



**LIMPOPO**

**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

**PROVINCIAL TREASURY**

# **EMPLOYMENT EQUITY POLICY**

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## ACRONYMS

The following acronyms are used in this policy:

DSEA	-	Departmental Service Excellence Award
EE	-	Employment Equity
EEP	-	Employment Equity Plan
HIV	-	Human Immunodeficiency Virus
HoD	-	Head of the Department
LPT	-	Limpopo Provincial Treasury
MEC	-	Member of Executive Council
MPL	-	Member of Parliament
SOPC	-	Strategic Operations & Policy Co-ordination

## **1. INTRODUCTION**

- (a) Limpopo Provincial Treasury acknowledges the existing inequalities, imbalances, prejudice and injustice of the past and the need to create a new dispensation in which all South Africans will enjoy and exercise their fundamental rights and freedom.
- (b) Therefore, through this policy, the department supports the core ideals of Affirmative Action and equal opportunities for all South African citizens and dedication for the implementation of the core values to ensure a representative workforce.

## **2. PURPOSE AND OBJECTIVES OF THE POLICY**

- (a) The purposed of this policy is to
  - (i) Assign priority to the recruitment of candidates from disadvantaged groups to reach the targets and time frames of EEP
  - (ii) Promote transparent and participative decision making related to the promotion of representativity
  - (iii) Improve intercultural communication at all levels by creating a favourable climate that is sensitive to diversity within the workplace by
    - (01) ensuring that management is committed to achieve employment equity change and transformation
    - (02) creating a friendly and accessible work environment for persons with disability
    - (03) identifying and removing direct or indirect illegimate distinctions in conditions of service and employment practices and policy
    - (04) redressing existing numerical imbalances within the department,

- (05) creating a departmental culture respectful of diversity and dedicated to the values of Democracy
- (06) creating educational, training, development opportunities, career advancement and broaden equal opportunity and affirmative action within the department.

### 3. AUTHORITY OF THE POLICY

- (a) This policy is issued under the authority of the MEC as the Executive Authority and the Head of Department as the Accounting Officer for Limpopo Provincial Treasury.

### 4. LEGISLATIVE FRAMEWORK

- (a) This policy is guided by the following legal prescripts:

No	LEGISLATION
1	The Constitution of the Republic of South Africa Act, (Act No. 108 of 1996 as amended).
2	Employment Equity act, 1998 (Act No. 55 of 1998)
3	Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
4	Labour Relations Act, 1995 (Act no. 66 of 1995)
5	Limpopo Economic Growth and Development Plan
6	Public Service Act, 1994 (Act No. 103 of 1994)
7	Public Service Regulations, 2016
8	White Paper on the Transformation of the Public Service, 1995
9	White Paper on Affirmative Action in the Public Service, 1998

No	LEGISLATION
10	Code of Good Practice on EE
11	Millennium Development Goals,2007
12	Strategic Framework for Gender Equality within the Public Service,2007
13	Technical Assistance Guidelines on the Employment of People with Disabilities
14	White Paper on Integrated National Disability Strategy,2001

## 5. SCOPE OF APPLICATION

(a) This policy is, except where otherwise indicated, applicable to all employees of the department.

## 6. DEFINITIONS

- a) **Black people** - is a generic term which means African, Coloured and Indians
- b) **Designated groups** - means black people, women and people with disabilities
- c) **Employment equity** - means the right to fundamental equality of opportunity among all persons and the right of every person to be treated fairly in seeking and maintaining employment on the basis of authentic merit principles rather than inherited practices rooted in habit, institution, complacency or prejudice;
- d) **Empowerment** - means providing people with the necessary tools and skills enabling them to do their jobs effectively;
- e) **Handicap** - means the loss or limitation of opportunities to take part in the life of the community on an equal level with others;

- f) **Intercultural** - means recognition of the multi-ethnic and multi-cultural composition of the South African population;
- g) **Management** - means an employee who is responsible for managing employees reporting to them;
- h) **Mentorship** - means the responsibility for the total development of the individual in the workplace;
- i) **People with disabilities** - means people whose physical, intellectual or sensory impairment, or medical conditions, whether permanent or recurring in nature, substantially limits their prospects of entry into, or advancement in employment;
- j) **Previously disadvantaged individuals/groups** - means Black people (a generic term referring to Africans, Coloureds and Indians) women and people with disabilities as described above;
- k) **Reasonable Accommodation** - means any modification or adjustment to a job or to the working environment that will enable a person from a previously disadvantaged group to have access to or participate or advance in employment;
- l) **Representivity** - means broadly representative of the National and Limpopo Provincial demographics;
- m) **Unfair Discrimination** - means any form of arbitral treatment, restriction of opportunity or differentiation in employment policy or practice that directly / indirectly discriminates against an employee on one or more of the following grounds: race, gender, sex, pregnancy, marital status, family responsibility, ethnic of social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language or birth. Unfair discrimination excludes discrimination based on affirmative action measures consistent with the purpose and provisions of the Employment Equity Act, 1998 and excluding or preferring any person on the basis of an inherent requirement of the job.

## 7. POLICY PRINCIPLES

- (a) **Transparency:** with regard to the implementation of policy decisions, planning strategies and programmes.
- (b) **Inclusiveness:** by enabling all management and all employees to be part of the process irrespective of designated status.
- (c) **Flexibility and dynamism:** to accommodate new forces from within or outside the Department as variables occur.
- (d) **Quality of services:** efficiency and productivity – its aim will be to improve and maintain high levels.
- (e) **Consultation:** All the key stakeholders that are expected to affect or be affected by the implementation of the policy should at all stages of the development or review of the policy
- (f) **Information:** All employees who are affected by the policy should be informed about the prescript within the policy be consulted.
- (g) **Redress:** The Department must ensure that there is representativity of all designated groups



## 8. ROLES, RESPONSIBILITIES AND POWERS

(a) The roles, responsibilities and powers for this policy within the Department are as follows:

Authority/ Office	Policy agenda	Formulation & Drafting policies	Policy approval	Policy implementation	Monitoring & Evaluation
MEC	Approval of EE policy	None	Approves EE policy	None	None
HOD	Contributes to EE policy agenda  Can approve development of the EE policy	Recommend s approval of draft policy to the MEC on advise of Executive Management	Can approve EE policy in line with the powers conferred by law or delegation	Oversees implementation of EE policy  Bears the responsibility and accountability of the policy	Can approve amendments to EE policy in line with powers conferred by law or delegation
Executive Manageme nt	Input into EE policy agenda	Recommend the draft policy submission to HoD and/or the MEC	None	Implement EE policy within area of responsibility  Co-ordination of logistics in line with the policy	Monitor and evaluate the implementatio n of the EE policy within their Branches

Authority/ Office	Policy agenda	Formulation & Drafting policies	Policy approval	Policy implementation	Monitoring & Evaluation
Senior Managemen t	Input into EE policy agenda	None	None	None	Monitors and evaluate implementatio n of EE policy within their Directorates
Senior Manager: Transforma tion Services	Consolidate inputs into EE policy agenda from other Branches	Drafts the EE policy as supported by SOPC	None	Ensure that LPT implement EE policy  Establishment of proper structures and systems.	Monitors and evaluate implementatio n of EE policy within LPT
SOPC	Inputs into policy agenda	Supports Transformati on Services in EE policy drafting and finalization thereof	None	None	Supports Branch: Corporate Governance in monitoring and evaluation of policies
Human Resource Managemen t	Inputs into policy agenda	None	None	Finalization of PMS in line with EE policy	None

## **9. POLICY PROVISIONS**

### **9.1 RECRUITMENT**

- (a) Job descriptions shall clearly state the inherent requirements of the job.
- (b) The recruitment process should be informed by the department's Employment Equity Plan (EEP).
- (c) As a matter of practice the recruitment and selection processes shall be transparent.
- (d) Funded vacant posts shall be advertised in at least English and as far as practical in any other language(s) commonly used by the majority of citizens in the Limpopo Province.
- (e) All funded vacant posts should be advertised as prescribed by the Public Service Act and Public Service Regulations. The criteria for advertising any identified vacant post should be consistent whether advertised internally and externally.
- (f) Employment opportunities in the department shall be made accessible to all South African citizens consistent with the employment equity objectives of the Department

### **9.2 SELECTION AND APPOINTMENT**

- (a) Priority should be given to the appointment of suitably qualified candidates from disadvantaged groups to reach the targets and time frames of the EEP of the Department.
- (b) Criteria and measuring systems for selection should be standardized as far as possible
- (c) In determining experience, it should not be confined to the experience in the Public Service only, relevant experience elsewhere, including life experience combined with the potential to develop and acquire the relevant skills should be considered, unless

otherwise prescribed by the Public Service Act and Public Service Regulations or prescripts

- (d) The concept of merit shall not be restricted to the relevant qualifications but it may include due consideration of :
  - (i) prior learning, life skills, experience, potential and ability to develop and acquire relevant knowledge, attitude and skills
  - (ii) the inherent value of a diverse public service in a diverse community and an understanding of and commitment to the public service.
- (e) Medical testing of an employee is prohibited, unless legislation permits or requires the testing or is justifiable in the light of medical facts, employment condition, social policy, the fair contribution of employee benefits of the inherent requirements of the job.
- (f) Psychometric testing and other similar assessments of an employee are prohibited unless the test or assessment being used has been scientifically known to be valid and reliable, can be applied fairly to all employees, is not biased against any employee or group or legislation permits or requires the testing.
- (g) Interviewing panels shall be representative at all times.

### **9.3 FAIR AND EQUAL CONDITIONS OF EMPLOYMENT**

- (a) A review shall be conducted of all terms and conditions of employment and service regulations to eliminate any provision which are inconsistent with the employment equity objectives of the Department.
- (b) Actions should be taken to address any imbalances in allocation of benefits and conditions of employment.
- (c) The special needs of the disabled shall be reasonably accommodated to promote their access to employment in the Department. Such accommodation may include, but is not limited to, flexible hours of service, redesign of the workplace, provisioning

of special equipment and aids and/or any such measure that is reasonable and will have the effect of promoting the employment of the disabled.

## **9.4 TRAINING AND DEVELOPMENT OF EMPLOYEES AND ORIENTATION OF NEW EMPLOYEES**

### **9.4.1 Induction**

- (a) The formal and informal orientation of new employees (including management) is imperative. Attention should be given to amongst others orientation culture, work ethics based on a code of conduct as prescribed for the public service and other related programmes and the eradication of harassment and unfair discrimination.
- (b) New employees should be educated on all relevant policies and access copies thereof.

### **9.4.2 Skills Development**

- (a) It is recognized that the Department has a responsibility to provide reasonable opportunities for the optimal development of all employees in the relevant field of study. In view of the educational and experience disparities between ethnic and gender groups, accelerated training and fast tracking are recognized by the Department.
- (b) Those with the necessary qualifications, but without experience, should be assessed on their potential and accelerated development courses to enable them to perform effectively in the specific job. Effective mechanisms should be in place so as to identify and assess employees with potential.
- (c) It must be recognized that in certain specialized fields, both fundamental knowledge and relevant practical experience are essential, both of which may require time to develop.

- (d) Coaching or mentoring should be utilized
- (e) To promote a career-orientated service and representivity, it is essential that bursaries and other education, training and development opportunities be made available to the department's employees in a revised manner consistent with the employment equity objectives of the Department.
- (f) Criteria for allocation of bursaries/scholarships should be focused to accommodate disadvantaged groups and job related performance and conducted in accordance with the set Bursary Policy.
- (g) Employees shall be reasonably accommodated in the pursuance of recognized education, training and development opportunities provided that these will promote the development of the skills base of the department.
- (h) Management shall bear the responsibility for the development of employees under their charge as per performance instruments.
- (i) The job performance evaluation of management shall be influenced by their commitment to the development of previously disadvantaged individuals.
- (j) The Department will take into account the Employment Equity profile of the service provider in the procurement of formal training courses.

#### **9.4.3 Performance Evaluation/Assessment**

- (a) The Department will include diversity management and implementation of EEP in the Performance Management Instrument of Senior Management.
- (b) Performance Management will be conducted in such a manner as prescribed in the Procedure Manual as to eliminate subjectivity and stereotyping.
- (c) Performance management criteria or contracts will be designed to evaluate the inherent job requirements of the job.

## **10. DEVIATION/DEFAULT**

- (a) Any policy, procedure, or guideline that does not follow the procedures and processes outlined in this policy will not be approved by the relevant authority.
- (b) Any employee who contravenes the provisions of this policy which may lead to violations of the Public Service Code of Conduct or any rules or policies, that employee shall be charged with misconduct and the necessary disciplinary measures will be taken against him or her.

## **11. COMMENCEMENT DATE**

- (a) The commencement date of this policy will be on the date of its approval.

## **12. TERMINATION AND REVIEW CONDITIONS**


- (a) This policy will be reviewed by the Limpopo Provincial Treasury after two years or when necessary. The amendments resulting from the review will be processed in line with the Policy Development Framework. However, where it is deemed not necessary to review the policy, evidence of the process leading to such decision should be provided.
- (b) This policy will remain in force until and unless it has been withdrawn or amended by the Executive Authority.

### 13. ENQUIRIES

- (a) Enquiries regarding this policy should, in the first instance, be directed to Transformation Services directorate.

### 14. RECOMMENDATION AND APPROVAL


Recommended for approval by:

  
\_\_\_\_\_  
GC Pratt

HEAD OF DEPARTMENT

28/7/2017  
Date

APPROVED BY:

  
\_\_\_\_\_  
RWN Tooley (MPL)

MEMBER OF THE EXECUTIVE COUNCIL

31/07/2017  
Date