



*A Better Place for All*

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## **DR NKOSAZANA DLAMINI ZUMA LOCAL MUNICIPALITY**

### **EMPLOYMENT EQUITY POLICY GUIDELINES**

<b>Date Approved:</b>	<b>21 MAY 2024</b>
<b>Effective Date:</b>	<b>2024-2025</b>

#### **1. GUIDELINES: FUNCTIONAL IMPLEMENTATION**

##### **1.1 DURATION OF THE PLAN**

This plan has been prepared as a five (5) year plan covering the period:

##### **1.2. SUMMARY OF OBJECTIVES**

###### **FIRST YEAR**

- < Senior Management and the Council visible and supportive of process.
- < Statement of commitment published.
- < Employment Equity Committee to meet monthly.
- < Begin developing the Employment Equity Plan.
- < Ensure all staff understand, accept and support the draft plan. Update all policies and procedures in line with requirements of Act.
- < Undertake Analysis staff Profile.
- < Develop Employment Equity Policy.

## **SECOND YEAR**

- < Develop Affirmative Action Policy.
- < Develop Constitution for EE Committee.
- < Develop HIV/AIDS Policy.
- < Develop Sexual Harassment Policy.
- < Develop Training & Development Policy.
- < Undertake Environment Analysis to ensure non-discrimination.
- < Identification of Retirees in next 5 years.

## **THIRD YEAR**

- < Budget formulated and funds allocated.
- < Measure attainment of goals/target year 1.
- < Set new targets.
- < Formalize ongoing Education programme
- < Commence multi-skilling programme.
- < Identify categories, which need urgent attention. Set targets.

## **FOURTH YEAR**

- < Agree criteria for assessment and evaluation.
- < Undertake assessment and evaluation.
- < Identify and train potential mentors.
- < Develop Succession Plan.
- < Reinforce training and development initiative (money and people resources).
- < Recruit externally to fill shortfall.
- < Compile and submit report to Department of Labour.

## **FIFTH YEAR**

- < Reviewal of all policies approved by Management, EE Committee and Council.

## **2. GENERAL REQUIREMENTS FOR SUCCESSFUL IMPLEMENTATION**

Employment Equity must primarily be seen as a Human Resources Development Action and not merely as an employment measure.

- Special attempts must be made to promote internal staff from identified groups in vacant post, keeping the merit principal in mind. For this purpose career planning is essential.
- Development and training of personnel from designated groups must be done in terms of present and future vacant posts and must be done under the guidance of such a person's direct supervisor.

- Departmental and Section Heads must be held directly responsible for the training and development of their subordinates, especially those from designated groups.
- Active participation of top management (Municipal Manager, Department Heads and Human Resources) is vital for the success of this program.
- Personnel must recognize their role and responsibility in respect of their own development.
- All formal and informal discrimination based on race, colour, gender, ethnic or social origin, religious or political conviction, age, sexual orientation, disability or disadvantaged background must be eradicated. This necessitates a purposeful change of attitudes and practices through management of organisational culture.
- Organisational Policy, structures and procedures must be adapted where necessary to facilitate Employment Equity.

### **3. OBJECTIVES AND ACTION PLANS**

The main principle of Employment Equity should be seen as attempting to promote representation of the relevant labour market in our employment.

- The nature of the relevant labour market (this is the availability of people who possess the necessary qualifications and experience, or who are willing and able to obtain the relevant experience and qualifications), as well as the specific circumstances of the organisation (e.g. the nature of the client for whom services are rendered), must also be taken into account with monitoring and evaluation of the extent to which integrated service rendering has been affected.

Realistic and acceptable objectives require the following:-

- (a) research in respect of the size, composition and nature of the relevant labour market;
- (b) analysis of the composition of the internal labour market, e.g.:
  - to what extent does integrated employment exist, relative to the various functions and levels in the organisation; and
  - what is the attitude of personnel in respect of Employment Equity and to what extent do discriminatory attitudes, practices and procedures and barriers exist?
- (c) analysis of the organisation in respect of sections where Affirmative Action must enjoy priority and/or where Affirmative Action can be implemented readily, e.g. which posts can or must be identified for Affirmative Action and in which area is the staff turnover the highest?
- (d) Affirmative Action objectives must be determined in consultation with Departmental and Section Heads;

- (e) Broad numerical objectives in respect of various groups who are subject to Affirmative Action must be determined for the various categories of posts; levels and sections in the organisation for specific periods of time must be determined.

#### **4. HUMAN RESOURCE SYSTEMS**

The following direct Affirmative Actions shall be considered.

##### **4.1 New appointments:**

- (a) **Preference with appointment**

Those applicants in groups subject to Affirmative Action (designated groups) receive preference *ceteris paribus*. Affirmative Action should mainly take place at recruitment stage.

- (b) **Advertising of vacant posts with realistic job requirements**

All vacancies be advertised with realistic and market related job requirements.

- (c) **Identified Posts**

The nature of certain posts (e.g. the nature of the communities who will be directly served by the incumbent) can require the identification of such posts as affirmative action posts.

##### **4.2 Recruitment**

- (a) All posts shall be analyzed to determine post requirements that meet the needs of the job and which do not privilege people with higher qualifications than those needed for the position.

- (b) Special recruitment efforts shall be launched to attract suitable applicants from disadvantaged groups.

- (c) Internal recruitment shall take precedence over external recruitment, save where the latter is necessary for the implementation of the program.

##### **4.3 Selection and Assessment**

- (a) When used, selection and assessment instruments must be objective, culture free, fair and must have predictive validity with regard to work performance in the specific posts. Such instruments must be in line with employment Equity Act, 1998;

#### **4.4 Performance evaluation**

Periodic performance evaluation should be done to ensure that standards are maintained.

The following principles are important:

- The purpose of performance evaluation should be clear;
- Performance should be linked to concrete work outputs;
- The performance of all employees should be evaluated;
- Performance evaluations should highlight education, training and development needs;
- Individual development plans should be based on performance evaluation;
- Staff should be involved in performance evaluation and should receive feedback; and
- Heads of Departments should be held co-responsible for the performance of subordinates.

#### **4.5 Job Descriptions**

(a) Job descriptions should clearly define responsibilities and outputs and should eliminate specifications that are unnecessary for the job.

(b) After management has reviewed the output requirements of a post, the minimum skills and competencies shall be determined by a process acceptable to stakeholders.

#### **4.6. Review of existing Policies, Procedures and Practices**

Existing policies, procedures and practices shall be reviewed and amended with the object of removing any remaining barriers to Affirmative Action and equal employment practices with reference to:

- recruitment procedures
- selection procedures
- selection for education, training and development programmes;
- placement and transfers;
- conditions of service;
- removal of discriminatory practices;
- reasonable accommodation for the disabled;
- special training programme for the previously disadvantaged people; and
- sexual harassment

### **5. EDUCATION, TRAINING AND DEVELOPMENT**

**5.1.** Affirmative Action should primarily focus on the education, training and development of staff, giving specific attention to the designated groups; the development of required skills applicable to current and future posts to enhance the potential of individuals for career advancement. People who are not from

designated groups however, must also be included in the training and development.

- (a) Management of Organisational context:  
In order to provide a facilitating organisational context for affirmative action, information brochures and/or development programs must be initiated for Councillors, Management and other staff in respect of organisational policies, correct attitudes and expectations, elimination of prejudices, racism and sexism.
- (b) Development programs for staff belonging to previously disadvantaged groups:  
The program must be aimed mainly at the development of skills in respect of present and future posts and to develop the potential of persons for career advancement. The financial implications can be curtailed through in service training (the responsibility of Departmental and Section Heads).
- (c) Orientation of new Employees:  
The formal and informal orientation of new employees can serve as a vehicle to convey the expectation of service excellence, own responsibility for development and non-discriminatory values.

## **6. EMPLOYMENT EQUITY STRUCTURES**

In order to monitor the implementation and objectives, principles, strategies and procedures of this program, the Employment Equity Committee will receive all items relating to Employment Equity for their discussion and recommendations to the Human Resources Portfolio Committee.

## **7. RESPONSIBILITIES AND/OR LIABILITY**

The main responsibilities for implementing and monitoring of the Employment Equity program lie with the Municipal Manager and Departmental Heads. Implementation and monitoring of the EE program shall be the liability of the council. It is important that management through their actions and attitudes are seen to be committed to the program and its aims.

- Section Heads will also be held responsible for the success of the program.
- The Human Resources Section will provide support, advice, training and development
- Employees should note the realities of the Affirmative Action Program, namely:
  - economical considerations and certain standards shall remain in place;
  - no persons shall be appointed merely to satisfy a quota (tokenism);
  - present employees shall not be dismissed to create Affirmative Action posts;

- there shall be for specific identified posts certain recruitment and appointment preference, though the posts requirements and standards will still be in place;
- accelerated training and development programs shall be approved in respect of identified posts/persons;
- employees who benefited from the Affirmative Action program are expected to utilise the opportunities created fully and to do everything possible to perform in such a way so the aims and objectives of the program can be met. Such personnel, like all other staff members, are subject to approved policy, conditions of employment and performance standards.

## **8. MEASURING AND MONITORING**

The following is of importance:-

- (a) Analysis and evaluation of progress of the Employment Equity Programme must be qualitative (change of attitudes) as well as quantitative (in terms of numerical objectives).
- (b) Evaluation of formal resolutions and actual aims must be done, for example in respect of:
  - recruitment procedures
  - selection procedures
  - selection for training and development
  - conditions of service
  - removal of discriminatory practices
  - promotion and transfer
  - reasonable provision for the disabled
  - special training programs for identified groups
  - the setting of numerical and general objectives in respect of Affirmative Action.
- (c.) Formal evaluation of the Employment Equity Program must be done at least once a year.

## **9. OCCUPATIONAL CATEGORIES/ FORM EEA 10**

### **9.1. LEGISLATORS, SENIOR OFFICIALS AND MANAGERS**

This group includes occupations whose main tasks consists of determining and formulating policy and strategic planning, or planning, directing and co-ordinating the policies and activities of the organisation in the private and public sectors, determining and formulating laws and for directing and controlling the functions of the organisation. **Includes** chief executive officer; president; vice-president; chief operating officers; general managers and divisional heads; managers who provide the direction of a

critical technical function; postmaster; superintendent; dean and school principal etc.

## **9.2. PROFESSIONALS**

This group includes occupations whose main tasks require a high level of professional knowledge and experience in the fields of physical and life sciences, or social sciences and humanities. The main tasks consist of increasing the existing stock of knowledge, applying scientific and artistic concepts and theories to the solution of problems, and teaching about the foregoing in a systematic manner. Includes: engineers (civil, mechanical, chemical, electrical, petroleum, nuclear, aerospace, etc); architects, lawyers, biologists, geologists, psychologists, accountants, physicists, system analysts, assayers; valuers; town and traffic planners, etc.

## **9.3. TECHNICIANS AND ASSOCIATE PROFESSIONALS**

This group includes occupations whose tasks require technical knowledge and experience in one or more fields of the physical and life sciences, or the social sciences and humanities. The main tasks consist of carrying out technical work connected with the application of concepts and operational methods in the above mentioned fields and in teaching at certain educational levels. Includes: computer programmers; nurses; physio- and occupational therapists; draftsmen/women; musicians; actors; photographers; illustrating artists; product designers; radio and television announcers; translators and interpreters; writers and editors; specialised inspectors and testers of electronic, electrical, mechanical, etc products; vocational instructors; technicians (medical, engineering, architectural, dental, physical science, life science, library, etc); pilot; broker; designer; quality inspector, etc.

## **9.4. CLERKS**

This group includes occupations whose main tasks require the knowledge and experience necessary to organise, store, compute and retrieve information. The main tasks consist of performing secretarial duties, operating word processors and other office machines, recording and computing numerical data, and performing a number of customer orientated clerical duties, mostly in connection with mail difficulty, in which the activities are predominantly non-manual, **Includes:** bookkeepers; tellers; cashiers; collectors (bills and accounts); messengers and office helpers; office machine operators; mail clerks; typists; telephone operators; electronic data processing equipment operators; clerks (production,



shipping and receiving stock, scheduling, ticket, freight, library, reception; travel; hotel personnel; statistical, general office); secretarial, etc.

### **9.5. SERVICE AND SALES WORKERS**

This group includes occupations whose main tasks require the knowledge and experience necessary to provide personal and protective services and to sell goods in shops or markets. The main tasks consist of providing services related to travel, housekeeping, catering, personal care, protection or individuals and property, and maintaining law and order, or selling goods in shops or markets.

Includes: attendants (hospital and other institutions, including nurse' aides and orderlies); barbers; bartenders; guides; food and beverage serving occupations; conductors; fire-fighters; police officers; advertising agents; real estate agents; sales workers and sales clerks; shop attendants; stock brokers; insurance brokers; travel agents; sales people of technical and business services; etc.

### **9.6. SKILLED AGRICULTURAL AND FISHERY WORKERS**

This group includes occupations whose main tasks require the knowledge and experience necessary to produce farm, forestry and fishery products. The main tasks consist of growing crops, breeding or hunting animals, catching or cultivating fish, conserving and working forests, and selling agricultural and fishery products to purchasers. **Includes:** farmers; growers. Planter; viticulturists; winemakers; skilled horticultural workers; green keepers; skilled fishermen/women, etc.

### **9.7. CRAFT AND RELATED TRADES**

This group includes occupations whose main tasks require the knowledge and experience of skilled trades and handicrafts, which, among other things, involve an understanding of materials and tools to be used, as well as all stages of the production process, including the characteristics and the intended use of the final product. They are frequently journeymen/women who have received an extensive period of training. The main tasks consist of extracting raw materials, constructing buildings and other structures and making various products, as well as handicraft goods. **Includes:** miners; quarriers; stoneworkers; bricklayers; stonemasons; carpenters; shopfitters; plasterers; plumbers; electricians; painters; mechanics; glass-makers; locksmiths; sheet metal workers; etc.

### **9.8. PLANT AND MACHINE OPERATORS AND ASSEMBLERS**

This group includes occupations whose main tasks require the knowledge and experience necessary to operate and monitor large-scale and often highly automated industrial machinery and equipment. The main tasks consist of operating and monitoring of mining, processing, and production machinery and equipment, as well as driving vehicles and driving and operating mobile plant; or assembling products from components. **Includes:** truck and tractor drivers; bus drivers; paving, surfacing and related occupations; roofers; photographic processors; sound and video recording equipment operators; those in apprenticeship training; textile workers; production machine workers, etc.

## **9.9. ELEMENTARY OCCUPATIONS**

This group occupations which require relatively low/elementary levels of knowledge and experience necessary to perform mostly simple and routine tasks, involving the use of handheld tools and in some cases considerable physical effort, and with few exceptions, limited personal initiative and judgment. The main tasks consist of selling goods in streets, doorkeeping and property watching, as well as cleaning, washing, pressing and working as labourers in the fields of mining, agriculture and fishing, construction and manufacturing. **Includes:** news and other vendors; garage attendants; car washers and greasers; gardeners; farm labourers; unskilled railway track workers; labourers performing lifting, digging, mixing, loading and pulling operations; garbage collectors, stevedores, sweepers; charworkers etc.

## **10. CONSTITUTION OF THE EMPLOYMENT EQUITY COMMITTEE**

### **10.1. ESTABLISHMENT OF THE EMPLOYMENT EQUITY COMMITTEE**

The Municipality hereby establishes an Employment Equity Committee (LLF can serve this purpose) for the purpose of carrying out the objectives and functions referred to in this constitution.

### **10.2. VISION OF THE EMPLOYMENT EQUITY COMMITTEE**

To create an environment in which every employee at the Municipality becomes empowered to take responsibility for his/her personal career growth in full knowledge that the Municipality will from time to time be able to provide internal opportunities as well as being able to prepare employees for opportunities external to the Municipality.

To promote the Municipality as a preferred employer through people development excellence and the recognition of the worth and contribution of all employees.

To promote the notion of a continuously improving municipality with learning and training opportunities for employees.

### **10.3. OBJECTIVES OF THE EMPLOYMENT EQUITY COMMITTEE**

- 10.3.1. To promote non-discrimination (as per Chapter 2 of the Act) and Affirmative Action throughout the Municipality by ensuring participation at all levels.
- 10.3.2. To create a platform for designated employees by establishing a bridging process enabling all employees to compete equally for opportunities that may occur in the Municipality from time to time.
- 10.3.3. To grow and improve the skills and standards required by the Municipality to enhance opportunities for both the Municipality and its employees.
- 10.3.4. To implement a well structured mentorship/protégée process within the Municipality by ensuring that mentors are appointed and trained and that protégée have clear development plans.
- 10.3.5. To play a monitoring role in the departmental employment equity targets are established from time to time.
- 10.3.6. To ensure that equal opportunities exist in the Municipality for all races and genders and to periodically review the employment practices to ensure that they are non-discriminatory.

### **10.4. GROUND RULES**

- 10.4.1. The Employment Equity Committee will ensure that its activities are within the objectives as described above.
- 10.4.2. The activities of the Employment Equity Committee will be transparent to the Municipality bearing in mind that some decisions and discussion may require confidentiality, which will be respected by all members of the committee.
- 10.4.3. The Employment Equity Committee will act within the boundaries defined by the Municipality's Employment Equity Policy.
- 10.4.4. The Employment Equity Committee will seek to act cohesively as a team, make decisions on the basis of consensus and engage in constructive debate in an attempt to sell solutions.
- 10.4.5. It is acknowledged that representatives on the Employment Equity Committee will require time to perform their duties and these times commitments will be acknowledged by the Municipal Management.

- 10.4.6. At all times the Employment Equity Committee will operate within, and acknowledge the ongoing requirements of the Municipality.

#### **10.5. REPRESENTATIVES**

- 10.5.1. Heads of Department will be: As per Local Labour Forum.
- 10.5.2. Representatives from the union constituencies referred to in clause 5 will be elected in terms of the organisational rights agreement.
- 10.5.3. Council members (representatives) will be appointed/ elected by the Human Resources Portfolio Committee.
- 10.5.4. The convening of the meetings shall be the responsibility of the Human Resources Department.
- 10.5.5. The Chairperson of the committee shall be: As per Local Labour Forum.
- 10.5.6. The Secretary: As per Local Labour Forum.

#### **10.6. ROLES AND RESPONSIBILITIES OF REPRESENTATIVES**

Representatives will attempt to ensure the following:

- Full participation at all times.
- Continually work towards consensus decision making.
- Be punctual for meetings and carry out delegated tasks within agreed time periods.
- Effectively report back to their constituencies after each meeting.
- Represent their constituencies, not themselves.
- Resolve problems in the context of presenting solutions.
- Focus on problems not individuals.
- Ensure that the best interests of the Employment Equity Policy are served.
- Ensure that the ground rules and the objectives of the Employment Equity Committee are adhered to.
- Ensure issues raised by their constituency are placed on the agenda for meetings and not dealt with on an individual basis.
- Treat each other with respect, dignity and tolerance.

#### **10.7. CONDUCT OF MEETINGS**

- 10.7.1. Meetings will be held monthly on dates to be scheduled. The time of the meetings will be planned by the Human Resources Department and communicated with the agenda.
- 10.7.2. Representatives may place items on the agenda of forthcoming meetings at least three days before each meeting. The Human Resources Manager will collect the agenda items and ensure that a written agenda is distributed to all representatives at least 2 days before each meeting. A copy of the agenda will be placed on the Municipal notice board.

- 10.7.3. A minimum quorum of three (3) committee members will be required before a meeting may commence. Those present at the meeting will be entitled to decide whether or not to proceed with the meeting in the absence of the other representatives.
- 10.7.4. Minutes will be taken at each meeting. These minutes will be circulated to each representative, be kept on file by the Chairperson's secretary and placed on the notice board within 4 days of the meetings taking place.
- 10.7.5. The role of the Chairperson is to facilitate the meeting and to engage in debate where he/she believes it to be constructive.
- 10.7.6. Feedback to constituencies will take place through existing channels and procedures.
- 10.7.7. Representatives will use their best endeavors to restrict the debate and proceedings of the meeting to the agenda items.
- 10.7.8. Representatives will attend all meetings. If a representative cannot attend a meeting for good cause, he/she must submit an apology before the date of the meeting and nominate an alternate to attend in his/her place.

## **10.8. INFORMATION DISCLOSURE**

- 10.8.1. It is generally accepted that information will be provided to the Employment Equity Committee on the basis that such information will further the ability of the Committee to meet the requirements set out in clause 7.8.3.
- 10.8.2. It is recognised that certain information may be confidential and that this confidentiality will be observed by the members of the committee.
- 10.8.3. Should there be a reluctance to disclose information by any representative which in the view of the other representative's impacts on the ability of the committee to perform effectively, the Chairperson shall have the right to decide whether or not such information is appropriate and whether or not it shall be tabled.

## **10.9. THE FUNCTIONS OF THE EMPLOYMENT EQUITY COMMITTEE**

- 10.9.1. The function of the Employment Equity Committee is as follows:-
  - 10.9.1.1. To develop and ensure implementation of an Employment Equity and Affirmative Action Policy.

- 10.9.1.2. Undertake a statistical profile analysis of the Municipality.
- 10.9.1.3. Review/audit all Employment Policies, Practices and Procedures.
- 10.9.1.4. Develop an Employment Equity Plan.
- 10.9.1.5. To review and monitor departmental targets established for Employment Equity purposes, make recommendations should the targets be inadequate or over ambitious.
- 10.9.1.6. Monitor the applicability of the Employment Equity Policy and make amendments should it be necessary.
- 10.9.1.7. Monitor recruitment and placement decisions, both internal and external, and debate these decisions should they be considered to be unfair, biased or improperly managed.
- 10.9.1.8. Monitor the training of the Committee in the following areas:
- Recruitment/Selection
  - Assessment criteria
  - Personal Development Planning
  - Teamwork
  - Problem Solving
  - Negotiation skills
  - Mentor/protégée development
- The Committee may suggest additional areas of training should they be required.
- 10.9.1.9. Monitor the application of personal development programmes within the Municipality.
- 10.9.1.10. Monitor the extent and application of the training and development budget and make recommendations in this regard.
- 10.9.1.11. Monitor the establishment of a mentoring process throughout the Municipality and the implementation of career path and succession planning.
- 10.9.1.12. Monitor the implementation of the agreed actions as set out in the Employment Equity Plan.

## **10.10. HANDLING CONFLICT/DISPUTES WITHIN THE COMMITTEE**

- 10.10.1. Should there be conflict between representatives of the committee, which remains unresolved at the conclusion of a meeting; the committee should meet on at least two further occasions in the same month to resolve this conflict.

- 10.10.2. Should the matter remain unresolved the representative/s that raised the matter will set out the issue in conflict in writing with clear terms of reference to the Chairperson of the committee who will then make a final decision on the matter.
- 10.10.3. Should the representatives believe that the Chairperson's decision is unfair they may refer the matter to the South African Local Government Bargaining Council (SALGB).
- 10.10.4. The representatives agree that areas of conflict of disputes occurring within the Employment Equity Committee will be resolved through consensus or conciliation/arbitration as referred to in clause 10.3 and that there will be no forms of industrial action in the workplace.

## **10.11. AMENDMENTS TO THE CONSTITUTION**

This constitution may be amended provided those amendments are agreed to by the majority of the representatives on the Employment Equity Committee.

## **10.12. GENERAL**

- 10.12.1** It is generally acknowledged that the primary purpose of the Employment Equity Committee is to promote pro-active debate on the Municipality's Employment Equity Policy and its human resources development strategies.
- 10.12.2** It is acknowledged that the Employment Equity Committee will only work effectively if all the representatives commit to a process of teamwork and consensus decision making.
- 10.12.3** It is acknowledged that decisions taken in the Committee will be minuted and that individuals may be requested to implement such decisions. Every attempt will be made to ensure that these responsibilities are met.
- 10.12.4** It is agreed that on at least two occasions per annum an outside speaker will be invited by the committee to make presentations to the Committee on personnel development strategies in a changing South Africa.

## **11. COUNCIL APPROVAL AND EFFECTIVE DATE**

Approval of Policy by Council and Effective date: -----

  
.....  
**MUNICIPAL MANAGER**

21 MAY 2024  
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**DATE**