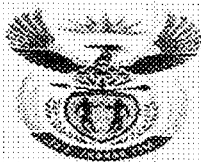


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**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

AFFIRMATIVE ACTION POLICY

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Glossary

Terms	Definitions
Affirmative Action	Laws, programs or activities designed to redress past imbalances and to ameliorate the conditions of individuals or groups who have been disadvantaged on the grounds of race, colour, gender or disability.
Black people Diversity	Refers to Africans, Coloured & Indians Moving in another direction by introducing variety and different things (people) and diverting from monotony and uniformity.
Employment Equity	The elimination of unfair discrimination as well as implementation of specific measures to accelerate the advancement of target groups towards the achievement of equality.
Equality	Full enjoyment of rights and freedom by all in similar/proportionate manners.
Historically Disadvantaged Individuals	Groups identified as having been unfairly discriminated against on the basis of the past legislation, policies, prejudice and stereotypes.
Representation	The inclusion of all historically disadvantaged groups in a manner that represents the makeup of the population within all occupational classes and at all levels of Public Service.
Skills Transfer	Transferring of information and documentation in order to mentor and train a new official to perform the allocated tasks.
Target Group/Designated Groups	Black people, women and people with disabilities.
Unfair Discrimination	Measures, attitudes and behaviors that obstruct the enjoyment of equal rights and opportunities in employment of black people, women and people with disabilities.
Workforce	All individuals or officials appointed by the Department of Higher Education and Training.

SECTION 1

1. INTRODUCTION

1.1 Policy Statement

The Department of Higher Education and Training carries the mandate of strengthening the skills and human resources base of the country by ensuring a skilled and capable workforce to support an inclusive growth path. The strategic plan of the Department directs all role players in the manner in which the mandate given is to be achieved, these role players includes the workforce.

In order for the Department to achieve its mandate, a representative workforce with the highest caliber and excellent skills must be recruited. This policy therefore seeks to set representative workforce targets through equitable employment practices, norms and procedures. The Department reaffirms its commitment and therefore:

- 1.1.1 Taking South Africa's history into account, the Department recognizes its responsibility to equalize opportunities for those people who are socially, economically and educationally disadvantaged (referred to as designated persons).
- 1.1.2 Affirmative action measures will focus on harnessing the strengths and diversity and thereby create capacity required to meet strategic business objectives. It is this fact which distinguishes affirmative action from reverse discrimination since there is no intention to dismiss White employees nor to neglect their development. On the contrary, the objective is to create a diverse workforce at all levels in order to maximize market growth and return to all stakeholders whilst empowering individuals.
- 1.1.3 Competent employees who have the potential must be appointed where imbalances in representation have been identified and by engaging in true empowerment activities, the concerns associated with tokenism can no longer be considered to be prima facie valid.
- 1.1.4 Since a lack of experience may not be used as the sole reason for non-success of a designated candidate in justifying ongoing imbalances, mentorship/coaching and training programs should be used to ensure and facilitate the effective transfer of skills.
- 1.1.5 Affirmative action activities focus on creating employment opportunities and promotions for designated persons, using national and regional demographics as a guideline for diversity and as such must be focused on building capacity.
- 1.1.6 This is to be achieved by engaging in competency-based and accelerated human resources activities, including the following:
 - i. Effective induction, orientation and mentoring.
 - ii. Accelerated advancement programs.
 - iii. Management development and leadership programs.
 - iv. Education assistance.
 - v. Human resource development, career and succession planning.
 - vi. Skills audits to identify existing potential amongst designated persons.
- 1.1.7 The primary focus areas of the said activities should be to create a diverse workforce in all job categories.

1.2 Legislative Mandate

- a. Constitution of the Republic of South Africa, 1996
- b. Public Service Act, 1994 as amended
- c. Public Service Regulations, 2001
- d. Employment Equity Act, 1998
- e. Skills Development Act
- f. Public Finance Management Act of 1999 as amended
- g. White Paper on the Transformation of Public Service, 1995
- h. White Paper on Affirmative Action in the Public Service, 1998

The following policies will also be considered:

- i. Recruitment and Selection Policy
- ii. Skills Development Policy
- iii. Bursary Policy

1.3 Policy Objectives

The Department of Higher Education and Training through its Affirmative Action Policy seeks to achieve the following objectives:

- a. Setting of norms to enhance an equitable employment culture which values diversity and supports the affirmation of the previously disadvantaged;
- b. Enhancing the capacities of the historically disadvantaged through the development and introduction of practical measures that support their advancement within the Department; and
- c. Ensuring equitable representation of historically disadvantaged through best and transparent employment practices.

1.4 Principles

- a. Representation
- b. Equity
- c. Fairness
- d. Transparency
- e. Professionalism

1.5 Scope of Application

The policy is meant for the Department of Higher Education and Training and shall apply to all its employees within the context of its objectives and principles.



SECTION II

2. AFFIRMATIVE ACTION PROCESS

2.1 Affirmative Action Program

The Department shall develop an affirmative action program that should assist in implementing its employment equity plan. The program shall include all mandatory requirements as outlined by the White Paper on Affirmative Action in the Public Service.

A holistic consultation approach must be followed when developing an affirmative action program, which must include employees, labour organizations and management.

2.2 Representation

Representation in terms of this policy must be applied to redress the past employment imbalances specifically for black people, women and persons with disabilities in the following manner:

- i. Representation at management levels
- ii. Create an environment that affirms employees appointed through affirmative action
- iii. Provides development opportunities and appropriate resources for training

In an instance where the Department's workforce profile reflects under representation at a particular level or category of the workforce where the appointment is to be made, then the persons falling within the under-represented groups must as far as reasonably possible be shortlisted, provided that they are suitably qualified.

2.3 Recruitment

Section 11 (2) (b) of the Public Service Act, states that when making appointments and filling of posts, the evaluation of the person shall be based on training, skills, competence, knowledge and the need to redress, in accordance with the Employment Equity Act, 1998, the imbalances of the past to achieve a public service broadly representative of the South African people, including representation according to race, gender and disability. It is within this context that when the Department is recruiting it must do so to ensure the following:

- i. Compliance with affirmative action policy
- ii. Compliance with employment equity plan
- iii. Workforce profile
- iv. Representation in relation to target groups

All appointments and promotions must be made in accordance with this policy and the Department's Recruitment and Selection policy. The advertisement of all posts must indicate that the Department is an affirmative action, equal opportunity employer and that all posts will be filled with the intention of achieving numerical goals as set out in the Employment Equity Plan.

2.4 Communication

The Department shall communicate and market an affirmative action program through the following:

- i. Newsflash
- ii. Intranet
- iii. Circulars
- iv. Workshops
- v. Meetings
- vi. Animated Billboards (where applicable)

2.5 Training and Development

The Department must ensure that employees appointed through affirmative action and do not possess the full skills required for the posts are provided training opportunities. The identified developmental needs may be addressed through the following measures in conjunction with the Training and Development Unit:

- i. Mentoring and coaching
- ii. Formal Training
- iii. Offering of bursaries
- iv. Personal Development Plans



SECTION III

3. ROLE PLAYERS

3.1 Executing Authority

- i. The Executing Authority will be accountable for the implementation of affirmative action as required by section 196 of the Constitution.

3.2 Accounting Officer

The Accounting Officer shall be responsible for the following:

- i. Development, coordination of the program on behalf of the Minister
- ii. Report progress to the Minister

3.3 Deputy Directors-General/Branch Heads

- i. Ensure that affirmative action is integrated into the Department's strategic and operational plans
- ii. Ensure that objectives and targets are set for delivering the Department's affirmative action program

3.4 Staffing Services or Human Resource Management

- i. Conduct an audit of the composition of personnel according to race, gender and people with disabilities at different levels and across occupational classes
- ii. Identify problem areas and formulate specific programs and measures to address specifically recruitment, training, promotions and staff retention of target groups in consultation with DPSA and employee organizations
- iii. Arrange workshops on affirmative action and equity plans
- iv. Submit progress reports to the Minister through the Accounting Officer

3.5 Managers

- i. Implement affirmative measures in their respective line functions

3.6 Employee Organizations

- i. Ensure that programs are implemented as agreed upon
- ii. Report deviations to appropriate structures within the department

SECTION IV

4. IMPLEMENTATION AND ENFORCEMENT

4.1 Implementation

Affirmative action must be implemented in the Department by all levels of management. Implementation of affirmative action must be applied through the following processes:

- i. Recruitment
- ii. Training and development
- iii. Skills transfer

4.2 Enforcement

The enforcement of the implementation of affirmative action **MUST** be incorporated into individual performance contracts of managers/SMT.

SECTION V

5. MONITORING AND EVALUATION

5.1 Employment Equity Forum

The Employment Equity Forum will monitor and evaluate the implementation of affirmative action in the Department as outlined in the affirmative action program and report any contravention to the Executive Officer through the Accounting Officer.

SECTION VI

5. POLICY REVIEW

This policy shall be reviewed after 24 months or as and when a need arises.

Signed at **PRETORIA** on this 17th day of June 2011



Mr GF Qonde
Acting Director-General: Higher Education and Training

17/06/2011

SECTION IV

4. Employment Equity Process

4.1 Equity Transformation Areas

a. Appointments

Targets for staff appointments and related profiles have to be agreed on for appointments.

b. Equity Transformation Perspectives – Strategic Focus Areas:

- i. There are four (4) perspectives which need to be addressed simultaneously. The perspectives are inter-related and inter-dependent. The first three (3) specifically relate to internal matters whilst the last deals with relationships external to the organization.
- ii. Diversity management is a planned, systematic and comprehensive managerial process for developing an organizational environment in which all employees with their similarities and differences can contribute to the strategic focus areas.
- iii. These practices must be audited to ensure that no person is being discriminated against for reasons other than performance based on objective measurement criteria. In addition they must focus on developing core competencies required to build capacity. The primary areas, which must be addressed, include:
 - Recruitment selection and placement – targets need to be set.
 - Disciplinary and grievance procedures as well as codes of good practice on sexual harassment and the like.
 - Performance measurement (which must include specific transformation objectives)
 - Remuneration and employee benefits
 - Other related terms and conditions of employment.

4.2 Recruitment and Selection Strategies

a. The Department will ensure the following:

- i. Conducting skills audits of designated persons currently employed by the organization in order to locate current skills availability and the extent thereof.
- ii. Advertising in media with equitable coverage while considering internal candidates.
- iii. Ensuring that job specifications reflect realistic competencies / qualifications required in order to perform the job under normal conditions.
- iv. Specifying race, gender and disability preferences based on the designated objectives and targets.
- v. Considering middle to lower management positions, awarding of specific bursaries or offering internships and the like where it is not likely that the required and competent designated persons will be accessed internally.
- vi. Where imbalances have been identified, to employ "suitably qualified persons". This means that a person may be suitably qualified for a job as a result of any one of a combination of that person's:
 - (a) Formal qualifications;
 - (b) Prior learning;
 - (c) Relevant experience; or
 - (d) Capacity to acquire with a reasonable time the ability to do the job.

- b. The Department may not unfairly discriminate against a person solely on the grounds of that person's lack of relevant experience.

4.3 Affirmative Action

- a. Taking South Africa's history into account, the Department recognizes its responsibility to equalize opportunities for those people who are socially, economically and educationally disadvantaged (referred to as designated persons).
- b. Affirmative action measures will focus on harnessing the strengths and diversity and thereby create capacity required to meet strategic business objectives. It is this fact which distinguishes affirmative action from reverse discrimination since there is no intention to dismiss White employees nor to neglect their development. On the contrary, the objective is to create a diverse workforce at all levels in order to promote cultural diversity whilst empowering individuals.
- c. Individuals who have been identified as affirmative action candidates must be carefully assessed in order to determine whether they have the potential for the envisaged position and for career development.
- d. Competent employees who have the potential must be appointed where imbalances in representation have been identified and by engaging in true empowerment activities, the concerns associated with tokenism can no longer be considered to be prima facie valid.
- e. Since a lack of experience may not be used as the sole reason for non-success of an affirmative action candidate in justifying ongoing imbalances, mentorship/coaching and training programmes should be used to ensure and facilitate the effective transfer of skills.
- f. Affirmative action activities focus on creating employment opportunities and promotions for designated persons, using national and regional demographics as a guideline for diversity and as such must be focused on building capacity.
- g. This is to be achieved by engaging in competency based and accelerated human resources activities, including the following:
 - i. Effective induction, orientation and mentoring.
 - ii. Accelerated advancement programmes.
 - iii. Management development and leadership programmes.
 - iv. Education assistance.
 - v. Human resource development, career and succession planning.
 - vi. Skills audits to identify existing potential amongst designated persons.
- h. The primary focus areas of the said activities should be to create a diverse workforce in all job categories.
- i. Understanding Diversity Programmes
 - a. The Department will embark on the following to promote cultural diversity:
 - i. Organizational climate surveys,
 - ii. Hold cultural diversity programmes,
 - iii. Implement necessary interventions in this regard.
 - i. Cultural Diversity Programmes
 - a. These are experiential programmes which seek to educate individuals about understanding themselves in relation to colleagues who may be different due to race, gender, religion, cultural background or disability.
 - c. Elaborate employment equity strategies will be totally ineffective if there is no real attitudinal change amongst managers and employees.
 - d. In view of this, attempts are to be made to comprehensively assess the organizational climate by means of a survey by an independent consultant (if no internal expertise is available), across the entire organization followed by appropriate plans of action being compiled that may include cultural diversity workshops.

a. The results of the survey as well as the actions embarked upon will be monitored on an on-going basis by the use of climate audits.

SECTION V

5. Monitoring and Evaluation

5.1 Employment Equity Forum

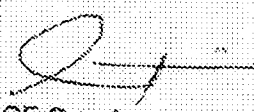
The implementation of the policy shall be monitored and evaluated by the Employment Equity Forum

SECTION VI

6. Policy Review

This policy shall be reviewed after 24 months or as and when a need arises.

Signed at PRETORIA on this 17th day of JUNE 2011.


Mr GF Qonde
Acting Director-General: Higher Education and Training

17/06/2011

