



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF AGRICULTURE


EMPLOYMENT EQUITY POLICY

Ref: S4/5 P

Financial Year: 2013 - 2016

Date of approval: 18/12/2013

Recommended by:


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Acting HOD
(Moeng, MW)

27/11/2013
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Date


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Honourable MEC for Agriculture
(Semenya, RM)

18/12/2013
.....

Date

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1. ACRONYMS AND ABBREVIATIONS

EE	EMPLOYMENT EQUITY
EPWP	EXTENDED PUBLIC WORKS PRORAM
HOD	HEAD OF THE DEPARTMENT
HR	HUMAN RESOURCES
HRD	HUMAN RESOURCE DEVELOPMENT
LDA	LIMPOPO DEPARTMENT OF AGRICULTURE
MEC	MEMBER OF THE EXECUTIVE COUNCIL

**All references in this document to “the Department” will mean the Limpopo Department of Agriculture.*

2. EXECUTIVE SUMMARY:

The Employment Equity Policy has been developed to ensure that the Department as an organ of state strives for equal representation to address imbalances in the workplace.

This specific policy outlines the objectives of the policy and also indicates how these objectives can be obtained.

The Policy Pronouncements are clear and the literature also attends to the various principles which underpins the policy, explain the powers, roles and responsibilities of all involved in the process and discuss considerations for the implementation of the policy. Apart from that, it is also addressing the very important success factors on achieving Employment Equity as well as service delivery priorities.

The institutional arrangements are set out clearly and indicate the responsible persons regarding the implementation of the policy.

As can be seen from the legal framework, this policy is aligned with the broader expectations set for Employment Equity within the government in South Africa.

3. INTRODUCTION:

The Limpopo Department of Agriculture is committed to the realization of an equitable representation in the workplace by addressing imbalances and inequities imposed by apartheid legislation and policies. South African organizations have generally been skewed in terms of their workplace, especially at middle to upper levels of management. Since the 1994 general elections, South Africa has been well on its way towards establishing political and social democracy. Affirmative action, employment equity and diversity management are strategies employed by the government to remove all forms of barriers or discrimination and to give every citizen equal opportunity to unleash his/her potential.

The value of equity has become a founding principle upon which the current constitutional dispensation of our country is built. Equity is also included in the Bill of Rights, in which it is established as the first substantive right. Section 195(1) of the Constitution of the Republic of South Africa stipulates that: "Public Administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation."

Human dignity, equality and freedom are the cornerstones of our democracy. The Department will seek to affirm the dignity and equal rights of all people by conserving the requirements of the Employment Equity (EE) Act to eliminate unfair discrimination and implement measures that will lead to equitable representation of designated groups at all occupational levels and categories in the workforce.

4. PURPOSE AND OBJECTIVES OF THE POLICY

The purpose and objectives of this policy is therefore to:

- a) Ensure that the Department eliminates unfair discrimination of any kind in the workplace including that based on race, gender, disability, marital status, colour, sexual orientation, pregnancy, family lineage, ethnic or social origin, belief and cultural system, age, HIV status, conscience, political opinion, language and birth.
- b) Ensure that the Department achieves the objectives, numerical goals and targets of its Human Resource/Employment Equity Plan.
- c) Establish procedures and preclude the future occurrence of any inequities in employment policies and practices within the Department.
- d) Ensure adequate representation of persons from designated groups in all occupational categories of the Department's Organisational Structure.
- e) Ensure that suitably qualified applicants designated groups are employed and that excellence in service delivery is achieved and maintained.

5. AUTHORITY OF THE POLICY

This policy is issued under the authority and functions under the custodianship of the Hon. Member of the Executive Council (MEC) as the Executive Authority and the Head of the Department (HOD) as the Accounting Officer in the Limpopo Department of Agriculture (LDA).

6. LEGAL FRAMEWORK

6.1 Core legislation and prescripts

The policy is aligned and reflects the provisions of the following core legislation and prescripts:

- a) The Constitution of the Republic of South Africa Act No. 108 of 1996
- b) Employment Equity Act No. 55 of 1998
- c) Labour Relations Act No. 66 of 1995
- d) Skills Development Act No. 97 of 1998

- e) Promotion of Equity and Prevention of Unfair Discrimination Act 4 of 2000
- f) Promotion of Administration Justice Act 3 of 2000
- g) White Paper on Affirmative Action in the Public Service, 1998

6.2 Other

In addition to legislation, the policy has also been developed in line with the following:

- a) Gender Strategic Framework for the Public Service
- b) Handbook on Reasonable Accommodation for people with Disabilities in the Public Service
- c) Technical Assistance Guideline on the Employment of People with Disabilities
- d) Job Access Strategy on the Recruitment, Employment and Retention of Persons with Disability, 2009

7. SCOPE OF APPLICATION

This policy, except otherwise indicated, is applicable to all employees and prospective applicants in the Limpopo Department of Agriculture (LDA).

8. DEFINITIONS

The following definitions are applicable to this policy:

- a) *Designated Groups* mean Black People, Women (all women, irrespective of race) and People with Disabilities.
- b) *Black persons* include the following races: i.e. Africans, Coloureds and Indians.
- c) *People with Disabilities* are defined in the Act as people who have long-term or recurring physical or mental impairment, which substantially limits their prospects of entering into or advancement in employment.
- d) *Suitably qualified* refers to a person who may be suitably qualified for a job as a result of one of, or any combination of, that person's formal qualifications, prior learning, relevant experience, and/or capacity to acquire, within a reasonable time the ability to do the job.
- e) *Barrier-free Environment* refers to an environment in which access to all facilities and services are equally available to everyone. Both public and private sector organisations are required to ensure that the workplace is accessible to make the employment of persons with disabilities much easier.

- f) *Unfair discrimination* in the workplace context means the use of irrelevant criteria, unrelated to competence or ability to fulfil the inherent requirements of the job; to distinguish between individuals and make work related decisions.
- g) *Reasonable Accommodation* refers to any modification or adjustment to a job or working environment that will enable a person from a designated group to have access to, participate or advance in employment.

9. POLICY PRONOUNCEMENTS

The Limpopo Department of Agriculture is committed to achieve employment equity in the workplace by promoting equal opportunity and fair treatment in the workplace. It seeks to do this through elimination of unfair discrimination and by implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups (previously disadvantaged groups), in order to ensure their equitable representation in all categories and levels of the workforce. The Department therefore endeavours to:

- a) Conduct analysis of employment policies, practices, procedures and working environment in order to identify employment barriers that adversely affect people from designated groups. This analysis shall also include the assessment, compilation and development of workforce profile to determine the extent of under-representation among designated groups in the workplace.
- b) Develop an Employment Equity Plan (EE Plan) to compliment the HR plan in line with legislative requirements.
The EE plan shall be:
 - i) Promoting equal opportunity and fair treatment in employment through the identification and elimination of barriers and unfair discrimination
 - ii) Implementing affirmative action measures to promote equitable representation of designated groups in all occupational levels and categories
 - iii) Developing EE numerical goals and targets and include equity consideration in the Performance Agreement of the HOD that will cascade down to direct managers
- c) Develop, implement and monitor measures to encourage diversity in the workplace.

- d) Develop, implement and monitor measures to identify and eliminate employment barriers.
- e) Provide reasonable accommodation by modifying and adjusting working conditions where possible to ensure and provide equal opportunity and equitable representation for people with disabilities.
- f) Develop, implement and monitor measures to ensure equitable representation of suitably qualified people from designated groups in all occupational levels and categories.
- g) Develop, implement and monitor measures to empower, train and retrain people from designated groups.
- h) Develop and re-skill people from designated groups.
- i) Provide budget to ensure that Employment Equity measures are implemented.
- j) Allocate resources (human, equipment, financial and assistive devices) where levels of imbalances are identified.

9.1 Principles:

This policy is underpinned by the following principles:

- a) The Department shall develop an EE plan that sets the numerical goals and targets for the employment of designated groups (Black people, Women and People with Disabilities) in those occupational levels and categories where there is underrepresentation, and which will articulate strategies and affirmative action measures which will be implemented in order to address the imbalances and to meet the set targets.
- b) The inherent requirements of the job shall be the only determining factors with regard to job advertisements and the development of selection criteria. Any arbitrary requirements that will constitute unfair discrimination and a barrier to Employment Equity will be removed.
- c) In order to meet EE targets, preference will be given to suitably qualified candidates from designated groups in the appointment process.
- d) The Department shall take steps to reasonably accommodate designated groups in the workplace, particularly in creating a barrier free environment for people with disabilities.
- e) In the event of restructuring of staff, equity and the impact of the restructuring on EE targets shall be taken into account.

9.2 Roles, responsibilities and powers:

The various roles and responsibilities (including the powers), are as follows:

AUTHORITY/OFFICE	POLICY AGENDA	FORMULATION AND DRAFTING POLICIES	POLICY APPROVAL	POLICY IMPLEMENTATION	MONITORING & EVALUATION
MEC	Contributes to policy agenda. Approves development of new policies.	Contributes to policy agenda. Approves development of new policies.	Approves all policies applicable to LDA	Oversees policy relationship of policy implementation with electoral mandates.	Approves amendment of policy resulting from a review.
HOD	Contributes to policy agenda. Can approve development of new policies in line with powers conferred by law or delegation.	Recommends approval of draft policy to the Hon MEC on advice of Executive Management.	Can approve policies relevant to LDA in line with powers conferred by law or delegation	Oversees implementation of policies	Can approve amendments to policies relevant to LDA in line with powers conferred by law or delegation
Executive management	Inputs into policy agenda.	Recommend the draft policy before submission to HOD and/or Hon MEC	None	Implement policy within area of responsibility.	Monitor and evaluate implementation of the policies at a strategic level.
Senior Management	Inputs into policy agenda.	Draft policy	None	Implement policy within area of responsibility.	Monitors and evaluates implementation of policies within areas of responsibility
SPPC	Inputs into policy agenda.	Supports all branches in the drafting of policies. Co-ordinate the consultation process.	None	None	Supports branches and the Executive Authority/ Accounting Officer in monitoring and evaluating implementation of policies.
Human Resource Management	Inputs into policy agenda.	Develop Policy and is the engine room of change	None	Ensure that employees are informed about all policies applicable to LDA	Provide support to line managers

9.3 Policy implementation considerations:

The following matters are relevant:

- a) All managers must apply the policy and other relevant practices to achieve the set Departmental Employment Equity numerical goals and targets.
- b) The employment equity shall form part of every line manager's performance agreement and assessment thereof.
- c) The attainment of employment equity numerical goals/targets within components shall be the direct responsibility of all line managers.

9.4 Monitoring, Evaluation and reporting:

This matter will be taken care of as follows:

- a) The Employment Equity Forum shall be responsible for overseeing, monitoring and evaluating the implementation of this policy, the employment equity plan and all measures aimed at addressing barriers to promote equitable representation of designated groups in all occupational levels and categories.
- b) The Department shall submit an annual employment equity report to the Department of labour on progress made towards the attainment of its employment equity targets.
- c) All line managers shall also be responsible for communicating and cascading this policy, the EE Plan and any other programmes designed for the accelerated development or advancement of people from designated groups to their employees.
- d) The responsible division/EE Forum shall compile quarterly reports to top management for monitoring and recommendation.

9.5 Institutional arrangements/delegations:

The LDA has an Employment Equity Consultative Forum which comprises the labour section. This Forum ensures that legislation guiding Employment Equity is comprehensively adhered to in the Department.

- a) The HOD is the Accounting Officer and custodian of employment equity in the workplace.
- b) The General Managers/Senior Managers/Managers are also obliged in support of the HOD to ensure that employment equity is taken into consideration.

- c) Officials implementing this policy are required to comply with the latest delegation framework and identify appropriate delegations applicable to this policy, which may be subject to change from time to time.

9.6 Service delivery priorities:

This policy aims to contribute towards the achievement of a diverse, representative and non-discriminatory workplace and is underpinned by the following Government Priorities:

- a) Creation of decent work and sustainable livelihoods, e.g. EPWP
- b) Education, e.g. HRD
- c) Health, e.g. EPWP
- d) Rural Development, e.g. Transport Infrastructure
- e) The fight against Crime and Corruption, e.g. Anti-fraud and Corruption Unit

9.7 Success factors in the achievement of Employment Equity:

The following are success factors for the achievement of Employment Equity and therefore need to be taken into consideration:

- a) Equal Opportunity means to provide all people with exactly the same opportunities with regards to employment practices. According to Employment Equity (1998), every employer must take steps to promote equal opportunities in the workplace by eliminating unfair discrimination in any employment policy or practices.

This means that there should be no unfair discrimination on the grounds of race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, HIV status, conscience, belief, political opinion, culture, language and birth.

- b) Affirmative action is defined as the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment (White Paper on Affirmative Action, 1998:4).
- c) Diversity Management of a comprehensive and holistic process for creating and sustaining an environment in which all employees feel comfortable, recognised, valued and appreciated, based on differences such as race, gender, culture, religion, disability and sexual orientation. Diversity management plays a crucial role in complementing equal opportunity, affirmative action and employment equity by preparing an environment conducive to a more diverse workforce.
- d) Employment Equity is the end-result of equal opportunity, affirmative action and diversity management. In other words, when all real

equality is achieved in the workplace. An organization will achieve employment equity when its employee profile reflects that of the population at all organizational levels.

10. DEFAULT/DEVIATIONS FROM THE POLICY

Since it is the intention of this policy to ensure Employment Equity, it will be an infringement of the policy to deviate from the policy. Should it be impossible to comply with the policy, for whatever reason, and therefore to deviate from the policy, a written motivation would be needed and approved by the Accounting Officer. Such incidences should be treated with the greatest care and consideration.

11. INCEPTION DATE

The date of inception is the date on which this policy is approved by the Hon. MEC for Agriculture.

12. TERMINATION AND REVIEW CONDITIONS

Although this policy intends to cover the 3 year period for the 2013 to 2016 Financial Year, it can be revised and/terminated as and when the need arise.

13. ENQUIRIES

Enquiries regarding this Employment Equity policy can be directed towards:
HR Planning & Equity, Limpopo Department of Agriculture, Private Bag
X9487, POLOKWANE, 0700.

Tel: 015 294 3000

Fax: 015 294 4505

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