



HR NEWSFLASH - EDITION HR8/2016

## What does “equitable” really mean?

Subsequent to the opening of the annual employment equity reporting period on its online portal, the Minister of Labour recently published (for public comment) a draft Code of Good Practice on the preparation and implementation of an Employment Equity Plan. A copy of this Code can be accessed [here](#).

In addition to the relatively new EEA12 and EEA13 forms (Analysis and Plan templates), this Code provides further guidelines for employers for consideration and implementation appropriate to their circumstances and should be helpful to employment equity steering committees.

The prescribed employment equity analysis that designated employers are required to conduct serves to identify areas where attention is needed and the required equity plans should include measures to address areas of concern within acceptable timeframes.

### The link to HR

All employers are required to ensure that their HR policies and workplace procedures and practices are non-discriminatory. These should support equitable principles for access to employment, during employment and upon termination of employment. “Equitable” means “Reasonable, Impartial, Unbiased, Justifiable, Fair”.

The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices, published by the Department in 2005, also provides valuable insight into key considerations regarding potential discriminatory practices during these three phases of the employment cycle.

Various standard HR practices are outlined; including induction, probation, assessments, promotions/transfers, confidentiality, retention and exit interviews.

This Code is available on the Department of Labour’s website, or on request from our offices.

### What if I am no longer a designated employer?

The increase in turnover thresholds that were implemented with the 2014 amendments to the Employment Equity Act has resulted in a number of employers now finding themselves in the position where they previously submitted annual reports, but are now no longer deemed designated employers.

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These employers will remain on the public register portal, and as such are required to continue submitting annual reports until such time as they have received confirmation of their deregistration.

Deregistration is not automatic. The process of deregistration involves the following:

- Completion of the EEA14 form providing the reasons for deregistration;
- Preparing a letter of motivation on the company's letterhead stating the industry sector and providing the full reasons for the requested deregistration;
- Inclusion of supporting documentation (for instance, if the reason for deregistration is based on the turnover thresholds, the latest audited financial statement should be provided as supporting evidence);
- Both the EEA14 form and letter of motivation must be signed by the CEO or Accounting Officer (Accounting Officers would mean the equivalent of Director-Generals, Municipal Managers and Managing Directors);
- Submission of the entire bundle to the Director-General, Department of Labour, Employment Equity Registry, Private Bag X117, Pretoria, 0001 on or before the last working day of August of each year. In addition to originals being posted, scanned copies may also be emailed to [Tshililo.Siobo@labour.gov.za](mailto:Tshililo.Siobo@labour.gov.za) or [MMmapula.Ngobeni@labour.gov.za](mailto:MMmapula.Ngobeni@labour.gov.za).

### Annual Reports due now

Employment Equity Senior Managers of designated employers should currently be engaged in final reviews in preparation of the submissions of their Annual EEA2 and EEA4 forms on or before the 15<sup>th</sup> of January 2017.

If you require assistance with awareness sessions, the election and/or training of your committees, general employment equity compliance or your annual submissions, please don't hesitate to approach us for further assistance.

Kind Regards

Marianne Gradwell  
Global Business Solutions  
14 October 2016

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### Sources:

*Dept. of Labour Website, 10 October 2016:*

*Draft Code of Good Practice on the preparation and implementation of employment equity plan*

<http://www.labour.gov.za/DOL/legislation/codes-of-good-ractise/employment-equity/code-of-good-practice-on-employment-equity-plans>

*Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices*

<http://www.labour.gov.za/DOL/legislation/codes-of-good-ractise/employment-equity/code-of-good-practice-on-integration-of-employment-equity-into-human-resource-policies-and-practices>

*Guidelines for DG Notification in terms of Section 21(4A) of the Employment Equity Act no 47 of 2013*

<https://ee.labour.gov.za/dmiso/How%20to%20deregister%20an%20organization.docx>

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