

**TO: DEPARTMENT OF EMPLOYMENT AND LABOUR**

Dear Sir/Madam

**IN RE: EXEMPTION APPLICATION**

We refer to the matter mentioned above.

We are engaged in preparing our employment equity plans in terms of the Employment Equity Act. We have been informed that Solidarity, and other role-players, have taken legal steps against the employment equity regulations and sectoral targets as promulgated on 15 April 2025. The reason for such legal steps seems, ostensibly, to be based on the fact that the litigants deem the regulations and/or determination to be either unconstitutional, unlawful and/or irrational.

It is common cause that any action based on an act that is deemed unconstitutional, unlawful and/or irrational will axiomatically also be deemed unconstitutional, unlawful and/or irrational. Therefore, it follows that any affirmative action plan and action flowing from it (which include, *inter alia*, appointments or promotions) will also be deemed unconstitutional, unlawful and/or irrational in the event the regulations and/or sectoral determination is found to be so. This paves the way for the possibility of a multitude of labour or civil actions against us as an employer, for unlawful labour practices based on the regulations or sectoral determination found to be unconstitutional, unlawful and/or irrational.

Kindly take note that we accordingly request the following:

1. That our company be exempted from complying with the Employment Equity Regulations and/or Sectoral Determination of 15 April 2025, whilst there is still legal uncertainty regarding the legality and/or rationality thereof.
2. That our exemption application be dealt with as a matter of urgency before 1 September 2025.

We reiterate that any action based on employment equity regulations and/or sectoral determination, which is found to be either unconstitutional, unlawful or irrational, will open the proverbial floodgates for either labour or civil action against our company, whilst a successful exemption application might prevent same.

Lastly, we request an urgent response to the aforementioned request.

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SIGNED BY:

SIGNED AT:

DATE: