



# EMPLOYMENT EQUITY IN THE WORKPLACE

## WHY THE EMPLOYMENT EQUITY ACT

South Africa has a legacy of discrimination in relation to race, gender and disability that has denied access to opportunities for education, employment, promotion and wealth creation to the majority of South Africans. The Employment Equity Act was passed to address this legacy and has two main objectives—

- ◆ to ensure that our workplaces are free of discrimination; and
- ◆ to ensure affirmative action measures are implemented to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer.

## WHY SHOULD EMPLOYERS IMPLEMENT EMPLOYMENT EQUITY

Not only is there a legal requirement, but also good human resource management is increasingly being regarded as the differentiating factor between businesses. This is critical if the country is to achieve the levels of economic growth that are necessary for sustainable growth and future returns.

Introducing equity in the workplace through the Employment Equity Act is but one of the ways of achieving these goals. The eradication of discrimination and entrenchment of equity in the workplace will contribute to laying the foundation for sustainable development in South Africa.

## HOW IS THE EMPLOYMENT EQUITY ACT RELATED TO OTHER LAWS

This Act together with the Skills Development Act (see info sheet — *Skills Development in the Workplace*) supports government's human resource development strategy in a complementary way. The Department of Labour is striving towards a more integrated approach that will ensure that skills development and employment equity objectives are achieved in an effective manner. On the other hand, this Act together with the Promotion of Equality and Prevention of Unfair Discrimination Act (see info sheet— *Discrimination*) work together to address the legacy of racism and apartheid in our country.

## EMPLOYMENT EQUITY COMMISSION

The Act provides for the establishment of the Commission for Employment Equity, which is responsible for—

- ◆ Advising the Minister of Labour on the implementation of the Act; and
- ◆ Monitoring and ensuring compliance.

Chapter 3 of the Employment Equity Act requires that employers take certain affirmative action measures to achieve employment equity in the workplace. It is therefore necessary that all employers that employ 50 or more employees, or an employer who is appointed by a collective agreement, municipalities and most public service departments are required to submit a report to the Employment Equity Commission. Measures that need to be considered by employers when compiling an Employment Equity Plan will include the following—

- ◆ Employers must consult with union and employees to ensure that the plan is accepted by everyone;
- ◆ Employers must review all employment policies, practices and procedures;
- ◆ Prepare a profile of their workforce in order to identify any problems relating to employment equity; and
- ◆ Employers must prepare and implement an employment equity plan setting out the affirmative actions measures they intend taking to achieve employment equity goals.

Employers must thereafter report to the Department of Labour on the implementation of their plan in order for the department to monitor their compliance. They must also display a summary of the provisions of the Act in all languages relevant to the workforce.

All reports that are submitted by employers to the Department of Labour are included in the Employment Equity Register. This enables all stakeholders at the workplace to actively monitor and implement employment equity. The Minister has already issued two Codes of Good Practice to assist employers in developing their plans. The codes are—

- ◆ Code of Good Practice on Preparing, Implementing and Monitoring Employment Equity Plans; and
- ◆ Code of Good Practice on Key Aspects of HIV/Aids and Employment.

## RELEVANT LEGISLATION

Employment Equity Act