



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

DHET EMPLOYMENT EQUITY POLICY

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1. INTRODUCTION

1.1 Acronyms

ACRONYMS	DEFINITION
AA	Affirmative Action
CET	Community Education and Training
DHET	Department of Higher Education and Training
EE	Employment Equity
EEF	Employment Equity Forum
EEP	Employment Equity Plan
TVET	Technical and Vocational Education and Training

1.2 Glossary of Terms

TERMS	DEFINITIONS
ACT	Employment Equity Act No. 55 of 1998 as amended
AFFIRMATIVE ACTION	Is a concept that became topical with attempts for South Africa to increase the participation of previously disadvantaged groups in the workplace
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 the designated employer
BLACK PEOPLE	A generic term which means Africans, Coloureds, Indians and Chinese (naturalised pre 27 April 1994)
COLLEGE	Public CET or TVET college
COMPONENT	A part that makes up the Department at various levels- i.e. Head Office Branches, Regional Offices and Colleges
DELEGATED AUTHORITY	Any employee to whom power has been vested or who has been authorised to perform a duty in terms of a formal written delegation

DEPARTMENT	Department of Higher Education and Training
DESIGNATED EMPLOYER	An employer who employs 50 or more employees, or has a total annual turnover as reflected in Schedule 4 of the Act, municipalities and organs of state. Employers can also volunteer to become designated employers
DESIGNATED GROUPS	Means black people, women and people with disabilities who: <ul style="list-style-type: none"> - are citizens of the Republic of South Africa by birth or descent or - became citizens of the Republic of South Africa by naturalisation: <ul style="list-style-type: none"> (i) before 27 April 1994 or (ii) after 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies
EMPLOYEE	A person appointed in terms of the Public Service Act, 1994 as amended, excluding an Independent Contractor, who works for another person or for the State and receives, or is entitled to receive remuneration
EMPLOYER	Department of Higher Education and Training
EMPLOYMENT EQUITY	Is a conscious and deliberate effort to correct past imbalances by building the capacity of black employees (African, Coloured and Indian), women and people with disabilities
EMPLOYMENT EQUITY FORUM	A group made up of Employees representing a diverse population of the workforce and one representative from the employer at a Senior or Executive level who are put together to form a forum
EMPLOYMENT POLICY	Includes all Human Resource Policies from Recruitment to Termination of Service

EXECUTIVE AUTHORITY	Minister for the Department of Higher Education and Training
FOREIGN NATIONALS	Natural persons who are not citizens of South Africa, or those who received their citizenship after 26 April 1994 and their descendants
LINE MANAGER	Direct superior position to which an Employee reports to
NON-DESIGNATED GROUPS	White males and Foreign Nationals
OCCUPATIONAL CATEGORIES	An illustrative and descriptive list of occupations falling in a particular group
PEOPLE WITH DISABILITIES	People who have a long term occurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment
REASONABLE ACCOMMODATION	Any modification or adjustment to a job or to the working environment that will enable a person from the designated group to have access to or participate or advance in employment
SENIOR MANAGEMENT TEAM	SL13 upwards for HO SL12 upwards for Regional Offices and Colleges
SUBCOMPONENT	A part of a Component – e.g. a Branch within Head Office, or College HR Unit in a Regional Office or College
SUITABLY QUALIFIED PERSON	A person who has any one of, or a combination of the following:-formal qualifications; prior learning; relevant experience; or capacity to acquire the ability to do the job
UNFAIR DISCRIMINATION	Discrimination on the basis of Gender, Race, Ethnicity, Sexual orientation, Political Affiliation or Religious beliefs or any other unfair grounds as stated in the Constitution of SA

1.3 Policy Statement

The Employer fully embraces the provisions of the EE Act and affirms its commitment to government's socio-economic transformation policy. Employment Equity initiatives interlink and require complementary processes to be active and in place in the DHET, such as Change Management, effective management of diversity in the workplace and an Organizational Culture mind shift to accommodate previously disadvantaged groups namely black people, women and people with disabilities.

1.4 Legislative Framework

- 1.4.1 Public Service Act No.103 of 1994, as amended
- 1.4.2 Labour Relations Act No. 66 of 1995, as amended
- 1.4.3 South African Constitution Act No.108 of 1996
- 1.4.4 Basic Conditions of Employment Act No.75 of 1997, as amended
- 1.4.5 Employment Equity Act No. 55 of 1998, as amended
- 1.4.6 Skills Development Act No. 97 of 1998, as amended
- 1.4.7 Public Service Regulations 2016, as amended
- 1.4.8 Broad-based Black Economic Empowerment Act No. 53 of 2003
- 1.4.9 White Paper on Transformation of the Public Service, 1997
- 1.4.10 White Paper on Affirmative Action in the Public Service, 1998

NB: Where this Policy and the Delegations of Authority of the DHET differ the Delegations shall take precedence.

1.5 Purpose

To achieve transformational goals as part of government's strategy to achieve a workforce that is truly representative of the South African population.

1.6 Objectives

- 1.6.1 To outline the Employer's Policy on Employment Equity and ensure that all Components transform and comply with the provisions in the Act.
- 1.6.2 To provide clear guidelines with regard to implementation of Employment Equity in employment practices to eliminate and redress past unfair discrimination and specifically address historical imbalances in race, gender and disabilities that have/are still existing.
- 1.6.3 To facilitate the development of an equitable, service-oriented DHET that is professional, effective, efficient, accountable and affirming the previously disadvantaged.
- 1.6.4 To promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination, whether direct or indirect, in any of the DHET Components' employment policies and/or practices.
- 1.6.5 To take Affirmative Action measures to address the disadvantages in employment experienced by the "designated groups" that include black people, women, and people with disabilities, to ensure a diverse and representative workforce.

1.7 Principles

- 1.7.1 Fairness and transparency;
- 1.7.2 Respect and sensitivity;
- 1.7.3 Non-discriminatory;
- 1.7.4 Avoidance of tokenism; and
- 1.7.5 Integrity.

1.8 Scope of Application

This Policy is applicable to all employees of the employer. Foreign Nationals are not eligible for "redress" in the context of Affirmative Action, they may be included in the overall workforce profile audit of the Employer, but should not

be taken into consideration when targets are developed for the Employment Equity Plan.

2. POLICY PROVISIONS

2.1 Principles underpinning this policy

In order to realise the objective of creating an equitable work environment for all employees, this Policy must be interpreted and implemented in accordance with the following principles:

2.1.1 Fairness

- (a) The duty to ensure the equitable representation of designated groups in all occupational categories and levels must be fulfilled in a fair and equitable manner.
- (b) The implementation of this principle implies, inter alia, that special weight must at all times be accorded to the legal duty to redress employment-related injustice suffered by members of designated groups, as well as the need to progressively address their underrepresentation in all occupational categories and levels. However, the Employer shall not take any decision concerning an employment policy or practice that will establish unnecessary and unfair barriers to the prospective or continued employment or advancement of people who are not from designated groups.

2.2.2 A culture of respect for human dignity, sensitivity and a sense of belonging

This Employment Equity Policy must be implemented to promote a culture of respect for the dignity of all employees, irrespective of different backgrounds and traditions, and to create an overall sense of belonging.

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2.2.3 Non-marginalisation

Opportunity for the contribution for all must be enhanced. No employee must be treated in a way that will side-line or marginalise him/her.

2.2.4 Empowerment

Barriers to the full utilisation of the potential of all appointees must be removed.

2.2.5 Avoidance of Tokenism

The Policy must be implemented with a view to fully integrate all appointees into the Employer's structures, with real responsibilities and real accountability vesting in such appointees.

2.2.6 Transparency

All employment equity measures and decisions must be taken in a transparent manner, which includes the duty to justify such measures or decisions by providing adequate reasons to interested parties.

2.2.7 Accountability

Final accountability for the successful implementation of this Policy lies with the executive authority and the delegated authority. All Supervisors/Line Managers are responsible for the actual implementation of this Policy and their commitment to its implementation will form part of their performance appraisal areas.

2.2.8 Consistency

The Employment Equity Policy must be implemented in balance with other policies of the Employer, including those that pertain to diversity.

2.2.9 Communication and Consultation

In line with its commitment to transparency, the Department shall ensure that all policies, programmes and procedures relating to Employment Equity are developed on a consultative basis with all stakeholders. All interested parties must be afforded a reasonable opportunity to participate in decision-making.

2.2.10 Resources

The Employer shall ensure that adequate financial and other relevant resources are made available to ensure the support and realisation of this Policy, subject to the norm of affordability and financial sustainability.

3. DISPUTE RESOLUTION

All disputes and grievances will be dealt with in accordance with the provisions of the DHET Labour Relations Manual.

4. POLICY MONITORING

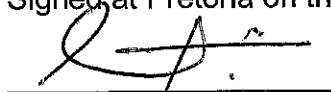
This Policy shall be monitored by the Directorate responsible for Employment Equity.

5. POLICY REVIEW

The Policy shall be reviewed after every three years, unless changes in Legislation and Ministerial Directives dictate otherwise.

6. POLICY APPROVAL

Signed at Pretoria on this 12 day of MAY 20 19



Mr GF Qonde

Director-General: Department of Higher Education and Training