



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

## DEPARTMENT OF AGRICULTURE

### EMPLOYMENT EQUITY POLICY

Ref.: S4/P

DATE OF EFFECT: 01 JULY 2010

RECOMMENDED / ~~NOT RECOMMENDED~~

  
\_\_\_\_\_  
Prof. AE NESAMVUNI  
HEAD OF DEPARTMENT

05/07/10  
DATE

APPROVED / ~~NOT APPROVED~~

COMMENTS: \_\_\_\_\_  
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Me. D.B. LETSATSI-DUBA  
MEC: LIMPOPO DEPARTMENT OF AGRICULTURE

22/07/2010  
DATE

## ACRONYMS

<b><u>LDA:</u></b>	The Limpopo Department of Agriculture,
<b><u>PSC:</u></b>	Public Service Commission
<b><u>PSR:</u></b>	Public Service Regulations
<b><u>HRS:</u></b>	Human Resource Services
<b><u>DPSA:</u></b>	Department of Public Service and Administration
<b><u>MPSA:</u></b>	Ministry of Public Service and Administration
<b><u>EA:</u></b>	Executive Authority

## 1. DEFINITIONS

Affirmative Action	Special measures or corrective actions designed to give preference in the workplace to those who were previously disadvantaged
Black	Means African people, Coloured and Indian persons
Executing Authority	Means a member of the executive council (MEC).
Designated groups	Black people, women and people with disabilities.
Employee	Any person other than an independent contractor who: <ul style="list-style-type: none"><li>• Works for another person or for the state and who receives, or is entitled to receive, any remuneration.</li><li>• In any manner assists in carrying on or conducting the business of an employer</li></ul>
Internal Stakeholders	Refers to management, staff, organized labour and all designated groups
Organ of State	Refer to an organ of state as defined in section 239 of the constitution
People with disabilities	People who have a long term or recurring physical or mental impairment, within substantially limits their prospects of entering into or advancement in employment
Potential	Capacity to acquire within a reasonable timeframe, the ability to do the job.
Stakeholders	Refers to management, staff, organized labour and all designated groups
Employment Equity Forum	The committee instituted by the department to ensure that Managers and the department comply with and monitor the implementation of employment equity
Dispute resolution committee	A committee constituted in terms of the Act to handle any disputes relating to employment equity
Equality	Means the full enjoyment of rights and freedoms by all in similar/proportionate manners.
Reasonable Accommodation	Means any modification 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.
Unfair Discrimination	Unjust measures, attitudes, and behaviour that obstruct the enjoyment of equal rights and opportunities in employment for Black people, women and people with disabilities.

## **2. PURPOSE**

The policy will ensure that fair and equitable process is followed by the Department of Agriculture to address transformation and equity issues.

## **3. LEGAL FRAMEWORKS**

The main legislative guidelines are the following:

- (a) The Constitution of the Republic of South Africa, 1996
- (b) Public Service Act, 1994. (Act no. 103 of 1994)
- (c) White Paper on Affirmative Action, no. 564 of 1998
- (d) White on Human Resource Management
- (e) Public Service Regulations 2001
- (f) Skills Development Act (Act no. 97 of 1998)
- (g) Basic Conditions of Employment Act (Act no. 75 of 1997)

## **4. POLICY OBJECTIVE**

- 4.1** Promote the constitutional right of equality to all employees and the exercise of true democracy in the workplace.
- 4.2** Transform the service and composition of the Department of Agriculture to meet the needs of the people of South Africa and to reflect the demographics of the country, and achieve a diverse workforce that is broadly representative of the South African economically active population.
- 4.3** Eradicate social and economic inequalities within the Limpopo Department of Agriculture,
- 4.4** Promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination in practices, processes and attitudes, and redress prevailing inequities and disparities through the advancement of designated groups.
- 4.5** Promote economic development and efficiency in the workplace.

## **5. SCOPE OF APPLICATION**

This policy shall apply to all officials employed within Limpopo Department of Agriculture.

## **6. POLICY STATEMENT**

### **6.1 PREVENTION AND PROHIBITION OF DISCRIMINATION**

- 6.1.1** No employee shall be unfairly discriminated directly or indirectly against on any one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

- 6.1.2 Unfair discrimination shall include any other grounds which cause or perpetuates systematic disadvantages that undermines human dignity or adversely affects the equal enjoyment of a person's rights and freedom – such as HIV/AIDS status, socio-economic status, nationality, family responsibility and family status.
- 6.1.3 No employee may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds against any person that could reasonably be construed to demonstrate a clear intention to hurt incite harm and hatred.
- 6.1.4 No employee may disseminate or broadcast any information, or publish or display any advertisement or notice that could reasonably be construed or understood to demonstrate a clear intention to discriminate against any person.
- 6.1.5 The department shall implement affirmative action measures to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels.
- 6.1.6 Numerical goals shall be developed and implemented to achieve the equitable representation of employees in all occupational categories and levels and to make department reflective of demographics of the province and the country.
- 6.1.7 Any form of unfair discrimination shall constitute misconduct.

## **6.2 RECRUITMENT**

Every effort shall be made to appoint suitable candidates from designated groups according to the Employment Equity Plan.

## **6.3 FAIR DISCRIMINATION**

The Department shall discriminate fairly for the purpose of redressing past imbalances taking into consideration the provision of section 15 (4) of the Employment Equity Act.

## **6.4 THE EMPLOYMENT EQUITY FORUM**

A forum shall be constituted in terms of section 34 of the Employment Equity Act.

## **7. POLICY REVIEW**

The policy shall be reviewed after every three years or as and when a need arise with the permission from the MEC.