



CAPE WINELANDS DISTRICT

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1. PREAMBLE

The Cape Winelands District Municipality has embarked on a process to implement the provisions of the Employment Equity Act. A consultation process to ensure that the process is fully inclusive and transparent would be followed with all interest groups, namely designated and non-designated staff members, staff members in all the job occupational levels, and senior managers responsible for implementation of the programme.

2. POLICY STATEMENT

2.1 The Cape Winelands District Municipality is committed to creating a diverse and inclusive workplace that reflects the demographics of the communities we serve. We recognize that employment equity is a fundamental human right and an essential element of social justice. We are committed to promoting equal opportunities and eliminating unfair discrimination in all aspects of our employment practices.

2.2 We are committed to ensuring that our workforce is representative of the designated groups, as defined in the Employment Equity Act (EEA), including women, people with disabilities, black people, coloured people, and Indian people. We believe that a diverse and inclusive workforce will enable us to better understand and respond to the needs of our communities and deliver high-quality services to our stakeholders.

2.3 We are committed to providing equal access to employment opportunities, training, and career development to all employees, regardless of their race, gender, disability, age, sexual orientation, religion, or any other prohibited grounds. We recognize that some employees may require reasonable accommodation to perform their duties effectively, and we are committed to providing such accommodation.

- 2.4 We are committed to implementing affirmative action measures to address the under-representation of designated groups in our workforce and promote their advancement in the municipality. We will set targets for the representation of designated groups in our workforce and develop and implement employment equity plans that identify affirmative action measures to achieve those targets. We will monitor and report on our progress towards achieving our employment equity goals and take corrective action where necessary.
- 2.5 We are committed to ensuring that all our employees are aware of and understand our employment equity policy and their roles and responsibilities in promoting equal opportunities and non-discrimination in the workplace. We will provide training and development opportunities to all employees to promote diversity and inclusion in the workplace.
- 2.6 We are committed to regularly monitoring and evaluating our employment equity policy and initiatives to ensure that they are effective in achieving our objectives. We will report annually on our progress towards achieving our employment equity goals and objectives to the relevant authorities and stakeholders.
- 2.7 We believe that our employment equity policy is essential for creating a fair and just workplace and achieving our municipality's objectives. We are committed to implementing this policy in good faith and promoting diversity, inclusion, and equality in all aspects of our employment practices."

3. PURPOSE

3.1 The broad objectives of Employment Equity are the following:

3.1.1 To address under-representation of designated groups in all occupational levels in the workforce. Specifically, under-representation of black people, as defined in the Employment Equity Act and people with disabilities would be

identified during the numerical analysis as presenting special challenges which the CWDM has to address.

- 3.1.2** To identify and develop strategies for the elimination of employment barriers in the employment policies and practices of the CWDM. All barriers identified by the CWDM would be addressed in this policy.
- 3.1.3** To develop operations-oriented strategies for the achievement of equity targets for the Public and Administration & Defence Compulsory Social Security Activities Sector for the implementation of affirmative action measures, taking into account the mission of the CWDM.
- 3.1.4** To establish procedures for monitoring and enforcing the implementation process.
- 3.1.5** To establish procedures to address and resolve disputes regarding implementation and enforcement of Employment Equity.
- 3.1.6** To redress imbalances of the past in occupational levels of employment.

3.2 The purpose of Employment Equity is also to develop an Employment Equity Plan that provide for a timetable for the fulfilment of specific objectives, and these objectives should:

- 3.2.1** Take into account the output of CWDM's planning phase;
- 3.2.2** The particular circumstances of the CWDM; and
- 3.2.3** The alignment and inclusion of the plan in the broad strategy of CWDM.

4. SCOPE AND APPLICATION

The policy shall apply to all permanent and fixed-term contract staff members, and candidates who apply to CWDM for employment, including designated groups as well as non-designated groups.

5. DEFINITIONS

“**Black people**”, refers to a generic term meaning African, Coloured and Indian persons in South Africa.

“**Designated group**”, refers to Black people, women and people with disabilities.

“**Disadvantaged persons**”, refers to persons or categories of persons disadvantaged by past or present unfair discrimination.

“**Dispute, or alleged dispute**”, refers to any disagreement about a matter of mutual interest between, on the one side the union and / or employee (s) and, on the other side, the Municipality.

“**Employee**” means any person, excluding an independent contractor, who works for the Cape Winelands District Municipality and who receives, or is entitled to receive any remuneration.

“**Municipality**” means the Cape Winelands District Municipality.

“**Municipal Manager**” shall mean a person appointed by the Municipal Council as the Municipal Manager for the municipality in terms of section 57 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“**People with disabilities**”, refers to people who have a long-term or recurring physical or mental, intellectual or sensory impairment which, in interaction with various barriers, may substantially limit their prospects of entry into, or advancement in, employment.

“**Permanent Employee**” means an employee, excluding a contract employee and a temporary employee, occupying a post on the approved staff establishment of the Municipality in a permanent capacity, whether full-time or part-time, and excludes an Apprentice, Expanded Public Works Programme employee, Intern, Reservist Fire Fighter and a Student.

“Shop steward”, refers to a permanent employee in the Municipality , elected to represent the Union and its members in terms of the Union’s constitution and the Recognition Agreement.

“Staff Establishment” means the approved posts created for the normal and regular requirements of the Cape Winelands District Municipality.

“Staff Member” shall mean the employees of the Cape Winelands District Municipality, including the Municipal Manager.

“Suitably qualified person”, refers to 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.

“Temporary Employee” means an employee, excluding a contract employee, appointed to a post on the approved staff establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding twelve (12) months.

“Workplace” refers to the place of work as contemplated in the Labour Relations Act, 1995 (Act No. 66 of 1995).

All terminology not defined under paragraph 4 of this policy shall bear the same meaning as in the applicable legislation.

6. LEGISLATIVE AND POLICY FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

6.1 Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

6.2 Municipal Systems Act, 2000 (Act No. 32 of 2000)

- 6.3** Municipal Structures Act, 1998 (Act No. 117 of 1998)
- 6.4** Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- 6.5** Labour Relations Act, 1995 (Act No. 66 of 1995)
- 6.6** Employment Equity, 1998 (Act No. 55 of 1998)
- 6.7** Skills Development Act, (Act No. 97 of 1998)
- 6.8** Local Government: Regulations on Appointment and Conditions of Employment of Senior managers, 2014
- 6.9** Local Government: Municipal Staff Regulations, 2021
- 6.10** Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021
- 6.11** Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- 6.12** Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- 6.13** National Skills Development Strategy
- 6.14** National Qualifications Framework
- 6.15** South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
- 6.16** Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
- 6.17** Department of Employment and Labour: Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices, 2005
- 6.18** Department of Employment and Labour: Code of Good Practice on the Preparation, Implementation and Monitoring of the Employment Equity Plan, 2017
- 6.19** In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) any personal information of employees will only be processed for the

specific purpose of complying with the prescriptions of this policy and/or applicable legislation.

6.20 Employment Equity Amendment Act, 2022 (Act No. 4 of 2022).

7. POLICY PROVISIONS

7.1 Underlying principles for prevention of unfair discrimination

- 7.1.1 No person may unfairly discriminate, directly or indirectly, against a staff member in any employment policy or practice, on one or more grounds including race, gender, 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.
- 7.1.2 It is not unfair to promote affirmative action consistent with applicable legislation or to prefer or exclude any person on the basis of an inherent job requirement.
- 7.1.3 Medical testing may only be permissible when legislation requires testing or when this is justifiable on various reasons (Certification by the HPCSA of psychological testing and similar assessment is no longer a requirement).
- 7.1.4 HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.
- 7.1.5 Psychological testing and similar assessments are prohibited unless the test is scientifically valid, and reliable, can be applied fairly to all staff members and is not biased against any staff member or group.
- 7.1.6 Disputes regarding unfair discrimination shall be handled in terms of the grievance and dispute procedure.

7.2 Fair Discrimination

7.2.1 The law sets out four grounds on which discrimination is generally allowed –

7.2.1.1 Discrimination based on affirmative action;

7.2.1.2 Discrimination based on inherent requirements of a particular job;

7.2.1.3 Compulsory discrimination by law; and

7.2.1.4 Discrimination based on productivity.

7.3 Affirmative Action Measures

7.3.1 Increasing the pool of available candidates

Policies on employment practices adopted by CWDM shall provide 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.

7.3.2 Appointment of staff members from designated groups

(a) In support of the employment practices policies, selection criteria and selection panels will ensure that fair and non-discriminatory selection procedures are implemented to contribute to the appointment of suitable candidates from designated groups.

(b) More efforts to advance appointment of staff members from designated groups shall include:

- (i) The review of employment application forms and contracts so that all discriminatory or prejudicial provisions and clauses are removed.
- (ii) Increased awareness that psychometric tests and evaluation methods tend to be culturally biased and discriminatory and have low predictive validity of true ability of candidates to perform in a work environment.
- (iii) 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.
- (iv) Compliance with numerical targets and annual benchmarks for the Public and Administration & Defence Compulsory Social Security Activities Sector.
- (v) The advancement of designated groups but bearing in mind that CWDM will not resort to window-dressing, tokenism and favouritism, but will advance designated groups by providing the necessary guidance, training and development, and support.
- (vi) Recognising that the appointment of members of designated groups will help create a more diverse workforce, which holds social and economic benefits for CWDM.

7.3.3 Training and development of people from designated groups

CWDM recognises the obligations placed on it by the Skills Development Act of 1998 to train and develop staff members and has adopted structured training programmes for staff members. These programmes include:

- (a)** Bursaries for tertiary education
- (b)** Job-related training
- (c)** Training in line function, management, and supervisory skills
- (d)** Learnerships
- (e)** Skills programmes
- (f)** Mentorship and coaching of new staff members
- (g)** Career planning and development

7.3.4 Retention of people from designated groups

CWDM is committed to lowering the turnover rates and increasing the retention rates of designated groups and shall accordingly conduct exit interviews to develop further strategies regarding the retention of people from designated groups.

7.3.5 Reasonable accommodation of people with disabilities

CWDM shall adopt practices regarding the accommodation of people with disabilities and their employment and career development, within justifiable resource means, and as follows:

- (a)** Adapt or replace existing physical facilities such as offices, ablutions, canteens, parking, office equipment, etc., to make them accessible and usable.

- (b)** Reorganise workstations for, example, free movement of wheelchairs.
- (c)** Adapt training and assessment materials, systems and facilities, by consulting staff members with disabilities on their career advancement and possible needs.
- (d)** Consult staff members with disabilities, as well as obtain expert advice to establish appropriate mechanisms to optimise accommodation.
- (e)** Create practical environment and provide necessary tools and aids for optimal participation in social and developmental activities.
- (f)** Indicate welcoming of people with disabilities through explicit stating of such fact on job advertisements, using disability-friendly application methods, direct advertisements to organisations promoting issues of people with disabilities.
- (g)** Identify and remove all job requirements that unfairly discriminate against some or all disabilities. Place requirements upfront in all job advertisements to aid screening, and not during interviews, selection, job offers and induction.
- (h)** Re-integrate staff members who became disabled at work by exploring, where reasonable, the possibility of offering alternative, reduced or flexible work placement, so that they are not compelled to terminate their employment.
- (i)** Provide additional work tools and aids, such as readers, Braille equipment, sign language, interpreters.

- (j) Encourage disclosure to ensure optimisation of accommodation measures.
- (k) Provide specialised supervision, training and support.

7.3.6 Meaningful participation in strategic decision-making processes

CWDM shall appoint and promote suitable candidates from the designated groups in positions where they could participate meaningfully in decision-making.

7.3.7 Affirming diversity and harnessing potential of all staff members

- (a) The consultation at CWDM shall include staff members from different levels and seniority and be representative of all designated and non-designated groups.
- (b) CWDM shall adopt an overall HR strategy which highlights the importance of managing a diverse, multiracial and multicultural workforce, for the purposes of ensuring the maximum utilisation of all staff members.
- (c) This HR strategy shall include reducing negative stereotyping and discrimination, creating an acceptable and welcoming environment, and integrating affirmative action programmes with general management practices and strategies.

7.3 Corrective measures to eliminate barriers identified during the survey

7.3.1 Employment policies and practices shall be continuously reviewed by CWDM in order to remove any possible discriminatory content and to eliminate employment barriers from the policies and practices.

7.3.2 The affirmative action measures implemented at CWDM 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.

7.4 Procedure for numerical goals

7.4.1 A numerical analysis shall be carried out to determine representation of staff members internally in every employment level as well as externally to determine the external representation of the various groups on a national level.

7.4.2 On the basis of the analysis, CWDM shall set quantitative targets which are realistic and attainable given the particular circumstances of CWDM.

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

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

- (a)** Degree of under-representation of designated groups in various employment levels at CWDM as determined by the numerical analysis.

- (b) Determine staff turnover rate at CWDM to guide implementation rate of affirmative action measures and the setting of numerical goals.

7.5 Consultation and consensus with nominated representatives

7.5.1 Prior to implementing this policy, the Employment Equity Officer shall ensure that staff members are consulted within the Local Labour Forum (LLF) and /or the Employment Equity Committee. Efforts shall be made to reach consensus on all key issues relating to this policy.

7.5.2 In particular, nominated representatives shall be consulted about:

- (a) the conducting of the employment equity survey;
- (b) the preparation and implementation of the employment equity plan; and
- (c) the submission of statutory reports to Department of Employment and Labour.

7.5.3 In the course of the above-mentioned consultations, all relevant information to allow effective consultation shall be disclosed by CWDM.

7.5.4 Where confidential information is disclosed in the course of consultations, it shall be clearly identified as confidential information and staff members shall be informed that it is a criminal offence to breach such confidentiality. Staff members may be required to sign confidentiality agreements in certain circumstances.

7.5.5 In addition, staff members shall be informed of, and given access to:

- (a) the most recent statutory report submitted to Department of Employment and Labour;

- (b) any compliance order, arbitration award or court order concerning the provisions of the Employment Equity Act and Municipality;
- (c) any current employment equity plan and other documents prescribed by the Act.

7.6 Roles and responsibilities

7.6.1 Employment Equity Officer

- (a) The Municipal Manager is appointed as the Employment Equity Officer to take specific responsibility to implement and monitor employment equity in CWDM. The Municipal Manager is entitled to delegate this responsibility to any senior manager in the Municipality.
- (b) The Employment Equity Officer shall report directly to the Council who, will have free access to all information on employment within CWDM, and will be entitled to attend any meeting or hearing dealing with any employment issue.

7.6.2 Duties of Employment Equity Officer

The duties of the Employment Equity Officer and any staff assigned by him/her are to:

- (a) conduct employment equity surveys in accordance with this policy;
- (b) keep and monitor lists of the designated group members employed;
- (c) collect and analyse external data on the profile of suitably qualified

applicants available for employment;

- (d) based on these surveys, lists and external data, prepare and recommend an employment equity plan including the setting of measurable goals and timetables for the recruitment, advancement and enhancement of the work environment of members of the designated groups;
- (e) comply with the relevant statutory reporting requirements;
- (f) identify discriminatory or potentially discriminatory practices and devise strategies and systems to eliminate such practices;
- (g) devise and recommend training and sensitisation strategies relating to affirmative action for members of the designated groups;
- (h) co-ordinate recruitment strategies, policies and procedures to ensure compliance with this policy;
- (i) advise and assist in carrying out recruitment programmes and training and sensitisation sessions;
- (j) monitor performance under this policy, receive complaints and recommend strategies for improvement;
- (k) obtain legal advice where necessary and ensure that the policies and practices comply with legal requirements;
- (l) provide periodic reviews of the implementation of this policy;
- (m) ensure that notices about the provisions of the Employment Equity Act (in a format prescribed by the Act) are prominently displayed in the workplace.

(n) to address all forms of workplace bullying.

7.6.3 Employment Equity Committee

(a) The main role of the committee is to –

(i) conduct an analysis of the workplace;

(ii) prepare and implement an employment equity plan; and

(iii) assist with the drafting of the employment equity report by reporting on those trained, promoted and recruited.

8 POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Financial & Strategic Support Services shall carry out the monitoring and evaluation of the policy's implementation.

9. DISPUTE RESOLUTION

Dispute resolution processes as outlined in the SAGLBC Main Collective Agreement and any amendments to it shall be followed in the event of any grievances and disputes arising out of the implementation of this policy.

10. AMENDMENTS

The Council may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

11. EFFECTIVE DATE

The Employment Equity Policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.