GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR

NO. 993 **21 SEPTEMBER 2018**

PUBLICATION OF THE DRAFT EMPLOYMENT EQUITY REGULATIONS, 2018 (herein referred as EE Regulations, 2018)

FOR PUBLIC COMMENT

I **Mildred Nelisiwe Oliphant**, Minister of Labour, in terms of Section 55(1) of the Employment Equity Act, 1998 (Act No 55 of 1998 as amended), and on the advice of the Commission for Employment Equity, hereby publish draft Employment Equity Regulations made in terms of the Employment Equity Act, Act 55 of 1998, for public comment.

Interested and affected parties are hereby invited to submit written representations on the draft Employment Equity Regulations, 2018. The aforesaid representations must be marked for the attention of **Mr Niresh Singh or Mr Innocent Makwarela** and hand delivered, send by registered post or emailed, within 60 days of publication of this notice to the following addresses:

Laboria House	**OR**	Private Bag X117
215 Francis Baard Street		Pretoria
Pretoria		0001
0001		

Email addresses: niresh.singh@labour.gov.za or innocent.makwarela@labour.gov.za

A copy of the draft Employment Equity Regulations, 2018 is attached hereto.

MILDRED OLIPHANT, MP
MINISTER OF LABOUR

DATE: 12/09/2018

DRAFT EMPLOYMENT EQUITY REGULATIONS, 2018

I, **Mildred Nelisiwe Oliphant**, Minister of Labour, hereby under section 55(1) of the Employment Equity Act, 1998 (Act 55 of 1998 as amended), publish the draft Employment Equity Regulations in the schedule.

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1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned and, unless the context otherwise indicates.

["Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), as amended;]

"Department" means the Department of Labour

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995), as amended;

"listed ground" means a ground listed in terms of section 6(1) of the Act;

"National Minimum Wage Commission" as established in terms of the National Minimum Wage Act, 2018 (Act No. of 2018), as amended;

"Regional demographics" means the Provincial Economically Active Population;

"temporary employees" mean employees who are employed for less than three months;

"the Act" means the Employment Equity Act, 1998 (Act No. 55 of 1998), as amended; and

"work of equal value" includes works that is the same, substantially the same or of the same value as other work, as contemplated in regulation 4 of these Regulations.

2. Equal Pay for Work of Equal Value Criteria

These Regulations are published to prescribe the criteria and methodology for assessing work of equal value contemplated in section 6(4) of the Act.

3. Eliminating unfair discrimination

(1) An employer must, in order to eliminate unfair discrimination, take steps to eliminate differences in terms and conditions of employment, including remuneration of employees who perform work

of equal value if those differences are directly or indirectly based on a listed ground or any arbitrary ground that is prohibited by section 6(1) of the Act.

(2) Without limiting sub-regulation (1), an employer must ensure that employees are not paid different remuneration for work of equal value based on race, gender or disability.

4. Meaning of work of equal value

For the purpose of these Regulations, the work performed by an employee –

(1) is the same as the work of another employee of the same employer, if their work is identical or interchangeable;

(2) is substantially the same as the work of another employee employed by that employer, if the work performed by the employees is sufficiently similar that they can reasonably be considered to be performing the same job, even if their work is not identical or interchangeable;

(3) is of the same value as the work of another employee of the same employer in a different job, if their respective occupations are accorded the same value in accordance with regulations 5 to 7.

5. Methodology

When, applying section 6(4) of the Act –

(1) it must first be established

(a) whether the work concerned is of equal value in accordance with regulation 6; and

(b) whether there is a difference in terms and conditions of employment, including remuneration.

(2) it must then be established whether any difference in terms of sub-regulation (1)(b) constitutes unfair discrimination, applying the provisions of section 11 of the Act.

6. Assessing whether work is of equal value

(1) In considering whether work is of equal value, the relevant jobs must be objectively assessed taking into account the following criteria:

(a) the responsibility demanded of the work, including responsibility for people, finances and material;

(b) the skills, qualifications, including prior learning and experience required to perform the work, whether formal or informal;

(c) physical, mental and emotional effort required to perform the work; and

(d) to the extent that it is relevant, the conditions under which work is performed, including physical environment, psychological conditions, time when and geographic location where the work is performed.

(2) In addition to the criteria specified in sub-regulation (1) any other factor indicating the value of the work may be taken into account in evaluating work, provided the employer shows that the factor is relevant to assessing the value of the work.

(3) The assessment undertaken in terms of sub-regulations (1) and (2) must be conducted in a manner that is free from bias on grounds of race, gender or disability, any other listed ground or any arbitrary ground that is prohibited in terms of section 6(1) of the Act.

(4) Despite sub-regulations (1) and (2), an employer may justify the value assigned to an employee's work by reference to the classification of a relevant job in terms of a sectoral determination made by the Minister of Labour in terms of section 55 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) which applies to the employer.

7. Factors justifying differentiation in terms and conditions of employment

(1) If employees perform work that is of equal value, a difference in terms and conditions of employment, including remuneration, is not unfair discrimination if the difference is fair and rational and is based on any one or a combination of the following grounds:

(a) the individuals' respective seniority or length of service;

(b) the individuals' respective qualifications, ability, competence or potential above the minimum acceptable levels required for the performance of the job;

(c) the individuals' respective performance, quantity or quality of work, provided that employees are equally subject to the employer's performance evaluation system, that the performance evaluation system is consistently applied;

(d) where an employee is demoted as a result of organisational restructuring or for any other legitimate reason without a reduction in pay and fixing the employee's salary at this level until the remuneration of employees in the same job category reaches this level;

(e) where an individual is employed temporarily in a position for purposes of gaining experience or training and as a result receives different remuneration or enjoys different terms and conditions of employment;

(f) the existence of a shortage of relevant skill, or the market value in a particular job classification; and

(g) any other relevant factor that is not unfairly discriminatory in terms of section 6(1) of the Act.

(2) A differentiation in terms and conditions of employment based on one or more grounds listed in sub-regulation (1) will be fair and rational if it is established, in accordance with section 11 of the Act, that –

(a) its application is not biased against an employee or group of employees based on race, gender or disability or any other ground listed in section 6(1) of the Act; and

(b) it is applied in a proportionate manner.

7A Determination of numerical targets for national economic sectors in terms of section 15A

(1) For the purpose of determining a numerical target in terms of section 7A, any relevant criteria may be taken into account including–

(a) the qualification, skills, experience [and the capacity to acquire, within a reasonable timeframe, the ability to do the job];

(b) the rate of turn-over and natural attrition within a sector;

(c) recruitment and promotional trends within a sector.

(2) For the purpose of determining numerical target in terms of section 7A, employers must refer to economic sectors and sub-sectors contained in the EEA17 for guidance.

Duties of a designated employer

8. Collecting information and conducting an analysis

(1) When a designated employer collects information contemplated in section 19 of the Act, the employer must request each employee in the workforce to complete a declaration using the **EEA1** form**.**

(2) An employee may add information to the **EEA1** form.

(3) Where an employee refuses to complete the **EEA1** form or provides inaccurate information, the employer may establish the designation of an employee by using reliable historical and existing data. People with disabilities have the right not to declare their disability, unless it is in line with the inherent requirements of the job.

(4) A designated employer must conduct an analysis as required by section 19 of the Act by reviewing its workforce profile and employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups from being equitably represented across all occupational levels. The outcome of the analysis should be reported using the **EEA12** in these regulations.

(5) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act as a guide when collecting information and conducting the analysis required by section 19 of the Act.

(6) When a designated employer conducts the analysis as required by section 19 of the Act, the employer may refer to –

(a) **EEA8,** a guide on the applicable national and regional economically active population (EAP); and

(b) **EEA9**, which contains a description of occupational levels.

9. Duty to prepare and implement an Employment Equity Plan

(1) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act when preparing an Employment Equity Plan contemplated in section 20 of the Act.

(2) The Employment Equity Plan must contain, at a minimum, all the elements contained in the **EEA13** template of these regulations.

(3) A designated employer must retain their Employment Equity Plan for a period of five years after the expiry of the plan.

(4) A designated employer must refer to the **EEA9** in the regulations for guidance on how to differentiate between the various occupational levels.

10. Duty to report

(1) A designated employer must submit a report to the Director-General in terms of section 21 of the Act annually –

(a) by hand delivery of a completed **EEA2** form as specified in regulation 10 (2); or

(b) electronically by using the online reporting system available on the Department website, www.labour.gov.za.

(2) An employer that submits its report by hand must do so by delivering a completed **EEA2** form which is signed by the Chief Executive Officer of the employer –

(a) to any office or labour centre of the Department for assistance to immediately capture the report into the system;

(b) in the period from the first day of September until the first working day of October.

(3) An employer may submit a report by online reporting into the EE System from the first working day of September until 15 January of the following year.

(4) An employer who becomes designated on or after the first working day of April, but before the first working day of October is only required to submit its first report on the first working day of October of the following year.

(5) A designated employer that is a holding company with more than one registered entity may choose to submit a consolidated report.

(6) A designated employer who chooses to submit a consolidated report contemplated in sub-regulation 10(7) must -

(a) have a consolidated Employment Equity Plan which is supported by individual Employment Equity Plans for each of the registered entities included in the consolidated report;

(b) adopt a method of reporting that remains consistent for the duration of the plan.

(7) The information contained in a report must be authorised and verified by-

(a) the chief executive officer; or

(b) in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No.56 of 2003), the accounting officer.

(8) An employer must inform the Department in writing immediately of any changes to their trade name, designation status, contact details as well as any relevant changes resulting from a merger, acquisition or insolvency.

(9) A designated employer who is unable to report in terms of this regulation must notify the Director-General in writing [before] by the last working day of October in the same year giving reasons for its inability to do so using the **EEA14** form.

(10) The Department must provide an employer that has submitted a report with –

(a) a letter rejecting the report because it does not meet the Department's quality assurance standards;

(b) a letter advising the employer that there are errors in the report and requesting the employer to rectify those errors within a specified period; or

(c) an electronic acknowledgement letter, in the form **EEA2A** that the report is complete and has been submitted into the Department's system.

(11) An employer who receives a letter rejecting the report in terms of sub regulation 10(a) –

(a) is deemed not to have submitted a report; or

(b) must submit a further report within the specific period.

(12) An employer who receives a letter advising that there are errors in the report in terms of sub regulation 10(b) must submit information correcting those errors within the relevant reporting period.

(13) An employer who receives an acknowledgement letter contemplated in sub regulation 10 (c) is deemed to have submitted a report in terms of section 21 of the Act.

(14) A designated employer must retain a copy of the report for a period of five years after it has been submitted to the Director-General.

(15) In terms of Section 22, all public designated employers and organs of state must publish a summary of a report required by Section 21 reflecting progress in their annual financial report by using the **EEA10** annexure for guidance.

(16) An employment equity report (**EEA2**), except for the Income Differential Statement reflected in the **EEA4** form, submitted to the Department is a public document and a copy may be requested by the public by completing and submitting the **EEA15** form to the Department.

(17) The relevant provisions of the Electronic Communications and Transactions Act No 25 of 2002 are applicable in respect of any issue concerning the electronic submission of a report or receipt of a document e-mail.

11. Duty to inform

The notice contemplated in section 25(1) of the Act is contained as the Summary of the Act in annexure **EEA3** of these Regulations and must be displayed at the workplace.

12. Income differentials and discrimination

(1) A designated employer must submit an Income Differential Statement in terms of section 27 of the Act using the **EEA4** form to the National Minimum Wage Commission by hand delivery or electronically as contemplated by regulation 10.

(2) An employer, who becomes designated on or after the first working day of April, but before the first working day of October, must only submit their Income Differential Statement on the first working day of October of the following year.

(3) A designated employer must retain a copy of the statement of income differentials contemplated in sub-regulation 12(1) for a period of five years after it has been submitted.

Enforcement Mechanisms

13. Requesting an undertaking

A labour inspector may request and obtain a written undertaking using the **EEA5** form.

14. Compliance order

A labour inspector may serve a compliance order to a designated employer using the **EEA6** form.

14A Service of compliance order in terms of section 37

(1) A compliance order may be served on an employer in terms of section 37 by any of the following methods-

(a) handing a copy of the order to the employer or a representative of the employer;

[(b) leaving a copy of the order at the employer's premises or registered office;]

(c) e-mailing a copy of the order to the employer's e-mail address,

(d) faxing a copy of the order to the employer's fax number,

(e) sending a copy of the notice by registered post to the employer.

(2) In the event of a dispute as to whether a compliance order has been served in terms of (1), service may be proved by-

(a) in the case of an order served by hand -

(i) a copy of a receipt signed by, or on behalf of, the employer clearly indicating the name and designation of the recipient and the place, time and date of service; or

(ii) a statement confirming service signed by the person who delivered a copy of the order to the other party or left it at any premises;

[(b) in the case of an order left at the employer's premises, a statement confirming service signed by the person who left it at the employer's premises;]

(c) in the case of an order served by e-mail -

(i) a copy of the sent e-mail indicating the successful dispatch to the employer of the email and any attachments concerned; and

(ii) an affidavit of the person who effected service, providing proof of the correct e-mail address of the employer and confirmation that the e-mail and any attachments were dispatched to the employer,

(d) in the case of an order served by telefax, a copy of the transmission report indicating the successful transmission to the employer of the notice;

(e) a copy of proof that the notice has been sent by registered post to the other party.

(3) If proof of service in accordance with sub regulation (2) is provided, it is presumed, until the contrary is proved, that the employer on whom it was served has knowledge of the contents of the compliance order.

(4) If proof that the document was posted by registered post to the employer in accordance with sub regulation (2)(e) is provided, it is presumed, until the contrary is proved, that the employer received the order [four] seven days after the date of posting

(5) The relevant provisions of the Electronic Communications and Transactions Act No 25 of 2002 are applicable in respect of any issue concerning service by e-mail.

15. Review by the Director-General (DG Review)

The Director-General may require designated employers who have been identified for the DG Review process to fully and accurately complete the DG Review Assessment form **(EEA7)** and furnish the required documents.

16. Certificate in terms of section 53

(1) An employer must request a certificate in terms of section 53 by means of the Department website, www.labour.gov.za.

(2) A designated employer may request for a certificate in terms of sub regulation (1) simultaneously with submitting its annual report in terms of section 21.

(3) An employer that is not a designated employer, requesting a certificate in terms of section 53, must specify that it complies with Chapter 2 of the Act and that it complies with the National Minimum Wage Act, 2017 using the EEA15 form.

(4) An employer may include in its application reasonable grounds to justify its failure to comply with any requirement for the issuing of a certificate as contemplated by section 42(4) and, in the case of compliance with a sectoral target, section 53(6)(a) by using EEA15 form.

(a) Justifiable reasonable grounds for not complying with the targets, including

(i) Insufficient recruitment opportunities;
(ii) Insufficient promotion opportunities;
(iii) Insufficient target individuals from the designated groups with the relevant qualification, skills and experience;
(iv) Court Order;
(v) Transfer of business;
(vi) Mergers/ Acquisitions; and
(vii) Impact on Business Economic circumstances.

(5) A certificate in terms of section 53 must be issued to –

(a) a designated employer in the form of **EEA16A;**
(b) to an employer that is not a designated employer in the form of **EEA16B;**

(6) A certificate issued in terms of section 53 is valid for a period of 12 months from the date on which it is issued.

General Administrative Matters

17. Repeal of laws

The Employment Equity Regulations, 2014 as published in *Government* Notice No. 595 of 1 August 2014 are hereby repealed.

18. Short Title

These Regulations are called the Employment Equity Regulations, 2018.

labour
Department:
Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 1 **EEA1**

DECLARATION BY EMPLOYEE
(*Confidential)*

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

This form is used to obtain information from employees for the purpose of assisting employers in conducting an analysis on the workforce profile. Employers should use this form to ascertain which employees are from designated groups in terms of the Employment Equity Act, 55 of 1998, as amended.

WHO COMPLETES THIS FORM?

Employees should fill in this form.

INSTRUCTIONS

All employers must ensure that the contents of this form remain confidential, and that it is only used to comply with the Employment Equity Act, 55 of 1998, as amended.

PLEASE NOTE:

'Designated groups', mean black people, women and people with disabilities who-

a) Are citizens of the Republic of South Africa by birth or descent; or
b) Became citizens of the Republic of South Africa by naturalization –
   (i) before 27 April 1994; or
   (ii) after 26 April 1994 and would have been entitled to acquire citizenship by naturalization prior to that date but who were precluded by Apartheid policies

'People with disabilities' are defined in the Act as people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.

*Please note that people with disabilities have the right not to disclose their disability, unless it is in line with the inherent requirements of the job.

1. Name of employee: ----------

2. Employee workplace No: ----------
   (This is the number that an employer/company/organisation uses to identify an employee in the workplace.)

3. Please indicate to which categories you belong with an '**X**' below:

Male	Female

African	Coloured	Indian	White

Foreign Nationals	

If you are not a citizen by birth, please indicate the date you acquired your citizenship: ----------

Person with a disability*	

If yes, specify nature of disability:

---

4. I verify that the above information is true and correct.

Signed: ----------
Employee

Date: ----------

labour
Department:
Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 9 **EEA2**

PLEASE READ THIS FIRST	**SECTION A: EMPLOYER DETAILS & INSTRUCTIONS**	
PURPOSE OF THIS FORM This form enables employers to comply with Section 21 of the Employment Equity Act 55 of 1998, as amended. This form contains the format for employment equity reporting by designated employers to the Department of Labour. **WHO COMPLETES THIS FORM?** All designated employers must complete and submit this form. **HOW AND WHEN SHOULD DESIGNATED EMPLOYERS REPORT?** A designated employer must submit a report to the Director-General in terms of section 21 of the Act annually – • Electronically by using the online reporting system available on the Department website, www.labour.gov.za, from 1 September until 15 January of the following year; or • by hand delivery of a completed EEA2 form to any office or labour centre of the Department of Labour for assistance to immediately capture the report into the system. **Online reporting: www.labour.gov.za** **Helpline: 0860101018** **NO FAXED OR E-MAILED REPORTS WIIL BE ACCEPTED**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	Seta classification	
	Industry/Sector	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer at the time of submitting this report	
	Name and surname	
	Telephone number	
	Fax number	
	Email address	
	Details of Employment Equity Senior Manager at the time of submitting this report	
	Name and Surname	
	Telephone number	
	Fax number	
	Email address	
	Business type	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State-Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organisation at the time of submitting this report	
	Number of employees in the organisation	☐ 0 to 49 ☐ 50 to 149 ☐ 150 or more
	Is your organisation an organ of State?	☐ Yes ☐ No
	Is your organisation part of a group / holding company?	☐ Yes ☐ No
	If yes, please provide the name	_____
	Year for which this report is submitted	_____

Please indicate below the preceding twelve month period the report covers (*except for first time reporting where the period may be shorter*):

From (date): _____/_____/_____ **to (date):** _____/_____/_____
DD / MM / YYYY DD / MM / YYYY

Please indicate below the duration of your current Employment Equity Plan:

From (date): _____/_____/_____ **to (date):** _____/_____/_____
DD / MM / YYYY DD / MM / YYYY

PLEASE READ THIS FIRST

a. The report should cover a twelve-month period, except for first time reporting where this may not be possible and the months covered should be consistent from year to year for the duration of the plan.

b. A designated employer must submit a report to the Director-General in terms of section 21 of the Act annually –

I. Electronically by using the online reporting system available on the Department website, www.labour.gov.za, from 1 September until 15 January of the following year; or

II. by hand delivery of a completed EEA2 form to any office or labour centre of the Department of Labour for assistance to immediately capture the report into the system.

c. An employer who becomes designated on or after the first working day of April, but before the first working day of October is only required to submit its first report on the first working day of October of the following year.

d. "Designated groups" mean Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who are citizens of the Republic of South Africa by birth or descent; or became citizens of the Republic of South Africa by naturalisation (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.

e. The alphabets "A", "C", "I", W", "M" and "F" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians", "Whites", "Males" and "Females" respectively.

f. "Temporary employees" are those employees employed for less than three months.

g. Guidelines on occupational levels are provided in the EEA9 Annexure of these regulations.

h. **Numerical goals** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve at the end of its Employment Equity Plan (EE Plan).

i. **Numerical targets** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve by the next reporting period.

j. All areas of the form must be fully and accurately completed and submitted by employers. Designated employers who fail to observe this provision will be deemed not to have reported.

k. Employers must **not** leave blank spaces, use 'not applicable' (NA) or a 'dash' (-) when referring to the value "0" (Zero) or the word "No".

SECTION B: WORKFORCE PROFILE
1. WORKFORCE PROFILE

1.1 Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

SECTION C: WORKFORCE MOVEMENT

2. Recruitment

2.1. Please report the total number of new recruits, **including persons with disabilities**. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

3. Promotion

3.1. Please report the total number of promotions into each occupational level**, including persons with disabilities**. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

4. Termination

4.1. Please report the total number of terminations in each occupational level, **including persons with disabilities**. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

SECTION D: SKILLS DEVELOPMENT

5. Skills Development

5.1. Please report the total number of people **including persons with disabilities**, who received training **ONLY** for the purpose of achieving the numerical goals, and not the number of training courses attended by individuals. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Total
	A	C	I	W	A	C	I	W	
Top management									
Senior management									
Professionally qualified and experienced specialists and mid-management									
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents									
Semi-skilled and discretionary decision making									
Unskilled and defined decision making									
TOTAL PERMANENT									
Temporary employees									
GRAND TOTAL									

SECTION E: NUMERICAL GOALS & TARGETS

6. Numerical goals

6.1. Please indicate the numerical goals as contained in the EE Plan (i.e. the entire workforce profile **including persons with disabilities**) you project to achieve at the end of your current Employment Equity Plan.

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

7. Numerical targets

Please indicate the numerical targets as contained in the EE Plan (i.e. the entire workforce profile **including persons with disabilities**) you project to achieve at the end of the next reporting cycle.

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

SECTION F: MONITORING & EVALUATION

8. Consultation

8.1. Please indicate below the stakeholders that were involved in the consultation process when developing and implementing your Employment Equity Plan and the preparation of this Employment Equity Report.

Consultation	Yes	No
Consultative body or employment equity forum		
Registered trade union(s)		
Employees		

9. Barriers and affirmative action measures

9.1. Please indicate which categories of employment policy or practice barriers to employment equity were identified. If your answer is '**Yes**' to barriers in any of the categories, please indicate whether or not there are affirmative action measures developed and the time-frames to overcome them.

Categories	BARRIERS		AA ACTION MEASURES		TIME-FRAME TO IMPLEMENT AA MEASURES	
	YES	NO	YES	NO	START DATE	END DATE
Recruitment procedures						
Advertising positions						
Selection criteria						
Appointments						
Job classification and grading						
Remuneration and benefits						
Terms & conditions of employment						
Job assignments						
Work environment and facilities						
Training and development						
Performance and evaluation						
Promotions						
Transfers						
Succession & experience planning						
Disciplinary measures						
Dismissals						
Retention of designated groups						
Corporate culture						
Reasonable accommodation						
HIV&AIDS prevention and wellness programmes						
Assigned senior manager(s) to manage EE implementation						
Budget allocation in support of employment equity goals						
Time off for employment equity consultative committee to meet						

10. Monitoring and evaluation of implementation

10.1. How regularly do you monitor progress on the implementation of the Employment Equity Plan? Please choose one.

Monthly	Quarterly

10.2. Did you achieve the annual objectives as set out in your Employment Equity Plan for this period?

Yes	No	Please explain

SECTION G: Signature of the Chief Executive Officer/Accounting Officer

Chief Executive Officer/Accounting Officer

I ----------(full Name) CEO/Accounting Officer of

---

hereby declare that I have read, approved and authorized this report.

Signed on this ----------day of ----------(month) year----------

At (place): ----------

Chief Executive Officer/Accounting Officer

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PAGE 1 OF 4 EEA3

SUMMARY OF THE EMPLOYMENT EQUITY ACT, 55 OF 1998, AS AMENDED ISSUED IN TERMS OF SECTION 25(1)

1. Chapter I – Definition, purpose, interpretation and application

Definitions: Section 1

(a) Designated groups mean black people (i.e. African, Coloured and Indian), women and persons with disabilities who are citizens of the Republic of South Africa by birth or descent, or became citizens of the Republic of South Africa by naturalization: before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but were precluded by apartheid policies.

(b) Designated employer means an employer who employs 50 or more employees**[**, or an employer who employs fewer than 50 employees, but 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**]**.

(c) Temporary employees are employees who are employed for less than three months.

Purpose of the Act: Section 2

The purpose of this act is to achieve equity in the workplace by-

(a) Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and

(b) Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups to ensure their equitable representation in all occupational levels in the workforce.

Application of the Act: Section 4

(a) Chapter II applies to all employers and employees. Chapter III applies to designated employers and people from designated groups.

(b) The South African National Defence Force, National Intelligence Agency, and South African Secrete Services are excluded from this Act.

2. Chapter II – prohibition of unfair discrimination

(a) No person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, 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, birth or on any other arbitrary ground.

(b) It is not unfair discrimination to promote affirmative action consistent with the Act or to prefer or exclude any person on the basis of an inherent job requirement.

2.1. Equal pay for work of equal value: Section 6(4)

(a) Employers may not unfairly discriminate against employees by providing different terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value that is directly or indirectly based on any one or more grounds listed in subsection 6(1) or on any other arbitrary ground.

2.2. Medical testing: Section 7

(a) Medical testing of an employee is permissible only when legislation requires testing or when this is justifiable for various reasons.

(b) HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.

2.3. Psychometric testing: Section 8

Psychometric testing and other similar assessments of an employee are prohibited unless the test or assessment being used has been scientifically shown to be valid and reliable, can be applied fairly to all employees **[**,**]** and is not biased against any employee**.[; and has been certified by the Health Professions Council of South Africa (HPCSA) established under the Health Professions Act, 56 of 1974 or any other body which may be authorized by law to certify such tests or assessments.]**

2.4. Disputes concerning Chapter 2: Section 10

(a) An employee, or applicant for employment, may refer a dispute concerning alleged unfair discrimination, medical or psychological testing to the CCMA for conciliation. This must be done within six months of the alleged discrimination or testing.
(b) If a dispute is not resolved after conciliation, any party to the dispute may refer it to the Labour Court for adjudication. The parties to a dispute may also agree to refer the dispute for arbitration.
(c) Unfair dismissal disputes in which unfair discrimination is alleged must be dealt with in terms of the Labour Relations Act. The dismissal must be referred to the CCMA within 30 days.
(d) An employee may refer a dispute to the CCMA for arbitration if :–
    (i) the employee alleges sexual harassment; and
    (ii) in any other case, where the employee earns less than the amount prescribed by the Minister **[**in terms of section 6(3) of the Basic Conditions of Employment Act**]**; or
(e) Any party may refer the dispute to the CCMA for arbitration.

3. Chapter III – Affirmative Action

3.1 Duties of a designated employer: Section 13

(a) A designated employer must implement affirmative action measures for designated groups to achieve employment equity.
(b) In order to implement affirmative action measures, a designated employer must-
    (i) Consult with employees;
    (ii) Conduct analysis;
    (iii) Prepare an Employment Equity Plan; and
    (iv) Report to the Director-General on progress made in the implementation of the plan.

3.2 Affirmative action measures: Section 15

(a) Affirmative action measures are measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational levels of the workforce.

(b) Such measures must include:
    (i) Identification and elimination of barriers with an adverse impact on designated groups;
    (ii) Measures which promote diversity;
    (iii) Making reasonable accommodation for people from designated groups;
    (iv) Retention, development and training of designated groups (including skills development); and
    (v) Preferential treatment and numerical goals to ensure equitable representation, which exclude quotas.

(c) Designated employers are not required to take any decision regarding an employment policy or practice that would establish an absolute barrier to prospective or continued employment or advancement of people not from designated groups.

(d) The Minister may publish a notice in the Gazette identifying national economic sectors for the purposes of this Act, having regard to any relevant code contained in the Standard Industrial Classification of all Economic Activities published by Statistics South Africa.

(e) The Minister may, after consulting the relevant sectors and with the advice of the Commission, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, by notice in the Gazette set numerical targets for any sector or part of a sector identified in terms of subsection (1).

3.3 Consultation: Section 16 and 17

(a) A designated employer must consult with its employees and their representatives on employment equity matters
(b) Designated employers should consult with employees both from designated and non-designated groups, and employees representing the interests of individuals from the various occupational levels.
(c) Matters for consultation must include issues relating to the conducting of an analysis, preparing and implementing an Employment Equity Plan and preparation and submission of employment equity reports.

3.4 Disclosure of information: Section 18

To ensure meaningful consultation, the employer must disclose relevant information to the consulting parties, subject to section 16 of the Labour Relations Act 66 of 1995.

3.5 Analysis: Section 19

A designated employer must conduct an analysis of employment policies, practices, procedures and the work environment so as to identify employment barriers that adversely affect members of the designated groups. The analysis must also include the development of a workforce profile to determine to what extent designated groups are under-represented in the workplace.

3.6. Employment Equity Plan: Section 20

(a) A designated employer must prepare and implement an Employment Equity Plan, which must not be shorter than one year and not longer than five years, and should include a timetable for the achievement of goals and objectives for each year of the plan.

(b) The Director-General may apply to the Labour Court to impose a fine in terms of Schedule 1 for failure to prepare and implement an Employment Equity Plan.

3.7. Report: Section 21

(a) A designated employer must submit a report to the Director-General annually on the first working day of October or by 15 January of the following year in the case of electronic reporting.

(b) The Labour Court may, on application by the Director-General, impose a fine contemplated in Schedule 1 of this Act for failure to report.

3.8. Designated employer must assign a manager: Section 24

A designated employer must assign one or more senior managers to ensure implementation and monitoring of the Employment Equity Plan and must make available necessary resources for this purpose.

3.9. Income Differentials: Section 27

(a) A statement of remuneration and benefits received in each occupational level of that employer's workforce must be submitted by a designated employer to the **[Employment Conditions Commission (ECC)]** National Minimum Wage Commission.

(b) Where disproportionate income differentials or unfair discrimination in terms and conditions of employment as contemplated by section 6(4) of the Act are reflected in the statement contemplated in sub-regulation (a), a designated employer must take measures to progressively reduce such differentials subject to guidance as may be given by the Minister as contemplated in the regulations.

4. Chapter V - Monitoring, Enforcement and Legal Proceedings

4.1 Monitoring: Section 34

Employees or trade union representatives can monitor the implementation of the Act and report any contraventions to the relevant bodies.

4.2 Powers of the Labour Inspector: Section 35

Labour Inspectors are authorised to conduct an inspection as provided for in section 65 and 66 of the Basic Conditions of Employment Act, 1997.

4.3 Undertaking to comply: Section 36

(a) If the inspector has reasonable grounds to believe a designated employer has failed to comply with its obligations in terms of the Act, the inspector may request and obtain a written undertaking to comply within a specified period.

(b) If an employer fails to comply with an undertaking, the Director-General may apply to the Labour Court to make such an undertaking an order of the Labour Court.

4.4 Compliance Order: Section 37

(a) A labour inspector may issue a compliance order to a designated employer if that employer has failed to comply with sections 16, 17, 19, 22, 24, 25, or 26 of this Act.
(b) If an employer fails to comply with an undertaking, the Director-General may apply to the Labour Court to make such an undertaking an order of the Labour Court.

4.5 Review by Director-General: Section 43 , 44 and 45

(a) The Director-General may conduct a review to determine whether an employer is complying with the Act.

(b) The outcome of the review may result in the Director-General approving the designated employers' Employment Equity Plan: or may make recommendations to fulfil the requirements of the Act.

(c) If an employer fails to comply with a request made by the Director-General in terms of section 43(2) or a recommendation made by the Director-General in terms of section 44 (b), the Director-General may apply to the Labour Court for an order directing the employer to comply with the request or recommendation or to impose a fine in terms of Schedule 1 of this Act.

4.6 Powers of the Labour Court: Section 50

The Labour Court has the powers to make any appropriate orders, award compensation or impose fines.

4.7 Protection of employee Rights: Section 51

The Act protects employees who exercise their rights and obligations under the Act against victimisation, obstruction and undue influence.

5. Chapter VI – General Provisions

5.1 State contracts: Section 53

Designated employers **[and employers]** who **[voluntarily]** comply with Chapter III, and who seek to do business with any organ of state, will have to apply for a certificate from the Minister confirming their compliance with chapter II and III of the Act. Non-designated employers' compliance certificate will pertain to chapter II in relation to the elimination of unfair discrimination.

5.2 Liability of Employers: Section 60

Should employees contravene any provision of this Act while performing their duties; the employer will be liable, unless the employer can prove that it did everything in its power to prevent the undesired act.

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PAGE 1 OF 5 **EEA4**

PLEASE READ THIS FIRST	**SECTION A: EMPLOYER DETAILS & INSTRUCTIONS**	
PURPOSE OF THIS FORM This form enables employers to comply with Section 27 (1) of the Employment Equity Act 55 of 1998, as amended. This form contains the format for an Income Differential Statement to be completed by a designated employer and submitted to the National Minimum Wage Commission. **WHO COMPLETES THIS FORM?** All designated employers must submit a report in terms of Section 27(1) of the Employment Equity Act, 55 of 1998 as amended. **WHEN SHOULD EMPLOYERS REPORT?** Designated employers must submit their report annually at a Department of Labour office on the first working day of October for immediate capturing or by 15 January of the following year for online reporting. Employers who become designated on or after the first working day of April but before the first working day of October must submit their Income Differential Statement on the first working day of October of the following year. **Online reporting : www.labour.gov.za** **Helpline: 0860101018** **NO FAXED OR E-MAILED REPORTS WIIL BE ACCEPTED**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	Seta classification	
	Industry/Sector	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer at the time of submitting this report	
	Name and surname	
	Telephone number	
	Fax number	
	Email address	
	Details of Employment Equity Senior Manager at the time of submitting this report	
	Name and Surname	
	Telephone number	
	Fax number	
	Email address	
	Business type	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State-Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organisation at the time of submitting this report	
	Number of employees in the organisation	☐ 50 to 149 ☐ 150 or more
	Is your organisation an organ of State?	☐ Yes ☐ No
	Is your organisation part of a group / holding company?	☐ Yes ☐ No
	If yes, please provide the name.	_____
	Is your organisation a public company?	☐ Yes ☐ No
	Year for which this report is submitted	_____

SECTION B: THE FOLLOWING MUST BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE EEA4 FORMS

1. All population/ race groups in terms of gender (including Foreign Nationals) must be included when completing the EEA4 form in the appropriate space provided in the table below.

2. Calculation of remuneration must include twelve months, which must be in line with the period covered by the EEA2 reporting form. In the case of employees who have not worked a full twelve month period an amount equivalent to the annual salary should be furnished, e.g. if a person worked for three months and earned R30 000, the annual equivalent will be (R30 000 / 3) * 12, which means the annual equivalent for this person will be R120 000.All payment amounts to be reflected in the table below must be rounded to the nearest Rand (R) and included as **total remuneration (fixed / guaranteed pay plus any variable pay that was accrued within the year)** for each group in terms of race and gender.

3. No blank spaces, commas (,), full stops or decimal points (.) or any other separator should be included when capturing the payment amounts in each of the cells in the table below – for example R7 345 567.22 must be captured as 7345567 with no separators.

4. All payments (i.e. total cost to company) must be included in the form as (annualized fixed / guaranteed pay or annualized variable pay) using the following for guidance:

   a. Fixed / Guaranteed Pay includes:

   Salary and benefits, including contributions to retirement, risk funds, medical benefits and other benefits in kind.

   b. Variable Pay includes:

   - **Short-term incentives:** annual or shorter incentives and (generally) cash performance-based payments, including deferrals (commission schemes are included here); and
   - **Long-term incentives:** longer than one year, (usually) share-based awards and cash based settlement that have a vesting period of more than one year must also be included, which may be retention and / or performance-based.

5. Please provide, except for the lowest occupations level, the **total remuneration (highest annualized fixed / guaranteed pay and the highest annualized variable pay**) for all the occupational levels in terms of population groups / race and gender in your organisation. The lowest total remuneration **(annualized fixed / guaranteed pay)** and the lowest annualized variable pay must, however, be provided for the lowest occupation level in your organisation.

6. Employers with 100 or fewer employees are not required to complete Section D of this form.

SECTION C: INCOME DIFFERENTIAL STATEMENT

Please provide, except for the lowest occupational level, **total remuneration (the highest annualized fixed / guaranteed pay and the highest annualized variable pay)** for all the occupational levels in terms of population groups / race and gender in your organisation. The lowest total remuneration (lowest annualized fixed / guaranteed pay and the lowest annualized variable pay) must, however, be provided for the lowest occupation level in your organisation.

OCCUPATIONAL LEVELS			MALE				FEMALE				FOREIGN NATIONALS	
			A	C	I	W	A	C	I	W	M	F
Top Management	TOTAL PAY	Fixed / Guaranteed										
		Variable										
Senior Management	TOTAL PAY	Fixed / Guaranteed										
		Variable										
Professionally qualified and experienced specialists and mid-management	TOTAL PAY	Fixed / Guaranteed										
		Variable										
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	TOTAL PAY	Fixed / Guaranteed										
		Variable										
Semi-skilled and discretionary decision making	TOTAL PAY	Fixed / Guaranteed										
		Variable										
Unskilled and defined decision making	TOTAL PAY	Fixed / Guaranteed										
		Variable										

(NB: Please be reminded that in the table above the lowest pay is required at the lowest occupational level and the highest pay is required at all other occupational levels in your organisation in terms of race and gender.)

SECTION D: AVERAGE AND MEDIAN PAY AND THE PAY-GAP

(NB: Employers with 100 or fewer employees are not required to complete this section of the form.)

Please note the **average/ mean** pay involves adding up a number of amounts in pay and dividing the total by the number of amounts included in the total. The '**median**'" is the "middle" value in a list of payments ranked from lowest to highest.

What is the average annual pay for the top 10% of your workforce?	**Fixed / Guaranteed**	**R**
	Variable	**R**
What is the average annual pay for the bottom 10% of your workforce?	**Fixed / Guaranteed**	**R**
	Variable	**R**
What is the median pay in your organisation?	**Fixed / Guaranteed**	**R**
	Variable	**R**
Please indicate whether your organisation has a policy in place to address and close the vertical gap between the highest and lowest paid workers in your workforce? (Mark with X)	☐ Yes ☐ No	
If yes, how many times (e.g. 10x, 15x, 20x) is the vertical gap between the highest and lowest paid worker in your organisation in terms of the policy?		
Is the pay-gap between the highest and lowest paid worker in your organisation aligned to your policy?	☐ Yes ☐ No	

SECTION E: Signature of the Chief Executive Officer/Accounting Officer

Chief Executive Officer /Accounting Officer

I ----------(full Name) CEO/Accounting Officer of

---------- ---------

hereby declare that I have read, approved and authorized this information.

Signed on this ----------day of ---------- (month) year ----------

At (place): ----------

Chief Executive Officer/Accounting Officer

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DEPARTMENT OF LABOUR

WRITTEN UNDERTAKING

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

To obtain a written undertaking from the employer in terms of Section 36 to comply with the requirements of the Employment Equity Act, 55 of 1998, as amended.

WHO COMPLETES THIS FORM?

An employer, assisted by a labour inspector.

WHO RECEIVES THIS FORM?

This form goes to the inspector.

PLEASE NOTE:

A labour inspector may request and obtain a written undertaking from a designated employer to comply with the provisions of Section 36 (1) within a specified period.

Failure to comply with this undertaking may result in the Director-General applying to the Labour Court, to make this undertaking, or any part thereof, an order of the Labour Court in terms of Section 36(2).

Employer Details

Trade name……..

DTI registration name ……..

PAYE/SARS No……

EE Ref. No……

Industry/Sector……

Tel No……

Fax No……..

Postal address……

Physical address……

Name & Surname of the CEO/Accounting Officer

…….....

Email address……..

Please tick the applicable box below as an undertaking to comply with the following provisions of the Act and its regulations.

i. Consult with employees (section 16 read with section 17) ☐

Please specify

ii. Conduct an analysis (section 19) ☐

Please specify

iii.	Publish report (section 22)	☐
iv.	Assign responsibility to one or more senior managers (section 24)	☐
v.	Inform employees (section 25)	☐
vi.	Keep records (section 26)	☐

1. You are required to comply with this written undertaking within…….….. days of receipt hereof. **Failure to comply with this undertaking may result in the Director-General applying to the Labour Court, to make this undertaking, or any part thereof, an order of the Labour Court in terms Section 36(2).**

OBTAINED ON ……Day of (Month)……..Year ……

At (Place)……..

SIGNED: EMPLOYER/ ON BEHALF OF EMPLOYER

……..

SIGNED: LABOUR INSPECTOR ……..

CONTACT DETAILS OF INSPECTOR: ……

PHYSICAL ADDRESS…….....

……

……..

……..

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PAGE 1 OF 2 EEA6

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

This form is used to issue a compliance order to an employer who has failed to comply with sections 16, 17, 19, 22, 24, 25 or 26 of the Employment Equity Act, 55 of 1998, as amended.

Failure to comply with this compliance order may result in the Director-General applying to the Labour Court, to make this compliance order an order of the Labour Court.

WHO COMPLETES THIS FORM?

A labour inspector fills this form.

WHO RECEIVES THIS FORM?

This form goes to the employer.

PLEASE NOTE:

The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it in terms of Section 25(2)(b).

DEPARTMENT OF LABOUR

COMPLIANCE ORDER

Ref/Case No: ……..

Employer Details

Trade name……

DTI registration name ……

PAYE/SARS No……

EE Ref. No……

Industry/Sector……

Tel No……

Fax No……

Postal address……

Physical address……

Name & Surname of the CEO/Accounting Officer

…….....

Email address……

1. You are required to comply with the following provisions of the Act and its regulations. Failure to comply with this compliance order may result in the Director-General applying to the Labour Court, to make this compliance order an order of the Labour Court.

(Tick the applicable box(es) below)

i. Consult with employees (section 16 read with section 17) ☐

ii. Conduct an analysis (section 19) ☐

iii. Publish the report (section 22) ☐

iv. Assign responsibility to one or more senior managers (section 24) ☐

v. Inform employees (section 25) ☐

vi. Keep records (section 26) ☐

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PAGE 2 OF 2 **EEA6**

2. You are required to comply with this compliance order within……..….days of receipt hereof. **The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it in terms of Section 25(2)(b).**

OBTAINED ON ……Day of (Month)……..Year ……

At (Place)……..

SIGNED: EMPLOYER……..

SIGNED: LABOUR INSPECTOR / ON BEHALF OF EMPLOYER

……..

CONTACT DETAILS OF INSPECTOR: ……

PHYSICAL ADDRESS…….....

……

……..

……..

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DIRECTOR-GENERAL REVIEW ASSESSMENT FORM

INSTRUCTIONS

The following are instructions for the completion of this Assessment Form:

In this Assessment Form the term "Company or Organisation" is used to refer to the Designated Employer who is being required to submit documentation in terms of Section 43 of the Employment Equity Act as amended.

1) The designated employer must complete **all sections** of the Assessment Form.

2) The designated employer must respond in the spaces provided in the Assessment Form and where "YES" is indicated provide supporting information or evidence as a schedule or annexure with the relevant heading.

3) The annexure, supporting information and evidence that is submitted must be numbered as per each section of the Assessment Form.

4) All information must be submitted in hard copies.

5) Should information requested not be completed and submitted in the required format, it may result in the Director-General applying to the Labour Court to use remedies available in terms of Section 45 of the Act.

6) The completed Assessment Form must be signed by the Chief Executive Officer/Accounting Officer.

7) Should the designated employer have an enquiry regarding the completion of the Assessment Form, please contact:

THE DEPARTMENT OF LABOUR	
Contact Person:	
Address:	
Tel.:	
Fax:	
E-mail:	

NB. The Assessment Form must be delivered to the above address.

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DIRECTOR-GENERAL REVIEW ASSESSMENT FORM

SECTION A: EMPLOYER DETAILS

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS

PURPOSE OF THIS FORM

This form enables designated employers to comply with Section 43 of the Employment Equity Act 55 of 1998 as amended.

This form contains the format for the Director-General Review of designated employers. All employers are required to use this form.

WHO COMPLETES THIS FORM?

All designated employers who are subjected to the Director-General Review and required to submit information in terms of section 43 of the Employment Equity Act, 55 of 1998 as amended.

Trade name	
DTI registration name	
DTI registration number	
PAYE/SARS number	
UIF reference number	
EE reference number	
Industry/Sector	
Seta classification	
Telephone number	
Postal address	
Postal code	
City/Town	
Province	
Physical address	
Postal code	
City/Town	
Province	

Details of CEO/Accounting Officer at the time of submitting this form

Name and Surname	
Telephone number	
Fax number	
Email address	

Details of Assigned Senior Manager for EE at the time of submitting this form

Name and Surname	
Telephone number	
Fax number	
Email address	

Business type

☐ Private Sector	☐ State-Owned Enterprise
☐ National Government	☐ Provincial Government
☐ Local Government	☐ Educational Institution
☐ Non-profit Organisation	

Information about the organisation at the time of submitting this Assessment form

Number of employees in the organisation	----------
Date of submitting this form	---------- DD/MM/YYYY

2. SECTION B: ASSIGNED EE MANAGER

2.1 Did you assign senior manager(s) in terms of section 24?

Yes ☐ No ☐

2.1.1 If yes, please provide proof detailing the assignment of responsibilities as outlined. (E.g. letter of assignment detailing responsibilities and mandate)

3. SECTION C: CONSULTATION

3.1 Does your organisation have representative forum(s) set up for consultation on employment equity in terms of section 16?

Yes ☐ No ☐

3.1.1 If yes, please provide proof by means of the composition of the forum; set of minutes covering the previous twelve months reporting period accompanied by agendas and signed attendance registers.

4. SECTION D: EMPLOYMENT EQUITY ANALYSIS

4.1. Did your company conduct an analysis of the **workforce, policies, procedures, practices and the work environment** in terms of section 19?

Yes ☐ No ☐

4.1.1 If yes, please provide documentary proof in the form of Report(s) detailing the outcome of your analysis in line with the EEA12 template. Please note that presentation slides or copies of employment policies will **NOT** be accepted.

5. SECTION E: EMPLOYMENT EQUITY PLAN

5.1. Does your organisation have a current Employment Equity (EE) Plan in terms of section 20, which includes Affirmative Action measures as outlined in the EEA13 template?

Yes ☐ No ☐

5.1.1 If yes, please attach a copy of your current EE Plan. In case of a consolidated plan, please include the individual plans of each operation included in the consolidated plan.

6. SECTION F: ANALYSIS OF INCOME DIFFERENTIAL STATEMENT

6.1. Please provide current Income Differential information by using the attached template.

7. SECTION G: SIGNATURE OF CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

Chief Executive Officer/Accounting Officer

I ----------(full Name) CEO/Accounting Officer of

---------- ---------

hereby declare that I have read, approved and authorized this information.

Signed on this ----------day of ---------- (month) year ----------

At (place): ----------

Chief Executive Officer /Accounting Officer

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DEMOGRAPHIC PROFILE OF THE NATIONAL AND REGIONAL ECONOMICALLY ACTIVE POPULATION

WHERE TO FIND INFORMATION ABOUT THE ECONOMICALLY ACTIVE POPULATION (EAP)?

Statistics South Africa provides demographic data using Quarterly Labour Force Surveys (QLFS) from time to time. The Quarterly Labour Force Surveys provide statistics on the national and provincial Economically Active Population (EAP) in terms of race and gender. Employers can access this information directly from Statistics South Africa. This information must be used by employers when consulting with employees, conducting an analysis and when preparing and implementing Employment Equity Plans.

This information is reviewed annually, and also made available in the Commission for Employment Equity (CEE) Annual Reports, which may be accessed from the Department of Labour website www.labour.gov.za.

OCCUPATIONAL LEVELS

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish the comparative worth between jobs.

This annexure provides a table of equivalent occupational levels that may be used by employers when completing the EEA2 and EEA4 forms.

INSTRUCTIONS

The table below indicates the occupational levels within organisations as developed through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that do not have job evaluation and grading systems should use the table below for guidance to determine the occupational levels in their organisations.

OCCUPATIONAL LEVELS	Paterson Classic (levels)	Paterson Modern (bands)	ReMeasure ©(points)	Hay Units ©(points)	Hay Decision Tree (© points)	Peromnes ©(points)	Task © (levels)	JEasy © (levels)	DESCRIPTION
Top Management/ Executives	F+1 – F+5	G Band[1]	300-349	3581-7160		1++			Controls the functional integration of the business. Determines the overall strategy and objectives of the business. Directs the company into the future. The nature of the work and focus is long-term. Sign-off on policy or strategy
	F1 – F5	F Lower-F Upper	250-299	1801-3580	225-275	1 to 1+	23-26	6a-6e	
Senior Management	E1-E5	E Lower-E Upper	200-249	735-1800	175-224	4-2	18-22	5a-5e	Knowledge of entire business area/BU/company or group. Provide inputs for/formulation of the overall Organisational strategy. Translates the overall strategy into business plans for BU/Functional Unit, thereby operationalising organisational strategy. Implements and manages business plan, goals and objectives and ensures the achievement of overall key Organisational/BU/Functional outputs. Manages the development of innovation and change
Professionally Qualified & experienced specialists/mid-management	D1-D5	D Lower-D Upper	150-199	371-734	125-174	7-4	14-18	4a-4e	Professional knowledge of sub-discipline or discipline. Provide input in the formulation of Organisational/Functional Unit business plans. Formulate and implement departmental/team plans that will support the BU business plans. Optimisation of resources (finances, people, material, information and technology) to achieve given objectives in most productive and cost effective way.
Skilled Technical & Academically Qualified/ Junior Management/ Supervisors/ Foremen/ Superintendents	C1-C5	C Lower-C Upper	100-149	192-370	75-124	11-7	9-13	3a-3e	Applies broad knowledge of products, techniques and processes. Evaluates procedures and applies previous experience. A good solution can usually be found. Determines own priorities. What has to be done is stipulated; but may require initiative in terms of how it should be done
Semi-Skilled & discretionary decision-making	B1-B5	B Lower-B Upper	50-99	85-191	25-74	15-11	4-8	2a-2e	Accountable for direct product, process or service quality. Incremental improvement of existing processes and procedures according to clear guidelines. Choosing of correct action on the basis of set standards, training procedures and past experience
Unskilled & defined decision-making	A1-A3	A	20-49	54-84	0-24	19-16	1-3	1a-1c	Steps to accomplish work or processes are clearly defined and understood. Tasks are sometimes repetitive and uncomplicated and the work cycle is short

[1] The F+1 – F+5 levels are commonly referred to as the G Band in industry and extend beyond the Paterson Classic F5 band.

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SUMMARY OF THE EMPLOYMENT EQUITY PROGRESS REPORT TO BE INCLUDED IN THE ANNUAL REPORT

Every designated employer is required in terms of Section 22 of the Act to publish a summary of their employment equity report in that employer's annual report. Every employer who is required to comply with Section 22 must follow the format below.

Occupational levels

Please report the total number of **employees** (**including employees with disabilities**) in each of the following **occupational levels**. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

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Please report the total number of **employees with disabilities ONLY** in each of the following **occupational levels**.
Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

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APPLICATION FOR EMPLOYMENT EQUITY REPORT

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

The form is used to request the Employment Equity Report (Form EEA2) of an employer from the Department of Labour. It is issued in terms of Section 21(5) of the Employment Equity Act, 55 of 1998 as amended.

WHO COMPLETES THIS FORM?

The applicant who is making the request.

INSTRUCTIONS

Please complete a separate form for each employer's report requested and address it to the Employment Equity Registry.

SEND TO:

Employment Equity Registry
(Application for EE Report)
Department of Labour
Private Bag X117
Pretoria
0001

www.labour.gov.za
Helpline: 0860101018

Section A: Applicant details:

Name and Surname:	
ID Number:	
Organisation/Institution	
Address:	
Town / City:	
Postal Code	
Telephone No.:	
Fax No:	
E-mail Address:	
Date of application:	

Section B: Reason for this request:

Section C: Report requested:

Name of Employer :
*EE Reference No. :
Indicate the year(s) of the report(s) requested:

***(Please consult the EE Public Register available on the departmental website to obtain the EE Reference no.)**

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PLEASE READ THIS FIRST ⬇	DEPARTMENT OF LABOUR
PURPOSE OF THIS FORM Designated employers are expected to complete this template in order to comply with Section 19, which must include an analysis of their workforce profile, policies, procedures, practices and environment. Section 19(1) of the EEA requires a designated employer to conduct an analysis as prescribed, of its employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Section 19(2) indicates that the analysis must include a profile to determine the under-representation of people from the designated groups in the various occupational levels in the workforce.	**TEMPLATE FOR REPORTING ON ANALYSIS (Section 19)** **Employer Details** Trade name…….. DTI Registration name……-…… PAYE/SARS No…….. EE Ref No…… Industry/Sector…… Province…….. Tel No…… Fax No…….. Postal address…… …… Physical address…… …… **Province** …… Name & Surname of the CEO/Accounting Officer …… Email address……..

ANALYSIS: SECTION 19

A designated employer is required to conduct an analysis of their workplaces.

According to section 19(1) of the Employment Equity Act, a designated employer must conduct an analysis as prescribed, of its employment policies, practices, procedures and the working environment in order to identify employment barriers, which adversely affect people from designated groups;

In order for a designated employer to comply with this provision, the following template should be utilized to furnish the required information.

1. QUALITATIVE ANALYSIS

1.1. BARRIERS AND AFFIRMATIVE ACTION MEASURES (*policies, procedures and/or practice)*

In order to conduct an analysis of policies, procedures and/or practice, barriers are identified and proposed affirmative action measurers established to respond to such barriers. Please note that the information below serves as a baseline to inform the 'Barriers and Affirmative Action measures (non-numerical goals) in the Employment Equity Plan (EE Plan).

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
Recruitment					
Advertising positions					
Selection criteria					
Appointments					
Job classification and grading					
Remuneration and benefits					
Terms & conditions of employment					
Work environment and facilities					
Training and development					
Performance and evaluation					
Succession & experience planning					
Disciplinary measures					
Retention of designated groups					
Corporate culture					

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
	POLICY	PROCEDURE	PRACTICE		
Reasonable accommodation					
HIV&AIDS prevention and wellness programmes					
Assigned senior manager(s) to manage EE implementation					
Budget allocation in support of employment equity goals					
Time off for employment equity consultative committee to meet					

2. QUANTITATIVE ANALYSIS

Section 19(2) of the EEA requires that a designated employer must include a profile, as prescribed of the designated employer's workforce within each occupational level in order to determine the degree of under-representation of people from designated groups in various occupational levels in that employer's workforce.

In order for a designated employer to comply with this provision, the following template should be utilized to furnish the required information.

2.1 SNAPSHOT OF WORKFORCE PROFILE

Workforce profile Information contained in the two tables below in terms of race, gender and disability is as at ---------- ---------- (dd/ mm/ yyyy). The first table contains information on all employees, including people with disabilities, and the second table only contains information on people with disabilities.

Table 1: Snapshot of all employees, including persons with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

Table 2: Snapshot of persons with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

2.2 ANALYSIS OF WORKFORCE PROFILE BY OCCUPATIONAL LEVEL

The analysis is done separately for each occupational level and for each race and gender intersection in terms of African male, Coloured male, Indian male, White male, African female, Coloured female, Indian female, White male, Foreign National male and Foreign National female.

A similar analysis is done pertaining to the representation of persons with disabilities (PWDs) without the Economically Active Population (EAP). The degree of under representation of the designated groups is determined by taking into account the Economically Active Population as outlined in the EEA8 of these regulations.

TOP MANAGEMENT

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

SENIOR MANAGEMENT

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

PROFESSIONALLY QUALIFIED

	MALE				FEMALE				FOREIGN NATIONAL		TOTAL
	A	C	I	W	A	C	I	W	MALE	FEMALE	
EAP											

ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

SKILLED TECHNICAL

	MALE				**FEMALE**				**FOREIGN NATIONAL**		**TOTAL**
	A	**C**	**I**	**W**	**A**	**C**	**I**	**W**	**MALE**	**FEMALE**	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

SEMI-SKILLED

	MALE				**FEMALE**				**FOREIGN NATIONAL**		**TOTAL**
	A	**C**	**I**	**W**	**A**	**C**	**I**	**W**	**MALE**	**FEMALE**	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

UNSKILLED

	MALE				**FEMALE**				**FOREIGN NATIONAL**		**TOTAL**
	A	**C**	**I**	**W**	**A**	**C**	**I**	**W**	**MALE**	**FEMALE**	
EAP											
ACTUAL											
%											
COMMENTS: Underneath each table, furnish the findings, including proposed strategies on how under-representation will be addressed.											

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PLEASE READ THIS FIRST ⬇	DEPARTMENT OF LABOUR
PURPOSE OF THIS FORM Section 20 requires designated employers to prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in the employer's workforce. An Employment Equity Plan must state- (a) The objectives to be achieved for each year of the plan (b) The affirmative action measures to be implemented as required by section 15(2); (c) Where under representation of people form designated groups has been identified by the analysis, the numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational level in the workforce, the timetable within which this is to be achieved, and the strategies intended to achieve those goals; (d) The timetable for each year of the plan for the achievement of goals and objectives other than numerical goals; (e) The duration of the plan, this may not be shorter than one year or longer than five years; (f) The procedures that will be used to monitor and evaluate the implementation of the plan and whether reasonable progress is being made towards implementing employment equity; (g) The internal procedures to resolve any dispute about the interpretation or implementation of the plan; (h) The persons in the workforce, including senior managers, responsible for monitoring and implementing the plan; and (i) Any other prescribed matter.	**TEMPLATE FOR EMPLOYMENT EQUITY PLAN (Section 20)** **Employer Details** Trade name…….. DTI Registration name……-…… PAYE/SARS No…….. EE Ref No…… Industry/Sector…… Province…….. Tel No…… Fax No…….. Postal address…… …… Physical address…… …… Province …… Name & Surname of the CEO/Accounting Officer …… Email address……..

1. INTRODUCTION

Section 20 requires that a designated employer prepares and implements an Employment Equity Plan which will achieve reasonable progress towards employment equity. An Employment Equity Plan must state the following:

a. The objectives to be achieved for each year of the plan should meet the SMART principle as follows:-
   - Specific
   - Measurable
   - Attainable
   - Relevant; and
   - Time bound

b. Barriers and Affirmative Action Measures must be aligned with those indicated in the audit analysis (section 19(1)) and meet the following requirements:
   - Include time-frames in order to track progress in the implementation of these AA Measures;
   - These time-frames should be within the duration of the EE Plan (no “on-going” permitted) and
   - Include responsible persons to monitor the implementation of these AA Measures (not names of people but designations).

c. The workforce profile, numerical goals and targets with exact time-frames according to the duration of the plan which must be accompanied by strategies to achieve them as informed by the findings in the audit analysis (as per section 19(2)).

d. Non-numerical goals according to paragraph b above (no need to repeat the table)

e. The duration of the plan which may not be shorter than 1 year or longer than 5 years (it must have a start and end date in terms of day, month and year).

f. Procedures to monitor and evaluate the implementation of the plan (which must state clear roles of stakeholders involved in the monitoring of the plan including time-frames when the monitoring takes place).

g. Internal procedures to resolve any dispute about the interpretation or implementation of the plan (include the stakeholders involved in resolving the dispute and time-frames allocated for each step of the process)

h. The persons in the workforce, including senior managers, responsible for monitoring and implementing the plan.

i. Any other prescribed matter.

NB: It is advisable that at least 6 months before the expiry of the EE Plan a designated employer should prepare a subsequent EE Plan (Successive EE Plan as required by Section 23)

DURATION OF THE PLAN

Section 20 indicates that the duration of the Employment Equity Plan may not be shorter than one year or longer than five years. The duration of the plan must have a specific start and end date, as reflected below: (***Please note that the template shown below is based on a 3-year plan***)

_____ to _____

Start date: (dd / mm / yyyy) **End date: (dd / mm / yyyy)**

2. OBJECTIVES FOR EACH YEAR OF THE PLAN

The objectives for each year of the plan, which should be specific, measurable, attainable, relevant and time bound, are reflected in the table below:

TIMEFRAMES (e.g.)		**OBJECTIVES**
YEAR 1	1 September 2012-31 August 2013	• …….. • ……..
YEAR 2	1 September 2013-31 August 2014	• …….. • ……. • ……
YEAR 3	1 September 2014-31 August 2015	• ……. • …….. • ……..

3. BARRIERS AND AFFIRMATIVE ACTION MEASURES

The barriers and Affirmative Action Measures identified in the EE analysis conducted must be included in the EE Plan. These measures must include time-frames to track progress in the implementation of the AA Measures. The time-frames must have specific dates and be within the duration of the EE Plan (no "ongoing" permitted). The designations of responsible persons to monitor the implementation of these AA Measures should be specified.

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (*PLEASE PROVIDE NARRATION*)	AFFIRMATIVE ACTION MEASURES *(PLEASE PROVIDE NARRATION)*	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Recruitment procedures								
Advertising positions								
Selection criteria								
Appointments								
Job classification and grading								
Remuneration and benefits								

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (*PLEASE PROVIDE NARRATION*)	AFFIRMATIVE ACTION MEASURES *(PLEASE PROVIDE NARRATION)*	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Terms & conditions of employment								
Work environment and facilities								
Training and development								
Performance and evaluation								
Succession & experience planning								
Disciplinary measures								
Retention of designated groups								
Corporate culture								

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (*PLEASE PROVIDE NARRATION*)	AFFIRMATIVE ACTION MEASURES *(PLEASE PROVIDE NARRATION)*	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Reasonable accommodation								
HIV&AIDS prevention and wellness programmes								
Assigned senior manager(s) to manage EE implementation								
Budget allocation in support of employment equity goals								

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (*PLEASE PROVIDE NARRATION*)	AFFIRMATIVE ACTION MEASURES *(PLEASE PROVIDE NARRATION)*	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE	(briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	(briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	START DATE	END DATE	
Time off for employment equity consultative committee to meet								

4. WORKFORCE PROFILE, NUMERICAL GOALS AND TARGETS

Workforce profile information is a snapshot of the workforce at a particular date and time, which is used below to conduct an analysis of the workforce and, at the same time, serve as baseline information for the setting of numerical goals and targets.

4.1 SNAPSHOT OF THE CURRENT WORKFORCE PROFILE

The workforce profile snapshot tables used for the conducting of the analysis to inform this plan are used below as a baseline for the setting of numerical goals and targets for each year of the plan.

Workforce profile snapshot date . ……. …….
DD / MM /YYYY

Table 1: Snapshot of workforce profile for all employees, including persons with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

Table 2: Snapshot for workforce profile for persons with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

4.2 NUMERICAL GOALS

Numerical goals must include the entire workforce profile, and **NOT** the difference that is projected to be achieved by the end of this EE Plan. Below are two tables on numerical goals, one covering all employees, including persons with disabilities, and the other covering persons with disabilities **ONLY.**

Start date: ……..…….. End date: ……..…
DD / MM / YYYY DD / MM / YYYY

Numerical goals for all employees, including persons with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

Numerical goals for persons with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

4.3 NUMERICAL TARGETS

Numerical targets must include the entire workforce profile, and **NOT** the difference that is projected to be achieved by the next reporting period. Below are two tables on numerical targets, one covering all employees, including persons with disabilities, and the other only covers persons with disabilities **ONLY**.

Numerical targets: Year 1	
Start date: ……..……..…….. DD / MM / YYYY	End date: ……..… DD / MM / YYYY

Numerical targets for all employees, including persons with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

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Numerical targets for persons with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

Numerical targets: Year 2

Start date: ……..…….. End date: ……..…
DD / MM / YYYY DD / MM / YYYY

Numerical targets, including persons with disabilities

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

Numerical targets for persons with disabilities ONLY

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
TOTAL PERMANENT											
Temporary employees											
GRAND TOTAL											

5. PROCEDURES TO MONITOR AND EVALUATE THE IMPLEMENTATION OF THE PLAN

All the structures for monitoring and evaluating the progress of the plan should be specified with clear roles and responsibilities for the stakeholders involved including time frames when the monitoring takes place.

STAKEHOLDER	ROLE/RESPONSIBILITY	FREQUENCY
▪	▪ …. ▪ ….	▪
▪	▪ …. ▪ …..	▪
▪	▪ ….. ▪ …..	▪

6. DISPUTE RESOLUTION MECHANISMS

A clear process to be followed to resolve disputes arising from the interpretation and implementation of the EE Plan, including the responsible persons and time-frames for each step to resolve the dispute.

7. SENIOR MANAGERS ASSIGNED TO MONITOR AND IMPLEMENT THE PLAN

8. ANY PRESCRIBED MATTER CAN BE INCLUDED.

SIGNATURE OF THE CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

Chief Executive Officer/Accounting Officer

I ---------- (full Name) CEO/Accounting Officer of

---

hereby declare that I have read, approved and authorized this EE Plan.

Signed on this ----------day of ----------year----------

At place:----------

Chief Executive Officer /Accounting Officer

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DIRECTOR-GENERAL NOTIFICATION FORM

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

This form is issued in terms of Section 21(4A) of the Employment Equity Amendment Act, 2013 (Act No. 47 of 2013) for designated employers to notify the Director-General if they are unable to submit EE Report(s).

The notice must reach the Director-General before the last working day of August in the same year of reporting.

WHO COMPLETES THIS FORM?

Designated employers who are unable to submit their report(s).

The form must be signed by the CEO/Accounting Officer.

INSTRUCTIONS

Complete this form and mail it to the address below.

SEND TO:

The Director-General
C/O Employment Equity Registry
Department of Labour
Private Bag X117
Pretoria
0001

www.labour.gov.za
Helpline: 0860101018

NO FAX OR EMAILS WILL BE ACCEPTED.

Section A: Applicant details:

Name of Company:	
PAYE No	
EE Ref. Number	
Full names of CEO/Accounting Officer	
Physical Address:	
Town / City:	
Postal Code	
Telephone No. of the CEO/Accounting Officer	
E-mail Address CEO	
Full names of EE Manager	
Telephone No EE Manager	
E-mail Address EE Manager	
Date submitted to DoL	
Reporting Year	

Section B: Reasons for this application (Select one below)

- ☐ Section 197 (Transfer of business)
- ☐ Mergers/Acquisitions
- ☐ Labour Court Order
- ☐ Liquidation/Judicial Winding
- ☐ Insolvency
- ☐ Other

Please provide motivation in the box below for each of the reason(s) selected.

Chief Executive Officer/Accounting Officer

I ----------(full Name) CEO/Accounting Officer of

Signed on this ----------day of ---------- (month)year ----------

At place: ----------

Chief Executive Officer /Accounting Officer

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REQUEST FOR AN EE COMPLIANCE CERTIFICATE

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form must be completed by both designated and non-designated employers when requesting a certificate of compliance from the Department of Labour in terms of Section 53(2) of the Employment Equity Act of 1998, as amended. **WHO COMPLETES THIS FORM?** Both designated and non-designated employers requiring a Certificate of Compliance **ADDITIONAL INFORMATION** **Designated employers and non-designated employers must only complete areas of the form that apply to them. Designated employers must complete B, C, D, E & F and non-designated employers must complete A, B, C & D)** **NO FAXED, E-MAILED AND POSTED REQUESTS WIIL BE ACCEPTED – REQUESTS TO BE MADE ONLINE ONLY.** **Online reporting: www.labour.gov.za** **Helpline: 0860101018**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	Seta classification	
	Industry/Sector	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer at the time of submitting this report	
	Name and surname	
	Telephone number	
	Fax number	
	Email address	
	Details of Employment Equity Senior Manager at the time of submitting this report	
	Name and Surname	
	Telephone number	
	Fax number	
	Email address	
	Business type	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organization at the time of submitting this report	
	Number of employees in the organisation	☐ 0 to 49 ☐ 50 or more
	Is your organisation an organ of State?	☐ Yes ☐ No
	Is your organisation part of a group / holding company?	☐ Yes ☐ No
	If yes, please provide the name	_____
	EE reporting Year for which this request is submitted	_____

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REQUEST FOR AN EE COMPLIANCE CERTIFICATE

PART A – *TO BE COMPLETED BY BOTH DESIGNATED AND NON-DESIGNATED EMPLOYERS*

(Designated employers to complete A,B, C, D, E & F and non-designated employers must complete A, B, C & F)

A. Complied with the requirements of the National Minimum Wage Act, 2018 or any exemption granted in terms of the Act.

YES	
NO	

B. Complied with Chapter II of the EE Act and there have been no adverse findings against the employer in the previous 12 months on unfair discrimination in the workplace by the CCMA and/or Labour Court.

YES	
NO	

C. An award made by the CCMA or any court of law in terms of Chapter II of the EE Act, which has been taken on Appeal or Review.

YES	
NO	

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PAGE 3 OF 3 **EEA15**

PART B – *TO BE COMPLETED BY DESIGNATED EMPLOYERS ONLY*

D. Have you complied with the annual targets as outlined in your EE Plan for this reporting period in terms of Section 15(A) of the Act?

YES	
NO	

E. Did not meet the targets stipulated in the regulations in terms of Section 15A of the Act due to the following reasons:

PLEASE MARK WITH AN X WHERE JUSTIFIABLE REASONABLE GROUNDS THAT ARE APPLICABLE FOR NOT COMPLYING WITH THE TARGETS	**X**
I. Insufficient recruitment opportunities	
II. Insufficient promotion opportunities	
III. Insufficient target individuals from the designated groups with the relevant qualification, skills and experience	
IV. CCMA / Court Order	
V. Transfer of business	
VI. Mergers/ Acquisitions	
VII. Impact on Business Economic circumstances	

F: SIGNATURE: CHIEF EXECUTIVE OFFICER

I verify that the above information is true and correct.

Signed on this ----------(day) of ---------- (month) ---------- (year)

At place: ----------

---------- **Date ----------**
SIGNATURE OF THE CHIEF EXCECUTIVE OFFICER

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Labour
REPUBLIC OF SOUTH AFRICA

EEA16A

Ref No : 000000

Website : www.labour.gov.za

Issue Date : 00000000

Certificate of Compliance

Issued in terms of Section 53(2) is valid for 12 months from the date of issue as per the Regulations made in terms of the
Employment Equity Act 55 of 1998 as amended

to

NAME OF ORGANISATION

Deemed to be a

DESINAGTED EMPLOYER

and

is hereby certified to have complied with the relevant provisions of the Employment Equity Act, 1998 as amended

- Chapter II on the prohibition of unfair discrimination and Chapter III on the implementation of affirmative action measures; and
- National Minimum Wage Act, 2017.

Any fraudulently obtained certificate of compliance shall constitute a criminal offence. The Department of Labour shall institute criminal proceedings against any persons who unlawfully alter a certificate.

SIGNATURE : _____

MINISTER OF LABOUR

labour
Department:
Labour
REPUBLIC OF SOUTH AFRICA

EEA16B

Ref No : 000000

Website : www.labour.gov.za

Issue Date : 00000000

Certificate of Compliance

Issued in terms of Section 53(2) is valid for 12 months from the date of issue as per the Regulations made in terms of the
Employment Equity Act 55 of 1998 as amended

to

NAME OF THE EMPLOYER

Deemed to be a

NON-DESIGNATED EMPLOYER

and

is hereby certified to have complied with the relevant provisions of the Employment Equity Act, 1998 as amended

- Chapter II on the prohibition of unfair discrimination; and
- National Minimum Wage Act, 2017.

Any fraudulently obtained certificate of compliance shall constitute a criminal offence. The Department of Labour shall institute criminal proceedings against any persons who unlawfully alter a certificate.

SIGNATURE : _____

MINISTER OF LABOUR

ECONOMIC SECTORS AND SUB-SECTORS IN LINE WITH THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
1.	AGRICULTURE, FORESTRY &FISHING	1. Crop and animal production, hunting and related services activities
		2. Forestry and logging
		3. Fishing and aquaculture
2.	MINING AND QUARRYING	1. Mining of coal and lignite
		2. Extraction of crude petroleum and natural gas
		3. Mining of metal ores
		4. Other mining and quarrying
		5. Mining support service activities
3.	MANUFACTURING	1. Manufacturing of food products; beverages and tobacco products
		2. Manufacturing of textile; wearing apparel; leather and related products
		3. Manufacturing of wood and product of wood; furniture; cork; articles of straw; plaiting materials; paper and paper products
		4. Manufacture of printing; reproduction of recorded media; computer; electronic and optical products
		5. Manufacture of coke; refined petroleum products; chemicals; chemical products; pharmaceuticals; medicinal chemical; botanical products; rubber; tyres and tubes; plastic products and non-metallic mineral products
		6. Manufacture of basic metals; fabricated metal products; except machinery and equipment
		7. Manufacture of electrical equipment; machinery; equipment; motor vehicles; trailers; semi-trailers; transport equipment; installation of machinery and equipment
4.	**CONSTRUCTION**	1. Construction of buildings
		2. Civil Engineering
		3. Specialised construction activities

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
5.	FINANCIAL AND **[BUSINESS SERVICES]** INSURANCE ACTIVITIES	1. Financial service activities, except insurance and pension funding
		2. Insurance, reinsurance and pension funding, except compulsory social security
		3. Activities auxiliary to financial service and insurance activities
6.	TRANSPORTATION AND**[,]** STORAGE **[AND COMMUNICATION]**	1. Land transport and transport via pipeline
		2. Water transport
		3. Air transport
		4. Warehousing and support activities for transportation
		5. Postal and courier activities
7.	**[TRANSPORTATION, STORAGE AND]** INFORMATION AND COMMUNICATION	1. Publishing activities
		2. Motion picture, video and television programme production, sound recording and music publishing activities
		3. Programme and broadcasting services
		4. Telecommunications
		5. Computer programming, consultancy and related activities
		6. Information services activities
		7. Publishing activities
8.	**[ELECTRICITY, GAS AND]** WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES	1. Water collection, treatment and supply
		2. Sewerage
		3. Waste collection, treatment and disposal activities; materials recovery
		4. Remediation activities and other waste management services
		5. Water collection, treatment and supply
9.	ELECTRICITY, GAS **[AND WATER],** STEAM AND AIR CONDITIONING SUPPLY	1. Electricity, gas, steam and air conditioning supply
10.	HUMAN HEALTH AND SOCIAL WORK ACTIVITIES	1. Human health activities
		2. Residential care activities
		3. Social work activities without accommodation
		4. Human health activities
11.	ARTS, ENTERTAINMENT AND RECREATION	1. Creative, arts and entertainment activities
		2. Libraries, archives, museums and other cultural activities

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
		3. Gambling and betting activities
		4. Sports activities and amusement and recreation activities
		5. Other amusement and recreation activities
12.	REAL ESTATE ACTIVITIES	1. Real estate activities with own or leased property
		2. Real estate activities on a fee or Contract basis
13.	PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES	1. Legal and accounting, bookkeeping and auditing activities, tax consultancy
		2. Activities of head office; management consultancy activities
		3. Architectural and engineering activities; technical testing and analysis
		4. Scientific Research and experimental development on natural science and engineering; and social sciences and humanities 5. Advertising and market research and public opinion 6. Specialised design and Photographic activities 7. Veterinary activities
14.	**[RETAIL AND MOTOR TRADE AND REPAIR SERVICES]** **[WHOLESALE TRADE, COMMERCIAL AGENTS AND ALLIED SERVICES]** WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES	1. Wholesale and retail trade and; repair of motor vehicles and motorcycles, including sales of motor vehicles; wholesale of motor vehicles; retail of new and used motor vehicles; sale and maintenance of repair of motor vehicles and motorcycles and related parts and accessories; retail of automotive fuel in specialised stores
		2. Wholesale trade of motor vehicles and motorcycles, including wholesale of agricultural raw materials and live animals, food, beverages, tobacco, household goods, machinery, equipment and supplies and other specialised wholesale such as slid, liquid and gaseous fuels, metals and metal ore, construction materials, hardware, plumbing and heating equipment and supplies, waste and scrap, trade in diamonds, pearls and other precious and semi-precious stones
		3. Retail trade of motor vehicle and motorcycles, including retail sale in non-specialised stores with food, beverages, retail sale of food, beverages, tobacco information and communications equipment, cultural and recreation goods, and other goods such as clothing, footwear and leather, pharmaceutical and medical goods, cosmetics and toilet articles and jewellery in specialised stores,

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
15.	**[CATERING,]** ACCOMMODATION AND **[OTHER TRADE]** FOOD SERVICE ACTIVITIES	1. Accommodation, Short term accommodation activities 2. Camping grounds, recreational vehicle parks and trailer parks
		3. Food and beverage service activities; Restaurants and mobile food service; Event catering another food service activities
16.	**[COMMUNITY, SPECIAL AND PERSONAL SERVICES]** PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	1. Administration of the state and the economic and social policy of the community and provision of services to the community as a whole at National; Provincial and Local government levels
		2. Compulsory social security activities
17.	EDUCATION	1. Pre – primary and primary education and activities of after-school centres; Primary education
		2. Secondary; Technical and vocational education
		3. Higher education
		4. Other education
		5. Educational support activities
18.	ADMINISTRATIVE AND SUPPORT ACTIVITIES	1. Renting and leasing of motor vehicles (with or without driver) 2. Renting and leasing of personal and household goods 3. Renting and leasing of other machinery, equipment and tangible goods 4. Activities of employment placement agencies 5. Temporary employment agency activities; and other human resources provision 6. Travel agency, tour operator, reservation service and related activities 7. Security and investigation related to private security activities; security systems service activities 8. Services to buildings such as cleaning, landscape care and maintenance service activities 9. Office administrative, office support and other business support activities such as photocopying, document preparation 10. Activities of call centres