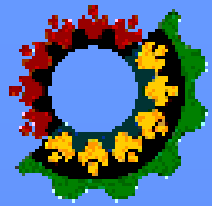


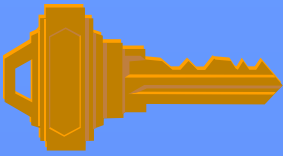
EMPLOYMENT EQUITY DEPARTMENT OF LABOUR

TRAINING SESSION:
REGULATIONS AND CODE OF
GOOD PRACTICE:
EMPLOYMENT EQUITY PLANS



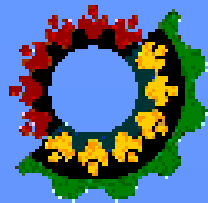
EMPLOYMENT EQUITY DEPARTMENT OF LABOUR

REGULATIONS



Scope

- EE Managers should:
 - Be permanent employees
 - Report directly to the CEO
 - Have key employment equity outcomes
- EE Managers need:
 - The necessary authority or mandate
 - An appropriate budget
 - Time off from other duties and commitments
 - Access to required resources



EMPLOYMENT EQUITY DEPARTMENT OF LABOUR

TEN STEPS TO AN EMPLOYMENT EQUITY PLAN

PHASES OF THE PLAN

Preparation

Step 1

Assign responsibility

Step 2

*Communication, awareness
and training*

Step 3

Consultation

Step 4

Analysis

Implementation

Step 5

*Affirmative Action
measures and objectives*

Step 6

Time frames established

Step 7

Allocation of resources

Step 8

Plan communication

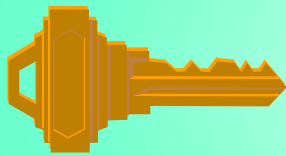
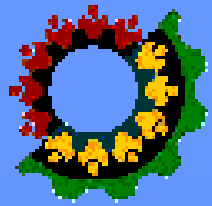
Monitoring

Step 9

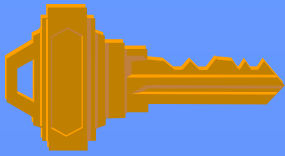
*Monitor, evaluate, and
review*

Step 10

Report

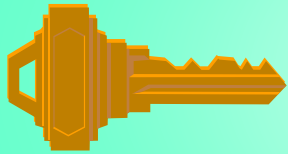
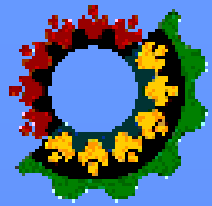


**STEP 1: Assigning
responsibility**

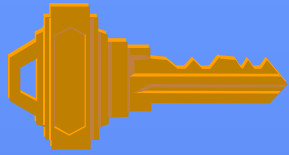


STEP 1: Assigning responsibility

- EE Managers should:
 - Be permanent employees
 - Report directly to the CEO
 - Have key employment equity outcomes
- EE Managers need:
 - The necessary authority or mandate
 - An appropriate budget
 - Time off from other duties and commitments
 - Access to required resources

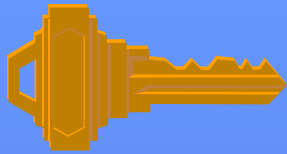


STEP 2: Communication,
awareness and training



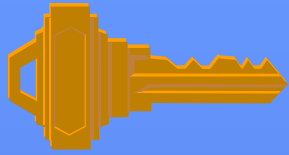
STEP 2: Communication, awareness and training

- Positive outcomes such as:
 - Better utilisation of human resources
 - A more diverse and productive workforce
 - A workforce that reflects the relevant labour market



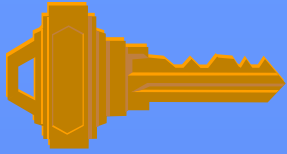
STEP 2: Communication, awareness and training

- All employees should
 - be made aware and informed of the content and application of the Act
 - be sensitised with regard to employment equity and anti-discrimination issues
 - be informed regarding the process to be followed
 - understand the importance of their participation in the process
 - be made aware of the need for participation of all stakeholders



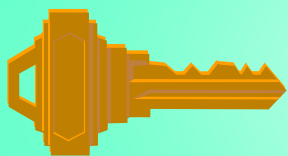
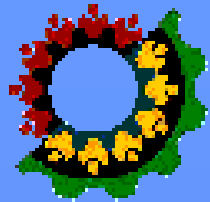
STEP 2: Communication, awareness and training

- Delivery methods could include:
 - pamphlets
 - newsletters
 - workshops
 - videos
 - training sessions

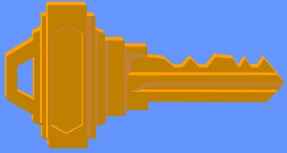


STEP 2: Communication, awareness and training

- Managers should:
 - be informed of their obligations in terms of the Act
 - be offered training in diversity management and related skills
 - understand that discrimination can be direct, indirect, or as a result of inaction or victimisation

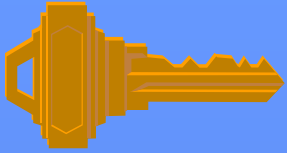


STEP 3: Consultation



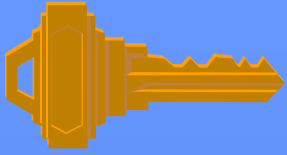
STEP 3: Consultation

- Start process as early as possible
- How should this happen?
 - A consultative forum should be established or an existing forum used if this is appropriate
- Who should be included?
 - All stakeholders such as:
 - Representative trade unions



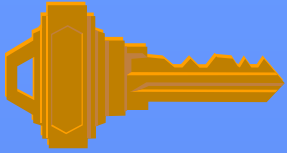
STEP 3: Consultation

- Who should be included?
 - Employee representatives from:
 - designated groups
 - non-designated groups
 - all occupational categories and levels
- Senior management, including the managers assigned with responsibility



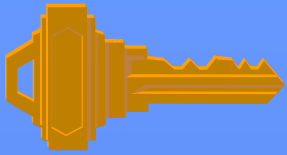
STEP 3: Consultation

- Proper consultation includes:
 - the opportunity to meet and report back to employees and management
 - reasonable opportunity for employee representatives to meet with the employer
 - the request, receipt and consideration of *relevant information*
 - adequate time allowed for each of the above steps.



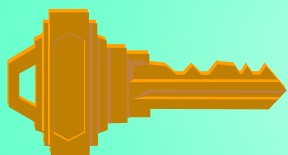
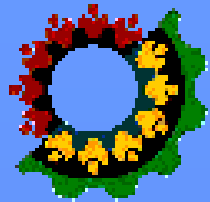
STEP 3: Consultation

- Relevant information include:
 - the particular business environment and circumstances of the employer
 - the relevant economic sector or industry
 - relevant local, regional, and national demographic information about the economically active population
 - the anticipated growth or reduction of the employer's workforce
 - the turnover of employees in the employer's workforce

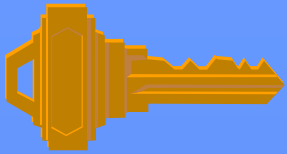


STEP 3: Consultation

- Relevant information include:
 - the internal and external availability for appointment or promotion of suitably qualified people from the designated groups
 - the degree of representation of designated employees in each occupational category and level in the employer's workforce
 - employment policies and practices of the employer.

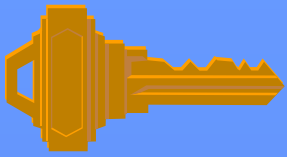


STEP 4: Analysis



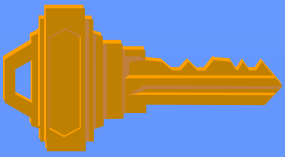
STEP 4: Analysis

- *Firstly*, to assess all employment policies, practices, procedures, and the working environment in order to identify barriers that may
 - contribute to the under-representation or under-utilisation of employees from the designated groups
 - contribute to the lack of affirmation of diversity in the workplace
 - adversely affect designated groups
 - to identify practices or factors that positively promote employment equity and diversity in the workplace.



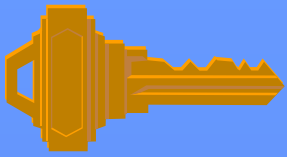
STEP 4: Analysis

- What should be reviewed?
 - all employment practices such as recruitment, selection, pre-employment testing, and induction
 - practices related to succession and experience planning, and related promotions and transfers
 - utilisation and job assignments
 - current training and development methodologies and strategies, and access to training
 - remuneration structures and practices



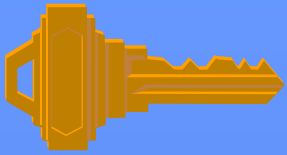
STEP 4: Analysis

- What should be reviewed?
 - employee benefits arrangements
 - disciplinary practices
 - working conditions
 - the number and nature of dismissals, voluntary terminations and retrenchments
 - corporate culture
 - practices relating to the management of HIV/AIDS in the workplace which could be discriminatory
 - any other practices or conditions that are tabled by the consultative forum.



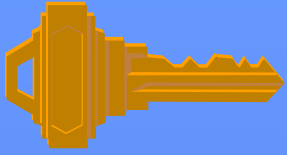
STEP 4: Analysis

- What to look for?
 - Factors that adversely affect employees from designated groups
 - Subtle or indirect forms of discrimination and stereotyping
 - All practices should be checked to see if they are fair and do not result in unfair discrimination.



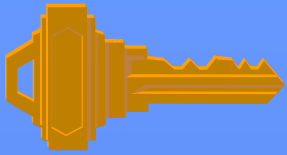
STEP 4: Analysis

- *Secondly*, to determine the extent of under-representation of employees from the designated groups in the different occupational categories and levels of the employer's workforce.



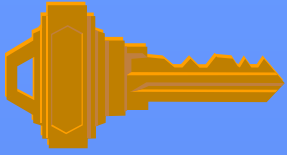
STEP 4: Analysis

- How do you establish a workforce profile?
 - By establishing which employees are members of designated groups.
 - Employers can do this by getting the information from employees themselves using form EEA1 of the Regulations
 - If employers have alternative and reliable sources of this information, such as the information captured on employment application forms, they may use this as long as employees are able to verify or change such information.



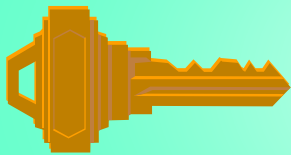
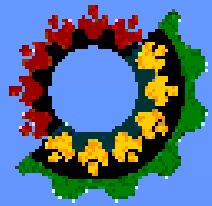
STEP 4: Analysis

- How do you establish a workforce profile?
 - By comparing the number of employees from designated groups with relevant demographics.
 - Sources of demographics information:
 - Form EEA 8 of the Regulations
 - Statistics South Africa
 - HSRC
 - Breakwater Monitor

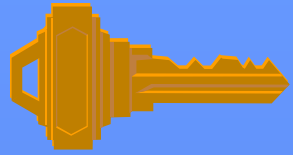


STEP 4: Analysis

- An employer can compare his workforce profile:
 - with those of organisations of a similar size
 - with those of organisations within the same sector or industry
 - with those of organisations which are structurally similar and whose activities are spread over a similar geographic area

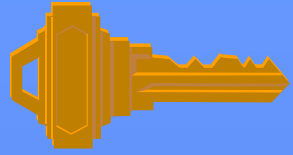


STEP 5: Affirmative Action
measures and objectives



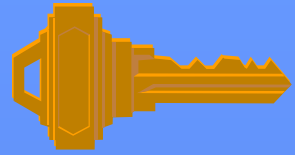
STEP 5: Affirmative Action measures and objectives

- How to go about setting goals and objectives?
 - a snapshot of their organisation profile and valuable information on their organisation's profile in respect of race, gender and disability
 - an understanding of which practices or working conditions adversely affect members of designated groups
 - which practices and working conditions are conducive to diversity



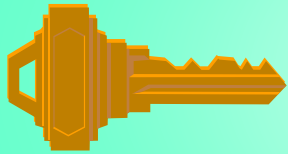
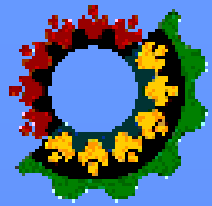
STEP 5: Affirmative Action measures and objectives

- How to go about setting goals and objectives?
 - internal statistics regarding the rate of labour turnover at the various levels
 - internal statistics regarding movements such as promotions and transfers at the various levels
 - information regarding the profile of the economically active population in their region
 - comparisons between the organisation's workforce profile and those of similar organisations.

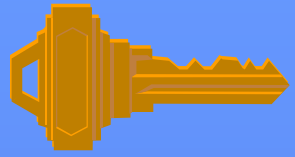


STEP 5: Affirmative Action measures and objectives

- What are affirmative action measures?
 - those measures that need to be taken to address the employment policies, practices, and working conditions that were identified in **Step 4** as having an adverse effect on the employment and advancement of members of designated groups.
 - For each specific practice identified, an affirmative action measure or measures need to be formulated and developed.

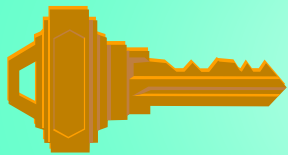
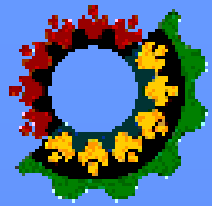


STEP 6: Time frames

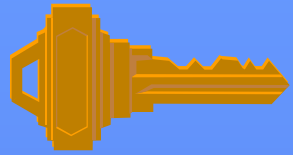


STEP 6: Time frames

- The duration of a plan should be between one and five years. Employers should decide on the duration of their plans given their particular circumstances and the timeframe in which they can make meaningful progress.
- The time frame should set out more than the duration of the plan. It should specify milestones and the target dates set for reaching these.

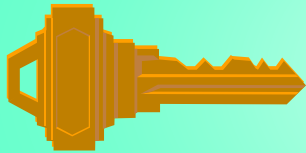
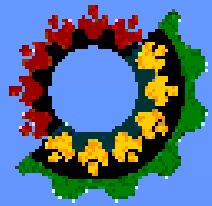


STEP 7: Resources

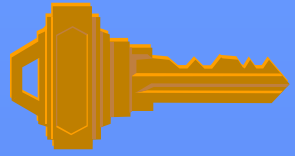


STEP 7: Resources

- **Budgets** should be appropriately allocated in order to implement the agreed components of the plan.
- **People** such as the manager(s) assigned with responsibility.
- **Time** off for stakeholders involved in the process.
- **Infrastructure** such as a project office or meeting room.
- **Training** and information sharing
- Any other resources that may be **appropriate** in the circumstances.

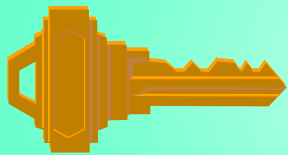


**STEP 8: Communicate
the plan**

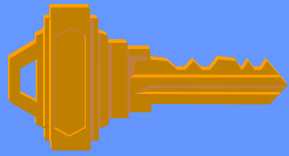


STEP 8: Communicate the plan

- Communication should inform stakeholders:
 - **Who is responsible** for the implementation of the plan
 - **Where information** regarding the plan can be obtained
 - **Objectives** and duration of the plan
 - **Dispute** resolution procedures
 - **Roles** and responsibilities

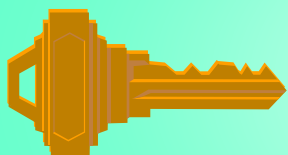
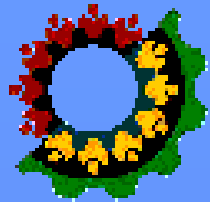


STEP 9: Monitoring and
evaluating the plan

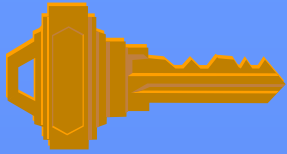


STEP 9: Monitoring and evaluating the plan

- Employers should
 - Keep records of the plan.
 - Implement mechanisms to monitor and evaluate the implementation of the plan.
 - Evaluate progress at structured and regular intervals.
 - Report on progress to the consultative forum and all stakeholders.
 - Review and revise the plan through the consultation process.

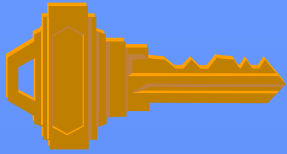


STEP 10: Reporting



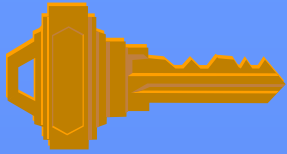
STEP 10: Reporting

- Which forms to use?
 - Employment Equity Report **Form EEA2.**
 - Income Differential Statement **Form EEA4.**



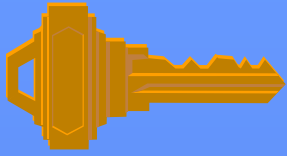
STEP 10: Reporting

- **150 or more employees:**
 - Report **annually** to the Department of Labour
 - 1 June 2000 and thereafter annually on the first working day of October.
- **Complete:**
 - Form EEA2 All Sections except Section G (progress report)
 - Form EEA4 All Sections
 - From the second reporting cycle onwards Section G of Form EEA2 must also be completed.



STEP 10: Reporting

- **Less than 150 employees:**
 - Report **bi-annually** to the Department of Labour
 - 1 December 2000 and thereafter **every second year** on the first working day of October.
- **Complete:**
 - Form EEA2 Sections A, B, F and H
 - Form EEA4 Sections A and C
 - From the second reporting cycle onwards Section G of Form EEA2 must also be completed.



Supporting documentation

- **Regulations**
- **Forms and annexures to the Regulations**
 - EEA1 Employee Declaration
 - EEA2 Report Form
 - EEA3 Summary of the Act
 - EEA4 Income Differential Statement
 - EEA8 Demographic Information
 - EEA9 Occupational Levels
 - EEA10 Occupational Categories
- **Code of Good Practice: The Preparation, Implementation and Monitoring of Employment Equity Plans**