

NTINGA O.R. TAMBO DEVELOPMENT AGENCY SOC LTD



EMPLOYMENT EQUITY POLICY

POLICY NUMBER	3/P
POLICY TYPE & CATEGORY	Human Resources Policy
COMMENCEMENT DATE	28 August 2020
APPROVAL DATE	28 August 2020

INITIAL APPROVAL DATE	14 November 2018
PREVIOUS REVIEWS	01
NEXT REVIEW DUE	30 August 2021
RESPONSIBLE MANAGER	Head: Corporate Services

1. PREAMBLE

Ntinga O.R. Tambo Development Agency SOC Ltd (the Entity) has embarked on a process to implement the provisions of the Employment Equity Act.

This document includes the results of a review of all employment policies and practices at the Entity. 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.

The Employment equity concerns itself with the eradication of unfair discrimination in the Agency. It ensures that employees take positive measures to transform the Agency and remove barriers to equality for previously disadvantaged groups.

The rationale for the development, implementation and reporting of employment equity legislation centers around this aforementioned background

2. PURPOSE

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

3. 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 Nationals

'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. Persons contemplated in Section 20(3) and (4) of the EEA.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

'Entity' means Ntinga O.R. Tambo Development Agency SOC Ltd

'CEO' means Chief Executive Officer

'DoL' refers to Department of Labour

'EEP' stands for Employment Equity Plan

'EER' stands for Employment Equity Report

4. LEGISLATIVE FRAMEWORK

4.1 Constitution of the Republic of South Africa 1996

4.2 Employment Equity Act, No.55 of 1998

4.3 Skills Development Act, No.97 of 1998

4.4 Labour Relations Act, No. 66 of 1995

5. SCOPE AND APPLICATION

The policy is applicable to all staff and shall apply to all candidates who apply to the Entity for employment. including designated groups as well as non-designated groups.

6. OBJECTIVES OF POLICY

The objectives of this policy are the following:

- 6.1 To address under-representation of designated groups in all occupational categories and levels in the workforce.
- 6.2 To identify and develop strategies for the elimination of employment barriers in the Employment Policies and Practices of the Entity.
- 6.3 To develop business-oriented strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, taking into account the mission of the Entity.

- 6.4 To establish procedures for the monitoring and enforcement of the implementation process.
- 6.5 To establish procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity Act.

7. 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 Chief Executive Officer (CEO) or his/her delegated assignee(s) in terms of section stipulations of the Employment Equity Act.

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 Entity:

7.1 Affirmative Action Measures

7.1.1 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.

7.1.2 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:

- 7.1.2.1 The drafting of employment contracts in such a way that all discriminatory or prejudicial provisions and clauses are removed.
- 7.1.2.2 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.
- 7.1.2.3 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.
- 7.1.2.4 Compliance with numerical targets and annual benchmarks.
- 7.1.2.5 The advancement of designated groups, but the Entity will not resort to window-dressing, tokenism and favouritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- 7.1.2.6 Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Entity.

7.1.3 Training and development of people from designated groups

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

- 7.1.3.1 Bursaries for secondary and tertiary education
- 7.1.3.2 Job-related training
- 7.1.3.3 Training in line functioning, management, and supervisory skills
- 7.1.3.4 Learnerships.
- 7.1.3.5 Internships
- 7.1.3.6 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 Entity.

7.1.4 Retention of people from designated groups

The Entity is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, the Entity should conduct exit interviews with employees who leave the institution in order to enable the Entity 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 Entity. This will also enable the Entity to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups.

7.1.5 Reasonable accommodation of people with disabilities

The Entity must develop and adopt 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.

7.1.6 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 Entity 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 Entity.

7.1.7 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 Entity must establish a consultative forum which will include employees from various occupational levels and will be fully representative of all designated and non-designated groups at the Entity.

The Entity 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.

7.2 Corrective Measures to Eliminate Barriers Identified During the Analysis

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

The selection criteria at the Entity 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 Entity 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 non-designated groups.

7.3 Numerical Goals

7.3.1 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 Entity to set quantitative targets which are realistic and attainable given the particular circumstances of the Entity as an employer.

7.3.2 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.

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

(a) The degree of under-representation of designated employees in the various employment categories at the Entity as determined by the numerical analysis.

(b) The labour turnover rate at the Entity 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 Entity. Possible measures that could be considered in order to address this problem include offering voluntary severance packages to senior employees by mutual consent.

7.4 Consensus

The representative unions as well as the management structures of the Entity 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 union 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.

8. 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 and statistics must be made available to all consulting parties for perusal and comment.

9. 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.

10. EMPLOYMENT EQUITY PLAN

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

to be achieved over a reasonable period of time. The EE Plan will be followed by submission of EE Reports to DoL

11. BUDGET AND RESOURCES

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

12. ROLES AND RESPONSIBILITIES

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

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

13. RECORD KEEPING

All original employment equity documents must be kept at the office of the Head: Corporate Services and copies at Human Resources for easy access.

14. 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.

15. 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 Entity 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 legislation.

16. APPROVAL AND SIGNATURES

FORMULATED BY:  DATE 28/08/2020

CEO RECOMMENDATION:  DATE 28/08/2020

BOARD APPROVAL:  DATE 28/08/2020

BOARD APPROVED COPY
NTINGA O.R. TAMBO DEV. AGENCY
Date:.....
S.O.C
Signature:.....