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Gauteng Department of Health

Employment Equity Policy

EMPLOYMENT EQUITY POLICY
GAUTENG DEPARTMENT OF HEALTH

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Definitions

ACT means Employment Equity Act 55 of 1998

Affirmative Action shall have the same meaning as contained in the Employment Equity Act.

Barriers shall mean the existence of a policy, practice, or any aspect of the work environment that limits the opportunities of employees because they are from designated group.

BEE means Black Economic Empowerment

Black people is generic term which means Africans, Coloureds and Indians

Designated groups means black people, women and people with disabilities.

Disputes shall have the same meaning as defined by the EE Act and the LRA

Employment Equity Committee shall mean, the committee which is comprised of both employer and Organized Labour for the purposes of implementing the provisions of the Act

Employment Equity Plan shall mean the Employment Equity Plan as defined by the Act, which will serve as a guide in implementing Affirmative Action

Executive Management: Managers from the level of Chief Directors and above within GDoH

Fair Representation shall mean representivity in all positions by individuals from all categories of Designated Group

GDoH means Gauteng Department of Health

HOD means Head of Department

HR means Human Resources

People with disabilities means people who have long term or recurring physical or mental impairment that substantially limit their prospects of entry into, or advancement in employment

Reasonable accommodation means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to participate or advance in employment.

Representative trade union shall have the same meaning as defined by the Labour Relations Act.

SDA means Skills Development Act

Senior Management shall mean employees on level 13 and above

Suitably qualified person means a person contemplated in section 20 (3) and (4) of the Employment Equity Act, 65, 1998

Targets shall mean: Numerical goals as prescribed by the Employment Equity Plan upwards excluding Clinicians

1. Objective

The purpose of this policy directive is to create a workforce which, at all levels, is representative of the diverse population it serves and to ensure that individuals are not denied employment, advancement or training opportunities within Gauteng Department of Health for reasons unrelated to their ability to do the job.

Affirmative Action

Affirmative Action is a process by which equality in the workplace is achieved through the active elimination of systemic discrimination. Affirmative Action measures are pro-active, temporary measures designed to remedy the effects of discrimination against members of the designated groups, Blacks, persons with disabilities, and women. Affirmative Action through an Employment Equity

program strives to "level the playing field" for all employees and potential employees.

This requires the implementation of measures to address the skew representation of historically disadvantaged groups in the composition of the workforce as well as measures to accelerate the employment, training and promotion of employees from these groups. Affirmative action is not an end in itself but a process whereby designated groups are given employment opportunities to attain equity.

Specific objectives are:

- To address the current staff composition at all levels by means of critical mass targets which are intended to facilitate an equitable representation and utilisation of human resources;
- To ensure that the Gauteng Department of Health staff composition is such that is able to serve its customers effectively with due regard for its diversity; thereby promoting accountability for and responsibility in respect of the needs of communities;
- To implement initiatives for the accelerated education, training and development of historically disadvantaged groups in order to improve their existing skills base and career advancement.
- Monitoring of progress the department is achieving on employment of people from designated groups
- Provide adequate skills for employee so that they stand a good chance to advance

2. Legislative imperatives

This Policy shall be read in conjunction with but not limited to:

- The Constitution of the Republic of South Africa Act No. 108 of 1996
- White paper on Affirmative Action
- White paper on Transformation of Public Service
- The Employment Equity Act, No.55 of 1998

- Labour Relations Act No 66 of 1995
- The Basic Conditions of Employment Act No. 75 of 1997
- International Labour Organisation Conventions
- Skills Development Act No. 58 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Guidance and Placement Act No 62 of 1981
- Unemployment Insurance Act

3. Application and Scope

This policy shall apply to all employees (permanent and non-permanent) from the designated groups employed by Gauteng Department of Health and persons from the designated groups seeking employment within the Department.

3.1 In terms of the Employment Equity Act 55 of 1998 the Designated groups are:

- Black (Africans, Coloureds and Indians)
- Women
- People with disabilities (PWD)

4. Policy Statement

(a) The Gauteng Department of Health commits itself to:

- Adhering to the requirements stipulated by the Employment Equity Act No. 55 of 1998
- Actively develop all its employees and believes that the development of staff potential will contribute significantly towards quality and sustainable service delivery.
- Providing developmental opportunities to people from designated groups.
- Principles of recognizing merit and potential. This will be achieved through appointments, promotions, bursaries etc.

(b) Employment Equity in the department shall be driven in line with the following principles:

- Respect and acceptance of diversity
- Non-discrimination
- Respect for dignity of each individual
- Professional excellence
- Recognizing and rewarding performance and potential

(c) In the implementation process of the Employment Equity Act No. 55 of 1998 the Gauteng Department of Health shall ensure that:

- Employment Equity is planned purposefully as stipulated in the Employment Equity Act
- All employment practices are free of discrimination
- Stakeholders are consulted to ensure the credibility and legitimacy of the process
- Genuine fears, concerns, anxieties and expectations are addressed
- The potential of employees is recognized in attracting, rewarding, development and retention initiatives.

(d) Consultation with stakeholders

Gauteng Department of Health shall consult employees in line with Section 16 and 19 of the Employment Equity Act, 1998

(e) Non-discrimination

- Gauteng Department of Health shall promote the principle of equal opportunity through elimination of unfair discrimination
- Employees shall not be discriminated against in terms of race, gender, pregnancy, marital status, family responsibility, ethnic and social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief political opinion, culture, language and birth.
- Gauteng Department of Health shall ensure that this principle is generally reflected in all its policies procedures and practices, as well as in the conduct of its employee.

- The Gauteng Department of Health shall specifically ensure that none of the above measures promote a work environment that unfairly discriminates against any employee to his or her HIV/AIDS status.

5. Managing and Valuing Diversity

Gauteng Department of Health shall value diversity and be free of adverse discrimination.

All managers, supervisors and employees shall create a working environment:

- that is non discriminatory;
- where diversity is valued; and
- where participation and retention of members of designated groups are encouraged.

All Skills Development and Employment Equity Committees shall identify needs for training to give effect to this policy directive and will recommend practical content and delivery methods for training to meet those needs.

Ongoing education and practical training will be provided as appropriate to meet identified training needs.

6. Removal of Employment Barriers

Gauteng Department of Health shall identify and remove barriers which restrict or inhibit members from designated groups from being employed, advanced or trained.

Barriers which limit equal opportunity for employment or advancement within the department shall be identified and removed. Some examples of typical barriers are:

- discriminatory attitudes or behaviour such as bias, stereotyping and harassment by co-workers, supervisors and managers;

- failure to appreciate cultural differences because of a lack of familiarity with the cultural values of the designated groups or the group's lack of familiarity with the cultural values of the Department;
- lack of information about opportunities for employment, training, special projects or promotions;
- physical barriers such as inaccessible workplaces, facilities, jobs and tools that may need to be adapted for use by individuals from the designated groups; and
- systemic barriers such as employment policies, practices and systems which have an adverse impact on designated groups. An example of a systemic barrier is a qualification statement requiring years of experience rather than specifying the type and depth of experience that is needed.

If members of designated groups face barriers because of their particular needs, reasonable steps will be taken to accommodate those needs. **Reasonable accommodation** refers to adjustments or provisions made in the work situation to address special needs arising from any of the grounds protected in the Bill of Rights, such as disabilities and cultural, religious or gender differences. Reasonable accommodation is determined on a case by case basis. The employer shall ensure that reasonable accommodation after considering factors such as:

- health and safety issues;
- collective agreement compliance;
- impact on the rights of other employees; and
- financial feasibility.

Examples of reasonable accommodation may include:

- redesigning job duties (for example, substituting other duties in place of answering telephones for an individual with a hearing impairment);
- modifying the workplace or work schedules
- upgrading facilities and ensure that there is access to all racial groups
- providing specialized tools or equipment;

7. Remedial Measures

All components within Gauteng Department of Health will act to redress existing employment imbalances and disadvantages.

At those levels where designated groups are under-represented, remedial measures will be used to increase the representation of those groups. Remedial measures are activities designed to speed the rate at which qualified members of designated groups are hired and developed. Examples of remedial measures include:

- outreach recruitment - such as encouraging members of designated groups to apply for jobs , providing them with information on employment opportunities, how to apply for positions, how to prepare for interviews; and
- providing career counselling, mentorship programs, internship training opportunities or other developmental opportunities to members of designated groups.

Where designated groups are seriously under-represented in the department competitions should be limited or preference may be given to qualified members of designated groups. The Employment Equity Act 55 of 1998 allows for fair discrimination where preference should be given to any of the designated groups to achieve employment equity objectives.

Each of the following standards applies to every competition which is limited or gives preference to designated groups:

- the group(s) must be under-represented at that level;
- active outreach recruiting or head hunting should be used;
- selection standards and assessment methods should be reviewed to ensure there are no systemic barriers in the process; and
- the advertisements must indicate that preference shall be given to persons from designated groups for employment equity purposes.

8. Roles and Responsibilities

The Directorate Transformation and Organizational Development shall be responsible for Employment Equity in the Department.

The Employment Equity Manager shall:

- Develop and implement the Employment Equity Plan
- To oversee; promote; monitor; evaluate and report on the implementation of Employment Equity imperatives and targets set and make recommendations to the Head of Department
- Ensure that the performance contract/agreements of managers incorporate employment equity and skills development indicators
- Receive periodic reports and audits of the Department's staff composition from Regions and Institutions respect of progress made with correcting the imbalances.
- Assist in the resolution of complaints, grievances and disputes related to the implementation of this document.
- Attend to any other issues related to the implementations of the Employment Equity Policy and Plan and documents.
- Advise and assist all levels of management in the implementation of this policy document and will also monitor the implementation strategies and practices on behalf of the Head of the Department.
- Ensure implementation of all affirmative action processes
- Consult with Organized Labour on Employment Equity processes
- Prepare an Annual Employment Equity Report for submission to the Department of Labour.

8.1 The Central Employment Equity Committee

- Conduct Workplace analysis
- Compile Provincial Employment Equity Profiles and identify barriers
- Develop Provincial Employment Equity Policy and Plan and implementation
- Monitor non-compliance in terms of the provisions of the EE Act and the Skills Development Act

- Verify information collated by Regions
- Communicate with Staff at Regional and Institutional levels through EE Committees
- Analyze Regional Employment Equity Reports to monitor progress on EE processes
- Analyse and discuss information to be reflected in the EEA 2 forms i.e. EE Annual reports submitted every October to the Department of Labour.
- Monitor compliance with EE Targets set.
- Ensure the implementation of Gender Mainstreaming.
- Monitor the implementation of the Employment Equity in the entire province
- Monitor the training and development of staff particularly people from designated groups.
- Review the Employment Equity Plan at the end of the term
- Report to the Provincial Health and Welfare Sectoral Bargaining Chamber

8.2 The Regional Employment Equity Committees

- Compile Regional Profiles
- Develop regional Employment Equity plans and implementation plans in line with Central EE plan
- Monitor non-compliance in terms of the provisions of the EE Act and the Skills Development Act
- Verify information collated by Institutions
- Monitor and implement decisions taken at Central level
- Communicate with Staff and Institutional EE Committees
- Compile Progress reports on EE processes

- ◻ Provide information to be reflected in the EEA 2 forms i.e. EE Annual reports submitted every October to the Department of Labour.
- ◻ Monitor compliance with EE Targets set.
- ◻ Monitor the implementation of Gender Mainstreaming.

8.3 The Institutional Employment Equity Committees

- ◻ Compile Institutional Profiles
- ◻ Conduct a Workplace analysis to identify gaps and barrier to that will hamper the implementation of the Employment Equity Act
- ◻ Develop Institutional Employment Equity plans and implementation plans in line with Regional EE plans
- ◻ Monitor non-compliance in terms of the provisions of the EE Act and the Skills Development Act
- ◻ Monitor Recruitment and Selection processes
- ◻ Verify information collated by Regional Office
- ◻ Monitor and implement decisions taken at Central and Regional levels
- ◻ Communicate with Staff and Regional EE Committees
- ◻ Compile Progress reports on EE processes
- ◻ Provide information to be reflected in the EEA 2 forms i.e. EE Annual reports submitted every October to the Department of Labour.
- ◻ Monitor compliance on set EE Targets
- ◻ Ensure the implementation of Gender Mainstreaming.

8.4 Human Resources

- The Human Resources division is a resource base for the employment equity process and shall provide assistance to line management regarding processes such as human resources planning, recruitment, selection, training and education, performance evaluation and succession planning.
- Human Resources shall ensure that specific targets for achieving the numerical goals are incorporated into human resource planning, recruitment and promotion practices

8.5 Head of Department, Top management and Line managers

- The Head of the Department bears the final responsibility and accountability for the successful implementation of the affirmative action programme.
- The Head of Department should ensure that Employment Equity is integrated into the organization's strategic and operational plans into management practices.
- Top management and the rest of the Senior Management team commit themselves to the successful implementation of the employment equity policy and implementation in their respective branches.
- Line management shall be accountable for the operational implementation of this policy through the applicable management practices to ensure a culture of diversity supportive of the Department's strategies.
- Supervisors will be responsible for the actual implementation of the policy document and their commitment to implementing this will form part of their performance appraisal areas.
- Within the framework of this policy employees should also take responsibility for their own development in contributing positively to the organizational culture with shared values.

9. Rights

9.1 Rights of employees

As a general policy, Gauteng Department of Health shall refrain (as far as is operationally possible) from prejudicing the job security of those who are effective in their jobs on the grounds of the implementation of this policy.

The benefits and practices which arise from this policy or any related programme must not be construed as a right of any person or group.

9.2 Rights of employer

The rights of the employer must be maintained. These, amongst others, include the right to:

- ❑ Supply job opportunities and make appointments in accordance with the operational needs of the organization without negating the principles in this document; Demand sufficient production output according to job requirements;
- ❑ Manage the organization to ensure that its Strategy, purpose and objectives are enhanced, without deviating from the principles in this policy;
- ❑ Ensure that the existing skills base of employees is not eroded.

10. Recruitment

All vacant posts shall be advertised internally and externally. However preference should be given to internal candidates. The express aim should be to attract applications from the previously disadvantaged groups within the pool of employees employed by Gauteng Department of Health.

- 10.1 The media that targets the disadvantaged groups should be utilised at all times and be extended to Organizations that work with People with Disabilities. The criteria for advertising any identified vacant post should be consistent whether advertised internally or externally.

- 10.2 Special efforts should be made to attract suitable applicants from the disadvantaged groups.
- 10.3 Given that the Department is struggling to reach the 2% Target for People with Disabilities and 50% Women at Senior Management Levels these Groups should be Head-hunted however, they should be subjected to panel interviews to assess the level of competency and potential.

11. Selection and Appointments

- 11.1 In selecting a candidate from the disadvantaged groups, the minimum requirements outlined in the advertisement of job description should be the criteria.
- 11.2 Preference should be given to a candidate from the designated groups within Gauteng Department of Health, failing which the Department can target disadvantaged groups from outside.
- 11.3 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.
- 11.4 The special needs of the people with disabilities should be considered so as to promote accessibility to and mobility in the place of employment. Special aids should be provided.
- 11.5 Women should not be discriminated against for whatever reason.
- 11.6 Selection panels are appropriately trained in selecting and interviewing techniques especially for identifying potential

12. Selection panels

- 12.1 Selection of candidates for interviews shall be done by a committee that is representative. The committee should be objective and consists of not less than three members.
- 12.2 Interviewing panels shall also be representative. The panel shall be objective. A minimum of five members is recommended.
- 12.3 Applicants should be briefed on the kind of job they are applying for during interviews.
- 12.4 Over and above a member from the Human resources Component, interview panels should have a representative from the Employment Equity Committee.
- 12.5 The interview and selection process must be documented.

13. Training Development of Staff and Orientation of New Staff

- 13.1 It is recognised that the Department has a responsibility to provide opportunities for the maximum development of all staff members. In view of the educational and experience disparities between blacks and whites accelerated training and fast tracking is of paramount importance towards employment equity. The disadvantaged require entry into all levels and all occupational classes and this should be accommodated and facilitated by appropriate human resource development measures should therefore play a key role in the processes of achieving representativity.
- 13.2 Those with the necessary qualifications but without experience should be assessed on their potential and accelerated development courses be provided to enable them to perform effectively in the specific job. Effective mechanisms should be in place so as to identify and assess

candidates with potential. Supervisors should be trained to assess potential.

- 13.3 It must be recognised that in certain specialised fields both fundamental knowledge and relevant practical experience are essential, both of which require time to develop.
- 13.4 Coaching or mentoring should be utilised.
- 13.5 Criteria for allocation of bursaries/scholarships should be adjusted to accommodate the disadvantaged groups.
- 13.6 Access to education and training by previously excluded persons from certain fields of study at all institutions should be facilitated.
- 13.7 There should be no discrimination against women and people with disabilities as far as training is concerned.
- 13.8 Supervisors shall bear the primary responsibility for the development of staff under their charge and their evaluation shall be influenced by their success in this task. This does not take away the responsibility of the individual to keep abreast of developments in their field.
- 13.9 Education and training programmes should be developed to enhance the skills and capacities of all staff at all levels for career paths with particular reference to the disadvantaged groups. Individuals also have responsibility for their own development.
- 13.10 The formal and informal orientation of new staff (including management) is absolutely vital. Attention should be given to culture, orientation and work ethics based on a code of conduct as prescribed for the professional public service.
- 13.11 Development is a joint responsibility of the individual and management

14. Performance Evaluation/Assessments

- 14.1 The performance of all officers and employees should be evaluated in the prescribed way.
- 14.2 Periodic performance evaluations of new officers and employees who require mentoring or training at the onset should be done to ensure that supervisors are performing their task, standards are maintained and improved and tokenism is avoided.
- 14.3 Evaluation should be based on actual work performance.
- 14.4 Evaluation should highlight further development needs.
- 14.5 Staff evaluated should be given feedback and problems areas discussed.
- 14.6 Supervisors should be held responsible for the performance of their subordinates. This does not remove the responsibility of the individual.
- 14.7 The system of performance evaluation should be reviewed to ensure it meets the principles of transparency and Affirmative Action Policy.
- 14.8 The criteria for performance appraisal will be made known to staff members.
- 14.9 Managers shall be appraised on the impact they make in management of diversity in the workplace

15. Promotions

- 15.1 Given the recruitment and appointment procedures outlined in 10 and 11, suitable candidates from the disadvantaged groups should be given preference for post promotions.

- 12.2 Those with potential will be given intensified training with a view to recommendation for accelerated promotion.

16. Internal Dispute Procedures

The current internal dispute resolution mechanisms will apply. In the event of a dispute with regard to the employment equity matters the following procedure will be observed:

- 16.1 The party or parties raising the dispute must set out the reasons for the dispute in writing.
- 16.2 A notice of the dispute with a copy of the document setting out the details of the dispute must be sent to all the members of the Employment Equity Committee by EE Chairperson for consideration and recommendation.
- 16.3 If consultation between the Employment Equity Committee and the relevant parties fails to resolve the dispute, it will be referred to the relevant internal Collective Bargaining Structures for ruling.
- 16.4 Should parties still not be satisfied, the matter will be referred for external dispute resolution mechanism in terms of the LRA and the Employment Equity Act.

17. Communication

To ensure that all staff members have access to relevant information through the following:

- 17.1 The Employment Equity Policy Statement is displayed in all our institutions as required by the Act.
- 17.2 Documents such as the Government Gazette with the Employment Equity Act and the GDoH Employment Equity Policy as well as the Employment Equity Plan are to be available and accessible at all Gauteng Department of Health Institutions and accessible to all employees.

- 17.3 Our orientation and induction programme covers issues enshrined in the Employment Equity Act and other transformation legislation.
- 17.4 Collaboration with Directorate Communication and Public Relations to ensure that there are articles on Employment Equity in the newsletter (Health Talk)
- 17.5 Ensure that communication is available in the South African languages commonly used in Gauteng.
- 17.6 Workshops and seminars to be used as means of communication

18. Employment Equity Budget

GDoH shall commit to allocating sufficient budget and resources for the implementation of the Employment Equity Act and the Departmental Employment Equity Plan, in particular accommodating people with disabilities and women.

19. Reporting, Monitoring and Evaluation

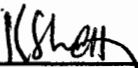
All managers and the Employment Equity committees i.e. at Institutional, Regional and Central levels will do monitoring and evaluation.

The following reporting mechanism on the Employment Equity processes will be instituted:

- 19.1 Institutional committees will submit monthly reports to their respective CEOs and Regional committees.
- 19.2 Regional committees will submit regional reports to the Central Committee.
- 19.3 The Employment Equity Manager in consultation with the committee will submit a Provincial report to the Director: Transformation and Organizational Development.
- 19.4 The Director HR will then submit to Chief Director: Human Resources Management and HOD.

- 19.5 All managers will be assessed against the success of the implementation of the Employment Equity plan.
- 19.6 All Chief specialists will be assessed against the development and growth in recruitment and training of registrars from designated groups
- 19.7 Quarterly reviews will be conducted to check progress on the targets set in the Employment Equity plan.
- 19.8 The achievement of objectives will be monitored on a quarterly basis by Executive Management and by the Central Employment Equity Committee.
- 19.9 The Central Employment Equity Committee will then prepare and submit an annual report to the Head of Department (HOD) and the Department of Labour.
- 19.10 To ensure the full implementation of this process and to maintain the high focus that is needed, a status report regarding training and development will be required from each regional skill development committees through the skills development facilitator on a quarterly basis.
- 19.11 To ensure the full implementation of this process and to maintain the high focus that is needed, a status report regarding training and development will be required from each regional skill development committees through the skills development facilitator on a quarterly basis.

Approved



Dr. K.S. Chetty

Head of Department: Health and Social Development

Date: 12/02/2011