



Stay up to date with the latest developments in Employment Equity

Just a reminder on some of the changes to the Employment Equity Act as follows:

- The beneficiaries of affirmative action are limited to black people, women and people with disabilities who are citizens of South Africa by birth or descent;
- Unfair discrimination grounds now include differential treatment claims; ie Equal pay for work of equal value. You can only justify paying people differently based on the following:
Length of Service, Quality, Quantity, Qualifications and any other criteria that does not fall foul of EEA- regarding race, gender and disability;
- 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*.

What does this mean to you going forward?

- The CCMA has more powers;
- The employees don't have to refer disputes to an intimidating Labour Court and incur huge legal fees;
- The costs do not follow the result as a rule at arbitration;
- One merely needs to make out an allegation of unfair discrimination- there is no need to prove it, it is the employer who must disprove it.

What should you do if the Labour Department hits you with a compliance order for not submitting your Employment Equity Reports?

- Do not panic;
- Meet with them and request more time to put a process in place to put a plan in place;
- Start with employment equity awareness training with all employees;
- Invite nominations and then vote to establish a committee representative of all levels and categories of the workforce;
- Set up a training session for the Committee (duly appointed) and start analysing all your employment contracts and procedures in place to ensure that they fall in line with the Employment Equity Act.

