

## CHAPTER 12: AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY POLICY

### 12.1 DESIGNATION OF SMS MEMBER FOR EMPLOYMENT EQUITY

**2.1.1** The Chief Operations, as Head of Corporate Services is the designated senior manager responsible for the Employment Equity as required by the Employment Equity Act, 1998.

### 2.1.2 Communication, awareness and training in Affirmative Action and Employment Equity

The designated manager shall ensure:

- (i) That all employees are aware and informed of the content and application of this policy and the relevant legislation on Affirmative Action and Employment Equity.
- (ii) That all employees are sensitized with regard to employment equity and anti-discrimination issues.
- (iii) That all employees are informed of the employment equity processes.
- (iv) That all employees understand the importance of their participation in the process.
- (v) That all employees are made aware of the need for participation of all stakeholders.
- (vi) That the summary of the employment equity plan and legislation is placed in English, Afrikaans, Setswana and isiXhosa and is displayed in notice boards and is visible.
- (vii) That workshops and training sessions are conducted with all employees within the department.

### 2.1.3 Role of other SMS members

- (i) Other managers will be informed of their obligations in terms of the Act and the Executing Authority / Head of Department will ensure that employment equity and affirmative action form part of each manager's responsibilities.
- (ii) SMS members shall be offered training in diversity management and related skills, in a manner that will make them understand that discrimination can be direct, indirect or as a result of inaction or victimization.
- (iii) SMS members are required to ensure that the MMS members' performance agreements have affirmative action and employment equity targets as well.

#### **2.1.4 Consultation**

The Workplace Committee, which may be the broader Human Resources Committee, consisting of all stakeholders and designated employees will be established and will be responsible for Employment Equity and it will be constituted in terms of section 16 of the Employment Equity Act, 1998.

#### **2.1.5 Conducting of an analysis**

A comprehensive analysis will be conducted annually to assess all employment policies, practices, procedures and the working environment in order to identify and redress barriers that may: contribute to the under-representation and under-utilization of employees from the designated groups contribute to the lack of affirmation of diversity in the workplace adversely affect designated groups; as well as to identify practices or factors that positively promote employment equity and diversity in the department; and determine the extent of under-representation of employees from the designated groups in the different occupational categories and levels of the department's workforce.

There shall be conducted the following:

- (i) A review of policies, practices and working conditions once a year to determine: factors that adversely affect employees from designated groups; and subtle or indirect forms of discrimination and stereotyping.
- (ii) Workplace profiling with a view to:
  - Firstly, establish which employees are members of designated groups.
  - Secondly, compare the numbers of employees from designated groups with relevant demographics.

### **12.2 MEASURES TO BE PUT IN PLACE TO ACHIEVE OBJECTIVES OF THIS POLICY**

#### **12.2.1 Human Resources Plan**

The HR Strategy will be developed to ensure that the provision of staff is in line with the needs of the department and that affirmative action measures and employment equity targets are part of that plan

#### **12.2.2 Human Resources Development**



The HRD policies and Workplace Skills Plan will be designed with a view to train the members of designated groups to acquire knowledge and skills to enable them to benefit from the affirmative action measures being taken.

### **12.2.3 Employment Equity Plan**

On annual basis the department will develop and adopt the employment equity plan with targets set for recruitment of members of designated groups. This will include the Affirmative Action measures to be taken in order to achieve the employment equity targets.

### **12.2.4 Affirmative Action**

The employment practices in general and employment equity targets in particular will be designed with a view to programmatically and progressively prefer the advancement of persons from designated groups.

Department is committed to apply preferential treatment to reach numeric goals in order to ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and all levels in the workforce. In determining the person's suitability the following may be considered:

- (i) The training, skills, competence and knowledge necessary to meet the inherent requirements of the post or objective potential to achieve these qualities within a given period of time;
- (ii) The needs of the department for developing human resources;
- (i) The current level of representation in the component where the post is located; and employment equity targets in terms of the Equity Plan.
- (ii) This department is an open opportunity employer, committed to Affirmative Action and Employment Equity and this statement must be reflected during recruitment of staff through the media.

### **12.2.5 Reasonable accommodation**

One element of affirmative action is the adoption of measures in order to reasonably and equitably accommodates people from designated groups. Reasonable accommodation is any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment. This measure may include, but not limited to:

- (i) Adjusting working hours;

- (ii) Relaxation of entry requirements to the posts;
- (iii) Extended education and training leave.

### **12.2.6 Eradication of unfair discrimination**

The department is committed that no employee may be discriminated against, directly or indirectly, in terms of employment practice on one or more of the following grounds: race, gender, sex, pregnancy (intended pregnancy, termination of pregnancy or any other medical circumstances relating to pregnancy), marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.

Discrimination is not regarded as unfair if the department—

- (i) Implements employment policies and practices that are designed to achieve adequate protection and advancement of persons or groups previously disadvantaged by unfair discrimination;
- (ii) Implements the employment policies and practices that are in keeping with any legislation and policy, including this policy; or
- (iii) Discrimination is based on inherent requirement of the job.

The burden of proof lies with the employer to prove that any discrimination is fair and legal. Employees alleging unfair discrimination may, after exhausting all internal grievance processes refer the matter to the Commission for Conciliation Mediation and Arbitration (CCMA) for conciliation and to Labour Court for adjudication.

### **12.2.7 Diversity Management**

- (i) Management of diversity in the department is the process of creating and maintaining an environment that enables all employees to contribute to their fullest potential to the attainment of the organizational objectives. It is intended to assist managers in learning how to capitalize on the employee differences to promote equality, fairness and efficiency.
- (ii) The goal of diversity management will be to ensure that all employees receive equitable treatment from their supervisors and colleagues, and work towards a fair chance to compete for opportunities.



- (iii) This department acknowledges, recognizes, respects, appreciates and will utilize the differences and similarities among its employees to make a maximum contribution to the success of the organization as a whole, and advancement of employees' career path in particular.

The objectives of the diversity management process in this department are:

- (i) To develop a high-performance workplace that values diversity, recognizes outstanding achievements and promotes inclusion;
- (ii) To recruit and retain a workforce that reflects the diversity and representativity requirements;
- (iii) To educate managers, supervisors and employees regarding the value of a diverse workforce;
- (iv) To inculcate the culture of zero-tolerance against discrimination, harassment, racism and hostile work environment;
- (iii) To ensure that managers are accountable for improving diversity.

#### **12.2.8 Eradication of Harassment and Victimization**

Harassment is defined as an incident that happens to an individual at the workplace that is unwelcome, unwanted and has a destructive effect. It can take the form of:

- (i) Bullying;
- (ii) Spreading malicious rumors, or insulting someone, particularly based on gender, race or disability;
- (iii) Ridiculing or degrading someone;
- (iv) Setting employee up for failure;
- (v) Unfair treatment on listed or unlisted grounds;
- (vi) Overbearing supervision or other misuse of power;
- (vii) Unwelcome sexual advances;
- (viii) Making threats and comments about job security without basis deliberately undermining a competent worker by overloading them or constantly criticizing their work;
- (ix) Preventing individuals progressing by intentionally withholding opportunities from them.

### 12.2.9 Harassment at the Workplace

This department is committed -

- (i) That each employee should be treated with dignity and respect at work;
- (ii) To protect its employees against any form of harassment;
- (iii) Take special measures to deal with harassment
- (iv) To recognize that:
  - (a) Harassment violates human rights;
  - (b) Demoralizes and causes poor workplace relations;
  - (c) It threatens the physical and psychological performance of employees;
  - (d) It often results in unexplained absenteeism, late-coming and poor performance at work;
  - (e) It creates a hostile, intimidating and offensive work environment and it can lead to loss of productivity and often causes employees to resign in disgust.

### 12.2.10 Remedies against Harassment

Employees do not have to tolerate harassment; hence they are entitled to the following remedies against harassment of any kind:

- (i) Institute formal grievance processes against the perpetrator;
- (ii) Approach HR division informally, if they want to settle the matter that way;
- (iii) Refer the matter to CCMA for conciliation and to Labour Court for adjudication;
- (iv) Institute private civil and criminal proceedings against the perpetrator;
- (v) No employee shall be victimized or made to suffer career detriments for exercising any right in law or this policy.



**P.M. SEBOKO**

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

28 May 2013

**DATE**



28 May 2013

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DATE

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