

CHAPTER 11: HUMAN RESOURCES MANAGEMENT (EMPLOYMENT PRACTICES POLICY)

RECRUITMENT AND SELECTION POLICY

11.1. INTRODUCTION

- 1.1.1.** This policy, read with the applicable laws and policies, is the authoritative guide for the recruitment and selection of personnel at all levels of appointment, e.g. managerial or operational.
- 1.1.2.** Any appointment inconsistent with this policy is invalid and may be terminated for that reason alone, keeping in mind the labour law in this regard.
- 1.1.3.** The Executive Authority is to approve this policy and the Human Resource Manager is responsible for its consultation communication and implementation.
- 1.1.4.** The policy may be reviewed from time to time to align with new developments in law or policy directions of the employer.

11.2. ADHERENCE TO FAIR LABOUR PRACTICES AND PROHIBITION OF UNFAIR DISCRIMINATION IN RECRUITMENT AND SELECTION PRACTICES.

- 1.2.1.** The employer may not unfairly discriminate directly or indirectly against any employee or candidate applying for a job, in any employment practice, on one or more listed grounds.
- 1.2.2.** Unless provided for in the properly formulated affirmative action plan and employment equity targets, the following grounds for discrimination are prohibited:
 - (a) Race**
No person may be refused appointment or promotion based on his / her race.
 - (b) Gender**
No person may be refused appointment or promotion based on his / her gender.
 - (c) Political Opinion**
No person may be refused appointment or promotion based on his / her political opinion.
 - (d) Trade Union Affiliation**
No person may be refused appointment or promotion because that person belongs to a union or indicates intention to join a trade union.
 - (e) Religion**

No person may be refused appointment or promotion based on his / her religious beliefs.

(f) Pregnancy

Unless it can be proven that continuity is an essential requirement of the job, no woman may be refused appointment or promotion because of pregnancy or intention to fall pregnant. The onus of proof lies with whoever alleges (i.e. Employer) that pregnancy is a handicap or will prejudice the interests or the operational requirements of the employer.

(g) Marital Status

No person may be refused appointment or promotion based on his / her marital status.

(h) Family Responsibility

No person may be refused appointment or promotion based on his / her family responsibility.

(i) Ethnic or Social Origin

No person may be refused appointment or promotion based on his / her tribal background.

(j) Sexual Orientation

No person may be refused appointment or promotion because of their sexual orientation.

(k) Age

No person may be refused appointment or promotion based on his / her age, unless a person has reached retirement age in terms of any applicable conditions of services. Based on the South African ratification of International Labour Organization's convention, child Labour is prohibited. Therefore no children under the age of 16 may be employed.

(l) Disability

Unless based on inherent requirements for the job, no person may be refused appointment or promotion based on his / her disability, temporary or permanent.

(m) HIV Status

No person may be refused appointment or promotion merely because he / she is HIV positive.

(n) Conscience

No person may be refused appointment or promotion based on his / her conscience i.e. for being a green activist while the employer pursues anti-environmental policies.

(o) Belief

No person may be refused appointment or promotion based on his / her beliefs.

(p) Culture

No person may be refused appointment or promotion based on his / her cultural beliefs.

(q) Language

No person may be refused appointment or promotion because of their mother tongue. Requirement that candidates must be conversant or fluent with official languages of the government is not discriminatory but an inherent job requirement.

Candidates must be fluent in at least two of the four Northern Cape provincial languages i.e. Setswana, isiXhosa, English and Afrikaans.

(r) Birth

No person may be refused appointment or promotion because of where they or their parents were born, provided they are South Africans at the time of appointment or promotion.

1.2.3. Affirmative action measures will be taken which are consistent with the Requirements of the Employment Equity Act and the white Paper on Affirmative Action in the Public Service. The department will adopt the affirmative action measures in terms of which designated groups (black people, women and people with disabilities) could be affirmed without unfairly discriminating on any listed or unlisted grounds.

1.2.4. Unfair discrimination on unlisted grounds is also expressly prohibited. Examples of unlisted grounds are, but not limited to:

(a) Nepotism

Employment practice favouring friends and relatives.

(b) Personal Difference

Prejudicing a candidate because of past difference.

(c) Personal Feelings

Prejudicing a candidate because you dislike him / her or any other such a feeling.

11.3. POLYGRAPH, PSYCHOMETRIC AND OTHER ASSESSMENT

11.3.1. Polygraph, psychometric, aptitude and emotional readiness tests are prohibited for purposes of screening candidates for suitable for jobs unless they are validated by Professional Board of Psychology.

- 11.3.2.** No person may be refused appointment or promotion by the department for failing any of above test or similar assessment.

11.4. MEDICAL TESTING

- 11.4.1.** Medical testing of an employee is prohibited for purpose of determining suitability or otherwise of the employee for the job, unless it is justifiable in the light of medical facts, employment conditions or inherent requirements of the job.
- 11.4.2.** Medical testing includes any test, question, enquiry or other means designed to ascertain, or which has the effect of enabling the department to ascertain, whether an employee has any medical condition.
- 11.4.3.** HIV testing for purposes of determining employability of the employee is prohibited unless the Labour Court has declared such testing as justifiable in terms of the Employment Equity Act, 1998 (Act no. 55 of 1998)

11.5. PRE-EMPLOYMENT SCREENING

- 1.5.1.** The department will check reference to determine the suitability of candidates for jobs in terms of the vetting strategy of the Public Service.
- 1.5.2.** Screening referred to above will be undertaken on, but not necessarily limited to
- (a) Formal qualifications
 - (b) Criminal records
 - (c) Previous employment/reference checks
 - (d) Credit and assets checks
 - (e) Citizenship
- 1.5.3.** Consequences of pre-employment screening
- (a) As a general principle, employment may be declined on the basis of the negative pre-screening results, except that it remains the discretion of the Executive Authority or his/her delegate to make an appointment, which discretion will be exercised based on the principles of fairness, legality and equity.
 - (b) Each case will be considered on its own merit.

11.6. JOB ADVERTISEMENTS

- 1.6.1.** Job advertisements may be placed internally first to give preference to internal candidates for promotional positions at administrative, operational and middle management levels.

Current and former interns and persons previously appointed on fixed-term contracts are regarded as internal for the purposes of this policy

- 1.6.2. Internal Advertisements must be accessible to all employees in the provincial government. The advertisements may be placed in notice boards, intranet or through the email system of the department.
- 1.6.3. All vacant posts in the department must be advertised as widely as possible so as to reach the entire pool of potential applicants especially the historically disadvantaged persons in the most cost effective manner.
- 1.6.4. **All Job Advertisement will indicate:**
 - (a) Inherent requirements of the job.
 - (b) Job title and accurate description of the duties.
 - (c) State clearly that the department / public service is an open, equal opportunity employer committed to employment equity and indicate that women and the people with disabilities are encouraged to apply.
 - (d) The closing date of the applications.
 - (e) Contact details.

11.7. JOB APPLICATIONS

- 11.7.1. Applications will be submitted on a Z83 form obtainable from any public service department together with detailed Curriculum Vitae, accompanied by certified copies of qualifications, identity document, driver's license (if applicable) and proof of any documentary pre-requisites.
- 11.7.2. Application for employment will normally be considered for South African citizens and permanent residents. Foreigners with scarce skills and valid work-permits may be considered for employment in the department.
- 11.7.3. Employment will not be open to anyone under the age of sixteen years.
- 11.7.4. Applicants should be of good character, law abiding and prepared to conform to the high standards of conduct required by the Code of Conduct for Public Servants.
- 11.7.5. Internal candidates or employees of the department who meet the requirements of the job will be encouraged to apply and must also comply with all necessary pre-requisites.

11.8. SHORT LISTING

- 11.8.1.** The Head of Department, delegated by the Executive Authority, will appoint the selection committee in terms of part VII of the Public Service Regulations section D.1.
- 11.8.2.** The chairperson of the selection committee will be an employee and will be of a grading higher than the post to be filled.
- 11.8.3.** Short-listing panel will decide on the criteria to be used but may not deviate from the following generally applicable criteria:
 - (a) Formal qualifications
 - (b) Prior learning and potential
 - (c) Work experience
 - (d) Inherent requirements for the job
 - (e) Affirmative action and employment equity targets

11.9. INTERVIEW

- 11.9.1.** The candidate's suitability will be determined by scoring candidates on the following criteria:
 - (a) Formal qualifications
 - (b) Prior learning and potential
 - (c) Work experience
 - (d) Inherent requirements for the job

11.10. APPOINTMENTS

- 1.10.1.** The interview / selection committee will make recommendations to the Executive Authority to appoint the best candidate for the job.
- 1.10.2.** The recommendation for appointment will be guided by fair employment practices to ensure equity, fairness, efficiency and achievement of a representative public service.
- 1.10.3.** The selection committee will recommend to the Executive Authority, in the report of the interviews, appointable candidates. Internal candidates who are appointable may be given preference, although this does not entitle them to be appointed ahead of other suitable candidates.

- 1.10.4. The Human Resource Manager will prepare a submission report, based on the recommendation of the selection committee for recommendation by the Head of the Department and for approval by the Executive Authority.
- 1.10.5. The Executive Authority will make a final decision on the appointment of candidates. Should the Executive Authority disapprove the recommendation, he / she will do so by giving written reasons.
- 1.10.6. After the approval to appoint, the Head of the Department or his / her delegate will appoint candidates as approved by the Executive Authority.
- 1.10.7. The appointment of candidates will be either permanent or temporary, either full-time or part-time.
- 1.10.8. The Human Resource Manager will provide the new employee with an employment contract that will inform her / him of all conditions relating to his / her employment.
- 1.10.9. The new employee will sign an acceptance letter relating to the conditions of his / her employment.
- 1.10.10. Health requirements will be determined only in cases where it is an inherent requirement for the post.
- 1.10.11. The employee will sign a performance agreement with the employer when commencing his / her duties.

1.11. MANAGEMENT OF PROBATION

- 1.11.1. The new employee will be appointment on probation of 24 months or 12 months, as the case may be, which may be extended in accordance with the probation policy of the Public Service.
- 1.11.2. At the beginning of the probationary period, the employee will know what is expected of him / her concerning his / her performance and conditions of his / her probation period.
- 1.11.3. The employee will receive training, counseling or other assistance to meet the requirements for confirmation.
- 1.11.4. The employee will be evaluated on a quarterly basis by the immediate supervisor on the specific form available from HR division. The supervisor and the employee will sign the form before the appointment is authorized by the HOD. If the employee refuses to sign the form, it must be clearly indicated on the form.
- 1.11.5. If at the end of the probation period the employee has been assessed and failed all his / her assessments, the HOD may dismiss or disapprove of the employee's appointment on permanent basis, in keeping with the labour law.

- I.11.6.** If dismissal as a result of poor performance is considered the employee will be afforded the opportunity to state his / her case, and may be assisted by a personal representative including a colleague or a trade union representative.
- I.11.7.** If at the end of the probation period the employee fails at least two assessments, his / her probation may be extended for the period to be decided by the HOD, which may not exceed six months.
- I.11.8.** For the purpose of the probation the employee will be assessed on the following issues only:
- (a) Suitability for the post
 - (b) Knowledge
 - (c) Skills
 - (d) Comprehension of the job

11.12. APPOINTING AN EMPLOYEE

Step 1

- (i) The employee will be given a formal letter / employment offer stating his / her appointment.
The employee will be expected to respond by signing an acceptance letter within five days of receipt of appointment letter.
- (ii) On appointment the employee will be expected to submit certificate of service from previous employers or a letter of proof of employment in the absence of certificate of service; provided they were never employed in which case any other testimonial will be acceptable.
- (iii) The employee will also have to complete the bank form for Salary payment purposes.
- (iv) A copy of employment contract will be given to the employee to whom he / she binds himself / herself after signing the acceptance letter.
- (v) The appointment of the employee will then be captured electronically.

Step 2

A leave file will be created for the employee at the time of his / her appointment and not at the time of the employee first taking leave.

Step 3

Both personal files of the employee (source documents) and the electronic file (when available) are opened for audit purposes and other administrative purposes.

Step 4

The other files will be created where necessary and applicable only e.g. motor financing, housing subsidy, membership of pension / provident fund and injury on duty. These files must be opened if the employee is to make use of these benefits or if he / she is injured while on duty. (These sub-files must be kept together with the main file of the employee.

11.13. STANDARD OPERATING PROCEDURES

The above process will be supplemented by the approved Standard Operating Procedures (SOP) to be administered by the Human Resources Manager.

11.14. GENERAL MATTERS

1.14.1. Head-hunting

- (i) Indirect head-hunting: Head-hunting of candidates / applicants based on skills requirements is allowed provided that the head-hunted candidates / applicants must apply and be shortlisted and interviewed on the same criteria applicable to other candidates / applicants who responded to the same job advertisement.
- (ii) Direct head-hunting: Head-hunting of candidates / applicants as a last resort when the normal processes failed to produce a suitable candidate. Candidates may be procured through recruitment agencies and / or professional association and / or by word of mouth. Such candidates will be assessed for suitability based on the same criteria as if the post was advertised.

1.14.2. Temporary positions must also be filled in terms of this policy with the fast-tracked recruitment process, which may include consulting the Public Employment Services database or private agencies, indicating the terms and conditions of appointment.

1.14.3. The above criteria are by no means limited and may be supplemented by other policy directives.

1.14.4. The Executive Authority will make a final decision to approve or disapprove the recommendations of the selection committee.

11. 15 Temporary appointment

Department may consider the following types of temporary appointment in accordance with the provisions of the Public Service Act, 1994, its Regulations and labour law in general

(i) Fixed-term contract,

(ii) Sessional work,

(iii) Casual work

11.15. PUBLIC SERVICE REGULATIONS

- 1.15.1. This departmental policy complements the Public Service Regulations 2001, in as far as it regulates Recruitment and Selection of staff and the two documents must be read together.
- 1.15.2. If any provision of this policy deviates or is inconsistent with the regulations, the regulations take precedence.



P.M. SEBOKO

**HOD: DEPT OF ECONOMIC DEVELOPMENT
AND TOURISM**

18 March 2013

DATE



J. BLOCK, MPL

**MEC: FINANCE, ECONOMIC DEVELOPMENT
AND TOURISM**

18 March 2013

DATE