



# Newsletter

## Knowledge Mining Academy

30 June 2023



We are committed to achieving excellence in Employment Equity and B-BBEE transformation. In this edition, we bring you the latest updates and insights to support your transformation journey.

## SA Government and Solidarity Trade Union Settlement Agreement

A settlement agreement has been signed regarding the Employment Equity Amendment Acts provisions, between the Department of Trade Union Solidarity, after the union filed a complaint with the International Labour Organisation against the government for the rigid application of affirmative action in South Africa.

This agreement addresses key provisions of the Employment Equity Amendment Act, aiming to strike a balance between transformation goals and practical considerations. It reinforces the importance of fair practices and provides guidelines for organizations to navigate the complexities of Employment Equity and B-BBEE transformation.

The settlement addresses a number of concerns with the Employment Equity Amendment Act, including the Sectoral targets for 18 sectors' four different skill levels - including top management.

Under the Amendment Act designated employers have five years to ensure their workforces represent racial and gender demographics on a provincial or national level.



# Key Highlights from the Settlement

## **Termination and access to employment.**

- Employment may not be terminated as a result of employers' compliance with Employment Equity requirements.
- No employer will be forced in any way to dismiss workers based on race to achieve the targets.
- Race may not be used as the sole criterion for employment, promotions, and any other employment practices.

## **The criteria to consider when applying employment equity:**

- Inherent requirements of the job, which is a current criteria.
- 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 turnover and natural attrition in the workplace.
- Recruitment and promotional trends within a workplace.

## **Justifiable and reasonable grounds for non-compliance to targets:**

- Insufficient recruitment opportunities
- Insufficient promotion opportunities
- Insufficient suitable individuals from target group
- CCMA awards or court orders
- Transfer of business
- Mergers / Acquisitions
- Impact on business economic circumstances

## **Range of measures**

- Affirmative action is only one of the measures to obtain effective equality.
- The Economically Active Population statistics will only be one of the factors for compliance with affirmative action.

## **Fines and Penalties:**

No penalties or any disadvantage will be applied to employers that have valid and reasonable grounds not to comply.



# Contact Us

## Embrace Transformation with Knowledge Mining Academy



### We are here to support you!

Whether you need assistance in formulating a robust transformation strategy, analyzing workforce demographics, or aligning your practices with the recent settlement agreement, we have the expertise and resources to guide you.

Take the next step towards transformation excellence by scheduling a consultation meeting. We will work closely with you to understand your organization's unique needs and develop tailored solutions to drive meaningful change.

Together, we can create an inclusive and diverse work environment that reflects the true spirit of transformation.



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