

AGREEMENT FOR THE CHAMBER OF THE PUBLIC SERVICE BARGAINING COUNCIL AT
DEPARTMENTAL LEVEL: DEPARTMENT OF EDUCATION

AGREEMENT NO:1/98
DATE:	...1 June 1998

1. All parties agreed to the attached Policy on the Promotion of Representivity in the Department.
2. No amendment to this agreement shall be in force or effect unless reduced to writing and signed by all parties concerned.
3. Date of implementation of agreement: From a date in future after formal registration by DPSA.
4. Disputes arising from this agreement will be dealt with in terms of the dispute resolution mechanisms of the LRA, 1995.
5. All signatories are duly authorised.

CM BOGOPA 

M.T. MOKHOBOTHE  F.L. MANWESD 

Name and Signatures of Representatives of Employer

Name and Signatures of Representatives of Admitted Employee Organisation

L. E. ELIFANT 

National Education, Health and Allied Workers' Union


Public Servants Association

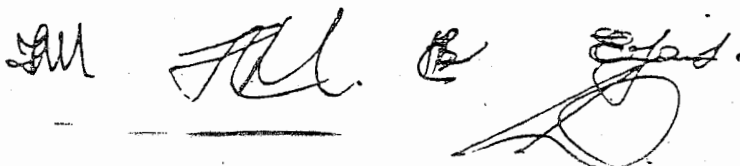
**DEPARTMENTAL POLICY ON THE PROMOTION OF REPRESENTIVITY
IN THE DEPARTMENT OF EDUCATION**

DEFINITIONS

Representivity - the inclusion of all historically disadvantaged groups into all occupational classes and at all post levels in the Department of Education.

Affirmative Action: measures or practices such as laws and programmes, designed specifically to redress past imbalances and to ameliorate the conditions of individuals and groups who have been historically disadvantaged on the grounds of race, gender or disability.

Disability and Handicaps: as defined by the World Health Organisation, the UN Standard Rules on the Equalisation of Opportunities for Persons with disabilities differentiate between a disability and a handicap. They suggest the people may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illnesses which may be permanent or transitory in nature. The term 'handicap' means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment.



**Historically
Disadvantaged
Persons**

Black people - African, Indian and Coloured - women (especially Black women) and persons with disabilities. The Constitution makes reference to persons disadvantaged by unfair discrimination and proceeds to provide an explicit list of instances/variables with histories of discrimination in South Africa. These are race, sexual orientation, gender, disability, religion, language, culture, age, ethnic origin.

Only South African citizens are members of the historically disadvantaged group.

Empowerment:

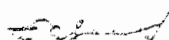
create and provide people with necessary opportunities to gain knowledge, competencies, tools and skills to enable them to do their jobs effectively and efficiently.

Inter-cultural:

recognition of the multi-ethnic and multi-cultural composition of the South African population.

**Inter-cultural :
sensitivity**

a programme which assists people from different demographic backgrounds and traditions to understand the damage that misinformation has done and which has been harmful to all human beings. Inter-cultural sensitivity aims at the unlearning of certain attitudes, beliefs, prejudices and practices and the undoing of certain institutionalised behaviour.



Supervisor: Any person who is responsible for supervising the work of others.

Line management: to be seen broadly and to include supervisors.

Junior management: All managers below Assistant Director level.

Middle management: Assistant Director and Deputy Director or equivalent gradings.

Senior management: Director and Chief Director.

Top management: from Deputy-Director General to Director General or persons with equal grading.

Broad Management: Directors upwards.

Staff: All employees of the Department including management.

Mentorship: responsibility for the total development of the individual in the workplace.

1. INTRODUCTION

1.1 Chapter 10 of the White Paper on the Transformation of the Public Service gives the following preamble on the need for representativeness - quote:

"Representivity is one of the main foundations of a non-racist, non-sexist, and democratic society, and as such is one of the key principles

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of the new government." The Constitution stresses the need for a 'Public Service broadly representative of the South African community' - section 195(1) (i) of Chapter 10. "Achieving representativeness is therefore a necessary precondition for legitimising the public service and driving it towards equitable service delivery."

- 1.2 Historically disadvantaged persons, namely, Africans, Indians and Coloureds; women, particularly those from the black communities and persons with disabilities, irrespective of race or gender were excluded from influential positions in the State or civil society. The government, therefore, seeks to improve the quality and equity of service delivery by drawing upon the skills and talents of all South Africans in order to derive the benefits of the broader perspectives that a more representative public service will bring.
- 1.3 The Department of Education aligns itself with the relevant provisions of the Constitution of South Africa (Act 108 of 1996) and aims to address the past imbalances.

2. AIMS

2.1 The Department of education intends introducing a proactive programme of Affirmative Action that takes into consideration the following:

2.1.1 Chapter B.V11 of the Public Service Staff Code; and annexures of the same chapter;

2.1.2 the Public Service Act and Regulations, 1994;

2.1.3 Educators Employment Act (No. 138P of 1994);

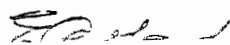
- 2.1.4 the White Paper on the Transformation of the Public Service, 1995;
- 2.1.5 the Reconstruction and Development Programme;
- 2.1.6 the National Education Policy Act (No. 27 of 1996);
- 2.1.7 the Department's Corporate Plan (1996 - 1999)
- 2.1.8 the National Qualifications Framework
- 2.1.9 the National Disability Strategy, 1996
- 2.1.10 the Labour Relations Act, (No. 66 of 1995)
- 2.1.11 the Departmental Planning Document (1997/98)
- 2.1.12 any other guidelines and rules set down by the Department of Public Service and Administration from time to time;
- 2.1.13 any other guidelines and rules set down by the Department of Education from time to time.
- 2.2 The Department through its transformation programmes seeks to show its appreciation of cultural diversity and a willingness to change its organisational culture to accommodate, manage and support diversity in a positive way.
- 2.3 The Department aims to broaden the diversity of its workforce whilst maintaining and continuously improving its efficiency and competitiveness.



3. OBJECTIVES

In order to achieve the above aims, consideration should be given to the following objectives:-

- 3.1 Conduct periodic audits of the personnel composition, and a skills-profile to develop a personnel development data-base.
- 3.2 To give preference to candidates from the groups whose appointment will enable the Department to reach the targets at all levels within four years of adoption of the policy, namely 50% of management should be Black and 30% women and at least 5% should be persons with disabilities.
- 3.3 To rectify the previous discriminatory practices and principles of employment so as to accommodate the historically disadvantaged groups.
- 3.4 To guard against all forms of discriminatory practices based on race, gender, disability, age, language: and therefore, to establish equity in the Department. Subtle or covert discrimination must also be eradicated.
- 3.5 To promote transparency in the process of promotion of representivity, and in so doing, foster trust and co-operation between management and other members of staff.
- 3.6 To improve inter-cultural communication at all levels by creating a favourable climate which enables all staff to understand, appreciate and manage diversity in the workplace.



- 3.7 To develop modern management styles and empower management to manage diversity and promote efficiency.
- 3.8 To design relevant human resource development programmes that will empower all levels of staff in particular the historically disadvantaged groups.
- 3.9 To accelerate the intake and empowerment of historically disadvantaged groups especially for broad management positions.
- 3.10 To design and implement employment and development strategies that will ensure the maintenance and continuous improvement of standards and efficiency particularly as proposed in the corporate plan.
- 3.11 To give particular attention to gender representivity and make special efforts to recruit women, especially in middle, senior and top management echelons and pay particular attention to their empowerment.
- 3.12 To make provision for the resolution of complaints, grievances and conflicts related to the implementation of this policy.
- 3.13 To create a supportive and suitable work environment for people with disabilities and give particular attention to their recruitment and empowerment in the Department.
- 3.14 To address the uncertainties, fears and expectations generated by the transformation process.

4. AFFIRMATIVE ACTION PRINCIPLES



The generally accepted principles of Affirmative Action are:-

- 4.1 Transparency - with regard to decision making and planning strategies and programmes .
- 4.2 Inclusivity - enabling all staff to be part of the process of representivity.
- 4.3 Flexibility and dynamism - accommodate and utilise forces of change from within or outside the Department and provide for amendments from time to time.
- 4.4 Quality of service, efficiency and productivity - to be maintained and continuously improved and not compromised .
- 4.5 Tokenism - to be guarded against. A numbers approach without substance to be avoided.
- 4.6 Target setting - to set and monitor targets according to a structured programme.

5. PRINCIPLES AND PROCEDURES

- 5.1 It is imperative that the process should be owned by all levels of staff, and that Senior and Top Management be seen to be committed and to drive the process .
- 5.2 All levels of management should be held responsible and accountable for promoting and facilitating representivity, thereby increasing diversity especially in their components.

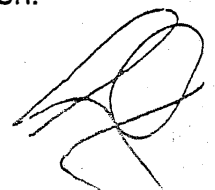
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- 5.3 All staff should eliminate prejudice by promoting inter-cultural sensitivity in the work place, and assist in the development of inter-cultural programmes.
- 5.4 All staff should be sensitised to understand and to manage diversity.
- 5.5 All managers must be trained to manage a diverse staff.
- 5.6 Line managers should identify mentors, equip and empower them to perform their task. Managers should also be trained for the purpose. The Directorate: Special Programmes should provide guidelines for and monitor the process of mentorship.
- 5.7 Written material should be in languages commonly used, depending on the purpose of such material.
- 5.8 The Directorate: Special Programmes should carry out regular staff audits in order to assess progress made with regard to representivity.
- 5.9 Managers in conjunction with the Directorate: Special Programmes should examine appointment measures with a view to relax some of them when the need arises so as to provide for the appointment of persons from the historically disadvantaged groups.
- 5.10 The Directorate: Special Programmes should assist with the development of Affirmative Action programmes pursuant to this policy. Such programmes shall satisfy the following basic criteria as set out in Chapter B.VII of the Public Service Staff Code:
- 5.10.1 Specify plans to promote acceptance of a broadly representative Department and establish positive attitudes to Affirmative Action.



- 5.10.2 Promote effective and efficient services.
- 5.10.3 Identify key role players and specification of their roles.
- 5.10.4 Specify objectives of the programmes and timetables for achieving them.
- 5.10.5 Specify effective systems for monitoring the programmes.
- 5.11 The process will be monitored by the Directorate: Special Programmes, evaluated periodically and progress reports submitted to relevant authorities and made available to all staff when required.
- 5.12 All issues that flow from this policy, which are matters of mutual interest, will be subject to collective bargaining.

6. RECRUITMENT, SELECTION, APPOINTMENTS AND PROMOTIONS

The criteria and procedures for recruitment, selection and promotion should be based on a broad and inclusive view of qualifications and relevant competencies. Annexure C of The Public Service Staff Code Chapter B.VII provides measures to be utilised for appointing candidates from the historically disadvantaged groups and Resolution No. 13 of 1995 of the Education Labour Relations Council, of the Educators Employment Act provides criteria for the appointment of educators.

6.1 RECRUITMENT

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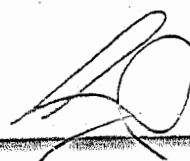
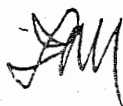
- 6.1.1 All vacant posts will be advertised internally and externally with the aim of also attracting persons from the historically disadvantaged groups.
- 6.1.2 The media that targets the historically disadvantaged groups should also be utilised at all times.
- 6.1.3 Vacant posts should be analysed by the line managers in conjunction with the Director: Special Programmes and requirements for the job should be according to the minimum requirements. advertisements, both internal and external should contain the same criteria. When advertising posts identified for the promotion of representivity, it should be stated in the advertisement that candidature of persons whose appointment/transfer/promotion will promote representivity, will receive preference.
- 6.1.4 Special efforts should be made to identify women for all management positions, particularly senior management positions.
- 6.1.5 Special efforts should be made to recruit people with disabilities for appointment in the Department.
- 6.1.6 Only South African citizens are members of the historically disadvantaged group.
- 6.1.7 Only under special circumstances, in consultation with the Directorate: Special Programmes, advertisement of some posts at the entry level may be waived in order to open opportunities for the Department's general assistants cadre who qualify for advancement.

6.2 SELECTION AND APPOINTMENTS



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- 6.2.1 In selecting a suitable candidate the minimum requirements outlined in the advertisement and job description should be the main criteria for selection.
- 6.2.2 Should a suitable candidate from the historically disadvantaged group not be available to enhance the representivity programme, then the procedures in chapter B.VI of the Public Service Staff Code should be applied.
- 6.2.3 All candidates that are identified for promoting representivity shall be evaluated on the basis of information obtained from curriculum vitae, other certified documents that accompany the application forms and an interview. Should two candidates be rated equally, representivity shall over-ride and determine the final decision, until targets are met.
- 6.2.4 The degree of disadvantage should be assessed by means of a rating system as described in the Green Paper on Equity.
- 6.2.5 Assessment instruments where used, should be culturally unbiased and only regarded as guides. A special committee should be appointed to look into these instruments. They should, however, only be regarded as guides.
- 6.2.6 Relevant experience and length of service in a specific occupational class may be considered where formal qualifications are absent. These individuals should, however, be encouraged and assisted to obtain the necessary qualifications.
- 6.2.7 In determining experience, it should not be confined to experience in the Public Service only. Relevant experience elsewhere, including relevant life experience in some instances combined with the potential to develop and acquire the relevant skills should be considered.



6.2.8 Special needs of the people with disabilities should be accommodated to promote accessibility to and mobility in the work place. Special aids should be provided.

6.2.9 Women and single parents should not be discriminated against because of possible interrupted careers such as parenthood. Provision should be made for special needs of such categories.

6.2.10 In determining the successful candidate there should be no unfair discrimination against candidates.

6.2.11 Medical forms accompanying application forms should not be used to the disadvantage of the candidate.

6.2.12 Unions will have access to all documentation around the recruitment and selection processes.

7. PANELS

7.1 Selection of candidates for a shortlist to be interviewed shall be done by a panel that is representative and not by an individual, irrespective of whether he/she is the head of the section. The panel should be objective, be of integrity and consist of not less than four members and should not include applicants from within who have applied for the same post. Directorate: Special Programmes to be involved. Applicants from within the Department should not have access to the applications.

7.2 Interviewing panels shall also be representative, and for posts from Assistant Director level upwards should preferably include an expert from outside the Department who should preferably be from the

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disadvantaged groups. The panel shall be objective and of high integrity. A minimum of five members but not less than four, where possible, is recommended. Director: Special Programmes to participate during interviews. As an interim measure, should there be no representative available from the Directorate: Special Programmes, a Representivity Officer may be invited from another department. For those above Deputy Director level, Director: Special Programmes will not participate as interviewer but will be there on a monitoring role and give guidance with representivity issues.

- 7.3 Members of both the selection committee and the interviewing panels must be at least one level higher than the post advertised.
- 7.4 Where the supervisor/line manager is not an applicant, he or she must be part of both processes.
- 7.5 Applicants must be briefed on the kind of job they are applying for during interviews and if they enquire before the interview.

8. TRAINING, DEVELOPMENT OF STAFF AND ORIENTATION OF NEW STAFF

- 8.1 It is recognised that the department has a responsibility to provide opportunities for the maximum development of all staff members. It is also the responsibility of the person to seek training. The educational and experience disparities between historically disadvantaged and the historically advantaged are great and there is too little time to allow for natural development towards parity. The disadvantaged require entry into all levels and this should be accommodated. Training and development should play one of the major roles in the processes of achieving representivity.

- 8.1.1 The formal and informal orientation of new staff (including management) is absolutely vital. Attention should be given to culture orientation and work ethics.
- 8.1.2 All new staff shall be given a full orientation and induction course and special attention shall be given to attitudes that impact negatively on the orientation and induction processes.
- 8.1.3 Those from the historically disadvantaged groups with the necessary qualifications but without experience should be assessed on their potential and accelerated development courses be provided to enable them to perform in the specific job. Supervisors should be trained to assess potential and how to impart skills.
- 8.1.4 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.
- 8.1.5 Mentoring should be utilised.
- 8.1.6 Criteria for allocation of bursaries/scholarships should be adjusted to achieve equity. The committee that deals with allocation of bursaries/scholarships should be representative.
- 8.1.7 There should be no discrimination against women and people with disabilities as far as training and development is concerned.
- 8.1.8 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 fields and in seeking training.



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8.1.9 Education and training programmes should be developed to enhance the skills and capacities of all staff for relevant career paths with particular reference to the historically disadvantaged groups. Individuals also have responsibility for their development.

9. PERFORMANCE EVALUATIONS

9.1 The performance of all staff should be evaluated in the prescribed way on a continuous basis. Feedback and problem areas should be discussed.

9.2 Regular performance evaluation of staff who required mentoring or training when appointed should be done to ensure that supervisors and mentors are performing their task, standards are set, maintained and improved and tokenism is avoided.

9.3 Training and development programmes should be developed to enable line managers to evaluate their staff.

9.4 Evaluation should be based on actual work performance and should highlight further developmental needs.

9.5 Supervisors are responsible to enable their staff to perform. This does not remove the responsibility from the individual.

10. PROMOTIONS

10.1 Given the recruitment and appointment procedure outlined in 6 and 7, suitable candidates from the historically disadvantaged groups must also be considered for promotion according to Section 3(2) and 3(3)

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(b), Annexure C of Chapter B.VII (these sections deal with selection/promotion of candidates for the promotion of representivity). Regulations governing the appointment of Educators should also be considered.

- 10.2 Historically disadvantaged candidates with potential should be given intensive training with a view to accelerated promotion.

11. CONTRACTS

11.1 Procurement

The development of policies regarding procurement of goods and services is the function of the State Tender Board. Their policy and regulations have been revised in order to be aligned with the principles of the RDP and Affirmative Action. The Directorate: Special Programmes and the Affirmative Action Committee will monitor the contracts arranged by the Department to ensure that Affirmative Action is applied.

- 11.2 All other contracts, e.g. those entered into by the Personnel Section will take Affirmative Action into consideration. The Directorate: Special Programmes will monitor such contracts.

12. COMPLAINTS, GRIEVANCES, CONFLICTS AND DISPUTES

12.1 COMPLAINTS

A staff member who has a complaint related to the implementation of the Affirmative Action or promotion of representivity programme or who is allegedly being discriminated against, may register such complaint or grievance with the Department in accordance with the existing dispute

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resolution provisions of Clause A22 of the Public Service Regulations or Section 18 of the Public Service Labour Relations Act of 1993.

The Department is, however, desirous that before the above option is exercised, such complaints or grievances be brought to the attention of the Department's Affirmative Action Committee or the Director: Special Programmes in order that attempts be made to resolve such complaints or grievance etc. before the formal processes are activated.

13. ROLES

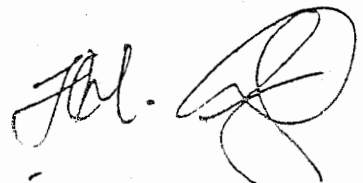
13.1 DIRECTOR-GENERAL

13.1.1 The Director-General bears full and final responsibility for this policy and is accountable for its implementation in the Department.

13.2 COMMITTEES

13.2.1 An Affirmative Action Committee comprising the Head of the Department, Deputy Director-General: Human Resources and Corporate Services, the Director: Special Programmes, one representative from each Chief Directorate and two representatives of each of the employee organisations and recognised unions, admitted to the Departmental Chamber shall be established for the purpose of monitoring the implementation of this policy. Unions that are not admitted within the Departmental Chamber will only have observer status for only one representative. This committee will be chaired by the Director-General and the Directorate: Special Programmes will provide the Secretariat. This committee should be representative.



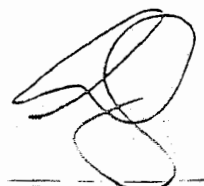


- 13.2.2 The Affirmative Action Committee shall oversee, promote, monitor, evaluate and report on the implementation of Affirmative Action.
- 13.2.3 The committee will receive twice yearly reports and audits of the Department's staff composition in respect of progress made with Affirmative Action from the Directorate: Special Programmes.
- 13.2.4 Assist in the resolution of complaints, grievances and disputes related to the implementation of this policy.
- 13.2.5 Address any other issues related to the implementation of this policy.
- 13.2.6 Task Teams will be established to assist the Affirmative Action Committee (AAC) with specific programmes as identified.

13.3 DEPUTY DIRECTORS-GENERAL

They shall commit themselves to Affirmative Action and staff development as key strategies for redressing the imbalances of the past in the Department, and will demonstrate this commitment in their actions and attitudes by:

- 13.3.1 Monitoring the implementation of the Department's Corporate Plan vis-à-vis Affirmative Action.
- 13.3.2 Ensuring the inclusion of Affirmative Action and staff development objectives in the key performance areas of all managers.
- 13.3.3 Monitoring on a six-monthly basis each Chief Directorate's progress on set targets and time-frames for representivity.



13.3.4 Monitoring recruitment and ensure that the Department's representivity policy is seriously pursued.

13.3.5 Monitoring the appraisal system and ensure that corrective action and merit awards are linked to the success or failure of Affirmative Action.

13.3.6 Undertaking extra-ordinary reviews of management who fall short in this area.

13.4 CHIEF DIRECTORS AND DIRECTORS

They shall be jointly accountable for progress on Affirmative Action within their Chief Directorates and Directorates and take responsibility for the actual implementation of this policy, and their commitment to it will form part of their performance appraisals. To this end they will ensure that-

13.4.1 Internal and external appointments are being made according to this policy;

13.4.2 the development of staff is a key factor of the Department's Affirmative Action strategy;

13.4.3 the entire employment process and induction of new staff complies with the Department's Affirmative Action policy;

13.4.4 identification of training needs is based on individual needs which are in line with career planning and the needs of the Department;

13.4.5 they monitor the process of mentoring and in-service training in general, and in relation to Affirmative Action in particular.

13.5 MIDDLE AND JUNIOR MANAGERS

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They, like Senior Management, will be responsible for the actual implementation of this policy in their components and part of their performance appraisals will be determined from their commitment to this. They will: -

- 13.5.1 assist staff in the identification of their training and developmental needs for vertical and lateral movement.
- 13.5.2 design or re-design procedure manuals for their staff.
- 13.5.3 develop a positive attitude towards staff development and consciously avoid stereotyping and discourage it where it occurs.
- 13.5.4 ensure that what has been gained from training is utilised in the workplace.

13.6 PERSONNEL SECTION

The Personnel Section will provide a professional and effective support function to the Directorate: Special Programmes, in all matters concerning human resources and their management in relation to representivity.

13.7 TRAINING SECTION

The training section shall facilitate the training and development of staff in general by giving particular attention to those who promote representivity and may require training by:

- 13.7.1 clearly understanding the Affirmative Action objectives and the importance of personnel development in this area;

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- 13.7.2 identifying and co-ordinating specific training courses in consultation with line managers, staff members and the Directorate: Special Programmes;
- 13.7.3 familiarising themselves with programmes that accelerate the development of the affected staff under this policy and identifying or designing relevant programmes;
- 13.7.4 evaluating such training in consultation with line managers, relevant staff members and the Directorate: Special Programmes.

13.8 STAFF MEMBERS

- 13.8.1 Staff must understand the process of Affirmative Action, staff development and their own role and responsibility for self-development.
- 13.8.2 They should critically assess their performance and vigorously pursue training and development opportunities in terms of their current duties and career development.
- 13.8.3 They must participate in departmental inter-cultural programmes, and any other programmes designed for representivity.

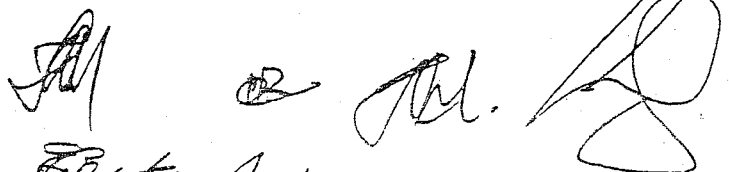
13.9 DIRECTORATE: SPECIAL PROGRAMMES

- 13.9.1 Has overall responsibility for the facilitation and promotion of representivity and monitoring the Affirmative Action process.
- 13.9.2 Is responsible for facilitating the formulation of the Department's Affirmative Action policy, and amendments when the need arises.

- 13.9.3 Advises on the compliance with, interpretation and implementation of the policy.
- 13.9.4 Assists with the formulation of programmes emanating from this policy.
- 13.9.5 Assists with the planning, application and monitoring of the Affirmative Action programmes, and any other action plans.
- 13.9.6 Assists with and monitors the recruitment, selection, assessment, promotion and development of the historically disadvantaged groups.
- 13.9.7 Compiles records and reports as and when required by the Director-General, the Affirmative Action committee, the department of the Public Service and Administration and any other relevant authority.
- 13.9.8 Attends to all complaints or concerns about discrimination and/ or the Affirmative Action process.
- 13.9.9 Formulates and drives an Employee Assistance Programme.
- 13.9.10 Deals with any other matters related to the representivity process.

14. CONCLUSION

Once the Department has reached the targets set in the White Paper on Transformation of the Public Service, merit will become the only consideration and all applicants will compete equally.



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