

<b>Procedure</b>	:	<b>Employment Equity Terms of Reference</b>
<b>Section</b>	:	<b>Section 2.1</b>
<b>Manual</b>	:	<b>Employment Equity Committee Manual</b>

***Employment Equity Committee Terms of Reference***

**EMPLOYMENT EQUITY CONSULTATIVE FORUM**

**1. Scope and Purpose of Consultative Forum**

The purpose and scope of the Employment Equity Committee shall be to **consult on**:

- ❑ The conduct of an analysis of its employment policies, practices, procedures and the working environment, in order to identify employment barriers which adversely affect people from designated groups.
- ❑ Preparing and implementing an employment equity plan which will achieve reasonable progress towards employment equity in Department of Public Works, Roads and Transport workforce.
- ❑ The preparation and compilation of the report required to be submitted to the Director-General of the Department of Labour.
- ❑ The internal procedures to resolve any dispute about the interpretation or implementation of the employment equity plan.

The committee shall at all times have regard to the provisions of the Act, and any regulations, codes of good practice, directives and administrative guidelines published in terms of the Act.

**2. Representatives**

The committee shall be comprised of the following member's representative of the following interests. Representatives shall be representative of all designated groups and represent a cross section of occupational levels and categories:-

Current Employment Equity Committee Representatives

**Committee Members**

<i>Name</i>	<i>Status</i>	<i>Position</i>
	<i>Employer Representative</i>	<i>COO</i>
	<i>POPCRU</i>	
	<i>NEHAWU</i>	
	<i>PSA</i>	
	<i>Women</i>	
	<i>Coloured</i>	
	<i>Asian</i>	
	<i>White Male</i>	
	<i>EE Manager: Implementation</i>	
	<i>EE Manager: Monitoring</i>	
	<i>Gert Sibande: EE Manager</i>	
	<i>Gert Sibande: Chairperson</i>	
	<i>Nkangala: EE Manager</i>	

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	<i>Nkangala: Chairperson</i>	
	<i>Ehlanzeni: EE Manager</i>	
	<i>Ehlanzeni: Chairperson</i>	
	<i>Bohlabelo: EE Manager</i>	
	<i>Bohlabelo: Chairperson</i>	

#### Facilitator

<b>Name</b>	<b>Status</b>	<b>Position</b>

Representatives shall:-

- in the case of non-union employee representatives be nominated by employees of the employer's workforce utilising the Nomination Form contained in Annexure B

Any representative who ceases to be representative of the constituency which he or she represents, or ceases to be an employee of Department of Public Works, Roads and Transport if his or her appointment as a representative was conditional on him/her being an employee of Department of Public Works, Roads and Transport, shall cease to be a member of this forum.

In such instances, an alternative representative shall be nominated by the appropriate constituency in the same manner in which the first representative was nominated as a representative.

**Representatives of key stakeholders shall be invited to attend at least one annual employment equity committee meeting.**

### 3. Functions

Such representatives shall represent their constituency in the employment equity committee in respect of those matters identified for consultation set out in these terms of reference.

The representatives shall, where possible,

- obtain mandates from their respective constituencies on those matters identified for consultation;
- report back to their constituencies on the progress of and matters discussed in the committee meetings, utilising the official committee meeting minutes as the basis for their report-backs;
- perform all responsibilities, tasks, duties, investigations and surveys assigned to them from time to time by the committee, always acting in good faith and in the interests of Department of Public Works, Roads and Transport to ensure the successful implementation of Department of Public Works, Roads and Transport's employment equity plan.

**The representatives may not utilise the employment equity committee as a forum in which to raise grievances and or demands not related to scope and purpose of the consultative forum.**

### 4. Alternates

Representatives may, with the approval of the Employer representative, or in the case of a Trade Union Representative, on written nomination by the Trade Union, nominate one (1) alternate representative as a committee member, to attend meetings in the absence of the representative / nominee.

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On prior written notification to the employer representative, such alternate representative shall perform all duties assigned to the representative where the representative is unable to perform those duties assigned to him or her.

### 5. Duration of appointment

Nominated representatives shall hold office for a minimum period of three (3) years. The nomination of new representatives shall be staggered to ensure that new representatives have exposure to existing representatives and experiences and insights achieved by virtue of their participation in Employment Equity Forum.

### 6. Frequency

The forum shall meet once every **three** months at its offices, or other offices as advised by the Employment Equity Manager.

Special meetings may be called by the chairperson or requested by any representative by giving ten (10) days notice to the chairperson. The representative requesting a special meeting shall set out the grounds and reasons for requesting such meeting.

The chairperson of the Committee shall be nominated in the first EE Committee meeting and should not be the Employment Equity Manager.

A forum shall be constituted by a quorum of 50% plus one, which must include the employer representative.

Department of Public Works, Roads and Transport will be responsible for the implementation and monitoring of recommendations and suggestions of the forum.

### 7. Dissolution

The forum may be dissolved by the employer party by giving ten (10) days notice to all representatives of its intention to dissolve the forum.

### 8. Dispute Procedures

Where any representative has a dispute regarding any matter under consideration by the forum, such dispute shall be referred to the employment equity manager who shall establish a dispute meeting and mediate the dispute.

Where formal dispute procedures have been consulted upon in terms of Section 20(2)(g) of the Employment Equity Act, all disputes relating to the interpretation or implementation of the employment equity plan shall be processed in terms of such dispute procedures.

### 9. Disbursements and Expenses

Department of Public Works, Roads and Transport shall reimburse all representatives for all reasonable expenses or disbursements incurred by them provided:-

- Such expenses are directly related to the duties and tasks entrusted to the representatives; and
- Have been agreed in advance by Department of Public Works, Roads and Transport's Employment Equity Manager as necessary disbursements.

Department of Public Works, Roads and Transport regards as reasonable, the following expenses:-

- Reasonable travel and accommodation expenses.

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Department of Public Works, Roads and Transport will not reimburse any non-employee representative for any expenses incurred by such person.

All employment equity representatives will be required to undergo the following compulsory training courses:-

- Human Rights training in terms of the Bill of Rights
- Employment Equity training on legislative terms and concepts
- Diversity training
- AIDS Training

### **10. Minutes and Record-Keeping**

The nominated secretariat shall be responsible for the recording of all meetings, resolutions and recommendations made by the forum.

The Chairperson with consultation with the secretariat shall prepare an agenda for discussion prior to each meeting and distribute to the representatives such agenda ten (10) days in advance of the meeting.

The employer party shall arrange for the release of all representatives from their normal work duties for the purpose of:

- Attending forum meetings;
- Consulting with their constituencies;
- Preparing for such meetings;
- Providing feedback to their constituencies using the Official minutes of the Employment Equity Committee meeting.

All meetings shall take place during normal working hours, and representatives shall be paid their usual pay for attending such forum meetings and related duties.

Meetings shall be chaired by the employer representative / employment equity manager or his / her nominee.

All representatives shall indicate their acceptance of or record their objections or additional comments to any resolutions made by the forum, including any dissenting opinions.

Official minutes of all meetings shall be placed on company notice boards designated for such purpose in the employer's workplace(s).

### **11. Sub-Committees**

The employer representative or the consultative forum may establish ad hoc or permanent sub-committees to conduct research and or investigations on behalf of the forum.

The sub-committee may be comprised of members from outside the employer's workforce, subject to the prior approval of the Employment Equity Manager.

The sub-committee shall prepare its findings in writing and present such findings to the forum for consultation.

### **12. Expert Advice**

Department of Public Works, Roads and Transport reserves the right to consult with and obtain advice from any person, body or association. The committee may invite resource people from various external associations and agencies to provide assistance and advice to the forum whenever required, subject to the approval of the

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Employment Equity Manager.

**13. Approval**

\_\_\_\_\_  
**K.M. MOHLASEDI**  
**HEAD OF DEPARTMENT**  
**DATE:** \_\_\_\_\_

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