



**LIMPOPO**

**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

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**PROVINCIAL TREASURY**

# **LIMPOPO PROVINCIAL TREASURY**

## **EMPLOYMENT EQUITY**

## **POLICY**

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## **1. PREAMBLE**

Limpopo Provincial Treasury (Department) acknowledges the existing inequalities, imbalances, prejudice and injustice of the past, hence, there is a need to create a new dispensation in which all South African citizens will enjoy and exercise their fundamental rights and freedoms.

Therefore, through this policy, the Department supports the core ideals of Affirmative Action and equal opportunities for all South African citizens and it is dedicated to implement the core values to ensure a representative workforce.

Furthermore, the Department seeks to improve the quality and equity of service delivery by drawing upon the skills and talents of all South Africans in order to derive the benefits of the broader perspectives that a more representative public service will bring.

## **2. APPLICABLE LEGAL FRAMEWORK**

- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- Reconstruction and Development Programme Employment Equity Act , 1998( Act No. 55 of 1998);
- Basic Conditions of Employment Act, 1997 ( Act No. 75 of 1997)
- Labour Relations Act , 1995 (Act No. 66 of 1995); and
- Provincial Growth and Development Strategy.

## **3. SCOPE OF APPLICATION**

This policy applies to all employees of the Department appointed in terms of the Public Service Act, 1994 (Act No. 103 of 1994), as amended.

#### **4. DEFINITIONS**

- 4.1.** “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;
- 4.2.** “Handicap” means the loss or limitation of opportunities to take part in the life of the community on an equal level with others;
- 4.3.** “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;
- 4.5.** “Empowerment” means providing people with the necessary tools and skills enabling them to do their jobs effectively;
- 4.6.** “Intercultural” means recognition of the multi-ethnic and multi-cultural composition of the South African population;
- 4.7.** “Management” means an employee who is responsible for managing employees reporting to them;
- 4.8.** Mentorship” means the responsibility for the total development of the individual in the workplace;
- 4.9.** Previously Disadvantaged individuals/groups means Black people means (a generic term referring to Africans, Coloureds and Indians) women and people with disabilities as described above;
- 4.10.** “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;

- 4.12.** “Representivity” means broadly representative of the National and Limpopo Provincial demographics;
- 4.13.** “Unfair Discrimination” means any form of arbitrary 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 or 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.
- 4.14.** “Corrective Action” means a constitutionally mandated active dismantling of the continuing effects of historical disadvantages.

## **5. EMPLOYMENT EQUITY OBJECTIVES**

- 5.1.** To assign priority to the recruitment of candidates from disadvantaged groups for appointment and promotion to reach the targets and time frames of the Employment Equity Plan (EEP) of the Department;
- 5.2.** To promote transparent and participative decision making related to the promotion of representativity, and in so doing foster trust and cooperation amongst management and employees and members of the general public;
- 5.3.** To improve intercultural communication at all levels by creating a favourable climate this is sensitive to the diversity within the workplace;
- (a) To ensure management commitment to bring about Departmental change and transformation;
  - (b) To create a friendly and accessible work environment for employees with disabilities and ensure reasonable accommodation for the needs of the disabled;

- (c) To identify and remove direct or indirect illegitimate distinctions in conditions of service and employment practices and policy;
- (d) To rectify existing numerical imbalances in representation;
- (e) To create a Departmental culture respectful of diversity and dedicated to the values of the democracy;
- (f) To create educational, training and development opportunities, and the redeployment of existing opportunities, to promote career advancement and broaden equal opportunity and affirmative action within the Department; and
- (g) To facilitate transparency in the equitable resolution of disputes arising out of this policy and its implementation.

## **6. AFFIRMATIVE ACTION PRINCIPLES**

- 6.1. Transparency** - with regard to the implementation of policy decisions, planning strategies and programmes.
- 6.2. Inclusiveness** - by enabling all management and all employees to be part of the process irrespective of designated status.
- 6.3. Flexibility and dynamism** - to accommodate new forces from within or outside the Department as variables occur.
- 6.4. Quality of service, efficiency and productivity** - its aim will be to improve and maintain high levels.

## **7. PROVISIONS**

### **7.1. RECRUITMENT**

- Job descriptions shall clearly state the inherent requirements of the job.
- The recruitment process should be informed by the EEP. Recruitment must be aimed at rectifying numerical imbalances in representivity.
- As a matter of practice the recruitment process and selection process shall be transparent.
- Vacant posts shall be advertised in the language(s) commonly used by the majority of citizens in the Limpopo Province (Province) and by way of innovative and non-traditional, as well as traditional media outlets.
- All vacant posts should be advertised internally and externally. The express aim should be to attract applications from previously disadvantaged groups.
- Media which targets the disadvantaged groups should be utilised at all times. The criteria for advertising any identified vacant post should be consistent whether advertised internally and externally.
- Employment in the Department shall be made accessible to all South African citizens consistent with the Employment Equity objectives of the Department.
- The ability to use any official language predominantly used in the region where the vacancy exists increases the accessibility of the Department to the citizenry it is meant to serve and shall thus be considered a relevant qualification. Depending on the degree of interaction with citizens required by a specific vacancy, language can be identified as an inherent requirement of the job.

### **7.2. SELECTION AND APPOINTMENT**

- Priority should be given to the appointment of suitably qualified candidates from disadvantaged groups to reach the targets and time frames of the EEA of the Department.
- Measuring systems for selection should be standardised.

- In determining experience, it should not be confined to 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.
- The concept of merit shall not be restricted to the relevant qualifications but will include due consideration of:
  - prior learning, life skills, experience, potential and ability to develop and acquire relevant knowledge, attitudes and skills;
  - the inherent value of a diverse public service in a diverse community and an understanding of and commitment to the public service.
- Medical testing of an employee is prohibited, unless legislation permits or requires the testing or it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of the job.
- Psychometric testing and other similar assessments of an employee are prohibited unless the test or assessment being used has been scientifically shown to be valid and reliable, can be applied fairly to all employees and is not biased against any employee or group.
- Interviewing panels shall be as representative as possible.

### **7.3. FAIR AND EQUAL CONDITIONS OF EMPLOYMENT**

- A review shall be conducted of all terms and conditions of employment and service regulations to eliminate any provisions which are inconsistent with the employment equity objectives of the Department.
- Standard grades and associate conditions of services for all job levels. Provisions for paying more for scarce skills can be applied.
- Actions should be taken to address any imbalances in allocation of benefits and conditions of employment.
- 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.



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

### **7.4.1. INDUCTION**

- The formal and informal orientation of new employees (including management) is imperative. Attention should be given to orientation in organisation culture, work ethics based on a code of conduct as prescribed for the professional public service, as well as the Department's commitment to equity and diversity and the eradication of harassment and unfair discrimination.
- New employees should receive copies of all relevant policies.

### **7.4.2. Skills Development**

- It is recognised 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 recognised by the Department.
- 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 candidates with potential. Supervisors should be trained to assess potential.
- It must be recognised that in certain specialised fields, both fundamental knowledge and relevant practical experience are essential, both of which may require time to develop.
- Coaching or mentoring should be utilised.
- 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. 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.

- Employees shall be reasonably accommodated in the pursuance of recognised education, training and development opportunities provided that these will promote the development of the skills base of the Department.
- Management shall bear responsibility for the development of employees under their charge.
- The job performance evaluation of management shall be influenced by their commitment to the development of previously disadvantaged individuals.
- The Department will take into account the Employment Equity profile of the service provider in the procurement of formal training courses.

#### **7.4.3. PERFORMANCE EVALUATION/ASSESSMENT**

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

#### **7.4.4. PROMOTION AND TRANSFER**

- Unfair discrimination in promotion and transfer decisions are prohibited.

### **8. ROLES AND ACCOUNTABILITY OF MANAGERS**

- The Head of the Department (HOD) in consultation with the MEC bears the final responsibility and accountability for the successful implementation of the affirmative action programme.

- Management will be responsible for overseeing the implementation in their respective functions and will be responsible for the actual implementation of the policy document and their commitment to implementing this will form part of their performance appraisal areas.
- Development is a joint responsibility of the individual and management.

## **9      FINANCING**

- The financial responsibility for implementing this document rests with the Member of the Executive Council("MEC). The Employment Equity forum shall make recommendations to HOD and the MEC on the identified needs which must be financed out of the Departmental budget. In general, additional expenditure which will result from the transformation process shall be met from allocations provided by each programme manager.

## **10.   CONSULTATION AND IMPLEMENTATION**

- Consultation on the action plans, programmes and measures implemented to any occupational class will take place with all relevant stakeholders to build consensus with regard to the implementation date.

## **11.   COMMUNICATION**

- Communication with all the relevant stakeholders will take place on a regular basis.

## **12.   GRIEVANCES AND DISPUTES**

- Any employee having a grievance related to the implementation of this policy document shall have recourse to the existing grievance procedure.
- Any dispute relating to the interpretation or translation of this policy document may be referred to the Legal Administration Directorate( Labour Relations Unit) for consideration.
- Such a dispute shall be dealt with in terms of this policy document as well as the applicable labour relations law in so far as that law is relevant to the dispute.

**12. SUPPORT STRUCTURES - EMPLOYMENT EQUITY FORUM**

- An Employment Equity Forum (EEF) shall comprise of parties that include but is not limited to:
  - Head of Department (HOD) and/or his or her designee.
  - Unions or Associations duly recognised and admitted to the Public Service Bargaining Council (Departmental Chamber)
  - such individuals or non-governmental organisations as the MEC may see fit to nominate as parties.
- The EEF shall be established as the primary driving force in the implementation of this policy and shall be allocated such support personnel as is reasonably required for delivery on its functions.
- The Functions of the EEF include but are not limited to, the following:
  - to oversee, promote, monitor and evaluate the implementation of this policy document and to make relevant recommendations including the establishment of specific numerical targets (but not rigid quotas) for the inclusion of previously disadvantaged individuals at every level of Departmental activity, including the Department's procurement of outside goods and services;
  - to conduct annual audits of the Department's staff composition in respect of the imbalances identified and recommend measures designated to advance the objectives of this policy document;
  - to initiate policies and programmes designed to achieve equality of opportunity and the related goals of representivity, employee participation, education, training, and all matters incidental thereto and to evaluate such policies or proposals submitted by others;
  - to recommend to the MEC any policy or programme for execution, enhancement or elimination;

- in consultation with and when necessary by direction of the MEC to pilot the implementation of this policy document;
  - to provide information and prepare formal reports at least biannually on the Department's progress in implementing this policy document;
  - to devise and to publicise a detailed policy document relating to sexual harassment, access of disabled persons to employment and promotion, and redressing of other imbalances as identified.
- The EEF shall operate under the direction and control of the HOD and shall submit annual formal reports to the MEC.
- The EEF shall regularly formulate recommendations which shall be speedily implemented upon the approval of the MEC.
- Ad hoc sub committees may be established to perform such functions as the committee may deem appropriate.
- All issues concerning this policy document should generally first be referred to the committee for consideration before being raised with the MEC. The committee shall in general be the primary forum for discussion and deliberation.
- The EEF shall, in general, attempt to achieve consensus on its recommendations, however in the absence of consensus contested issues shall be decided by directive HOD.
- The "Corrective Action Officer", shall serve on the Forum, and shall perform functions including but not necessarily limited to the following:
  - advise on compliance with and/or necessary changes to this policy document;
  - Draft and secure the approval of the EEF and/or the MEC or his designee(s) who may include the HOD and/or the Management Committee for measures designed to implement this policy document;

- Offer guidance to the Department and the management committee for the implementation of this policy document;
  - Receive, review, investigate and evaluate all complaints relating to the implementation of this policy document;
  - Initiate proposed expansion or modification of the functions of the Corrective Action Officer, and implement such expansion or modifications upon the express written consent of the MEC after consultation with the HOD.
- The EEF shall devise detailed action plans to carry forward each of the agendas stated briefly in the part three of this policy document, and may identify other areas where detailed action plans are necessary.
  - The EEF may propose for itself new functions or modifications of existing functions, and may implement these proposed functions or modifications upon the express written consent of the MEC after consultation with the HOD.

### **13. STATUS**

- In implementing this policy document, the concerns of current employees and management will be respected and rationally addressed in so far as they are consistent with applicable Constitutional, legal and regulatory requirements.
- In implementing this policy document, no current employee will unnecessarily, arbitrarily or capriciously suffer termination of employment, nor shall there be an illegitimate bar to the promotion or advancement of non-targeted employees.
- This policy document shall constitute a MEC directive and shall with immediate effect override any existing Departmental rules, guidelines or other practices (collectively "rules") that may appear to be inconsistent with it, subject to the procedures set out below.

**14. POLICY CONTROL****14.1 Policy Audit**

Annual audits will be conducted by the Directorate: Transformation Services to ensure appropriate application and compliance with the Policy.

**14.2 Policy Review**

This policy is subject to annual review or when deemed necessary by the Department, to ensure that it is aligned to prevailing legislation and market related conditions.

**14.3 Policy Amendments**

14.3.1. No amendment(s) may be made to any section of this policy without such amendment(s) first being-

- **negotiated** with recognised Employee Organisations; and
- duly approved and signed by the recognised parties to the Provincial Bargaining Council.

**15. EFFECTIVE DATE**

This policy will be effective from the 22/06/07 day of 2007

**16. RATIFICATION**

Signed at POLOKWANE on the 22 day of 2007.

HEAD OF DEPARTMENT: 

MEMBER OF EXECUTIVE COUNCIL: 