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DEPARTMENTAL POLICY DOCUMENT

EMPLOYMENT EQUITY POLICY

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1. INTRODUCTION

This policy is aimed at providing guidelines on how to correct and acknowledge injustices of the past, seize and embrace the core ideals of corrective action and fundamental equality of opportunity for the common good of all.

2. OBJECTIVES

- 2.1 To promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination.
- 2.2 To implement affirmative action measures to redress the disadvantages in employment experienced by designated groups in order to ensure their equitable representation in all occupational categories and levels in the work force.

3. SCOPE OF APPLICATION

This policy applies all the employees of the Northern Cape Department of Education

4. DEFINITIONS

- 4.1 **Employment Equity** – means the right to fundamental equality of opportunity among all persons, and the right of every person to be treated fairly in seeking and maintaining employment on the basis of authentic merit principles, rather than inherited practices rooted in habit, intuition, complacency or prejudice.
- 4.2 **Designated groups** – means black (Africans, Coloureds, Indians and Chinese) people, women and people with disabilities.
- 4.3 **Non-designated group** – white males
- 4.4 **Previously disadvantaged person** – refers to one who on the basis of race, gender or disability was formally and systematically deprived of rights, career opportunities, training or job advancement under the system of apartheid or as a result of its coming.
- 4.5 **Discrimination** – any form of justified or unjustified differentiation, which limits or restricts the rights of individuals or groups **or**
Any special provisions or limitations in job selection or conditions of service that are not based on legitimate job requirements or in the fundamental principles of affirmative action

and fundamental equality of opportunity or

Any action or behaviour which implicitly or explicitly displays prejudice or stereotyping in relation to any person or group of people.

- 4.6 **Representivity** – a process of achieving a state of affairs in the institution that reflects the demographics of the Province.
- 4.7 **Corrective action** – refers to the constitutionally mandated dismantling of the continuing effects of apartheid.
- 4.8 **Employment Equity Consultative Forum** – it is a committee that is formed by officials appointed by the HOD and Union representatives to discuss and consult on Employment Equity issues.
- 4.9 **The Employment Equity Plan** – it is a three (3) year plan of the Northern Cape Department of Education that sets out the objectives of the department to ensure change and, thereby, giving rise to the objectives as set out in the EEA.

5. COMPLIANCE FRAMEWORK

This policy document is governed by the following relevant legislation:

- The Constitution of the Republic of South Africa
- Skills Development Act, 1998.
- Public Service Act, 1994, as amended.
- Public Service Regulations 2001
- Employment Equity Act, no 55 of 1998
- White Paper on Transformation of the Public Service, 1995
- White Paper on Affirmative Action in the Public Service, 1998

6. RESPONSIBILITIES

Responsibility	Responsible person/s
• Implementation of the EE Policy	Employment Equity Manager
• Submission of a biannual or as required progress report to the HOD/ Senior Management	Employment Equity Manager
• Submission of the annual report to the Department of Labour before the 1 st of October	Employment Equity Manager
• Monitoring and evaluation of the EE Policy	Employment Equity Consultative Forum
• Development of the EE Plan and EE Policy	Employment Equity Consultative Forum
• Presentation of the EE report to the Employment Equity Consultative Forum	Employment Equity Manager

7. POLICY PROVISIONS, PROCESSES AND PROCEDURES

7.1 PROVISIONS

Mindful of the fact that it is necessary to take into account the injustices of the past in order to remove injustice in the present and in the future, the department will implement the following requirements of corrective action:

- a) The removal of illegitimate distinctions in conditions of service and employment practices whether directly or indirectly based on race, gender, ethnicity, sexual orientation, age, disability, religion, conscience, belief, culture or language.
- b) The introduction, where necessary or desirable, of legitimate corrective distinctions based on these same or other criteria.

- c) The rectification of existing principles and criteria of employment so as to introduce fundamental equality of opportunity for previously excluded groups and individuals.
- d) The rectification of existing numerical imbalances, which it is acknowledged, exists as a result of apartheid
- e) The creation of a new organisational culture respectful of diversity and dedicated above all else, to the values of the new democracy.
- f) The promotion of transparent and participative decision making to foster relationships of trust, cooperation and confidence among management, employees, their organisations and most importantly members of the labour movement who must be included to the maximum extent practicable in the formulation of policy that affects their daily lives.
- g) The creation of new educational training and development opportunities to promote career advancement and broaden equal opportunities within the department.
- h) The rectification of the composition of the department in order to effectively serve designated groups.
- i) The facilitation of transparency and internal dispute resolution mechanisms, as outlined in the Public Service Regulations of 2001 as amended.

7.2 PROCESSES

- a) This policy document is intended to give effect in a disciplined transparent and unequivocal manner, to the declaration of intent contained in 7.1 above.
- b) All policies and programmes initiated pursuant to this policy document shall comply with relevant laws, regulations and directives and shall require approval by the Head of the Department prior to implementation.
- c) The benefits and practices which arise from this policy document are intended to further the constitutional (and other) rights of previously disadvantaged persons, and thus to advance the overall best interests of the Department as well as the country as a whole.
- d) Success or failure to implement this policy document shall be a central element in the performance evaluation of management and staff. Deliberate or repeated failure to implement this policy document shall necessitate a Departmental enquiry and in appropriate circumstances, to the imposing of penalties by Department of Labour.

- e) This policy will enable the department to implement any affirmative action measures to address the imbalances of the past

7.3 PROCEDURES

7.3.1 THE EMPLOYMENT EQUITY CONSULTATIVE FORUM

The Employment Equity Consultative Forum comprising of representatives as determined by the Employment Equity Act shall be established as the primary driving force in the implementation of the policy document and shall be allocated such support personnel as is reasonably necessary for its smooth functioning.

7.3.2 FUNCTIONS AND ROLES OF THE FORUM (NOT NECESSARILY LIMITED TO THE FOLLOWING FUNCTIONS)

- a) To oversee, promote, monitor and evaluate the implementation of the policy and the EE plan.
- b) To make relevant recommendations including the establishment of specific numerical targets to the EE Manager (but not rigid quotas) for the inclusion of designated groups at every level of departmental activity.
- c) To conduct quarterly audits of the department's staff composition
- d) Recommend measures designated to advance the purpose of this policy document
- e) To initiate policies or programmes designated to achieve equal opportunities and the related goals of representivity, employee's participation, education, training and all matters incidental thereto
- f) To evaluate such policies or proposals submitted by others
- g) To provide information and prepare formal reports quarterly on the Department's progress in implementing this policy document
- h) To assist in the resolution of grievances and disputes arising out of the implementation of this policy document
- i) To develop its own Constitution
- j) Nominate official to sit in short-listings and interviews as an observer

- k) The Forum shall in general attempt to achieve consensus on its recommendations. In the absence of consensus, contested issues shall be decided by the Employment Equity Manager.
- l) To inform the HOD of any policy or program initiated pursuant to this policy that appears to be in conflict with any law, regulation or directive, the apparent conflict shall be brought to the attention of the EE Manager and the Head of the Department who will determine whether the conflict is real or merely apparent.
- m) The Forum will elect an EXCO which will be formed by the Chairperson of the Forum, the Secretary of the Forum and two labour Unions
- n) The Committee may propose new functions for itself or modifications of existing functions and may implement these proposed functions or modifications upon the written consent of the EE Manager in consultation with the Head of the Department.

7.4 DISPUTE RESOLUTION MECHANISM

7.4.1 GRIEVANCES

- a) Any employee having a grievance related to the implementation of this policy may resort to the existing grievance procedure.
- b) Management responsible at each level of the grievance procedure, on receipt of a relevant grievance, shall attempt to resolve the matter, if the matter cannot be resolved then it must be referred to the Employment Equity Consultative Forum.
- c) The Employment Equity Consultative Forum shall adjudicate the matter and make its recommendation to the HOD.

7.4.2 DISPUTES RELATING TO THE INTERPRETATION OF THE POLICY

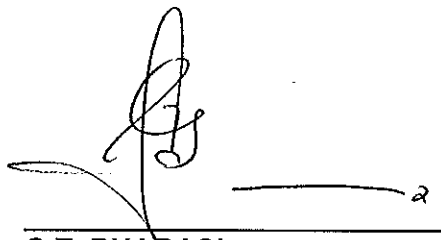
Any dispute relating to the interpretation of this Policy document may be referred to the Employment Equity Consultative Forum for consideration.

8. IMPLEMENTATION AND EFFECTIVE DATE

This policy becomes effective on approval by the Head of Department of the Northern Cape Department of Education.

9. REVISION DATE

This policy shall be reviewed at least annually to ensure that it is aligned with all the relevant legislation and complies with all adequate internal control requirements



G.T. PHARASI
DEPUTY-DIRECTOR GENERAL

13/04/30
DATE