



## **EMPLOYMENT EQUITY POLICY**

<b>Date Approved:</b>	
<b>Date Implemented:</b>	

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### **1. PURPOSE**

The purpose of this policy is to continuously create an environment that permits equal opportunity for advancement, in order to redress past imbalances and to ameliorate the conditions of individuals and groups who have been previously disadvantaged on the grounds of race, gender and disability.

### **2. SCOPE OF APPLICABILITY**

The policy is applicable to all Councils and officials of the Ingwe Municipality who are appointed in terms of the Municipal Systems Act and who fall within the scope of Local Government Bargaining Council and those appointed on the fixed term contract (Section 54 & 56 employees).

### **3. DEFINITIONS**

**3.1 "Employer"** means the Ingwe Municipality/ Council that utilizes the efforts of employee to render services to communities.

**3.2 "Employee"** means a person employed by the employer to carry out certain duties and responsibilities in return for remuneration.

**3.3 "Council"** means the council of Ingwe Municipality.

**3.4 Affirmative Action means** within the context of Ingwe Local Municipality, Affirmative Action has been defined as implementing immediate positive remedial action, programmes and procedures to address both historic and existing inequalities and imbalances in the work place and in the present staff profile. This can be achieved by a programme of action focusing on increasing the representation of designated groups (black people, women and

persons with disabilities), through the deliberate targeting, hiring, training, development and promotion of such persons to eventually reflect the relevant labour market.

**3.5 Employment Equity** is a broader approach designed in the first instance to prevent, and thereafter, remedy any discrimination and disadvantage by identifying and removing barriers in the employment policies and practices and in the culture of the Council.

#### **4. EMPLOYMENT EQUITY**

4.1 As a designated employer in terms of the Employment Equity Act, 1998; it is the duty of the Ingwe Local Municipality to consult, draft and implement an Employment Equity Plan.

In order to achieve equity in the workplace, the Municipality will:-

- Promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination;
- 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 workforce.
- The Employment Equity plan can only be effective and efficient if all role players are committed thereto, and therefore, the Municipality has consulted with the local SAMWU branch in the drafting of this plan, and all employees, including management and unions are seen as full partners in the adoption and successful implementation of this plan.

4.2 The Ingwe Local Municipality is committed to the spirit of the Employment Equity Act, 1998; and supports the sentiments expressed in the preamble of the act as set out hereunder:

- Recognizing:
  - ✓ That as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market; and
  - ✓ That those disparities create such pronounced disadvantages for certain categories of people that they cannot be redressed simply by repealing discriminatory laws.
- Therefore, in order to –
  - ✓ Promote the constitutional right of equality and the exercise of true democracy;

- ✓ Eliminate unfair discrimination in employment;
- ✓ Ensure the implementation of employment equity to redress the effects of discrimination;
- ✓ Achieve a diverse workforce broadly representative of our people;
- ✓ Promote economic development and efficiency in the workforce; and
- ✓ Give effect to the obligations of the Republic as a member of the International Labour Organisation.

4.3 The Ingwe Local Municipality hereby adopts and implements the following Employment Equity Plan:

## **5. POLICY IN RESPECT OF AFFIRMATIVE ACTION**

### **5.1 Assigning of Manager**

- ▣ Section 24 of the Employment Equity Act, 1998 requires that the Municipality must:-
  - Assign one or more senior managers to take responsibility for monitoring and implementing employment equity plan;
  - Provide the managers with the authority and means to perform their functions; and take reasonable steps to ensure that the managers perform their functions.
- ▣ To satisfy the requirements of this section of the Act, the Municipality:-
  - Assigns the Manager: Corporate Support Services to take responsibility for the drafting, monitoring and implementing of the employment equity plan, subject thereto that this assignment shall be reviewed at least annually with the submission of the Annual Equity Report as set out hereunder.
  - Requires the person assigned in terms of Section 24 of the Act to submit reports to the Council containing the demographics of the staff and any other information as required by the Council. Annually at the end of May submit a report to Council supplying the demographics as at the beginning of the year, as well as any other information required by Council.
  - Instruct the person assigned in terms of section 24 of the Act to report to Council any barriers and unfair labour practices as set out in 1.4 above, the steps taken or recommended to eliminate such barriers or unfair discrimination.
  - Instruct the person assigned in terms of section 24 of the Act to conduct an annual survey amongst the staff to identify all barriers

and unfair labour practices as set out above as well as any opportunities to promote employment equity and to include the findings of such a survey in the annual report as set out above.

## **6. FUNDAMENTALS IN RESPECT OF EMPLOYMENT EQUITY**

The following are accepted fundamentals to an acceptable Employment Equity Programme:

- **Equal Employment Practice:**

Ensuring that everyone, regardless of race, ethnic and social origin, colour, culture, gender, religious or political persuasion, disability, age or sexual orientation has an equal chance for appointment to a post on merit or potential ability. All barriers and subjective practices that hamper the employment and/or advancement of members of staff, particularly those who have been historically disadvantaged by prejudices that favour some and disfavour others must be identified and removed.

- **A Clearly Defined Programme**

A detailed, specific and feasible Employment Equity Programme will be formulated, implemented and monitored to redress imbalance and discrimination. Employees and their representatives will be involved in the formulation process.

- **Aid to Equal Opportunity**

The purpose of the agreed Employment Equity Programme is to level the playing field thereby enabling people from designated groups to compete on equal footing with other candidates for appointments. The programme shall be terminated as soon as the staff composition reasonably reflects the demography of the relevant labour market, regionally, in all occupational categories and levels. Monitoring shall continue and should the labour force change so that it does not reflect the demographics, the program will be re-instituted.

- **Staff Decisions Based on Efficiency**

Appointments shall be based on ability (proficiency and potential) so as to maintain or promote economic effectiveness, productivity and standards, and placement policies shall advance designated groups with the prerequisite potential.

- **Financing of Affirmative Action**

The necessity for the financing of the programme is accepted, and Heads of Department must ensure that sufficient provision is made for this purpose on the annual estimates.

- **Organisational Context**

To co-operatively create and maintain an organisational culture and climate that will encourage and support mutual respect and understanding; develop potential and achieve organisational goals in servicing the community.

- **Education, Training and Development**

Develop education, training and development programmes, which shall enhance the skills and capacities of staff on all levels for career paths and labour market mobility through recognized systems of accreditation. Sound human resources systems shall be established to ensure an adequate supply of suitably qualified employees, while at the same time improving the representatives of the Municipality's personnel establishment.

- **Stakeholder Involvement**

All stakeholders should be committed and involved in the function of implementation and control of affirmative action.

- **Rights of Employees**

All existing rights of the employees shall be maintained as well as extended to those employees hitherto too disadvantaged to enjoy such rights, bearing in mind the conditions of service pertaining to the various job categories. In pursuance of this policy no employee shall suffer loss of employment or benefits as a result of the application of the principles.

- **Rights of Employer**

Within the context of the objectives and principles stated above the rights of the employer shall be maintained, inter alia the right to:-

- supply job opportunities and make appointments in accordance with the functional needs of the municipality;
- demand sufficient production of an acceptable nature from the employee; and
- lead and manage the administration so that the economic viability is enhanced.

- **Grievances/Disputes**

Any employee, who has a grievance in respect of discrimination or affirmative action, can lodge such grievance in accordance with the existing grievance procedure.

- **Monitoring of Progress**

The program shall be formally monitored in terms of agreed upon goals and timetables. Rigid aims of a quota system are unacceptable since it can lead to tokenism and ineffectiveness, as well as the undermining of the credibility of those who benefited in terms of this program.

## **7. COMMUNICATION, AWARENESS AND TRAINING**

7.1 In achieving the necessary positive outcomes in terms of this section, the Municipality has undertaken the following steps:-

- Most employees of the Ingwe Local Municipality have been made aware of / have been informed of the content and application of the Act by means of summaries of the Employment Equity Act being posted on notice boards.
- In addition, by far the majority of all employees attended a lecture on the Act.
- The Employment Equity Committee/or designated committee members attended a one (1) day training workshop. They were fully informed regarding the process to be followed, made aware of the need for participation of all the stakeholders in the Council and were made to understand the importance of their participation and their role in the process. This process shall be repeated as members of the committee change from time to time.
- Part of this training included being sensitized with regard to broad Employment Equity issues and anti-discrimination issues.

7.2 During the communication, awareness and training phase the following aids, methods were employed:-

- Posters / Notices
- Educational lectures to small groups
- Training workshop

**8. THE CONSULTATION PROCESS**

All Employment Equity Committee members have been elected. All stakeholders, including representatives from SAMWU (South African Municipal Worker’s Union); IMATU (Independent Municipal & Allied Trade Union), the designated groups, the non-designated group, management and the assigned manager are represented.

As far as possible, all racial groups, genders, all occupational categories and levels are represented on the committee.

**11. COUNCIL APPROVAL AND EFFECTIVE DATE**

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

MUNICIPAL MANAGER

DATE

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