

The Employment Equity Act

applies to all employers, but “designated employers” (who meet the minimum requirements) have additional responsibilities. Make sure you know what is expected of you and that you comply with this act.

The LWO can assist employers to comply with these requirements - contact us at 086 110 1828 for a quotation.

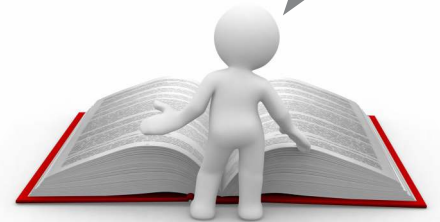


Are you a “designated employer”?

A “designated employer” is any employer with **50 or more employees, OR an annual turnover of:**

- Agriculture _____ R6 million
- Mining and Quarrying _____ R22.5 million
- Manufacturing _____ R30 million
- Electricity, Gas and Water _____ R30 million
- Construction _____ R15 million
- Retail, Motor trade and Repair services _____ R45 million
- Wholesale trade, Commercial agents and Allied trades _____ R75 million
- Catering, Accommodation and other Trade _____ R15 million
- Transport, Storage and Communications _____ R30 million
- Finance and Business services _____ R30 million
- Community, Special and Personal services _____ R15 million

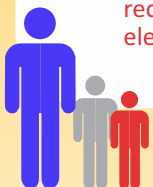
The Employment Equity Act aims to eliminate unfair discrimination in the workplace by promoting equal opportunities and fair treatment.



What is expected of a “designated employer”?

“Designated employers” have additional obligations and must take care to ensure the following is in place:

- 1** **Appoint a Senior Employment Equity Manager** to develop, monitor and implement the Employment Equity Plan (see step 7 below). This appointment must be a permanent employee and report directly to the CEO of the business.
- 2** **Collect information** - each employee must complete the EEA1 form confirming the employee’s race, gender, nationality and any disabilities where applicable.
- 3** **Create employment equity awareness with regards to all employees** – all employees should be made aware of and informed with regards to the objectives, content and application of the EEA, its regulations and Code of good practice.
- 4** **Establish an Employment Equity Committee** to hold regular consultations with regards to compliance with the EEA. This committee must be representative of both designated and non-designated employees and all occupational levels. Trade unions in the workplace must also be involved and form part of consultations.
- 5** **Hold regular (at least quarterly) consultations** to discuss the conducting of an analysis, development of a plan and submitting of the reports to the Department of Labour. These consultations must be structured and recorded via agendas, attendance registers and minutes of meetings held.
- 6** **Draft an analysis (EEA12)** which must include the following:
 - Policies and procedures to address the under-representation of designated groups and a lack of diversity in the workplace
 - Practices and factors to promote employment equity
 - Under-representation of designated groups and occupational levels
- 7** **Draft an Employment Equity plan (EEA13)** which must state the following:
 - Objectives for each year (the plan is valid between one to five years)
 - Affirmative action measures
 - Numerical goals for achieving equitable representation
 - A timetable for each year
 - Internal monitoring and evaluation procedures, including internal dispute resolution mechanisms
 - Identified persons to monitor and implement the plan
- 8** **Submit Employment Equity reports (EEA2 and EEA4)** on progress made with regards to the implementation of the plan. The reporting period is a twelve month period (we recommend using the employer’s financial period). Reports can be submitted electronically on the Department of Labour’s website before **15 January 2020**.



Take note: Should a “designated employer” fail to comply with these obligations, a fine of up to R2.7 million or 10% of the employer’s annual turnover (whichever is the greatest) can be imposed.