



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
ROADS AND TRANSPORT**

**EMPLOYMENT PRACTICES
POLICY**

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1. PREAMBLE

- 1.1. The Department is committed to the achievement of the workforce that will broadly be representative of South African people and to utilise employment and personnel management practices that are based on ability, objectivity, fairness and need to redress the imbalance of the past and to achieve broad representation.
- 1.2. To this end, every manager will be responsible for ensuring the following:-
 - 1.2.1. Effectively meeting the human resources needs of their components to deliver on the goal of the Department.
 - 1.2.2. Ensure that employees are managed in an enabling and supportive environment which promote their further development policy or practice.
 - 1.2.3. Taking steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practices.
 - 1.2.4. That no person is unfairly discriminated directly or indirectly, on one or more ground, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.
 - 1.2.5. Implementing Affirmative Action measures to ensure that qualified people and especially those who have been most disadvantaged (blacks, women and people with disability) by the implementation of the discriminatory practice have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce.

2. PURPOSE

The purpose of this policy is to augment the regulations with regard to employment procedure and practices and to create an appropriate framework to Human Resources Practitioners, Human Resources Managers and Recruitment Managers in ensuring that recruitment, selection and placements comply with national norms and standards.

3. MANDATORY REQUIREMENT

Part VII, C of the Public Service Regulations requires that the executing authority records that inherent requirement of the post, ensure that the requirements do

not discriminate against persons historically disadvantaged, and comply with any statutory requirements for the appointment of employees.

Section 195 of the constitution requires that the public service be governed by the democratic value and principles.

Section 2(1) (a) and 2(2) (a), of schedule 7 of Labour Relations Act, 1995 prohibits unfair discrimination, either directly or indirectly, against any employee or applicant.

Section 2(2)(b) of schedule 7 of the above mentioned Act sanctions employment policies and practices that are designed to achieve the advancement of persons or groups disadvantaged by unfair discrimination.

Chapter 11, Section 6(1)(2) of Employment Equity Act, 1998 stipulates that no person may unfairly discriminate, directly or indirectly against an employee, in any employment policy or practice on one or more ground, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, political opinion, culture, disability, religion, sexual orientation, language, belief, HIV status and birth.

4. RECRUITMENT POLICY PROVISIONS AND ROLES

4.1. Key Policy Principles

4.1.1. Recruitment should be targeted for maximum accessibility. It should be aimed at reaching, in most cost effective manner, the widest possible number within all target group.

4.1.2. The image of the Department and of the Public Service in general must be promoted in order to encourage applicants' interest in the Public Service.

4.1.3. Advertisements must account for and contribute to a just and fair process with regard to the filling of posts. All recruitment actions should be undertaken with a view to seek from the relevant target groups, the ideal applicant with the necessary training, skills, competence, potential and knowledge relevant to the requirement of the post concerned.

4.1.4. The recruitment must acknowledge and adhere to the principle of equal employment opportunities and ensure that, to the greatest extent, any person who may rightfully qualify will be in a position to present his /her candidature for appointment in the Public Service.

4.1.5. Recruitment should contribute to achieving a representative Public Service. It is an important tools by means of which past imbalances can be redressed.

4.2 NORMS FOR COMPILATION OF ADVERTISEMENT

- 4.2.1. Advertisements should be compiled in accordance with section 186 (2) of the Labour Relations Act, 1995 which equates a job applicant with an employee for the purpose of protecting individuals against arbitrary discrimination.
- 4.2.2. Advertisements should not favour or prejudice any prospective candidate who possesses the knowledge, skill, competence and or potential required for the relevant post.
- 4.2.3. Advertisements should encourage competition between internal and external applicants in order to promote labour mobility and cross fertilisation of energy, skills and experience.
- 4.2.4. The concise description of the duties to be undertaken and requirements which will be used in selections, should be indicated in the advertisement.
- 4.2.5. Any requirement that is not directly related to the applicants' ability to perform that specific job and to organisational objectives should not be put into an advertisement.
- 4.2.6. Where educational qualifications are statutorily required, they should be clearly stated in the advertisement.
- 4.2.7 The requirement for health and security clearances, where these are justified by the inherent nature of the work, should be clearly stated in the advertisement
- 4.2.8. The language and style of the advertisement should be clear and simple and designed to attract candidates from all sections of the target groups.
- 4.2.9. The appropriate salary level and applicable notches should be of the prevailing salary dispensations. The vacant post should be advertised on the level that is dictated by the evaluation work that should be performed.

4.3 ADVERTISING

- 4.3.1 In accordance with PSR VII 2.5 all posts of senior management and those for scarce skills must be advertised nationally both inside and outside the Public Service (month for advertisement)
- 4.3.2 All other posts below the level of the senior management must be advertised within the Province. Optionally advertising could be done with the rest of the

Public Service, outside Public Service either nationally or locally by other means of recruitment.

4.4 MEDIUM OF ADVERTISEMENT

4.4.1 Within the Provincial Department

An internal vacancy circular has to be compiled and distributed by the Human Resources directorate to all divisions, regions and Provincial Departments.

4.4.2 Within the Public Service Wide

Advertising nationally within the Public Service could be effected by means of the vacancy circular minutes of the Department of Public Service and Administration.

4.4.3 Outside the Public Service

(a) Advertisement could be made in the national media within a circulation adequate to reach prospective candidates nationally.

(b) Employment agencies may be used if advertising fails to yield suitable candidates, to act as intermediaries between the employer and prospective employees as long as the advertising is in line with item VII (c) of the new Public Service Regulations.

(c) Posting

(i) Posting methods can be used to reach communities which cannot normally be reached through the more conventional recruitment methods.

(ii) The Human Resources directorate could liaise at local level with both officials and private entities for the display of posting at places which are accessible, known to and frequented by the community.

(d) Radio Advertising

(i) Advertising through radio could be utilised typically to reach local communities.

(ii) This method can be used in conjunction with posting for the purpose of announcing the localities where advertisements are posted.

(e) Skills Search (Head Hunting)

(i) This method will be used to seek suitable candidates for position where difficulty is experienced to recruit suitably qualified candidates from historically disadvantaged groups.

(ii) This method will be used only in conjunction with normal advertising of vacancies.

4.5 Evaluation of Recruitment

(a) The Human Resources directorate should evaluate recruitment process in order to ensure:-

(i) Whether the recruiters succeeded in meeting their goals.

(ii) The total % of applicants who qualify for the job.

(iii) The number of qualified applicants v/s the number of available jobs.

(iv) The quality of performance by the subsequent appointments.

(v) The cost of recruitment.

5. SELECTION

5.1. Selection involves the assessment of candidates for vacant posts and the choice for the most suitable people. It involves interviewing and examination of data.

5.2 The Head: Human Resources or his/her delegate shall be responsible for the receipt of applications for advertised posts, acknowledging receipt thereof, and ensure that all persons who qualify for the posts by virtue of their applications are duly considered for appointment.

5.3. The relevant Head/Sub-directorate shall, with the assistance of Directorate Human Resource draw up a shortlist of applicants who appear suitable by comparing available information on applications with the job specifications.

5.4. The Head: Human Resource or his /her delegate shall facilitate the appointment of Selection Committee which shall consist of those persons mentioned in PSR 1D11/D as well as representative (observers) from Transformation Unit and employee organisations.

5.5. The Head: Human Resources or his/her delegate must provide secretariat and advisory service to the Selection Committee,

5.6 Reference checks on short listed candidates will be done after scheduled interviews, only to confirm the training, qualification skills, competence or knowledge of the candidates in relation to the requirements of the job.

5.7. Structured interview which is well planned in advance should

be used as evaluation method and should be aimed at comparing the attributes of the applicant with the requirement of the position so that a decision about the best fit can be made.

- 5.8. The recommendation of the Selection Committee shall, together with all supporting documents be submitted to the Head: Human Resource who shall be responsible for obtaining the approval of the Executive Authority or his/her delegates (refer to delegations).

6. PROBATION

- 6.1. All probationary appointments shall be in accordance with the provisions of Section 13 of the Public Service Act, 1994 and PSR//VII/E as well as a PSCBC agreement.
- 6.2. All newly appointed employees shall undergo a period of orientation and induction in the Department. Job related orientation shall be the responsibility of individual managers / supervisors, while the Head: Human Resources or his/ her delegates shall be responsible for presenting / facilitating induction programmes on at least quarterly basis.
- 6.3. The Head: Human Resources shall be responsible for providing administrative support to managers / supervisors in applying the relevant provisions of the Public Service Regulations concerning probations and for keeping appropriate records.

7. PAY PROGRESSION

- 7.1. All employees on salary levels 1 to 12 shall be eligible for pay progression to the maximum notch of salary level attached to their posts.
- 7.2. Progression to the next higher notch within the employee's salary level as from 1 July 2003 shall be based on seniority (Period of continuous service) and performance and shall therefore not be automatic. The progression shall be effected by the Head: Human Resource or his/her delegate.
- 7.3. An employee must complete a continuous period of at least 12 months on his/her notch on the 31st March of a year and must be performing at least satisfactorily as assessed in terms of the Departmental policy on Performance Management System.
- 7.4. The pay progression cycle will run over a continuous period of 12 months, commencing on 1 April of a particular year (In practice, this may have the effect that an employee appointed in or promoted to a post with effect from 1 May of a year on salary level 1 to 12 shall only qualify 23 months later for possible pay progression).

- 7.5. Progression will take place annually during 1 July of each year, subject to the Departmental Policy on Performance Management.
- 7.6. First progression in terms of this system shall take place on 1 July 2003 and shall be based on the outcome of the performance assessment for the period 1 April 2002, to 30 March 2003 (therefore one year's continuous service on a notch).
- 7.7. Pay progression from 1 July 2004 and of subsequent year shall be based on
- (i) actual service in a particular salary level for the period 1 April to 31 March prior to the pay progression date (therefore of one year's continuous service on a notch) and
 - (ii) an assessment of at least satisfactory performance for the said period in line with the Departmental policy on PMS
- 7.8. Only valid notches on the salary scale must be used in the pay progression process.
- 7.9. Employee on personal notch on the salary scale (therefore on notch above the maximum of the salary level attached to his/her post), shall not qualify for pay progression, but shall receive any annual salary adjustments on the salary scale. Notches in this instance will be ring-fenced on the pay system (PERSAL) and identified as such to ensure that they do not benefit from this system.
- 7.10. An employee who had been awarded a higher salary level by the executing Authority in terms of the PSR (Chapter 1 Part V/ C2, and such a level does not correlate to the job weight attached to his/her job, shall qualify for pay progression provided compliance with the set criteria is realised.
- 7.11. Employees who benefit from the pay progression system during a financial year will receive the benefit in addition to possible annual cost of living adjustments.
- 7.12. An employee may receive pay progression and other performance related incentives (e.g. performance bonus) as provided in the Departmental Performance Management Policy.

8. TRANSFERS

- 8.1. It is in the interest of good management both in terms of department operational effectiveness and the employee's development that employees be rotated between different jobs within their division or districts.

- 8.2. Transfers of employees at the same level may be instigated either by the employer or the employee himself/herself.
- 8.3. The principle should be to adhere to operational requirements of the department.
- 8.4. While transfers may be used positively for performance management, they should not be used to avoid dealing with staff whose performance or conduct is unsatisfactory or to move staff on the basis of personal prejudice.
- 8.5. Transfers should not be used as a mechanism to prevent the use of competition as a basis of filling a vacant post.
- 8.6. Employees to be transferred should be consulted and their personal circumstances taken into account.
- 8.7. When transfers are made between two departments, the receiving department should bear the costs (where necessary).
- 8.8. The department should inform the receiving department of any outstanding matters such as promotions, allowances due and disputes that might be existing.
- 8.9. The department should confirm the date of assumption of duty of the employee.
- 8.10. The relinquishing department should attend to phase one of the transfer process, namely; the transfer of files and payments of salaries upon such confirmation.
- 8.11. The costs for employee initiated transfer is borne by the applicant while employee initiated costs are borne by the employer in terms of Resettlement Policy.
- 8.12. The Head of Department has the right to approve or disapprove the transfer, however, on disapproval, he need to furnish reasons.
- 8.13. Transfer between two departments should take place in consultation with the concerned department.
- 8.14. Same procedures have to be followed when transfers are made between the Province and National Departments.

9. CONTRACT OF EMPLOYMENT

- 9.1. The Head: Human Resources shall prepare a written employment contract to be signed by the employee, when sending him/her a letter offering him /her the position successfully interviewed for. The contract shall stipulate the terms and

conditions of service while employed by the Department. A copy of the contract must be placed in the employee's personal file.

9.2. Appointments shall be approved by the Member of Executive Council or his/ her delegate (refer to delegations) by way of a submission to be prepared by the Head: Human Resources his/her delegate after receiving a request to that effect from the relevant line manager together with the necessary documentation.

10. RE-APPOINTMENT OF FORMER EMPLOYEES

10.1. The Executive Authority may not re- appoint a former employee where:-

(a) the former employee left the Public Service earlier on the condition that he / she would not accept or seek re-appointment,

(b) the original grounds for termination of service militate against re-appointment, or

(c) the former employee left the Public Service due to ill health and cannot provide recent and conclusive evidence of recovery.

10.2 Irrespective of the level of delegations in a specific case, a former employee may only be re - appointed if it has been recommended by the Head: Human Resource Management (salary levels 12 and lower) and for salary level-13 and higher, the Head of Department, if they are successful in obtaining a post through competition.

11. ACTING IN HIGHER POST

11.1. An employee can only be appointed to act in higher post(s) if no other arrangements can be done. After the twelve months appointment on acting capacity has to be terminated.

11.2. Any employee that is appointed to act in higher post(s), shall be appointed in accordance with the provisions as contained in Chapter I, Part VII/B.5 of the Public Service Regulation; Paragraph 5.1 of the PSCBC Resolution 9 of 2001 as well as Resolution number 1 of 2002 of the GPSSBC.

11.3. An employee shall be informed of his/her acting capacity in writing by the Head: Human Resources or his/her delegates after approval by the HOD

11.4 An employee who does not meet the requirements of the posts into which he/she should act, should not be appointed to act in such post. Unless in exceptional circumstances with the sanction of the Executing Authority

- 11.5. An employee appointed to act in higher post should accept the acting appointment in writing.
- 11.6 An acting allowance shall be paid to an employee who has been appointed and accepted such an appointment in writing and such an officer should be acting in the post that is vacant and funded and the period of acting appointment is uninterrupted and is longer than six weeks.
- 11.7. The acting allowance will be calculated on the basis of difference between the current salary notch of the employee and the commencing notch of the higher post.
- 11.8. An employee who is not part of the Senior Management Service appointed to act in a post in the Senior Management Service will receive the difference between his/her current salary notch and 60% of the commencing total cost to the employer package applicable to the post level.
- 11.9. Acting allowance is a non pensionable allowance.
- 11.10. The Department will pay the acting allowance on monthly basis, provided that the first payment takes place in the month following the completion of six weeks back dated to the date that the employee officially began acting.
- 11.11. An employee may not act in a higher post for an interrupted period exceeding twelve months after the expiry the twelve months appointment on acting capacity has to be terminated.
- 11.12. The fact that an employee has been appointed in an acting capacity does not create a right or legitimate expectation to be appointed when the vacant post is advertised.

12. TERMINATION OF SERVICES

- 12.1. Termination of service of employee may be initiated by the employee or by the department or through mutual agreement.

12.1.1 Age retirement agreement (compulsory and voluntarily)

(a) In accordance with section 16(1)(9) of the Public Service Act, 1994, the compulsory retirement age of the Public Service is 65 years. Any employee, who reaches this age, has to be retired on the date that he / she reaches this age (the only permissible exceptions to this rule are those specified in Section 16 of the Act).

(b) Employees may exercise an option to retire earlier than the compulsory retirement age as provided in Section 16(A)(a) of the Act after attaining the age of

55 years. Employees, who wish to exercise this option, must notify the Head: Human Resources through their managers/supervisors of their intention to exercise this option, three calendar months prior to the date that they wish to retire. Employees can contact the Head: Human Resources for advice and assistance on the benefits which are payable before exercising this option.

(c) In terms of Section 16(6)(9) of the Public Service Act, 1994, employees may retire before reaching the age of 55 years, if in the opinion of the Executive Authority or his/her delegate, a sufficient reason exist therefore and the retirement will be in the advantage of the State. Employees wishing to retire in terms of this provision, must submit their application(s) through their managers/supervisors to the Head: Human Resources. It will be the latter's responsibilities to submit it to the relevant authority for consideration. In this case, employees can also contact the Head: Human Resources in advance to establish the benefits which are payable should they wish to apply for early retirement in terms of this provision.

12.1.2 Resignation

(a) An employee may resign from the Department at any time, subject to the giving notice as provided for in PSRI / VII / G3, and on such condition as may be applicable in terms of any contractual agreement which may apply at the date of resignation (e.g. bursary obligations).

(b) An employee must use form to be issued by the Head: Human Resource in submitting her/his resignation and shall indicate the reasons for the resignation on the form. The form shall be submitted via the employee's supervisor / manager to the Head: Human Resources.

(c) An employee shall be deemed to have resigned under the conditions indicated in PSR 1/VII / G 3.3. (candidate for election to National / Provincial Legislature or nomination to NCOP).

(d) Once an employee has given notice of her / his resignation and she / he wishes to withdraw her / his resignation, approval for the reversal of the resignation may only be granted by the HOD (salary levels 12 and lower) MEC (salary levels of 13 and-higher)

12.1.3 Ill-Health

(a) An employee may be discharged on account of continued ill health (on her/his initiative / the Department initiative) Subject to the provisions referred to in PSR 1 / VII / G4.

(b) All health discharges will only be considered if recommended by a registered physician, on the applicable form obtainable within the Public Service.

(c) All possible investigations have to be done to determine the employee's ill health or injury of permanent nature in terms of the PSCBC resolution number 12 of 1999.

(d) Ill - health discharge applications must be submitted to the Head: Human Resources who will be responsible for obtaining the approval of the Executive Authority or her /his delegate. The Senior Manager: Human Resources will also be responsible for ensuring that such discharges are procedurally and substantively fair.

12.1.4 Operational Requirements

(a) Any discharge for operational requirements must comply with the requirements referred to in PSR 1 / VII / G4.

(b) The Executing Authority or his / her delegate must approve such a discharge (refer to delegations). The Head: Human Resources will be responsible for ensuring that such discharges are procedurally and substantially fair.

(c) A transfer to an entity outside the Public Service must comply with Section 197 of the Labour Relations Act, 1995.

12.1.5 Incapacity

The Executing Authority or his / her delegate must approve discharge based on unfitness or incapacity. The Head: Human Resources will be responsible for ensuring that such discharges are procedurally and substantially fair.

12.1.6 Termination of probation

(a) Any termination of probation shall comply with requirements referred to in PSRI /VII/G5.

(b) The Executing Authority or his/ her delegate must approve an employee's termination of probation. The Head: Human Resources will be responsible for ensuring that such discharges are procedurally and substantively fair.

13. EMPLOYEE RECORDS

(a) The Head: Human Resources shall be responsible for keeping the personal records referred to in PSR1/VII/H.

(b) The Head: Human Resources shall be responsible for ensuring that only authorized persons gain access to the records of those employees under their control.

(c) Employees may gain access to their personal records if authorized by the Head: Human Resources provided such records may not be taken out of the registry area and a representative of the responsible directorate is present.

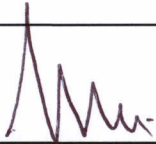
14. MONITORING EVALUATION AND REPORTING

The Employment Equity Manager will be responsible for publishing a quarterly report on trends with regard to the composition of the Department in terms of race, gender and disability.

15. POLICY REVIEW

The policy will be reviewed annually or when necessary.

ENDORSED



HEAD OF DEPARTMENT

18/02/09

DATE

Note: This policy document is a blue print of the original policy that was approved by MEC Stan Motimele on 21.09.2006.