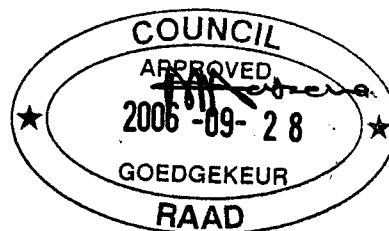


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S Kau (012 358 1362)  
COUNCIL: 28 September 2006



7. **CORPORATE SERVICES DEPARTMENT  
REVISED EMPLOYMENT EQUITY POLICY  
(From the Portfolio Committee: Corporate and Shared Services: 8 August  
2006 and 12 September 2006)**

1. **PURPOSE**

The purpose of this report is to present a revised Employment Equity (EE) Policy for approval by Council.

2. **BACKGROUND**

On 2 October 2003, the Council approved the current EE Policy.

Section 19 of the Employment Equity Act (Act 55 of 1998) requires the employer to conduct an analysis of its employment policies, practices, procedures and working environment to identify employment barriers which affect people from designated groups. Within the CTMM an analysis conducted in this regard revealed that various HR policies, practices, procedures and the working environment presented barriers to the achievement of employment equity e.g. the Recruitment Policy does not provide for selection procedures that would enable implementation of Section 20(3) of the EE Act and other strategic objectives. For purposes of section 20(3) of the EE Act, a person may be suitably qualified for a job as a result of any one of, or any combination of that person's –

- (a) formal qualifications
- (b) prior learning
- (c) relevant experience; or
- (d) capacity to acquire, within a reasonable time, the ability to do the job

In order to respond to the challenges presented by the identified barriers, the Employment Equity Policy is core toward the re-alignment of all other HR policies, practices, procedures and the working environment, hence the requirement to first review the EE policy. The revised EE policy has been formulated to allow for a review of the other HR policies, and hence to enable the implementation of employment equity.

All CTMM departments participated in the above-mentioned analysis, and have also been involved and represented in the formulation of the revised EE policy, through the Corporate Employment Equity Forum (CEEF) and Departmental Employment Equity Forum (DEEF). Furthermore, the Local Labour Forum (LLF) was also engaged, and the need for a revised EE policy was sanctioned. In this regard comments from all stakeholders who are the two unions fully support the revised EE policy.

The new political leadership which assumed office on the 1<sup>st</sup> of March 2006 has committed itself to building on the success of the past five years and take the development of the municipality to a higher level. The City's revised employment equity policy will ensure good governance, financial viability and optimal institutional transformation with capacity to execute its mandate, a key City Strategic Objective. The EE policy will also facilitate the achievement of specific strategic objectives.

The current workforce profile analysis is based on the latest employment equity report submitted to the Department of Labour in February 2006 after consultation and agreement with both labour organisations, gives a snapshot of the organisation by identifying the occupational categories and levels where designated groups (black people, women and people with disabilities) are represented.

The current workforce profile analysis clearly presents challenges and gaps which the City must deal with as it concentrates on identifying areas where designated people by race, gender and level are underrepresented.

An analysis was conducted on the workforce profile and it was found that CTMM has 13968 employees and 12819 are permanent while 1149 is non permanent.

In terms of the overall representation of the workforce, 24% of the total workforce is females and 76 % are males.

In terms of Race, Blacks (Africans, Coloureds and Indians) represent 66% of the workforce i.e.,

#### In terms of GENDER

AFRICANS	9097
COLOUREDS	275
INDIANS	102
WHITES	4994

#### In terms of GENDER

African Males	7525
Coloured Males	139
Indian Males	57
White Males	2879
African Females	1572
Coloureds Females	136
Indian Females	45
White Females	1615

Conducting an in depth analysis further reveals more challenges e.g., white males are the majority at Senior Management compared to black males. Similarly white females (also designated) are more prevalent at all levels except for unskilled levels. Further analysis of Black males and females representation reveal that Coloureds and Indians are underrepresented.

The above workforce analysis evidently presents the challenges of setting appropriate numerical targets for the CTMM. To effectively deal with the setting of targets Top Management during its meeting of 7 July 2006 stipulated that all departments must meet at the least, a minimum threshold target of 50% representation of designated people at all levels for the period 2006/07. The purpose of the numerical goals/target is therefore to increase representation of designated people in each occupational category and level in the CTMM workforce where under-representation has been identified. This key strategic determination is also one of the key elements which have been taken into consideration in the revised EE policy.

#### City Scorecard

Strategic Objective 5: To ensure good governance, financial viability and optimal institutional transformation with capacity to execute the mandate.

KPA: Ensure employment equity

KPI: The number of people from employment equity target groups employed per organisational level in compliance with the municipality's EE Plan

#### EE PLAN

One of the key requirements in terms of Section 20 of the EE Act, is the development of the EE plan. The CTMM has a draft EE plan as required by the EE Act (Annexure B).

It is proposed that on approval of the revised EE policy, a comprehensive and integrated final EE plan which adequately complies with the dictates of the EE Act, the Code of Good Practice and the approved Policy is finalised.

The following activities must precede the development of the EE plan, as required by the Act.

- (i) Workforce Profile analysis
- (ii) Benchmark (Local Government)
- (iii) Practices
- (iv) Practices and procedures
- (v) Desk audit of HR Policies
- (vi) Formulate Affirmative Action measures
- (vii) Set numerical goals/ targets
- (viii) Finalise the EE plan

CTMM departments and labour organisations, both IMATU and SAMWU, have engaged in the consultation processes through the Corporate Employment Equity Forum and at different departments.

Section 15(3) of the EE Act requires employers to implement affirmative action measures, which include preferential treatment and numerical goals. The purpose of the numerical goals is therefore to increase the representation of designated people in each occupational category and level in the CTMM workforce where under-representation has been identified.

Section 42 of the EE Act deals with assessment of compliance by the Department of Labour (DOL). It is within the provisions of Section 42 that the EE draft plan tries to address the requirement.

3. COMMENTS OF THE HEAD: LEGAL AND SECRETARIAL SERVICES AND MUNICIPAL COURTS

A: General (Unaltered)

A definition of employee should include job applicants in line with the EE Act Definition.

B. Legislative Framework

The policy framework is in line with the overall Employment Equity Act. The Act requires all workplace areas to have an Employment Equity policy and therefore this policy complies with the letter and spirit of the Act and such is fully supported.

CONCLUSION

The Municipal Manager is ultimately responsible for the overall and successful implementation of employment equity in the City of Tshwane Metropolitan Municipality (CTMM) and will be assisted by the Corporate Employment Equity Forum (CEEF) to champion equity efforts in the institution.

**During the discussion of this item by the Portfolio Committee: Corporate and Shared Services at its meeting held on 8 August 2006 it was resolved that the report be referred back and resubmitted, after amendments were made, to the next meeting of the Portfolio Committee.**

**Amendments have been effected and the report is now resubmitted for consideration.**

ANNEXURE:

- A: Revised Employment Equity Policy
- B: Draft Employment Equity Plan

(Note:

**At the meeting of the Portfolio Committee: Corporate and Shared Services held on 12 September 2006, Cllr PJ van der Westhuizen (ACA) requested that the rejection of this report be noted.)**

**IT WAS RECOMMENDED (TO THE MAYORAL COMMITTEE: 15 SEPTEMBER 2006):**

That it be recommended to the Council:

1. That note be taken of the contents of the revised Employment Equity Policy (see Annexure A).
2. That it be taken for cognisance that the revised EE policy was deliberated upon and agreed with both IMATU and SAMWU as recognised unions in the Local Government Sector.
3. That the previous EE policy be rescinded.
4. That the revised EE policy be approved and implemented forthwith.

**During discussion of this item by the Mayoral Committee on 15 September 2006, it was also agreed that the corporate base targets should be revised to increase the EE targets.**

**IT WAS RECOMMENDED (TO THE COUNCIL: 28 SEPTEMBER 2006):**

1. That note be taken of the contents of the revised Employment Equity Policy (see Annexure A).
2. That it be taken for cognisance that the revised EE policy was deliberated upon and agreed with both IMATU and SAMWU as recognised unions in the Local Government Sector.
3. That the previous EE policy be rescinded.
4. That the revised EE policy be approved and implemented forthwith.
5. That the corporate base targets be revised to increase the EE targets.

**During discussion of this item by Council on 28 September 2006, Cllr J Jansen, seconded by Cllr DJ Coetzee, proposed the following amendments:**

**(Unaltered)**

**That the following recommendation be inserted after recommendation 2:**

- "3. That the words 'living in Tshwane' be added to the first paragraph of heading 4 on page 4 of the Employment Equity Policy (Annexure A, page 173 of the agenda) to read:**

**4. PURPOSE**

**The overall purpose of this employment equity policy for the CTMM is to attain a diverse workforce, broadly representative of the South African people living in Tshwane, and able to render municipal services to the communities of Tshwane.**

**That the remaining recommendations be renumbered.**

Before consideration of the proposed amendment, Cllr Ms MTSL Komane suggested that the item be held in abeyance for further consultation.

When the Speaker tabled this item again for consideration, Cllr J Jansen explained that after consultation with the Acting Head: Legal and Secretarial Services and Municipal Courts, it was established that the amendment was not legally acceptable, and withdrew the amendment.

The original recommendations were accepted and it was thereafter resolved as set out below:

**RESOLVED:**

1. That note be taken of the contents of the revised Employment Equity Policy (see Annexure A).
2. That it be taken for cognisance that the revised EE policy was deliberated upon and agreed with both IMATU and SAMWU as recognised unions in the Local Government Sector.
3. That the previous EE policy be rescinded.
4. That the revised EE policy be approved and implemented forthwith.
5. That the corporate base targets be revised to increase the EE targets.

**(Remarks:**

1. At the Council meeting of 28 September 2006, the FF+, the CDP and the ACA voiced their disapproval of this policy. They felt that this policy was discriminatory despite the reasons given to justify the practice of Affirmative Action and would impact negatively on the youth of the city. Cllr Dr EF Landman said that the Employment Equity Act is flawed in that it places ideology above technology, and that ideology as highest aim has never worked in the history of the world and neither will it work in South Africa. The FF+ said that they cannot support any decisions based on the Employment Equity Act unless a sunset clause is incorporated into the Act.

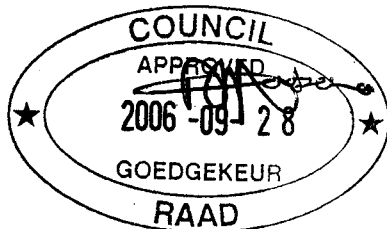
In response to the concerns raised, it was mentioned that in order to achieve representivity and address the imbalances of the past, such a policy was necessary as part of the broader strategy to transform society. It was also maintained that for affirmative action to realise its objectives the most suitably qualified person within a designated group must be appointed and not just any person because they are black. The concept of a sunset clause was seen as a safeguard against reverse discrimination. It was also argued that the application of this policy should not have a negative effect, especially on the youth of the city who had nothing to do with apartheid.



The following Councillors participated in the debate:

Dr EF Landman (FF+)  
CJ Jansen van Rensburg (FF+)  
Ms KL Botha (CDP)  
PJ van der Westhuizen (ACA)  
J Jansen (DA)  
RW Dinkelmann (ACDP)  
FJC Beyers (FF+)  
G Twala (ANC)  
NP Hoseka (ANC)  
PP Mkhize (IFP)  
FP Nel (DA)  
TK Mathebula (PAC)  
PJ Wessels (FF+)

2. The following political parties requested that their vote against the approval of this report be registered: the FF+, the CDP and the ACA.)



**THE CITY OF TSHWANE  
METROPOLITAN MUNICIPALITY  
EMPLOYMENT EQUITY POLICY**

**Corporate Employment Equity Forum  
Draft**

**Reference**

0.0

<i>Recommended by</i>	<i>Authorised by</i>
CEEFF	Employment Equity Unit

Summary of changes

Version	Status/Changes from previous version	Author	Date
1	Revision of 3 <sup>rd</sup> Draft Employment Equity Policy	Employment Equity Unit	19 May 2006



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## 1. DEFINITIONS

**Act:** the Employment Equity Act, 1998 (Act 55 of 1998)

**Affirmative action measures:** Measures designed 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.

**Black people:** A generic term for Africans, Coloureds and Indians.

**Co-opted members:** Employees with relevant skills, knowledge and/or experience who temporarily assist committees.

**Designated employer:** The City of Tshwane Metropolitan Municipality (CTMM).

**Designated people:** Blacks (Africans, Coloureds and Indians), women and people with disabilities.

**Employee:** Any person other than an independent contractor who –

- works for another person or for the state and who receives, or is entitled to receive, any remuneration; and
- assists in carrying on or conducting the business of an employer, in any matter.
- Is an applicant for a job

"Employed" and "employment" have corresponding meanings.

**Prohibition of unfair discrimination:** No person may unfairly discriminate directly or indirectly against an employee, in any employment policy or practice, on one or more grounds, including 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 and birth.

## 2. ROLEPLAYERS:

Office of the Municipal Manager	
The Chief Coordinator: Office of the Executive Mayor	
The Head: Legal and Secretarial Services and Municipal Courts	
The Executive Head: Metropolitan Police Department	
The Chief Operating Officer	
The Chief Financial Officer	
All Strategic Executive Officers	
All general managers	
All managers	
Employment Equity Unit	
Corporate Services Department	
Local Labour Forum	
Corporate Employment Equity Forum (CEEF) and Departmental Employment Equity Forums (DEEFs)	
Independent Municipal and Allied Trade Union (IMATU)	
South African Municipal Workers Union (SAMWU)	

### 3. PREAMBLE

The Employment Equity Act recognises that as a result of apartheid and other discriminatory practices, there are disparities in employment, occupation and income within the national market which cannot be redressed simply by repealing discriminatory laws, it is important to develop an EE Policy.

The accomplishment of Employment Equity in the workplace is a legal requirement, therefore is essential to the City of Tshwane's obligations as an employer.

In this regard, the City of Tshwane Metropolitan Municipality supports and is committed to the principles of the Employment Equity Act. We are convinced that the principles of the Act provide an essential operational framework for any distinguished organisation in South Africa.

### 4. PURPOSE

The overall purpose of this policy for the CTMM is to attain a diverse workforce, broadly representative of the South African people and able to render municipal services to the communities of Tshwane.

The policy seeks to achieve employment equity in the CTMM by –

- 4.1 promoting equal opportunity and fair treatment through the elimination of unfair discrimination; and
- 4.2 implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups and to ensure their equitable representation in all occupational categories and levels in the workforce.
- 4.3 empowering all its employees through substantive and procedural compliance with the Employment Equity Act. This includes the implementation of plans which are drawn up in consultation with and communicated to everyone.
- 4.4 ensuring that employment equity is fully integrated with the City's strategic objectives and business initiatives to ensure improved service delivery that is

carried out by a diverse workforce representing the demographics within the country.

## **5. STATEMENT OF INTENT**

- 5.1 The CTMM endorses the objectives of the Employment Equity Act, 1998, the main purpose of which is to achieve equity in the workplace.
- 5.2. It is the CTMM's intention not to discriminate directly or indirectly against an employee in any employment policy or practice on one or more grounds, including 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 and birth.
- 5.3 The CTMM is committed to taking active steps to promote employment equity in the workplace by –
  - 5.3.1 implementing transformation interventions which are aligned with the CTMM's business strategy and the drive to ensure a high-performance culture;
  - 5.3.2 facilitating an equal representation of the designated groups in the workforce by attracting, developing and retaining employees from these groups;
  - 5.3.3 implementing effective initiatives in diversity management to establish and maintain an all-inclusive culture conducive to transformation; and
  - 5.3.4 making reasonable accommodation for employees from the designated groups and providing a safe and enabling work environment for all employees.
  - 5.3.5 implementing strategies that focus on the youth and improve gender equality to improve our state of human development.
  - 5.3.4 achieve strategic objectives of the City of Tshwane with regard to youth, disabled and women.

## 6. SCOPE

This policy applies to the City of Tshwane Metropolitan Municipality.

## 7. PRINCIPLES

- 7.1 All human resource policies, procedures and business processes in the CTMM must be aligned to and governed by the principles contained in the employment equity policy.
- 7.2 Accountability and responsibility for the successful implementation lies with the roleplayers identified in this policy.
- 7.3 The CTMM must comply with all the provisions of the Employment Equity Act, and the related regulations and codes of good practice.
- 7.4 The roleplayers identified in this policy must monitor the progress of the implementation of employment equity on a regular basis.
- 7.5 Communication on all aspects of employment equity to all the identified roleplayers and employees is very important.
- 7.6 All aspects of employment equity implementation are based on a consultative approach which includes all roleplayers in the preparation, implementation, monitoring and reporting of employment equity plans.
- 7.7 No employee's services will be terminated purely to attain employment equity targets.
- 7.8 Preferential treatment of the designated groups is in line with the affirmative action measures contained in the Employment Equity Act.
- 7.9 To effectively realise EE plan targets, for any Department that does not meet a minimum threshold of 50% representation of designated people at any level, recruitment to fill vacancies within that Department must be strictly targeted at designated people, as an affirmative action measure.
- 7.10. The designated groups must be trained and developed in terms of the Act to cater for any shortage of suitably qualified candidates.

- 7.11 Fair employment practices and the application of affirmative action measures in recruitment, induction, corporate culture and values, gender, succession planning, performance management, retention and career management are necessary.
- 7.12. The focus is on the designated groups to achieve equity.
- 7.13 Conducive facilities and reasonable accommodation for people with disabilities must be provided.
- 7.14 Funding for vacancies must prioritise the attainment of employment equity targets and business strategies.
- 7.15 No absolute barriers to the appointment and advancement of the non-designated people are permitted.

## **8 COMPLIANCE REQUIREMENTS**

The Employment Equity Act requires employers to comply with key sections of the Act, and so the CTMM is committed to complying with the following relevant provisions as outlined in section 36 of the Act:

- Consult with employees (section 16)
- Conduct an analysis (section 19)
- Prepare an employment equity plan (section 20)
- Implement this employment equity plan
- Submit an annual report (section 21)
- Publish this report (section 22)
- Prepare an employment equity plan to succeed the old one (section 23)
- Assign responsibility to one or more senior managers (section 24)
- Inform the employees (section 25)
- Keep records (section 26)

CTMM Department must comply with EE strategic outcomes as per :

- (i) Five year Strategic and Business Plan
- (ii) City Development Strategy
- (iii) City Scorecard

## **9. ACCOUNTABILITY**

The policy applies to all levels of the organisation and its success rests on the commitment and follow-through by the Council, Municipal Manager, Chief Operating Officer, Heads of department, general managers and the employment equity forums with the oversight of the Office of the Executive Mayor.

Because of the obligations and the severe penalties imposed on employers by the Employment Equity Act, it is important that the roles and responsibilities of the roleplayers be clarified and consulted on.

## **10. STAKEHOLDERS**

The stakeholders are the employer and both recognised trade unions (IMATU and SAMWU), and employees in general.

## **11. CONSULTATION WITH EMPLOYEES (SECTION 16)**

Section 16(1) of the Employment Equity Act stipulates that a designated employer must take reasonable steps to consult and attempt to reach agreement on the matters referred to in section 17 (matters for consultation) –

- (a) with a representative trade union representing members at the workplace and its employees or representatives nominated by them; or
- (b) if no representative trade union represents members at the workplace, with its employees or representatives nominated by them.



Section 16(2) the employees or their nominated representatives with whom an employer consults in terms of subsection (1) (a) and (b), taken as a whole, must reflect the interests of –

- (a) employees from across all occupational categories and levels of the employer's workforce;
- (b) employees from designated groups; and
- (c) employees who are not from designated groups.

Section 16(3) This section does not affect the obligation of any designated employer in terms of section 86 of the Labour Relations Act, 1995, to consult and reach consensus with a workplace forum on any of the matters referred to in section 17 of this Act.

## **12. ROLES AND RESPONSIBILITIES OF DEPARTMENTS**

The departments of the CTMM should –

- 12.1 establish employment equity forums consisting of employee representatives and recognised trade unions to facilitate the consultation on and monitoring of the implementation of this policy and these plans;
- 12.2 ensure communication, training and awareness of all stakeholders to fulfil their duty to inform;
- 12.3 conduct an analysis of workforce profiles, policies and practices;
- 12.4 develop an affirmative action implementation plan aligned with the CTMM's employment equity strategy;
- 12.5 develop and implement employment equity plans (numerical and qualitative);
- 12.6 submit employment equity reports to the Employment Equity Unit for review and consolidation for the Department of Labour;
- 12.7 ensure that the work environment of the CTMM is conducive to the achievement of the goals and objectives of the employment equity plan;

- 12.8 incorporate the implementation of affirmative action measures into the departmental business plans and budgets and communicate the departments' needs to the Employment Equity Unit;
- 12.9 incorporate the achievement of numerical goals in the performance contracts of the Chief Operating Officer, heads of department, general managers and managers; and
- 12.10 implement record keeping and monitoring systems.

### **13. MUNICIPAL MANAGER**

The Municipal Manager is committed to a policy of equal employment opportunity and maintains an active responsibility and accountability for the attainment of affirmative action objectives in compliance with the employment equity legislation, this policy and the employment equity plan.

The Municipal Manager –

- 13.1 is accountable for strategic direction, compliance and the overall implementation of the Employment Equity Act; and
- 13.2 signs off the annual report to the Department of Labour (form EEA 2).

### **14. THE HEADS OF DEPARTMENT**

Heads of department must –

- 14.1 attend departmental employment equity forum meetings;
- 14.2 nominate two members to represent them on the Corporate Employment Equity Forum (CEEF) and ensure that the nominated people attend all forum activities and meetings;
- 14.3 report to the Municipal Manager on the progress of the implementation of employment equity in their respective departments;
- 14.4 be responsible for compliance with the Employment Equity Act and the CTMM's employment equity policy and plan;

- 14.5 implement the affirmative action measures contained in the CTMM's employment equity plan or departmental employment equity plan by including these measures in the department's business plan; and
- 14.6 be accountable for the achievement of their departmental employment equity targets.

## **15. EMPLOYMENT EQUITY MANAGER**

The Employment Equity Manager –

- 15.1 champions and drives employment equity in the entire organisation on behalf of the Municipal Manager;
- 15.2 draws up and implements the CTMM's employment equity strategy;
- 15.3 manages the communication and consultation processes in the CTMM;
- 15.4 coordinates the Corporate Employment Equity Forum's activities in the CTMM;
- 15.5 coordinates the review and analysis of employment practices, policies and procedures and the profile of the workforce as required by the Employment Equity Act;
- 15.6 consolidates the affirmative action measures contained in the departmental employment equity plans into the CTMM's affirmative action measures;
- 15.7 ensures that the departmental plans are aligned with the corporate employment equity plan and strategic objectives;
- 15.8 monitors and communicates the progress of the implementation of the employment equity plan;
- 15.9 consolidates departmental reports into the CTMM's employment equity report for submission to the Department of Labour;
- 15.10 ensures that employment equity targets are achieved through the proper and constant implementation of the set targets of the CTMM;
- 15.11 ensures that employment equity remains an organisational priority;
- 15.12 challenges the delivery and commitment at every level of the organisation;

- 15.13 allows the organisation to own the responsibility, and take pride in achieving employment equity;
- 15.14 networks and shares with others in the industry or sector;
- 15.15 keeps abreast of best practice, norms and benchmark data and related scorecards;
- 15.16 takes responsibility for complete compliance by all departments and reports non-compliance to the Municipal Manager and the Council;
- 16.17 manages the CTMM's employment equity database and provides regular feedback to departments and the Council;
- 15.18 is accountable for strategic direction and implementation frameworks, and monitors progress in the implementation of the employment equity plan and the employment equity policy;
- 15.19 provides strategic support to the CTMM's strategic managers;
- 15.20 is the custodian of employment equity implementation in the entire organisation;
- 15.21 is responsible for the effective communication of the summary of the Act, the employment equity plan and the employment equity report, the CTMM's employment equity policy, and progress reports; and
- 15.22 reports to the Municipal Manager.

## **16. EMPLOYMENT EQUITY UNIT**

The Unit acts as consultant to support the departments in –

- 16.1 advising on employment equity issues;
- 16.2 awareness campaigns;
- 16.3 employment equity audits;
- 16.4 identifying and developing training materials;
- 16.5 generating statistics and reports;
- 16.6 appointing service providers;
- 16.7 conducting surveys; and

- 16.8 acting as an employment equity resource centre for the entire organisation while keeping abreast of best practice in the industry.

## 17. HUMAN RESOURCES DIVISION

The Human Resources Division –

- 17.1 manages human resource processes to achieve the objectives of the Employment Equity Act;
- 17.2 ensures that human resource policies are supportive of one another, to attain the objectives of the Employment Equity Act and provide support for employment equity implementation;
- 17.3 ensures compliance with human resource policies and procedures, to ensure fair treatment and practices;
- 17.4 advises and supports line managers in achieving the numerical goals and the implementation of affirmative action measures; and
- 17.5 supports the Employment Equity Unit by providing the information (quantitative and qualitative) relevant to the successful implementation of employment equity.

The General Manager of the Human Resources Division must be part of the Corporate Employment Equity Forum.

## 18. CORPORATE EMPLOYMENT EQUITY FORUM (CEEF)

The CEEF –

- 18.1 represents departmental forums and monitors the implementation of the departmental plans;
- 18.2 ensures strategic compliance with the Employment Equity Act by the CTMM;
- 18.3 provides strategic guidance to the departmental forums to ensure adherence to the CTMM's employment equity policies and strategies;
- 18.4 is a consultative body for the preparation and implementation of the CTMM's employment equity plan;
- 18.5 ratifies the annual report to the Department of Labour (form EEA 2);

- 18.6 requests accountability from every level of the organisation for employment equity progress;
- 18.7 challenges non-performance, obstruction and unfair discriminatory practices;
- 18.8 acknowledges and encourages progress and success; and
- 18.9 provides a communication link between management and the rest of the organisation on matters related to employment equity.

## **19 DEPARTMENTAL EMPLOYMENT EQUITY FORUM (DEEF)**

The Departmental Employment Equity Forums –

- 19.1 ensure compliance with the Employment Equity Act by the department they are a part of;
- 19.2 represent and provide feedback to their departments;
- 19.3 ensure effective departmental consultation on employment equity in the –
  - preparation, communication and awareness of employment equity;
  - analysis of barriers to employment equity;
  - development of affirmative action measures, including the setting of targets; and
  - completion of the plan;
- 19.4 monitor the implementation of the departmental employment equity plan;
- 19.5 ensure representation in the CEEF;
- 19.6 act as adjudicating forums on barriers and discriminatory practices;
- 19.7 meet regularly to monitor implementation and progress; and
- 19.8 support and enhance the efforts of the departmental employment equity coordinators.

## **20. MANAGERS**

Managers –

- 20.1 are accountable for the implementation of affirmative action measures as stipulated in the employment equity plan;
- 20.2 are accountable for the achievement of employment equity targets in their departments;
- 20.3 manage their subordinates in line with the objectives of the Employment Equity Act; and
- 20.4 ensure adherence to the CTMM's employment equity policy and strategies, and affirmative action measures.

## **21. TRADE UNIONS**

The trade unions –

- 21.1 are represented in the CEEF and all DEEFs;
- 21.2 participate in the employment equity forums' deliberations and are consulted on all matters relating to employment equity in the CTMM, including recruitment and selection; and
- 21.3 monitor the implementation of all departmental and CTMM employment equity plans.

## **22. DEPARTMENTAL EMPLOYMENT EQUITY COORDINATORS**

The employment equity coordinators take responsibility for –

- 22.1 the establishment and functioning of their department's employment equity forum (DEEF);
- 22.2 the training and awareness-raising of their department's employees;
- 22.3 consultation with the DEEFs on all employment equity matters;
- 22.4 coordinating the analysis of policies, practices and procedures in their department;



- 22.5 developing affirmative action measures in consultation with the forum;
- 22.6 compiling a departmental employment equity plan;
- 22.7 monitoring the implementation of the departmental employment equity plan;
- 22.8 providing regular departmental employment equity progress reports to the forum and management;
- 22.9 reporting deviations from the plans to the departmental head, the DEEF and the CEEF.

### **23. EMPLOYEES**

Any employee is allowed to bring an alleged contravention of the policy and the Employment Equity Act to the attention of their respective DEEFs.

### **24. DISPUTE RESOLUTION**

- 24.1 All the disputes resulting from the implementation of the CTMM's employment equity policy and employment equity plan will be handled according to the Grievance Procedure Collective Agreement.
- 24.2 If CEEF members are unable to reach consensus, the matter must be referred to the Local Labour Forum for resolution.

### **25. NON-COMPLIANCE**

Non-compliance with this policy, the employment equity plans and strategies, and the affirmative action measures, and which results in the CTMM being in contravention of the Employment Equity Act, must be reported to the CTMM's Municipal Manager, who will call the relevant department to account and request that a redress strategy with specific deliverables be put in place.

**ANNEXURE A****DISTRIBUTION LIST**

<b>Designation</b>	
The Executive Mayor	
Office of the Speaker	
Members of the Mayoral Committee	
Office of the Municipal Manager	
The Chief Coordinator: Office of the Executive Mayor	
The Chief Operating Officer	
The Head: Legal and Secretarial Services and Municipal Courts	
The Executive Head: Metropolitan Police Department	
The Chief Financial Officer	
All Strategic Executive Officers	
All general managers	
All managers	
Employment Equity Unit	
Corporate Services Department	
Local Labour Forum	
Corporate Employment Equity Forum and Departmental Employment Equity Forums	
Independent Municipal and Allied Trade Union (IMATU)	
South African Municipal Workers Union (SAMWU)	

**REFERENCES (GUIDING DOCUMENTS)**

The Employment Equity Act, 1998 (Act 55 of 1998)

The Code of Good Practice: Preparation, implementation and monitoring of Employment Equity Plans

The Grievance Procedure Collective Agreement

The Labour Relations Act, 1995 (Act 66 of 1995)

The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

The Basic Conditions of Employment Act, 1997 (Act 75 of 1997)

The Promotion of Access to Information Act, 2000 (Act 2 of 2000)

The Skills Development Act, 1998 (Act 97 of 1998)

The Constitution of the Republic of South Africa, 1996

City Development Strategy

City Score Card

Five Year Strategic and Business Plan (2006-2011)

Z NDZIBA  
STRATEGIC EXECUTIVE OFFICER: CORPORATE SERVICES

DATE

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APPROVED/NOT APPROVED

BK MOSLEY-LEFATOLA  
MUNICIPAL MANAGER

DATE

MMC A DE KLERK  
MMC CORPORATE AND SHARED SERVICES

DATE