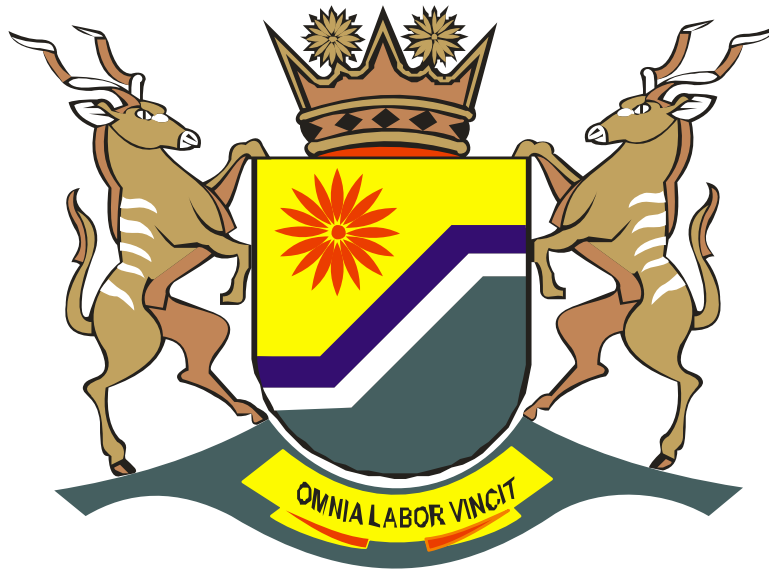


Mpumalanga Provincial Government



Department of Public Works, Roads and Transport

EMPLOYMENT EQUITY POLICY

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DEFINITIONS

Act	means:	Employment Equity Act, no. 55 of 1998
Affirmative Action Measures	means:	A set of strategies and programmes to redress racial, gender and disability imbalances and to create a workforce that is more demographically representative of the national population at all levels in the Department.
Black people	means:	A generic term which means Africans, Coloureds and Indians. [Employment Equity Act, no. 55 of 1998, Section 1, “Definitions”]
Department	means:	Mpumalanga Provincial Department of Public Works, Roads and Transport
Designated group	means:	Black people (Africans, Coloureds (including Chinese) and Indians, women and people with disabilities. [Employment Equity Act, no. 55 of 1998, Section 1, “Definitions”]
Disability	means:	The loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological, or other impairments, which may be permanent, temporary, or episodic in nature, thereby causing limitations and participation restriction with the mainstream society
Discrimination	means:	Any commission or omission of an act, which directly or indirectly has the consequent result of violating the provisions of Section 9(3) of the Constitution of the Republic of SA, 1996 or any irregular or extraordinary measures or limitations in job selection or service conditions that are not based on legitimate job requirements or on the principles of transformation or fundamental equality of opportunity; or any action or behaviour which implicitly or explicitly displays prejudice or stereotyping in relation to any employee or group of

		employees.
Economically Active Population	means:	Working-age population of persons aged between 15 and 64 years who are employed and those not employed but are available to work or who took active steps to find work
Employee	means:	A permanent and temporary employees For the purposes of declaring a dispute, it will include an applicant for employment.
Employment Equity	means:	The elimination of unfair discrimination in the workplace as well as the implementation of specific measures to accelerate the advancement of designated groups towards the achievement of equality.
Goals	means:	The overall objectives of the plan
Historically disadvantaged persons	means:	Persons who, on the basis as mentioned in Section 9(3) of the Constitution of the Republic of SA, 1996, were systematically or formally deprived of the right or privilege to equal employment opportunities by the system of apartheid or the effects thereof.
Persons 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. [Employment Equity Act 55 of 1998, Section 1, "Definitions"]
Representative trade union	means:	A registered trade union or two or more registered trade unions acting jointly, that are sufficiently representative of the employees employed by an employer in a workplace.
Targets	means:	The objective for each year of the plan.
Trade union representative	means:	A member of a registered trade union who is elected to represent employees in a workplace.
Transformation.	means:	A dynamic, focused and relatively short-term process designed to reshape and redefine the mission of the public service fundamentally.

ABBREVIATIONS



AA	Affirmative Action
AO	Accounting Officer
EEA	Employment Equity Act
EE	Employment Equity
EEC	Employment Equity Committee
EEP	Economic Active Population
HIV	Human Immunodeficiency Virus
HOD:	Head of the Department
HRP&A	Human Resource Practices and Administration
KPA:	Key Performance Areas
MANCO	Management Committee
MEC	Member of the Executive Council
MMS:	Middle Management Services
MTEF	Medium Term Expenditure Framework
TOR	Terms of Reference
PSR	Public Service Regulations
SMS	Senior Management Services

1 INTRODUCTION

~~The Department of Public Works, Roads and Transport intend to redress the imbalances of the past by ensuring that people or officials are not discriminated in terms of race, colour, gender and their physical being when it comes to employment opportunities.~~

The Department of Public Works, Roads and Transport's aimed at achieving the substantive equality principles reflected in the EEA and the Constitution of the Republic of South Africa, 1996.

The Department supports the objectives of the EEA to achieve equity in the workplace by:

- a. Promoting equal opportunity and fair treatment in employment through the elimination of unfair treatment.
- b. Consciously striving to achieve a representative workforce of the demographic of the country.
- c. Implementing affirmative-action measures to redress past imbalances experienced by the designated groups.

2 OBJECTIVES

The objectives of this policy are to:

~~2.1 Speed up the creation of representivity and equity in the department,~~

~~2.2 Build an environment that supports and enable those who have been historically disadvantaged by unfair discrimination to fulfil their potential so that the department may derive the maximum benefit from their diverse skills and talents in order to improve service delivery~~

~~2.3 Remove all forms of unfair discrimination in employment practices.~~

~~2.4 Provide guidelines to management in terms of planning the future needs of human resources in the department within the context of the transformation policy of the public service.~~

~~2.5 Achieve equity in all staffing functions and the prevention of discriminatory acts of any nature, through.~~

- ~~2.5.1 Up-skill and develop persons from the designated groups;~~
- ~~2.5.2 Improve the quality of work life of the designated groups;~~
- ~~2.5.3 Eliminate disparities arising from past inequalities;~~
- ~~2.5.4 Facilitate conformity with the Employment Equity Act 1998 provisions;~~
- ~~2.5.5 Have equitable demographic representation in all levels of employment;~~
- 2.6 Create a workforce that is broadly representative of the demographic of the Economically Active Population (EAP) of the country.
- 2.7 Develop an organisational culture and workforce environment that reflects a tolerance for and an acceptance of diversity and where there is commitment to Employment Equity and employee development.
- 2.8 Implement affirmative action measures that promote equal and advanced opportunities for designated groups.
- 2.9 Remove employment barriers that restrict or inhibit designated groups from being employed, advanced or developed.
- 2.10 Monitor and report on the progress of the implementation of the EE Plan in the Department.

3 REGULATORY FRAMEWORK

- 3.1 Constitution of the Republic of South Africa, 1996
- 3.2 Employment Equity Act (55 of 1998): General Administrative Regulations, 2009
- 3.3 Employment Equity Act 55, as amended of 1998
- ~~3.4 White Paper on Affirmative Action in the Public Service, 1998~~
- ~~3.5 Basic Conditions of Employment Act 75 of 1998, as amended~~
- ~~3.6 Basic Conditions of Employment Act, 1999~~
- ~~3.7 Code of Good Practice on Protection of Employees during Pregnancy and after Birth of a Child~~
- ~~3.8 Code of Good Practice on the Employment of People with Disabilities~~
- ~~3.9 Code of Good Practice on the Employment of People with Disabilities, 2002~~
- ~~3.10 Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace~~

- ~~3.11 Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices~~
- ~~3.12 Code of Good Practice: Key aspects of HIV/Aids and employment~~
- ~~3.13 Code of Good Practice: Preparation, Implementation and Monitoring of Employment Equity Plans~~
- ~~3.14 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993, as amended~~
- ~~3.15 HIV/AIDS technical assistance guidelines~~
- ~~3.16 Labour Relations Act, No 66 of 1995~~
- ~~3.17 Occupational Health and Safety Act 85 of 1993, as amended~~
- ~~3.18 Promotion of Administrative Justice Act, 2000~~
- ~~3.19 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000~~
- ~~3.20 Public Service Act, 1999 as amended~~
- ~~3.21 Public Service Regulations, 2003, as amended~~
- ~~3.22 Skills Development Act 97 of 1998, as amended~~
- ~~3.23 Technical Assistance Guidelines on Disability~~
- ~~3.24 White Paper on Human Resource Management in the Public Service~~
- ~~3.25 White Paper Training and Education~~
- 3.26 Departmental Recruitment Policy
- 3.27 Departmental Training Policy

4 SCOPE OF APPLICATION

This policy shall be applicable to all employees and prospective employees of the Department of Public Works, Roads and Transport.

5 POLICY STATEMENT

The following shall be observed when implementing the Employment Equity Policy in all the staffing functions:

5.1 Guiding Principles

In order to realise the objective of creating an equitable work environment for all employees, this policy must be interpreted and implemented in accordance with the following principles:

5.1.1 Equality and Equal Opportunity

The Department endorses the principle of equal opportunity which requires that all individuals should be treated fairly, equally and with dignity in the workplace, in recruitment processes, in training, promotion and advancement, regardless of race, gender or disability status.

The Department, however, recognises that certain actions are required in order to create a platform from which equal opportunities can be legitimately and effectively practised, and from which race and gender imbalances in staffing structures can be addressed.

5.1.2 Fairness

5.1.2.1 The duty to ensure the equitable representation of designated groups in all employment categories and levels must be fulfilled in a fair and equitable manner, by taking into account and balancing all relevant interests and considerations, which include the employment interests and legitimate aspirations of non-targeted groups, the Department's commitment to excellence service delivery, and the need for managerial and administrative efficiency; and

5.1.2.2 The implementation of this principle implies, inter alia, that special weight must at all times be accorded to the legal duty to redress employment-related injustice suffered by members of designated groups, as well as the need to progressively address their underrepresentation in all employment categories and levels, but the Department shall not take any decision concerning an employment policy or practice that will establish unnecessary and unfair barriers to the prospective or continued employment or advancement of people who are not from designated groups;

5.1.3 Organisational Culture

The Employment Equity policy must be implemented to promote a culture of respect for the dignity of all employees, irrespective of different backgrounds and traditions, and to create an overall sense of belonging.

5.1.4 Non-Marginalisation

Opportunity for the contribution for all must be enhanced. No employees must be treated in a way that will sideline and marginalised him or her.

5.1.5 Empowerment

Barriers to the full utilisation of the potential of all employees must be removed.

5.1.6 Transparency

All Employment Equity measures and decisions must be taken in a transparent manner, which includes the duty to justify such measures or decisions by providing adequate reasons to interested parties.

5.1.7 Accountability

Final accountability for the successful implementation of this policy lies with the Accounting Officer and the Executive Management Team. All Deputy Director-General, General Managers and Senior Managers are responsible for the actual implementation of this policy and their commitment to its implementation will form part of their Key Performance Areas.

5.1.8 Consistency

The Employment Equity programme must be implemented in balance with other Departmental policies, including those that pertain to diversity.

5.1.9 Communication and consultation

In line with its commitment to transparency, the Department must ensure that all policies, programmes and procedures relating to employment equity are developed on a consultative basis with all stakeholders. All interested parties must be afforded a reasonable opportunity to participate in decision-making.

5.2 Implementation Structure ~~Management Practice Review~~

5.2.1 Employment Equity Plan

In line with Section 20 and 23 the Department shall compile an Employment Equity Plan or Successive Employment Equity Plan which shall form the overarching plan for the Department, using the EEA 13 template.

5.2.2 Human Resources Planning

The Human Resources Practices and Administration unit will develop MTEF Human Resource Plans in order to ensure that the future staffing needs of the Department are met. This ~~these~~ Plans will include specific employment equity objectives and targets for achieving a representative workforce.

5.2.3 Affirmative Action

The Department accepts that affirmative action is necessary in order to create a platform from which equal opportunity can be practiced and is not a goal on its own. Accordingly Affirmative Action should not result in creation on new forms of disadvantage and unfair discrimination or marginalisation of any group on the basis of race, gender or disability.

5.2.4 Recruitment ~~process~~

5.2.4.1 All vacant posts should be advertised internally and externally. The express aim should be to attract applications from the underrepresented groups.

5.2.4.2 The media that targets the underrepresented groups should be utilised at all times. The criteria for advertising any identified vacant post should be consistent whether advertised internally or externally.

5.2.4.3 Special efforts should be made to attract suitable applicants from the disadvantaged groups.

- ~~5.2.4.4 The Programmes shall identify their future needs in terms of staffing.~~
- ~~5.2.4.5 The recruitment process shall be done in accordance with the recruitment policy of the department in place.~~
- ~~5.2.4.6 Care shall be taken that the requirements are not discriminatory on the basis of the following:~~
- ~~5.2.4.7 Race~~
- ~~5.2.4.8 Gender~~
- ~~5.2.4.9 HIV/AIDS status~~
- ~~5.2.4.10 Sexual orientation~~
- ~~5.2.4.11 Disability~~
- ~~5.2.4.12 Age~~
- ~~5.2.4.13 Language~~
- ~~5.2.4.14 Religion~~
- ~~5.2.4.15 Colour~~
- ~~5.2.4.16 The Department shall use a combination of objective methods and tools of recruitment including among others~~
- ~~5.2.4.17~~
- ~~5.2.4.18 Open advertising,~~
- ~~5.2.4.19 Targeted advertising,~~
- ~~5.2.4.20 Internal advertising and~~
- ~~5.2.4.21 Interdepartmental or intradepartmental transfer~~
- ~~5.2.4.22 Head hunting etc. to achieve the objectives of Employment Equity.~~

5.2.5 Selection and appointments process

- 5.2.5.1 In selecting a candidate from the disadvantaged groups, the minimum requirements outlined in the advertisement of job description should be the criteria.
- 5.2.5.2 Preference should be given to a candidate from the disadvantaged groups or underrepresented groups within the Department and Public Service, failing which the Department can target disadvantaged groups from the outside.
- 5.2.5.3 Should two candidates from the opposite groups be rated equally, the concepts of representativity shall override and determine the final decision, until targets are met.
- 5.2.5.4 The word suitable will include the criteria for the "best person" such as:
- 5.2.5.4.1 formal qualifications;

5.2.5.4.2 prior learning;

5.2.5.4.3 relevant experience; or

5.2.5.4.4 Capacity to acquire, within a reasonable time, the ability to do the job.

5.2.5.5 In determining experience, it should not be confined to experience in the Public Service only; relevant experience elsewhere, including life experience combined with the potential to develop and acquire the relevant skills should be considered.

5.2.5.6 The special needs of the person with disabilities should be considered so as to promote accessibility to and mobility in the place of employment. Reasonable accommodation should be provided.

5.2.5.7 Women should not be discriminated against for whatever reason.

5.2.5.8 Selection panels

5.2.5.8.1 Selection of candidates for interviews shall be done by a panel that is representative. The panel should be objective and consists of not less than three members.

5.2.5.8.2 Interviewing panels shall also be representative. The panel shall be objective. As per approved recruitment policy.

5.2.5.8.3 An EE Committee member should be present on the selection panels.

~~5.2.5.8.4 The selection process shall be as outlined in the departmental recruitment policy and follow the guidelines prescribed for meeting the Affirmative Action targets as outlined in the Employment Equity Plan.~~

~~5.2.5.8.5 The candidate shall not be discriminated against or disadvantage on the grounds as in 5.1.2.3 above.~~

~~5.2.5.8.6 The Head of the Department shall consider the submitted plans from sections before approving any appointment, unless there is sufficient proof that there were no applications received from the targeted groups.~~

~~5.2.6 Short listing criteria~~

~~5.2.6.1.1 The short-listing criteria and process is as outlined in the Public Service Regulations Part VI D5 and the Departmental recruitment policy all of which~~

~~are specifically seeking to achieve the Affirmative Action Targets of the Department as outlined in the Plan.~~

~~5.2.6.1.2 The Head of Human Resources Practices & Administration shall ascertain that members of the selection committee are representative in gender, race, knowledge and skills to the extent possible disability before the selection process takes place.~~

5.2.7 Promotions and upgrading of posts

5.2.7.1 Given the recruitment and appointment procedure outlined in 5.2.3. and 5.2.4, suitable candidates from the underrepresented and disadvantaged groups should be given preference for post promotions.

5.2.7.2 Those with potential shall be given intensified training with a view to recommendation for accelerated promotion.

~~5.1.1. Transfers~~

~~Transfers in line with the Public Service Regulations shall be used as a tool to achieve the affirmative action targets as stated in the plan.~~

5.2.8 Staff Development

The Department is committed to the creation of an enabling environment which allows individuals and groups to achieve their full potential and thus contribute to excellent service delivery. The Department accordingly commits itself to staff development for all staff.

In this regard there shall be equality of access to staff development for all staff irrespective of race, gender and disability status. At the same time the department recognises that as a result of past discriminatory practices some groups may be at a disadvantage relative to others and that special programme may be warranted in order to achieve equality of opportunity for all.

5.2.9 Succession Planning and Capacity Building

The Department recognises the challenges inherent in recruiting and retaining staff particular in scarce and critical skills categories where there is a small pool of

candidates from designated and underrepresented groups. Succession Planning and capacity Building are crucial to the success of Employment Equity Programmes.

~~5.2. Budget.~~

5.2.10 Financing

The financial responsibility for implementing the Employment Equity Plan rests with the Accounting Officer and Chief Financial Officer. The HR Planning Unit shall make recommendations to the Accounting Officer through Chief Financial Officer on the identified needs which must be financed out of the departmental budget. In general, additional expenditure which will result from the transformation process shall be met from allocations provided by each programme manager.

A budget within the MTEF period shall be made for special programmes aimed at achieving the goals of the Affirmative action programme

5.2.11 Consultation and Implementation

Consultation on the action plans, programmes and measure to any occupational class will take place with all relevant stakeholders to build consensus with regard to the implementation date.

5.2.12 Communication

Communication with all the relevant stakeholders will take place on a continuous bases.

~~5.2.12.1.1 Organizational Behavior~~

~~5.2.12.1.2 Management shall be expected to adopt a participative and transparent management style and employees should be consulted on matters that affect their work and well being in the Department.~~

~~5.2.12.1.3~~

~~5.2.12.1.4 Affirmative Action Measures to be implemented~~

~~5.2.12.1.5 Management shall commit to ensuring the coaching and mentoring of young professionals to assist them in speedy registration as professionals.~~

5.2.13 Assignment of Responsibility to Senior Managers

In terms of Section 24 of the EE Act, the Department assigns responsibility to the (Senior) Manager(s) for the development, implementation and monitoring of Employment Equity Plan.

5.2.14 Employment Equity Committee

5.2.14.1 The Accounting Officer ~~Head of Department~~ shall appoint the Employment Equity Committee ~~members~~.

5.2.14.2 Implementation of the policy shall be continuously monitored by the Departmental Employment Equity Manager/Senior Manager to ensure compliance in all processes of staffing functions i.e. recruitment, selection, appointment, development and career advancement.

5.2.14.3 A demographically representative Employment Equity Committee shall be constituted to assist in monitoring compliance to policy implementation.

6 ROLES AND RESPONSIBILITIES

6.1 ~~Head of Department~~ Accounting Officer

6.1.1 The Accounting Officer bears the final responsibility and accountability for the successful implementation of the affirmative action programme.

6.1.2 Accounting Officer ~~head of the Department~~ shall approve the policy and ensure that it is implemented as approved.

6.1.3 Accounting Officer ~~The Head of the Department~~ shall approve EE Plan and District Workforce Analysis ~~Sectional~~ Employment Equity Plans.

6.1.4 Accounting Officer ~~The Head of Department~~ shall appoint members of the SMS to serve as Employment Equity Managers (.i.e. Implementation and Monitoring).

6.2 Senior General Manager: Corporate Strategy

The Senior General Manager shall;

6.2.1 Commit to effective human resource development strategies, including training and career development opportunities, to ensure that past imbalances in the Department are redressed.

- 6.2.2 Ensure that top management include Affirmative Action and staff development as key objectives in their business plans.
- 6.2.3 Monitor each Programme progress vis-à-vis set objectives, performance indicators, targets and time frames in the area of Affirmative Action on a regular basis. This will involve monitoring personnel composition, succession and career plans in each Programme, emphasise the appointment, development and advancement of black people, women and persons with disability.
- 6.2.4 To ensure that employees have positive attitude towards Affirmative Action, employee development and employee expectations **through conducting awareness.**

6.3 Human Resource Practices & Administration

- ~~6.3.1 To champion the development, implementation, monitoring, evaluation, review and reporting of the programme and progress thereof on behalf of the Senior General Manager: Corporate Strategy.~~
- 6.3.2 To develop specialised interventions and policies that will ensure successful implementation of the Affirmative Action programme.
- 6.3.3 **Shall oversee; promote; monitor; evaluate and report on the implementation of corrective action and make recommendation to the Accounting Officer and the Executing Authority where necessary.**
- 6.3.4 **Receive periodic reports and audits of the Department's workforce analysis in respect of progress made with correcting the imbalances.**
- 6.3.5 **Assist in the resolution of complaints, grievances and disputes related to the implementation of this document.**
- 6.3.6 **Attend to any other issues related to the implementations of the policy and plan.**
- 6.3.7 **Advising and assisting all levels of management in the implementation of the EE Plan and will also monitor the implementation strategies and practices on behalf of the Accounting Officer.**

6.4 Employee Health & Wellness

- 6.4.1 Shall play a leading role in monitoring and ensuring implementation of the Employment Equity Plan in the Department.

- 6.4.2 Shall advise management on how best can the Employment Equity be implemented.
- 6.4.3 Shall report progress on Employment Equity to Management on Quarterly basis.
- 6.4.4 Shall assist in the developing specialised interventions and policies that will ensure successful implementation of the Affirmative Action programme.

6.5 Employment Equity Committee

The functions of the Committee shall include, but not necessarily be limited to, the following:

- ~~6.5.1 The monitoring and evaluation of the efficient and effective implementation of this policy document, as well as appropriate recommendations to the Head of the Department regarding employment equity and human resources.~~
- ~~6.5.2 The evaluation of progress in respect of employment of members of the previously disadvantaged groups.~~
- ~~6.5.3 The monitoring of appropriate training programmes that are aimed at empowering all employees in general and members of the designated groups in particular.~~
- ~~6.5.4 To ensure alignment of Employment Equity initiatives to all other Human Resources practices and transformation objectives.~~
- 6.5.5 The EEC will consist of employer and employee representatives and will be guided by a Terms of Reference (TOR).
- 6.5.6 EEC members have the responsibility to ensure that the interests of employee group(s) that they represent in the EEC are suitably addressed and feedback is provided to the employee groups.
- 6.5.7 Responsible to participate in all consultation processes and attend the EEC meetings.
- 6.5.8 Bring EE matters, regarding any employee that may have been adversely affected by any of the HR policies and practices in the workplace, to the attention of the EEC.
- 6.5.9 Assist with the implementation of the EE Plan and the execution of compliance issues as indicated in the EEA.

6.5.10 Examine the workforce profile in terms of representivity (monthly EE statistics) to determine the trend and degree of under-representation of the grouping of employees represent.

6.6 General Managers and Senior Managers

The General Managers and Senior Managers shall be held accountable for progress with regard to representativeness in their programmes.

~~They should therefore ensure that:~~

6.6.1 Internal and external appointments comply with the all Departmental policies.

6.6.2 All the Human Resources policies and practices of the department are implemented to support the Affirmative Action programme.

6.6.3 Succession and development plans are in place for affirmative action.

6.7 All other Supervisors

Supervisors to ensure that orientation and induction, resources allocation or any form of support, coaching, mentoring and communication are in place for effective performance of Employment Equity candidates.

6.8 Employees

Employees shall have general understanding of the process of Employment Equity and their own roles in it and responsibility for self-development.

7 MONITORING AND EVALUATION

The Policy Coordinating Unit monitors the implementation of the policy and reports any deviations to the Accounting Officer of the Department in writing.

8 POLICY REVIEW

The policy is reviewed to factor in changes in legal framework and organizational development and annually to the outcomes of monitoring and evaluation.

9 APPROVED

K.M. MOHLASEDI
HEAD OF THE DEPARTMENT

DATE _____

