





# higher education & training

Department:  
Higher Education and Training  
REPUBLIC OF SOUTH AFRICA

## EMPLOYMENT EQUITY POLICY

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## Glossary

Terms	Definitions
<b>Affirmative Action</b>	Laws, programs or activities designed to redress past imbalances and to ameliorate/revolutionaries the conditions of individuals or groups who have been disadvantaged on the grounds of race, colour, gender or disability.
<b>Diversity</b>	Moving in another direction by introducing variety and different things (people) and diverting from monotony and uniformity.
<b>Executing Authority</b>	Minister
<b>Employment Equity</b>	The elimination of unfair discrimination as well as implementation of specific measures to accelerate the advancement of target groups towards the achievement of equality.
<b>Equality</b>	Full enjoyment of rights and freedom by all in similar/proportionate manners.
<b>Employment Equity Forum</b>	A committee where employment equity issues are tabled and discussed
<b>HoD</b>	Head of Department/ Director-General
<b>Historically Disadvantage Individuals</b>	Groups identified as having been unfairly discriminated against on the basis of the past legislation, policies, prejudice and stereotypes.
<b>Representation</b>	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.
<b>SMT</b>	Senior Management Team
<b>Target Group</b>	Black people, women and people with disabilities
<b>Unfair Discrimination</b>	Measures, attitudes and behaviors that obstruct the enjoyment of equal rights and opportunities in employment of black people, women and people with disabilities
<b>Workforce</b>	All individuals or officials appointed by the Department of Higher Education and Training.



## SECTION I

### 1.1 Pledge by the DHET

- a. The Department of Higher Education and Training affirms its commitment to the government's socio-economic transformation policy. It consequently pledges its support to the principle of employment equity and commits, to the best of its ability, to give effect to the letter and spirit of the Employment Equity Act, 55 of 1998.
- b. The Department fully embraces the purpose of the Employment Equity Act, which is to:
  - i. Promote equal opportunities and fair treatment in employment through the elimination of unfair discrimination; and
  - ii. Implement affirmative action measures to redress disadvantages in employment that was experienced by Black people, women and people with disabilities.
- c. In order to ensure the implementation of employment equity, the Department also commits to create the necessary partnerships with the employees of the Department, as envisaged by the Act.
- d. Furthermore, the Department calls on all employees to similarly commit themselves to the implementation of employment equity and in this context recalls the words of the preamble to the Act, as a reminder to all:

*"Recognizing that as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market and that those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws.*

*"Therefore, in order to promote the constitutional right of equality and the exercise of true democracy; eliminate unfair discrimination in employment; ensure the implementation of employment equity to redress the effects of discrimination; achieve diversity in the workforce broadly representative of our people; promote economic development and efficiency in the workforce; and give effect to the obligations of the Republic as a member of the International Labour Organization."*

### 1.2 Purpose of the Employment Equity Policy

- a. The purpose of this policy is to:
  - i. Provide clear policy guidelines concerning the implementation of the Employment Equity Act by the DHET, guidelines that will direct DHET with the development of specific programmes, plans and actions to eliminate any unfair discrimination in its employment and to redress the effects of unfair discrimination.
  - ii. Guide employees at all levels regarding employment equity for DHET as well as affirmative action, the achievement and management of diversity and efficiency in the workplace.
  - iii. Provide a dedicated policy framework for any stakeholder that may interact with the Department.



### 1.3 Legislative Framework

- a. Constitution of the Republic of South Africa
- b. Employment Equity Act
- c. Public Service Regulations
- d. White Paper on Affirmative Action

This policy should also be read in conjunction with the following policies:

- i. Recruitment and Selection Policy
- ii. Skills Development Policy
- iii. Affirmative Action Policy

### 1.4 Policy Principles

- a. Equity
- b. Fairness
- c. Confidentiality
- d. Professionalism
- e. Honesty

## SECTION II

### 2. Obligations of Role Players

#### 2.1 Duties of the Department

- a. The functions of the Department shall be as follows:
  - i. To establish an Employment Equity Forum for purposes of consultation with its employees.
  - ii. To consult with its employees with regard to the analysis, preparation and implementation of the Employment Equity Plan and Report concerning its implementation of the same.
  - iii. To conduct an analysis of its employment policies and procedures and the working environment.
  - iv. To prepare an Employment Equity Plan.
  - v. To implement affirmative action measures designed to ensure that suitably qualified people from designated groups will have equal employment opportunities and will be equitably represented in all categories and levels of the Department's workforce.
- b. These affirmative action measures will include the following actions:
  - i. To identify and eliminate employment barriers, including unfair discrimination, which adversely affect people from designated groups.
  - ii. To plan to further diversity in the workplace based on equal dignity and respect for all people.
  - iii. To ensure reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the Department's workforce.
  - iv. To ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce but excluding quotas in this regard.



- v. To retain and develop people from designated groups and to implement appropriate training measures but excluding quotas in this regard.
- c. The Department will report to the Minister of Higher Education and Training through the Head of Department on progress made in implementing the Department's Employment Equity Plan.
- d. The Department will assign a senior manager(s) to take responsibility for monitoring and implementing its Employment Equity Plan. The Deputy Director-General: Corporate Services is duly assigned to this role.

## 2.2 Role of the Head of Department

- a. The HoD plays a crucial role in creating the necessary climate in the Department which is conducive to successful implementation of employment equity. The following further augments this role:
  - i. Champion the cause of employment equity within the Department and empower the Forum to function optimally.
  - ii. Sign off on the Department's annual Employment Equity Report to the Department of Labour.
  - iii. Report to the Minister on progress made with the implementation of employment equity.
  - iv. Empower the various employment equity role players with regard to their functions in terms of this policy and the Act by providing the necessary authority and means to perform.
  - v. Ensure that managers perform their employment equity functions, e.g. by adding the requirements for implementation into the SMT's Key Result Areas (KRAs) for performance assessment.
  - vi. Assign a senior manager(s) to take responsibility for monitoring and implementation of the Employment Equity Plan.
  - vii. Communicate, in respect of the Department's approved Employment Equity Policy, Plans and Process.

## 2.3 Role of Line Management

- a. Comply with all aspects of the Act and support the implementation of employment equity.
- b. Create the environment for the Forum to operate optimally, e.g. communicate requirements of the plan from line management.
- c. Communicate in respect of the Department's approved Employment Equity Policy, Plan and Process. The Communication Director is specifically charged with the responsibility of incorporating the communication requirements of the Forum into the corporate communication policy and internal communication plan. Specific communication must include:
  - i. To display in the workplace, a notice informing employees about the Act.



- ii. Make available the most recent report submitted to the Department of Labour.
- iii. Publish a summary of the employment equity report in the annual financial report.
- iv. Make available and display a copy of the Plan to employees.
- v. Implementation of the plan, e.g. recruitment practices, staff development, etc.
- vi. Ensuring that employees act in accordance with employment equity, e.g. by adding the requirements for implementation into KRAs for performance assessment.
- vii. Provide input for the analysis and formulation of the Employment Equity Plan.
- viii. Monitor implementation and report to the HR Unit for submission to the SMT.
- ix. Monitor process and provide inputs for the HR Unit's needs assessment.

#### 2.4 Role of the Human Resources Unit

- a. Serve on the Forum as Ex-Officio SMT member.
- b. Consult with the Forum.
- c. Conduct an analysis of employment policies and practices as required by the Act and submit the findings to the SMT. The analysis inter alia will include the following:
  - i. Employment policies, practices and procedures, which include but will not be limited to recruitment policies, advertising and selection criteria, appointments and the appointment process, job evaluation, classification and grading, remuneration, employment benefits and terms and conditions of employment, job assignments, training and development, performance evaluation systems, promotion, transfer, demotion, disciplinary measures other than dismissal and dismissal;
  - ii. Working environment and facilities;
  - iii. Employment barriers adversely affecting the designated groups; and
  - iv. Profile of staff in respect of the designated groups within each occupation category and level in order to determine the degree of under representation.
- d. Develop the Department's Employment Equity Plan and submit to the SMT. The Department's Employment Equity Plan must take into account all affirmative action measures, strategies and measures to implement employment equity and must also achieve reasonable progress towards employment equity for the Department. The plan must also state the following:
  - i. Employment equity objectives for each year of the plan.
  - ii. Affirmative action measures to be implemented.
  - iii. Where under representation of designated groups has been identified, the numerical goals to achieve equitable representation of suitably qualified people from designated groups within each occupational category and



- level in the workplace, the timetable within which this is to be achieved and the strategies intended to achieve those goals must be stated.
- iv. Timetables for each year of the plan for the achievement of goals and objectives other than numerical.
  - v. Procedures to monitor and evaluate the interpretation of the implementation plan.
  - vi. The internal procedures to resolve any dispute about interpretation or implementation.
  - vii. The persons responsible for monitoring and implementing the plan.
  - viii. Support to line management in respect of employment equity requirements for HR planning, recruitment, etc.
  - ix. Establish a monitoring mechanism to monitor progress of employment equity in the Department.
  - x. Prepare the Department's report on progress made with the implementation of employment equity.

#### 2.5 Role of the Senior Management Team (SMT)

- a. To ensure understanding of and commitment to the equity process.
- b. To promote the consultation with the Employment Equity Forum.
- c. Contribute to the achievement of the equity objectives.

### SECTION III

#### 3. The Employment Equity Forum

##### 3.1 Appointment of Employment Equity Forum

The Employment Equity Forum will be constituted of elected staff members representing the Department's employees.

##### 3.1.1 Purpose of the Forum:

- a. The purpose of the Forum is two-fold:
  - i. To be consulted by and to reach agreement with the Senior Management Team (SMT) regarding the implementation of employment equity in the Department, as embodied in the Employment Equity Act. The consultation will be specifically focused on the analysis, the preparation and implementation of the employment equity plan and its progress report.
  - ii. To ensure broad representation of staff in accordance with the Employment Equity Act.

##### 3.2 Composition of the Forum

- a. Employee representatives elected by employees to reflect the interests of the employee will be as follows:
  - i. Across all occupational categories and levels of the Department.
  - ii. Employees representing designated groups.
  - iii. Employees who are not from designated groups.
  - iv. Representatives of recognized trade unions in the Department.



- b. The Forum will be constituted by **seven (7)** members, proportionally representing the designated categories as follows;

Seniority Levels (1)	Occupational Categories (20)	Designated Groups (1)	Non-Designated Groups (1)	Recognized Trade Union (2)
Senior Management Middle Management Professional Administrative	Managers Administrators / PAs Clerks Practitioners General Assistants Security	Black people Women Disabled persons	As per the Employment Equity Plan	Recognised trade unions

- c. It should be noted that employee representatives may fall into more than one category of representation.
- d. Office Bearers:
- i. Chairperson to be nominated by the SMT from the ranks of the employee representatives.
  - ii. The employer shall provide secretariat services
  - iii. Deputy Chairperson nominated by members from its own ranks.
  - iv. Ex-Officio member nominated by members from its own ranks.

### 3.3 Functions of the Forum

- a. The functions of the Forum are to engage the SMT in a consultative partnership with regard to the implementation of employment equity in the Department and specifically:
- i. Conduct an analysis of the Department's employment policies and practices (methodology, nature and outcome)
  - iii. Prepare the Department's Employment Equity Plan, including the methodology, assessment of the plan against the requirements of the Act, target setting and timeframes for the Department's affirmative action measures; etc;
  - v. Monitor the progress with regard to employment equity methodology (report, feedback, updating and trends) and outcomes;
  - vi. Recommend ways to align the Department's Employment Equity Policy with the Act as well as the Department's vision, mission, philosophy and strategic plan.
- b. To develop the following guidelines for the effective functioning of the Forum:
- i. Terms of reference and working procedures;
  - ii. Code of conduct;
  - iii. Resource plan;
  - iv. These guidelines will be presented to the SMT for consultation and approval;
  - v. After approval, these guidelines will serve as an addendum to the Employment Equity Plan.
- c. To keep minutes of all Forum meetings, which will be presented to the SMT.
- d. To endeavour to amicably resolve any internal disputes about the interpretation or the implementation of the Act.
- e. To develop the Forum's constitution.



## 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 for creating employment opportunities and promotions for designated persons, using national and regional demographics as a guideline for diversity areas such as 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.



e. 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 the 17<sup>th</sup> day of JUNE 2011.

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

17/06/2011

