

## AFFIRMATIVE ACTION POLICY

### FOREWORD

The Department of Social Welfare and Population Development is committed to actively developing all people employed by this department believe that the development of employees to the maximum potential will contribute measurably to the employment equity and improve service delivery.

The Department acknowledges the implementation of Employment Equity Act, 1998 as a tool to remove discriminatory practices and by putting into place measures of the affirmative action which will facilitate and promote accessibility to the department by providing development opportunities for those people who have been excluded from the mainstream of the economic activity as a direct result of discrimination.

The Affirmative Action Policy is developed to ensure that measures of the White Paper on Affirmative Action under the framework of Employment Equity Act are in place to develop capacity for further diversity in the workplace. The primary focus of this policy will be to develop opportunities for previously disadvantaged (designated) groups by promoting development opportunities to basic education, basic skills and access to promotion opportunities.

The Department is committed to achieving equity in the workplace by promoting equal opportunity and fair treatment in employment and by eliminating all unfair discrimination and to ensure the implementation of affirmative action measures by developing capacity for the Employment Equity Plan with an aim to maximising growth and productivity in the Department.

MINISTER: DEPARTMENT OF SOCIAL WELFARE AND POPULATION  
DEVELOPMENT



## 1. INTRODUCTION

1.1 In line with the fundamental change in the Public Service through the shift of authority and the responsibility by the National Government to Provincial Government, this policy will provide a framework for the implementation of affirmative action and employment equity programme to achieve equity in the work place by creating conducive work environment and fair treatment in employment opportunities.

1.2 The affirmative action policy demands an inclusive approach from all stake holders in communication, co-ordination and addressing shortcomings identified in respect of unfair discrimination and division on the basis of race and gender, and discrimination suffered by black people, women and people with disabilities in the employment opportunities in the Department.

1.3 It is aimed at ensuring and supporting all departmental policy in promoting and maintaining professional ethics through modified Human Resource Development and promoting efficiency by providing accessible and accurate information on fostering of transparency by the department.

1.4 It is also a holistic approach aimed at ensuring the implementation of recruitment policy, Human Resource Development policy and employment equity plan to empower people who were previously disadvantaged, promote equal opportunity to the employees for the purpose of maximising the growth and productivity of the Department.

1.5 This policy seeks to provide and reflect comprehensive understanding within the framework of the Employment Equity Act, of 1998 with an aim to:

1.5.1 provide measures to be applied in the promotion of integrated affirmative action programme with Human Resource Management and Human Resource Development in the department,

1.5.2 ensure that all forms of discrimination in the employment situation whether based on Race, Gender, Disability, HIV status or any other forms of stereotyping of persons or groups are eliminated,

1.5.3 provide measures which will ensure that employment equity plan promotes diversity in the department, and improve efficiency on service delivery within available resources.

- 3.4 "Disability" the White Paper on an integrated national disability strategy, defines a disabled person, as an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment IL O Convention 159.
- 3.3 "Candidate with potential" is referred to a candidate who displays an ability to perform at a higher level.
- 3.2 "Black" the term black is used in this document to refer to members of the African, Indian and Coloured communities.
- 3.1 "Affirmative Action" is defined as the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination on the ground of race, gender, and disability are able to derive/ obtain full benefit from an equitable employment environment and which promote practises which have as their objective to the achievement of a workforce which is representative of the population of the country.
- The definitions in this paragraph are contained in the White Paper on Affirmative Action in the Public Service, March 1998:
- ### 3. DEFINITION OF TERMS
- 1.5.8 provide the required mechanism to enable the stakeholders to play a role in relation to the implementation and monitoring of programmes and employment equity plan
- 1.5.7 provide parameters and measures to ensure that current and on-going processes of achieving the employment equity plan aimed at enhancing the affirmative action strategies in the department are in place.
- 1.5.6 provide measures and guidelines as the department may consider necessary to achieve equality for all, through access to employment, recruitment and selection, Human Resource Development, career management and equal treatment in the workplace in order to ensure the maintenance of efficiency.
- 1.5.4 ensure maximum participation of all stakeholders of the programme, management, organised labour, representatives from designated group and disability and gender forum to promote proper consultation and accountability at all levels,

- 5.2 Employment equity plan which is aimed at achieving numerical goals and strategies to further diversity in the work place based on department's demographics,
- 5.1 Programmes which create employment/advancement/ promotion opportunities which allow for the advancement of groups previously discriminated against,

These objectives are the means to the implementation of :

## 5. OBJECTIVES

- 4.1 The Constitution of the Republic of South Africa Act 108 of 1996
- 4.2 Public Service Amendment Act, No. 5 of 1999
- 4.3 Public Service Regulations, 2001
- 4.4 Labour Relation Act, No.66 of 1995
- 4.5 White Paper on the Transformation of the Public Service
- 4.6 White Paper on Affirmative Action in the Public Service, March 1998
- 4.7 White Paper on Human Resource Management in the Public Service, December 1997
- 4.8 Provincial Policy on Human Resource Development, 18 October 1999
- 4.9 Provincial Policy on Affirmative Action
- 4.10 Employment Equity Act, No.55 of 1998
- 4.11 Skills Development Act, No.97 of 1998

Section 195(1)(1) of the Constitution, 1996, inter alia, directs that the Public Service must render an efficient public administration at national and provincial level of government. Any measures or programmes formulated to ensure a broad representative South African society by the various provincial departments must be in line with following legislation,

## 4. STATUTORY PROVISIONS

- 3.7 **"Equal employment opportunity"** refers to the formal right of all to be treated equally in employment irrespective of race, gender and disability.
- 3.6 **"Employment equity"** define as an elimination of unfair discrimination as well as the implementation of specific measures to accelerate the advancement of target groups towards the achievement of equality.
- 3.5 **"Unfair Discrimination"** refers to measures, attitudes and behaviour that hinders/obstruct the enjoyment of equal rights and opportunities in employment for black people, women and people with disabilities.

5.3 Human Resources Management policy which actively direct staff with the appropriate potential towards upward mobility, unrestricted by any considerations other than suitability for the job,

5.4 Programmes that ensure equal opportunity and treatment in recruitment, selection, planning, performance management, promotion and all other staff development policies which enhance the career opportunities of those,

5.5 Programmes which actively aim at enabling employees acquire a range of skills, including basic skills(ABET) and skills useful outside of their current employment specification, and to open up promotion avenues and skills enhancement opportunities,

5.6 Awareness programmes to reorientate management and workers to acceptable non-discriminatory attitudes towards race, gender, disability, or discrimination including sexual harassment;

5.7 affirmative action measures to redress the disadvantage in employment experienced by black people, women and people with disabilities, in order to ensure their equitable representation in all occupational categories and levels in the workplace;

5.8 measures that making reasonable accommodation of people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of a designated employer;

5.9 measures (Employment Equity Act, Subsection 3) to ensure the equitable representation of suitable people from designated groups to all occupational categories/ levels in the workplace; and

5.10 Appropriate training measures to retain and develop people from designated groups in accordance with the terms of Skills Development Act.

## 6. ROLES AND RESPONSIBILITIES

6.1 The Head of the Department shall:

6.1.1 Ensure that constitutional and legislative obligations for the implementation of affirmative action and employment equity is adhere to,

- 6.1.2 Ensure that all Directorates, Regions, Districts and Institutions of the department develop diversity management programme to achieve equity in the work force which must be revised on a regular basis.
- 6.1.3 Provide the annual report to the Provincial Legislature and to the Department of Labour with regards to the progress made on implementation of Employment Equity Plan.

## 6.2. The Management shall be responsible for, among other things:

- 6.2.1 Providing leadership and demonstrating personal commitment and support for the affirmative action programme,
- 6.2.2 Putting institutional mechanism in place for the efficient and effective implementation of the affirmative action programme and employment equity plan,
- 6.2.3 Assigning responsibility and resources for the affirmative action programme, to achieve employment equity plan,
- 6.2.4 Ensuring that the purpose and rationale for Affirmative Action is understood and accepted throughout the Department.
- 6.2.5 Ensuring that affirmative action integrated into the organisation's strategic and operational plans, and into management practices.
- 6.2.6 Ensuring that finances and other resources are provided for affirmative action and employment equity activities,
- 6.2.7 Ensuring that objectives and targets are set for delivering the Government's affirmative action and targets.
- 6.2.8 Monitoring the implementation of the affirmative action and employment equity programme.
- 6.3 The Management shall identify one senior officer as Affirmative Action Manager and that officer shall also be responsible for co-ordinating transformation in the department. The officer shall be responsible for :
- 6.3.1 Ensuring that auditing the composition of personnel in the department in terms of race, gender and disability is undertaken,
- 6.3.2 Co-ordinating, monitoring and evaluation of employer profile on a six monthly basis,

7.1.1 All jobs in the Department shall be open to all applicants and there shall be no discrimination as contemplated in Section 9 (3) of the Constitution. The advertisement shall not be discriminatory and shall state that the Department is an Affirmative Action and Equal Opportunity employer, such advertisement must not be ambiguous and must clearly state only those requirements and recommendations necessary to perform the job effectively.

## 7.1 RECRUITMENT

The Head of Human Resources will be responsible for integrating affirmative action measures and employment equity plan into all human resource management and development practises, including :

## 7. HUMAN RESOURCES MANAGEMENT

- (ii) Review of special measures undertaken and their progress.
- (i) Numbers and percentages of employees (in terms of race, gender and disability) who have been appointed, promoted, terminated or trained, during a reporting period in the various salary levels within occupational classes,
- 6.3.8 Preparing and submitting annual reports to the Office of the Premier and Department of Labour on employment equity report, containing the following :
- 6.3.7 Monitoring implementation of affirmative action programmes and employment equity plan in the department,
- 6.3.6 Communicating and marketing affirmative action programmes within department, which enables staff to see affirmative action as a positive tool for achieving department's core business goals ,
- 6.3.5 Advising the Head of Department/Management on matters pertaining to affirmative action and other special programmes that require attention,
- 6.3.4 Assisting in the implementation of the affirmative action programmes in the department,
- 6.3.3 Identifying areas where there are problems regarding representativeness and identifying appropriate programmes or measures to address those problems,



- 7.1.2 All vacant posts will be advertised on the level dictated by the work to be performed and in the official designation, only the inherent requirements and duties of the relevant post will be held included in the advertisement.
- 7.1.3 The principle of the equal opportunity shall apply in all stages of the recruitment process and shall give preference to candidates disadvantaged group where candidates are of equal merit or shows potential according to Part 11(c) of Public Service Regulations, 2001
- 7.1.4 Qualifications specific for appointment at entry levels shall not be in excess of the requirements for the particular job.
- 7.1.5 Management shall revise the job description and specification for the post before determining what minimum skills and competencies are required by an applicant
- 7.1.6 The implementation of succession planning shall ensure that filling of positions which, by virtue of their specialist nature, or their importance within the department, are key to the departmental effectiveness and ensure the continued achievement of corporate goals by ensuring the availability of suitably qualified people in filling positions which are critical.
- 7.2 **SELECTION**
- 7.2.1 The selection panel must be well trained and be versed with selection techniques and be impartial and objective.
- 7.2.2 The selection process shall be a fair and transparent one and the criteria used shall be objective and related to the inherent requirements of the job
- 7.2.3 The selection of an advantaged person over a candidate from a disadvantaged group shall not be justified by qualifications that are higher than necessary for that position. Selection shall not be justified either on grounds of seniority or an advantaged person or any other non job related qualification.
- 7.2.4 The selection panel shall include adequate representation of historically disadvantaged groups.
- 7.2.5 Fluency in a language shall not be a deciding factor for selection of candidate, or serve to privilege an advantaged candidate unless it is necessary for the job.



## 7.3 INTERVIEWS

Interviews shall be one of the criteria used in the selection process and shall be based on four principles . The following principles shall apply :

- (a) The atmosphere at the interview shall be a congenial one at all times . The interviewing panel shall not be condescending and shall avoid adopting any style which may intimidate the interviewee and where necessary an interpreter must be provided .

- (b) The panel must whenever possible be representative in terms of race, gender and disability to include officer conversant with the type of work as well as outside from the relevant field of work and an officer if required from the vocational class : Personnel Practitioner ,

- (c) Minutes must be kept of all interviews and they should be confirmed for accuracy by the members of interviewing panel , and
- (d) Questions must relate to the requirements of the job as contained in the advertisement .

## 8. HUMAN RESOURCES DEVELOPMENT

The Head of Human Resource Development shall develop and integrated affirmative action programmes with Skills Development Act to redress imbalances in occupational distribution which have been identified by the skills audit, to accelerate training and development in the department.

## 9. THOSE RESPONSIBLE FOR OTHER ASPECTS OF DEPARTMENTAL MANAGEMENT AND ADMINISTRATION.

### 9.1 MEMBERS OF THE THREE TARGET GROUPS

If the affirmative action is to achieve its objectives, members of the three targets groups ( black people, women and people with disabilities ) should see themselves as active partners with the organisation in the process. The success of the programme also depends in the quality of management and supervision they receive. They should, for example :

- (i) respond positively to opportunities for training, development and career enhancement,

- 9.3.2 Report deviations to appropriate structures as prescribed.
- 9.3.1 Ensure that programmes are implemented as agreed upon.
- 9.3 EMPLOYEE ORGANISATIONS AND OTHER STAKE HOLDERS**
- (viii) allow the non - target group opportunities to express their feelings.
- (vii) contribute actively to the organisation's business goals, and
- (vi) refuse to tolerate attitudes or behaviour among their colleagues which undermines the values of the target groups, which are overtly or tacitly discriminatory or which hinders their advancement.
- (ii) take an active part in developing affirmative active programmes,
- (i) actively seek to understand the concerns and values of members of three target groups, and demonstrate, through their attitudes and behaviour, that they support its aims,
- Employee who are not members of the three target groups have an important role to play in demonstrating an active commitment to the affirmative action programme. They should :
- 9.2 MEMBERS OUTSIDE THE THREE TARGET GROUPS**
- (v) not have an apologist approach to being members of the target group and not feel as tokens.
- (iv) contribute actively to the organisation's business goals, and
- (iii) be open and positive about their own values and seek to help others to understand them.
- (ii) make their priorities and concerns clear to their line manager,

## 10. MONITORING AND EVALUATION

- 10.1 Monitoring and evaluation of the affirmative action strategy shall generally be crucial elements of this policy document.
- 10.2 The Management shall monitor progress on the implementation of this policy and to ensure that quarterly reports are submitted to the office of the Premier through Affirmative Action Manager, who shall make it available to the Department of Public Services and Administration and Department of Labour.
- 10.3 The personnel composition as well as succession and development plans for employees and new officers, shall be reviewed by Management of department annually.
- 10.4 The employment equity committee shall review progress in the department to ensure that the equity and representatives in the workplace is achieved.
- 10.5 The personnel composition as well as succession and development plans for employees and new officers, shall be reviewed by Management annually.

## 11. CONCLUSION

11.1 The Affirmative Action Policy is a holistic approach aimed at empowering people who were previously marginalised by ensuring that the department is broadly representative of the South African population and that employment practices are based on ability, objectively, fairness and the need to redress the imbalances of the past.

11.2 The Department with the full support of all stakeholders will achieve the objectives of this policy and to ensure that transformation is achieved to further diversity in the workplace by promoting equal opportunity in employment by eliminating all unfair discrimination.