Molemole Municipality

EMPLOYMENT EQUITY POLICY
2024/25

1. PREAMBLE

The purpose of the *Policy on Employment Equity* is to achieve equity in Molemole Local Municipality, herein referred to as 'Molemole Local Municipality by:

- Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and

- Enforcing the right of fundamental equality and opportunity between men and women, and previously disadvantaged persons in employment;

- Protecting every person against employment discrimination on grounds of, inter alia, race, gender, ethnic or social origin, colour, sexual orientation, disability, religion, culture or political affiliation; or any arbitrary ground and

- Implementing comprehensive affirmative action, education, training and development measures to redress historic and existing inequalities, imbalances, prejudice and injustices in the workplace, in order to ensure their equitable representation in all occupational categories and levels in the workforce.

2. DEFINITIONS

2.1. All expressions used in this policy which are defined in the *Employment Equity Act* (no. 55 of 1998), shall bear the same meaning as in the Act, unless the contrary intention appears.

2.2 Words importing the masculine gender shall include the feminine.

2.3 Employment Equity must ensure that anyone regardless of race, ethnic and social origin, colour, culture, gender, religious or political persuasion, disability,

age or sexual orientation has an equal chance for appointment to a post based on merit or potential ability;

- The removal of all forms of discriminatory practices in employment; and

- Establishing the principle and practice of equity in the workplace.

2.4 Affirmative Action (AA) is defined as "a set of measurements" designed to ensure that persons in designated groups enjoy equal employment opportunities and are equitably represented in the various positions / levels of employment with the organisation.

2.5 The expected recruitment area is defined as the "relevant labour market" which consists of the economically active individuals in the immediate geographical surroundings or province, which have the proficiency and or skill to successfully perform the duties of a relevant (vacant) post.

3. OBJECTIVES

The Employment Equity Policy of Molemole Local Municipality is intended to:

3.1 Address imbalances in the composition of the present and future internal labour force with regard to race and gender by means of an employment equity plan, until such time as the staff composition of the Molemole Local Municipality is representative of the relevant labour market at all occupational levels;

3.2 Accommodate people with disabilities where possible;

3.3 Plan, develop and implement a non-discriminatory organisational culture, structure, practices and initiatives;

3.4 Eliminate all forms of harassment, including sexual harassment;

3.5 Ensure the retention of employees who are proficient in their posts with the implementation of affirmative action programmes;

3.6 Transform Molemole Local Municipality into a non-racial, non-sexist Council;

3.7 Ensure that Molemole Local Municipality staff is so composed that it is able to serve effectively and fairly all members of the community with due regard to culture and ethnic diversity;

3.8 Promote openness and encourage participation in the decision making process relating to affirmative action, thereby developing an interdependent relationship amongst management, employees and the unions;

3.9 Co-operatively create an organisational structure that should support and encourage employees to respect diversity while focusing on shared values in order to develop team spirit, promote mutual acceptance, optimise potential and achieve organisation goals;

3.10 Structure employment equity plans in each Department, which are backed up by a meaningful process and substantive action plan;

3.11 Implement focused recruitment plans, supported by a budget, meaningful vacation work exposure and student mentoring plans;

3.12 Stage diversity- and kaleidoscope workshops, promoting understanding of South Africa's different cultures;

3.13 Put structures in place for formal counselling where employees receive feedback on their performance, training requirements and where personal development is discussed and evaluated.

3.14 Develop in-house training programmes which supplement on-the-job training

4. PRINCIPLES

4.1 All Human Resources policies, procedures, practices, and systems should be reviewed on a regular basis in order to be in line with the requirements of the

Employment Equity Act. This should ensure that all barriers, prejudices, discriminatory practices to any group of individuals are identified. The Employment Equity Committee should play a central role in identifying and removing these barriers therefore aligning the respective policies, procedures, practices, and systems to the Local Municipality's Employment Equity policy.

4.2 Workshops on Managing Diversity should be conducted for employees. These workshops are intended to raise employees' awareness of the diversification of the Local Municipality, and the challenges of diversity in order to ensure that they value, embrace, and capitalise on diversity. Follow up workshops should be focusing on providing employees with tools to deal with their belief systems, racism, sexism and any other form of prejudices amongst diverse groups.

5. RESPONSIBILITY

5.1 Council

Council has the responsibility to ensure the set policy objectives are achieved. It supports and fully endorses the responsible officer, namely the Municipal Manager, functions in this regard.

5.2 Municipal Manager

The responsibilities of the Municipal Manager, in terms of Section 24 of the Act, are to take responsibility for implementing, monitoring and evaluation the Employment Equity Policy.

5.3 Senior Managers of the various departments

Each Senior Manager should have their particular employment equity responsibilities incorporated as one of their key performance areas, which in turn should play an integral part in their performance assessments.

5.4 Senior Manager responsible Employment Equity.

The Senior Manager Corporate Services is delegated and designated as manager responsible for employment equity as envisaged by the Employment Equity Act; and shall assume all responsibilities accorded to a senior manager for responsible for employment equity by the act and shall for purpose of employment equity assume a title of Employment Equity Manager.

5.5   Manager Human Resources.

The Manager Human Resources and / or his/her designates shall be responsible for facilitating and administration of Employment Equity matters.

5.6   Local Labour Forum.

The local labour forum shall serve as the consultative forum on substantive employment equity matters; the LLF shall oversee the work of the employment equity committee.

5.7   Employment Equity Committee

Although the Act ultimately places the responsibility for implementing employment equity with management, management recognises the pivotal role to be performed by the Employment Equity Committee in achieving the Local Municipality's employment equity objectives.

This refers to the members of the committee having a responsibility in ensuring that equity is implemented throughout the workplace in a mature, responsible manner taking into consideration the principles of efficiency and productivity.

6. SCOPE OF APPLICATION

This policy will be applicable to all employees and employers who fall within the registered scope of the South African Local Government Bargaining Council (SALGBC), in the Republic of South Africa.

As stated in the SALGA / DPLG/ DPSA *Comparative Study on Remuneration and Conditions of Service in Local Government and Public Service* (2002), the underlying paradigm of municipal legislation is that the political office-bearers (mayors) are held responsible for policy and outcomes, and the municipal managers (officials) are responsible for implementation and outputs.

7.   LEGISLATION

- The *Basic Conditions of Employment Act* (no. 75 of 1997) (BCEA)
- The *Employment Equity Act* (no.55 of 1998) (EEA)
- The South African Constitution
- The South African Local Government Bargaining Council (SALGBC) *Collective Agreement on Conditions of Service* (2004)
- *Molemole Local Municipality Human Resource Policies and Procedures*
- The SALGA / DPLG/ DPSA *Comparative Study on Remuneration and Conditions of Service in Local Government and Public Service* (2002)
- Government Gazette (no.5416 of 1994)
- The SALGA *HR Handbook*

8.   METHODOLOGY TO MEET OBJECTIVES

Different categories of the policy, which are described below, to achieve objectives as set out in point **3** above:

8.1 Recruitment and selection;

8.2 Training, Development and Education

8.3 Performance Management;

8.4 Elimination of unfair of discrimination;

8.5 Employment Equity Committee;

8.6 Organisational Structure;

8.7 Stakeholder involvement;

8.8 Rights of employees; and

8.9 Rights of the Local Municipality.

8.1 Recruitment and selection (Appointments, transfers, promotions)

A purposeful effort should be made to recruit members from designated area from which recruitment is done. All forms of tokenism should be avoided and employees should be appointed with commensurate degrees of authority. Transparent recruitment strategies including objective selection criteria and selection panels should be used for designated groups resulting in the Local Municipality having a representative workforce that reflects the demographics to be representative of the relevant recruitment area.

8.1.1 Guidelines during employee selection and recruitment process:

- All vacancies should be advertised internally for a reasonable time, to reach an entire pool of potential applicants especially the previously disadvantaged individuals.

- Vacancies should be communicated effectively to employees via the communication channels of the Local Municipality and be given a reasonable time to apply for vacancies before vacancies are advertised externally. E.g. use of notice boards, newsletters, email etc.

- Vacancies should be advertised externally if no suitable candidate could be appointed internally. Personnel agencies and media that is utilised in advertising vacancies externally should target all the representative groups of the population.

- Recruitment should be done based on past performance, competence, and potential. Internal and external training and development courses and or programmes may be utilised to ensure that newly appointed personnel would be able to perform their functions. Candidates should at least have the potential to succeed. Appointing people without the necessary skills or potential could lead to employee dissatisfaction and cannot be encouraged under this policy. Council should document the different scenarios and facts considered when employing an individual to obtain the required proof that the appointment was based on the abovementioned qualities.

- Minutes should be kept of all the meetings of the selection panel. All decisions should be recorded in the minutes of the panel to ensure transparency of the selection and recruitment process

8.2 Training, Development, and Education

- The upliftment, education, and improvement of internal skills would receive special attention and focus. Potential candidates for promotion and self-development should be identified and such employees should be granted the opportunity by means of succession planning, development, self-development, training schemes and education schemes.

- All employees should be provided with the necessary training to ensure that they acquire the technical expertise to competently perform according to critical outcomes of their jobs. Internal training programmes should be developed and offered by the relevant heads of departments or outside specialists.

- Needs-specific training and development should be offered to ensure that employees have both technical as well as other skills not to only perform on their jobs but also function effectively as team members, balanced individuals and with the necessary commitment to Molemole Local Municipality.

8.2.1 Improvement of Skills

8.2.1.1 Training programmes

- Internal training,

  Relates to on the job training and ongoing coaching by a relevant and qualified instructor, supervisor or allocated mentor.

- External training

Relates to training at an external institutions or by an external consultant.

- **Development**

    Clear career paths should be set for all incumbents. Line managers should, in consultation with the incumbents, agree on prescribed competencies that the individual should develop within a specific period. An individual's training needs should be incorporated in the individual's career path document

    Senior Managers should identify individuals with potential. The individuals should be allocated a mentor. They should be subjected to an intensive four or five year programme. Senior Managers should identify both internal and external training programmes to be attended by these candidates.

- **Self development**

    To provide a facility whereby an employee is offered the opportunity for self-development through bursary schemes. Structures should be put in place to ensure that the progress of employees is closely monitored.

8.3   Performance management

Molemole Local Municipality should implement an effective Performance Management System as Guided by the Performance Management Policy of the Municipality.

8.4 Elimination of unfair discrimination

8.4.1   Molemole Local Municipality should take steps to promote equal opportunity in the workplace by eliminating unfair discrimination.

8.4.2 Molemole Local Municipality should not unfairly discriminate, directly or indirectly, against an employee 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.

8.5   Employment Equity Committee

An Employment Equity Committee should be appointed. The committee should be representative of the entire work force. An Employment Equity Manager should be appointed to drive and monitor the process.

8.5.1 Responsibilities and functions of the committee:

8.5.1.1 Ensure adherence to the employment equity policy. Deviations from the policy should be reported to Council and the necessary corrective steps should be taken to ensure that deviations from the policy do not occur in future.

8.5.1.2 Record all decisions and comments of the committee in the minutes and meetings of the committee to ensure transparency.

8.5.1.3 Set targets and deadlines for implementation and ensure that these targets and deadlines are met.

8.5.1.4 Report to Council on a regular basis in respect of the progress made and whether the estimated targets will be met.

8.5.1.5 Review the employment equity policy and plan on a regular basis to ensure that it complies with the relevant acts and that the policy and plan are still in line with the targets that Molemole Local Municipality has set out to achieve.

8.5.1.6 Individuals who are appointed on the committee should have a clear understanding of the Employment Equity Act, Basic Employment

Conditions Act, and general personnel practices. Preferably, these individuals should be experienced in the human resource management environment.

8.6 Organisational Culture

A more diverse organisational culture should be created to include participation of all employees in the Councils decision-making processes. A special strategic objective is set to address the Employment Equity of the Local Municipality's culture to an integrated culture where all employees can contribute to achieve the goals of the Council.

Employment Equity should be actively managed to ensure diversity in the workplace and the establishment of a climate and working environment, which is free of all discriminatory practices.

8.7 Stakeholder Involvement

All stakeholders should be committed to and be involved in the formulation and implementation of employment equity programmes. Stakeholders include the following:

- Employer;
- Employees;
- Council;
- Employment Equity Manager/ Manager Human Resources;
- Trade Unions; etc.

8.8 Rights of Employees

The rights of the employees should be maintained as well as extended to those employees who were disadvantaged to enjoy such rights, bearing in mind the conditions of service pertaining to the various job categories.

In pursuance of this agreement, no employee should suffer loss of employment or benefits because of the application of the principles in this agreement.

8.9   Rights of the Local Municipality

Within the context of the objectives and principles stated above the rights of the Local Municipality should be maintained, inter alia, the right to:

- Supply job opportunities and make appointments in accordance with the functional needs of Molemole Local Municipality;

- Demand sufficient production of an acceptable nature from the employees; and

- Lead and manage the business environment so that its economic viability is enhanced.

9. GOAL SETTING

9.1 Goals are set with the purpose of directing the recruitment strategy to accommodate designated employees in the occupational groups and levels within the Local Municipality's workforce where under- representation has been identified.

9.2 Recruitment areas should vary depending on the level of   responsibilities and the degree of specialisation of an occupation.

9.3 No absolute barrier is set of not considering non-designated employees for promotion or appointment.

10. ROLES OF STAKEHOLDERS

10.1 Role of the Municipal Manager

- Ensures the inclusion of employment equity and people development objectives in the key result areas of all departmental heads;

- Monitors each department's progress in respect of achieved goals in the areas of equity and affirmative action.

- Monitors all recruitment and ensures that the Council's employment equity and affirmative action policy is rigorously pursued;

10.2 Roles of the Heads of department

- The implementation of the human resources policy in each department.

- Both external and internal appointments should be made according to the Councils' policy in this area and take into consideration the targets they have set themselves;

- Spend time thinking ahead and trying to visualize what their department should look like in about 5 years time, taking into account the strategic plan. Consider which positions should have been vacated and have to be refilled (due to retirements, resignations, promotions, lateral moves, etc. during this time period);

- Manage succession and development plans and look specifically at the progress of previously disadvantaged groups, women and the disabled;

10.3 Roles of Unions

- Unions are partners in the Employment Equity process;

- Unions can assist Council to identify employment barriers and make contributions to the resolution thereof;

- The Unions should act as an additional communication channel between management and staff (complements the normal line management channels);

- Unions form an integral part of the process of inclusivity when decisions regarding human resources are made.

10.4 Other staff

- Understand the process of development and their own role in, and responsibility for, self-development;

- Clarify, together with the departmental head, job outputs, related key tasks, and measurable performance standards. They should critically assess their own performance in relation to standards, and should pursue training and development opportunities in relation to identified training needs in terms of their current jobs and possible future positions;

- Take responsibility for their own development and actively work on strengths and weaknesses as identified by themselves, superiors, and peers;

- Develop positive expectations and a positive attitude towards people development. Consciously avoid and discourage stereotyping. Communicate in an adult-to-adult way at all times.

10.5 Human Resource Division under the auspices of Manager Human Resources
HR Division provides a support function to departments in the following areas:

- strategic human resource planning;

- workforce planning and the formulation of targets;

- succession planning and career development;

- recruitment and selection;

- training and development;

- performance management;

- remuneration;

- industrial relations;

- Administration of employee records.

11. RESOURCES

Resources to implement monitor and maintain the Employment Equity Policy should be allocated in a responsible manner and after the following considerations:

- Detailed investigation, research, market analysis, and surveys at other similar municipalities should be made when addressing a specific employment barrier.

- A well-motivated report should be submitted to the Council for consideration.

- Within financial constraints, but with a view and spirit of redressing imbalances and making reasonable accommodation for people from designated groups, budget proposals should be considered.

12.   PROCEDURES TO RESOLVE DISPUTES

12.1 This policy should be interpreted in a manner that gives effect to the Employment Equity Act, Act no. 55 of 1998, as amended from time to time. Words used in this policy should be interpreted as defined in the Act.

12.2 Any disputes about the interpretation or implementation of this policy should be dealt with in terms of the internal dispute resolution mechanism. A revised dispute resolution mechanism may be designed after consultation with all stakeholders.

12.3 If there is a dispute about the interpretation or application of this policy, any party to the dispute may refer the dispute in writing to the CCMA.

12.4 The CCMA should attempt to resolve a dispute through conciliation.

12.5 Should the dispute remain unsolved after conciliation -

- Any party to the dispute may refer it to the Labour Court for adjudication; or
- All the parties to the dispute may consent to arbitration of the dispute by the CCMA.

12.6 In respect of a dispute, the relevant provisions of Part C and D of Chapter VII of the Labour Relations Act apply, read with the changes required by the context.

13. COMMUNICATION AND REACHING OF CONSENSUS

13.1 Communication

13.1.1 A specific strategic objective of Communication is identified which should be defined and implemented after consultation with relevant stakeholders.

13.1.2 The Employment Equity Committee should meet regularly for further communication.

13.1.3 The Municipal Manager, as the official responsible for the implementation and monitoring of the Local Municipality's Employment Equity Policy should enhance an environment that could lead to clear and open horizontal and vertical communication channels. The Municipal Manager should therefore have an "Open Door" policy that is available to all officials of the Local Municipality. The contents of this policy should be made clear to all the Local Municipality's officials.

13.1.4 Any employee or trade union representative may bring an alleged contravention of the Employment Equity Act and the stipulations of this

policy to the attention of: the Chairperson of the Employment Equity Committee.

13.2   Reaching of consensus

13.2.1 Within the structured strategic objectives identified, all parties to the consultation process should attempt to reach consensus in finding solutions towards problems. All stakeholders concerned should actively seek solutions.

13.2.2 All differences that became known should be resolved in a manner that is fair to both the employee as well as Molemole Local Municipality structures should be put in place to ensure that consensus is reached where disputes or differences are discussed.

14.   IMPLEMENTATION, MONITORING AND EVALUATION

14.1 The Municipal Manager has been assigned the responsibility for the ultimate implementation of the Employment Equity Policy, which includes the monitoring and evaluation of the said policy.

14.2 The implementation of the employment equity policy and the furthering of its objectives should be included, as a key performance area in job descriptions of all key personnel and progress in this area should be monitored through the line function.

14.3 Progress reports on the implementation of employment equity process should be provided regularly to Council.

14.4 Management should meet with the Employment Equity Committee on a regular basis on an agreed date, for the purposes of discussing progress or lack thereof and any other issues relating to Employment Equity.

15. **Policy Approval:**

Signature	
Initials and Surname	**M.E PAYA**
Designation	**MAYOR**
Council Resolution Number	**OC/30/04/2024/4.25**
Council Date	**30/04/2024**