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## GOVERNMENT NOTICE

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### DEPARTMENT OF LABOUR

No. R. 841

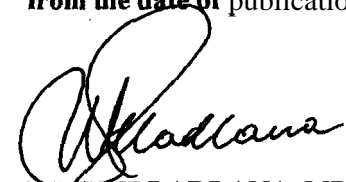
18 August 2006

#### EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998)

#### AMENDMENTS TO THE EMPLOYMENT EQUITY REGULATIONS

I Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, under section **55 (1)** of the Employment Equity Act, **1998 (Act No 55 of 1998)**, and on the advice of the Commission for Employment Equity, hereby amend the regulations made in terms of the Employment Equity Act, Act **55 of 1998**, published under Government notice **R 1360** in Government Gazette **20626** of **23 November 1999**, the Notice in **R 955** in Government Gazette **21583** of **2 October 2000** and the Notice in **R 480** in Government Gazette **28858** of **26 May 2006** as set out in the schedule.

The amended regulations replaces the regulations published in Government Notice **R 1360** in Government Gazette **20626** of **23 November 1999**, the Notice **R 955** in Government Gazette **21583** of **2 October 2000** and the Notice in **R 480** in Government Gazette **28858** of **26 May 2006**. These amendments are to be effective **from the date of** publication of this notice.



**MMS MDLADLANA, MP**  
**MINISTER OF LABOUR**

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## 1. Definitions

In these regulations any expression that is defined in the Employment Equity Act, 1998, has that meaning and unless the context otherwise indicates:

■1 “**Director-General**” means the Director-General of the Department of Labour, which also includes the highest authority of the Department of Labour in the:

- (i) Kwa-Zulu/Natal Province;
- (ii) Northern Cape Province;
- (iii) Limpopo Province;
- (iv) North West Province;
- (v) Eastern Cape Province;
- (vi) Mpumalanga Province;
- (vii) Free State Province;
- (viii) Gauteng Province (i.e. Gauteng South and Gauteng North); and
- (ix) Western Cape Province.

1.2 “**the Act**” means the Employment Equity Act, 1998 (Act No. 55 of 1998).

1.3 “**A workplace**” means the place or places where the employees of an employer work. If an employer carries on or conducts two or more operations that are independent of one another by reason of their size, function, or organization, the place or places where employees in connection with each other’s independent operation, constitute the workplace for that operation.

1.4 **Non-permanent workers** refer to those workers who are employed to work for less than 24 hours per month, or those workers engaged to work for not more than 3 continuous months.

1.5 “**Designated groups**” means Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who are natural persons and:

1.5.1 are citizens of the Republic of South Africa by birth or descent; or

1.5.2 are citizens of the Republic of South Africa by naturalisation before the commencement date (i.e. 27 April 1994) of the Constitution of the Republic of South Africa Act of 1993; or

1.5.3 became citizens of the Republic of South Africa from the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, not for Apartheid policy that had been in place prior to that date, would have been entitled to acquire citizenship by naturalisation prior to that date.

## 2. Assigning a Senior Manager(s)

Assigned senior manager(s) for employment equity must be:

- 2.1 Permanent, report directly to the Chief Executive Officer on employment equity matters. This person must have key employment equity outcomes incorporated into their performance contracts;
- 2.2 Given the necessary executive authority and mandate; and
- 2.3 Provided with an appropriate budget and access to other required resources.

### 3. Consultations

- 3.1 All employees must be informed of the content and application of the Act, employment equity and antidiscrimination issues, the process to be followed by the employer, and the need for the involvement of all stakeholders, as preparation for their participation and consultation.
- 3.2 A consultative forum must be established or an existing forum utilised. The forum must include employee representatives reflecting the interests of employees from all occupational categories and levels and both designated and nondesignated groups.
- 3.3 Consultation must include:
- Regular meetings and feedback to employees and management; and
  - Access to relevant information by employees.
- 3.4 Where a representative body or trade union refuses to take part in the consultation process, the employer must record the circumstances in writing. A copy of this document must be provided to the representative body or trade union concerned.

### 4. Collecting information and conducting an analysis (Section 19 of the Act)

- 4.1 When a designated employer collects information about individual employees for the purpose of compiling a workforce profile to determine the degree to which employees from designated groups might be underrepresented, the employer must request each employee in the workforce to complete a declaration using the EEAI form.
- 4.2 Employees must at any time be able to add information to the EEAI form.
- 4.3 Where an employee refuses to complete the EEAI form or provides inaccurate information, the employer may establish the designation of an employee by using reliable historical and existing data.
- 4.4 A designated employer must use section B of the **EEA2** form to develop the workforce profile of employees as required by section 19(2) of the Act.
- 4.5 When a designated employer conducts the analysis required by section 19(1) of the Act, the employer may refer to:
- a) Annexure 1, for demographic data;
  - b) Annexure 2, which contains the definitions of occupational levels; and
  - c) Annexure 3, which contains the definitions of occupational categories.
- 4.6 A designated employer must refer to the **Code of Good Practice: Preparation, Implementation and Monitoring of Employment Equity Plans** as a guide when collecting information and conducting the analysis required by section 19 of the Act.
- 4.7 The analysis must involve reviewing of all policies, procedures, practices and the work environment in order to eliminate unfair discrimination and promote employment equity in the workplace, including when commencing employment, during employment and ending employment.

### 5. Duty to prepare and implement an employment equity plan (Section 20 of the Act)

- 5.1 A designated employer may refer to the **Codes of Good Practice: Preparation, Implementation and Monitoring of Employment Equity Plans, and other relevant Codes** when preparing the employment equity plan required by section 20 of the Act.
- 5.2 A designated employer must retain the employment equity plan for a period of three years after the expiry of the plan, unless the employer employs fewer than 150 employees, in which case the plan must be retained for two years.
- 5.3 The employment equity plan must contain a description of the measures taken by the designated employer to eliminate unfair discrimination in that employer's workplace.

**6. Duty to report (Section 21 of the Act)**

- 6.1 Each designated employer must submit a report in terms of Section 21 of the Act using the EEA2 form together with the EEA4 to: Employment Equity Registry, Department of Labour, Private Bag X117, Pretoria, 0001.
- 6.2 Large employers must submit their first report within six months of being designated, and thereafter annually on the first working day of October; and small employers must submit their first report within twelve months of being designated, and thereafter on the first working day of October of every year that ends with an even number.
- 6.3 Large employers, i.e. employers with 150 and more employees, must complete the entire EEA2 reporting form. Small employers, i.e. employers with fewer than 150 employees, must only complete areas of the EEA2 form that apply to them. Areas that only apply to small employers shall be made available by the Department in a separate form as well. All relevant areas of the form must be fully and accurately completed by employers. Employers who fail to observe this provision will be deemed not to have reported.
- 6.4 A designated employer whose operations extend across different geographical areas or workplaces must submit a report. Employers who submit consolidated reports must have individual employment equity (EE) plans and relevant information for each entity or workplace that have been included in the consolidated report. The consolidated report and the individual EE plans and relevant information must be made available at each entity or workplace. The method of reporting should be consistent from year-to-year or from reporting period to reporting period.
- 6.5 An employer who becomes a designated employer must notify the Director General in writing and provide valid reasons for not being able to report on the first working day of October. This notification must reach the Director General by no later than the last working day of August in the same year. The Director General will examine the reasons that were provided by the employer and shall decide on whether to accept or reject them, which may lead to the non-acceptance of the notification. The Director General's decision shall be final.
- 6.6 A designated employer must retain a copy of the report for a period of three years after it has been submitted to the Director-General, unless the employer has fewer than 150 employees, in which case the report must be retained for two years.

**7. Duty to inform (Section 25 of the Act)**

- 7.1 Each employer must display the notice required by Section 25(1) of the Act (i.e. the summary of the Act).
- 7.2 If there are employees in the workplace who are unable to read this notice, the employer must inform those employees about the provisions of the Act.
- 7.3 The notice referred to in clause (7.1) is annexed as EEA3 in the regulations.

**8. Income differentials (section 27 of the Act)**

- 8.1 Each designated employer must submit a statement of income differentials required by section 27 of the Act in using the EEA4 form.
- 8.2 When completing the EEA4 form, designated employers must refer to EEA9 and the EEA10 for guidance.
- 8.3 Designated employers must submit the EEA4 statement together with the EEA 2 Forms to: Employment Equity Registry, Department of Labour, Private Bag X117, Pretoria, 0001.
- 8.4 Designated employers must retain a copy of the statement for a period of three years after it has been submitted to the Employment Conditions Commission, unless the employer has fewer than 150 employees, in which case the statement must be retained for two years.

**9. Proof of submission and authenticity**

- 9.1 Whenever a person is required to satisfy any other person that a copy of any document required or prescribed by the Act or its regulations, excluding the EE report, has been submitted to the other party, that person may do so by providing:
- a) A copy of the proof of mailing the document by registered post to the other party;
  - b) A copy of the telegram, telex, telefax or e-mail, including proof of transmission of the document to the other party;
  - c) A copy of a receipt signed by the other party or on that party's behalf if the document was delivered by hand;
  - d) A statement confirming delivery signed by the person who delivered the document.
- 9.2 A copy of any document submitted to a Labour Inspector or any official of the Department of Labour must be signed by an authorised person as proof of authenticity.

**10. Review by Director General (Section 43 of the Act)**

- 10.1 The Director General may conduct a review to determine the extent to which an employer is complying with the Act.
- 10.2 The review shall be conducted using a system that includes a Numerical Analysis Model. This model shall be used as a filtering tool to assess the degree to which the various designated groups (i.e. Blacks, women and people with disabilities) are represented at each occupational level in an employer's workplace. In addition to Blacks, women and people with disabilities, African representation is included as a fourth variable for assessment in an employer's workplace.
- 10.3 The DG shall assess and rank each designated group to address their under representation by taking their National and Provincial Economically Active Population (EAP) into consideration. This principle shall also apply to groupings within each of these designated groups in terms of race and gender.

**11. Enforcement (Chapter 5 of the Act)****11.1 Securing an undertaking (Section 36 of the Act):**

A labour inspector must request and obtain a written undertaking using the EEA5 form.

**11.2 Compliance order (Section 37 of the Act):**

A labour inspector may issue a compliance order to a designated employer using the EEA6 form.

**11.3 Objections to compliance order (Section 39 of the Act):**

- (a) A designated employer may object to a compliance order by making a representation to the Director-General using the EEA7 form.
- (b) The objection must be lodged with the highest authority at the Provincial level of the Department of Labour.



DEPARTMENT OF LABOUR

**(Confidential)**  
**Declaration by employee**

**PLEASE READ  
 THIS FIRST**  
**1**

**Purpose of this form**

This form is used to obtain information from employees for the purpose of assisting employers with conducting an analysis on the workforce profile. Employers should use this form to ascertain which employees are from designated groups in terms of the Employment Equity Act, 55 of 1998.

**Who fills in this form**

Employees should fill in this form.

**Instructions**

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.

'People with disabilities' are defined in the Act as people who have long-term or recurring physical or mental impairment, which substantially limits their prospects of entering into, or advancement in employment.

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:

Male  Female   
 African  Coloured  Indian  White

Foreign National:

If you are not a citizen by birth, please indicate the date you acquired your citizenship: .....

Person with a disability:

Specify nature of disability:  
 \_\_\_\_\_

4. I verify that the above information is true and correct.

Signed: \_\_\_\_\_  
 Employee

Date: \_\_\_\_\_



PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS		
<p><b>PURPOSE OF THIS FORM</b> This form enables employers to comply with section 21 of the Employment Equity Act 55 of 1998.</p> <p>This form contains the format for employment equity reporting by employers to the Department of Labour. Both small employers (i.e. employers employing fewer than 150 employees) and large employers (i.e. employers employing 150 or more employees) are required to use this form. Those employers who are not designated, but wish to voluntarily comply, must also use this reporting form.</p> <p>Although all sections of this form apply to large employers, only certain sections of this form should be completed by small employers. Employers who report for the first time are not required to complete the progress report section of this form.</p> <p><b>WHO SHOULD COMPLETE THIS FORM?</b> All designated employers that have to submit a report in terms of the Employment Equity Act, 55 of 1998. Employers who wish to voluntarily comply with the reporting requirements of the Act are also required to complete this form.</p> <p><b>WHEN SHOULD EMPLOYERS REPORT?</b></p> <ul style="list-style-type: none"> <li>Large employers must submit their first report within six months of being designated, and thereafter annually on the first working day of October; and</li> <li>Small employers must submit their first report within twelve months of being designated, and thereafter on the first working day of October of every year that ends with an even number.</li> </ul> <p><b>ESSENTIAL REQUIREMENTS</b> Large employers, i.e. employers with 150 and more employees, must complete the entire EEA2 reporting form. Small employers, i.e. employers with fewer than 150 employees, must only complete areas of the EEA2 form that apply to them. Large employers, i.e. employers with 150 and more employees, must complete the entire EEA2 reporting form. Small employers, i.e. employers with fewer than 150 employees, must only complete areas of the EEA2 form that apply to them. All relevant areas of the form must be fully and accurately completed by employers. Designated employers who fail to observe this provision will be deemed not to have reported. Guidance to overcome difficulties on how to complete the form properly must be obtained from the Department prior to completing and submitting the report.</p> <p><b>SEND TO</b> Employment Equity Registry The Department of Labour Private Bag X117 Pretoria 0001 Telephone: 012 3094000 Facsimile: 012 3094737 / 3094188 e-mail: ee@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		
	Telephone number		
	Fax number		
	Email address		
	<b>Postal address</b>		
	Postal code		
	City/Town		
	Province		
	<b>Physical address</b>		
	Postal code		
	City/Town		
	Province		
	<b>Details of CEO at the time of submitting this report</b>		
	Name and surname		
	Telephone number		
	Fax number		
	Email address		
	<b>Details of Senior Manager for Employment Equity at the time of submitting this report</b>		
Name and Surname			
Telephone number			
Fax number			
Email address			
<b>Business type</b>			
Private Sector	Parastatal		
National Government	Provincial Government		
Local Government	Educational Institution		
Non-profit Organization			
<b>Information about the organization at the time of submitting this report</b>			
Number of employees in the organization	0 to 49 50 to 149 150 or more		
In terms of Section 14 of the Act, are you voluntary complying?	Yes No		
Is your organization an organ of State?	Yes No		
Date of submitting this report			



Please indicate the preceding twelve-month period (in the case of large employers) or twenty-four month period (in the case of small employers) covered by this report, except for first time reporting where this may not be possible:

From (date): \_\_\_\_\_ To (date): \_\_\_\_\_

Please indicate below the duration of your current employment equity plan:

From (date): \_\_\_\_\_ To (date): \_\_\_\_\_

### Please read this first

- a. The preceding twelve-month period (in the case of large employers) or twenty-four month period (in the case of small employers) covered by employment equity employer reports must be the same for every reporting period.
- b. A summary providing guidelines on occupational categories and levels is provided in annexure 3 and annexure 4 of the regulations. Employers must complete the EEA2 form and the EEA4 form in accordance with Annexure 3 and Annexure 4.
- c. Non-permanent workers refer to those workers who are employed to work for less than 24 hours per month, or those workers engaged to work for not more than 3 continuous months.
- d. In Section B, the subtotals in terms of race and gender in the row dealing with **total permanent** employees in the table on occupational categories for **all employees**, which includes people with disabilities, must be exactly the same as the subtotals in the table on occupational levels for **all employees**. The same must apply to the subtotals in the **grand total** rows for occupational categories and levels as well.
- e. In Section B, the subtotals in terms of race and gender in the row dealing with **total permanent** employees in the table on occupational categories for **people with disabilities** must be exactly the same as the subtotals in the table on occupational levels for **people with disabilities**. The same must apply to the subtotals in the **grand total** rows for occupational categories and levels as well.
- f. Employers, from the second cycle of reporting onwards, must complete Section G that deals with progress reports.
- g. Employers must complete Section H that deals with **numerical goals** and **numerical targets**. **Numerical goals** are the workforce profile the employer is striving to achieve in the workplace at the end of the duration of the employer's current employment equity plan. The numerical goals of the employer must be the same for the entire duration of the employment equity plan. **Numerical targets** are the workforce profile the employer is striving to achieve at the end of the period following the period covered by the current report of the employer.
- h. Large employers, i.e. employers with 150 and more employees, must complete the entire EEA2 reporting form. Small employers, i.e. employers with fewer than 150 employees, must only complete areas of the EEA2 form that apply to them. Areas that only apply to small employers shall be made available by the Department in a separate form as well. All relevant areas of the form must be fully and accurately completed by employers.
- i. The alphabets "A", "C", "I" and "W" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians" and "Whites" respectively.
- j. "**Designated groups**" means Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who are natural persons and are citizens of the Republic of South Africa by birth or descent; or are citizens of the Republic of South Africa by naturalization before the commencement date (i.e. 27 April 1994) of the Constitution of the Republic of South Africa Act of 1993; or became citizens of the Republic of South Africa from the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, not for Apartheid policy that had been in place prior to that date, would have been entitled to acquire citizenship by naturalization prior to that date.
- k. All population groupings who are not part of the Black group, but in substance fall within the definition described in paragraph (j) in terms of citizenship or descent, must be counted and included in the column of each table in the form that require data on the White group.
- l. Foreign nationals and South African citizens that fall outside the definition described in paragraphs (j) or (k) must be counted and included in the column of each table in the form that require data on foreign nationals.





### 2.3 Core operation functions and Support functions by occupational level

Job evaluation or grading systems, as illustrated in the EEAS, are used to measure a job in terms of content in order to establish its worth or value in relation to other jobs in an organization. The worth or value of a job is represented on a vertical axis as an occupational level. A job could either be a **Core operation function** or a **Support function**. **Core Operation Function** positions are those that directly relate to the core business of an organization and may lead to revenue generation, e.g. sales, production, etc. Whereas **Support Functions positions** provide infrastructure and other enabling conditions for revenue generation, e.g. human resources, corporate services, etc. Please indicate on table 2.3.1 the number of employees that are in **Core Operation Function** positions and in table 2.3.2 the number of employees that are in **Support Function** positions at each occupational level.

Occupational Levels	Male				Female				Foreign Nationals		TOTAL
	A	C	I	W	A	C	I	W	Male	Female	
	Top management										
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non – permanent employees											
<b>GRAND TOTAL</b>											

Occupational Levels	Male				Female				Foreign Nationals		TOTAL
	A	C	I	W	A	C	I	W	Male	Female	
	Top management										
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non – permanent employees											
<b>GRAND TOTAL</b>											

**Section C: Workforce movement**

**3. Recruitment**

3.1 Please report the total number of new recruits, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Female				White Male	Foreign Nationals		TOTAL
	A	C	I	W	W	Male	Female	
	Top management							
Senior management								
Professionally qualified and experienced specialists and mid-management								
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents								
Semi-skilled and discretionary decision making								
Unskilled and defined decision making								
<b>TOTAL PERMANENT</b>								
Non – permanent employees								
<b>GRAND TOTAL</b>								

3.2 Please report the total number of new recruits with disabilities only in each of the following occupational levels: Note: A=Africans, C=Coloureds, I=Indians and W=White

Occupational Levels	Female				Foreign Nationals		TOTAL
	A	C	I	W	Male	Female	
	Top management						
Senior management							
Professionally qualified and experienced specialists and mid-management							
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents							
Semi-skilled and discretionary decision making							
Unskilled and defined decision making							
<b>TOTAL PERMANENT</b>							
Non – permanent employees							
<b>GRAND TOTAL</b>							

**4. Promotion**

**4.1** Please report the total number of promotions into each occupational level, including people with disabilities. **Note:** A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels									White Male W	Foreign Nationals		TOTAL
	Male				Female					Male	Female	
	A	C	I		A	C	I	W				
Top management												
Senior management												
Professionally qualified and experienced specialists and mid-management												
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents												
Semi-skilled and discretionary decision making												
Unskilled and defined decision making												
<b>TOTAL PERMANENT</b>												
Non – permanent employees												
<b>GRAND TOTAL</b>												

**4.2** Please report the total number of promotions involving people with disabilities only in each occupational level. **Note:** A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels									Foreign Nationals		TOTAL
	Male				Female				Male	Female	
	A	C	I	W	A	C	I	W			
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non – permanent employees											
<b>GRAND TOTAL</b>											

5. Termination

5.1 Please report the total number of terminations in each occupational level, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				White Male	Foreign Nationals		TOTAL
	A	C	I		A	C	I	W		W	Male	
	Top management											
Senior management												
Professionally qualified and experienced specialists and mid-management												
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents												
Semiskilled and discretionary decision												
Unskilled and defined decision making												
<b>TOTAL PERMANENT</b>												
Non - permanent employees												
<b>GRAND TOTAL</b>												

5.2 Please report the total number of terminations involving people with disabilities only in each occupational level. 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										
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non - permanent employees											
<b>GRAND TOTAL</b>											



5.3 Please report the total number of terminations in each termination category below. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Terminations	Male				Female				White Male	Foreign Nationals		TOTAL
	A	C	I		A	C	I	W	W	Male	Female	
Resignation												
Non-renewal of contract												
Dismissal – Operational requirements (retrenchment)												
Dismissal - misconduct												
Dismissal - incapacity												
Other												
<b>TOTAL</b>												

5.4 Please report the total number of terminations involving people with disabilities only in each termination category below. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Terminations	Male				Female				Foreign Nationals		TOTAL
	A	C	I	W	A	C	I	W			
Resignation											
Non-renewal of contract											
Dismissal – Operational requirements (retrenchment)											
Dismissal - misconduct											
Dismissal - incapacity											
Other											
<b>TOTAL</b>											



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**Section E: Skills Development** (This section is *not* applicable to *small employers*)

7. Training

Occupational Categories	Male				Female				White Male	Foreign Nationals		TOTAL
	A	C	I		A	C	I	W		W	Male	
	Legislators, senior officials and managers											
Professionals												
Technicians and associate professionals												
Clerks												
Service and sales workers												
Skilled agricultural and fishery workers												
Craft and related trades workers												
Plant and machine operators and assemblers												
Elementary occupations												
<b>TOTAL PERMANENT</b>												
Non - permanent employees												
<b>GRAND TOTAL</b>												

Occupational Categories	Male				Female				Foreign Nationals		TOTAL
	A	C	I	W	A	C	I	W	Male	Female	
Legislators, senior officials and managers											
Professionals											
Technicians and associate professionals											
Clerks											
Service and sales workers											
Skilled agricultural and fishery workers											
Craft and related trades workers											
Plant and machine operators and assemblers											
Elementary occupations											
<b>TOTAL PERMANENT</b>											
Non - permanent employees											
<b>GRAND TOTAL</b>											



**Section F: Qualitative Assessment** (This section is not applicable to *small employers*)

8. Awareness of Employment Equity

8.1 Please indicate which of the following awareness measures were implemented by your organization:

	No. of employees covered	Yes	No	Please explain
Formal written communication				
Policy statement includes reference to employment equity				
Summary of the Act displayed				
Employment Equity training				
Diversity management programmes				
Discrimination awareness programmes				
Other (please specify):				
<b>Total</b>				

9. Consultation

	Yes	No	Please explain
Workplace forum (in terms of the LRA)			
Consultative body or employment equity forum			
Registered trade union (s)			
Employees			
Other (Please specify):			

9.2 What was the level of agreement reached in the formulation of the plan? Please choose **one**.

Total	Sufficient	Some	None

9.3 How regularly do you meet with the stakeholders mentioned in 9.1? Please choose one.

<b>Weekly</b>	Monthly	Quarterly	Yearly	Other

**10. Analysis**

10.1 Please indicate in which categories of employment policy or practices barriers to employment equity were identified:

Categories	Yes	No	Please explain
Recruitment procedures			
Advertising positions			
Selection criteria			
Appointments			
Job classification and grading			
Remuneration and benefits			
Terms and conditions of employment			
Job assignments			
Work environment and facilities			
Training and development			
Performance and evaluation systems			
Promotions			
Transfers			
Demotions			
Succession and experience planning			
Disciplinary measures			
Dismissals			
Corporate culture			
HIV and AIDS education and prevention programmes			
Other (please specify):			

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## 11. Affirmative Action measures

11.1 Please indicate in which categories affirmative action measures have been implemented:

Categories	Yes	No	Please explain
Recruitment procedures			
Advertising positions			
Selection criteria			
Appointments			
Job classification and grading			
Remuneration and benefits			
Terms and conditions of employment			
Job assignments			
Work environment and facilities			
Training and development			
Performance and evaluation systems			
Setting numerical goals			
Promotions			
Transfers			
Demotions			
Succession and experience planning			
Disciplinary measures			
Diversity programme and sensitization			
Community investment and bridging programme			
Retention measures			
Reasonable accommodation			
Other (please specify):			

Allocation of Resources	Yes	No	Please explain
Appointed a senior manager/s to manage the implementation and monitoring progress			
Allocated a budget to support the implementation goals of employment equity			
Time off for employment equity consultative committee (or equivalent) to meet on a regular basis			
Other (Please specify)			




## Section G: Progress Report

(Section G to be completed from the second cycle of reporting onwards)

14. Reporting period: From \_\_\_\_\_ to \_\_\_\_\_

14.1 Did you achieve the numerical targets as set out in your employment equity plan for this period?

Yes	No

14.2 Did you achieve the affirmative action objectives as set out in your employment equity plan for this period?

Yes	No

14.3 If not, what were the obstacles you experienced:

What were the obstacles to reaching the employment equity goals and objectives during the past year?

14.4 If yes, what factors promoted the accomplishment of your goals and objectives:

What were the factors that contributed to the accomplishment of the employment equity goals and objectives during the past year?



14.7 Please indicate the numerical goals you have set to achieve for the total number of employees (including people with disabilities) at the end of your current employment equity plan in terms of occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites:

Occupational Levels									White Male		Foreign Nationals		TOTAL
	Male				Female				W	Male		Female	
	A	C	I		A	C	I	W					
Top management													
Senior management													
Professionally qualified and experienced specialists and mid-management													
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents													
Semi-skilled and discretionary decision making													
Unskilled and defined decision making													
<b>TOTAL PERMANENT</b>													
Non – permanent employees													
<b>GRAND TOTAL</b>													

14.8 Please indicate the numerical goals you have set to achieve for the total number of employees with disabilities only at the end of your current employment equity plan in terms of occupational levels:

Occupational Levels									Foreign Nationals		TOTAL
	Male				Female				Male	Female	
	A	C	I	W	A	C	I	W			
Top management											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non – permanent employees											
<b>GRAND TOTAL</b>											



14.11 Please indicate the numerical targets you have set to achieve for the total number of employees (including people with disabilities) for the end of the period following the period covered by the current report in terms of occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				White Male	Foreign Nationals		TOTAL
	A	C	I		A	C	I	W	W	Male	Female	
Top management												
Senior management												
Professionally qualified and experienced specialists and mid-management												
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents												
Semi-skilled and discretionary decision making												
Unskilled and defined decision making												
<b>TOTAL PERMANENT</b>												
Non – permanent employees												
<b>GRAND TOTAL</b>												

14.12 Please indicate the numerical targets you have set to achieve for the total number of employees with disabilities only for the end of the period following the period covered by the current report in terms of 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											
Senior management											
Professionally qualified and experienced specialists and mid-management											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
Semi-skilled and discretionary decision making											
Unskilled and defined decision making											
<b>TOTAL PERMANENT</b>											
Non – permanent employees											
<b>GRAND TOTAL</b>											

### Section H: Signature of the Chief Executive Officer

**Chief Executive Officer**

I hereby declare that I have read, approved and authorized this report.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_

At place: \_\_\_\_\_

\_\_\_\_\_  
Signature: Chief Executive Officer

\_\_\_\_\_  
Full Name



## SUMMARY OF THE EMPLOYMENT EQUITY ACT, 55 OF 1998, ISSUED IN TERMS OF SECTION 25(1)

### 1. Chapter 1 – Definition, purpose, interpretation and application

#### 1.1 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 categories and levels in the workforce.

#### 1.2 Application of the Act: Section 4

- (a) Chapter II (section 5-11) applies to all employers and employees.
- (b) Chapter III (section 12-27) applies to designated employers and people **from** designated groups.
- (c) A designate employer means an employer who employs 50 or more employees, or has a total annual turnover as reflected in Schedule 4 of the Act, municipalities and organs of State. Employers can also volunteer to become designated employers.
- (d) A designated group means black people, women and people with disabilities.
- (e) The South African National Defence Force, National Intelligence Agency, and South African Secret Services are excluded from this Act.

### 2. Chapter II – prohibition of unfair discrimination

**2.1** 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 and birth.

**2.2** 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.

#### **2.3 Medical testing**

- (a) Medical testing of an employee is permissible only when legislation requires testing or when this is justifiable for various reasons.
- (b) HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.

#### **2.4 Psychological testing: Section 8**

Psychological testing and similar assessments are prohibited, unless the test is scientifically valid and reliable, can be applied fairly to all employees, and is not biased against any employee or group.

#### **2.5 Disputes concerning this Chapter: Section 10**

- (a) An employee, or applicant for employment, may refer a dispute concerning alleged unfair discrimination (or 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 at conciliation, a party may refer it to the Labour Court for adjudication. The parties to a dispute may also agree to refer the dispute to 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.

### 3. Chapter III – Affirmative Action

#### 3.1 Duties of a designated employer

- (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
  - Consult with employees;
  - Conduct analysis;
  - Prepare an employment equity plan; and
  - Report to the Director-General on progress made in the implementation of the plan.

#### 3.2 Affirmative action

- (a) Affirmative action measures are measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce.
- (b) Such measures must include:
  - Identification and elimination of barriers with an adverse impact on designated groups;
  - Measures which promote diversity
  - Making reasonable accommodation for people from designated groups;
  - Retention, development and training of designated groups (including skills development); and
  - Preferential treatment and numerical goals to ensure equitable representation. This excludes 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.

#### 3.3 Consultation: section 16 and 17

A designated employer must take reasonable steps to consult with representatives of employees representing the diverse interests of the workforce on the conducting of an analysis, preparation and implementation of a plan, and on reporting to the Director-General.

#### 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 a plan to achieve employment equity, which must
- Have objectives for each year of the plan;
  - Include affirmative action measures;
  - Have numerical goals for achieving equitable representation;
  - Have a timetable for each year;
  - Have internal monitoring and evaluation procedures, including internal dispute resolution mechanisms; and
  - Identify persons, including senior managers, to monitor and implement the plan.

**3.7 Report: Section 21**

- (a) An employer who employs fewer than 150 employees must submit its first report to the Director-General within 12 months after commencement of the Act, and thereafter every two years on the first working day of October.
- (b) An employer who employs 150 or more employees must submit its first report six months after the commencement of the Act, and thereafter every year on the first working day of October.

**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 statement of remuneration and benefits received in each occupational category and level of the workforce must be submitted by a designated employer to the Employment Conditions Commission (ECC).

Where there are disproportionate income differentials, a designated employer must take measures to reduce it progressively. Such measures may include collective bargaining, compliance with sectoral determinations (Section 51 of the Basic Conditions of Employment Act, 1997); the application of norms and benchmarks recommended by the ECC, relevant measures contained in skills development legislation and any other appropriate steps.

#### 4. Chapter v - Monitoring, Enforcement and Legal Proceedings

##### 4.1 Monitoring: Section 34

Employee or trade union representatives can monitor contraventions of the Act and report to 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

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 will obtain a written undertaking to **comply** within a specified period.

##### 4.4 Compliance Order: Section 37

If the designate employer refuses to comply with the written undertaking, the inspector will issue a compliance order.

##### 4.5 Review by Director-General: Section 43

The Director-General may conduct a review to determine whether an employer is complying with the Act. On completion of the review, the Director-General may make recommendations for compliance within certain frames.

##### 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 IV - General Provisions

##### 5.1 State contracts: Section 53

Designated employers and employers who voluntarily comply with Chapter III, 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. Non-designated employers' compliance certificate will pertain to chapter II.

##### 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.



**Income differential statement**

**PLEASE READ THIS FIRST**

**SECTION A: EMPLOYER DETAILS**

**WHAT IS THE PURPOSE OF THIS FORM?**  
This form contains the format for reporting income differentials to the Employment Conditions Commission.

**WHO FILLS IN THIS FORM?**  
All designated employers must complete every section of this statement.

**SEND TO:**  
Employment Equity Registry  
The Department of Labour  
Private Bag X117  
Pretoria 0001  
Telephone: 012 3094000  
Facsimile: 012 3094737/13094188  
e-mail: [ee@labour.gov.za](mailto:ee@labour.gov.za)

Trade name	
DTI registration name	
DTI registration number	
PAYE/SARS number	
UIF reference number	
EE reference number	
Industry/Sector	
Seta classification	
Telephone number	
Fax number	
Email address	
Postal address	
Postal code	
City/Town	
Province	
Physical address	
Postal code	
City/Town	
Province	
<b>Details of CEO at the time of submitting this report</b>	
Name and surname	
Telephone number	
Fax number	
<b>this report</b>	
Name and Surname	
Telephone number	
Fax number	
Email address	
<b>Business Type</b>	
Private Sector	Parastatal
National Government	Provincial Government
Local Government	Educational Institution
Non-profit Organization	
Number of employees in the organization	0 to 49 50 to 149 150 or more
In terms of Section 14 of the Act, are you voluntary complying?	Yes No'
Is your organization an organ of State?	Yes No
Date of submitting this report	

**WHAT MUST BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE EEA4 FORMS**

1. Foreign nationals, i.e. all those individuals who are not citizens of South African, should be excluded when completing the EEA4 forms.
2. Non-permanent employees should be included in the EEA4 forms in terms of the relevant occupational category and occupational level.
3. The calculation of remuneration must include twelve months of a financial year that is in line with the period covered by the EEA2 reporting form. Where this is not possible, e.g. in the case of non-permanent employees, the total payment the person received for the period worked should be divided by the number of months worked, and then multiplied by twelve.
4. The payments below indicate what must be included and what must be excluded in an employee's remuneration for the purposes of calculating pay in order to complete the EEA4 forms.

**INCLUDED:**

- Salaries and fees paid to directors
- Salary payments made to directors, executives and managers
- Payments for all types of leave which relate to the reference period
- Commissions paid
- Employer's contribution to pension, provident, medical aid, sick pay and other funds (e.g. UIF and CC)
- Payments for piecework, incentive or profit sharing schemes
- Fringe benefits paid in cash such as housing, mortgage and rent subsidies and transport allowance (e.g. monthly petrol allowance)
- Allowances and penalty payments relating to ordinary time hours
- Performance and other bonuses
- Value of any salary sacrificed
- Amounts paid

**EXCLUDED:**

- Payments to independent contractors
- Imputed value of fringe benefits
- Fringe benefits tax
- Reimbursement for expenses e.g. travel, entertainment, meals and other expenses
- Amounts paid from abroad to employees based in SA e.g. embassy employees
- Severance, terminations and redundancy payments
- Overtime pay
- Payments which do NOT relate to the reference period



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**PLEASE PROVIDE REASONS FOR DISPARITIES WITHIN EACH OCCUPATIONAL CATEGORY BELOW:**

**Legislators, senior officials and managers**



5 of 12 EEA

**Technicians and associate professionals**


**Clerks**


6 of 12 EEA4

**Service and sales workers**


**Skilled agricultural and fishery workers**




7 of 12 EEA4

**Craft and related trades workers**


**Plant and machine operators and assemblers**


8 of 12 EEA4

**Elementary occupations**






11 of 12 EEA4

**Professionally qualified and experienced specialists and mid-management**


**Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents**


12 of 12 EEA4

**Semi-skilled and discretionary decision-making**


**Unskilled and defined decision-making**




PLEASE READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

To record an Undertaking by the employer to comply with paragraphs (a) to (j) in terms of Section 36 of the Employment Equity Act, 55 of 1998.

WHO FILLS IN THIS FORM?

The employer, assisted by the inspector.

WHERE DOES THIS FORM GO?

This form goes to the inspector.

INSTRUCTIONS

An Undertaking may be secured when an inspector has reasonable grounds to believe that a designated employer has failed to comply with paragraphs (a) to (j) of Section 36 of the Act and any of its regulations.

Failure to comply with this undertaking will result in a Compliance Order (EEA6) being issued.

DEPARTMENT OF LABOUR

WRITTEN UNDERTAKING

Ref/Case No:.....

Employer's Enquiries:.....

Date of Undertaking: .....

I / We..... ..(Employer)

:..... ..(Registration No.)

undertake to comply with the following provisions of the Act and its regulations below by: Date..... :

- .....
.....
.....
.....
.....
.....
.....
.....
.....
.....

DATED THIS..... DAY OF..... YEAR.....

AT..... ..(PLACE)

.....
SIGNED: EMPLOYER

.....
SIGNED: LABOUR INSPECTOR

CONTACT DETAILS OF INSPECTOR: .....

WITNESSES 1. ....

2. ....

 <p><b>labour</b> Department Labour REPUBLIC OF SOUTH AFRICA</p>	PAGE 1 OF 2	EEA6
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**PLEASE READ THIS FIRST**

**↓**

**WHAT IS THE PURPOSE OF THIS ORDER?**

This form is issued in terms of section 37 of the Employment Equity Act, 55 of 1998. The purpose of this form is to enforce compliance relating to paragraphs (a) to (j) of section 36 of the Act and its regulations.

**WHO FILLS IN THIS FORM?**

An inspector fills this form.

**WHERE DOES THIS FORM GO?**

This form goes to the employer.

**INSTRUCTIONS**

The inspector may issue a Compliance Order to a designated employer if that employer has refused to give a Written Undertaking (EEAS) in terms of Section 36.

The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it.

- An employer must comply within the time period stated unless the employer objects in terms of Section 39.

Failure to comply could result in a referral to the Labour Court.

**DEPARTMENT OF LABOUR**

**COMPLIANCE ORDER**

Ref/Case No:.....

Enquiries:.....

Date of issue:.....

Provincial Office/Labour Centre: .....  
(Delete that which is not applicable)

1. Employer:.....
1. Registration No:.....
2. Workplace(s): .....
3. You have not complied with the following provisions of the Act and its regulations.

Provisions:.....  
.....

4. Details:.....  
.....  
.....  
.....

AND ICR

5. You have not complied with your written undertaking to the following extent:  
.....  
.....  
.....  
.....

AND

6. You are required to implement the following within \_\_\_\_ days of receipt hereof.
  - 7.1 .....
  - 7.2 .....

AND / OR

7. Fines
  - 7.1 The Director General may recommend to the Labour Court to impose a fine in accordance with Schedule 1 of the Act.



 <p><b>labour</b> Department Labour REPUBLIC OF SOUTH AFRICA</p>	<p>PAGE 2 OF 2</p>	<p>EEA6</p>
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**8. Objections**

You may object to this compliance order by making representations to the Director General within 21 days of receipt of this order.

GIVEN UNDER MY HAND ON .....DAY OF.....

YEAR .....AT ..... (PLACE)

.....  
**LABOUR INSPECTOR**



DEPARTMENT OF LABOUR

**'LEASE READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This form is issued in terms of section 39 of the Employment Equity Act, 55 of 1998. A designated employer may lodge an objection to a compliance order by completing this form.

**WHO FILLS IN THIS FORM?**

The employer must fill in this form.

**WHERE DOES THIS FORM GO?**

To the Provincial Office of the Department from which the compliance order was issued.

**INSTRUCTIONS**

- This objection must be lodged to the office of the Provincial Director that issued the compliance order within 21 days of the date of receipt of the compliance order.
- The objection must include all relevant information.
- A copy must be delivered to the employee(s) affected by it, or if this is impractical to a representative of the employee(s), including a registered trade union.

**OBJECTION AGAINST A COMPLIANCE ORDER IN TERMS OF SECTION 39 OF THE ACT**

**NOTICE OF OBJECTION**

1. Employer: .....

Registration No: .....

Telephone No: .....

Fax: .....

Address: .....

.....

..... Postal Code: .....

2. Quote the reference number and date of the compliance order against which the objection is lodged.

Reference/Case No. .... Date.....

3. To which portion of the compliance order do you object?

.....

.....

.....

.....

.....

.....

.....

4. State your full reason for lodging the objection:

.....

.....


.....

.....

.....

.....

.....

 <p><b>labour</b> Department Labour REPUBLIC OF SOUTH AFRICA</p>	<p><b>PAGE 2 OF 2</b></p>	<p><b>EEA7</b></p>
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Any documentary evidence (or certified copies thereof) that you wish to submit in support of your contention(s) as stated in paragraph 4 should be attached and listed below:

Number	Title or description of document

Place:.....

Date:.....

.....  
Signature of objector / employer

.....  
Full name of objector / employer

.....  
Designation





## ANNEXURE ■: Demographic Data

### WHAT IS THE PURPOSE OF DEMOGRAPHIC DATA AND WHERE TO FIND THEM?

Employers should use demographic data when conducting an analysis of the workforce in order to compare the workplace profile with relevant national, provincial and local demographics. Statistics South Africa provides demographic data using Labour Force Surveys from time to time. The Labour Force Surveys (**LFS**) presently provide statistics on the national and provincial Economically Active Population (EAP) according to race and gender. The latest EAP information will be made available on the Department of Labour's website. Employers can also access this information directly from Statistics South Africa. Employers can also use other relevant demographic data sources when conducting an analysis of the workplace.



**ANNEXURE 2: Occupational Levels**

<p><b>PLEASE READ THIS FIRST</b></p> <p><b>WHAT IS THE PURPOSE OF THIS ANNEXURE?</b></p> <p>Job evaluation or grading system are used by many organizations to measure jobs according to their content and establish comparative worth between jobs.</p> <p>This annexure provides a table of equivalent occupational levels that may be used by employers when completing the EEA2 and EEA4 forms.</p> <p><b>INSTRUCTIONS</b></p> <p>The table indicates the occupational levels within organizations as developed through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.</p> <p>Organizations that make use of neither one of the job evaluation systems in this table, nor a customized system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within the organization.</p>	<b>Equivalent occupational levels</b>					
	<b>Semantic Scale</b>		<b>Paterson</b>	<b>Peromnes</b>	<b>Hay</b>	<b>Castellion</b>
	Top management	<b>F</b>	<b>F</b>	1++ 1+		<b>14</b>
	Senior management	<b>E</b>	<b>E UPPER</b> <b>E LOWER</b>	1 2 3	1 2	<b>13</b>
	Professionally qualified and experienced specialists and mid-management	<b>D</b>	<b>D UPPER</b> <b>D LOWER</b>	4 5 6	3 4	<b>12</b> <b>11</b> <b>13</b>
	Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	<b>C</b>	<b>C UPPER</b> <b>C LOWER</b>	7 8 9 10 11 12	5 6 6A 7 8	<b>9</b> <b>8</b>
	Semi-skilled and discretionary decision making	<b>B</b>	<b>B UPPER</b> <b>B LOWER</b>	13 14 15 16	9 10 11	<b>7</b> <b>6</b> <b>5</b> <b>4</b>
	Unskilled and defined decision making	<b>A</b>	<b>A</b>	17 18	12 13	<b>3</b> <b>2</b> <b>1</b>



## **ANNEXURE 3: Occupational Categories**

### **1. Legislators**

This group includes occupations whose main tasks consist of determining and formulating policy and strategic planning, or planning, directing and co-ordinating the policies and activities of the organization in the private and public sectors, determining and formulating laws and for directing and controlling the functions of the organization. Includes: chief executive officer; president; vice-president; chief operating officers; general managers and divisional heads, managers who provide the direction of a critical technical function; postmaster; superintendent; dean and school principal, etc.

### **2. Professionals**

This group includes occupations whose main tasks require a high level of professional knowledge and experience in the fields of physical and life sciences, or social sciences and humanities. The main tasks consist of increasing the existing stock of knowledge, applying scientific and artistic concepts and theories to the solution of problems, and teaching about the foregoing in a systematic manner. Includes: engineers (civil, mechanical, chemical, electrical, petroleum, nuclear, aerospace, etc.); architects; lawyers; biologists; geologists; psychologists; accountants; physicists, system analysts; assayers; valuers; town and traffic planners, etc.

### **3. Technicians and associate professionals**

This group includes occupations whose main tasks require technical knowledge and experience in one or more fields of the physical and life sciences, or the social sciences and humanities. The main tasks consist of carrying out technical work connected with the application of concepts and operational methods in the abovementioned fields and in teach at certain education levels. Includes: computer programmers; nurses; physio-and-occupational therapists; draftsmen/women; musicians; actors; photographers; illustrating artists; product designers; radio and television announcers; translators and interpreters; writers and editors; specialized inspectors and testers of electronic, electrical, mechanical, etc., products; vocational instructors; technicians (medical, engineering, architectural, dental, physical science, life science, library, etc.); pilot; broker; designer; quality inspector etc.

### **4. Clerks**

This group includes occupations whose main tasks require the knowledge and experience necessary to organize, store, compute and retrieve information. The main tasks consist of performing secretarial duties, operating word processors and other office machines, recording and computing numerical data, and performing a number of customer oriented clerical duties, mostly in connection with mail services, money-handling operations and appointments. Includes all clerical work regardless of difficulty in which the activities are predominantly non-manual.

Includes: bookkeepers; tellers; cashiers; collectors (bills and accounted); messengers and office helpers; office machine operators; mail clerks; typists; telephone operators; electronic data processing equipment operators; clerks (production, shipping and receiving, stock, scheduling, ticket, freight, library, reception, travel, hotel, personnel, statistical, general office); secretaries etc.

### **5. Service and sales workers**

This group includes occupations whose main tasks require the knowledge and experience necessary to provide personal and protective services and to sell goods in shops or markets. The main tasks consist of providing services related to travel, housekeeping, catering, personal care, protection of individuals and property, and maintain law and order, or selling goods in shops or



markets. Includes: attendants (hospital and other institutions, including nurses' aides and orderlies); barbers; bartenders; guides; food and beverage serving occupations; housekeepers; childcare occupations; conductors; fire-fighters; police officers; advertising agents; real estate agents; sales workers and sales clerks; shop attendants; stock brokers; insurance brokers; travel agents; sales people of technical and business services; etc.

## 6. Skilled agricultural and fishery workers

This group includes occupations whose main tasks require the knowledge and experience necessary to produce farm, forestry and fishery products. The main tasks consist of growing crops, breeding or hunting animals, catching or cultivating fish, conserving and working forests, and selling agricultural and fishery products to purchasers. Includes: farmers; growers; planter; viticulturists; winemakers; skilled horticultural workers; green keepers; skilled fishermen/women etc.

## 7. Craft and related trades workers

This group includes occupations whose main tasks require the knowledge and experience of skilled trades and handicrafts, which, among other things, involve an understanding of materials and tools to be used, as well as stages of the production process, including the characteristics and the intended use of the final product. They are frequently journeymen/ women who have received an extensive period of training. The main tasks consist of extracting raw materials, constructing buildings and other structures and making various products, as well as handicraft goods. Includes: miners; quarries; stoneworkers; bricklayers; stonemasons; carpenters; shop fitters; plasterers; plumbers; electricians; painters; mechanics; glass-makers; locksmiths; sheet metal workers; etc.

## 8. Plant and machine operators and assemblers

This group includes occupations whose main tasks require the knowledge and experience necessary to operate and monitor large-scale and often highly automated industrial machinery and equipment. The main tasks consist of operating and monitoring of mining, processing, and production machinery and equipment, as well as driving and operating mobile plant, or assembling products from components. Includes: truck and tractor drivers; bus drivers; paving, surfacing and related occupations; roofers; photographic processors; sound and video recording equipment operators; those in apprenticeship training; textile workers; production machine workers, etc.

## 9. Elementary occupations

This group covers occupations which require relatively low/elementary levels of knowledge and experience necessary to perform mostly simple and routine tasks involving the use of hand held tools and in some cases considerable physical effort, and with few exceptions, limited personal initiative and judgment. The main tasks consists of selling goods in the streets, door-keeping and property watching, as well as cleaning, washing, pressing, and working as labourers in the fields of mining, agriculture and fishing, construction and manufacturing. Includes: news and other vendors; garage attendants; car washers and greasers; gardeners; farm labourers; unskilled railway track workers; labourers performing lifting, digging, mixing, loading, and pulling operations; garbage collectors; stevedores; sweepers; char-workers, etc.

## 10. Non-permanent employees

Includes: employees who are employed to work for less than 24 hours per month or those engaged to work for less than three continuous months.



## ANNEXURE 4: Application for Employment Equity Report

### Application for an Employment Equity Report

Affix  
Revenue  
Stamp

#### PLEASE READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form contains the format for requesting an employer's Employment Equity Report (Form **EEA2**) from the Department of Labour. This form is issued in terms of Section 21(6) of the Employment Equity Act, 55 of 1998.

WHO FILLS IN THIS FORM?

The applicant who is requesting this report.

#### INSTRUCTIONS

Complete this form and mail it to the Employment Equity Registry. Enclose revenue stamp to the value of R15 as well as self-addressed (postage paid) envelope.

#### SEND TO:

Employment Equity Registry  
(Application for EE Report)  
Department of Labour  
Private Bag X117  
Pretoria  
0001

E-mail: [ee@labour.gov.za](mailto:ee@labour.gov.za)

#### Section A: Applicant details:

Name and Surname:	
ID Number:	
Organization:	
Address:	
Town / City:	
Postal Code	
Telephone No.:	
Fax No:	
E-mail Address:	
Date of application:	

#### Section B: Reason for this request:

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#### Section C: Report requested:

Employer
1



