Quick Guide: How to Navigate Employment Equity

STEP 1 — DETERMINE IF YOU ARE A DESIGNATED EMPLOYER

If you have 50+ employees: **YES**

If you have <50, i.e., 49 and fewer employees: **NO**

PLEASE NOTE THAT THE ANNUAL TURNOVER THRESHOLD NO LONGER APPLIES.

STEP 2 — KNOW YOUR SECTOR'S TARGETS

1. Determine your sector by consulting the EEA17.
2. Review the 5-year numerical targets as per the EEA Regulations for your sector.
3. Prepare to align top 4 levels:
   - Top management
   - Senior management
   - Professionally qualified and middle management
   - Skilled technical and junior management

IMPORTANT: Companies must also set targets on lower levels as compliance will be monitored on all levels in the organisation.

STEP 3 — CONDUCT A WORKFORCE ANALYSIS

1. Use the EEA12 form to capture your workforce profile by race, gender, and occupational level.
2. Compare your organisation's profile with national *or* provincial EAP (Economically Active Population) statistics.
3. 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. From your profile determine to what extent designated groups are under-represented in your workplace.

STEP 4 — DEVELOP YOUR EMPLOYMENT EQUITY PLAN

1. Create a 5-year Employment Equity Plan using the EEA13 template with clear annual milestones (the objectives for each year of the plan).
2. The plan must set the affirmative action measures to be implemented, numerical goals for equitable distribution of designated groups at each occupational level, timetables, procedures to be used to monitor and evaluate the plan, and accountability structures.
3. Update your plan at the end of each 5-year cycle and align it with the latest sectoral targets (where new targets are published).

STEP 5 — IMPLEMENT AND MONITOR PROGRESS

1. Put your EE Plan (EEA13) into action and use your EE committee to track progress against the plan.
2. Prepare and submit your EEA2 and EEA4 reports each year to the Department of Employment and Labour by the deadline.
3. Keep records of consultations, actions, and reviews for inspections or audits.

STEP 6 — APPLY FOR AN EE COMPLIANCE CERTIFICATE

1. Employers must submit annual EEA2 and EEA4 reports by 15 January.
2. The Department issues a Certificate if:
   - You meet applicable sector targets; or
   - Where targets are not met, you can show reasonable, justifiable grounds; and
   - There are no findings of unfair discrimination by the CCMA, Labour Court, or other authority; and
   - You are compliant with the National Minimum Wage Act.
3. Without this certificate, you cannot do business with the state and other corporates and may face fines from the Labour Court.

THE LEARNING DEVELOPMENT GROUP | Siyaya SKILLS INSTITUTE | PROSERV SOUTH AFRICA | Siyanqoba | FACULTY TRAINING INSTITUTE