



Province of the  
**EASTERN CAPE**  
SOCIAL DEVELOPMENT

**EMPLOYMENT EQUITY & AFFIRMATIVE ACTION POLICY**

**Policy Registration number: 2025-08**

No	TABLE OF CONTENT	Page no
(a)	DEFINITIONS OF TERMS	3-5
(b)	ACRONYMS	5
(c)	LEGISLATIVE FRAMEWORK	6
1	PREAMBLE	7
2	PURPOSE	7
3	OBJECTIVES	8
4	PRINCIPLES AND VALUES	8
5	SCOPE OF APPLICABILITY	10
6	POLICY PROVISIONS	10
7	AFFIRMATIVE ACTION MEASURES	10
9	MONITORING AND EVALUATION	16
10	ACCOUNTABILITIES & RESPONSIBILITIES	16
11	DISPUTE RESOLUTION	19
12	COMMUNICATION	19
13	APPROVING AUTHORITY	19
15	ADMINISTRATION OF THE POLICY	20
16	POLICY REVIEW	20
17	POLICY RECOMMENDATION & APPROVAL	20
18	<b>ANNEXURE A:</b> Policy Implementation Plan/ Schedule	22
19	<b>ANNEXURE B:</b> Risk Management Analysis	28
20	<b>ANNEXURE C:</b> EE: Implementation & Procedure Manual	29
21	<b>ANNEXURE D:</b> Employment Equity Targets	33

(I) DEFINITIONS OF TERMS

DEFINITION	TERMS
<b>AFFIRMATIVE ACTION</b>	Process 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 the designated employer.
<b>BLACKS</b>	The definition of "black people" in the Employment Equity Act of South Africa is found in Chapter One, Section 1 of the Employment Equity Act. According to this section, "black people" is a generic term that refers to Africans, Coloureds, and Indians
<b>CONSTITUTION</b>	Constitution of the Republic of South Africa, Act 108 of 1996
<b>DEPARTMENT</b>	Department of Social Development
<b>DESIGNATED EMPLOYER</b>	Employers with more than 50 employees.
<b>DESIGNATED GROUP</b>	Are people who have been historically disadvantaged by unfair discrimination, these groups are specifically defined as Black people (which includes Africans, Coloureds and Indians) ,Women and Persons with Disabilities.
<b>PERSONS WITH DISABILITY</b>	Persons having a physical or mental impairment, which is long term or recurring and which substantially limits their prospects of entry into, or advancement in employment
<b>DISADVANTAGED GROUPS</b>	Those groups identified as having been unfairly discriminated against on the basis of past legislation, policies, prejudice and stereotypes
<b>EMPLOYMENT EQUITY PLAN</b>	A Plan developed enable the employer "to achieve reasonable progress towards employment Equity", to assist in eliminating unfair discrimination in the workplace, and to achieve equitable representation of employees from designated groups by means of affirmative action measures and setting targets.

<b>EMPLOYMENT EQUITY COMMITTEE</b>	Nominated individuals across racial groups, job categories and classification whose main role is to ensure that the organisation is meeting their Employment Equity requirements by drafting the organisation's EE plan and ensuring its effective implementation
<b>EQUAL EMPLOYMENT OPPORTUNITY</b>	Formal right of all to be treated equally in employment irrespective of race, gender and disability.
<b>EQUALITY</b>	Full enjoyment of rights and freedoms by all in similar/proportionate manner.
<b>EXECUTING AUTHORITY</b>	Member of the Executive Council (MEC)
<b>GENDER</b>	Gender refers to social, economic, political and cultural attributes and opportunities associated with being women and men.
<b>GENDER EQUALITY</b>	A state in which access to rights or opportunities is unaffected by gender. The Employment Equity Act (EEA) of South Africa promotes gender equality in the workplace through various provisions. While there isn't a single section specifically titled "gender equality," several sections (e.g. Chapter 2, Sections 5-11) address this concept. Additionally, the South African Constitution, Section 9, enshrines the right to equality, which includes gender equality. The Constitution states that everyone is equal before the law and has the right to equal protection and benefit of the law.
<b>GENDER MAINSTREAMING</b>	Strategy for achieving gender equality. While the EEA doesn't specifically mention "gender mainstreaming," the concept is recognized internationally as a strategy to assess the implications of policies on both men and women, ensuring equal benefits and opportunities. Gender mainstreaming involves integrating a gender equality perspective into all stages of policymaking to foster inclusive growth, justice, and equity.
<b>MANAGERS</b>	All people responsible for the work of others.
<b>REASONABLE ACCOMMODATION</b>	modification or adjustment to a job or to the working environment that will enable a person from designated

	group to have access to or participate or advance in employment.
<b>SUITABLE QUALIFIED PERSONS</b>	Any persons contemplated in sections 20(3) and 20(4) of the Employment Equity Act, a person may be suitably qualified for a job because of anyone-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.
<b>UNFAIR DISCRIMINATION</b>	Unjust measures, attitudes, and behavior that obstruct the enjoyment of equal rights and opportunities in employment of Black people, women and people with disabilities
<b>RECOGNITION OF PRIOR LEARNING</b>	as defined by South African Qualifications Authority (SAQA) is a process whereby people's prior learning can be formally recognized in terms of registered qualifications and unit standards, regardless of where and how the learning was attained. RPL acknowledges that people never stop learning, whether it takes place formally at an educational institution, or whether it happens informally.
<b>CANDIDATE</b>	An applicant for a post.
<b>(II) ACRONYMS</b>	
<b>DPSA</b>	Department of Public Service and Administration
<b>EEA</b>	Employment Equity Act 55 of 1998 as amended
<b>EEC</b>	Employment Equity Committee.
<b>PwD</b>	Persons with Disability
<b>HOD</b>	Head of Department
<b>MEC</b>	Member of the Executive Council

### **(III) LEGISLATIVE FRAMEWORK**

1. Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
2. Employment Equity Act 55 of 1998 as amended
3. Labour Relations Act 66 of 1995 as amended
4. Basic Conditions of Employment Act 75 of 1997
5. Skills Development Act 97 of 1998
6. Skills Development Levies Act 9 of 1999
7. South African Qualifications Authority (SAQA) Act, 1995 and the National Qualification Framework (NQF)
8. White Paper on Affirmative Action in the Public Service, Notice no. 564 of 1998
9. Public Service Regulations of 2001 as amended,
10. Public Service Regulations, 2016 as amended
11. Access to information Act 2 of 2000
12. Promotion of Administration Justice Act 3 of 2000
13. Promotion of Equality and Prevention of Unfair Discrimination Act of 2000
14. Integrated National Disability Strategy (INDS) 1997
15. White Paper on Transformation of Public Service of 1995
16. Code of Good Practice: Preparation, Implementation and Monitoring of Employment Equity Plans: 2017 as amended.
17. Code of Good Practice: On the Employment of People with Disabilities: 2015
18. Code of Good Practice: HIV/AIDS: 2012
19. Employment Equity Plan of the Department. 2025
20. Provincial Employment Equity Policy: Eastern Cape Provincial Government Office of the Premier 2018

## **1. Preamble**

The Department of Social Development is compelled by Legislation to develop the Employment Equity and Affirmative Action Policy. The EEA policy is aligned to the provisions of the amended Employment Equity Act 55 of 1998. This policy addresses challenges of representation across departmental employee levels in line with Section 42 of the amended Employment Equity Act to ensure representation across race, gender and disability.

In line with the Department's commitment to creating a workplace that values and celebrates diversity, the Employment Equity and Diversity Management Policy aim to promote a culture of inclusivity, respect, and fairness, to ensure that employment practices and policies are free from bias and discrimination.

## **2. Purpose**

To create a fair and inclusive work environment that promotes equal opportunities and fair treatment for all employees and outlines commitment to employment equity and diversity management.

## **3. Objectives**

- a) To eliminate unfair discrimination and promote equal opportunities in employment.
- b) To implement affirmative action measures to redress historical disadvantages faced by designated groups.
- c) To foster a diverse and inclusive work environment that values and respects individual differences.
- d) To address under-represented designated groups in all occupational categories and levels in the workforce.
- e) To develop business-orientated strategies for achievement of numerical goals and timetables for implementation of affirmative action measures.

## **4. Principle & Values**

The following principles and values shall underpin the Employment Equity and Affirmative Action Policy for the Department:

- a) **Equity:** Promoting fairness and equal opportunities for all employees, regardless of race, gender, age, disability, or other characteristics.
- b) **Diversity:** Valuing and celebrating differences among employees, clients, and communities served.
- c) **Inclusivity:** Creating a work environment where everyone feels respected, valued, and empowered to contribute.
- d) **Respect:** Treating all individuals with dignity and respect, regardless of their background or position.
- e) **Fairness:** Ensuring that policies and practices are free from bias and discrimination.
- f) **Equal Opportunities:** Providing equal access to employment opportunities, training, and development for all employees.
- g) **Elimination of Unfair Discrimination:** Identifying and eliminating unfair discriminatory practices, policies, and behaviours.
- h) **Diversity and Representation:** Striving for a workforce that reflects the demographics of the Eastern Cape province.
- i) **Reasonable Accommodation:** Providing reasonable accommodations for employees with disabilities and other needs.
- j) **Accountability:** Holding employees and managers accountable for promoting and implementing employment equity and diversity management.
- k) **Training and Development:** Providing training and development opportunities to enhance diversity awareness, cultural competence, and inclusive leadership.
- l) **Employee Engagement:** Encouraging employee participation and feedback in promoting diversity and inclusion.
- m) **Justice:** Promoting social justice and human rights in all aspects of employment and service delivery.
- n) **Client-centred approach:** Ensuring that services are responsive to the diverse needs of clients and communities.
- o) **Community engagement:** Engaging with communities and stakeholders to promote diversity, equity, and inclusion.

## 5. Scope of Applicability

The policy applies to all employees of the Department, as well as applicants for employment, with particular emphasis on both designated and non-designated groups.

## **6. Policy Statement**

The Department commits to creating an equitable environment that promotes fair representation of previously disadvantaged groups across all occupational categories.

## **7. Policy Provision**

### **7.1. Affirmative Action Measures**

All affirmative action measures shall comply with principles of procedural fairness as required by the Promotion of Access to Justice Act 3 of 2000.

### **7.2. Increasing the Pool of Available Candidates**

The recruitment policy shall provide for both internal and external recruitment of suitably candidates from designated groups. A concerted effort shall further be made to increase interest among potential candidates from designated groups in applying for vacancies.

### **7.3. Appointment of Employees from Designated Groups**

Existing policies shall be scrutinised to identify employment barriers to members of designated groups. The recruitment and selection policy shall increase the possibility of appointing candidates from designated groups in employment categories and levels in which they are under-represented. Policies regarding selection criteria and selection panels shall be fair and non-discriminatory. Further efforts shall include:

- a) The redrafting of employment application forms and employment contracts to remove discriminatory and prejudicial provisions.
- b) Transformed psychometric testing and evaluation methods to prevent cultural bias and discrimination against candidates.
- c) Increased use of competency-based recruitment and selection methods focused on the ability to perform the job.
- d) Compliance with numerical targets and annual benchmarks.
- e) The advancement of designated groups by providing necessary guidance, training, development, and support.
- f) Recognising that the appointment of members of designated groups shall create a more diverse workforce.

#### **7.4. Training and Development of People from Designated Groups**

The Department recognises its obligation to train and develop its employees. To facilitate access to skills development, the Department shall have programmes that include:

- a) Internal Bursaries
- b) Job-related training
- c) Training in line functioning, management, and supervisory skills
- d) Learnerships
- e) Accredited and credit bearing skills programmes.

A strong emphasis shall be placed on mentorship and coaching of new employees. Career planning and development shall become an integral part of the development of human resources. This goal shall be observed in the outcome-based nature of the training provided.

#### **7.5. Training and Development for Persons with Disabilities**

- a) **Internal:** Special emphasis shall be placed on the training and development of employees with disabilities to place them in a better position to compete for advertised posts on higher levels. Specialised training shall be identified by managers and recorded on the Work-Skills Plan. The Human Resources Development Unit shall assist with the sourcing of specialised training interventions.
- b) **External:** Internships shall be used as a method to target People with Disabilities to prepare them for labour market and permanent employment.

#### **7.6. Training and Development for Women in Middle Management:**

The Department shall undertake targeted leadership training to maintain the goal of 50% women in middle and top management. Mentoring, coaching and on-the-job training shall provide opportunities for women to participate in National and Provincial development programmes. This shall ensure a bigger pool of suitably qualified women in middle management are available to apply for advertised Senior Management posts.

#### **7.7. Retention of People from Designated Groups**

- a) The Department is committed to lowering turnover rates and increasing the retention rates of designated members. The Department shall conduct exit interviews to develop further strategies regarding retention of people from designated groups by determining reasons why they terminate their services. The outcome of exit interviews and recommendations

shall be shared with the Employment Equity Committee for deliberations on a half yearly basis to enable the Department to compete successfully with other employers to obtain and retain services of people from designated groups.

- b) Salaries shall not be the main retention tool as there are other elements of retention such as interpersonal working relationships and training and development opportunities, which form part of the Attraction and Retention Policy.
- c) Succession planning shall be incorporated by managers to ensure potential employees, who are competent on their level, are developed and groomed for higher positions.

### **7.8. Reasonable Accommodation for Persons with Disabilities**

The Department shall conduct annual accessibility audits and implement reasonable accommodation measures in line with Employment Equity Plan.

- a) The Department shall subscribe to principles that accommodate persons with disabilities, with specific reference to the adaptation of physical facilities. For this purpose, buildings shall be made accessible to persons with disabilities, and appropriate assistive devices shall be provided. Special attention shall be given to the employment and career development of persons with disabilities.
- b) Employees with disabilities shall be assisted by the employer in the execution of their duties upon disclosure of a disability or impairment. It is acknowledged that employees are under no legal obligation to disclose such information; however, where a disability or the need for accommodation is not disclosed, the employer shall not be obliged to provide reasonable accommodation, assistance, or assistive devices.

### **7.9. Steps to Ensure 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 Department shall recognise the importance of adopting an overall strategy, which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purpose of ensuring maximum utilisation of all employees. This includes reducing negative stereotyping and discrimination, creating an acceptable and welcoming environment, as well

as integrating affirmative action programmes with general management practices and strategies.

#### **7.10. Corrective Measures to Eliminate Barriers Identified During the Analysis**

- a) The employment policies and practices shall be continuously reviewed by the Department to remove possible discriminatory content and eliminate employment barriers from the policies and practices.
- b) Affirmative Action measures implemented by the Department shall be designed to prevent the creation of absolute barriers to the appointment or promotion of persons from non-designated groups, and care shall be taken to ensure that such measures do not discriminate against persons from non-designated groups.

#### **7.11. Numerical Goals**

- a) A numerical analysis shall be conducted to determine the representation of employees internally at each employment level and job category, as well as externally to assess the representation of various groups at district and provincial levels. This analysis shall enable the Department to set realistic and attainable quantitative targets, taking into account the Department's circumstances as an employer.
- b) Numerical goals shall be developed for the appointment and promotion of people from designated groups to address their under-representation.

#### **The following factors shall be taken into consideration in developing numerical goals:**

- a) The degree of under-representation of designated employees in various employment categories of the Department as determined by the numerical analysis of approved EE Plan.
- b) The labour turnover rate of the Department as determined by terminations quarterly.
- c) Affirmative action measures.
- d) EE Sector & EAP targets.
- e) Department shall establish EEA requirement areas of under-representation of designated groups and shall take active measures to correct the under-representation.
- f) The demographic profile of economically active population of the province and relevant sector targets shall be used to determine the numerical targets.

- g) The EAP profile of the province and relevant sector targets, as supplied by Statistics South Africa (Stats SA) and the Department of Employment & Labour, shall be used to set the numerical targets in terms of race and gender for the Department.
- h) The purpose of setting numerical goals and targets is to increase the representative of designated groups through preferential measures and shall not unreasonably restrict access of non-designated group to opportunity and advancement.

#### **7.12. Achievement of Numerical Targets or Goals**

To achieve one of the strategic objectives of having a demographically representative workforce, the following factors shall be considered:

- a) The calculation of numerical targets or goals based on the Department's current post structure, including permanent and funded posts.
- b) The degree of under-representation of designated groups in each occupational category and level.
- c) Current and future financial resources for the filling of vacancies.
- d) The impact of labour-market supply and demand on the achievement of numerical goals.
- e) The population demographics of the Eastern Cape.

#### **7.13. Budget**

The Department of Social development shall be committed yearly to provide the necessary funding to address shortcomings on the implementation of EE objectives through strategies such as awareness campaigns on diversity and gender.

#### **7.14. Assignment of Responsibility**

The Department shall appoint the Head of Corporate Services with responsibility for the implementation and monitoring of the Employment Equity plan and initiatives. The Head of Corporate Services shall remain functionally accountable for the implementation of Employment Equity Process assisted by Employment Equity Committee.

## **8. Accountabilities and Responsibilities**

### **8.1. Responsible Manager:**

The Executive Management shall oversee the implementation of this policy and ensure compliance.

### **8.2. Employment Equity Committee:**

The Employment Equity Committee shall,

- A) develop and review the Employment Equity Plan, facilitate consultations, provide feedback, and participate in the implementation and monitoring process.
- B) Analyse employment policies, practices, procedures, and the working environment to identify employment barriers that adversely affect persons from designated groups.
- C) Ensure the preparation and compilation of the report required to be submitted to the Director-General of the Department of labour.
- D) Develop internal procedures to resolve disputes about interpretation or implementation of the Employment Equity Plan
- E) Have provisions of the Act, regulations, codes of good practice, directives and administrative guidelines published in terms of the Act.
- F) Conduct Employment Equity awareness workshops throughout the Department, championing development, implementation, monitoring and the review of departmental employment equity strategies, and ensuring the successful implementation, consolidation and submission of the Employment Equity Report to the Department of Labour.

### **8.3. Employment Equity (EE) Committee Representatives**

**8.3.1.** The EE representatives shall represent their constituency in the Employment Equity Committee in respect of matters identified for consultation set out in the Terms of Reference.

**8.3.2.** The representatives shall, where possible:

- a) Obtain mandates from respective constituencies on matters identified for consultation.

- b) Report back to their constituencies on the progress and on matters discussed in the Committee Meetings, utilising the official Committee Meeting minutes as the basis for report-back.
- c) Perform responsibilities, tasks, duties, investigations and surveys assigned by the Committee, acting in the interests of the Department to ensure successful implementation of Employment Equity plan.

#### **8.4. Special Programmes Unit:**

- a) The Special Programmes Unit shall be responsible for monitoring the Employment Equality Plan and shall ensure that the issues of Persons with Disabilities, Women and Youth are prioritised by the Department on the Employment Equity Plan.

#### **8.5. Employees:**

- (a) The departmental employees shall familiarise themselves with the provisions of this policy and keep a copy of this policy for the purpose of relevance.
- (b) Employees shall report violations or suspected violations of this policy through their supervisors and shall take part in the consultation processes on employment equity undertaken by the employer.
- (c) Employees from both designated and non-designated groups shall participate in mandatory consultations, nomination of representatives, and assist in identifying workplace barriers.
- (d) They must ensure the effectiveness of EE plan by providing input on employment practices, monitoring compliance, and discrimination to create a fair diverse, and representative workplace.

#### **8.6. Head of Department:**

The Head of Department shall,

- (a) Assign a senior manager to take responsibility for monitoring and implementing an Employment Equity Plan.
- (b) Provide managers with the authority and means to perform their functions, taking reasonable steps to ensure that they can do so effectively.
- (c) Display a clearly visible notice at the workplace summarising the provisions of the policy.
- (d) Use a number of outreach and proactive mechanisms to attract applicants from under-represented groups.
- (e) Involve Non-Governmental Organisations for persons with disabilities.

- (f) Implement affirmative action measures and ensure the designated groups have equal opportunities in the workplace.
- (g) Provide sufficient budget to eliminate physical barriers against persons with disabilities, aligning staffing needs with set numerical targets.

### **8.7. Member of the Executive Council**

The Member of the Executive Council shall be responsible for adjudicating any unresolved disagreement arising from administrative injustices under the policy.

### **9. Approving Authority**

The responsibility and accountability for the development and review of this policy rests with the Chief Director: Corporate Services. The final approval of the policy rests with the Executive Authority.

### **10. Policy Administration and Enforcement**

The function of the administration and enforcement of this policy shall rest with officials in the management and the implementation of the Employment Equity Policy and Plans shall form part of Key Performance Indicators in their performance agreements or contracts. The Chief Director: Corporate Services shall guide Management in the administration and enforcement of this policy.

### **11. Monitoring Mechanism**

The unit shall track progress and identify areas for improvement. A report detailing the progress of the implementation of the Employment Equity Plan, with specific reference to the achievement of numerical goals, shall be compiled by the Unit responsible for implementation and monitoring. The report shall be tabled to the Employment Equity Committee and the Executive Management. The mentioned report shall be made available to all consulting parties for perusal and comments. Annual EE reports shall be submitted to the Department of Employment & Labour, and the Employment Equity Plan shall be reviewed.

### **12. Policy Review**

This policy shall be reviewed after a period of three years from its effective date of approval and/or in line with changes in legislation.

**13. Policy Recommendation & Approval**

Recommended/ Not Recommended ~~Recommended~~

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**Head of Department:**  
**Dept. of Social Development**

30/03/2026  
**Date**

**Approved/ Not Approved**

**Comments:**

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**Member of the Executive Council (MEC):**  
**Dept. of Social Development**

31/03/2026  
**Date**