people with disabilities as defined in the Employment Equity Act.
- “Designated Employer” in terms of this policy and **as aligned to the EEA**, means, a person who employs 50 or more employees.
- “Unfair Discrimination” refers to discrimination based on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, family responsibility, HIV status, political opinion, colour, sexual orientation, age, disability, conscience, belief, culture, language and birth.

- “Inherent Requirement” means essential activities of the job, qualifications and experience that must be carried out to fulfill the purpose of the position.
- “Organized Labour” means representative from those unions recognized as parties to the Public Sector Coordinating Bargaining Council.
- “People with Disabilities” refers to people who have a long-term or recurring physical or mental impairment which substantially limits the prospects of entry into or advancement in employment.
- “Reasonable Accommodation” means any notification or adjustment to a job or to the working environment that will enable people with disabilities to have access or participate or in employment.

7. AFFIRMATIVE ACTION MEASURES

- (a) **The Employment Equity Plan shall be reviewed annually and monitored on a quarterly basis to ensure the implementation of affirmative action measures.**
- (b) An annual survey will be conducted directed at the designated groups to:
 - (i) Determine barriers.
 - (ii) Determine needs and priorities to achieve employment equity.
- (c) All Departmental policies and practices shall allow for as far as possible, the accommodation and advancement of designated groups.
- (d) Financial resources will be made available to support Affirmative Action programmes/initiatives.
- (e) Measures will be put in place to provide reasonable accommodation for people with disabilities.
- (f) Employment Equity statistics shall be updated monthly and will be used to monitor progress towards the achievement of the employment equity targets.
- (g) Diversity Management Programmes shall be put in place for all employees.
- (h) Appointments will be monitored to ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels.
- (i) Programmes shall be put in place to retain and develop people from designated groups and to implement appropriate training measures. Training interventions must be in line with the Departmental Workplace Skills Plan and individual employee’s personal Development Plans. It is encouraged that Skills Development Facilitators and Employment Equity Managers work closely as these plans are complementary.

8. ROLES AND RESPONSIBILITIES

8.1 Head Of Department is responsible for:

(a) The implementation of the Employment Equity Policy.

8.2 Director: Human Resources is responsible for:

(a) **Ensuring the functioning of the Consultative Forum within the Department.**

(b) Reporting to the HOD, Consultative Forum and Department of Labour on progress on the implementation of Employment Equity strategies and Affirmative Action measures.

(c) Communicating this policy and the Employment Equity matters to all staff.

8.3 Consultative Forum is responsible for:

(a) Participating in the formulation of HR Policies and Strategies.

(b) **Rendering advice and monitoring compliance in terms of Employment Equity numeric and non-numeric goals and make recommendations when deemed appropriate.**

8.4 Managers/Supervisors are responsible for:

(a) Ensuring that this Policy is implemented in accordance with the Employment Equity Plan within their Components.

(b) Ensuring that the Employment Equity statistics at Departmental level are consulted when advertising and filling vacant posts.

(c) Ensuring that development programmes/ trainings are directed at fast tracking disadvantaged individuals for promotion posts, preference will be given to the targeted race and gender group(s) in line with the Departments Employment Equity statistics.

(d) Monitoring and evaluating Employment Equity programmes.

(e) Ensuring compliance with the Employment Equity Act, 1998, the Department's Employment Equity Plan, Integrated National Disability Strategy (INDS) and Gender Equity measures.

(f) **Be responsible for promoting Employment Equity/ Affirmative action measures in directorates.**

8.5 Employment Equity Practitioners are responsible for:

(a) Facilitating the communication, awareness and implementation of the Employment Equity Policy of the Department.

(b) Representing the Department at various relevant forums.

- (c) Consulting with the relevant stake holders on employment equity/ affirmative action matters and provide feedback to the department on a quarterly basis.
- (d) Providing and updating employment equity statistics.
- (e) Performing the secretarial functions for the Consultative Forum.

9. MANAGEMENT OF DISPUTE ARISING FROM EMPLOYMENT EQUITY

(a) Complaints

An employee having a complaint related to the implementation of affirmative action and employment equity or promotion of representativity programmes or allegedly being unfairly discriminated against, may submit the complaint to the HR: Employee Relations section within the department. **The response time to the aggrieved employee must be 30 working days from date of receipt of complaint.**

(b) Grievances and Disputes

Should a grievance remain unresolved, it shall be dealt with through the existing departmental dispute procedures. The Director: HR should be present at all grievance hearings. The procedure for resolving disputes that may arise in the course of the application of the policy or any of its provisions is PSCBC Resolution 1 of 2002: Disciplinary Code and Procedures for the Public Service.

10. FINANCIAL IMPLICATIONS

The Head of Department should ensure that funds are available to implement this policy including funds for the reasonable accommodation of disabled employees.

11. COMMUNICATION

The Directorate: Human Resources is responsible for communicating this policy to all employees within the Department.

12. MONITORING AND EVALUATION

The Directorate: Human Resources is responsible for the development and ongoing monitoring thereof.

Any inputs or amendments regarding this policy must be directed to the **Director: Human Resources**.