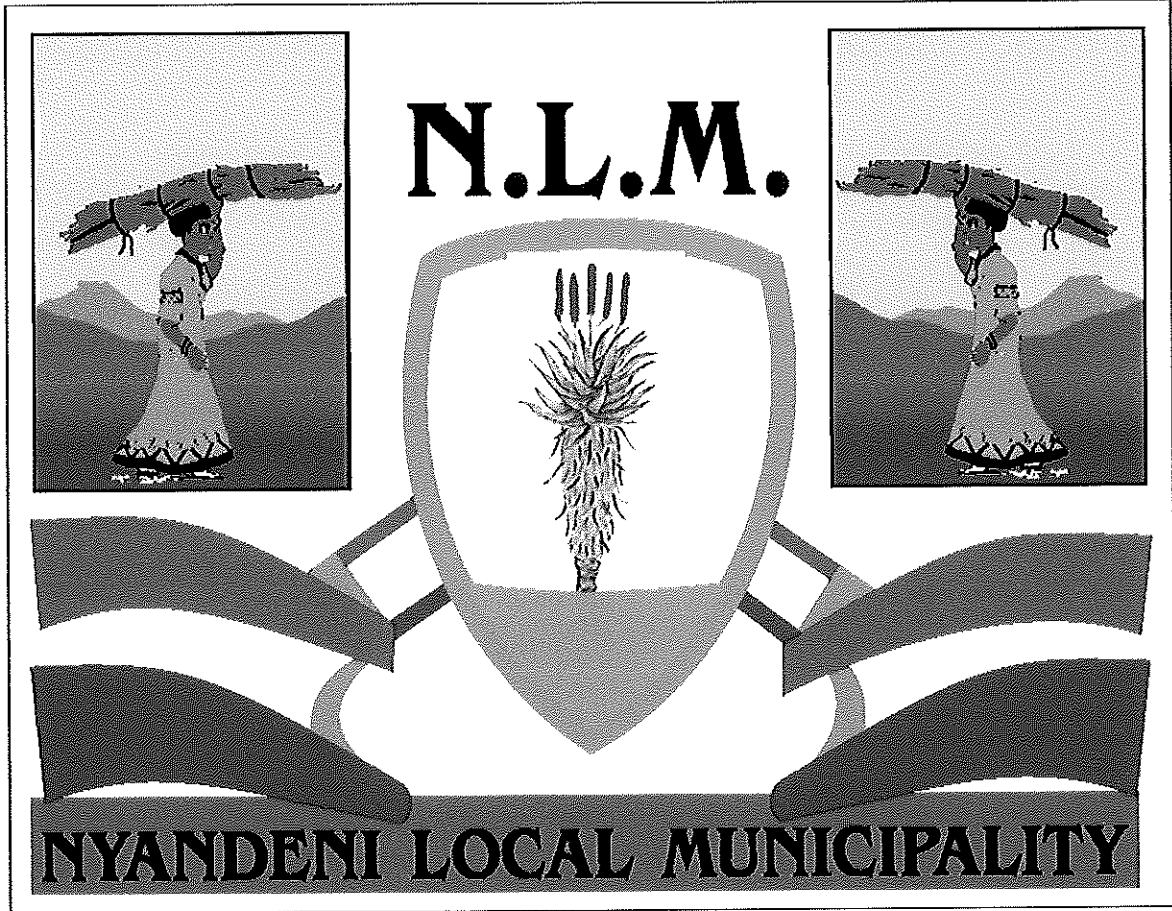


EMPLOYMENT EQUITY POLICY



APPROVED BY:


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MUNICIPAL MANAGER

DATE: 29 July 2013

APPROVED BY:


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MAYOR

DATE: 29 July 2013

PURPOSE

The purpose of this policy is to outline the broad principles of employment equity to which the Municipality is committed and to describe in general how the Municipality seeks to realise these principles. This policy document does not constitute the Employment Equity Plan of the Municipality, but simply sets out the framework and guiding philosophy that will govern an Employment Equity Plan.

1. PREAMBLE

The Municipality has embarked on a process to implement the provisions of the Employment Equity Act. A consultation process was followed with all interest groups in order to ensure that the process is fully inclusive and transparent:

- Designated and non-designated employees
- employees in all the job categories and occupational levels
- representative Unions
- senior managers responsible for the implementation of the process

This document includes the results of a review of all employment policies and practices at Municipality. Accordingly it illustrates the link between the current workforce profile, possible barriers in employment policies and the implementation of remedial steps to establish employment equity.

2. DEFINITIONS

- "Candidate" means an applicant for a post which substantially limits a person towards performing his/her duties
- 'Designated Group' mean Black people, women and people with disabilities;
- 'Non-designated group' mean White Males, Foreign Males and Females
- 'Black People' is a generic term and means African, Coloured and Indian persons;
- 'People with Disabilities' means people who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment;
- 'Disadvantaged Persons' means persons or categories of persons disadvantaged by past or present unfair discrimination; and
- A 'Suitably Qualified' Person means a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time, the skills and competencies necessary to perform a particular job.
All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.
- 'Municipality' means Nyandeni Local Municipality

3. LEGAL FRAMEWORK

- Employment Equity Act, Act 55 of 1998
- Skills Development Act, Act 97 of 1998
- Constitution, Act 108 of 1996
- Labour Relations Act, Act 66 of 1995

4. SCOPE AND APPLICATION

The policy shall apply to all candidates who apply to the Municipality for employment and all existing employees, including designated groups as well as non-designated groups.

5. OBJECTIVES OF POLICY

The objectives of this policy are the following:

- To address under-representation of designated groups in all occupational categories and levels in the workforce.
- To identify and develop strategies for the elimination of employment barriers in the Employment Policies and Practices of the Municipality.
- To develop business-orientated strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of the Municipality.
- To establish procedures for the monitoring and enforcement of the implementation process.
- To establish procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

6. POLICY CONTENT

The responsibility for implementing affirmative action measures and ensuring compliance with the provisions of the Employment Equity Act of 1998, rests with the Municipal Manager or his/her delegated assignee(s) in terms of section stipulations of the Employment Equity Act (Act 55 of 1998).

The following affirmative action measures have been identified and developed to address the employment barriers and under-representation identified during the numerical analysis and the review of the Employment Policies and Practices of the Municipality:

6.1 Affirmative Action Measures

6.1.1 *Increasing the pool of available candidates*

A policy on recruitment has been adopted which provides for the internal and external recruitment of suitable candidates from designated groups. A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

6.1.2 *Appointment of employees from designated groups*

Existing policies have been scrutinized to identify employment barriers to members of designated groups, and Recruitment & Selection policy should increase the possibility of appointing candidates from the designated groups in employment categories and levels where they are under-represented. Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures be implemented. Such procedures will

help contribute to the appointment of suitable candidates from designated groups. Further efforts will include:

- The drafting of employment contracts in such a way that all discriminatory or prejudicial provisions and clauses are removed.
- An increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and also have low predictive validity of the true ability of candidates to perform in a work environment.
- The increased use of competency-based recruitment and selection methods, whereby the potential of the candidate, and the ability to perform the job plays an increasingly prominent role.
- Compliance with numerical targets and annual benchmarks.
- The advancement of designated groups, but the Municipality will not resort to window-dressing, tokenism and favoritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Municipality.

6.1.3 Training and development of people from designated groups

The Municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees. The Municipality has adopted structured training programmes for employees, which include:

- Bursaries for secondary and tertiary education
- Job-related training
- Training in line functioning, management, and supervisory skills
- Learnerships
- Internships
- Skills programmes

Strong emphasis is also placed on mentorship and coaching of new employees, since the development of employees is seen as long-term upliftment measure as against a temporary corrective measure. Career planning and development therefore, becomes an integral part of the development of the human resources, and training is only the first step in the process whereby attained abilities are eventually put into practice. This eventual goal can also be observed in the outcome-based nature of the training provided and the purpose of the training to accelerate the advancement of designated groups within the Municipality.

6.1.4 Retention of people from designated groups

The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, the Municipality should conduct exit interviews with employees who leave the institution in order to enable the Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with the Municipality. This will also

enable the Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups.

6.1.5 Reasonable accommodation of people with disabilities

The Municipality has adopted an Occupational Health & Safety Policy with specific reference to adapt physical facilities that will be implemented gradually with a view to making the grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

6.1.6 Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes

The Municipality must ensure that the recruitment, selection and placement policies accommodate appointment and promotion of designated groups in positions where they will be able to participate meaningfully in the decision-making of the Municipality.

6.1.7 Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees

The consultation forum of the Municipality includes employees from various different levels and seniority and is fully representative of all designated and non-designated groups at the Municipality. The Municipality also recognises the importance of ensuring that there is an overall strategy which highlights the importance of managing a diverse, multiracial and multicultural workforce for the purposes of ensuring the maximum utilisation of all employees. This includes reducing negative stereotyping and discrimination, creating an acceptable and welcome environment, and the integration of affirmative action programmes with general management practices and strategies.

6.2 Corrective Measures to Eliminate Barriers Identified During the Analysis

Employment policies and practices are continuously reviewed by the Municipality in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

The selection criteria at the Municipality are continuously revised in order to allow for the definition of suitably qualified candidates as contained in the Employment Equity Act to serve as standard for selection.

The affirmative action measures implemented at the Municipality are designed to prevent the creation of absolute barriers for the appointment or promotion of persons from non-designated groups, and care is taken to ensure that the measures adopted do not discriminate in any way against persons from the non-designated groups.

2.3 Numerical Goals

A numerical analysis must be carried out to determine the representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on both a regional and provincial level. This analysis enables the Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality as an employer.

Numerical goals must be developed for the appointment and promotion of people from designated groups in order to address under-representation of the designated groups.

The following factors must be taken into consideration in developing the numerical goals:

- The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- The labour turnover rate at the Municipality must be determined to be extremely low. This presents a significant limiting factor as regards the implementation rate of affirmative action measures and the setting of numerical goals by the Municipality. Possible measures that could be considered in order to address this problem include offering voluntary severance packages to senior employees by mutual consent.

6.4 Consensus

The representative unions as well as the management structures of the Municipality must be involved in the consultation process surrounding the numerical analysis, the review of employment systems and policies and the drafting of the Employment Equity Plan. The parties must strive to reach a high degree of consensus in the consultation process.

Workshops, attended by representative trade unions and management, must be held which will be utilised as opportunities to consult, inform and educate all parties as to the process to be followed and the roles to be played by parties.

7. IMPLEMENTATION AND MONITORING

A report detailing the progress with the implementation of Employment Equity, with specific reference to achievement of numerical goals, has to be compiled quarterly by the person with the responsibility for implementation and monitoring.

The above-mentioned report must be made available to all consulting parties for perusal and comment.

A summary of the above-mentioned report must be circulated to all staff members by means of circulars, and notices on notice boards.

The above-mentioned summary must contain an invitation to all employees to submit their comments or questions on the progress with the implementation of the plan to the responsible person or persons specified in the plan.

8. COMMUNICATION

Circulars, messages and notices on notice boards will be utilised in order to inform all employees of the availability of the Employment Equity Documentation. Copies of Employment Equity documentation will also be distributed to all stakeholders.

9. POLICY REVIEW

In terms of section 20(1) of the Employment Equity Act the Employment Equity Plan for Municipality is for a period between 1 and 5 years in duration. The duration of the plan is based on the planning needs of the Municipality with specific reference to the need to set attainable numerical goals to be achieved over a reasonable period of time.

10. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager has an overall responsibility for the implementation and monitoring of the employment equity process.

The Municipal Manager should assign Corporate Services Manager to be as the Manager responsible for implementation and monitoring of employment equity process

12. RECORD KEEPING

All original employment equity documents must be kept at the Office of the Municipal Manager, copies of which should be kept at the Corporate Services Department for easy access.

13. PENALTIES

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

14. DISPUTE RESOLUTION

An employee or union which is dissatisfied with any aspect of the implementation of the employment equity process may refer a grievance in this regard to the Corporate Services Department at the Municipality who then has to inform the person and/or persons responsible for the implementation and monitoring of the employment equity process.

Once a grievance has been referred to the person and/or persons responsible for the implementation and monitoring of employment equity, such person or persons must arrange a consultation with the aggrieved parties and the management within 14 days after the referral of the matter to such person or persons. The consultations may be joint consultations or separate consultations at which the person and/or persons responsible for the arrangement of the consultations as previously referred to must act as a mediator between the parties in an attempt to find a mutually acceptable resolution of the dispute.

If a satisfactory resolution of a grievance as previously described cannot be found within 30 days after the referral of such dispute to the responsible person, the aggrieved party may refer the dispute to the relevant forum in terms of the relevant Acts.