

**IN LABOUR COURT OF SOUTH AFRICA
(HELD AT JOHANNESBURG)**

CASE NO: J661/23

In the matter between:

SOLIDARITY

Applicant

and

MINISTER OF EMPLOYMENT AND LABOUR

First respondent

THE DEPUTY MINISTER OF EMPLOYMENT AND LABOUR

Second respondent

THE DEPARTMENT OF EMPLOYMENT AND LABOUR

Third respondent

THE DIRECTOR-GENERAL OF THE DEPARTMENT

OF EMPLOYMENT AND LABOUR

Fourth respondent

FOUNDING AFFIDAVIT: CONTEMPT

I, the undersigned,

ANTONIE JASPER VAN DER BIJL

do hereby make oath and state:



PART A: INTRODUCTION & PARTIES

DEPONENT, KNOWLEDGE AND AUTHORITY

1. I am an adult male and the Deputy Chief Executive: Legal of the applicant (Solidarity). I am duly authorised to represent Solidarity in this application. I attach the relevant resolution as annexure **AB1**.
2. Save where specifically stated or where the context indicates otherwise, I have personal knowledge of the facts herein stated or I have ascertained and determined them from the records of Solidarity that are under my control. The facts set out herein are true and correct.
3. Where I rely on submissions and allegations of others, or on newspaper reports, or other hearsay evidence, I request that it be admitted in terms of section 3 of the Law of Evidence Amendment Act No 45 of 1988. In the circumstances of the case, it is simply not possible to obtain confirmatory affidavits from all persons concerned.
4. In this affidavit, I rely on certain legal submissions on the basis of the advice received from Solidarity's legal representatives. I accept that the legal submissions do not constitute evidence, but it is necessary to set them out herein, in order to provide a proper context for the relief that Solidarity seeks. I am advised that full legal argument in respect of these matters will be advanced at the hearing of this application.

A handwritten signature in black ink, consisting of a large, stylized capital 'S' followed by a series of loops and a final vertical stroke.

PARTIES

The applicant

5. The applicant is **Solidarity**, a trade union registered in terms of the Labour Relations Act 66 of 1995 (LRA). Solidarity has its head office at the corner of Eendracht Street and D F Malan Avenue, Kloofsig, Centurion, 0046.

The respondents

6. **The first respondent**

- 6.1. The first respondent is the **Minister of Employment and Labour** (the Labour Minister), the member of the National Executive responsible for the administration of the Employment Equity Act 55 of 1998 (EEA), including amendments thereto.
- 6.2. The current incumbent of the post is Ms Nomakhosazana Meth.
- 6.3. The offices of the Labour Minister are located at Laboria House, 215 Francis Baard Street, Pretoria. The State Attorney also represents the Labour Minister as aforesaid.

A handwritten signature in black ink, consisting of a large, stylized capital 'M' followed by a series of loops and a long horizontal stroke.

7. **The second respondent**

7.1. The second respondent is the **Deputy Minister of the Department of Employment and Labour**. The current incumbents are Ms Tshabalala and Mr Sibiya.

7.2. The offices of the third respondent are located at Laboria House, 215 Francis Baard Street, Pretoria. The State Attorney also represents the Labour Minister as aforesaid.

8. **The third and fourth respondents**

8.1. The third respondent is the **Department of Employment and Labour** (Labour Department), and the fourth respondent is the **Director-General of the Labour Department** (DG). The Labour Department is responsible for the application and enforcement of the EEA, through its DG. The offices of the Labour Department are located at Laboria House, 215 Francis Baard Street, Pretoria. The State Attorney represents the Labour Department and the DG as aforesaid.

PART B: OVERVIEW OF APPLICATION

9. This is a contempt application. Solidarity brings to the attention of this Court that a settlement agreement concluded between Solidarity and Republic of South Africa, represented by the Minister and Deputy Minister of Employment and Labour, was made an order of this Court, and yet the respondents have failed to give effect to the terms of the settlement agreement and, accordingly, the order.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a final vertical stroke.

10. The background to the confirmation of the settlement agreement being made an order of this Court is as follows.
11. In May 2023 Solidarity launched an application under the above case number in which it sought to declare sections 4, 6, 11 and 12 of the Employment Equity Amendment Act 4 of 2022 (the EEA Amendment Act) unconstitutional.
 - 11.1. Section 4 of the EEA Amendment Act inserted section 15A in the EEA. In essence, section 15A provides for the Labour Minister to set sectoral employment equity targets.
 - 11.2. Section 6 of the Amendment Act amended section 20 of the EEA by inserting section 20(2A), which requires that an employer's numerical goals set under section 20(2) of the EEA must comply with any sectoral target under section 15A of the EEA that applies to that employer.
 - 11.3. Section 11 of the Amendment Act amended section 42 of the EEA by inserting section 42(1)(aA). That provision requires the DG, or any person applying the EEA, to consider compliance with sectoral targets in addition to any factor relevant to a determination of whether a designated employer is implementing employment equity in compliance with the EEA.
 - 11.4. Section 12 of the Amendment Act amended section 53 of the EEA by inserting section 53(6), which provides that the Labour Minister may only issue a certificate in terms of

A handwritten signature in black ink, consisting of a stylized 'S' followed by a large, loopy 'Q' or 'O'.

section 53(2) of the EEA (confirming compliance with the EEA) if he is satisfied is satisfied that the employer has complied with a numerical target set in terms of section 15A of the EEA that applies to that employer.

12. Central to the applicant's case was the contention that the amendments entrenched a rigid, quota-based regime that undermines the nuanced, constitutionally compliant application of affirmative action. Solidarity further submitted that the conferral of wide-ranging powers on the Labour Minister to set sectoral numerical targets violated the rule of law, the principle of legality, and South Africa's obligations under international law, particularly International Labour Organisation (ILO) Convention 111.
13. In parallel to this constitutional challenge, Solidarity lodged a complaint with the ILO under Article 24 of the ILO Constitution, citing non-compliance with Convention 111. The ILO facilitated a mediated process involving the Labour Department, the Commission for Conciliation, Mediation and Arbitration (CCMA), and Solidarity. This process culminated in the conclusion of a mediated settlement agreement, attached hereto as annexure **AB2**. The terms of the settlement were as follows:

"Following the Applicant's article 24 representation to the ILO, and the conciliation process as facilitated by the CCMA, the parties are desirous to settle the above-mentioned dispute as follows:

- a) *Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a targeted*

A handwritten signature in black ink, consisting of a series of loops and strokes, located in the bottom right corner of the page.

group as defined in the Employment Equity Act in the workplace, in order to obtain effective equality;

- b) Affirmative action shall be applied in a nuanced way, as embodied in this agreement, and the economically active population statistics will only be one of many factors that will be taken into account in the compliance analysis of affirmative action in any workplace;*
- c) No absolute barrier may be placed upon any employment practices affecting any persons from any group;*
- d) For the purpose of preparing and implementing an employment equity plan and reporting and compliance analysis of affirmative action in any workplace, the following criteria must be taken into account-*
- Inherent requirement of the job;*
 - The pool of suitably qualified persons;*
 - The qualification, skills, experience and the capacity to acquire, within a reasonable timeframe the ability to do the job;*
 - The rate of turn-over and natural attrition within a workplace;*

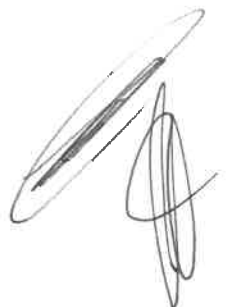
A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, located in the bottom right corner of the page.

- *Recruitment and promotion trends within a workplace.*

e) In the compliance analysis of affirmative action in any workplace justifiable/reasonable grounds for not complying with the targets as set by the employer and/or any other targets set by any other party, may include:

- *Insufficient recruitment opportunities;*
- *Insufficient promotion opportunities;*
- *Insufficient target individuals from the designated groups with the relevant qualification, skills and experience;*
- *CCMA awards/ Court Order;*
- *Transfer of business;*
- *Mergers/ Acquisitions; and*
- *Impact of Business Economic circumstances.*

f) No penalties or any form of disadvantage will be incurred by the employer if in the compliance analysis of affirmative action in any workplace, there are justifiable/reasonable grounds for not complying with the targets.

A handwritten signature or mark, possibly a stylized 'A' or a similar symbol, located in the bottom right corner of the page.

g) No employment termination of any kind may be effected as a consequence of affirmative action.”

14. The settlement agreement recorded that:

“The parties agree that the aforementioned agreement will be gazetted as part of the 2023 Employment Equity regulations, and will be deemed a settlement under case number J661/23 where it will be made an order of a Court.”

15. The settlement agreement was subsequently made an order of the Labour Court on 31 October 2023, attached hereto as annexure **AB3**. The Honourable Court will note that the Labour Minister and Deputy Minister signed the settlement agreement.

16. The Court-sanctioned agreement imposed specific obligations on the Government, specifically the Labour Department, the Labour Ministry and the President, including that the implementation of affirmative action measures must adopt a nuanced approach and that the economically active population (EAP) may be one consideration amongst others, but not the sole or determinative one, in assessing compliance. It expressly prohibited the use of rigid demographic quotas and instead mandated consideration of factors such as inherent job requirements, skills availability and turnover trends. It also provided expressly for the settlement to be gazette as part of regulations under the EEA.

17. Despite the binding nature of the Court Order, the Labour Minister, with the concurrence of the relevant State functionaries, proceeded on 15 April 2025 to publish the Employment

A handwritten signature in black ink, consisting of a large, stylized 'A' or 'M' shape with a horizontal line extending to the right.

Equity Regulations (the EE Regulations) in Government Gazette No 52515, and the Sectoral Numerical Targets (the Sector Targets) in Government Gazette No 52514. The EE Regulations and the Sector Targets violate the express terms of the Court-sanctioned settlement, as I will indicate more fully herein below. The EE Regulations and Sector Targets are attached as annexures **AB4** and **AB5**. The impugned regulations disregard the agreed-upon mandatory considerations, reintroduce inflexible demographic quotas under the guise of “*sectoral targets*,” and effectively nullify the legal compromise that gave rise to the order.

18. Solidarity formed the view that these actions constitute a deliberate and unlawful defiance of a Court Order, amounting to contempt.
19. Consequently, on 23 April 2025, Solidarity formally demanded that the Labour Minister, and the President, withdraw the offending regulations and bring the regulatory framework into compliance with the Labour Court Order. Solidarity indicated that, failing this, it would initiate further litigation, including an application for the respondents to be held in contempt. A copy of the correspondence is attached as annexure **AB6**.
20. On 12 May 2025, the State Attorney responded, as appears from annexure **AB7**. The position adopted is that their clients are not in contempt. The State Attorney explained that “*Our clients are of the opinion that the power to make regulations vests in the Minister of Employment and Labour as envisaged in the [EEA]*”, and therefore that there is no basis to conclude that the President is in contempt. As regards the position of the Labour Minister, the expressed stance is that the EE regulation complies with the EEA and, therefore, that the Labour Minister is not in contempt.

A handwritten signature in black ink, consisting of a series of loops and strokes, located in the bottom right corner of the page.

PART C: JURISDICTION

21. Given that this matter involves an application for contempt of court, I have been advised that the court, which initially granted the order, retains the necessary jurisdiction to adjudicate any alleged non-compliance with its own order.
22. Moreover, section 151 of the LRA affirms that the Labour Court is a superior court, endowed with the authority, inherent powers, and standing equivalent to that of a provincial division of the High Court regarding matters within its jurisdiction.
23. Therefore, considering the above, it is submitted that the Labour Court is properly vested with the necessary jurisdiction to entertain and determine the present application.

PART D: THE EE REGULATIONS AND SECTOR TARGETS PUBLISHED IN VIOLATION OF COURT ORDER

24. The relevant provisions of the EE Regulations, which the applicant contends are in violation of the Court order, read as follows:
- 24.1. Under regulation 9, dealing with the “*duty to prepare and implement an Employment Equity Plan*” sub-regulation 9(5) states that:

“When developing EE Plans and setting annual numerical targets in their workplaces in terms of Section 20(2) of the EEA, designated employers must take into account-

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'L' shape followed by a vertical line and a small flourish.

(a) Their workforce profile,

(b) The relevant 5-year sectoral numerical targets; and

(c) The applicable EAP”

24.2. Sub-regulation 9(6) further states that in addition to the factors listed in sub-regulation (5), a designated employer may take into account any of the following, to the extent that they are consistent with the purpose of the EEA -

“(a) the inherent requirements of a particular job;

(b) pool of suitably qualified persons;

(c) the formal qualifications, prior learning, relevant experience or capacity to acquire , within a reasonable time, the ability to do the job, as contemplated in section 20(3) to (5) of the Act;

(d) the rate of turnover and natural attrition within the workplace; and

(e) recruitment and promotion trends within a workplace.”

24.3. Sub-regulation 9(7) provides that a designated employer must:



- “(a) *comply with the numerical targets set in terms of section 15A(3) for the economic sector in which they operate;*
- (b) *refer to the Ministerial notice issued in terms of section 15A and EEA17 to the regulations to determine the sector they operate in; and*
- (c) *if it operates in more than one sector, apply the numerical targets for the sector in which the majority of their employees are engaged.”*

- 24.4. In addition, sub-regulation 9(9) requires that, when determining their annual employment equity targets toward achieving the 5-year sectoral numerical targets, a designated employer must set numerical targets for all designated groups in each of the four upper occupational levels “*in relation to the applicable sector targets and EAP*”.
- 24.5. Sub-regulation 9(12) also requires designated employers to establish numerical goals and annual employment equity targets at the semi-skilled and unskilled occupational levels in their employment equity plans, taking into account the relevant economically active population.
- 24.6. Sub-regulation 9(13) further confirms that designated employers’ compliance will be evaluated against their annual targets set to meet the relevant 5-year sectoral numerical targets.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

24.7. Regulation 16 deals with employment equity compliance certificates in terms of section 53, and sub-regulation 16(4) specifies that a designated employer must state in its EEA15 form application any grounds it wishes to assert to justify its failure to comply with.

24.7.1. any requirement for the issuing of certificate as contemplated by section 42(4) of the EEA; or

24.7.2. in the case of non-compliance with a sectoral target, any grounds contemplated by section 53(6)(b) of the EEA.

24.8. Sub-regulation 16(5) sets out the justifiable reasonable grounds for not complying with the targets, being the following:

“(a) *insufficient recruitment opportunities;*

(b) *insufficient promotion opportunities;*

(c) *insufficient target individuals from designated groups with relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated by section 20(3) to (5) of the Act;*

(d) *the impact of a CCMA award or court order;*

A handwritten signature or mark, possibly a stylized 'A' or a similar symbol, located in the bottom right corner of the page.

- (e) *a transfer of a business;*
- (f) *mergers or acquisitions; and*
- (g) *the impact of economic conditions on the business.”*

25. The EE Regulations are inconsistent with the agreed-upon settlement, and thus the Court Order, as follows.

25.1. Paragraph (b) of the settlement stipulates that affirmative action should be implemented in a nuanced manner and requires that the statistics of the economically active population will only be one of many factors considered in the compliance analysis of affirmative action in any workplace. Evidently, the EE Regulations make compliance with the economically active population standard mandatory when designated employers establish numerical goals—this excludes other relevant factors. The EE Regulations also require a designated employer’s assessment of compliance to be conducted with reference to the “*relevant 5-year sectoral numerical targets*”.

25.2. Paragraph (d) of the settlement requires that for “*the purpose of preparing and implementing an employment equity plan and reporting and compliance analysis of affirmative action in any workplace, the following criteria must be taken into account-*

- *Inherent requirements of the job,*



- *The pool of suitably qualified persons;*
- *The qualification, skills, experience and the capacity to acquire, within a reasonable timeframe the ability to do the job;*
- *The rate of turn-over and natural attrition within a workplace;*
- *Recruitment and promotion trends within a workplace.”*

26. Whereas the settlement, and therefore the Court Order, established an obligation to consider specific factors when setting numerical targets and assessing a designated employer's compliance, these factors have been rendered non-obligatory in the EE Regulations. The economically active population standard and the 5-year sectoral targets are the only mandatory factors to be considered, contrary to the requirements of the settlement that was made an order of this Court.

27. Moreover, the factors stated in paragraph (d) are no longer obligatory for assessing an employer's compliance and have been reduced to “justifications” that an employer can raise for their non-compliance.

28. These differences are not mere semantic “*adjustments*”, rather, they constitute substantive deviations from the Court Order.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

29. Most strikingly, these differences are incorporated because the Labour Minister did not publish the settlement agreement as part of the EE Regulations, despite the Court-sanctioned settlement agreement obliging this to be done. Consequently, and in direct conflict with the provisions of the Court-sanctioned settlement, the EE Regulations and the Sector Targets essentially eschew the nuanced approach. The use of the EAP measure as mandatory, and the relegation of other relevant considerations, amounts to a material departure from the agreed framework and an impermissible dilution of the very protections the settlement was designed to enshrine.
30. I need to point out that of specific concern to Solidarity is further the fact that although the parties agreed that *'no employment termination of any kind may be effected as a consequence of affirmative action'* this has been omitted from the EE Regulations in totality. The only rational conclusion for the omission being that the respondents envisage, in our current labour legislation scheme, a situation where dismissal based on race or gender, and in the pursuit of affirmative action measures, can be justified.
31. In summary, the EE Regulations represent not only a legal affront to the Court-sanctioned settlement but also a substantive betrayal of the painstakingly achieved negotiated consensus.
32. The Government cannot now disavow the very obligations it solemnly undertook in Court, nor can it sidestep judicial authority by regulatory sleight of hand. The rule of law demands fidelity to Court Orders. It is respectfully submitted that the EE Regulations must yield to

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a small flourish at the bottom.

the binding force of the settlement, and that the Government's conduct in this regard constitutes a flagrant repudiation of its undertakings and a contempt of the judicial process.

PART E: CONTEMPT OF COURT

33. I am advised that, in order for an application of this nature to succeed, it is incumbent upon the applicant to satisfy the Court that the following jurisdictional facts are present:

33.1. that a valid and binding order was duly granted by a competent Court;

33.2. that such order was directed at the respondents;

33.3. that the respondents acquired knowledge of the contents of the order, whether through service or other means sufficient to establish notice; and

33.4. that the respondents, despite such knowledge, willfully and intentionally disobeyed the said order or failed to comply with its terms.

34. Furthermore, I am advised that once the aforementioned elements are established to the satisfaction of the Court, a rebuttable presumption of willfulness and *mala fides* arises. In this case, the evidentiary burden shifts to the respondents to provide evidence which, if accepted, would create a reasonable doubt as to whether their non-compliance was either willful or *mala fide*. If the respondents fail to meet this burden, the offence of contempt will be deemed proven beyond reasonable doubt.

A handwritten signature in dark ink, consisting of a large, stylized 'A' or 'M' shape with a long vertical stroke extending downwards.

35. Each of the aforementioned elements will be substantiated in the following paragraphs. However, it is important to mention at this stage that the power of this Honourable Court to impose a punitive sanction in contempt proceedings is not only well-established, but also constitutionally entrenched. It emanates from the imperative to uphold the rule of law, protect the authority and dignity of the judiciary, and ensure the effectiveness of judicial pronouncements.
36. I am further advised that the offence of contempt of court, broadly construed, encompasses any conduct—by act or omission—that evinces disregard for or defiance of the authority of the court or its officers acting in their official capacities. This includes, most pertinently for present purposes, the deliberate and willful non-compliance with a court order.
37. The primary purpose of contempt proceedings is to uphold the authority of the Court by establishing that a party has willfully disobeyed a lawful order, and, where appropriate, to impose a sanction—be it punitive or coercive—that reinforces the integrity of the judicial process and compels compliance with the previously granted order if necessary.

Knowledge of the order granted

38. It is incontrovertible that a valid and binding order was granted by this Honourable Court on 31 October 2023 under case number J661/23. The order incorporated the terms of a mediated settlement agreement concluded between Solidarity and the Government of the Republic of South Africa, duly represented by the then Labour Minister and Deputy Labour Minister.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, located in the bottom right corner of the page.

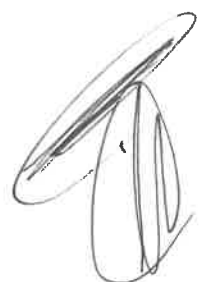
39. The agreement's terms are clear and unambiguous. They include, among other things, the repudiation of quota-based compliance measures, the stipulation that the EAP may not be the sole or determinative factor in assessing compliance, and the express requirement that additional qualitative considerations, such as skills availability, turnover, and the inherent requirements of the job, must be taken into account compulsorily.
40. The binding nature of the Court Order is not and cannot reasonably be placed in dispute.
41. The respondents, particularly the Labour Minister and the Labour Department, were not only aware of the order; they actively participated in negotiating and concluding the underlying agreement. The former Labour Minister and his deputy personally signed the settlement agreement. The Labour Department's legal representatives participated in the proceedings that led to the order being issued. In fact, it was the respondents who committed to ensuring that the agreement would be elevated to the status of a Court Order.
42. Knowledge of the order is, therefore, not merely imputed; it is established as a matter of fact and record. There can be no question that the respondents were fully appraised of both its contents and legal effect.

Willful disobedience

43. Despite this knowledge, the Labour Minister published two Government Gazettes on 15 April 2025 that undermined the Court Order.

A handwritten signature in black ink, consisting of a large, stylized 'A' shape with a vertical line extending downwards from the center.

44. The EE Regulations and Sectoral Targets reflect a return to a quota-based regime, raising EAP statistics to a decisive criterion for compliance and relegating all other considerations (those made compulsory by the Court Order) to mere discretionary factors. The language used in the EE Regulations emphasises the rigid nature of the imposed obligations, in stark contrast to the multifactorial and context-sensitive approach mandated by the Court-sanctioned agreement.
45. It is submitted that this conduct represents clear and intentional non-compliance with the terms of the order and is inconsistent with both the spirit and the letter of the compromise previously reached.
46. Having regard to the above, and in particular the respondents' direct involvement in the formulation of the agreement and their subsequent repudiation thereof, it is submitted that the non-compliance was both willful and *mala fide*. No legitimate explanation has been advanced for the departure from the terms of the Court Order.
47. It is unconscionable for the Labour Minister to now invoke powers under the EEA to make regulations in order to justify why the Court Order is not being given effect. It cannot be that the Labour Minister engaged in a process of mediation to resolve both the ILO complaint and the litigation concerning the constitutionality of the Amendment Act, and signed an agreement that placed certain obligations on the Government, particularly the Labour Ministry, only to suggest that the Labour Minister is not bound by such an agreement because the EE Regulations are said to comply with the EEA.

A handwritten signature in dark ink, consisting of a large, stylized capital 'A' followed by a series of loops and a final vertical stroke.

48. In these circumstances, the presumption of willfulness and *mala fides* arises and remains un rebutted. The respondents' conduct demonstrates a conscious decision to disregard the authority of this Honourable Court and to act in defiance of its order.

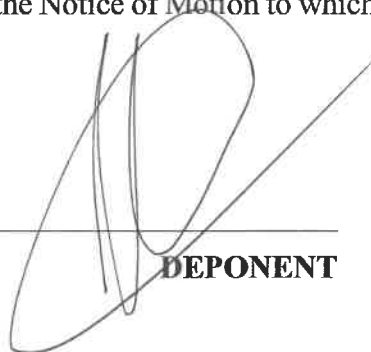
CONCLUSION AND RELIEF

49. The conduct of the respondents constitutes, in every material respect, a deliberate and calculated defiance of a Court Order. It is not merely an administrative oversight or a technical divergence; it is a repudiation of a settlement achieved after extensive engagement, which was intended to preserve the integrity of South Africa's constitutional framework concerning affirmative action and employment equity.
50. The breach is not passive; it is affirmative. The respondents did not merely fail to comply; they actively published regulatory instruments that stand in direct and irreconcilable contradiction to the Court Order.
51. The authority and efficacy of judicial orders cannot depend on the political expediency or discretion of the Executive. If left unchecked, such conduct imperils the rule of law and renders Court-sanctioned settlements futile. This Honourable Court, as the guardian of its own orders and of constitutional principles, is called upon to reaffirm the binding nature of its authority.

A handwritten signature in black ink, consisting of a series of loops and strokes, located in the bottom right corner of the page.

52. In the circumstances, Solidarity will argue that it has satisfied all the legal requirements for a finding of contempt, and that the matter warrants an appropriate remedy, both to vindicate the dignity of this Court and to ensure compliance with the order previously granted.

WHEREFORE the applicant prays for relief in the terms set out in the Notice of Motion to which this affidavit is attached.



DEPONENT

I certify that the above named Deponent has acknowledged that the Deponent knows and understands the contents of this Affidavit which was signed and sworn to before me at PRETORIA on this 27th day of May 2025 and that the provisions of the Regulation contained in Government Notice R.1258 dated the 21st July 1972, as amended, have been complied with.



COMMISSIONER OF OATHS

STEPHAN KRUGER
Kommissaris van Ede /
Commissioner of Oaths
Praktiserende Prokureur /
Practising Attorney
61 Blandvlei Street,
Hazelwood, Pretoria



IT IS HEREBY RESOLVED AND/OR RATIFIED THAT:

In my capacity as deputy Chief Executive Officer, I hereby authorise that:

1. **SOLIDARITY** will launch an application of contempt of court in the Labour Court under case number J661/23 against *inter alia* the Minister of Employment and Labour and the Department of Employment and Labour in the following terms:

- 1.1 That the Minister of Employment and Labour, Mrs Nomakhosazana Meth be directed to appear in the Labour Court on _____ 2025 at 10h00 to show cause why she should not be found guilty of contempt of court for failing to comply with the order of this Court dated 31 October 2023.

- 1.2 That these respondents may explain their conduct by way of affidavit filed 5 days prior to the date of hearing, although this will not excuse them from being present on the day of the hearing.

- 1.3 That in the absence of providing an explanation to the satisfaction of the Court, or failing to appear in court despite being properly served, the respondents be found guilty of contempt of the order of this Court granted on 31 October 2023 under case number J661/23, and that

- 1.3.1 the respondents be directed to purge their contempt by-

- 1.3.1.1 taking such steps as may be necessary to withdraw the Employment

Equity Regulations published under Government Gazette No 52515

CERTIFIED A TRUE COPY



DIRK HERMANN

CHIEF EXECUTIVE OFFICER

SIGNED ON THIS THE 27th DAY OF MAY 2025

and the Sectoral Numerical Targets published under Government Gazette No. 52514;

1.3.1.2 declining to implement, enforce or give effect to the EE Regulations and Sector Targets, pending full compliance with the order of this Court dated 31 October 2023;

1.3.1.3 within 90 (ninety) days from the date of the granting of this order, demonstrating to this Court the steps taken to comply with the order of 31 October 2023;

1.3.2 failing which the respondents –

1.3.2.1 be incarcerated for such period as the court deems appropriate; or

1.3.2.2 be fined in an amount the court deems appropriate.

1.4 That the respondents be ordered to pay the costs of this application, jointly and severally, the one paying the others to be absolved, including the costs of two counsel, where so employed; and

1.5 That service of this order be effected personally and by email on the respondents and on the State Attorney, Pretoria, as follows:

1.5.1 The first respondent to fourth respondents:

CERTIFIED A TRUE COPY



DIRK HERMANN

CHIEF EXECUTIVE OFFICER

SIGNED ON THIS THE 27th DAY OF MAY 2025

1.5.2 215 Laboria House, corner Francis Baard and Paul Kruger Streets,
Pretoria.

1.5.3 Email: Thobeka.Magcai@labour.gov.za /

Yvonne.Mathonsi@labour.gov.za

1.5.4 Email: Minenhle.Bhengu@labour.gov.za /

Ashley.Mabasa@labour.gov.za

1.5.5 Email: Sandisiwe.Kaba@labour.gov.za /

viwe.mlenzana@labour.gov.za

1.5.6 The State Attorney, Pretoria

316 Thabo Sehume Street; Pretoria

Email: jdlange@justice.gov.za

1.6 That the respondents be ordered to pay the costs of this application, jointly and severally, the one paying the others to be absolved, including the costs of two counsel where so employed; and

2. **ANTONIE JASPER VAN DER BIJL** who is employed by Solidarity as Deputy CEO,
is authorised to take all steps necessary, including deposing to any affidavits or signing
any documents on behalf of Solidarity and/or any further action required in order to give

CERTIFIED A TRUE COPY



DIRK HERMANN

CHIEF EXECUTIVE OFFICER

SIGNED ON THIS THE 27th DAY OF MAY 2025

effect to paragraph 1 above, and to proceed with same until finalisation of all such disputes.

3. **SERFONTEIN VILJOEN & SWART ATTORNEYS** is authorised to act on Solidarity's behalf in the matter and to take all other action required in this regard and to proceed with same until the finalisation thereof.

CERTIFIED A TRUE COPY



DIRK HERMANN

CHIEF EXECUTIVE OFFICER

SIGNED ON THIS THE 27th DAY OF MAY 2025

"ABZ"

**IN THE INTERNATIONAL LABOUR ORGANISATION CONCILIATION PROCESS
AS FACILITATED BY THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION**

Case no: HO2-23

In the matter between:

SOLIDARITY

Applicant

And

The **REPUBLIC OF SOUTH AFRICA**

Respondent

SETTLEMENT AGREEMENT

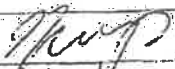

Following the Applicant's article 24 representation to the ILO, and the conciliation process as facilitated by the CCMA, the parties are desirous to settle the above-mentioned dispute as follows:

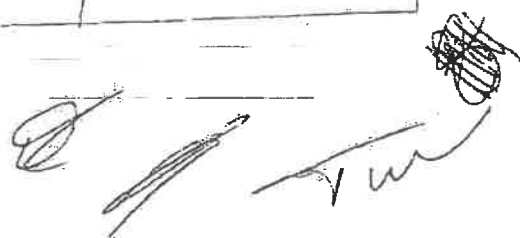
- a) Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a target group as defined in the Employment Equity Act in the workplace, in order to obtain effective equality;
- b) Affirmative action shall be applied in a nuanced way, as embodied in this agreement, and the economically active population statistics will only be one of many factors that will be taken into account in the compliance analysis of affirmative action in any workplace;
- c) No absolute barrier may be placed upon any employment practices affecting any persons from any group;
- d) For the purpose of preparing and implementing an employment equity plan and reporting and compliance analysis of affirmative action in any workplace, the following criteria must be taken into account—
 - Inherent requirements of the job;

The block contains several handwritten signatures and initials. On the left, there is a long, sweeping signature. To its right are several sets of initials, including one that appears to be 'ABZ' and another that looks like a stylized 'Q' or 'G'. There is also a small, circular stamp or mark at the bottom right of the signature area.

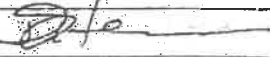

- The pool of suitably qualified persons;
 - the qualification, skills, experience and the capacity to acquire, within a reasonable timeframe, the ability to do the job;
 - the rate of turn-over and natural attrition within a workplace;
 - recruitment and promotional trends within a workplace.
- e) In the compliance analysis of affirmative action in any workplace justifiable/reasonable grounds for not complying with the targets as set by the employer and/or any other targets set by any other party, may include:
- Insufficient recruitment opportunities;
 - Insufficient promotion opportunities;
 - Insufficient target individuals from the designated groups with the relevant qualification, skills and experience;
 - CCMA awards/Court Order;
 - Transfer of business;
 - Mergers/ Acquisitions; and
 - Impact on Business Economic circumstances.
- f) No penalties or any form of disadvantage will be incurred by the employer if in the compliance analysis of affirmative action in any workplace, there are justifiable/reasonable grounds for not complying with the targets.
- g) No employment termination of any kind may be effected as a consequence of affirmative action.


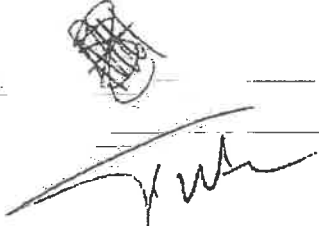
The parties agree that the aforementioned agreement will be gazetted as part of the 2023 Employment Equity regulations, and will be deemed a settlement under case number J661/23 where it will be made an order of a Court.

SOLIDARITY	REPUBLIC OF SOUTH AFRICA
Full Name and Surname: Flip Buys	Full Name and Surname: Thembelani Waltermade Nxesi
Designation: Chairperson: Solidarity Movement	Designation: Minister of Employment and Labour
Signature: 	Signature: 
Date: 22/06/2023	Date: 28/06/2023



Witness:

SOLIDARITY	REPUBLIC OF SOUTH AFRICA
Full Name and Surname: Dirk Hermann	Full Name and Surname: Boitumelo Moloi
Designation: CEO: Solidarity	Designation: Deputy Minister of Employment and Labour
Signature: 	Signature: 
Date: 28/6/23	Date: 28/06/2023

"AB3"



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J 661/23

Honourable Acting Justice SNYMAN ORDERED on 31 October 2023

In the matter between:

SOLIDARITY

Applicant

And

**PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA**

1st Respondent

MINISTER OF EMPLOYMENT AND LABOUR

2nd Respondent

**THE DEPARTMENT OF EMPLOYMENT AND
LABOUR**

3rd Respondent

**THE DIRECTOR-GENERAL OF THE DEPARTMENT
OF EMPLOYMENT AND LABOUR**

4th Respondent

THE COMMISSION FOR EMPLOYMENT EQUITY

5th Respondent

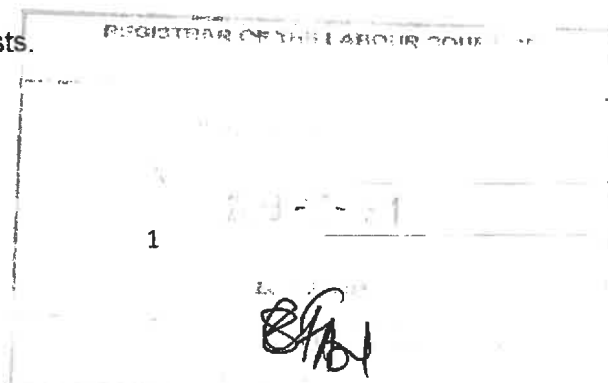
ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

- 1. The Settlement Agreement marked "x" is made an order of court.**
- 2. There is no order as to costs.**

NT/



BY THE COURT
REGISTRAR

7 5-11-31

EP-44-11-2

COURT OF

LABOUR COURT

" X "

**IN THE INTERNATIONAL LABOUR ORGANISATION CONCILIATION PROCESS
AS FACILITATED BY THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION**

Case no: H02-23

In the matter between:

SOLIDARITY

Applicant

And

The REPUBLIC OF SOUTH AFRICA

Respondent

SETTLEMENT AGREEMENT

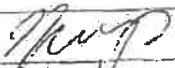
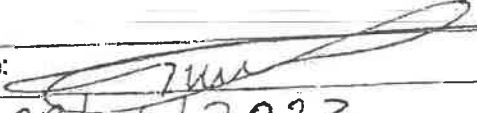
Following the Applicant's article 24 representation to the ILO, and the conciliation process as facilitated by the CCMA, the parties are desirous to settle the above-mentioned dispute as follows:

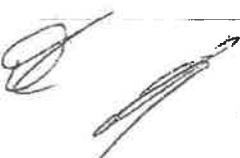
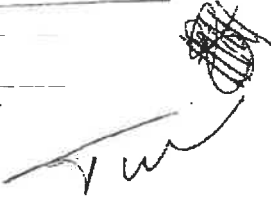
- a) Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a target group as defined in the Employment Equity Act in the workplace, in order to obtain effective equality;
- b) Affirmative action shall be applied in a nuanced way, as embodied in this agreement, and the economically active population statistics will only be one of many factors that will be taken into account in the compliance analysis of affirmative action in any workplace;
- c) No absolute barrier may be placed upon any employment practices affecting any persons from any group;
- d) For the purpose of preparing and implementing an employment equity plan and reporting and compliance analysis of affirmative action in any workplace, the following criteria must be taken into account—
 - Inherent requirements of the job;

The block contains several handwritten signatures and initials. On the left, there is a long, flowing signature. To its right are several sets of initials and marks, including a large 'X' and some scribbled-out text.

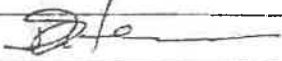

- The pool of suitably qualified persons;
 - the qualification, skills, experience and the capacity to acquire, within a reasonable timeframe, the ability to do the job;
 - the rate of turn-over and natural attrition within a workplace;
 - recruitment and promotional trends within a workplace.
- e) In the compliance analysis of affirmative action in any workplace justifiable/reasonable grounds for not complying with the targets as set by the employer and/or any other targets set by any other party, may include:
- Insufficient recruitment opportunities;
 - Insufficient promotion opportunities;
 - Insufficient target individuals from the designated groups with the relevant qualification, skills and experience;
 - CCMA awards/Court Order;
 - Transfer of business;
 - Mergers/ Acquisitions; and
 - Impact on Business Economic circumstances.
- f) No penalties or any form of disadvantage will be incurred by the employer if in the compliance analysis of affirmative action in any workplace, there are justifiable/reasonable grounds for not complying with the targets.
- g) No employment termination of any kind may be effected as a consequence of affirmative action.


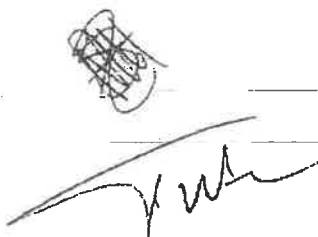
The parties agree that the aforementioned agreement will be gazetted as part of the 2023 Employment Equity regulations, and will be deemed a settlement under case number J661/23 where it will be made an order of a Court.

SOLIDARITY	REPUBLIC OF SOUTH AFRICA
Full Name and Surname: Flip Buys	Full Name and Surname: Thembelani Waltermade Nxesi
Designation: Chairperson: Solidarity Movement	Designation: Minister of Employment and Labour
Signature: 	Signature: 
Date: 28/06/2023	Date: 28/06/2023

Witness:

SOLIDARITY	REPUBLIC OF SOUTH AFRICA
Full Name and Surname: Dirk Hermann	Full Name and Surname: Boitumelo Moloi
Designation: CEO: Solidarity	Designation: Deputy Minister of Employment and Labour
Signature: 	Signature: 
Date: 28/6/23	Date: 28/06/2023

"AB4"



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 718

15

April
April

2025

No. 52515



N.B. The Government Printing Works will
not be held responsible for the quality of
"Hard Copies" or "Electronic Files"
submitted for publication purposes

ISSN 1682-5845



9 771682 584003

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.	Gazette No.	Page No.
-----	----------------	-------------

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**Employment and Labour, Department of / Indiensneming en Arbeid, Departement van**

6125	Employment Equity Act, 1998 (Act No. 55 of 1998 as amended): Repeal of Employment Equity Regulations, 2014	52515	3
------	--	-------	---

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 6125

15 April 2025

REPEAL OF EMPLOYMENT EQUITY REGULATIONS, 2014

I, **Nomakhosazana Meth**, Minister of Employment and 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 repeal the Regulations made in terms of the Employment Equity Act, 55 of 1998, published under Government Notice No. 37873 of 1 August 2014. This Notice will be effective from the date of publication.



MS. NOMAKHOSAZANA METH, MP
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 10 April 2025

DEPARTMENT OF EMPLOYMENT AND LABOUR**EMPLOYMENT EQUITY REGULATIONS, 2025**

I, **Nomakhosazana Meth**, Minister of Employment and Labour, hereby under section 55(1) of the Employment Equity Act, 1998 (Act 55 of 1998 as amended), and on the advice of the Commission for Employment Equity, publish the Employment Equity Regulations in the Schedule, which regulations will be effective from the date of publication.



MS. NOMAKHOSAZANA METH, MP
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 10 April 2025

SCHEDULE

Arrangement of Regulations

1. Definitions

WORK OF EQUAL VALUE

2. Equal Pay for Work of Equal Value Criteria
3. Eliminating unfair discrimination
4. Meaning of work of equal value
5. Methodology
6. Assessing whether work is of equal value
7. Factors justifying differentiation in terms and conditions of employment

DUTIES OF A DESIGNATED EMPLOYER

8. Collecting information and conducting an analysis
9. Duty to prepare and implement an Employment Equity Plan
10. Duty to report
11. Duty to inform
12. Income differentials and discrimination

ENFORCEMENT MECHANISMS

13. Requesting an undertaking
14. Compliance order
- 14A. Service of compliance order
15. Review by the Director-General (DG Review)

GENERAL ADMINISTRATIVE MATTERS

16. EE Compliance Certificate in terms of section 53
17. Withdrawal of the EE Compliance Certificate (EEA 16C)
18. Repeal of laws
19. Short Title

FORMS AND ANNEXURES

1. EEA1: Employee declaration in terms of Section 19(1) of the Act
2. EEA2: Report to the Director-General in terms of Section 21 of the Act
3. EEA3: Summary of the Act in terms of Section 25(1) of the Act
4. EEA4: Statement of income differentials in terms of Section 27 of the Act
5. EEA5: Request for an undertaking in terms of Section 36 of the Act
6. EEA6: Compliance order in terms of Section 37(1) of the Act
7. EEA7: DG Review Assessment Form in terms of Section 43 of the Act
8. EEA8: Demographic Data in terms of Section 42 of the Act
9. EEA9: Occupational Levels in terms of Section 21 of the Act
10. EEA10: Summary of the employment equity progress report in terms of Section 22 of the Act
11. EEA11: Request for employer's employment equity report in terms of Section 21(6) of the Act
12. EEA12: Template for reporting on analysis conducted in terms of Section 19 of the Act
13. EEA 13: Template for Employment Equity Plan in terms of Section 20 of the Act
14. EEA 14: Director-General Notification in terms of Section 21(4A) of the Act
15. EEA 15: Request for an EE Compliance Certificate
16. EEA 16A: EE Compliance Certificate for designated employers
17. EEA 16B: EE Compliance Certificate for non-designated employers
18. EEA 16C: Intention to withdraw EE Compliance Certificate
19. EEA 16D: Withdrawal of EE Compliance Certificate
20. EEA 17: Economic Sectors and Sub-Sectors

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 indicates otherwise.

“Department” means the Department of Employment and Labour;

“EAP” means Economically Active Population;

“EE Plan” means the Employment Equity Plan as contemplated in section 20 of the Act;

“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” means the National Minimum Wage Commission as established in terms of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), as amended;

“regional demographics” means the Provincial Economically Active Population;

“temporary employees” means 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 work that is the same, substantially the same or of the same value as other work, as contemplated in regulation 4 of these Regulations.

EQUAL PAY FOR WORK OF EQUAL VALUE

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 purposes 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 and qualifications, including prior learning and experience, required to perform the work, whether formal or informal;
 - (c) the 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 the 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, disability or on any other ground contemplated in 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 Employment and 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.

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) 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, and persons with disabilities have the right not to declare their disability.
- (3) 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, and the outcome of the analysis must be reported using the **EEA12** template in these regulations.
- (4) 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.
- (5) When a designated employer conducts the analysis 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.
- (6) A designated employer must record on the **EEA12** template whether it is using the national or regional EAP as a basis for conducting its analysis in terms of section 19 of the Act.

9. **Duty to prepare and implement an Employment Equity Plan (EE Plan)**

- (1) Designated employers must prepare and implement an EE Plan for the period from 1 September 2025 until 31 August 2030.
- (2) Employers who become designated employers, after 1 April 2025, must prepare an EE Plan for the remainder of the period until 31 August 2030.
- (3) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act when preparing an EE Plan contemplated in section 20 of the Act.
- (4) The EE Plan must contain, at a minimum, all the elements contained in the **EEA13** template of these regulations.
- (5) When developing EE Plans and setting annual numerical targets in their workplaces in terms of Section 20(2) of the EEA, designated employers must take into account –
 - (a) their workforce profile,
 - (b) the relevant 5-year sectoral numerical targets; and
 - (c) the applicable EAP.
- (6) In addition to the factors listed in sub-regulation (5), a designated employer may take into account any of the following to the extent that they are consistent with the purpose of the Act –
 - (a) the inherent requirements of a particular job;
 - (b) the pool of suitably qualified persons;
 - (c) the formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated in sections 20(3) to (5) of the Act;
 - (d) the rate of turnover and natural attrition within the workplace; and
 - (e) recruitment and promotional trends within a workplace.
- (7) A designated employer must –
 - (a) comply with the numerical targets set in terms of section 15A(3) for the economic sector in which they operate;
 - (b) refer to the Ministerial notice issued in terms of section 15A and **EEA17** to the regulations to determine the sector they operate in; and
 - (c) if it operates in more than one sector, apply the numerical targets for the sector in which the majority of their employees are engaged.
- (8) The 5-year sectoral numerical targets set in terms of section 15A(2) of the Act are key milestones towards achieving the equitable representation of the different designated groups

within the four upper occupational levels in an employer's workforce in relation to the demographics of the applicable EAP, and for persons with disabilities.

- (9) When determining their Annual EE targets towards achieving the 5-year sectoral numerical targets, a designated employer must set numerical targets for all designated groups in each of the four upper occupational levels in relation to the applicable sector targets and EAP, and for persons with disabilities.
- (10) A designated employer must avoid perpetuating the over-representation of any group if their representation exceeds the applicable EAP in a particular occupational level.
- (11) A designated employer that has exceeded the numerical target set for a particular designated group at an occupational level should continue to set targets that maintain compliance with the EAP.
- (12) Designated employers must set numerical goals and annual EE targets at the semi-skilled and unskilled occupational levels in their EE Plans in terms of Section 20(2) of the EEA, taking into account the applicable EAP.
- (13) Designated employers' compliance will be assessed against their annual targets set towards meeting the relevant 5-year sectoral numerical targets.
- (14) A designated employer will incur no penalty or any form of disadvantage if there are reasonable grounds to justify its failure to comply with any target, as contemplated by section 53(6)(b), read with section 42(4), of the Act.
- (15) A designated employer must retain their EE Plan for a period of five years after the expiry of the EE Plan.
- (16) 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) together with the **EEA4** form in terms of regulation 12; or
 - (b) electronically by using the online reporting system available on the Department's website: **www.labour.gov.za**.
- (2) A designated employer that submits its report by hand must do so by delivering a completed **EEA2** form and **EEA4** form, which are signed by the Chief Executive Officer/ Accounting Officer of the employer—
 - (a) to the Head Office of the Department for assistance to immediately capture the report into the system and receive feedback; and
 - (b) in the period from 1 September until the first working day of October.
- (3) A designated employer may submit a report electronically using the online reporting EE System from 1 September until 15 January of the following year.

- (4) An employer that becomes a designated employer on or after the first working day of April is only required to submit its first report in the following reporting cycle.
- (5) A designated employer will not be assessed for compliance with its annual targets in the first report submitted after becoming a designated employer.
- (6) A designated employer may not be issued with a certificate in terms of section 53(2) of the Act unless it has submitted a compliant report in the preceding year.
- (7) A designated employer that is a holding company controlling more than one registered entity may choose to submit a consolidated report.
- (8) A designated employer that 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; and
 - (b) adopt a method of reporting that remains consistent for the duration of the plan.
- (9) The information contained in a report must be verified and authorised 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.
- (10) A designated employer must inform the Director-General in writing immediately of any changes to —
 - (a) their trade name; or
 - (b) details of their chief executive officer or accounting officer and the managers who have been assigned responsibility in terms of section 24 of the Act.
- (11) A designated employer that is unable to report in terms of this regulation must notify the Director-General in writing by the last working day of August in the same year giving reasons and providing evidence for its inability to do so using the **EEA14** form.
- (12) The Department must provide an employer that has submitted a report with one of the following —
 - (a) a letter rejecting the report because it does not comply with the requirements of the Act and these regulations;
 - (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 stating that the report is complete and has been submitted into the Department's EE system.
- (13) A designated employer that receives a letter advising that there are errors in the report in terms of sub-regulation (12)(b) must submit information correcting those errors within the period specified in the letter.

- (14) A designated employer must retain a copy of the report for five years after it has been submitted to the Director-General in terms of section 21 of the Act.
- (15) Public companies that are designated employers must publish a summary of their EEA report in terms of section 21 of the Act in their annual financial report in terms of section 22 of the Act, including the information specified in the **EEA10** form.
- (16) An EE report submitted in terms of section 21 of the Act is a public document and a copy may be requested by completing and submitting the **EEA11** form online using the Department's website: www.labour.gov.za.
- (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 or 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 is only required to submit its Income Differential Statement in the following reporting cycle.
- (3) A designated employer must retain a copy of the statement of income differentials contemplated in regulation 12(1) for a period of five years after it has been submitted.
- (4) An **EEA4** form submitted in terms of these Regulations is not a public document.

ENFORCEMENT MECHANISMS

13. **Requesting a written undertaking**

A labour inspector may request and obtain a written undertaking in terms of section 36 of the Act using the **EEA5** form.

14. **Compliance order**

A labour inspector may serve a compliance order in terms of section 37 of the Act on 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 of the Act 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; and
 - (c) e-mailing a copy of the order to the employer's e-mail address.

- (2) In the event of a dispute as to whether a compliance order has been served in terms of sub-regulation (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; and
 - (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.
- (3) If proof of service in accordance with sub-regulation (2) is provided, it is presumed, until the contrary is proven, 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) is provided, it is presumed, until the contrary is proven, that the employer received the order 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

A designated employer that has been identified for review by the Director-General in terms of section 43 of the Act must -

- (a) complete fully and accurately the DG Review Assessment form (**EEA7**); and
- (b) furnish the required records, documents and information within the period specified by the Director-General.

16. EE Compliance Certificate in terms of section 53

- (1) An employer must request a certificate in terms of section 53 of the Act online by means of the Department's website: **www.labour.gov.za**.
- (2) A designated employer may request a certificate in terms of sub-regulation (1) after submitting its annual report in terms of section 21 of the Act.
- (3) An employer, that is not a designated employer, requesting a certificate in terms of section 53 of the Act must specify that it complies with Chapter II of the Act and that it complies with the National Minimum Wage Act, 2018 using the **EEA15** form.

- (4) A designated employer must specify in its application on the **EEA15** form any grounds that it seeks to rely upon to justify its failure to comply with –
- (a) any requirement for the issuing of a certificate as contemplated by section 42(4) of the Act; or
 - (b) in the case of non-compliance with a sectoral target, any grounds contemplated by section 53(6)(b).
- (5) Justifiable reasonable grounds for not complying with the targets are –
- (a) insufficient recruitment opportunities;
 - (b) insufficient promotion opportunities;
 - (c) insufficient target individuals from designated groups with relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated by sections 20(3) to (5) of the Act;
 - (d) the impact of a CCMA award or court order;
 - (e) a transfer of a business;
 - (f) mergers or acquisitions; and
 - (g) the impact of economic conditions on the business.
- (6) An EE Compliance Certificate in terms of section 53 of the Act must be issued to–
- (a) a designated employer in the form of **EEA16A**; or
 - (b) an employer, that is not a designated employer, in the form of **EEA16B**.
- (7) A certificate issued in terms of section 53 of the Act is valid for twelve months from the date on which it is issued.

17. Withdrawal of the EE Compliance Certificate

- (1) The following persons may issue a notice withdrawing a certificate issued in terms of section 53(2) of the Act –
- (a) the Minister;
 - (b) a labour inspector appointed in terms of section 63 of the Basic Conditions of Employment Act; or
 - (c) an official of the Department who ~~has been delegated or assigned~~ this function in terms of section 56 of the Act,
- (2) A person contemplated in sub-regulation (1) may withdraw a certificate issued in terms of section 53(2) if they are satisfied that –
- (a) the certificate was issued as a result of any misrepresentation or the provision of any fraudulent or inaccurate information; or
 - (b) any condition necessary for issuing the certificate no longer exists.

- (3) A certificate issued in terms of section 53(2) may not be withdrawn unless –
- (a) the employer has been given 14 days to make representations upon being served with an **EEA16C** notice; and
 - (b) any representations by the employer have been considered.
- (4) A notice of withdrawal must be issued on an **EEA16D** form.

GENERAL ADMINISTRATIVE MATTERS

18. Repeal of laws

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

19. Short title

These Regulations are called the Employment Equity Regulations, 2025.



employment & labour
Department
Employment and 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. Designated 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?

All employees must fill in this form.

INSTRUCTIONS

All designated 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" includes people who have a long-term or recurring physical, mental intellectual or sensory impairment, which in interaction with various barriers, may substantially limit their prospects of entry into, or advancement, in employment, and 'persons with disabilities' has a corresponding meaning.

1. Name of employee: _____

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

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

Male	Female
<input type="checkbox"/>	<input type="checkbox"/>

African	Coloured	Indian	White
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

People with a disability	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

Do you require reasonable accommodation: Yes/No

If yes, please specify:

4. Please select the applicable option below by referring to the definition of designated groups as defined in Section 1 of the Act:

Foreign Nationals	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

I declare that the above information is true and correct.

Signed: _____

Employee

Date: _____



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 13

EEA2

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS								
<p>PURPOSE OF THIS FORM</p> <p>This form enables employers to comply with Section 21 of the Employment Equity Act 55 of 1998, as amended.</p> <p>This form contains the format for employment equity reporting by designated employers to the Department of Employment and Labour.</p> <p>WHO COMPLETES THIS FORM?</p> <p>Designated employers are required to complete this form. Designated employers are those who employ 50 or more employees. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by a collective agreement to comply with Chapter 3 of the EEA)</p> <p>WHEN SHOULD EMPLOYERS REPORT?</p> <p>Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office).</p> <p>Online submission visit:</p> <p>www.labour.gov.za</p> <p>NO FAXED OR E-MAILED OR REGISTERED MAILED REPORTS WILL BE ACCEPTED</p>	Trade name								
	DTI registration name								
	DTI registration number								
	PAYE/SARS number								
	UIF reference number								
	EE reference number								
	National or Provincial EAP								
	Industry/Sector								
	Seta classification								
	Bargaining Council								
	Telephone number								
	Postal address								
	Postal code								
	City/Town								
	Province								
	Physical address								
	Postal code								
	City/Town								
	Province								
	Details of CEO/Accounting Officer								
	Name and surname								
	Telephone number								
	Email address								
	Details of Employment Equity Senior Manager								
	Name and Surname								
Telephone number									
Email address									
Business type (Mark with an X)									
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution								
Information about the organization (Mark with an X)									
Is your organisation an organ of State or designated in terms of a collective agreement?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <tr> <th>EMPLOYEES</th> <th>x</th> </tr> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </table>	EMPLOYEES	x	1 to 49		50 to 149		150 or more	
EMPLOYEES	x								
1 to 49									
50 to 149									
150 or more									
Is your organisation part of a group / holding company?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
If yes, please provide the name.									
Year for which this report is submitted									

Please indicate below the preceding 12-month period that 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, which must be aligned to the relevant sector EE targets timeframes:

From (date): ____/____/____ to (date): ____/____/____
DD / MM / YYYY DD / MM / YYYY

INSTRUCTIONS

- a. A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees, when conducting an EE Analysis, preparing and implementing an EE Plan and reporting annually to the Department of Employment and Labour.
- b. Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year when submitting online. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office).
- c. Designated employers must prepare an Employment Equity Plan (EE Plan) (EEA13 template) that outlines annual targets for the purpose of addressing the 5-year sector specific targets regulated in terms of Section 15A of the Employment Equity Act as amended.
- d. Employers who become designated during the sector target period must prepare an Employment Equity Plan (EE Plan) with annual targets for the remainder of the period regulated in terms of Section 15A of the Employment Equity Act as amended.
- e. Numerical goals and targets in the EE Plan must include the entire workforce profile for that occupational level in terms of population group and gender, and NOT the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve.
- f. Please note that designated employers who submit their first report or report for the first time for the 5-year sector target period will not be measured on their annual EE targets for the first year of reporting. A designated employer may not be issued with a certificate in terms of section 53(2) of the Act unless it has submitted a compliant report in the preceding year.
- g. Designated groups mean black people (i.e., Africans, Coloureds and Indians), 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.
- h. 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.
- i. "Temporary employees" are those employees employed for less than three months.
- j. Guidelines and descriptions of occupational levels are provided in the EEA9 form of these regulations.
- k. All areas of the form must be fully and accurately completed and submitted by designated employers.
- l. Designated employers must **not** leave blank spaces, use 'not applicable' (NA) or a 'dash' (-) when referring to the value "0" (Zero) or the word "No".
- m. Areas highlighted in grey in the EEA2 form will be automatically populated using data contained in this report and from the previous report.
- n. The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

SECTION B: WORKFORCE PROFILE AND NUMERICAL TARGETS**1. WORKFORCE PROFILE AND NUMERICAL TARGETS**

1.1 Please report the total number of **employees** (including employees with disabilities) and annual EE targets 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 – Workforce profile	value											
	%											
Top management target – current year	value											
	%											
Senior management – Workforce profile	value											
	%											
Senior management target – current year	value											
	%											
Professionally qualified – Workforce profile	value											
	%											
Professionally qualified target – current year	value											
	%											
Skilled technical – Workforce profile	value											
	%											
Skilled technical target – current year	value											
	%											
Semi-skilled – Workforce Profile	value											
	%											
Semi-skilled target – current year	value											
	%											
Unskilled – Workforce profile	value											
	%											
Unskilled target – current year	value											
	%											
Total employees (excluding temporary employees)	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

- 1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels and the annual EE target of the total workforce: 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											
ANNUAL EE TARGET FOR EMPLOYEES WITH DISABILITIES												
Workforce Profile of Employees with Disabilities of total Workforce	%											
Annual target for employees with Disabilities of the total workforce—current year	%											

1.3 Please indicate whether your organisation achieved all the annual numerical targets for the current year:

YES	NO

1.4 Please indicate with an (X) a key Justifiable Reason for each of the occupational levels and for employees with disabilities where your organisation did not achieve any of the numerical targets for the current year in the table below.

OCCUPATIONAL LEVELS AND DISABILITY	Justifiable reasons for not meeting EE Sector Targets						
	Insufficient recruitment opportunities	Insufficient promotion opportunities	Insufficient target individuals with relevant qualification, prior learning, experience or capacity to acquire ability to do job	CCMA Award/ Court Order	Transfer of business	Mergers/ Acquisitions	Impact of Economic Conditions on Business
Top management							
Senior management							
Professionally qualified							
Skilled technical							
Semi-Skilled							
Unskilled							
Employees with disabilities							

SECTION C: WORKFORCE MOVEMENTS**2. Recruitment**

2.1 Please report the total number of new recruits, **including employees 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

3. Promotion

3.1 Please report the total number of promotions into each occupational level, including employees 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

4. Termination

4.1 Please report the total number of terminations in each occupational level, including employees 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

SECTION D: SKILLS DEVELOPMENT**5. Skills Development**

- 5.1 Please report the total number of employees, **including employees with disabilities**, who received training **ONLY** for the purpose of achieving the sector targets/ 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	value									
Senior management	value									
Professionally qualified	value									
	%									
Skilled technical	value									
	%									
Semi-skilled	value									
	%									
Unskilled	value									
	%									
TOTAL PERMANENT	value									
	%									
Temporary employees	value									
	%									
GRAND TOTAL	value									
	%									

SECTION E: 5-YEAR SECTOR TARGETS, NUMERICAL GOALS AND ANNUAL NUMERICAL TARGETS

6. 5-YEAR SECTOR TARGETS AND NUMERICAL GOALS

6.1 The 5-year sector targets for designated groups for the economic sector selected in **Section A** of this form must be recorded in this Table for the four upper occupational levels (Top Management, Senior Management, Professionally Qualified & Middle Management and Skilled Technical occupational levels), including for employees with disabilities.

Employers must, in addition, set numerical goals for the lower occupational levels (Semi-skilled and Unskilled levels) guided by the national or regional EAP that they are applying.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

7. ANNUAL NUMERICAL TARGETS FOR NEXT YEAR

7.1 Please indicate the annual numerical targets as contained in the EE Plan (i.e., the entire workforce profile **including employees with disabilities**) for each of the occupational levels in the table below. 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											
ANNUAL NUMERICAL TARGET FOR NEXT YEAR FOR EMPLOYEES WITH DISABILITIES												
Annual Target for Employees with disabilities (value)												
Annual Target for Employees with disabilities (% of total workforce)												

SECTION F: CONSULTATION AND AFFIRMATIVE ACTION MEASURES**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		
Representative 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 MEASURES		TIME-FRAME TO IMPLEMENT AA MEASURES	
	YES	NO	YES	NO	START DATE	END DATE
Recruitment						
Advertisement of 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						
Harassment						
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						

SECTION G: MONITORING AND EVALUATION**10. Monitoring of progress**

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

Monthly	Quarterly

11. Achievement of annual objectives

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

Yes	No	Please explain

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

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

Chief Executive Officer/ Accounting Officer
<p>I _____ (Full Name) CEO/ Accounting Officer of (Organisation)</p> <p>_____</p> <p>hereby declare that I have read, approved and authorized this information.</p> <p>Signed on this _____ day of _____ (month) year _____</p> <p>At (place): _____</p> <p>_____</p> <p>Chief Executive Officer/ Accounting Officer</p>



employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 5 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

1.1 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, municipalities and organs of State.
- (c) Temporary employees are employees who are employed for less than three months.
- (d) Sector means an industry or service or part of an industry or service

1.2 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.

1.3 Application of the Act: Section 4

- (a) Chapter II applies to all employers and employees.
- (b) Chapter III applies to designated employers and people from designated groups.
- (c) Members of the National Defence Force, National Intelligence Agency and South African Secret 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.
- (c) Harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of, the grounds prohibiting unfair discrimination.

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 on an employee is prohibited, unless legislation permits or requires the testing; or it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of the job.
- (b) Testing of an employee to determine that employee's HIV status is prohibited unless such testing is determined to be justifiable by the Labour Court in terms of section 50(4) of this Act.

2.3. Psychological testing and other similar assessments: Section 8

Psychological 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.

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.

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. 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 numerical goals set by an employer must comply with any sectoral target in terms of Section 15A that applies to that employer.
- (c) 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 once every year on such date and in such manner as may be prescribed.
- (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 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 serve 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**

- (a) Designated employers 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 and the payment of the minimum wage in terms of the National Minimum Wage Act of 2018,
- (b) Non-designated employers 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 of the Act and the payment of the minimum wage in terms of the National Minimum Wage Act of 2018
- (c) Both designated and non- designated employers must confirm that the CCMA or a court has not issued an award against the employer in the previous 12 months for breaching the prohibition on unfair discrimination and for failing to pay the minimum wage.

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.



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 9

EEA4

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS						
<p>PURPOSE OF THIS FORM</p> <p>This form enables employers to comply with Section 27 (1) of the Employment Equity Act 55 of 1998, as amended.</p> <p>This form contains the format for an Income Differential Statement to be completed by a designated employer and submitted to the Department of Employment and Labour.</p> <p>WHO COMPLETES THIS FORM?</p> <p>Designated employers are required to complete this form. Designated employers are those who employ 50 or more employees. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by a collective agreement to comply with Chapter 3 of the EEA)</p> <p>WHEN SHOULD EMPLOYERS REPORT?</p> <p>Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year when submitting online. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office).</p> <p>Online reports and contact details:</p> <p>www.labour.gov.za</p> <p>NO FAXED OR E-MAILED OR REGISTERED MAILED REPORTS WILL BE ACCEPTED</p>	Trade name						
	DTI registration name						
	DTI registration number						
	PAYE/SARS number						
	UIF reference number						
	EE reference number						
	National or Provincial EAP						
	Industry/Sector						
	Seta classification						
	Bargaining Council						
	Telephone number						
	Postal address						
	Postal code						
	City/Town						
	Province						
	Physical address						
	Postal code						
	City/Town						
	Province						
	Details of CEO/Accounting Officer						
	Name and surname						
	Telephone number						
	Email address						
	Details of Employment Equity Senior Manager						
	Name and Surname						
Telephone number							
Email address							
Business type (Mark with an X)							
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution						
Information about the organization (Mark with an X)							
Is your organisation an organ of State or designated in terms of a collective agreement?	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO				
YES	NO						
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </table>	1 to 49		50 to 149		150 or more	
1 to 49							
50 to 149							
150 or more							
Is your organisation part of a group / holding company?	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO				
YES	NO						
If yes, please provide the name.							
Year for which this report is submitted							

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

1. The objective of the EEA4 Form is to collect information for the assessment of the remuneration gap between the highest paid and lowest paid employees and, at the same time, to assess inequalities in remuneration in relation to race and gender in the various occupational levels. It must be noted that the total number of employees in the EEA2 in each occupational level (Workforce profile table 1.1) must be taken into account when completing this form (EEA4).
2. All employees (including Foreign Nationals) must be included when completing the EEA4 form in the appropriate space provided in the table below. Temporary employees are employees employed to work for less than three months over a period of 12 months.
3. **“Remuneration”** means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State.
4. Remuneration (i.e. fixed and variable remuneration) contained in this form must reflect information of the same employees reflected in the EEA2 Form for the reporting period concerned across all occupational levels. The workforce in terms of race and gender must be exactly the same as the workforce outlined in the EEA2 Form.
5. All employees, including Foreign Nationals and temporary employees (i.e. those employees employed to work for less than three months) must be included when completing the EEA4 Form.
6. Calculation of remuneration must include a period of twelve months and reflect the same reporting period covered by the EEA2 Form. Where an employee had not worked for a full twelve-month period, an amount equivalent to the annual remuneration must be calculated and furnished. For example, the annual equivalent for an employee who worked for three months and earned R30 000 is R120 000 (i.e. $(R30\ 000 / 3) * 12$). All remuneration amounts to be reflected in the table below must be rounded up to the nearest Rand (R) and included as **total remuneration (fixed / guaranteed remuneration plus any variable remuneration)** that was paid out for each group in terms of population group and gender.
7. No blank spaces, commas (,), full stops or decimal points (.) or any other separator should be included when capturing the remuneration information in each of the cells in the table below – for example R7 345 567.6 must be captured as R7345568 with no separators.
8. All remuneration (i.e. total cost to company) must be included in the form as annualized fixed / guaranteed remuneration and annualized variable remuneration). The information below provides inclusions and exclusions to consider when completing the EEA4 Form.

8.1 Fixed / Guaranteed remuneration includes:

- a) Salary/wage;
- b) Housing or accommodation subsidy or housing or accommodation received as a benefit in kind;
- c) Travel allowance or provision of a car, except to the extent that the allowance or the car is provided to enable the employee to work as provided for by the Fourth and Seventh Schedules of the Income Tax Act;
- d) Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;
- e) Any other payments in kind received by an employee, except those listed as exclusions in terms of this schedule;
- f) Employer's contributions to medical aid, pension, provident fund or similar benefit funds;
- g) Employer's contributions to income protection, funeral or death benefit schemes; and
- h) Guaranteed (non-discretionary) annual bonus/13th cheque.

8.2 Variable remuneration includes:

- a) Short-term incentives: annual or shorter incentives and (generally) cash performance-based payments, including deferrals (commission schemes are included here);
- b) 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;
- c) Lump sums in respect of ongoing employment e.g. back pay and leave paid upon termination;
- d) Discretionary payments not related to an employee's hours of work or performance (for example, a retention bonus);
- e) As provided for by the Income Tax Act, the taxable benefit portion of bursaries and scholarships provided to the employee and/or relatives of the employee;
- f) Dividends included as remuneration by the Fourth Schedule of the Income Tax Act; and
- g) Overtime.

8.3 Excluded:

- a) Any allowance, cash payment or payment in kind provided to enable the employee to work (for example, an equipment, tool or similar allowances or the provision of transport or the payment of a transport allowance to enable the employee to travel to and from work);
- b) Gratuities (for example, tips received from customers) and gifts from the employer;
- c) Non-employment related lump sums such as severance pay; and
- d) Dividends not included as remuneration by the Fourth Schedule of the Income Tax Act.

9. Information and Calculations

Information is required on the number of employees, including employees with disabilities, and the total remuneration in each **occupational level** in terms of the population group and gender in **Section C of the EEA4 form**.

In addition, remuneration information is required for the lowest paid individual at the lowest occupational level and the remuneration of the highest paid individual is required for each of the other occupational levels in your organisation in terms of population group and gender in **Section D of the EEA4 form**.

- 9.1 Please provide the remuneration of the employee with the **highest total remuneration** (i.e. fixed/guaranteed and variable remuneration) for each occupational level in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.
 - 9.2 Please provide the remuneration of the employee with the **lowest total remuneration** (i.e. fixed/guaranteed and variable remuneration) for the lowest occupational level in your organisation in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.
 - 9.3 Please provide the **median remuneration** and the **remuneration gap** as required in **Section E of the EEA4 Form**.
10. The information contained in a report must be authorised and verified by the chief executive officer; or the Accounting Officer 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).

SECTION C: WORKFORCE PROFILE AND TOTAL REMUNERATION

Please use the table below to indicate the number of employees, including employees with disabilities, and the total remuneration in terms of population group and gender for each occupational level. In addition, please provide the total remuneration per occupational level in your organisation.

Occupational levels		MALE			FEMALE			FOREIGN NATIONALS		Total
		A	C	I	W	A	C	I	W	
Top Management	Number of employees									
	Total remuneration									
Senior Management	Number of employees									
	Total remuneration									
Professionally qualified and experienced specialists and mid-management	Number of employees									
	Total remuneration									
Skilled technical, academically qualified and junior management	Number of employees									
	Total remuneration									
Semi-skilled and discretionary decision making	Number of employees									
	Total remuneration									
Unskilled and defined decision making	Number of employees									
	Total remuneration									
TOTAL PERMANENT										
Temporary employees	Number of employees									
	Total remuneration									
TOTAL	Number of employees									
	Total remuneration									

SECTION D1: FIXED / GUARANTEED AND VARIABLE REMUNERATION

Please provide the remuneration of the employee with the **highest total remuneration (i.e. fixed/guaranteed and variable remuneration)** in terms of population group and gender for each occupational level, where applicable. Where a choice has to be made between two employees with the same total remuneration, i.e. one employee having a higher fixed/guaranteed remuneration and the other employee having a higher variable remuneration, the employee with the higher variable remuneration should be chosen when completing the form below. **(NB: If there is only one employee at a particular occupational level, only capture their information in table D1 and do not repeat their information in table D2)**

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS	
		A	C	I	W	A	C	I	W	M	F
Top Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Senior Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Professionally qualified, experienced specialists and mid-management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Skilled technical, academically qualified and junior management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Semi-skilled and discretionary decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Unskilled and defined decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										

SECTION D2: FIXED / GUARANTEED AND VARIABLE REMUNERATION

Please provide the remuneration of the employee with the **lowest total remuneration (i.e., fixed/guaranteed and variable remuneration)** in terms of population group and gender for each occupational level, where applicable. Where a choice has to be made between two employees with the same total remuneration, i.e., one employee having the lowest fixed/guaranteed remuneration and the other employee having the lowest variable remuneration, the employee with the lowest variable remuneration should be chosen when completing the form below.

Occupational levels		MALE						FEMALE				FOREIGN NATIONALS	
		A	C	I	W	A	C	I	W	M	F		
Top Management	Fixed / Guaranteed												
	Variable												
	Total Remuneration												
Senior Management	Fixed / Guaranteed												
	Variable												
	Total Remuneration												
Professionally qualified, experienced specialists and mid-management	Fixed / Guaranteed												
	Variable												
	Total Remuneration												
Skilled technical, academically qualified and, junior management,	Fixed / Guaranteed												
	Variable												
	Total Remuneration												
Semi-skilled and discretionary decision making	Fixed / Guaranteed												
	Variable												
	Total Remuneration												
Unskilled and defined decision making	Fixed / Guaranteed												
	Variable												
	Total Remuneration												

SECTION E: MEDIAN REMUNERATION AND THE REMUNERATION GAP

Please note that in order to complete this section properly, your payroll must be sorted in ascending order from the lowest pay to the highest pay. **Total annual remuneration** includes fixed/guaranteed and variable pay. The **'median'** is the "middle" value in a list of payments (i.e. total remuneration) ranked from lowest to highest. When the payroll contains an even number of values, the median is the sum of the two middle values divided by 2. The **range** is the area of variation that includes the lower and upper limits of a particular scale. To calculate the range of the top 5% highest paid employees and the range of the lowest 5% paid employees, please do the following:

1. Sort the payroll in ascending order (from the lowest pay to the highest pay).
2. Multiply the total number of employees by 5% (Round off decimals to the nearest whole number).
3. Refer to the earnings of employees that correlate to the number referred to above.
4. Capture the range (lowest and highest) remuneration of the top 5% of the highest paid employees, e.g. from R1000, 000 (lowest) to R2000, 000 (highest).
5. Repeat the exercise for the lowest 5% paid employees, e.g. from R100, 000 (lowest) to R200, 000 (highest).

Number of employees covered in the top 5% of the highest paid employees in your organisation	Number of employees	
What is the total annual remuneration of the top 5% of the highest paid employees in your organisation?	Total Annual Remuneration	
What is the range of the top 5% of the highest paid employees in your organisation (total annual remuneration)?	Range	
	From (Lowest)	To (Highest)
	R	R
Number of employees covered in the lowest 5% paid employees in your organisation	Number of employees	
What is the total annual remuneration of the lowest 5% paid employees in your organisation?	Total Annual Remuneration	
What is the range of the lowest 5% paid employees in your organisation (total annual remuneration)?	Range	
	From (Lowest)	To (Highest)
	R	R
What is the median remuneration for employees in your organisation?	Median Remuneration	R
Please indicate whether your organisation has a remuneration policy in place to address and close the vertical gap/ horizontal gap between the highest and lowest paid employees in your workforce? (Mark with X)	YES	
	NO	

How many times (e.g. 10x, 15x, 20x) is the vertical gap between the highest paid employee and lowest paid employee in your organisation?		
Is the remuneration-gap between the highest and lowest paid employees in your organisation aligned to your remuneration policy? (Mark with X)	YES	
	NO	
Are there measures to address the remuneration gap in your Employment Equity Plan? (Mark with X)	YES	
	NO	
Please indicate a key reason for the Income Differentials that apply to your organisation. (Mark with X)	a) Seniority/ length of service	
	b) Qualifications	
	c) Performance	
	d) Demotion	
	e) Experiential training	
	f) Shortage of skill	
	g) Transfer of business	
	h) Other	
If other is chosen as a key reason above, please specify the key reason-		

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

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

Chief Executive Officer /Accounting Officer
I _____(Full Name) CEO/Accounting Officer of (Organisation)

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



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2 EEA5

WRITTEN UNDERTAKING	
PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTION
<p>PURPOSE OF THIS FORM</p> <p>To obtain a written undertaking from the designated employer in terms of Section 36 to comply with the requirements of the Employment Equity Act, 55 of 1998, as amended.</p> <p>WHO COMPLETES THIS FORM?</p> <p>A designated employer, assisted by a labour inspector.</p> <p>WHO RECEIVES THIS FORM?</p> <p>This form goes to the labour inspector.</p> <p>PLEASE NOTE:</p> <p>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).</p>	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	
Name and surname	
Telephone number	
Email address	

Please tick (X) 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) Preparation of an EE Plan (section 20)

Please specify:

(iv) Publish report (section 22)

(v) Assign responsibility to one or more senior managers (section 24)

(vi) Inform employees (section 25)

(vii) Keep records (section 26)

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

ISSUED ONDAY OF (MONTH)..... YEAR

AT (PLACE).....

SIGNED: DESIGNATED EMPLOYER/ ON BEHALF OF DESIGNATED EMPLOYER

.....

SIGNED: LABOUR INSPECTOR

CONTACT DETAILS OF THE LABOUR INSPECTOR:

.....

PHYSICAL ADDRESS.....

.....

.....



employment & labour

Department
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2

EEA6

COMPLIANCE ORDER		
PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTION	
<p>PURPOSE OF THIS FORM</p> <p>This form is used to serve a compliance order on a designated employer in the prescribed manner if that employer has failed to comply with sections 16, 17, 19, 22, 24, 25 or 26 of the Employment Equity Act, 55 of 1998, as amended.</p> <p>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.</p> <p>WHO COMPLETES THIS FORM? A labour inspector fills this form.</p> <p>WHO RECEIVES THIS FORM? This form goes to the designated employer.</p> <p>PLEASE NOTE: A designated employer must display a copy of this order prominently at a place accessible to the affected employees at each.</p>	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	
	Name and surname	
Telephone number		
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 in order to make this compliance order an order of the Labour Court. **(The box(es) ticked (X) below apply)**

(i)	Consult with employees (section 16 read with section 17)	<input type="checkbox"/>
(ii)	Conduct an analysis (section 19)	<input type="checkbox"/>
(iii)	Preparation of an EE Plan (section 20)	<input type="checkbox"/>
(iv)	Publish report (section 22)	<input type="checkbox"/>
(v)	Assign responsibility to one or more senior managers (section 24)	<input type="checkbox"/>
(vi)	Inform employees (section 25)	<input type="checkbox"/>
(vii)	Keep records (section 26)	<input type="checkbox"/>

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).

SERVED ON**DAY OF (MONTH)**..... **YEAR**

AT (PLACE).....

SIGNED: DESIGNATED EMPLOYER/ ON BEHALF OF DESIGNATED EMPLOYER

.....

SIGNED: LABOUR INSPECTOR

CONTACT DETAILS OF THE LABOUR INSPECTOR:

.....

PHYSICAL

ADDRESS.....

.....

.....



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 4

EEA7

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 and evidence as an annexure with the relevant heading(s).
- 3) The annexure(s) containing the supporting information and evidence must be numbered as per each section of the Assessment Form.
- 4) All information must be submitted in hard and/or electronic 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 EMPLOYMENT AND LABOUR	
Contact Person:	
Address:	
Tel.:	
E-mail:	

NB: The Assessment Form must be delivered or e-mailed to the above address.

DIRECTOR-GENERAL REVIEW ASSESSMENT FORM	
PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS
<p>PURPOSE OF THIS FORM</p> <p>This form enables designated employers to comply with Section 43 of the Employment Equity Act 55 of 1998 as amended.</p> <p>This form contains the format for the Director-General Review of designated employers. All designated employers are required to use this form.</p> <p>WHO COMPLETES THIS FORM?</p> <p>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.</p>	Trade name
	DTI registration name
	DTI registration number
	PAYE/SARS number
	UIF reference number
	EE reference number
	Seta classification
	Industry/Sector
	Bargaining Council
	National or Provincial EAP
	Telephone number
	Postal address
	Postal code
	City/Town
	Province
	Physical address
	Postal code
	City/Town
	Province
	Details of CEO/Accounting Officer
	Name and surname
	Telephone number
	Email address
	Details of Employment Equity Senior Manager
	Name and Surname
Telephone number	
Email address	
Business type (Please mark with an X)	
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution
Information about the organization (Please mark with an X)	
Number of employees in the organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<input type="checkbox"/> 1 to 49 <input type="checkbox"/> 50 to 149 <input type="checkbox"/> 150 or more
Date on which this EEA7 form was submitted to the Department.	

2. SECTION B: ASSIGNED EE MANAGER

2.1 Did you assign one or more 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 a forum for consultation on employment equity in terms of section 16?

YES	NO

3.1.1 If yes, please provide proof of the composition of the forum; copies of the 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 an 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 EE Plan. In case of a consolidated plan, please include the individual plans of each operation included in the consolidated plan.

6. SECTION F: SIGNATURE OF CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

Chief Executive Officer/Accounting Officer
I ----- (Full Name) CEO/Accounting Officer of (Organisation)----- 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



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 1

EEA8

DEMOGRAPHIC PROFILE OF THE NATIONAL AND/OR REGIONAL ECONOMICALLY ACTIVE POPULATION

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. Designated employers are required to use the Labour Force Survey of the third quarter for employment equity (EE) purposes when conducting an analysis (Section 19), preparing and implementing an EE plan (Section 20) and when reporting (Section 21) to the Department in terms of the EE Act, 1998 as amended.

Designated employers operating in more than one province must consider the nature and geographical area of their operations and adopt either the national or regional EAP for conducting an analysis, preparing an EE plan and reporting to the Department.

Designated employers who operate in more than one but whose operations are predominantly in one province may choose the EAP of the province where their operations are dominant.

Employers using the national EAP, or the EAP of a province in which the major part of its operations are, must nevertheless have regard to variations between the EAPs of different provinces when setting targets to achieve equitable representation of employees from designated groups in all occupational levels.

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 Employment and Labour website:

www.labour.gov.za



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2

EEA9

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.

Employers 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	3-2	19-22	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	6-4	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	10-7	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	11-15	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	16-19	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.



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2

EEA10

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

Public companies that are designated employers must publish a summary of their EEA report in terms of section 21 of the Act in their annual financial report in terms of section 22 of the Act. 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	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

PAGE 2 OF 2

EEA10

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	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											



employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 1

EEA11

REQUEST FOR EMPLOYMENT EQUITY REPORT (EEA2)

PLEASE READ THIS FIRST	Section A: Applicant details	
PURPOSE OF THIS FORM This form is used to request the Employment Equity Report (Form EEA2) of an employer from the Department of Employment and Labour. It is issued in terms of Section 21(5) of the Employment Equity Act, 55 of 1998 as amended.	Name and Surname:	
	ID / Passport No:	
	Organisation / Individual name	
	Address:	
	City:	
	Telephone No.:	
	E-mail Address:	
INSTRUCTIONS Enter the following link: https://ee.labour.gov.za/DMISO/EEA11Logon.aspx to register your personal profile and create a password to log into the EEA2 application and request the EEA2 Report. Visit www.labour.gov.za	Section B: EEA2 Report requested and Reason	
	EE Reference No:	
	Trading name:	
	Reason: Please select one key reason only (X)	
	Benchmarking	
	Research	
	Year for which the report is requested:	
NB: Please consult the EE Public Register available on the Department's website to obtain the EE Reference number.		



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 11

EEA12

EE ANALYSIS (SECTION 19)

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS								
<p>PURPOSE OF THIS FORM</p> <p>This form (EEA12) is used to conduct the Analysis.</p> <p>Designated employers are expected to complete this template in order to comply with Section 19.</p> <p>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.</p> <p>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.</p>	Trade name								
	DTI registration name								
	DTI registration number								
	PAYE/SARS number								
	UIF reference number								
	EE reference number								
	National or Provincial EAP								
	Industry/Sector								
	Seta classification								
	Bargaining Council								
	Telephone number								
	Postal address								
	Postal code								
	City/Town								
	Province								
	Physical address								
	Postal code								
	City/Town								
	Province								
	Details of CEO/Accounting Officer								
	Name and surname								
	Telephone number								
	Email address								
	Details of Employment Equity Senior Manager								
	Name and Surname								
	Telephone number								
	Email address								
	Business type (Please mark with an X)								
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution								
Information about the organization (Please mark with an X)									
Is your organisation an organ of State or designated in terms of a collective agreement?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <tr> <th>EMPLOYEES</th> <th>x</th> </tr> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </table>	EMPLOYEES	x	1 to 49		50 to 149		150 or more	
EMPLOYEES	x								
1 to 49									
50 to 149									
150 or more									
Is your organisation part of a group / holding company?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
If yes, please provide the name.									
Date on which this EE Analysis was finalised.									

EE ANALYSIS - PAGE 2 OF 11

EEA12

IMPORTANT INFORMATION

- a. A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees when conducting an Analysis, preparing an EE Plan and reporting annually to the Department of Employment and Labour.
- b. The purpose of the analysis is to determine the extent of under-representation of employees, i.e. both permanent and temporary employees, from the designated groups in the different occupational levels of the employer's workforce in terms of race, gender and disability; to assess all employment policies, procedures and practices, and the working environment in order to –
 - (i) Identify any barriers that may contribute to the under-representation of employees from the designated groups;
 - (ii) Identify any barriers or factors that may contribute to the lack of Affirmation of diversity in the workplace;
 - (iii) Identify other employment conditions that may adversely affect designated groups; and
 - (iv) Identify practices or factors that positively promote employment equity and diversity in the workplace, including reasonable accommodation.
- c. Section 19(1) of the Employment Equity Act requires a designated employer to conduct an analysis of its employment policies, practices, procedures and the working environment in order to identify employment barriers, which adversely affect people from the designated groups. The review should include a critical examination of all established policies, practices, procedures and the working environment to identify barriers that directly or indirectly impede one or more of the designated groups' equitable representation in the workplace, including those relating to –
 - (i) Recruitment, selection, pre-employment testing and induction, promotion, development and retention that could be biased, inappropriate or un-affirming.
 - (ii) Succession and experience planning, promotions and transfers to establish whether designated groups are excluded or adversely affected.
 - (iii) Job assignments and training opportunities to establish if designated groups are enabled to participate and contribute meaningfully.
 - (iv) Performance and remuneration, including equal pay for work of equal value.
 - (v) Discipline and dispute resolution policies and practices that may not be justified and have a disproportionate adverse effect on the designated groups.
 - (vi) Working conditions that may not cater for cultural, religious and other diversity differences.
 - (vii) Working conditions that may not reasonably accommodate all designated employees, including for employees with disabilities.
 - (viii) Corporate culture.
 - (ix) Any other policy, procedure or practice that may arise from the consultation process.

EE ANALYSIS - PAGE 3 OF 11

EEA12

IMPORTANT INFORMATION

- d. Section 19(2) of the EEA requires a designated employer to conduct a workforce profile analysis to determine the degree of under-representation of the various population groups in the different occupational levels, particularly the designated groups (Blacks, women and employees with disabilities). The first step in conducting an analysis of the workforce profile is to differentiate between employees of the various groups, both in terms of the designated (i.e., Blacks, women and employees with disabilities) and non-designated groups by using the EEA1 form, contained in the regulations, for employees to declare their status.
- (i) Where there is doubt in the self-identification process of an employee, existing and/or historical information may be used to assist to verify an employee's status.
 - (ii) An analysis of the workforce profile should provide a comparison of designated groups using up-to-date demographic data in terms of their Economically Active Population (EAP) and their representation at the various occupational levels. The EAP is contained in the latest published Commission for Employment Equity (CEE) Annual Report and the description of the various occupational levels is contained in the EEA9 form of the regulations.
 - (iii) Designated employers operating in more than one province must consider the nature and geographical area of their operations and elect to adopt either-
 - (a) the national EAP;
 - (b) the provincial EAP for each of the provinces in which they operate;
 - (c) the provincial EAP of the province where the largest part of their operations is conducted.
 - (iv) Designated employers using the national EAP, or the EAP of a province in which the major part of its operations are, must nevertheless have regard to variations between the EAPs of different provinces when setting targets to achieve equitable representation of employees from designated groups in all occupational levels.
 - (v) Designated employer must use the EAP that they have chosen for conducting an analysis, preparing an EE plan and reporting to the Department and must utilise it for the entire duration of the EE Plan in line with the relevant 5-year sector targets.
 - (vi) The analysis of the workforce profile must be based on a snapshot of the employee distribution in the various occupational levels on a particular date in terms of race, gender and disability, and per occupational level on that date.
 - (vii) The analysis must capture the under-representation or over-representation of a particular group, whether designated or non-designated, and be used to identify and prioritize strategies in the EE plan, in order to address such under-representation.
 - (viii) A designated employer must conduct an Analysis for the purpose of addressing the 5-year sector specific targets set in terms of Section 15A of the Employment Equity Act as amended.
- 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.

1. ANALYSIS OF THE EMPLOYMENT POLICIES, PRACTICES, PROCEDURES AND THE WORKING ENVIRONMENT

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 measures 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) (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	
Recruitment				
Advertising positions				
Selection criteria				
Appointments				
Job classification and grading				

EE ANALYSIS - PAGE 5 OF 11					EEA12	
BARRIERS AND AFFIRMATIVE ACTION MEASURES						
CATEGORIES	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			
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						
Reasonable accommodation						

EE ANALYSIS - PAGE 6 OF 11					
EEA12					
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		
Harassment					
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. WORKFORCE PROFILE ANALYSIS

Section 19(2) of the EEA requires designated employers to conduct a workforce profile analysis of each occupational level in order to determine the degree of under-representation of the various population groups in the different occupational levels.

Designated employers must use the relevant Economically Active Population (EAP) and the 5-year sector targets that have been set in terms of Section 15A of the Employment Equity Act as amended and its regulations in terms of population group, gender and for employees with disabilities when conducting a workforce profile analysis to determine the under-representation.

2.1 5-YEAR SECTOR NUMERICAL TARGETS AND NUMERICAL GOALS

Employers must set their own targets for the two bottom occupational levels (i.e. semi-skilled and unskilled). Employers will have to make a full analysis to set targets for these two levels before populating the table below.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

2.2 SNAPSHOT OF WORKFORCE PROFILE

Workforce profile Information contained in the two tables below in terms of population group, gender and disability as of the last day of the month _____ (dd/ mm/ yyyy). **Table 1A** contains information on all employees, including employees with disabilities, and **Table 1B** only contains information on employees with disabilities.

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

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

EE ANALYSIS - PAGE 8 OF 11

EEA12

Table 1B: Snapshot of employees with disabilities Only

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

2.3 ANALYSIS OF WORKFORCE PROFILE BY OCCUPATIONAL LEVEL

The analysis must be done separately for the various population groups and gender (including the population group and gender intersections) within each of the occupational levels.

Where the representation of employees with disabilities is below 3%, designated employers are expected to indicate the strategies to address the under-representation.

2.2.1 TOP MANAGEMENT (Analysis)

Top Management	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.2 SENIOR MANAGEMENT (Analysis)

Senior Management	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

EE ANALYSIS - PAGE 10 OF 11

EEA12

2.2.3 PROFESSIONALLY QUALIFIED (Analysis)

Professionally Qualified	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.4 SKILLED (Analysis)

Skilled Technical	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.5 SEMI-SKILLED (Analysis)

Semi-Skilled	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP											
Workforce Profile (value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the numerical goals.											

EE ANALYSIS - PAGE 11 OF 11

EEA12

2.2.6 UNSKILLED (Analysis)

Unskilled	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP											
Workforce Profile (value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the numerical goals.											

2.2.7 EMPLOYEES WITH DISABILITIES (Analysis)

Employees with Disabilities (% of Total Workforce)	
A. 5-Year Sector Target (%)	3%
B. Total Workforce Profile of employees with Disabilities (value)	
C. Total workforce of all the employees (Value)	
D. Total Workforce Profile of employees with Disabilities (%)	$B / C \times 100 = D (\%)$
COMMENTS: Please provide observations and proposed strategies to address the under-representation of employees with disabilities in order to achieve the 5-year sector target.	



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EE PLAN (SECTION 20) PAGE 1 OF 20

EEA13

EE PLAN (SECTION 20)

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS								
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 from 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	Trade name								
	DTI registration name								
	DTI registration number								
	PAYE/SARS number								
	UIF reference number								
	EE reference number								
	National or Provincial EAP								
	Industry/Sector								
	Seta classification								
	Bargaining Council								
	Telephone number								
	Postal address								
	Postal code								
	City/Town								
	Province								
	Physical address								
	Postal code								
	City/Town								
	Province								
	Details of CEO/Accounting Officer								
	Name and surname								
	Telephone number								
	Email address								
	Details of Employment Equity Senior Manager								
	Name and Surname								
Telephone number									
Email address									
Business type (Please mark with an X)									
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution								
Information about the organization (Please mark with an X)									
Is your organisation an organ of State or designated in terms of a collective agreement?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <tr> <th>EMPLOYEES</th> <th>x</th> </tr> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </table>	EMPLOYEES	x	1 to 49		50 to 149		150 or more	
EMPLOYEES	x								
1 to 49									
50 to 149									
150 or more									
Is your organisation part of a group / holding company?	<table border="1"> <tr> <th>YES</th> <th>NO</th> </tr> <tr> <td></td> <td></td> </tr> </table>	YES	NO						
YES	NO								
If yes, please provide the name.									
Date on which this EE Plan was finalised and approved.									

EE PLAN - PAGE 2 OF 20

EEA13

IMPORTANT INFORMATION

- a) A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees when conducting an EE Analysis, preparing an EE Plan and reporting annually to the Department of Employment and Labour.
- b) Section 20 requires that a designated employer prepares and implements an Employment Equity Plan.
- c) The employer must consult and attempt to reach consensus on the development of the EE Plan (EEA13) by taking the following into account-
 - (i) Analysis report (EEA12).
 - (ii) National or Provincial Economically Active Population (EAP)
 - (iii) Determining the duration of the EE Plan.
 - (iv) Determining the annual objectives of the EE Plan.
 - (v) Corrective measures/ Affirmative Action measures formulated, including goals and targets.
 - (vi) Time frames established.
 - (vii) Determine the monitoring procedures of the implementation of the EE Plan.
 - (viii) Determine the internal procedures to resolve any dispute about the implementation of the EE Plan.
 - (ix) Resources identified and allocated for the implementation of the EE Plan, including senior managers responsible for monitoring the implementation of the EE Plan.
 - (x) The EE Plan must be communicated to all employees.
- d) Barriers and Affirmative Action Measures must be aligned with those indicated in the audit analysis (EEA12) 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 in terms of day, month and year (dd/mm/yyyy); and
 - Include the designations of responsible persons in the workforce to monitor the implementation of these AA Measures.
- e) Designated employers must prepare and implement an EE Plan (EEA13) that outlines annual targets, which are in line with relevant 5-year sector targets regulated in terms of Section 15A of the Employment Equity Act as amended for the four-upper occupational levels (i.e. Top Management, Senior Management, Professionally Qualified and Skilled Technical).
- f) Employers who become designated during the 5-year sector target period regulated in terms of Section 15A of the Employment Equity Act as amended must prepare an EE Plan with annual targets for the remainder of the period.
- g) Numerical goals and targets in the EE plan must include the entire workforce profile for that occupational level in terms of population group and gender, and NOT the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve.
- h) 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.
- i) "Temporary employees" are those employees employed for less than three months.
- j) Guidelines on occupational levels are provided in the EEA9 form of these regulations.

N.B 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).

1. DURATION OF THE PLAN

The affirmative action measures, numerical goals and the annual targets in this EE Plan must be aligned to the sector targets (i.e. the 5-year sector target) set in terms of Section 15A of the Employment Equity Act, as amended. The specific start and end dates for the duration of this Employment Equity Plan (EE Plan) is contained below.

Start date: (dd / mm / yyyy)

to

End date: (dd / mm / yyyy)

2. OBJECTIVES FOR EACH YEAR OF THE PLAN

The relevant Economically Active Population (EAP) and the 5-year sector targets set in terms of Section 15A of the Employment Equity Act, as amended, have been used to address the under-representation of the suitably qualified individuals from the designated groups in this EE Plan.

The objectives for each year of the plan outlined below are specific, measurable, attainable, relevant and time bound.

TIMEFRAMES		OBJECTIVES
YEAR 1	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 2	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 3	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 4	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 5	From DD/MM/YYYY to DD/MM/YYYY	

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 must be specified.

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	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)	
	Tick (✓) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice	POLICY	PROCEDURE	PRACTICE	
Recruitment					
Advertising positions					
Selection criteria					
Appointments					
Job classification and grading					
Remuneration and benefits					
Terms & conditions of employment					
Work environment and facilities					

EE PLAN - PAGE 5 OF 20								EEA13	
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						
Performance and evaluation									
Succession & experience planning									
Disciplinary measures									
Retention of designated groups									
Corporate culture									
Reasonable accommodation									
Harassment									
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									

EE PLAN - PAGE 6 OF 20

EEA13

4. 5-YEAR SECTOR NUMERICAL TARGETS AND NUMERICAL GOALS

Employers must populate the table below using the regulated 5-year sector targets including the numerical goals for the semi-skilled and unskilled level.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

5. WORKFORCE PROFILE, NUMERICAL GOALS AND TARGETS

5.1 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 employees with disabilities

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

EE PLAN - PAGE 8 OF 20

EEA13

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

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

5.2 5-YEAR SECTOR NUMERICAL TARGETS, NUMERICAL GOALS AND ANNUAL TARGETS

5-year Sector Numerical targets and 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 employees with disabilities, and the other covering employees with disabilities **ONLY**.

Start date:
DD / MM / YYYY

End date:
DD / MM / YYYY

Table 3: Numerical goals and 5-year Sector Targets for all employees, including employees with disabilities

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

EE PLAN - PAGE 10 OF 20

EEA13

Table 4: Numerical goals and targets for employees with disabilities ONLY

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

5.3 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 employees with disabilities, and the other only covers employees with disabilities **ONLY**.

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

Table 5: Numerical targets for all employees, including employees with disabilities

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

EE PLAN - PAGE 12 OF 20

EEA13

Table 6: Numerical targets for employees with disabilities ONLY

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

EE PLAN - PAGE 13 OF 20

EEA13

Numerical targets: Year 2Start date:
DD / MM / YYYYEnd date:
DD / MM / YYYY**Table 7: Numerical targets, including employees with disabilities**

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

EE PLAN - PAGE 14 OF 20

EEA13

Table 8: Numerical targets for employees with disabilities ONLY

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

EE PLAN - PAGE 15 OF 20

EEA13

Numerical targets: Year 3Start date:
DD / MM / YYYYEnd date:
DD / MM / YYYY**Table 9: Numerical targets, including employees with disabilities**

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

EE PLAN - PAGE 16 OF 20

EEA13

Table 10: Numerical targets for employees with disabilities ONLY

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

EE PLAN - PAGE 17 OF 20

EEA13

Numerical targets: Year 4Start date:
DD / MM / YYYYEnd date:
DD / MM / YYYY**Table 11: Numerical targets, including employees with disabilities**

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

EE PLAN - PAGE 18 OF 20

EEA13

Table 12: Numerical targets for employees with disabilities ONLY

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

6. 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

7. 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.

8. SENIOR MANAGERS ASSIGNED TO MONITOR AND IMPLEMENT THE PLAN**9. ANY OTHER PRESCRIBED MATTER CAN BE INCLUDED.**

EE PLAN - PAGE 20 OF 20

EEA13

SIGNATURE OF THE CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

The information contained in the EEA13 template must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

Chief Executive Officer/Accounting Officer

I _____ (full Name) CEO/Accounting Officer of
(Organisation)

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



employment & labour

Department
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2 EEA14

DIRECTOR-GENERAL NOTIFICATION FORM

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS								
<p>PURPOSE OF THIS FORM</p> <p>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).</p> <p>WHO COMPLETES THIS FORM?</p> <p>Designated employers who are unable to submit their EE Report.</p> <p>The reason should be applicable to one or more of the reasons specified in this form.</p> <p>This form must be signed by the;</p> <ul style="list-style-type: none"> • CEO (Private Sector) • Accounting Officer (Organ of State) <p>SEND TO:</p> <p>The Director-General C/O Employment Equity Registry Laboria House 215 Francis Baard Street Pretoria</p> <p>or</p> <p>Please visit the website for further guidance to submit the EEA14 form by using the Employment Equity online reporting system: www.labour.gov.za</p>	Trade name								
	DTI registration name								
	DTI registration number								
	PAYE/SARS number								
	UIF reference number								
	EE reference number								
	Industry/Sector								
	Seta classification								
	Bargaining Council								
	Telephone number								
	Postal address								
	Postal code								
	City/Town								
	Province								
	Physical address								
	Postal code								
	City/Town								
	Province								
	Details of CEO/Accounting Officer								
	Name and surname								
	Telephone number								
	Email address								
	Details of Employment Equity Senior Manager								
	Name and Surname								
	Telephone number								
Email address									
Business type (Please mark with an X)									
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution								
Information about the organization (Please mark with an X)									
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <thead> <tr> <th>EMPLOYEES</th> <th>x</th> </tr> </thead> <tbody> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </tbody> </table>	EMPLOYEES	x	1 to 49		50 to 149		150 or more	
EMPLOYEES	x								
1 to 49									
50 to 149									
150 or more									
Is your organisation part of a group / holding company?	<table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	YES	NO						
YES	NO								
If yes, please provide the name.									
Reporting year									

DG NOTIFICATION – PAGE 2 OF 2 EEA14

Section B: Select applicable reason below (X)

	Reason	Supporting documentation
<input type="checkbox"/>	Section 189-LRA	Section 189 Resolution/Agreement
<input type="checkbox"/>	Section 197 LRA/Transfer of Business	Transfer Agreement/Resolution
<input type="checkbox"/>	Mergers/Acquisitions	Merger/Acquisition Agreement/Proclamation Gazette
<input type="checkbox"/>	Liquidation/Judicial Winding	Liquidation Order/Certificate
<input type="checkbox"/>	Insolvency	Insolvency Order/Certificate
<input type="checkbox"/>	Business sold/closed down	Sale Agreement or any relevant documentation
<input type="checkbox"/>	Undergoing Business Rescue	Business Rescue Practitioner's Appointment Letter or any relevant documentation
<input type="checkbox"/>	Non-designated employer	CEO Declaration
<input type="checkbox"/>	Other: Specify _____	Provide relevant documentation

Please provide a brief motivation based on the reason selected above:

Chief Executive Officer/Accounting Officer

The information contained in the EEA14 form must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

I _____(Full Name) CEO/Accounting Officer of
(Organisation)

Signed on this _____day of _____ (month)year _____

At place: _____

Chief Executive Officer /Accounting Officer



employment & labour
Department
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 3

EEA15

REQUEST FOR EE COMPLIANCE CERTIFICATE

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS							
<p>PURPOSE OF THIS FORM</p> <p>This form must be completed by both designated and non-designated employers when requesting a certificate of compliance from the Department of Employment and Labour in terms of Section 53(2) of the Employment Equity Act of 1998, as amended.</p> <p>INSTRUCTIONS</p> <p>Designated employers and non-designated employers must only complete areas of the form that apply to them.</p> <p>Designated employers must complete sections A, B, C & D.</p> <p>Non-designated employers must complete sections A, B, & D.</p> <p>HOW TO REQUEST A COMPLIANCE CERTIFICATE?</p> <p>The request must be made online by means of the department website, www.labour.gov.za</p>	Trade name							
	DTI registration name							
	DTI registration number							
	PAYE/SARS number							
	UIF reference number							
	EE reference number							
	National or Provincial EAP							
	Industry/Sector							
	Seta classification							
	Bargaining Council							
	Telephone number							
	Postal address							
	Postal code							
	City/Town							
	Province							
	Physical address							
	Postal code							
	City/Town							
	Province							
	Details of CEO/Accounting Officer							
	Name and surname							
	Telephone number							
	Email address							
	Details of Employment Equity Senior Manager							
	Name and Surname							
Telephone number								
Email address								
Business type (Please mark with an X)								
<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organisation	<input type="checkbox"/> State Owned Enterprise <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution							
Information about the organization (Mark with X)								
Is your organisation an organ of State or designated in terms of a collective agreement?	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td></td> <td></td> </tr> </table>		YES	NO				
YES	NO							
Number of employees in your organisation. (NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)	<table border="1"> <tr> <td>1 to 49</td> <td></td> </tr> <tr> <td>50 to 149</td> <td></td> </tr> <tr> <td>150 or more</td> <td></td> </tr> </table>		1 to 49		50 to 149		150 or more	
1 to 49								
50 to 149								
150 or more								
Is your organisation part of a group / holding company?	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td></td> <td></td> </tr> </table>		YES	NO				
YES	NO							
If yes, please provide the name.								

REQUEST FOR AN EE COMPLIANCE CERTIFICATE – PAGE 2 OF 3 EEA15

SECTION B: TO BE COMPLETED BY BOTH DESIGNATED AND NON-DESIGNATED EMPLOYERS

1. Complied with the requirements of the National Minimum Wage Act, 2018 or any exemption granted in terms of the Act, and there has been no award by the CCMA for failing to pay the national minimum wage in the previous 12 months.

YES	
NO	

2. 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	

3. In the case of an award made by the CCMA contemplated in question 1 or 2 or any court order in terms of Chapter II of the EE Act, is the matter currently the subject of an Appeal or Review.

YES	
NO	

REQUEST FOR AN EE COMPLIANCE CERTIFICATE – PAGE 3 OF 3 EEA15

SECTION C: TO BE COMPLETED BY DESIGNATED EMPLOYERS ONLY

4. Have you complied with the applicable sectoral targets as specified in terms of section 15A of the Act in your EE Plan for this reporting period?

YES	
NO	

5. Did not meet the targets stipulated in the regulations in terms of Section 15A of the Act due to the following reason(s):

PLEASE MARK WITH AN X KEY JUSTIFIABLE REASONABLE FOR NOT COMPLYING WITH THE EE SECTOR TARGETS	
	X
a. Insufficient recruitment opportunities	
b. Insufficient promotion opportunities	
c. Insufficient target individuals from the designated groups with relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job	
d. Impact of a CCMA award or Court Order	
e. Impact of a transfer of business	
f. Impact of Mergers/ Acquisitions	
g. Impact of economic conditions on the business	

SECTION D: SIGNATURE: CHIEF EXECUTIVE OFFICER / ACCOUNTING OFFICER

The information contained in the EEA15 form must be authorised and verified by the Chief Executive Officer; or the Accounting Officer 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).

I (Full name) CEO/Accounting Officer hereby declare that the above information is true and correct.

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

At place:

.....
SIGNATURE OF THE CHIEF EXECUTIVE OFFICER / ACCOUNTING OFFICER



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EEA16A

Ref No : 000000
Website : www.labour.gov.za
Issue Date : 00000000

EE Compliance Certificate

Issued in terms of Section 53(2) is valid for 12 months from the date of issue in terms of section 53(3)
Employment Equity Act 55 of 1998 as amended

to

NAME OF THE EMPLOYER

being a

DESIGNATED EMPLOYER

and

is hereby certified to have complied with the requirements specified in section 53(6) of the Employment Equity Act, 1998 as amended

Providing false information to obtain a certificate of compliance or altering a certificate is a criminal offence which will render a person liable for prosecution at the instance of the Department of Employment and Labour.

SIGNATURE :

MINISTER OF EMPLOYMENT AND LABOUR



employment & labour
Department:
Employment and 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 in terms of section 53(3)
Employment Equity Act 55 of 1998 as amended

to

NAME OF THE EMPLOYER

being a

NON-DESIGNATED EMPLOYER

is hereby certified to have complied with the requirements specified in section 53(6) of the Employment Equity Act, 1998 as amended.

NOTE: Providing false information to obtain a certificate of compliance or altering a certificate is a criminal offence which will render a person liable for prosecution at the instance of the Department of Employment and Labour.

SIGNATURE: _____
MINISTER OF EMPLOYMENT AND LABOUR



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EEA16C

Ref No : 000000
 Website : www.labour.gov.za
 Issue Date : 00000000

To

.....

NOTICE OF INTENTION TO WITHDRAW CERTIFICATE ISSUED IN TERMS OF SECTION 53(2) OF THE EMPLOYMENT EQUITY ACT, 1998

It has come to the attention of the Department of Employment and Labour that the certificate issued to your business on should be withdrawn because –

(a) You provided incorrect information when applying for the certificate in that -

.....

(b) the conditions to receive the certificate are no longer satisfied in that -

.....

You are hereby notified that you have a period of 14 days from the date of this notice to provide written representations as to why the certificate should not be withdrawn. Any representations you make must be served.....

MINISTER OF EMPLOYMENT AND LABOUR/

LABOUR INSPECTOR

OFFICIAL WITH DELEGATED AUTHORITY



EEA16D

Ref No : 000000
Website : www.labour.gov.za
Issue Date : 00000000

To

.....
.....

**NOTICE OF WITHDRAWAL OF CERTIFICATE ISSUED IN TERMS OF SECTION 53(2) OF THE
EMPLOYMENT EQUITY ACT, 1998**

On the Minister of Employment and Labour issued your business with certificate issued in terms of section 53(2) of the Employment Equity Act, 1998.

..... you were issued with a notice of intention to withdraw that certificate and provided with 14 days to make representations why this should not be done.

You did/ did not (delete where inapplicable) file representations.

Have considered the available evidence, including any representations filed, you are advised that the certificate has been withdrawn because –

- (a) the certificate was issued as a result of misrepresentation or the provision of fraudulent or inaccurate information;
- (b) any condition necessary for issuing the certificate being no longer exists.
(delete where inapplicable)

MINISTER OF EMPLOYMENT AND LABOUR

LABOUR INSPECTOR

OFFICIAL WITH DELEGATED POWERS



employment & labour
Department
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 4

EEA17

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

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
1.	ACCOMMODATION AND 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
2.	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
3.	AGRICULTURE, FORESTRY & FISHING	1. Crop and animal production, hunting and related services activities. 2. Forestry and logging 3. Fishing and aquaculture
4.	ARTS, ENTERTAINMENT AND RECREATION	1. Creative, arts and entertainment activities 2. Libraries, archives, museums and other cultural activities 3. Gambling and betting activities 4. Sports activities and amusement and recreation activities 5. Other amusement and recreation activities

ECONOMIC SECTORS AND SUB-SECTORS – PAGE 2 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
5.	CONSTRUCTION	<ol style="list-style-type: none"> 1. Construction of buildings 2. Civil Engineering 3. Specialised construction activities
6.	EDUCATION	<ol style="list-style-type: none"> 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
7.	ELECTRICITY, GAS, STEAM AND AIR CONDITION SUPPLY	<ol style="list-style-type: none"> 1. Electricity, gas, steam and air conditioning supply
8.	FINANCIAL AND INSURANCE ACTIVITIES	<ol style="list-style-type: none"> 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
9.	HUMAN HEALTH AND SOCIAL WORK ACTIVITIES	<ol style="list-style-type: none"> 1. Human health activities 2. Residential care activities 3. Social work activities without accommodation
10.	INFORMATION AND COMMUNICATION	<ol style="list-style-type: none"> 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 service activities
11.	MANUFACTURING	<ol style="list-style-type: none"> 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. Manufacturing of printing; reproduction of recorded media; computer; electronic and optical products 5. Manufacturing of coke; refined petroleum products; chemical products; pharmaceuticals; medicinal chemical; botanical products; rubber; tyres and tubes; plastic products and non-metallic mineral products 6. Manufacturing of basic metals; fabricated metal products; except machinery and equipment 7. Manufacturing of electrical equipment; machinery; equipment; motor vehicles; trailers; semi-trailers; transport equipment; installation of machinery and equipment.

ECONOMIC SECTORS AND SUB-SECTORS – PAGE 3 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
12.	MINING AND QUARRYING	<ol style="list-style-type: none"> 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
13.	PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES	<ol style="list-style-type: none"> 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; social sciences and humanities 5. Advertising and market research and public opinion 6. Specialised design and photographic activities 7. Veterinary activities.
14.	PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	<ol style="list-style-type: none"> 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.

ECONOMIC SECTORS AND SUB-SECTORS – PAGE 4 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
15.	REAL ESTATE ACTIVITIES	<ol style="list-style-type: none"> 1. Real estate activities with own or leased property 2. Real estate activities on a fee or Contract basis
16.	TRANSPORTATION AND STORAGE	<ol style="list-style-type: none"> 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
17.	WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES	<ol style="list-style-type: none"> 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
18.	WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLE	<ol style="list-style-type: none"> 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 solid, 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.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

"ABS"



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 718

15

April
April

2025

No. 52514



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>	<i>Gazette No.</i>	<i>Page No.</i>
------------	------------------------	---------------------

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**Employment and Labour, Department of / Indiensneming en Arbeid, Departement van**

6124	Employment Equity Act, 1998 (Act No. 55 of 1998 as amended): Determination of Sectoral Numerical Targets.....	52514	3
------	---	-------	---

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR**NO. 6124****15 April 2025****EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998 AS AMENDED)****DETERMINATION OF SECTORAL NUMERICAL TARGETS**

I, **Nomakhosazana Meth**, Minister of Employment and Labour in terms of 15A (1) and (2) of the Employment Equity Act, 1998 (Act No. 55 of 1998 as amended), after consulting the relevant sectors and with the advice of the Commission for Employment Equity, hereby publish this notice identifying national economic sectors and determining the sectoral numerical targets effective from the date of publication.



MS NOMAKHOSAZANA METH, MP**MINISTER: DEPARTMENT OF EMPLOYMENT AND LABOUR****DATE:** 10 April 2025

1. Identification of Economic Sectors

In terms of section 15A (1) of the Employment Equity Act, 1998 (Act No. 5 of 1998, as amended) ("the Act"), and having regard to the codes contained in the Standard Industrial Classification of all Economic Activities published by Statistic South Africa, the national economic sectors listed below are identified for the purposes of the Act:

- 1.1. Accommodation and Food Service Activities
- 1.2. Administrative and Support Activities
- 1.3. Agriculture, Forestry & Fishing
- 1.4. Arts, Entertainment and Recreation
- 1.5. Construction
- 1.6. Education
- 1.7. Electricity, Gas, Steam and Air Conditioning Supply
- 1.8. Financial and Insurance Activities
- 1.9. Human Health and Social Work Activities
- 1.10. Information and Communication
- 1.11. Manufacturing
- 1.12. Mining and Quarrying
- 1.13. Professional, Scientific and Technical Activities
- 1.14. Public Administration and Defence; Compulsory Social Security
- 1.15. Real Estate Activities
- 1.16. Transportation and Storage
- 1.17. Water Supply, Sewerage, Waste Management and Remediation Activities
- 1.18. Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles

2. Sectoral numerical targets

2.1. In terms of section 15A(2) of the Act, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, the numerical targets for the economic sectors identified in terms of section 15A(1) are set out in the Table below.

2.2. The targets set out in this notice are operative from the date of publication.

3. Implementation of Affirmative Action measures

For purposes of clarity, it is stated that –

3.1. The 5-year sectoral numerical targets set out in this Notice are not intended to add up to 100%; as the sectoral numerical target excludes white males with no disabilities and foreign nationals as part of the workforce profile.

3.2. The manner in which designated employers must take the targets into account in applying affirmative action measures is specified in the Act, the General Administrative EE Regulations and Codes of Good Practice issued under the Act.

3.3. A designated employer will not incur penalties or any form of disadvantage if in the assessment of compliance of affirmative action in any workplace it shows that there are reasonable grounds for not complying with the EE targets.

1. 5-Year Sectoral Numerical Targets for All Sectors

The table below contains the 5-year sectoral numerical targets for the various population groups and gender for Top Management, Senior Management, Professionally Qualified and Skilled levels; and for employees with disabilities.

5-YEAR SECTORAL NUMERICAL TARGETS					
DESCRIPTION	GENDER	1. ACCOMMODATION AND FOOD SERVICE ACTIVITIES	2. ADMINISTRATIVE AND SUPPORT ACTIVITIES	3. AGRICULTURE, FORESTRY & FISHING	4. ARTS, ENTERTAINMENT AND RECREATION
Top management	Male	18.6%	33.2%	13.2%	35.1%
	Female	38.1%	36.7%	20.8%	33.5%
	Total	56.7%	69.9%	34.0%	68.6%
Senior Management	Male	32.2%	42.3%	21.6%	40.3%
	Female	46.1%	43.5%	31.0%	43.8%
	Total	78.3%	85.8%	52.6%	84.1%
Professionally Qualified & Middle Management	Male	38.6%	49.2%	34.7%	49.8%
	Female	46.1%	46.1%	41.7%	46.1%
	Total	84.7%	95.3%	76.4%	95.9%
Skilled Technical	Male	49.8%	49.8%	49.8%	49.8%
	Female	46.1%	46.1%	44.0%	46.1%
	Total	95.9%	95.9%	93.8%	95.9%
Disability only	All	3%	3%	3%	3%

5-YEAR SECTORAL NUMERICAL TARGETS					
		5. CONSTRUCTION	6. EDUCATION	7. ELECTRICITY, GAS, STEAM AND AIR CONDITIONING SUPPLY	8. FINANCIAL AND INSURANCE ACTIVITIES
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	30.0%	27.6%	31.7%	27.8%
	Female	24.8%	46.1%	27.9%	35.3%
	Total	54.8%	73.7%	59.6%	63.1%
Senior Management	Male	38.3%	30.5%	42.7%	31.7%
	Female	27.8%	46.1%	39.5%	45.3%
	Total	66.1%	76.6%	82.2%	77.0%
Professionally Qualified & Middle Management	Male	46.7%	43.0%	49.8%	40.7%
	Female	34.4%	46.1%	46.1%	46.1%
	Total	81.1%	89.1%	95.9%	86.8%
Skilled Technical	Male	49.8%	49.8%	49.8%	49.5%
	Female	46.1%	46.1%	46.1%	46.1%
	Total	95.9%	95.9%	95.9%	95.6%
Disability only	All	3%	3%	3%	3%

5-YEAR SECTORAL NUMERICAL TARGETS					
		9. HUMAN HEALTH AND SOCIAL WORK ACTIVITIES	10. INFORMATION AND COMMUNICATION	11. MANUFACTURING	12. MINING AND QUARRYING
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	27.6%	25.4%	24.1%	33.1%
	Female	43.7%	31.2%	25.0%	24.4%
	Total	71.3%	56.6%	49.1%	57.5%
Senior Management	Male	39.8%	28.6%	32.4%	36.3%
	Female	46.1%	40.0%	33.6%	28.2%
	Total	85.9%	68.6%	66.0%	64.5%
Professionally Qualified & Middle Management	Male	49.8%	37.9%	40.4%	43.2%
	Female	46.1%	38.9%	37.7%	34.4%
	Total	95.9%	76.8%	78.1%	77.6%
Skilled Technical	Male	49.8%	46.0%	49.8%	49.8%
	Female	46.1%	45.7%	39.6%	36.9%
	Total	95.9%	91.7%	89.4%	86.7%
Disability only	All	3%	3%	3%	3%

5-YEAR SECTORAL NUMERICAL TARGETS					
		13. PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES	14. PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	15. REAL ESTATE ACTIVITIES	16. TRANSPORTATION AND STORAGE
	DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management		Male	24.4%	49.8%	18.9%
		Female	38.1%	41.9%	30.3%
		Total	62.5%	91.7%	49.2%
Senior Management		Male	29.9%	49.8%	22.9%
		Female	46.1%	46.1%	46.1%
		Total	76.0%	95.9%	69.0%
Professionally Qualified & Middle Management		Male	35.9%	49.8%	32.4%
		Female	46.1%	46.1%	46.1%
		Total	82.0%	95.9%	78.5%
Skilled Technical		Male	49.8%	49.8%	38.3%
		Female	46.1%	46.1%	46.1%
		Total	95.9%	95.9%	84.4%
Disability only					
		All	3%	3%	3%

5-YEAR SECTORAL NUMERICAL TARGETS				
DESCRIPTION	GENDER	17. WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES	18. WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES	DESIGNATED GROUPS
		DESIGNATED GROUPS	DESIGNATED GROUPS	
Top management	Male	49.8%	24.2%	
	Female	35.9%	27.5%	
	Total	85.7%	51.7%	
Senior Management	Male	49.8%	35.0%	
	Female	41.0%	38.6%	
	Total	90.8%	73.6%	
Professionally Qualified & Middle Management	Male	49.8%	42.2%	
	Female	46.1%	46.1%	
	Total	95.9%	88.3%	
Skilled Technical	Male	49.8%	48.1%	
	Female	46.1%	46.1%	
	Total	95.9%	94.2%	
Disability only	All	3%	3%	

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065



Serfontein Viljoen & Swart

Attorneys, Conveyancers & Notaries

Alexander Street 165, Brooklyn, Pretoria
P.O Box 35015, Menlo Park, 0102 • Docex 9 Brooklyn
Email: niekie@svs.co.za / jd@svslaw.co.za
Tel: (012) 362 2556 • Fax: (012) 362 2557
GPS Coordinates: S25 75'94.8" E028 24'05.2"

Also, at: Bronkhorstspuit (013) 932 3034 & Cullinan / Rayton (012) 734 4894
Website: www.serfonteinviljoenandswart.co.za

Our ref : Mr. Claassen / Mr. Venter/ MJ / CS0541
Your ref :
Date : 23 April 2025

VIA EMAIL

TO: THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
Email: malebo@presidency.gov.za / president@presidency.gov.za

AND TO: THE MINISTER OF EMPLOYMENT AND LABOUR
Email: Thobeka.Magcai@labour.gov.za / Yvonne.Mathonsi@labour.gov.za /
Njabulo.Mtolo@labour.gov.za

AND TO: THE DEPUTY MINISTER OF EMPLOYMENT AND LABOUR
Email: Minenhle.Bhengu@labour.gov.za / Ashley.Mabasa@labour.gov.za

AND TO: THE STATE ATTORNEY – PRETORIA
Email: JChowe@justice.gov.co.za ; NaMukwevho@justice.gov.za

Partners Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc • Stephanus Petrus Swart Biur LLB • Johannes Barnard Luttig BLC LLB • Jan Lodewyk Serfontein BProc
Professional Assistants: Annette Johanna Louw LLB
Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency) • Carel Nicolaas Venter LLB

Dear sirs / mesdames,

**RE: SOLIDARITY // THE MINISTER OF EMPLOYMENT AND LABOUR ET AL –
EMPLOYMENT EQUITY REGULATIONS, 2025 – GG NO. 52515 & DETERMINATION
OF SECTORAL NUMERICAL TARGETS, GG NO. 52514**

1. We act on behalf of Solidarity (*"our client"*), a registered trade union and signatory to the mediated settlement agreement concluded under the auspices of the International Labour Organisation (*"ILO"*), which was made an order of the Labour Court under case number J661/23 by agreement between the parties. A copy of the order is attached for your ease of reference.
2. The settlement of our client's complaint to the ILO and the dispute referred to the Labour Court under case number J661/23 aimed to regulate how the Department of Labour determines compliance with the provisions of the Employment Equity Act 55 of 1998 (*"EEA"*) and how affirmative action is to be implemented, encompassing its overall objective.
3. The settlement agreement, among other things, called for a nuanced approach to the implementation of affirmative action measures and specifically required that the economically active population (*"EAP"*) would be only one of the many factors considered in the compliance analysis.
4. The Employment Equity Regulations (Government Gazette No.: 52515 dated 15 April 2025) and the Sectoral Numerical Targets, gazetted on 15 April 2025 (GG No. 52514 and GG No. 52515), as published, patently contradict the terms of the settlement agreement and order

Partners

Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc • Stephanus Petrus Swart Biur LLB • Johannes Barnard Luttig BLC LLB • Jan Lodewyk Serfontein BProc

Professional Assistants: Annette Johanna Louw LLB

Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency) • Carel Nicolaas Venter LLB

of the Labour Court to the extent that our client views them as being in contempt of the order dated 31 October 2023.

5. The settlement agreement requires that certain criteria be compulsory for preparing and implementing an employment equity plan, as well as for reporting and compliance analysis of affirmative action in any workplace. The agreed-upon criteria are the following:
- *Inherent requirements of the job.*
 - *The pool of suitably qualified persons.*
 - *The qualifications, skills, experience and the capacity to acquire, within a reasonable timeframe, the ability to do the job.*
 - *The rate of turn-over and natural attrition within a workplace.*
 - *Recruitment and promotional trends within a workplace.*
6. Having considered the Regulations, it is evident that none of the above factors, as agreed, has been listed as compulsory; they remain, at best, discretionary. Employers are still obliged to use the EAP as a criterion for collecting information and preparing their employment equity plans.
7. This linguistic shift is not innocuous; it makes mandatory obligations appear illusory and significantly undermines the legal and practical force of the agreement.
8. This deviation is not merely semantic. It reflects a substantive repudiation of the compromise reached in good faith between the parties and endorsed by a competent Court.
9. Moreover, the Regulations seem to reintroduce, under a different guise, rigid demographic quotas, which the settlement agreement expressly prohibits. The requirement that

Partners

Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc • Stephanus Petrus Swart Biur LLB • Johannes Barnard Luttig BLC LLB • Jan Lodewyk Serfontein BProc

Professional Assistants: Annette Johanna Louw LLB

Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency) • Carel Nicolaas Venter LLB

employers must achieve specific sectoral targets remains an inflexible goal, not supported by any rational basis, which amounts to the imposition of a quota system.

10. The resulting framework, now operationalised through Regulation, subverts both the letter and the spirit of the settlement. It reverts to the very defects that precipitated the litigation and the international complaint, thereby placing South Africa's standing under ILO Convention 111 once again in jeopardy. Notably:

- 10.1. The sectoral numerical targets as published constitute inflexible demographic quotas contrary to the ILO-brokered settlement, which prohibits rigid, race-based targets and mandates a *nuanced*, context-sensitive application of affirmative action measures;

- 10.2. The Ministry and its officials have acted contrary to the agreed consultative processes and the order of the Labour Court.

11. The above actions, viewed cumulatively, amount to a wilful and flagrant disregard of a binding court order. The Minister's conduct not only constitutes a breach of the rule of law and good faith undertakings but squarely places it in contempt of Court.

12. We are instructed to demand, as we hereby do, that:

- 12.1. The President and Minister immediately withdraws the Regulations relevant to the implementation of all provisions in the 2025 Employment Equity Regulations and the Sectoral Targets that are inconsistent with the binding Court order *supra*;

Partners

Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc • Stephanus Petrus Swart Biur LLB • Johannes Barnard Luttig BLC LLB • Jan Lodewyk Serfontein BProc

Professional Assistants: Annette Johanna Louw LLB

Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency) • Carel Nicolaas Venter LLB

12.2. A written undertaking be provided by no later than the close of business on 30 April 2025, confirming the Minister's intention to bring the regulatory framework into full and faithful compliance with the court-sanctioned settlement agreement.

13. Should you fail to do so, our client will institute proceedings in the Labour Court to obtain:

13.1. A declaratory order that the Regulations are *ultra vires* and unlawful insofar as they contradict the Court order;

13.2. An interdict restraining the enforcement of said Regulations and numerical targets; and

13.3. A finding that the President and Minister and other responsible officials are in contempt of court.

14. This letter is addressed without prejudice to any of our client's rights, all of which remain fully reserved.

Yours sincerely,
SERFONTEIN, VILJOEN & SWART

Per: Mr CN Venter
niekie@svslaw.co.za

[ELECTRONICALLY TRANSMITTED, THEREFORE UNSIGNED]

Partners

Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc • Stephanus Petrus Swart Biur LLB • Johannes Barnard Luttig BLC LLB • Jan Lodewyk Serfontein BProc

Professional Assistants: Annette Johanna Louw LLB

Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency) • Carel Nicolaas Venter LLB



Office of the State Attorney Pretoria

Private Bag X 91
PRETORIA
0001

SALU Building
316 Thabo Sehume Street
PRETORIA, 0002

Tel: (Switchboard): (012) 309 1500
(Direct Line): (012) 309 1565/ 1514
(Cell): 072 366 7707; 083 603 1037

Monday, May 12, 2025

Enquires: JL de Lange
Email: JDLange@justice.gov.za and
delangejeanne@gmail.com

My Ref: 1503/23/Z31
Your Ref: J661/23

Serfontein Viljoen & Swart
165 Alexander Street,
Brooklyn, Pretoria
Tel: (012) 362 2556
Email: jd@svslaw.co.za;
monique@svslaw.co.za;

Sirs,

**RE: SOLIDARITY vs THE MINISTER OF EMPLOYMENT AND LABOUR ET AL
– EMPLOYMENT EQUITY REGULATIONS, 2025 – GG NO. 52515 &
DETERMINATION OF SECTORAL NUMERICAL TARGETS, GG NO. 52514**

1. We refer to your letter dated 23 April 2025.
2. Our clients do not intend to deal with each and every allegation contained in your letter and their failure to do so should not be construed as an admission thereof. Our clients' rights to respond in full, at a later stage, are hereby reserved.
3. Our clients do not agree that the Regulations are ultra vires and unlawful as alleged or at all. They further do not agree that the "President, the Minister and other responsible officials" are in contempt of court.
4. Our clients are of opinion that the power to make regulations vests in the Minister of Employment and Labour as envisaged in the Employment Equity Act (as amended).

5. There is therefore no basis for the allegation that the President is in contempt.
6. There is furthermore no basis for the allegation that the Minister is in contempt, the Regulations complies with the provisions of the EEA (as amended).

Yours faithfully,



Mrs JL de Lange
For: State Attorney (PRETORIA)