

# **EMPLOYMENT EQUITY POLICY**

## **MOHOKARE LOCAL MUNICIPALITY**

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## **POLICY CONTENTS**

1. INTRODUCTION.....	5
2. DEFINITIONS.....	5-7
3. OBJECTIVE☒☒.....	<b>7Error! Bookmark not defined.</b>
4. AFFIRMATIVE ACTION MEASURES.....	8
5. PRINCIPLES.....	8-9
6. RECRUITMENT.....	9
7. TRAINING AND DEVELOPMENT.....	9
8. DISABILITY MANAGEMENT.....	9
9. MONITORING AND EVALUATION.....	9-10
10. PROHIBITED PRACTICES.....	10-12
11. GENERAL CONDITIONS OF EMPLOYMENT.....	12-13
12. DISPUTE RESOLUTION.....	12
13. IMPLEMENTATION.....	13

## 1. INTRODUCTION

In terms of the Employment Equity Act No. 55 of 1998, Mohokare Local Municipality is required to prepare and submit an Employment Equity Plan. The Employment Equity Plan sets the strategic direction of the municipality's overall employment equity programmes and supports the municipality's commitment to equal justice for all

The development of an Employment Equity Plan is a legislative obligation under the Employment Equity Act. The Plan provides a significant framework for the achievement of equity across the municipality; it provides a guide for Sub directorates for the inclusion of equity and access strategies as an integral part of their strategic planning.

The municipality is strongly committed to the achievement of employment equity and equal opportunity for all employees with specific consideration for historically disadvantaged groups. The municipality will take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. The municipality is also proud of its diverse population of employees, and a major priority is to promote a workplace culture of inclusivity, in which cultural diversity is respected and valued.

The municipality also recognizes that diversity and employment equity are key business imperatives that will enable the municipality to build on its reputation as a local municipality of excellence. Employment equity for employees is fundamental to the achievement of excellence and quality in all areas of the municipality's operations.

## 2. DEFINITIONS

- Designated employer:
- (a) a person who employs 50 or more employees;
  - (b) a person who employs fewer than 50 employees but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of the Schedule 4 of this Act;
  - (c) a municipality, as referred to in Chapter 7 of the Constitution;
  - (d) an organ of state as defined in section 239 of the Constitution, but excluding local spheres of government, the National Defence Force, the National Intelligence Agency and the South African Secret Service; and
  - (e) an employer bound by collective agreement in terms of section 23 or 31 of the Labour Relations Act, which appoints it as a designated employer in terms of this Act, to the extent provided for in the agreement.
- Employment equity:
- promotion of equal opportunities and fair treatment in employment through Elimination of unfair discrimination, and implementation of affirmative Action measures to redress the disadvantages in employment experienced by People from designated groups, in order to ensure their equitable

	Representation in all occupational categories and levels in the workforce.
Affirmative action:	System or measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in a workforce of designated employer.
Designated Groups:	Means Black people, Women and people With Disabilities who – (a) are citizens of the Republic of South Africa by birth or descent (b) Became citizens of the Republic of South Africa by naturalization before 27 April 1994), after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but who were precluded by apartheid policies
People with Disabilities:	Means people who have a long term or recurring physical or mental Impairment which substantially limits their prospect of entry into or Advancement in employment.
Reasonable accommodation:	Means any modifications or adjustment to a job or the working environment that will enable a person from a designated group to have access to or participate or advance in employment.
Representative trade union:	Means a registered trade union or two registered trade unions that are representative of the employees employed by an employer in a workplace.
Forum:	The Employment Equity consultative structure established in terms of Employment equity act.
Overrepresentation:	Means the workforce in excess of the EE target set by Department of Labour against the economically active population.

Employment policy or practice includes, but is not limited to:

- Recruitment procedures, advertising and selection criteria
- Appointment and appointment process
- Job classification and grading
- Remuneration, employment benefits and terms and conditions of employment
- Job assignment
- The working environmental facilities
- Training and development
- Transfers
- Demotions
- Disciplinary measures other than dismissal and
- Dismissal

### **3. OBJECTIVES**

The objectives of this policy are –

- To work towards creating a balanced profile of employees within the municipality through all occupational levels in the workforce.
- To eliminate any discriminatory practices in terms of race, gender or disability.
- To provide for the municipality's present and future requirements for skilled staff in line with Regulations on Minimum Competency Levels for Local Government Local Government: Municipal Finance Management Act 56 of 2003
- To achieve this by implementing, monitoring and evaluating appropriate measures aimed at redressing the effects of the past imbalances created by discriminatory employment policies and practices.
- Implementing Affirmative Action Measures to address the disadvantages in employment experienced by black people, women and people with disabilities, in order to ensure their equitable representation in all occupational levels in the workplace.
- Ensuring the Municipality's policies, procedures, practices and the environment are non-discriminatory, leading to labour harmony and reduction of disputes.
- Ensuring a more representative and trained workforce that will support our diverse customers.

### **4. AFFIRMATIVE ACTION MEASURES**

To facilitate the development of an organisation that is demographically representative and culturally sensitive and free of discrimination and unfair processes.

- Supply staff profiles to all directorates/departments
- Set targets to achieve representivity

- HR practitioners to utilise appointments targets for the recruitment and selection process
- Co-partner Training and Development to enhance WSP implementation to achieve equity

## 5. PRINCIPLES

The following principles underlie and inform this policy –

- (a) Employment equity initiatives should be integrated with the organisational strategy
- (b) All things being equal, the candidate for appointment or promotion that is from a designated group will be given preference.
- (c) Only candidates who are suitably qualified for a particular position will be appointed or promoted to that position. A person is suitably qualified for a position as a result of any one of, or any combination of that person's formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job.
- (d) Appointments and promotion shall be done taking into account the Municipality's approved employment equity plan.
- (e) Access to learning opportunities shall be granted in accordance with the Municipality's work place skills plan.
- (f) Disability shall not be a disqualifying criterion for appointment, promotion or training opportunities unless the nature of the person's disability will disadvantage her/him in achieving the reasonable work standards of the position concerned.
- (g) Age shall not be a disqualifying criterion for appointment, promotion or accessing training opportunities, provided that the person concerned has not yet achieved retirement age as stipulated by the Municipality and is older than 16 years of age.
- (h) Decisions will be made in a manner that does not affect existing employees job security

## 6. RECRUITMENT

Recruitment and selection will be in keeping with the municipality's organisational strategy and approved Employment Equity Plan and this will be based on fairness, objectivity having

regard to competency and seeking to redress historical imbalances to achieve broad representation.

## **7. TRAINING AND DEVELOPMENT**

Mohokare Local Municipality is committed to the development of employees through effective training and skills development.

- (a) Training programmes must be designed and participation in training programmes must aim to enhance the skills and knowledge of employees in order to enhance career development.
- (b) Supervisors and departmental heads are responsible and accountable for ensuring the improvement of the skills, knowledge and attitudes of the employees assigned to their work teams and departments in order to –
  - (i) Meet the prescribed work standards of the Municipality; and
  - (ii) Advance their career and promotional prospects within and outside the Municipality.

## **8. DISABILITY MANAGEMENT**

To have a disabled friendly environment that responds to the universal accessibility and equitable appointment of people with disabilities.

Disability plans to be implemented to ensure the achievement of Employment Equity targets.

## **9. MONITORING AND EVALUATION OF THE EMPLOYMENT EQUITY PLAN**

The Employment Equity Committee must be established (hereafter referred to as the committee). The Committee shall meet as often as is necessary but at least once during every quarter.

- (a) The functions of the Committee are as follows –
  - Participate in the development of the Employment Equity Plan
  - Periodically review and propose adjustments to the content (including numerical goals) of the Employment Equity Plan;
  - Monitor progress on the implementation of the Employment Equity Plan (including the goals set-out therein).
  - Receive, investigate and consider suggestions and complaints relating to any form of unfair discrimination in the workplace, barriers to employment equity, as well as any positive measures the municipality might take to eradicate discrimination or to advance, promote and achieve employment equity.

- Propose campaigns for the awareness of employment equity, workplace diversity and change management.
- Periodically review and propose adjustments to the content (including numerical goals) of the Employment Equity Plan

## **10. GENERAL PROHIBITED PRACTICES REGARDING EMPLOYMENT**

Nobody may unfairly discriminate, directly or indirectly, against an employee of, or a person seeking employment with, the Municipality on any ground where such discrimination causes or perpetuates systemic disadvantage, undermines human dignity or adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on a listed ground, including –

- (a) Race
- (b) Gender
- (c) Sex
- (d) Pregnancy
- (e) Marital status
- (f) Ethnic or social origin
- (g) Colour
- (h) Sexual orientation
- (i) Age (subject to paragraph 2.5(c) and (d))
- (j) Disability
- (k) Religion
- (l) Conscience
- (m) Belief
- (n) Culture
- (o) Language
- (p) Birth
- (q) Place of birth
- (r) HIV status
- (s) Political opinion

Nobody may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any employee of, or person seeking employment with, the Municipality that could reasonably be construed to demonstrate a clear intention —

- (a) to be hurtful or to embarrass one or more employees or persons seeking employment;
- (b) to be harmful or to incite harm to one or more employees or persons seeking employment;
- (c) to promote or propagate hatred against one or more employees or persons seeking employment.

Nobody may harass an employee of, or person seeking employment with, the Municipality.

Unless a post exists into which such person may be appointed, transferred, promoted or demoted, as the case may be, no person may be —

- (a) appointed to the Municipality 's service;
- (b) transferred from one post to another;
- (c) promoted to a higher position; or
- (d) demoted

An employee on the permanent establishment of the Municipality may not be transferred, promoted or demoted to a post on the temporary establishment.

No employee may be promoted to a position of manager directly accountable to the Municipal Manager. However, nothing in this policy prohibits an employee to apply for a position of manager accountable to the Municipal Manager or Municipal Manager and to be appointed to such a position. The appointment of an employee as a manager directly accountable to the Municipal Manager or Municipal Manager shall be subject to such terms and conditions, including remuneration, as may be agreed upon between the Municipality and the employee at the date of her/his appointment.

No person appointed to a position in the Municipality may assume her/his duties until and unless-

- (a) a written employment contract has been entered into with her/him, if she/he has been appointed to a position contemplated in section 57 of the Municipal Systems Act; or
  - (b) she/he has received and acknowledged receipt of a letter setting out her/his particulars of employment contemplated in section 29 of the Basic Conditions of Employment Act in any other case.
- 2.4.1 An employee who expresses interest in another position within the Municipality will not jeopardize his/her current position or career prospects with the Municipality.
- 2.4.2 Nobody may disclose to another person, any information she/he may have relating to the medical status of another person without the consent of such other person.

## **11. GENERAL CONDITIONS OF EMPLOYMENT**

No person may be appointed to a vacancy in the Municipality's service -

- (a) unless she/he is a South African citizen or has permanent residential status or a valid work permit, provided that no person may be appointed for a period that exceeds the period of validity of her/his work permit, if any;
- (b) unless she/he is at least 16 years of age or older;
- (c) if she/he has reached the age of 65 years;
- (d) if she/he, directly or indirectly, approaches or canvasses a councillor or employee with a view to securing that councillor or employee's vote or support in favour of her/his appointment;
- (e) if she/he offers to perform the duties attached to the position for which she/he is a candidate for less than the remuneration that the Municipality offers;
- (f) if she/he is a member of Parliament or a provincial legislature or a councillor of the Municipality at the time when the position is advertised;
- (g) unless she/he has the formal qualifications, acquired prior learning, relevant experience or has the capacity to acquire, within a reasonable time, the ability to do the job, provided that if such an appointment is made, such person may not be appointed on a higher salary notch than the minimum notch applying to the position in question neither may she/he progress in such a salary scale until such time as she/he complies with those requirements.

## **12. DISPUTE RESOLUTION**

In line with the provisions included in the approved Employment Equity Plan of Mohokare Local Municipality

## **13. IMPLEMENTATION DATE**

This policy is effective as at the date of approval of Council.

