

UNLOCKING POTENTIAL, EMPOWERING FUTURES

LABOUR AMENDMENT NEWS

EMPLOYMENT EQUITY ACT AMENDMENTS

Employment Equity Act Amendments

The long-awaited Employment Equity Act, 1998 amendments have been confirmed in Government Gazette no. 48418 dated 14 April 2023. For South African businesses, this entails that a designated employer is now only an employer who employs 50 or more employees regardless of their organisation's threshold reducing the administration factors for smaller organisations.

These employers will also need to receive a Compliance Certificate issued to them by the Minister when the following has been put into place:

- Numerical goals have been set by the employer in line with the Numerical Targets that will be notified in a Gazette by the Minister in accordance with National Economic Sectors identified,
- Failure of compliance with goals/targets can be justified by the employer,
- The annual EEA2 and EEA4 reports have been submitted to the Department of Education and Labour,
- No CCMA cases have been reported in the last 12 months against the employer for Unfair Discrimination, and
- No CCMA awards are against the employer for not paying minimum wage.

The definition of People or Persons with disabilities has also been amended to include people or persons with long-term or recurring physical or mental, intellectual or sensory impairment which limits the person from applying for or being promoted within their position.

Penalties

Penalties within the Act have not changed and remain the same and smaller organisations will still be entitled to apply for a certificate of compliance under section 53 of the EEA should they be compliant with Chapter II of the Act and the Minimum Wage Act. Organisations under 50 employees who choose to deregister from the Department of Labour's online portal will not be able to apply for a Compliance Certificate.

All organisations, are however, still required to comply with the Employment Equity Act as it was before the amendment until the amendments of the targets have been promulgated in July 2023 meaning that compliance with the new amendments will start for organisations in the next reporting cycle on the 01st of October 2023.



About us:

We have 18 years of experience in Skills Development Facilitation. We understand what our clients need, and where we can streamline processes to integrate SDF, B-BBEE and Employment Equity.

We assess where you currently stand, jointly formulate future goals, and identify the greatest areas of opportunity for making an impact.

Knowledge Mining Academy will act as your administration assistant and project manager for your skills development interventions. We are the link between our clients, training providers and the SETAs and the DOL.

We provide solutions that are implemented seamlessly, have effective outcomes, with a clear return on investment!

VISIT OUR WEBSITE FOR MORE INFORMATION ON OUR SOLUTIONS

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Compensation for Occupational Injuries or Diseases Act Amendments

On the 17th of April 2023, Gazette no. 48431 was released containing amendments made to the Compensation for Occupational Injuries or Diseases Act, 1993. The amendments listed in the Act are as follows, but not limited to:

•“Compensation” has been defined as costs or constant attendance care allowance and funeral costs for employees and their dependents,
•“Earnings” has been defined as the remuneration as defined in the Income Tax Act,

•“Domestic Employee(s)” has been defined as one employed as such in a private household,
•Post- Traumatic Stress Disorder has been included as an “Occupational Disease”,

•Employers who fail to report an accident within seven days of being notified shall be liable to a penalty of ten percent of actual or estimated earnings of that particular year and impose a penalty equal to the full amount of the compensation payable in respect of such accident upon him/her in addition to any other penalty, and

•Employers/Employees who do not report incidents to the Commissioner within three years of the accident will not be able to claim any benefits.

Inspectors may be appointed by the Commissioner to perform functions in terms of the Act if they hold a document signed by the Commissioner stating that they are an inspector, which legislation they may monitor and their functions.

The functions of the inspector are as follows:

- Advising employers and employees of their rights and obligations,
- Conducting inspections to ensure compliance, investigating complaints made to the commissioner,
- Issuing compliance orders, and
- Performing any other function related to their functions under the COIDA Act.

Any person who does not comply with the provisions of the Act shall be liable to a penalty or penalties as specified in each section.



Our Solutions:

Training Solutions

- Internships
- Learnerships
- Skills Programs
- Skills Gap Analysis
- 5 Lens Enneagram Assessment and Coaching

B-BBEE Transformation

- Skills Development
- Management Control
- Supplier Development
- Enterprise Development
- Socio-Economic Development

Skills Development Facilitation:

All SDF functions as a once off service or on as a monthly retainer

Training Content:

We write customized training content to upskill your employees

Employment Equity Solutions on the next page.

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WE WILL ASSIST YOU AND MAKE IT EASY

The Employment Equity needs of every prospective client are different and various factors will be evaluated in order to provide each client with a cost effective service offering. Specific factors that we will consider in your proposal:

The nature and size of the business,
Industry or sector within which the
business operates,
Number of employees employed by the
organization.

We will assist you with:

- Analyzing your figures and your numerical and non-numerical goals
- Review of current Employment Equity Plan
- Testing your existing EE plan against EE Act requirements and EE codes
- Working with the EE Best Practices in Assisting you with the development of your Employment Equity Plan
- Reviewing and aligning policies, procedures and practices to EE requirements
- Nomination and appointment of the Employment Equity committee members
- Training of the Employment Equity committee
- Facilitation of the Employment Equity Committee Meetings
- Development of the Employment Equity Analysis
- Alignment of certain positions and recruitment to reach the targets of the Employment Equity Plan
- Ensuring that you have undertaken the necessary audits
- Ensuring that appropriate remedies have been included in your EE plans
- Educating and training the client on all Employment Equity regulations, and related legislation
- Capturing and submitting the EEA reports with the DOL
- Perform a gap analysis based on the Economically Active Population (EAP) targets and barriers
- Consult, assist and monitor Employment Equity targets and strategies
- Acting as the intermediary between the client and the Department of Labour
- Visit you on a monthly basis and provide you with a detailed Status Report that will keep you updated on your current position, progress and completed milestones as set out in your Employment Equity Plan



Contact Us for Assistance:

We will work with you on a monthly retainer to assist your with your Employment Equity.

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CONTACT US AT: 063 311 5913 OR DIANAE@KNOWLEDGEMINING.CO.ZA