



# BREED VALLEY

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## TABLE OF CONTENTS

1. PREAMBLE .....	3
2. DEFINITIONS .....	3
3. LEGAL FRAMEWORK .....	3
4. SCOPE AND APPLICATION .....	4
5. PURPOSE AND OBJECTIVES OF POLICY .....	4
6. POLICY CONTENT .....	5
6.1. Affirmative Action Measures.....	5
6.1.1. Increasing the pool of available candidates .....	5
6.1.2. Appointment of employees from designated groups.....	5
6.1.3. Training and development of people from designated groups .....	6
6.1.4. Retention of people from designated groups .....	7
6.1.5. Reasonable accommodation of people with disabilities.....	7
6.1.6. Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes .....	7
6.1.7. Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees .....	8
6.1.8. Corrective Measures to Eliminate Barriers Identified During the Analysis 8	
6.2. Numerical Goals.....	8
6.3. Consensus .....	9
6.4. IMPLEMENTATION AND MONITORING .....	9
<b>7. EMPLOYMENT EQUITY COMMITTEE .....</b>	<b>10</b>
8. COMMUNICATION.....	10
9. POLICY REVIEW .....	<b>Error! Bookmark not defined.</b>
10. BUDGET AND RESOURCES .....	10
11. ROLES AND RESPONSIBILITIES .....	11
12. RECORD KEEPING .....	11
13. PENALTIES.....	11
14. DISPUTE RESOLUTION.....	11
<b>15. EFFECTIVE DATE .....</b>	<b>12</b>

## 1. PREAMBLE

The Breede Valley Municipality has embarked on a process to implement the provisions of the Employment Equity Act.

## 2. DEFINITIONS

**“Affirmative Actions”** are 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;

**“candidate”** means an applicant for a post which substantially limits a person towards performing his/her duties;

**‘designated group’** means Black people, women and people with disabilities;

**‘black people’** is a generic term and means African, Coloured and Indian persons;

**‘people with disabilities’** means people who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment;

**‘disadvantaged persons’** means persons or categories of persons disadvantaged by past or present unfair discrimination; and

**‘suitably qualified’ person** means a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time, the skills and competencies necessary to perform a particular job.

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

## 3. LEGAL FRAMEWORK

- 3.1. Employment Equity Act, Act 55 of 1998
- 3.2. Employment Equity Act, Code of Good Practices
- 3.3. Skills Development Act, Act 97 of 1998

#### **4. SCOPE AND APPLICATION**

This policy shall apply to all candidates who apply to the Breede Valley Municipality for employment and all employees of the Council, including designated groups as well as non-designated groups.

#### **5. PURPOSE AND OBJECTIVES OF POLICY**

The purpose of this policy is to state the broad principles of employment equity of the Breede Valley Municipality. This policy document does not constitute the Employment Equity Plan of the Breede Valley Municipality, but simply sets out the framework and guiding philosophy that will govern an Employment Equity Plan.

The objectives of Breede Valley Municipality Employment Equity Policy are the following:

- 5.1. Addressing under-representation of designated groups in all occupational categories and levels in the workforce. Specifically, under-representation of black people, as defined in the Act, and people with disabilities were identified during the numerical analysis as presenting special challenges which the Breede Valley Municipality has to address.
- 5.2. Identifying and developing strategies for the elimination of employment barriers in the Employment Policies and Practices of the Breede Valley Municipality. Several barriers were identified by the Breede Valley Municipality and will be addressed in this policy.
- 5.3. Developing business-orientated strategies for the achievement of numerical goals and timetables for the implementation of affirmative action measures, considering the mission of the Breede Valley Municipality.
- 5.4. Establishing procedures for the monitoring and enforcement of the implementation process.
- 5.5. Establishing procedures to address and resolve disputes regarding the implementation and enforcement of Employment Equity.

## **6. POLICY CONTENT**

The responsibility for implementing affirmative action measures and ensuring compliance with the provisions of the Employment Equity Act of 1998, rests with the Municipal Manager of the Employer or his/her delegated assignee(s) in terms of section stipulations of the Employment Equity Act, 1998 (Act 55 of 1998).

The following affirmative action measures have been identified and developed to address the employment barriers and under-representation identified during the numerical analysis and the review of the Employment Policies and Practices of the Breede Valley Municipality.

### **6.1. Affirmative Action Measures**

#### **6.1.1. Increasing the pool of available candidates**

A policy on recruitment has been adopted which provides for the internal and external recruitment of suitable candidates from designated groups.

A concerted effort will further be made to increase the level of interest of potential candidates from designated groups in applying for vacancies.

#### **6.1.2. Appointment of employees from designated groups**

Existing policies have been scrutinized to identify employment barriers to members of designated groups, and appointment and selection policies should increase the possibility of appointing candidates from the designated groups in employment categories and levels where they are under-represented.

Policies regarding selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures be implemented. Such procedures will help contribute to the appointment of suitable candidates from designated groups. Further efforts will include:

- a. The redrafting of employment application forms and employment contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- b. An increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and have low predictive validity of the true ability of candidates to perform in a work environment.

- c. The use of employment assessment tools and batteries only if they could be proven that they are valid and reliable, applied fairly to all employees and not bias against any employee or group.
- d. The increased use of competency-based recruitment and selection methods, whereby the potential of the candidate, and the ability to perform the job plays an increasingly prominent role.
- e. Compliance with Employment Equity numerical targets and annual benchmarks.
- f. The advancement of designated groups but bearing in mind that the Breede Valley Municipality will not resort to window-dressing, tokenism, and favoritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- g. Recognizing that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for the Breede Valley Municipality.

#### **6.1.3. Training and development of people from designated groups**

The Breede Valley Municipality recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop employees. The Breede Valley Municipality has adopted structured training programmes for employees. These programmes include:

- a. Bursaries for secondary and tertiary education
- b. Job-related training
- c. Training in line functioning, management, and supervisory skills
- d. Learnerships
- e. Skills programmes

Strong emphasis is also placed on mentorship and coaching of new employees, since the development of employees is seen as long-term upliftment measure as against a temporary corrective measure.

Career planning and development, therefore, becomes an integral part of the development of the human resources, and is training only the first step in the process whereby attained abilities are eventually put into practice. This eventual goal can also be observed in the outcome-based nature of the training provided and

the purpose of the training to accelerate the advancement of designated groups within the Breede Valley Municipality.

#### **6.1.4. Retention of people from designated groups**

The Breede Valley Municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, the Breede Valley Municipality has adopted a new policy regarding exit interviews in order to enable the Breede Valley Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with the Breede Valley Municipality. This will also enable the Municipality to compete successfully with other employers to obtain and retain the services of people from designated groups.

#### **6.1.5. Reasonable accommodation of people with disabilities**

The Breede Valley Municipality has adopted a policy regarding the accommodation of the disabled, with specific reference to adapt physical facilities that will be implemented gradually with a view to making the grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

#### **6.1.6. Steps to ensure that members of designated groups are appointed in such positions that they are able to meaningfully participate in corporate decision-making processes**

The Breede Valley Municipality adopted policies with regard to appointment and promotion that should ensure that candidates from the designated groups have the opportunity to be appointed in positions where they will be able to participate meaningfully in the decision-making of the Breede Valley Municipality. The Promotion Policy reflects the selection criteria of section 21 of the Employment Equity Act by requiring candidates to be suitably qualified for positions into which they will be appointed.

**6.1.7. Steps to ensure that the corporate culture of the past is transformed in a way that affirms diversity in the workplace and harnesses the potential of all employees**

The consultation forum of the Breede Valley Municipality includes employees from various levels and seniority and is fully representative of all designated and non-designated groups at the Breede Valley Municipality. The Breede Valley Municipality also recognizes the importance of adopting an overall strategy which highlights the importance of managing a diverse, multiracial, and multicultural workforce, for the purposes of ensuring the maximum utilisation of all employees. This includes reducing negative stereotyping and discrimination, creating an acceptable and welcome environment, and the integration of affirmative action programmes with general management practices and strategies.

**6.1.8. Corrective Measures to Eliminate Barriers Identified During the Analysis**

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

The selection criteria at the Breede Valley Municipality are continuously revised to allow for the definition of suitably qualified candidates as contained in the Employment Equity Act to serve as standard for selection.

The affirmative action measures implemented at the Breede Valley Municipality are designed to prevent the creation of absolute barriers for the appointment or promotion of persons from non-designated groups, and care is taken to ensure that the measures adopted does not discriminate in any way against persons from the non-designated groups.

**6.2. Numerical Goals**

A numerical analysis must be carried out to determine the representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on both a regional and provincial level. This analysis enables the Breede Valley Municipality to set quantitative targets which are realistic and attainable given the circumstances of the Breede Valley Municipality as an employer.



Numerical goals must be developed for the appointment and promotion of people from designated groups to address under-representation of the designated groups.

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

- a. The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- b. The labour turnover rate at the Breede Valley Municipality must be determined to be extremely low. This presents a significant limiting factor as regards the implementation rate of affirmative action measures and the setting of numerical goals by the Breede Valley Municipality. Possible measures that could be considered in order to address this problem include offering voluntary severance packages to senior employees by mutual consent.

### **6.3. Consensus**

The representative unions as well as the management structures of the Breede Valley Municipality must be involved in the consultation process surrounding the numerical analysis, the review of employment systems and policies and the drafting of the Employment Equity Plan. The parties must strive to reach a high degree of consensus in the consultation process.

Workshops, attended by representative trade unions and management, must be held which will be utilised as opportunities to consult, inform, and educate all parties as to the process to be followed and the roles to be played by parties.

### **6.4. IMPLEMENTATION AND MONITORING**

A report detailing the progress with the implementation of Employment Equity, with specific reference to achievement of numerical goals, must be compiled every six (6) months by the Employment Equity Committee with the responsibility for implementation and monitoring.

The above-mentioned report must be made available to all consulting parties for perusal and comment.

A summary of the above-mentioned report must be circulated to all staff members by means of circulars, and notices on notice boards.

The above-mentioned summary must contain an invitation to all employees to submit their comments or questions on the progress with the implementation of the plan to the responsible person or persons specified in the plan.

## **7. EMPLOYMENT EQUITY COMMITTEE**

The Breede Valley Municipality is committed to a harmonious employer and employee relationship in implementing the Employment Equity Plan. In line with the Act, the Employment Equity Committee will be established to conduct analysis and monitoring implementation of the Employment Equity Plan.

The following people must be represented on the Committee:

- i. 50% men and 50% women;
- ii. One person from each directorate in the organization;
- iii. One person from each occupational category;
- iv. Nominated employees from designated group, from each occupational category;
- v. Nominated employees from non-designated group, from each occupational category;
- vi. One representative from each union; and

The total number of the committee members should be 12 members

## **8. COMMUNICATION**

Circulars, messages, and notices on notice boards will be utilised to inform all employees of the availability of the Employment Equity Documentation. Copies of Employment Equity documentation will also be distributed to the parties that took part in the consultation process.

## **9. BUDGET AND RESOURCES**

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

## **10. ROLES AND RESPONSIBILITIES**

The Municipal Manager shall be responsible for the administration and enforcement of this policy, provided that he or she may delegate any of his functions or duties hereunder to another member of staff of the Municipality.

## **11. RECORD KEEPING**

A copy of all relevant employment equity documents must be kept at the Department of Human Resources for perusal by employees of the Breede Valley Municipality.

## **12. PENALTIES**

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

## **13. DISPUTE RESOLUTION**

An employee or union which is dissatisfied with any aspect of the implementation of the employment equity process may refer a grievance in this regard to the Dept. of Human Resources at the Breede Valley Municipality who then has to inform the person and/or persons responsible for the implementation and monitoring of the employment equity process.

Once a grievance has been referred to the person and/or persons responsible for the implementation and monitoring of employment equity such person or persons must arrange a consultation with the aggrieved parties and the management within 14 days after the referral of the matter to such person or persons. The consultations may be joint consultations or separate consultations at which the person and/or persons responsible for the arrangement of the consultations as previously referred to must act as a mediator between the parties in an attempt to find a mutually acceptable resolution of the dispute.

If a satisfactory resolution of a grievance as previously described cannot be found within 30 days after the referral of such dispute to the responsible person, the aggrieved party may refer the dispute to the relevant forum in terms of the relevant Acts.

#### **14. EFFECTIVE DATE**

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary in accordance with the Employment Equity Plan.